



**CONFIRMED**

# MINUTES

## ORDINARY COUNCIL MEETING

Held

25 March 2020

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive – EATON

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## **MISSION STATEMENT**

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

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## COUNCIL ROLE

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

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

## DISCLAIMER

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

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

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

## RISK ASSESSMENT

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

**SHIRE OF DARDANUP**

**MINUTES OF THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 25 MARCH 2020, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.**

<b>1</b>	<b>DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS</b>
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The Presiding Member, Cr M Bennett declared the meeting open at 5.01pm welcomed those in attendance and referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

*Acknowledgement of Country*

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

*Affirmation of Civic Duty and Responsibility*

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

*Emergency Procedure*

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

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

Cr. Michael Bennett	-	Elected Member
Cr. Janice Dow	-	Elected Member
Cr. Tyrrell Gardiner	-	Elected Member
Cr. Luke Davies	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Peter Robinson	-	Elected Member
Cr. Carmel Boyce	-	Elected Member
Cr. Patricia Perks	-	Elected Member
Cr. Stacey Gillespie	-	Elected Member

Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Ms Susan Oosthuizen	-	Director Sustainable Development
Mr Luke Botica	-	Director Infrastructure
Mr Brenton Scambler	-	Manager Development Services
Mrs Natalie Hopkins	-	Manager Financial Services [5.02pm]
Mrs Donna Bailye	-	PA Deputy Chief Executive Officer

There were 5 Members of the Public present.

## 2.2 Apologies

None.

*Note: Mrs Natalie Hopkins joined the meeting at 5.02pm*

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

None.

## **4 PUBLIC QUESTION TIME**

*Note: Public Question Time commenced at 5.02pm.*

### 4.1 Mr & Mrs Joy & Ian Barlow

*Discussion:*

*The Shire President, Cr. M T Bennett advised that questions had been received via email from Mr & Mrs Joy & Ian Barlow.*

*Shire President, Cr. M T Bennett advised the questions are taken on notice.*

*Questions:*

*Until the Covid-19 crisis is over (i.e. when a vaccine is available to all West Australians) will the Shire?*

- 1. Stop all contract negotiations, planning and any other work on the New Shire Administration Building?*

2. *Use the Reserve Funds built up for the purpose of funding this extravagance be used to reduce rates and provide relief to small businesses (especially hospitality based ones and others that have lost their total revenue base))?*
3. *Stop all recruitment?*
4. *Stop all salary increases?*
5. *Request salary reductions of executive staff?*
6. *Changing the current do-everything-in-house policy to a more flexible contracting out one?*

*Will the Shire provide to me a summary of the status of the contract for the New Eaton Administration Building and a summary of the cost/benefit analysis used to support any submissions to the Council?*

*Note: Public Question Time ended [5.03pm].*

## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

None.

## **6 PETITIONS/DEPUTATIONS/PRESENTATIONS**

*Note: Petitions/Deputations/Presentations commenced at [5.03pm].*

6.1 *Deputation – Andrew McRobert – McRobert Planning – Item 12.1 Proposed Local Structure Plan – Lot 23 Recreation Road, Dardanup*

*Note: The following Deputation information was received by the Shire on the 23 March 2020 and distributed to Councillors:*

*Presentation:*

*In relation to the item, and on behalf of my clients:*

1. *We do not agree with Resolutions 1 and 2 and requested modification 4; and,*
2. *Donald Veal and Associates (Transport Consultants) found in their Transport Impact Assessment Report prepared in relation to the proposed structure plan the following:*
  - i. *Because no recent traffic data was available, DVC adopted a slightly different approach i.e. a % growth approach. DVC assessed that a '30% increase in background traffic plus the additional traffic from the proposed Lot23 development is unlikely to introduce any capacity issues at the intersection during the weekday peak hours'.*

- ii. *A 30% increase in traffic represents approximately 1.7% compound growth in traffic every year for 16 years from 2014 to 2030. DVC's experience suggests that this level of growth is not sustainable over long periods of time. Additionally even with a 30% increase in traffic, the intersection performs at a very high level of service. In the absence of recent data DVC has endeavoured to show that even with a high traffic growth rate the intersection still performs adequately and has spare capacity.*
  - iii. *The threshold for doing any extra detailed intersection analysis (as suggested by MRWA) is guided by the WAPC TIA guidelines (see section 3.2 of the TIA report). Although well below the threshold, DVC did, in fact, do an initial coarse assessment (SIDRA) of the Boyanup-Picton /Ferguson Road intersection. DVC made assumptions about the increase in background traffic (30%) and concluded that there are unlikely to be any capacity issues there due to the proposed development (Section 3.5).*
3. *It is our experience (including recently in the State Administrative Tribunal), that Main Roads WA imposes excessive demands upon developers in relation to development proposals. Consistent with further advice provided by DVC, "It is not the responsibility of land developers to sort out regional or district traffic and safety issues .....".*

**Presentation:**

*Mr Andrew McRobert— There have been a range of studies that have accompanied the plan. We have presented this Deputation to state that we don't agree with Resolutions 1 & 2 or 4 on the bases that a Transport Consultant prepared the Transport Impact Assessment Report.*

*The consultants DBC did a detailed study and concluded that there was no impact at the intersection, and that with a 30% increase in traffic at the intersection it would still perform at a high level of service and would have spare capacity. The threshold for doing the analysis is provided within the guidelines, although the results were below the threshold, the consultant DBC did an initial course of the Boyanup/Picton Road and concluded that no capacity issues were identified with the proposed development.*

*Main Roads imposes excessive demands on developments, Main Roads will be seeking a contribution, and given the complexities, the subject of this particular item, whatever it comes out at it will be a massive increase in land development costs, which will make the objectives and land affordability non-viable.*

**6.2 Petition – Rate Freeze for Shire of Dardanup**

**Background**

A petition was received (Appendix ORD: 6.1) at the Shire of Dardanup on 23 March 2020, submitted by Mrs Fiona Moriarty requesting that the Shire of Dardanup undertake a long term freeze on rates.

**Legal Implications**

Shire of Dardanup Standing Orders Local Law 2014 S4.9 reads as follows:

**4.9 *Petitions***

- (1) *A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.*
- (2) *A petition to the Council is—*

- (a) as far as practicable to be prepared in the form prescribed in the Schedule;
  - (b) to be addressed to the Council and forwarded to a member or the CEO;
  - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served; and
  - (d) to be respectful and temperate in its language.
- (3) The presentation of a petition is to be confined to the reading of the petition.
- (4) The only motions in respect of a petition that are in order are that—
- (a) the petition be received;
  - (b) a report on the petition be prepared; or
  - (c) the petition be referred to a Committee.

### Officer Comment

Mrs Moriarty used the website [www.change.org](http://www.change.org) to commence the petition and then promoted it via Facebook. The petition, as presented on 23 March had 295 e-signatures – 129 from within the Shire of Dardanup, 73 from the state 'Australia' so some may be from within the Shire. The balance of 93 were from outside the Shire. The petition reads as follows:

*Rate payers in the Shire of Dardanup have experienced increases to their rates far above the national inflation rate over the last decade.*

*We understand our Shire has proposed further rate increases for the next four years.  
We demand a long term freeze on rates.*

*We expect the Council to do everything possible to achieve this. Including but not limited to ;*

- Substantial reduction of Employee Costs by a minimum of ten percentage points,
- Contract out essential works to local businesses such as road maintenance and sell heavy machinery and equipment so reducing overheads and staff costs
- Reduce by minimum of thirty percent the proposed Council Offices building plans including removal of rentable office space which could add to local vacancy rates and takes possible tenants away from local landlords
- Pull back on funding of all special interest group activities such as free films and classes.
- Scrap non essential public space improvements,
- Reduce all councillor allowances,
- Remove employee perks such as cars and fuel, maintaining fewer vehicles reserved only for essential shire purposes.
- All funds already on deposit for non essential building plans should be reallocated to keep rates frozen for the long term

### Chief Executive Officer Comment

Considering the current unprecedented circumstances that we are facing in regards to the response to the COVID-19 pandemic. There are a number of broader considerations for Council to take into account when setting the rates.

The matters raised in the petition will be considered as part of the Shire of Dardanup's Annual budgeting process which this year includes a review of our Strategic Community Plan, Corporate Business Plan, Workforce Plan and Asset Management Plans.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

30-20                      MOVED -              Cr J Dow                                      SECONDED -              Cr P Perks

**THAT Council:**

1.              **Receives the electronic petition dated 23 March requesting "A Rate Freeze for the Shire of Dardanup" with 295 signatures.**
2.              **Requests the Chief Executive Officer to prepare a report on the petition.**
3.              **Request the Chief Executive Officer to advise the petitioners of this resolution by responding to Mrs Fiona Moriarty.**

CARRIED  
9/0

**7              CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1              Ordinary Meeting Held 26 February 2020

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

31-20                      MOVED -              Cr M Hutchinson                                      SECONDED -              Cr L Davies

**THAT the Minutes of the Ordinary Meeting of Council held on 26 February 2020, be confirmed as true and correct subject to no corrections.**

CARRIED  
9/0

**8              ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

8.1              Eaton Foreshore Festival

*Shire President, Cr M Bennet – I want to congratulate the Eaton Foreshore Festival Committee on the highly successful recent Eaton Foreshore Festival. This was a fantastic, well attended event and the layout was excellent. It was a wonderful day weatherwise and the event was very well attended.*

8.2              Commendation to Chief Executive Officer and Staff

*Shire President, Cr M Bennett – I would also like to make mention of our staff, from the Chief Executive Officer down and commend them all on the job they are doing, these are trying times with what is going on in the rest of the world and I fully support their efforts.*

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

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

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

- 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:*

- *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;*
- *the personal affairs of any person; or*
- *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*

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

None.

## 11 DECLARATION OF INTEREST

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

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

### *Discussion:*

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

- Cr M Hutchinson declared a Financial Interest in Item 16.2 State Administrative Tribunal Reconsideration – Lot 1894 King Tree Road and Lot 6(63) King Tree Road – Cellar Door Sales and Associated Works – (Talisman Wines) as he has provided a service in the past couple of years.*
- Cr M Bennett declared an Impartiality Interest in Item 12.6 Renewal of Lease – Club Rooms, Pratt Road Reserve 24728 (Eaton Junior Football and Eaton Cricket Club) as he is a life member of the Eaton Junior Football Club*
- Chief Executive Officer, Mr André Schönfeldt declared an Impartiality Interest in Item 12.19 Integrated Planning Committee Minutes as his family is a regular attendee at the Jo Jingles program.*

## 12 REPORTS OF OFFICERS AND COMMITTEES

**12.1** *Title: Proposed Local Structure Plan - Lot 23 Recreation Road, Dardanup – (McRobert Planning Pty Ltd on behalf of Allen and Beverley Mountford)*

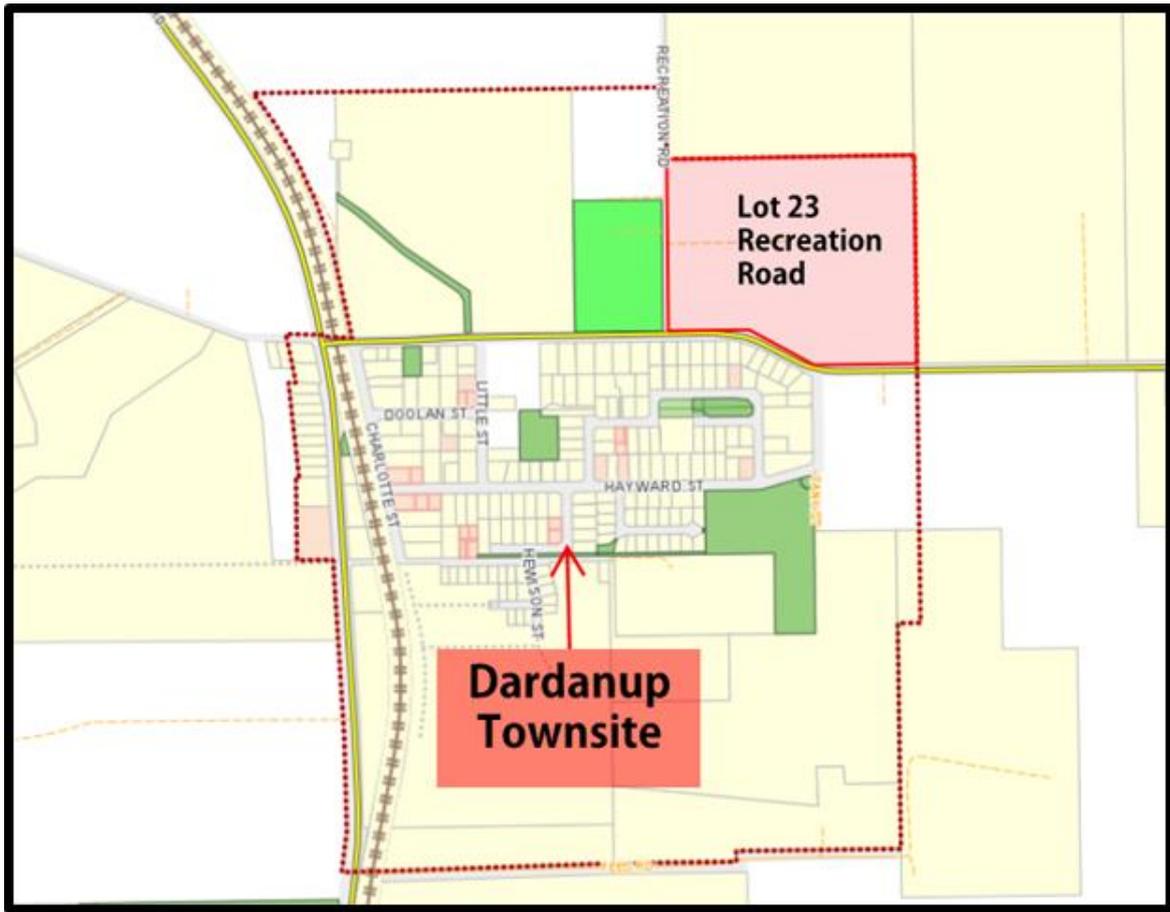
*Reporting Department: Sustainable Development Directorate*  
*Reporting Officer: Mrs Cecilia Muller - Principal Planning Officer*  
*Legislation: Planning and Development Act 2005*

### Overview

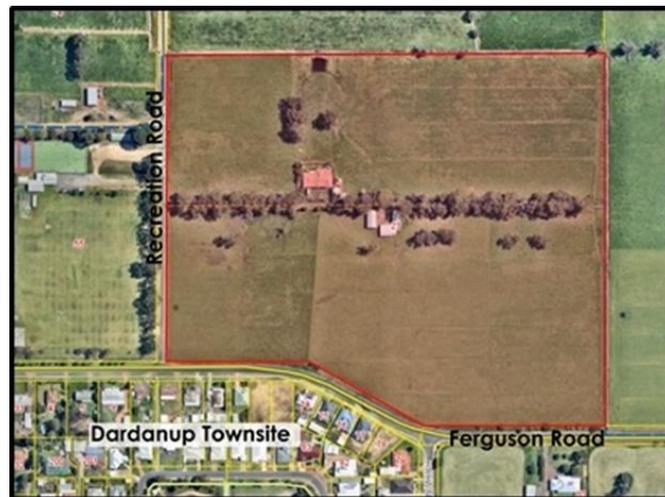
Council is requested to consider the proposed Local Structure Plan - Lot 23 Recreation Road, Dardanup. As Officers do not have delegation to determine local structure plan proposals, this application has been referred to Council for consideration.

Council is required to make a recommendation to the Western Australian Planning Commission (WAPC) in regards to the Local Structure Plan, where after the Commission will determine the final outcome of the application. Officers have assessed the application and are supportive of the proposed local structure plan and recommend that Council advises the WAPC that it supports the proposed local structure plan subject to modifications.

## Location Plan



## Site Plan



## Background

The Minister for Planning approved Amendment No. 201 to the Shire of Dardanup Local Planning Scheme No. 3 ('the Scheme'), on 22 August 2018, for the purpose of rezoning Lot 23 Recreation Road, Dardanup from 'General Farming' to 'Development'. The amendment took effect upon being published in the Government Gazette on 31 August 2018. Council has received a proposed Local Structure Plan - Lot 23

Recreation Road, Dardanup, to guide the future residential development of Lot 23. A full copy of the proposal is contained in (Appendix ORD: 12.1A).

Lot 23 is approximately 16.6ha in area, is relatively flat and is currently used for pastoral and residential purposes. It contains one residential dwelling and associated outbuildings. The lot contains a small dam adjacent to the northern boundary and a row of Eucalyptus trees parallel to the existing driveway within the centre of the property. Lot 23 abuts 'General Farming' zoned land to the north and east, the Dardanup townsite is to the south and Wells Recreation Park is to the west of Lot 23. It has frontage to Ferguson Road to its southern boundary and Recreation Road to its western boundary.

The local structure plan proposes residential development with the majority of the site having a residential density of 'R20'. Lots abutting the proposed Public Open Space in the south western corner have higher densities identified for 'R30' and 'R40' development. Overall the development has an estimated lot yield of 171, estimated number of dwellings of 180 and estimated population of 558 persons.

- *Advertising*

The proposed Structure Plan was advertised in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*. It was advertised from 11 June 2019 to 9 July 2019 (32 days) via letter correspondence to landowners within the vicinity of Lot 23 and to the following agencies:

- Alinta Gas;
- Aqwest;
- ATCO Gas Australia
- Western Power;
- Water Corporation;
- Public Transport;
- Main Roads WA;
- Harvey Water;
- Department of Primary Industries and Regional Development (Agriculture and Food)
- Department of Health;
- Department of Education and Training
- Department of Mines and Industry Regulation (DMIRS);
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Planning, Lands and Heritage (DPLH);
- Telstra;
- St John Ambulance; and
- Department of Water and Environmental Regulation (DWER).

In addition, a notice was placed in the Community News published in the Bunbury Herald and Bunbury Mail on 18 and 19 June 2019, and the proposal was advertised on the Shire's website. In response to the advertising, ten submissions were received. Copies of each are provided in (Appendix ORD: 12.1C) and the submissions are summarised in the Schedule of Submissions contained in (Appendix ORD: 12.1D). Submissions are discussed in the officer comment section of the report under the '*Planning and Development (Local Planning Schemes) Regulations 2015*' heading. It is to be noted that the WAPC has approved an extension of time until 31 March 2020 for the Structure Plan to be considered by Council to allow the modified Local Water Management Strategy to be referred to the Water Corporation and Harvey Water for comment.

Legal Implications - None.

### Strategic Community Plan

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

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

Strategy 2.3.1 - Continue to implement integrated environmental, social and land use planning which meets diverse community needs. (Service Priority: Very High)

Strategy 3.5.1 - To protect public health and safety. (Service Priority: High)

### Environment

The applicant has not submitted any vegetation and fauna studies to be considered with the proposal. It is stated in the supporting information that the majority of the significant vegetation on the lot has been planted by the current owners. The proposal demonstrates that the row of introduced trees (Eucalypts) parallel to the central driveway will be retained in a 19m road reserve and small retaining walls will be required to achieve this. The structure plan was referred to the Department of Biodiversity, Conservation and Attractions (DBCA) and no environmental concerns have been raised by the Department.

### Precedents

The area of land the subject of the Roseland Structure Plan was rezoned from 'General Farming' to 'Development' (Amendment 164) in 2011. This facilitated the approval of the Roseland Structure Plan and the subsequent subdivision and development south of the Dardanup townsite. Similar to this Amendment No. 201 was gazetted in 2018 rezoning Lot 23 Recreation Road, Dardanup from "General Farming" to "Development" zone. Following the rezoning Council is requested to consider the proposed Local Structure Plan that will guide the future subdivision and residential development of Lot 23 to the north of the Dardanup townsite.

Budget Implications - None.

Budget – Whole of Life Cost -

At subdivision stage, the developer will be responsible for the design and construction of the paths, roads, drainage infrastructure, and the development of the Public Open Space (POS) to the satisfaction of the Shire of Dardanup. Eventually the Shire will be required to take over the management and maintenance of the new infrastructure and the Public Open Space and the lot identifies for Civic and Community purposes.

### Council Policy Compliance

#### *CP052 – Pathways – Provision for and contribution by Developer*

This policy requires preliminary pathway layouts to be included on local structure plans with all pathways being constructed as part of subdivision works. The Transport Impact Assessment report conducted by Donald Veal states that footpaths are proposed on all internal streets within the development, and the Structure Plan report states on page 27 that footpaths are proposed on all internal streets within the proposed development.

The Transport Impact Assessment report conducted by Donald Veal (DVC) states that there is an existing 2m wide footpath on the southern side of Ferguson Road and it is recommended that a pedestrian island refuge be constructed between Recreation Road and Hayward Street. The applicant considers this to be a safe crossing for pedestrians and cyclists travelling to the Dardanup Primary School.

The Structure Plan report states that the developer will be required to undertake the construction of a path network that links to the existing path network in the Dardanup townsite. The distance between the skate park and Recreation Road is 155m and it would be preferable to have clarification in the report that this footpath link on the northern side of Ferguson Road will be constructed by the developer at subdivision stage creating a safe access for children walking to school from the new subdivision.

It is recommended that the Structure Plan report be modified to include a provision in Part 2.8.1 of the Structure Plan report that identifies the need for this footpath link to be constructed by the developer at subdivision stage.

#### *CP060 – Storm water discharge from buildings*

The Shire's stormwater policy requires 1m<sup>3</sup> of stormwater capacity per 65m<sup>2</sup> of impervious area per lot. Based on geotechnical advice, the site is unsuitable for the disposal of stormwater via soak wells on an individual lot basis, and therefore each lot will be provided with a pipework connection for the connection of building downpipes and the collection of stormwater from impervious areas. Additionally, it is also proposed to use rain gardens for stormwater infiltration in conjunction with a stormwater connection to the drainage network. Potential landowners would need to be informed that the conventional methods of soak wells will not be allowed in this development and is recommended that a notification be placed on the title of each lot and that this requirement be included in design guidelines for all lots in the structure plan area.

#### *CP061 – Planting of Street Trees*

Suggested tree species for planting within Public Open Space and street verges are listed in this policy. At subdivision stage the applicant/landowner will be required to prepare a landscape plan for the Public Open Space in the Local Structure Plan area at which stage the applicant will need to demonstrate that consideration has been given to the tree species listed in this policy.

#### *CP062 – Clearing of vegetation as part of the subdivision of urban land*

The objective of this policy is to ensure that suitable vegetation is identified for retention during the development of Structure Plans and such vegetation is retained where possible when subdividing land for urban development. The proposal demonstrates that the land has been predominantly cleared and irrigated for grazing purposes. There is a row of introduced trees (Eucalypts) parallel to the central driveway which is intended to be retained within a 19m road reserve with a small number of trees located across the subject land to be cleared.

#### *CP093 – Sustainability*

The objective of this policy is to ensure that in the preparation or assessment of a proposed structure plan, subdivision and development, consideration will be given to the sustainable use of water, water quality, energy, biodiversity, landform, waste and recycling etc. The proposal includes a land use and implementation note that requires consideration of this policy in the preparation of the Urban Water Management Plan, Landscaping Plan and Design Guidelines. All these documents would need to be considered and approved by the Shire prior to subdivision clearances being issued.

*CP095 – Local Biodiversity*

The objective of this policy is to preserve significant areas of remnant vegetation, wetlands and waterways as well as key biodiversity corridors for future generations. With regard to Dardanup townsite expansion, the policy requires retention of significant remnant vegetation and creation of local reserves for recreation/drainage as appropriate. For the Dardanup townsite expansion, the policy requires structure plans to ensure the protection of stormwater corridors and the revegetation of Gavin's Gully with local native species. The proposal demonstrates that the row of introduced trees (Eucalypts) parallel to the central driveway will be retained in a 19m road reserve and small retaining walls will be required to achieve this.

Lot 23 generally slopes to the south west corner. A Local Water Management Strategy (LWMS) has been prepared to support the Local Structure Plan. The development proposes the provision of a stormwater connection for each proposed lot. Based on the geotechnical advice the site is unsuitable for the disposal of stormwater via soakage and therefore each lot will be provided with a pipework connection for the connection of building downpipes and the collection of stormwater from impervious areas, each pit will be shared between two lots and interconnected to the stormwater drainage pipework within the front road reserve. Sufficient land has been allocated in the Public Open Space for stormwater retention and treatment. Detention areas will fill during a storm event and then drain via subsoil pipe network over a period of 72hours. Detailed design of the stormwater drainage will be required at subdivision stage as part of the Urban Water Management Plan.

*Risk Assessment*

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

<b>Tier 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
Risk Event	Consideration of Local Structure Plan – Lot 23 Recreation Road, Dardanup
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational  The proposal is processed in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , and therefore, the risk is low for non-compliance with statutory requirements.

*Officer Comment*

- *Local Planning Strategy*

The Shire of Dardanup Local Planning Strategy (LPS) identified urban expansion areas under Section 3.1, with Dardanup having an estimated total population of 4000 as identified in the Dardanup Townsite

Expansion Strategy. The implementation of the LPS requires all remaining land within the expansion area to be zoned "Development" to allow for future structure planning and development. The LPS identifies land around the periphery of the Dardanup townsite for future 'Urban' expansion which includes Lot 23. Scheme Amendment No. 201 was gazetted in 2018 rezoning Lot 23 Recreation Road, Dardanup from "General Farming" to "Development" zone. Following the rezoning, Council is now requested to consider the proposed Local Structure Plan that will guide the future subdivision and residential development of the land.

- *Town Planning Scheme No. 3*

Pursuant to the Shire of Dardanup Town Planning Scheme No. 3 (TPS3) Lot 23 is zoned "Development". The objective of the zone is *"To provide for the orderly planning of large areas of land through a comprehensive Structure Plan which is able to respond to changing circumstances throughout the developmental stages of the area."*

Lot 23 is also included within a 'Special Control Area – Developer Contribution Area' that encompasses the entire Dardanup urban expansion area. The Special Control Area facilitates the collection of developer contributions at the subdivision stage.

- *Greater Bunbury Region Scheme*

Lot 23 is currently zoned 'Urban Deferred' under the GBRS which is defined as:

*'Land suitable for future urban development but where there are various planning, servicing and environmental requirements which need to be addressed before urban development can take place'.*

The GBRS zoning of 'Urban Deferred' is considered consistent with the proposed TPS3 zoning of 'Development', as it facilitates Structure Planning which requires all the planning, servicing and environmental requirements to be addressed before urban development takes place. The next step is for the WAPC to agree to lift the deferment once it has considered that the land is ready and suitable for 'Urban' development. This will require the detailed structure planning to be completed with confirmation that agreement has been reached between developers and service providers with regard to the provision of essential services.

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

The proposed Structure Plan was advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015. In response to the advertising, ten submissions were received. Copies of each are provided in (Appendix ORD: 12.1C) and the submissions are summarised in the Schedule of Submissions contained in (Appendix ORD: 12.1D).

The following submissions require further consideration:

- *Submissions relating to the Local Water Management Strategy*

The Department of Water and Environmental Regulation (DWER) received the Local Water Management Strategy (LWMS) for Lot 23 Recreation Road, Dardanup (revision B dated 28/05/19) from the proponent's consultant, and responded with some initial comments. The Department requested that the Structure Plan should not be endorsed until the LWMS has been finalised to the satisfaction of the Department and other relevant organisations.

On 14 January 2020 the Department indicated that it has reviewed the Local Water Management Strategy for Lot 23 Recreation Road, Dardanup (revision C dated 11/12/19) and provided further

comments for the consultant Craig Pippin to consider. The Department recommended that written acceptance is gained from the Shire of Dardanup and the Water Corporation that their comments have been addressed to their satisfaction and that these should be provided to the Department with the final version for approval.

- *Harvey Water has indicated that it supports revision C subject to the following:*

- The development will not impact in any way on the current structure and operation of the Harvey Water Irrigation Channel situated on the eastern and northern boundary of Lot 23;
- Provide Harvey Water with details of how the development will be set out at least 3m from the channel edge; and
- Harvey Water will remove the current supply point which consists of the concrete wheel housing only and restore the channel to operational level at the cost to the developer.

This submission by Harvey Water is addressed as a modification to the Structure Plan map seeking the map to demonstrate that the development is set back 3m from the channel edge.

Water Corporation has provided final comments on revision C of the LWMS that require some further amendments to the LWMS. It is therefore recommended that the LWMS be amended by the applicant to include consideration of the Water Corporations comments dated 3 March 2020 contained in the Schedule of Submissions. Once the LWMS has been finalised it would then need to be referred to DWER which is the clearance agency for the LWMS.

A modification is proposed to the Structure Plan Report to ensure the final approved LWMS replaces the current LWMS in the report.

- *Submission relating to the Traffic Impact Assessment*

Main Roads WA advised that it does not support the Traffic Impact Assessment (TIA) in regards to impacts on the intersection of Boyanup-Picton Road and Ferguson Road. Main Roads have requested that further work needs to be undertaken to the Traffic Impact Assessment to demonstrate that the capacity and safety of the Ferguson Road/Boyanup-Picton Road intersection would not be compromised by the proposed development. Main Roads stated that the report does not currently acknowledge PM traffic peak effects, which would see a significant increase in left-in movements, the report relies on traffic counts from 2013/14 and it is considered that current traffic counts would provide a more accurate read of the current use of the intersection. Main Roads WA have also requested that the traffic safety impacts need to be assessed and requests that the applicant seeks input from the Public Transport Authority. Main Roads acknowledged that the rail crossing is inactive and states that until it is decommissioned the level crossing needs to be considered as a potential safety issue.

Officers consider that the matters identified by Main Roads need to be considered by the applicant and that would require the TIA to be updated and completed to the level required by Main Roads WA.

In consideration of Main Roads comments, there may be a need for upgrades to the intersection at the applicant/developers cost. It is therefore proposed that Council recommend to the Western Australian Planning Commission that prior to endorsement of the proposed Local Structure Plan - Lot 23 Recreation Road, Dardanup that the applicant/landowner be required to undertake further work to the TIA to address the concerns raised by Main Roads and to prove that the capacity and safety of the Ferguson Road/Boyanup-Picton Road intersection would not be compromised by the proposed development. Additionally, the updates to the TIA should identify any works that would need to occur at the cost of the developer at subdivision stage to achieve the required traffic safety standards.

- *Department of Health (DOH)*

The DOH requires development to be connected to scheme water and reticulated sewerage. The Water Corporation has indicated that the developer is expected to provide all water and sewer reticulation at subdivision stage. It is acknowledged in the Engineering and Servicing Report that any residential development on Lot 23 will be required to construct a sewer pump station and the developer will need to fund the pressure main connection to the pump station in the south of the Dardanup townsite. Therefore the development on Lot 23 is contingent on the further development of the southern townsite expansion area and the Roseland Estate.

The DOH has also raised a concern about the existing and potential impacts agricultural activities on surrounding land and the possible effect from spray drift from chemical application. State Planning Policy 2.5 Rural Planning applies when a structure plan is prepared and the structure plan area abuts rural land. The DOH has guidelines that seek to minimise health and nuisance impacts from chemical use, spray drift and dust that needs to be considered at this stage.

Pursuant to the DOH guidelines a buffer of 300m is required for the control of spray drift, dust, smoke and ash. Alternatively a 40m separation distance can be used where a vegetative buffer has been designed and implemented. The guidelines also states that in some instances a temporary constructed buffer with 50% porosity and of sufficient height may be accepted, where residential development is likely to occur before a vegetation buffer can be established. In this instance the proposal does not demonstrate any buffer other than a 10m separation consisting of a boundary road.

Officers are aware that the adjoining agricultural activities do not include a market garden, orchard, turf farm or vineyard and therefore considering the adjoining land is mainly used for pasture the potential for land use conflicts may be much less than anticipated under the DOH guidelines. Agriculture – Intensive, Animal Establishment and Animal Husbandry - Intensive are uses that are not permitted on 'General Farming' zoned land unless the local government has exercised its discretion by granting planning approval. Should a Development Approval application be received for any of these uses on adjoining land in future Council would need to ensure that sufficient buffers are established on the adjoining farming land to mitigate any potential land use conflicts.

The guidelines require persons intending to live in or adjacent to an agricultural land use to be fully informed of the agricultural practices and their potential impact on health or amenity before they settle in the area. In this regard it is recommended that the Structure Plan report be modified to include a provision under part 1.3.3.2 that require at subdivision stage a section 70A notification pursuant to Part 5.12.4 of SPP2.5 to be placed on the certificate of title of each lot within the structure plan area to inform prospective purchasers that the land may be subject to nuisance impacts form agricultural activities in the proximity.

- *Assessment of the Structure Plan layout in accordance with the requirements of the Dardanup Townsite Expansion Strategy*

The applicant has demonstrated that the Structure Plan complies with the requirements of the Dardanup Townsite Expansion Strategy regarding the majority of the residential development being proposed at R20 density. A boundary road has been incorporated as an interface with the rural land to the north and east of the structure plan area. The Townsite Expansion Strategy states that joint public open space and drainage areas will not be supported, however, the LWMS states that sufficient land has been allocated in the Public Open Space for stormwater retention and treatment and that detention areas will fill during a storm event and then drain via subsoil pipe network over a period of 72hours thereafter. This is also an acceptable practice under liveable neighbourhoods.

Clause 6.11 of the Townsite Expansion Strategy requires a land use buffer of at least 40m, and consisting of a 20m vegetated buffer to be constructed around the residential area. It appears that the intent of the vegetated buffer is to provide screening from roads and possibly mitigate noise from roads and rail infrastructure. Due to the location of Lot 23, it will not be impacted by rail or road noise as it is approximately 630m from the primary regional road which is Boyanup-Picton Road and the railway.

A Fire Management Plan was not triggered as the lot is not impacted by the Gazetted Bushfire Prone Area Mapping.

Regarding Sustainability Outcomes the applicant did investigate the possibility of providing a purple pipe to all dwellings but this was not considered viable following discussions with Harvey Water. The proposal includes a land use and implementation note that requires consideration of Council Policy CP093 "Sustainability" in the preparation of the Urban Water Management Plan, Landscaping Plan and Design Guidelines. All these documents would need to be considered and approved by the Shire prior to subdivision clearances being issued.

- *Liveable Neighbourhoods 2009*

An officer assessment of the Structure Plan against the requirements of Liveable Neighbourhoods 2009 has identified some modifications to the Structure Plan to achieve compliance, these are listed in the table below:

Requirement under LN	Assessment of the SP against LN	Recommendation
<b>Element 2 – Movement Network</b>		
<b>Footpaths and shared path in streets</b>		
<b>R30 of Element 1, LN 2009 - Arterial roads and neighbourhood connector streets must have footpaths for or shared paths on both sides and constructed to an approved construction standard.</b>	The structure plan does not provide information regarding the footpath linkage to the skate park.	It is recommended that Council request a modification of the structure plan to demonstrate that at subdivision stage a footpath to be constructed to link the skate park and the development site on the northern side of Ferguson Road.
<b>Element 3 - Lot Layout</b>		
<b>Frontage to parks and natural areas, and arterial roads</b>		
<b>R28 of Element 1, LN 2009 - Lots with boundaries that abut parkland should be provided with uniform fencing which addresses appropriate height, character, visual permeability and appropriate relationship to the parkland. A Local Development Plan may be required to correctly orientate buildings towards the parkland and arterial roads as required in R32.</b>	There are lots with R20, R30 and R40 development potential abutting the Public Open Space in the structure plan area.	Land Use Implementation Note 8 in Attachment 3 of the Structure Plan report is recommended to be modified to include the R20 lots that abuts Public Open Space, and lots R20 coded with rear land access.

In considering the proposed structure plan, Council is required to make a recommendation to the WAPC as to whether the Local Structure Plan should be approved by the Commission, including a recommendation on any proposed modification.

Officers are supportive of the proposed structure plan, however, several modifications are recommended for clarification purposes and to respond to the submissions from various agencies. The proposed recommendations are outlined in the table below:

No.	Recommended Modification	Reason
1.	Include a provision in Part 2.8.1 of the Structure Plan report to include the following: The applicant/owner shall at subdivision stage construct a footpath that links the skate park and the development site on the northern side of Ferguson Road.	The modification identifies the need for a footpath to be constructed.
2.	Replace the Local Water Management Strategy in the Structure Plan report with the revised LWMS that reflect the outcomes of the approved LWMS where there are inconsistencies with the information contained in the Structure Plan report. As a minimum modifications are required to Part 2.8.2 and 2.8.7 of the Structure Plan.	This modification is consistent with the final version of the LWMS approved by DWER in consultation with Shire of Dardanup. This would require version C of the LWMS to be updated to satisfy the requirements from Harvey Water and Water Corporation.
3.	A modification to the Structure Plan map, for the map to demonstrate that the development is set back 3m from the Harvey Water irrigation channel situated on the eastern and northern boundary of Lot 23.	This modification is required based on the submission received from the Harvey Water.
4.	Replace the Traffic Impact Assessment in the Structure Plan report with the revised Traffic Impact Assessment once it is considered, to meet the Main Roads WA requirements and update the relevant sections of the Structure Plan report accordingly.	The modification is required based on the submission received from Main Roads WA.
5.	Land Use Implementation Note 8 in Attachment 3 of the Structure Plan report be modified to include the R20 lots that abuts Public Open Space and also lots coded R20 with rear lane access.	Modification is required to ensure that development front the POS, and where applicable Ferguson Road and the relevant access road.
6.	The Structure Plan report is to be modified to include a provision under part 1.3.3.2 that require at subdivision stage, a section 70A notification be placed on the certificate of title of each lot within the structure plan area to inform prospective purchasers that the land may be subject to nuisance impacts from agricultural activities in the proximity. A Land Use Implementation Note is also to be added to Attachment 3 of the Structure Plan report that reflect this requirement.	Modification is required based on the submission from DOH and to comply with Part 5.12.4 of SPP2.5.
7.	The Structure Plan report is to be modified to include a provision under part 2.8.2 that require at subdivision stage, a section 70A notification be placed on the certificate of title of each lot within the structure plan area to inform prospective purchasers that due to shallow ground water the use of raingardens would be required instead of a standard concrete detention tanks such as soak wells. All building permit applications would need to demonstrate compliance with this requirement at the building permit application stage.  This requirement is also to be captured in design guidelines for the structure plan area and a note is to be added to the Land Use Implementation Notes in Attachment 3 of the Structure Plan report to reflect this requirement.	The Shire policy requires 1m <sup>3</sup> per 65m <sup>2</sup> of impervious area per lot and this cannot be achieved. It is therefore proposed to use rain gardens instead. Potential landowners would need to be informed that the conventional methods of soak wells will not be allowed in this development and is recommended that a notification be placed on the title of each lot and that this requirement be included in design guidelines for all lots in the structure plan area.

In considering the proposed structure plan, Council is required to make its recommendation to the WAPC as to whether it:

- Supports the structure plan as presented;
- Supports the structure plan subject to modifications; or
- Does not support the structure plan.

Officers recommend that Council advises the WAPC that it supports the structure plan subject to the modifications contained in the schedule of modifications. The WAPC will consider the recommendation made by Council and make the final determination on the Structure Plan.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

THAT Council:

- 1 Recommends to the Western Australian Planning Commission that prior to endorsement of the proposed Local Structure Plan - Lot 23 Recreation Road, Dardanup, the applicant/landowner be required to undertake further work to the Traffic Impact Assessment to address the concerns raised by Main Roads and to prove that the capacity and safety of the Ferguson Road/Boyanup-Picton Road intersection would not be compromised by the proposed development, and identify any works that would need to occur at the cost of the developer at subdivision stage to achieve the required safety standards.
- 2 Subject to the Traffic Impact Assessment first being prepared, assessed, and confirmation being received from Main Roads to prove that the capacity and safety of the Ferguson Road/Boyanup Picton Road intersection would not be compromised by the proposed development, pursuant to Sch.2, Pt.4, cl.20 of the Planning and Development (Local Planning Schemes) Regulations (2015), recommends to the Western Australian Planning Commission that the Local Structure Plan for Lot 23 Recreation Road, Dardanup be approved, subject to the following modifications:

No.	Recommended Modification	Reason
1.	Include a provision in Part 2.8.1 of the Structure Plan report to include the following: The applicant/owner shall at subdivision stage construct a footpath that links the skate park and the development site on the northern side of Ferguson Road.	The modification identifies the need for a footpath to be constructed.
2.	Replace the Local Water Management Strategy in the Structure Plan report with the revised LWMS that reflect the outcomes of the approved LWMS where there are inconsistencies with the information contained in the Structure Plan report. As a minimum modifications are required to Part 2.8.2 and 2.8.7 of the Structure Plan.	This modification is consistent with the final version of the LWMS approved by DWER in consultation with Shire of Dardanup. This would require version C of the LWMS to be updated to satisfy the requirements from Harvey Water and Water Corporation.
3.	A modification to the Structure Plan map, for the map to demonstrate that the development is set back 3m from the Harvey Water irrigation channel situated on the eastern and northern boundary of Lot 23.	This modification is required based on the submission received from the Harvey Water.

No.	Recommended Modification	Reason
4.	Replace the Traffic Impact Assessment in the Structure Plan report with the revised Traffic Impact Assessment once it is considered to meet the Main Roads WA requirements and update the relevant sections of the Structure Plan report accordingly.	The modification is required based on the submission received from Main Roads WA.
5.	Land Use Implementation Note 8 in Attachment 3 of the Structure Plan report be modified to include the R20 lots that abuts Public Open Space and also lots coded R20 with rear lane access.	Modification is required to ensure that development front the POS, and where applicable Ferguson Road and the relevant access road.
6.	The Structure Plan report is to be modified to include a provision under part 1.3.3.2 that require at subdivision stage a Section 70A notification be placed on the Certificate of Title of each lot within the structure plan area to inform prospective purchasers that the land may be subject to nuisance impacts from agricultural activities in the proximity. A Land Use Implementation Note is also to be added to Attachment 3 of the Structure Plan report that reflect this requirement.	Modification is required based on the submission from DOH and to comply with Part 5.12.4 of SPP2.5.
7.	<p>The Structure Plan report is to be modified to include a provision under part 1.3.3.2 that requires at subdivision stage a Section 70A notification be placed on the Certificate of Title of each lot within the structure plan area to inform prospective purchasers that due to shallow ground water the use of raingardens would be required instead of a standard concrete detention tanks such as soak wells. All building permit applications would need to demonstrate compliance with this requirement at the building permit application stage.</p> <p>This requirement is also to be captured in design guidelines for the structure plan area and a note is to be added to the Land Use Implementation Notes in Attachment 3 of the Structure Plan report to reflect this requirement.</p>	The Shire policy requires 1m <sup>3</sup> per 65m <sup>2</sup> of impervious area per lot and this cannot be achieved. It is therefore proposed to use a rain garden instead. Potential landowners would need to be informed that the conventional methods of soak wells will not be allowed in this development and it is recommended that a notification be placed on the title of each lot and that this requirement be included in design guidelines for all lots in the structure plan area.

Change to Officer Recommendation

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

*Shire President, Cr. M Bennett moved an alternate motion to include a further addition to the Table under Item 5 to allow for the consideration of the following Council Policies:*

- CP032 – Wood Encouragement Policy; and
- CP 093 – Sustainability Policy.

**COUNCILLOR RECOMMENDED RESOLUTION**

32-20                      MOVED -              Cr M Bennett                      SECONDED -              Cr P Robinson

**THAT Council:**

1.              **Recommends to the Western Australian Planning Commission that prior to endorsement of the proposed Local Structure Plan - Lot 23 Recreation Road, Dardanup, the applicant/landowner be required to undertake further work to the Traffic Impact Assessment to address the concerns raised by Main Roads and to prove that the capacity and safety of the Ferguson Road/Boyanup-Picton Road intersection would not be compromised by the proposed development, and identify any works that would need to occur at the cost of the developer at subdivision stage to achieve the required safety standards.**
  
2.              **Subject to the Traffic Impact Assessment first being prepared, assessed, and confirmation being received from Main Roads to prove that the capacity and safety of the Ferguson Road/Boyanup Picton Road intersection would not be compromised by the proposed development, pursuant to Sch.2, Pt.4, cl.20 of the Planning and Development (Local Planning Schemes) Regulations (2015), recommends to the Western Australian Planning Commission that the Local Structure Plan for Lot 23 Recreation Road, Dardanup be approved, subject to the following modifications:**

No.	Recommended Modification	Reason
1.	Include a provision in Part 2.8.1 of the Structure Plan report to include the following: The applicant/owner shall at subdivision stage construct a footpath that links the skate park and the development site on the northern side of Ferguson Road.	The modification identifies the need for a footpath to be constructed.
2.	Replace the Local Water Management Strategy in the Structure Plan report with the revised LWMS that reflect the outcomes of the approved LWMS where there are inconsistencies with the information contained in the Structure Plan report. As a minimum modifications are required to Part 2.8.2 and 2.8.7 of the Structure Plan.	This modification is consistent with the final version of the LWMS approved by DWER in consultation with Shire of Dardanup. This would require version C of the LWMS to be updated to satisfy the requirements from Harvey Water and Water Corporation.
3.	A modification to the Structure Plan map, for the map to demonstrate that the development is set back 3m from the Harvey Water irrigation channel situated on the eastern and northern boundary of Lot 23.	This modification is required based on the submission received from the Harvey Water.

No.	Recommended Modification	Reason
4.	Replace the Traffic Impact Assessment in the Structure Plan report with the revised Traffic Impact Assessment once it is considered to meet the Main Roads WA requirements and update the relevant sections of the Structure Plan report accordingly.	The modification is required based on the submission received from Main Roads WA.
5.	<p>Land Use Implementation Note 8 in Attachment 3 of the Structure Plan report be modified to read as follows:</p> <p>All lots in the Local Structure Plan area shall be subject to design guidelines that ensure:</p> <ul style="list-style-type: none"> <li>• suitable interface with public open space</li> <li>• surveillance</li> <li>• permeable fencing</li> <li>• paths</li> <li>• landscaping</li> <li>• suitable building orientation for lots with rear lane access</li> <li>• encourage the use of a micro grid or solar panels</li> </ul> <p>encourage the use of timber in building construction.</p>	Modification is required to encourage the use of wood as per Council Policy CP032 – “Wood Encouragement Policy”, and to encourage the use of a micro grid or solar panel installation to meet part of in-house demand as per Council Policy CP093 – “Sustainability”
6.	The Structure Plan report is to be modified to include a provision under part 1.3.3.2 that require at subdivision stage a Section 70A notification be placed on the Certificate of Title of each lot within the structure plan area to inform prospective purchasers that the land may be subject to nuisance impacts from agricultural activities in the proximity. A Land Use Implementation Note is also to be added to Attachment 3 of the Structure Plan report that reflect this requirement.	Modification is required based on the submission from DOH and to comply with Part 5.12.4 of SPP2.5.
7.	<p>The Structure Plan report is to be modified to include a provision under part 1.3.3.2 that requires at subdivision stage a Section 70A notification be placed on the Certificate of Title of each lot within the structure plan area to inform prospective purchasers that due to shallow ground water the use of raingardens would be required instead of a standard concrete detention tanks such as soak wells. All building permit applications would need to demonstrate compliance with this requirement at the building permit application stage.</p> <p>This requirement is also to be captured in design guidelines for the structure plan area and a note is to be added to the Land Use Implementation Notes in Attachment 3 of the Structure Plan report to reflect this requirement.</p>	The Shire policy requires 1m <sup>3</sup> per 65m <sup>2</sup> of impervious area per lot and this cannot be achieved. It is therefore proposed to use a rain garden instead. Potential landowners would need to be informed that the conventional methods of soak wells will not be allowed in this development and it is recommended that a notification be placed on the title of each lot and that this requirement be included in design guidelines for all lots in the structure plan area.

CARRIED  
7/2

## CHANGE TO ORDER OF BUSINESS

### Discussion:

*The Shire President advised that Council would change the order of business and return to Petitions/Deputations/Presentation to hear a deputation from Mr Simon Allington in regards to Item 16.2 – State Administrative Tribunal Reconsideration – Lot 1894 King Tree Road and Lot 6(63) King Tree Road – Cellar Door Sales and Associated Works – (Talisman Wines).*

### COUNCIL RESOLUTION

33-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr J Dow

**THAT Council change the Order of Business at [5.28pm] under Council Standing Orders – to return to Item 6 - Petitions/Deputations/Presentations.**

CARRIED  
9/0

*Note: Cr M Hutchinson left the room at [5.28pm].*

6.3                      *Deputation – Judith & Simon Allington – 37 Weetman Road, Wellington Mill – Item 16.2 State Administrative Tribunal Reconsideration – Lot 1894 King Tree Road and Lot 6(63) King Tree Road – Cellar Door Sales and Associated Works*

*Note: The following Deputation Information was received by the Shire on the 24 March 2020 and distributed to Councillors:*

### *Deputation Information:*

*We ask for the following statement to be considered prior to the matter being considered behind closed doors at meeting of Council on Wednesday 25 March 2020.*

*As we are not privy to the contents of the report relevant to this matter, we can only re-iterate our original objections:*

- ***Personally:*** *it will impact on the quiet enjoyment of our amenities; and*
- *Given the proximity of our round and square yards to the proposed easement access; dust, noise and safety are major considerations for both grandchildren, visitors and horses*
- ***Environmentally:*** *removal of vegetation required to upgrade the easement will have significant impact on the habitat for Western Ringtail possums, phascogales and an existing bee colony; and*
- *Construction of drainage run offs could result in significant erosion damage to our property, in particular the round and square yards*

- **District safety:** three areas were identified where the development proposal was non-compliant and DFES commented in their report 'The likelihood of a bushfire, its severity and intensity, and the potential impact on life and property posed by the bushfire hazard at this location represents an extreme bushfire risk that cannot be adequately reduced'.

We would like to ask whether the areas of non-compliance have subsequently been approved?

- **Finally,** whilst we fully understand this issue is not part of the proposed development application, in her address to Council prior to the Shire Meeting of 27 November when this matter was first considered, Ms Robinson indicated there was no possible alternative access/egress. Ms Robinson stated '**There is no alternative, there is only the easement which is legal access to our property. We use the forestry access track to access our home, however, we cannot legally use this for public access. The only road we can use is the easement as confirmed by the Shire**'.

In the interim, we approached DCAB as to the correctness of this statement. The District Manager, Wellington District has subsequently advised the forestry access road in question is utilized by the Forest Products Commission for haulage operations and by Parks and Wildlife for prescribed burning and other operations. The only circumstance under which we could consider granting approval as public access for commercial vineyard sales is if the shire proposed to excise it from state forest to become a shire managed road reserve. A number of other roads in the Ferguson Valley have transferred from us to the shire in recent years (such as Pile Road) as public use increases.

A more desirable outcome, particularly regarding the district fire risk, could be achieved should the shire be agreeable to this action.

We thank you for your continued consideration on our behalf.

With regards  
Judith and Simon Allington  
37 Weetman Road  
Wellington Mill 6236

#### Presentation:

Mr Simon Allington – As we are not privy to what you are going to talk about we just want to reiterate our stance on this matter.

This will have a big impact on our amenity. We pay rates and feel that this will create a safety issues for us. My wife runs horses and our grandkids are in square yard, which is right on the boundary of the road. Cars will be going up and down and we will be affected by the noise and dust factor. People will be able to look over the fence and if we build a shed, people will be able to look in. We are going to get people driving past all the time.

On an environmental factor, what about the possums and Phascogales? With the construction of the road itself, the drainage from that will run off into our paddocks, if this is not done properly we will be in strife again. One of the biggest problems is bushfire safety. We have looked at the exit and the rules and the numbers for a 600m exit, and they are proposing a 1km exit. If the rule is 600m and length is 1km, it's a no brainer, it can't be done. The bushfires problem is a great one, with the amount of fires recently over east, this is a real problem. If they put that dwelling down near the dam, there will be 3 separate buildings on that property that the volunteers will have to defend if there is a fire.

Note: Mr Brenton Scambler left the room at 5.31 pm.

*They said there is no alternative entry to their property. We went to DCAP and asked the question to the District Manager. He says that they will not let a private company use that access road as an entry for their winery, but there are circumstances which the Shire can be granted the right to take on that piece of land. It has been done in the Ferguson Valley. Pile Road is an example. The Shire can take on the responsibility of the road and the impost is on the Shire itself, but that road comes off the main bitumen road that has just been put in. To me this is doable. Isn't it a better outcome where no one is at risk? Excise the land and the Shire can look after the road, or they can put a road through their property and use easement as an exit. I really don't know what else to say. This is something worthwhile thinking about.*

*Note: Mr Brenton Scambler returned to the room at [5.34pm].*

### CHANGE TO ORDER OF BUSINESS

*Discussion:*

*The Shire President advised that Council would change the order of business and go Behind Closed Doors to deal with Item 16.2. Council agreed and resolved accordingly.*

*Note: All public left the room at [5.36pm].*

### COUNCIL RESOLUTION

34-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr J Dow

**THAT Council change the Order of Business under Council Standing Orders – to bring forward Item 16.2 and in accordance with the Local Government Act 1995, S 5.23, go Behind Closed Door [5.36 pm] to discuss**

- **The personal affairs of any person;**
- **Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;**

CARRIED  
9/0

16.2     *Title: State Administrative Tribunal Reconsideration - Lot 1894 King Tree Road and Lot 6(63) King Tree Road – Cellar Door Sales and Associated Works – (Talisman Wines)*

*Reporting Department: Sustainable Development Directorate*

*Reporting Officer: Mr Brenton Scambler - Manager Development Services*

*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.

### DECLARATION OF INTEREST

Cr M Hutchinson declared a Financial Interest in Item 16.2 State Administrative Tribunal Reconsideration – Lot 1894 King Tree Road and Lot 6(63) King Tree Road – Cellar Door Sales and Associated Works – (Talisman Wines) as he has provided a service in the past couple of years.

Note: Cr. M R Hutchinson had already left the room at this time [5.28pm].

### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

35-20

MOVED -

Cr P Robinson

SECONDED -

Cr M Bennett

**THAT Council APPROVES the development application contained within Confidential Document (USC: 16.2A) for 'Cellar Door Sales' at Lot 1894 King Tree Road under the Shire of Dardanup Town Planning Scheme No.3 and the Greater Bunbury Region Scheme, subject to the following conditions:**

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

**P1 (Site Plan) received at the Shire's Offices on 14.5.2019;  
P2 (Floor Plan) received at the Shire's Offices on 13.5.19;  
P3 (Elevation Plan) received at the Shire's Offices on 13.5.19;  
P4 (Elevation Plan) received at the Shire's Offices on 13.5.19;  
P5 (Elevation Plan) received at the Shire's Offices on 13.5.19; and  
P6 (Elevation Plan) received at the Shire's Offices on 13.5.19.**

2. **Prior to development commencing:**
  - a) **A scaled and dimensioned car parking plan must be submitted to and approved by the Shire, which shows how car parking spaces will be suitably identified. The plan must show car parking spaces and traffic aisle widths that comply with the relevant standards for on-site car parking.**
3. **Prior to the use of the Cellar Door Sales commencing:**
  - a) **An application for directional signage in the Weetman Road reserve, near the junction of the easement on Lot 6 P022113, must be made to and approved by the Shire, to provide direction to the approved Cellar Door development.**
  - b) **The directional signage approved in condition 2(a) above must be installed to the satisfaction of the Shire.**
  - c) **A carriageway easement over the track on Lot 50 and Lot 51 P065011, to benefit Lot 1894 P125382 must be lodged on the title to the lots and following that, a copy of each of the titles provided to the Shire.**

- d) Directional signage must be installed at the western end of the proposed emergency access way easement (near the existing yards), clearly indicating the Emergency Access Way (EAW) to King Tree Rd, to the satisfaction of the Shire.**
- e) Signage must be installed by the applicant in the carriageway easement on Lot 6 P022113, showing a maximum speed limit of 10kph.**
- f) Landscaping Plans are required to be submitted to and approved by the Shire, which demonstrate that the landscaping proposed:
  - i) retains the rural character of the area;**
  - ii) shows screening planting between the approved car parking area and the western boundary of the subject land; and**
  - iii) does not increase the fire risk in the area.****
- g) The approved Landscaping Plan must be implemented, and maintained thereafter to the satisfaction of the Shire.**
- h) The access way in the easement on Lot 6 P0022113 must be upgraded, constructed and drained to an all-weather surface in accordance with:
  - a) the design standards required in column 3 of Table 6 Referenced in State Planning Policy 3.7 Appendices; and**
  - b) to the Shire of Dardanup Engineering specification;**and shall be maintained thereafter to the satisfaction of the Shire of Dardanup.**
- i) Visitor parking bays and associated traffic aisles shall be constructed, permanently marked for the exclusive use by visitors to the property, and be clearly visible from the driveway, in accordance with the approved plans.**
- j) A rubbish storage area shall be provided, located and screened from the view of all adjoining lots to the satisfaction of the Shire.**
- k) The Bushfire Emergency Evacuation Plan must be amended to state that the Cellar Door must be closed to the public on days when the Fire Danger Rating is or is expected to be 'extreme' or 'catastrophic'.**
- l) The applicant shall provide a contribution of \$13,345 to the Shire of Dardanup towards the upgrade the length of Weetman Road from the intersection of King Tree Road to the easement of Lot 6, to the design standards required in column 2 of Table 6 Referenced in State Planning Policy 3.7 Appendices.**
- m) The applicant shall implement dust control and treatment measures to the access way within the easement on Lot 6 P0022113, through the application of a dust suppression solution (dustmag or similar) and be maintained thereafter to the satisfaction of the Shire of Dardanup.**

- n) **The applicant shall establish and thereafter maintain a vegetation screen adjoining the northern boundary of the access way within the easement of Lot 6 P0022113 to the satisfaction of the Shire of Dardanup. Screen vegetation details to be provided to the Shire of Dardanup prior to the commencement of planting activities.**
  - o) **The Emergency Access Way in the proposed easement within Lots 50 and 51 on plan P065011 must be upgraded, constructed and drained to an all-weather surface in accordance with:**
    - a) **the design standards required in column 4 of Table 6 Referenced in State Planning Policy 3.7 Appendices; and**
    - b) **to the Shire of Dardanup Engineering specification;****and shall be maintained thereafter to the satisfaction of the Shire of Dardanup.**
  - p) **The applicant shall provide written certification from a suitably qualified civil engineer demonstrating that the dam wall, proposed to be utilised for the purposes of the emergency access way, is constructed to a sufficient standard to accommodate the safe movement of emergency vehicles and appliances.**
4. **The hereby approved development shall not prejudicially affect the amenity of the neighbourhood due to the emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.**
5. **Opening hours for the approved Cellar Door are restricted to:**
  - a) **Friday to Monday: 11am – 4.30pm; and**
  - b) **during daylight hours only, via appointment,****unless with the prior written approval of the Shire.**
6. **Notwithstanding any other condition of this approval, the cellar door must not be open to the public at any time if the fire danger rating is 'extreme' or 'catastrophic'.**
7. **Copies of the Emergency Evacuation Plan must be displayed at all times within the Cellar Door building, in locations that are visible to both customers and staff.**
8. **No live or amplified music is permitted prior to the applicant submitting and the Shire approving a Noise Management Plan and/or an acoustic report that has been prepared by a suitably qualified professional to the satisfaction of the Shire.**
9. **No events are permitted on Lot 1894 King Tree Rd unless with prior approval of the Shire, or unless otherwise exempt.**

- 10. The applicant shall maintain all vegetation within a 150 metre radius of the Cellar Door building to a maximum of 8 tonnes per hectare for fire mitigation purposes, for the life of the development, to the satisfaction of the Shire of Dardanup.**

#### **Advice Notes**

- Note 1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.**
- Note 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.**
- Note 3. With regard to conditions 3a), 3d) and 3h), the applicant is encouraged to contact the Shire's Engineering Department on 9724 0308 to discuss the requirements to be met.**
- Note 4. Please be advised that this is not a Building Permit. A Building Permit should be obtained prior to commencement of any alterations to the existing building.**
- Note 5. "Approval to construct a public building" will be required when Building Approval (BA) is applied for, to ensure that the proposed building work is consistent with the Public Buildings Regulations.**
- Note 6. The Premises is required to comply with the requirements of the *Food Standards Code* and *AS 4674-2004*.**
- Note 7. Application must be made to install a septic system, and approval issued before work commences. This may need to be processed by the Department of Health.**
- Note 8. Adequate provisions must be made for a water supply meeting the *Australian Drinking Water Guidelines* for potable use. Water supply must be included in the Shire of Dardanup water monitoring program, and water treatment will be required if water testing shows water supply is not consistently producing potable water.**
- Note 9. Before the use of the premises commences, the following approvals will be required to be obtained:-**
- a) "Permit to use septic apparatus"**
  - b) "Public Building Approval Certificate"**
  - c) "Food Business Registration Certificate" must be reissued to include the new premises and amended risk level of the food business.**
  - d) An appropriate liquor licence. Please note that you will need to apply for a 'Section 40' certificate from the Shire to accompany your liquor licence application.**

- Note 10.** Customer toilets (male and female) must be provided in accordance with the requirements of the Building Code of Australia if more than 20 patrons are on the premises at any one time, including any outside areas used in conjunction with the transportable buildings.
- Note 11.** Western Power has provided the following advice:
- a) Development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Proponents should refer to <https://westernpower.com.au/safety/360-aware/industry-safety/>
  - b) It is recommended that the proponent engages a suitably qualified independent person (surveyor, architect, engineer) to undertake an assessment of the proposed development to ensure that best methods of construction are utilised, and compliance with all applicable laws (including clearance requirements of electrical infrastructure in general and those specified under Occupational Safety and Health Regulations 1996 (WA)).
- Note 12.** This land is within a Bushfire Prone Area as designated by an Order made by the Fire and Emergency Services Commissioner, and is subject to a Bushfire Management Plan (Working on Fire Planning, ref 20190213, version 2.0). It is the land owners' responsibility to implement the actions of the Bushfire Management Plan, and manage the land in accordance with the Bushfire Management Plan in perpetuity, unless amended.
- Note 13.** If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

CARRIED  
8/0

## COUNCIL RESOLUTION

36-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr J Dow

**THAT Council return from Behind Closed Doors at [5.49pm] and resume the Order of Business, that being Item 12.2.**

CARRIED  
8/0

*Note: In accordance with Standing Order 5.2(6) the Presiding Officer did not cause the motions passed by Council whilst behind closed doors to be read out. A copy of the resolution was provided to the two members of the public that returned to the room. [5.49pm].*

*Note: Cr M Hutchinson returned to the room at [5.49pm]*

## RETURN TO ORDER OF BUSINESS

12.2 Title: Scheme Amendment 196 and Structure Plan – Lot 100 (512) Wellington Mill Road, Wellington Mill

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

Overview -

At its Ordinary Meeting held on 14 December 2016, Council resolved to initiate Amendment 196 to the Shire of Dardanup Town Planning Scheme No. 3 (TPS3) which proposes the following modifications:

- a) Rezoning portion of Lot 100 Wellington Mill Road from 'General Farming' to 'Small Holding' and inserting additional requirements under Appendix VIII (Area 18) of the Scheme; and
- b) Amending the scheme maps accordingly.

The proposed Scheme Amendment rezoning map is shown below, and the proposed Scheme Amendment is provided in full in (Appendix ORD: 12.2A).

A Structure Plan to guide future subdivision and support the Scheme Amendment was also prepared, and has been considered in tandem with the Scheme Amendment. The Structure Plan is provided in (Appendix ORD: 12.2B). As Officers do not have delegation to determine Structure Plan proposals this application has been referred to Council for consideration. Officers are recommending that the Shire advises the Western Australian Planning Commission (WAPC) that it supports both the proposed Scheme Amendment 196 and the associated Structure Plan, subject to modifications.

Location Plans

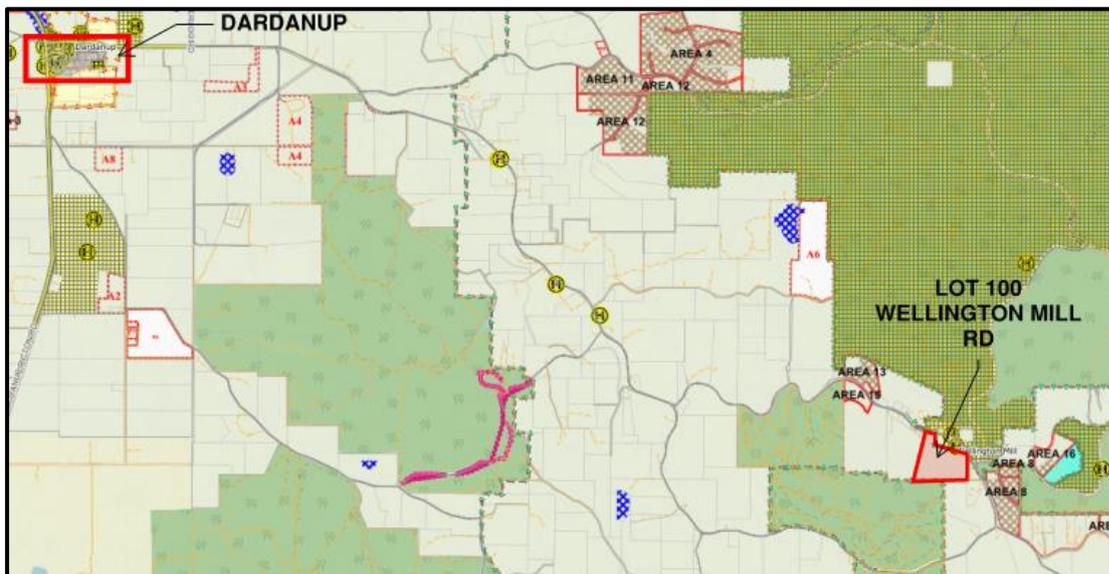
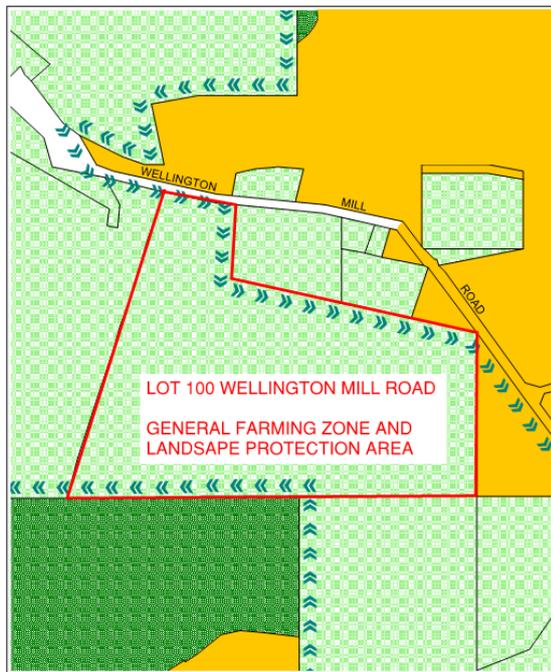


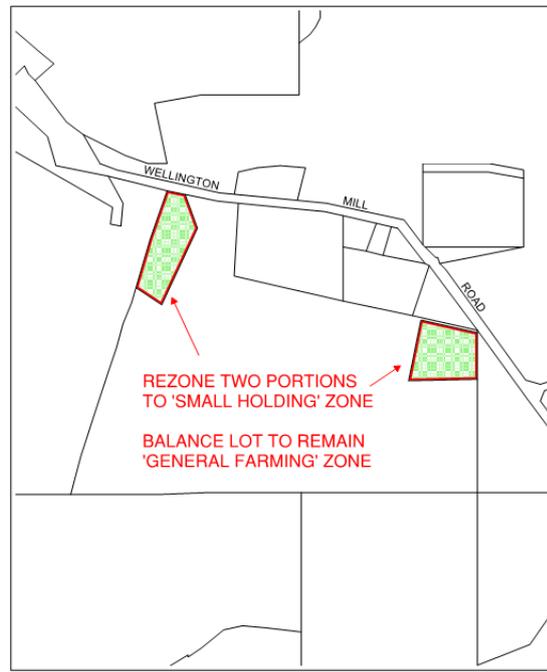
Figure 1 - Location context



Zoning Plan



EXISTING ZONING



PROPOSED ZONING

Background

Following the advertising period, at the Ordinary Council Meeting held 1 November 2017, Council resolved the following:



- Department of Mines and Industry Regulation (DMIRS); formerly Department of Mines and Petroleum);
- Department of Primary Industries and Regional Development (DPIRD); formerly Department of Agriculture & Food;
- Department of Biodiversity, Conservation and Attractions (DBCA), formerly Department of Parks and Wildlife;
- Department of Planning, Lands and Heritage (DPLH), formerly Department of Lands;
- Telstra; and
- Department of Water and Environmental Regulation (DWER); formerly 'Department of Water' and 'Department of Environment Regulation'.

In addition, a notice was placed in the South Western Times on 9 February 2017, and the proposal was advertised on the Shire's website. A number of submissions were received from government agencies, as well as two public submissions which have previously been presented to Council.

Following Council's decision to defer its decision on these matters, the applicant prepared and submitted an amended Scheme Amendment report and Structure plan, and associated amended Bushfire Management Plan. The revised proposal was re-referred to DFES, which provided further submissions. No further advertising was considered necessary to adjoining landowners, as the amended plans reduced the number of indicative lots from six to three.

All submissions to both the Scheme Amendment and Structure Plan are summarised in the Schedules of Submissions contained in (Appendix ORD: 12.2C). Copies of the submissions to the Scheme Amendment are contained in (Appendix ORD: 12.2D), and the Structure Plan submissions are contained in (Appendix ORD: 12.2E)

#### Legal Implications

Appeal rights exist through the State Administrative Tribunal for the applicant.

#### Strategic Community Plan

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

Strategy 2.3.1 - Continue to implement integrated environmental, social and land use planning which meets diverse community needs. (Service Priority: Very High)

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

Strategy 3.5.1 - To protect public health and safety. (Service Priority: High)

#### Environment

The Structure Plan was referred to the Department of Biodiversity, Conservation and Attractions (DBCA), which raised environmental concerns with regard to removal of additional vegetation, further subdivision (over and above that proposed) and impost to DBCA. Officers are recommending fencing to prevent stock to bushland and a Vegetation Impact Management Plan prior to subdivision. The proposal is unlikely to result in significant amounts of native vegetation removal. No additional subdivision would be permitted as of right, and any proposal would be assessed on its merits.

#### Precedents

There are no recent precedents comparable to the proposal within the Shire. Whilst the rezoning at Japonica Views resulted in Small Holding zoned lots to the south-east of the subject land, it was gazetted in 2001, prior to the current bushfire provisions and planning regulations.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance:

- *CP095 – Local Biodiversity*

The objective of this policy is to preserve significant areas of remnant vegetation, wetlands and waterways as well as key biodiversity corridors for future generations. With regard to Wellington Mill small holdings areas, the policy requires significant stands of remnant vegetation to be retained through structure planning and scheme amendment processes.

The proposal will not remove significant amounts of native vegetation as access is existing and no new development sites are proposed. Vegetation removal would require Development Approval as there are no exemptions in TPS3. In order to protect the existing bushland and guide assessment of any proposal to remove native vegetation, Officers are recommending that the following provisions be included in the Small Holding zone for the subject land:

- all substantial native vegetation within the proposed Small Holding lot is to be suitably fenced to prevent stock from accessing areas of forested bushland; and
- A current Flora and Fauna assessment and management plan must accompany any application for Development Approval for native vegetation removal.

- *CP090 – Community Engagement*

The Scheme Amendment and Structure Plan applications were made prior to CP090 being adopted in November 2019. Nevertheless, officers have advertised the Scheme Amendment and Structure Plan broadly as discussed earlier in this report.

Risk Assessment

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

<b>Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).</b>	
Risk Event	Consideration of Local Structure Plan – Lot 100 Wellington Mill 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.
Risk Category Assessed Against	Reputational  The proposal is processed in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> , and therefore, the risk is low for non-compliance with statutory requirements.

### Officer Comment

Both Scheme Amendment 196 and the Structure Plan are presented together in the one report to Council, although technically, are two separate applications. A Structure Plan is a plan to guide future subdivision and zoning of an area of land. Approval of the Structure Plan would give the statutory guidance for part of Lot 100 to be rezoned. The 'indicative' lots shown on the Structure Plan are described in the remainder of this report and the accompanying appendices simply as 'lots', to avoid repetition.

The following documents are relevant to consideration of the Scheme Amendment and Structure Plan:

- Shire of Dardanup Local Planning Strategy (the Strategy);
- Greater Bunbury Region Scheme (GBRS);
- Town Planning Scheme No. 3 (TPS3);
- State Planning Policy 2.5 – Rural Planning; and
- State Planning Policy 3.7 – Planning in Prone Areas

Each of the relevant provisions are discussed in turn below.

- *Shire of Dardanup Local Planning Strategy (LPS)*

The Shire of Dardanup Local Planning Strategy (LPS) was endorsed by the WAPC on 4 May 2015, and provides a strategic plan for the future of the Shire. Part 3.2.6 of the Strategy supports Wellington Mill Rural Living, in accordance with the Wellington Mill Structure Plan, by allowing for further subdivision in accordance with State Planning Policy 2.5. The Wellington Mill Structure Plan is included in (Appendix ORD: 12.3G). The proposal complies with the LPS and accords with the Wellington Mill Structure Plan.

- *Greater Bunbury Region Scheme (GBRS) – Clause 27*

The subject land is zoned 'Rural' under the GBRS, and abuts State Forest to the east and the Wellington National Park to the south, both of which are managed by DBCA. DBCA is the lead agency for bushfire suppression on the DBCA managed lands.

The proposals were referred to DBCA for comment, which noted that the bushland on the subject lot consolidates the adjacent bushland, and "provides a buffer for the adjoining national park".

DBCA stated that there should not be any clearing within Lot 100, and that firebreaks should be within established cleared areas. It also noted that if vegetation clearing within Lot 100 land is unavoidable, a Vegetation Impact Management Plan (including flora and fauna surveys) should be prepared and implemented given the biodiversity value of the vegetation (impacts to potential threatened habitat).

- *Town Planning Scheme No. 3 (TPS3)*

The land is currently zoned "General Farming" under TPS3. The proposal seeks to rezone two portions of the land to 'Small Holding' zone (Lots 1 and 2), with a Structure Plan to guide subdivision and development. The balance of the land (Lot 3) will remain zoned 'General Farming'.

The Structure Plan complies with the setback requirements for Small Holding Zones in Appendix II of TPS3. The proposed scheme amendment seeks to introduce 'Area 18' into Appendix VIII, with the following additional requirements:

#### 1) *Subdivision*

- a) *Subdivision shall be generally in accordance with an approved Structure Plan under Part 4 of the deemed provisions.*

- b) *The minimum lot size shall be 2 ha.*
- c) *The approved Bushfire Management Plan is to be implemented to the satisfaction of the relevant clearing agency.*
- d) *The local government will recommend to the WAPC that as a condition of subdivision approval a Section 70A notification be placed on the titles advising:*
  - i. *“All owners are obliged to conform to the on-going requirements of the approved Bushfire Management Plan.”*
  - ii. *“The lot may be affected by activities that may occur on the adjacent Department of Parks and Wildlife.”*

## 2) *Development*

- a) *Notwithstanding Clause 3.14(b) of the Scheme, no more than one dwelling is permitted on each lot.*
- b) *The use of highly reflective building and roofing materials is not permitted and construction materials should be of colours that compliment and blend with the natural environment, to the satisfaction of the local government.*
- c) *The construction of the dwelling shall comply with the requirements of the approved Bushfire Management Plan.*
- d) *All development is to be contained to an allocated building envelope as approved by the local government and as shown in the approved Bushfire Management Plan.*

Officers are recommending that the Structure Plan to be modified to show one large balance lot and one smaller lot on the eastern side.

- *State Planning Policy 2.5 – Rural Planning (SPP2.5)*

SPP2.5 provides support for rural living proposals which meet the objectives of the policy, which includes reducing bushfire risk. Rural living proposals must be indicated in an endorsed Planning Strategy. The LPS is discussed earlier in this report.

Officers consider that Lot 2 does not reduce bushfire risk but rather provides guidance to create a vacant, developable lot. Therefore, Officers are recommending that the Structure Plan be modified to remove this lot. Compliance with bushfire provisions are discussed in the following section of this report in response to SPP3.7.

The Shire’s Environmental Health Department has noted that the site is not in a sewerage sensitive area, and that the lots can accommodate waste water disposal areas with sufficient separation to groundwater.

- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)*

The applicant submitted a revised Structure Plan and Bushfire Management Plan on 1 November 2019. In response to concerns raised by officers and DFES, the number of lots has been reduced to three, and building envelopes have been located in order to achieve Asset Protection Zones within the lot boundaries and as far from bushfire threats as possible.

- *Access to Lot 1*

DFES raised concerns with access to Lot 1 (eastern side of the land), which does not have legal access through the State Forrest to Wellington Mill Rd currently, although it has had informal access for many years. The Structure Plan contains a requirement that, prior to subdivision, that portion of State Forest giving informal access to Lot 1 needs to either be:

- a) *acquired amalgamated into Lot 1, or*
- b) *a carriageway easement giving access to Lot 1 created over it.*

These options will need to be at the developer's expense. DBCA has provided in principal support for both of these options. Lot 1 has secondary, emergency access towards the west over Lot 3, via an easement to be created as shown on the Structure Plan. Officers recommend a modification to the Structure Plan to include the creation of this easement as a condition of subdivision, should Council decide to support the proposal.

– *Access to Lot 3*

DFES raised concerns with what it describes as a 'battleaxe' leg to Lot 3, being the large balance lot. Limiting battleaxes in bushfire prone development areas reduces the likelihood of 'bottlenecks' or access being cut off, when vehicles are trying to get access to or from properties in an emergency. However, this irregularly shaped lot is not considered by officers to be a battleaxe as the area that contains the current driveway to the dwelling on Lot 3 is approximately 95m wide. It has sufficient space for passing bays and driveway widening, if required. However, it is noted that there is no requirement to construct passing bays along the existing driveway through the forest area, as that section is only approximately 186m long.

The structure plan contains a requirement stating that all subdivision and development must comply with the BMP. Officers recommend a modification to the Structure Plan to include a requirement that the existing driveways to Lot 1 and Lot 3 be upgraded to comply with the requirements of SPP3.7, prior to subdivision. This would include construction of passing bays every 200m along the driveways.

– *Location, siting and design*

The Bushfire Attack Level (BAL) assessment and BMP have considered hazards within the land, and within 150m of the boundary of Lot 100 Wellington Mill Rd, as required by SPP3.7 and AS3959:2018. The forest to the north and south of the building envelope on Lot 2, as well as the grassland (pasture) to the west of Lot 2, are determined to be BAL-FZ.

The adjoining lot to the west contains a firebreak approximately 4.5m wide along the boundary of Lot 2, and an additional firebreak will need to be created on Lot 2 to comply with the Shire's Annual Fire Prevention Order. Whilst the building envelope on Lot 2 can achieve BAL-29 or lower, the BAL in the broader area is not able to be reduced without native vegetation removal and pasture management/slashing on the subject land and adjoining lots. Vegetation management (to reduce bushfire threat) on the adjoining land is outside the control of any current or future owner of the subject land, and should not be relied on to reduce the threat to the subject land.

Under the provisions of the Landscape Protection Area which applies to the land, any clearing of vegetation will require Development Approval. If Council is of a mind to support the applications, Officers recommend that the Scheme Amendment be modified to include a requirement for a Vegetation Impact Management Plan to be prepared, approved and implemented prior to subdivision, given the concerns raised by DBCA. Officers also suggest that the Scheme Amendment be modified to require a Flora and Fauna assessment and management plan to accompany any application for Development Approval for vegetation removal.

One additional driveway only (to service Lot 2) will need to be created through the northern patch of forest, which has already been partially cleared as shown in the photos below. Officers note that the vegetation clearing appears to have occurred between August and October 2019, after the BAL maps were prepared (9 May 2019, Figures 4 and 4 in BMP, p. 17-18). Nevertheless, the clearing has been noted in part 3.1 of the BMP. Little if any additional vegetation removal is likely to be required for the additional driveway construction.



It is noted that agreement has been made to locate a 50,000L strategic firefighting tank at the Wellington Mill Bush Fire Brigade to the north of the subject land, at subdivision stage. This is a reserve managed by the Shire, and will allow the water to be used for firefighting within the general area, in addition to any water tanks required on individual lots at development stage for firefighting.

The proposal is unable to mitigate the broader 'landscape scale' threat beyond the boundaries of Lot 100, or within the Lot 2 boundaries without removing native vegetation, Therefore, Officers are recommending that Council supports the Structure Plan subject to it being modified to remove Lot 2, to show one large balance lot and one smaller lot on the eastern side.

#### Officer Recommendation

Council will need to determine the two applications separately, and officers have therefore recommended separate resolutions for each. Modifications are recommended to the Structure Plan in order to remove references to Lot 2, as the risk to life and property on Lot 2 cannot be reduced to an acceptable level without significant impacts to native vegetation.

The *Planning and Development (Local Planning Schemes) Regulations 2015* requires the local government to provide a recommendation to the WAPC on whether the proposed Scheme Amendment should be:

- a) Supported without modification; or
- b) Supported with proposed modifications to address issues raised in the submissions; or
- c) Not supported.

It is recommended that Council resolves to support the Scheme Amendment with modifications, as per option (b) above. The modifications suggested are:

	Modification	Reason
1.	Removing the existing Bushfire Management Plan from the proposal.	The current BMP does not reflect the other modifications suggested, i.e. removing Lot 2 from the proposal.
2.	Removing all reference to "Lot 2" such that the Scheme Amendment text, maps and plans only refer to the rezoning of indicative Lot 1 on the Structure Plan dated 29 October 2019 (Thompson Surveying, file 14746, revision 13).	Officers do not support this indicative lot due to the bushfire risk, and the owner and applicant have agreed to remove it from the proposal.
3.	In Appendix VIII for Area 18, under the heading "1) Subdivision" :	As below
a.	Amend part (c) by replacing the proposed wording with: "Prior to subdivision, a Bushfire Management Plan (BMP) shall be prepared to the satisfaction of the Local Government and the Department of Fire and Emergency Services, in consultation with the Department of Biodiversity, Conservation and Attractions, and thereafter implemented in accordance with the approved plan".	The current BMP does not reflect the other modifications suggested, i.e. removing lot 2 from the proposal and therefore a new BMP will be required at subdivision.  DBCA has requested to be included in this provision.
b.	Add a new part (e), which states " The local government will recommend to the WAPC that as a condition of subdivision approval, a Vegetation Impact Management Plan shall be prepared, approved and implemented to the specifications of the Department of Biodiversity, Conservation and Attraction and the Shire"; and	As per DBCA comments dated 20.4.2017.
c.	Add a new part (f), which states "The local government will recommend to the WAPC that as a condition of subdivision approval, all substantial native vegetation within the proposed Small Holding lot is to be suitably fenced to prevent stock from accessing areas of forested bushland".	This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.
4.	In Appendix VIII for Area 18, under the heading "2) Development" :	
a.	Add a new part (a), stating "All development shall comply with the requirements of the approved Bushfire Management Plan for the site, in consultation with the Department of Biodiversity, Conservation and Attractions where relevant";	This provision is in keeping with requirements in TPS3 in other Small Holding zone areas.
b.	Add a new part (b) stating "A current Flora and Fauna assessment and management plan must accompany any application for Development Approval for native vegetation removal"; and	As per DBCA comments dated 20.4.2017.
c.	Re-number all other provisions under heading "2) Development as appropriate.	This modification will correct the numbering in the provisions having regard to the other modifications suggested.
5.	Include a new heading in Appendix VIII for Area 18, to include a new heading titled "3. Land Use Control";	Provisions for Land Use Control are in keeping with requirements in TPS3 in other Small Holding zone areas.
6.	Under the heading "3. Landuse Control" include "(a) No livestock or other domesticated animals shall be permitted within the native vegetation forested bushland areas of any lot without the prior consent of Council";	This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

## OFFICER RECOMMENDED RESOLUTION &amp; COUNCIL RESOLUTION "A"

THAT Council:

1. Resolves to support Amendment 196 to the Shire of Dardanup Town Planning Scheme No. 3 pursuant to Part 5, Division 1, r.50(3)(b) of the *Planning and Development (Local Planning Scheme) Regulations (Regulations) 2015* subject to the following further modifications (underlined):

No.	Recommended Modification	Reason
1.	Removing the existing Bushfire Management Plan from the proposal.	The Shire does not support this indicative lot due to high the bushfire risk.  The owner and applicant have agreed to remove it from the proposal.
2.	Removing all reference to "lot 2" such that the Scheme Amendment text, maps and plans only refer to the rezoning of indicative lot 1 on the Structure Plan dated 29 October 2019 (Thompson Surveying, file 14746, revision 13).	As above
3.	Rezoning <u>one</u> portion of Lot 100 Wellington Mill Road from 'General Farming' to 'Small Holding', as shown on the Amendment Map, and inserting additional requirements under Appendix VIII of the Scheme as follows:	As above, only one portion of the subject land is to be rezoned as the Shire does not support the rezoning of indicative lot 2.
Area 18 Portion Lot 100 Wellington Mill Road, Wellington Mill	<ol style="list-style-type: none"> <li>1. Subdivision               <ol style="list-style-type: none"> <li>a) Subdivision shall be generally in accordance with an approved Structure Plan under Part 4 of the deemed provisions.</li> <li>b) The minimum lot size shall be 2 ha.</li> <li>c) Prior to subdivision, a Bushfire Management Plan (BMP) shall be prepared to the satisfaction of the Local Government and the Department of Fire and Emergency Services, in consultation with the Department of Biodiversity, Conservation and Attractions, and thereafter implemented in accordance with the approved plan.</li> <li>d) The local government will recommend to the WAPC that as a condition of subdivision approval a Section 70A notification be placed on the titles advising:</li> </ol> </li> </ol>	<p>The current BMP does not reflect the other modifications suggested, i.e. removing lot 2 from the proposal and therefore a new BMP will be required at subdivision.</p> <p>DBCA has requested to be included in this provision.</p>

No.	Recommended Modification	Reason
	<p>i) "All owners are obliged to conform to the on-going requirements of the approved Bushfire Management Plan."</p> <p>ii) "The lot may be affected by activities that may occur on the adjacent land managed by the Department of Biodiversity, Conservation and Attractions."</p> <p>e) The local government will recommend to the WAPC that as a condition of subdivision approval, a Vegetation Impact Management Plan shall be prepared, approved and implemented to the specifications of the Department of Biodiversity, Conservation and Attraction and the Shire.</p> <p>f) The local government will recommend to the WAPC that as a condition of subdivision approval, all substantial native vegetation within the proposed small holding lots are to be suitably fenced to prevent stock from accessing these areas of forested bushland areas.</p> <p>2. Development</p> <p>a) All development shall comply with the requirements of the approved Bushfire Management Plan for the site, in consultation with the Department of Biodiversity, Conservation and Attractions where relevant.</p> <p>b) A current Flora and Fauna Assessment and Management Plan must accompany any application for Development Approval for native vegetation removal.</p> <p>c) Notwithstanding Clause 3.14(b) of the Scheme, no more than one dwelling is permitted on each lot.</p> <p>d) The use of highly reflective building and roofing materials is not permitted and construction</p>	<p>As per DBCA comments dated 20.4.2017.</p> <p>This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.</p> <p>This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.</p> <p>As per DBCA comments dated 20.4.2017.</p>

No.	Recommended Modification	Reason
	<p>materials should be of colours that compliment and blend with the natural environment, to the satisfaction of the local government.</p> <p>e) The construction of the dwelling shall comply with the requirements of the approved Bushfire Management Plan.</p> <p>f) All development is to be contained to an allocated building envelope as approved by the local government and as shown in the approved Bushfire Management Plan.</p> <p>3. Land use Controls</p> <p>a) No livestock or other domesticated animals shall be permitted within the native vegetation forested bushland areas of any lot without the prior consent of Council.</p>	<p>Land Use Control provisions are typical in other Small Holding zone areas in TPS3.</p> <p>This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.</p>

a) Amending the scheme maps accordingly.

2. Pursuant to Pt. 5, Div. 3, r. 53 of the Regulations provides the Western Australian Planning Commission a copy of Amendment 196 and all relevant information with a request for final approval by the Minister for Planning.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "B"

THAT Council:

1. Pursuant to Sch.2, Pt.4, cl.20 of the Regulations, recommends to the Western Australian Planning Commission that the 'Revision 13' Structure Plan contained in (Appendix ORD: 12.2B) for Lot 100 Wellington Mill Rd, Wellington Mill, be approved, subject to the following modifications:

No.	Recommended Modification	Reason
1.	Removing all reference to "lot 2", such that the Structure Plan text, maps and plan only indicates two lots, being lot 1 on the Structure Plan dated 29 October 2019 (Thompson Surveying, file 14746, revision 13) and one other balance lot;	Indicative Lot 2 shown on the proposed Structure Plan is not supported due to the extreme bushfire risk on and surrounding the lot. The owner has agreed to remove this 'lot' from the proposal.

No.	Recommended Modification	Reason
2.	Modifying the 'Structure Plan Provisions' under the heading "Subdivision", to include new provisions that state:	As below
(a)	"Prior to subdivision, an Emergency Access Way carriageway easement must be created as shown on the Structure Plan, to burden and benefit both lots in order to provide emergency access/egress".	The modification identifies the need to legalise use of the Emergency Access Way for both lots by way of an easement.
(b)	"Prior to subdivision, the existing driveways to and within both indicative lots must be upgraded to comply with the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas".	This modification brings the existing private driveways into compliance with SPP3.7.
3.	All other provisions are to remain unchanged other than being renumbered accordingly.	This modification will correct the numbering in the Structure Plan provisions.

OR

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "C"

THAT Council resolves not to support the Scheme Amendment as the risk to life and property on Lot 2 cannot be reduced to an acceptable level without significant impacts to native vegetation on the subject lot and/or adjoining lots.

#### Change to Officer Recommendation

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

- Council resolved to adopt Resolution A and B

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "A"

37-20                      MOVED -              Cr P Robinson                      SECONDED -              Cr. T G Gardiner

#### THAT Council:

1. Resolves to support Amendment 196 to the Shire of Dardanup Town Planning Scheme No. 3 pursuant to Part 5, Division 1, r.50(3)(b) of the *Planning and Development (Local Planning Scheme) Regulations (Regulations) 2015* subject to the following further modifications (underlined):

No.	Recommended Modification	Reason
1.	Removing the existing Bushfire Management Plan from the proposal.	The Shire does not support this indicative lot due to high the bushfire risk.  The owner and applicant have agreed to remove it from the proposal.

No.	Recommended Modification	Reason
2.	Removing all reference to "lot 2" such that the Scheme Amendment text, maps and plans only refer to the rezoning of indicative lot 1 on the Structure Plan dated 29 October 2019 (Thompson Surveying, file 14746, revision 13).	As above
3.	Rezoning <u>one</u> portion of Lot 100 Wellington Mill Road from 'General Farming' to 'Small Holding', as shown on the Amendment Map, and inserting additional requirements under Appendix VIII of the Scheme as follows:	As above, only one portion of the subject land is to be rezoned as the Shire does not support the rezoning of indicative lot 2.
Area 18 Portion Lot 100 Wellington Mill Road, Wellington Mill	<p>4. Subdivision</p> <p>a) Subdivision shall be generally in accordance with an approved Structure Plan under Part 4 of the deemed provisions.</p> <p>b) The minimum lot size shall be 2 ha.</p> <p>c) Prior to subdivision, a Bushfire Management Plan (BMP) shall be prepared to the satisfaction of the Local Government and the Department of Fire and Emergency Services, in consultation with the Department of Biodiversity, Conservation and Attractions, and thereafter implemented in accordance with the approved plan.</p> <p>d) The local government will recommend to the WAPC that as a condition of subdivision approval a Section 70A notification be placed on the titles advising:</p> <p>i) "All owners are obliged to conform to the on-going requirements of the approved Bushfire Management Plan."</p> <p>ii) "The lot may be affected by activities that may occur on the adjacent land managed by the Department of Biodiversity, Conservation and Attractions."</p>	<p>The current BMP does not reflect the other modifications suggested, i.e. removing lot 2 from the proposal and therefore a new BMP will be required at subdivision.</p> <p>DBCA has requested to be included in this provision.</p>

No.	Recommended Modification	Reason
	<p>e) The local government will recommend to the WAPC that as a condition of subdivision approval, a Vegetation Impact Management Plan shall be prepared, approved and implemented to the specifications of the Department of Biodiversity, Conservation and Attraction and the Shire.</p> <p>f) The local government will recommend to the WAPC that as a condition of subdivision approval, all substantial native vegetation within the proposed small holding lots are to be suitably fenced to prevent stock from accessing these areas of forested bushland areas.</p> <p>5. Development</p> <p>a) All development shall comply with the requirements of the approved Bushfire Management Plan for the site, in consultation with the Department of Biodiversity, Conservation and Attractions where relevant.</p> <p>b) A current Flora and Fauna Assessment and Management Plan must accompany any application for Development Approval for native vegetation removal.</p> <p>c) Notwithstanding Clause 3.14(b) of the Scheme, no more than one dwelling is permitted on each lot.</p> <p>d) The use of highly reflective building and roofing materials is not permitted and construction materials should be of colours that compliment and blend with the natural environment, to the satisfaction of the local government.</p> <p>e) The construction of the dwelling shall comply with the requirements of the approved Bushfire Management Plan.</p>	<p>As per DBCA comments dated 20.4.2017.</p> <p>This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.</p> <p>This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.</p> <p>As per DBCA comments dated 20.4.2017.</p>

No.	Recommended Modification	Reason
	<p>f) All development is to be contained to an allocated building envelope as approved by the local government and as shown in the approved Bushfire Management Plan.</p> <p>6. Land use Controls</p> <p>a) No livestock or other domesticated animals shall be permitted within the native vegetation forested bushland areas of any lot without the prior consent of Council.</p>	<p>Land Use Control provisions are typical in other Small Holding zone areas in TPS3.</p> <p>This provision is in keeping with requirements in TPS3 in other Small Holding zone areas, and as per DBCA comments dated 20.4.2017.</p>

a) Amending the scheme maps accordingly.

2. Pursuant to Pt. 5, Div. 3, r. 53 of the Regulations provides the Western Australian Planning Commission a copy of Amendment 196 and all relevant information with a request for final approval by the Minister for Planning.

CARRIED  
9/0

AND

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "B"**

38-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr. T G Gardiner

**THAT Council:**

1. Pursuant to Sch.2, Pt.4, cl.20 of the Regulations, recommends to the Western Australian Planning Commission that the 'Revision 13' Structure Plan contained in (Appendix ORD: 12.2B) for Lot 100 Wellington Mill Rd, Wellington Mill, be approved, subject to the following modifications:

No.	Recommended Modification	Reason
1.	Removing all reference to "lot 2", such that the Structure Plan text, maps and plan only indicates two lots, being lot 1 on the Structure Plan dated 29 October 2019 (Thompson Surveying, file 14746, revision 13) and one other balance lot;	Indicative Lot 2 shown on the proposed Structure Plan is not supported due to the extreme bushfire risk on and surrounding the lot. The owner has agreed to remove this 'lot' from the proposal.
2.	Modifying the 'Structure Plan Provisions' under the heading "Subdivision", to include new provisions that state:	As below
(a)	"Prior to subdivision, an Emergency Access Way carriageway easement must be created as shown on	The modification identifies the need to legalise use of the

No.	Recommended Modification	Reason
	the Structure Plan, to burden and benefit both lots in order to provide emergency access/egress”.	Emergency Access Way for both lots by way of an easement.
(b)	“Prior to subdivision, the existing driveways to and within both indicative lots must be upgraded to comply with the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas”.	This modification brings the existing private driveways into compliance with SPP3.7.
3.	All other provisions are to remain unchanged other than being renumbered accordingly.	This modification will correct the numbering in the Structure Plan provisions.

CARRIED  
9/0

### 12.3 Title: Proposed New Council Policy – CP070 – Events Policy

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Neil Nicholson - Principal Environmental Health Officer</i>
<i>Legislation:</i>	<i>Health (Miscellaneous Provisions) Act 1911 Public Health Act 2016</i>

#### Overview

The Shire does not currently have an established policy that considers the processes and procedures for approval of public events held on private land and/or Shire-owned facilities and land.

The purpose of the proposed policy is to set a framework that clarifies when an event application is required, so as to assist the community in making applications, and also to support the efficient and effective processing of event applications by the Shire. The policy also aims to ensure that public events held within the Shire of Dardanup comply with all relevant legislation, maintain the safety of the public, provide benefit to the community and the environment, and to mitigate, as far as possible, risks and negative impacts from events.

This report recommends that Council adopts the draft CP070 – *Event Policy*.

#### Background

There are a number of statutory and compliance considerations for public events which Local Governments are responsible for. Currently in WA, there are two key pieces of legislation that pertain to public events:

- *Planning and Development Act 2005*; and
- *Public Health Act 2016*.

It has been well recognised that the hosting of regular events are considered a land-use, which involves a gathering of a small to large number of people, for a wide variety of purposes, and typically some form of infrastructure being brought onto land. As such, the potential land-use considerations from a Town Planning perspective may require planning approval, depending on the nature of the event, the frequency of events and the duration of the events.

The *Public Health Act 2016* and associated regulations requires events to be held within Public Buildings and identifies:

- Any prearranged gathering of people, regardless of whether in an open venue or in a building (or a mixture of both) is effectively, a public building.
- Such gatherings therefore require a Certificate of Approval (Public Building Approval).
- The Certificate of Approval is intended to address public health and safety issues and, it is the only approval applicable for every public event’.

A number of buildings in the Shire have a pre-existing Certificates of Approval. However, there are a number of venues and premises in the Shire which do not carry a permanent land-use or health approval for events. Events at such venues would have to be assessed against health legislation, for the purposes of determining compliance, and, the issuance of a temporary Certificate of Approval.

In addition to these two pieces of State legislation, Local governments often adopt local laws to give further consideration to events that occur on local government property or in public places. The Shire’s *Local Government Properties Local Law 2007* relates specifically to events (or functions) on Shire

reserves. This local law gives Council the ability to consider elements such as maintenance, traffic management and coordination of events.

The Department of Health published a 'Guideline for concerts, events and organised gatherings' to guide applicants and authorities in the assessment of event applications. The document is comprehensive and covers public safety, health and amenity considerations for public events. It is technically non-enforceable (as it is a guide). However, the consequence for an event organiser for not following DoH guidelines guide is that they may cause a 'public health risk', which is a matter enforceable under the *Public Health Act 2016*.

One of the key considerations arising from the Shire's assessment of events is the complexities that arise from broad range of event proposals in local governments that have a broad mix of land-uses. This includes events such as the Dardanup Arts Spectacular, which involve the participation of a number of venues who's predominant approved-use is as a café or restaurant, as well as participating of 'personal' studios on private property which were not approved for commercial purposes . These events highlighted the complexities in the considerations of public events, which, apart from Health legislation, may include considerations of compliance with Building and Town Planning legislation. Essentially, this highlighted the need for a framework to assess events by, to provide certainty within the assessment process.

Given the anticipated gradual but certain growth of population, infrastructure and industry in the region, it is envisaged that there will be a number of events held in the Shire as time goes on. Officers therefore recommend the adoption of the Events Policy to provide a framework that clarifies to the public and applicants when an event application is required, what information is required within it, and what the process of assessing the application will be.

#### Legal Implications

Local Government Act 1995  
 Planning and Development Act 2005  
 Health (Miscellaneous Provisions) Act 1911  
 Heath (Public Buildings) Regulations 1992

#### Strategic Community Plan

Strategy 3.5.1 - To protect public health and safety. (Service Priority: High)

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

Strategy 3.2.1 - To encourage social connectedness in our community through participation in positive social networks, interaction and events. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance -

LP 090 - Community Engagement, the policy will be advertised for public comment for a period of 21 days.

Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Event application assessment Policy
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)	Low (1 - 4)
Risk Category Assessed Against	<p>Health Event applications not being properly assessed against health requirements, and the public safety, health and amenity being put at risk</p> <p>Legal and Compliance The Shire found not meeting its implied legal responsibility and its duty of care in ensuring public health and safety at a public gathering.</p> <p>Reputational The Shire being seen as having an ad-hoc/ uncoordinated approach to event assessment.</p>

Officer Comment

The draft CP070 has been prepared to provide guidelines and procedures for Event Organisers to follow when an application is to be considered by Council officers. The objective of the proposed policy is to set a simple, easy-to-understand framework for the determination of when an event application is required, and the general framework under which event applications will be assessed.

The Policy is intended for use by the public and/or community members, particularly event organiser, the key aspect of the Policy is to provide clear guidance on the following:

- What is considered to be an event;
- When is an event application required; and
- How and against what will the application be assessed.

The policy is structured to capture the large variety of event types that may be submitted to the Shire for approval.

The Department of Health identifies Local Government as a key organisation with respect to events in that *‘it is the only organisation that is involved with every event’* and that it may have *‘a number of statutory responsibilities under a variety of legislation with respect to events’*. It is the officer’s view that the level of local government involvement and responsibility over events is dependent on the type of event, its characteristics, and the location in which it is held. Subsequently, this Policy provides a framework on how Shire will procedurally deal with events in its area.

The Policy sets the overall framework, and the general process for assessing events, as follows:

1. Where a proposed event is determined to be a 'Formal Event', the applicant is provided with a Shire of Dardanup Event Application Package, and a 'Form 188' Event Application Form.
2. When an application is received, it is assessed with comment sought by all relevant departments in the Shire.
3. Community Services oversee the administration of applications for events on Shire owned or vested land.
4. Environmental Health Services oversee the administration of applications for events on private land.
5. Event approvals are issued by way of an event approval letter.

The proposed Policy should be reviewed as required to keep in line with changes and updates to legislation, organisational objectives, and changes and updates to government guidelines on events and event-related matters, as they occur. The policy will facilitate the event application framework and process, to provide a greater level of service to the community.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

#### OFFICER RECOMMENDED RESOLUTION

THAT Council adopt CP070 – *Event Application Policy* as follows:



ADMINISTRATION POLICY NO:-

**DRAFT** - EVENTS POLICY – CP070

GOVERNANCE INFORMATION			
Procedure Link:	NA	Council Policy Link:	NA

ADMINISTRATION INFORMATION					
Version:	1	Created		Synopsis:	Policy created & endorsed by CEO
Version:	2			Synopsis:	

#### 1. RESPONSIBLE DIRECTORATE

Sustainable Development

#### 2. PURPOSE OR OBJECTIVE

The objective of this policy is to:

- Support and encourage events in Shire of Dardanup that benefit the community;
- Provide a general framework for the assessment of public events;
- To ensure public events held in the Shire of Dardanup comply with relevant legislative requirements;
- To ensure events are assessed as efficiently as possible;
- Ensure events held within the Shire of Dardanup are inclusive; and

- Clarify when an event application is required.

### 3. SCOPE

This policy applies to all public events that are:

- Held fully or partially on Shire owned and managed waterways, roads, land and facilities; and
- Privately owned or leased properties within the Shire of Dardanup.

### 4. DEFINITIONS

For the purposes of this policy the following definitions are used:

- Event: An assembly of people at a given time for entertainment, recreation, cultural or community purposes. This includes the term 'Function' as defined in the *Local Government Property Local Law 2007* which means an event or activity characterised by all or any of the following –
  - (a) formal organisation and preparation;
  - (b) its occurrence is generally advertised or notified in writing to particular persons;
  - (c) organisation by or on behalf of a club;
  - (d) payment of a fee to attend it; and
  - (e) systematic recurrence in relation to the day, time and place
- Formal Event: A planned event that is open to the public held within the Shire of Dardanup on private or public land, either indoor or outdoor where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes events which include the use of two or more approved venues/premises.  
Formal events can include, but are not limited to:
  - Festivals, shows, exhibitions, fairs and markets
  - Sporting events
  - Community events
  - Music/film/arts events
  - Food and wine events
- Informal Events, Weddings and ceremonies: a small gathering of people meeting in a public place, for a purpose that is private and informal in nature (not advertised to the wider community/ general public are not invited) and does not fall under any criteria that requires formal events approval. This includes but is not limited to:
  - Private parties (i.e. birthdays, baby showers)
  - Private BYO BBQ's and picnics
  - Funerals
  - Wedding ceremonies, anniversaries, christenings
- Political events and protests: A person or persons either stationary or moving-through a public place for the purpose of protest, rallying or engagement of a political nature. Generally, the infrastructure requirements are minimal and not intended for public use or interaction (e.g. pickets and signs, props).
- Events Assessment Team: A team of Shire staff from various Shire departments responsible for reviewing and evaluating event applications.

- Event Application Form (Form 188): The form the event organiser is required to submit in order to request and obtain approval from the Shire of Dardanup to hold an event.
- Event Application Guidelines: The guidelines which outline the Shire of Dardanup's event approval process and provides important information for event organisers about event planning and the Shire's assessment of events.
- Event Approval Letter: The letter sent to the event organiser providing Shire of Dardanup approval for the event to occur and any event approval conditions that must be adhered to.
- Private Property: Any land or property which is privately owned or leased, and not under the management of the Shire of Dardanup.
- Public Place: includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include – (a) premises on private property from which trading is lawfully conducted under a written law; and (b) local government property.

## 5. RESPONSIBILITY

### 5.1 Shire of Dardanup

- The Shire's role is to assist the event organiser to ensure their event complies with all relevant legislation, the event is safe and does not have any negative impacts on community or the environment.
- The Shire's Directorate of Sustainable Development is responsible for processing event applications with the support of other Shire directorates, government departments and other regulatory bodies as required.
- The Shire's Events Assessment Team are responsible for assessing event applications and outlining any event approval conditions as required.

### 5.2 Event Organiser

- To make application to the Shire for the planned event *at least* 8 weeks prior to the proposed date.
- To adhere to any conditions set by the Shire of Dardanup and any other government departments or regulatory bodies.
- To obtain all relevant approvals/permits/licenses issued by the Shire of Dardanup and/or any other government department or regulatory body.
- To organise an event/s that complies with all relevant legislation, is safe and does not have negative impacts on community or the environment.
- To read and adhere to the Shire's 'Event Application Guidelines' or the 'Using Shire Parks and Reserves for Informal Events & Gatherings: Rules and Requirements'.

## 6. POLICY

### 6.1 Requirements for Events Applications based on Type of Events

- 6.1.1 The following events will require an application to be lodged, assessed and approved prior to the event being held:

- Formal Events in Public Places and Buildings: All Formal Events, whether open to the public or not, held in public places require an Event Approval issued by the Shire of Dardanup.
- Events in Private Properties: Formal Events held on private property whether open to the public or not, where the event type and expected number of attendees exceed or is not consistent with the Planning or Health approvals for that property will require an event approval.

6.1.2 The following events may require an application to be lodged, assessed and approved prior to the event being held:

- Informal Events, Weddings and Ceremonies: Personally or culturally significant events that are private in nature, generally involves minimal infrastructure needs (e.g. tables, chairs and a podium) and, for the purposes of this policy, held in a public place, where the event organiser would like to request that the Shire of Dardanup as far as possible guarantee that the location has not already been allocated to someone else.

Organisers of such events are recommended to complete Form 188 – B.

- Political:

These events where minor in nature and do not have impacts on traffic or other services will generally not require an event approval; however organisers are required to notify the Shire of Dardanup about the event and exactly what is being planned. Based on the notification, the Shire may require an event application particularly where any of the criteria as outlined in 6.2 applies.

For these events, organisers should also inform or apply to the Commissioner of Police at least 4 days prior to the event.

6.1.3 The following events do not require an event application:

- Small Private Gatherings/Informal Events: These events do not require formal Shire event approval however are required to adhere to the 'Using Shire Parks and Reserves for Informal Events and Gatherings: Rules and Requirements' (see 7. Reference Documents).
- Formal events held in venues built and approved for the purpose of events for example - Eaton Recreation Centre, Eaton Fair Public Square, function centres, restaurants, cafes, wineries or taverns where the occupancy numbers for the proposed event will be within approved limits, and the event complies with the relevant planning and health approvals. However this exemption does not extend to an 'event' that coordinates multiple events held across a number of venues, and such an event will still require an event approval.

Formal Events held on crown land, where the event is run by the State or Federal Government. (E.g. events run by the Department of Biodiversity, Conservation and Attractions (DBCA) on DBCA land) will not require an events approval.

6.2 Additional Criteria for where an event application IS required:

If any (1) one or more of the following criteria applies to the event then the event will be classified as a 'Formal Event' and will require event approval from the Shire of Dardanup:

- The event is advertised as being open to the general public.
- The event is for more than 50 people.

- Event registration is required, or ticket sales occur.
- Preparation or sale of food or drinks to the public is to occur.
- Amusement rides, animals, laser or fireworks displays are part of the event.
- Erection of tents and marquees larger than 50m<sup>2</sup>, stages or other temporary structures is to occur.
- Use of drones, lighting towers, generators, cabling, switches, extension cords or other specialised equipment is to occur.
- Potential noise including music, use of amplified equipment, extraordinary vehicle noise etc.
- The event type and expected number of attendees exceed or is not consistent with the planning or health approval for the proposed venue (public or private).
- Trading in a public place is to occur (i.e. food vans, food stalls, market stalls, sales or hire of goods or wares)
- A liquor license is required.
- A permit/approval/license issued by an external agency is required (e.g. permit for fireworks or pyrotechnics).
- Traffic management is required:
  - Car parking at venue does not cater for the number of vehicles attending the event.
  - Changes or interruptions to traffic flow is likely to occur.
  - Road closures are required.
  - Temporary Suspension of the Road Traffic Act is required
  - The event requires the use of roads/crossing roads.
  - A car park or footpath needs to be blocked.
  - A traffic management plan is required.
- Security, crowd control, first aid or other emergency services are engaged.
- The event could have a negative impact on the residents, community or the environment.
- The event could cause damage to Shire property or reserves.
- The activities proposed to be undertaken at the event have moderate to high level of risk to the public.
- The event does not fall under Clause 6.1 of this Policy.

All event applications will be assessed against criteria outlined in Clause 6.2 (if applicable to the application) as well as the following which includes but is not limited to:

- The application form has been submitted within the time period specified in the Event Application Guidelines (at least 8 weeks prior to the proposed event date).
- The benefits the event will bring to the community.
- The impact the event will have on the environment, residents and community.
- The impact the event will have on the Shire's reputation.
- The ability to meet all legislative requirements.
- The ability obtain all permits, licenses and approvals.
- The level of risk.
- The potential damages that could occur to the Shire's property.
- The potential conflict with other events or community use in that location.

### 6.3 Provisions related to Stallholders, Traders and Performers at Events:

- a) Where an event approval has been granted and the event includes a number of stalls, the individual stall holders will not require a Stallholder's Permit, Trader's Permit, or Permit to Perform under the Activities In Thoroughfares And Public Places And Trading Local Law 2007.

However, Stallholders, traders or performers are still required to have valid Food premises certificates in order to participate in the event.

#### 6.4 Assessment of Event Applications

All event applications will be considered the weekly Events Assessment Meeting (as needed). The EAM will include Environmental Health Services, Community Services, and where necessary: Rangers, Parks and Gardens, Engineering Services, and Town Planning.

The Shire may approve the event application, request modification to the event or decline the event. An event will be approved by means of an Event Approval Letter, the letter will outline any event approval conditions which must be adhered to.

Note: Events on Shire owned or managed land and facilities will be processed by Community Services and events on private land will be processed by Environmental Health Services.

#### 6.5 Event Sponsorship

The Shire of Dardanup values and supports community events. Community groups and individuals may be eligible for a donation from the Shire to assist the organiser in ensuring a free, quality and well organised event can be delivered (Refer to '7. Related Documents' – Form 220 Minor Community Events assistance Application Form and CP044 (Donations and Grants)

### 7. REFERENCE DOCUMENTS

- Shire of Dardanup Event Application Guidelines
- Shire of Dardanup 'Using Shire Parks and Reserves for Informal Events and Gatherings: Rules and Requirements'
- Shire of Dardanup Form 188 - Event Application
- Shire of Dardanup Form 188 – B – Informal Events, Weddings and Ceremonies (Shire Reserves and Buildings)
- Shire of Dardanup Form 220 - Minor Community Events Assistance Application Form
- Shire of Dardanup CP044- Donations and Grants : Minor Community Events Assistance
- Shire of Dardanup 'Activities in Thoroughfares and Public Places and Trading Local Law'
- Shire of Dardanup 'Local Government Property Local Law 2007'
- Shire of Dardanup Strategic Community Plan 2018-2028
- Health (Miscellaneous Provisions) Act 1911
- Health (Public Buildings) Regulations 1992

#### Change to Officer Recommendation

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

- Council resolved to defer this item to allow further time for consideration of the Policy

#### COUNCIL RESOLUTION

39-20                      MOVED -                      Cr M Bennett                      SECONDED -                      Cr P Perks

**THAT Council defer item 12.3 – Proposed New Council Policy – CP020 – Events Policy to allow further consideration of the policy.**

CARRIED  
9/0

12.4 Title: Establishment of Hire Agreement for the Use of the Eaton Recreation Centre

*Reporting Department:* Sustainable Development Directorate  
*Reporting Officer:* Mr John Kowal - Manager Sport & Recreation  
*Legislation:* Local Government Act 1995

Overview

Basketball South West (BSW) have approached the Shire to enter into an agreement for the hire and use of the Eaton Recreation Centre (ERC). The agreement is for a 12 month term and is to be reviewed and negotiated on an annual basis. Agreements for the hire and use of the ERC have been in place previously up to and including 2013. The officers are recommending that Council enters into the agreement with BSW.

Background

BSW has approached the Shire to establish their previous agreement for the hire and use of the ERC. The correspondence from BSW in regard to the agreement is attached at (Appendix ORD: 12.4A). The Manager Sport and Recreation has met with BSW representatives on several occasions to discuss, develop and agree on various aspects of the terms and conditions of the agreement. A copy of the agreement is attached at (Appendix ORD: 12.4B).

BSW comprises the men's, women's and junior grades of the SW Slammers who play in the State Basketball League (SBL) with 13 other metro and regional based teams. Since its inception in 1989, the SW Slammers have been very successful in the SBL with the men's Slammers team winning five state titles, and the women Slammers team winning one state title. Many players from the men's and women's teams have also gone on to play basketball at a national and international level and with some players representing Australia at the Commonwealth and Olympic Games. The SW Slammers have always considered the ERC as their "home" and have been training and playing at the ERC since 2005. On an annual basis the ERC hosts about 13 SBL men's, women's and junior games at the ERC depending on SBL fixtures, plus weekly training and development sessions.

The current agreement is based on previous agreements and is considered to be necessary to not only ensure the terms and conditions for BSW's use of the ERC is clearly defined for all parties concerned, but also recognises the ongoing contribution and unique opportunities that such partnerships provide for the ERC, the Shire and the community.

Legal Implications -

- *Local Government Act 1995*

**6.16. Imposition of fees and charges**

*(1) A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required.*

*(2) A fee or charge may be imposed for the following —*

*(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*

*(b) supplying a service or carrying out work at the request of a person;*

(c) subject to section 5.94, providing information from local government records;

(d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;

(e) supplying goods;

(f) such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed\* during a financial year; and

(b) amended\* from time to time during a financial year.

\* Absolute majority required.

#### **6.17. Setting level of fees and charges**

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —

(a) the cost to the local government of providing the service or goods; and

(b) the importance of the service or goods to the community; and

(c) the price at which the service or goods could be provided by an alternative provider.

(2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —

(a) under section 5.96; or

(b) under section 6.16(2)(d); or

(c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.

(4) Regulations may —

(a) prohibit the imposition of a fee or charge in prescribed circumstances; or

(b) limit the amount of a fee or charge in prescribed circumstances.

#### **Strategic Community Plan**

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

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

Environment - None.

Precedents

Previous hire and use agreements between the ERC and BSW had been established up to and including 2013 at which time for unknown reasons the agreements ceased.

Budget Implications

Table 1 provides the financial support that is proposed for the BSW under the agreement.

TABLE ONE

DESCRIPTION	18/19 CHARGES (NO AGREEMENT) <sup>1</sup>	TOTAL AMOUNT CHARGED 18/19	PROPOSED CHARGES (UNDER AGREEMENT)
<b>Court hire – Training</b>	Off-Peak - \$36/hour/court Peak - \$48/hour/court		\$40/hour/court
<b>Centre hire – Regional/State Fixtures</b>	<b>WABL</b> Off-Peak - \$36/hour/court Peak - \$48/hour/court	Charge per fixture 11 hours for WABL at a cost of \$1278.00.	WABL & SBL Fixtures \$40/hour/court WABL 11 hours x 3 courts = \$1,320.
	<b>SBL</b> Off-Peak - \$36/hour/court Peak - \$48/hour/court	Charge per fixture 8 hours for SBL at a cost of \$1164.00 plus \$700 for the following – Grandstand charge \$260 Competition Events package \$30 Servery Hire \$20 Chair Hire \$67 Trestle table hire \$25 Liquor License hire \$200 Staff Hire \$100	SBL 8 hours \$40/hour/court x 3 courts = \$960
		<b>Total combined = \$3,142.00</b>  <b>(Minus \$700 for additional resources = \$2,442.00)</b>	<b>Total Combined = \$2,280</b>
<b>Memberships</b>	4 x memberships @ \$350 each (6 months)	\$1,400	No charge - Membership of gym and use of courts (if available) for 4 SW Slammers players.
Total support under agreement = \$1,400 for memberships and \$162 per fixture x 13 games = \$2,106 Grand Total support per season = \$3,506			

<sup>1</sup> Due to no agreement being in place the relevant fees and charges in the Council Schedule of Fees and Charges were used.

The amounts as provided in Table 1 do not take into consideration the ERC income derived from café and retail sales during regional and state fixtures. Table 2, provided as Confidential Document (USC: 12.4), provides café/retail sales information for SBL fixtures.

As can be seen from Table 2, the profit of the café and retail sales for all WABL and SBL fixtures is approximately \$9,316 based on the worse case hourly rate of \$29.54 which is inclusive of normal staff hourly rate plus any penalty rates.

As part of the development of the associated fees and charges identified in the agreement, a benchmarking exercise was conducted with other centres that host SBL teams. A summary of the information relating the benchmarking for each of the centres and the details of the benchmarking is attached at (Appendix ORD: 12.4D).

Budget – Whole of Life Cost - None.

Council Policy Compliance

There are no Policy requirements in relation to the agreement. It is simply a set of mutually agreed terms and conditions in relation to the hire and use of Council facilities.

Risk Assessment

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

Tier 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Establishment of Hire Agreement for the Use of the Eaton Recreation Centre
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 There is the potential for a minor loss of ERC income due to the terms and conditions of the agreement.
	Reputational There is the potential for adverse club and public perception of the ERC and the Shire if the agreement is not supported.

Officer Comment

As stated in this report, previous hire agreements had been established between the ERC and BSW and these agreements ceased after 2013.

In addition to the support provided under the terms and conditions of the proposed agreement with BSW and also the income derived from their SBL fixtures held at the ERC as provided in Table 2, there is also the unquantifiable benefits to the ERC from exposure via media and marketing conducted by the BSW. This includes the print, radio and television marketing and advertising that the SBL conducts for its imported players, for SBL fixtures and for other functions and events.

There is also the social and economic benefits of players, coaching staff, teams and spectators visiting the Shire and the ERC, therefore adding to the ERC's income and the overall economy of the Shire and the region. Depending on the timing of SBL fixtures visitors may require overnight accommodation, fuel, food, refreshments and possibly also visit retail outlets and tourism attractions in the area.

Similar to other sports, BSW also provides opportunities for senior and junior members of the community to be involved in sporting activities at a local, regional and state level. Basketball continues to grow in popularity and is the second most popular sport in Australia with approximately one million Australians playing basketball regularly or occasionally. More than half of Australia's basketballers are under 25 years old with 298,000 aged under 18 years old and a further 285,000 aged 18-24 years old. Amongst their older peers a similar number are aged either 25-34 years old (186,000) or aged 35-49 years old (199,000). Only 23,000 Australians aged 50 and over play basketball.

Analysing basketball participation in Australia by State shows that Victoria remains the home of basketball with over 340,000 Victorians playing basketball, just under 300,000 basketball players in New South Wales, nearly 150,000 in Queensland and almost 120,000 basketball players in Western Australia.

There are fewer than 100,000 basketballers spread around the smaller States and Territories of South Australia, Tasmania, the ACT and NT. (*source - Roy Morgan Research - November 2018*).

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

#### OFFICER RECOMMENDED RESOLUTION

THAT Council endorse the establishment of the Hire Agreement (Appendix 12.4B) between the Eaton Recreation Centre and Basketball South West.

#### Change to Officer Recommendation

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

- Council resolved to defer this item for a 3 month period.

#### COUNCIL RESOLUTION

40-20                      MOVED -                      Cr J Dow    SECONDED -                      Cr M Bennett

**THAT Council defer item 12.4 – Establishment of Hire Agreement for the Use of the Eaton Recreation Centre and bring back to Council in 3 months' time.**

CARRIED  
9/0

12.5 Title: Burekup Hall – Burekup & District Country Club Inc

*Reporting Department:* Corporate & Governance Directorate  
*Reporting Officer:* Mrs Donna Bailye - Personal Assistant to D/CEO  
*Legislation:* Local Government Act 1995

Overview

Council is requested to approve the renewal of the lease of the Burekup Hall to the Burekup & District Country Club Inc. for a further period of 5 years.

Location Plan



Background

The Burekup & Districts Country Club Inc have been exercising their option to renew the lease of the Burekup Hall since 2009.

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 - To encourage social connectedness in our community through participation in positive social networks, interaction and events. (Service Priority: Very High)

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

Environment - None.

Precedents - None.

The current Lease has been in place since 31 March 2015, and is due to expire on 31 March 2020. There is no automatic renewal term, however it is noted that any extension is subject to negotiation.

### Budget Implications

The Burekup & Districts Country Club Inc currently pay \$0 lease fees.

Budget – Whole of Life Cost

Council currently allocates funding within the budget and Long Term Financial Plan towards the maintenance, insurance and utility costs for buildings, toilets and tennis courts in Burekup.

Council Policy Compliance - None.

Risk Assessment -

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Renewal of Lease – Burekup Hall – Burekup & Districts Country Club
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Legal and Compliance      Failing to review and renew the lease agreement will be in breach of current lease terms</p> <p>Reputational                      Council would be seen in a negative light if we failed to meet our contractual and legislative requirements.</p>

Officer Comment

The Burekup & Districts Country Club Inc formally requested to renew their lease with the Shire on 9 March 2020.

As the Burekup & Districts Country Club falls under the provisions of Section 30 of the *Local Government (Functions and General) Regulations 1996 - ‘Dispositions of property to which section 3.58 of Act does not apply’*, there is no requirement for public notice to be given advising of the Council’s intention to renew the lease.

Following approval by Council, a new lease will be forwarded to the Burekup & Districts Country Club Inc for their execution. Currently the Burekup & Districts Country Club Inc do not pay any rental or insurance for the Burekup Hall. The new lease will be based on the updated lease template applied across the Shire, which includes 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 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.



12.6 Title: Renewal of Lease– Club Rooms, Pratt Road Reserve 24728 (Eaton Junior Football and Eaton Cricket Club)

*Reporting Department:* Corporate & Governance Directorate  
*Reporting Officer:* Mrs Donna Bailye - Personal Assistant to D/CEO  
*Legislation:* Local Government Act 1995

**DECLARATION OF INTEREST**

Cr M Bennett declared an Impartiality Interest in Item 12.6 – Renewal of Lease – Club Rooms, Pratt Road Reserve 24728 (Eaton Junior Football and Eaton Cricket Club) as he is a life member of the Eaton Junior Football Club.  
Cr. M T Bennett remained in the room.

Overview

Council is requested to approve the renewal of the lease of the Club Rooms and oval to the Eaton Junior Football Club and the Eaton Cricket Club for a period of 5 years.

Location Plan



Background

In accordance with its lease agreement with Council, the Eaton Junior Football Club (EJFC) and Eaton Cricket Club (ECC) would like to take up the option to renew the lease for use of the Club Rooms at Pratt Road Reserve 24728 for period of five years.

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 - To encourage social connectedness in our community through participation in positive social networks, interaction and events. (Service Priority: Very High)

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

Environment - None.

Precedents - None.

The Lease and sub-lease for this reserve has been in place since 2001, and has been renewed by Council initially annually until 2015, after which time the new lease was granted for a 5 year period. The current lease was signed and commenced on 19 March 2015 and is due to expire on 18 March 2020.

Budget Implications

The Eaton Junior Football Club (EJFC) and Eaton Cricket Club (ECC) currently pay a lease fee of \$10 per annum.

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: 12.6) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Event	Renewal of Lease and Sub Lease – Club Rooms – Pratt Road Reserve 24728 (Eaton Junior Football and Eaton Cricket Club)	
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	Failing to review and renew the lease agreement will be in breach of current lease terms
	Reputational	Council would be seen in a negative light if we failed to meet our contractual and legislative requirements

Officer Comment

The current leasing arrangements for the Pratt Road Club Rooms are a single lease agreement, with Eaton Junior Football Club being the primary Lessee and then Eaton Junior Football sub-leasing to the Eaton Cricket Club. This arrangement has been in place at the grounds since 2001.

The Council’s Manager Recreation Services recently met with the Presidents of both clubs to discuss the clubrooms and the renewal of the lease. Following these discussion, both Clubs have requested that the new lease be a joint lease between both Clubs and the Council, with both clubs having equal rights to the Club Rooms. The Clubs have also requested that the renewal of the lease be for a further period of 5 years, with some minor amendments which will be considered as part of the lease negotiations.

Following approval by Council, a new lease will be forwarded to the Eaton Junior Football and to the Eaton Cricket Club for their execution. Currently the clubs only pay a \$10 lease fee the new leases will be based on the updated lease template applied across the Shire, which includes the following:



## 12.7 Title: Draft Burekup Community Facilities Plan

*Reporting Department:* Infrastructure Directorate  
*Reporting Officer:* Mr Nathan Ryder - Manager Infrastructure Planning & Design  
*Legislation:* Local Government Act 1995

### Overview -

The draft Burekup Community Facilities Plan (The Plan) has been prepared and is presented to Council for endorsement. Subsequently, the BCFP will be released for public advertising.

After Council review and public advertising (and effecting any changes that these two processes may dictate), the final Plan will be presented to Council for adoption.

### Background

The Plan will provide a visual representation of all current and proposed facilities in Burekup.

The aim of the study was to produce a plan that provides a visual representation of current facilities and proposed facilities that are the result of research, public and stakeholder consultation. To accompany the plan, a report will be prepared that details the research and consultation performed, together with justification of the proposed facilities.

Background research and preparation for community consultation was undertaken in mid-2019, culminating in the delivery of a community survey and key stakeholder interviews in August 2019. Interim outcomes were collated and presented to the community in a Workshop held in October 2019. Project ideas were discussed and ranked in priority order by the community in a second Workshop held in December 2019. Both of the workshops were delivered by Tuna Blue, an independent facilitator. Outcomes from the second workshop were used to derive the list of proposed projects in the Plan together with the list of possible future projects accompanying the Plan. Please refer to the Draft Burekup Community Facilities Plan Report (The Plan Report) at (Appendix ORD: 12.7A) for the final derivative list of proposed and possible Future projects. This report includes the outcome of a lengthy process of refinement that occurred after each step of the consultation process.

The Draft Plan is also attached to the Plan Report at (Appendix ORD: 12.7A),

Council is being asked to endorse the draft plan for advertising, for the purpose of seeking final community comment. Public comments will be presented to Council for consideration and for finalisation of the Plan.

Legal Implications - None.

### Strategic Community Plan

- Strategy 2.3.1 - Continue to implement integrated environmental, social and land use planning which meets diverse community needs. (Service Priority: Very High)
- Strategy 2.5.1 Develop, review and implement Townscape Plans. (Service Priority: High)
- Strategy 2.6.1 - To provide a variety of places to live, work and play that meet the current and future needs of the community. (Service Priority: Very High)
- Strategy 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 a community consultation process and developed the draft Dardanup Community Facilities Plan which was received by Council and endorsed to proceed to the formal comment period at the Ordinary Council Meeting held on 29 August 2018.

The amended Dardanup Community Facilities Plan was later brought back to Council together with the public comments received and finally adopted at the Ordinary Council Meeting held on 21 November 2018.

Budget Implications - None

Budget – Whole of Life Cost - None

Council Policy Compliance - None.

Council Policy CP090 – *Community Engagement and the Community Engagement Framework* is applicable to master planning projects such as the Burekup Community Facilities Plan. A Consultation Strategy for this project was prepared and implemented prior to the Community Engagement Framework being adopted by Council. The Consultation Strategy was based on the International Association for Public Participation (IAP2) framework which also underpins the Community Engagement Framework.

Projects proposed in the plan, together with possible future projects that are documented in an appendix to the plan, were derived from the community consultation process undertaken in 2019, which included:

1. A four week survey (available both online and in hard copy);
2. Call for submissions from key agencies;
3. Key stakeholder interviews; and
4. Two community workshops held in October 2019 and December 2019 in which the Community's project suggestions were considered and ranked in priority by the Community.

Details of the investigation and consultation process are documented in the report accompanying the final Plan.

The Shire will be seeking final comment on The Plan via Public Notice through the following channels:

- Newspaper advertisement;
- Website and social media;
- Hard copies;
- Postcard questionnaires; and
- Online engagement via Social Pin Point.

### Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Burekup Facilities Community Plan – Endorse for Advertising and Seek Public Comment
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 BCFP will provide advice on the short, medium and long term community facilities to be considered for Burekup in the Shire’s forward plans.

For the purposes of this project, the term ‘facilities’ is inclusive of all Shire assets and infrastructure, including buildings, formal recreational amenities, community playgrounds, public artworks, tourist amenities, paths, roads, drainage systems, precinct signage, lighting and other public amenities; as well as green spaces such as public open space, environmental corridors, trails and other nature spaces, and streetscapes. The term ‘facilities plan’ and ‘master plan’ can be considered to be interchangeable in this regard.

Community facilities are generally funded by a range of sources including but not limited to Council funds, developer contributions and grants from organisations such as the Department for Sport and Recreation. As a result, programming of projects must be flexible to reflect the variable nature of funding.

It is important to present the draft BCFP to the community for final comment prior to it being finalised and considered with respect to the Shire’s forward Asset Management Plans and any other opportunities for project funding, together with consideration of implications on the Shire’s ongoing maintenance plans and associated costs.

When the final plan is adopted by Council, the BCFP will inform future Development and Planning decisions and the Asset Management Plan 10 Year Programs.

The BCFP will effectively become the masterplan for provision of community facilities in the Burekup Townsite. It should be noted, however, that changes are to be expected, as a result of, but not limited to:

- Possible changes in community expectations and priorities in the future;
- Change in rate of development;
- ‘One off’ type funding opportunities (i.e. fulfilment of election promises); and
- Success or otherwise of routine funding applications (e.g. Black Spot Road Funding).

Council Role - Review.

Voting Requirements - Simple Majority.



12.8 Title: Construction of a Roundabout Eaton Drive and Blue Wren Drive Intersection

*Reporting Department:* Infrastructure Directorate  
*Reporting Officer:* Mr Nathan Ryder - Manager Infrastructure Planning & Design  
*Legislation:* Local Government Act 1995

Overview

This item is put to Council to inform of the outcomes of consultation undertaken in regards to the construction of a roundabout at the intersection of Eaton Drive and Blue Wren Drive and is seeking to confirm Council's support for the project to proceed to the finalisation of detailed designs and the calling of tenders for the construction of the roundabout.

Background

As part of an overall strategy to improve the traffic performance and safety of Eaton Drive, Shire staff engaged specialist traffic engineers to complete a traffic study and two safety audits. As a result of one safety audit it was determined that the intersection of Eaton Drive / Lavender Way and Blue Wren Drive had six recorded accidents and a number of unrecorded near misses. Along with minor lighting and sight distance improvements, the following was recommended by the traffic engineers (Cardno P/L):

- a. Short term: Remove the U-turn prohibition at Blue Wren Drive intersection.
- b. Medium term: Install a roundabout at the Blue Wren Drive intersection to increase the safety of the U-turn and right turn movements.
- c. Medium – long term: Construct a second right turn lane from Eaton Drive onto Forrest Highway to reduce the likelihood of the queue extending back to and through the Blue Wren Drive intersection.

The U-turn signage is regulatory signage (recommendation a.) and the responsibility of Main Roads Western Australia (MRWA). The U-turn movement was considered by MRWA as unsafe and the possible cause of some accidents, therefore reluctant to remove the "No U-turn" sign at Blue Wren Drive.

In addition to the safety benefits identified, the roundabout would also provide the following other benefits:

- Provide an opportunity for southbound traffic to access the northbound carriageway without conducting illegal u-turns. This will assist access to the mixed-use zoned properties along Eaton Drive (opposite Eaton Fair) and reducing the need to access local access streets to access the other carriageway.
- Provide improved ability to right turn from Blue Wren Drive onto the northbound carriageway on Eaton Drive. This will assist in reducing the traffic load on the signalised right turn from Recreation Drive onto Eaton Drive.

In August 2017, Shire staff successfully applied for State Blackspot Program support for the installation of a roundabout (recommendation b.) at Eaton Drive and Blue Wren Drive. The following is the funding approved for installation of a roundabout to be completed in Financial Year 2019/2020:

- State Black Spot Program contribution: \$580,000
- Local Government 1/3 contribution: \$290,000
- Total Estimated Project Cost: \$870,000

The initial roundabout concept developed by the Shire was an elongated roundabout, spanning between both of the intersections of Lavender Way and Blue Wren Drive. Although the Black Spot nomination was based on a single roundabout at the Blue Wren intersection only, the traffic studies undertaken by Cardno suggested full intersection functionality at Lavender Way thus recommending the elongated roundabout as a preferred solution. Through a peer review process and consultation with MRWA, the concept was ultimately disbanded in favour of the original concept of a single roundabout at Blue Wren Drive and for Lavender Way to be converted into a turn left only intersection.

When the design of the single roundabout at Blue Wren Drive had progressed to a concept design, the Shire sought public comments. The public consultation was carried out in stages: firstly a door knock to houses in the immediate area and affected property owners, then a letter drop to the larger catchment area of this intersection, and then an article on the Shire's Website and Community Newspaper.

Regarding the proposed second right hand turn lane from Eaton Drive onto Forrest Highway (recommendation c.), the current status of this project is that MRWA South West Region has completed the design, however, there is no programmed date for construction nor has funding yet been allocated. According to traffic modelling, once a roundabout is constructed at Blue Wren Drive, and in the absence of a second right hand turn at Forrest Highway, the queuing up of traffic past the roundabout during peak periods is likely to occur. However, Main Roads WA have advised that traffic modelling associated with the Bunbury Outer Ring Road (BORR) Project, indicates that the BORR, once constructed, will improve the function of the Eaton Drive and Forrest Highway signalised intersection (i.e. reduced traffic volumes on Forrest Highway) and would help reduce the likelihood of queuing past Blue Wren Drive. It should be noted that the inclusion of an additional right turn lane from Eaton Drive onto Forrest Highway at any stage, will eliminate the potential for queuing back to Blue Wren Drive. The construction of the additional lane is therefore being pursued by Shire officers as a matter of priority for the effective function of Eaton Drive at the Highway regardless of the treatments to be implemented along Eaton Drive.

Additional information in relation to the design and investigations carried out to date, as well as the compilation of comments received during the initial public consultation period, is contained in the "Officer Comment" section below.

Shire Staff are seeking Council's confirmation of support for the project to finalisation of detailed design and documentation, and for calling of public tenders.

#### Legal Implications

The Shire has conducted professional investigations that have identified that the current situation at Eaton Drive and Blue Wren Drive intersection is not suitable and has a history of accidents and near-misses. The level of accidents has made the intersection eligible for State Blackspot Program. Should Council not continue with this project then Black Spot Program funds made available to the project would be returned to the State Black Spot Program pool, including those funds already received by the Shire regardless of whether the works have commenced and funds have been spent. Further to this, not undertaking the project could leave the Shire open to legal action should further accidents occur.

#### Strategic Community Plan

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

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

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

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

Environment - None.

#### Precedents

The Council has previously endorsed road projects that have been listed in the Annual Budget, however may attract a high level of public comment.

#### Budget Implications

The 2019/2020 Annual Budget has allowance for the following funding arrangement for this project:

- State Black Spot Program contribution: \$580,000.
- Local Government 1/3 contribution: \$290,000.
- Total Estimated Project Cost: \$870,000.

Should Council endorse the installation of the roundabout, the construction will not be completed prior to end of FY 2019/20, and therefore remaining budget costs will need to be carried forward to FY2020/21.

Should Council not endorse the installation of the roundabout (as per the State Blackspot Application), then a budget amendment would be required for the loss of the State Blackspot funding component, being \$580,000. Under this scenario, the Shire would need to return the Blackspot Funding monies claimed to date, a total of \$64,000. If this were to occur, there are sufficient funds available in the 2019/2020 Budget to cover the expenditure to date.

Budget – Whole of Life Cost - None.

#### Council Policy Compliance

Council Policy CP090 – *Community Engagement and the Community Engagement Framework* is applicable to design and construction projects such as this roundabout. A Consultation Strategy for this project was prepared and adopted by staff prior to the Community Engagement Framework being adopted by Council. The Consultation Strategy was based on the International Association for Public Participation (IAP2) framework which also underpins the Community Engagement Framework.

The Consultation Strategy detailed the following key messages to be communicated to the shire residents.

Why do anything?

- Need to address the safety issues created by left turns then u-turn from Lavender Way to access Forrest Highway.
- Need to redistribute some traffic from Lofthouse Avenue by allowing safe right turn movement at Lavender Way.
- Accident history shows four recent crashes which could be attributed to the u-turn at Blue Wren Drive. This is proactive work before a major accident.
- Proactive work prior to increase in traffic volumes.
- Safe control of the traffic movement at Eaton Drive, Lavender Way and Blue Wren Drive intersections.

### What are the benefits?

- Improved traffic flows from Lavender Way to access Forrest Highway.
- Reduced congestion at the Lofthouse Avenue and Eaton Drive intersection
- Remove the risk of major accident from u-turn movements at Blue Wren Drive

### Will there be disruptions?

- Yes, the area will be under normal traffic control required for roadworks. Satisfactory notification and alternative arrangements will be made to minimise the effect on road users.

### What can I do about it?

- There will opportunity to discuss your issues with Shire Staff, comments will be addressed, however engineering principles and practices with need to be met with any possible amendments. Time will be allowed to discuss these principles so there is a clear understanding of the project.

The consultation was carried out in stages: firstly a door knock to 20 houses in the immediate area, then a letter drop to the larger catchment area of this intersection, and then an article on the Shire's Website and Community Newspaper. For this consultation the Shire used the Inform and Consult levels of engagement (as depicted in the IAP2 spectrum).

It is proposed to carry out further consultation using the Inform level of engagement. This is to ensure that affected residents, motorists and the general public are kept up to date on the progress of the project.

### Risk Assessment -

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

Tier 2 – 'Low' or 'Moderate' Inherent Risk.		
Risk Event	Design and construction of a roundabout that services the Lavender / Eaton intersection and the Eaton / Blue Wren Intersection	
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)	
Risk Action Plan (treatment or controls proposed)	Construction of roundabout in compliance with State Blackspot Program Application	
Residual Risk Rating (after treatment or controls)	Low (1 - 4)	
Risk Category Assessed Against	Health	The possibility of continuing accidents without any treatment.
	Financial	The loss of external funding should the project not continue under the State Blackspot Program.
	Legal and Compliance	The potential of legal action against Council for not mitigating accidents.
	Reputational	Reputational risk of poor publicity.

Officer Comment -**General**

With the growing need to access Forrest Highway from residential areas in Eaton, Shire staff have become aware of motorists carrying out a potentially dangerous manoeuvre when trying to access Forrest Highway from Lavender Way. There is no right turn permissible at Lavender Way onto Eaton Drive, however, some motorists have been turning left from Lavender Way onto Eaton Drive and performing unsafe U-turns at Blue Wren Drive to head south to the Forrest Highway traffic lights.

Motorists from the west of Eaton Drive who obey the “no U-turn” signage at Blue Wren Drive tend to use the Lofthouse Avenue intersection for right turn access onto Eaton Drive, then drive south to Forrest Highway. The 2018 Cardno Traffic Report suggested that this movement will cause afternoon peak hour congestion at Lofthouse Avenue in the future.

**Recent Investigations**

The following investigations have been carried out on Eaton Drive:

1. Traffic Impact Assessment - Eaton Drive - by Cardno (October 2015). This study was commissioned by the Shire to undertake a Traffic Impact Assessment for Eaton Drive corridor including intersecting roads and access points, in order to assess the ability of the existing and proposed network in the Eaton Town site area to cope with existing and future road demands, examine options for addressing known traffic issues, provide recommendations for measures to accommodate anticipated growth and possible changes to the road network layout brought about by development. This report also supported the proposed rezoning of residential lots along Eaton Drive (opposite Eaton Fair) to mixed use. It also assisted in the consideration of modifications to the Eaton Fair Activity Centre Plan.

Among a number of conclusions, the report recommended a roundabout at the intersection of Blue Wren Drive and Eaton Drive, improves the safety and performance of the intersection but it is noted that the primary purpose of the roundabout will be to improve the ability of vehicles to perform U-turn manoeuvres at this intersection for southbound vehicles from Lavender Way.

2. Road Safety Audit by Cardno (July 2017) – Stage 5 Existing Road Layout RSA. This RSA identified that, due to the limited connections to/from the residential area west of Eaton Drive, there is demand in the mornings for traffic to turn left out of Lavender Way and perform a U-turn at Blue Wren Drive to reach Forrest Highway.

The RSA also considered that the Lofthouse Avenue intersection is more congested and has a higher level of risk for right turns onto Eaton Drive, therefore, increasing the overall risk profile of the corridor.

The crash data from this RSA indicates:

- A pattern of rear-end crashes at Lavender Way;
  - A pattern of right-angle crashes at Blue Wren Drive.
3. Road Safety Audit by Brad Brooksby Consulting (August 2017). This report was for Eaton Drive SLK 0.00 (Forrest Highway) - 4.63 (Collie River Bridge). The background and objective of the inspection was to review the existing path and connections to its suitability and appropriateness for this location with the surrounding land uses, traffic volumes and intersections.

The Road Safety Audit (RSA) does not consider traffic movements/volumes at any intersection on Eaton Drive. The information in the RSA only addresses the footpath network on Eaton Drive.

4. Eaton Drive Traffic Study by Cardno (December 2018) was commissioned by the Shire of Dardanup to develop a microscopic transport model for the Eaton area utilising the Aimsun Transport Modelling Suite to evaluate the potential network improvements currently under consideration.

Microscopic models can provide detailed information with respect to the operations and design of the road and pedestrian network. This includes lengths of turning pockets, signal phasing and timing, traffic weaving sections, pedestrian crossings and shared spaces.

The following traffic (Aimsun) models were developed as part of the Cardno report:

- Existing – 2018 AM and PM peak period models.
- Future – 2031 AM and PM peak hour models to represent the ultimate development phase of Eaton Drive.

The 2031 model was developed for the following scenarios:

#### **Scenario 0**

- Existing Road Network

#### **Scenario 1**

- Roundabout at Blue Wren Drive and Eaton Drive intersection (single roundabout).
- Existing intersection at Lavender Way and Eaton Drive.
- Signalised intersection at Lofthouse Avenue and Eaton Drive

#### **Scenario 2**

- Modified intersections at Eaton Drive, Lavender Way and Blue Wren Drive (elongated roundabout).
- Signalised intersection at Lofthouse Avenue and Eaton Drive

In the Cardno Traffic report all three scenarios were modelled with two right turn lanes being constructed at the Eaton Drive/Forrest Highway Intersection. Communication with Main Roads WA indicated that the design for the two right turn lanes is complete, and the project is awaiting funding priority.

As part of the modelling exercise, both intersections performance and network statistics were extracted for each of the models analysed. The findings of the study are as below:

- In Scenario 0, it has determined that all intersections will operate satisfactorily in 2031; however there will be slight reduction in traffic speeds due to increase in traffic from the Eaton area.
- In Scenario 1, a signalised intersection at Lofthouse Avenue is not desirable due to the proximity to the signalised intersection at Recreation Drive which is a distance of less than 70 metres away. Model results suggest that the intersection will perform well in future without any modification and Lofthouse Avenue right turn traffic demand to Forrest Highway will further decline with a Lavender Way right turn being facilitated via a Blue Wren Drive roundabout. Under the existing condition, traffic from Lavender Way to Forrest Highway was observed to conduct a U-turn at Blue Wren Drive, which is a safety concern. However, Scenario 1 provides an additional and much safer route choice for Lavender Way traffic compared to Scenario 0.

- In Scenario 2, the network allows Lavender Way traffic to access Forrest Highway, therefore, it provides an additional route choice and a percentage of the traffic turning right from Lofthouse Avenue can be redistributed to Lavender Way. Therefore, Scenario 1 and 2 are preferred over Scenario 0. However, as Scenario 1 does not permit right turns to Lavender way, Scenario 2 was the recommended solution.
5. Eaton Fair Activity Centre Traffic Impact Assessment by Cardno (February 2020) was commissioned by Citygate Properties in relation to a propose expansion at the Eaton Fair shopping Centre and examines the impact of the associated additional traffic under existing conditions and for the year 2033.

The study examined the following intersections:

- Intersection 1 – Eaton Drive/Glen Huon Boulevard
- Intersection 2 – Eaton Drive/Hamilton Road/Council Drive
- Intersection 3 – Eaton Drive/Recreation Drive
- Intersection 4 – Eaton Drive/Lofthouse Avenue
- Intersection 5 – Eaton Drive/Blue Wren Drive
- Intersection 6 – Eaton Drive/Forrest Highway

One of the study's conclusions was that, while the existing Eaton Drive/Blue Wren Drive intersection currently performs satisfactorily, the left and right turns from Blue Wren Drive to Eaton Drive will fail in the 2033 scenario year as there are insufficient gaps in traffic on Eaton Drive. However, the assumed roundabout layout will perform satisfactorily for the 2033 scenario year.

#### **Design Treatments at Blue Wren Drive / Eaton Drive intersection**

Shire Staff considered a number of design treatments at Lavender Way / Blue Wren Drive / Eaton Drive intersection including an elongated roundabout, closure of turning movement, and possible cul-de-sac. Designs were forwarded to MRWA for an Engineering Peer Review, where it was recommended that the single roundabout treatment at Blue Wren Drive intersection be pursued. This conclusion was based on the following requirements:

- Lofthouse Avenue is signalised and coordinated with the Recreation Drive and Eaton Drive signals;
- Right turn lanes for each of the Lofthouse Avenue and Recreation Drive signalised intersections are extended through each intersection to provide sufficient queuing; and

The modelling assumed that both lanes in the southbound carriageway can turn right onto Forrest Highway thus eliminating the problem of vehicles loading up the right lane and queuing back through the other intersections along Eaton Drive – this is particularly a problem when traffic volumes increase further in future.

The design planning was then progressed to a concept design shown below and released for public consultation.



The above-mentioned reports are included in the following appendices:

- Traffic Impact Assessment – Cardno – October 2015 (Appendix ORD: 12.8A)
- Road Safety Audit – Cardno – July 2017 (Appendix ORD: 12.8B)
- Road Safety Inspection – Brad Brooksby Consulting – August 2017 (Appendix ORD: 12.8C)
- Eaton Drive Traffic Study – Cardno – December 2018 (Appendix ORD: 12.8D)
- Eaton Fair Activity Centre Traffic Impact Assessment - Cardno – February 2020 (Appendix ORD: 12.8E)

## Community Consultation Feedback

The Shire received the following verbal feedback from the door knock, paraphrased as follows:

- Agree with roundabout to reduce the acceleration / speeds of traffic coming from Forrest Highway.
- Slow vehicles down coming from Forrest highway, allowing more time to enter Eaton Drive from Lavender Way
- Opportunity to improve the entry to Eaton, trees between Forrest highway and Lavender way are full of termites.
- Agree with roundabout, sick of people doing u-turn in my driveway
- Policeman on motorbike sits in my driveway catching people doing illegal u-turn.
- Agree with roundabout to reduce the near misses at Blue Wren Intersection
- Ex-wife involved in nasty accident at Blue Wren / Eaton Drive.

The Shire received five comments back via email:

	Comment	Response
1.	<p>To Whom it May Concern,</p> <p>I wish to lodge my disapproval on the proposed roundabout for Eaton Drive.</p> <p>Your current proposal I believe will do nothing to address the road safety issue of that area.</p>	<p><b>Officer Comment:</b></p> <p>This area has a history of safety concerns and accidents which has made it eligible for the State Blackspot Program. The State Black Spot Program's objective is to improve road safety across Western Australia thereby reducing the significant trauma and suffering by crash victims, family and friends.</p> <p>With the eligibility to the Blackspot Program, the Shire has also considered the type of treatment and the current and future traffic requirements.</p> <p>Due to the limited connections to the residential area west of Eaton Drive, there is an unsafe practice in the mornings for traffic to turn left out of Lavender Way and perform a u-turn at Blue Wren Drive to reach Forrest Highway. Main Roads have recently installed a 'no U-turn' sign at the Blue Wren Drive intersection to prohibit this manoeuvre.</p> <p>During a site inspection in the morning, the majority of drivers were actually ignoring the 'no U-turn' sign and perform the illegal U-turn anyway. Others were observed turning into Blue Wren Drive and then performing the U-turn at the end of the median island which, is considered a less safe manoeuvre than simply u-turning at the intersection. Other motorists may have been deterred by the 'no U-turn' sign at Blue Wren Drive and instead used Lofthouse Avenue to access Eaton Drive.</p> <p>The Lofthouse Avenue intersection is more congested and has a higher level of risk for right turns onto Eaton Drive, therefore forcing additional vehicles to this intersection is increasing the overall risk of serious accidents.</p>

Comment	Response
	<p>Also during the site inspection, the traffic at the Forrest Highway traffic lights was observed to temporarily queue back to Blue Wren Drive intersection. This created a situation where drivers were turning right into Blue Wren Drive with limited visibility to traffic in the kerbside lane, resulting in several near misses. The risk of a serious crash in this situation is high due to the speed of vehicles southbound on Eaton Drive.</p>
<p><b><u>Lavender Way</u></b></p> <p>As cars leave the Forrest Highway there will still continue to be jostling to get into the correct lane to either turn right into Blue Wren, or if they are in the right hand lane having to get into the left lane to turn left into Lavender Way, there is not enough distance from the highway turn off to Lavender Way to allow this safely currently with the present set up.</p> <p>Cars could leave Eaton Drive to access Lavender Way, with the benefit of an additional turn off lane to allow traffic to still flow smoothly, instead of people having to brake or slow down. This would help reduce the risk of an accident and traffic would flow smoothly.</p> <p>Turning left from Lavender Way, should be closed onto Eaton Drive. At present residents have the option of driving to either Lofthouse Avenue or to Hamilton Road to access Eaton Drive. If Lavender Way was closed, this would ensure that the traffic on Eaton Drive as people have left the highway would run smoothly without cars attempting to cross into the outside lane to enter into the roundabout so they can enter onto Eaton Drive. If Lavender Way currently is left as it is, you will have people taking risks and causing accidents, there will not be enough room for them to change lanes safely.</p>	<p><b>Officer Comment:</b></p> <p>Lavender Way is a two lane, two way road and is defined as an "Access Road. It has a legal speed limit of 50kph. The road is approximately 8.4m wide with a central median width of approximately 1.8m. A 2.4m footpath is also located along the northern edge of the road.</p> <p>The distance between Forrest Highway and Lavender Way is approximately 260m and from the Shire's traffic data collection, vehicles are generally travelling around the free flowing left turn from Forrest Highway at 52kph, onto Eaton Drive accelerating to 64kph. The legal speed limit on Eaton Drive is 60kph. Traffic modelling has shown that a roundabout at Blue Wren Drive will reduce the speeds on Eaton Drive in this area to 52kph, making this area safer for motorists entering or exiting onto Lavender Way and Blue Wren Drive.</p> <p>The left turn from Lavender Way on Eaton Drive was investigated and this movement, volume of vehicles and potential conflicts with vehicles on Eaton Drive were only considered unsafe when associated for crossing 3 lanes of traffic on Eaton Drive and carrying out an illegal u-turn at Blue Wren Drive to access Forrest Highway. Therefore with the construction of the roundabout at Blue Wren Drive, there was no need to remove the left turn movement from Lavender Way, as this would put more pressure on Lofthouse Avenue.</p> <p>Considering a left turn lane into Lavender Way has the risk of increasing the speeds of vehicles entering Lavender Way. As mentioned above, Lavender Way is a residential access road, with planted medians, and footpaths against the road kerbing. Again investigations show that controlling the acceleration speeds from Forrest Highway is a key to safety in this area. The construction of the roundabout will slow the approaching vehicles and allow slower entry into Lavender Way, and safer for the residents on this road.</p>
<p><b><u>Blue Wren Drive</u></b></p> <p>Turning right from Blue Wren Drive onto Eaton Drive closed, they still have the option of driving to the traffic lights on Recreation Drive to enter Eaton Drive safely and easily. Eaton Drive should also have a turn off lane in Blue Wren, so as again to allow traffic on Eaton Drive to flow smoothly</p>	<p><b>Officer Comment:</b></p> <p>When designing neighbourhood road layouts, it's important that people can easily and safely move in and out of their residence and travel to shops, school, medical and recreational facilities. This is known as "permeability", traffic should be able to find routes that are easy and safe, and directing vehicles to controlled intersection is likely to cause unwanted congestion.</p> <p>Residential areas should be permeable enough to allow movement in all directions, access to minor roads, like Blue Wren and Lavender, is recommended to allow pedestrians, cyclists and motor vehicles follow the same</p>

Comment	Response
	<p>routes. The principal advantage claimed for this approach is that it leads to a more even spread of motor traffic throughout the area and so avoids congestion on the major roads.</p> <p>Similar investigations were considered for a left turn lane into Blue Wren Drive from Eaton Drive; however as with Lavender Way this lane has the risk of increasing the speeds of vehicles entering Blue Wren Drive. The construction of the roundabout will slow the approaching vehicles and allow slower entry into Blue Wren Drive, and safer for the residents on this road.</p>
<p><b><u>Bus Stops</u></b></p> <p>Added to this you are considering bus stops no doubt without having a layby for the bus to pull off the road, as is the case in all of Eaton (this is currently a problem on Hamilton Road, especially near the Fire Station, cars having to stop while people alight or get on the bus) You are meant to be improving, not adding to problems.</p>	<p><b>Officer Comment:</b></p> <p>The Shire will include a bus embayment (layby) on Eaton Drive in this area.</p>
<p>I live in (*address) - the Council made changes to the turnoff from Eaton Drive onto Glen Huon Boulevard in 2017. These changes have made this intersection worse. I have written to the council previously about this change and was advised that in the future the council was aware of the problems and would implement changes i.e. Traffic Lights. It is infuriating to now see that the council is going to improve another area, without attending to Glen Huon Boulevard. The people who reside in this area, have no options other than enter onto Eaton Drive via Glen Huon or Peninsula Drive, neither which have traffic lights or a roundabout. Our wait times at either option are getting longer and longer, as traffic is increasing and people speed is increasing.</p> <p>The visibility turning onto Eaton Drive is worse with the change you made in 2017. The wait time is longer to get onto Eaton Drive as people have to be extremely cautious until we can see clearly past cars turning off from Eaton Drive into Glen Huon. You have made a complete mess of this area.</p> <p>Cars coming from Treendale and Millbridge turn into the left hand lane and stay in this lane the whole way to Forrest Highway even if there are no cars in the right hand lane. How about policing this better!</p> <p>How about using this money you've been allocated to put a roundabout there! What will it take to resolve the issue at Glen Huon Boulevard? A death? Road Rage incidents? How about fixing what you already know is an issue.</p> <p>The money you are receiving from the State Government could be better utilised in fixing up this problem with Glen Huon Boulevard that you have been aware of since 2017. It is a slap in the face now to see that you are implementing changes on this road for an area which has a smaller amount of traffic.</p>	<p><b>Officer Comment:</b></p> <p>At this stage, the Shire is considering comments for the roundabout at Blue Wren Drive and Eaton Drive, however has medium term plans to address the traffic safety and flows from Glen Huon Boulevard to Forrest Highway. This is scheduled in the Shire's 10 Year Program in the Road Asset Management Plan. Based on the current draft of the 10 Year Program and subject to Regional Road Group funding being received, the Shire could modify the Glen Huon Boulevard and Eaton Drive intersection in 2021-2022.</p>

	Comment	Response
	<p>What you have done in the past to "fix" a problem does not give me confidence in the changes you are proposing for Blue Wren/Lavender Way. It is unnecessary and simpler changes could rectify any issues. What will it take to resolve the issue at Glen Huon Boulevard? A death? Road Rage incidents?</p>	
2.	<p>I am a resident of (*address) and frequently (at least daily) use Hands Avenue to access Eaton Drive.</p> <p>We are finding it increasingly difficult to turn either left or right onto Eaton Drive.</p> <p>We feel that any efforts to enhance traffic flow on Eaton Drive (such as improving the Blue Wren intersection) will further diminish our exit opportunities from the entire eastern end of Pratt Road area of Eaton.</p> <p>With talk of blocking Pratt Rd near the bowling club we fear that the need for increasing amounts of traffic to access Eaton Drive via Hands Avenue will occur in the future.</p> <p>I feel that any changes to the traffic flow on Eaton Drive should be done with careful consideration to the possibility of modifying the roundabout at Hamilton Rd, Eaton Drive and Council Drive.</p> <p>I believe that Hands Avenue should be redirected to exit directly onto the roundabout.</p> <p>The roundabout was designed and won awards for its layout when traffic conditions were vastly different prior to the growth of Millbridge, Eaton Fair and the Eaton-Treendale Bridge.</p> <p>Failure to address the Hands Avenue exit problems will adversely affect traffic flow on Solomon St, Ann St, Bobin St and Hamilton Rd as residents seek alternatives to using the existing Hand Ave option.</p> <p>Frustrated drivers may also look to more creative and less desirable routes if sensible changes are not put in place.</p> <p>Should disasters such as fires along the Collie River reserves or flooding of the river occur, the Hands Avenue exit would be the only viable exit for many residents. This route is scarcely viable already let alone after future road changes or natural disasters adding to the congestion.</p>	<p><b>Officer Comment:</b></p> <p>At this stage, the Shire is considering comments for the roundabout at Blue Wren Drive and Eaton Drive, however has medium term plans to address the traffic safety and flows from Glen Huon Boulevard to Forrest Highway.</p> <p>Shire staff are currently working on designs for the installation of a new signalised intersection between Watson Street and Eaton Drive. This new intersection would replace the current Hands Avenue and Eaton Drive intersection. The new signalised intersection would also greatly benefit the safe movement of pedestrians across Eaton Drive.</p> <p>Shire staff had explored options for a five leg roundabout in the past. Such a roundabout would be difficult to achieve within the current space limitations. Such a roundabout would worsen the pedestrian crossing issues that are currently experienced.</p>
3.	<p>Hi,</p> <p>Would like to see the roundabout go on Glenhuon Blvd and Eaton Drive. The proposed round about going between the highway and Eaton fair will choke up the traffic at peak times and frustrate drivers. Please consider another option.</p> <p>Thank you</p>	<p><b>Officer Comment:</b></p> <p>In regards to the proposed roundabout possibly choking up the peak time traffic, the general speed of traffic on Eaton Drive in this area is 68kph. The installation of the roundabout at Blue Wren Drive will reduce the speeds to approximately 52kph in this area. Given the legal speed limit on Eaton Drive is 60 kph, with the reduction in accidents and ensuring traffic travels at legal speeds, the roundabout at this intersection provides the safest and most economical treatment. It also makes this area safer for motorists entering or exiting onto Lavender Way and Blue Wren Drive.</p>

	Comment	Response
		At this stage, the Shire is considering comments for the roundabout at Blue Wren Drive and Eaton Drive, however has medium term plans to address the traffic safety and flows from Glen Huon Boulevard to Forrest Highway. This is scheduled in the Shire's 10 Year Program in the Road Asset Management Plan. Based on the current draft of the 10 Year Program and subject to Regional Road Group funding being received, the Shire could modify the Glen Huon Boulevard and Eaton Drive intersection in 2021-2022.
4.	<p>Just a couple of comments re the proposed new roundabout on Eaton Drive -</p> <p>The pedestrian crossing doesn't look in a safe position close to the roundabout, particularly with traffic leaving Lavender Way and wishing to go right, needing first to go left and round the roundabout. A busy spot for a pedestrian crossing, particularly for physically challenged people needing to catch a bus. An underpass would be safer.</p> <p>The roundabout needs to be of a suitable size to cater for all the large transport truck configurations that service the businesses nearby.</p>	<p><b>Officer Comment:</b></p> <p>The Shire agrees with the poor original location of the pedestrian crossing location. This has been relocated to a position north of the proposed roundabout, in a safer location. A safer location of this crossing would eliminate the need for an underpass.</p> <p>In regards to turning movements for larger vehicles, the roundabout has been designed with a diameter and lane widths to allow a semi-trailer to turn to and from Blue Wren Drive. It has also allowed extra lane widths for buses on Eaton Drive.</p>
5.	<p>Heya, just saw info on the proposed roundabout at Blue Wren intersection. Are you sure we need this? Wouldn't the funding be better spent on sorting out the Hands Road / Eaton Drive problem?</p> <p>Turning left or right from Hands is horrible in reasonable traffic. If Hands Road were widened it would help with turning left onto Eaton Drive, but turning right will always be a headache. Why didn't they leave the road where it was and join it onto the roundabout? Turning right from Council Drive onto Eaton Drive then instantly left onto Hands Road is downright dangerous if you obey the road rules (in on the right, out on the right). Just saying. Maybe the powers that be could try these manoeuvres out in peak traffic to see what I mean.</p>	<p><b>Officer Comment:</b></p> <p>At this stage, the Shire is considering comments for the roundabout at Blue Wren Drive and Eaton Drive, however has long term plans to address the traffic safety and flows from Glen Huon Boulevard to Forrest Highway.</p> <p>Shire staff are currently working on designs for the installation of a new signalised intersection between Watson Street and Eaton Drive. This new intersection would replace the current Hands Avenue and Eaton Drive intersection. The new signalised intersection would also greatly benefit the safe movement of pedestrians across Eaton Drive.</p>

### Further Design Development

MRWA has completed their review of the 15% design. A number of minor adjustments are being incorporated into the design development, including:

- removal of one on the curves on the southern approach to the roundabout
- reduction in the width of the annulus of the roundabout
- realignment of the bus embayment to improve line of sight (subject to PTA approval)
- relocation of the pedestrian crossing to north of the roundabout

This project presents Council with an opportunity to redevelop the area from Forrest Highway to the proposed roundabout into a unique entry statement for Eaton. Eaton Drive is the main access for Eaton, which is expanding with retail and community development, it is also the main through route to Treendale and Rivervale.

It is also proposed to extend the dual use pathway on the west side (Bunbury side) of Eaton Drive up to Forrest Highway, with the intention of a future connection along the northern side of Forrest Highway into the City of Bunbury.

Officers recommend that Council continue to support the project, which will allow for the finalisation of the design and commencement of construction early 2020/21 financial year?

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

44-20                      MOVED -                      Cr. T G Gardiner                      SECONDED -                      Cr J Dow

**THAT Council:**

- 1.                      Directs the Chief Executive Officer to finalise the detailed designs of the roundabout at the intersection of Eaton Drive and Blue Wren Drive.**
- 2.                      Supports the calling of tenders for the construction of the new roundabout.**
- 3.                      Includes the construction of the roundabout in the 2020-2021 Budget as a carried forward project from the 2019-2020 financial year to be completed prior to 31 December 2020 as per State Black Spot Program and Regional Road Group guidelines.**
- 4.                      Directs the Chief Executive Officer to prepare plans for the landscaping of the roundabout and the section of Eaton Drive between Lofthouse Avenue and the Forrest Highway to be presented to Council for further consideration.**

CARRIED  
7/2

12.9 Title: *Renewal of Leschenault CLAG Mosquito Control Program Memorandum of Understanding (MoU) 2020*

*Reporting Department: Sustainable Development Directorate*  
*Reporting Officer: Mr Neil Nicholson - Principal Environmental Health Officer*  
*Legislation: Public Health Act 2016*

Overview

The Contiguous Local Authorities Group (CLAG) is a Department of Health funded scheme to provide financial and technical assistance to local government with mosquito control requirements. The primary objective is to reduce the incidence of mosquito-borne diseases including Barmah Forest Virus and Ross River Virus.

The Shire of Dardanup belongs to the Leschenault CLAG. This consists of the City of Bunbury, Shire of Dardanup, Shire of Harvey and the Department of Health (DoH). The Shire has been a member of this CLAG since 1991.

The CLAG scheme is structured on a Memorandum of Understanding (MoU), with a four-yearly review and renew cycle. The current MoU for the Leschenault CLAG was signed in 2014 and is due for renewal.

Under the MoU each local government is required to make an annual contribution. This contribution is matched dollar-for-dollar by the Department of Health to effectively double the pool of funds available to manage the mosquito-borne diseases within the LGA. The Department also provides funding for a helicopter to treat the mosquito wetlands of the Peel Inlet, Leschenault Estuary, Eaton and Bunbury as well as other wetlands in the South West. The scheme provides significant financial and resource input to assist local government mosquito control activities.

This report requests Council to authorise the Chief Executive Officer to sign the revised Leschenault CLAG Memorandum of Understanding (MoU).

Background

In 1990 the CLAG scheme was introduced by the WA State Government in recognition of the need for local governments to receive assistance with the management of disease-vector mosquitoes.

To control mosquito populations in the Leschenault Region the Shire of Harvey, Shire of Dardanup, City of Bunbury and the DoH have agreed to undertake mosquito control co-operatively by forming a CLAG in 1991, with mosquito control being successfully undertaken since that date. The key foundation of this initiative is mosquito populations from one local government may impact on others given mosquitoes have an average flight range of 4 to 5 kilometres.

The primary purpose of the CLAG is to reduce the incidence of mosquito-borne disease. The mosquito virus risk is usually from September to April the following year (7 months).

The substantial benefit of the program is the funding it provides from the DoH to the LGA's and the benefits are:

- Dollar-for-dollar match of local government annual contributions for mosquito control chemicals.

The total annual contributions of the three member local governments is \$16,500. Under the scheme the DoH makes a matching contribution of \$16,500 for a total contribution of \$33,000. The Shire of Dardanup portion is an annual contribution of \$5,500, the majority of this money is

for the bulk purchase of target-specific mosquito control chemicals for use by the Leschenault CLAG.

- Funding of 100% of the cost of a helicopter for aerial larviciding. The cost of provision of a helicopter is in the order of \$1,000,000 per year and is wholly funded by the DoH under the CLAG Scheme. The aerial larviciding program services wetlands from Peel through to Busselton (including those of Leschenault and Eaton), which have large population centres.

The scheme also provides support through monitoring, identification of adult mosquitoes and virus activity, and other technical support.

It is considered that, without the substantial funding and other assistance provided from the scheme, a local government acting on its own would be far less effective at controlling mosquito numbers, and the incidence of mosquito borne disease.

Under the scheme, the DoH requires local governments to form CLAG's (that are signatory to a formal Memorandum of Understanding (MoU) (Appendix ORD: 12.9A).

The MoU provides the general structure, commitment and function of the CLAG and its members.

The Leschenault CLAG MoU includes a clause that the principal stakeholders review the document at intervals of no more than five (5) years. The purpose of the review being to improve the operation, and resolving any issues that may have risen. The current MoU was signed in by its member local governments (and the DoH) back in February 2014 and is now due for renewal.

Considering the substantial assistance the scheme brings to mosquito control, it is recommended that Council authorise the Chief Executive Officer to sign the revised MoU on behalf of the Shire, subject to all stakeholders being in agreement.

#### Legal Implications

One of the key objectives (requirement) of the *Public Health Act 2016* is to:

*"Protect individuals and communities from diseases and other public health risks and to provide, to the extent reasonably practicable, a healthy environment for all Western Australians."* (Department of Health, 2018).

In addition to the obligation above, there are the standard regulatory requirements that apply to the operational aspects of local government mosquito control activities, including:

- Obligations under the *Health (Pesticides) Regulations 2011*,
- Obligations under Occupational Safety and Health legislation

The mosquito breeding wetlands in the Shire are all state government reserves (vested in the Shire), for which the Shire generally has legislated authority to treat (for mosquitoes and other pests) and maintain.

#### Strategic Community Plan

Outcome 3.5.1 – To Protect Public Health & Safety (Service Priority: Moderate)

Environment - None.

#### Precedents

The Shire of Dardanup has been a signatory to the Leschenault CLAG since 1991 and in 2014 the Council resolved to endorse the renewal of the CLAG MoU with the following recommendations:

*“THAT Council:*

1. Approves the Memorandum of Understanding with the Department of Health; and
2. Authorises the Chief Executive Officer and the Shire President to sign the Memorandum of Understanding relating to the Leschenault Contiguous Local Authorities Group, for the terms, reference and funding for mosquito control.”

### Budget Implications

The MoU secures future mosquito control funding from the Department of Health for the Leschenault CLAG, in the form of a dollar-for-dollar match for the cost of mosquito control chemical (described in the MoU as a 50% contribution), and 100% of the costs of hire of a helicopter (for aerial larviciding) for the next five (5) years.

The cost implications to the Shire for being a member to the CLAG is:

- An annual contribution of \$5500 for the purchase of mosquito control chemicals (matched dollar-for-dollar by DoH); and
- Devotion of a component of the available EHO FTE time to mosquito control. **Note:** mosquito control is considered part of the core duties of an Environmental Health Officer, whether operating as part of a CLAG scheme or not.

The Shire has a CLAG contribution account for the purpose of contributory funding to the CLAG. **Note:** The other member Local Governments of City of Bunbury and Shire of Harvey make CLAG contributions equal to the Shire of Dardanup.

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: 12.9B) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Renewal of CLAG MoU
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	That the Shire of Dardanup remain signatory to the Leschenault CLAG.
Residual Risk Rating (after treatment or controls)	Low (1 - 4)
Risk Category Assessed Against	<p>Health Incidence of Mosquito-borne disease in the population. And greater mosquito nuisance to communities/townships.</p> <p>Financial Shire having to pay full costs of equipment, chemical, and FTE for mosquito control and mosquito monitoring.</p> <p>Legal and Compliance The Shire being found lacking in meeting its statutory responsibility towards protection of public health.</p>

### Officer Comment

The Leschenault CLAG has operated effectively since 1991, and being a signatory to the MoU is advantageous to all stakeholders.

The MoU is required to be reviewed by the Principal Stakeholders at intervals of no more than five (5) years, with a view to improving its operation and resolving any issues that may arise.

In brief, the MoU:

- identifies the Principal Stakeholders;
- recognises the existing Leschenault CLAG;
- describes the requirements for the CLAG's formation; and
- confirms the operational detail and funding agreements.

Principal Stakeholders of the MoU are:

- Department of Health (Western Australia);
- Shire of Harvey;
- Shire of Dardanup;
- City of Bunbury;

New elements to the revised MoU (2020):

- Requirement that each member local government have a Mosquito Management Plan (MMP). **Note:** this was only recently inserted by the Department of Health in January 2020. As such, there will be a grace period provided to local government to draft their MMPs.
- Requirement for additional details in annual reporting provided to Department of Health. These requirements include comprehensive detail and description on the mosquito breeding sites within the local government district. This is not considered to be onerous, and part of normal responsibilities of Environmental Health operations.
- The Arbovirus Surveillance and Research Laboratory – University of Western Australia has historically been a formal stakeholder to the MoUs for WA CLAGs. However, this is no longer the case, and the services previously provided by the Arbovirus lab is now undertaken by DoH.

The stakeholders acknowledge that the provisions of the MoU are not intended to create binding legal obligations between them. Importantly, should any party wish to withdraw from the arrangement, it is the recommendation of the DoH that an urgent meeting between stakeholders be held, with an amended MoU being negotiated as soon as possible. The Department's priority being that every effort be made to ensure there is no interruption in the delivery of mosquito control services.

While a local government may not wish to withdraw, it is acknowledged from time to time they may wish to amend certain conditions of the MoU. Regarding this, amendments to the MoU may be done at any time, and it is the Department's advice that this be done in writing, and by agreement of all the Principal Stakeholders.

The reporting officer confirms that the Principal Stakeholders which include the Department of Health, the City of Bunbury and the Shire of Harvey, are all supportive of the revised MoU (2020).

The major benefits of the CLAG scheme to the Shire of Dardanup are:

- Protection of the population of Eaton and Millbridge from mosquitoes and mosquito-borne disease.

- There are two major wetland areas within Eaton of Eelup (AKA 'Elbow') and Leicester Reserve. The aerial treatment program provides a highly efficient method of dispersing mosquito control chemicals into these wetlands.
- Bulk-purchasing power of mosquito control chemicals. The majority of chemicals purchased each year by the CLAG are target-specific to mosquitoes (e.g. S-Methoprene, a specialised hormone that only affects mosquitoes).
- Protection of Eaton from the mosquitoes from Leschenault and Bunbury. Eaton is within 500m of the Leschenault Estuary and 200m from the wetlands of Pelican Point (City of Bunbury).
- Logistical advantage through the CLAG cooperative. There is a large amount of cooperation and collaboration between all four stakeholders of the Leschenault CLAG. This provides significant logistical advantage to the Shire during mosquito control activities.

It is of critical importance that the Shire of Dardanup remain part of the MoU and the CLAG program to ensure the protection from possible diseases. Should the Council resolve not to support remaining part of this MOU it may have detrimental impacts in rolling out of the program across the SW Region as it may be too costly for the other Councils and Department of Health to continue with the program. The subsequent reduction or cancellation of the program may lead to the creation of health problems. The officer recommend that the MOU is endorsed.

Council Role - Review.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

45-20                      MOVED -                      Cr C Boyce                      SECONDED -                      Cr P Perks

#### THAT Council:

1. Approves the Leschenault CLAG Memorandum of Understanding 2020 (Appendix ORD: 12.9A) with Department of Health, City of Bunbury and Shire of Harvey.
2. Authorises the Chief Executive Officer to sign the Leschenault CLAG Memorandum of Understanding 2020 (Appendix ORD: 12.9A) for the terms, reference and funding for mosquito control.

CARRIED  
9/0

**12.10 Title: CP081 Elected Member & CEO Attendance at Event Policy**

<b>Reporting Department:</b>	Corporate & Governance Directorate
<b>Reporting Officer:</b>	Mr Phil Anastasakis - Deputy CEO Ms Cathy Lee - Manager Governance & HR
<b>Legislation:</b>	Local Government Act 1995

**Overview**

This report presents a new Policy: "CP081 – Elected Member Attendance at Events" for consideration and adoption by Council.

**Background**

Council has instigated a process of regularly reviewing all Council policies at least once every two years. While Council considered all policies at a Special meeting of Council held in July 2018, there are on occasion areas where the creation of a new Policy is warranted or changes are required to update an existing policy.

Recent changes to the *Local Government Act 1995* have required Councils to create a specific policy to deal with 'Attendance at Events by Councillors and the Chief Executive Officer';

**Legal Implications**

Local Government Act 1995

**2.7. Role of council**

- (1) *The council —*
  - (a) *governs the local government's affairs; and*
  - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
  - (a) *oversee the allocation of the local government's finances and resources; and*
  - (b) *determine the local government's policies.*

**5.62. Closely associated persons****(1B) A gift is an excluded gift —**

- (a) *if—*
  - (i) *the gift is a ticket to, or otherwise relates to the relevant person's attendance at, an event as defined in section 5.90A(1); and*
  - (ii) *the local government approves, in accordance with the local government's policy under section 5.90A, the relevant person's attendance at the event;*

*or*
- (b) *if the gift is in a class of gifts prescribed for the purposes of this subsection.*

**5.87A. Council members to disclose gifts**

- (1) *A council member must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the council member.*

*Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.*

- (2) *The disclosure must be made in writing to the CEO.*
- (3) *A person does not commit an offence against subsection (1) if —*
  - (a) *the amount of the gift does not exceed the amount prescribed for the purposes of this paragraph; or*
  - (b) *the gift is not received by the person in their capacity as a council member.*
- (4) *For the purposes of subsection (3)(a), if the gift is 1 of 2 or more gifts made by 1 person to the council member at any time during a year, the amount of the gift is the sum of the amounts of those 2 or more gifts.*
- (5) *For the purposes of subsection (3)(b), the gift is not received by the person in their capacity as a council member if it is a gift that the person would have received even if the person were not a council member.*

*[Section 5.87A inserted: No. 16 of 2019 s. 38.]*

#### **5.87B. CEOs to disclose gifts**

- (1) *A CEO must disclose, in accordance with subsection (2) and section 5.87C, a gift received by the CEO.*  
*Penalty for this subsection: a fine of \$10 000 or imprisonment for 2 years.*
- (2) *The disclosure must be made in writing to the mayor or president.*
- (3) *A person does not commit an offence against subsection (1) if —*
  - (a) *the amount of the gift does not exceed the amount prescribed for the purposes of this paragraph; or*
  - (b) *the gift is not received by the person in their capacity as the CEO.*
- (4) *For the purposes of subsection (3)(a), if the gift is 1 of 2 or more gifts made by 1 person to the CEO at any time during a year, the amount of the gift is the sum of the amounts of those 2 or more gifts.*
- (5) *For the purposes of subsection (3)(b), the gift is not received by the person in their capacity as the CEO if it is a gift that the person would have received even if the person were not the CEO.*

#### **5.87C. Provisions about disclosure**

- (1) *This section applies to a disclosure under section 5.87A or 5.87B.*
- (2) *The disclosure must be made within 10 days after receipt of the gift.*
- (3) *The disclosure must include the following —*
  - (a) *a description of the gift;*
  - (b) *the name and address of the person who made the gift;*
  - (c) *the date on which the gift was received;*
  - (d) *the estimated value of the gift at the time it was made;*
  - (e) *the nature of the relationship between the person who made the gift and the person who received the gift;*
  - (f) *in the case of a travel contribution —*
    - (i) *a description of the travel; and*
    - (ii) *the date of the travel.*

*[Section 5.87C inserted: No. 16 of 2019 s. 38.]*

### **Division 6A — Attendance at events**

#### **5.90A. Policy for attendance at events**

- (1) *In this section —*

*event includes the following —*

- (a) a concert;*
  - (b) a conference;*
  - (c) a function;*
  - (d) a sporting event;*
  - (e) an occasion of a kind prescribed for the purposes of this definition.*
- (2) A local government must prepare and adopt\* a policy that deals with matters relating to the attendance of council members and the CEO at events, including —*
- (a) the provision of tickets to events; and*
  - (b) payments in respect of attendance; and*
  - (c) approval of attendance by the local government and criteria for approval; and*
  - (d) any prescribed matter.*

*\* Absolute majority required.*

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

*\* Absolute majority required.*

- (4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (5) The CEO must publish an up to date version of the policy on the local government's official website.*

*[Section 5.90A inserted: No. 16 of 2019 s. 44.]*

The Department of Local Government, Sport & Cultural Industries *Operational Guidelines No 19 – Attendance at Events Policy* (Dec 2019) (Appendix ORD: 12.10A) provides Council's with an overview of this topic and matters for Council to consider when developing their Policy.

### Strategic Community Plan

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

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

Environment - None.

Precedents - None.

Examples of similar policies from other Council's, together with material from Western Australian Local Government Association (WALGA) and the Department of Local Government informs the development of these policies.

### Budget Implications

There are no direct budget implications associated with this new policy, however the 2019/20 budget does contain an allocation of \$20,808 for Councillor training and attendance at events, and an \$11,220 provision for Councillor travel reimbursements.

Budget – Whole of Life Cost - None.

Council Policy Compliance - New policy creation.

Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.							
Risk Event	Elected Member & CEO Attendance at Event Policy						
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)						
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.						
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.						
Risk Category Assessed Against	<table border="0"> <tr> <td>Financial</td> <td>Not monitoring actual expenditure to the budget would increase the risk of a negative impact on the financial position.</td> </tr> <tr> <td>Legal and Compliance</td> <td>Non-compliance with the legislative requirements or Council policy.</td> </tr> <tr> <td>Reputational</td> <td>Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively or receiving personal benefit.</td> </tr> </table>	Financial	Not monitoring actual expenditure to the budget would increase the risk of a negative impact on the financial position.	Legal and Compliance	Non-compliance with the legislative requirements or Council policy.	Reputational	Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively or receiving personal benefit.
Financial	Not monitoring actual expenditure to the budget would increase the risk of a negative impact on the financial position.						
Legal and Compliance	Non-compliance with the legislative requirements or Council policy.						
Reputational	Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively or receiving personal benefit.						

Officer Comment

The policy has been developed utilising the industry best practice standards and the Department of Local Government Operational Guideline.

In relation to the proposed *CP081 – Elected Member & CEO Attendance at Events Policy*, the following comments have been extracted and paraphrased from the Department of Local Government, Sport & Cultural Industries *Operational Guidelines No 19 – Attendance at Events Policy*:

- Council members are expected to make decisions in the best interest of their community. To do this, they must consider each issue on its merits.
- Decision making could be influenced, or perceived to be influenced, in a number of ways, including through financial relationships, personal relationships and the receipt of gifts. The *Local Government Act 1995* sets out requirements on Council members, CEO’s and other employees to ensure transparency and accountability in decision making.
- A gift is defined under Section 5.57 of the Act as a conferral of a financial benefit made by one person in favour of another person, unless adequate consideration in money or money’s worth passes has occurred. It includes any contributions to travel.
- For the purposes of disclosing a receipt and an interest, a gift is defined as any gift valued at over \$300 or a cumulative value of \$300 over 12 months from the same donor.
- An interest created from receipt of a gift recognises that a relationship is formed between the donor and the gift recipient, which could be perceived to affect decision making. This applies to any gift received, not just the gifts disclosed under sections 5.87A and 5.87B.
- The basic principle is that, unless the gift is an excluded gift (Section 5.62(1B) and Administration Regulation 20B), the Council member who has received the gift is not to participate in any part

of the meeting dealing with the matter. They must be absent from any deliberations (unless approval is granted by the Council or the Minister). If the Council member has such an interest they must disclose this interest before the meeting to the CEO or to the presiding members before the matter is discussed.

- Section 5.90A of the Act requires that Local Governments have an attendance at events policy. The purpose of this policy is for Council to actively consider the purpose of and benefits to the community from Council members and CEO's attending events.
- The policy provides a framework for the acceptance of invitations to various events and clarifies who will pay for tickets or the equivalent value of the invitation.
- The tickets should be provided to the Local Government and not the individual Council member. A ticket or invitation provided by a donor to an individual in their capacity as a Council member or CEO is to be treated as a gift to that person, unless the tickets or invitation is referred to the Local Government to be considered in accordance with the policy.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

46-20                      MOVED -                      Cr M Bennett                      SECONDED -                      Cr P Robinson

**THAT Council adopt new Policy "CP081 - Elected Member Attendance at Events" as follows:**



COUNCIL POLICY NO:-

**DRAFT – ELECTED MEMBER AND CEO ATTENDANCE AT EVENTS - CP081**

GOVERNANCE INFORMATION					
Procedure Link:	NA		Administrative Policy Link:	NA	
ADMINISTRATION INFORMATION					
Version:	New	OCM	25/03/20	Res	46-20
Version:				Synopsis:	Policy created.

#### 1. RESPONSIBLE DIRECTORATE

Corporate & Governance

#### 2. PURPOSE OR OBJECTIVE

The Shire of Dardanup is required under the *Local Government Act 1995* to approve and report on attendance at events for Elected Members and the Chief Executive Officer. The Objective of this Policy is to:

- Ensure compliance with *Local Government Act 1995*, Section 5.90A.
- Provide guidance to elected members, the CEO and employees when an invitation to an event or function, or other hospitality occasion, ticketed or otherwise, is offered free of charge.

## **Definition**

**Events** - Events are defined in Section 5.90A of the *Local Government Act 1995* and include concerts, conferences, functions or sporting events, whether free of charge or part of a sponsorship agreement, or paid by the Shire of Dardanup.

**CEO** – Refers to the Chief Executive Officer of the Shire of Dardanup.

In accordance with sections 5.87A and 5.87B of the Act, Council members and CEO's are required to disclose gifts that are received in their capacity as a Council member (or CEO) and:

- i) Are valued over \$300; or
- ii) Are of a cumulative value that exceeds \$300 where the gifts are received from the same donor in a 12 month period.

In accordance with section 5.62(1B)(a) of the *Local Government Act 1995*, attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.

## **3. REFERENCE DOCUMENTS**

Local Government Act 1995, sections 5.62, 5.87A, 5.87B, and 5.90.

Local Government (Administration) Regulations 1996, regulation 20AB, 20B.

## **4. POLICY**

All invitations or offers of tickets for a Council member or CEO to attend an event should be in writing and addressed to the Shire of Dardanup.

Any invitation or offer of tickets not addressed to the Shire of Dardanup is not captured by this policy and must be disclosed in accordance with the gift and interest provisions of the Act.

The Shire of Dardanup authorises in advance the attendance of all Elected Members and the CEO at the annual WALGA Local Government Week State conference.

### **4.1 Key Issues to Consider**

In considering whether a benefit, such as an invitation to an event or hospitality given to an elected member or the CEO, is a gift for the purposes of the Act and Regulations, the key issues include:

- a) Who is a donor, the person who is offering or giving the benefit?
- b) What is the value of the benefit?
- c) Does the elected member or the CEO contribute anything of value to the donor in return for the benefit such as formally opening or speaking at the event or presenting prizes/awards?
- d) If so, does the value of that contribution outweigh the value of the benefit? If so, it will not be a gift for the purposes of the Act and Regulations.

#### 4.2 *Commercial Entertainment Events*

Any tickets accepted by an Elected Member or the CEO without payment for any commercial entertainment event, for which a member of the public is required to pay, whether sponsored by the Council or not will generally be classified as a gift for the purposes of the Act and Regulations.

An exception to this is where the Shire President or his / her representative attends the event in an official capacity to perform a civic or Shire Presidential function.

Where there is a commercial entertainment event that, in the opinion of the Shire President / Chief Executive Officer, it is in the interests of the Council for one or more elected members or the CEO to attend in order to assess and understand first-hand the impacts on the community or business, then one or more tickets for that event will be purchased for the relevant elected member or the CEO by the Council at full cost.

#### 4.3 *Other Commercial (Non-Entertainment) Events*

For other commercial (non-entertainment) events, such as a conference or seminar, for which a member of the public is required to pay, where the Shire President / Chief Executive Officer is of the opinion that it is in the interest of the Council for one or more Elected Members or the CEO to attend (such as for their professional development or to undertake a function as an Elected Member or the CEO), then one or more registrations or other benefits for that event will be purchased for the relevant Elected Member or the CEO by the Council at full cost to enable attendance.

If the Council does not pay for the event, free registration or any other benefit (such as hospitality) given to an Elected Member or the CEO would be classified as a 'gift' unless the contribution of the Elected Member or the CEO to the event (such as by way of a paper or speaking engagement) is reasonably considered to outweigh the value of registration or other benefit given to the Elected Member or the CEO.

#### 4.4 *Community/Local Business Events*

Acceptance of reasonable and modest hospitality by an Elected Member or the CEO at an unpaid event run by a local community group for local business would not generally be classified as a 'gift' where the contribution by the Elected Member or the CEO to the event is reasonably considered to outweigh the value of the hospitality.

This is more likely where the Elected Member or the CEO attends the event in his or her capacity as an Elected Member or the CEO - preferably where the attendance has been specifically authorised by the Council, but otherwise where the person is performing his or her functions as an Elected Member or the CEO.

#### 4.5 *Perceived or Actual Conflict of Interest*

Event attendance may create a perceived or actual conflict, which may preclude Council members participating or the CEO providing advice at a future Council meeting. In accordance with Regulation 20AB of the *Local Government (Administration) Regulations 1996*, if the amount of an event ticket (gift) is less than \$1,000 and relates to a matter before Council, under Section 5.68 of the Act Council may allow the disclosing Council member to participate on the condition that the interest, the Council's decision and the reasons for that decision are recorded in the minutes.

If the event ticket (gift) is greater than \$1,000 the Council or CEO must apply to the Minister for permission to allow the member or the CEO to participate.

#### 4.6 Exclusions

This policy does not apply to tangible gifts or money, travel or accommodation. Any contribution to travel must be disclosed in writing to the CEO within 10 days of receipt of the contribution. Contributions to travel costs, whether financial or otherwise are incorporated within the definition of gift.

The following situations are specifically excluded under Regulation 20B of the *Local Government (Administration) Regulations 1996*, where the event ticket (gift) is received from one of the following organisations:

- WALGA (but not LGIS).
- Local Government Professionals Australia (WA.)
- Australian Local Government Association.
- A department of the public service.
- A government department of another State, a Territory or the Commonwealth.
- A local government or regional local government.

The gift is still required to be recorded in the “gift register”.

CARRIED  
9/0

**12.11 Title: CP112 – Councillors’ Induction, Training & Professional Development Policy**

**Reporting Department:** Corporate & Governance Directorate  
**Reporting Officer:** Mr Phil Anastasakis - Deputy CEO  
Ms Cathy Lee - Manager Governance & HR  
**Legislation:** Local Government Act 1995

**Overview** -

This report presents an update of existing Policy “CP112 – Councillors Induction, Training and Professional Development” for consideration and adoption by Council.

**Background**

Council has instigated a process of regularly reviewing all Council policies at least once every two years. While Council considered all policies at a Special meeting of Council held in July 2018, there are on occasion areas where the creation of a new Policy is warranted or changes are required to update an existing policy.

Recent changes to the *Local Government Act 1995* have required Council’s to create specific Policies dealing with continuing Professional Development for Councillors. Council has an existing Policy CP112 – Councillors Induction, Training and Professional Development, (Appendix ORD: 12.11A) which is now updated for Council’s consideration and adoption.

**Legal Implications**

Local Government Act 1995

**2.7. Role of council**

- (1) *The council —*
- (a) *governs the local government’s affairs; and*
  - (b) *is responsible for the performance of the local government’s functions.*
- (2) *Without limiting subsection (1), the council is to —*
- (a) *oversee the allocation of the local government’s finances and resources; and*
  - (b) *determine the local government’s policies.*

**Division 10 — Training and development****5.126. Training for council members**

- (1) *Each council member must complete training in accordance with regulations.*
- (2) *Regulations may —*
- (a) *prescribe a course of training; and*
  - (b) *prescribe the period within which training must be completed; and*
  - (c) *prescribe circumstances in which a council member is exempt from the requirement in subsection (1); and*
  - (d) *provide that contravention of subsection (1) is an offence and prescribe a fine not exceeding \$5 000 for the offence.*

[Section 5.126 inserted: No. 16 of 2019 s. 61.]

**5.127. Report on training**

- (1) A local government must prepare a report for each financial year on the training completed by council members in the financial year.
- (2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.

[Section 5.127 inserted: No. 16 of 2019 s. 61.]

**5.128. Policy for continuing professional development**

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

\* Absolute majority required.

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

\* Absolute majority required.

- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.
- (4) The CEO must publish an up to date version of the policy on the local government's official website.
- (5) A local government —
  - (a) must review the policy after each ordinary election; and
  - (b) may review the policy at any other time.

[Section 5.128 inserted: No. 16 of 2019 s. 61.]

**Strategic Community Plan**

Strategy 1.1.3 - Maintain best practice governance systems and practices. (Service Priority: Moderate)  
 Strategy 1.4.2 - Maintain, review and ensure relevance of Council's policies and local laws. (Service Priority: Moderate)

**Environment** - None.

**Precedents**

The policy manual is reviewed regularly to ensure compliance with laws and regulations, and to maintain best practice governance systems. Council's existing *Policy CP112 – Councillors Induction, Training and Professional Development* is updated for consideration.

Examples of similar policies from other Council's, together with material from Western Australian Local Government Association (WALGA) and the Department of Local Government informs the development of these policies.

**Budget Implications**

There are no direct budget implications associated with this new policy, however the 2019/20 budget does contain an allocation of \$20,808 for Councillor training and attendance at events, and an \$11,220 provision for Councillor travel reimbursements.

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

Council Policy Compliance

Council currently has CP112- *Councillors Induction and Professional Development Policy*.

Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.11B) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Councillors’ Induction, Training & Professional Development Policy
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Financial                      Not monitoring actual expenditure to the budget would increase the risk of a negative impact on the financial position.</p> <p>Legal and Compliance                      Non-compliance with the legislative requirements or Council policy.</p> <p>Reputational                      Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively or receiving personal benefit.</p>

Officer Comment

The policy has been developed utilising the industry best practice standards, Council’s existing Policy position, and comments provided from the Department of Local Government, Sport & Cultural Industries *Information Sheet* and WALGA information:

- Recently the Department of Local Government, Sport & Cultural Industries undertook a review of the *Local Government Act 1995* to address a number of key areas that required reform, which included universal training for Councillors.
- Council members have a unique and challenging role. They oversee multi-million dollar budgets and make difficult decisions that impact the wellbeing of communities.
- Greater training for Council members has been recommended by successive inquiries and reports. These reports have concluded that dysfunction at Council, poor relationships between Council and administration, and a failure to adhere to due diligence in decision-making can be improved by Council members better understanding the framework in which they are required to perform their duties.
- The aim of the new Councillor training requirements is to build Council member capacity and restore public confidence in Local Government by providing Council members with the skills and knowledge they need to do their job well.
- A universal training program has been introduced with three components:
  - i)            Universal **Council candidate induction**

- A free two hour induction session addressing what is expected as a Council member and the rules for campaigning.
  - Delivered on-line or face to face.
- ii) **Universal Council member training**
- Five foundational competencies will need to be completed within 12 months of being elected. Topics include:
    - a) Meeting Procedures;
    - b) Conflicts of Interest;
    - c) Understanding Local Government;
    - d) Serving on Council; and
    - e) Understanding Financial Report.
  - Delivered on-line or face to face.
  - Local Governments are required to record completion of this training on their website and in their annual report.
- iii) **Continuing professional development**
- Each Local Government is required to adopt a policy providing for Council members professional development. The policy should:
    - Emphasise the important role of training and professional development;
    - Be tailored to the needs of the District, Council and Council members;
    - Outline reporting requirements;
    - Be determined by the Council; and
    - Be published on the Council's website.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation No Change

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

47-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr P Perks

#### **THAT Council**

1. **Delete "CP112 –Councillors Induction, Training and Professional Develop" as provided for in (Appendix ORD: 12.11A).**
2. **Adopt the updated Policy "CP112 –Councillors' Induction, Training and Professional Development" as follows:**



COUNCIL POLICY NO:-

**DRAFT – COUNCILLORS’ INDUCTION TRAINING AND PROFESSIONAL DEVELOPMENT - CP112**

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION					
Version:	1	CP112	SCM 26/07/18	Res: 251-18	Synopsis: Created and Adopted by Council
	2		OCM 25/03/20	Res: 47-20	

## 1. RESPONSIBLE DIRECTORATE

Corporate & Governance

## 2. PURPOSE OR OBJECTIVE

This policy is to provide a framework within which Elected Members can have access to a range of professional development opportunities that will assist them to undertake their role, including but not limited to pre-election information sessions, induction programs, training programs, attendance at conferences & seminars and other development opportunities throughout the elected term of office.

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

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

## 3. REFERENCE DOCUMENTS

Local Government Act 1995 5.36, 5.42, [5.126](#), [5.127](#) and [5.128](#).

[Local Government \(Administration\) Regulations 1996](#).

## 4. POLICY

### 4.1 Pre-Election

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

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

#### 4.2 Induction

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

The induction program contributes to the corporate objectives by:

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

#### 4.3 Council Member Training

Upon election to Council, the Shire of Dardanup will facilitate the conducting and participation by Councillors at the Councillor Member Essential training. This will comprise of five foundational competencies that will need to be completed within 12 months of being elected. The five units include:

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

This training will be generally be delivered face to face, but may be completed on-line where required. The training is valid for 5 years, requiring a Council member to undertake the training gain every second election. The training undertaken by Councillors is required to be reported annually and published on the Council's website.

This policy is required to be reviewed after each election to take into account the needs and skills sets of new Councillors.

#### 4.4 Annual Allocation for Training and Development

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

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

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

#### 4.5 Conferences & Training Courses

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

- a) **Councillor Member Essentials training required under the Act.**
- b) Western Australian Local Government Association (WALGA) Training Program - WALGA offers a module-based training program that is standardised for WA Local Governments. Progressive participation in this program is encouraged and is considered to be the best opportunity outside of the organisation to develop relevant local government knowledge, including the opportunity to obtain a Diploma in Local Government by the completion of the course modules. Elected Members are encouraged to support this training particularly when held in South West venues.
- c) Local Government Week - Local Government Week (Convention) is an annual networking and development opportunity provided by WALGA. This is undertaken in conjunction with the Association's Annual General Meeting at which the Shire of Dardanup is entitled to have two delegates. It is usual that this will be the President and Deputy President, however this may be passed to another Elected Member (by resolution of Council) when one or both of the President and Deputy President are not in attendance.

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

- d) Examples of other conferences include:-
  - National General Assembly of Local Government (Shire President and Chief Executive Officer);
  - Annual Road Conference;
  - Special "one off" conferences sponsored by WALGA or the Department of Local Government, Sport and Cultural Industries.
- e) Other training and development - Other training and development opportunities are identified from time to time by either an individual Elected Member or the organisation, attendance at which may be approved where:
  - The course or development opportunity is relevant to the functions of an Elected Member;
  - The course or development opportunity is relevant to an Elected Member's role or as a member of a Council approved representative on a Council Committee or external body;
  - There is scope for the attendee to acquire skills beneficial to the Shire; and
  - The budget remains available to cover the associated costs.

#### 4.6 Restrictions and Exclusion on Travel

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

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

#### 4.7 Accommodation

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

#### 4.8 Elected Representatives/Delegate Accompanying Person

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

#### 4.9 Out of Pocket Expenses

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

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

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

#### 4.10 Reporting Requirements

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

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

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

#### 4.11 Approval Process

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

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

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

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

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

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

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

CARRIED  
9/0  
*By Absolute Majority*

12.12 Title: Local Government House Trust – Deed of Variation

*Reporting Department:* Corporate & Governance Directorate  
*Reporting Officer:* Mr Phil Anastasakis - Deputy CEO  
*Legislation:* Local Government Act 1995

Overview -

Council endorsement is requested for the variation to the Local Government House Trust Deed. Refer to the following confidential documents provided under separate cover:

- (USC: 12.12A) – Clause 12 of Trust Deed 1994
- (USC: 12.12B) – Deed of Variation

Background

The Local Government House Trust (“The Trust”) exists primarily to provide building accommodation for the Western Australian Local Government Association (WALGA). Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current Trust Deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies “upon Trust” and in proportion to the units provided.

The current Trust Deed commenced on the 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072. The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to Division 1AB of the Income Tax Assessment Act 1936.

The Shire of Dardanup is a unit holder and beneficiary to the Local Government House Trust, holding 4 units as advised in WALGA’s recent Quarterly Report Q4 2019. The Trust’s Board of Management is seeking to vary the Trust Deed in order to assist the Trust’s income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries, in order to execute this variation.

As a beneficiary, the Shire of Dardanup is requested to consent to the Deed of Variation

Legal Implications

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

Strategic Community Plan

Strategy 1.1.1 - To be equitable, inclusive and transparent in decision making. (Service Priority: High)  
 Strategy 1.1.3 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Environment - None.

Precedents - None.

The current Trust Deed commenced in 1993 and was amended in 2002.

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: 12.12) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Local Government House Trust – Deed of Variation
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 Legal and Compliance Risk of reputational damage if compliance requirements not fulfilled. Need to comply with relevant taxation and trust legislative requirements and administrative processes.

Officer Comment

The following comments have been provided by the Chief Executive Officer of WALGA to explain further the need for this Trust Deed variation:

*Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust’s income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).*

*Legal advice identified that the Trustee’s ability to retire and appoint a new Trustee might affect the Trust’s classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.*

*Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:*

- 1. removing the existing Trustee’s power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)*
- 2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and*
- 3. ensuring that the Board of Management is the ‘governing body’ of the Trust (Clause 2.3 of the Deed of Variation)*

*The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):*

- 1. Variation 2.1 amends clause 22.1 to point to additional clause:*

22.1 Any Trustee of the Trust may retire as Trustee of the Trust: ~~The Subject to clause 22.3, the right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.~~

2. Variation 2.2 inserts two new clauses:

22.3 *The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.*

22.4 *The Beneficiaries may at any time by Special Resolution:*

- (a) remove a Trustee from the office as Trustee of the Trust; and*
- (b) appoint such new or additional Trustee.*

3. Variation 2.3 insert a new clause 13A

**13A Delegation to the Board of Management**

*Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.*

**Comment**

*The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.*

*The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.*

*These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.*

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

Note: Cr Perks left the room [6.03pm].

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

48-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr. T G Gardiner

**THAT Council endorse the following three amendments, marked in red to the Local Government House Trust Deed:**

1. **Variation 2.1 amends clause 22.1 to point to additional clause:**

**22.1 Any Trustee of the Trust may retire as Trustee of the Trust. ~~The Subject to clause 22.3, the~~ right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.**

2. **Variation 2.2 inserts two new clauses:**

**22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.**

**22.4 The Beneficiaries may at any time by Special Resolution:**  
**(a) remove a Trustee from the office as Trustee of the Trust; and**  
**(b) appoint such new or additional Trustee.**

3. **Variation 2.3 insert a new clause 13A**

**13A Delegation to the Board of Management**

**Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.**

CARRIED  
7/1

12.13 Title: Lease Agreement – Bushfire Brigade Site (Part of Reserve No.46108)

**Reporting Department:** Sustainable Development Directorate  
Corporate & Governance

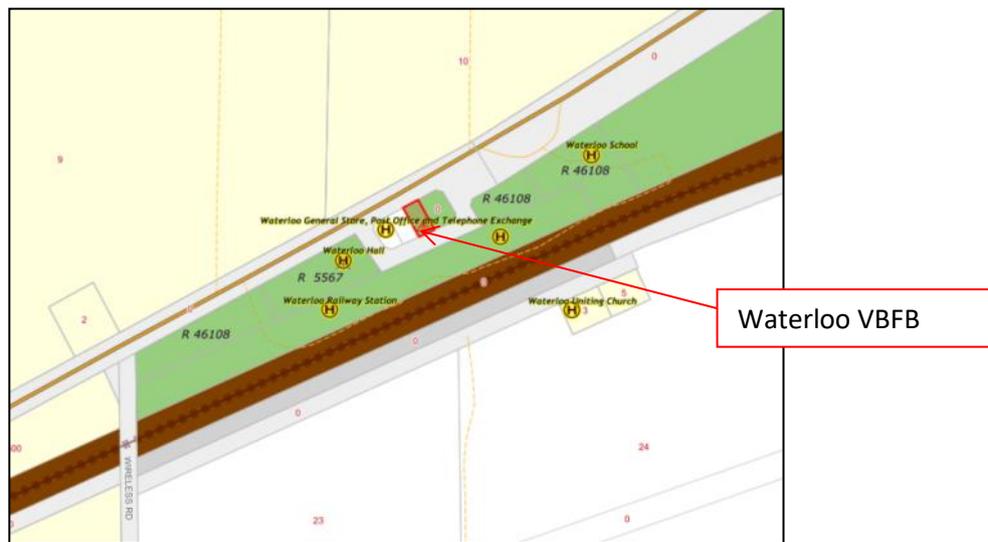
**Reporting Officer:** Ms Susan Oosthuizen - Director Sustainable Development  
Mr Phil Anastasakis – Director Corporate & Governance

**Legislation:** Local Government Act 1995

Overview

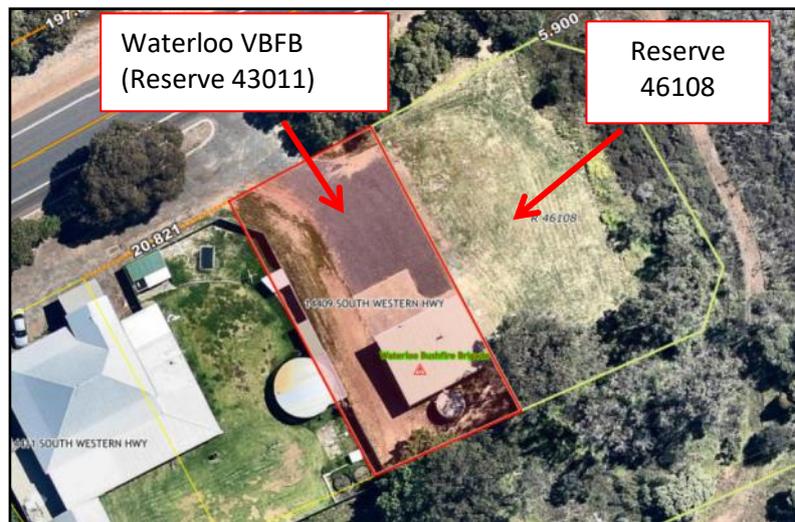
Council is requested to approve the lease of land from the Conservation and Land Management Executive Body for the proposed new Waterloo Fire Station, subject to negotiation of the term period.

Location Plan



Site Plan

The proposed lease site is located adjacent to the current Waterloo Bushfire Brigade.



### Background

On 21 November 2018, Council resolved to request the Department of Planning Lands and Heritage (DPLH) to amend the boundaries of Reserves 46108 and 43011 to facilitate the construction of the new Waterloo Volunteer Bushfire Brigade (Waterloo VBFB) building. In considering the design of the buildings it was established that the current site is too small to rebuild the new facility. In order to create an increased land area to accommodate the new station that the Shire wanted to gain ownership/management of neighbouring Reserve 48108 under the management of the Department of Biodiversity, Conservation and Attractions (DBCA), who were supportive of this request. However, advice from DPLH officers was that it could not proceed until such time as the South West settlement has been finalised by the Department of Premier and Cabinet. Following this, officers formally applied to the DBCA to lease the land in the short to medium term until it can gain formal ownership.

### Legal Implications

Reserve No. 46108 is vested in the Conservation and Parks Commission and pursuant to Section 7(2) and Section 100 of the amended *Conservation and Land Management Act 1984* the Chief Executive Officer has power to lease land to the Shire for a described purpose. Furthermore, pursuant to Section 100(3) of the CALM Act, this Lease shall be laid before each House of Parliament within 14 sitting days of its execution by all parties and will be incorporated into Hansard.

### Strategic Community Plan

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

Strategy 3.4.1 - To enable community safety and a sense of security. (Service Priority: Very High)

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

### Environment

The DBCA's lease is subject to Council being willing to take measures to ensure there is no adverse environmental impact on the neighbouring nature reserves.

### Precedents

Council resolved on 21 November 2018 [Res 368-18] to formally request the Department of Planning, Lands and Heritage to facilitate an amendment to Reserves 43011 and 46108 and authorising the Chief Executive Officer to sign on behalf of the Council any documentation applicable to the land transfer the subject of this resolution.

### Budget Implications

The lease is for a period of 10 years at an annual rate of \$150 per annum (CPI indexed annually and subject to future rent reviews – Perth CPI for All Groups to Dec 2019 = 1.59%) excluding GST. The total expenditure over 10 year term of the lease is \$1,500 (ex GST) plus CPI.

### Budget – Whole of Life Cost

The ongoing maintenance of the new building will be the responsibility of the Shire, however works may be eligible for capital grant funding under the LGGS.

### 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: 12.13A) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Lease Agreement – Bushfire Brigade Site (Part of Reserve No.46108)
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Reputational                      Council would be seen in a negative light if we failed to meet our contractual and legislative requirements</p> <p>Legal and Compliance              Failing to renew the lease agreement will result in having to relocate the Waterloo Fire Station</p>

Officer Comment

In 2018, the Shire requested from the Department of Planning Lands and Heritage (DPLH) to amend the boundaries of Reserve No 46108 and Reserve No 43011, to facilitate the construction of the new Waterloo Volunteer Bushfire Brigade (Waterloo VBFB) building. Under the 2018/19 Local Government Grant Scheme (LGGs) administered by the Department of Fire and Emergency Services (DFES) the Shire of Dardanup was issued a capital grant of \$393,909 to replace the existing Waterloo station with a new facility. The existing premise is not fit for purpose and has largely reached the end of its useful life.

In considering the design of the buildings it was established that the current site is too small to rebuild the new facility. In order to create an increased land area to accommodate the new station that the Shire wanted to explore opportunity of gaining ownership/management of a portion of Reserve No 46108. DPLH officers advised that they were supportive of the request subject to DBCA’s written support for the proposal.

Subsequent to receiving the DPLH’s advice, officers contacted DBCA seeking its support. This resulted in several further exchanges between the Shire and the DBCA, with the final correspondence advising that the DBCA would have no objection to the proposed excision and future development for emergency services purposes on the portion of Part of Reserve No. 46108 as indicated by the red line in the following plan, subject to appropriate buffers, fencing, suitable drainage management and formal development application referral



12.14 Title: Dedication of the Bunbury Outer Ring Road (Northern and Central Sections) (Main Roads WA)

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

Overview -

Main Roads WA are seeking Council approval for the following activities necessary for the Bunbury Outer Ring Road (BORR) project:

- the excision and dedication of land from various reserves required for road purposes;
- the dedication of various roads and road widening in accordance with the requirements of the Land Administration Act 1997; and
- Main Roads WA and its contractors to enter onto land in the Shire's control or management to carry out any works in association with the BORR project.

Staff do not have delegated authority to approve this request and the matter is hereby brought to Council for formal resolution.

Background -

Main Roads WA have been working on the planning and design of the BORR for several years now and have advanced the alignment and designs for the project. The BORR is a 27 km new section of State road that will effectively bypass the urban areas of the greater Bunbury area. It will connect the existing Forrest Highway at Clifton Road in the Shire of Harvey to Bussell Highway in Gelorup. The new road will pass through the Shires of Harvey and Dardanup, the City of Bunbury and the Shire of Capel. In the Shire of Dardanup the new road will pass around the outside of the planned urban expansion area of Wanju and through the planned Waterloo Industrial Park.

The BORR will be placed under the control of the Commissioner of Main Roads and several Shire roads will be upgraded and widened as part of the project. This also includes several new sections of roads that are required as part of the project and which will become Shire controlled.

Main Roads WA have indicated that construction is targeted to commence in 2021 and be completed by early 2024. The total project allocation is \$850M and is jointly funded between the State and Federal governments.

Land will need to be excised and/or acquired, and dedicated as road, under the Land Administration Act 1997 to enable the various roads to be constructed. This includes roads that are to be dedicated as State and Local Authority roads.

Correspondence from Main Roads WA, which includes the various maps of land requirements, is provided with the agenda (Appendix ORD: 12.14A).

Legal Implications

In order to carry out this task, Main Roads requires formal resolution of Council in accordance with Section 56 of the Land Administration Act 1997. The excision, acquisition and dedication processes need to be in accordance with the requirements of the Land Administration Act 1997.

### Strategic Community Plan

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

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

Strategy 5.1.4 - To build resilience of our transport network infrastructure from future threats and constraints. (Service Priority: High)

Environment - None.

### Precedents

Council has previously supported similar road dedications put forward by the State government, including:

- the excision of approximately 16 km of Pile Road from State forest land and its dedication as a road – undertaken by the then Department of Environment and Conservation.
- Various sections of the Boyanup Picton Road, Bunbury Outer Ring Road, Willinge Drive and the truck assembly bay as part of the Bunbury Outer Ring Road Stage 1 and Port Access Project – undertaken by Main Roads WA.

### Budget Implications

Main Roads WA have advised that they will indemnify the Shire against any costs and claims associated with the task.

### Budget – Whole of Life Cost

The road dedications that become Shire controlled will become the responsibility of the Shire. This includes the land and road infrastructure that is created or upgraded through the BORR project. The additional land and infrastructure will be included in the Shire's asset management system and will incur additional costs to the Shire. However, there will be some infrastructure assets that will be downgraded as part of the overall project and will assist reducing some costs.

It should be noted that Shire staff have been working with the BORR team to determine infrastructure requirements and standards for local roads. This has been focussed on achieving the best value outcome for the Shire that will meet the Shire's current and future needs as best as possible.

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: 12.14B) for full assessment document.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>	
Risk Event	Approval not provided for the required road dedications.
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Council will need to provide approval for road dedication. If there are specific concerns then these need to be dealt with as a matter of priority to ensure that land matters are not unreasonably delayed. It should be noted that Shire staff have been involved in the project and have checked the proposed land requirements.
Residual Risk Rating (after treatment or controls)	Moderate (5 - 11)
Risk Category Assessed Against	Legal and Compliance

Officer Comment

-

The dedication of roads is necessary for the construction of the various roads that make up the overall BORR project. Once dedicated the responsibility for each road can be separated between the State and the Shire. It should be noted that the Shire of Dardanup’s involvement pertains to those road sections within the Shire of Dardanup’s boundaries. A similar process is being undertaken in the City of Bunbury and the Shires of Harvey and Capel.

The dedication of the land as road is simply a formality required under the Land Administration Act 1997. Failure of Council to provide approval as requested may result in delays for the project. As mentioned in the risk assessment, Council will need to provide approval for road dedications to occur in order for the project to progress. If there are specific concerns then these need to be dealt with as a matter of priority to ensure that land matters are not unreasonably delayed. It should be noted that Shire staff have been involved in the project and have checked the proposed land requirements. Therefore, it is recommended that the dedication be supported by the Council.

It should be noted that Main Roads WA are also seeking Council approval to seek access to land managed by the Shire for project purposes prior to excision and dedication. This is on the understanding that the Land Administration Act 1997 processes may not be completed in time and Main Roads are therefore hoping to progress the project instead of waiting. Shire staff see no issues with early access to land that is only waiting on the administration component to be completed.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change

*Note: Cr Perks returned to the room [6.06pm].*

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

50-20                      MOVED -                      Cr M Bennett                      SECONDED -                      Cr P Robinson

**THAT Council:**

1.     **Consents to the excision and dedication of land required for road purposes from Reserve 35582, as depicted on Main Roads drawing 201902-0020-2;**
2.     **Supports the excision and dedication of the land required for road purposes from Reserve 46073, as depicted on Main Roads drawing 201902-0018-3;**
3.     **Supports the dedication of the roads and road widening within the Shire of Dardanup depicted on Main Roads drawings 201902-0012-5, 201902-0016-2, 201902-0017-4, 201902-0018-3, 201902-0019-3, 201902-0020-2, and 201902-0021 pursuant to section 56 of the *Land Administration Act 1997* (LAA);**
4.     **Indemnifies the Minister for Lands against any costs or claims for compensation in association with the dedication of roads and road widening, in accordance with section 56(4) of the LAA. The indemnity is provided on the basis that Main Roads Western Australia is the acquiring authority, and they indemnify the Shire of Dardanup;**
5.     **Consents to Main Roads Western Australia and its contractors to enter onto land under the Shire of Dardanup's control or management, to carry out any works in association with the BORR project. Entry to be permitted prior to the excision and dedication of the road or road widening from the Shire of Dardanup's reserves;**
6.     **Agrees to accept the roads and road widening highlighted green on the attached copy of Main Roads drawing 201902-0012-5 under its care, control, and maintenance following dedication; with the additional requirement that the areas marked in red be agreed to by Main Roads to also be included in the road widening and construction project at Main Roads' cost; and**
7.     **Requests the Department of Planning, Lands and Heritage (on behalf of the Minister for Lands), to amend Reserves 35582 and 46073, and dedicate the roads as depicted on the Main Roads drawings listed above.**

CARRIED  
9/0

12.15 Title: Monthly Statement of Financial Activity for the Period Ended 29 February 2020

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

Overview

This report presents the monthly Financial Statements for the period ended 29 February 2020 for Council adoption.

Background

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

Legal Implications

Local Government Act 1995 – Section 6.4

6.4. *Financial Report*

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

Local Government (Financial Management) Regulations 1996 r. 34

Part 4 — Financial Reports — s. 6.4

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

(1A) *In this regulation —*

***committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

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

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

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

#### Strategic Community Plan

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

Environment - None.

#### Precedents

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.

Budget – Whole of Life Cost - None.

#### Council Policy Compliance

CP036 Investment Policy & 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: 12.15A) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Monthly Statement of Financial Activity for the Period Ended 29 February 2020
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Legal and Compliance      Non-compliance with the legislative requirements that results in a qualified audit.</p> <p>Reputational                      Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.</p> <p>Financial                              Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.</p>

#### Officer Comment

The Monthly Financial Report for the period ended 29 February 2020 is contained in (Appendix ORD 12.16B) and consists of:

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

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

The Statement of Financial Activity includes the end-of-year surplus brought forward from 2018/19 of \$404,751, with a forecast surplus at 30 June 2020 of \$318,660. This forecast surplus positions differs slightly from that included in the Budget Review 2019/20 report as some of the proposed budget amendments included in that report are not yet updated to this Statement of Financial Activity.

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

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

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

51-20                      MOVED -                      Cr S Gillespie                      SECONDED -                      Cr. T G Gardiner

**THAT Council receives the Monthly Statement of Financial Activity (Appendix ORD: 12.15B) for the period ended 29 February 2020.**

CARRIED  
9/0

12.16 Title: Schedule of Paid Accounts as at 6 March 2020

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Renée Thomson – Accounts Payable Officer</i>
<i>Legislation:</i>	<i>Local Government (Financial Management) Regulations 1996</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 - Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations. (Service Priority: High)

Environment - None.

### Precedents

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

### Budget Implications

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

Budget – Whole of Life Cost - None.

### Council Policy Compliance

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

### Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.16) for full assessment document.

<b>Tier 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
Risk Event	Schedule of Paid Accounts as at 6 March 2020
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<ul style="list-style-type: none"> <li>• Financial Impact -Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.</li> <li>• Reputational - Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively</li> </ul>

### Officer Comment

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

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

52-20            MOVED -            Cr. T G Gardiner            SECONDED -            Cr P Robinson

**THAT Council receive the Schedule of Paid Accounts report from 08/02/2020 to 06/03/2020 as follows:**

Payment	Date	Name	Invoice Description	Fund	Amount
<b>ELECTRONIC FUNDS TRANSFER</b>					
EFT37317	13/02/2020	All Aussie Truck and Bobcat Services	Slash Verges Hynes Rd & Waste Transfer Station Maintenance	MUNI	1,210.00
EFT37318	13/02/2020	Amelia Kaitani	Umpire Recoup Netball 11-02-2020	MUNI	44.00
EFT37319	13/02/2020	Amity Signs	Supply Street Sign Rocky Rd	MUNI	97.90
EFT37320	13/02/2020	Aqua Torque	Assess and Repair Pump Fault - Lofthouse Park	MUNI	346.50
EFT37321	13/02/2020	Ausmic Environmental Industries	Ant and Spider Treatment for Softball Pavilion, Boomers Pavilion, Change Rooms and Admin Building Annual Termite Inspection	MUNI	1,474.00
EFT37322	13/02/2020	Australia Post	Monthly Invoice of Mail and Postage	MUNI	1,162.00
EFT37323	13/02/2020	Australian Tax Office	PAYG Withholding Pay run 07-02-2020	MUNI	89,156.00
EFT37324	13/02/2020	Australind Landscaping Supplies	Lawn Sand for Island and Roundabouts	MUNI	1,088.00
EFT37325	13/02/2020	Australind Tyre Service	Replace 2 New Front Steerer Truck Tyres	MUNI	935.00
EFT37326	13/02/2020	Activ Industries Bunbury	Weekly Watering Depiazzi Park 17-01-2020 to 31-01-20, High Pressure Clean Council Drive and Pratt Rd BBQ's	MUNI	2,226.40
EFT37327	13/02/2020	Allegiance Security Personnel	Movies By Moonlight - 1 Security Officer	MUNI	211.20
EFT37328	13/02/2020	B.Social	Employee Deductions B Social Club	MUNI	170.00
EFT37329	13/02/2020	Bell Fire Equipment Company Pty Ltd	Design and Supply Including Fittings - Dardanup Central & Ferguson BFB	MUNI	1,320.00
EFT37330	13/02/2020	Big W	ECL - Book Stock and DVD's	MUNI	380.00

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37331	13/02/2020	Blackwood Tanks	Water Tank Incl. Level Gauge & Pump Seal for Water Supply Ferguson BFB	MUNI	5,255.00
EFT37332	13/02/2020	Brett Hodgson	Umpire Recoup Basketball 05-02-2020	MUNI	88.00
EFT37333	13/02/2020	Bunbury Auto One	Trailer Light Plugs	MUNI	94.44
EFT37334	13/02/2020	Bunbury Harvey Regional Council	Stanley Road - Waste Disposal January 2020	MUNI	607.69
EFT37335	13/02/2020	Bunbury Machinery	Plant Service - New Holland Tractor incl. replacement of PTO Shaft Clutch	MUNI	3,222.80
EFT37336	13/02/2020	Bunbury Mower Service	Mower Parts & Repairs	MUNI	291.50
EFT37337	13/02/2020	Bunnings Group Limited	Sundry Parts for Repairs and Paint Supplies for Display Wall ECL	MUNI	537.25
EFT37338	13/02/2020	Cameron Baker	Umpire Recoup Basketball 05-02-2020	MUNI	88.00
EFT37339	13/02/2020	Caroline Mears	ECL - Chair Yoga for January	MUNI	240.00
EFT37340	13/02/2020	CFM - Myzone	ERC Myzone Belts and Replacement Straps	MUNI	1,808.95
EFT37341	13/02/2020	Cleanaway	Bins for Australia Day Breakfast Events at Dardanup & Eaton and Movies by Moonlight at Eaton Foreshore	MUNI	569.49
EFT37342	13/02/2020	Cleanaway Solid Waste Pty Ltd	Monthly Hire/Emptying Skip Bins at Transfer Station and Depot	MUNI	3,079.98
EFT37343	13/02/2020	Coates Hire Ltd	Movies By Moonlight - Lighting Tower	MUNI	537.41
EFT37344	13/02/2020	Country Landscaping Pty Ltd	Repairs to Eaton Foreshore Irrigation System and Repair Pipes Sindhi Park	MUNI	3,127.80
EFT37345	13/02/2020	Craven Foods	ERC - Cafe Order	MUNI	88.72

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37346	13/02/2020	Cross Security Services	Depot Alarm System Battery Replacement and Monitoring at ERC	MUNI	498.30
EFT37347	13/02/2020	Caltex Energy WA	2 x 10Lt Adblue for Truck DA 9513	MUNI	227.34
EFT37348	13/02/2020	D M & S Curtin	Service Call Out - Ice Machine at Depot	MUNI	187.00
EFT37349	13/02/2020	Daniel Woods	Umpire Recoup Basketball 05-02-2020	MUNI	110.00
EFT37350	13/02/2020	Dapco Tyre and Auto Centre	Service Toyota Prado (DA017)	MUNI	418.53
EFT37351	13/02/2020	Dardanup Garage & Service Station	Vehicle Service DA8200 DA005 and Sundry Plant and Trailers	MUNI	1,836.55
EFT37352	13/02/2020	Dardanup Rural Supplies	Survey Stakes and Tape	MUNI	41.00
EFT37353	13/02/2020	David Eric Baker	LG Consultant Services	MUNI	2,585.00
EFT37354	13/02/2020	Deputec Pty Ltd	ERC - Deputy Roster Software 2019/2020	MUNI	91.63
EFT37355	13/02/2020	Donna Bastow	Umpire Recoup Basketball 05-02-2020	MUNI	132.00
EFT37356	13/02/2020	Darryl Fishwick	Umpire Recoup Basketball 05-02-2020	MUNI	110.00
EFT37357	13/02/2020	Emily Goyder	Umpire Recoup Netball 10-02-2020	MUNI	112.50
EFT37358	13/02/2020	Forpark Australia	Construction of Treated Timber Retaining Walls to Specified Sites on Millars Creek Fitness Trail	MUNI	9,636.00
EFT37359	13/02/2020	Grace Records Management	Bin Exchange and Records Management	MUNI	1,559.54
EFT37360	13/02/2020	Heatleys	Electrolyte, Antibacterial Gel and Ear Muffs	MUNI	226.17
EFT37361	13/02/2020	Helen Ammon	Accommodation & Meals - State Library Workshop	MUNI	477.78

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37362	13/02/2020	Hitachi Construction Machinery Australia Pty Ltd	Investigate and Fix Fault John Deere Grader	MUNI	234.63
EFT37363	13/02/2020	Hynes Contracting	Call Out Remove Tress Ferguson Rd and Dowdells Line	MUNI	660.00
EFT37364	13/02/2020	Jim's Test and Tag	Test and Tags - Eaton Bowling Club	MUNI	871.72
EFT37365	13/02/2020	JR & A Hersey Pty Ltd	Survey Paint Gloves Tapes and Hydration Sticks	MUNI	607.29
EFT37366	13/02/2020	Kaitlyn O'Dea	Umpire Recoup Netball 11-02-2020	MUNI	45.00
EFT37367	13/02/2020	Karyn Rowe	Umpire Recoup Netball 10-02-2020	MUNI	240.00
EFT37368	13/02/2020	Kathleen Hault	Uniform Reimbursement	MUNI	79.95
EFT37369	13/02/2020	Kings Tree Care	Tree Prune Diadem St	MUNI	550.00
EFT37370	13/02/2020	Kmart	Library Program and Vacation Care Supplies	MUNI	116.00
EFT37371	13/02/2020	Kott Gunning Lawyers	Legal Advice - Cleanaway Dust Emissions	MUNI	1,090.32
EFT37372	13/02/2020	Landgate	Gross Rental Valuations for rating	MUNI	761.20
EFT37373	13/02/2020	Les Mills Asia Pacific	ERC - Monthly Licence Fees February 2020	MUNI	1,258.55
EFT37374	13/02/2020	Mantrac	Slash & Remove Flammable Materials From Pedretti Rd	MUNI	242.00
EFT37375	13/02/2020	Marketforce	Monthly Bulk Advertising Costs - Public Notices and Employment	MUNI	3,005.79
EFT37376	13/02/2020	Megan Peterson	ERC - Reimbursement of a Training Session due to Public Holiday Closure	MUNI	134.67

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37377	13/02/2020	Moore Stephens WA Pty Ltd	Moore Stephens Budgeting Workshop	MUNI	157.00
EFT37378	13/02/2020	Naturaliste Hygiene	Pick Up and Disposal of 5 Sharps Containers	MUNI	165.00
EFT37379	13/02/2020	Nightguard Security Service	Security Call-Out Service for Eaton Administration Centre	MUNI	99.00
EFT37380	13/02/2020	NSCO Consulting	Professional Services, Advice and Coaching Session - Governance	MUNI	594.00
EFT37381	13/02/2020	Nathan Stacey	Umpire Recoup Basketball 05-02-2020	MUNI	88.00
EFT37382	13/02/2020	Noise and Vibration Measurement Systems Pty Ltd	Subscription for Post Processing Module - Noise Meter	MUNI	598.40
EFT37383	13/02/2020	Pages Mechanical Repairs	Plant Service Hino Tip Truck DA325	MUNI	712.16
EFT37384	13/02/2020	Perfect Landscapes	Monthly Mowing - Shire Parks & Ovals	MUNI	4,554.00
EFT37385	13/02/2020	Picton Civil Pty Ltd	Earthworks and Block Laying - Eaton Foreshore Flying Fox	MUNI	14,011.80
EFT37386	13/02/2020	Rachel Louise Meads	Staff Uniform Reimbursement	MUNI	60.00
EFT37387	13/02/2020	Raelene Tedd	Umpire Recoup Netball 11-02-2020	MUNI	45.00
EFT37388	13/02/2020	Rock N Roll High	Summer Sounds In The Park	MUNI	200.00
EFT37389	13/02/2020	Rural Cinema	Movies By Moonlight - Lion King Screening	MUNI	1,890.00
EFT37390	13/02/2020	Safetcard Australia	Monthly Monitoring Fees for Safetcards	MUNI	264.00
EFT37391	13/02/2020	Sanity Bunbury	ECL - Book Stock and DVD's	MUNI	748.30
EFT37392	13/02/2020	SMR Psychology	Employee Assistance Program	MUNI	187.00

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37393	13/02/2020	SOS Office Equipment	Photocopier Meter Readings	MUNI	2,740.60
EFT37394	13/02/2020	South West Fire	Repairs to Pump Motor On Dardanup West BFB 1.4R Appliance	MUNI	827.23
EFT37395	13/02/2020	Southern Lock and Security	Additional Restricted Keys Cut	MUNI	90.00
EFT37396	13/02/2020	Spotlight Pty Ltd	Library Program Supplies	MUNI	98.85
EFT37397	13/02/2020	SQM Australia Pty Ltd	Rates Refund for Assessment A11743	MUNI	62.53
EFT37398	13/02/2020	St John Ambulance Western Australia Ltd	Annual Servicing of First Aid Kits	MUNI	654.12
EFT37399	13/02/2020	Suzanne Occhipinti	Staff Uniform Reimbursement	MUNI	115.98
EFT37400	13/02/2020	Synergy	Electricity Accounts Townsite Street Lights and BCD Football Club	MUNI	35,173.96
EFT37401	13/02/2020	Tailtap	Skateboard Clinic In Burekup	MUNI	575.00
EFT37402	13/02/2020	Taylor Anderson	Umpire Recoup Basketball 05-02-2020	MUNI	88.00
EFT37403	13/02/2020	Telstra	Mobile - DFES Grant Funded Office, West Dardanup BFB & Satellite Phones	MUNI	399.80
EFT37404	13/02/2020	Terau Aroha Tamatea	Umpire Recoup Netball 11-02-2020	MUNI	66.00
EFT37405	13/02/2020	The Childrens Book Council of Australia WA Branch	Library Supplies - Institutional	MUNI	75.00
EFT37406	13/02/2020	The Print Shop	Library Key tag Plastic Cards	MUNI	2,223.00
EFT37407	13/02/2020	Toni Hotchin	Umpire Recoup Netball 11-02-2020	MUNI	45.00

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37408	13/02/2020	Total Team Building	Corporate and Governance Team Building Activity	MUNI	2,960.00
EFT37409	13/02/2020	Tutt Bryant Hire	Equipment Hire for Road Construction and Maintenance	MUNI	6,491.21
EFT37410	13/02/2020	Vanessa Rose Black	Umpire Recoup Netball 10-02-2020	MUNI	90.00
EFT37411	13/02/2020	West Australian Mechanical Services Pty Ltd	ERC - Air Con Service	MUNI	522.50
EFT37412	13/02/2020	With Every Breath	ECL - Kids Yoga School Holidays Program	MUNI	100.00
EFT37413	13/02/2020	Woolworths Group Limited	General Kitchen Supplies - Eaton Office and Supplies Library Programs	MUNI	210.67
EFT37414	13/02/2020	Zero Point Energy Social Enterprise	Recycling Audit and Report	MUNI	2,600.00
EFT37415	13/02/2020	Zoe Hill	Umpire Recoup Netball 10-02-2020	MUNI	90.00
EFT37416	20/02/2020	Alison Maree Spence	Reimbursement of Small Group Training Session Due to Medical Conditions	MUNI	341.00
EFT37417	20/02/2020	Amy Helen Lawrence	Staff Uniform Reimbursement	MUNI	49.00
EFT37418	20/02/2020	Allegiance Security Personnel	Buy It Back Fair- 1 Security Officer	MUNI	246.40
EFT37419	20/02/2020	Bell Fire Equipment Company Pty Ltd	Joshua Brook and Waterloo BFB Supplies	MUNI	463.10
EFT37420	20/02/2020	Benjamin Robinson	Reimbursement of Cancelled Membership Fees Paid Upfront	MUNI	111.25
EFT37421	20/02/2020	Blackwoods	Filter Cartridge Scott for all BFB's	MUNI	477.40
EFT37422	20/02/2020	BOC Ltd	ERC - Hire of Oxygen Bottle	MUNI	12.19
EFT37423	20/02/2020	Boyles Plumbing and Gas	Clean Out Waste Drain in Canteen at Pratt Rd Sports Pavilion	MUNI	148.50

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37424	20/02/2020	Brett Hodgson	Umpire Recoup Basketball 12/02/2020	MUNI	132.00
EFT37425	20/02/2020	Brooke Scott	ERC - Sprint Cover	MUNI	127.00
EFT37426	20/02/2020	Brownes Foods Operations Pty Ltd	ERC - Cafe Order	MUNI	182.07
EFT37427	20/02/2020	Bunbury Harvey Regional Council	Regional Waste Education Program	MUNI	2,425.65
EFT37428	20/02/2020	Bunbury Holden	Repair Front Sensor Holden Equinox DA563	MUNI	435.00
EFT37429	20/02/2020	Bunbury Machinery	Telescopic Handle and Bullfloat Flextool	MUNI	141.00
EFT37430	20/02/2020	Bunbury Psychological Services	Counselling Services	MUNI	154.00
EFT37431	20/02/2020	Bunbury Plumbing Service	Supply and Deliver Water to Water Tank at Ferguson BFB	MUNI	2,046.00
EFT37432	20/02/2020	Bunbury Print	ERC Stock - Runners Club Shirts	MUNI	400.00
EFT37433	20/02/2020	Cameron Baker	Umpire Recoup Basketball 12/02/2020	MUNI	88.00
EFT37434	20/02/2020	Capri Di Candilo	Umpire Recoup Netball 18/02/2020	MUNI	67.50
EFT37435	20/02/2020	Cleanaway	Waste Bins - Repairs & Maintenance, New Services, Removal of Services	MUNI	1,786.87
EFT37436	20/02/2020	Cleanaway Solid Waste Pty Ltd	Monthly Kerbside Waste Collection and Landfill	MUNI	5,242.71
EFT37437	20/02/2020	Coca-Cola Amatil Australia Pty Ltd	ERC - Cafe Order	MUNI	93.72
EFT37438	20/02/2020	Construction Training Fund : Bciff	BCITF - January 2020 Reconciliation	MUNI	3,591.34

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37439	20/02/2020	Corinne Shaw	Reimbursement of Supplies for Robotics Workshop Run ECL	MUNI	67.05
EFT37440	20/02/2020	Craven Foods	ERC - Cafe Order	MUNI	227.88
EFT37441	20/02/2020	Daniel Woods	Umpire Recoup Basketball 12/02/2020	MUNI	44.00
EFT37442	20/02/2020	Danielle McLeod	Refund Cat Cage Hire Bond	MUNI	150.00
EFT37443	20/02/2020	Dennis Jetta	Welcome to Country at Vision 2050 Summit	MUNI	385.00
EFT37444	20/02/2020	Department of Mines, Industry, Regulations & Safety (Dmirs)	BSL - January 2020 Reconciliation	MUNI	5,760.99
EFT37445	20/02/2020	Donna Bastow	Umpire Recoup Basketball 12/02/2020	MUNI	132.00
EFT37447	20/02/2020	Evelyn Butchart	Catering for Citizenship Ceremony - Regional New Industries Forum - Corporate Team Building Activity	MUNI	1,364.40
EFT37448	20/02/2020	Frances Florence Ann Smith	Rates Refund for Assessment A1202	MUNI	792.00
EFT37449	20/02/2020	Gregory Alan Stover	Refund of BSL for Building Application 2019200133 Application Cancelled	MUNI	61.65
EFT37450	20/02/2020	Howson Technical	Project Management - Ferguson Road - Harris Road & Eaton Drive	MUNI	8,464.50
EFT37451	20/02/2020	Hynes Contracting	Site Works In Preparation of Water Tank at Ferguson BFB	MUNI	2,850.00
EFT37452	20/02/2020	Jason Carroll Naturopath	ERC - Cafe Order	MUNI	500.50
EFT37453	20/02/2020	Josie Phillips	Umpire Recoup Netball 17/02/2020	MUNI	90.00
EFT37454	20/02/2020	Jason Cartledge	Umpire Recoup Basketball 12/02/2020	MUNI	110.00

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37455	20/02/2020	Kaitlyn O'Dea	Umpire Recoup Netball 17/02/2020	MUNI	180.00
EFT37456	20/02/2020	Karyn Rowe	Umpire Recoup Netball 17/02/2020	MUNI	180.00
EFT37457	20/02/2020	Katie Moyse	Refund Vacation Care Fee which was Incorrectly Charged	MUNI	48.06
EFT37458	20/02/2020	Kenny Pomare	Umpire Recoup Basketball 12/02/2020	MUNI	44.00
EFT37459	20/02/2020	Kim Jason Lewis	Rates Refund for Assessment A3885	MUNI	365.70
EFT37460	20/02/2020	Marjorie & James Kenneth Mckie	Rates Refund for Assessment A3436	MUNI	527.95
EFT37461	20/02/2020	Marketforce	Advertising - Community News	MUNI	2,430.56
EFT37462	20/02/2020	Matthew Francis & Peta Cherie Byrne	Refund Vacation Care Fee due to Overpayment	MUNI	17.96
EFT37463	20/02/2020	Michaela Jane Hayden	Staff Uniform Reimbursement	MUNI	389.40
EFT37464	20/02/2020	Nathan Stacey	Umpire Recoup Basketball 12/02/2020	MUNI	110.00
EFT37465	20/02/2020	Officeworks Superstores Pty Ltd	Microsoft Sculpt Ergonomic Desktop Combo Set	MUNI	155.99
EFT37466	20/02/2020	Outdoor World Bunbury	Refund of BSL Portion of Fees for Building Application 2019200114	MUNI	61.65
EFT37467	20/02/2020	Perfect Landscapes	Mowing - Shire Parks & Ovals	MUNI	8,943.00
EFT37468	20/02/2020	Pfd Food Services Pty Ltd	ERC - Cafe Order	MUNI	379.25
EFT37469	20/02/2020	Picton Civil Pty Ltd	Backfill and Minor Earthworks - Peninsula Lakes Playground	MUNI	2,035.00
EFT37470	20/02/2020	Porter Consulting Engineers Tusno Pty Ltd	Eaton Drive / Lavender Way / Blue Wren Drive - Variation for Stage 1 Design Works	MUNI	5,390.00

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37471	20/02/2020	Promote You	Embroidery of Staff Uniforms	MUNI	61.60
EFT37472	20/02/2020	Promotions Only	Navy/Black Hustle Bags - Sports Competitions - Promotion Bags for advertising at Foreshore Festival	MUNI	1,936.00
EFT37473	20/02/2020	Raelene Tedd	Umpire Recoup Netball 18/02/2020	MUNI	45.00
EFT37474	20/02/2020	Russell Antony Cole	ERC - Winner of The Quarterly Refer A Friend Prize Draw	MUNI	250.00
EFT37475	20/02/2020	Sally Brand	Paid Account Prior to Child Care Subsidy Being Applied	MUNI	38.00
EFT37476	20/02/2020	Schweppes Australia Pty Ltd	ERC - Cafe Order	MUNI	141.24
EFT37477	20/02/2020	SMR Psychology	Employee Assistance Program	MUNI	187.00
EFT37478	20/02/2020	Southern Lock and Security	Supply and Install New Barrel Lock for Records Office	MUNI	181.00
EFT37479	20/02/2020	Stewart and Heaton Clothing Company Pty Ltd	Safety Clothing for Dardanup, Dardanup West and Wellington Mills BFB	MUNI	534.30
EFT37480	20/02/2020	Suzanne Occhipinti	Staff Uniform Reimbursement	MUNI	24.00
EFT37481	20/02/2020	Te Wairimu Elinor Pomare	Umpire Recoup Basketball 12/02/2020	MUNI	44.00
EFT37482	20/02/2020	Telstra	Telephone Charges - Mainlines - Mobiles and iPads	MUNI	10,122.11
EFT37483	20/02/2020	TKL Contractors Pty Ltd	Refund of Development Application	MUNI	147.00
EFT37484	20/02/2020	Toni Hotchin	Umpire Recoup Netball 18/02/2020	MUNI	45.00
EFT37485	20/02/2020	Tutt Bryant Hire	Hire of Excavator for Road Maintenance	MUNI	1,623.85

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37486	20/02/2020	UDIA (WA)	UDIA Industry Breakfast - Planning Matters	MUNI	198.00
EFT37487	20/02/2020	Undercover SW	ERC - Water Tag for Vacation Care Xmas Holidays	MUNI	240.00
EFT37488	20/02/2020	WALGA	Local Recovery Co-Ordinator Course	MUNI	1,045.00
EFT37489	20/02/2020	Winc Australia Pty Ltd	Stationery Supplies - Eaton Admin	MUNI	194.81
EFT37490	20/02/2020	Woolworths Group Limited	General Kitchen Supplies - Eaton Office & ERC	MUNI	533.30
EFT37491	20/02/2020	Wellington Mills BFB	Control Burn of Wellington Mill Roadside	MUNI	8,960.00
EFT37492	20/02/2020	Zoe Hill	Umpire Recoup Netball 17/02/2020	MUNI	154.00
EFT37493	27/02/2020	21 Graphic Design Pty Ltd	Community Events Brochure	MUNI	198.00
EFT37494	27/02/2020	Access Wellbeing Services	EAP Consultation	MUNI	187.00
EFT37495	27/02/2020	All Aussie Truck and Bobcat Services	Waste Transfer Station Clean Up	MUNI	660.00
EFT37496	27/02/2020	Altus Planning	Planning Consultant Fee for Sat Mediation of Council Decision - King Tree Road	MUNI	4,400.00
EFT37497	27/02/2020	Amity Signs	Replacement Hand Rail for Casuarina Street	MUNI	269.50
EFT37498	27/02/2020	Aquila Food Forest	Sustainable Living Workshop	MUNI	230.00
EFT37499	27/02/2020	Ashley James & Nyrang Leeka Lindroth	ERC - Refund Term Fee	MUNI	168.00
EFT37500	27/02/2020	Australian Tax Office	PAYG Withholding Pay Run 21-02-2020	MUNI	79,360.00
EFT37501	27/02/2020	Australind Coffee Roasting	Refreshments for Vision 2050 Summit	MUNI	135.00

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37502	27/02/2020	Australind/Eaton Medical Centre	Pre Employment Medical Examination - Business Solutions Team Leader	MUNI	115.00
EFT37503	27/02/2020	All Seasons Sanctuary Golf Resort Bunbury	Accommodation for Guest Speaker at Vision 2050 Summit	MUNI	374.00
EFT37504	27/02/2020	B.Social	Employee Deductions B Social Club	MUNI	160.00
EFT37505	27/02/2020	Ben Anderson	Reimbursement of HDMI Cable	MUNI	29.88
EFT37506	27/02/2020	Boyles Plumbing and Gas	Repair Leak to Dog Water Bowl at Watson Street Reserve Toilets - Repair Water Leak Admin Office Urn	MUNI	619.32
EFT37507	27/02/2020	Brandicoot	Monthly Web Hosting	MUNI	895.98
EFT37508	27/02/2020	Brett Hodgson	Umpire Recoup Basketball 19-02-2020	MUNI	88.00
EFT37509	27/02/2020	Bunbury and Districts Softball Association	Venue Hire for Citizenship Ceremony	MUNI	150.00
EFT37510	27/02/2020	Bunbury Machinery	Fertiliser Spreader	MUNI	68.18
EFT37511	27/02/2020	Bunbury Subaru	Vehicle Service DAO	MUNI	311.74
EFT37512	27/02/2020	Bunbury Tyrepower - Picton	Repair Slow Leak on Grader Tyre	MUNI	88.00
EFT37513	27/02/2020	Bunnings Group Limited	Decking Stain & Brushes for Eaton Foreshore Maintenance - Fuel Can & Dyna Bolts for Depot	MUNI	400.08
EFT37514	27/02/2020	Bunbury City Motorcycles	Suction Valve Honda Quad bike DA8979	MUNI	200.60
EFT37515	27/02/2020	Cameron Baker	Umpire Recoup Basketball 19-02-2020	MUNI	88.00
EFT37516	27/02/2020	Capri Di Candilo	Umpire Recoup Netball 25-02-2020	MUNI	45.00

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37517	27/02/2020	Carmel Boyce	Councillor Allowance	MUNI	1,158.92
EFT37518	27/02/2020	City of Bunbury	ERC- Bunbury Wildlife Park Excursion for Vacation Care	MUNI	253.00
EFT37519	27/02/2020	Cleanaway	Kerbside Refuse Removal	MUNI	60,733.56
EFT37520	27/02/2020	Cleanaway Solid Waste Pty Ltd	Kerbside Waste Collection & Landfill	MUNI	10,817.26
EFT37521	27/02/2020	Collins Booksellers	ECL - Book Stock	MUNI	238.92
EFT37522	27/02/2020	Connect Call Centre Services	After Hours Call Centre Service	MUNI	482.63
EFT37523	27/02/2020	Core Business Australia	Asset Management Plans - Councillor Workshop	MUNI	2,420.00
EFT37524	27/02/2020	Country Landscaping Pty Ltd	Parks and Gardens - Pump Replacement Servicing & Repairs	MUNI	11,392.05
EFT37525	27/02/2020	Craneford Plumbing	Quarterly ATU Service at Depot	MUNI	310.20
EFT37526	27/02/2020	Danika Libby Thompson	Working With Children Check Reimbursement	MUNI	87.00
EFT37527	27/02/2020	Dapco Tyre and Auto Centre	Vehicle Service DA955 Holden Colorado	MUNI	833.65
EFT37528	27/02/2020	Dardanup Rural Supplies	Brickies Cement	MUNI	9.95
EFT37529	27/02/2020	Dell Australia Pty Ltd	Dell Thunderbolt Dock & Adapter Kit	MUNI	343.20
EFT37530	27/02/2020	Department of Fire and Emergency Services	ESL Levy Collected Through Councils Rating Function On Behalf of DFES	MUNI	207,017.41
EFT37531	27/02/2020	Donna Bastow	Umpire Recoup Basketball 19-02-2020	MUNI	110.00

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37532	27/02/2020	Donna Whitton	Umpire Recoup Netball 21-02-2020	MUNI	45.00
EFT37533	27/02/2020	Dx Print Group Pty Ltd	DLX Window faced Envelopes	MUNI	814.00
EFT37534	27/02/2020	Darryl Fishwick	Umpire Recoup Basketball 19-02-2020	MUNI	110.00
EFT37535	27/02/2020	Eaton Community College	Eaton Community Library Cost for Water Newspapers and Electricity	MUNI	2,722.85
EFT37536	27/02/2020	Elliotts Irrigation Pty Ltd	Service & Check Millbridge Lakes Iron Filter	MUNI	279.40
EFT37537	27/02/2020	Erin Hutchins	Staff Uniform Reimbursement	MUNI	10.00
EFT37538	27/02/2020	Fit Right Sit Tight	Roadwise - Car Seat Checks	MUNI	200.00
EFT37539	27/02/2020	Fuji Xerox Australia Pty Ltd	Lease for Photocopiers - Shire Fleet	MUNI	4,785.00
EFT37540	27/02/2020	Fulton Hogan Industries WA	Maxi Skid Resist - Road Maintenance	MUNI	582.29
EFT37541	27/02/2020	Helen Ammon	Staff Uniform Reimbursement	MUNI	684.38
EFT37542	27/02/2020	IVC Computer Services	15 Amp Power Cable	MUNI	74.00
EFT37543	27/02/2020	Instant Weighing	Calibrate Scales on Loader - Includes Travel & Accommodation	MUNI	1,210.00
EFT37544	27/02/2020	Janice Patricia Dow	Councillor Allowance	MUNI	1,158.92
EFT37545	27/02/2020	JCW Electrical Pty Ltd	Repair Sensor Light Dardanup Oval Club	MUNI	365.66
EFT37546	27/02/2020	Jim's Test and Tag	Test and Tags - Dardanup Office and Eaton Rec Centre	MUNI	2,144.79
EFT37547	27/02/2020	Josie Phillips	Umpire Recoup Netball 24-02-2020	MUNI	90.00

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37548	27/02/2020	June Keil	Library Program - Healthy Garden, Healthy Soil Workshop	MUNI	100.00
EFT37549	27/02/2020	Jason Cartledge	Umpire Recoup Basketball 19-02-2020	MUNI	88.00
EFT37550	27/02/2020	K'S Home Kitchen	Catering for The Community Engagement Training, Vision 2050 Summit & Asset Management Workshop	MUNI	1,145.00
EFT37551	27/02/2020	Kaitlyn O'Dea	Umpire Recoup Netball 25-02-2020	MUNI	45.00
EFT37552	27/02/2020	Karyn Rowe	Umpire Recoup Netball 24-02-2020	MUNI	202.50
EFT37553	27/02/2020	Kings Tree Care	Tree Removal and Management at Hutchinson Rd Burekup	MUNI	14,476.00
EFT37554	27/02/2020	LGIS Risk Management Services	LGIS Contractor Management Practices & Gap Analysis	MUNI	5,016.00
EFT37555	27/02/2020	Luke Davies	Councillor Allowance	MUNI	1,158.92
EFT37556	27/02/2020	MAIA Financial Pty Ltd	IT Leased Expenditure: Nutanix Servers, Dell Servers, Storage, Switches	MUNI	31,292.86
EFT37557	27/02/2020	Main Roads Western Australia	Rates Refund for Assessment A10514	MUNI	1,276.90
EFT37558	27/02/2020	Malatesta Road Paving and Hotmix	Ferguson Road Primer Seal - Aggregate Emulsion	MUNI	10,767.80
EFT37559	27/02/2020	Mandurah Hyundai	Purchase Hyundai Santa Fe 7S Active Auto White DA004 (Net of Trade-in)- Manager Development Services	MUNI	21,367.00
EFT37560	27/02/2020	Mantrac	Mulch Blackberries and Large Tree Branches - Venn Rd	MUNI	486.75
EFT37561	27/02/2020	Mark Richard Hutchinson	Councillor Allowance	MUNI	1,158.92
EFT37562	27/02/2020	Michael Bennett	Councillor Allowance	MUNI	3,838.25

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37563	27/02/2020	Michaela Jane Hayden	Reimbursement for Studies - Diploma of Library Studies	MUNI	439.20
EFT37564	27/02/2020	Nature Play Solutions	Natures Wonderland Adventure 2020 - Cubby Building and Messy Mud	MUNI	3,410.00
EFT37565	27/02/2020	NSCO Consulting	Professional Services - Implementation of Contractor Site Safety Induction and Associated Systems	MUNI	264.00
EFT37566	27/02/2020	Nathan Stacey	Umpire Recoup Basketball 19-02-2020	MUNI	88.00
EFT37567	27/02/2020	Officeworks Superstores Pty Ltd	Seed and Plant Swap - Large Outdoor Banner	MUNI	258.00
EFT37568	27/02/2020	One Steel Metaland	Metal for Window Security Screen at Tip Site	MUNI	40.35
EFT37569	27/02/2020	Patricia Perks	Councillor Allowance	MUNI	1,158.92
EFT37570	27/02/2020	Perfect Landscapes	Mowing - Shire Parks & Ovals	MUNI	2,167.00
EFT37571	27/02/2020	Peter Robinson	Councillor Allowance	MUNI	1,697.84
EFT37572	27/02/2020	Picton Civil Pty Ltd	Ferguson Rd Upgrade and Modification to Stone Wall - Our Lady of Lourdes Primary School	MUNI	5,128.75
EFT37573	27/02/2020	Pirtek Bunbury	Parts and Equipment - Sundry Plant and Trailers	MUNI	562.10
EFT37574	27/02/2020	Pollen Nation	Library Program - Floral Wands Workshop	MUNI	250.00
EFT37575	27/02/2020	Rachel Louise Meads	Uniform Reimbursement	MUNI	12.00
EFT37576	27/02/2020	Raelene Tedd	Umpire Recoup Netball 24-02-2020	MUNI	90.00

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37577	27/02/2020	Regional Development Australia South West	Contribution Towards Provision of Economic and Community Profiling for South West.	MUNI	1,375.00
EFT37578	27/02/2020	Ryan Baker	Umpire Recoup Basketball 19-02-2020	MUNI	44.00
EFT37579	27/02/2020	Site Safe Temporary Fencing South West	Hire of Temporary Construction Fencing - Ferguson Road	MUNI	3,872.00
EFT37580	27/02/2020	South West Tree Safe	Ferguson Hall - Remove Large Fallen Branch	MUNI	990.00
EFT37581	27/02/2020	Spraymow Services	Glen Huon Oval - Black Beetle and Soil Wetta	MUNI	902.00
EFT37582	27/02/2020	Stacey Gillespie	Councillor Allowance	MUNI	1,158.92
EFT37583	27/02/2020	Suez Recycling and Recovery	November to January Kerbside Recycling Processing	MUNI	34,057.41
EFT37584	27/02/2020	Synergy	Electricity Account for Dardanup Oval	MUNI	855.86
EFT37585	27/02/2020	Taylor Anderson	Umpire Recoup Basketball 19-02-2020	MUNI	88.00
EFT37586	27/02/2020	Therese Price	Umpire Recoup Netball 25-02-2020	MUNI	67.50
EFT37587	27/02/2020	Toni Hotchin	Umpire Recoup Netball 24-02-2020	MUNI	180.00
EFT37588	27/02/2020	Town Team Movement Ltd	South West Placemaking Masterclass	MUNI	330.00
EFT37589	27/02/2020	Tradelink	Rheem - Electric Boiling Water Unit for Eaton Office	MUNI	719.40
EFT37590	27/02/2020	Tyrrell Gardiner	Councillor Allowance	MUNI	1,158.92
EFT37591	27/02/2020	Undercover SW	Library Program - Water Tag at The Foreshore	MUNI	240.00
EFT37592	27/02/2020	Veolia Environmental Services (Australia) Pty Ltd	Vacuum Stormwater Drains Ferguson Road and Charlotte St	MUNI	2,643.85

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37593	27/02/2020	Weathersafe WA	Supply and Install Galvanised Frames & Shade Sails at Colin Spragg Playground	MUNI	44,198.00
EFT37594	27/02/2020	Winc Australia Pty Ltd	Eaton Administration Office - Stationery Order	MUNI	686.17
EFT37595	27/02/2020	Woolworths Group Limited	General Items (Grocery Milk Etc.) for Admin Office, Library Author Talk & Natures Wonderland Adventure	MUNI	248.33
EFT37596	27/02/2020	Work Clobber	Koolgear Long Sleeve Shirts	MUNI	312.02
EFT37597	27/02/2020	Wyunga Grazing Company	Refund BCITF Fees for Building Licence 2019200059	MUNI	286.45
EFT37598	27/02/2020	Zipform Pty Ltd	Printing, Collation and Lodgement of Rates Instalment Notices	MUNI	1,466.15
EFT37599	27/02/2020	Zoe Hill	Umpire Recoup Netball 25-02-2020	MUNI	44.00
EFT37600	05/03/2020	Alinta	ERC - Electricity Account	MUNI	2,919.59
EFT37601	05/03/2020	All Aussie Truck and Bobcat Services	Waste Transfer Station Clean Up	MUNI	660.00
EFT37602	05/03/2020	Amelia Kaitani	Umpire Recoup Netball 03-03-2020	MUNI	66.00
EFT37603	05/03/2020	Australind Glass	Window Replacement Banksia Road Waste Station	MUNI	110.30
EFT37604	05/03/2020	Australind Landscaping Supplies	Parks & Gardens - Scoops Lawn Sand & Mulch	MUNI	1,822.00
EFT37605	05/03/2020	Australind/Eaton Medical Centre	Pre Employment Medical Examination and Audio - General Hand	MUNI	195.00
EFT37606	05/03/2020	Axio Maintenance and Construction	ERC - Repair Cracks, Acid Wash, Pressure Clean and Recoat Concrete Outdoor Area, Plumbing Repairs to Showers & Sink, Repair Door Closer, Install Trunking in Store Room	MUNI	2,359.50

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37607	05/03/2020	BCE Surveying Pty Limited	Construction Survey Services - Ferguson Road	MUNI	6,980.05
EFT37608	05/03/2020	Belinda Kemp	Rates Refund for Assessment A1479	MUNI	1,561.00
EFT37609	05/03/2020	Bell Fire Equipment Company Pty Ltd	Heavy Duty Black Rubber Delivery Hose Burekup BFB	MUNI	291.50
EFT37610	05/03/2020	Boyanup Botanical	Parks & Gardens Plant Supplies	MUNI	558.04
EFT37611	05/03/2020	Brett Hodgson	Umpire Recoup Basketball 26-02-2020	MUNI	44.00
EFT37612	05/03/2020	Brownes Foods Operations Pty Ltd	ERC - Cafe Order	MUNI	195.80
EFT37613	05/03/2020	Bunbury Auto One	Brake Fluid Bleeder and Stands for Trailer Repairs	MUNI	157.15
EFT37614	05/03/2020	Bunbury Bearings	Trailer Jockey Wheels and Trailer Hydraulic Brake	MUNI	385.00
EFT37615	05/03/2020	Bunbury Coffee Machines	ERC - Cafe Order	MUNI	253.50
EFT37616	05/03/2020	Bunbury Machinery	Hire Excavator Trailer Remote Charger Cord Fuel, Replace Verge Mower Shaft	MUNI	423.48
EFT37617	05/03/2020	Bunbury Mower Service	File Round for Plant and Equipment	MUNI	33.00
EFT37618	05/03/2020	Bunbury Subaru	Vehicle Service DA1314 - Manager Infrastructure Planning and Design	MUNI	401.42
EFT37619	05/03/2020	Bunbury Trucks	Plant Service DA9219 Hino Tip Truck	MUNI	943.55
EFT37620	05/03/2020	Cameron Baker	Umpire Recoup Basketball 26-02-2020	MUNI	66.00
EFT37621	05/03/2020	Capri Di Candilo	Umpire Recoup Netball 03-03-2020	MUNI	67.50
EFT37622	05/03/2020	Carbone Brothers Pty Ltd	Supply and Deliver Limestone to Ferguson Road	MUNI	27,813.75

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37623	05/03/2020	Caroline Mears	Library Program - Chair Yoga for February	MUNI	385.00
EFT37624	05/03/2020	CB Traffic Solutions	Traffic Management - Pile Road Reconstruction	MUNI	215.60
EFT37625	05/03/2020	Cleanaway Solid Waste Pty Ltd	Monthly Kerbside Waste Collection & Landfill	MUNI	5,758.07
EFT37626	05/03/2020	Coca-Cola Amatil Australia Pty Ltd	ERC - Cafe Order	MUNI	93.72
EFT37627	05/03/2020	Colleagues Nagels	Bixolon Infringement Ticket Rolls	MUNI	1,701.83
EFT37628	05/03/2020	Collins Booksellers	Purchase of Books for Library Stock	MUNI	55.98
EFT37629	05/03/2020	Construction Sciences Pty Ltd	Moisture Density and Material Testing - Ferguson Road	MUNI	3,017.44
EFT37630	05/03/2020	Country Landscaping Pty Ltd	Repair and Replace Parts to Pump for Parks and Gardens	MUNI	1,100.00
EFT37631	05/03/2020	Craven Foods	ERC - Cafe Stock	MUNI	220.22
EFT37632	05/03/2020	Cross Security Services	Supply & Install Titan Software - Install Reception Door Access Fob Control at Depot	MUNI	3,960.00
EFT37633	05/03/2020	Dalyellup Yoga	ERC - Yoga Classes	MUNI	60.00
EFT37634	05/03/2020	Daniel Bryant	Umpire Recoup Basketball 26-02-2020	MUNI	44.00
EFT37635	05/03/2020	Dapco Tyre and Auto Centre	Supply and Fit Tyre, Fit Spare Tyre and Wheel Alignment DA9287 Mitsubishi Triton	MUNI	329.00
EFT37636	05/03/2020	Dardanup General Store	Supply of Milk and General Goods	MUNI	80.00
EFT37637	05/03/2020	Dell Australia Pty Ltd	APC Rack Automatic Transfer Switch Eaton Office IT	MUNI	1,412.40

Payment	Date	Name	Invoice Description	Fund	Amount
EFT37638	05/03/2020	Dindindi Drums	Library Program - Drumming Workshop	MUNI	350.00
EFT37639	05/03/2020	Donna Bastow	Umpire Recoup Basketball 26-02-2020	MUNI	132.00
EFT37640	05/03/2020	Dorsogna Limited	ERC - Cafe Order	MUNI	109.70
EFT37641	05/03/2020	DX Print Group Pty Ltd	Stationery - Letterheads Dog Registration Pads and Receipts Statements	MUNI	1,617.00
EFT37642	05/03/2020	Eaton Environmental Services	Pest Control at the Depot Dardanup Office and Joshua Creek Brook BFB	MUNI	506.00
EFT37643	05/03/2020	Eaton Laser Engraving	Door Label - Manager Place and Community Engagement	MUNI	21.40
EFT37644	05/03/2020	Erin Hutchins	Staff Uniform Reimbursement	MUNI	40.00
EFT37645	05/03/2020	Eve Yoga	ERC - Vinyasa Yoga	MUNI	180.00
EFT37646	05/03/2020	Fit2Work	Monthly Invoice for Australian Employee Police Checks	MUNI	87.89
EFT37647	05/03/2020	Full of Beanz Coffee Pty Ltd	Refreshments for Depot Employee SWMS Review Breakfast	MUNI	135.00
EFT37648	05/03/2020	Gemhurst Pty Ltd	Refund Infringement 106410098 Paid Receipt # 127916 Withdrawn	MUNI	250.00
EFT37649	05/03/2020	Heatleys	Force 360 Gloves Coveralls Tees Lip Balm Rechargeable Head Lamp	MUNI	3,210.10
EFT37650	05/03/2020	Howson Technical	Project Management - Ferguson Road - Harris Road - Watson Street - Blue Wren Drive	MUNI	6,165.50
EFT37651	05/03/2020	Isubscribe Pty Ltd	Annual Magazine Subscriptions for the Library	MUNI	1,147.08
EFT37652	05/03/2020	Illion Australia Pty Ltd ( Tenderlink)	Tenderlink Public Notice Fees for Works Vehicles & Eaton Bowling Club EOI	MUNI	330.00

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37653	05/03/2020	Jackson Harvey	Art Mural On Utility Box Located at Sports Club	MUNI	1,075.00
EFT37654	05/03/2020	James Reilly	Phone Cable Reimbursement	MUNI	20.00
EFT37655	05/03/2020	Jamlex Corporate Cleaning	ERC - Weekend Cleaning for February 2020	MUNI	792.00
EFT37656	05/03/2020	Jim's Test and Tag	Test and Tags - Eaton Office	MUNI	1,962.84
EFT37657	05/03/2020	Jo Jingles South West	Early Learning Sessions at Eaton Community Library for February 2020	MUNI	2,376.00
EFT37658	05/03/2020	John Sterret	Refund of Membership Fees	MUNI	493.00
EFT37659	05/03/2020	Jason Cartledge	Umpire Recoup Basketball 26-02-2020	MUNI	66.00
EFT37660	05/03/2020	K'S Home Kitchen	Refreshments – Opening of Flying Fox at Colin Spragg Playground	MUNI	140.00
EFT37661	05/03/2020	Karyn Rowe	Umpire Recoup Netball 03-03-2020	MUNI	112.50
EFT37662	05/03/2020	Kiara Mcmulkin	Refund of Vacation Care Fees Due to Child Care Subsidy Processed Via Centrelink	MUNI	157.60
EFT37663	05/03/2020	Kristy Hitchens	Reimbursement USB Cable	MUNI	63.95
EFT37664	05/03/2020	Maia Financial Pty Ltd	Buyout Nutanix Servers, Dell Servers	MUNI	16,500.00
EFT37665	05/03/2020	Maximum Results Exercise Physiology	Library Program - Seniors Workshop	MUNI	132.00
EFT37666	05/03/2020	Nightguard Security Service	Security Call-Out Services for ERC Depot & Eaton Office	MUNI	517.00
EFT37667	05/03/2020	Nathan Stacey	Umpire Recoup Basketball 26-02-2020	MUNI	132.00
EFT37668	05/03/2020	Officeworks Superstores Pty Ltd	Cupboard and In-Out Personnel Board for Eaton Office	MUNI	485.00

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37669	05/03/2020	Outdoor World Bunbury	Certification for Shed at Waste Transfer Station	MUNI	330.00
EFT37670	05/03/2020	Pages Mechanical Repairs	Plant Service DA628 Hino Tip Truck	MUNI	651.65
EFT37671	05/03/2020	Perfect Landscapes	Monthly Mowing - Shire Parks & Ovals	MUNI	6,776.00
EFT37672	05/03/2020	PFD Food Services Pty Ltd	ERC - Cafe Order	MUNI	543.25
EFT37673	05/03/2020	PFI Supplies	Cleaning Products for ERC and Depot - ERC Café Order	MUNI	560.90
EFT37674	05/03/2020	Picton Civil Pty Ltd	Ferguson Road - Excavator Digger & Tipper Hire, Drainage Works, Dust Suppression, Removal of Median Island	MUNI	49,519.37
EFT37675	05/03/2020	Prestige Products	ERC - Cleaning & Sanitary Products Hand Towels/ Toilet Paper	MUNI	961.84
EFT37676	05/03/2020	Prime Supplies	Truck Wash Chemtreat	MUNI	175.80
EFT37677	05/03/2020	Promote You	Embroidery of Staff Uniforms	MUNI	15.40
EFT37678	05/03/2020	Public Libraries WA	PLWA Membership	MUNI	170.00
EFT37679	05/03/2020	Raelene Tedd	Umpire Recoup Netball 03-03-2020	MUNI	45.00
EFT37680	05/03/2020	Renee Thomson	Staff Uniform Reimbursement	MUNI	50.15
EFT37681	05/03/2020	Ryan Baker	Umpire Recoup Basketball 26-02-2020	MUNI	154.00
EFT37682	05/03/2020	Safetcard Australia	Monitoring Fees for Safetcards	MUNI	264.00

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37683	05/03/2020	Schweppes Australia Pty Ltd	ERC - Cafe Order	MUNI	432.82
EFT37684	05/03/2020	Sherwood Flooring	ERC - Buff Courts Using Scrubbing Machine Fine Sand Grit Screen Wash Floors Apply Coat, Mark Out Courts	MUNI	11,029.70
EFT37685	05/03/2020	Signs Plus	Shire of Dardanup Magnetic Name Badge	MUNI	20.10
EFT37686	05/03/2020	Spotlight Pty Ltd	Library Program - Slime and Bubbles Pipe Cleaners and Plastic Straws	MUNI	14.50
EFT37687	05/03/2020	Steve Hawke	Appearance Fee and Accommodation at Eaton Library	MUNI	495.00
EFT37688	05/03/2020	Stewart and Heaton Clothing Company Pty Ltd	Trousers Cargo - Bushfire Risk Management Officer	MUNI	367.36
EFT37689	05/03/2020	Synergy	Electricity Accounts - 17 Locations	MUNI	17,467.79
EFT37690	05/03/2020	T J Depiazzi & Sons	Black Bushland Mulch Delivered to Martin Pelusey Depot	MUNI	860.42
EFT37691	05/03/2020	Taylor Anderson	Umpire Recoup Basketball 26-02-2020	MUNI	110.00
EFT37692	05/03/2020	The Salvation Army	Refund Salvation Army for Vacation Care Fees for client	MUNI	258.00
EFT37693	05/03/2020	Therese Price	Umpire Recoup Netball 28-02-2020	MUNI	45.00
EFT37694	05/03/2020	Toni Hotchin	Umpire Recoup Netball 03-03-2020	MUNI	67.50
EFT37695	05/03/2020	Total Eden Pty Ltd	Parks & Gardens - Parts for Reticulation Repairs	MUNI	1,209.42
EFT37696	05/03/2020	Total Hygiene	ERC - Annual Sanitary Service Fees	MUNI	1,485.00
EFT37697	05/03/2020	Veolia Environmental Services (Australia) Pty Ltd	Road Sweeping for an Event in Dardanup	MUNI	796.68

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Payment	Date	Name	Invoice Description	Fund	Amount
EFT37698	05/03/2020	WA Sports Inc	Library Program - All Abilities Bocce	MUNI	200.00
EFT37699	05/03/2020	West Coast Fit / Karis Aplin	Group Fitness Instruction	MUNI	165.20
EFT37700	05/03/2020	Winc Australia Pty Ltd	Stationery Order for Eaton Office Library and ERC	MUNI	1,183.34
EFT37701	05/03/2020	Woodlands	Dog Waste Bags	MUNI	1,089.00
EFT37702	05/03/2020	Woolworths Group Limited	General Kitchen Supplies - Eaton Office & ERC	MUNI	403.44
EFT37703	05/03/2020	Work Clobber	Work Shirts with Embroidery, Trousers and Boots	MUNI	864.30
EFT37704	05/03/2020	Zoe Hill	Umpire Recoup Netball 03-03-2020	MUNI	44.00
<b>CHEQUE</b>					
9	14/02/2020	Shire Of Dardanup - Please Pay Cash	Sheep Pellets	MUNI	155.95
<b>BPAY</b>					
DD14877.1	20/02/2020	inet Ltd	Monthly Charge for Business-4 Service Sod@westnet.com.au	MUNI	174.94
DD14891.2	27/02/2020	Edith Cowan University - Joondalup	Approved Study Program for 2 Officers - Semester 1 2020	MUNI	7,712.40
DD14891.1	27/02/2020	Australian Communications and Media Authority	Licence Renewal 2 Way Radio - Dardanup Office	MUNI	222.00
<b>CREDIT CARD</b>					
DD14899.1	02/03/2020	Facebook Ireland Limited	ERC - Facebook Advertising	MUNI	7.18
DD14899.2	02/03/2020	Qantas Airways Limited	Return Flights for Guest Speaker Vision 2050	MUNI	885.46

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
DD14899.3	02/03/2020	Mailchimp	Monthly Subscription and Charge for Electronic Newsletter	MUNI	115.36
DD14899.4	02/03/2020	Vistaprint	Eaton Recreation Centre Promotional Banner	MUNI	140.48
DD14899.5	02/03/2020	Surveymonkey Europe	Subscription to Survey Service - Survey Monkey Online	MUNI	111.00
DD14899.6	02/03/2020	CodeTwo Software Engineering	Support Contract for CodeTwo Exchange Rules Pro	MUNI	141.69
DD14899.7	02/03/2020	Australia Post	Annual PO Box Renewal Fee	MUNI	324.00
<b>PAYROLL</b>					
DD14879.1	21/02/2020	WA Super	Payroll Deductions	MUNI	40,629.43
DD14879.2	21/02/2020	Perpetual Wealth Focus Super Plan	Superannuation Contributions	MUNI	138.80
DD14879.3	21/02/2020	MLC Super Fund	Superannuation Contributions	MUNI	640.96
DD14879.4	21/02/2020	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	260.89
DD14879.5	21/02/2020	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	348.85
DD14879.6	21/02/2020	One Path Masterfund	Superannuation Contributions	MUNI	67.36
DD14879.7	21/02/2020	Hostplus	Superannuation Contributions	MUNI	228.73
DD14879.8	21/02/2020	Suncorp Brighter Super	Superannuation Contributions	MUNI	127.42
DD14879.9	21/02/2020	Bt Super for Life	Superannuation Contributions	MUNI	93.32

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

CONFIRMED MINUTES OF THE ORDINARY COUNCIL MEETING HELD 25 MARCH 2020

Payment	Date	Name	Invoice Description	Fund	Amount
DD14879.10	21/02/2020	Amp Flexible Super - Super Account	Superannuation Contributions	MUNI	42.80
DD14879.11	21/02/2020	Evans Family Superannuation Fund	Superannuation Contributions	MUNI	250.13
DD14879.12	21/02/2020	Asgard Infinity E Wrap Super	Superannuation Contributions	MUNI	261.82
DD14879.13	21/02/2020	Rest Superannuation	Superannuation Contributions	MUNI	609.63
DD14879.14	21/02/2020	The Bro Code Super Fund	Superannuation Contributions	MUNI	93.60
DD14879.15	21/02/2020	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	645.63
DD14879.16	21/02/2020	Media Super	Superannuation Contributions	MUNI	498.07
DD14879.17	21/02/2020	Australiansuper	Superannuation Contributions	MUNI	2,048.82
DD14879.18	21/02/2020	Burton Superannuation Fund	Superannuation Contributions	MUNI	257.92
DD14879.19	21/02/2020	Construction & Building Industry Super	Superannuation Contributions	MUNI	312.29
DD14903.1	06/03/2020	WA Super	Payroll Deductions	MUNI	39,916.09
DD14903.2	06/03/2020	MLC Super Fund	Superannuation Contributions	MUNI	567.97
DD14903.3	06/03/2020	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	260.89
DD14903.4	06/03/2020	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	329.47
DD14903.5	06/03/2020	One Path Masterfund	Superannuation Contributions	MUNI	89.81
DD14903.6	06/03/2020	Hostplus	Superannuation Contributions	MUNI	344.43

CONFIRMED AS A TRUE AND CORRECT RECORD AT THE ORDINARY MEETING OF COUNCIL HELD 29 APRIL 2020

Payment	Date	Name	Invoice Description	Fund	Amount
DD14903.7	06/03/2020	Suncorp Brighter Super	Superannuation Contributions	MUNI	123.49
DD14903.8	06/03/2020	BT Super for Life	Superannuation Contributions	MUNI	127.00
DD14903.9	06/03/2020	Evans Family Superannuation Fund	Superannuation Contributions	MUNI	250.13
DD14903.10	06/03/2020	Asgard Infinity E Wrap Super	Superannuation Contributions	MUNI	261.82
DD14903.11	06/03/2020	The Bro Code Super Fund	Payroll Deductions	MUNI	28.80
DD14903.12	06/03/2020	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	645.63
DD14903.13	06/03/2020	Rest Superannuation	Superannuation Contributions	MUNI	593.22
DD14903.14	06/03/2020	Media Super	Superannuation Contributions	MUNI	498.07
DD14903.15	06/03/2020	Australiansuper	Superannuation Contributions	MUNI	2,035.11
DD14903.16	06/03/2020	Burton Superannuation Fund	Superannuation Contributions	MUNI	257.93
DD14903.17	06/03/2020	Construction & Building Industry Super	Superannuation Contributions	MUNI	312.29
DD14903.18	06/03/2020	Perpetual Wealth Focus Super Plan	Superannuation Contributions	MUNI	125.72

Payment	Date	Name	Invoice Description	Fund	Amount
					\$ 1,229,826.04
<b>REPORT TOTALS</b>			<b>CERTIFICATE of Chief Executive officer</b>		
EFT	1,125,511.24		This schedule of accounts to be passed for payment, covering vouchers as above which was submitted to each member of Council has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costings and the amounts shown are due for payment		
Payroll	94,324.34				
Muni Cheque	155.95				
BPAY	8,109.34				
Credit Card	1,725.17				
International	0.00				
<b>TOTAL</b>	<b>1,229,826.04</b>		 Chief Executive Officer: _____		

CARRIED  
8/1

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

12.17 Title: Audit & Risk Committee Meeting Minutes Held 4 March 2020

**MINUTES OF THE SHIRE OF DARDANUP AUDIT & RISK COMMITTEE MEETING HELD ON WEDNESDAY, 4 MARCH 2020, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 2.00PM.**

Officer Comment

The minutes of the Audit & Risk Committee are attached (Appendix ORD: 12.17).

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION “A”**

53-20                      MOVED -                      Cr C Boyce                      SECONDED -                      Cr P Perks

**THAT Council receive the minutes of the Audit & Risk Committee Meeting held 4 March 2020 (Appendix ORD: 12.17).**

CARRIED  
9/0

**AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION  
& COUNCIL RESOLUTION “B”**

54-20                      MOVED -                      Cr C Boyce                      SECONDED -                      Cr P Perks

**THAT Council acknowledges that action 7.2.1 Code of Conduct, will remain outstanding until mid-2020 when the Department of Local Government, Sport and Cultural Industries releases model Codes of Conduct.**

CARRIED  
9/0

**AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION  
& COUNCIL RESOLUTION “C”**

55-20                      MOVED -                      Cr C Boyce                      SECONDED -                      Cr P Perks

**THAT Council receive and endorse the Governance Health and Financial Sustainability Review Audit Report 2018/19 as provided for in (Confidential Document USC: 12.17A) under separate cover (Tardis Link: [MAA-R0705853](#)).**

CARRIED  
9/0

## AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "D"

56-20

MOVED - Cr C Boyce

SECONDED -

Cr P Perks

**THAT Council adopt the Compliance Audit Return 2019 (CAR) as the official Return of Council for the period 1 January 2019 to 31 December 2019 as follows:**

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

GOVERNMENT OF  
WESTERN AUSTRALIA

### Dardanup - Compliance Audit Return 2019

#### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2019?	N/A		PHIL ANASTASAKIS - Deputy Chief Executive Officer
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2019?	N/A		PHIL ANASTASAKIS - Deputy Chief Executive Officer
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2019?	N/A		PHIL ANASTASAKIS - Deputy Chief Executive Officer
4	s3.59(4)	Has the local government complied with public notice and publishing requirements of each proposal to commence a major trading undertaking or enter into a major land transaction for 2019?	N/A		PHIL ANASTASAKIS - Deputy Chief Executive Officer
5	s3.59(5)	Did the Council, during 2019, resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		PHIL ANASTASAKIS - Deputy Chief Executive Officer

<b>Delegation of Power / Duty</b>						
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>	
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority?	Yes		CATHY LEE - Manager Governance & HR	
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing?	Yes		CATHY LEE - Manager Governance & HR	
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17?	Yes		CATHY LEE - Manager Governance & HR	
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations?	Yes		CATHY LEE - Manager Governance & HR	
5	s5.18	Has Council reviewed delegations to its committees in the 2018/2019 financial year?	Yes		CATHY LEE - Manager Governance & HR	
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act?	Yes		CATHY LEE - Manager Governance & HR	
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority?	Yes		CATHY LEE - Manager Governance & HR	
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing?	Yes		CATHY LEE - Manager Governance & HR	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		CATHY LEE - Manager Governance & HR	
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes		CATHY LEE - Manager Governance & HR	
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees?	Yes		CATHY LEE - Manager Governance & HR	
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2018/2019 financial year?	Yes		CATHY LEE - Manager Governance & HR	
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required?	Yes		CATHY LEE - Manager Governance & HR	

<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68)?	Yes		CATHY LEE - Manager Governance & HR
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings?	Yes		CATHY LEE - Manager Governance & HR
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made?	Yes		CATHY LEE - Manager Governance & HR
4	s5.73	Where the CEO had an interest relating to a gift under section 5.71A(1), was written notice given to the Council?	N/A		CATHY LEE - Manager Governance & HR
5	s5.73	Where the CEO had an interest relating to a gift in a matter in respect of a report another employee is providing advice on under section 5.71A (3), was the nature of interest disclosed when the advice or report was provided?	N/A		CATHY LEE - Manager Governance & HR
6	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day?	Yes		CATHY LEE - Manager Governance & HR
7	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day?	Yes		CATHY LEE - Manager Governance & HR
8	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2019?	Yes		CATHY LEE - Manager Governance & HR
9	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2019?	Yes		CATHY LEE - Manager Governance & HR
10	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return?	Yes		CATHY LEE - Manager Governance & HR
11	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76?	Yes		CATHY LEE - Manager Governance & HR

12	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28?	Yes		CATHY LEE - Manager Governance & HR
13	s5.89A Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?	Yes		CATHY LEE - Manager Governance & HR
14	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76?	Yes		CATHY LEE - Manager Governance & HR
15	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee?	Yes		CATHY LEE - Manager Governance & HR
16	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes?	Yes		CATHY LEE - Manager Governance & HR
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report?	Yes		CATHY LEE - Manager Governance & HR
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee?	Yes		CATHY LEE - Manager Governance & HR
19	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees?	Yes		CATHY LEE - Manager Governance & HR

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5))?	N/A		CATHY LEE - Manager Governance & HR

2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes		CATHY LEE - Manager Governance & HR
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### Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)(2)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates?	Yes		CATHY LEE - Manager Governance & HR
2	Elect Reg 30G(3) &(4)	Did the CEO remove any 'disclosure of gifts' forms relating to an unsuccessful candidate or a successful candidate that completed the term of office from the electoral gift register, and retain those forms separately for a period of at least 2 years?	N/A		CATHY LEE - Manager Governance & HR

### Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes	SCM held 23/10/2019 Resolution: 308-19	CATHY LEE - Manager Governance & HR
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	Yes	SCM held 26/06/2019 Resolution: 180-19	CATHY LEE - Manager Governance & HR
3	s7.3(1)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor, a registered company auditor?	Yes		NATALIE HOPKINS - Manager Financial Services
4	s7.3(1), 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council?	Yes		NATALIE HOPKINS - Manager Financial Services
5	Audit Reg 10	Was the Auditor's report(s) for the financial year(s) ended 30 June received by the local government within 30 days of completion of the audit?	Yes		NATALIE HOPKINS - Manager Financial Services
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?	Yes		NATALIE HOPKINS - Manager Financial Services

7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government, ensure that appropriate action was undertaken in respect of those matters?	N/A		NATALIE HOPKINS - Manager Financial Services
8	S7.12A (4)	Where the auditor identified matters as significant in the auditor's report (prepared under s7.9(1) of the Act), did the local government prepare a report stating what action had been taken or it intended to take with respect to each of the matters and give a copy to the Minister within 3 months after receipt of the audit report?	Yes	Report raised with Minister later than 3 months as there was conjecture as to whether this was required.	PHIL ANASTASAKIS - Deputy Chief Executive Officer
9	S7.12A (5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes		NATALIE HOPKINS - Manager Financial Services
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit?	Yes		NATALIE HOPKINS - Manager Financial Services
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit?	Yes		NATALIE HOPKINS - Manager Financial Services
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit?	Yes		NATALIE HOPKINS - Manager Financial Services
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor?	Yes		NATALIE HOPKINS - Manager Financial Services
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor?	Yes		NATALIE HOPKINS - Manager Financial Services

### Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	OCM held: 15/05/2019 Resolution: 131-19	CATHY LEE - Manager Governance & HR
2	s5.56 Admin Reg 19DA (4)	Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council	Yes	OCM held: 27/03/2019	CATHY LEE - Manager Governance & HR

		meeting the review was adopted at?			
3	s5.56 Admin Reg 19C	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	OCM held: 28/03/2018 Resolution: 89-18	CATHY LEE - Manager Governance & HR
4	s5.56 Admin Reg 19C (4)	Has the local government reviewed the current Strategic Community Plan. If Yes, please provide date of most recent review by Council in Comments.  Note: If the current Strategic Community Plan was adopted after 1/1/2016, please respond N/A and provide adoption date in Comments?	N/A	28/03/2018	CATHY LEE - Manager Governance & HR
5	S5.56 Admin Reg 19DA (3)	Has the local government developed an Asset Management Plan(s) that covers all asset classes. If Yes, please provide the date of the most recent Plan adopted by Council in Comments?	Yes	OCM held: 15/05/2019 Resolutions: 132-19; 133-19; 134-19; 135-19; 136-19; 137-19; 138-19	CATHY LEE - Manager Governance & HR
6	S5.56 Admin Reg 19DA (3)	Has the local government developed a Long Term Financial Plan. If Yes, please provide the adoption date of the most recent Plan in Comments?	Yes	OCM held: 15/05/2019 Resolution: 141-19	CATHY LEE - Manager Governance & HR
7	S5.56 Admin Reg 19DA (3)	Has the local government developed a Workforce Plan. If Yes, please provide adoption date of the most recent Plan in comments?	Yes	OCM held: 15/05/2019 Resolution: 140-19	CATHY LEE - Manager Governance & HR

### Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A	CEO position was not made vacant in 2019.	CATHY LEE - Manager Governance & HR
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A?	N/A	CEO position was not made vacant in 2019.	CATHY LEE - Manager Governance & HR
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4)?	N/A	CEO position was not made vacant in 2019.	CATHY LEE - Manager Governance & HR
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only)?	N/A	CEO position was not made vacant in 2019.	CATHY LEE - Manager Governance & HR

5	s5.37(2)	Did the CEO inform Council of each proposal to employ or dismiss a designated senior employee?	N/A	There are no designated senior employees at Shire of Dardanup.	CATHY LEE - Manager Governance & HR
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### Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer?	N/A	The CEO is the Complaints Officer	MR ANDRÉ SCHÖNFELDT – Chief Executive Officer
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c)?	Yes		MR ANDRÉ SCHÖNFELDT – Chief Executive Officer
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made?	Yes		MR ANDRÉ SCHÖNFELDT – Chief Executive Officer
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint?	Yes		MR ANDRÉ SCHÖNFELDT – Chief Executive Officer
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred?	Yes		MR ANDRÉ SCHÖNFELDT – Chief Executive Officer
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c)?	Yes		MR ANDRÉ SCHÖNFELDT – Chief Executive Officer

### Optional Questions

No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5(2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	OCM held 27/03/2020 Resolution: 56-19	PHIL ANASTASAKIS - Deputy Chief Executive Officer

2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	OCM held 13/12/2017 Resolution: 334-17	PHIL ANASTASAKIS - Deputy Chief Executive Officer
3	Financial Management Reg 5A.	Did the local government provide AASB 124 related party information in its annual report(s) tabled at an electors meeting(s) during calendar year 2019?	Yes	Annual Electors Meeting held 23/01/2019	PHIL ANASTASAKIS - Deputy Chief Executive Officer
4	S6.4(3)	Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?	Yes		PHIL ANASTASAKIS - Deputy Chief Executive Officer

### Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2))?	Yes		NATALIE HOPKINS - Manager Financial Services
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract?	Yes		NATALIE HOPKINS - Manager Financial Services
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice?	Yes		NATALIE HOPKINS - Manager Financial Services
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16?	Yes		NATALIE HOPKINS - Manager Financial Services
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation?	Yes		NATALIE HOPKINS - Manager Financial Services
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16?	Yes		NATALIE HOPKINS - Manager Financial Services

7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender?	N/A		NATALIE HOPKINS - Manager Financial Services
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria?	Yes		NATALIE HOPKINS - Manager Financial Services
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection?	Yes		NATALIE HOPKINS - Manager Financial Services
10	F&G Reg 19	Did the CEO give each tenderer written notice advising particulars of the successful tender or advising that no tender was accepted?	Yes		NATALIE HOPKINS - Manager Financial Services
11	F&G Reg 21 & 22	Did the local governments advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22?	Yes		NATALIE HOPKINS - Manager Financial Services
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice?	N/A		NATALIE HOPKINS - Manager Financial Services
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services?	Yes		NATALIE HOPKINS - Manager Financial Services
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest, a notice in writing in accordance with Functions & General Regulation 24?	Yes		NATALIE HOPKINS - Manager Financial Services
15	F&G Reg 24AC (1) & (2)	Has the local government established a policy on procurement of goods and services from pre-qualified suppliers in accordance with the regulations?	Yes	Council Policy CP034 & Procedure PR045	NATALIE HOPKINS - Manager Financial Services
16	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice?	N/A		NATALIE HOPKINS - Manager Financial Services
17	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE?	N/A		NATALIE HOPKINS - Manager Financial Services
18	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that	N/A		NATALIE HOPKINS - Manager Financial Services

		regulation to a tender were a reference to a panel application?		
19	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, given notice of the variation?	N/A	NATALIE HOPKINS - Manager Financial Services
20	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications?	N/A	NATALIE HOPKINS - Manager Financial Services
21	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria?	N/A	NATALIE HOPKINS - Manager Financial Services
22	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG?	N/A	NATALIE HOPKINS - Manager Financial Services
23	F&G Reg 24AI	Did the CEO send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted?	N/A	NATALIE HOPKINS - Manager Financial Services
24	F&G Reg 24E	Where the local government gave a regional price preference, did the local government comply with the requirements of F&G Reg 24E including the preparation of a regional price preference policy?	N/A	NATALIE HOPKINS - Manager Financial Services
25	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy?	N/A	NATALIE HOPKINS - Manager Financial Services
26	F&G Reg 11A	Does the local government have a current purchasing policy that comply with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less?	Yes	NATALIE HOPKINS - Manager Financial Services
27	F&G Reg 11A	Did the local government comply with it's current purchasing policy in relation to the supply of goods or services where the consideration under the contract is, or is expected to be \$150,000 or less or worth \$150,000 or less?	Yes	NATALIE HOPKINS - Manager Financial Services



12.18 Title: Bushfire Advisory Committee Meeting Minutes Held 11 March 2020

**MINUTES OF THE SHIRE OF DARDANUP BUSHFIRE ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY, 11 MARCH 2020, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 7.00PM.**

Officer Comment

The minutes of the Bushfire Advisory Committee are attached (Appendix ORD: 12.18)

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

58-20                      MOVED -              Cr P Robinson                      SECONDED -              Cr P Perks

**THAT Council receive the minutes of the Bushfire Advisory Committee Meeting held 11 March 2020 (Appendix ORD: 12.18).**

CARRIED  
9/0

12.19 Title: Integrated Planning Committee Meeting Minutes Held 11 March 2020**MINUTES OF THE SHIRE OF DARDANUP INTEGRATED PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, 11 MARCH 2020, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 1.00PM.**Officer Comment

A request has been received from the Dardanup Sporting and Community Club Inc to not pay the building insurance cost for 2019/20 required under their lease agreement with Council for the Wells Recreation Park Clubrooms (refer to Appendix ORD: 12.9A). The current five year lease agreement commenced on 15 December 2016 and expires on 14 December 2021. The group is required to pay an annual lease fee of \$10 per annum plus reimbursement of the building insurance cost – \$2,115.22 in 2019/20.

Council is asked to consider this request, together with the broader implications associated with accepting or not accepting this request.

At the 27 November 2019 Council meeting, [Res 350-19] a 50% subsidy on the insurance cost was provided to all sporting and community groups who lease Council buildings in the 2019/20 financial year and were required to reimburse Council for the insurance cost.

<b>Annual Insurance cost for various Leased buildings:</b>	<b>50% subsidy provided by Council</b>	<b>Total Insurance Cost</b>
Lions Club of Millbridge and Eaton	\$238.20	\$476.40
Wells Recreation Park Clubrooms	\$1,057.61	\$2,115.22
Diggers Club	\$519.34	\$1,038.68
Ferguson Community Hall Committee	\$670.77	\$1,341.54
Bunbury Repertory Club	\$1,027.48	\$2,054.96
South West Montessori	\$508.80	\$1,017.60
Bunbury & Districts Softball Association	\$2,204.50	\$4,409.00
Eaton Boomers	\$4,585.50	\$9,171.00
Eaton Bowling Club	\$2,436.28	\$4,872.56
Eaton Junior Football Club and Junior Cricket	\$838.89	\$1,677.78
TOTAL	\$14,087.37	\$28,174.74

If Council agrees to this request and does not charge the Dardanup Sporting and Community Club Inc for the building insurance costs, then there would be a reasonable expectation from other groups to have the same exemption applied to their lease agreements.

On 25 September 2019 a report was presented to Council relating to the Ferguson Hall Management Committee Lease renewal, where a series of standard lease conditions were included. It was noted that these would be utilised as an updated lease template for all building leases and applied across the Shire as lease renewals occurred. These standard lease conditions included 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 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.

Council currently has a number of older leases in place where the lessee is not required to reimburse Council for the insurance on buildings and facilities i.e.: Eaton Senior Citizens Centre, Burekup & Districts Country Club, CWA, Dardanup Equestrian Centre. Based on Council's decision in September 2019, as these lease agreements were renewed they would include the new standards conditions, including the requirement to reimburse Council the cost of insuring buildings and facilities included in the lease.

If Council resolves to exempt the Dardanup Sporting and Community Club Inc from reimbursing Council the cost of building and structure insurance, then it would be a reasonable expectation and an equitable decision to exempt all community and sporting groups from reimbursing this cost. This will have a long term cost implication for Council as the anticipated reimbursement revenue (\$28,174.74 in 2019/20) would be lost, and the cost would be borne entirely by Council through general rate revenue.

Officers recommend that Council incorporate this cost into the long term financial plan as a cost to Council.

Change to Officer Recommendation No Change

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

59-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr J Dow

#### THAT Council

1.                      **Support a change to the standard lease conditions for all not-for-profit sporting and community groups within the Shire of Dardanup to not require the Lessee to reimburse Council the cost of insuring buildings and structures within their lease area.**
2.                      **Update the Mid-Year Budget Review to reflect these changes.**

CARRIED  
9/0

#### Officer Comment

The minutes of the Integrated Planning Committee are attached (Appendix ORD: 12.19B)

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

60-20                      MOVED -                      Cr P Perks                      SECONDED -                      Cr L Davies

**THAT Council receive the minutes of the Integrated Planning Committee Meeting held 11 March 2020 (Appendix ORD: 12.19B).**

CARRIED  
9/0



- a. Cr M Bennett request;
    - Project 1 Dualling of Eaton Drive at Peninsula Lakes end; and
    - Project 3 Limestone path from Clarke Street to Crampton Road on Road Reserve.
  - b. Cr C Boyce request;
    - Project 2 – Limestone wall near Scout Hall
  - c. Cr P Perks
    - Project 2 – Pathway on Cudliss Street
2. Staff Budget Requests:
- a. Sustainable Development Directorate:
    - \$30,000 for CHARMAP – Membership Fee; and
    - \$50,000 for use on other Sustainable Development Projects.
  - b. Infrastructure Directorate:
    - \$15,000 for the Expansion of the laydown area at the Martin-Pelusey depot; and
    - \$25,000 to increased building maintenance budget.

INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION “D”

THAT Council:

1. Endorse the proposed 2020/21 Schedule of Fees and Charges included as (Appendix ORD: 12.19C), to become effective 1 July 2020; and
2. Give local public notice of the applicable Fees and Charges.

INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION “E”

THAT Council:

1. Continue to financially support the Bull & Barrel Festival through an annual budget allocation of \$5,100 indexed plus in-kind support.
2. Continue to financially support Small Business through an annual budget allocation of \$7,000.
3. Continue to financially support the South West Group of Affiliated Agricultural Associations through an annual budget allocation of \$250.
4. Continue to financially support the City of Bunbury Skyfest Australia Day event through an annual budget allocation of \$5,500.
5. Continue to financially support the South West Academy of Sport through an annual budget allocation of \$2,600.

6. Continue to financially support the Ferguson Hall Management Committee through an annual budget allocation of \$2,891 indexed.
7. Continue to financially support the Millbridge Lions Club Seniors Christmas Dinner through an annual allocation of \$1,500.
8. Continue to financially support the Eaton and Millbridge Lions Club Christmas hamper through an annual allocation of \$1,000.
9. Continue to financially support the Dardanup Senior Citizens Seniors Christmas Dinner through an annual allocation of \$2,000.
10. Continue to financially support the Dardanup Arts Spectacular through an annual budget allocation of \$4,000 plus in-kind support through the waiving of hall hire fees valued at \$5,200.
11. Continue to financially support the Eaton Foreshore Festival Committee through an annual budget allocation of \$3,000 indexed plus in-kind support.
12. Continue to financially support the Dardanup & Districts and Residents Association through an annual budget allocation of \$1,100.
13. Allocate and approve total funding of \$35,000 (GST Exclusive) to Ferguson Valley Marketing Inc; distributed as an operational grant of \$25,000 and a conditional matching funds of \$10,000 to be included in the 2020/21 Annual Budget.
14. Continue to financially support a regional tourism strategy through an annual budget allocation of \$20,000 indexed.
15. Include the following contributions into the draft Corporate Business Plan 2020/21 to 2023/24:

	2020/21	2021/22	2022/23	2023/24
Bull & Barrel Festival	\$5,100	\$5,215	\$5,345	\$5,479
Small Business support	\$7,000	\$7,000	\$7,000	\$7,000
South West Group of Affiliated Agricultural Associations	\$250	\$250	\$250	\$250
City of Bunbury Skyfest Australia Day event	\$5,500	\$5,500	\$5,500	\$5,500
South West Academy of Sport	\$2,600	\$2,600	\$2,600	\$2,600
Ferguson Hall Management Committee	\$2,891	\$2,956	\$3,030	\$3,105
Millbridge Lions Club – Seniors Christmas Dinner in Eaton	\$1,500	\$1,500	\$1,500	\$1,500
Dardanup Senior Citizens – Seniors Christmas Dinner in Eaton	\$2,000	\$2,000	\$2,000	\$2,000
Eaton Millbridge Lions Club – Christmas hamper	\$1,000	\$1,000	\$1,000	\$1,000
Eaton Foreshore Festival Committee	\$3,000	\$3,000	\$3,000	\$3,000
Dardanup & District Residents Association – Dardanup Times	\$1,100	\$1,100	\$1,100	\$1,100
Ferguson Valley Marketing Inc – Operational Grant	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000

	2020/21	2021/22	2022/23	2023/24
Ferguson Valley Marketing Inc – Matching Grant Funds	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Regional Tourism Strategy	\$20,000	\$20,450	\$20,961	\$21,485
TOTAL	\$ 86,941	\$87,571	\$ 88,286	\$ 89,019

INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION “F”

THAT Council endorse the 2020/2021 Community Events and Library program and allocate funds within the 2020/21 draft budget and Long Term Financial Plan for these activities:

GL or Job #	Event or Program	2020/21 Proposed Budget
0817010	Personal Development Grants	\$10,000
0817011	Events Support Expenditure – J11912	\$2,000
1017003	Disability Services Expenditure	\$5,000
J11901	Events & Festivals	\$60,000
J11902	Public Art Projects	\$15,000
J11905	SW Group of Affiliated Agricultural Assoc.	\$250
J11909	Citizenship Awards	\$2,000
J11910	Thank a Volunteer	\$2,000
J11913	Banners in the Terrace	\$1,000
J08712	Leeuwin Scholarships	\$5,000
J08713	Skateboard/Scooter/BMX clinics	\$4,000
J08714	Minor/Community Event Assistance	\$25,000
J08719	Minor Community Activities	\$5,000
	Community Events - Seniors Workshop & Activities	\$4,000
	Community Events - Youth Workshops & Activities	\$4,000
	Creative Workshops	\$4,000
1116012	Library Programs	\$37,000
	Early Learning	
	<ul style="list-style-type: none"> <li>• Jo Jingles</li> <li>• Stem Workshops</li> <li>• Code Club</li> </ul>	
	School Holidays	
	<ul style="list-style-type: none"> <li>• Holiday Storytime</li> <li>• Children’s Activities</li> </ul>	
	Adult Programming	
	<ul style="list-style-type: none"> <li>• Gardening</li> <li>• Social Activities</li> <li>• eResources</li> <li>• BeConnected</li> </ul>	
	Authors & Events	
	<ul style="list-style-type: none"> <li>• Author Visits</li> <li>• Children’s Book week</li> <li>• Summer Reading Challenge</li> <li>• Better Beginnings Program</li> <li>• Easter Book Hunt</li> <li>• Travelling Story Time</li> <li>• Stop Motion Animation</li> </ul>	

GL or Job #	Event or Program	2020/21 Proposed Budget
	<ul style="list-style-type: none"> <li>• On-line safety program</li> <li>• National Simultaneous Story Time</li> <li>• Tech 20 &amp; Tech Thursdays</li> <li>• Paint the Shire REaD</li> </ul>	
	Place-making activities & Engagement for each place (Burekup/Dardanup/Eaton/Ferguson) within the Shire (cultural/recreation/health/leisure & social programs and workshops) <ul style="list-style-type: none"> <li>• Summer Sounds in the Park</li> <li>• Outdoor Yoga/Tai Chi/Self Defence</li> <li>• African Drumming workshops</li> <li>• Night Stalks at Watson Reserve and Crooked Brook Forest</li> <li>• Kids water/laser tag</li> <li>• Bubble Soccer</li> <li>• Scitech visits</li> <li>• Seed and plant swaps</li> </ul>	\$20,000
1119504	Community Grants Scheme – \$8.31 per rateable assessment	\$49,880
	TOTAL	\$255,130

#### INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION & COUNCIL RESOLUTION “G”

THAT Council: -

1. Adopt the 2019/20 Mid-Year Budget Review inclusive of the noted budget amendments contained within the report;
2. Receive and acknowledge the 2019/20 Mid-Year Budget Review report and associated documents (Appendix ORD: 12.9C and Appendix ORD: 12.19D);
3. Includes the installation Guard Rail on Recreation Drive at a cost of \$7,200 to be funded by 50% contribution of \$3,600 from Bethanie Esprit, and the 50% remaining balance of \$3,600 to be funded from the forecast carried forward surplus; and
4. Retain the 2019/20 Forecast Budget Surplus as a carried forward surplus to the next budget period, including projects listed with the revised figure being \$319,559.00.

#### INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION & COUNCIL RESOLUTION “H”

THAT Council

1. Agree to amend the seniors membership fee by providing a concession to the annual membership fee so that this fee is capped at \$50 as of the 1 July 2020 to the Eaton Recreation Centre for all Shire of Dardanup Residents aged 80 years and over whilst still residing in the Shire.

2. Request the Chief Executive Officer to refund the membership fees already paid above the \$50 by current members 80 years and over paid after the 1 July 2020, within the 20/21 financial year.
3. Request the Chief Executive Officer to publically advertise the changes to fees and charges as well as this initiative.

INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION "I"

THAT Council:

1. Support the 2020 South West Small Business Awards through Business South West by taking up a Premium Partnership package of \$5,000 (plus GST);
2. Authorise the unbudgeted expenditure of \$5,000 (plus GST) to sponsor the 2020 South West Small Business Awards;
3. Allocate funding from Council's Economic Development budget to fund the 2019/20 expenditure.

INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION "J"

THAT Council:

1. Sets the Shire President and Elected Member 2020/21 Annual Attendance Fee at 70% of the prevailing maximum band 3 value for the Shire of Dardanup applying from 1 July 2020, as determined by the Salaries and Allowances Tribunal.
2. Sets the Shire President and Deputy Shire President 2020/21 Annual Local Government Allowance at 70% of the prevailing maximum band 3 value for the Shire of Dardanup applying from 1 July 2020, as determined by the Salaries and Allowances Tribunal.
3. Sets the Elected Member 2020/21 Annual Information and Communications Technology (ICT) Allowance in lieu of expense reimbursements, at 70% of the prevailing maximum band 3 value for the Shire of Dardanup applying from 1 July 2020, as determined by the Salaries and Allowances Tribunal.
4. Reimburse child care expenses at the lesser of actual cost or \$30 per hour. Reimbursement shall be made upon submission of documentary evidence that the expense has been incurred for.
5. Reimburse travel expenses upon documentary evidence of km's travelled or expense incurred in accordance with the Local Government (Administration) Regulations 1996 and Council Policy.

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

None.

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING****OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

62-20                      MOVED -                      Cr P Perks                      SECONDED -                      Cr C Boyce

**THAT Council accepts the report to Reschedule the Shire of Dardanup Advisory Group meetings for the period April to July 2020, as Business of an Urgent Nature.**

CARRIED  
9/0

*14.1 Title: Scheduling of Advisory Group Meetings*

*Reporting Department:                      Executive*  
*Reporting Officer:                              Mrs Alison Evans - Personal Assistant*  
*Legislation:                                      Local Government Act 1995*

Overview

This report to Council provides for the consideration of scheduling of the Shire of Dardanup Advisory Groups for the period of April to July 2020.

Background

It was recommended at the Ordinary Council meeting of the 23 October 2019, that all Townscape Committees and Working Groups be dissolved and replaced with Advisory Groups, with the matter to be further workshopped and brought back to Council by the end of November 2019.

A Community Engagement Forum was held with Councillors on 13 November 2019 wherein the above matter was further discussed and workshopped.

At the Ordinary Council Meeting on 27 November 2019 Council adopted a new Community Engagement Policy and Framework, established the following place-based and topic-based Advisory Groups and endorsed the 2019 Terms of Reference:

- 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
- Community Advisory Group
- Roadwise Advisory Group
- Sport & Recreation Advisory Group.

In January 2020, the Shire sent out letters to relevant parties and undertook community notices and advertising to attract as many people as possible to nominate to be a member of an Advisory Group. The nominations closed on 14 February with the following number of nominations:

- 8 x community representatives nominated for the Sustainable Development Advisory Group;
- 5 x community representatives nominated for the Community Advisory Group; and
- 3 x community representatives nominated for the Roadwise Advisory Group.

At the Ordinary Council meeting of 26 February 2020 Council endorsed the appointment of community members to the Roadwise, Sustainable Development and Community Development Advisory Groups and noted the representatives from groups or agencies to those advisory groups, and that terms will expire in October 2021. Council agreed to keep the membership for the respective Advisory Groups open until desired membership numbers were met and any further nominations would be brought back to Council for endorsement.

In addition, Council noted that the Place Based Advisory Groups had already started to attract nominations, with advertising due to take place in March 2020 to seek further public interest.

The five Place-Based Workshops that the Shire had planned to hold in the week of 16 to 20 March 2020 were cancelled on Monday 16 March 2020 in response to Department of Health concerns about the Corona Virus.

Legal Implications - None.

#### Strategic Community Plan

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

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

Environment - None.

Precedents -

Council has previously endorsed the schedule of meetings for the Advisory Groups in November 2019 when adopting the Community Engagement Policy and Framework and setting Ordinary Council Meeting dates.

#### Budget Implications

The administration of Committees, Working Groups and Advisory Groups requires significant resources to prepare Agendas, Notes, Report and Minutes. In addition to the administration, staff time is also taken up with queries from committee members, attendance to meetings and workshops.

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: 14.1A) for full assessment document.

Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.	
Risk Event	Failure to reschedule planned Advisory Group meetings.
Inherent Risk Rating (prior to treatment or control)	Extreme (20 - 25)
Risk Action Plan (treatment or controls proposed)	Postpone Advisory Group meetings scheduled for April to June 2020 for remainder of financial year.
Residual Risk Rating (after treatment or controls)	Low (1 - 4)
Risk Category Assessed Against	Legal and Compliance Failure to reschedule planned Advisory group meetings will place staff and community members at risk of contracting COVID-19 and may result in prosecution.
	Reputational Failure to reschedule planned Advisory group meetings will cause public news items in the media for failure of the Shire to protect its staff and community.

#### Officer Comment

The Federal and State Governments have issued advice regarding the Corona Virus pandemic, particularly in relation to the scheduling of non-essential public meetings. Even though the Shire would be holding meetings for less than 100 people, it seems prudent to give advance notice that the Council is taking precautionary measures by not holding Advisory Group Meetings for the remainder of this financial year. From July 2020, we may be able to recommence with the following place-based advisory group meetings:

- Burekup Advisory Group on Wednesday 8 July 2020;
- Dardanup Advisory Group on Wednesday 15 July 2020;
- Eaton Advisory Group on Wednesday 22 July 2020;
- Ferguson Valley Advisory Group on Wednesday 12 August 2020; and
- Wanju and Water Advisory Group on Wednesday 19 August 2020.

Due to the administration time and costs involved in arranging and inviting people to these meetings, it is recommended that Council agree to cancel the Economic Development Advisory Group breakfast meeting which is scheduled for Wednesday 15 April 2020, and for the Shire to not hold any Place-Based or Topic-Based Advisory Group meetings for the next three months of April, May and June 2020. If supported, the following Advisory Group meetings will not proceed:

- Economic Development Advisory Group on 15 April 2020;
- Sport and Recreation Advisory Group on 22 April 2020;
- Sustainable Development Advisory Group on 6 May 2020;
- Community Development Advisory Group on 20 May 2020; and
- Roadwise Advisory Group on 17 June 2020.

Plans to return to business as usual for the scheduling of Advisory Group meetings can be considered by Council when the Government advises that public meetings can again be held without restrictions. In the meanwhile, officers will focus on communication channels and activities that allow continued engagement with the community in accordance with our Community Engagement Policy.

**Please note that an additional Integrated Planning Committee meeting will be held on Wednesday 6 May 2020 commencing at 1.00pm till 5.00pm.**

Council Role - Legislative.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation - None.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

63-20                      MOVED -                      Cr P Perks                      SECONDED -                      Cr L Davies

#### THAT Council:

1.        **Reschedule any Place-Based or Topic-Based Advisory Group meetings for the next three months of April, May and June 2020; and**
2.        **Delegate to the Chief Executive Officer the ability to call Advisory Group meetings within the months of April, May and June 2020 if the Chief Executive Officer deems it appropriate to do so.**

CARRIED  
9/0  
By Absolute Majority

### 15        PUBLIC QUESTION TIME

*Note: Public Question Time commenced at [6.19pm]*

#### *Discussion:*

*Shire President, Cr M Bennett asked if there were any Public Questions.*

*Mr Simon Allington requested for clarification on Item 16.2 – requesting to know if the resolution had been passed?*

*Cr M Bennett advised that the Officer Recommended Resolution to Item 16.2 had been passed by Council.*

*Mr S Allington – If Cr Hutchinson declared an interest, why didn't he leave the room?*

*Shire President – Mr Hutchinson left the room when the item was discussed. He left by a door not seen by Mr & Mrs Allington.*

Note: Mr Brenton Scambler left the meeting [6.20pm]

Note: Public Question Time ended [6.21pm].

## 16 MATTERS BEHIND CLOSED DOORS

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

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

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

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

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

64-20                      MOVED -                      Cr C Boyce                      SECONDED -                      Cr P Perks

**THAT in accordance with the Local Government Act 1995, S 5.23, the Council go Behind Closed Doors [6.21pm] to discuss:**

- 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;
- the personal affairs of any person;
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED  
9/0

16.1    Title:    Recycling Program Contract Variation and Behavioural Change Program

*Reporting Department:                      Infrastructure Directorate*  
*Reporting Officer:                              Mr Sergio Massimini - Manager Operations*  
*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.

*Note:    Cr Boyce left the room at 6.22pm and returned at 6.25pm.*

Change to Officer Recommendation

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

- Council resolved to defer the item for further investigation by the Shire of Dardanup Executive Team.

**COUNCIL RESOLUTION**

65-20                      MOVED -                      Cr J Dow                      SECONDED -                      Cr M Hutchinson

**THAT Council defer the item for further investigation by the Shire Executive Team and the matter to be brought back to the Ordinary Council in May 2020.**

CARRIED  
9/0

16.2 Title: State Administrative Tribunal Reconsideration - Lot 1894 King Tree Road and Lot 6(63) King Tree Road – Cellar Door Sales and Associated Works – (Talisman Wines)

Reporting Department: Sustainable Development Directorate

Reporting Officer: Mr Brenton Scambler - Manager Development Services

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.

Note: This item was dealt with at the beginning of the meeting. Refer to page 25 of the Minutes.

16.3 Title: Integrated Planning Committee Meeting Minutes Held 11 March 2020

**REPORT UNDER SEPARATE COVER**

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

**DECLARATION OF INTEREST**

Chief Executive Officer, Mr André Schönfeldt declared an Impartiality Interest in Item 12.19 – Integrated Planning Committee Meeting Minutes as his family attends the Jo Jingles program.

Process:

*The following updated officer recommended resolution was provided to councillors prior to the meeting. The change to the resolution was to support the endorsement of a 0% rate increase and freeze on Council Fees and Charges and Interest as a result of the Covid-19 pandemic and associated financial strain placed on the community.*

**ALTERNATE OFFICER RECOMMENDED RESOLUTION “A”**

THAT Council, in addition to forecast growth:

1. Endorse a projected rate revenue increase of 0 % for the 2020/21 budget, with a 0% increase in minimum rates;
2. Endorse a projected rate revenue increase of 0%, 3%, 4% and 4% for the four year Corporate Business Plan; and
3. Endorse a projected rate revenue increase of 4% for years five to fifteen of the Long Term Financial Plan.

*Discussion:*

*Cr. J Dow moved an alternative motion to amend the rate revenue increase for the period to 3%.*

## COUNCILLOR RECOMMENDED RESOLUTION "A"

MOTION MOVED - Cr J Dow SECONDED - Cr M Hutchinson  
LOST

THAT Council, in addition to forecast growth:

1. Endorse a projected rate revenue increase of 0 % for the 2020/21 budget, with a 0% increase in minimum rates;
2. Endorse a projected rate revenue increase of 0%, 3%, 3% and 3% for the four year Corporate Business Plan; and
3. Endorse a projected rate revenue increase of 3% for years five to fifteen of the Long Term Financial Plan

LOST  
3/6

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

*Process:*

*As the previous resolution was lost, the alternate officer recommended resolution was put.*

**ALTERNATE OFFICER RECOMMENDED RESOLUTION  
& COUNCIL RESOLUTION "A"**

66-20 MOVED - Cr P Robinson SECONDED - Cr. T G Gardiner

**THAT Council, in addition to forecast growth:**

- 1. Endorse a projected rate revenue increase of 0 % for the 2020/21 budget, with a 0% increase in minimum rates;**
- 2. Endorse a projected rate revenue increase of 0%, 3%, 4% and 4% for the four year Corporate Business Plan; and**
- 3. Endorse a projected rate revenue increase of 4% for years five to fifteen of the Long Term Financial Plan.**

CARRIED  
8/1

*Note: Chief Executive Officer Mr André Schönfeldt left the room [6.32pm] and returned at [6.34pm]*

**INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION "B"**

67-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr. T G Gardiner

**THAT Council continues with the Eaton Landscaping Specified Area Rate as per the current financial year. .**

CARRIED

7/2

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

*Process:*

*The following updated officer recommended resolution was provided to Councillors prior to the meeting. The change to the resolution was to support the endorsement of a 0% rate increase and freeze on Council Fees and Charges and Interest as a result of the Covid-19 pandemic and associated financial strain placed on the community.*

**ALTERNATE OFFICER RECOMMENDED RESOLUTION  
& COUNCIL RESOLUTION "C"**

68-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr. T G Gardiner

**THAT Council include the following projects for consideration in the Draft LTFP, Draft Corporate Business Plan and Draft 2020/21 Budget:**

**1. Councillor Budget Requests:**

- a. Cr M Bennett request;
  - Project 1 Dualling of Eaton Drive at Peninsula Lakes end; and
  - Project 3 Limestone path from Clarke Street to Crampton Road on Road Reserve.
- b. Cr C Boyce request;
  - Project 2 – Limestone wall near Scout Hall
- c. Cr P Perks
  - Project 2 – Pathway on Cudliss Street

**2. Staff Budget Requests:**

- a. Sustainable Development Directorate:
  - \$30,000 for CHARMAP – Membership Fee; and
  - \$25,000 for use on other Sustainable Development Projects.

**b. Infrastructure Directorate:**

- \$15,000 for the Expansion of the laydown area at the Martin-Pelusey depot; and
- \$10,000 to increased building maintenance budget.

CARRIED  
7/2

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

*Process:*

*The following updated officer recommended resolution was provided to councillors prior to the meeting. The change to the resolution was to support the endorsement of a 0% rate increase and freeze on Council Fees and Charges and Interest as a result of the Covid-19 pandemic and associated financial strain placed on the community.*

**ALTERNATE OFFICER RECOMMENDED RESOLUTION  
& COUNCIL RESOLUTION "D"**

69-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr. T G Gardiner

**THAT Council:**

1. Endorse the proposed 2020/21 Schedule of Fees and Charges based on a 0% increase in the 2020/21 period and is included as (Appendix ORD: 12.19C), to become effective 1 July 2020; and
2. Give local public notice of the applicable Fees and Charges.

CARRIED  
7/2

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

*Process:*

*The following updated officer recommended resolution was provided to councillors prior to the meeting. The change to the resolution was to support the endorsement of a 0% rate increase and freeze on Council Fees and Charges and Interest as a result of the Covid-19 pandemic and associated financial strain placed on the community.*

**ALTERNATE OFFICER RECOMMENDED RESOLUTION  
& COUNCIL RESOLUTION "E(i)"**

70-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr. T G Gardiner

**THAT Council:**

- 1. Continue to financially support the Bull & Barrel Festival through an annual budget allocation of \$5,100 indexed plus in-kind support.**
- 2. Continue to financially support the South West Group of Affiliated Agricultural Associations through an annual budget allocation of \$250.**
- 3. Continue to financially support the City of Bunbury Skyfest Australia Day event through an annual budget allocation of \$5,500.**
- 4. Continue to financially support the South West Academy of Sport through an annual budget allocation of \$2,600.**
- 5. Continue to financially support the Ferguson Hall Management Committee through an annual budget allocation of \$2,891 indexed.**
- 6. Continue to financially support the Millbridge Lions Club Seniors Christmas Dinner through an annual allocation of \$1,500.**
- 7. Continue to financially support the Eaton and Millbridge Lions Club Christmas hamper through an annual allocation of \$1,000.**
- 8. Continue to financially support the Dardanup Senior Citizens Seniors Christmas Dinner through an annual allocation of \$2,000.**
- 9. Continue to financially support the Dardanup Arts Spectacular through an annual budget allocation of \$4,000 plus in-kind support through the waiving of hall hire fees valued at \$5,200.**
- 10. Continue to financially support the Eaton Foreshore Festival Committee through an annual budget allocation of \$3,000 indexed plus in-kind support.**
- 11. Continue to financially support the Dardanup & Districts and Residents Association through an annual budget allocation of \$1,100.**
- 12. Include the following contributions into the draft Corporate Business Plan 2020/21 to 2023/24:**

	2020/21	2021/22	2022/23	2023/24
Bull & Barrel Festival	\$5,100	\$5,215	\$5,345	\$5,479
South West Group of Affiliated Agricultural Associations	\$250	\$250	\$250	\$250
City of Bunbury Skyfest Australia Day event	\$5,500	\$5,500	\$5,500	\$5,500
South West Academy of Sport	\$2,600	\$2,600	\$2,600	\$2,600
Ferguson Hall Management Committee	\$2,891	\$2,956	\$3,030	\$3,105
Millbridge Lions Club – Seniors Christmas Dinner in Eaton	\$1,500	\$1,500	\$1,500	\$1,500
Dardanup Senior Citizens – Seniors Christmas Dinner in Eaton	\$2,000	\$2,000	\$2,000	\$2,000
Eaton Millbridge Lions Club – Christmas hamper	\$1,000	\$1,000	\$1,000	\$1,000
Eaton Foreshore Festival Committee	\$3,000	\$3,000	\$3,000	\$3,000
Dardanup & District Residents Association – Dardanup Times	\$1,100	\$1,100	\$1,100	\$1,100
<b>TOTAL</b>	<b>\$ 24,941</b>	<b>\$25,121</b>	<b>\$25,325</b>	<b>\$ 25,534</b>

CARRIED  
7/2

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

Process:

*The following updated officer recommended resolution was provided to councillors prior to the meeting. The change to the resolution was to support the endorsement of a 0% rate increase and freeze on Council Fees and Charges and Interest as a result of the Covid-19 pandemic and associated financial strain placed on the community.*

#### ALTERNATE OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "E(ii)"

71-20                      MOVED -                      Cr P Robinson                      SECONDED -                      Cr. T G Gardiner

**THAT Council request the Chief Executive Officer to bring the following Integrated Planning Committee recommendations back to Council at the April OCM for further consideration:**

- 1. Continue to financially support Small Business through an annual budget allocation of \$7,000;**
- 2. Allocate and approve total funding of \$35,000 (GST Exclusive) to Ferguson Valley Marketing Inc; distributed as an operational grant of \$25,000 and a**

conditional matching funds of \$10,000 to be included in the 2020/21 Annual Budget.

3. Continue to financially support a regional tourism strategy through an annual budget allocation of \$20,000 indexed.

CARRIED  
7/2

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

### INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION & COUNCIL RESOLUTION "F"

72-20

MOVED - Cr P Robinson

SECONDED -

Cr. T G Gardiner

THAT Council endorse the 2020/2021 Community Events and Library program and allocate funds within the 2020/21 draft budget and Long Term Financial Plan for these activities:

GL or Job #	Event or Program	2020/21 Proposed Budget
0817010	Personal Development Grants	\$10,000
0817011	Events Support Expenditure – J11912	\$2,000
1017003	Disability Services Expenditure	\$5,000
J11901	Events & Festivals	\$60,000
J11902	Public Art Projects	\$15,000
J11905	SW Group of Affiliated Agricultural Assoc.	\$250
J11909	Citizenship Awards	\$2,000
J11910	Thank a Volunteer	\$2,000
J11913	Banners in the Terrace	\$1,000
J08712	Leeuwin Scholarships	\$5,000
J08713	Skateboard/Scooter/BMX clinics	\$4,000
J08714	Minor/Community Event Assistance	\$25,000
J08719	Minor Community Activities	\$5,000
	Community Events - Seniors Workshop & Activities	\$4,000
	Community Events - Youth Workshops & Activities	\$4,000
	Creative Workshops	\$4,000
1116012	Library Programs	\$37,000
	Early Learning	
	• Jo Jingles	
	• Stem Workshops	
	• Code Club	
	School Holidays	
	• Holiday Storytime	
	• Children's Activities	
	Adult Programming	
	• Gardening	

GL or Job #	Event or Program	2020/21 Proposed Budget
	<ul style="list-style-type: none"> <li>• Social Activities</li> <li>• eResources</li> <li>• BeConnected</li> </ul> <b>Authors &amp; Events</b> <ul style="list-style-type: none"> <li>• Author Visits</li> <li>• Children’s Book week</li> <li>• Summer Reading Challenge</li> <li>• Better Beginnings Program</li> <li>• Easter Book Hunt</li> <li>• Travelling Story Time</li> <li>• Stop Motion Animation</li> <li>• On-line safety program</li> <li>• National Simultaneous Story Time</li> <li>• Tech 20 &amp; Tech Thursdays</li> <li>• Paint the Shire REaD</li> </ul>	
	<b>Place-making activities &amp; Engagement for each place (Burekup/Dardanup/Eaton/Ferguson) within the Shire (cultural/recreation/health/leisure &amp; social programs and workshops)</b> <ul style="list-style-type: none"> <li>• Summer Sounds in the Park</li> <li>• Outdoor Yoga/Tai Chi/Self Defence</li> <li>• African Drumming workshops</li> <li>• Night Stalks at Watson Reserve and Crooked Brook Forest</li> <li>• Kids water/laser tag</li> <li>• Bubble Soccer</li> <li>• Scitech visits</li> <li>• Seed and plant swaps</li> </ul>	<b>\$20,000</b>
1119504	Community Grants Scheme – \$8.31 per rateable assessment	<b>\$49,880</b>
<b>TOTAL</b>		<b>\$255,130</b>

CARRIED  
7/2

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

### INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION & COUNCIL RESOLUTION “G”

73-20

MOVED -

Cr P Robinson

SECONDED -

Cr. T G Gardiner

**THAT Council: -**

- 1. Adopt the 2019/20 Mid-Year Budget Review inclusive of the noted budget amendments contained within the report;**



**INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION "I"**

75-20            MOVED -            Cr P Robinson            SECONDED -            Cr. T G Gardiner

**THAT Council:**

1.        **Support the 2020 South West Small Business Awards through Business South West by taking up a Premium Partnership package of \$5,000 (plus GST);**
2.        **Authorise the unbudgeted expenditure of \$5,000 (plus GST) to sponsor the 2020 South West Small Business Awards;**
3.        **Allocate funding from Council's Economic Development budget to fund the 2019/20 expenditure.**

CARRIED  
7/2

<b>FOR THE MOTION</b>	<b>AGAINST THE MOTION</b>
<i>Cr. P S Robinson</i>	<i>Cr. J Dow</i>
<i>Cr. P R Perks</i>	<i>Cr. M Hutchinson</i>
<i>Cr. C N Boyce</i>	
<i>Cr. L Davies</i>	
<i>Cr. T G Gardiner</i>	
<i>Cr S Gillespie</i>	
<i>Cr M Bennett</i>	

**INTEGRATED PLANNING COMMITTEE MEETING RESOLUTION  
& COUNCIL RESOLUTION "J"**

76-20            MOVED -            Cr P Robinson            SECONDED -            Cr. T G Gardiner

**THAT Council:**

1.        **Sets the Shire President and Elected Member 2020/21 Annual Attendance Fee at 70% of the prevailing maximum band 3 value for the Shire of Dardanup applying from 1 July 2020, as determined by the Salaries and Allowances Tribunal.**
2.        **Sets the Shire President and Deputy Shire President 2020/21 Annual Local Government Allowance at 70% of the prevailing maximum band 3 value for the Shire of Dardanup applying from 1 July 2020, as determined by the Salaries and Allowances Tribunal.**
3.        **Sets the Elected Member 2020/21 Annual Information and Communications Technology (ICT) Allowance in lieu of expense reimbursements, at 70% of the prevailing maximum band 3 value for the Shire of Dardanup applying from 1 July 2020, as determined by the Salaries and Allowances Tribunal.**

4. **Reimburse child care expenses at the lesser of actual cost or \$30 per hour. Reimbursement shall be made upon submission of documentary evidence that the expense has been incurred for.**
5. **Reimburse travel expenses upon documentary evidence of km's travelled or expense incurred in accordance with the Local Government (Administration) Regulations 1996 and Council Policy.**

CARRIED  
7/2

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

**OFFICER RECOMMENDATION  
& COUNCIL RESOLUTION "K"**

77-20            MOVED -        Cr P Robinson                            SECONDED -        Cr. T G Gardiner

**THAT Council resolves to adopt the actions recommended in the Confidential Report (Tardis No [OCM-R0714241](#)) with regard to the operational process in recovery of rates.**

CARRIED  
9/0

**OFFICER RECOMMENDATION  
& COUNCIL RESOLUTION "L"**

78-20            MOVED -        Cr P Robinson                            SECONDED -        Cr. T G Gardiner

**THAT Council:**

1. **Suspend penalty interest on outstanding rates from 26 March 2020 until 30 September 2020.**
2. **Suspend all Eaton Recreation Centre gym and other membership fees and charges until 30 June 2020, and for this to be reviewed at the June OCM.**
3. **Request the Chief Executive Officer to bring a report back to Council at the September 2020 Ordinary Council meeting.**

CARRIED  
9/0

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

79-20

MOVED - Cr P Perks

SECONDED -

Cr C Boyce

**THAT Council return from Behind Closed Doors at 6.55pm.**CARRIED  
9/0

*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 29 April 2020, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 6.55pm.

**CONFIRMATION OF MINUTES**

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

DocuSigned by:

A handwritten signature in black ink, appearing to be "Shirley G".

Signed

C8639D26FBD24E0...

(Chairman or Shire President or Other Presiding Officer)