



Shire of Dardanup

A G E N D A

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 25 September 2019
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive – EATON

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NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member

The next Ordinary Meeting of the Shire of Dardanup will be held on Wednesday, 25 September 2019 in the Council Chambers, Shire of Dardanup - Administration Centre Eaton, 1 Council Drive, Eaton - commencing at 5.00pm.



MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

Date: 19 September 2019

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.

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

DISCLAIMER

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

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

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

SHIRE OF DARDANUP

AGENDA FOR THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING TO BE HELD ON WEDNESDAY, 25 SEPTEMBER 2019, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member to declare the meeting open, welcome those in attendance and 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 by recognising the strength, resilience and capacity of Wardandi people in this land.

Affirmation of Civic Duty and Responsibility

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

Emergency Procedure

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

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

2.1 Attendance

2.2 Apologies

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 meeting of 16 October 2019.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Meeting Held 4 September 2019

OFFICER RECOMMENDED RESOLUTION

THAT the Minutes of the Ordinary Meeting of Council held on 4 September 2019, be confirmed as true and correct subject to no / the following corrections:

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

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

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

Note: Shire President to advise that the meeting will go behind closed doors toward the end of the meeting to discuss:

- Information where a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- Information that has a commercial value to a person.

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

10.1 Title: Eaton Foreshore Festival

Reporting Department: Elected Member

Reporting Officer: Cr Peter Robinson – Deputy Shire President

Questions:

1. *Is the President aware of the suggestion that Council is going to put the Eaton Foreshore Festival in jeopardy?*
2. *Does the President consider that is there any basis in fact that Council is going to put the Eaton Foreshore Festival in jeopardy?*
3. *Does the President consider that it is true that Council values the Eaton Foreshore Festival very highly and that Council is most unlikely in his experience to endanger that highly regarded community event?*
4. *Would the President conject as to why such a scurrilous suggestion has been made?*

11 DECLARATION OF INTEREST

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

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

12 REPORTS OF OFFICERS AND COMMITTEES

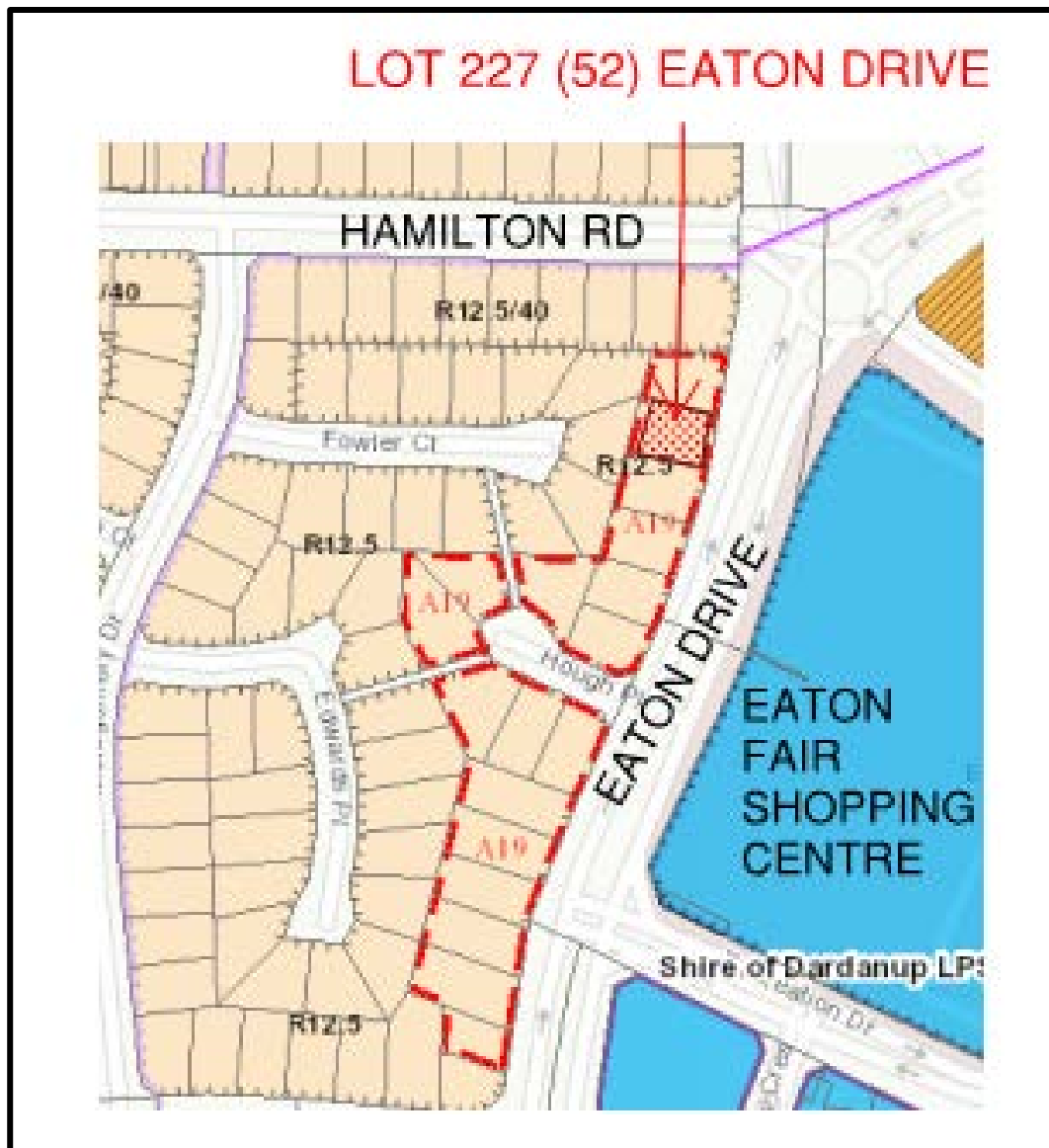
12.1 Title: Development Application – Mental Health Medical Clinic

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

Overview -

An application has been received for a counselling practice (Mental Health Medical Clinic) at 52 Eaton Drive, Eaton, which is a discretionary use in the zone. One objection has been received and therefore the application is referred to Council for determination. Officers are recommending approval subject to appropriate conditions.

Location Plans





Background

Council has received an application for a counselling/consulting practice, signage, and associated works at 52 Eaton Drive, Eaton. No residential use or residential stays are proposed to occur at the practice, with the proposal intending to operate within the existing dwelling. The dwelling has been vacant for at least three months. A copy of the full application is contained in (Appendix ORD:12.1A)

In 2016, a strip of lots to the east of Eaton Drive opposite the Eaton Fair Shopping Centre, including the subject land, were rezoned from ‘Residential’ zone to ‘Residential’ and ‘Additional Use No. 19’ (A19) zone. In this regard, the zoning allows for residential uses and/or the additional uses permitted in A19 in Town Planning Scheme No. 3 (TPS3). The additional uses permitted on those lots are:

- Consulting Rooms
- Medical Centre; and
- Office.

The A19 zoned lots are shown on the Location Plan above on page 1 of this report.

The gazetted Eaton Fair Activity Centre Plan also shows the A19 zoned lots as being intended for ‘Residential/Mixed Use’ purposes, as per the plan below.



- Advertising

The application was advertised to immediately adjoining properties for a period of 21 days. One submission was received. A copy of the submission is provided in (Appendix ORD 12.1B). No external agency referrals of the proposal were required.

The submission is summarised in the below Schedule of Submissions. The applicant's response to the submission is included in (Appendix ORD 12.1C)

	Submitter	Submitter Comment	Response
1.	A Sambell 16 Fowler Court, Eaton	My property is 16 Fowler Court. Directly behind 52 Eaton Drive "backs onto proposed property".	Officer comment: Noted
		I am 100% against this development.	Officer comment: Noted
		I bought my property as it was residential and a lovely neighbourhood to raise a family and as a father of a small child and frequently have other families here with other small children.	Officer comment: Noted
		It poses a grave security risk having a mental health clinic behind my property.	Applicant comment: The back of the property is fenced in. There is no access to the rear of the property by the general public- it is only for staff use. Officer comment: The objection does not explain how the proposal poses a security risk and therefore officers consider this comment to be unjustified.
		Furthermore it will greatly decrease the value of my property which I will not stand for.	Applicant comment: We would argue that increased access to facilities and services can only serve to increase the value and desirability of one's home. Officer comment: This comment is noted however property values are not a valid planning consideration.
		My child's safety and my safety and wellbeing are my number one priority. And strongly, strongly, urge this to not be approved.	Officer comment: Officers consider that the objection does not substantiate any perceived impacts to the safety or wellbeing of the objector and objector's child.
		I bought in residential housing where we have neighbours of similar values and situations and I will fight this situation changing at any cost be it	Applicant comment: Integro Health is a locally owned and operated business. We already operate in Eaton less than 350m

	Submitter	Submitter Comment	Response
		<p>legal. Social media. Newspaper or television.</p>	<p>from the proposed location. The owner has worked in Eaton for over 12 years.</p> <p>We value the Eaton community and our goal is to benefit the Eaton Community through our services. We offer counselling and mental health care for children, youth, adults, parents, grandparents and couples.</p> <p>We currently have 134 clients who live in the suburb of Eaton, which is 30% of our clientele. Chances are we are treating one of their neighbours.</p> <p>Officer comment: Officers are not aware of what 'values' the objector is referring to as this has not been explained, and no other submissions have been received that would support any statement about established, shared neighbourhood values.</p>
		<p>I was opposed to the change in zoning changes when they went through, now my worst fear has popped up.</p>	<p>Officer comment: No submission to the rezoning of the subject lot (Scheme Amendment 188) was received from this objector.</p> <p>The re-zoning to allow consideration of limited additional uses was considered appropriate by the Shire and the Minister for Planning, and was therefore approved in 2016.</p> <p>The land is zoned to allow the Shire to consider the proposed use, and therefore any discussion of the merits of the zoning are irrelevant to the proposal.</p>
		<p>A mental health clinic. Not stereotyping all with mental health issues but certain individuals that will visit the clinic will be less than desirable and they will be parking right outside my back fence where my family and friends play.</p>	<p>Applicant comment: We are unsure what the objector deems a 'less than desirable' person. It is an unfortunate reality that 3 out of 4 people with mental illness in Western Australia have experienced stigma. Please see this report (Appendix 2) from The Department of Health - Healthy WA that aims to challenge the stigma that mental health sufferers experience in our state.</p>

	Submitter	Submitter Comment	Response
			<p>But to alleviate some of the objector's concerns, we can offer the following:</p> <ul style="list-style-type: none"> - We are not an emergency or acute mental health clinic. We operate with appointments only. - We provide counselling and long-term support for people. - We are not an overnight stay clinic and do not provide residential care. - We are not an addiction specific treatment clinic. We do not dispense drugs. - We are a private clinic with a strict behavior policy. We do not tolerate any antisocial behavior on our premises. - Working in private practice for over 12 years we have not experienced antisocial behavior. - We have a no-smoking on site policy <p>Almost 60% of our clients live in Eaton and Australind, a further 21% in Bunbury. These are people that live and work in the same area as the objector. Our clientele includes school teachers, doctors, nurses, local business owners and many other community members and their families.</p> <p>As shown on the plan submitted to Council, there will be no parking for clients at the back of the property. Parking for clients are at the front of the property with access in and out of Eaton Drive. The rear of the property will be gated off and inaccessible from the parking area at the front. We have designed the carpark specifically to minimize the impact on neighbours.</p> <p>Officer comment: The 'Appendix 2' referred to in the applicant's comments above is included with the applicant's response to the submission in (Appendix ORD:12.1C)</p> <p>Officers are unsure who the objector describes as 'less than desirable' individuals, and note that in any case the 'desirability' of clients is not a planning consideration.</p>

	Submitter	Submitter Comment	Response
			<p>Officers note that were the subject land to remain as a residential use as it previously was, neither the Shire nor the objector can control the 'desirability' of any person residing in or visiting the subject land, including using the outdoor area opposite the objector's rear fence, or parking anywhere within the subject land.</p> <p>No client parking is proposed in the rear of the lot, as is shown on the plans provided to the objector.</p> <p>The client parking area is located forward of the existing dwelling near the road. The operators of the business will park in the existing driveway.</p> <p>The proposal does not include any outdoor area for client use other than the parking area at the front of the lot.</p> <p>Planning Officers met with the objector on 21 August, 2019 to discuss the concerns raised in the submission.</p> <p>Officers questioned whether security fencing would address these concerns, if proposed or agreed to by the applicant. The objector advised that this would not address his concerns.</p>
		<p>And any danger or incidents that may occur will 100% be on Dardanup Shire's back if this is allowed to happen.</p>	<p>Officer comment:</p> <p>Officers consider it unlikely that the Shire is any more liable for any (undetermined and/or perceived) 'danger' or 'incidents' resulting from the proposed use, than it would be for any 'danger' or 'incidents' resulting from any other permitted use such as a residential use.</p> <p>Further, the nature of the business proposed is not considered by Officers to increase the likelihood of danger, nuisance or disturbance to nearby properties and residents. The proposal does not include drug dispensing, overnight stays or emergency/acute care. No access to</p>

	Submitter	Submitter Comment	Response
			the rear of the property by clients is proposed, and the consulting rooms and client facilities are not located near the rear of the subject land. Officers consider that neighbourhood amenity can be managed through appropriate conditions.
		Please feel free to contact me in regards to this matter as I wish for a peaceful resolve to this matter.	<p>Officer comment:</p> <p>Planning Officers met with the objector on 21 August 2019 to discuss the concerns raised in the submission.</p> <p>Officers questioned whether there were any measures that would address the concerns raised by the objector.</p> <p>The objector stated that his concerns could not be removed if the application is approved.</p>

Legal Implications

Appeal rights exist for the applicant through the State Administrative Tribunal if Council determines to refuse the application, or to appeal conditions if approved.

Strategic Community Plan

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

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

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

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

Strategy 3.6.1 - Facilitate and lobby for the provision of adequate health care and community services. (Service Priority: Moderate)

Environment - None.

Precedents

48 Eaton Drive was approved for a Medical Centre (Physiotherapy) in 2016, under delegation.

The applicant for 52 Eaton Drive currently runs a practice from 8 Cassowary Bend, Eaton. The proposal seeks to relocate the existing practice to the premises at 52 Eaton Drive. Officers are not aware of any other Development Approval applications that have been made for mental health consulting in the Shire.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - No relevant policies.

Risk Assessment - Low.

Officers consider the risk to be low. The proposal is consistent with the intent of the Additional Use 19 zone, and is a discretionary use in the zone.

Officer Comment -

The proposal has been assessed against the relevant planning provisions, being:

- *Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Clause 67 – Matters to be considered by Local Government*
- Town Planning Scheme No .3 (TPS3)
 - Part 2.2 - Objectives of the zone
 - Part 3.19 - Eaton Fair Activity Centre Area
 - Part 4.1 - Car Parking
 - Part 4.2 - Landscaping
 - Part 4.2 - Signs
 - Appendix IV – ‘Additional Use’ A19 zone
- Eaton Fair Activity Centre Plan (EFACP) – Part 3.9 Residential/Mixed Use Precinct

Each of the relevant provisions are discussed in turn below.

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

Clause 67 of the Planning Regulations contains a list of matters to be considered by Local Government when determining an application for Development Approval. The relevant matters to be considered pursuant to Clause 67 are addressed below (cl.67 wording in italics).

The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

The next section of this report addresses compliance with the provisions of TPS3. The proposal is considered to comply.

Any structure plan, activity centre plan or local development plan that relates to the development;

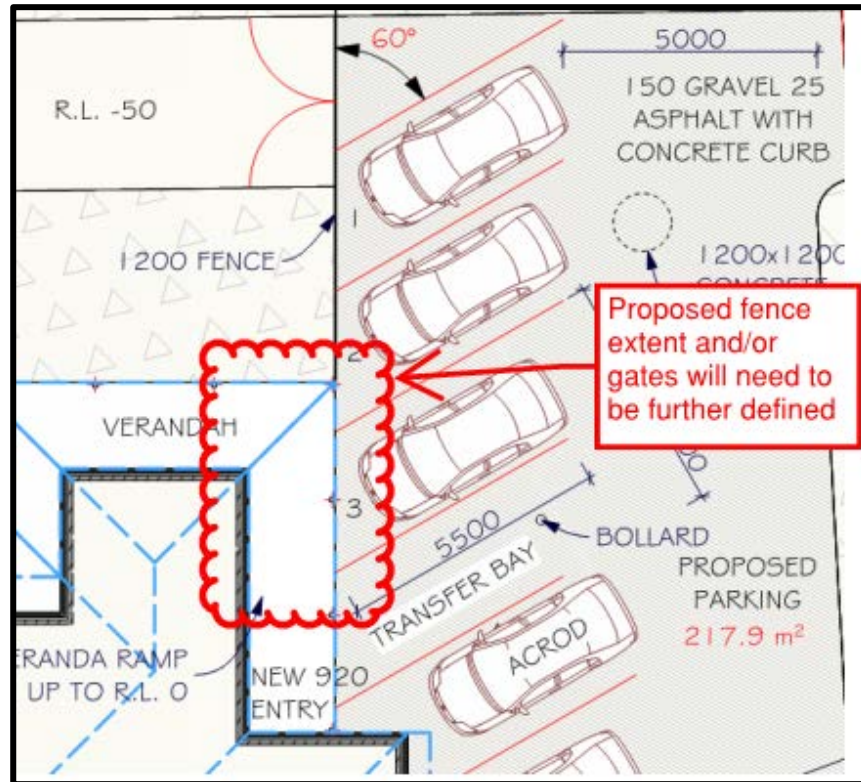
Assessment against the EFACP is discussed later in this report. The proposal is considered to comply.

The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

No works are proposed to the external facade of the dwelling other than the installation of a sign on a window facing the primary street. The proposed customer parking is to be located at the front of the property near the street, rather than near the rear yards of surrounding dwellings. Officers consider that the proposed works are unlikely to impact adjoining and nearby residents, and will remain in keeping with the established streetscape.

The rear yard of the subject land is proposed to not allow or permit access to clients. Therefore, Officers consider that the proposed use is compatible with adjoining residential land uses. Further, it is considered that the existing level of privacy presently afforded to the adjoining properties will be less

impacted by the proposed use (i.e. restricted rear yard access), in comparison a residential use with unrestricted access to the back yard. Nevertheless, Officers consider it appropriate to include a condition restricting access to the rear yard to employees only, so as to ensure that amenity of adjoining properties is protected. Additionally, officers recommend a condition requiring an amended site plan to show how proposed fencing near the car park can ensure this outcome. The area in question is shown on the plan below.



The amenity of the locality including the following —

- (i) Environmental impacts of the development;
- (ii) The character of the locality; and
- (iii) Social impacts of the development;

No environmental impacts are expected to result. There is no significant vegetation on the lot, and the works proposed are minimal.

The character of the locality can most accurately be described as a mixture of residential, commercial, and small scale medical/health services. The existing and proposed medical/health services are interspersed with residential uses on the western side of Eaton Drive, whilst the eastern side of the road is commercial (Eaton Fair Shopping Centre). The proposal is consistent with the character of the locality.

The type and scale of the activity proposed is not expected to result in negative social impacts. No acute or residential care is proposed, and no drugs are proposed to be dispensed from the premises.

Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

There are no significant trees worthy of retention on the lot, and a portion of the area proposed to be landscaped is currently overgrown. The plans show proposed planting at the front of the property forward of the carpark, and on the verge. The plans also show the removal of the existing front fence, installation of a carpark, and construction of an additional driveway to enable one way entry and exit. Directional signage is also proposed. The proposed landscaping is considered to be a significant improvement to the current state of the site and verge, which is shown in the photos below.



The suitability of the land for the development taking into account the possible risk to human health or safety;

It is considered that the proposal is likely to result in no more risk to safety or human health than the current level of risk from residential land uses. The use of the rear yard is to be restricted to employees only.

Whilst officers acknowledge that the site will not be occupied outside of business hours, the applicant has advised that the practice does not dispense medications/drugs and is not an addiction specific treatment clinic or an acute mental health clinic. Visibility through the site from the road will be greatly improved with the removal of existing trees, and installation of new, low planting will assist in casual surveillance by passing pedestrians and traffic.

Officers note that another business operates a nearby 'A19' zoned lot, and is also closed at night. Officers are not aware of any complaints lodged from nearby residents with respect to nuisance outside of opening hours. The landowner will be responsible for ensuring that the property is kept safe and secure when it is unattended.

The adequacy of —

- *the proposed means of access to and egress from the site; and*
- *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

The plans show a proposed, additional crossover, and new carpark to enable traffic to enter and exit in one direction. The car parking design requires minor modification to permit acceptable manoeuvrability within the site. This is discussed in a later section of this report.

The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

As discussed above, traffic flow and traffic safety are unlikely to be impacted. The proposal can accommodate four client cars and two staff cars. Officers note that there is also room on the driveway beyond the carpark for staff cars (not accessible to clients).

Only one consulting room is proposed and only one consultant. Appointments are typically an hour long, however shorter appointments are also available. Therefore it is unlikely that more than 2 - 3 client cars would be on the site at any one time, or that any congestion within the lot or on Eaton Drive would result. The impact to the road is expected to be negligible.

The availability and adequacy for the development of the following —

- *public transport services;*
- *public utility services;*
- *storage, management and collection of waste;*
- *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- *access by older people and people with disability;*

There are bus stops located on Hamilton Road and at Eaton Fair Shopping Centre, approximately, approximately 250m and 400m away respectively. Reticulated services are available to the lot and are expected to have adequate capacity. No significant increase in waste is expected, however the approval should include a condition requiring bins to be stored out of view from the street.

No bicycle facilities are shown on the plan. Given that the lot is within a residential area and adjacent to the commercial centre, where there is reasonable opportunity for short to medium distance bicycle travel, Officers recommend that provision of facilities for at least two bicycles be a condition of approval.

The plan shows ramp to the entry to provide access for disabled or elderly people. Internal work is also proposed to widen doorways and corridors to provide universal access. These works will need to be designed to comply with AS1428.1, the *Disability (Access to Premises – Buildings) Standards 2010*, and the Building Code of Australia, and will be assessed through the Building Approval process. The Shire’s Principal Building Surveyor did not raise any concerns with the proposal.

The history of the site where the development is to be located;

The land has been used in the past for a residence, but has been vacant for a number of months.

The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

The proposal is expected to have a positive impact on the wider community by providing mental health and wellbeing services. No negative impact to the wider community is expected as has been discussed throughout this report.

Any submissions received on the application;

Only one submission was received. This has been discussed earlier in this report in the Schedule of Submissions.

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

TPS3 defines 'Medical centre' as:

“premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling”.

The proposed use is consistent with the above definition in the Scheme. For clarity the applicant has provided a description of the services proposed, which is contained in (Appendix ORD 12.1D).

Having regard to the zoning requirements under the Scheme for 52 Eaton Drive ('Residential' and 'Additional Use' zones), Clause 3.12 of the Scheme states:

“Notwithstanding that a parcel of land described in Appendix IV is within another zone, the land or any building or structure thereon may be used for the purpose set against that parcel of land

in Appendix IV in addition to the other uses permitted in the Zone in which the land is situated. The use of the parcel of land is also subject to any additional conditions stated opposite the parcel in Appendix IV”.

An excerpt of Appendix IV from TPS3 is contained in (Appendix ORD 12.1E).

Appendix IV – ‘Additional Use’ zone No. A19 permits ‘Consulting Rooms’, ‘Medical Centre’ and ‘Office’, subject to the following conditions:

- a) *Development shall comply with the provisions of Town Planning Scheme No. 3, including any Local Development Plan required or prepared by the local government.*
- b) *An additional use for Lot 273 will not be supported until alternative access arrangements can be demonstrated to the satisfaction of the Shire of Dardanup given direct access from this lot to Eaton Drive cannot be supported on traffic management and safety grounds.*
- c) *Additional Use subject to development approval in accordance with Clauses 7.1 and 7.2 of Town Planning Scheme No. 3, as a 'D' use, and conditions imposed by Council at the time of development approval.*
- d) *All car parking associated with the Additional Use shall be located within the development site.*
- e) *All car parking associated with the Additional Use shall be designed and located to ensure vehicles can exit the development site in forward gear.*
- f) *In considering proposals the local government may impose conditions requiring shared crossovers and vehicular access to lots and may require access easements to secure vehicular access rights.*

The proposal complies with the above conditions. Whilst the applicant has stated that the previous residential use of the land is not proposed to continue, officers note that residential use could recommence (alongside the proposed use) without the need for Development Approval, as the land is zoned Residential. This could lead to land use conflict if part of the dwelling was to be rented out. Therefore, officers consider it appropriate to restrict any residential use to the operator of the proposed business only, via an appropriate condition.

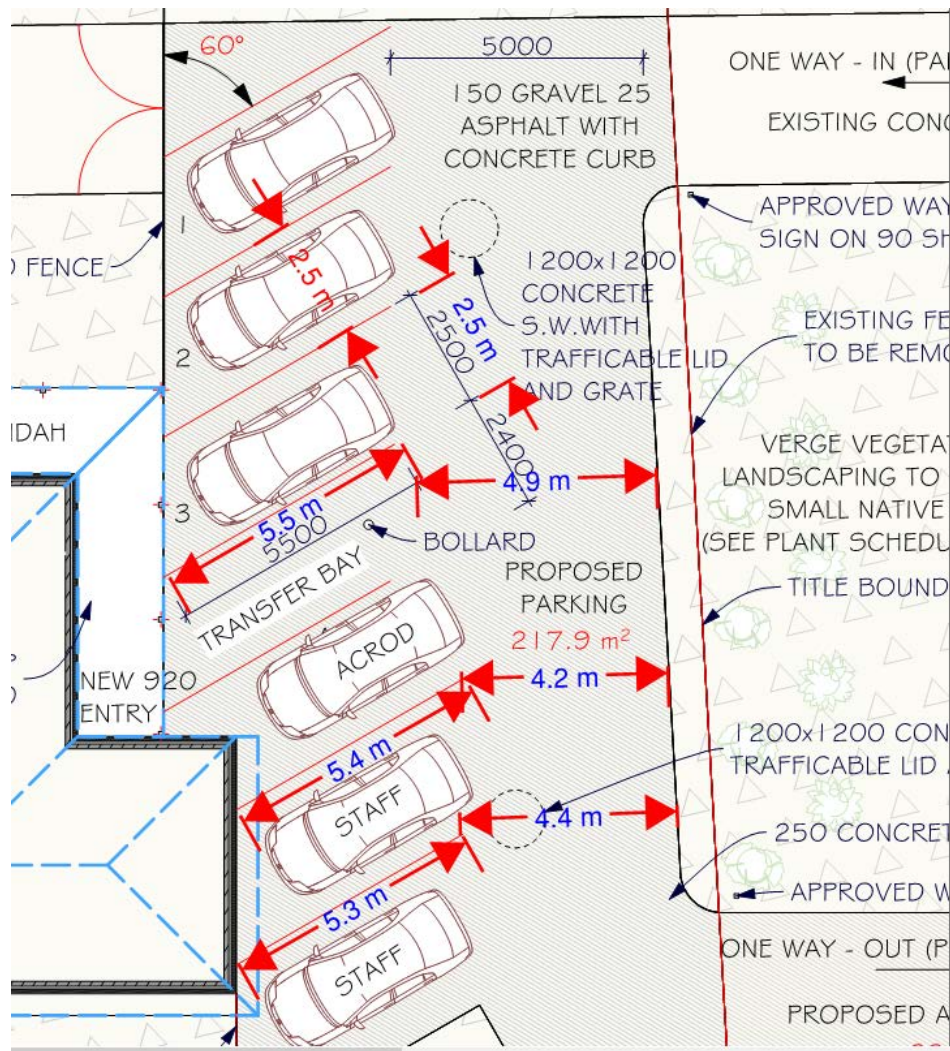
Clause 3.19 - Eaton Fair Activity Centre Area – requires the Local Government to have due regard the Eaton Fair Activity Centre Plan endorsed by the Western Australian Planning Commission for applications for development approval. This is discussed in the following section.

Clause 4.1 Car Parking – Car parking is to be provided in accordance with the requirements Appendix IIA, which requires four spaces for every consulting room and one space for each employee. The proposed Medical Centre has one consulting room (one consultant) and one receptionist/office manager. A total of six car spaces are required for the proposed use, which are proposed to be provided wholly within the site, which complies with Clause 4.1.

The car spaces proposed do not meet the dimensions required for 60 degree angle parking in the TPS3, however it is noted that the more current standard for car parking design is Australian Standard 2890.1.2004 (AS2890).

The proposal does not demonstrate compliance with the requirements in AS2890 for 60 degree parking, which requires a 5.4m car bay length and 2.6m width, with a traffic aisle width of at least 4.3m for a medical centre. As shown on the marked up figure below, the reduced aisle width in some parts is compensated by longer than required car spaces, and a wider traffic aisle in some parts compensates the shorter car spaces. This would be an acceptable outcome, however officers note that the minimum

car space width of 2.6m has also not been demonstrated. Officers recommend that one of the staff vehicle spaces be allocated behind the gates on the existing driveway, allowing the remaining five car spaces and the transfer bay (accessible shared space) more room to meet AS2890, or demonstrate on the plans that AS2890 is met.



Clause 4.2 Landscaping – development table does not specify landscaping requirements in the Residential zone, however the applicant has proposed a landscaped verge which officers consider to be an improvement, and will soften the visual impact of the car park. The proposed verge treatment is similar to that at 48 Eaton Drive, which contains a Physiotherapy and Pilates clinic.

Clause 4.4 Signs – there are no development or design provisions in respect to signs in TPS3. The advertising sign proposed is considered to be of a modest size in the context of the development with an area 2.08m², and is proposed to be located on the front window of the existing building facing the street. Directional signage is proposed at each of the crossovers to indicate the one way entry and exit to the property. Officers consider the signage proposed to be acceptable in this location, and will not distract drivers or detract from the streetscape.

- *Eaton Fair Activity Centre Plan (EFACP)*

The lot is identified as 'Residential/Mixed Use' in Part 3.9 of the Eaton Fair Activity Centre Plan (EFACP). The objectives of the Residential/Mixed Use Precinct are:

- To provide for residential development in accordance with the provisions and policies of Town Planning Scheme No.3.*

- b) *To provide for development for office and medical services in accordance with Additional Use 19 of Town Planning Scheme No.3 and any applicable local development plan.*
- c) *To provide land for investigation of non-retail mixed business purposes in the long term in accordance with the Local Planning Strategy.*

The EFACP states that preferred uses in the Residential/Mixed Use Precinct are Residential, Office, and Health services, and no additional development requirements are imposed in this precinct.

The proposal complies with the EFACP.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council approves the application for Development Approval for a Mental Health Medical Clinic at 52 Eaton Drive, Eaton and plans prepared by BIRCH DESIGN, titled Proposed Renovation for Carli King, Sheet 1, 2, 3 & 5, Rev F, issued on 29/07/2019, subject to the following conditions and amendments:

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

**P1 (3D View Plan) received at the Shire's Offices on 29 July 2019;
P2 (Site Plan) received at the Shire's Offices on 1 August 2019;
P3 (Floor Plan) received at the Shire's Offices on 29 July 2019; and
P4 (Elevations) received at the Shire's Offices on 29 July 2019.**

- a) **The plan must demonstrate that all (six) car spaces, the traffic aisle and transfer bay (accessible shared space) comply with the relevant provisions of AS2890; or**
 - b) **One staff vehicle space must be removed from the public parking area, and must be shown on the plan located behind the gates on the existing driveway. The plan must demonstrate that the remaining five car spaces, traffic aisle and the transfer bay (accessible shared space) comply with the relevant provisions of AS2890; and**
 - c) **Fencing must be shown to permit access to the ramp, public entry and bicycle facilities, whilst restricting public access to the yard, to the satisfaction of the Manager Development Services.**
2. **The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan(s) and must not be altered or modified without the further written consent of Council.**

3. **The approved premises is not permitted to be open to clients outside the hours of 8.00am – 5.30pm, from Monday to Friday.**
4. **No more than one treatment room as identified on the approved plan shall be used at any one time for purposes associated with the approved Mental Health Medical Clinic.**
5. **All car parking associated with the approved development shall be contained within the lot boundaries and no parking is permitted on the abutting verge at any time.**
6. **Unless the approved use ceases or the Development Approval expires, the subject land must not be used for residential purposes other than by the operator of the approved Mental Health Medical Clinic.**
7. **Prior to the occupancy and use of the development, each of the following conditions must be complied with to the satisfaction of the Shire of Dardanup:**
 - a) **All stormwater from the proposed building and hardstand areas shall be contained on site as indicated on the approved plan in accordance with the Shire's specifications (Policy ENG20 – Stormwater Discharge from Buildings);**
 - b) **All crossovers shall be located and constructed in accordance with the Shire's specifications (Policy ENG10 – Crossovers in Townsites and Rural Areas);**
 - c) **The internal access ways shall be constructed and drained at the applicant's cost in accordance with the Shire's specifications (Policy ENG27 – Shire of Dardanup Guidelines for Subdivisional Development);**
 - d) **A minimum of six (6) car parking bays shall be provided on site and shall be paved, drained and marked as indicated on the approved plan;**
 - e) **Painted directional pavement arrows shall be provided on site as indicated on the approved plan;**
 - f) **Vehicle access/egress signage shall be provided as indicated on the approved plan;**
 - g) **Landscaping and reticulation of the development site and adjoining road verge shall be installed in accordance with the approved plan and thereafter maintained; and**
 - h) **`Bicycle parking facilities for two bicycles which are available to staff and clients shall be provided in accordance with Australian Standard AS 2890.3. The facilities shall thereafter be retained for the life of the development. The facilities must be located to provide convenient access from the carpark and the front of the building, and must not interfere with access to doorways, ramps, services or car parking areas.**
8. **Bins must be stored out of view from the street other than on the day of collection.**

Advice Notes:

Note 1. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3. With regard to Condition 7(e) and 7(f), the applicant is encouraged to contact the Shire's Infrastructure Directorate on 9724 0304 to ascertain appropriate signage size, location and orientation prior to installation.

Note 4. Please be advised that this is not a Building Permit. A Building Permit should be obtained prior to commencement of any alterations to the existing building.

Note 5. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

12.2 Title: Tender RFT-F0152659 – Supply and Deliver Gravel and Limestone

Reporting Department: Infrastructure Directorate
Reporting Officer: Mr Kal Falcone - Senior Engineering Technical Officer
Legislation: Local Government Act 1995

Overview

This report provides Council with the results of the evaluation of tenders for Supply and Delivery of Gravel and Limestone and makes an officer recommendation for the award of a contract for these services for the term of one year. The value of the contract exceeds the purchasing and contract threshold for the Chief Executive Officer and therefore is presented to Council for approval.

Background

Tenders were called to source experienced and competent contractors to supply and deliver gravel and limestone for the purpose of road construction. The tender was structured so that a contract could be awarded as a single contract or two separate contracts, one for gravel and one for limestone. This approach equitably allows suppliers of only one of the materials to also submit tenders for this Contract, thus allowing the Shire to engage two separate suppliers should this be identified as being the best value for the Shire.

Tenderers were asked to submit a schedule of rates with prices being fixed for the duration of the contract (i.e. “no rise and fall” clause).

Legal Implications -

The Tender has been conducted in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996.

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

11. When tenders have to be publicly invited

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

Strategic Community Plan

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

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

Environment - None.

Precedents

The Shire of Dardanup has previously entered into several contracts for the supply of road building materials.

Budget Implications

If the Shire of Dardanup enters into a contract with MGM Bulk Pty Ltd, the estimated total cost for the goods and services for the 2019-2020 financial year is \$950,000.00, excluding GST. This is within the allowances included in the 2019-2020 Annual Budget.

Budget – Whole of Life Cost - None.

Council Policy Compliance - Procurement Policy.

Risk Assessment - Low.

The Shire of Dardanup has entered into several contracts of this nature previously.

The Shire of Dardanup has been outsourcing the supply and delivery of road building materials for many years. The new contract will fix prices for a one year period and reduces the risk of unpredictable cost increases when dealt with on a service-by-service basis. Entering into this contract will also ensure compliance with Council's Procurement Policy.

Officer Comment -

Tenders closing on Friday 9 August 2019 were called for the provision of Supply and Delivery of Gravel and Limestone Services to the Shire. These were publically advertised as per the below:

- South Western Times – 25 July 2019
- West Australian – 27 July 2019
- Shire of Dardanup website – 25 July 2019
- Tendering Portal (Tenderlink) – 25 July 2019

The detailed schedule of prices submitted is provided to Councillors under confidential separate cover.

The tender document, which also consists of the full contract documents and specifications, is not provided with the agenda; however, Councillors may wish the view a copy by contacting the Executive Support Officer at the Eaton Office.

Four submissions were received from the following businesses:

- (i) Hind's Transport Services Pty Ltd;
- (ii) B&J Catalano;
- (iii) Carbone Bros. Pty Ltd; and
- (iv) MGM Bulk Pty Ltd

Only two tender submissions complied with the tender requirements and have therefore been considered; Carbone Bros. and MGM Bulk.

Both Hind's Transport and B&J Catalano failed to provide material test results proving compliance with the specification outlined in the request for tender document, as well as varying other conditions of responding, and have therefore been removed from the selection process.

The assessment process has recommended MGM Bulk Pty Ltd as the preferred contractor for the supply and delivery of both gravel and limestone for the 2019/2020 financial year.

Although the Shire has not entered into a contract of this nature with MGM Bulk previously, their tender submission conveyed a thorough understanding of the Shire's requirements, as well as extensive experience within the bulk haulage industry and a vast fleet of resources. Their submission indicates that

they are more than capable of working to the requirements of the Shire for the 2019/2020 financial year and even have the potential to positively impact on the day-to-day operations of the Shire's construction crew, due to increased efficiencies in materials supply (i.e. running an increased number of trucks and utilising the contractor's offer of supplying side-tippers at no additional cost).

A case study was carried out to look into potential cost savings of splitting the contract between MGM Bulk and Carbone Bros; where MGM Bulk supplied the gravel and Carbone Bros supplied the limestone (since Carbone Bros' tendered rates for limestone were more competitive). This study, as well as material specification assessments, are able to be obtained by Councillors by contacting the Governance Services Section at the Eaton Office. The outcome of this study was that the marginal cost savings that might be realised by splitting the contract (approx. 3.5%) did not warrant having two separate contracts for materials supply.

Referee checks carried out by staff revealed that MGM Bulk is capable of supplying to the Principal's needs, whilst maintaining a high level of safety and professionalism.

- *Tender Evaluation Panel*

The Tender Evaluation Panel comprised of three members of Shire Staff, being the Procurement Officer, the Engineering Projects Officer and the Senior Engineering Technical Officer.

All members of the evaluation panel have made a conflict of interest declaration confirming they have no relationships with any of the tenderers.

- *Evaluation of Tenders*

The object of the evaluation panel is to recommend a suitably qualified and experienced contractor to satisfy the requirement of the above mentioned Request for Tender (RFT). All responses to the qualitative criteria were assessed by the panel, as well as the rates tendered.

The tenders were assessed on the following criteria and weightings, and a total score was determined to compare the tenders:

ASSESSMENT CRITERIA		RAW SCORE	WEIGHTING	WEIGHTED SCORE
Tendered Rates		0 - 10	60%	6.0
Qualitative Criteria	Material Quality	0 - 10	10%	1.0
	Relevant Experience	0 - 10	10%	1.0
	Key Personnel, Skills and Experience	0 - 10	10%	1.0
	Respondent's Resources	0 - 10	10%	1.0
TOTAL SCORE			100%	10.0

i.e. Weighted Score = Raw Score x Weighting

Price was scored on a percentage scale relative to the lowest tendered price, with the lowest price given a score of 10. Qualitative aspects were scored on the relative merits of the information provided by the tenderer in its tender.

- *Evaluation Justification*

The evaluation process determined the recommended tenderer clearly represented the best value for money considering responses to qualitative criteria and within the tendered rates submitted.

Each tenderer was scored and the results were as follows:

ASSESSMENT CRITERIA		Carbone Bros. Pty Ltd	MGM Bulk Pty Ltd
Tendered Rates		5.4	6.0
Qualitative Criteria	Material Quality	0.8	0.6
	Relevant Experience	0.9	0.9
	Key Personnel, Skills and Experience	1.0	0.9
	Respondent's Resources	0.8	1.0
TOTAL SCORE		8.9	9.4

Based on the tender submissions received, MGM Bulk Pty Ltd was deemed as the most advantageous to Council.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Accepts the tender submission and rates from MGM Bulk Pty Ltd for RFT-F0152659 - Supply and Delivery of Gravel and Limestone.**
- 2. Enters into a contract with MGM Bulk Pty Ltd for the Supply and Delivery of Gravel and Limestone at the rates tendered, for the financial year 2019-2020.**
- 3. Authorises the Shire President and Chief Executive Officer to sign and execute the Contract.**

12.3 Title: Tender RFT-F0151278 – Bridge Maintenance

<i>Reporting Department:</i>	<i>Infrastructure Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Nathan Ryder - Manager Operations</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

This report provides Council with the results of the evaluation of tenders for Bridge Maintenance and makes an officer recommendation for the award of a contract for these services for the term of three years. The total value of the contract exceeds the purchasing and contract threshold for the Chief Executive Officer and is therefore presented to Council for approval.

Background

Tenders were called to source experienced and competent bridge maintenance contractors for the purpose of carrying out routine and preventative maintenance on the Shire's 18 bridges.

Routine maintenance includes the following:

- Deck drainage and cleaning;
- Removal of deck vegetation;
- Termite inspection and/or treatment;
- Guard rails, signs and fences;
- Vegetation clearances;
- Debris clearing under bridge;
- Spraying of vegetation; and
- Slashing of vegetation.

Preventative maintenance includes the following:

- Fungicide treatment;
- End grain sealing; and
- Bolt tightening and maintenance.

Main Roads carries out regular audits on the Shire's bridges to check that the Shire is meeting its obligations with respect to routine and preventative maintenance. Failure to meet the standards set can jeopardise funding eligibility for the annual Bridge Maintenance Program, via the Western Australian Local Government Grants Commission, which provides essential funding for major repairs, preservation and renewals to the Shire's bridges.

Legal Implications

The Tender has been conducted in accordance with Part 4 of the Local Government (Functions and General) Regulations 1996.

Part 4 — Provision of goods and services

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

11. When tenders have to be publicly invited

- (1) *Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.*

Strategic Community Plan

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

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

Environment - None.

Precedents - None.

Budget Implications

The estimated total cost for the goods and services is within the allowances included in the 2019-2020 Annual Budget.

Budget – Whole of Life Cost - None.

Council Policy Compliance - Procurement Policy.

Risk Assessment - Low.

The Shire of Dardanup has been carrying out routine and preventative maintenance on its bridges over many years through a combination of outsourced specialised work as well as utilising Shire workers for the other minor aspects of the work (e.g. vegetation maintenance). The proposed contract fixes prices and reduces the risk of unpredictable cost increases when dealt with on a service-by-service basis.

Officer Comment

Tenders closing on Friday, 16 August 2019 were called for the provision of Bridge Maintenance Services to the Shire. These were publically advertised as per the below:

- South Western Times – 1 August 2019
- West Australian – 3 August 2019
- Shire of Dardanup website – 1 August 2019
- Tendering Portal (Tenderlink) – 1 August 2019

The detailed schedule of prices submitted is provided to Councillors under confidential separate cover.

The tender document, which also consists of the full contract documents and specifications, is not provided with the agenda; however, Councillors may wish to view a copy by contacting the Executive Support Officer at the Eaton Office.

Five submissions were received from the following businesses:

- (v) Jomar Contracting;
- (vi) BUSS;
- (vii) JAK Civil;
- (viii) Geographe Civil; and
- (ix) C & D Cutri.

C & D Cutri's tender submission did not comply with the tender requirements and therefore was not considered further.

Although the Shire has not entered into a contract of this nature with Jomar Contracting previously, their tender submission revealed a high level of understanding of the Shire's requirements, as well as vast experience in bridge maintenance works.

Referee checks carried out by staff revealed that Jomar Contracting is well experienced and reliable. They have a long track history carrying out this particular type of work and have good safety standards.

- *Tender Evaluation Panel*

The Tender Evaluation Panel comprised of three members of Shire Staff, being the Procurement Officer, the Manager Operations and the Engineering Projects Officer.

All members of the evaluation panel have made a conflict of interest declaration confirming they have no relationships with any of the tenderers.

- *Evaluation of Tenders*

The object of the evaluation panel is to recommend a suitably qualified and experienced contractor to satisfy the requirement of the above mentioned Request for Tender (RFT). All responses to the qualitative criteria were assessed by the panel, as well as the rates tendered.

The tenders were assessed on the following criteria and weightings, and a total score was determined to compare the tenders:

ASSESSMENT CRITERIA		RAW SCORE	WEIGHTING	WEIGHTED SCORE
Tendered Rates		0 - 10	40%	4.0
Qualitative Criteria	Relevant Experience	0 - 10	30%	3.0
	Demonstrated Understanding	0 - 10	30%	3.0
TOTAL SCORE			100%	10.0

i.e. Weighted Score = Raw Score x Weighting

Price was scored on a percentage scale relative to the lowest tendered price, with the lowest price given a score of 10. Qualitative aspects were scored on the relative merits of the information provided by the tenderer in its tender.

- *Evaluation Justification*

The evaluation process determined the recommended tenderer clearly represented the best value for money considering responses to qualitative criteria and within the tendered rates submitted.

Each tenderer was scored and the results were as follows:

ASSESSMENT CRITERIA		Jomar Contracting	BUSS	JAK Civil	Geographe Civil
Tendered Rates		4.0	1.2	0.8	1.2
Qualitative Criteria	Relevant Experience	3.0	1.5	1.5	1.5
	Demonstrated Understanding	3.0	2.7	1.5	0.3
TOTAL SCORE		10.0	5.4	3.8	3.0

Based on the tender submissions received, Jomar Contracting was deemed as the most advantageous to Council.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Accepts the submission and rates from Jomar Contracting for Tender RFT-F0151278 – Bridge Maintenance.**
- 2. Enters into a three-year contract with Jomar Contracting for the Bridge Maintenance at the rates tendered, with the contract ending 30 June 2022.**
- 3. Authorises the Shire President and Chief Executive Officer to sign and execute the Contract.**

12.4 Title: Roads to Recovery Program – Additional Funds

<i>Reporting Department:</i>	<i>Infrastructure Directorate</i>
<i>Reporting Officer:</i>	<i>Mr Luke Botica – Director Infrastructure</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

The Shire of Dardanup will be receiving more Roads to Recovery Program (R2R) funding than identified in the 2019-2020 Budget. This report seeks Council approval to amend the Budget to include the additional funds.

Background

The R2R funding allocations were revised and announced by the Minister for Infrastructure, Transport and Regional Development at the time of the Federal Budget. The Shire of Dardanup's allocation under the program is \$1,580,083 over the five year period of the current program (financial years 2019-2020 to 2023-2024 inclusive).

The Shire's allocation under the program equates to \$316,017 being available in the 2019-2020 financial year. The current budget indicates an allocation of \$252,813 – therefore, the Shire will be receiving an additional \$63,204 in funding in 2019-2020.

Council has the following options in regards to how the additional funds are introduced into the 2019-2020 Budget:

1. Replace part of the current income sourced from Reserve with the additional R2R funding (i.e. the current budgeted expenditure stays the same); or
2. Include additional expenditure to an equal value of the additional R2R funding (i.e. additional work is added to the Budget).

The matter is brought to Council for deliberation.

Legal Implications

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

6.8. *Expenditure from municipal fund not included in annual budget*

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*
- * Absolute majority required.*

(1a) *In subsection (1) —*

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

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*

(b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the Council.

- Local Government Act 1995

S6.10. Financial Management Regulations

Regulations may provide for —

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

- Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

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

The National Land Transport Act 2014 – Roads to Recovery Funding Conditions 2019 are applicable to the payment, expenditure and acquittal of funds under the program.

Strategic Community Plan

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

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

Environment - None.

Precedents

The Shire has amended budget allocations previously and this is allowed for in the provisions of the Local Government Act 1995.

Budget Implications

Shire staff suggest that the additional funds be distributed to Transport Capital Projects as follows:

Job No	Road	Description	Expenditur	Current Income		Proposed Income	
				R2R	Council	R2R	Council
J12591	Mountford	Construct Gravel	\$120,062	\$84,271	\$35,791	\$110,00	\$10,062
J12815	Hutchinson	Reseal	\$112,873	\$97,992	\$14,881	\$100,00	\$12,873
J12817	Poad	Gravel Resheet	\$70,550	\$70,550	\$0	\$60,000	\$10,550
J12818	Joshua Brook	Gravel Resheet	\$77,120	\$0	\$77,120	\$46,017	\$31,103
Totals			\$380,605	\$25,281	\$12,779	\$316,01	\$64,588

The proposed changes to the budget will not result in any change in expenditure to that already in the budget. However, the additional \$63,204 of R2R Funding will reduce the amount required from the Shire's Road Reserve by an equivalent amount.

Budget – Whole of Life Cost -

The additional R2R funds will not impact on the whole of life cost to the road network.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

The additional funds can be allocated to existing capital projects listed in the 2019-2020 Budget. This will have the effect of reducing the annual Reserve transfer by an equivalent amount.

The Joshua Brook Road Gravel Resheet Project has been suggested as the nominated project for the additional funding. However, Council has the option of nominating an alternative project (or projects) to utilise the additional funding.

The three projects already listed in the Budget to receive R2R funding have been adjusted to optimise the allocation. For example, J12591 Mountford Road – the R2R allocation has been increased. It should be noted that the R2R allocations have been adjusted so as to be less than the projected expenditure for each project. This will assist in the acquittal of projects should there be a slight under-expenditure (i.e. will reduce the risk of over-claiming on a project).

Once Council resolution has been achieved, staff will amend the Works Program within the Australian Government's Infrastructure Management System. The nominated project will still need to be checked and authorised by the administrators of the program. However, staff do not foresee any issues arising from this process.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. **Acknowledges that it is eligible to receive an additional \$63,204 of Roads to Recovery Program funding in the 2019-2020 financial Year; and**
2. **Amends the budget allocations for following Capital Projects in the 2019-2020 Budget to account for the additional Roads to Recovery Program funding:**

Job No	Road	Description	Expenditure	Current Income		Proposed Income	
				R2R	Council	R2R	Council
J12591	Mountford	Construct	\$120,062	\$84,271	\$35,791	\$110,00	\$10,062
J12815	Hutchinson	Reseal	\$112,873	\$97,992	\$14,881	\$100,00	\$12,873
J12817	Poad	Gravel Resheet	\$70,550	\$70,550	\$0	\$60,000	\$10,550
J12818	Joshua	Gravel Resheet	\$77,120	\$0	\$77,120	\$46,017	\$31,103
Totals			\$380,605	\$25,281	\$12,779	\$316,01	\$64,588

Note: R2R – Roads to Recovery Program

Absolute Majority

12.5 Title: Ferguson Hall Management Committee – Ferguson Hall – Renewal of Lease

Reporting Department: Corporate & Governance Directorate
Reporting Officer: Mrs Donna Bailye – PA Deputy Chief Executive Officer
Legislation: Local Government Act 1995

Overview -

Council is requested to approve the renewal of the lease of the Ferguson Hall to the Ferguson Hall Management Committee Inc.

Location Plan



Background -

Following renovations to the Ferguson Hall, The Ferguson Hall Management Committee Inc entered into a lease agreement with the Shire of Dardanup in 2009. This agreement was renewed with the Committee in 2014 for a further 5 years.

The leased area of the original agreement was for Lot 300 Ferguson Road (identified within the yellow boundaries of the above picture). In June 2016 an Addendum was signed by the Shire and the Ferguson Hall Committee Inc for the inclusion of Lot 800, adjoining Lot 300. Inclusion of both lots will be provided for in the new lease agreement.

Legal Implications

Leasing of Council property falls under Section 3.58 of the Local Government Act “Disposing of Property”.

3.58. *Disposing of property*

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
 and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

The advertising of the disposal of property is not required under the Functions and General Regulations 1996 Section 30 (2)(b)(i).

30. *Dispositions of property to which section 3.58 of Act does not apply*

- (2) A disposition of land is an exempt disposition if—
- (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

Strategic Community Plan

- Strategy 3.2.1 - To encourage social connectedness in our community through participation in positive social networks, interaction and events. (Service Priority: Very High)
- Strategy 3.3.2 - Support volunteer groups within the Shire of Dardanup. (Service Priority: High)

Environment - None.

Precedents

An agreement has been in place with the Ferguson Hall Committee since 2009. The term of this lease is for a five year period. The current Agreement commenced on 1 October 2014 and expires on 30 September 2019.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

Ferguson Hall Management Committee Inc formally requested to renew their lease with the Shire on 2 September 2019.

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

Following approval by Council, a new lease will be forwarded to the Ferguson Hall Management Committee Inc for their execution. The new lease will be based on the updated lease template applied across the Shire, which includes the following:

- Peppercorn annual lease fee for Not-for-Profit groups of \$0;
- Lessee to pay for all internal fit-out repairs, maintenance and replacement of items;
- Lessee to pay for all utility charges and contents and other relevant operational insurances;
- Lessee paying for the building insurance through a reimbursement to Council of actual lease costs incurred by the Council through LGIS;
- Lessee to pay for all annual safety inspections and servicing;
- Lessee to pay all rubbish collection charges and pest maintenance;
- Council paying for major structural repairs and maintenance, including fixed equipment and chattels; and
- Council being provided free use of the facility up to 5 times a year.

It is proposed that Council authorise the renewal of the lease to the FVMP for a further period of five years.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. **Approve the extension of the lease to the Ferguson Hall Committee Inc. for the Ferguson Hall located at Lot 300 and Lot 800 Ferguson Road, Dardanup; for a period of five years expiring on 30 September 2024.**
2. **Authorise the Chief Executive Officer and Shire President to negotiate and execute the new lease.**

12.6 Title: Community Emergency Services Manager (CESM)

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Erin Hutchins – Coordinator Emergency & Ranger Services</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

This report presents the response from the Department of Fire & Emergency Services (DFES) in relation to a potential Community Emergency Services Manager (CESM) position at the Shire of Dardanup.

Background

At the Ordinary Council Meeting held 5 June 2018, the following was resolved:

THAT Council:

1. *Approve the Chief Executive Officer to seek information and support from the Department of Fire & Emergency Services (DFES) for the creation of a Community Emergency Services Manager (CESM) position at the Shire.*
2. *Request that the Chief Executive Officer report back to Council with:*
 - a) *The information obtained from DFES in relation to a CESM; and.*
 - b) *Any recommended budget allocations to be made for the appointment of a CESM.*

The Chief Executive Officer requested information from DFES, in relation to a CESM position for the Shire of Dardanup, on the 14 June 2019. In this regard, the Shire has now received a response from DFES (Appendix ORD 12.6), advising that there are currently no opportunities available for any Local Government and DFES shared positions. They further advise that the Shire remains a high priority and discussions will be instigated should future opportunities arise.

Legal Implications - None

Strategic Community Plan - None

Environment - None.

Precedents - None

Budget Implications - None

Budget – Whole of Life Cost - None

Council Policy Compliance - None

Risk Assessment - Low.

Officer Comment

Officers recommend that should future opportunities to secure a CESM role arise, Officers will report back to Council to pursue any potential position funding available.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Acknowledges the advice from DFES with regards to a CESM position within the Shire;**
- 2. Request that the Chief Executive Officer write to DFES and request that they consider including a CESM position in their 2020/21 budget; and**
- 3. Update the Workforce Plan in relation to a possible CESM position should funding become available.**

12.7 Title: Monthly Statement of Financial Activity for the Period Ended 31 July 2019

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

Overview

This report (Appendix ORD: 12.7) presents the monthly Financial Statements for the period ended 31 July 2019 for Council adoption.

Background

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

Legal Implications

Local Government Act 1995 – Section 6.4

6.4. Financial Report

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

Local Government (Financial Management) Regulations 1996 r. 34

Part 4 — Financial Reports — s. 6.4

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

- (1A) In this regulation —

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

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

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

Strategic Community Plan

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

Environment - None.

Precedents

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

Budget Implications

The financial activity statement comprises of budget estimates, actual expenditure, and revenues to the end of the month to which the statement relates. Material variances and explanations of these are included in the notes that form part of the report.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

The Monthly Financial Statements (including the Statement of Financial Activity) for the period ended 31 July 2019 is attached as Appendix ORD: 12.7.

The report outlines the results from operating activities. It shows revenue and expenditure by statutory program and also by nature and type, comparing actual results for the period with the annual adopted budget, the revised budget and the year to date revised budget.

The report also displays capital and infrastructure expenditure and reconciles the statement of financial activity to the statement of net current assets, taking into account the proceeds from sale of assets, reserve and loan funds used, depreciation applied, capital and infrastructure expenditure, transfers to reserves and loan repayments.

Actual values for the year to date are compared to the year to date revised budget to present a percentage variance as well as the variance amount. The level adopted by Council to be used in the Statement of Financial Activity in 2019/20 for reporting material variances is 10% or \$50,000, whichever is greater.

The statement of net current assets provides information on the accounts that make up current assets and current liabilities (liquidity).

Additional notes have been added to the statement of financial activities to describe in more detail, some of the key information of the monthly and year to date financial performance and investments.

As at the reporting date, the end of year surplus brought forward from 2018/19 is estimated at \$408,341 and an anticipated surplus at 30 June 2020 of \$239,385.

Please note that the accounts for 2018/19 are not yet finalised and may be subject to change due to end of year adjustments, reserve account transfers and finally audit. The exact surplus is expected to be confirmed in October, after completion of the annual audit of the 2018/19 financial statements.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council adopts the Monthly Statement of Financial Activity (Appendix ORD: 12.7) for the period ended 31 July 2019.

12.8 Title: Schedule of Paid Accounts for 25 September 2019

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Mrs Renée Thomson– Accounts Payable Officer Mr Ray Pryce – Accountant Financial Services
Legislation:	Local Government (Financial Management) Regulations 1996

Overview

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

Background

Council delegates authority to the Chief Executive Officer annually:

- To make payments from Trust, Reserve and Municipal Fund;
- To purchase goods and services to a value of not more than \$200,000.

Legal Implications

Local Government Act 1995 - S6.5. *Accounts and records*

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

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

S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
- (a) *the payee's name; and*
- (b) *the amount of the payment; and*
- (c) *the date of the payment; and*
- (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
- (a) *for each account which requires Council authorisation in that month —*

- (i) *the payee's name; and*
- (ii) *the amount of the payment; and*
- (iii) *sufficient information to identify the transaction;*
and
- (b) *the date of the meeting of the Council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be —*
 - (a) *presented to the Council at the next ordinary meeting of the Council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Strategic Community Plan

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

Environment - None.

Precedents

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

Budget Implications

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

Budget – Whole of Life Cost - None.

Council Policy Compliance

Payments are checked to ensure compliance with Council's Purchasing Policy CP034 – *Procurement Policy* and processed in accordance with Policy CP035 – *Payment of Accounts*.

Risk Assessment - Low.

Officer Comment

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

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council receive the Schedule of Paid Accounts report as follows:

Payment	Date	Name	Invoice Description	Fund	
ELECTRONIC FUNDS TRANSFER					
EFT35215	29/08/2019	21 Graphic Design Pty Ltd	Community News Layout and Supply of Print Ready Artwork	MUNI	247.50
EFT35216	29/08/2019	Action Kerbing	Waste Oil Disposal Unit Access Ramp	MUNI	2,420.00
EFT35217	29/08/2019	All Aussie Truck and Bobcat Services	Remove Tree off Road Storm Damage - Bobcat Hire - General Clean Up	MUNI	1,540.00
EFT35218	29/08/2019	Amelia Kaitani	Umpire Recoup Netball 26-08-2019	MUNI	154.00
EFT35219	29/08/2019	Ana Christina Barreto & Glen Uriah Mills	Crossover Rebate 59 Hazelgrove Cres (A11528)	MUNI	302.00
EFT35220	29/08/2019	Australind Glass	Replace Broken Window - Dardanup Community Centre	MUNI	329.50
EFT35221	29/08/2019	Australind Senior High School	Allocated Funding as Per Budget 2019 - 2020 (Annual School Awards).	MUNI	330.00
EFT35222	29/08/2019	B & B Street Sweeping Pty Ltd	Hire of Road Sweeper	MUNI	858.00
EFT35223	29/08/2019	B Watts Panel & Paint Repairs	Insurance Claim - Repairs to DA329	MUNI	500.00
EFT35224	29/08/2019	Blaine Thompson	Umpire Recoup Basketball 28-08-2019	MUNI	44.00
EFT35225	29/08/2019	BOC Ltd	ERC - Hire of Oxygen Bottle	MUNI	12.19
EFT35226	29/08/2019	Boyanup Botanical	Parks & Gardens Supplies	MUNI	484.00
EFT35227	29/08/2019	Boyles Plumbing and Gas	Clear Blocked Drain at Admin Building	MUNI	225.50
EFT35228	29/08/2019	Brandicoot	Webhosting For August 2019 Only	MUNI	950.43
EFT35229	29/08/2019	Brownes Foods Operations Pty Ltd	ERC - Cafe Stock	MUNI	399.88

Payment	Date	Name	Invoice Description	Fund	
EFT35230	29/08/2019	Bunbury and Districts Softball Association	Venue Hire - August	MUNI	25.00
EFT35231	29/08/2019	Bunbury Coffee Machines	ERC - Cafe Stock	MUNI	618.00
EFT35232	29/08/2019	Bunbury Mower Service	Labour & Consumables - Parks & Gardens	MUNI	132.00
EFT35233	29/08/2019	Bunnings Group Limited	Fluro Tubes and Parts For Repairs - Eaton Admin & Dardanup Community Centre	MUNI	182.66
EFT35234	29/08/2019	Bunbury Regional Entertainment Centre	Allocated Funding as Per Budget 2019 - 2020	MUNI	16,500.00
EFT35235	29/08/2019	CB Traffic Solutions	Hire of Traffic Control For Works - Burekup & Crooked Brook	MUNI	4,080.59
EFT35236	29/08/2019	Cemeteries and Crematoria Association of WA	2019 Annual Membership - Cemeteries & Crematoria Association of WA	MUNI	125.00
EFT35237	29/08/2019	Chelsea Roberts	Refund of Netball Court Hire Fees - Season Ended Early	MUNI	59.00
EFT35238	29/08/2019	City of Bunbury	Allocated Funding as Per Budget 2019 - 2020 Skyfest	MUNI	5,610.00
EFT35239	29/08/2019	Cleanaway Solid Waste Pty Ltd	Monthly Landfill & Kerbside Waste Collection	MUNI	14,740.07
EFT35240	29/08/2019	Coca-Cola Amatil Australia Pty Ltd	ERC - Cafe Stock	MUNI	391.55
EFT35241	29/08/2019	Connect Call Centre Services	After Hours Call Centre Service	MUNI	418.28
EFT35242	29/08/2019	Craven Foods	ERC - Cafe Stock	MUNI	933.09
EFT35243	29/08/2019	Damon Thompson	Umpire Recoup Basketball 28-08-2019	MUNI	66.00
EFT35244	29/08/2019	Dapco Tyre and Auto Centre	4 Tyres - Balance & Alignment DA8222	MUNI	839.00
EFT35245	29/08/2019	Dardanup Garage & Service Station	Fix Leaking Air Line	MUNI	103.73

Payment	Date	Name	Invoice Description	Fund	
EFT35246	29/08/2019	Department of Local Government, Sport and Cultural Industries	Local Government Standards Panel Fees For 2018-2019	MUNI	2,242.16
EFT35247	29/08/2019	Deputec Pty Ltd	ERC - Deputy Roster Software 2019/2020	MUNI	96.80
EFT35248	29/08/2019	DL & SC Brindley	Painting of External Timber Elements - Ferguson Hall	MUNI	6,080.00
EFT35249	29/08/2019	Donna Bastow	Umpire Recoup Basketball 28-08-2019	MUNI	132.00
EFT35250	29/08/2019	Darryl Fishwick	Umpire Recoup Basketball 28-08-2019	MUNI	66.00
EFT35251	29/08/2019	Easifleet Management	Lease Payments For Volkswagen Tiguan - CEO	MUNI	5,035.72
EFT35252	29/08/2019	Eaton Community Pharmacy	ERC - Reception Stock	MUNI	416.28
EFT35253	29/08/2019	Eaton Environmental Services	ERC - Rodent Control 16/8/19	MUNI	132.00
EFT35254	29/08/2019	Eaton Family Centre	Allocated Funding as Per Budget 2019 - 2020 Cleaning and Gardening Services	MUNI	9,900.00
EFT35255	29/08/2019	Emily Goyder	Umpire Recoup Netball 23-08-2019	MUNI	45.00
EFT35256	29/08/2019	Evan Mills	Umpire Recoup Basketball 28-08-2019	MUNI	22.00
EFT35257	29/08/2019	Event & Conference Co.	Presenting at Annual State Waste Conference	MUNI	700.00
EFT35258	29/08/2019	Go Electrical Contracting	ERC - Large Led Downlight and EWP Hire	MUNI	1,003.75
EFT35259	29/08/2019	Groven Legal Pty Ltd	Rates Refund For Assessment A9624 14 Greenough Place Millbridge WA 6232	MUNI	884.99
EFT35260	29/08/2019	Hayden Paul Fox	Crossover Rebate 15 Bocker Street Millbridge (Lot 115)	MUNI	111.00
EFT35261	29/08/2019	Hynes Contracting	Hire Skidsteer Loader to Gravel Access to Skatepark & Level Parts of Oval Behind Hall	MUNI	3,122.50

Payment	Date	Name	Invoice Description	Fund	
EFT35262	29/08/2019	Jason Carroll Naturopath	ERC - Ideal Breakfast Shake	MUNI	485.10
EFT35263	29/08/2019	Jim's Test and Tag	2019/2020 Test and Tags - Waterloo Hall	MUNI	331.10
EFT35264	29/08/2019	Josie Phillips	Umpire Recoup Netball 27-08-2019	MUNI	180.00
EFT35265	29/08/2019	JR & A Hersey Pty Ltd	Heavy Duty Lube & Consumables Depot Maintenance	MUNI	520.19
EFT35266	29/08/2019	June Keil	Library Programs Succulent: Kokedamas - August	MUNI	100.00
EFT35267	29/08/2019	Justine Moore	Working With Children's Check Reimbursement	MUNI	87.00
EFT35268	29/08/2019	Karyn Rowe	Umpire Recoup Netball 27-08-2019	MUNI	120.00
EFT35269	29/08/2019	Kenny Pomare	Umpire Recoup Basketball 28-08-2019	MUNI	110.00
EFT35270	29/08/2019	Kings Tree Care	Felling and Removal of Dead Oak Tree Dardanup Depot & General Stump Removals	MUNI	2,984.00
EFT35271	29/08/2019	Kmart	Crèche - Sundry Items - Mugs, Permanent Markers, Storage Unit	MUNI	129.50
EFT35272	29/08/2019	Landgate	Unimproved Market Value Review - Lot 500 On Plan 66681 - 1 Council Drive	MUNI	2,187.19
EFT35273	29/08/2019	Les Mills Asia Pacific	Monthly Licence Fees	MUNI	1,119.42
EFT35274	29/08/2019	LGIS WA	Annual Insurance 30-06-2019 to 30-06-2020 - Treendale Bridge Sum Insured \$10M (2/3 Portion Within the Shire of Dardanup)	MUNI	15,614.81
EFT35275	29/08/2019	Links Modular Solutions	ERC - Active Carrot Annual Fee - 1-07-2019 to 30-06-2020	MUNI	4,583.70
EFT35276	29/08/2019	Lions Club of Eaton	Allocated Funding as Per Budget 2019 - 2020 Australia Day Breakfast	MUNI	9,258.00
EFT35277	29/08/2019	Lions Club of Millbridge	Allocated Funding Per Budget 2019 - 2020 Glen Huon Primary School Breakfast Club	MUNI	3,500.00

Payment	Date	Name	Invoice Description	Fund	
EFT35278	29/08/2019	Lynnette & Tony Albert Wareham	Crossover Rebate 10 Bocker Street Dardanup (A11659)	MUNI	217.00
EFT35279	29/08/2019	Maia Financial Pty Ltd	Equipment Contract Lease	MUNI	31,292.86
EFT35280	29/08/2019	Marie Wilkinson	Library Programs Creative Collective One Crafty Mumma Stationary Caddys - August	MUNI	520.00
EFT35281	29/08/2019	Mollie Swarbrick	Personal Development Grant 201/20	MUNI	400.00
EFT35282	29/08/2019	Nicolaas Myburgh	Umpire Recoup Basketball 28-08-2019	MUNI	88.00
EFT35283	29/08/2019	Nutrition Systems	ERC - Cafe Stock	MUNI	334.40
EFT35284	29/08/2019	P E Civil	Supply and Deliver Pea Gravel - Lennard & Watson Street	MUNI	5,934.50
EFT35285	29/08/2019	Perfect Landscapes	Mowing - Various Parks & Ovals	MUNI	6,776.00
EFT35286	29/08/2019	Pete Lewis	Library Programs Live Music In the Library - August	MUNI	75.00
EFT35287	29/08/2019	PFD Food Services Pty Ltd	ERC - Cafe Stock	MUNI	1,398.70
EFT35288	29/08/2019	Picton Civil Pty Ltd	Removal and Disposal of Old Fuel Tank	MUNI	2,301.75
EFT35289	29/08/2019	Pollen Nation	Library Programs Floral Room Spray - August	MUNI	250.00
EFT35290	29/08/2019	River Valley Primary School	Allocated Funding Per 2019-2020 Budget Citizenship Award, River Valley PS	MUNI	150.00
EFT35291	29/08/2019	Rock N Roll High	Library Programs Live Music In the Library - August	MUNI	200.00
EFT35292	29/08/2019	Schweppes Australia Pty Ltd	ERC - Cafe Stock	MUNI	817.92
EFT35293	29/08/2019	Sonya Williams	Reimbursement For Working With Children's Check	MUNI	87.00
EFT35294	29/08/2019	South West Group of Affiliated Agricultural Associations Inc	Allocated Funding as Per Budget 2019-2020 Walk Through WA South West Display	MUNI	250.00

Payment	Date	Name	Invoice Description	Fund	
EFT35295	29/08/2019	Synergy	Electricity Account For Eaton Admin Centre - 16 July - 19 Aug 2019	MUNI	8,127.50
EFT35296	29/08/2019	Sim Yee Lean	Rates Refund For Assessment A10942 23 Glenelg Drive Millbridge WA 6232	MUNI	70.18
EFT35297	29/08/2019	The Churches Commission on Education Inc	Allocated Funding as Per Budget 2019 - 2020. School Chaplaincy Programme	MUNI	6,294.20
EFT35298	29/08/2019	The Passionate Baker	ERC - Cafe Stock	MUNI	147.22
EFT35299	29/08/2019	Total Eden Pty Ltd	Sprinkler Gear drive Plastic x 12	MUNI	587.14
EFT35300	29/08/2019	Tracey Tupaea	Umpire Recoup Netball 27-08-2019	MUNI	199.00
EFT35301	29/08/2019	Toll Transport	Postage & Freight	MUNI	272.53
EFT35302	29/08/2019	Vanessa Black	Umpire Recoup Netball 26-08-2019	MUNI	90.00
EFT35303	29/08/2019	WALGA	Economic Development Australia Breakfast - Pest Animal Biosecurity Management	MUNI	339.00
EFT35304	29/08/2019	Water Corporation	Trade Waster Charges 1/7/2019 - 30/6/2020	MUNI	341.26
EFT35305	29/08/2019	West Australian Mechanical Services Pty Ltd	Meeting Room Ac Not Working - Fault Repaired	MUNI	426.25
EFT35306	29/08/2019	Winc Australia Pty Ltd	Stationery Orders - ERC & Eaton Office	MUNI	233.35
EFT35307	29/08/2019	Woolworths Group Limited	ERC- Cafe Order & General Office Supplies	MUNI	613.04
EFT35308	05/09/2019	Elise Jago	Hall Bond Hire Refund	TRUST	290.00
EFT35309	05/09/2019	Tammy Blakeman	Cat Trap Hire Refund	TRUST	150.00
EFT35310	05/09/2019	ABcorp Australasia Pty Ltd	Barcode Labels For Eaton and Dardanup Libraries Account 41394	MUNI	342.10

Payment	Date	Name	Invoice Description	Fund	
EFT35311	05/09/2019	Advance Press Pty Ltd	Shire Bin Calendars Apply 20 X 40Mm Magnet to the Reverse In 1 X Position Packed Into Cartons Size: 210Mm X 99Mm Stock: 300Gsm Ecostar Recycled Offset Prepress: 118803 Delivery: Zip Form Quantity: 6,000	MUNI	1,540.00
EFT35312	05/09/2019	Alison Meachem	Library Programs Water Colour and Ink Spray Houses	MUNI	175.00
EFT35313	05/09/2019	Amelia Kaitani	Umpire Recoup Netball 03-09-2019	MUNI	121.00
EFT35314	05/09/2019	Amity Signs	Various Parts for Repairs - Road Maintenance	MUNI	2,862.64
EFT35315	05/09/2019	Anita Eltridge	Umpire Recoup Netball 03-09-2019	MUNI	45.00
EFT35316	05/09/2019	Australia Post	Monthly Invoice of Mail and Postage	MUNI	941.67
EFT35317	05/09/2019	Australian Tax Office	PAYG Withholding Payrun 06-09-2019	MUNI	73,154.00
EFT35318	05/09/2019	Blaine Thompson	Umpire Recoup Basketball 04-09-2019	MUNI	88.00
EFT35319	05/09/2019	Boyanup Capel Dardanup Football Club - Eaton Boomers	Half Day Kitchen Hire For Development Services Team Building	MUNI	60.00
EFT35320	05/09/2019	Brooke Harmer	Permit For Truck Licence Training Reimbursement	MUNI	47.35
EFT35321	05/09/2019	Bunbury Mower Service	Parts & Repairs - Parks & Gardens	MUNI	224.50
EFT35322	05/09/2019	Bunbury Psychological Services	Counselling Services - EAP	MUNI	924.00

Payment	Date	Name	Invoice Description	Fund	
EFT35323	05/09/2019	Carmel Boyce	Councillor Allowance August 2019	MUNI	1,158.92
EFT35324	05/09/2019	Caroline Mears	Library Programs Chair Yoga - August	MUNI	240.00
EFT35325	05/09/2019	Cathy Lee	Refund of Gift Purchased	MUNI	98.98
EFT35326	05/09/2019	CB Traffic Solutions	Shoulder Repairs - Henty Road	MUNI	4,142.61
EFT35327	05/09/2019	Chubb Fire and Security	Alarm Monitoring For Dardanup Office & Eaton Office	MUNI	863.47
EFT35328	05/09/2019	Civilcon	Repairs & Maintenance - Dardanup Hall	MUNI	3,465.00
EFT35329	05/09/2019	Cleanaway Solid Waste Pty Ltd	Monthly Kerbside Waste Collection	MUNI	9,858.07
EFT35330	05/09/2019	Codee-Lee Down	Library Programs Live Music In the Library - July	MUNI	150.00
EFT35331	05/09/2019	Cross Security Services	Monitoring & Troubleshooting of Dardanup Office Alarm System	MUNI	126.50
EFT35332	05/09/2019	Danika Libby Thompson	AFP - Police Check Reimbursement	MUNI	42.00
EFT35333	05/09/2019	Dardanup Garage & Service Station	Repairs - DA648	MUNI	223.85
EFT35334	05/09/2019	Dardanup Rural Supplies	Consumables - Depot Maintenance	MUNI	9.90
EFT35335	05/09/2019	Data #3 Limited	Microsoft Licensing Subscription	MUNI	572.60
EFT35336	05/09/2019	DL & SC Brindley	Painting Internal Window Frame - Dardanup Hall	MUNI	295.00
EFT35337	05/09/2019	Donna Bastow	Umpire Recoup Basketball 04-09-2019	MUNI	132.00
EFT35338	05/09/2019	Duxton Hotel Perth	WALGA Convention 2019 - Duxton Accommodation Food and Parking	MUNI	4,877.10

Payment	Date	Name	Invoice Description	Fund	
EFT35339	05/09/2019	Darryl Fishwick	Umpire Recoup Basketball 04-09-2019	MUNI	66.00
EFT35340	05/09/2019	Emily Goyder	Umpire Recoup Netball 02-09-2019	MUNI	120.00
EFT35341	05/09/2019	Emma-Jane & Paul Graeme Cruickshank	Crossover Rebate - 38 Evolution Loop Eaton - A11582	MUNI	223.00
EFT35342	05/09/2019	Evelyn Butchart	Catering - Events	MUNI	438.00
EFT35343	05/09/2019	Fresh Floral Studio	Leaving Gift - Flowers - Alyce McMillan	MUNI	50.00
EFT35344	05/09/2019	Fuji Xerox Australia Pty Ltd	Lease For Photocopiers	MUNI	4,785.00
EFT35345	05/09/2019	GHD Pty Ltd	Banksia Road Landfill	MUNI	14,425.40
EFT35346	05/09/2019	Grace Records Management	Bin Exchange and Records Management	MUNI	918.52
EFT35347	05/09/2019	Greg Harewood	Site Inspection and Report For Mountford Road Clearing Permit	MUNI	594.00
EFT35348	05/09/2019	Guardians of Happiness	Library Programs Fondant Figures - August	MUNI	330.00
EFT35349	05/09/2019	Hitachi Construction Machinery Australia Pty Ltd	Repairs On Grader - DA698	MUNI	1,415.10
EFT35350	05/09/2019	Howson Technical	Project Management - Harris Road	MUNI	3,762.00
EFT35351	05/09/2019	Isabel Cody	Parking For Access and Inclusion Training Reimbursement	MUNI	11.28
EFT35352	05/09/2019	IT Vision Australia Pty Ltd	Reverse Asset Disposal & Synergy Online	MUNI	522.50
EFT35353	05/09/2019	Illion Australia Pty Ltd (Tenderlink)	Tenderlink Private Notice Fee	MUNI	165.00
EFT35354	05/09/2019	James Lee	Councillor Allowance August 2019	MUNI	1,372.44

Payment	Date	Name	Invoice Description	Fund	
EFT35355	05/09/2019	Janice Dow	Councillor Allowance August 2019	MUNI	1,158.92
EFT35356	05/09/2019	Jo Jingles South West	Library Programs Early Learning Programs - July	MUNI	1,474.00
EFT35357	05/09/2019	Karyn Rowe	Umpire Recoup Netball 30-08-2019	MUNI	52.50
EFT35358	05/09/2019	Kings Tree Care	Tree Removals & Stump Grinding	MUNI	1,265.00
EFT35359	05/09/2019	Kleenit Pty Ltd	Removal of Bore Staining and Graffiti From Walls of Building	MUNI	770.00
EFT35360	05/09/2019	Kmart	6 x White USB to Lightning Cable	MUNI	54.50
EFT35361	05/09/2019	Landgate	Gross Rental Valuation	MUNI	142.82
EFT35362	05/09/2019	LGIS - Local Government Insurance Services	Annual Insurance 2019-2020 - Marine Cargo	MUNI	320.00
EFT35363	05/09/2019	Local Government Professionals Australia WA	2019-2020 Affiliate Membership - Director Infrastructure	MUNI	185.00
EFT35364	05/09/2019	Luke Davies	Councillor Allowance August 2019	MUNI	1,158.92
EFT35365	05/09/2019	Machinery West	Trailer Parts	MUNI	411.02
EFT35366	05/09/2019	Malatesta Road Paving and Hotmix	Ex Plant Cationic Emulsion	MUNI	160.00
EFT35367	05/09/2019	Mantrac	Slash Area Along Boyanup-Picton Road	MUNI	1,320.00
EFT35368	05/09/2019	Marindi Fabrications	Repair Netball Post	MUNI	55.00
EFT35369	05/09/2019	Marketforce	Advertising - Recruitment & Public Notices	MUNI	808.41
EFT35370	05/09/2019	Mckayhla Pomare	Umpire Recoup Basketball 04-09-2019	MUNI	44.00
EFT35371	05/09/2019	Michael Bennett	Councillor Allowance August 2019	MUNI	4,919.92

Payment	Date	Name	Invoice Description	Fund	
EFT35372	05/09/2019	Nicolaas Myburgh	Umpire Recoup Basketball 04-09-2019	MUNI	66.00
EFT35373	05/09/2019	Nightguard Security Service	Security Call-Out Service For Eaton Administration Center	MUNI	418.00
EFT35374	05/09/2019	Nathan Stacey	Umpire Recoup Basketball 04-09-2019	MUNI	132.00
EFT35375	05/09/2019	Officeworks Superstores Pty Ltd	Stationery Supplies	MUNI	56.63
EFT35376	05/09/2019	One Steel Metaland	Parts & Repairs - Sundry	MUNI	244.24
EFT35377	05/09/2019	Onsite Rental Group	Hire of Temporary Office Behind Eaton Admin Centre	MUNI	1,150.89
EFT35378	05/09/2019	Our Lady of Lourdes School	Allocated Funding as Per Budget 2019 - 2020	MUNI	150.00
EFT35379	05/09/2019	Pages Mechanical Repairs	Parts & Repairs - Tip Truck DA325	MUNI	89.00
EFT35380	05/09/2019	Patricia Perks	Councillor Allowance August 2019	MUNI	1,158.92
EFT35381	05/09/2019	Perfect Landscapes	Mowing - Various Parks & Ovals	MUNI	2,222.00
EFT35382	05/09/2019	Peter Robinson	Councillor Allowance August 2019	MUNI	1,697.84
EFT35383	05/09/2019	Reface Industries	ECL Disc Buffing Machine -Annual Service	MUNI	501.93
EFT35384	05/09/2019	Safetcard Australia	Monitoring Fees For Safetcards	MUNI	264.00
EFT35385	05/09/2019	Safety World	Protective Clothing - Rangers	MUNI	127.60
EFT35386	05/09/2019	Simient Pty Ltd	Lanteria Annual Support Package 02/08/2019 - 01/08/2020	MUNI	4,631.00
EFT35387	05/09/2019	SMR Psychology	Employee Assistance Program	MUNI	561.00

Payment	Date	Name	Invoice Description	Fund	
EFT35388	05/09/2019	SOS Office Equipment	Photocopier Meter Readings	MUNI	1,828.15
EFT35389	05/09/2019	South West Rubber Stamps	Date Stamps -Front Counter Records and Dardanup	MUNI	43.60
EFT35390	05/09/2019	St John Ambulance Western Australia Ltd	Library Programs Tiny Tots First Aid - August	MUNI	350.00
EFT35391	05/09/2019	State Library of Western Australia	Lost and Damaged State-Owned Public Libraries Materials For 2019-20	MUNI	440.00
EFT35392	05/09/2019	Sudhanshu Mishra	Meal Reimbursement - Training Ignition	MUNI	100.00
EFT35393	05/09/2019	Suez Recycling and Recovery	Monthly Kerbside Recycling Processing	MUNI	15,948.61
EFT35394	05/09/2019	Synergy	Townsite Street Lights Plus 27 Other Sites	MUNI	31,433.52
EFT35395	05/09/2019	Te Wairimu Elinor Pomare	Reimbursement of Accommodation and Meals - Leisure Management Course	MUNI	969.70
EFT35396	05/09/2019	Terrywhite Chemmart Eaton	ERC - Blood Pressure Unit	MUNI	131.00
EFT35397	05/09/2019	The Print Shop	ERC - Membership Books	MUNI	251.00
EFT35398	05/09/2019	Therese Price	Umpire Recoup Netball 02-09-2019	MUNI	157.50
EFT35399	05/09/2019	Total Eden Pty Ltd	Parts for Repairs - Parks & Gardens	MUNI	319.64
EFT35400	05/09/2019	Tracey Tupaea	Umpire Recoup Netball 03-09-2019	MUNI	135.00
EFT35401	05/09/2019	Tyrrell Gardiner	Councillor Allowance August 2019	MUNI	1,158.92
EFT35402	05/09/2019	Thomsons Smash Repairs	Insurance Access -DA9668	MUNI	500.00
EFT35403	05/09/2019	Vanessa Black	Umpire Recoup Netball 02-09-2019	MUNI	112.50
EFT35404	05/09/2019	WALGA	WALGA Recruitment Services - Training & Conferences	MUNI	18,729.83

Payment	Date	Name	Invoice Description	Fund	
EFT35405	05/09/2019	West Coast Fit / Karis Aplin	ERC - Group Fitness Instruction August 2019	MUNI	596.00
EFT35406	05/09/2019	West Coast Timbers Pty Ltd	Jarrah Stakes	MUNI	1,237.50
EFT35407	05/09/2019	Western Australia Treasury Corporation	Loan 65 - Repayment - Admin Centre Extensions	MUNI	23,151.26
EFT35408	05/09/2019	Woolworths Group Limited	General Items Purchased (Grocery Milk Etc.)	MUNI	151.07
EFT35409	05/09/2019	Work Clobber	Protective Clothing - Parks & Gardens Supervisor	MUNI	35.00
EFT35410	05/09/2019	Willow Bridge Estate	Council Chambers	MUNI	92.40
EFT35411	12/09/2019	Angela Winter	First Aid Training - September 2019	MUNI	1,100.00
EFT35412	12/09/2019	Aquila Food Forest	Library Programs Sustainable Living Workshop - September	MUNI	230.00
EFT35413	12/09/2019	Australian Institute of Building Surveyors	Principal Building Surveyor - Australian Institute of Building Surveyors Conference	MUNI	1,095.00
EFT35414	12/09/2019	AXIO Maintenance and Construction	ERC - Repairs & Maintenance	MUNI	731.50
EFT35415	12/09/2019	Aydee Shannon Edwards	Crossover Rebate - 25 Wandoo Way Eaton - A11627	MUNI	64.00
EFT35416	12/09/2019	Blaine Thompson	Umpire Recoup Basketball 11-09-2019	MUNI	66.00
EFT35417	12/09/2019	Boyles Plumbing and Gas	ERC - Repairs & Maintenance Toilets	MUNI	1,367.85
EFT35418	12/09/2019	Brian Leonard & Christina Cartwright	Crossover Rebate - 23 Hatfield Way Millbridge - A11174	MUNI	249.00
EFT35419	12/09/2019	Brownes Foods Operations Pty Ltd	ERC - Cafe Stock	MUNI	423.85
EFT35420	12/09/2019	Bunbury Auto Group (Parts and Service)	45,000 Km Service - DA8222	MUNI	519.99

Payment	Date	Name	Invoice Description	Fund	
EFT35421	12/09/2019	Bunbury Coffee Machines	Cafe Stock	MUNI	1,007.00
EFT35422	12/09/2019	Bunbury Mower Service	Various Parts & Repairs - Trailer	MUNI	1,167.50
EFT35423	12/09/2019	Bunbury Psychological Services	Counselling Services - EAP	MUNI	462.00
EFT35424	12/09/2019	Bunbury Trucks	Parts and Seat Covers For Hino Truck DA325	MUNI	381.89
EFT35425	12/09/2019	Bunnings Group Limited	Toolbox For Ute Tray & General Parts for Repairs	MUNI	747.70
EFT35426	12/09/2019	C & D Cutri	Bridge 3678 - Hire of Props FY 2018/2019 and FY 2019/2020	MUNI	2,233.00
EFT35427	12/09/2019	Caltex Australia Petroleum Pty Ltd	Fuel - Shire of Dardanup Vehicle Fleet	MUNI	19,356.56
EFT35428	12/09/2019	City of Bunbury	City of Bunbury 2019-2020 Dog Pound Fees	MUNI	659.30
EFT35429	12/09/2019	Cleanaway	Kerbside Refuse Removal Exp Mun	MUNI	44,331.50
EFT35430	12/09/2019	Cleanaway Solid Waste Pty Ltd	Monthly Kerbside Waste Collection	MUNI	7,489.35
EFT35431	12/09/2019	CMM Technology	Six Monthly Calibration of Breathalyser	MUNI	110.00
EFT35432	12/09/2019	Coates Civil Consulting Pty Ltd	Road Design - Crooked Brook Area	MUNI	7,150.00
EFT35433	12/09/2019	Country Landscaping Pty Ltd	Install Uninterruptable Power Supply to Rainbird Controller at Eaton Oval	MUNI	1,492.60
EFT35434	12/09/2019	Craig Alexander & Karen Janette Wilson	Rates Refund for Assessment A2680 11 Pinto Cl Eaton WA 6232	MUNI	121.61
EFT35435	12/09/2019	Craven Foods	ERC - Cafe Stock	MUNI	419.17
EFT35436	12/09/2019	Cross Security Services	ERC - Install Security Access Reader to Main Administration Office Door	MUNI	2,028.40
EFT35437	12/09/2019	Caltex Energy WA	Hydraulic Oil	MUNI	257.73

Payment	Date	Name	Invoice Description	Fund	
EFT35438	12/09/2019	Christopher Hynes	Reimbursement For Purchase of Deep Cycle Battery	MUNI	229.00
EFT35439	12/09/2019	Damon Thompson	Umpire Recoup Basketball 11-09-2019	MUNI	66.00
EFT35440	12/09/2019	Dapco Tyre and Auto Centre	2 x Nexen Tyre For 2014 Mitsubishi Triton DA9406	MUNI	459.00
EFT35441	12/09/2019	Dardanup Garage & Service Station	Tow of Abandoned Vehicles to Vehicle Impound Facility	MUNI	136.40
EFT35442	12/09/2019	David John Leek T/A Acefire	Service of Fire Extinguishers & Blankets	MUNI	2,480.34
EFT35443	12/09/2019	Deidre Vanessa & Warren Craig Bailey	Crossover Rebate - 46 Evolution Loop - A11586	MUNI	223.00
EFT35444	12/09/2019	Dell Australia Pty Ltd	Dell Equipment - Minor Assets	MUNI	3,033.80
EFT35445	12/09/2019	Department of Mines, Industry, Regulations & Safety - BSL	BSL Remittance- Building Approvals August 2019	MUNI	3,116.43
EFT35446	12/09/2019	Deputec Pty Ltd	ERC - Deputy Roster Software 2019/2020	MUNI	99.00
EFT35447	12/09/2019	DFES	Emergency Services Levy 1St Qtr Contribution	MUNI	209,020.90
EFT35448	12/09/2019	DL & SC Brindley	Ferguson Hall - Eaves and Fibro Infill Panels Front Entry	MUNI	1,880.00
EFT35449	12/09/2019	Donna Bastow	Umpire Recoup Basketball 11-09-2019	MUNI	132.00
EFT35450	12/09/2019	Donna Bullen	Reimbursement For Stationery Items	MUNI	125.25
EFT35451	12/09/2019	Eaton Community Pharmacy	ERC - First Aid Suppliers	MUNI	11.82
EFT35452	12/09/2019	Eaton Environmental Services	Rodent Control - Rodent Control 3 Monthly	MUNI	528.00
EFT35453	12/09/2019	Emily Goyder	Umpire Recoup Netball 06-09-2019	MUNI	45.00

Payment	Date	Name	Invoice Description	Fund	
EFT35454	12/09/2019	Eve Yoga	ERC - Yoga Instruction 21/8/19, 28/8/19 and 4/9/19	MUNI	180.00
EFT35455	12/09/2019	Fit Right Sit Tight	Library Programs Car Seats - Fit Right Sit Tight Checks - September 19	MUNI	200.00
EFT35456	12/09/2019	Fit2Work	Monthly Invoice For Australian Employee Police Checks	MUNI	230.34
EFT35457	12/09/2019	Fresh Floral Studio	Flowers For CEO - From Staff and Councillors	MUNI	132.00
EFT35458	12/09/2019	Green Fencing	Supply and Install - Rural Fencing - Lot 2 Crooked Brook Road	MUNI	2,691.30
EFT35459	12/09/2019	Holman Electrical Services	ERC - Repair to Dishwasher	MUNI	443.52
EFT35460	12/09/2019	Howson Technical	Project Management - Eaton Drive Roundabout	MUNI	5,120.50
EFT35461	12/09/2019	IPWEA - WA Division	WA Division Membership - Director Infrastructure	MUNI	308.00
EFT35462	12/09/2019	Jason Signmakers	Building Our Future 'Bridges Renewal Program'	MUNI	457.60
EFT35463	12/09/2019	JCW Electrical Pty Ltd	Investigate and Repair Faulty Lights In Millars Creek Area	MUNI	330.00
EFT35464	12/09/2019	Jeffrey Edward Flatt	Rates Refund For Assessment A1659 25 Diadem St Eaton WA 6232	MUNI	792.00
EFT35465	12/09/2019	Jo Jingles South West	Early Learning Programs - August 19	MUNI	2,552.00
EFT35466	12/09/2019	JP Group - CPSS Pty Ltd	3 Monthly Lease of Transfer Station at Lot 81 Banksia Road Dardanup	MUNI	3,004.98
EFT35467	12/09/2019	Kaitlyn O'Dea	Umpire Recoup Netball 09-09-2019	MUNI	180.00
EFT35468	12/09/2019	Karyn Rowe	Umpire Recoup Netball 10-09-2019	MUNI	135.00
EFT35469	12/09/2019	Kirsty Shooter	Reimbursement of Online Payment of Referral Cards For ERC	MUNI	60.71
EFT35470	12/09/2019	Landmark Operations Ltd	Various P&G Items - Nozzles, Repair Kits and Gladiator	MUNI	753.50

Payment	Date	Name	Invoice Description	Fund	
EFT35471	12/09/2019	Les Mills Asia Pacific	Monthly Licence Fees	MUNI	1,091.71
EFT35472	12/09/2019	Marketforce	Advertising - Tenders	MUNI	1,017.28
EFT35473	12/09/2019	Mckayhla Pomare	Umpire Recoup Basketball 11-09-2019	MUNI	66.00
EFT35474	12/09/2019	McLeod's Barristers and Solicitors	Preparation - all Contract of Sale Documentation Required for Sale of Lot 606 & Lot 607	MUNI	3,796.65
EFT35475	12/09/2019	Melissa Louise Parker	Rates Refund For Assessment A9627 8 Greenough Place Millbridge WA 6232	MUNI	398.63
EFT35476	12/09/2019	Monitored Electronics	ERC - Duress Alarm System Monitoring 01-10-2019 to 31-12-2019	MUNI	57.20
EFT35477	12/09/2019	Natalie Robertson	Uniform Reimbursement	MUNI	18.00
EFT35478	12/09/2019	Nayax	Vending Machine - Monthly License Fee Support and Comms	MUNI	17.53
EFT35479	12/09/2019	Nicolaas Myburgh	Umpire Recoup Basketball 11-09-2019	MUNI	44.00
EFT35480	12/09/2019	NSCO Consulting	Team Building Training Session - Facilitation of the Ted Empowerment Model	MUNI	220.00
EFT35481	12/09/2019	Nathan Stacey	Umpire Recoup Basketball 11-09-2019	MUNI	154.00
EFT35482	12/09/2019	Novus Auto Glass Bunbury	Replace Broken Door Glass - 2013 John Deere Loader DA873	MUNI	986.15
EFT35483	12/09/2019	Officeworks Superstores Pty Ltd	ERC - Stationery Order	MUNI	516.00
EFT35484	12/09/2019	Perfect Landscapes	Mowing - Various Parks & Ovals	MUNI	2,167.00
EFT35485	12/09/2019	PFD Food Services Pty Ltd	ERC - Cafe Stock	MUNI	764.20
EFT35486	12/09/2019	PFI Supplies	Eaton/Dardanup Office - Toilet Roll, Paper Towel, Mop, Soap and Spray Bottle	MUNI	590.10

Payment	Date	Name	Invoice Description	Fund	
EFT35487	12/09/2019	Phil Anastasakis	50% Contribution Towards Text Books & Meal Reimbursement	MUNI	221.71
EFT35488	12/09/2019	Quest South Perth Foreshore	Accommodation & Parking - Ignition Program Curtin	MUNI	1,775.00
EFT35489	12/09/2019	Raelene Tedd	Umpire Recoup Netball 10-09-2019	MUNI	67.50
EFT35490	12/09/2019	Sanity Bunbury	Book Stock Eaton/Dardanup Library - DVD's	MUNI	235.30
EFT35491	12/09/2019	Schweppes Australia Pty Ltd	ERC - Cafe Stock	MUNI	549.76
EFT35492	12/09/2019	Signs Plus	Shire of Dardanup Name Badges	MUNI	87.60
EFT35493	12/09/2019	SMR Psychology	Employee Assistance Program	MUNI	187.00
EFT35494	12/09/2019	South West Rubber Stamps	Stationery Supplies	MUNI	5.70
EFT35495	12/09/2019	South West Zone - WALGA	Annual Membership Fees For 2019/20 - WALGA South West Zone	MUNI	600.00
EFT35496	12/09/2019	Sports Turf Association WA	Annual Corporate Membership	MUNI	275.00
EFT35497	12/09/2019	Sudhanshu Mishra	Shire Contribution - Farewell Gift Vitalis Chifamba	MUNI	200.00
EFT35498	12/09/2019	Synergy	Electricity Account For 11 Sites	MUNI	3,055.64
EFT35499	12/09/2019	St Aidan Wines	Council Chambers	MUNI	141.00
EFT35500	12/09/2019	T & V Fencing	Clean Up Sindhi Park & Eaton Drive	MUNI	500.50
EFT35501	12/09/2019	Telstra	Telephone Use For West Dardanup BFB	MUNI	40.00
EFT35502	12/09/2019	The Passionate Baker	Cafe Stock	MUNI	163.88
EFT35503	12/09/2019	Therese Price	Umpire Recoup Netball 10-09-2019	MUNI	157.50

Payment	Date	Name	Invoice Description	Fund	
EFT35504	12/09/2019	Tracey Tupaea	Umpire Recoup Netball 09-09-2019	MUNI	118.00
EFT35505	12/09/2019	Toll Transport	Administration - Postage & Freight	MUNI	30.42
EFT35506	12/09/2019	Vanessa Black	Umpire Recoup Netball 09-09-2019	MUNI	45.00
EFT35507	12/09/2019	Veen's Design Drafting Service	Bowling Club Redevelopment - Architectural Services	MUNI	9,359.90
EFT35508	12/09/2019	Water Corporation	Water Use & Service Charges, Lot 90 Swan Avenue Millbridge 01 Sept - 31 Oct 2019	MUNI	172.49
EFT35509	12/09/2019	West Australian Mechanical Services Pty Ltd	Repair Airconditioner Eaton Family/ Health Centre	MUNI	671.00
EFT35510	12/09/2019	Winc Australia Pty Ltd	Various Stationary Orders	MUNI	1,096.77
EFT35511	12/09/2019	Woolworths Group Limited	ERC - Cafe Stock & General Purchases	MUNI	497.12
BPAY					
DD14559.1	29/08/2019	inet Ltd	Monthly Charge For Business-4 Service Sod@Westenet.Com.Au	MUNI	174.94
DD14563.1	30/08/2019	Synergy	Electricity Account For Landfill Site Lot 1 Banksia Road 29 May - 29 July 2019	MUNI	1,652.05
DD14572.1	05/09/2019	Engineers Australia	EA Professional Member - Membership Renewal Director of Infrastructure	MUNI	574.00
DD14592.1	12/09/2019	Alinta	ERC Electricity Account 800040636	MUNI	287.80
PAYROLL					
DD14578.1	06/09/2019	WA Super	Payroll Deductions	MUNI	39,034.32
DD14578.2	06/09/2019	Perpetual Wealth Focus Super Plan	Superannuation Contributions	MUNI	155.25

Payment	Date	Name	Invoice Description	Fund	
DD14578.3	06/09/2019	MLC Super Fund	Superannuation Contributions	MUNI	567.97
DD14578.4	06/09/2019	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	322.64
DD14578.5	06/09/2019	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	249.18
DD14578.6	06/09/2019	One Path Masterfund	Superannuation Contributions	MUNI	112.27
DD14578.7	06/09/2019	Suncorp Brighter Super	Superannuation Contributions	MUNI	122.93
DD14578.8	06/09/2019	BT Super For Life	Superannuation Contributions	MUNI	115.07
DD14578.9	06/09/2019	Asgard Infinity E Wrap Super	Superannuation Contributions	MUNI	261.82
DD14578.10	06/09/2019	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	645.63
DD14578.11	06/09/2019	Media Super	Superannuation Contributions	MUNI	498.07
DD14578.12	06/09/2019	Australiansuper	Superannuation Contributions	MUNI	1,352.74
DD14578.13	06/09/2019	Rest Superannuation	Payroll Deductions	MUNI	772.05
DD14578.14	06/09/2019	Burton Superannuation Fund	Superannuation Contributions	MUNI	252.87
DD14578.15	06/09/2019	Construction & Building Industry Super	Superannuation Contributions	MUNI	185.42
DD14578.16	06/09/2019	Hostplus	Superannuation Contributions	MUNI	538.29
					870,271.18

Payment	Date	Name	Invoice Description	Fund
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REPORT TOTALS

EFT	822,395.87
Muni	0.00
Cheque	
Payroll	45,186.52
Credit Card	0.00
International	0.00
BPAY	2,688.79
TOTAL	870,271.18

CERTIFICATE of Chief Executive officer

This schedule of accounts to be passed for payment, covering vouchers as above which was submitted to each member of Council has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations, and costings and the amounts shown are due for payment.



MR ANDRÉ SCHÖNFELDT
 Chief Executive Officer: _____

12.9 Title: Occupational Safety & Health Committee Meeting Minutes Held 11 September 2019

MINUTES OF THE SHIRE OF DARDANUP OCCUPATIONAL SAFETY & HEALTH COMMITTEE MEETING HELD ON 11 SEPTEMBER 2019, AT THE SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 11.00am.

Officer Comment

The minutes of the Occupational Safety & Health Committee meeting are attached (Appendix ORD: 12.9)

**OFFICER RECOMMENDED RESOLUTION &
OSH COMMITTEE RECOMMENDED RESOLUTION**

THAT Council receives the minutes of the Occupational Safety & Health Committee Meeting held 11 September 2019.

OSH COMMITTEE RECOMMENDED RESOLUTION "A"

THAT Council acknowledge the Shire of Dardanup achievement of a 'Tier 3 Silver Diligence in Safety Certificate Award' for attaining a score of 81% compliance in its LGIS' 3 Steps to Safety Program Audit.

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13.1 Title: Notice of Motion – Revoking Resolution 85-19 – ‘Proposed Fenced Dog Exercise Area for Eaton’

Reporting Department: Elected Member
Elected Member: Cr. Janice Dow
Legislation: Local Government Act 1995 [5.25(1)e]
 Local Government (Administration) Regulations 1996 [10]
 Standing Orders Local Law 2014 [11.3]

Overview

Cr. J Dow gave a notice of motion to revoke resolution 85-19 in line with community response to the proposed location for the Fenced Dog Exercise Area at the Eaton Foreshore. The Notice of Motion has been co-signed by Cr. M T Bennett and Cr. T G Gardiner.

Cr. J Dow wished to have Council rescind the previous resolution in respect to the location and revisit alternative options for where the Fenced Dog Exercise Area could be located.

Cr. J Dow also proposed an alternative motion whereby Council would request the Chief Executive Officer to cost out the proposed Fenced Dog Exercise Area after the community consultation period with the residents, for inclusion in next year’s budget deliberations.

Cr. J Dow has met with the CEO and agreed to withdraw the notice to rescind, and instead to put forward an alternative motion that would request three (3) additional locations be investigated. The report provides details as to how and why this change came about.

Background

At the Ordinary Meeting of Council held Wednesday, 17 April 2019, Council resolved as follows;

85-19 *MOVED -* *Cr. P R Perks* *SECONDED -* *Cr. C N Boyce*

THAT Council:

1. *Receives the results of the ‘Proposed Fenced Dog Exercise Area for Eaton’ survey and notes the general support from the Community for a Fenced Dog Exercise Area with Eaton Foreshore as the preferred location.*
2. *Supports the further development of the concept for the Fenced Dog Exercise Area at the eastern end and western end of the Eaton Foreshore to include nature based features of a successful dog park with reference to the “Unleashed – A Guide to Successful Dog Parks” guidelines and the concept is developed in consultation with the affected property owners; and*
3. *Refer the design for the Fenced Dog Exercise Area back to the Fenced Dog Exercise Area Working Group and Eaton Townscape Committee for further action.*

CARRIED

6/1

For the Motion	Against the Motion
<i>Cr. M T Bennett</i> <i>Cr. P S Robinson</i> <i>Cr. C N Boyce</i> <i>Cr. P R Perks</i> <i>Cr. L Davies</i> <i>Cr. J Lee</i>	<i>Cr. J Dow</i>

A complaint was voiced by the organisers of the Eaton Foreshore Festival expressing their concerns about the area, both the west and eastern ends, as the area will not be able to accommodate both the Fenced Dog Exercise Area and the Eaton Foreshore Festival without causing major disruptions, as well as causing issues with other activities planned in the area.

In requesting this rescission motion, consideration is also given to the angry response and feedback from residents living in the area with the real potential that some of them may take legal action against the Shire should this project proceed on the Foreshore.

Parking will become a major issue on the west end as the business houses have also expressed their concerns that caravans coming and going to the caravan park will also have problems parking while booking into their accommodation.

Legal Implications

Section 10 of the Local Government Administration Regulations 1996 (LGA 5.25(1)(e)) state:

“10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) *If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) *in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the Council or committee, inclusive of the mover.*
- (1a) *Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the Council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the Council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
 - (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

The Shire of Dardanup Standing Orders Local Law 2014, sets out the following:

11.3 Revocation motion after meeting—procedures

- (1) *A member wishing to move a revocation motion at a future meeting of the Council or a Committee must give to the CEO notice of the revocation motion, which is to—*
 - (a) *be in writing;*
 - (b) *specify the decision proposed to be revoked or changed;*
 - (c) *include a reason or reasons for the revocation motion;*
 - (d) *be supported by the number of members required under the Regulations;*

(e) specify the date of the ordinary or special meeting of the Council or the Committee where it is to be presented, as the case may be; and

(f) be given to the CEO in accordance with the notice of motion provisions in clause 4.12.

(2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.12.

11.4 Implementation of a decision

No steps are to be taken to implement or give effect to a decision if—

(a) there is a valid notice of revocation motion that has the support of members required by the Regulations; and

(b) the notice of revocation motion was received before any action was taken to implement the decision.

Section 4.12(2) with regards to the notice of revocation sets out the following:

“A notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 4 clear working days before the meeting at which the motion is to be moved.”

Therefore a motion can be revoked or changed at any time after it is adopted providing that the action has not been initiated before the notice of motion has been received.

A formal notice of motion has been received by the Chief Executive Officer, signed by the intended mover, Cr. J Dow on 11 September 2019.

Strategic Community Plan

- Strategy 1.1.1- To be equitable, inclusive and transparent in decision making. (Service Priority: High)
- Strategy 1.6.2- Promote a positive public image for the Council through appropriate marketing activities and high standards of customer service. (Service Priority: Very High)
- Strategy 2.1.2- Preserve and protect the ecological value of watercourses. (Service Priority: Very High)
- Strategy 2.1.1- To protect and preserve open spaces, natural vegetation and bushland. (Service Priority: Very High)
- Strategy 2.3.1- Continue to implement integrated environmental, social and land use planning which meets diverse community needs. (Service Priority: Very High)
- Strategy 2.6.1- To provide a variety of places to live, work and play that meet the current and future needs of the community. (Service Priority: Very High)
- Strategy 4.2.4- To enhance the Eaton Foreshore: Develop cafe and tourism opportunities. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low

Elected Member Comment

The Eaton Foreshore Festival have been using this area for almost 30 years, and every year the event is getting bigger and bigger. There is not room for both.

Parking and congestion are also major concerns when other events are held on the foreshore, and with the proposed new \$2.5m Eaton Bowling Club, parking will be reduced further still as the club gains new members with the new facilities.

There are health and safety concerns also if gates are installed on the fenced area which is to be opened to the public when there is an event on. Issues such as fleas, infectious diseases, viruses, bacteria or parasites always increase when dogs congregate together. Micro-organisms in dog stools can infect humans, particularly children who may touch the grass or stools if any have been left around and then they put their fingers on their face.

The Eaton Foreshore should be open to everyone, fencing creates an uninviting atmosphere for non-dog owners as people and families play and go for walks in the park, it will also impact on the "look" of the foreshore.

This motion is not about the Fenced Dog Exercise Area, only about the unsuitable location. There is a major risk to the Shire if residents and businesses take legal action against the Shire when the simple solution would be to move the proposed Fenced Dog Exercise Area to another location where it will not be in direct conflict with other residents or businesses.

By looking for an alternative location away from this unique piece of public open space, other opportunities will open up and perhaps the size and facilities of the Fenced Dog Exercise Area could be bigger and better, an asset that residents and Council would be proud of.

I do believe that when the original vote was taken, Councillors were unaware of the concerns of the Eaton Foreshore Festival organisers and business owners on the foreshore. Residents have certainly stated very clearly what they think and are prepared to take legal action and as a Council we need to listen and act in everyone's best interest.

Simply looking for a different location would show our residents that we are listening and that they have been heard.

Chief Executive Officer Comment

Advice was sought from Mr. Tony Brown from WALGA who explained that common law advice is that Council is not able to revoke a decision once it has been implemented as per below:

WALGA's advice on rescission motions is that a Council cannot rescind an item that has already been implemented. Legal Advice supports this.

However with the Local Government Act review currently being carried out, we have asked for the section of the regulation to be clarified as per below;

<i>Revoking or Changing Decisions: Administration Regulation 10</i>	
<i>Position Statement</i>	<i>That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.</i>

Background

Regulation 10 provides a mechanism for the revocation or change to a previous decision of Council. It does not however, contain any provision clarifying that the provisions do not apply to Council decisions that have already been implemented. This regulatory deficiency is currently managed administratively, but warrants an appropriate amendment to assist clarify the rights of a Councillor to seek a revocation or change

State Council Resolution

March 2019 -06.3/2019

Therefore in considering the proposal to revoke a previous decision of Council it is important to consider the different elements of the decision:

Part 1 of Council's April 2019 decision sets out as follows:

- 1. *Receives the results of the 'Proposed Fenced Dog Exercise Area for Eaton' survey and notes the general support from the Community for a Fenced Dog Exercise Area with Eaton Foreshore as the preferred location.***

As this action is to receive and to note the outcomes from a survey, it is considered that this part of the resolution has effectively been actioned and cannot be revoked. It is not possible nor practical to argue that Council can un-note or un-receive something which was accepted five months earlier and has been moved on from since.

Part 2 and 3 of Council's April 2019 decision sets out as follows:

- 2. *Supports the further development of the concept for the Fenced Dog Exercise Area at the eastern end and western end of the Eaton Foreshore to include nature based features of a successful dog park with reference to the "Unleashed – A Guide to Successful Dog Parks" guidelines and the concept is developed in consultation with the affected property owners;***
- 3. *Refer the design for the Fenced Dog Exercise Area back to the Fenced Dog Exercise Area Working Group and Eaton Townscape Committee for further action."***

Staff acted on this part of Council's decision by initially seeking requests for quotations (5 July 2019) to assist in facilitating and designing the Fenced Dog Exercise Area. In assessing the quotations received, the costs were considered too high and additionally that officers would be able to undertake some of the tasks in relation to the design in-house. As a result a second round of requests for quotations was issued (16 August 2019) to seek an external consultant to facilitate three workshops, one with the broader community and two with the directly affected property owners. Public notice of the workshops were given on (5 September 2019) in the local paper, and on the Shire's Website and a link on Facebook page (30 August 2019) inviting members of the public to the first workshop. Invitations to the affected property owners were sent out on (6 September 2019).

As outlined in the Legal Implications section above, the notice of revocation motion was received on 11 September 2019 which was after action had already been taken to implement this part of the decision. It is therefore the Chief Executive Officer's opinion that Section 11.4 of the Standing Orders Local Law is not considered to apply to this part of Council's April decision and as such the actions associated with the community engagement organised prior to receiving the notice of motion was followed through.

To this extent the first community workshop occurred on Sunday 15 September 2019. The second and third workshops will occur on 23 and 24 September 2019. During the first workshop the appointed consultant facilitated discussion with the community at large to assist staff to identify the opportunities and concerns with regards to both the eastern and western end of the Foreshore, and to identify broad design criteria or elements that should be considered in further developing the concept for a generic fenced dog exercise area. Draft concept designs for each area have since been prepared based on the outcomes of this first workshop and will be presented to the affected property owners outlining the abilities and limitations of the designs and to further identify concerns with the concepts. As such it is arguable as to whether the action has been completed or to what extent part 2 of Council's April decision has been implemented.

Part 3 which requires referral of the concept designs back to the Working Group and the Townscape Committee has not been actioned yet and therefore in accordance with Local Government Administration Regulations Section 10(3) Council is still able to change or add to the previous decision if it does not have the effect of revoking that decision or making the decision to become substantially different.

In discussion with Cr. J Dow, she has based on the advice given above, agreed to withdraw the revocation motion and substitute it for the following motion that requests staff to develop concepts for other locations **in addition** to those already being developed for the Eaton Foreshore:

“THAT Council with regards to Resolution [85-19], of the Ordinary Council Meeting of 17 April 2019:

- 1. Notes the actions already undertaken with regards to Resolution [85-19], of the Ordinary Council Meeting of 17 April 2019 in relation to the further development of the concept for the Fenced Dog Exercise Area at the eastern end and western end of the Eaton Foreshore;***
- 2. Requests the Chief Executive Officer to undertake further investigations into three (3) other possible locations and to develop draft concept designs and cost estimates for those locations in addition to the Eaton Foreshore concepts already being developed as noted in 1;***
- 3. The concepts identified in 2 is to include nature based features of a successful dog park with reference to the “Unleashed – A Guide to Successful Dog Parks” guidelines and are to be developed in consultation with affected property owners; and***
- 4. Requests the Chief Executive Officer refer the outcomes of all the locations, draft concept designs and costings, including potential funding sources for a Fenced Dog Exercise Area back to the Fenced Dog Exercise Area Working Group and to the Eaton Townscape Committee before a report is presented to Council for further consideration.”***

The above resolution will provide Council with the opportunity to further consider the outcomes of the workshops and community engagement already undertaken on the Eaton Foreshore as well as three additional locations and concepts to be investigated and to be developed prior to any concepts being presented back to Council via the Working Group and Townscape Committee for further consideration.

Council Role - Review.

Voting Requirements - Absolute Majority.

COUNCILLOR MOTION "A"

THAT Council revokes Resolution [85-19], of the Ordinary Council Meeting of 17 April 2019 being:

"THAT Council:

- 1. Receives the results of the 'Proposed Fenced Dog Exercise Area for Eaton' survey and notes the general support from the Community for a Fenced Dog Exercise Area with Eaton Foreshore as the preferred location.*
- 2. Supports the further development of the concept for the Fenced Dog Exercise Area at the eastern end and western end of the Eaton Foreshore to include nature based features of a successful dog park with reference to the "Unleashed – A Guide to Successful Dog Parks" guidelines and the concept is developed in consultation with the affected property owners; and*
- 3. Refer the design for the Fenced Dog Exercise Area back to the Fenced Dog Exercise Area Working Group and Eaton Townscape Committee for further action."*

Process:

This motion has been withdrawn

COUNCILLOR MOTION "B"

THAT Council:

1. Notes the results of the 'Proposed Fenced Dog Exercise Area for Eaton' survey and the general support from the Community for a Fenced Dog Exercise Area.
2. Supports the further development of the concept for the Fenced Dog Exercise Area to include nature based features of a successful dog park with reference to the "Unleashed – A Guide to Successful Dog Parks" guidelines and refer the design for the Fenced Dog Exercise Area back to the Eaton Townscape Committee for further action.
3. Requests that an investigation into other locations for the Proposed Fenced Dog Exercise Area in the Shire be undertaken with a report back to the Eaton Townscape Committee with their findings before the report is presented to Council for a decision.
4. Request the Chief Executive Officer to cost out the Proposed Fenced Dog Exercise Area after the community consultation period with the residents for inclusion in next year's budget deliberations.

Process:

This Motion has been withdrawn

COUNCILLOR MOTION "C"

THAT Council with regards to Resolution [85-19], of the Ordinary Council Meeting of 17 April 2019:

- 1. Notes the actions already undertaken with regards to Resolution [85-19], of the Ordinary Council Meeting of 17 April 2019 in relation to the further development of the concept for the Fenced Dog Exercise Area at the eastern end and western end of the Eaton Foreshore;**
- 2. Requests the Chief Executive Officer to undertake further investigations into three (3) other possible locations and to develop draft concept designs and cost estimates for those locations in addition to the Eaton Foreshore concepts already being developed as noted in 1;**
- 3. The concepts identified in 2 is to include nature based features of a successful dog park with reference to the "Unleashed – A Guide to Successful Dog Parks" guidelines and are to be developed in consultation with affected property owners; and**
- 4. Requests the Chief Executive Officer refer the outcomes of all the locations, draft concept designs and costings, including potential funding sources for a Fenced Dog Exercise Area back to the Fenced Dog Exercise Area Working Group and to the Eaton Townscape Committee before a report is presented to Council for further consideration.**

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

15 PUBLIC QUESTION TIME

16 MATTERS BEHIND CLOSED DOORS

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

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 - Matters for Which Meeting May Be Closed:

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

- | |
|---|
| <p><i>S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-</i></p> <ul style="list-style-type: none"> <i>(a) all Council meetings; and</i> <i>(b) all meetings of any committee to which a local government power or duty has been delegated.</i> <p><i>(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -</i></p> <ul style="list-style-type: none"> <i>(a) a matter affecting an employee or employees;</i> <i>(b) the personal affairs of any person;</i> <i>(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;</i> <i>(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;</i> <i>(e) a matter that if disclosed, would reveal -</i> <ul style="list-style-type: none"> <i>(i) a trade secret;</i> <i>(ii) information that has a commercial value to a person; or</i> <i>(iii) information about the business, professional, commercial or financial affairs of a person,</i>
<i>where the trade secret or information is held by, or is about, a person other than the local government;</i> <i>(f) a matter that if disclosed, could be reasonably expected to -</i> <ul style="list-style-type: none"> <i>(i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;</i> <i>(ii) endanger the security of the local government's property; or</i> <i>(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;</i> <i>(g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and</i> <i>(h) such other matters as may be prescribed.</i> <p><i>(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.</i></p> |
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OFFICER RECOMMENDED RESOLUTION

THAT in accordance with the Local Government Act 1995, S 5.23, the Council go Behind Closed Doors [.....pm] to discuss:

- **Information where a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and**
- **Information that has a commercial value to a person.**

16.1 Title: Request for Quotation – 2050 Visioning

Reporting Department: Corporate & Governance Directorate

Reporting Officer: Mr Allan Hutcheon - Procurement Officer

Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23 (2) this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Records Management System of the Council.

OFFICER RECOMMENDED RESOLUTION

THAT Council return from Behind Closed Doors.

Note: In accordance with Standing Order 5.2(6) the Presiding Officer, may cause the motion passed by Council whilst behind closed doors to be read out.

17 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be Wednesday 16 October 2019, 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.

