



Shire of Dardanup

A G E N D A

FOR THE

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 25th March 2026

Commencing at 5.00pm

At

ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member

The next Ordinary Council Meeting of the Shire of Dardanup will be held on Wednesday, the 25th March 2026 in the Council Chambers located in the Administration Centre Eaton, 1 Council Drive, Eaton – commencing at 5:00pm.

MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

Date: 20th of March 2026

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

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

VISION STATEMENT

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

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COUNCIL ROLE

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

DISCLAIMER

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

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

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

RISK ASSESSMENT

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

RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE

Rating (Level)	Health	Financial Impact	Service Interruption	Legal and Compliance	Reputational	Environmental	Property
Insignificant (1)	Near miss Minor first aid injuries	Less than \$10,000	No material service interruption - backlog cleared < 6 hours	Compliance - No noticeable regulatory or statutory impact. Legal - Threat of litigation requiring small compensation. Contract - No effect on contract performance.	Unsubstantiated, low impact, low profile or 'no news' item. Example: Gossip, Facebook item seen by limited persons.	Contained, reversible impact managed by on site response.	Inconsequential or no damage.
Minor (2)	Medical type injuries	\$10,001 - \$50,000	Short term temporary interruption – backlog cleared < 1 day	Compliance - Some temporary non compliances. Legal - Single minor litigation. Contract - Results in meeting between two parties in which one party expresses concern.	Substantiated, low impact, low news item. Example: Local paper / Industry news article, Facebook item seen by multiple groups.	Contained, reversible impact managed by internal response.	Localised damage rectified by routine internal procedures.
Moderate (3)	Lost time injury <30 days	\$50,001 - \$300,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Compliance - Short term non-compliance but with significant regulatory requirements imposed. Legal - Single moderate litigation or numerous minor litigations. Contract - Receive verbal advice that, if breaches continue, a default notice may be issued.	Substantiated, public embarrassment, moderate impact, moderate news profile. Example: State-wide paper, TV News story.	Contained, reversible impact managed by external agencies.	Localised damage requiring external resources to rectify.
Major (4)	Long-term disability/ multiple injuries Lost time injury >30 days	\$300,001 - \$1.5 million	Prolonged interruption of services – additional resources; performance affected < 1 month	Compliance - Non-compliance results in termination of services or imposed penalties. Legal - Single major litigation or numerous moderate litigations. Contract - Receive/issue written notice threatening termination if not rectified.	Substantiated, public embarrassment, high impact, high news profile, third party actions. Example: Australia wide news stories. Regulatory / Political commentary involvement.	Uncontained, reversible impact managed by a coordinated response from external agencies.	Significant damage requiring internal & external resources to rectify.
Catastrophic (5)	Fatality, permanent disability	More than \$1.5 million	Indeterminate prolonged interruption of services – non-performance > 1 month	Compliance - Non-compliance results in litigation, criminal charges or significant damages or penalties. Legal - Numerous major litigations. Contract - Termination of contract for default.	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions. Example: Worldwide news, Focused articles (e.g. 60 minutes). Regulatory / Political oversight and involvement.	Uncontained, irreversible impact.	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building.

RISK - LIKELIHOOD TABLE

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

LEVEL OF RISK GUIDE

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

RISK ACCEPTANCE CRITERIA

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

EXISTING CONTROLS RATING

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

SHIRE OF DARDANUP

AGENDA FOR THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING TO BE HELD ON WEDNESDAY, THE 25th OF MARCH 2026, AT THE SHIRE OF DARDANUP ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

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

Acknowledgement of Country

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

Emergency Procedure

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

Affirmation of Civic Duty and Responsibility

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

Recording of Meetings

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

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

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

2.1 Attendance

2.2 Apologies

2.3 Leave of Absence

Cr Stacey Gillespie - Elected member (Res: 17-26)

2.4 Previous Meetings

DATE	TYPE	CR. L W DAVIES	CR. B S FARRANT	CR. T G GARDINER	CR. S L GILLESPIE	CR. M R HUTCHINSON	CR. A C JENOUR	CR. K A LAURENTSCH	CR. R J TREVATHAN	CR. A L WEBSTER
DECEMBER 2025										
10/12/2025	AF	✓	✓	✓	Ap	✓	✓R	✓	✓	✓
17/12/2025	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
JANUARY 2026										
21/01/2026	AF	✓	✓	✓	✓	✓	Ap	✓	✓	Ap
28/01/2026	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
FEBRUARY 2026										
04/02/2026	CF	✓	✓	✓	✓	✓	✓R	Ap	✓	✓
18/02/2026	AF	✓	✓	✓	Ap	✓	✓R	✓	✓	✓
25/02/2026	OCM	✓	✓	✓	✓	✓	✓	✓	✓	✓
MARCH 2026										
04/03/2026	CF	Ap	✓	✓	✓	Ap	Ap	✓	✓	✓
18/03/2026	AF	✓	✓	✓	Ap	✓	✓R	✓	✓	Ap

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

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

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

THAT be granted leave of absence for the Ordinary Council Meeting to be held on the 29th April 2026.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

[7.1 Ordinary Council Meeting Held on the 25th of February 2026](#)

OFFICER RECOMMENDATION

THAT the Minutes of the Ordinary Meeting of Council held on the 25th of February 2026, be confirmed as true and correct subject to no/the following corrections:

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

[8.1 Shire President Monthly Report](#)

Reporting Department	<i>Elected Members</i>
Elected Member	<i>Cr. Tyrrell Gardiner – Shire President</i>

Participation in various meetings, conferences, and events since my last report to the Council.

	26/27 February 2026 UDIA State Conference Bunbury
Report:	Along with Director of Infrastructure attended the Urban Development Institute of Australia conference. Speakers from Government, planners and developers on current trends and forecasts. Promote Shire of Dardanup and the opportunities available
Event:	5 February Onshore Wind Energy Supply Chain Forum BREC
Report:	Hosted by Bunbury Geographe Economic Alliance. Presentations from those involved in energy production from onshore production, current and planned, and skills and capabilities that will be needed by the sector.

Event:	10 February Eaton Community College Tour
Report:	Tour of ECC with Cr Webster, Director Corporate and Governance, Director Community and Economic Development and Principals of Glen Huon and Eaton Primary Schools. Upgrades and Initiatives, some really good things happening at the school.
Event:	17 February Eaton Bowling and Social Club
Report:	Opening ceremony for the 47 th Australian and New Zealand National Railways Institutes lawn bowls tournament. Held on a Biennial basis, long running event with competitors travelling to our region. Congratulations Eaton Bowling and Social Club on hosting the tournament.
Event:	17 February Offshore Wind project update
Report:	Along with Chief Executive Officer hear presentation to Bunbury Geographe Economic Alliance member Councils from Offshore wind applicant.
Event:	23 February Meet with Michelle Boylan MLC
Report:	Including Chief Executive Officer, discussions with Michelle re local issues/needs.
Event:	23 February Dardanup Townsite Water Pressure
Report:	Along with Chief Executive Officer, discussions with delegation of Dardanup community members regarding the lack of mains water pressure in the Dardanup townsite. Ongoing issue that will require increased advocacy from the Shire.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

11 DECLARATION OF INTEREST

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

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

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

- *Cr. Tony Jenour declared an Impartiality Interest in item 12.4.3 Burekup Changerooms Design & Construct – Variations – His son plays for the Burekup Cricket Club.*
- *Cr. Luke Davies declared an Impartiality Interest in item 12.4.3 Burekup Changerooms Design & Construct – Variations – His sister is a captain of the Burekup Women’s Cricket Team.*

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 EXECUTIVE REPORTS

12.1.1 Adoption of Updated Code of Conduct – Council Members, Committee Members and Candidates, and Council Policy Change

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mr André Schönfeldt – Chief Executive Officer</i>
Reporting Officers	<i>Mrs Donna Bailye – Manager Governance Mrs Cindy Barbetti – Corporate Excellence & Compliance Officer Mrs Kristy Burden – Manager Human Resources</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Absolute Majority</i>
Attachments	<i>12.1.1A – Code of Conduct – Council Members, Committee Members and Candidates (OLD Code to be Repealed) 12.1.1B – Code of Conduct – Council Members, Committee Members and Candidates (Proposed NEW Code with Tracked Changes) 12.1.1C – Code of Conduct – Council Members, Committee Members and Candidates (Proposed NEW Code without Tracked Changes) 12.1.1D – Exec CP202- Complaints Management Process – Code of Conduct for Council Members (OLD Policy to be Repealed) 12.1.1E – Exec CP202- Complaints Management Process – Code of Conduct for Council Members (Proposed NEW Policy with Tracked Changes) 12.1.1F – Code of Conduct for Council Members, Committee Members and Candidates Behaviour Complaint Form 12.1.1G – Risk Assessment</i>

Overview

The purpose of this report is for Council to consider and adopt the updated Code of Conduct for Council Members, Committee Members and Candidates, incorporating amendments arising from recent changes to the *Local Government Act 1995, Local Government (Model Code of Conduct) Regulations 2021*, and the *Local Government Regulations Amendment Regulations 2025*.

Council is also requested to consider and adopt the updated *Council Policy Exec CP202 – Complaints Management Process: Code of Conduct for Council Members, Committee Members and Candidates*.

OFFICER RECOMMENDATION

THAT Council:

1. **Adopts the updated *Code of Conduct for Council Members, Committee Members and Candidates* as provided in (Appendix ORD: 12.1.1C), in**

accordance with section 5.104 of the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*.

2. Adopts the updated Code of Conduct for Council Members, Committee Members and Candidates Behaviour Complaint Form as provided in (Appendix ORD: 12.1.1F).
3. Deletes Exec CP202 Complaints Management Process – Code of Conduct for Council Members, Committee Members and Candidates (Appendix ORD: 12.1.1D) and replaces with the following policy:



COUNCIL POLICY NO:-

Exec CP202 – COMPLAINTS MANAGEMENT PROCESS – CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

GOVERNANCE INFORMATION								
Procedure Link:			NA			Administrative Policy Link:		NA
ADMINISTRATION INFORMATION								
Version	1	New	OCM	24/02/2021	Res:	31-21	Synopsis	Policy created.
Version	2	Exec CP202	OCM	24/11/2021	Res:	377-21	Synopsis	Policy replaced and renamed
Version	3	Exec CP202	OCM	28/09/2022	Res:	243-22	Synopsis	Reviewed and Adopted by Council
Version	4	Exec CP202	OCM	23/10/2024	Res:	275-24	Synopsis	Reviewed and Adopted by Council
Version	5	Exec CP202	OCM	25/03/2026	Res	XX-26	Synopsis	Reviewed and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Executive

2. PURPOSE OR OBJECTIVE

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

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

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

2.1 Scope

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

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

3. DEFINITIONS

Act - means the Local Government Act 1995.

Behaviour Complaints Committee - means a committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 4.2.3 of this Policy.

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

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

Candidate Complaint - means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 4.3.2 of this Policy.

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

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

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

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

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

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

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

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

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

Complaints Officer - means a person authorised in writing [by Council resolution or by the CEO exercising delegated authority] under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Complaints Officer is addressed in Part 4.2.1 of this Policy.

Council - means the Council of the Shire of Dardanup.

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

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

Local Government Inspector – means a person authorised under the Local Government Act 1995 to investigate matters relating to local government, including matters relating to behavioural breaches of the Model Code of Conduct.

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

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

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

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

4. POLICY

4.1 Principles

4.1.1 Procedural fairness

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

- a Respondent will be afforded a reasonable opportunity to be heard before any findings are made.
- a Respondent will be afforded a reasonable opportunity to be heard before any Plan is imposed.
- the decision maker must be objective and impartial and must act in an unbiased manner and must not act in a manner likely to give rise to a perception of bias; and
- any findings made will be based on proper and genuine consideration of the evidence.

4.1.2 Consistency

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

4.1.3 Confidentiality

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

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

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

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

4.1.4 Accessibility

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

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

4.1.5 Perception of Bias

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

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

4.2 Roles

4.2.1 Complaints Officer

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

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

The Complaints Officer does not determine behavioural breach complaints and does not make findings as to whether a breach has occurred. Determination of behavioural breach complaints is the responsibility of the Council or a Committee established by Council for that purpose.

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

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

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

4.2.2 Complaints Assessor

The Complaint Assessor is a person appointed by the Complaints Officer in accordance with Part 4.3.8 of this Policy to assist in the assessment of a complaint and the preparation of a complaint report for consideration by the Council or Behaviour Complaints Committee.

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

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

Where a Complaints Assessor is not appointed, the Complaints Officer may undertake the assessment of the complaint and preparation of the complaint report.

The Complaints Assessor does not determine the complaint and may only provide findings, analysis or recommendations to assist the Council or Behaviour Complaints Committee in determining the complaint.

4.2.3 Behaviour Complaints Committee

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

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

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

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

4.3 Complaint process

4.3.1 Making a Complaint

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

A Complaint must be made within one (1) month after the alleged Breach *[clause 11(2)(c) of the Code of Conduct]*.

A Complaint must be made by completing the Complaint Form in full and providing the completed forms to the Complaints Officer.

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

A Complaint must:

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

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

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

Complaints received outside the timeframe prescribed by the Model Code of Conduct cannot be accepted unless otherwise permitted under the regulations.

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

In accordance with section 5.105(3) of the Act, a complaint must be referred to the Local Government Inspector if the person who has been the subject of the complaint has, on at least 2 previous occasions, been found under a local governments adopted code of conduct (as defined in section 8A.2(1) of the Act) to have committed, on or after January 2026, a behavioural breach.

4.3.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 4.3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

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

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

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

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

4.3.3 Withdrawing a Complaint

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

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

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

4.3.4 Notice to Complainant

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

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

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Complaints Officer will advise the Complainant of the process in accordance with Part 4.3.6 of this Policy.

4.3.5 Notice to Respondent

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

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

- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 4.3.6 of this Policy.

4.3.6 Alternative Dispute Resolution

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

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

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

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 4.3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

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

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

Examples of Alternate Dispute Resolution include –

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

4.3.7 Order of Complaints

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

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

4.3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, is terminated, or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Complaints Officer may appoint a suitably qualified and experienced Complaints Assessor to assist in the assessment of a complaint and preparation of a complaint report.,

A Complaints Assessor may be appointed under the following circumstances –

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

In appointing a Complaints Assessor, the Complaints Officer will have regard to the qualifications, experience, independence and any potential perception of bias associated with the appointment.

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

The Complaints Officer may determine that the complaint can be appropriately assessed internally and may undertake the assessment and preparation of the complaint report.

4.3.8A Referral to Department or Local Government Inspector

The local government may refer information relating to a complaint or alleged conduct of a council member to the Department of Local Government, Sport and Cultural Industries or to a Local Government Inspector for consideration or investigation in accordance with the *Local Government Act 1995*.

The local government will cooperate with any authorised investigation and provide access to relevant records or information as required by law.

4.3.9 Search of Local Government Records

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

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

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

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

4.3.10 Assessment of the Complaint

The Complaints Officer or where appointed, the Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 4.3.4 and Part 4.3.5 of this Policy.

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

4.3.11 Complaint Report

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

- outlines the process followed, including how the Respondent was provided with an opportunity to respond.
- include the Complaint Documents, the Response Documents, and any relevant Local Government Records as attachments; and
- include recommendations on each decision that may be made by the Local Government or a Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4.4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4.4 of this Policy, the Complaint Report must include a Proposed Plan.

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

The Complaint Report is provided to assist the Council or Behaviour Complaints Committee in determining the complaint and does not constitute a determination of the complaint.

4.3.12 Complaint Determination Meeting

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

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

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

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting, the local government or the Behaviour Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.4.2 of this Policy.

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

If the Complaint is not dismissed, the Local Government or the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.4.3 of this Policy.

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

If the Local Government or the Behaviour Complaints Committee finds that the alleged breach did occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4.4 of this Policy.

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

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

4.3.13 Compliance with Plan Requirement

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

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

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

4.4 Decision Making

4.4.1 Objectives and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 4.1 of this Policy.

The determination of behavioural breach complaints rests solely with the Council or Behaviour Complaints Committee acting under delegation from Council.

4.4.2 Dismissal

The Local Government or the Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire of Dardanup Standing Orders Local Law 2014.

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

4.4.3 Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

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

4.4.4 Action

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

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

4.4.5 Plan Requirement

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

- engage in mediation.
- undertake counselling.

- undertake training.
- take other action the Complaints Committee considers appropriate (e.g. an apology).

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

The Proposed Plan may also outline:

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

6. LEGISLATION

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

Local Government Act 1995 – Section 5.105 Breaches by council members

Local Government (Model Code of Conduct) Regulations 2021

Provisions relating to authorised persons and Local Government Inspectors

7. REFERENCE DOCUMENTS

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

Attachment: Code of conduct - ‘Complaint About Alleged Breach Form’ [Code of Conduct Complaints Form](#)

Note:

Also refer to website for copy of Code of Conduct and Complaints Form:

<https://www.dardanup.wa.gov.au/council/elected-members/code-of-conduct/>

8. PUBLICATION

In accordance with section 5.104(7) of the *Local Government Act 1995*, the CEO will ensure that the Code of Conduct for Council Members, Committee Members and Candidates and the approved Behavioural Breach Complaint Form are published on the local government website.

4. **Authorises the Chief Executive Officer to publish the adopted Code of Conduct and the associated adopted Complaints Process and Complaint Form on the Shire’s official website.**

Absolute Majority

Change to Officer Recommendation

No Change. **OR:**

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

Background

The *Local Government (Model Code of Conduct) Regulations 2021* require all local governments to adopt a Code of Conduct consistent with Schedule 1 — Model Code of Conduct.

Since the Shire last adopted its Code of Conduct on 28 February 2024 via Resolution 19-24 (Appendix ORD 12.1.1A), the State Government has progressed significant reforms through the *Local Government Amendment Act 2024* and associated subsidiary legislation.

The reforms relevant to the Code of Conduct include:

- Strengthened behavioural complaint pathways, reflected in:
 - Regulation 3A — mandatory referral to the Inspector after two previous behavioural findings (on or after 1 January 2026).
 - Schedule 1 clause 14A — appointment of a monitor.
 - Schedule 1 clause 14B — clarification of the local government's functions in administering clauses 12 and 13.
- Alignment with the newly established Local Government Inspector, providing earlier intervention and strengthened oversight of local government conduct matters.

These reforms necessitate amendments to the Shire's current Code of Conduct to reflect the consolidated Schedule 1 and to ensure statutory compliance.

A revised Code of Conduct for Council Members, Committee Members and Candidates has been prepared (with tracked changes) for Council's consideration (Appendix ORD: 12.1.1B) and must be adopted no later than 31 March 2026 to ensure alignment with the updated framework.

In addition, updates have been made to Council Policy Exec CP202 – Complaints Management Process – Code of Conduct for Council Members, Committee Members and Candidates, and to the associated Behavioural Complaints Form.

These updates ensure consistency with the amended legislative requirements, particularly the strengthened complaint pathways, mandatory referral thresholds, and clarified administrative functions under Schedule 1 clauses 12–14B. The revised policy (with tracked changes) and form (Appendices ORD: 12.1.1E and 12.1.1F) provide clearer guidance for complainants, reinforce procedural fairness, and align the Shire's processes with the new oversight mechanisms introduced through the Local Government Inspector framework.

Note: Appendix ORD 12.1.1D provides the current version of the policy for comparison and will be repealed upon adoption of the revised policy.

Legal Implications

Local Government Act 1995

5.104. Adoption of model code of conduct

- (1) *Within 3 months after the day on which regulations prescribing the model code come into operation, a local government must prepare and adopt* a code of conduct to be observed by council members, committee members and candidates that incorporates the model code.*

** Absolute majority required.*

- (2) Within 3 months after the day on which regulations amending the model code come into operation, the local government must amend* the adopted code of conduct to incorporate the amendments made to the model code.
- * Absolute majority required.
- (3) A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —
- (a) can only be expressed to apply to council members or committee members; and
- (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.
- (6) An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.
- (7) The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.

Local Government (Model Code of Conduct) Regulations 2021

Local Government Regulations Amendment Regulations 2025

Council Plan

13.1 - Adopt best practice governance.

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

Environment - None.

Precedents

Council last adopted the Code of Conduct for Council Members, Committee Members and Candidates on 28 February 2024, via Resolution 19-24. This adoption aligned the Shire's Code with the legislative requirements in force at that time.

Council most recently reviewed Policy Exec CP202 during the biennial Council Policy Manual review, resolved on 23 October 2024 (Resolution 275-24) refer Appendix ORD 12.1.1D.

Budget Implications

Implementation of the updated Code of Conduct, Policy and associated Form, requires internal administrative resourcing, including officer time to update governance documents, prepare and publish the adopted Code on the Shire's website, brief Elected Members, and adjust internal processes for behaviour complaint management.

These tasks are expected to be absorbed within existing staffing capacity, though they do represent a reallocation of officer time.

Budget – Whole of Life Cost - None

Council Policy Compliance

Exec CP202 Complaints Management Process – Code of Conduct for Council Members, Committee Members and Candidates.

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.							
Risk Title	Adoption of Updated Code of Conduct – Council Members, Committee Members and Candidates, and Council Policy Change						
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>Failure to adopt and effectively implement the updated Code, Policy and Form, may result in unplanned expenditure on regulatory remediation, external investigation or legal advice.</td> </tr> <tr> <td>Legal and Compliance</td> <td>Failure to adopt a compliant Code of Conduct presents the risk of legislative non-compliance, with potential regulatory scrutiny via the Inspector regime.</td> </tr> <tr> <td>Reputational</td> <td>Council’s reputation could be viewed negatively due to outdated or inaccurate conduct governance documentation.</td> </tr> </table>	Financial	Failure to adopt and effectively implement the updated Code, Policy and Form, may result in unplanned expenditure on regulatory remediation, external investigation or legal advice.	Legal and Compliance	Failure to adopt a compliant Code of Conduct presents the risk of legislative non-compliance, with potential regulatory scrutiny via the Inspector regime.	Reputational	Council’s reputation could be viewed negatively due to outdated or inaccurate conduct governance documentation.
Financial	Failure to adopt and effectively implement the updated Code, Policy and Form, may result in unplanned expenditure on regulatory remediation, external investigation or legal advice.						
Legal and Compliance	Failure to adopt a compliant Code of Conduct presents the risk of legislative non-compliance, with potential regulatory scrutiny via the Inspector regime.						
Reputational	Council’s reputation could be viewed negatively due to outdated or inaccurate conduct governance documentation.						

Officer Comment

The updated Code of Conduct:

1. Aligns fully with Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*, current as at 1st January 2026.
2. Reflects all legislative reforms affecting behaviour management, including the escalation pathway via Regulation 3A and the introduction of clauses 14A and 14B to support external oversight.
3. Retains the core components of the Model Code:
 - Division 2 — Overarching principles
 - Division 3 — Behaviour and behavioural complaints
 - Division 4 — Rules of conduct
4. Ensures the Shire’s governance documentation is contemporary, accurate and compliant with statutory requirements.

The updated Code of Conduct with tracked changes is provided for in Appendix ORD 12.1.1B.

Inclusion of clause 15A – Standard of Dress:

Officers once again propose to include clause 15A – Standard of Dress in the Shire’s Code of Conduct, noting that while this provision is not contained within the prescribed Model Code of Conduct, local governments may include additional behavioural expectations provided these do not conflict with, or undermine, the requirements set out in Schedule 1 of the *Local Government (Model Code of Conduct) Regulations 2021*.

Including a locally-specific standard of dress supports the Shire’s commitment to professionalism, reinforces community expectations regarding the presentation of elected members in official capacities, and aligns with the discretion available to local governments to supplement (but not alter) the Model Code to address local governance needs.

Council Policy Exec CP202 Complaints Management Process – Code of Conduct for Council Members, Committee Members and Candidates, and Complaint Form

In response to the above legislative updates, the Complaints Process has been reviewed and updated. The revised process incorporates provisions for referral of matters to a Local Government Inspector and reflects the requirement to do so where the subject of a complaint has previously been found to have committed breaches of the Code of Conduct on two prior occasions.

The Policy has also been reviewed to strengthen procedural clarity regarding the management, assessment and referral of complaints, ensuring alignment with the requirements of the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021* and is provided for in (Appendix ORD: 12.1.1E) with tracked changes.

The Complaint Form has also been updated to ensure consistency with the legislative changes and to support clearer identification of alleged breaches of the Code of Conduct. This is provided for in (Appendix ORD: 12.1.1F)

Adoption and Publication:

Adoption by Absolute Majority is required in accordance with section 5.104 of the *Local Government Act 1995*.

Upon adoption, the Code will be published on the Shire’s website as required by section 5.104(7) of the Act.

END REPORT

12.2 SUSTAINABLE DEVELOPMENT DIRECTORATE REPORTS

12.2.1 Wellington Mills Bushfire Brigade Station Upgrade

Reporting Department	<i>Sustainable Development Directorate</i>
Responsible Officer	<i>Mr Ashwin Nair - Director Sustainable Development</i>
Reporting Officer	<i>Stephen Loiterton – Coordinator Emergency and Ranger Services</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.2.1A – Risk Assessment 12.2.1B – Wellington Mill VBFB Proposed Redevelopment 12.2.1C – Opinion of Probable Cost</i>

Overview

This report has been written for Council to supports the following:

- Capital funds application to upgrade the Wellington Mills Bushfire Brigade station as a part of the Local Government Grant Scheme.
- Responsible for works that will be ineligible for grant funding (generally ground works).

If the grant application is approved, there is expected to be revenue received that will match expected expenditure expected during the 2026/27 financial year (with exception of groundwork costs).

OFFICER RECOMMENDATION

THAT Council:

1. **Supports a capital grant application be submitted for the upgrade to the Wellington Mills Bushfire Brigade Station to the value of \$1,066,510 as a part of the Local Government Grant Scheme for 2026/27, and requests the Department of Fire and Emergency Services to agree that the training room is to be used for other community purposes.**
2. **Notes the Shire of Dardanup will be responsible for the costs of works not eligible for Local Government Grant Scheme funding.**

Change to Officer Recommendation

No Change. **OR:**

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

Background

Local Government Grant Scheme (LGGS) funding is divided into the following two streams:

- *Capital grants* – relating to significant capital works initiatives, including the acquisition of facilities, appliances, vehicles, and major items of equipment.
- *Operating grants* - relating to general operating costs and minor purchases, including such items as fleet and facility maintenance, training, protective clothing, and insurances.

The LGGS Capital and Operating Grants Manual refers to capital grants as significant capital works initiatives costing more than \$5,000 per item, including the acquisition/construction of facilities (excluding land, site works, car parks, fences, and landscaping), appliances, vehicles, and major items of equipment.

The Shire has identified that the Wellington Mills Bushfire Brigade Station is in need of an upgrade. This need is also identified by the volunteers of the Brigade, the local community, and also the Department of Fire and Emergency Services. The Brigade has worked with a local architect to design an upgraded station that will meet the needs of the Brigade and the community for years to come.

Funding for the upgrade will, pending approval, be included in a general application for funding per the Local Government Grant Scheme.

Legal Implications

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

6.8 Expenditure form municipal fund not included in annual budget.

(1) a local government is not to incur expenditure for its municipal fund for an additional purpose except where the expenditure—

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution*; or*
- (c) is authorised in advance by the mayor or president in an emergency*

**Absolute majority required.*

(1a) In subsection (1) –

Additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government –

- (a) pursuant to subsection (1) (a), it is to be included in the annual budget for that financial year; and*
- (b) pursuant to subsection (1) (c), it is to be reported to the next ordinary meeting of the council.*

Council Plan

7.1 - Minimise risks and impacts from fires, floods, heat waves, and other natural disasters.

Environment

It is envisaged that the proposed works may result in some clearing of vegetation. The site is not a known or identified contaminated site as such the works are unlikely to pose a risk from an environmental perspective. Understanding of the soil composition will be reviewed during the regulatory building process of the upgrades.

Precedents

At the Ordinary Council meeting dated 24th June 2020, Council resolved to provide support for the extension of Waterloo Hall to incorporate the Waterloo Bush Fire Brigade (Council Resolution 163-20)..

Council at its August 2024 Ordinary Council Meeting moved (Resolution: 219-24) to provide support for the extension of Ferguson Bushfire Brigade station. At the November 2025 Ordinary Council Meeting Council moved (Resolution 304-25) to increase the ground works allocation.

Budget Implications

At present the application for the grant funding is being prepared. The project has not been included in the current 25/26 Annual Budget or in the draft Long Term Financial Plan. Should Council endorse the resolution, it is expected that the draft Long Term Financial Plan will have to be updated to incorporate the project at a later date.

A Quantity Surveyor has been engaged by the Brigade to provide an estimate of the project costs (Appendix ORD: 12.2.1C) with preliminary estimation as follows:

Description	Grant funded	Shire contribution
Training room and stores	\$659,000	
External Works and services*	\$44,610	
Design contingency	\$83,000	
Construction contingency	\$42,000	
Locality factor	\$47,900	
Professional fees	\$121,000	
QS Fees	\$17,000	
Escalation allowance to tender	\$52,000	
Ineligible LGGS Works (indicative)		\$100,000-200,000
Total estimated cost	\$1,066,510	< \$200,000

* Works and services include: demolition of old shed, outbuilding and covered walkway, external water supply and external lighting/power.

The \$100,000 to \$200,000 is only an indicative cost at present and will be determined when going to tender if the grant application is successful.

A request for early payment of the QS Fees and other professional fees was received by the Wellington Mills Brigade to show evidence that the project was 'shovel ready', however, officers do not support the pre-funding due to it being unbudgeted. As such it will be contingent on successful application.

Budget – Whole of Life Cost

The ongoing maintenance of the upgraded building and future replacement will be the responsibility of the Shire of Dardanup, with some costs being eligible under the conditions of the LGGS. The Shire will be requesting that the upgrades be considered as part of future LGGS allocations by DFES to consider the increase costs associated with the improvements.

The upgrade to the building will need to be recorded in the Shire of Dardanup Building Asset Management Plan.

Council Policy Compliance

CnG CP034 – Procurement Policy

CnG CP007 – Cost Shifting Assessment

Local Government Grant Scheme – Manual for Capital and Operating Grants

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Title	Upgrade Wellington Mills Bushfire Brigade Station
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable..
Risk Category Assessed Against	Financial An expected increase in costs resultant from the replacement
	Reputational Failure to approve budget allocation to enable site works may impact the relationship with the brigades.

Officer Comment



Existing Brigade

The brigade has been assisted by MCG Architects to design a station that meets the contemporary and future needs of the brigade, and also of the community in which it exists. MCG Architects has prior experience in designing emergency services facilities.

Design

The upgrade will improve the functionality of the facility, which includes provision for:

- *A training room*
 - A dedicated separate training space away from the vehicles and dirty stores will improve training.
 - Such a room will also enable the station to be used as a command centre for a significant bushfire in the area, from which multiple brigades/agencies may be coordinated
- *Office spaces*
 - An administrative office space would enable leaders to keep administrative matters separate from operational equipment. An office will also facilitate confidential one-on-one discussions with members.
 - A second office to function as a radio room will enable brigade operations to function better with radio operators not having to contend with background noises of other functions concurrent at the facility (e.g. crew changeover, food preparation, washing, etc).
- *Kitchen*
 - A kitchen will enable the brigade to prepare meals, in a more hygienic space, for firefighters who may work extended hours on a fire ground.
- *Separate UAT for men/women*
 - Having toilets that may be dedicated to men and women of the brigade will improve safety through removing the necessity for members to cross a road to access public toilets.
 - Having facilities to shower following a bushfire to remove the soot and smell of bushfire smoke/perspiration will enhance member experience (and of their families too).
- *Separate washdown facility*
 - A separate room to have washdown facility for PPE (goggle and masks, etc) will also house a washing machine to enable washing of other PPE at the brigade rather than bring smoke impregnated overalls to member's homes.
- *Separate storeroom.*
 - To provide dedicated space to store items separate from the vehicles.

Ineligible works – Shire Responsibility

Ground works, such as removing some of the embankment behind the existing shed and leveling the ground out the front of the shed, are not eligible for grant funding. The Shire will be expected to fund this aspect of the project.

Based on lessons from the Ferguson Brigade station upgrade, the Shire does not have the capacity to undertake the required groundwork in-house. As such this cannot be an in-kind contribution, it is likely external contractors will be required.

Existing Community Shed

The project will require the demolition of an existing small shed. The small shed has been viewed as significant for local community as it is located on the same footprint as a previous bushfire brigade building from the 1950s – providing a physical link to a catastrophic bushfire in the past. The community, and the brigade, had felt strongly about retaining this small building. This has hampered initiatives to upgrade the BFB station. The brigade had made efforts to improve the functionality of the small shed, however, inspection of the small shed proved that it was structurally unsound and not suitable for use. The brigade has been working with the community to find a resolution. The Brigade has orally advised that the community has accepted that the small shed is preventing a much-needed upgrade and have agreed to its demolition, enabling this project to proceed.

This project has benefitted from the lessons identified from the current upgrade of the Ferguson Bushfire Brigade Station. Detailed plans have been prepared, and an independent quantity surveyor report has been prepared ahead of the application. Limitations of the grant scheme have also been factored into the project, i.e. noting that ground works are not included. Further advice received indicates that the closer the project is to 'shovel ready' the better the application will be viewed.

END REPORT

12.2.2 Local Structure Plan – Lot 105 Columbus Drive, Picton East

Reporting Department	<i>Development Services Directorate</i>
Responsible Officer	<i>Mr Ashwin Nair – Director Development Services</i>
Reporting Officer	<i>Land Insights</i>
Applicant	<i>Rowe Group (on behalf of Bunbury Management Pty Ltd)</i>
Legislation	<i>Planning and Development Act 2005; Planning and Development (Local Planning Schemes) Regulations 2015</i>
Council Role	<i>Quasi-Judicial.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.2.2A – Local Structure Plan for Lot 105 Columbus Drive, Picton East 12.2.2B – Schedule of Submissions 12.2.2C – Schedule of Submissions and Applicant Response 12.2.2D – Risk Assessment</i>

Overview

This report presents the Shire of Dardanup's assessment of the Local Structure Plan (LSP) for Lot 105 Columbus Drive, Picton East (the subject site). The LSP proposes to guide the subdivision and industrial development of approximately 61.4 hectares of land zoned Industrial under the Greater Bunbury Region Scheme (GBRS) and Industrial Development under the Shire of Dardanup Local Planning Scheme No. 9 (LPS9), within Precinct 2C of the Picton Industrial Park Southern Precinct. The proposal incorporates a general industrial lot yield of approximately 26 lots, an Intermodal Terminal (IMT) facility of approximately 8.25 hectares, and conservation and drainage reserves comprising approximately 12.85 hectares.

This report recommends that Council supports the LSP subject to a number of modifications. The Intermodal Terminal component of the proposal is not supported, as it is inconsistent with the established subregional freight strategy hierarchy which identifies Waterloo, not Picton, as the preferred intermodal terminal location for the Bunbury subregion, and because the existing and planned road network cannot currently support the heavy vehicle access standard (RAV7) that an IMT facility requires.

A number of outstanding technical matters relating to local water management, road infrastructure, bushfire management and environmental documentation also require resolution through modifications

OFFICER RECOMMENDATION

THAT Council, pursuant to Schedule 2, Part 4, Clause 18 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to support the Local Structure Plan for Lot 105 Columbus Drive, Picton East, subject to the following modifications being made:

- 1. The LSP documentation is to be amended to include a Road Infrastructure Delivery Plan, to the satisfaction of the Shire of Dardanup and Main Roads Western Australia, that identifies:**

- (a) All road network upgrades required to service the full development of the site, including Columbus Drive to a 30-metre road reserve standard where open drainage swales are proposed, and the staging and funding mechanism for its delivery;
 - (b) The intersection upgrade treatment required at Columbus Drive, Harris Road and Kerr Road, including swept path analysis for the largest proposed design vehicle, consistent with the requirements of Main Roads Western Australia; and
 - (c) The future Martin Pelusey Road connection, its design standard, and its sequencing relative to the staging of development on the subject site.
2. The Intermodal Terminal (IMT) component of the Local Structure Plan is to be removed from the structure plan documentation as it is inconsistent with the relevant subregional and regional freight and land use strategies applicable to the Bunbury subregion, including the Bunbury-Geographe Sub-regional Strategy (WAPC, 2022), the Greater Bunbury Region Scheme Amendment 0060/41 (which has rezoned the Waterloo Industrial Park to facilitate intermodal development at that location), and the South West Supply Chain Strategy (Department of Transport, 2020);
3. The Local Water Management Strategy (LWMS) is to be revised and resubmitted to the satisfaction of the Shire of Dardanup, in consultation with the Department of Water and Environmental Regulation and Water Corporation, to address the following:
 - (a) Basin invert levels are to be demonstrated to be a minimum of 0.3 metres above maximum annual groundwater levels at all locations, supported by updated groundwater analysis; the implications for finished floor levels, lot fill requirements and stormwater modelling are to be reflected throughout the revised LWMS;
 - (b) Road reserve widths are to be confirmed at a minimum of 30 metres for all road sections where open drainage swales are proposed;
 - (c) Drainage easements and reserves for the East Picton Main Drain are to be incorporated into the structure plan layout and the LWMS, with specific provisions for operational access, maintenance and emergency repair, consistent with the requirements of Water Corporation;
 - (d) A post-development groundwater monitoring framework is to be identified, including the party responsible for ongoing monitoring, reporting obligations and trigger levels for remedial action; and
 - (e) Water quantity and quality modelling is to be updated to reflect revised basin inverts, finished floor levels, and lot and building levels across the site.
4. The Bushfire Management Plan is to be revised to address the following concerns raised by the Department of Fire and Emergency Services, with any proposed departure from State Planning Policy 3.7 criteria supported by written justification:

- (b) The Traffic Impact Assessment is to be updated to address the concerns of Main Roads Western Australia, including updated crash history data (2020–2024 period), a minimum 20-year traffic projection horizon, swept path analysis for the Columbus Drive/Harris Road/Kerr Road intersection, and clarification of the road reserve standards proposed;
- (c) The Site and Soil Evaluation is to be updated to confirm minimum vertical separation between peak groundwater levels and on-site wastewater disposal systems at all proposed lot locations, in accordance with the Government Sewerage Policy 2019, Clause C5.2.3 (1.5 metres minimum above highest recorded groundwater level for mound-subsurface disposal systems in sewerage sensitive areas); and
- (d) Consultation is to be undertaken with Arc Infrastructure regarding the proposed piping of the East Picton Main Drain beneath the freight rail loop, and any requirements arising from that consultation are to be incorporated into the revised LWMS prior to WAPC referral.

Change to Officer Recommendation

No Change. **OR:**

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

Background

The subject site is Lot 105 Columbus Drive, Picton East, comprising approximately 61.4 hectares located approximately 10 kilometres east of the Bunbury Central Business District, within the Shire of Dardanup. The site is owned by Bunbury Management Pty Ltd and is represented by Rowe Group. The site is largely flat and comprises cleared and partially vegetated rural land. It is bounded to the north by the South-Western Highway and the Perth-Bunbury passenger railway corridor, and to the east and south by the Greenbushes-Picton freight railway loop operated by Arc Infrastructure.

The subject site has carried industrial zoning under the GBRS for many years. Under the Shire of Dardanup Local Planning Scheme No. 9 (LPS9), the site is zoned 'Industrial Development', which requires a Local Structure Plan (LSP) to be prepared and approved prior to any subdivision or development. It is a single freehold lot under single ownership.

Note: a portion of the site south of the freight rail loop carries an 'Industrial Deferred' designation under the GBRS. This designation prevents subdivision and development of that portion until the WAPC lifts the deferral. The applicant has acknowledged this and proposes to submit a concurrent deferral-lifting application to the WAPC. This is addressed further in the Officer Comment section of this report.

The overarching planning framework for the Picton Industrial Park Southern Precinct is the Picton Industrial Park Southern Precinct District Structure Plan (DSP), approved by the WAPC in 2017. The DSP divides the broader precinct into sub-precincts, with the subject site forming Precinct 2C (General Industry). The DSP establishes the land use intent, road hierarchy, environmental protection framework, and infrastructure requirements for each precinct within its area.

The DSP was prepared with full knowledge of the EPA's Section 16(e) advice published in EPA Bulletin 1282 (March 2008) and incorporates that advice into its planning and environmental framework. The DSP is the primary structure plan instrument against which the LSP must be assessed.

The Precinct 2A Local Structure Plan, covering Lots 103 and 110 Harris Road and Lot 603 Columbus Drive, was approved by the WAPC on 22 December 2020 and provides useful contextual reference for road standards and the approach to industrial development within the broader precinct.

Location Plan

The subject site, Lot 105 Columbus Drive, Picton East, is located within the Picton Industrial Park Southern Precinct, approximately 10 kilometres east of the Bunbury central business district. The site is accessed from Columbus Drive to the south and Harris Road to the west. The Preston Industrial Park Northern Precinct lies to the north across the South-Western Highway and Perth-Bunbury railway corridor. The Greenbushes-Picton freight railway loop forms the eastern and southern site boundaries. The Columbus Drive/Harris Road/Kerr Road intersection provides the primary existing access to and from the broader road network, with the South Western Highway accessible to the north via Harris Road.



Subject Site: Lot 105 Columbus Drive, Picton East

Proposal

The outline of the proposal is as follows:

Region Scheme	Industrial (Greater Bunbury Region Scheme). Note: southern portion of Lot 105 carries an 'Industrial Deferred' designation; lifting of this deferral is required prior to development of that area.
Local Planning Scheme	Industrial Development (Shire of Dardanup Local Planning Scheme No. 9 – clause 32, Schedule 7 Special Control Area)
Structure Plan/Precinct Plan	Picton Industrial Park Southern Precinct District Structure Plan (WAPC, 2017) – Precinct 2C (General Industry)
Use Class and Permissibility	Industrial (net): approximately 43.55 hectares Intermodal Terminal Facility: approximately 8.25 hectares Conservation / Drainage Reserves: approximately 12.85 hectares Road Reserves and Other: balance of site area
Estimated Lot Yield	
Existing Land Use	Vacant / partially cleared rural land with remnant native vegetation
State Heritage Register	Not Listed
Local Heritage	Not Listed
Bushfire Prone Area	Yes – the majority of the subject site is within a designated bushfire-prone area. A Bushfire Management Plan has been submitted in accordance with State Planning Policy 3.7 (Planning in Bushfire Prone Areas).



Legal Implications

The consideration and determination of a Local Structure Plan is governed by Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). Under Clause 17 of the Regulations, the local government must consider the structure plan, having regard to the matters set out in Clause 17(3), including the comments received during advertising and agency referral, and must resolve to either approve the structure plan (with or without modifications) or refuse to approve the structure plan with reasons. The local government's resolution is then referred to the WAPC for final determination under Clause 18 of the Regulations. The WAPC may approve the structure plan with or without modifications or refuse to approve it.

The proposal has been assessed against the Planning and Development Act 2005, the Planning and Development (Local Planning Schemes) Regulations 2015, the Greater Bunbury Region Scheme, the Shire of Dardanup Local Planning Scheme No. 9, the Picton Industrial Park Southern Precinct District Structure Plan, State Planning Policy 3.7 (Planning in Bushfire Prone Areas), and relevant subregional and regional strategic planning documents.

Council Plan

8.1 – Support responsible planning and development.

Precedents

The Shire has not previously considered a Local Structure Plan for Precinct 2C of the Picton Industrial Park Southern Precinct. The Precinct 2A Local Structure Plan (approved by the WAPC on 22 December 2020) provides relevant contextual precedent for road reserve standards and the approach to industrial lot design within the broader precinct.

Consultation

The Local Structure Plan was advertised for public comment for a period of 42 days in accordance with Schedule 2, Part 4, Clause 14 of the Planning and Development (Local Planning Schemes) Regulations 2015. The advertising period was 12 August- 26 September. Two submissions were received from members of the public, both from owners of adjoining industrial lots within the Picton Industrial Park precinct. The submissions are summarised in the table below and can be seen within Appendix ORD: 12.2.2B.

Landowner	Summary of Key Issues Raised and Officer Position
<p>Piacentini (on behalf of Lure Holdings Pty Ltd and BMP Holdings Pty Ltd, owners of Lots 200 and 56 Harris Road, Picton)</p>	<p>The submitter raised three issues. First, Lot 56 does not have legal road frontage and the submitter requested that road frontage to Lot 56 be provided as part of the LSP, to enable Lot 56 to participate in the proposed intermodal facility and broader industrial development. Second, significant concerns were raised regarding the capacity and condition of the Harris Road/Picton-Boyanup Road intersection, which is described as already heavily constrained with extended delays for vehicles exiting Harris Road. Third, the submitter raised flow-on concerns about the capacity of the Picton-Boyanup Road/Willinge Drive and Willinge Drive/South Western Highway intersections. It is noted that the submitter (through BMP Holdings) is also the owner of Lot 200, which contains the Resource Enhancement Wetland referenced in DSP Clause 4.2 and to which Modification 5(c) relates.</p> <p><u>Officer Comment</u></p> <p>The Lot 56 road frontage request falls outside the scope of this LSP, as the LSP does not adversely affect existing access arrangements for Lot 56, which currently accesses via an internal road through Lot 200, and the creation of a new legal road boundary is a matter for a future subdivision application. The intersection concerns are substantive and are addressed through Modification 2 (Road Infrastructure Delivery Plan), which requires a comprehensive infrastructure delivery programme identifying intersection upgrade requirements, timing and funding mechanisms before the LSP is referred to the WAPC.</p>
<p>East Court (on behalf of Harris Road Pty Ltd)</p>	<p>The submitter raised drainage concerns relating to the proposed re-alignment of the East Picton Main Drain. Specifically, the submitter is concerned that the re-alignment could reduce the overall grade of the drain and adversely affect its hydraulic capacity, potentially impacting drainage conditions on the submitter's site at Columbus Drive. The submitter also raised uncertainty about how the proposed drainage basin within the LSP area will interact with the Main Drain and whether it could cause groundwater mounding or tailwater effects that reduce the drain's effectiveness. The applicant's response notes that the 1200mm pipe and open channel and basin system provides adequate capacity, and that the drainage basin outlet configuration prevents groundwater being raised above the outlet invert.</p> <p><u>Officer Comment</u></p> <p>These are legitimate technical concerns that reinforce the need for the revised Land and Water Management Strategy required by Modification 3, which must demonstrate to the satisfaction of DWER and Water Corporation that the proposed drainage arrangements do not adversely affect downstream capacity or groundwater conditions on adjoining lots.</p>

Consultation with Government and Service

The following State Government agencies and service providers were consulted as part of the statutory advertising and referral process. A full record of each submission can be seen within Appendix ORD: 12.2.2B, and the applicant's response and the assessment of each is contained in Appendix ORD: 12.2.2C. A summary of each agency's position and the overall response is set out in the table below. Detailed analysis of the key issues is provided in the Officer Comment section of this report.

Agency / Referral Body	Summary of Key Issues Raised and Officer Position
<p>Shire of Dardanup – Engineering Services</p>	<p>Engineering raised concerns regarding: road reserve widths (30 metres required where swales are proposed, not the 20 metres shown); basin invert levels at several locations being at or below maximum groundwater levels (requiring 0.3m clearance above peak groundwater); the Emergency Access Way location and its relationship with adjoining properties; the need for a finished levels plan and lot fill strategy; intersection upgrade requirements at Columbus Drive/Harris Road/Kerr Road; and the appropriateness of groundwater lowering (not supported). Engineering rejected the applicant's proposal to deliver road upgrades via a developer contribution plan in lieu of WAPC subdivision conditions, preferring a mechanism integrated with subdivision approvals. These are substantive technical concerns that are capable of resolution through modifications to the LWMS and LSP documentation and are reflected in Modifications 2 and 3 of the Recommended Resolution.</p>
<p>Department of Fire and Emergency Services (DFES)</p>	<p>DFES raised non-compliance concerns with the proposed bushfire access arrangements under State Planning Policy 3.7. Specifically: the Emergency Access Way (EAW) relies on access through the privately owned Aurizon railyard on Lot 301 and does not connect to a public road, contrary to criteria A3.2, A3.3 and A3.4; no-through road distances from Harris Road exceed the 200-metre maximum under A3.3(a); and a perimeter road around all lots has not been provided as required by A3.5(a). The applicant contends the EAW is an acceptable interim arrangement given the existing access arrangement with Aurizon and that permanent road connections are planned.</p> <p><u>Officer Comment</u></p> <p>It is considered that these concerns require resolution through a revised Bushfire Management Plan before the LSP is referred to the WAPC, and Modification 4 requires this.</p>
<p>Department of Water and Environmental Regulation (DWER)</p>	<p>DWER raised a range of concerns including: EPA Bulletin 1282 alignment; opposition to groundwater lowering (risk of mobilising legacy nutrients and contaminants); basin invert levels requiring revision; the site being within a sewerage sensitive area (requiring 1.5m vertical separation for on-site wastewater disposal); no drainage easements shown for the East Picton Main Drain; road reserves of 30m required where swales are proposed; the need for Arc Infrastructure consultation regarding proposed drain piping under the rail loop; and inconsistencies between the Site and Soil Evaluation and LWMS on groundwater levels.</p> <p><u>Officer Comment</u></p> <p>The applicant has acknowledged the majority of these concerns and committed to revising the LWMS. Modifications 3 and 6 address these matters.</p>

Agency / Referral Body	Summary of Key Issues Raised and Officer Position
Water Corporation	<p>Confirmed the site is outside Water Corporation's service area for water supply (Aqwest holds the water services licence for this area). Raised concerns about: the need for equivalent flood storage to replace the open drain storage lost through site filling; technical requirements for the piping and future maintenance of the East Picton Main Drain (minimum DN1200 conduit, appropriate reserve or easement, access for operations and maintenance, grading toward outlet); and determination of the drainage connection size from the northeast basin to the East Picton Main Drain.</p> <p><u>Officer Comment</u></p> <p>These concerns are technical in nature and are capable of resolution through the revised LWMS required by Modification 3.</p>
Department of Health	<p>Raised matters relating to: sensitive receptor interfaces (caravan park approximately 170 metres north of the site); imported fill testing requirements; mosquito breeding habitat management; and building design recommendations.</p> <p><u>Officer Comment</u></p> <p>These matters are manageable through planning conditions at subdivision stage and do not require resolution at structure plan level. The proposed industrial uses are consistent with the existing industrial character of the area.</p>
Main Roads Western Australia (MRWA)	<p>MRWA raised significant concerns including: the absence of any approved RAV7 (road train, 36.5m) network providing access to the subject site; conflict between the proposed IMT's RAV7 requirement and the Engineering Services Report's identification of B-doubles (RAV4) as the maximum design vehicle; the proposed offset T-junction at Harris/Columbus/Kerr being inconsistent with MRWA's preferred roundabout treatment; projected traffic volumes that would justify intersection upgrades approaching 20,000 vpd; road reserve width inconsistency with Precinct 2A Structure Plan standard; and the Traffic Impact Assessment requiring updating (crash data, projection horizon, swept path analysis).</p> <p><u>Officer Comment</u></p> <p>The detailed assessment of the RAV7 and IMT issues is in the Officer Comment section. Modifications 1, 2 and 6(b) address MRWA's concerns.</p>

Other Consultation

Arc Infrastructure (the manager of the South West freight rail network) has not been formally consulted at this stage of the LSP assessment process. DWER has specifically recommended that Arc Infrastructure be consulted regarding the proposed piping of the East Picton Main Drain beneath the freight rail loop, given the potential implications for the rail infrastructure and future maintenance access. This consultation is required by Modification 6(d) and must be completed, with any resulting requirements incorporated into the revised LWMS, prior to WAPC referral.

Budget Implications

Budget – Whole of Life Cost – None.

There are no direct budget implications for the Shire arising from the Officer Recommendation. The developer will be responsible for funding future road infrastructure upgrades required to service the development, including intersection treatments and road reserve upgrades. The Shire will be responsible for the ongoing maintenance of any road infrastructure and drainage reserves dedicated to public use following subdivision and development of the site.

Council Policy Compliance

The proposal has been assessed against the following planning instruments and policies:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Greater Bunbury Region Scheme*
- *Shire of Dardanup Local Planning Scheme No. 9 (Schedule 7, Clause 32 – Additional Requirements)*
- *Picton Industrial Park Southern Precinct District Structure Plan (WAPC, 2017)*
- *State Planning Policy 3.7 – Planning in Bushfire Prone Areas and associated Guidelines for Planning in Bushfire Prone Areas*
- *Western Australian Planning Commission Structure Plan Framework (August 2023)*
- *Bunbury-Geographe Sub-regional Strategy (WAPC, 2022)*
- *South West Supply Chain Strategy (Department of Transport, 2020)*
- *Bunbury-Geographe Growth Plan (Bunbury Geographe Economic Alliance, 2016)*
- *EPA Bulletin 1282 – Advice on areas of conservation significance in the Preston Industrial Park (EPA, March 2008)*
- *Government Sewerage Policy 2019*
- *Australian Standard AS/NZS 1547:2012 – On-site Domestic Wastewater Management*

The proposed general industrial development is consistent with the applicable land use planning framework. The IMT component raises policy compliance concerns in relation to the regional freight strategy hierarchy, as addressed in the Officer Comment section below.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the Officer Recommendation. Please refer to Appendix ORD: 12.2.2D for the full Risk Assessment Tool document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Event	Local Structure Plan – Lot 105 Columbus Drive, Picton East	
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,	
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	Shire's statutory obligations under Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 are met by following the prescribed structure plan assessment process.
	Reputational	A well-reasoned and evidence-based recommendation, consistent with the

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
		strategic framework and responsive to all agency submissions, reduces the risk of challenge at the WAPC or State Administrative Tribunal.
	Financial	No direct financial exposure to the Shire arises from the recommended resolution. Road infrastructure costs are to be borne by the developer.

Officer Comment

The Role of a Local Structure Plan and the Appropriate Standard of Assessment

Before addressing the individual issues raised in the consultation process, it is important to establish the appropriate role of a Local Structure Plan in the Western Australian planning hierarchy and the standard against which it should be assessed. This framing is essential to understanding why it is recommended that the LSP be supported in principle despite the volume of outstanding technical matters.

A Local Structure Plan is a strategic planning instrument that establishes the broad land use framework for a site, considering matters such as the pattern of uses, road hierarchy, conservation areas, approximate lot yield, and servicing approach. It is not a detailed engineering document. The WAPC's Structure Plan Framework (August 2023) is explicit that detailed engineering matters are typically resolved at subdivision design and development application stage, within the framework set by the structure plan.

The statutory mechanism for addressing outstanding technical matters at structure plan stage is the modification process. Under Schedule 2, Part 4, Clause 17 of the Regulations, the local government may resolve to support a structure plan subject to modifications. The outstanding technical concerns raised by Shire Engineering, DWER, Water Corporation, DFES and others are real and must be resolved, but they are the type of matters the Regulations contemplate being addressed through modifications, not through outright refusal.

In assessing a structure plan, the key consideration is whether the proposed land use framework is appropriate and whether any outstanding technical matters can be resolved through modification or at subdivision stage.

In this case, the proposed industrial land use framework is considered appropriate. Most of the outstanding matters raised during consultation are technical in nature and capable of resolution through modification, with the exception of the proposed Intermodal Terminal component, which raises separate strategic and infrastructure considerations.

Land Use and Zoning Consistency

The proposed general industrial development is consistent with the established planning framework. The subject site has been zoned Industrial under the GBRS for many years. LPS9 zones the site 'Industrial Development', which by definition contemplates industrial subdivision and development as the intended outcome, as the 'Industrial Development' zone designation exists specifically to facilitate the progression of industrially zoned land from broad strategic reservation through to development-ready lots. The preparation of an LSP is the required step to activate that zone.

The Picton Industrial Park Southern Precinct DSP identifies the subject land as Precinct 2C-General Industry. The DSP describes the development intent for this precinct as general industrial subdivision and development, consistent with the GBRS zoning. No alternative land use has ever been contemplated for this site through any planning instrument.

In this context, it is considered that the general industrial development component of the LSP is fundamentally sound from a land use planning perspective. The appropriateness of industrial development on this site is not in issue as that matter was resolved through the GBRS, LPS9 and DSP. The assessment turns on whether the structure plan gives appropriate effect to the established industrial planning intent, whether the required technical matters are adequately addressed at structure plan stage, and whether any component of the proposal is inconsistent with the strategic planning framework. The last of these considerations is engaged by the IMT proposal, which is addressed separately below.

Environmental Considerations

EPA Bulletin 1282

EPA Bulletin 1282 was published in March 2008 as the EPA's Section 16(e) strategic advice for the 'Preston Industrial Park'. It predates the approval of the 'Picton Industrial Park Southern Precinct DSP' by nine years. The Bulletin identifies two recommendation areas relevant to Lot 105.

'Recommendation Area G' (Subdivision/Rezoning Protection) encompasses approximately 18 hectares and includes 'Investigation Area 6', which overlaps with a portion of the subject site. The EPA recommends that vegetation within 'Area G' be retained and protected as part of any future rezoning, subdivision or development. Critically, however, the Bulletin itself qualifies this recommendation in direct terms: *'The EPA acknowledges previous decisions may impact upon the ability to protect natural areas of regional significance within the Investigation Area'*. The EPA considers that land outside of the Investigation Area within these lots can be developed for the intended industrial purpose. The EPA further states that *'adequate protection of the values of this site can be provided through conservation and management as part of future planning proposals.'* The Bulletin does not recommend that industrial development on Lot 105 be prohibited; it establishes what vegetation protection and linkage objectives should be pursued through the planning process, while expressly contemplating that industrial development can proceed.

'Recommendation Area S' (Restoration Linkage) encompasses approximately 24 hectares across Lot 105 and adjoining lots. Importantly, the EPA's own Bulletin describes 'Recommendation Area S' as being in *'Completely Degraded condition, including pasture and exotic tree plantings'* that *'will require rehabilitation to restore the ecological linkage values.'* 'Area S' is not an area of significant existing ecological value. It is a degraded area that the EPA hoped could be restored through future planning processes. This distinction informs the assessment of the LSP's response.

The DSP Framework

The Picton Industrial Park Southern Precinct DSP was prepared and approved by the WAPC in 2017 with full knowledge of Bulletin 1282. The DSP incorporates the EPA's recommendation areas spatially through its Figure 6, which reproduces the Bulletin's recommendation area mapping. However, the DSP does not translate Figure 6 into site-specific vegetation retention requirements for Lot 105. As the LSP itself acknowledges in Section 5.3: *'no vegetation was specifically identified for retention as part of the Picton Industrial Southern Precinct District Structure Plan within the site.'*

The DSP's approach is therefore to acknowledge the EPA's advice through Figure 6, to set up the obligation to respond to it through Clauses 4.1.9, 4.1.11 and 4.2, and to delegate the specific spatial resolution of that obligation to the LSP stage. This means the EPA Bulletin remains directly relevant at

the LSP stage; the DSP has not discharged the obligation and has instead passed it down to this process. The LSP must therefore engage substantively with the Bulletin's recommendations, which the LSP does through its conservation area design and the Emerge EAR. The question is whether that engagement is adequate. The view of this assessment is that it is, for the reasons set out below.

Current Vegetation Condition

A key piece of contextual evidence is the current vegetation condition on the site, as established by the Emerge Associates Detailed Flora and Vegetation Assessment (May 2025). Plate 2 of that assessment maps vegetation condition across the entire site and presents the following data:

- Completely Degraded: 48.68 hectares (79.28% of the site)
- Degraded: 10.15 hectares (16.53%)
- Degraded – Completely Degraded: 1.33 hectares (2.17%)
- Good – Degraded: 1.24 hectares (2.02%)
- Good, Very Good, Excellent or Pristine: 0.00 hectares

There is not a single hectare of vegetation on the site rated above 'Good – Degraded.' The best vegetation on the site is a 1.24-hectare pocket at the bottom of the 'good' classification range. Nearly 80 per cent of the site is 'Completely Degraded', being cleared or otherwise devoid of native vegetation structure.

This provides context for assessing the weight of the EPA's 2008 recommendations. Bulletin 1282 was based on the ecological condition of the site as it existed in 2008. Even then, the EPA characterised the vegetation in Investigation Area 6 as being in 'generally Degraded condition.' The 2025 Emerge survey confirms that condition has deteriorated further in the 17 years since. The 2008 EPA advice was necessarily based on conditions at that time. The 2025 Emerge survey establishes that the site's vegetation condition has materially changed, as the full 18-hectare 'Recommendation Area G' footprint now comprises almost entirely Degraded or Completely Degraded vegetation, with less than 1.5 hectares of any better-condition remnant. The ecological value of the broader footprint appears reduced compared with the conditions described in the EPA's 2008 advice. This does not mean the EPA's recommendations are irrelevant. They retain their value as strategic planning advice and as the framework within which the LSP's environmental response must be situated. But it does mean that a proportionate and updated response to those recommendations, in the context of current vegetation conditions, looks different from a strict spatial application of the 2008 footprints.

The LSP's Conservation Approach

The Emerge EAR sets out the rationale for the LSP's conservation area design. The key elements are as follows.

The LSP proposes 9.5 hectares of conservation areas plus a 20-metre-wide conservation linkage connecting the two main remnant vegetation patches. The EAR states that this arrangement accommodates more than 70% of the areas of vegetation in degraded or better condition within 'Investigation Area 6'. The 9.5-hectare conservation footprint is therefore designed to capture the better-condition remnant vegetation on the site, being the Degraded and Good-Degraded patches, rather than the Completely Degraded areas that make up the majority of the site.

The 20-metre conservation linkage directly responds to the EPA's 'Recommendation Area S', which sought restoration of ecological connectivity across the site. While narrower than the approximately 24-hectare restoration zone identified in the 2008 Bulletin, the EAR notes that 'Recommendation Area S' was already in Completely Degraded condition at that time. A 20-metre revegetated linkage between the retained vegetation patches provides a degree of ecological connectivity in the context

of current site conditions. The EAR states that the conservation and drainage areas and 20-metre conservation link directly respond to the EPA recommendations for vegetation retention, while balancing industrial development in accordance with the zoning of the site.

The EAR acknowledges that full implementation of the EPA's advice, retaining 'Recommendation Area G' in its entirety, would require approximately 50 per cent of the subject land to be set aside as conservation area. In the context of the site's industrial zoning under the GBRS, the DSP's development intent, and the current vegetation condition data, it is considered that this outcome would not be consistent with the established planning framework. The EPA's own framework acknowledges that full protection of all identified areas may not always be achievable and contemplates industrial development proceeding outside the investigation areas.

It is considered that the LSP's conservation approach, retaining 9.5 hectares of the better-condition remnant vegetation and providing a 20-metre linkage corridor with a commitment to revegetation of all conservation and drainage areas, represents a reasonable and proportionate response to the EPA's recommendations having regard to current conditions, the established industrial zoning, and the DSP's development framework.

Threatened Species, the Wedge-tailed Eagle Nest, and DSP Policy Requirements

The Shire has identified the presence of threatened and priority fauna as a concern. The relevant species include the Western Ringtail Possum (WRP, Critically Endangered), Banksia Woodlands of the Swan Coastal Plain ecological community (Endangered Priority 3), Carnaby's Cockatoo and other black cockatoo species, and a documented Wedge-tailed Eagle nest. Each is addressed below.

- **Western Ringtail Possum:**

The WRP occurs around the southern boundary of the subject site, sharing habitat with the adjacent Lot 200, which contains a Resource Enhancement Wetland. The LSP's conservation areas provide retained habitat for the species. A Fauna Management Plan addressing WRP and habitat connectivity to Lot 200 is required as a policy provision under Modification 5(c), to be prepared prior to subdivision works. Future subdivision and development will also be subject to any approvals required under the EPBC Act and the Biodiversity Conservation Act 2016, providing additional regulatory oversight beyond the structure plan.

- **Black Cockatoos:**

Evidence of all three black cockatoo species (Carnaby's, Baudin's and Forest Red-tailed) has been recorded on or near the site. The 9.5-hectare conservation areas retain habitat for these species. Black cockatoo values will require further assessment and management through the EPBC Act referral process if triggered at subdivision stage.

- **Wedge-tailed Eagle nest:**

The Emerge EAR records an active Wedge-tailed Eagle nest within the site and confirms it will be protected within the retained conservation areas. This directly addresses the environmental officer's concern that the nest had not been adequately considered. However, it is noted that there is an internal discrepancy within the EAR: the executive summary describes the nest as being in the 'northern portion' of the site while the Detailed Flora and Vegetation Assessment refers to the 'eastern portion of the open forest habitat.' This discrepancy must be resolved. Modification 5(b) requires the EAR to be updated with the precise nest location and applicable buffer prior to WAPC referral and requires all future subdivision designs to demonstrate appropriate separation from the nest site.

- DSP Clause 4.1.9: No lots backing onto remnant vegetation:

Figure 10 shows drainage reserves placed within conservation areas, which is contrary to this clause. As Figure 10 is an indicative subdivision concept rather than a binding design, the appropriate mechanism is a policy provision in the LSP requiring drainage infrastructure to be sited outside conservation reserves at subdivision design stage. Modification 5(a) addresses this.

- DSP Clause 4.1.11: Policy support from the Shire:

This clause requires the LSP to be supported by policy measures of the Shire, including integration with the retained natural environment. The applicant's response to this clause in the Schedule of Submissions is defunctive. It is considered that LPS9 Schedule 7 (Special Control Area provisions under Clause 32) provides the required policy framework for structure planning within the precinct, and that the LSP's conservation provisions and the Fauna Management Plan requirement under Modification 5(c) satisfy the integration obligation.

- DSP Clause 4.2: Resource Enhancement Wetland on Lot 200:

The DSP requires LSPs within Precinct 2 to address the management of the Resource Enhancement Wetland on Lot 200. The subject LSP does not directly impact Lot 200, which is an adjacent property. The applicant's position that the LSP does not affect the Lot 200 wetland is accepted for the purposes of this assessment. However, at subdivision stage, any earthworks or drainage works near the southern boundary should be assessed for potential hydrological impacts on the wetland, and this should be noted as a subdivision-stage condition.

- Local Biodiversity Strategy:

The Shire's Local Biodiversity Strategy Discussion Paper (2009) identifies the Preston Industrial Park area as containing locally significant natural areas consistent with the EPA's advice. The LSP's conservation area provisions respond to this obligation. It is not considered that the Local Biodiversity Strategy raises issues beyond those already addressed through the Bulletin 1282 and DSP framework analysis above.

Intermodal Terminal – Strategic Assessment Against the Freight Hierarchy

The LSP proposes an Intermodal Terminal (IMT) facility of approximately 8.25 hectares as a distinct and formally designated land use component of the structure plan. An IMT is a facility that enables the transfer of containerised freight between road and rail transport modes, typically involving container handling equipment (cranes or reach stackers), container storage yards, and direct road and rail access. The applicant describes the proposed IMT as supporting the freight logistics function of the broader Picton Industrial Park and the wider Bunbury subregion.

The IMT is not a minor ancillary component of the LSP, it represents approximately 13 per cent of the site area and, if established, would be a significant piece of freight infrastructure with material implications for the surrounding road network. Its inclusion in the LSP requires a level of strategic justification commensurate with its scale and significance.

The Subregional Freight Strategy Hierarchy

A review of the relevant subregional and regional strategic planning documents applicable to the Bunbury region confirms that none of them identify the Lot 105 Columbus Drive site as a preferred or

proposed Intermodal Terminal location. The available government policy material consistently and specifically identifies Waterloo as the preferred IMT site for the Bunbury subregion.

The most authoritative document is the Bunbury-Geographe Sub-regional Strategy (WAPC, 2022). This is formal Western Australian Government policy with statutory planning standing, adopted by the WAPC following public advertising. The Sub-regional Strategy specifically identifies an Intermodal Terminal as 'critical economic infrastructure serving Bunbury Port, advanced manufacturing and the efficient transfer of freight' and identifies Waterloo as the strategic location for that facility, noting its links to Bunbury Port, Picton, Preston and Kemerton Strategic Industrial Area. The Sub-regional Strategy identifies the region's strategic industrial areas as Kemerton, Waterloo, Worsley and Shotts. The Picton/Dardanup precinct, within which the subject site sits, is identified as a general industrial area. There is no reference to an IMT at Picton or at the Columbus Drive site in any part of the Sub-regional Strategy.

This strategic policy position has been given formal planning effect through the Greater Bunbury Region Scheme Amendment 0060/41, which has rezoned land at the Waterloo Industrial Park from Rural to Industrial Deferred specifically to facilitate industrial and intermodal development at that location. The Waterloo Industrial Park District Structure Plan (WAPC, 2020) further establishes the planning framework for the 1,350-hectare Waterloo precinct, expressly providing for rail-related activities and intermodal uses. The Bunbury Outer Ring Road (Wilman Wadandi Highway), completed in December 2024 and passing directly through the Waterloo precinct, provides the four-lane grade-separated road infrastructure connection to Bunbury Port and the Forrest Highway that an IMT requires. These are not aspirational documents. They represent committed, formal government planning decisions about where the Bunbury subregion's IMT should be located.

The South West Supply Chain Strategy (Department of Transport, 2020) reinforces this picture, identifying Bunbury Port-centred supply chain efficiency as a regional priority and supporting integrated freight modal connections, without identifying the Picton or Columbus Drive location as a candidate IMT site.

It is noted that the Bunbury Geographe Economic Alliance (BGEA), an incorporated not-for-profit regional economic alliance whose membership includes the four Bunbury Geographe local governments, industry stakeholders, and the South West Development Commission, has also identified Waterloo as the preferred IMT location through its Bunbury-Geographe Growth Plan (2016) and its ongoing Intermodal Terminal Project advocacy. The BGEA Growth Plan is not formal Western Australian Government policy and has not been formally endorsed by the WAPC or any State agency. It is cited here as contextual support for the strategic direction established by the WAPC documents, not as a primary policy reference in its own right. The Shire of Dardanup's own 2024 Advocacy Plan continues to advocate for the Waterloo intermodal precinct, which is further confirmation that the Shire's own preferred IMT location is Waterloo, not Columbus Drive.

Taken together, the weight of formal government policy, comprising the WAPC Sub-regional Strategy, the GBRS Amendment, the Waterloo District Structure Plan and the Department of Transport's supply chain strategy, identify Waterloo as the preferred IMT location for the Bunbury subregion. The proposed IMT at Lot 105 Columbus Drive represents a direct departure from that established policy hierarchy, placing an intermodal facility in a general industrial precinct that has never been identified for that purpose and that lacks the strategic infrastructure connections, including port proximity, RAV7 road access and a direct highway connection, that an IMT requires.

The Road Network Cannot Currently Support an IMT

An IMT facility is, by its operational nature, dependent on high-volume heavy vehicle access. The freight vehicles that use IMT facilities, particularly road trains (RAV7 network, 36.5 metres), are the

largest and heaviest vehicles permitted on the public road network. The case for an IMT at any location is directly contingent on the road network being able to accommodate the required vehicle class.

Main Roads WA has confirmed in its submission that there is currently no approved RAV7 network providing access to the subject site. The nearest approved RAV7 routes are the Wilman Wadandi Highway, South Western Highway, and Willinge Drive. Between those routes and the subject site, heavy vehicles must use roads that are only approved for B-double operation (RAV4). The Shire's own Engineering Services Report, prepared in support of the LSP, identifies B-doubles as the maximum design vehicle, which directly conflicts with the LSP's own proposal for an RAV7-dependent IMT. This inconsistency indicates that the IMT component has not yet been fully developed. Notably, the applicant's own response to Main Roads' submission concedes the point, stating that "it is premature to make any application for RAV7 at this stage" and that "an application will be made at the appropriate time." No committed timeframe, funding source or infrastructure delivery pathway is provided.

The critical constraint is the Boyanup-Picton/Harris Road intersection. Main Roads has advised that this intersection is currently congested and physically constrained by Bridge 0196. Main Roads has plans for a single-lane roundabout upgrade at this intersection, but this project is unfunded and has no confirmed delivery timeframe. More significantly, Main Roads has confirmed that the planned roundabout is not being designed to accommodate RAV7 vehicles. Even if the roundabout were built, RAV7 access to the subject site would still not be achieved. Achieving RAV7 access to the Columbus Drive site would require a dual-lane roundabout or alternative intersection treatment, being an unfunded, undesigned and unscheduled intervention that Main Roads has not committed to.

The absence of approved RAV7 access represents a significant infrastructure constraint. This is a fundamental infrastructure requirement for the IMT land use, which is currently absent and lacks any confirmed plan for delivery. In this context, it is not possible to support the designation of 8.25 hectares for IMT use in a structure plan when the road infrastructure that would make that use viable is neither approved, funded, designed, nor scheduled.

Conclusion on the IMT

The conclusion of this assessment is that the IMT component of the LSP is not supported in its current form for two reasons: first, it is inconsistent with the regional freight strategic hierarchy, which identifies Waterloo as the preferred IMT location for the Bunbury subregion; and second, the road network cannot currently support the heavy vehicle access that an IMT facility requires, and there is no committed pathway to achieving that access within any defined timeframe. The applicant's own response to Main Roads' submission concedes both the absence of RAV7 access and the absence of any committed delivery pathway, which reinforces rather than resolves this concern.

Road Network and Infrastructure

The LSP proposes internal road reserves of 20 metres for the majority of the road network within the site. Shire Engineering and Main Roads WA have both identified that this standard is insufficient where open drainage swales are proposed alongside roads. The required standard in those circumstances is 30 metres, to accommodate the carriageway, verges, and drainage swale within the road reserve. This requirement is mandatory, as it corresponds to the physical space necessary for the safe construction and maintenance of the proposed drainage infrastructure. The LSP documentation and LWMS must be updated to reflect 30-metre reserves at all such locations, as required by Modifications 2(a) and 3(b). It is noted that the Precinct 2A Local Structure Plan, approved by the WAPC in December 2020 for the adjoining Picton Industrial Park lots, adopts 25-metre road reserves as a general standard. Main Roads WA has recommended consistency with this standard for the proposed development. The road reserve width issue must be resolved as part of the LWMS revision and the revised LSP documentation.

Intersection Upgrades

The Columbus Drive/Harris Road/Kerr Road intersection is the primary access point between the subject site and the regional road network. The existing intersection arrangement is an offset T-junction, and the Traffic Impact Assessment submitted with the LSP proposes modifications to this intersection to improve capacity. However, Main Roads WA has identified that its preferred intersection treatment is a roundabout with associated road dualling of Harris Road, which is a significantly more substantial intervention than what the TIA contemplates.

More significantly, Main Roads has advised that the projected traffic volumes attributable to full development of the site, combined with background traffic growth, would generate traffic volumes approaching or exceeding 20,000 vehicles per day at this intersection within the structure plan's development horizon. At this volume, a dual-lane roundabout would be required within approximately 15 years. Main Roads has further noted that accommodating a dual-lane roundabout at this location without impacting the existing Bridge 0196 would be a significant engineering challenge.

The Road Infrastructure Delivery Plan required by Modification 2 must identify the intersection treatment required, the design standard to which it must be built, the trigger point for its construction (relative to the staged development of the site), and the funding mechanism. Structure plans typically identify infrastructure requirements of this nature, and its absence from the LSP as lodged is a gap that must be addressed.

Columbus Drive Widening

The Shire raised concerns over the timing and delivery of Columbus Drive widening as an outstanding matter. The widening of Columbus Drive is contingent, in part, on the concurrent development of adjoining Lots 102 and 103, which creates timing uncertainty from the Lot 105 developer's perspective. The Road Infrastructure Delivery Plan must address how Columbus Drive widening will be triggered, what standard it must be built to, and whether the cost is to be borne solely by the Lot 105 developer or shared with the developers of adjoining lots through a developer contribution arrangement.

Infrastructure Delivery Mechanism

The applicant proposed in its response to the Schedule of Submissions that road infrastructure upgrades be secured through a separate developer contribution plan rather than through WAPC subdivision conditions. This is not a supported approach by the Shire. A Road Infrastructure Delivery Plan prepared as part of the modified LSP, which identifies what is required, when it is needed, and how it will be funded, provides greater certainty and transparency than a post-approval developer contribution process. This approach also ensures that the WAPC is able to see the complete infrastructure picture when considering the LSP for approval.

Drainage, Groundwater and Servicing Infrastructure

The LWMS has been the subject of substantive comment from Shire Engineering, DWER and Water Corporation. A key technical issue is the proposed basin invert levels. In several locations, the proposed basin inverts are at or below the site's maximum annual groundwater level. Shire Engineering requires a minimum clearance of 0.3 metres between the basin base and peak groundwater levels, and this requirement is supported by DWER. The current basin design does not satisfy this standard and requires revision.

Raising the basin inverts has flow-on consequences throughout the LWMS: it affects the available storage volume for stormwater, which may require larger basins; it affects the finished floor levels required for proposed lots; and it affects the overall earthworks and fill design for the site. The revised

LWMS will need to address these matters sequentially, beginning with establishing accurate groundwater data (including resolving the inconsistencies between the Site and Soil Evaluation and the LWMS on groundwater levels, as identified by DWER), then redesigning the basins, updating the stormwater modelling, and confirming the finished floor and lot fill requirements. This revision must be completed before the LSP is referred to the WAPC.

Groundwater Management

Both Shire Engineering and DWER have stated clearly that they will not support active groundwater lowering on the site. The reason is straightforward: the subject site, like much of the Picton industrial area, has a history of agricultural and industrial use that may have resulted in legacy nutrients and contaminants in the soil and groundwater. Lowering the groundwater table risks mobilising those contaminants and transporting them off-site, with potentially significant environmental consequences. This constraint must be reflected clearly in the revised LWMS. The LWMS must not propose groundwater lowering as a drainage management technique. It is noted that the applicant's response to this issue in the Schedule of Submissions is equivocal, suggesting that some localised groundwater lowering may be acceptable with appropriate water quality testing. The view of this assessment is that this does not adequately reflect the firm position of both the Shire and DWER, and the revised LWMS must be unambiguous on this point.

East Picton Main Drain

The East Picton Main Drain is an existing open drainage channel that traverses the site and discharges downstream. Several aspects of the proposed development interact with this drain: the site filling removes some of its natural floodplain storage function; the LSP proposes to pipe a section of the drain through the development area; and the piped section would need to pass beneath the freight rail loop at the site boundary, requiring Arc Infrastructure's agreement.

Water Corporation has raised specific technical requirements for any piping of the drain, comprising a minimum DN1200 conduit, an appropriate reserve or easement for access, and drainage that grades locally toward the outlet. The revised LWMS must incorporate the required drainage easements and reserves, with specific provisions for operational access and emergency maintenance access, consistent with Water Corporation's requirements. Arc Infrastructure consultation is separately required by Modification 6(d).

Water Corporation has also raised a concern about the loss of flood storage as the site is filled. The open drain provides natural attenuation storage for peak rainfall events, and the filling of the site removes some of that storage capacity. The applicant has proposed that alternative floodplain storage be provided by reshaping and restoring an existing degraded wetland reserve south-east of the site. It is considered this to be a reasonable approach in principle, but it must be properly modelled and confirmed in the revised LWMS to the satisfaction of Water Corporation and DWER.

Wastewater Servicing

The subject site is outside the Water Corporation's sewer service area. The water services licence for this area is held by Aqwest. Until a reticulated sewer connection becomes available (which the LSP acknowledges is a medium to long-term prospect) on-site wastewater disposal systems are proposed for each industrial lot. On-site disposal is an accepted approach for industrial development in unsewered areas, provided the disposal systems comply with the Government Sewerage Policy 2019 and Australian Standard AS/NZS 1547:2012.

The critical compliance requirement for this site is that the site is within a sewerage sensitive area. Under Government Sewerage Policy 2019, Clause C5.2.3, mound-subsurface disposal systems in

sewerage sensitive areas require a minimum of 1.5 metres of vertical clearance between the bottom of the disposal system and the highest recorded groundwater level. Given the groundwater levels on this site, and the basin design issues identified above, this requirement may be challenging to meet at all proposed lot locations. The Site and Soil Evaluation must be updated to confirm, lot by lot, that the minimum clearance can be achieved given the site's groundwater conditions and the proposed finished floor levels.

Bushfire Management

The majority of the subject site is within a designated bushfire-prone area under the mapping maintained by the Department of Fire and Emergency Services. This triggers the requirements of State Planning Policy 3.7 (Planning in Bushfire Prone Areas) and its associated Guidelines for Planning in Bushfire Prone Areas. The Bushfire Management Plan submitted with the LSP has been reviewed by DFES, which raised three categories of non-compliance. Each is addressed below.

Emergency Access Way

The proposed Emergency Access Way (EAW) is a 10-metre-wide access track through the Aurizon railyard on Lot 301, which adjoins the subject site to the east. The applicant has confirmed that an informal access arrangement exists with Aurizon, and that the access track is not currently locked or gated. DFES has identified that this arrangement does not comply with bushfire protection criteria A3.2, A3.3 and A3.4, which require an EAW to connect to a dedicated public road and not to rely on access through privately owned land as the sole emergency egress.

The applicant's position is that the EAW is an acceptable interim arrangement, noting that the LSP contemplates future road connections to the west (to Lot 16) and via Martin Pelusey Road, either of which would, once built, provide a compliant through-connection. This logic is acknowledged, but two problems arise. First, the timing of both proposed connections is uncertain: the Lot 16 connection depends on development of that lot, which has no confirmed timeframe, and the Martin Pelusey Road connection is explicitly described as likely to be the last of the three connections to be constructed. Second, an 'informal access arrangement' with a private landowner is not a robust legal basis for a bushfire emergency access route, the access can be revoked or the route obstructed at any time, and there is no mechanism in the LSP to prevent this.

The revised Bushfire Management Plan must address this matter more thoroughly. If the EAW through the railyard is to be retained as an interim measure, the applicant will need to demonstrate that the arrangement can be formalised through a registered easement over Lot 301 in favour of the future lots on the subject site, or through an equivalent legal mechanism that provides security of access. Any departure from the full requirements of SPP 3.7 must be explicitly justified to the satisfaction of DFES and the WAPC.

No-Through Road Distances

The revised Bushfire Management Plan is required to address this matter in greater detail. Where the EAW through the railyard is proposed to be retained as an interim measure, the applicant should demonstrate that the arrangement is supported by a registered easement over Lot 301 in favour of the future lots, or an equivalent legal mechanism providing certainty of access. Any departure from the requirements of SPP 3.7 requires explicit justification to the satisfaction of DFES and the WAPC.

Perimeter Road

DFES has noted that a perimeter road around all proposed lots has not been provided as required by Criterion A3.5(a). The applicant has indicated that the internal road network provides road interfaces

to all vegetation areas except the eastern boundary of Lot 10, which relies on a 21-metre bushfire buffer. It is considered that this matter, while legitimate, is one that may be capable of resolution through detailed subdivision design rather than at structure plan level, given the indicative nature of the Subdivision Concept in Figure 10. However, the revised Bushfire Management Plan should address this matter explicitly and confirm how perimeter access requirements will be achieved across the site.

Greater Bunbury Region Scheme – Industrial Deferred Area

A portion of the subject site, located south of the freight rail loop, carries an 'Industrial Deferred' designation under the Greater Bunbury Region Scheme. The Industrial Deferred designation applies to land that is zoned Industrial under the GBRS but where development is contingent on the deferral being lifted by the WAPC. The deferral is typically lifted when specific planning, environmental or infrastructure conditions have been satisfied to the WAPC's satisfaction.

The applicant has acknowledged the Industrial Deferred issue in the LSP documentation and proposes to submit a concurrent application to the WAPC for lifting of the deferral. It is considered this to be the correct approach: the WAPC should be in a position to consider the deferral-lifting application and the LSP together, as the two matters are directly linked. If the deferral is not lifted, the southern portion of the site cannot be developed for industrial purposes regardless of whether the LSP is approved. Modification 6(a) requires the deferral-lifting application to be submitted concurrently with the LSP referral.

The Overall Planning Balance

The general industrial development component of the LSP is supported. The site has been zoned industrial under the GBRS for many years, the DSP confirms its development for general industrial purposes within Precinct 2C, and LPS9's 'Industrial Development' zone requires an LSP as the next planning step. There is no substantive policy basis for refusing the industrial development component, and it is not considered that the concerns raised in the consultation process, individually or collectively, justify that outcome for the industrial land use itself.

The environmental officer's recommendation of refusal has been carefully considered but is not supported for the reasons set out in detail in Section 3 above. In summary: EPA Bulletin 1282 does not prohibit industrial development on the subject site and expressly acknowledges that development can proceed outside investigation areas; the DSP incorporates the Bulletin's advice through Figure 6 but delegates the spatial response to the LSP stage; the 2025 Emerge vegetation survey shows that no vegetation above Good-Degraded condition exists anywhere on the site, materially contextualising the 2008 recommendations; the Emerge EAR provides a substantive rationale for retaining over 70 per cent of the better-condition remnant vegetation within 9.5 hectares plus a 20-metre linkage corridor; and the specific technical concerns relating to drainage within conservation reserves, eagle nest documentation, and fauna connectivity are legitimately required modifications but do not warrant outright refusal. The view of this assessment is that the balance favours support with modifications, having regard to the established industrial planning intent, the current vegetation condition data, the EPA's own qualified recommendations, and the conservation protections built into the LSP.

The IMT component is not supported in its current form. The WAPC's Bunbury-Geographe Sub-regional Strategy (2022), given formal planning effect through the GBRS Amendment rezoning land at Waterloo for industrial and intermodal purposes, specifically identifies Waterloo as the preferred IMT location for the subregion. The road network cannot currently support RAV7 heavy vehicle access to the subject site, with no approved, funded or designed upgrade pathway in place. Significantly, the applicant's own response to Main Roads' submission concedes that a RAV7 application is premature and offers no committed delivery pathway. These are strategic and infrastructure matters that go to the appropriateness of the land use itself. The applicant must either remove the IMT from the LSP or

provide a comprehensive strategic case addressing both the freight hierarchy and the road network constraints before the LSP proceeds to the WAPC.

The remaining technical matters, comprising the LWMS, road infrastructure, bushfire management and documentation updates, are all capable of resolution through the modification process. The modifications required are substantive and will require genuine technical work from the applicant, but they do not undermine the viability of the general industrial development. It is considered that, once the required modifications are completed, the LSP will represent an appropriate planning framework for the industrial development of Lot 105 Columbus Drive.

Conclusion

The proposed Local Structure Plan for Lot 105 Columbus Drive, Picton East is consistent with the established planning framework under the GBRS, LPS9 and the DSP, and the general industrial component is supported. The IMT component is not supported in its current form, for the reasons set out in detail above. The applicant must either remove it from the LSP or provide a comprehensive strategic justification addressing both the freight hierarchy and the road network constraints.

Six categories of modifications are required to address technical, strategic and environmental matters before the LSP is referred to the WAPC. These modifications are substantive but are capable of resolution within the LSP framework. The subject site has been identified for industrial development through successive instruments of the Western Australian planning system spanning more than two decades. The LSP represents the final local planning step before that long-standing industrial intent can be given effect through subdivision and development. With the required modifications in place, the LSP will provide an appropriate and sound planning framework for the development of Lot 105 Columbus Drive.

It is recommended that Council support the LSP subject to those modifications being made.

END REPORT

12.2.3 Application for Trader's Permit - Ferguson Valley Marketing – Gnomesville, 2026

Reporting Department	<i>Sustainable Development Directorate</i>
Responsible Officer	<i>Mr Ashwin Nair – Director Development Services</i>
Reporting Officer	<i>Miss Caitlyn Roberts – Environmental Health Officer</i>
Applicant	<i>Ferguson Valley Marketing Inc.</i>
Legislation	<i>Local Government Act 1995; Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2009</i>
Council Role	<i>Quasi-Judicial.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.2.3A – Application for Trader's Permit 2026 12.2.3B – Proposed Trading Dates 2026 12.2.3C – Photos, FVM stall 2024 12.2.3D – Email from WMCA 2026 12.2.3E – Gnomesville Master Plan 12.2.3F – Request for Fee Waiver for 26 12.2.3G – Risk Assessment</i>

Overview

The purpose of this report is for Council to consider an application from Ferguson Valley Marketing Inc. (Appendix ORD: 12.2.3A). They seek approval for a trader's permit to continue to operate a temporary 'Pop-up Visitor Centre' stall at Gnomesville on weekends and school holidays throughout 2026/27 as per (Appendix ORD: 12.2.3B).

The report also presents to Council a submission received by the Wellington Mill Community Association.

Officers recommend that Council approve the application for a traders permit at Gnomesville for Ferguson Valley Marketing to continue operating the temporary 'Pop-up Visitor Centre' for the period between 1st April 2026 – 31st March 2027.

OFFICER RECOMMENDATION

THAT Council:

- 1. Approves the application for a traders permit from Ferguson Valley Marketing Inc. to operate a Pop-up Visitor Centre stall at Gnomesville, on weekends and school holidays, from 1st April 2026 to 31st March 2027, between 10am to 4pm, subject to the following conditions:**
 - a. Trade under this Trader's Permit is to be conducted by the Ferguson Valley Marketing Inc. by two persons. This permit cannot be transferred to another trader;**
 - b. The sale of merchandise is permitted to Ferguson Valley Marketing Inc. merchandise only to the satisfaction of the Shire of Dardanup;**

- c. The sale of food is restricted to bottled water only. Sale is to be in accordance with the applicant's relevant Certificate of Registration of Food Business (Food Act 2008);
 - d. The Trader's Permit is to be displayed within the stall in a prominent location;
 - e. The approved trade activity is not to breach the nuisance provisions of the Shire of Dardanup Health Local-Laws 2000 (As Amended); the Health (Miscellaneous Provisions) Act 1911 (As Amended); or the Environmental Protection (Noise) Regulations 1997;
 - f. The approved trade activity is to be conducted in accordance with the Shire of Dardanup Activities in Thoroughfares and Public Places and Trading Local Law 2007;
 - g. A valid public liability insurance policy is to be maintained for the duration of the permit. The Policy shall indemnify both the trader and the Shire of Dardanup against any death or injury to a person or property arising from the approved trading for a minimum value of \$10 million;
 - h. Trading is permitted at Gnomesville in the location as indicated on the Gnomesville Master Plan (2019). Once trade activity has ended, all associated infrastructure must be removed from the trading location;
 - i. This Permit does not allow the erection or installation of road-side signage;
 - j. The Permit holder shall not deposit or store any item associated with their activity on any footpath, vehicle access way or thoroughfare so as to create an obstruction;
 - k. Any tables in use are to be contained within the trading area;
 - l. The use of a temporary gazebo structure is permitted however, it is not to be used if wind speeds exceed maximum safe winds as specified by the gazebo manufacturer;
 - m. The Permit holder shall keep their area of operation clean and tidy at all times to the satisfaction of the Shire of Dardanup;
 - n. The Permit holder shall ensure that no debris, litter, cleaning agents, detergents or waste of any kind result from their activities. All rubbish and waste materials (including liquid waste) are to be suitably contained and removed off-site at the end of each day of trade; and
 - o. The solicitation of customers by touting or the use of public address systems is not permitted at any time.
- 2 Waives the Traders Permit application fee of \$248 for Ferguson Valley Marketing to operate a Pop-up Visitor Centre stall at Gnomesville, on

**weekends and school holidays, from 1st April 2026 to 31st March 2027,
between 10am to 4pm.**

Change to Officer Recommendation

No Change. **OR:**

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

Background

The current application (2026) is the fifth application from Ferguson Valley Marketing Inc (FVM) to operate a 'Pop-up visitor centre' stall in Gnomesville.

There are four prior occasions where a trader's permit has been granted to FVM to trade at this site. Permit details are listed below;

- 2025 – 26th March 2025 to 31st March 2026
- 2024 – 1st March 2024 to 28th February 2025
- 2023 – 1st April 24 to 30th January 2024
- 2020 – 26th September for a 3-month trial, with 12-month extension if there were no significant adverse impacts from the activity

The application from FVM for their 2026 permit requested:

- Operation of a pop-up visitor centre stall on weekends and school holidays throughout 2026/27.
- The sale of Ferguson Valley Marketing Inc-related merchandise including t-shirts, gnomes, local arts and crafts.
- The sale of drinks and pre-packaged snacks.

For both the 2024/25 and 2025/26 trader's permits issued to FVM, no concerns were raised by local residents. Local Government Officers also received no complaints regarding the operation of the pop-up visitor centre during either approval period.

In assessing the 2023 application, concerns from landowners and the Wellington Mill's Community Association were raised and submissions were received around:

- Commercialisation of Gnomesville, and departure from the original intent of the pop-up centre being non-commercial
- Amenity impacts [noise, nuisance, increased visitor numbers]
- Operating times not supported
- Safety of residents and visitors; traffic safety
- Request for extended time to undertake a community survey [by Wellington Mills Community Association]
- Request for review of the trade activity (in 2023) prior to any further permits to trade being issued

With due regard to the concerns raised, officer's conclusions were:

- The sale of merchandise was a minor and incidental activity, that aligns with the centre's purpose and was not anticipated to significantly increase visitor numbers.
- Officers support the sale of items, and that it is common for visitor centres to offer memorabilia and refreshments.
- Trade should be limited to 10am-4pm (on proposed days) to minimise noise and other potential impacts.

Accordingly, officer's recommendation to Council was to approve the 2024 application. Council at its 24 April 2024 OCM, approved the permit conditionally.

Current Application

The current application (2026) proposes effectively the same trade activities as for 2025. They are:

- Pop-up Visitor Centre stall in the location as indicated on the Gnomesville Master Plan 2019.
- Operations during weekends and school holidays throughout 2026/27, during daylight hours.
- Stall setup:
 - 1 x Gazebo, 3 x fold-out tables (within the trading space), and a removable rubbish bin
 - Esky for cold water
 - Boxes for visitor centre merchandise
 - Two pop-up/portable signs (within the trading space)
 - 50% table space dedicated to display information for visitors, including brochures about sites and attractions in the Ferguson Valley and surrounding regions. (Appendix ORD: 12.2.3C).
- Provision of tokens/vouchers encouraging visitors to visit businesses in the Ferguson Valley and allow Ferguson Valley Marketing Inc to track visitor numbers.

Location Plan

A pop-up visitor centre is indicated on the Gnomesville Master Plan, which was approved by Council in 2019 (Appendix ORD: 12.2.3E).

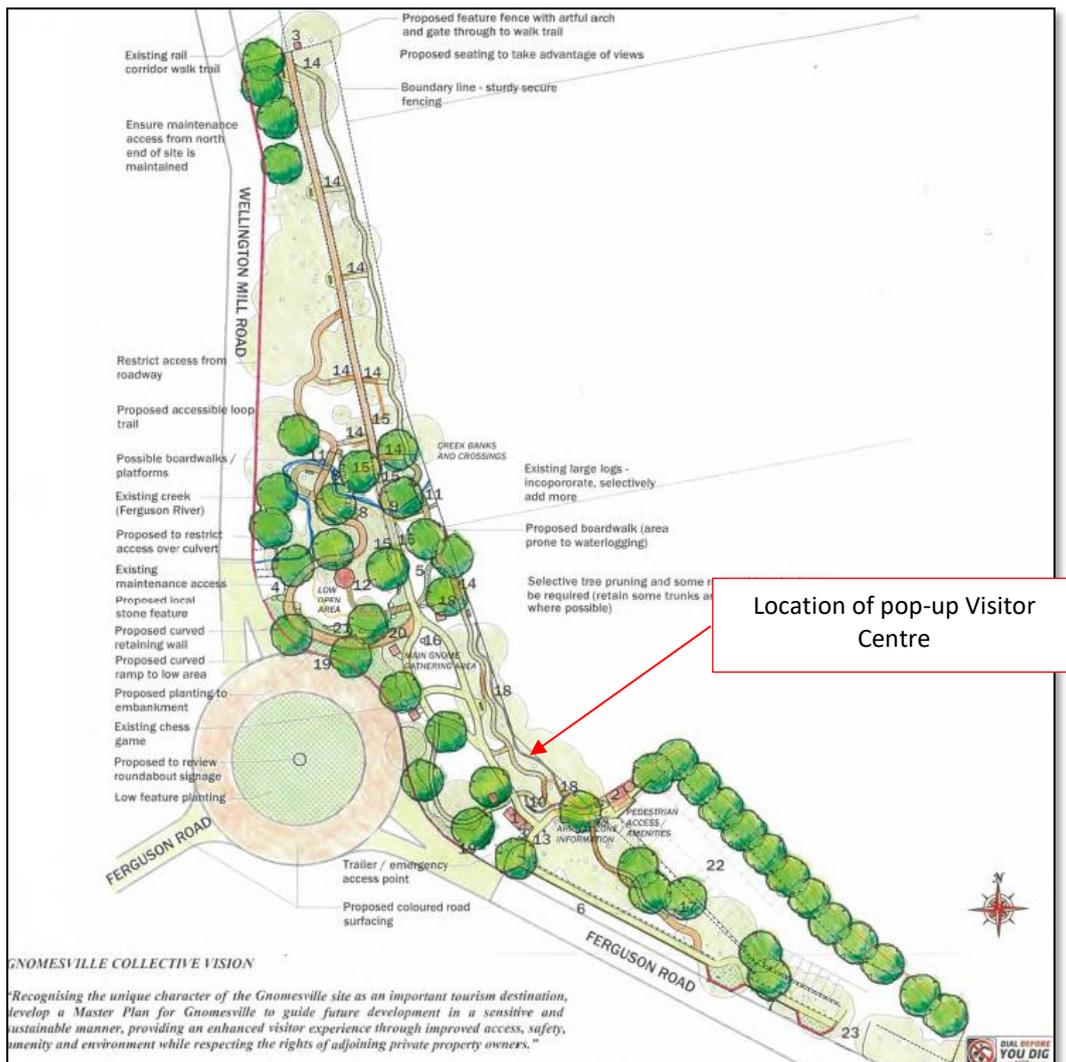


Figure 1: Excerpt from Gnomesville Master Plan (April 2019)

Legal Implications

The *Shire of Dardanup Activities in Thoroughfares and Public Places and Trading Local Law 2007* (Local Law) governs trading on land owned or managed by the Shire.

Council Plan

11.1 - Support industry and business growth.

12.1 - Grow visitor numbers by improving tourism infrastructure, experiences and marketing.

Environment - None.

Precedents

Council has approved four previous applications for trader's permits from Ferguson Valley Marketing Inc. to operate a 'pop-up visitor centre' stall at Gnomesville:

- *Ordinary Council Meeting on 26th March 2025*
From 26th March 2025 to 31st March 2026, from 10am to 4pm (maximum of 5 hours).
Sale of Ferguson Valley merchandise, Gnomesville merchandise, local arts and crafts; and pre-packaged snacks and drinks permitted.
- *Ordinary Council Meeting on 27th March 2024*
From 1st March 2024 to 28th February 2025, from 10am to 4pm (maximum of 4 hours).
Sale of Ferguson Valley merchandise, Gnomesville merchandise, local arts and crafts; and pre-packaged snacks and drinks permitted.
- *Ordinary Council Meeting on 22nd March 2023*
From 1st April 2023 to 30th January 2024, from 10am to 2pm (4 hours).
Sale of Ferguson Valley merchandise, Gnomesville merchandise, local arts and crafts; and pre-packaged snacks and drinks permitted.
- *Ordinary Council Meeting on 26th August 2020 (Res: 224-20)*
From 10 am to 4 pm Monday to Sunday.
Commencing 26th September 2020, for a three-month trial period, with a further extension for a year subject to a number of conditions. Sale of gnomes or any other items not permitted.

The applicant informed the Shire of Dardanup that this 2020 approved trading activity did not go ahead.

Budget Implications

Ferguson Valley Marketing have requested a waiver of the Trader's Permit application fees of \$248 (Appendix ORD: 12.2.3F):

Application / Renewal Fee	: \$88
+	
Fee for period of trade:	
• Per year	: \$160

The request is supported by Officers as the Ferguson Valley Marketing is a Not-For Profit organisations run by volunteer members.

Budget – Whole of Life Cost

There are no direct costs to the Shire for permitting trade at this location.

Consultation

Advertising of applications for trader's permit is not required under either the *Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2009* or Council Policy 'SDev CO033 – Traders on Shire Reserves and Road Verges'.

Notwithstanding the above, Officers referred the application to the Wellington Mill Community Association (WMCA) for comment who provided a submission at (Appendix ORD: 12.2.3D). The WMCA indicated their general support for the proposal, however, raised the following matters that have been addressed by Officers.

WMCA Committee Comments	Officer Comment
1. <i>"The Gnomesville Masterplan (2019), which involved consultation with community representatives, agreed that there would be no commercial offerings at Gnomesville. Whilst this has not been documented on the site diagram (The Master Plan) or noted when Council endorsed the Master Plan on 17 April 2019, community members who participated in the original development of the Master Plan are adamant that this was the community's position at the time."</i>	The 'Gnomesville Tourist Precinct' plan outlines the location for a 'Pop Up Visitor Centre' and associated vehicle access. From a broader activity perspective, it is not uncommon for such activities to comprise of the sale of merchandise associated with what's occurring onsite and in the broader locality to help raise the tourism profile of the locality. The activities proposed are minor in nature and are not considered to attract more people to site. It is an incidental component of the broader 'Pop-up Visitor Centre' operations.
2. <i>"The primary concern of many Wellington Mills' residents regarding the issue of a Trading Permit at Gnomesville is the commercialization of the site, including the precedence that this sets for future granting of Permits to Trade which would result in an expansion of commercialized ventures."</i>	The application under consideration in this report is limited in scope and relates specifically to a temporary pop-up stall operated by Ferguson Valley Marketing. This application seeks approval for a single, short-term trading activity only. Consideration of this application does not in itself set a precedent for future approvals.
3. <i>"WMCA Survey results (Feb 2024) revealed that 61% of respondents in Wellington Mills support FVM selling merchandise (via a "Pop Up" stall) such as Gnomesville books and calendars, gnomes, Ferguson Valley T-shirts and packaged drinks at Gnomesville (Survey data: 97 residents, 36 responses, 22 in favour, 14 against). Due to the wording of the survey question (which mirrored FVM's application), this support is specific to Ferguson Valley Marketing Inc, which is a local, not-for-profit organisation and primarily involved with providing information to visitors."</i>	The application currently under assessment aligns with this community preference, as it is specifically from Ferguson Valley Marketing for the operation of a temporary pop-up stall. The proposal therefore reflects the type of activity that survey respondents indicated they would support at the site.
4. <i>"WMCA holds a number of other concerns regarding Gnomesville, however these are not specifically related to the FVM Trading Permit Application and will be addressed under separate cover."</i>	Noted.

Officers consider that the proposal is generally in accordance with the objectives of the Gnomesville Master Plan.

Council Policy Compliance

Council Policy *SDev CP003*

Thoroughfares and Public Places and Trading Local Law 2007

Risk Assessment

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

TIER 3 – ‘High’ or ‘Extreme’ Inherent Risk.							
Risk Event	Application for Trader’s Permit – Gnomesville						
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>Health</td> <td>Food safety risks</td> </tr> <tr> <td>Reputational</td> <td>Perception that the Shire is not supportive of local tourism initiatives.</td> </tr> <tr> <td>Environment</td> <td>Increase in litter.</td> </tr> </table>	Health	Food safety risks	Reputational	Perception that the Shire is not supportive of local tourism initiatives.	Environment	Increase in litter.
Health	Food safety risks						
Reputational	Perception that the Shire is not supportive of local tourism initiatives.						
Environment	Increase in litter.						

Officer Comment

Local Law and Policy Framework

The *Shire of Dardanup Activities in Thoroughfares and Public Places and Trading Local Law 2007* is the legal instrument controlling itinerant trade in the Shire of Dardanup. Clause 5.5 of the Local Law states that in determining applications, the local government is to have regard to:

- Any relevant policies of the local government;
- The desirability of the proposed activity;
- The location of the proposed activity;
- The principles set out in the Competition Principles Agreement; and
- Such other matters as the local government may consider relevant in the circumstances of the case.

Additionally, Council Policy *SDev CP003 – Traders on Shire Reserves and Road Verges* provides criteria to assess when determining permit applications for mobile and itinerant traders. An assessment of the proposal against these criteria is as follows:

SDEV CP 003 Criteria	Officer Comment
Benefit to the community;	The Pop-up visitor centre generally functions as a welcome desk to visitors of Gnomesville and the Ferguson Valley.

SDEV CP 003 Criteria	Officer Comment
	<p>Its core purpose is to inform visitors of the Ferguson Valley and its attraction and promote tourism to local businesses.</p> <p>The stall also provides a human presence at the site, and a level of passive surveillance.</p>
Experience of the trader;	Ferguson Valley Marketing Inc. has been operating the Ferguson Valley Visitor Centre (Dardanup) for well over a decade. They operated the Pop-up Visitor Centre stall in 2023, 2024 and 2025 and are considered by officers to have sufficient experience.
Appearance and quality of the operation and equipment;	The main component of the stall is a 3m x 3m portable gazebo, 3 x fold-out tables, fold-out signage and fold-out chairs. Similar to a typical market stall, or promotional stall at a fair or festival.
Safety management measures implemented by the trader;	The stall is away from areas of vehicular traffic, and easily accessible for visitors and pedestrians. It is close to the carpark and main entry path to Gnomesville.
Risk management measures implemented by the trader;	<p>If approved, it will be a condition of trade that the applicant have appropriate indemnity insurance covering them, and the Shire.</p> <p>They will not be permitted to place fold-out signs other than within the immediate vicinity of the stall.</p>
The appropriateness of the activity/business having regard to pedestrian, patron and vehicular safety within the area;	If approved, the Pop-up Visitor Centre would be required to be set up in the location indicated on the Gnomesville Master Plan (2019). This is considered to be the safest location in terms of both pedestrian safety, and traffic safety.
The potential impacts (i.e. parking, traffic, noise etc.) of the trading activity on nearby residences and landowners;	<p>The impacts on nearby landowners in terms of impacts on traffic, parking, noise etc as a result of the Pop-up Visitor Centre are considered to be minimal.</p> <p>The Pop-up Visitor Centre would not attract more visitors to Gnomesville than what the site already receives – as it is envisaged that people would still come to Gnomesville regardless of whether the pop-up visitor centre is there or not.</p>
The availability of ablution facilities if required for the trading activity;	There is a suitable and adequate public ablution facility within the carpark at Gnomesville.
The extent to which previous trading permits have been utilised, if applicable.	Based on information from the applicant, the site was utilised to a high degree throughout 2023, 2024 and 2025.

Trade-Activity Impact Assessment

- **Noise**
Ferguson Valley Marketing is not proposing the use of noise generating equipment like generators, speakers or amplifiers.

The Pop-up Visitor Centre would unlikely to significantly increase the number of visitors to the site. Therefore, it is unlikely the stall would have attracted any significant additional vehicle movements, or additional vehicular noise.

- **Traffic**
Gnomesville has a purpose-built carpark in a safe location, and of sufficient size to allow the public to safely access the site. The stall will be located in a spot that is safe for people to access, as per the Gnomesville Mster Plan.
- **Rubbish**
It will be a requirement of the permit that there are suitable arrangement for containment of rubbish at the stall, and its removal from the site at the end of the trading day.
- **Nuisance**
The conditions of the trader's permit (if approved) provide suitable controls to address any nuisances that may arise from the trade activity. Should the applicant not comply with the requirements of the permit, the permit can be revoked.

Conclusion

The Gnomesville Master Plan (2019) as endorsed by Council specifically identifies a location for a *“pop up visitor centre and associated vehicle access”*.

Given the low-impact and low-risk nature of the activity, it is the officer's recommendation that Council approve the application for trader's permit from Ferguson Valley Markting Inc to operate the stall, at Gnomesville, weekends and school holidays throughout 2026/27, subject to the conditions as recommended in this report.

END REPORT

12.3 COMMUNITY & ECONOMIC DEVELOPMENT DIRECTORATE REPORTS

12.3.1 Determine Tender RFT-F0422076 ERC Gym Equipment Lease 2026

Reporting Department	<i>Community & Economic Development Directorate</i>
Responsible Officer	<i>Mr Craig Johnson – Director Community & Economic Development</i>
Reporting Officer	<i>Mr Michael Gibbings – Manager Recreation Centre Mrs Natalie Reid – Procurement Officer</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.3.1A – Risk Assessment Confidential Attachment A – RFT-F0422076 Tender Evaluation Report</i>

Overview

This report presents the tender evaluation results for the restricted RFT-F0422076 ERC Gym Equipment Lease 2026 (previously advertised and recorded as EOI-F0419584) and recommends awarding the contract to the preferred tenderer via lease agreement.

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

OFFICER RECOMMENDATION

THAT Council:

- 1. Receives the Restricted Tender submissions (2) for RFT-F0422076 ERC Gym Equipment Lease 2026, received from Orbit Health and Fitness Solutions Pty Ltd and Technogym Australia Pty Ltd, as named in the detailed Tender Evaluation Report recommendation (Confidential Attachment A – under separate cover);**
- 2. Accepts the tender submission from Technogym Australia Pty Ltd for RFT-F0422076 ERC Gym Equipment as the preferred tenderer and approves a 5-year lease with De Lage Landen Pty Ltd (DLL) through to September 2031, with two optional 1-year extensions;**
- 3. Approves a short-term extension of the current cardio equipment lease with CHG-Meridian Australia Pty Limited for up to 6 months (\$16,855.64) until 30 September 2026 to allow implementation of the new lease agreement;**
- 4. Authorises the Chief Executive Officer to execute the Lease for awarding RFT-F0422076 ERC Gym Equipment Lease 2026 in accordance with s.9.49A of the Local Government Act 1995.**

Change to Officer Recommendation

No Change. **OR:**

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

Background

The Shire of Dardanup undertook an open, public Expression of Interest (EOI) process for the ERC Cardio Gym Equipment. The EOI occurred prior to the Restricted Tender process (RFT F0422076). The purpose of the RFT was to appoint a suitable supplier through a leasing solution. This initiative will modernise the cardio equipment and add a biometric assessment scanner and support the development of an integrated digital ecosystem, positioning the facility for future AI-driven innovation.

The proposed leasing model will also assist the Shire in differentiating its offering from local fitness providers. The recommended contract term is five years, expiring in September 2031, with options to extend for two additional one-year periods.

Legal Implications

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

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

The compliance requirements applicable to this report and Officer Recommendation is in accordance with the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996:

Local Government Act 1995

9.49A. Execution of documents

Local Government (Functions and General) Regulations 1996

Division 2 — Tenders for providing goods or services (s. 3.57)

21. Limiting who can tender, procedure for

- (1) If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*

24. People who submitted expression of interest to be notified of outcome

Council Plan

2.1 - Facilitate improved access to health and community services.

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

9.3 - Provide quality community facilities.

Environment - None.

Precedents

In 2019 the Shire of Dardanup undertook an open Request for Tender (RFT) process for the supply, installation, testing, commissioning and maintenance of gym equipment for the Eaton Recreation Centre (ERC). The procurement resulted in a lease agreement with MAIA Financial (now CHG-Meridian).

Budget Implications**New Lease**

The new lease agreement with De Lage Landen Pty Ltd (DLL) for the Technogym Equipment estimated to commence from October 2026 for 5 years.

	PROJECT NUMBER	ANNUAL COST	5 YEAR TOTAL LEASE COST
Technogym Cardio Equipment	AD14011 ERC Services Administration	\$49,178	\$245,890
Technogym Scanner-Checkup 9000	AD14011 ERC Services Administration	\$4,465	\$22,325
TOTAL (excluding GST)	\$55,883 (2025/26 Budget)	\$53,643	\$268,215

Existing Lease - Continuation of Current Lease

The budget allocation for the current lease agreement with CHG-Meridian Australia Pty Limited is included in the 2025–26 Annual Budget and is expected to continue into the 2026–27 budget year. Until the new lease is fully implemented, payments will continue on the existing quarterly basis. The option of transitioning to monthly pro-rata payments beyond July 2026 is currently under investigation.

6-MONTH EXTENSION	PROJECT NUMBER	LEASE COST
April to June 2026	AD14011 Eaton Recreation Services Administration	\$8,428
July to September 2026	AD14011 Eaton Recreation Services Administration	\$8,428
TOTAL (excluding GST)		\$16,856

Budget – Whole of Life Cost

The whole-of-life cost of the leased gym equipment is funded through the ERC operational budget and the ERC Equipment Asset Management Plan. Ongoing servicing and software costs are incorporated within the Centre’s operational maintenance budget.

Council Policy Compliance

CnG CP034 Procurement Policy

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Title	Determine Tender RFT-F0422076 ERC Gym Equipment Lease 2026	
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)	
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.	
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Financial	Risk of actual costs exceeding available budget.
	Legal and Compliance	Failure to adhere to the Act and Regulations in terms of the correct process to run a tender.
	Reputational	Council could be seen in a negative light.

Officer Comment

Tender Submissions

Two (2) tender submissions were received:

TENDERS RECEIVED FROM	
1	Orbit Health and Fitness Solutions Pty Ltd
2	Technogym Australia Pty Ltd

Probity Oversight

Process and probity advice during evaluation was provided by the Procurement Officer who also acted as the Panel Chair. All members of the Panel made a conflict-of-interest declaration in writing confirming they had no relationships with any of the respondents.

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

Evaluation of Request for Tender

The objective of the Evaluation Panel is to recommend a suitably qualified and experienced contractor(s) to meet the requirements for the replacement of cardio gym equipment and the provision of associated leasing options under the tender process.

The submissions were compliant and progressed to assessment against the following predetermined qualitative and price criteria:

CRITERIA	PERCENTAGE
Relevant Experience	20%
Skills and Key Personnel	20%
Demonstrated Understanding and Resources	30%
Value for Money (non-financial factors)	15%
Sustainable Procurement and Corporate Social Responsibility	5%
Price Offer	10%
TOTAL	100%

Evaluation Panel Recommendation

The Tender Evaluation Panel recommends Technogym Australia Pty Ltd based on its strong performance against the predetermined qualitative and price criteria and the quality of its comprehensive submission.

The Technogym proposal offers:

- Future-proofed efficiency through Biocircuit pathway being preserved: AI strength circuit (20 users/m²), which fits the cycle studio;
- Staff efficiency: Automated setup/tracking/programming - frees time for retention; and
- Wearable and digital integration: Technogym digital eco-system plus Apple Watch, Garmin, Strava – providing connected experience and member data continuity.

Additionally, Technogym is the current equipment supplier to the South West Sports Centre (City of Bunbury), a direct local competitor, and the Geographe Leisure Centre (City of Busselton), where the Checkup 9000 has delivered a 20% uplift in attraction and retention.

This regional presence ensures local support and proven performance in comparable community facilities. Technogym also supplies 21 Local Government facilities across WA, supported by local digital support services and a dedicated account manager, further reinforces its capability and reliability.

In determining the preferred Tenderer, officers have undertaken the following Due Diligence checks:

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

Technogym Australia Pty Ltd is recommended for appointment to the new ERC Gym Equipment Lease 2026, subject to forming a lease agreement with De Lage Landen Pty Ltd (DLL). Technogym's ability to offer a fully connected workout experience for members allows the facility to create a greater understanding of member's exercise patterns, enabling better business decisions, targeted marketing and improved member retention.

END REPORT

12.4 INFRASTRUCTURE DIRECTORATE REPORTS

12.4.1 Adoption of the Open Spaces Asset Management Plan 2026-2030

Reporting Department	<i>Infrastructure Directorate</i>
Responsible Officer	<i>Mr Theo Naudé - Director Infrastructure</i>
Reporting Officer	<i>Ms Rachel Sweeney - Manager Assets</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Simple Majority</i>
Attachments	<i>12.4.1A – Open Spaces Asset Management Plan 2026-2030 (Part A)</i> <i>12.4.1B – Open Spaces Asset Management Plan 2026-2030 (Part B)</i> <i>12.4.1C – Risk Assessment</i>

Overview

The Open Spaces Asset Management Plan establishes the principles and strategies required to effectively manage the Shire's parks, reserves and recreational infrastructure over its lifecycle. The Plan aligns with the WA Integrated Planning and Reporting Framework and supports the Shire's Long-Term Financial Plan by identifying the operational and capital funding required to maintain the Open Space asset portfolio at the adopted Levels of Service.

The Plan incorporates updated asset condition information, lifecycle modelling and renewal forecasts to better understand the current state of the asset portfolio and future funding requirements. Analysis indicates that while the majority of Open Space assets are currently in fair condition, a significant proportion of the asset base is approaching the later stages of its lifecycle and will require increased renewal investment over the coming decade.

Adoption of the Plan will provide Council with a clear evidence-based framework to guide future asset management decisions, support sustainable financial planning and ensure that the Shire continues to deliver safe, accessible and well-maintained Open Spaces for the community.

OFFICER RECOMMENDATION

THAT Council adopts the Open Spaces Asset Management Plan 2026-2030 Parts A and B (Appendix ORD: 12.4.1A and Appendix ORD: 12.4.1B).

Change to Officer Recommendation

No Change: **OR**

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

Background

Under the WA Integrated Planning and Reporting Framework, local governments are required to prepare and maintain Asset Management Plans to support long-term financial and infrastructure planning. Asset Management Plans provide a structured approach to managing infrastructure assets over their lifecycle and ensure that future funding requirements are identified and incorporated into the Shire's Long-Term Financial Plan.

The Shire of Dardanup manages a significant portfolio of Public Open Space assets including sporting infrastructure, play equipment, park amenities and fixtures and irrigation system. These assets provide important recreational, environmental and community benefits and require ongoing maintenance, renewal and strategic planning to ensure they continue to meet community expectations.

The Open Spaces Asset Management Plan 2026–2030 has been prepared to update the Shire's existing asset management framework for Open Spaces. The Plan incorporates updated asset condition information (obtained through a visual condition inspection December 2025), lifecycle modelling and long-term renewal forecasts to better understand the current state of the asset portfolio and the future funding required to maintain recommended Levels of Service.

Preparation of the Plan also supports the Shire's broader strategic planning framework, including the Strategic Community Plan, Long-Term Financial Plan and other infrastructure asset management plans.

Legal Implications

Section 5.56 (Planning for the future) of the Local Government Act 1995 applies:

5.56. Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Section 19DA of the Local Government (Administration) Regulations 2011 applies:

19DA. Corporate business plans, requirements for (Act 5.56)

- (3) *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*

The Integrated Planning and Reporting Framework and Guidelines have been introduced to aid Local Government in achievement of the above requirements. The Guidelines require the preparation of four types of 'Informing Strategies' upon which the SCP and CBP are based:

- The Long term Financial Plan;
- Asset Management Plans for each asset class;
- The Workforce Plan; and
- Issue or Area Specific Plans (e.g. ICT, recreation, youth, local area plans etc.).

The Shire has a duty of care to ensure that Public Open Space assets are maintained in a condition that is reasonably safe for community use. Failure to appropriately inspect, maintain and manage Open Space infrastructure may expose the Shire to legal liability in the event that injury or property damage occurs as a result of asset failure or unsafe conditions.

The *Civil Liability Act 2002 (WA)* establishes the legal framework under which local governments may be held responsible for negligence where reasonable care has not been taken in the management of public infrastructure. Unlike roads, where specific statutory protections exist for road authorities, similar protections generally do not apply to incidents occurring within parks and reserves.

Adoption and implementation of up-to-date Asset Management Plans assists the Shire in demonstrating that appropriate systems are in place to identify risks, prioritise maintenance and renewal works, and allocate resources in a structured and defensible manner. This supports the Shire in meeting its duty of care obligations and provides evidence that asset management decisions are being made in accordance with recognised industry practices.

Council Plan

- 1.1 - Support the community to feel safe while using Shire facilities and public spaces.
- 2.1 - Facilitate improved access to health and community services.
- 2.2 - Increase participation in sport, recreation and leisure activities.
- 5.1 - Care for natural habitats and waterways to preserve native and endangered fauna and flora.
- 8.1 - Support responsible planning and development.
- 9.1 - Strengthen the vibrancy of our town centres.
- 9.2 - Provide an urban tree canopy and attractive streetscapes.
- 9.4 - Provide quality parks and playgrounds.
- 13.2 - Manage the Shire's resources responsibly.
- 14.1 - Increase community awareness, knowledge and understanding of Shire activities and key messages.
- 14.2 - Ensure equitable, inclusive and transparent engagement and decision-making.

Environment

Implementation of the Open Spaces Asset Management Plan will support the sustainable management of the Shire's parks, reserves and natural areas. The Plan promotes environmentally responsible asset management practices including appropriate landscape design, water-efficient irrigation systems, protection of vegetation and the integration of environmental considerations into maintenance and renewal activities.

Bushland and nature reserves within the Shire are managed through Bushland Reserve Management Plans, which provide site-specific guidance for the protection and enhancement of ecological values, including weed management, rehabilitation of degraded areas and the preservation of remnant vegetation. The Asset Management Plan supports the implementation and future review of these management plans to ensure that environmental outcomes are considered alongside recreational and community uses of Open Spaces.

Overall, the Plan supports improved environmental stewardship of the Shire's Open Space network by promoting sustainable landscape practices, protecting biodiversity values and ensuring that future asset planning considers environmental impacts.

Precedents

Updated Asset Management Plans prepared in accordance with best practice have previously been adopted by Council for the Shire's Roads, Paths & Trails and Buildings asset classes.

Budget Implications

The Open Spaces Asset Management Plan has no impact on the current (2025/26) financial year budget however recommends significant changes to future years budgets.

Budget – Whole of Life Cost

The Open Spaces Asset Management Plan identifies the long-term operational and capital expenditure required to maintain the Shire's Open Space assets at the recommended Levels of Service. Analysis undertaken as part of the Plan indicates that current renewal expenditure is below the level required to sustainably maintain the asset portfolio over time.

To address this gap, the Plan recommends a progressive increase in renewal funding to be sourced from the reserve and associated annual transfers to the Open Spaces reserve. This approach will allow renewal funding to gradually increase over time while remaining manageable within the Shire's broader financial framework.

Adoption of the Plan does not commit Council to immediate additional expenditure but provides a strategic framework to guide future funding decisions and ensure the long-term sustainability of the Open Space asset portfolio.

Council Policy Compliance

AP008 - *Material Accounting Policy*

Infr CP074 – *Asset Management*

Infr CP402 – *Vegetation Management to Mitigate Bushfire Risk in Urban Nature Spaces*

Risk Assessment

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

TIER 3 – 'High' or 'Extreme' Inherent Risk.	
Risk Title	Failure to safely and sustainability manage the Open Spaces asset portfolio.
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	Health Poor management of Public Open Space infrastructure may create environmental health hazards including pest infestations, vector breeding, unsanitary conditions and environmental exposures that may impact community health.

TIER 3 – ‘High’ or ‘Extreme’ Inherent Risk.		
	Financial	Failure to effectively manage Open Space assets may result in increased lifecycle costs, declining asset value, higher reactive maintenance expenditure and financial pressure on the Shire’s long-term financial planning.
	Service Interruption	Failure to adequately maintain and renew Open Space assets may result in the temporary closure or reduced usability of parks, reserves and recreational facilities, leading to interruptions in community access and reduced Levels of Service.
	Legal and Compliance	Failure to adequately inspect, maintain and manage Public Open Space assets may expose the Shire to legal liability, regulatory non-compliance and compensation claims arising from injury, asset failure or environmental health issues.
	Reputational	Failure to effectively manage Public Open Space assets may lead to declining community confidence, increased complaints and reputational damage to the Shire
	Environment	Failure to effectively manage Public Open Space assets may result in environmental degradation, including loss of vegetation, reduced biodiversity and impacts on bushland reserves and natural ecosystems

Officer Comment

The asset management plan recommended for adoption addresses the Shire’s Open Spaces and associated infrastructure. Although these assets represent a relatively small proportion of the Shire’s overall portfolio in financial terms (current replacement costs of approximately \$18.8 million) they play an outsized influence on the public perception of the Shire as an attractive place to live. Failure of maintenance, or perceived lack of attention to these assets is very often a cause for complaint by the public and can quickly become a matter of political concern.

It is therefore in the Shire’s best interest to ensure that it can meet (at least) the minimum Level of Service demanded by the public for these assets.

The plan deals specifically with the development, operations, and maintenance of the Shire’s Open Spaces and associated infrastructure. It sets out strategies to ensure that the Shire’s Open Spaces assets are maintained in a manner consistent with national engineering standards and community expectations.

This plan identifies a required average annual renewal investment of approximately \$772,245 to sustainably fund the replacement of this asset class based on current replacement values and useful lives (asset depreciation). However, the adopted 10-Year Capital Works Program provides for an

average annual renewal expenditure of only \$209,186 resulting in a funding shortfall of approximately \$563,059 per annum.

Over the forward planning period, this results in an accumulated renewal gap of approximately \$5.63 million. In the absence of increased renewal funding or asset rationalisation, this shortfall will result in declining asset condition, increased maintenance costs, and elevated risk to service delivery. The current funding profile is therefore not sustainable over the long term. It should be noted that lighting in open spaces and sporting field turf renewal and drainage has not yet been captured and are not accounted for in the funding gap.

Due to the above shortfalls in funding, the Shire's current average sustainability ratio achieved over the next 10 years is 0.27.

As a result of the current funding structure, the rate of asset consumption is occurring significantly faster than the rate of asset renewal. Based on the current fair value of approximately \$9.76 million, and assuming the current funding gap continues, the asset base could theoretically be largely consumed within approximately 18 years. Without an increase in renewal funding from the reserve, asset rationalisation, or the securing of external funding support, the fair value of the asset portfolio and the associated Levels of Service are likely to decline over the long term. This represents a significant financial sustainability risk for the Shire.

A further method to determine if the current renewal expenditure is sufficient for the asset class is through the determination of an Asset Renewal Funding Ratio, or the ratio of actual renewal spend to required renewal spend. This required renewal spend is determined by adopting levels of service, or target conditions, for Open Spaces as per their Hierarchy (5-1). This plan identifies an average annual required renewal spend of \$1,174,400 to ensure levels of service are maintained across the asset class. As previously stated, the current adopted 10-Year Capital Works Program provides for an average annual renewal expenditure of only \$209,186 resulting in a funding shortfall of approximately \$816,717 per annum, and an average Asset Renewal Funding Ratio of 0.18.

Note: The above expenditure estimate does not include any allocation for New or Upgraded Open Spaces that may be delivered over that period, as these types of works do not (significantly) contribute to the Renewal (i.e., Sustainability) of the asset as a whole. These estimates also do not include any lighting or sports oval turf and drainage assets in public open spaces, which is yet to be captured.

It is necessary for the Shire to attempt to achieve a higher level of investment in Capital Renewals without imposing overly burdensome demands upon its ratepayers. Based on the current accepted reserve transfers indicated in the Strategic Financial Plan, and assuming renewal funding is solely sourced from the reserves with no provision for upgrade or expansion expenditure, the Shire can achieve an average Asset Sustainability Ratio of approximately 0.56 over the planning period while ensuring sufficient funds remain in the reserve for unplanned and emergency works (~\$100,000). This indicated renewal investment would only fund 56% of annual depreciation, resulting in assets deteriorating faster than they are being replaced.

The renewal funds spend required to reach an average Asset Sustainability Ratio of 0.56 corresponds to an average Asset Renewal Funding Ratio of 0.43. A significant increase on the current scenario.

The position is not sustainable and represents a declining level of service over time. Under this scenario the Shire is unable to complete key strategic projects including the implementation of the Dardanup Concept Plans and renewals and upgrades within Wells Reserve and Eaton Oval, particularly with the basketball and tennis court facilities. Without additional funding sources, increased reserve transfer allocation, or rationalisation of the asset portfolio and the strategic decommissioning of assets, the asset base will continue to degrade and service improvements will be deferred.

In order to achieve the recommended asset sustainability ratio of 0.8 and an Asset Renewal Ratio of 0.60, additional annual transfers into the reserve in the order of \$210,000 are required. If external funding is successfully sourced for renewals of the Eaton Oval and Wells Reserve basketball and tennis courts, this required additional reserve transfer reduces to \$180,000.

Over the previous five-year period, the Shire has spent an average of approximately \$5.36 million per annum on the maintenance of Public Open Space infrastructure, with a significant proportion of this expenditure attributed to public works overheads. Given the scale and essential nature of these activities, it is unlikely that meaningful reductions in maintenance expenditure could be achieved to redirect funding toward asset renewal without resulting in a significant reduction in service levels. There may be some opportunity to better align the Shire's planned maintenance activities with the expected Levels of Service associated with each Open Space hierarchy. However, due to the highly visible nature of Public Open Space assets, any reduction in maintenance standards would likely be noticeable to the community through a decline in presentation and amenity. As such, reducing maintenance expenditure is not considered a viable long-term solution to addressing the identified renewal funding gap. Instead, future renewal projects should prioritise asset designs, materials and infrastructure types that minimise ongoing maintenance requirements and reduce the long-term operational burden on the Shire.

It is proposed that renewal funding be withdrawn from the reserve at a level sufficient to achieve a minimum sustainability ratio of 0.56 over the 10-year planning period. The Shire is to also actively pursue additional external grant funding opportunities, look to increase annual reserve transfers and undertake strategic asset decommissioning where appropriate and subject to community consultation. These combined measures are intended to progressively improve the sustainability ratio toward the desired target range 0.8-0.9 over the long term, improving the financial sustainability of this asset class.

The above proposed alteration to the Shire of Dardanup Open Spaces expenditure strategy is driven (in part) by the outcomes of the 2025 Open Spaces Visual Condition Assessment, conducted by RoadScan Ltd in December 2025. This independent assessment of the condition of the Shire's Open Spaces asset has highlighted the increasing rate of deterioration in the Shire's Open Spaces portfolio. Several assets were identified to be in a 'failed' state and it is essential for the Shire to review its practises in order to limit further decline.

Normally, it would be considered impractical to introduce such a significant change to the Shire's funding regime immediately. However, in the case of Open Spaces, the Shire has deliberately run down the number of projects schedule in its annual Program of Works for Open Spaces, pending the outcomes of review leading to the preparation of this Asset Management Plan. This policy provides the Shire with the opportunity to develop a new Program of Works from first principles, free from the constraints of previous commitments. It enables a comprehensive reassessment of asset priorities and funding allocations to occur to ensure that future investment decisions are aligned with long-term financial sustainability.

The recommended minimum annual allocation of funds and likely Sustainability Ratio and Asset Renewal Ration outcomes during the currency of this AMP is as shown below:

	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36
Reserve Opening Balance	\$573k	\$519k	\$475k	\$415k	\$346k	\$314k	\$298k	\$271k	\$231k	\$179k
Reserve Closing Balance	\$519k	\$475k	\$416k	\$346k	\$314k	\$298k	\$271k	\$231k	\$179k	\$105k
Recommended Transfers to Reserves (From SFP)	\$400k	\$425k								
Current SFP Expenditure from Reserves	\$697k	\$422k	\$71k	\$196k	\$138k	\$206k	\$211k	\$217k	\$82k	\$200k

	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36
Recommended adjustments to Expenditure from Reserves	-\$223k	\$64k	\$428k	\$315k	\$325k	\$241	\$246k	\$253k	\$399k	\$294k
Total Reserve Expenditure	\$474k	\$487k	\$499k	\$506k	\$465k	\$447k	\$458k	\$470k	\$482k	\$503k
Reserve Expenditure - Upgrades/Expansion										
Reserve Expenditure - Renewal	\$474k	\$487k	\$499k	\$506k	\$465k	\$447k	\$458k	\$470k	\$482k	\$503k
Grant Funding - Upgrade/Expansion	\$1,072k	\$700k	\$550k							
Grant Funding - Renewal	\$128k									
Total Upgrade/Expansion Expenditure	\$1,072k	\$700k	\$550k	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Renewal Expenditure	\$603k	\$487k	\$499k	\$506k	\$465k	\$447k	\$458k	\$470k	\$482k	\$503k
Depreciation	\$772k									
Required Renewal Expenditure (To meet level of service)	\$1,051k	\$1,077k	\$1,104k	\$1,105k	\$1,160k	\$1,189k	\$1,218k	\$1,249k	\$1,279k	\$1,313k
Sustainability Ratio	0.77	0.60	0.60	0.60	0.53	0.50	0.50	0.50	0.50	0.50
Asset Renewal Ratio	0.57	0.45	0.45	0.46	0.40	0.38	0.45	0.38	0.38	0.38

**Note: Projected Allocation Amount – Subject to Change*

***Note: Grants subject to approval upon application*

Over the term of this AMP (10 years), the above reallocation of resources will deliver an Average Sustainability Ratio (SR) of 0.56. This will have the effect of reducing the projected decline in the value of the existing Open Spaces asset by approximately \$5.6 Million over the next twenty-five years. This does not stop decline but significantly slows the rate of asset consumption. It should be noted that the figures above only account for the completion of one key strategic project, the Burekup Oval Community and Sporting Precinct Upgrades. Additional upgrade and expansion works will need to be addressed through grant funding and additional reserve transfers.

The key elements of this document are:

- Levels of service and performance parameters,
- Future demands for assets,
- Risk management strategies,
- Lifecycle management strategies,
- Fiscal management and budgets, and
- Asset management improvement plans.

Council can use this plan, along with its' other asset management plans, to balance levels of service, community expectations and affordability of its assets and services.

This is a living document and will be reviewed for currency on an annual basis. The plan is to be updated, (minor revisions), as necessary. Formal re-adoption of the Open Spaces Asset Management Plan, (major revisions), are to be conducted every four years.

END REPORT

12.4.2 Determine RFT-F0421565 Bulk Kerbside Waste Collection - Green Waste and Hard Waste

Reporting Department	<i>Infrastructure Directorate</i>
Responsible Officer	<i>Mr Theo Naudé – Director Infrastructure</i>
Reporting Officers	<i>Mr André van der Merwe – Manager Operations</i> <i>Mrs Eliza-Jane Jacques – Coordinator of Environment and Waste</i> <i>Mrs Natalie Reid – Procurement Officer</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Absolute Majority</i>
Attachments	<i>12.4.2A – Risk Assessment</i> <i>Confidential Attachment A – RFT-F0421565 Tender Evaluation Report</i>

Overview

This report provides Council with the results of the evaluation of tenders for the RFT-F0421656 Bulk Kerbside Waste Collection - Green Waste and Hard Waste, as advertised and recorded in the Tenders Register. It is recommended that Council award a contract for this service to the preferred Tenderer, for a period of 2 years and, dependant on contractor performance there are possible 1-year, plus 1-year, plus 1-year extensions.

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

OFFICER RECOMMENDATION

THAT Council:

1. **Accepts the Tender submission for RFT-F0421656 Bulk Kerbside Waste Collection - Green and Hard Waste from Steann Pty Ltd, as named as in the Evaluation Panel Report recommendation detailed in *Confidential Attachment A – RFT-F0421565 Tender Evaluation Report* as the most advantageous, applicable for a contract term of 2 years and, dependant on contractor performance there are possible 1-year, plus 1-year, plus 1-year extensions;**
2. **Appoints Steann Pty Ltd as the successful tenderer for RFT-F0421656 Bulk Kerbside Waste Collection - Green and Hard Waste;**
3. **Delegates the Chief Executive Officer in accordance with s.5.42(1) of the Local Government Act 1995, by Absolute Majority, authority to negotiate minor variations to the Contract for RFT-F0421656 Bulk Kerbside Waste Collection - Green and Hard Waste as advertised and recorded in the Tenders Register; before and / or after its execution in accordance Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996.**
4. **Authorises the Chief Executive Officer to execute the Contract for awarding RFT-F0421656 Bulk Kerbside Waste Collection - Green and Hard Waste as advertised and recorded in the Tenders Register, in accordance with s.9.49A of the Local Government Act 1995.**

Absolute Majority

Change to Officer Recommendation

No Change. **OR:**

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

Background

The Shire provides the community with bulk kerbside collection service for green waste and hard waste several times throughout the year.

The Shires existing Contract for the Collection of Green and Hard Waste expires on 30 June 2026 and has exhausted the provision for contract extensions.

The Shire undertook an open public Tender process to appoint a suitable Contractor/s for the supply of Bulk Green and Hard Waste Kerbside Waste Collection.

TENDER DETAILS	
Tender Number:	RFT-F0421565
Tender Title:	Bulk Kerbside Waste Collection - Green Waste and Hard Waste
Tender Description:	Bulk Kerbside Waste Collection - Green Waste and Hard Waste
Tendered Rates/Cost	Refer to <i>Confidential Attachment A</i> (under separate cover)
Advertisement Details	West Australian – Saturday 10 January 2026 Southwest Times – Thursday 8 January 2026 SoD notice boards – Tuesday 6 February 2026 Tenderlink – Tuesday 6 February 2026
Tender Deadline Date & Time	17:00 pm AWST Tuesday 3 February 2026
Tender Opening Date & Time	11:00 am AWST Wednesday 4 February 2026

CONTRACT	
Commencement Date of New Contract:	July 2026
Completion Date of New Contract:	June 2031
AD14023 Waste Administration (Annual Bulk Rubbish Collection):	\$155,000 (excluding GST)
Estimated value of New Contract over 5 years:	\$775,000 (excluding GST)
Price Basis of New Contract:	Schedule of Rates

Legal Implications

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

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

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

Division 2 — Tenders for providing goods or services (s. 3.57)

21. *Limiting who can tender, procedure for*
 - (1) *If a local government decides to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*
24. *People who submitted expression of interest to be notified of outcome*

Council Plan

6.2 - Adopt innovative and more sustainable waste management solutions.

Environment - None.

The service provided under this contract encourages households to remove surplus green and hard waste from residential properties.

The green waste product is processed to produce mulch, compost and soil conditioner.

The hard waste product is sorted to remove scrap metals and separate e-waste to be recycled.

Precedents

The Shire of Dardanup has previously entered into contracts for the supply of bulk green and hard kerbside waste collection – Contract No. CON-F0307391 expiring 30 June 2026.

Budget Implications

	CAPITAL COST
Account Number:	AD14023
Budget Item:	Waste Administration (Annual Bulk Rubbish Collection)
Budget Amount:	\$155,000 (excluding GST)
Price Offer	FY 24/25 tonnes of: <ul style="list-style-type: none"> • Bulk Hard Waste – 331.36 tonnes, • Bulk Green Waste – 320.12 tonnes, • Bulk Hard Waste @ \$295.00/tonne = \$97,752, and • Bulk Green Waste @ \$250.00/tonne = \$80,030. (excluding GST)

The use of a tonnage collection rate is a fair approach as the contract service costs will reflect actual customer kerbside waste deposits.

Separate to the collection costs (this contract) Council should be aware that the disposal of the green and hard waste is paid for separately.

Budget – Whole of Life Cost - None.

Council Policy Compliance

CnG CP034 Procurement Policy and PR045 Procurement Procedure.

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.									
Risk Title	Determine RFT-F0421656 Bulk Kerbside Waste Collection - Green and Hard Waste								
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.								
	<table border="0"> <tr> <td>Financial</td> <td>Risk of actual costs exceeding available budget. Monitor costs closely against budget.</td> </tr> <tr> <td>Legal and Compliance</td> <td>Failure to adhere to the Act and Regulations in terms of the correct process to run a public Tender</td> </tr> <tr> <td>Reputational</td> <td>Potential for some negative feedback from community therefore need to maintain effective communication.</td> </tr> <tr> <td>Environment</td> <td>No separation of waste pickup can contaminate green/e-waste and cause it to be diverted to landfill rather than being recycled.</td> </tr> </table>	Financial	Risk of actual costs exceeding available budget. Monitor costs closely against budget.	Legal and Compliance	Failure to adhere to the Act and Regulations in terms of the correct process to run a public Tender	Reputational	Potential for some negative feedback from community therefore need to maintain effective communication.	Environment	No separation of waste pickup can contaminate green/e-waste and cause it to be diverted to landfill rather than being recycled.
Financial	Risk of actual costs exceeding available budget. Monitor costs closely against budget.								
Legal and Compliance	Failure to adhere to the Act and Regulations in terms of the correct process to run a public Tender								
Reputational	Potential for some negative feedback from community therefore need to maintain effective communication.								
Environment	No separation of waste pickup can contaminate green/e-waste and cause it to be diverted to landfill rather than being recycled.								

Officer Comment

Tender Submissions

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

- Steann Pty Ltd

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

Probity Oversight

Process and probity advice during evaluation was provided by the Procurement Officer who also acted as the Panel Chair. All members of the Panel made a conflict-of-interest declaration in writing confirming they had no relationships with any of the respondents.

The Panel has compiled an Evaluation Report which includes the consensus analysis (not individual Panel Member analysis) of the contents of each RFT submission against the required selection criteria. In some instances, this may result in commentary or scoring that may be critical or a negative reflection on an individual RFT submission. It is this aspect of the Evaluation Report, which is considered to be confidential in accordance with s.5.23(2)(e)(ii) information that has a commercial value to a person, or (iii) information about the business, professional, commercial or financial affairs of a person.

Evaluation of Request for Tender

The objective of the Evaluation Panel is to recommend a suitably qualified and experienced Contractor [or Contractors] to satisfy the requirements of the future contract.

The submission was deemed compliant and progressed for assessment against the following predetermined qualitative and price criteria:

CRITERIA	PERCENTAGE
Relevant Experience, Skills and Key Personnel	25%
Demonstrated Understanding and Resources	25%
Sustainable Procurement and Corporate Social Responsibility	5%
Value for Money (non-financial factors)	5%
Price Offer	40%
TOTAL	100%

Evaluation Panel Recommendation

The Tender Evaluation Panel recommends Steann Pty Ltd based on an assessment of the submission against the predetermined qualitative and price criteria shown above. The submission provided by Steann Pty Ltd performed well across all of the aspects and was a complete and detailed representation of the services offered.

In determining Steann Pty Ltd as the preferred Tenderer, officers have undertaken the following Due Diligence checks:

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

The Evaluation Panel therefore recommends that the contract for the Bulk Green and Hard Kerbside Waste Collection be awarded to Steann Pty Ltd at the rates listed in *Confidential Attachment A – RFT-F0421565 Tender Evaluation Report* (under separate cover) from July 2026 to June 2028, dependant on contractor performance there are possible 1-year, plus 1-year, plus 1-year extensions in a similar schedule as agreed between Contractor and Principal.

END REPORT

12.4.3 Burekup Changerooms Design & Construct - Variations

Reporting Department	<i>Infrastructure Directorate</i>
Responsible Officer	<i>Mr Theo Naudé - Director Infrastructure</i>
Reporting Officers	<i>Mr Nathan Ryder - Manager Infrastructure Planning & Design Mr James Reilly - Project Engineer</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Absolute Majority.</i>
Attachments	<i>12.4.3A – Risk Assessment 12.4.3B – Correspondence from Landmark Products 12.4.3C – Correspondence from the Burekup Cricket Club</i>

DECLARATION OF INTEREST

Cr. Tony Jenour and Cr. Luke Davies both declared an Impartiality Interest in this item.

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

Overview

This report is to seek Council's endorsement on a number of minor variations for the proposed Burekup Changerooms project. Items for consideration are the appearance of the building, level of finish of the internals of the building and the size of the shed.

This report is also providing Council with an update in relation to a public artwork mural commissioned by the Shire of Dardanup on the ablution block at Burekup Hall.

OFFICER RECOMMENDATION**THAT Council:**

1. **Accepts the officer recommendations for Variation Items 01, 02, 02a, 05, 06 and 07 relating to QUO-F0418808 Burekup Changerooms Design & Construct:**
 - Item 01** Tiling in UAT, ambulant toilets, changeroom WC and shower areas = \$26,250 + GST;
 - Item 02** 8mm sport floor Everroll Core rubber floor matting in changerooms = \$15,700 + GST;
 - Item 02a** Change from black floor to coloured floor = \$600 + GST;
 - Item 05** Supply and install 9m x 6m shed Difference from original tender: \$13,060 + GST;
 - Item 06** Increase the shed size to supply and install a 9m x 12m shed in lieu of the 9m x 6m shed under Item 05, at an additional cost of \$35,525 + GST, subject to a financial contribution from the

Burekup Cricket Club to the satisfaction of the Chief Executive Officer; and

Item 07 Timber battens fixed to the building (Jarrah cladding 120mm x 19mm) – full building perimeter = \$43,615 + GST

- 2. Approves, if a financial contribution from the Burekup Cricket Club to the satisfaction of the Chief Executive Officer is received, then Item 06 to increase the shed size to 9m x 12m shed, at an additional cost of \$35,525 + GST would replace Item 05 above.**
- 3. Acknowledges that the mural on the ablution block at Burekup Hall will be deaccessioned in accordance with Section 4.10 of the Public Art Policy and Section 3.58 of the Local Government Act 1995.**
- 4. Delegates to the Chief Executive Officer in accordance with s.5.42(1) of the Local Government Act 1995, by Absolute Majority, authority to negotiate any future minor variations to the contract for QUO-F0418808 Burekup Changerooms Design & Construct as advertised and recorded in the Tenders Register before and / or after its execution in accordance Regulations 20 and 21A of the Local Government provided any future variation does not change the scope of the original contract or increase the contract value up to maximum of 10% or \$50,000 of the tender, whichever is the lesser.**

Absolute Majority

Change to Officer Recommendation

No Change. **OR:**

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

Background

At the Ordinary Council Meeting held on 19th November 2025, Council decided (CR 303-25):

THAT Council:

1. *Accepts the tender submission for QUO-F0418808 Burekup Changerooms Design & Construct as advertised and recorded in the Tenders Register, received from Landmark Products Pty Ltd as named in the Evaluation Panel Report recommendation detailed in (Confidential Attachment A - OCM-R1809290) and identified as the most advantageous, for a lump sum value of \$593,789 (GST Excl);*
2. *Appoints Landmark Products Pty Ltd as the successful tenderer for QUO-F0418808 Burekup Changerooms Design & Construct;*
3. *Delegates to the Chief Executive Officer in accordance with s.5.42(1) of the Local Government Act 1995, by Absolute Majority, authority to negotiate minor variations to the contract for QUO-F0418808 Burekup Changerooms Design & Construct as advertised and recorded in the Tenders Register before and / or after its execution in accordance Regulations 20 and 21A of the Local Government (Functions and General) Regulations 1996; and*
4. *Authorises the Chief Executive Officer to execute the contract for awarding QUO-F0418808 Burekup Changerooms Design & Construct in accordance with s.9.49A of the Local Government Act 1995.*

Shire Officers requested that Landmark proposed some improvements for consideration to the interior and exterior of the building so that it might align better with the existing changerrooms at Wells Recreation Park in Dardanup and the Fishwick Pavilion in Eaton.

Items for consideration:

1. Changes to internal finish of the building;
2. Changes to appearance of the building; and
3. Changes to the size and location of the new shed.

Details are provided in the Officer Comment section.

Legal Implications

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

- *Local Government (Functions and General) Regulations 1996;*
- *CnG CP034 Procurement Policy;*
- *SDEV CP509 – Public Art Policy; and*
- *SDEV CP039 – Wood Encouragement Policy.*

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

Provision of goods and services Tenders for providing goods or services (s. 3.57) Part 4 Division 2 r11.

When tenders have to be publicly invited

- (2) *Tenders do not have to be publicly invited according to the requirements of this Division if—*
 - (b) *the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program”*

While the Chief Executive Officer may have delegated authority to negotiate minor variations to the contract in accordance with Section 5.42(1) of the Local Government Act 1995, the variations proposed within this report collectively approach the financial threshold contemplated by the delegation and include matters of design, asset presentation and stakeholder input. As such, it is considered appropriate to present the variations to Council for consideration to ensure transparency and to provide Council with the opportunity to formally endorse the proposed changes prior to their implementation.

Council Plan

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

8.1 - Support responsible planning and development.

8.2 - Advocate for adequate utility infrastructure to support a growing community and economy.

9.1 - Strengthen the vibrancy of our town centres.

Environment - None.

Precedents - None.

Budget Implications

Account Number:	BU11648
Budget Item:	Burekup Changerooms Design & Construct
Budget Amount:	\$750,000
Grant Funding	Partially funded under CSRFF Grant GR-04-00000978 (one-third of project cost up to a maximum of \$250,000)

Proposed Changes Summary:

Item	Description	Recommendation	9m x 6m Shed Cost	12m x 9m Shed Cost
	Contract pertaining to QUO-F0418808		\$593,789	\$593,789
01	Tiling in UAT, ambulant toilets, changeroom WC and shower areas - \$26,250	Recommended	\$26,250	\$26,250
02	8mm sport floor Everroll Core rubber floor matting in changerooms - \$15,700	Recommended	\$15,700	\$15,700
02a	(Optional change from black floor to coloured floor) - \$600	Recommended	\$600	\$600
03	Ultraclad timber effect aluminium cladding – full building perimeter - \$49,125	Not recommended	\$0	\$0
04	Timber battens fixed to the building (Spotted Gun 65mm x 19mm) – full building perimeter - \$34,895	Not recommended	\$0	\$0
05	Supply and install 6m x 9m shed Difference from original tender: \$13,060 + GST	Recommended for 9m x 6m Shed option	\$13,060	\$0
06	Supply and install 9m x 12m shed Difference from original tender: \$48,585 + GST	Recommended for 12m x 9m Shed option	\$0	\$48,585

Item	Description	Recommendation	9m x 6m Shed Cost	12m x 9m Shed Cost
07	Timber battens fixed to the building (Jarrah cladding 120mm x 19mm) – full building perimeter - \$43,615	Recommended	\$43,615	\$43,615
	Total Proposed Changes		\$99,225	134,750
	Temporary toilet hire		\$3,781	\$3,781
	Power to shed (estimate)		\$9,000	\$9,000
	Contingency (5%)		\$35,290	\$37,066
	Shire PM costs (Allowance)		\$10,000	\$10,000
	Total Forecast Cost		\$751,085	\$788,386
	Budget allocation BU11648		\$750,000	\$750,000
	Forecast Project Balance		-\$1,085	-\$38,386

Budget – Whole of Life Cost -

Operations and maintenance cost is estimated at 2% pa of the value of the project, or \$11,875 pa to be carried partly by the club and partly by the Shire as agreed by the lease agreement.

The renewal cost is expressed as an annual average figure and is estimated at 2.5% similar to other club rooms /change rooms in the Shire, or \$14,850 pa. This will be the Council as the owner's responsibility.

Council Policy Compliance

- CnG CP034 Procurement Policy;
- PR045 Procurement Procedure;
- CNG CP306 Accounting Policy for Capital Works and PR045 Procurement Procedure; and
- SDEV CP039 Wood Encouragement Policy.

Risk Assessment

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

TIER 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Burekup Changerooms Design & Construct - Variations
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 Ensure overall project cost does not exceed the allocated budget.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
	Legal and Compliance	Failure to adhere to the Act and Regulations in terms of the correct process to run a public Tender.
	Reputational	Council could be seen in a negative light.

Officer Comment

Variation Request 01

On 15th December 2025 Variation Request 01 was received from Landmark for proposed changes to the building design. Refer to (Appendix ORD: 12.4.3B) for this correspondence. The proposed changes and costs associated are listed below for consideration.

Item 01 - Supply and install tiles (including floor preparation, tile, glue, grout, and all materials required for floor tiling and skirting):

- 1 x UAT cubicle
- 2 x ambulant cubicles
- 2 x changeroom WC and shower areas
- **Total Price:** \$26,250 + GST

Officers recommend accepting this proposal. Tiling of these areas will give the building a more finished feeling and will match closely the Wells Reserve Changeroom and Fishwick Pavilion. Total Price: \$26,250 + GST

Item 02 - Supply and installation of 8mm sport floor Everroll Core supplied and laid to Changeroom A + B:

- Total Price: \$15,700 + GST
- Optional change from pure black floor to black and coloured speckles: \$600 + GST (Item 2a)

Officers recommend accepting both of these proposals. Rubber flooring to the changerooms will give the building a more finished feeling and will match closely the Wells Reserve Changeroom and Fishwick Pavilion. Total Price: \$16,300 + GST.

Variation Request 02

On 3rd February 2026 Variation Request 02 was received from Landmark for proposed changes to the building design. Refer to (Appendix ORD: 12.4.3B) for this correspondence. The proposed changes and costs associated are listed below for consideration.

Item 03 – Timber-Look Cladding – Full Perimeter (Whole Wall)

Ulrich ATE aluminium slats to front, back & sides:

- Timber-look external wall cladding (full perimeter) \$41,415 + GST
- Additional installation \$5,800 + GST
- Additional freight \$2,000 + GST
- **Total:** \$49,215 + GST



Image showing a public toilet with “Timber Look Aluminium Cladding”

Out of the cladding options considered, this is the most expensive option. Although this would require lower maintenance than timber cladding, Officers do not recommend accepting this proposal and instead recommend Item 7 below to ensure consistency with other recent Shire buildings.

Item 04 – Timber Cladding – Full Perimeter (Whole Wall)

Spotted Gum 65 x 19 mm dressed all round with a pencil edge:

- Timber battens to front, back & sides \$25,625 + GST
- Additional installation \$6,600 + GST
- Additional freight \$2,670 + GST
- **Total:** \$34,895 + GST

The Spotted Gum timber cladding is different to the cladding used on buildings recently built by the Shire. The proposed battens are also very narrow at 65mm in width. Officers do not recommend accepting this proposal and instead recommend Item 7 below to ensure consistency with other recent Shire buildings and aligns with the Shires Wood Encouragement Policy CP032.

Variation Request 03

On 11th February 2026 Variation Request 03 was received from Landmark for proposed changes to the shed size. Refer to (Appendix ORD: 12.4.3B) for this correspondence. The proposed changes and costs associated are listed below for consideration.

The request for a larger shed was requested by the club on 2 February 2026 in a form of a letter to the Chief Executive Officer and prices to facilitate this request are detailed below.

Original Tender Shed (as per RFQ specification) 6m x 6m shed with roller door and side entry door (Specs Dimension outside frame height 2700mm)

- 6m x 6m shed with roller door: \$24,750 + GST

Cost Breakdown:

- Supply of shed (limited Colorbond colours) and freight: \$11,950 + GST
- Assembly to manufacturer specifications: \$6,000 + GST
- Foundation and reinforced concrete slab: \$6,800 + GST
- Inclusions: Construction manuals, full engineering drawings, concrete plans for soil classes A, S, M and H, engineers' certificates for council submission, and all bolts, screws, gutters, flashings, etc.

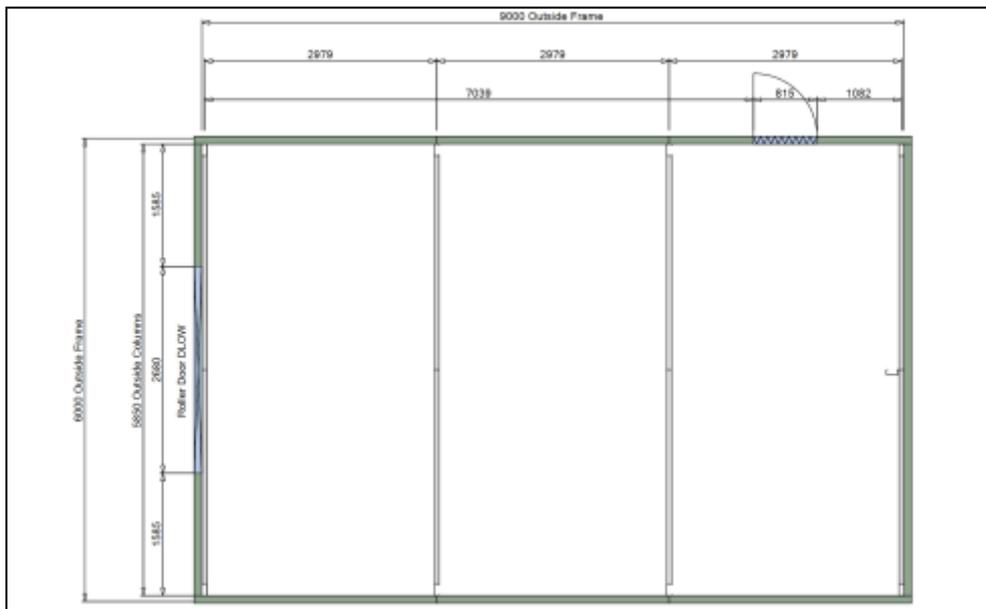
Item 05 – Shed Variation 6m x 9m (Specs Dimension outside frame 2800mm)

- Design and supply of shed (including freight): \$15,950 + GST
- Excavation of slab area and disposal of soil/grass at approved site: \$2,600 + GST
- 6m x 9m concrete slab to shed engineering: \$10,260 + GST
- Shed installation to manufacturer specifications: \$9,000 + GST

Total: \$37,810 + GST

Difference from original tender: \$13,060 + GST

Officers recommend accepting this proposal. The original submission from Landmark allowed for a 6m x 6m shed, however, in order to match the size of the existing shed, an 9m x 6m shed should be built. The larger shed will enable the Cricket club the opportunity to store their mower onsite.

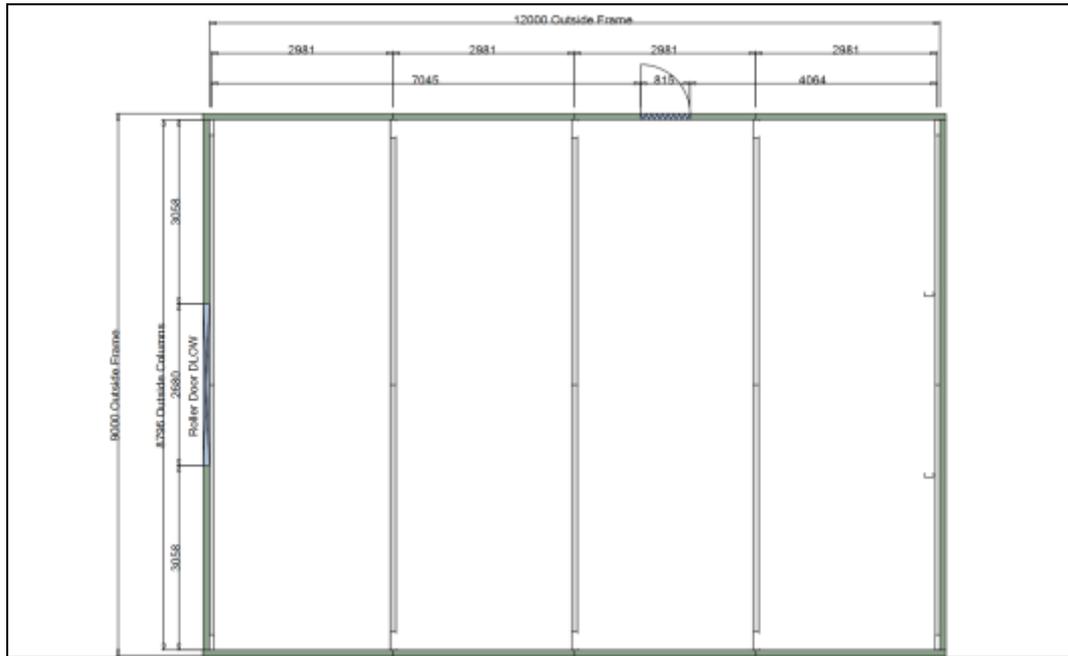


Item 06 – 12m x 9m Shed (Large Span Col) (Specs Dimension outside frame 3100mm)

- Design and supply of shed (including freight): \$28,985 + GST
- Excavation and disposal of soil and grass: \$4,500 + GST
- Foundation and reinforced concrete slab (9m x 12m industrial heavy-duty shed – 108 sqm): \$20,900 + GST
- Shed installation to large-span engineering (crane and dogman hire required): \$18,950 + GST

Total: \$73,335 + GST

Difference from original tender: \$48,585 + GST



Shire Officers (PACE and Infrastructure) met with representatives from the Burekup Cricket Club on Friday 30th January 2026 to provide a project update. In the discussion, the Club raised some concerns regarding the size of the proposed cricket storage shed that is being constructed as part of the Stage 1 toilet / changeroom facility works. Officers informed the club that the scope of works approved by Council is for a like for like replacement of the current shed and if they wanted the Shire to consider any variation to this, they should submit a formal request in writing.

The Burekup Cricket Club submitted a request for a 9 x 12m shed via email dated 2/2/2026. This correspondence is included in (Appendix ORD: 12.4.3C). The Club has indicated that it is willing to make a contribution towards the cost of the larger shed in their email dated 20/2/2026, however, the amount has not yet been determined.

Subject to the club agreeing to contribute \$35,000 towards the project this is the preferred option and is recommended by officers.

Item 07 – Timber Cladding – Full Perimeter (Whole Wall)

Jarrah cladding 120 x 19 mm pre-oiled:

- Timber battens to front, back & sides \$34,015 + GST
- Additional installation \$9,600 + GST
- Total: \$43,615 + GST

Officers recommend accepting this proposal. The Jarrah cladding is consistent with that used on buildings recently built by the Shire (Wells Recreation Park Changerooms and the R&J Fishwick Pavilion).

The jarrah cladding requires annual maintenance for oiling of the timber. If this is not carried out consistently on an annual basis, the cladding can quickly start to look dry and will eventually split and require replacement.

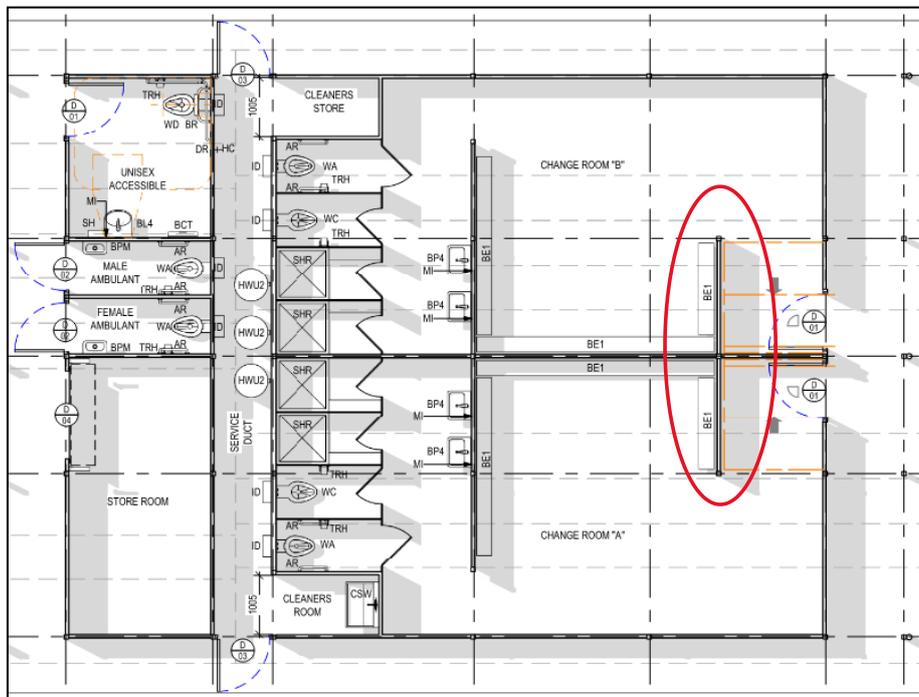
Note the Cricket Club have advised that they do not support the timber cladding look and have a preference for a more heritage-style design that aligns with the existing hall. The Club’s reason appears to be simply an aesthetic preference.

Item 08 - Aluminium timber look front privacy screen

Supply Aluminium timber look front privacy screen to front veranda

Total \$6,615 + GST

Due to the floor layout of the changerooms includes internal screens inside the changerooms behind the doors that protects the privacy of occupants. Refer diagram below. Therefore, officers do not recommend this proposal.



Floor Layout of the Burekup Changerooms

Officer Recommendation

The following table summarises the proposed changes considered and whether they are recommended:

Item	Description	Recommendation	9m x 6m Shed Cost	12m x 9m Shed Cost
	Contract pertaining to QUO-F0418808		\$593,789	\$593,789
01	Tiling in UAT, ambulant toilets, changeroom WC and shower areas - \$26,250	Recommended	\$26,250	\$26,250

Item	Description	Recommendation	9m x 6m Shed Cost	12m x 9m Shed Cost
02	8mm sport floor Everroll Core rubber floor matting in changerooms - \$15,700	Recommended	\$15,700	\$15,700
02a	(Optional change from black floor to coloured floor) - \$600	Recommended	\$600	\$600
03	Ultraclad timber effect aluminium cladding – full building perimeter - \$49,125	Not recommended	\$0	\$0
04	Timber battens fixed to the building (Spotted Gun 65mm x 19mm) – full building perimeter - \$34,895	Not recommended	\$0	\$0
05	Supply and install 6m x 9m shed Difference from original tender: \$13,060 + GST	Recommended for 9m x 6m Shed option	\$13,060	\$0
06	Supply and install 9m x 12m shed Difference from original tender: \$48,585 + GST	Recommended for 12m x 9m Shed option	\$0	\$48,585
07	Timber battens fixed to the building (Jarrah cladding 120mm x 19mm) – full building perimeter - \$43,615	Recommended	\$43,615	\$43,615
08	Supply Aluminium timber-look front privacy screen to front veranda - \$ 6,615	Not recommended	\$0	\$0
Total Proposed Changes			\$99,225	134,750

These changes can be accommodated in the remaining project funds subject to a contribution of \$35,000 from the Cricket Club. Refer to the Budget Implications for further details.

Burekup and District Country Club and Cricket Club Leases

Regarding the storage shed, the shed is in the leased area under the Burekup and District Country Club (as is the public toilets building), however, the Burekup Cricket Club is responsible for maintenance and repair of the storage shed under the Burekup Cricket Club's lease.

Upon completion of the new Burekup Changerooms project, both leases will need to be modified. Officers' preference is for a single lease over the entire precinct to the Burekup and District Country Club with a User Agreement to the Cricket Club. The Department of Education is also currently renegotiating their Shared Use Agreement and may be seeking exclusive use during school hours of certain areas including the playground adjacent to the school, the hard courts, and the oval. These negotiations will be finalised and presented to Council in the future.

Burekup Public Toilets Mural - Proposed Deaccessioning

The new Burekup Changerooms will incorporate new public toilet facilities (1 x Unisex Accessible Toilet and 2 x Ambulant Toilets). As part of this project, the existing public toilets will be decommissioned and demolished.

In 2019, artist Jackson Harvey was commissioned through the Shire of Dardanup to deliver a mural on the ablution block at Burekup Hall. The project cost \$4,925.00 and was funded through the 2019/2020 Public Art allocation.



In accordance with Council Policy SDEV CP509 – Public Art Policy and CP127 – Asset Capitalisation Threshold Policy, the mural was recorded in the Portable & Attractive Items Asset Register.

Due to the proposed project works at the site, the mural will no longer remain intact or reflective of the original commissioned artwork. As such, it is recommended that Council deaccession the mural in accordance with Section 4.10 of the Public Art Policy and Section 3.58 of the Local Government Act 1995.

Deaccessioning is the process by which a work of art or other object is permanently removed from a collection to sell it or otherwise dispose of it.

As part of the process, the Shire will contact the artist, Mr Jackson Harvey, to inform him of the proposed works and the end-of-life of the mural.

END REPORT

12.5 CORPORATE & GOVERNANCE DIRECTORATE REPORTS

12.5.1 WALGA Sector Consultation – Electoral Reform Discussion Paper

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins - Director Corporate & Governance</i>
Reporting Officers	<i>Mrs Donna Bailye - Manager Governance Mrs Cindy Barbetti - Corporate Excellence & Compliance Officer</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Simple Majority</i>
Attachments	<i>12.5.1A – WALGA InfoPage 12.5.1B – WALGA Electoral Reform Discussion Paper 12.5.1C – Risk Assessment 12.5.1D – Minutes from SW Country Zone Meeting</i>

Overview

WALGA has released an InfoPage (Appendix ORD: 12.5.1A) and accompanying Discussion Paper (Appendix ORD: 12.5.1B) seeking Council-endorsed feedback on potential Local Government electoral reforms that the State Government is expected to consider. The two reform topics are:

- Full spill elections every 4 years; and
- Compulsory voting at Local Government elections.

Responses are requested by 27th March 2026 for inclusion in WALGA's State Council item.

OFFICER RECOMMENDATION "A"

THAT Council notes the WALGA InfoPage (Appendix ORD: 12.5.1A) and Electoral Reform Discussion Paper (Appendix ORD: 12.5.1 B).

OFFICER RECOMMENDATION "B"

THAT Council supports the Full spill election every 4 years;

OR

THAT Council does not support the Full spill election every 4 years.

OFFICER RECOMMENDATION "C"

THAT Council supports compulsory voting at Local Government Elections;

OR

THAT Council does not support compulsory voting at Local Government Elections.

OFFICER RECOMMENDATION "D"

THAT Council supports an investigation into the use of Electronic Voting in Local Government Elections;

OR

THAT Council does not support an investigation into the use of Electronic Voting in Local Government Elections.

OFFICER RECOMMENDATION "E"

THAT Council authorises the Chief Executive Officer to submit the endorsed feedback to WALGA prior to 27th March 2026.

Change to Officer Recommendation

No Change. **OR:**

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

Background

In 2025, the Minister for Local Government, Hon Hannah Beazley MLA expressed support for shifting Western Australia (WA) to a four-year election cycle highlighting issues of voter fatigue and the growing financial burden of conducting elections every two years. The Minister also indicated that compulsory voting may also be considered. This has prompted WALGA to undertake sector engagement ahead of any formal State Government consultation.

WALGA's current advocacy positions support:

- Voluntary voting;
- Half spill elections every two years; and
- Four-year Councillor terms - these positions were confirmed by sector consultation in 2024 in which the Shire of Dardanup participated in. Refer OCM 23-10-2024 Resolution 265-24 to 269-24.

The Electoral Reform Discussion Paper (Appendix ORD: 12.5.1B) provided by WALGA outlines considerations such as cost implications, voter participation, continuity of Council, election administration, and comparisons with other jurisdictions.

Local Governments are requested to provide Council endorsed responses to the Discussion Paper by 27 March 2026. This feedback will inform an item to be presented to State Council.

Therefore, Council is requested to establish its position on the State Government's anticipated electoral reform proposals, demonstrating its commitment to democratic integrity, sound governance, administrative efficiency, and transparent electoral processes.

In forming its position, Council should review the WALGA Electoral Reform Discussion Paper (Appendix ORD: 12.3.1B), which outlines the current advocacy stance and provides information on electoral statistics, costs, and participation rates.

Legal Implications

Local Government Act 1995

4.5. Frequency of ordinary elections

A local government is to hold ordinary elections every 2 years.

4.7. Ordinary elections day usually third Saturday in October

(1) The effect of section 4.6 is that —

(b) polls for ordinary elections to elect councillors will be held on the third Saturday in October every 2 years.

Council Plan

13.1 - Adopt best practice governance.

13.2 - Manage the Shire's resources responsibly.

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

Environment

- None.

Precedents

Council has, from time to time, been requested by WALGA to provide feedback or indicate its position on sector-wide matters to inform the Association’s advocacy and policy development processes. These requests typically relate to proposed legislative changes, sector reform initiatives, or matters requiring a consolidated local government sector response.

At the 23rd October 2024 Ordinary Council Meeting, Council considered a similar request from WALGA on the following five Local Government election advocacy positions:

- Voting Requirements [Preferred Option: Voluntary voting - Res 265-24]
- Election Frequency [Preferred Option: Four-year terms with a two-year spill - Res 266-24]
- Preferred Voting Method for General Elections [Preferred Option: First Past the Post - Res 267-24]
- Preferred Voting Method for Internal Elections [Preferred Option: First Past the Post - Res 268-24]
- Voting Accessibility [Preferred Option: Electronic, postal and in-person - Res 269-24]

Budget Implications

Budget implications are uncertain at this stage, as the WAEC has not released modelling on potential cost impacts. However, both full-spill elections and compulsory voting are likely to increase the cost of each election event, particularly due to higher vacancy numbers and increased participation rates. While a four-year cycle may reduce long-term election frequency, individual election costs may rise. Council should anticipate increased election-related expenses until cost transparency improves.

Budget – Whole of Life Cost

The long-term financial commitment associated with administering elections is expected to rise under the proposed reforms, notwithstanding uncertainties around exact cost impacts.

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: 12.5.1C) for full assessment document .

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Title	WALGA Sector Consultation – Electoral Reform Discussion Paper	
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)	
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.	
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Financial	The financial impacts of full-spill elections and compulsory voting remain uncertain without WAEC cost modelling, but historical increases in WAEC charges and

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
		limited cost transparency suggest a risk of higher-than-expected expenses. While full-spill elections may reduce election frequency, they could significantly increase per-election costs, and compulsory voting is also likely to raise costs due to higher participation rates, as seen in Tasmania’s 35% increase after its introduction.
	Legal and Compliance	There is a compliance risk that changes to election frequency or voting requirements may require updates to statutory processes, timelines, and public notice obligations, increasing the chance of non-compliance during transition. Compulsory voting may also introduce new legislative and administrative requirements that Council would need to meet to remain compliant.
	Reputational	Community expectations around democratic participation, transparency, and fairness may shift depending on whether Council supports or opposes reforms. Endorsing positions without clear cost modelling could create reputational challenges if future election costs escalate significantly or operational impacts become burdensome.

Officer Comment

WALGA has sought sector feedback on two proposed electoral reforms: transitioning all Western Australian Local Governments to four-year full-spill elections and introducing compulsory voting.

The Electoral Reform Discussion Paper (Appendix ORD: 12.5.1B) issued by WALGA outlines the following example considerations that Local Governments may choose to address when preparing their feedback:

Election Frequency

1. Does Council support:
 - Half spill elections every two years; or
 - Full spill elections every four years?
2. What are the key considerations informing this view?
3. If four-year full spill elections are introduced, what transitional arrangements and consequential amendments may be required?
4. Any other comments?

Current Status:

Western Australia holds biennial elections, with half of the offices on Council elected every two years for four-year terms. All other Australian jurisdictions hold full spill elections every four years (four-year terms).

Proposed Change – Full Spill every 4 years:

The proposed shift from Western Australia's current biennial half-spill election model to a four-year full-spill system presents both advantages and disadvantages for local government governance.

Advantages – Full-Spill every 4 years:

- **Reduce Voter Fatigue** - A four-year election cycle may improve participation by reducing how often citizens are required to vote.
- **Cost Savings** – Four-year full-spill elections may reduce recurring local government election costs.
- **Alignment with State/Federal Voting** - This model aligns local government election cycles with State and Federal elections, making the process easier for voters to understand and could strengthen support for compulsory local government voting.

Disadvantages – Full Spill every 4 years:

- **Loss of Leadership Continuity** - If all councillors are elected at the same time every four years, councils may experience reduced continuity in leadership and decision-making. This could lead to repeated cycles of planning and re-planning, potentially reducing the focus on delivering services and infrastructure for the community.
- **Reduced Governance Continuity** – A full-spill election every four years removes the staggered transition of councillors, limiting opportunities for new members to learn from experienced councillors and potentially making governance transitions more challenging.
- **Reduced Strategic Stability** – A full-spill election may result in the entire council changing at once, which could disrupt long-term strategies and projects. This may increase the likelihood of initiatives being reconsidered, delayed, or restarted following an election.
- **High Number of Candidates** – Full spill elections may result in a large number of candidates contesting a small number of positions, making it more difficult for voters to distinguish between candidates and their platforms.
- **Reduced Accountability** – A four-year election cycle would give voters fewer opportunities to hold councillors accountable, potentially allowing a poorly performing council to remain in office longer before the next election.
- **Risk of Inexperience** – A full spill election could result in an entirely new and inexperienced council being elected at the same time.
- **Higher Campaign Costs** – In full spill elections without wards, candidates may face increased costs campaigning across an entire district rather than a smaller area.

Council will need to balance the benefits of continuity and efficiency in governance with potential advantages such as cost savings, increased voter engagement, and improved democratic participation.

Compulsory vs Voluntary Voting

1. Does Council support voluntary or compulsory voting?
2. If election frequency changed to four years, would Council support compulsory or voluntary voting?
3. What are the key considerations informing this view?
4. Any other comments?

Current Status:

Voting in Local Government elections is voluntary in Western Australia and South Australia. All other Australian jurisdictions have compulsory voting.

Proposed Change:

In considering the potential introduction of compulsory voting, it is important to examine both the advantages and disadvantages of this approach.

Advantages - Compulsory Voting:

- **Increased Voter Turnout** – Supporters of compulsory voting may argue that it would increase voter turnout and ensure election results reflect the views of the entire community, not just a motivated minority.
- **Policy-Focused Campaigning** – Compulsory voting may allow candidates to focus more on policies and community issues rather than spending time and money encouraging people to vote. It may also encourage voters to become more informed about local issues and decisions affecting their community.

Disadvantages - Compulsory Voting:

- **Limiting Freedom of Choice** – Supporters of voluntary voting may argue that in a democracy, people should have the freedom to choose whether or not to vote. This approach respects personal choice and supports voluntary participation in elections rather than compulsory voting.
- **Increased Administrative Costs** - Introducing compulsory voting could increase administrative and financial costs to enforce participation and monitor non-voters. It may also lead to uninformed or '*donkey voting*' due to voter fatigue, as voting is already compulsory in State and Federal elections.
- **Voter Fatigue** - With residents already required to vote in State and Federal elections, adding a third mandatory level of government could worsen existing "voter fatigue".
- **Increased Political Influence** – Compulsory voting could further institutionalise party politics in local government, potentially leading to decisions influenced by state or federal political agendas rather than local community priorities.

Overall, the introduction of compulsory voting in local government elections presents both potential benefits and challenges, and careful consideration is required to determine whether the advantages outweigh the potential impacts on voter choice, administrative resources, and local governance.

Electronic Voting in Local Government Elections - Update

At the SWALGA Zone (South West Country Zone, WALGA) meeting held on 20th February 2026 a motion was passed in relation to Advocacy for Electronic Voting Feasibility. Officers at that meeting recommended and supported that the South West Country Zone request that WALGA advocate to explore the feasibility of introducing electronic voting for local government elections in Western Australia (refer item 8.3 of Appendix ORD: 12.5.1D).

The WALGA discussion paper indicates that Council may provide feedback on key considerations when forming its position on election frequency and compulsory or voluntary voting.

As part of this process, Council is also requested to indicate whether it supports or does not support an investigation into electronic voting in local government elections. The officer recommendation reflects this, proposing that feedback be provided via the survey.

END REPORT

12.5.2 Dardanup Social Dance Group Inc - Fee Waiver Request

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins - Director Corporate & Governance</i>
Reporting Officer	<i>Mrs Chantal Edwards-Miller – Building Property Management Officer</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.5.2A – Fee Waiver Request from Dardanup Social Dance Group Inc. 12.5.2B – Risk Assessment 12.5.2C – Hall Improvements Request from Dardanup Social Dance Group Inc.</i>

Overview

This report seeks Council support to waive the hire fees for the Dardanup Social Dance Group Inc. for their ongoing use of the Dardanup Hall (Appendix ORD: 12.5.2A).

OFFICER RECOMMENDATION “A”

THAT Council supports the request received from the Dardanup Social Dance Group Inc. (Appendix ORD: 12.5.2A) to waive the applicable hire fees for their ongoing usage of the Dardanup Hall.

OR

OFFICER RECOMMENDATION “B”

THAT Council does not support the request received from the Dardanup Social Dance Group Inc. (Appendix ORD: 12.5.2A) to waive the applicable hire fees for their ongoing usage of the Dardanup Hall.

OR

OFFICER RECOMMENDATION “C”

THAT Council

- 1. Supports a partial waiver for the 2025/2026 financial year, and charge a reduced hire fee of \$200 per dance, for the usage of the Dardanup Hall by the Dardanup Social Dance Group Inc.**
- 2. Informs the Dardanup Social Dance Group Inc. that the new fees and charges for 2026/2027 will be applied from 1st July 2026 and that the waiver will then not apply unless further agreed to by Council.**

Change to Officer Recommendation

No Change. **OR:**

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

Background

The Dardanup Social Dance Group Inc. has used the Dardanup Hall for monthly dance events since approximately 2008. The Shire has historically supported the group through subsidised or waived hire fees, acknowledging the group's ongoing contributions to the community.

In addition to delivering accessible recreational and social opportunities, the group continues to demonstrate a strong community-minded ethos through annual fundraising efforts. In 2024, the group made \$4,000 in financial contributions to Solaris, PCYC, and the Eaton Lions Club. In 2025, they again donated to Solaris, Lions Club, and PCYC, providing a further \$3,000 in charitable support.

Legal Implications - None

Council Plan

- 2.2 - Increase participation in sport, recreation and leisure activities.
- 3.1 - Grow participation in arts, culture and community events.
- 9.1 - Strengthen the vibrancy of our town centres.
- 9.3 - Provide quality community facilities.
- 13.2 - Manage the Shire's resources responsibly.
- 14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.

Environment - None.

Precedents

The Shire has previously waived or subsidised hire fees for the Dardanup Social Dance Group Inc since approximately 2008.

This request is consistent with Shire support provided to other similar not-for-profit community groups using Shire facilities.

Budget Implications

The Group utilises the hall for approximately six hours on the Saturday, in addition to one hour on the preceding Friday for event setup. Waiving the full hire fees for the 2026 calendar year will result in an estimated revenue reduction of \$4,158.00, subject to the adoption of the 2026/2027 Schedule of Fees and Charges.

Given the group's charitable contributions, community impact, and minimal facility wear beyond standard expectations, the revenue impact is considered manageable.

Budget – Whole of Life Cost

Maintenance of the Dardanup Hall is already provided for through the Shire's maintenance schedules (Job Project BU11002). The group's usage is minimal and therefore does not significantly affect the facility's overall life cycle cost or condition.

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: 12.5.2B) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.							
Risk Event	Dardanup Social Dance Group Inc – Fee Waiver Request						
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>Health</td> <td>If the request were not supported, the group may reduce or discontinue activities, impacting member wellbeing.</td> </tr> <tr> <td>Financial</td> <td>The financial risk relates to lost revenue; however, at \$5,354.58, it is considered minor.</td> </tr> <tr> <td>Reputational</td> <td>Failure to support the group may negatively impact Council’s reputation</td> </tr> </table>	Health	If the request were not supported, the group may reduce or discontinue activities, impacting member wellbeing.	Financial	The financial risk relates to lost revenue; however, at \$5,354.58, it is considered minor.	Reputational	Failure to support the group may negatively impact Council’s reputation
Health	If the request were not supported, the group may reduce or discontinue activities, impacting member wellbeing.						
Financial	The financial risk relates to lost revenue; however, at \$5,354.58, it is considered minor.						
Reputational	Failure to support the group may negatively impact Council’s reputation						

Officer Comment

The Dardanup Social Dance Group Inc hold monthly dances on the first weekend of the month at the Dardanup Hall. The dance commences at 8pm and is attended by approximately 40 people each month on average, with each attendee paying an entrance fee of \$15. Attendees are also encouraged to contribute a plate of supper to share at the conclusion of the evening. The Dardanup Social Dance Group Inc. have requested the following nine (9) dates for their events in 2026:

- 7th February
- 7th March
- 2nd May
- 6th June
- 4th July
- 1st August
- 5th September
- 7th November
- 6th December

These dates are consistent with the group’s historical pattern of use and do not conflict with any existing bookings at the facility.

The following table details the total number of hire bookings for the Dardanup Hall for the financial year 2024/25 and 2025/26 as at 19th March 2026 - Year to Date (YTD):

Financial Year	Internal Bookings (Shire)	External Bookings - Fees Waived	External Bookings - Fees & Charges	Total Bookings	Hall Booking Revenue
2024/25	33	13	14	60	\$10,974
2025/26 (YTD)	28	8*	8	44	\$3,870 Actual \$8,186 Total Forecast*

**The 2025/26 figures in the above table are based on a potential scenario where Council may consider endorsing a 100% fee waiver for the Dardanup Social Dance Group Inc. bookings for the 2025/26 period.*

The most frequently waived event at the Dardanup Hall is the Dardanup Social Dance, representing a significant proportion of all waived bookings across both financial years. Other fee waivers have been applied to community service-oriented groups that support community wellbeing, education, or environmental outcomes. A small number of waivers have also been provided to local volunteer groups.

As per previous arrangements, should a scheduling conflict arise, the Dardanup Social Dance Group Inc. has demonstrated flexibility by agreeing to either relocate to an alternative venue or adjusting their event date accordingly.

The Dardanup Social Dance Group provides measurable and ongoing social value through recreation, community connection and participation, and charitable fundraising. Their activities strongly align with Council's strategic priorities relating to wellbeing, activation of community spaces, and support for inclusive community groups.

The requested fee waiver is consistent with past practice and is considered reasonable and appropriate. Continuing this support recognises the group's meaningful contribution to the community and reinforces Council's commitment to enabling positive community-led initiatives.

Due to the increasing cumulative value of hire fees over time, the Chief Executive Officer has referred this matter for Council to determine whether the fees should be waived. The Dardanup Social Dance Group Inc. has advised that should Council choose not to support a full fee waiver, they would be willing to pay up to \$200 per dance as a subsidised hire fee.

It is also to be noted that the Dardanup Dance Group Inc have formally requested (Appendix ORD: 12.5.2C) for Council to consider improvements to the Hall, specifically the installation of an air conditioner and dishwasher. They have advised that the Dardanup Hall is excessively hot during summer and cold in winter, making it uncomfortable, and at times, unsuitable conditions for many of their older members. These temperature extremes have contributed to decreased attendance at some events, and in certain instances, other user groups of the Dardanup Hall have opted to relocate to alternative facilities. The group have advised that they are willing to make a financial contribution towards the improvements to the sum of \$10,000.

END REPORT

12.5.3 Update on the Expressions of Interest Process for Independent Positions to the Audit, Risk & Improvement Committee

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins – Director Corporate & Governance</i>
Reporting Officers	<i>Mrs Donna Bailye – Manager Governance</i> <i>Mrs Cindy Barbetti – Corporate Excellence & Compliance Officer</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Absolute Majority</i>
Attachments	<i>12.5.3A – Terms of Reference</i> <i>12.5.3B – Expression of Interest</i> <i>12.5.3C – Risk Assessment</i> <i>12.5.3D – Salaries and Allowances Tribunal (SAT) - Determination</i>

Overview

This report provides an update on the Expressions of Interest (EOI) process for the roles of Independent Presiding Member and Independent Deputy of the Presiding Member of the Shire's newly required Audit, Risk & Improvement Committee (ARIC).

To ensure procedural fairness, transparency, and a merit-based selection process, this report recommends that Council establish a Selection and Nominations Committee to undertake a structured assessment of all applicants and report back to Council with recommended appointments.

It also seeks Council's affirmation of the sitting fees payable to the independent positions.

OFFICER RECOMMENDATION

THAT Council:

- 1. Receives the update report on the Expressions of Interest for the Independent Presiding Member and Independent Deputy of the Presiding Member positions on the Audit, Risk & Improvement Committee (ARIC);**
- 2. Establishes a Selection and Nominations Committee comprising:**
 - **Three (3) Elected Members (with voting rights), and**
 - **The Manager Human Resources (with no voting rights).**
- 3. Endorses the Terms of Reference as provided for in Appendix ORD: 12.5.3A.**
- 4. Appoints the following Elected Members to the Selection and Nominations Committee:**

Elected Member 1	Cr.
Elected Member 2	Cr.
Elected Member 3	Cr.

5. Appoints the following Elected Member to the Presiding Member position of the Selection and Nominations Committee:

Presiding Member	Cr.
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6. Requests the Selection and Nominations Committee to prepare a report to the 29 April 2026 Ordinary Council Meeting presenting its recommended appointments to the Audit, Risk and Improvement Committee (ARIC):
- Independent Presiding Member (Chair), and
 - Independent Deputy of the Presiding Member.
7. Authorises the Chief Executive Officer to provide administrative support to the Selection and Nominations Committee and notify all applicants of the revised selection process.
8. Authorises the following sitting fees for the independent positions to the ARIC:

Independent Position	Attendance Method	Amount Payable
Independent Presiding Member (Chair)	In Person	\$1,200
Independent Presiding Member (Chair)	Teams	\$1,200
Independent Deputy of the Presiding Member	In Person	\$600
Independent Deputy of the Presiding Member	Teams	\$600

Absolute Majority

Change to Officer Recommendation

No Change. **OR:**

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

Background

At its Ordinary Council Meeting held on 28 January 2026, Council considered a report outlining the new statutory requirements introduced through the WA Local Government Act reforms. These reforms mandate that all Audit, Risk and Improvement Committees (ARICs) must be chaired by an Independent Presiding Member, supported by an Independent Deputy of the Presiding Member.

As part of its deliberations, Council resolved the following [Res 09-26]:

1. *Notes the legislative reforms effective from the 1st January 2026, requiring Audit Committees to be reconstituted as Audit, Risk & Improvement Committees, with Independent Chair and Deputy Chair.*
2. *Notes that local governments have up to six months from the effective date to achieve compliance with the legislative reforms, being 30th June 2026.*
3. *Supports the draft Audit Risk and Improvement Committee Charter including Terms of Reference and Selection Criteria provided for in (Appendix ORD: 12.5.2B).*
4. *Calls for Expressions of Interest for an Independent Presiding Member and an Independent Deputy of the Presiding Member to the ARIC in accordance with the TOR and Selection criteria.*
5. *Requests the CEO to bring a report to Council upon closing of the EOI process, including a shortlist of candidates, for Council's final endorsement of the Audit Risk and Improvement Committee Charter and Terms of Reference, and for approval of the appointment of the Independent Presiding Member and the Independent Deputy of the Presiding Member.*

In accordance with this direction, the Shire issued an Expression of Interest (EOI) on 11 February 2026, seeking qualified and experienced independent professionals for the two required positions (Appendix ORD: 12.5.3B).

The EOI was initially scheduled to close on 25 February 2026, but the closing date was extended by one week to 4 March 2026 to allow additional time for submissions.

This report has been prepared in direct response to Point 5 of Council Resolution 09-26. Given the nature of the roles and the importance of ensuring independence, fairness, and transparency in the selection process, this report proposes a revised approach to progressing the appointments. It is recommended that Council establish a Selection and Nominations Committee, operating under an approved Terms of Reference, to assess the EOIs received and make recommendations to Council on the preferred candidates for appointment to the ARIC.

Legal Implications

Local Government Act 1995

5.8. *Establishment of committees*

A local government may establish committees of 3 or more persons to assist the council.*

** Absolute majority required.*

Note for this section:

A local government may delegate powers and duties to a committee under section 5.16.

[Section 5.8 inserted: No. 47 of 2024 s. 38.]

5.9. *Committees, types of*

- (1) *In this section —*
other person means a person who is not a council member or an employee.
- (2) *A committee is to comprise —*
- (a) *council members only; or*
 - (b) *council members and employees; or*
 - (c) *council members, employees and other persons; or*
 - (d) *council members and other persons; or*
 - (e) *employees and other persons; or*
 - (f) *other persons only.*

Under section 5.10, the Act sets out the requirements for the appointment of committee members, including that appointments must be made by absolute majority and may include persons who are not elected members. This enables Council to structure the Selection and Nominations Committee with the membership it considers appropriate, including both elected members and relevant staff in advisory capacities.

The Committee is also subject to the operating provisions within sections 5.11–5.23, which regulate membership, tenure, meetings, quorums, and the keeping of minutes for committees established under the Act. These provisions ensure appropriate governance, transparency, and record-keeping for all formal committees of Council.

Council Plan

13.1 - Adopt best practice governance.

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

Environment - None

Precedents

Local governments frequently establish committees under section 5.8 of the *Local Government Act 1995* to assist Council with advisory and evaluative functions, particularly where independence, transparency, and procedural fairness are required. An example is the CEO Recruitment or CEO Selection Committee, formed to shortlist, interview, and recommend preferred applicants to Council.

This precedent demonstrates that forming a dedicated committee to undertake assessment and provide recommendations is an accepted and appropriate governance mechanism. Establishing a Selection and Nominations Committee for ARIC appointments aligns with these established practices by ensuring a clear, impartial, and procedurally robust approach to candidate evaluation.

Budget Implications

Provision for sitting fees and reimbursement of reasonable expenses for Independent Members will be requested to the Council for approval as part of the annual budget setting process starting from FY 2026-2027.

Budget – Whole of Life Cost - None

Council Policy Compliance

Exec CP202 *Complaints Management Process – Code of Conduct for Council Members, Committee Members and Candidates.*

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.							
Risk Title	Update on the Expressions of Interest Process for Independent Positions to the Audit, Risk & Improvement Committee						
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)						
Risk Action Plan (treatment or controls proposed)	As the Residual Risk Rating is below 12, this is not applicable.						
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.						
Risk Category Assessed Against	<table border="0"> <tr> <td>Financial</td> <td>Remuneration overruns. Meeting fees, and reimbursements can exceed budget (e.g., if meeting frequency or complexity increases, or if special meetings are added).</td> </tr> <tr> <td>Legal and Compliance</td> <td>Delays in assessment, interviews or reporting finalisation may result in Council failing to meet the statutory compliance deadlines.</td> </tr> <tr> <td>Reputational</td> <td>A lack of transparency in managing the appointment process could undermine confidence in Council and lead to adverse public perceptions.</td> </tr> </table>	Financial	Remuneration overruns. Meeting fees, and reimbursements can exceed budget (e.g., if meeting frequency or complexity increases, or if special meetings are added).	Legal and Compliance	Delays in assessment, interviews or reporting finalisation may result in Council failing to meet the statutory compliance deadlines.	Reputational	A lack of transparency in managing the appointment process could undermine confidence in Council and lead to adverse public perceptions.
Financial	Remuneration overruns. Meeting fees, and reimbursements can exceed budget (e.g., if meeting frequency or complexity increases, or if special meetings are added).						
Legal and Compliance	Delays in assessment, interviews or reporting finalisation may result in Council failing to meet the statutory compliance deadlines.						
Reputational	A lack of transparency in managing the appointment process could undermine confidence in Council and lead to adverse public perceptions.						

Officer Comment

1. EOI Scope and Requirements

The EOI sought candidates who met strict legislative independence requirements and demonstrated high-level expertise in governance, audit, financial management, risk management, compliance, cyber security risk, or related professional fields.

Applicants were required to submit:

- a covering letter outlining suitability;
- a current resume;
- copies of qualifications; and
- a national police clearance issued within the past 3 months.

2. Role Expectations (from the EOI)

Independent Presiding Member (Chair):

- Lead and preside over all ARIC meetings;
- Ensure independent, effective Committee operations;
- Facilitate informed discussion and constructive oversight; and

- Provide evidence-based advice to Council.

Independent Deputy of the Presiding Member:

- Support the Chair;
- Attend meetings as required; and
- Preside in the Chair's absence with the same authority and responsibilities.

3. Appointment Term

- Up to six meetings per year, approx. two hours per meeting;
- Appointment from 1 July 2026 to October 2027 (next local government election cycle).

4. Remuneration

The remuneration noted in the EOI was \$1,200 per meeting, which reflects the Salaries and Allowances Tribunal (SAT) determination for independent committee members performing statutory oversight functions (Appendix ORD: 12.5.3D). SAT determinations recognise that ARIC-type roles require specialist governance, audit, financial, and risk expertise, and that attracting suitably skilled professionals requires remuneration aligned with sector expectations and comparable local governments.

Under the legislative reforms, the ARIC must be chaired by an Independent Presiding Member and supported by an Independent Deputy of the Presiding Member. While the Deputy is not required to attend every ARIC meeting, best-practice governance strongly supports the Deputy's regular attendance to:

- maintain continuity and readiness to step into the Chair role if needed;
- ensure they remain abreast of committee deliberations, emerging risks, and audit findings;
- build a comprehensive understanding of Shire operations, external audit processes, and oversight obligations; and
- avoid loss of situational knowledge, which can compromise meeting effectiveness or decision-making when the Deputy is required to preside.

To support this continuity and to provide a reasonable incentive for the Deputy to attend meetings—without imposing the full Presiding Member fee—the following remuneration schedule is proposed:

Independent Position	Attendance Method	Amount Payable
Presiding Member	In Person	\$1,200
Presiding Member	Teams	\$1,200
Deputy of the Presiding Member	In Person	\$600
Deputy of the Presiding Member	Teams	\$600

This fee structure recognises:

- the significantly higher responsibilities and expectations placed on the Presiding Member;
- the value of the Deputy maintaining situational awareness through attendance;
- the reduced level of responsibility for the Deputy when attending but not chairing; and
- the need to strike an appropriate balance between good governance practice and cost efficiency.

By offering an attendance-based fee, Council ensures that both independent roles remain informed and actively engaged in committee matters, thereby strengthening committee stability, effectiveness, and alignment with the intent of the ARIC reforms.

In addition to sitting fees, independent members may claim reimbursement for actual travel expenses incurred in attending ARIC meetings, in accordance with the Salaries and Allowances Tribunal (SAT) – Determination (Appendix ORD 12.5.3D).

5. Eligibility and Independence Requirements

Applicants must be independent from the Shire and:

- Not be a current or former (within 10 years) Council Member or employee;
- Not hold similar roles in neighbouring LGs;
- Have no direct or indirect commercial relationship with the Shire; and
- Not have insolvency or disqualifying convictions.

6. EOI Responses

Following the close of the EOI process, a total of four (4) submissions were received. This provides Council with a strong pool of candidates who demonstrate relevant skills, qualifications, and experience in governance, audit, risk, or related professional fields.

However, the applicants have expressed interest in different roles (Presiding Member, Deputy of the Presiding Member, or both), and internal stakeholder feedback indicates that any Officer-driven recommendation may create a perception of bias or lack of neutrality—particularly given the importance of independence for ARIC positions.

To ensure that the assessment process is fair, transparent, and consistent with good governance practice, it is recommended that Council establish a Selection and Nominations Committee to undertake the evaluation of applications and recommend preferred appointments to Council.

7. Selection and Nominations Committee

The establishment of a Selection and Nominations Committee will ensure that the assessment of candidates is undertaken through a structured, impartial, and defensible process. Forming the Committee also provides a clear separation between operational staff and the final recommendation to Council, preserving independence and strengthening governance integrity.

The Committee will be comprised of three (3) elected members supported by Human Resources expertise. This composition provides a balanced and robust approach to candidate evaluation and ensures that the process is consistent with the principles of merit, fairness, and transparency.

The Committee structure and function will allow for:

- Merit based assessment of each applicant against the skills, experience, and independence criteria outlined in the EOI documentation.
- Procedural fairness, ensuring all applicants are assessed consistently and without bias.
- Independence from Reporting Officers/Shire staff, reducing any perception that staff may be influencing the appointment of individuals who will hold oversight responsibilities.
- Flexibility to conduct interviews, seek clarification, or request additional information from applicants where beneficial.

- Clear accountability and transparency, with the Committee documenting its assessment process and submitting formal recommendations to Council for final decision making.
- Strengthened governance integrity, as the Committee provides a structured mechanism for managing conflicts of interest, maintaining confidentiality, and ensuring that the appointment process meets sector expectations for fairness and independence.

By establishing this Committee, Council ensures that the final appointments to the ARIC are based on a rigorous, well-governed, and demonstrably impartial process.

8. Terms of Reference Selection and Nominations Committee

To support the newly established Selection and Nominations Committee, a Terms of Reference (ToR) has been developed (Appendix ORD: 12.5.3A) and will require Council endorsement. The ToR outlines the Committee's purpose, scope, membership, responsibilities, and reporting obligations, ensuring the selection process is undertaken in accordance with principles of transparency, procedural fairness, and good governance.

END REPORT

12.5.4 2025/2026 Mid-Year Budget Review

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins – Director Corporate and Governance</i>
Reporting Officer	<i>Mr Rehan Shahid – Manager Financial Services</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Legislative</i>
Voting Requirement	<i>Absolute Majority</i>
Attachments	<i>12.5.4A – Mid-Year Budget Review Financial Statements, Schedules and Notes</i> <i>12.5.4B – Risk Assessment</i>

Overview

This report requests that Council considers the Mid-Year Budget Review for the financial year 2025-26 as presented in the Statement of Financial Activity, Statement of Comprehensive Income, Schedules and accompanying notes attached as Appendix ORD: 12.5.4A, together with the requested budget amendments.

OFFICER RECOMMENDATION**THAT Council:**

1. **Receives and acknowledges the 2025/26 Mid-Year Budget Review report and associated documents [Appendix ORD: 12.4.1A];**
2. **Adopts the Mid-Year Budget Review FY 2025-26 inclusive of the budget amendments as follows:**
 - **Approves a decrease in Interim Rates revenue (GL 11010) from an adopted budget of \$201,207 to a revised budget of \$70,000;**
 - **Approves a decrease in LGGC Financial Assistance and Local Road Grant revenue (GL 12025) from the adopted budgets of \$906,578 and \$760,881 to the revised budgets of \$776,604 and \$691,728 respectively;**
 - **Approves a decrease in Transfer from Unspent Grant Reserve (GL 19155) related to FY 2025-26 LGGC Financial Assistance and Local Road Grant revenue from the adopted budgets of \$906,578 and \$760,881 to the revised budgets of \$478,154 and \$384,247 respectively;**
 - **Approves a decrease in Transfer to Unspent Grant Reserve (GL 29155) related to FY 2026-27 LGGC Financial Assistance and Local Road Grant revenue from the adopted budgets of \$906,578 and \$760,881 to the revised budgets of \$388,302 and \$345,864 respectively;**
 - **Approves an increase in Municipal Interest revenue (GL 15005) from an adopted budget of \$261,101 to a revised budget of \$350,000;**

- Approves a decrease in IT Equipment (GL 43110) and Software Licenses expenditure (GL 22115) from the adopted budgets of \$421,930 and \$1,223,526 to the revised budgets of \$331,930 and \$768,526 to allow for increases in resolution 10 below;
- Approves an increase in ERP Project (SU14501) and IT Contract Support (GL 22025) expenditure from the adopted budgets of \$Nil and \$5,000 to the revised budgets of \$407,000 and \$25,000 respectively;
- Approves a decrease in Transfer from IT Reserve (GL 19045) from an adopted budget of \$572,132 to a revised budget of \$399,930;
- Approves an increase in Miscellaneous Fees & Charges Revenue (GL 13045) mainly on account of Designated Area Migration Agreement (DAMA) Application fees from an adopted budget of \$85,000 to a revised budget of \$151,000;
- Approves an increase in Make it Space related Operating Grants revenue (GL 12005) from an adopted budget of \$4,000 to a revised budget of \$98,743;
- Approves an increase in Make it Space related Materials expenditure (GL 22025) and Minor Equipment expenditure (GL 22110) from the adopted budgets of \$5,000 and \$5,000 to the revised budgets of \$47,000 and \$47,000 respectively;
- Approves a decrease to ERC Membership revenue (GL 13045) from an adopted budget of \$740,000 to a revised budget of \$500,000;
- Approves an increase in Development Contribution revenue (GL 12005) related to Wanju-Waterloo Project from an adopted budget of \$300,000 to a revised budget of \$401,000;
- Approves an increase in Grant Funded expenditure (GL 22010) related to Wanju-Waterloo Project from an adopted budget of \$300,000 to a revised budget of \$401,000;
- Approves an increase in Transfer from Unspent Loan Reserve (GL 19190) and Loan Funded Expenditure on Wanju-Waterloo Project (GL 22010) from the adopted budgets of \$150,000 each to the revised budgets of \$425,341 each;
- Approves an increase in Planning Application Fee revenue (GL 13005) from an adopted budget of \$89,265 to a revised budget of \$150,000;
- Approves an increase in MAF related Grant revenue and expenditure (GL 12005 and 22025) from an adopted budget of \$Nil to a revised budget of \$65,000 respectively;
- Approves an increase in Non-Operating Grant of BFB vehicle from DFES (GL 18005) and related non-cash vehicle acquisition expenditure (GL 22025) from an adopted budget of \$194,373 to a revised budget of \$425,497 respectively;

- Approves a decrease in Kerbside Organic Waste Processing expenditure (GL 22025) from an adopted budget of \$306,341 to a revised budget of \$185,000;
- Approves an increase in Transfer to Waste Management Reserve (GL 29220) from an adopted budget of \$50,000 to a revised budget of \$171,341;
- Approves a decrease in ERC Grant – LRCI Phase 4 (GL 18005) from an adopted budget of \$353,050 to a revised budget of \$Nil;
- Approves an increase in Special Projects Grants (GL 18005) from an adopted budget of \$219,000 to a revised budget of \$568,847;
- Approves an increase in P&R Maintenance Expenditure (PR11201-Eaton Oval) from an adopted budget of \$142,899 to a revised budget of \$265,000;
- Approves a decrease in P&R Maintenance Expenditure (PR11294-Millars Creek West Millbridge) from an adopted budget of \$94,599 to a revised budget of \$26,800;
- Approves an increase in P&R Maintenance Expenditure (PR11217-Eaton Foreshore) from an adopted budget of \$190,378 to a revised budget of \$290,800;
- Approves an increase in P&R Maintenance Expenditure (PR11221-Pratt Road Reserve) from an adopted budget of \$57,945 to a revised budget of \$150,000;
- Approves a decrease in P&R Maintenance Expenditure (PR11222-Parkridge Estate Reserve) from an adopted budget of \$201,558 to a revised budget of \$130,200;
- Approves a decrease in P&R Maintenance Expenditure (PR11235-Leicester Ramble Park Parkridge) from an adopted budget of \$194,106 to a revised budget of \$81,200;
- Approves an increase in P&R Maintenance Expenditure (PR11282-Verge Maintenance Eaton) from an adopted budget of \$179,892 to a revised budget of \$326,000;
- Approves a decrease in P&R Maintenance Expenditure (PR11275-Storm Damage) from an adopted budget of \$91,261 to a revised budget of \$8,100;
- Approves an increase in Road Maintenance Expenditure (RD12001-Ferguson Road) from an adopted budget of \$178,825 to a revised budget of \$500,000;

- Approves an increase in Road Maintenance Expenditure (RD12008-Joshua Brook Road) from an adopted budget of \$68,694 to a revised budget of \$160,000;
 - Approves an increase in Road Maintenance Expenditure (RD12009-Dowdells Line) from an adopted budget of \$122,547 to a revised budget of \$250,000;
 - Approves an increase in Road Maintenance Expenditure (RD12022-Pile Road) from an adopted budget of \$93,597 to a revised budget of \$150,000;
 - Approves an increase in Road Maintenance Expenditure (RD12023-Martin Pelusey Road) from an adopted budget of \$24,742 to a revised budget of \$175,000;
 - Approves an increase in Transfer from Road Construction and Major Maintenance Reserve (GL 19165) by \$425,000 to partially offset higher spending in Road Maintenance projects;
 - Approve an increase in Non-Operating Grant revenue (RD12444-Henty Road Curve Widening) from an adopted budget of \$184,716 to a revised budget of \$277,075;
 - Approves a reduction in Transfer from Road Construction and Major Maintenance Reserve (GL 19165) related to RD-12444 Henty Road project by \$92,359 to offset increased Non-Operating Grant funding;
 - Approves a budget transfer of \$8,623 from RD12940-Little Street Footpath Renewal project to RD12936-Millard Street/Lavender Way Pedestrian Crossing project;
 - Approves a reduction in Transfer to Employee Leave Entitlement Reserve (GL 29065) from an adopted budget of \$25,506 to a revised budget of \$Nil as the relevant employee has left the Shire; and
 - Approves an increase in Transfer from Employee Leave Entitlement Reserve (GL 19065) from an adopted budget of \$Nil to a revised budget of \$59,819 as the relevant employee has left the Shire.
3. Approves to carry forward FY2025/26 surplus up to the forecast of \$142,002 to the next budget year. In case the actual FY2025/26 surplus exceeds forecast surplus, it is recommended that the Council approves to transfer surplus in excess of \$142,002 to a maximum of \$425,000 to Road Construction and Major Maintenance Reserve.

Absolute Majority

Change to Officer Recommendation

No Change. **OR:**

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

Background

A Statement of Financial Activity, Statement of Comprehensive Income and accompanying notes [Appendix ORD: 12.5.4A] incorporating year to actuals as at 31st of January 2026, together with forecast to the 30th of June 2026 are presented for Council's consideration.

The *Local Government (Financial Management) Regulations 1996*, Regulation 33A, requires that a Local Government conduct a budget review between the 1st of January and the 31st of March each financial year. The intention of the legislation is to ensure Local Governments conduct at least one budget review between six and nine months into a financial year. A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

The budget review is a detailed comparison of the year-to-date actual results with the adopted or proposed amended budget. It establishes whether a Local Government is able to continue to meet its budget commitments and is in receipt of income and incurs expenditure in accordance with the adopted budget.

Council management completed a comprehensive review of the 2025/26 Annual Budget during February 2026. The review process consisted of relevant budget managers reviewing their individual areas for actual year to date revenue/expenditure and their anticipated forecast for remainder of the financial year. Those forecasts were then reviewed by the relevant Executive Managers and finally by the Chief Executive Officer on a line by line basis. The budget review document has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*.

Council adopted a 10% or a \$50,000 minimum for the reporting of material variances to be used in the monthly Statements of Financial Activity. Same level of variance reporting has been utilised in this budget review to highlight larger variances in the Summary of Budget Amendments. The full variance listing is also detailed in the attached Schedules and Notes attached to this Budget Review [Appendix ORD: 12.5.4A].

This review generally consisted of the following:

- a) Including any unbudgeted income/expenditure or budget amendment items adopted by Council during the 1st of July 2025 to the 31st of January 2026 period;
- b) Comparison of the actual year to date (YTD) income/expenditure to the original or amended budget adopted for each line item of operating and capital revenue and expenditure;

- c) Projection of the forecast income/expenditure to the end of the financial year and comparing this with the Original/Amended Annual Budget to determine if the line item is forecast to remain within budget;
- d) Identification of any material events or changes that may impact on Council finances;
- e) Identifying any offsetting increases in revenue or reduction in expenditure that will reduce major variations;
- f) Calculation of an updated forecast end of year (Surplus)/Deficit to the 30th of June 2026 as part of assessing whether there is sufficient cash flow to the 30th of June 2026 to meet budget and forecast commitments;
- g) Identifying any new budget requests from Council Officers that Council may wish to consider; and
- h) Identifying Options to utilise the improved Forecast end of year Surplus funds.

The original adopted budget cash position prior to any adopted budget amendments was an estimated year-end surplus of \$173,999. Following subsequent forecast changes, the amended budget cash position prior to the completion of the mid-year budget review was an estimated year-end surplus of \$159,524.

As a result of a detailed and comprehensive budget review process involving Management and the Executive team, the current forecast year end surplus is estimated at \$142,002.

It also needs to be acknowledged that this forecast year end surplus may change further during the remainder of 2025/26 due to future decisions of Council, adjusted capital works, or additional grant income and expenditure, which will be reflected in forecast updates presented in the Monthly Financial Statements and the annual 2026/27 budget development process. Full details of budget review variances can be found in the Budget Review Report [Appendix ORD: 12.5.4A].

Legal Implications

Regulation 33A of the *Local Government (Financial Management) Regulations* requires a review of the budget to be conducted.

33A. Review of budget

- (1) *Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government's financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget; and*
 - (d) *include the following —*
 - (i) *the annual budget adopted by the local government;*
 - (ii) *an update of each of the estimates included in the annual budget;*

- (iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end-of-year amount for the item.*
- (2) *The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

- (4) *Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

Council Plan

13.1 - Adopt best practice governance.

13.2 - Manage the Shire's resources responsibly.

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

Environment - None.

Precedents

A mid-year budget review is conducted each year.

Budget Implication

As a result of the budget review process, and updated forecast amendments on various general ledger accounts, staff forecast a surplus of \$142,002 as of the 30th of June 2026.

It should be noted that the forecast expenditure on Road maintenance and Building maintenance projects in FY2025-26 is more than the adopted budget by \$515,839 and \$83,115 respectively. Before accounting for this over-expenditure and the proposed draw-down of \$425,000 from Road Construction and Major Maintenance Reserve to partially offset the over-spend, Shire's forecast surplus for FY 2025-26 would have been in a favourable position of \$315,956 at 30th June 2026.

The resolution specifies that any surplus funds above the end of year forecast of \$142,002 be returned to the Road Construction and Major Maintenance Reserve (up to the value of \$425,000).

Budget – Whole of Life Cost

While the budget review does not impact directly on the whole of life cost of assets, it does indirectly refer to assets through budgeted acquisition and disposals.

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: 12.5.4B] for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Title	2025-2026 Mid-Year Budget Review
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Legal and Compliance Risk of Council breaching the <i>Local Government Act 1995</i> – Risk that the 2025/26 Mid-Year Budget Review is not received by Council; or presented to Council by 31 March 2026.
	Financial Risk that the mid-year budget review amendments are not updating into Council’s Revised Budget, resulting in an incorrect end of year budget forecast. Risk under or over budget expenditure is not reflected in Council’s Revised Budget.
	Reputational Failing to complete a compliance requirement is likely to erode community trust

Officer Comment

The 2025/26 budget remains within overall original estimates. Management forecasts an end of year surplus of \$142,002. It is recommended that Council retains the forecast surplus and carry it forward to the 2026/27 Annual Budget.

A copy of the full revised 2025/26 Annual Budget and Forecast is provided for in [Appendix ORD: 12.5.4A], which incorporates the adopted budget variances together with updated forecasts as at 31st of January 2026. A detailed breakdown of all variances is provided within the Schedules and Notes provided in [Appendix ORD: 12.5.4A].

Material Forecast Variances from the Adopted Budget

There are a number of variances across the entire budget that have contributed to the current Forecast Surplus of \$142,002. Brief commentary on the individual line items of the Statement of Financial Activity representing significant budget versus forecast variances, is provided below:

➤ Rates

Overall Rates revenue is forecast at \$18,300,999; which is \$73,918 lower than adopted budget. This variance is underpinned by a forecast shortfall of \$131,207 in Interim & Back Rates, partially offset by forecast General Rates revenue being slightly higher than budget.

Collection of outstanding rates is on target and forecast to achieve less than 4% of collectable rates outstanding as at the 30th of June 2026.

➤ *Grants, Subsidies & Contributions*

Grants, subsidies and contributions revenue is forecast to be \$2,596,486; which is \$158,348 higher than adopted budget. This increase is mainly due to the additional Make-it Space related operating grant of \$94,743 and MAF Grant of \$65,000 expected to be recognised during the financial year. It should be noted that additional grant income leads to an increase in corresponding grant funded expenditure; therefore, overall impact on the bottom line is minimal.

➤ *Fees & Charges*

Fees & Charges revenue is forecast to be \$4,481,094 which is \$156,753 behind budget. This decrease is mainly underpinned by a forecast reduction of \$240,000 in ERC Membership fee revenue partially offset by higher than budget Planning application fees (\$60,735), DAMA application fees (\$66,000) and Building application fees (\$21,000).

➤ *Interest Revenue*

Interest Revenue from Municipal funds is forecast to be \$350,000 which is \$88,999 ahead of adopted budget of \$261,101. This increase is mainly related to higher than expected term deposit rates and timing delays in planned spending resulting in higher term deposit balance. Overall interest revenue is forecast to be \$1,014,129; \$100,301 ahead of adopted budget due to the same reason.

➤ *Employee Costs*

Employee Costs are forecast to remain slightly below budget. Employee costs include staff salaries & wages, superannuation contributions, staff recruitment expenses, staff training & professional development and workers compensation insurance premium.

➤ *Materials & Contracts*

Materials & contracts represents a significant component of Shire's total operating expenditure and is forecast to be \$10,422,642; \$1,241,439 higher than budget. Significant forecast overspend in this line item is mainly underpinned by higher than budget spend in various Transport Maintenance projects (\$515,839), Building Maintenance projects (\$83,115), Un-budgeted expenditure on Dardanup Office renovation project approved by Council (\$100,000), Un-budgeted loan/grant funded expenditure on Wanju-Waterloo project included in the forecast (\$376,341) and higher than budget non-cash valuation of BFB Vehicle donated by the DFES (\$231,124).

It should be noted that materials and contracts payments related to capital projects are reported as part of property, plant & equipment and Infrastructure payments and are not included in this line item.

➤ *Insurance*

Insurance expenditure is forecast to remain \$35,586 under budget mainly due to lower than budget expenditure on Bridge insurance premiums.

➤ *Other Expenditure*

Other expenditure includes Council members' allowances and expenses, grants and donations by Shire to different social and community groups and other minor expenditure. Other expenditure are forecast to be \$580,820; \$39,680 higher than budget mainly due to surrender of BFB vehicle valued at \$45,000 (non-cash) partially offset by minor forecast savings from Council members expenditure.

Items for Budget Consideration and Recommended Budget Amendments

➤ *Interim & Back Rates*

It is proposed to decrease the interim and back rates revenue from an adopted budget of \$201,207 to a revised budget of \$70,000. This increase is in line with YTD actuals and is based on infrastructure developments in Shire which are unknown at the time of budgeting.

➤ *WA Local Government Grants Commission (LGGC) Grants*

It is proposed to amend the LGGC Financial Assistance and Local Roads grant revenue from the adopted budgets of \$960,578 and \$760,881 to revised budgets of \$776,604 and \$691,728 respectively, and to approve the associated Reserve Transfers for the expected 26/27 Advance Payment.

➤ *Interest Revenue*

It is proposed to increase the Interest Revenue for the Municipal Fund from an adopted budget of \$261,101 to a revised budget of \$350,000 mainly due to higher than expected term deposit balance and interest rates.

➤ *IT Expenditure*

It is proposed to decrease in IT Equipment and Software Licenses expenditure from the adopted budgets of \$421,930 and \$1,223,526 to the revised budgets of \$331,930 and \$768,526. It is also proposed to approve an offsetting increase to ERP Project expenditure and IT Contract Support expenditure from the adopted budgets of \$Nil and \$5,000 to revised budgets of \$407,000 and \$25,000 respectively to better align budgets with actuals costs. It is also proposed to decrease Transfer from IT Reserve from an adopted budget of \$572,132 to a revised budget of \$399,930 which better aligns approved budget with a realistic forecast.

➤ *Fees & Charges – DAMA Application Fee*

It is proposed to increase Miscellaneous Fees & Charges Revenue mainly on account of Designated Area Migration Agreement (DAMA) Application fees from an adopted budget of \$85,000 to a revised budget of \$151,000. This change is based on YTD actual revenue and expected forecast revenue in remainder of the year.

➤ *Make it Space – Revenue and Expenditure*

It is proposed to increase Make it Space related Operating Grants revenue from an adopted budget of \$4,000 to a revised budget of \$98,743. This amount has already been received and is expected to be released from Municipal liabilities into revenue by the end of the financial year. It is also proposed to increase Make it Space related Materials expenditure and Minor Equipment expenditure from the adopted budgets of \$5,000 and \$5,000 to the revised budgets of \$47,000 and \$47,000 respectively to reflect forecast grant funded expenditure in line with revenue.

➤ *Eaton Recreation Centre – Membership Fees*

It is proposed to decrease to ERC Membership revenue from an adopted budget of \$740,000 to a revised budget of \$500,000 based on YTD fees and membership applications pipeline.

➤ *Wanju-Waterloo Related Revenue and Expenditure*

Shire has received \$101,000 from Mimosa and it proposed to reflect this receipt through an increase in development contribution revenue from an adopted budget of \$300,000 to a revised budget of \$401,000. It is also forecast that Shire will use up all unspent loan amount on Wanju-Waterloo project; therefore, it is proposed to increase loan funded expenditure and corresponding transfer from unspent loan reserves from the adopted budget of \$150,000 to the revised budget of \$425,341 respectively.

able to complete Wanju-Waterloo rein the forecast revenue It is proposed to increase Make it Space related Operating Grants revenue from an adopted budget of \$4,000 to a revised budget of \$98,743. This amount has already been received and is expected to be released from Municipal liabilities into revenue by the end of the financial year. It is also proposed to increase Make it Space related Materials expenditure and Minor Equipment expenditure from the adopted budgets of \$5,000 and \$5,000 to the revised budgets of \$47,000 and \$47,000 respectively to reflect forecast grant funded expenditure in line with revenue.

➤ *Planning Application Fee*

It is proposed to increase Planning Application Fee revenue from an adopted budget of \$89,265 to a revised budget of \$150,000 based on YTD actuals and projected revenue is remainder of the year.

➤ *Operating Grant Revenue and Expenditure – MAF*

It is proposed to increase MAF related Grant revenue and expenditure from an adopted budget of \$Nil to a revised budget of \$65,000 respectively.

➤ *Non-Operating Grant Revenue and Non-Cash Vehicle Acquisition Expenditure – BFB Vehicle from DFES*

It is proposed to increase Non-Operating Grant of BFB vehicle from DFES and related non-cash vehicle acquisition expenditure from an adopted budget of \$194,373 to a revised budget of \$425,497 respectively to reflect actual valuation of vehicle.

➤ *Organic Waste Processing Cost - Kerbside*

It is proposed to approve a decrease in FOGO Processing – Kerbside expenditure Budget from an adopted budget of \$306,341 to a revised budget of \$185,000 as the waste disposal contract moved to a more cost-effective vendor. It is also proposed to transfer the difference (\$171,341) to Waste Management Reserve to be utilised for related service to the community in the future.

➤ *Non-Operating Grant*

It is proposed to decrease ERC Grant – LRCI Phase 4 from an adopted budget of \$353,050 to a revised budget of \$Nil and increase Special projects grant from an adopted budget of \$219,000 to a revised budget of \$568,847. This represents rectification of a budgeting error and does not represent a new grant.

➤ *Parks & Reserves Maintenance*

Following changes have been proposed in P&R Maintenance project budgets to better align budgets with YTD actuals plus projected spend in remainder of the year.

Projects	Adopted Budget \$	Revised Budget \$	(Increase)/Decrease
PR11201-Eaton Oval	142,899	265,000	(122,101)
PR11294-Millars Creek West Millbridge	94,599	26,800	67,799
PR11217-Eaton Foreshore	190,378	290,800	(100,422)
PR11221-Pratt Road Reserve	57,945	150,000	(92,055)
PR11222-Parkridge Estate Reserve	201,558	130,200	71,358
PR11235-Leceister Ramble Park Parkridge	194,106	81,200	112,906
PR11282-Verge Maintenance Eaton	179,892	326,000	(146,108)
PR11275-Storm Damage	91,261	8,100	83,161
Total	1,152,638	1,278,100	(125,462)

➤ *Road Maintenance*

Following changes have been proposed in Road Maintenance project budgets to better align budgets with YTD actuals plus projected spend in remainder of the year. Note higher than budget spend is mainly related to rectify storm damage and future proof road infrastructure. It is also proposed to increase transfer from Road Construction and Major Maintenance Reserve by \$425,000 to partially offset the following overspend. Remaining overspend is proposed to be funded from savings from operating budget.

Projects	Adopted Budget \$	Revised Budget \$	(Increase)/Decrease
RD12001-Ferguson Road	178,825	500,000	(321,175)
RD12008-Joshua Brook Road	68,694	160,000	(91,306)
RD12009-Dowdells Line	122,547	250,000	(127,453)
RD12022-Pile Road	93,597	150,000	(56,403)
RD12023-Martin Pelusey Road	24,742	175,000	(150,258)
Total	488,405	1,235,000	(746,595)

➤ *Non-Operating Grant and Related Transfer from Reserve*

It is proposed to increase non-operating grant from Blackspot to fund RD12444-Henty Road Curve Widening Project from an adopted budget of \$184,716 to a revised budget of \$277,075. It is also proposed to decrease transfer from Road Construction Reserve by an offsetting amount of \$92,359.

➤ *Staff Leave Entitlement Reserve*

It is proposed to reduce Transfer to Employee Leave Entitlement Reserve from an adopted budget of \$25,506 to a revised budget of \$Nil as the entire amount related to one staff member who has since left the Shire. It is also proposed to increase Transfer from Employee Leave Entitlement Reserve from an adopted budget of \$Nil to a revised budget of \$59,819 due to the same reason.

➤ *Estimated Carried Forward Surplus as at the 30th of June 2026:*

The forecast surplus as at 30th June 2026 is \$142,002 which is based on known variances in actual performance in the year to date and estimates for the remainder of the year based on current trends in revenue and expenses. It is proposed that the forecast surplus is carried forward to the following budget year. In case the actual FY2025-26 surplus turns out to be higher than forecast, it is proposed

that the surplus amount in excess of \$142,002 up to a maximum of \$425,000 is transferred to Road Construction and Major Maintenance Reserve to partially/fully offset unbudgeted drawdown of \$425,000 explained in Road Maintenance section above.

END REPORT

12.5.5 Monthly Statement of Financial Activity for the Period Ended on the 28th February 2026

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins – Director Corporate & Governance</i>
Reporting Officers	<i>Mr Rehan Shahid – Manager Financial Services</i> <i>Mr Ricky Depillo – Accountant</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.5.5A – Monthly Financial Report 28th February 2026</i> <i>12.5.5B – Risk Assessment Tool</i>

Overview

This report presents the monthly Financial Statements for the period from the 1st of July 2025 to the 28th of February 2026 for Council endorsement.

OFFICER RECOMMENDATION

THAT Council receives the Monthly Statement of Financial Activity [Appendix ORD: 12.5.5A] for the period ending on the 28th of February 2026.

Change to Officer Recommendations

No Change. **OR:**

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

Background

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

Legal Implications

Local Government Act 1995 – Section 6.4

6.4. Financial Report

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

Local Government (Financial Management) Regulations 1996 r. 34

Part 4 — Financial Reports — s. 6.4

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

- (1A) *In this regulation—*
committed assets *means revenue unspent but set aside under the annual budget for a specific purpose.*
- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

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

Council Plan

13.1 - Adopt best practice governance.

Environment - None.

Precedents

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

Budget Implications

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

Budget – Whole of Life Cost - None.

Council Policy Compliance

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

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Title	Monthly Statement of Financial Activity for the Period Ended 28 th of February 2026
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.

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

Officer Comment

The Monthly Financial Report for the period ended on the 28th of February 2026 is contained in Appendix ORD: 12.5.5A and consists of:

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

The Statement of Financial Activity shows operating revenue and expenditure by Nature, as well as expenditure and revenue from financing and investing activities - comparing actual results for the period with the annual adopted budget and the year-to-date revised budget. The previous year annual results and current year forecasts are also included for comparative information.

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

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

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

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

Note 2 – Contains explanations for items with a material variance. Actual values for the year-to-date are compared to the year-to-date budget to present a percentage variance as well as the variance amount. The minimum level adopted by Council to be used in the Statement of Financial Activity in 2025/26 for reporting material variances is 10% or \$50,000, whichever is greater.

The variances reported to 28th February 2026 are primarily due to timing differences between the actual receipt of revenue and the payment of expenses compared to the budget estimates. Some variances are permanent, arising from higher interest rates, an increase in the value of financial assets, and the recognition of a donated asset received from DFES.

Note 6 – Statement of Investments provides details of the Council's current cash investments and evaluates the portfolio against established credit risk limits, based on ratings from reputable agencies and aligned with the Council's Investment Policy. In February, there were effectively no movements, as the \$1 million maturity was reinvested into the Reserve Account, maintaining the balance at \$13 million. Subsequently, \$1 million was withdrawn, with \$500,000 reinvested and the remaining \$500,000 utilised from Municipal Funds to meet creditor and payroll obligations, reducing the investment balance to \$9 million. These funds were placed in short-term bank term deposits to maximise interest income, earning rates between 4.10% and 4.60%.

A sufficient level of cash is maintained in the on-call Municipal and Reserve accounts to meet day to day working capital requirements. These on-call accounts currently earn interest at approximately 3.65%.

Note 7 of the Statement of Financial Activity details the Rates and Charges Outstanding as of 28th February 2026. At the reporting date, outstanding Rates and Charges represent 13.30%, remaining largely unchanged from 13.27% in the prior year. Management's objective is to reduce this to below 4% by 30 June.

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

END REPORT

12.5.6 Schedule of Paid Accounts as at 28th February 2026

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins – Director Corporate & Governance</i>
Reporting Officers	<i>Mr Rehan Shahid – Manager Financial Services</i> <i>Ms Joanna Hanson – Finance Officer – Accounts Payable</i>
Legislation	<i>Local Government (Financial Management) Regulations 1996</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.5.6A – 28-02-2026 Schedule of Accounts Paid</i> <i>12.5.6B – Risk Assessment</i>

Overview

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

OFFICER RECOMMENDATION

THAT Council receives the Schedule of Paid Accounts (Appendix ORD: 12.5.6A) report from 1st February 2026 to 28th February 2026.

Change to Officer Recommendation

No Change. **OR:**

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

Background

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

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

Legal Implications

Local Government Act 1995

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the council.

(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

R13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared—

(a) the payee's name; and

(b) the amount of the payment; and

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(2) A list of accounts for approval to be paid is to be prepared each month showing—

(a) for each account which requires council authorisation in that month—

(i) the payee's name; and

(ii) the amount of the payment; and

(iii) sufficient information to identify the transaction; and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under subregulation (1) or (2) is to be—

- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) *recorded in the minutes of that meeting.*

R13A. Payments by employees via purchasing cards

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

Council Plan

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

Environment - None.

Precedents

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

Budget Implications

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

Budget – Whole of Life Cost - None.

Council Policy Compliance

Payments are checked to ensure compliance with Council's Purchasing Policy CnG CP034 – *Procurement Policy* and processed in accordance with Council Policy CnG CP035 – *Payment of Accounts*.

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

Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Report Title	Schedule of Paid Accounts as at the 28 th of February 2026.	
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)	
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.	
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Financial	That payments are not made in accordance with Shire’s policies and procedures.
	Legal and Compliance	Not reporting schedule of paid accounts to Council is in contravention of Local Government Act 1995.
	Reputational	Non-compliance with a legal requirement may lead to community confidence being eroded in Shire’s management and Council.

Officer Comment

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

END REPORT

12.6 COMMITTEES

12.6.1 Integrated Planning Committee Meeting held on the 11th March 2026

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins - Director Corporate & Governance</i>
Reporting Officer	<i>Mrs Jolene Roots – EA Director Corporate & Governance</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Simple Majority</i>
Attachments	<i>12.6.1A – Integrated Planning Committee Meeting Minutes 11th March 2026</i> <i>12.6.1B – Program of Works – Roads 2026/27 – 2035/36</i> <i>12.6.1C – Program of Works – Buildings 2026/27 – 2035/36</i> <i>12.6.1D – Program of Works – Paths & Trails 2026/27 – 2035/36</i> <i>12.6.1E – Program of Works – Open Spaces 2026/27 – 2035/36</i> <i>12.6.1F – Program of Works – Storm Water 2026/27 – 2035/36</i> <i>12.6.1G – Executive and Compliance Vehicle Asset Management Plan 2026/27 – 2035/36</i> <i>12.6.1H – Eaton Recreation Centre Equipment Asset Management Plan 2026/27 – 2035/36</i> <i>12.6.1I – IT Asset Management Plan 2026/27 – 2035/36</i>

MINUTES OF THE SHIRE OF DARDANUP INTEGRATED PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 11TH MARCH 2026, AT THE SHIRE OF DARDANUP ADMINISTRATION CENTRE, EATON, COMMENCING AT 10:00AM.

Overview

The Minutes of the Integrated Planning Committee Meeting held on the 11th March 2026 (Appendix ORD: 12.6.1A) are attached.

OFFICER RECOMMENDATION

THAT Council receives the Minutes for the Integrated Planning Committee Meeting held on the 11th March 2026 (Appendix ORD: 12.6.1A).

INTEGRATED PLANNING COMMITTEE RECOMMENDATION 'A'

THAT Council:

- Adopts the following Annual Indicative Transfers to the Road Construction & Major Maintenance Reserve for the delivery of the 10 Year Road Works Program:**

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/27 Draft LTFP	425	675	925	975	1,075	1,175	1,225	1,175	1,175	1,175

2. Endorses the 10 year Program of Works - Roads 2026/27 - 2035/36 (Appendix ORD: 12.6.1B) and subject to the following change:

- That all grant-funded projects, where funding has not yet been confirmed, be removed from the program and a separate item be presented to Council in relation to such projects.

INTEGRATED PLANNING COMMITTEE RECOMMENDATION ‘B’

THAT Council:

1. Adopts the following Annual Indicative Transfers to the Building Maintenance Reserve for the delivery of the 10 Year Program of Works – Buildings 2026/27 – 2035/36, to be incorporated into the draft 2026/27-2035/36 Long Term Financial Plan:

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/2027 Draft LTFP	575	575	575	575	625	625	625	625	625	625

2. Endorses the 10 year the 10 Year Program of Works – Buildings 2026/27 – 2035/36 (Appendix ORD: 12.6.1C) and subject to the following change:

- That all grant-funded projects, where funding has not yet been confirmed, be removed from the program and a separate item be presented to Council in relation to such projects.

INTEGRATED PLANNING COMMITTEE RECOMMENDATION ‘C’

THAT Council:

1. Adopts the following Annual Indicative Transfers to the Paths and Trails Reserve for the delivery of the 10 Year Paths and Trails Works Program:

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/2027 Draft LTFP	200	250	225	250	225	225	250	250	250	250

2. Endorses the 10 year Program of Works – Paths and Trails 2026/27 – 2035/36 (Appendix ORD: 12.6.1D).

INTEGRATED PLANNING COMMITTEE RECOMMENDATION ‘D’

THAT Council:

- Adopts the following Annual Indicative Transfers to the Parks & Reserves Upgrades Reserve for the delivery of the 10 Year Parks and Reserves Works Program:**

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/2027 Draft LTFP	400	425	425	425	425	425	425	425	425	425

- Endorses the 10 year Program of Works – Open Spaces 2026/27 - 2035/36 (Appendix ORD: 12.6.1E) and notes:**
 - That all grant-funded projects, where funding has not yet been confirmed, be clearly identified as being subject to successful grant funding approval before the project commences.

INTEGRATED PLANNING COMMITTEE RECOMMENDATION ‘E’

THAT Council:

- Adopts the following Annual Indicative Transfers to the Stormwater Reserve for the delivery of the 10 Year Storm Water Works Program:**

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/2027 Draft LTFP	150	350	350	350	350	350	350	350	350	350

- Endorses the 10 year Storm Water Drainage Asset Management Plan 2026/27 - 2035/36 Works Program (Appendix ORD: 12.6.1F).**

INTEGRATED PLANNING COMMITTEE RECOMMENDATION ‘F’

THAT Council:

- Adopts the following Annual Indicative Transfers to the Executive & Compliance Vehicles Reserve for the delivery of the Compliance and Executive Vehicle 10 Year Replacement Program:**

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/2027 Draft LTFP	165	175	150	155	165	195	215	215	215	220

- Endorses the 10 year Executive & Compliance Vehicle Asset Management Plan 2026/27 - 2035/36 inclusive of the vehicle acquisition and replacement program (Appendix ORD: 12.6.1G).**

INTEGRATED PLANNING COMMITTEE RECOMMENDATION 'G'**THAT Council:**

- Adopts the following Annual Indicative Transfers to the Eaton Recreation Centre Equipment Reserve for the delivery of the Eaton Recreation Centre Equipment Program:**

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/2027 Draft LTFP	100	100	130	130	130	130	130	200	200	295

- Endorses the 10 year Eaton Recreation Centre Equipment Asset Management Plan 2026/27 - 2035/36 inclusive of the acquisition and replacement program (Appendix ORD: 12.6.1H).**

INTEGRATED PLANNING COMMITTEE RECOMMENDATION 'H'**THAT Council:**

- Adopts the following Annual Indicative Transfers to the Information Technology Reserve for the delivery of the 10 Year Information Technology Replacement and Upgrade Works Program:**

	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36
	Annual Transfer (x \$1,000)									
2026/2027 Draft LTFP	350	375	375	375	400	425	425	500	500	500

- Endorses the 10-year Information Technology Asset Management Plan 2026/27-2035/36 inclusive of the acquisition and replacement program (Appendix ORD: 12.6.1I).**

Change to Officer RecommendationNo Change. **OR:**

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

END REPORT

12.6.2 Audit and Risk Management Committee held on the 11th March 2026

Reporting Department	<i>Corporate & Governance Directorate</i>
Responsible Officer	<i>Mrs Natalie Hopkins - Director Corporate & Governance</i>
Reporting Officer	<i>Mrs Jolene Roots – EA to Director Corporate & Governance</i>
Legislation	<i>Local Government Act 1995 Local Government (Audit) Regulations 1996</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Simple Majority</i>
Attachments	<i>12.6.2A – Audit and Risk Management Committee Meeting Minutes 11th March 2026 Confidential Attachment A - Biannual Compliance Task Report</i>

MINUTES OF THE SHIRE OF DARDANUP AUDIT AND RISK COMMITTEE MEETING HELD ON WEDNESDAY 11TH MARCH 2026, AT THE SHIRE OF DARDANUP ADMINISTRATION CENTRE, EATON, COMMENCING AT 3:30PM.

Overview

The Minutes of the Audit and Risk Committee Meeting held on the 11th March 2026 (Appendix ORD: 12.6.2A) are attached.

OFFICER RECOMMENDATION

THAT Council receives the Minutes for the Audit and Risk Committee Meeting held on the 11th March 2026 (Appendix ORD: 12.6.2A).

AUDIT & RISK COMMITTEE RECOMMENDATION 'A'

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

AUDIT & RISK COMMITTEE RECOMMENDATION 'B'

THAT Council:

- 1. Notes the legislative and procedural changes to the Compliance Audit Return (CAR), the new Inspectorate oversight model, and the revised submission timeline; and**
- 2. Notes that the 2026 Annual Work Plan for the Audit and Risk Committee will be amended to reflect that the 2025 CAR will not be presented to the Committee in March 2026, due to the deferred submission timeframe; and**
- 3. Requests the Chief Executive Officer to provide a further update to the Audit and Risk Committee once the Inspector releases the CAR guidance materials.**

AUDIT & RISK COMMITTEE RECOMMENDATION 'C'

THAT Council receives the Biannual Compliance Task Report, as provided in the Confidential Attachment 'A' under Separate Cover, and notes the compliance tasks identified for the period 1st July 2025 to 31st December 2025.

AUDIT & RISK COMMITTEE RECOMMENDATION 'D'

THAT Council:

- 1. Receives the March 2026 update report on the implementation of actions required from the findings of the 2025 Financial Management Systems Review (FMSR); and**
- 2. Extends the due date for the completion of finding 7.2.1 Plans and Policies to 30th June 2026.**

AUDIT & RISK COMMITTEE RECOMMENDATION 'E'

THAT Council:

- 1. Notes the procurement non-compliance incident from November 2025; and**
- 2. Acknowledges the appropriateness of the corrective actions undertaken to strengthen procurement governance and reduce the risk of recurrence.**

AUDIT & RISK COMMITTEE RECOMMENDATION 'F'

THAT Council:

- 1. Notes the banking discrepancy incident of 28th October 2025, and the internal review findings.**
- 2. Notes that the incident has been formally recorded and the associated minor loss written off in accordance with Delegation 1.2.32.**
- 3. Acknowledges that existing separation of duties remain appropriate.**

Change to Officer Recommendation

No Change. **OR:**

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

END REPORT

12.6.3 Bush Fire Advisory Committee Meeting 18th March 2026

Reporting Department	<i>Development Services Directorate</i>
Responsible Officer	<i>Mr Ashwin Nair - Director Development Services</i>
Reporting Officer	<i>Mrs Rochelle Dodds – Executive Assistant to Director Development Services</i> <i>Mrs Jolene Roots – Executive Assistant to Director Corporate & Governance</i>
Legislation	<i>Local Government Act 1995</i> <i>Bush Fires Act 1954</i>
Council Role	<i>Executive/Strategic</i>
Voting Requirement	<i>Simple Majority</i>
Attachments	<i>12.6.3A – Bush Fire Advisory Committee Meeting Minutes 18th March 2026</i>

MINUTES OF THE SHIRE OF DARDANUP BUSH FIRE ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 18TH MARCH 2026, AT THE SHIRE OF DARDANUP ADMINISTRATION CENTRE, EATON, COMMENCING AT 7:00PM.

Overview

The Minutes of the Bush Fire Advisory Committee Meeting held on the 18th March 2026 (Appendix ORD: 12.6.3A) are attached.

OFFICER RECOMMENDATION

THAT Council receives the Minutes for the Bush Fire Advisory Committee Meeting held on the 18th March 2026 (Appendix ORD: 12.6.3A).

Change to Officer Recommendation

No Change. **OR:**

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

END REPORT

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

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

15 PUBLIC QUESTION TIME

17 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be Wednesday 29th of April 2026, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

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