



CONFIRMED

MINUTES

ORDINARY MEETING

Held

26 June 2019

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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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

MINUTES OF THE SHIRE OF DARDANUP ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 26 JUNE 2019, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr. M T Bennett declared the meeting open at 5.00pm, welcomed those in attendance and referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

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

Cr. Michael Bennett	-	Shire President (Chairperson)
Cr. Peter Robinson	-	Deputy Shire President
Cr. Luke Davies	-	Elected Member
Cr. Tyrrell Gardiner	-	Elected Member
Cr. Patricia Perks	-	Elected Member
Cr. Janice Dow	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Luke Botica	-	Director Engineering & Development Services
Mr Phil Anastasakis	-	Director Corporate & Community Services
Ms Cathy Lee	-	Manager Governance & HR
Mrs Natalie Hopkins	-	Manager Financial Services
Mr Neil Nicholson	-	Principal Environmental Health Officer
Mr Nathan Ryder	-	Operation
Mr Mick Saunders	-	Manager Assets
Mr Stephen Eaton	-	IT Manager
Ms Lee Holben	-	Manager Community Services
Mrs Marisa Blandford	-	Governance Officer
Mrs Cecilia Muller	-	Principal Planning Officer
Mr Sudi Mishra	-	Manager Business Solutions [5.42PM]

1 Member of the media was present

Approximately 17 Members of the public were present.

2.2 Apologies

Cr. C N Boyce	-	Leave of Absence [Resolution 119-19]
Cr. James Lee	-	Elected Member

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Title: Mrs Ellen Lilly – Regarding Banksia Road Waste Site Applications

<i>Reporting Department:</i>	<i>Engineering & Development Services</i>
<i>Reporting Officer:</i>	<i>Mr Brenton Scrambler – Manager Development Services</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Background

The following question was asked during “Public Question Time” at the Ordinary Council meeting held 5 June 2019. The question was in relation to the Special Electors Meeting held on 20 March 2019.

Question:

Mrs Lilly – There was a motion put forward to Council at the electors meeting requesting an Environmental Impact Assessment to be carried out on Lot 1 as well as Lot 2.

Response:

Chief Executive Officer, Mr André Schönfeldt - there has been a request received from the ~~Dardanup Landfill Community Reference Group~~ Dardanup Environmental Action Group on a range of things. There is currently a report being prepared to explain how we can or cannot deal with the matters. The works approval applications proposals by Cleanaway have been referred to the Department of Water Environmental Regulation (DWER). With regard to the request from the community to engage an independent environmental consultancy, I would have to refer back to the report in the minutes and respond to you at a later time. I do not have that information right now.

Officer Comment

Shire staff have reviewed the resolutions of the Special Electors Meeting and a resolution requesting an Environmental Impact Assessment to be carried out on Lot 1 as well as Lot 2 was not included or passed to that effect. There were two resolutions that contemplate the environmental implications for the Cleanaway site. The resolutions are as follows:

SPECIAL MEETING OF ELECTORS RESOLUTION “5”

That the Dardanup Shire Council refer the proposals by Cleanaway to increase the scope of their Waste Facility site on Banksia Road Dardanup, to the EPA to be assess through an Environmental Impact Assessment.

SPECIAL MEETING OF ELECTORS RESOLUTION “6”

That the Dardanup Shire Council set aside funds to engage an Independent Environmental Consultancy, who specialises in Tailings Storage Facilities, to provide a report of the impact, now and in the future of Cleanaway’s proposed expansion and how the existing risks can be best managed and that this occur as soon as possible.

The above resolutions do not specifically seek to undertake an Environmental Impact Assessment over Lot 1 or Lot 2 Banksia Road. In respect to the Special Meeting of Electors Resolution “5”, the Shire have referred the lithium tailings proposal to the EPA for its assessment.

In respect to the Special Meeting of Electors Resolution “6”, part 2 of the Officers Recommendation for Item 12.1 of this agenda, the Shire is seeking the Council’s authorisation for the Chief Executive Officer to engage a “suitably qualified expert/s to undertake an independent review of any future lithium tailings proposal, and an environmental audit of Lot 1 and Lot 2 Banksia Road, Crooked Brook.”

The Shire does not intend to undertake any further action in regards to the matters listed above until such time as additional applications are received.

4 PUBLIC QUESTION TIME

Note: Public Question Time Commenced: 5.02pm.

4.1 Mrs Jill Cross Regarding Item 12.1 "Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit"

PUBLIC	OFFICER RESPONSE
<p>1. With regards to the Officers response to DDRA and History of inability to contain stormwater runoff.....What proof does the Shire have that any stormwater runoff that is causing erosion on the southern side of the boundary of Lot 2 Banksia Rd has been generated from any other source other than from the bund wall at Lot 2 Banksia Rd?</p> <p>Jill – the water is coming from that bund wall and nowhere else.</p>	<p>Director Engineering & Development Services, Mr Luke Botica - There is a track on the southern side of the boundary which is on conservation land. This is a long track that extends the southern boundary. This track is bare, consists of various materials including clay, gravel and sandy material. This track, in places, is cut into the ground and is lower than the adjacent conservation park ground. It slopes down to Banksia Road. There are also little to no cut-off drains to dissipate runoff. It is reasonable to expect that rainfall that hits this track coming from within the conservation park, will contribute to runoff down this track and subsequent erosion if there are no controls in place.</p>
<p>2. Further to the Shires approval of the bund wall in 2016 can someone explain how this construction hoped to contain the stormwater runoff from this bund when the base of the bund was located on the boundary adjoining the Dardanup Conservation Park?</p>	<p>Director Engineering & Development Services, Mr Luke Botica - The approved designs indicated a swale to be installed along the perimeter. This swale effectively sits at the toe of the bund and should collect and convey runoff that is generated on the outside of the bund.</p> <p>Capacity may need to be looked at.</p>
<p>3. What are the contact details for Cleanaway when directing complaints?</p>	<p>Shire President – Cr. M T Bennett -The number for the Cleanaway complaints and feedback hotline is 1800 213 753.</p>
<p>4. Does the Shire receive a copy of the environmental audit that is submitted annually by Cleanaway to DWER?</p> <p>Can Council request that?</p>	<p>Cr. M T Bennett – No. The Shire does not receive a copy of the environmental audit.</p> <p>The Community Committee should request that directly.</p>
<p>5. Can the Shire question DWER how effective is the dust management strategy Cleanaway utilises when we have all seen vision of large plumes of dust escaping from this site on a windy day?</p>	<p>Cr. M T Bennett - Shire officers will take this question on notice and contact DWER regarding this matter.</p>

PUBLIC	OFFICER RESPONSE
<p>6. How can we be confident as a community when we read the officers report in the agenda that contour plans for the 2006 approval and landscaping plans have either not been submitted by Cleanaway or lost by the Shire and there has been very little regard to ensuring compliance on Cleanaway's part or any regular inspections by Shire Staff?</p> <p>The Shire have a lot of work to do to gain that confidence of this community so we know that you are ensuring that Cleanaway is operating a well-run Landfill site.</p>	<p>Officers encourage the community to continue raising any matters of concern with regard to compliance at the Cleanaway site. This will provide officers with an opportunity to provide further information, until all parties are satisfied that compliance has been achieved.</p> <p>Chief Executive Officer, Mr André Schönfeldt advised that the report in the Agenda was the first step to ensuring the Shire takes up its compliance role and hopefully this will assist in repairing the relationship and trust with the Community.</p> <p>In addition Council in tonight's agenda will be considering the budget, which includes an allocation of resources toward a Statutory Enforcement Officer, whose role will be focused on proactive compliance actions. This shows Council's clear intent that we want to become more proactive.</p>

4.2 Mrs Dianne Webster Regarding Item 12.1 "Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit"

This question is in relation to the Banksia Road tip and possible increase in size or expansion to the type of material being stored.

PUBLIC	OFFICER RESPONSE
<p>1. If, at some stage in the future, the correct containment of materials is compromised, such as dust or seepage for example. Which organisation will be responsible for meeting compensation commitments regarding environmental issues or lifestyle impacts on the community?</p> <ul style="list-style-type: none"> • Albermarle, • Cleanaway, • Owners of the land, • Dardanup Shire, • State Government or • Other (Please state...) 	<p>Chief Executive Officer, Mr André Schönfeldt – Under the Environmental Protection Act 1986 the principle is that the polluter pays. It is my understanding that this is also true under the Contaminations Act, which means the owner / operator of the land is responsible if the site is considered contaminated.</p>
<p>1a Given question one has been answered. For how long will this organisation be held accountable?</p>	<p>Mr André Schönfeldt – It is difficult to give an accurate answer, as it will depend on the circumstances related to dealing with the contamination and resolving those issues. As I understand it the landowner of the site remains responsible indefinitely.</p>

PUBLIC	OFFICER RESPONSE
	This question will need to be taken on notice in order for Shire officers to investigate and confirm this matter.
1b If this time of accountability is limited, what is the length of this time and who then then becomes accountable?	As above.
1c If at some time in the future an organisation such as the Commonwealth Scientific and Industrial Research Organisation (CSIRO) make a jurisdiction that there needs to be an alteration to how some particular material is stored, who will be responsible for rectifying the situation?	As above

4.3 Mrs Ellen Lilly – Regarding Item 3.1 -Banksia Road Waste Site Applications

I refer to the response given at Item 3.1. I do not agree.

At the Special Electors meeting and at subsequent Council meetings the Shire have been asked to arrange appropriate environmental impact study on Lot 1 and Lot 2, however the Shire has taken the option of referring to EPA for assessment.

This is not what we (the community) have asked for. We want the Shire of Dardanup to arrange and pay for an independent community environmental study of Lot 2 and an Environmental impact study of Lot 1 in respect to tailings Storage. The Shire continues to avoid our request for support on these issues. When is the Shire going to committee to supporting the Community and provide assurances that the lithium tailings storage is not going to affect our health and or lifestyle?

We are asking for an independent study whereby there is a baseline. So that we know what they plan to do with the storage of lithium in the future. Is the Shire is going to continue avoiding this matter?

What assurances are you going to provide to the community of Dardanup and the people of the South West that our health is not going to be affected by the storage of lithium in the Dardanup townsite?

Response:

Chief Executive Officer, Mr André Schönfeldt – With regard to your comment that the Council is avoiding the matter; that is not accurate. The Motions for the Special Electors meeting were presented to Council. At that time we did not have a DA in front of us, nor did we have specific details on what the potential environmental impacts could be. What we did have was an application to DWER for a works approval licence to store lithium tailings. This was referred to the Environmental Protection Agency under the relevant legislation to do the assessment in accordance with Council's resolution on the Special Electors Meeting's resolution.

In Item 12.1 of tonight's meeting, officers have recommended that if we receive a Development Application for lithium tailings, then we would like to refer that to an independent consultant which will achieve what you are asking for. However without the details it is difficult to refer the matter to an independent consultant in the first instance.

Mrs Ellen Lilly – We have a history going back to 1999 where there have been multiple applications and works approval for Lot 2. Initially in 1999 it was not required. Now, 20 years on that landfill site has taken on several different types of waste, including hazardous medical waste. We want a cumulative environmental assessment of Lot 2. Cleanaway are going to continue on Lot 2. They will continue to put in different applications for different cells and different products. There has to be a time that we stop. Lot 1 I accept that we will wait.

The GHD report says that it is of low risk. The soluble matter of this is the risk. When you get the application don't just refer it to the EPA.

Response:

Chief Executive Officer, Mr André Schönfeldt – Currently Lot 2 is operating within the existing planning approvals regulated by the Shire and environmental licences that DWER regulates.

This question will need to be taken on notice to see if the Shire has power to do an environmental impact assessment on private land which is currently the subject of a DWER works approval licence and regulated by DWER.

To address your question further from another perspective we cannot do anything about a planning approval issued under appeal by the Minister of Planning in 1999 after the Council refused it, or regarding the State Administrative Tribunal's (SAT) approval against Council's decision in 2006, apart from enforcing compliance as set out in the agenda tonight.

4.4 Mr Russell Sheridan Regarding Item 12.1 "Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit"

Are Council aware government have an obligation to ensure that a project will not endanger public health or the environment? This is covered in Section 4A of the EP Act 1986, Object and principles of Act where the precautionary principle is described. In summary the precautionary principle is used where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation or threat to public health. The principle implies that there is a social responsibility to protect the public from exposure to harm, when scientific investigation has found a plausible risk. These protections can be relaxed only if further scientific findings emerge that provide sound evidence that no harm will result.

Study of the Cleanaway Works Approval raises a number of questions related to public health and environmental degradation, amongst these is the tailings analysis results which indicates that there are heavy metals in the tailings which gives rise to a plausible risk to public health and the environment.

What are Council doing to ensure that the proponent takes the precautionary principle into account and ensures that the design and operation of the facility is suitable to ensure dust, seepage, and human exposure are prevented until science proves that the heavy metals are either not there or will not be present a risk.

Response:

Chief Executive Officer, Cr. M T Bennett responded outlining that the Shire was aware of the Environmental protection Act 1986 provisions and has referred the works approval application to the EPA for review to consider the relevant matters.

4.5 Mr David Birch Regarding Item 12.1 "Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit"

How can Conditions of Approval of Lot 2 be deemed compliant despite highlighting continual breaches such as stormwater run-off, fugitive dust & litter escapes? Doesn't compliance mean that the conditions of approval have been met to a standard to ensure there is no pollution occurring, not remedied after non-compliance because of poor construction or operating practices?

Given the continual breaches of the stormwater runoff containment condition, despite an approved plan, is the Council satisfied that it has the expertise & competencies to approve such plans? How will the Council ensure that any further developments be scrutinised, so that the completed development plans will be able to comply with set conditions? (eg the stormwater plan will be able to contain the stormwater runoff).

Response:

Principal Planning Officer, Mrs Cecilia Muller - In response to question 1 – It could potentially fail and is an ongoing matter. An Audit has been done at this point of time.

Chief Executive Officer, Mr André Schönfeldt - When making an assessment, the officer considers the merits and places conditions on the approval to mitigate the impacts as far as possible. This may not be 100% bullet proof. How do you improve those mitigation measures? Over time, by monitoring the effectiveness it is possible to improve on those measures, which is the case particularly with the storm water one, where a different design is intended to be developed in future years..

Mr David Birch – Is this site suitable for this development?

Response:

Chief Executive Officer, Mr André Schönfeldt - This question would need to be considered and answered at the time an application is considered and would need to be considered against the planning merits of the application.

Shire President, Cr. M T Bennett – We never had a baseline to start from up until this time. I think if it did come to Council we can certainly mitigate that and through the JDAP the Shire can still have some say.

Discussion:

Cr. M T Bennett – In 1993 we bought Lot 1 originally. In 1999 it was ticked off by the Minister. We had no idea on earth that what we have today is what we would have back then. It wasn't a case of why would we do it, it is now taken over by a multi-international. At the time it was a local tip for the area. As a person that was here back in 1993, it has grown over time.

4.6 Mr Wayne Webster Regarding Item 12.1 "Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit"

PUBLIC	OFFICER RESPONSE
<p>I draw your attention to the report attached to this agenda</p> <p>Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit Reporting Department: Engineering & Development Services Reporting Officer: Mr Brenton Scambler - Manager Development Services</p> <p>In particular the part paragraphs which state</p> <p>"...the Shire is aware of a number of occasions where these bunds have failed and ruptured as a result from the stormwater generated on site and within the adjoining conservation reserve..."</p> <p>"...If any further failures in the stormwater system occur, it is recommended that Shire staff work with Cleanaway to resolve the issue as quickly as possible and to work towards the implementation of a new stormwater management system on the site..."</p> <p>Given that the of Department Engineering & Development Services has stated that it is possible that at some time in the future there may be further failures in the stormwater system and it cannot be guaranteed that that there will not be, also given any such breakdown would have devastating consequences to the surrounding environment, can the Council state here that they will not give approval to expand the operation of the Banksia Road tip by either increase of size or type of refuge stored.</p> <p>Surely the Council can say no.</p>	<p>Noted.</p> <p>Lot 2 Banksia Road has existing approvals for a Class III landfill site and for particular development works, which it is able to act on.</p> <p>The Local Government is required to assess any application for Development Approval on its merits, and cannot pre-empt a decision on any future application. To this end, the Shire's assessment of all applications for development approval must be against the objectives and provisions of the Town Planning Scheme, and must apply the provisions of the Scheme as they exist.</p> <p><i>Chief Executive Officer, Mr André Schönfeldt – When the Shire receives a DA we have to consider it on its merits. We cannot pre-empt what these merits may be or what the outcome may be. Therefore Council can only say no based on the merits of an application. If there is a breach or an issue we can issue Section 214 notices under the planning and Development Act 2005, which will require them to fix the issues.</i></p>

4.7 Mrs Raelene Birch Regarding Item 12.1 "Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit"

It is excellent to see that a longitudinal study is being done on the groundwater monitoring bores on Lot 2 & Lot 1 Banksia Road. Will an independent expert be engaged to analyse the data and when can we expect the results?

Response:

Chief Executive Officer, Mr André Schönfeldt - Once we get all the reports we will get an expert to analyse it and it is intended to be brought back to Council. I cannot guarantee that the information within the current reports will allow us to undertake a longitudinal study. The report is intended to be commissioned in the next couple of months.

Note: Public Question Time Ended: 5.34pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

170-19 MOVED - Cr. P S Robinson SECONDED - Cr. L Davies

THAT Cr. P R Perks be granted leave of absence for the meeting of 17 July 2019.

CARRIED
6/0

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Meeting Held 5 June 2019

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

171-19 MOVED - Cr. P S Robinson SECONDED - Cr. P R Perks

THAT the Minutes of the Ordinary Meeting of Council held on 5 June 2019, be confirmed as true and correct subject to the following corrections:

- **Page 6 - Question 4.3 – The words “Dardanup Landfill Community Reference Group” be changed to read “*Dardanup Environmental Action Group*”.**

CARRIED
6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

8.1 Lithium Tailings Storage

I wish to say to the community as your elected community leader that I do believe that Council will not be supportive of the Lithium Tailings being stored at Banksia Road if it is found to pose adverse environmental or health risk to the community. I would also like to clarify that Council will continue to listen to all relevant issues and that future applications will need to be assessed and considered in more detail by the Environmental Protection Authority and through the Planning process it is likely to be considered by the JDAP.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

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

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) (a) - 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, Cr. M T Bennett advised that the meeting will go behind closed doors toward the end of the meeting [Items 16.1, 16.2, 16.3. and 16.4] to discuss

- Information that has a commercial value to a person
- Matters affecting an employee or employees.

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

11 DECLARATION OF INTEREST

Discussion:

Shire President, Cr. M T Bennett to ask Councillors and staff if there are any Declarations of Interest to be made.

- *Shire President, Cr. M T Bennett declares a Financial Interest in Item 12.8 Provision of Banking and Bill Payment Services as he owns Commonwealth Bank Shares.*
- *Shire President, Cr. M T Bennett declares an Impartiality Interest in Item 12.2 2019/20 Budget Adoption. I am a patron of the Eaton Bowling Club. The Club is affected by the adoption of the Budget. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*
- *Shire President, Cr. M T Bennett declares a Financial Interest in Item 12.9 Application for Development Approval – Lot 30 (205) Lennard Road, Burekup, as his wife sells art work from the Evedon Lakeside Retreat.*
- *Cr. J Dow declares a Financial Interest in Item 12.8 Provision of Banking and Bill Payment Services as she owns Westpac Bank Shares.*
- *Cr. P S Robinson declares a Financial Interest in Item 12.8 Provision of Banking and Bill Payment Services as he owns Commonwealth Bank and Westpac Bank Shares.*
- *Cr. P S Robinson declares a Financial Interest in Item 12.2 - 2019/20 Budget Adoption as he is the FCO of the Joshua/Crooked Brook Fire Brigade and receives an honorarium for that role. As the Brigade is affected by the adoption of the Budget, a Financial Interest is declared.*
- *Cr. T G Gardiner declares a Proximity Interest in Item 12.9 Application for Development Approval – Lot 30 (205) Lennard Road, Burekup, as he is a landholder opposite the property at Evedon Lakeside Retreat.*
- *Cr. T G Gardiner declared an Impartiality Interest in Item 12.2. I am a Member of the Ferguson Valley Hall Committee. The Committee is affected by the adoption of the Budget. As a consequence there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.*
- *Chief Executive Officer, Mr André Schönfeldt declares a Financial Interest in Item 16.4 as the matter deals with his Contract of Employment.*

Discussion:

Chief Executive Officer, Mr André Schönfeldt advised that as there were three financial declarations of interest in Item 12.8 – Provision of Banking and Bill Payment Services, there would not be a quorum in attendance, when the elected members left the room.

Application was made to the Minister for Local Government to allow Cr. M T Bennett, Cr. P S Robinson and Cr. J Dow to participate in the meeting.

The Deputy Director General Regulation, Mr Michael Connolly has, under delegated authority from the Minister, approved the application under section 5.69(3)(b) of the Local Government Act 1995 (the Act) for Cr Michael Bennett and Cr Janice Dow to fully participate in the discussion and decision making relating to "Item 12.8 The Provision of Banking and Bill Payment Services" agenda item at the Shire's Ordinary Council Meeting of 26 June 2019.

Cr. M T Bennett and Cr. J Dow are able to remain in the room and participate to ensure a quorum is met.

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 Title: Lot 2 Banksia Road, Crooked Brook – Cleanaway Compliance Audit

Reporting Department: Engineering & Development Services
Reporting Officer: Mr Brenton Scambler - Manager Development Services
Legislation: Local Government Act 1995

Overview

Following the withdrawal of the applications for development approval by Cleanaway in April this year, Shire Officers subsequently requested Cleanaway to undertake a compliance audit of the operations on site, and provide a written confirmation as to how compliance with the conditions of the existing planning approvals over the site were being achieved.

Additionally, there has been significant community interest in the operations and potential future development on the site. The Shire has received a submission through the Dardanup & Districts Residents Association, and sub-committee Dardanup Environmental Action Group, requesting the Shire address a list of actions.

This report will address the Cleanaway planning approval compliance audit that has been undertaken, and the request submitted by the Dardanup & Districts Residents Association.

Background

In early April this year the Shire engaged planning consultants Altus Planning to provide independent planning advice on the three development applications which had been lodged by Cleanaway. The independent planning advice also looked at the current planning approvals and activities being undertaken on the site which identified areas for clarification from Cleanaway. Subsequently, on 30 April 2019, Shire Officers requested Cleanaway provide a written response, to the Shire for review, as to how compliance with the conditions and requirements of the existing development approvals issued over Lot 2 Banksia Road, Crooked Brook is being achieved. In this regard on 30 May 2019, Cleanaway provided the Shire with a consolidated response to the conditions of planning approval. Shire Officers have had the opportunity to review Cleanaway's response and will outline the conditions for discussion in the following sections of this report.

Following the Special Council Meeting held on 16 April 2019, the Dardanup & Districts Residents Association, and sub-committee Dardanup Environmental Action Group (DEAG) submitted a request to the Shire seeking action and support for a number of matters relating to the Cleanaway operations and potential application for Lithium Tailings storage on Lot 2 Banksia Road. The report will provide a response to the submission and requests by the DEAG

Legal Implications

Planning and Development Act 2005;
 Planning and Development Local Planning Schemes Regulations, 2015; and
 Shire of Dardanup Local Planning Scheme No.3.

Strategic Community Plan

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

Environment - None.

Precedents - None.

Budget Implications

A recommendation of this report is to authorise the Chief Executive Officer to engage an independent planning/environmental consultant to undertake an independent review of the proposed Lithium Tailings application (once received). In this regard there is a proposed budget allocation of \$30,000 to accommodate the independent review in the 2019/20 annual budget presented in this agenda.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

- *Cleanaway Compliance Audit*

On the April 2019, Shire Officers requested Cleanaway provide a written response, to the Shire for review, as to how compliance with the conditions and requirements of the various development approvals issued over Lot 2 Banksia Road, Crooked Brook is being achieved. A total of 12 planning approvals have been issued for the site dating back to 1999.

In regards to the audit, Cleanaway provided the Shire with a response to the conditions of approval on the 30 May 2019. Shire Officers have reviewed the audit and generally concur with the responses provided by Cleanaway. A table of the conditions of approval and Officers responses to the compliance with these conditions is provided at (Appendix ORD: 12.1A). In the main, compliance with the conditions of planning approval is being achieved by Cleanaway, however there are four of conditions which, in part, have not been complied with. These conditions relate to landscaping plans, height of development, stormwater management and hours of operation.

- *1999 Ministerial Approval for Landfill*

Condition 9 of the 1999 approval requires the preparation of a landscaping plan be prepared and provided to the Shire to lessen the visual impacts of the site. Condition 9 states:

“A landscaping plan is to be submitted to and approved by Council so designed that the visual impact of the site on the surrounding land area is lessened.”

Shire Officers have not been able to obtain a copy of the site landscaping plan, nor were Cleanaway able to produce a copy of such plan. In this regard, given the length of time between the approval being granted (1999) it is possible that the landscaping plan for the site has not been captured in both the Shire's or Cleanaway's record keeping system. A landscaping plan was however prepared and approved as part of the 2016 planning approval (for the installation of stormwater infrastructure) which identified a 20 metre wide landscaping bund to the southern boundary of the site, but did not cover the intent of the original 1999 condition. As such, Shire Officers are in discussions with Cleanaway regarding the preparation of a new landscaping plan for the whole site.

- *2006 State Administrative Tribunal Approval for expansion to Landfill*

In 2006, the State Administrative Tribunal approved an expansion of the landfill operations over Lot 2 Banksia Road. Condition 3.(i) of this approval states:

“Development approval is granted for the upgrade of the existing facility on Lot 2 Banksia Road, Crooked Brook from Class II to Class III landfill site, subject to the following conditions:

The proponent providing details of the final height and contours of the proposed waste cells (AHD)”....

In regards to the above condition, Shire Staff were unable to locate the final contour plan referred to in the 2006 approval. However there has been two subsequent development approvals which approved a height contour plan. These approvals were the 2010 development approval for the construction of Landfill Cell 5 (Refer Appendix ORD: 12.1B), and the 2014 development approval for the construction of Landfill Cell 12 (Refer Appendix ORD: 12.1.C).

Whilst there has been two approved final height and contour plans for the development the Shire has not received a surveyed plan from Cleanaway confirming the actual development heights on the site. In this regard, Shire Officers are requesting Cleanaway provide a surveyed plan of the existing development heights on the site, and additionally recommend that the Shire engages a qualified land surveyor to undertake an independent survey of the site to cross reference and confirm the current development heights.

- *2016 Approval for Stormwater Infrastructure*

In 2016 development approval was issued for the construction of stormwater infrastructure and bunds which sought to contain stormwater on the site. Condition 2 of this approval requires:

“All stormwater from the property shall be contained on site as indicated on the approved plans and in accordance with the Shire's specifications (ENG 20 – Stormwater Discharge from Buildings) at all times.”

In this regard, Cleanaway installed a stormwater bund adjacent to the southern lot boundary in accordance with the approved plans which was granted by both DWER and the Shire. Whilst the stormwater bunds were installed in accordance with the approved plans, the Shire is aware of a number of occasions where these bunds have failed and ruptured as a result from the stormwater generated on site and within the adjoining conservation reserve. In this regard, Cleanaway have rectified the stormwater system failures in this location as soon as practicable after they have occurred. Cleanaway have advised that they are in the process of designing a new stormwater system for the site which will seek to rectify the current design issues. It is understood that Cleanaway are working towards the installation of a new stormwater management system for the southern lot boundary in the 2020/2021 financial year.

In regards, to the above and to ensure ongoing compliance with the condition of planning approval, Officers recommend that the stormwater system and management on the site be monitored over the coming months to identify if the current system is coping or whether failures of the system occur. If any further failures in the stormwater system occur, it is recommended that Shire staff work with Cleanaway to resolve the issue as quickly as possible and to work towards the implementation of a new stormwater management system on the site.

- *2018 Approval for the construction of the Millenium Tailings Cell 2*

Condition 3 of the 2018 planning approval for the construction of Millenium Inorganic Compounds (MIC) Cell 2 and a new leachate pond established the hours of operation for the Cristal Cell and the other activities being undertaken on the site. This condition permits Cristal Pigment Australia Limited to operate between the hours of 6am - 10pm, and all other activities are permitted to operate between 6am - 6pm.

Shire Officers have been advised that some activities are taking place on site prior to the 6am time listed in the condition of approval. These activities have been advised by Cleanaway to be pre-start safety inspections of machinery on site, which involves light vehicles traversing the site to the landfill machinery to undertake inspections. Cleanaway have advised that no landfill operations are commencing on site prior to the 6am start time listed on the condition of approval. In this regard, Shire Officers are seeking legal clarification whether pre-start safety checks could be considered as commencing operations on site. Pending the outcome of the legal clarification, Officers shall determine if any further course of action is required in respect to compliance with this condition of approval.

Shire Officers have considered the compliance audit provided by Cleanaway and have undertaken a separate assessment of how compliance of the conditions is being achieved. As detailed in the compliance table provided as (Appendix ORD: 12.1A) to this report and as discussed above, compliance with the conditions of planning approval is largely being achieved. As outlined in this report there are a number of conditions which have not been complied with in their entirety and in this regard, it is recommend that Shire Officers continue to work with Cleanaway to achieve compliance with the conditions of approval.

- *Dardanup & Districts Residents Association Submission*

On 15 May 2019, the Dardanup & Districts Residents Association (DDRA) and sub-committee the Dardanup Environmental Action Group (DEAG) made a submission (Appendix ORD: 12.1D) to the Shire with regards to the groups objectives, and made a number of requests for the Shire to consider in respect to the expansion of Lot 2 Banksia Road, and the Waste Precinct identified under the Shire's endorsed Local Planning Strategy. The following section of the report will outline the submission from the DDRA and the objectives posed by the DEAG, and provide a response to each of the matters raised.

The matters outlined in the submission by the DDRA and DEAG are discussed in the tables below.

RESPONSE TO DDRA SUBMISSION	
DDRA Request	Officer Response
DDRA strongly encourage the Shire to engage environmental and planning experts to carry out an environmental on-site audit on Lots 1 and 2, review the documents on which DWER are currently making licensing decisions	<p>The DWER and EPA are the environmental regulatory authority and have their own expert officers undertaking the assessments of the current licence application and EPA referral. From an environmental perspective, the operations on site are licenced and subjected to conditions which is monitored and controlled by the DWER.</p> <p>Additionally, the EPA are currently deciding whether to formally assess the application for the Lithium Tailings</p>

RESPONSE TO DDRA SUBMISSION	
DDRA Request	Officer Response
	<p>proposal. It is expected that a determination in this regard will be reached by the EPA in mid July 2019.</p> <p>The Shire are considering engaging a suitably qualified Environmental and/or Planning expert to provide advice and input on the proposed Lithium Tailings application (when received). It is estimated that this work, depending on the level of detail required, will cost approximately \$20,000 - \$50,000.</p>
Consider the breaches that have taken place over the past few years.	<p>Noted.</p> <p>Shire Staff have undertaken a comprehensive planning compliance audit in conjunction with Cleanaway and is discussed in detail further in this report. Officers will continue to work towards compliance with Cleanaway</p>
Take account of local knowledge.	<p>Noted.</p> <p>When an application for development approval is received by the Shire the local community will have the opportunity to provide input and feedback in regards to the application. All submissions received during the advertising of the application will be considered and addressed as part of the Shire's assessment of the application.</p>
Review planning for the future in regards to further development of the Ferguson Valley tourism precinct and the impact of a vast waste precinct adjacent to it.	<p>In undertaking the development of Local Planning Scheme No.9, the Shire will review the current planning and have regard to the existing land use rights in the locality.</p> <p>In this regard, it is worth noting that:</p> <ol style="list-style-type: none"> 1. The Local Planning Strategy identified the land to the east of Depiazzi and Banksia Road, and bound by the conservation reserve / state forest, for a waste precinct due to the existing waste management operations being undertaken in the locality. 2. The Shire's Local Planning Strategy has been endorsed by the Western Australian Planning Commission and will form the basis of the Shire's new Town Planning Scheme No.9 which is currently under preparation. 3. Currently a number of the operations being undertaken within the waste precinct are classified as a "Use Not Listed", which limits the development controls and provisions which apply to development of the land. In this regard, the Shire has essentially no development control and standards relating to how developments proceed when land uses are considered as a "Use Not Listed" under the Scheme. 4. Through the new Town Planning Scheme, the Shire will be able to introduce development standards and provisions, and also identify appropriate land uses and associated land use permissibility for land within the waste

RESPONSE TO DDRA SUBMISSION	
DDRA Request	Officer Response
	<p>precinct.</p> <p>5. By introducing development provisions into the Scheme it will enable the Shire to control both the existing and future development within the waste precinct.</p>

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
No Tailings		
	Can the integrity of the Cell and Leachate liners be guaranteed for 20, 30, 50 years, and particularly after final closure?	The ongoing integrity of the Cell liners is a matter which the DWER takes into account as part of the sites licencing requirements. A requirement of the DWER licence for the site is to ensure the cell and leachate pond liners meet a defined level of quality assurance. The integrity of the Cell liners is outside of the scope of the Shire's jurisdiction.
	Subject to high winds – fine dust from site blowing towards the town, across neighbouring properties and Dardanup Conservation Park.	The planning approval, and DWER licence conditions for the development required the preparation of an environmental management plan which addresses dust management and sets out the subsequent obligations for Cleanaway. Additionally, under the Dust Local Law Shire staff may issue a notice to land owners to undertake dust control measures if it is identified that the premises is emitting dust outside the boundaries of the lot.
	Highly visible on the scarp.	<p>The visibility of the development on the scarp is noted.</p> <p>As discussed in this report, the 2006 SAT approval for the site required the preparation of a final site contour plan. There have been subsequent height contour plans approved under the 2010 development approval (Refer Appendix ORD: 12.1B) and the 2014 development approval (refer Appendix ORD: 12.1C)</p>
	History of inability to contain stormwater runoff and high superficial water table below the site in the winter.	The Shire are aware of a number of occasions where the stormwater system located on the southern boundary has failed as a result from the stormwater generated on site and within the adjoining conservation reserve. In this regard, Cleanaway have rectified the stormwater system failures in this location as soon as practicable after they have occurred. Cleanaway have advised that they are in the process of designing a new stormwater system for the

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
		<p>site which will seek to rectify the current design issues. It is understood that Cleanaway are working towards the installation of a new stormwater management system for the southern lot boundary in the 2020/2021 financial year.</p> <p>In 2016, the Shire approved a development application for the construction of the stormwater bund on the southern lot boundary. The conditions of development approval require stormwater to be contained on site and in accordance with the approved stormwater management plan. Additionally, the DWER endorsed the stormwater bund and subsequent stormwater management plan which requires Cleanaway to control and manage stormwater generated on the site.</p>
	Nature of the tailings - very fine dust, contains heavy metals, storage compaction concerns, contains lung and skin irritants, possible effects on native vegetation & wildlife.	<p>The nature of the lithium tailings is currently being considered by the EPA as part of their determination of whether or not to assess the proposal for the storage of lithium tailings on the site, and additionally is a consideration by the DWER as part of the works licence approval. In this regard, at this stage there has not been a determination by the EPA or the DWER on whether the tailings pose a human or environmental concern.</p> <p>Once a development application for the proposed storage of lithium tailings is received, the Shire intend to refer the proposal to the Department of Health for their comment and consideration.</p>
	Possible contamination of the ground water, dust, visual pollution, child play areas.	<p>The potential for the lithium tailings proposal to contaminate the environment is being considered by the EPA and DWER as part of the referral and licence applications.</p> <p>Once a development application for the proposed storage of lithium tailings is received, the Shire intend to refer the proposal to the Department of Health for their comment and consideration.</p>
	Number of truck movements associated with the lithium tailings transportation – Impact on tourism, cyclists, school buses and motorists.	<p>As a development application has not yet been submitted, the Shire does not know what the potential traffic implications of the proposed lithium tailings storage proposal are. As part of any application received for the proposed storage of lithium tailings on the site the applicant will be required to submit a traffic impact report which will outline the current and future traffic impacts</p>

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
		of the development. Once an application has been submitted Shire staff will then consider the traffic impacts to ensure they remain within the Austroads Traffic Safety Standards.
	Negative impact on tourism, land values and agriculture.	Noted. The Shire understands and are sympathetic to the concerns of the community in regards to the potential negative impacts of the Cleanaway site on the locality. The Minister for Planning's 1999 approval of the landfill on Lot 2 Banksia Road established the current land use and development rights over the site. In this regard, the Shires proposed Local Planning Scheme No.9 will need to take account of the existing land use rights and find a balance to meet the community aspirations for the locality. The proposed Local Planning Scheme will introduce development provisions to this effect and will consider how to manage and control visual amenity (landscaping) and transport issues.
	Negative impact on growth of the town, necessary to support new community infrastructure and facilities maintenance (eg Water supply upgrade).	As above.
No Expansion Into Lot 1		
	<ul style="list-style-type: none"> • No household rubbish • No tailings of any description • No industrial, drill waste or special types rubbish <p>The currently designated Waste Precinct is not suitable for dumping or storage without liners, and with every new pond and cell, the risks from failure of one or more liners increases the likelihood of contamination of the aquifers.</p>	<p>Any expansion or proposed new development within Lot 1 Banksia Road would be subject to obtaining a development approval. At the time of receiving an application for development the Shire is required to assess the application on its merits and against the requirements of the Shire of Dardanup Town Planning Scheme.</p> <p>The Shire is unable to take a formal position on any expansion into Lot 1 as all proposals are required to be considered on its merit at the time of the application being received. In this respect, the Shire is required to assess all applications for development approval against the objectives and provisions of the Town Planning Scheme and apply the provisions of the scheme as they exist not as they might want them to be.</p> <p>In addition, Clause 67 of the Planning and</p>

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
		Development (Local Planning Schemes) Regulations 2015 provides 28 matters to be considered by Local Government when assessing an application for development approval.
	The northern parts of the Waste Precinct are closer to the townsite – more dust, noise, light, visual pollution.	A large portion of the northern area of the Waste Precinct identified under the Shire's Local Planning Strategy is currently occupied by the Depiazzi soil and composting facility. Any future development within the northern areas identified as the waste precinct under the Local Planning Strategy would need to be assessed and considered in accordance with the planning framework at that time.
Complaints Hotline		
	<p>Community needs to know who to contact with respect to a complaint.</p> <p>Central record of all complaints.</p> <p>Complaints shared across local govt and state govt depts.</p> <p>Who is actioning the complaints?</p> <p>Complaints, actions, feedback, remedies & consequences made public in a timely manner.</p>	<p>Any complaints regarding the operations of the Cleanaway landfill should in the first instance be directed to Cleanaway for their action. The DWER licence for the facility requires Cleanaway to implement a complaints management system that as a minimum records the number and details of complaints received concerning the environmental impact of the activities undertaken at the Premises and any action taken in response to the complaint.</p> <p>Additionally, complaints can be lodged with the DWER via its pollution watch contact - pollutionwatch@dwer.wa.gov.au</p> <p>Complaints in regards to dust emissions may also be sent to the Shire for action.</p> <p>Currently complaints received by pollution watch are, in some instances, forwarded to the Shire for consideration. In this regard however, in most cases the Shire is only copied into the correspondence for information purposes only.</p> <p>As per the DWER licence requirements Cleanaway are required to action complaints received. The Shire will forward a recommendation to the Dardanup Landfill Community Reference Group to consider the complaints received for the site as part of a standing agenda item for that group's discussion at their meetings.</p>

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
Monitoring and Control		
	Environmental Impact Assessment carried out on Lot 2 & any further development in the proposed waste precinct. Well publicised avenues for community input into assessments.	<p>An environmental impact assessment may be undertaken by the EPA in its consideration of a proposal under Part V of the Environmental Protection Act 1986. In this regard, the EPA are the regulatory body in respect to undertaking Environmental Impact Assessments.</p> <p>Any future development in the Waste Precinct will be considered by the Shire on its merits and due consideration given to the environmental impacts. This may include referral to the EPA, DWER or other State Government Departments. It may also include the Shire obtaining independent environmental advice.</p>
	Planning and environmental audit carried out on Lot 2 to ascertain that all planning and environmental conditions and licences have been complied with.	<p>A planning compliance audit has been undertaken for the site and is discussed in further detail in this report.</p> <p>An environmental audit is required to be submitted annually by Cleanaway to the DWER in accordance with the sites licence conditions.</p>
	Regular monitoring of litter outside Lot 2.	<p>A requirement of planning approval for the site requires that waste be prevented from escaping the site. In this regard, Cleanaway have recently undertaken a number of cleans of the adjoining conservation reserve to remove any fugitive rubbish. In addition, Cleanaway has a full time employee to pick up windblown rubbish from within the site and the adjoining reserve on a daily basis, and have engaged the ACTIV Foundation to undertake regular cleans of the adjoining conservation reserve. Cleanaway have also committed to installing a waste barrier fence on top of the windrow adjacent to the southern boundary to capture any windblown waste from the development.</p> <p>The Shire are intending on appointing a Statutory Enforcement Officer in the coming months, part of this role will be to undertake regular compliance checks for the development.</p>
	24-hour dust monitoring.	<p>Under the DWER licence conditions Cleanaway are required to ensure dust emissions meet the National Environment Protection (Ambient Air Quality) Measure (NEPM) standards.</p> <p>The current licence conditions do not require 24 hour dust monitoring to be</p>

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
		undertaken. As part of future development applications and or DWER licence applications the Shire may consider conditioning or recommending to the DWER that 24 hour dust monitoring be implemented for the site.
	Regular monitoring & independent testing of cell and pond walls, including post-closure of the site.	The DWER licence for the facility requires Cleanaway ensure that the cell and bund integrity is maintained.
	Bore water monitoring at least 4 times per year.	The current DWER licence requires Cleanaway to submit groundwater monitoring results bi-annually. There is no current statutory or regulatory framework in which the Shire could require more frequent groundwater monitoring to be undertaken at this stage.
	Monitoring bores installed along the west side of Banksia Road below Lots 1 and 2, monitoring all three aquifers, and including heavy metal & chemical tests.	As part of future development applications the Shire could potentially request Cleanaway to install monitoring bores outside of the subject site area as a condition of development approval.
	Superficial runoff tested in winter (August).	As per the DWER licence conditions, all stormwater collected on site is directed to a number of stormwater basins and reused on the site for dust suppression throughout the summer months. In this regard, the surface water runoff is contained and reused throughout the site. To the Shire's knowledge there is currently no testing of this stormwater being carried out, additionally there is no current statutory or regulatory framework in which the Shire could require testing of the stormwater runoff to be undertaken at this stage.
	Consider heavy metal content of all monitoring.	The DWER have specific groundwater monitoring requirements under the licence conditions, which includes the testing for the presence of a number of heavy metals.
	No future increase in maximum capped heights of cells.	As discussed in this report, the 2006 SAT approval for the site required the preparation of a final site contour plan. There have been subsequent height contour plans approved under the 2010 development approval (Refer Appendix ORD: 12.1B) and the 2014 development approval (refer Appendix ORD: 12.1C). Any future increase to the development height would need to be considered against the objectives and Scheme provisions at the time of the application.

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
	Radiological Plan & Radiation Monitoring Reports made public.	The Shire liaised with the Radiological Council of Western Australia in regards to obtaining the radiological plan and monitoring results for the site. The Shire was advised that under the Radiation Safety Act, the Radiological Council is unable to release information and reports received (under the act) unless the express written approval is granted by the owner of the information. The Shire has requested the RCWA obtain the approval to release the information from Cleanaway, however this has not yet occurred.
	Longitudinal study completed on results and community to have access to the monitoring results and study.	The Shire is currently compiling all of the groundwater monitoring data for Lot 1 and Lot 2 Banksia Road. Part of this work is providing this data in a longitudinal format, once this work has been finalised it is intended to make it available to the public.
	Rehabilitation/ remediation bond to be paid by Cleanaway. What bond is currently paid by Cleanaway/owners of Lot 2? Bond to be held in trust by third party (Council or State Govt?)	<p>There are no bonds held by the Shire in regards to the development on the Cleanaway site.</p> <p>The Contaminated Sites Act 2003, establishes a hierarchy of responsibility for remediation which includes the 'polluter pays' principle. This means that in most cases the person who caused the site contamination is responsible for implementing and paying for the site assessment and any subsequent management, containment or clean-up of the site. This includes meeting the costs of and undertaking communication with the affected community.</p> <p>The Shire could require a remediation bond as part of the future development approvals, however it would give the effect of the Shire accepting the responsibility for any remedial works which may be required into the future. By requiring a rehabilitation bond for the development, the Shire and community would potentially be accepting an ongoing significant financial liability.</p>
	Restrict operations on Lot 2 when wind is over a certain speed in any given direction.	This is currently a dust management strategy Cleanaway have advised they utilise as part of the DWER licence conditions.
	Remedial and landscaping Rehabilitation Plan for the site finalised and available to the community.	There is no consolidated landscaping plan approved for the Cleanaway site. The stormwater bunds approved in 2016 contained a condition requiring a 20m wide landscaping strip to be provided along the

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
		southern lot boundary, these landscaping works have been completed. Shire Officers are in discussions with Cleanaway regarding the preparation of a new landscaping / rehabilitation plan for the whole site.
	Bore monitoring results from Council waste cell on Lot 1 available to the community.	The Shire is currently compiling all of the groundwater monitoring data for Lot 1 and Lot 2 Banksia Road. Part of this work is providing this data in a longitudinal format, once this work has been finalised it is intended to make it available to the public.
No 24-hour operation on Lot 2 and any other part of the Waste Precinct		
	<ul style="list-style-type: none"> • Noise from machinery and light on site impacts on neighbours • Trucking movements impact on those living on the trucking route. • This is a rural residential area and not an industrial area. 	Any application for a business to operate on a 24 hours basis would need to be given careful consideration as to the associated impacts on noise, light spill and traffic implications. All night time activities and operations would need to demonstrate compliance with the Environmental Protection (Noise) Regulations and also demonstrate that all lighting was constructed and maintained in accordance with AS4282-1997 - Control of the obtrusive effects of outdoor lighting.
Delegated Authority		
	No delegated authority to any Shire of Dardanup staff with regards to the Waste Precinct.	Delegated Authority to Shire Staff is generally based on a classification system of land uses which are permitted within a particular zone and not based on the Waste Precinct identified under the Local Planning Strategy. In this regard, however should Council feel it appropriate to remove all delegation from land identified within the Waste Precinct then it would be at the Council's discretion.
Waste Classifications		
	Lot 2 Banksia Road limited to Class 3 waste classification.	The waste classification currently permitted on the site is Class III as per the State Administrative Tribunal decision of 2006. Any change to the waste classification approval on the site would be subject to a planning application and would need to be considered on its merits at the time of the application.
	No Waste Disposal Facility classification, including withdrawal of the classification and approvals currently on the Cristal owned Lot.	Any application for development on the Cristal owned lot would need to be considered on the merits of the proposal at the time of the application being made.

Shire Officers have considered the submission by the DDRA and DEAG and have responded in the tables above. A recommendation of this report is to authorise the engagement of a suitably qualified expert to undertake an assessment of the lithium tailings proposal once an application for development approval is submitted to Council.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Notes the submission by the Dardanup and Districts Residents Association and Officers response.
2. Authorises the Chief Executive Officer to engage and appoint a suitably qualified expert/s to undertake an independent review of any future lithium tailings proposals, and to undertake an environmental audit of Lot 1 and Lot 2 Banksia Road, Crooked Brook.
3. Notes the current level of compliance and endorses the ongoing compliance monitoring and review of the development on Lot 2 Banksia Road, Crooked Brook as outlined in this report which includes, but is not limited to, the following matters:
 - i) Shire Officers shall continue to work with Cleanaway regarding the preparation of a new landscaping plan for the whole site.
 - ii) Request Cleanaway provide a surveyed plan of the existing development heights on the site, and the Shire engage a qualified land surveyor to undertake an independent survey of the site to cross reference and confirm the current development heights.
 - iii) Shire Officers monitor the stormwater system and management on the site over the coming months to identify if the current system is coping or whether failures of the system occur. If any further failures in the stormwater system occur, Shire Staff work with Cleanaway to resolve the issue as quickly as possible, and to work towards the implementation of a new stormwater management system on the site.
 - iv) Seek legal clarification whether pre-start safety checks could be considered as commencing operations on site. Pending the outcome of the legal clarification, determine if any further course of action is required in respect to compliance with this condition of approval.
 - v) A recommendation be presented to the Dardanup Landfill Community Reference Group to consider the complaints received for the site as part of a standing agenda item for group discussion at its meetings.

ALTERNATE RESOLUTION

Cr. P S Robinson – In reference to the comment made on Page 20 of the agenda regarding delegated authority in relation to applications concerning the Waste Precinct put in place. That is, delegated authority is removed from that area; an alternate resolution is provided.

RESPONSE TO DEAG SUBMISSION		
Objective	DDRA / DEAG Request	Officer Response
Delegated Authority		
	No delegated authority to any Shire of Dardanup staff with regards to the Waste Precinct.	Delegated Authority to Shire Staff is generally based on a classification system of land uses which are permitted within a particular zone and not based on the Waste Precinct identified under the Local Planning Strategy. In this regard, however should Council feel it appropriate to remove all delegation from land identified within the Waste Precinct then it would be at the Council's discretion.

Part 4 is added to the resolution to ensure delegated authority is removed.

Change to Officer Recommendation

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

- To include that there be no delegated authority to any Shire of Dardanup staff to determine any development approval applications on land identified within the Waste Precinct under the Local Planning Strategy.*

ELECTED MEMBER ALTERNATE RESOLUTION

172-19 MOVED - Cr. P S Robinson SECONDED - Cr. P R Perks

THAT Council:

- 1. Notes the submission by the Dardanup and Districts Residents Association and Officers response.**
- 2. Authorises the Chief Executive Officer to engage and appoint a suitably qualified expert/s to undertake an independent review of any future lithium tailings proposals, and to undertake an environmental audit of Lot 1 and Lot 2 Banksia Road, Crooked Brook.**
- 3. Notes the current level of compliance and endorses the ongoing compliance monitoring and review of the development on Lot 2 Banksia Road, Crooked Brook as outlined in this report which includes, but is not limited to, the following matters:**
 - i) Shire Officers shall continue to work with Cleanaway regarding the preparation of a new landscaping plan for the whole site.**

- ii) Request Cleanaway provide a surveyed plan of the existing development heights on the site, and the Shire engage a qualified land surveyor to undertake an independent survey of the site to cross reference and confirm the current development heights.
 - iii) Shire Officers monitor the stormwater system and management on the site over the coming months to identify if the current system is coping or whether failures of the system occur. If any further failures in the stormwater system occur, Shire Staff work with Cleanaway to resolve the issue as quickly as possible, and to work towards the implementation of a new stormwater management system on the site.
 - iv) Seek legal clarification whether pre-start safety checks could be considered as commencing operations on site. Pending the outcome of the legal clarification, determine if any further course of action is required in respect to compliance with this condition of approval.
 - v) A recommendation be presented to the Dardanup Landfill Community Reference Group to consider the complaints received for the site as part of a standing agenda item for group discussion at its meetings.
4. Remove any delegated authority to Shire Staff to determine any development approval applications on land identified within the Waste Precinct under the Local Planning Strategy.

CARRIED
6/0

Note: Manager Information Services, Mr Sudi Mishra, joined the meeting [5.42pm].

12.2 Title: 2019/20 Budget Adoption

Reporting Department: Corporate & Community Services
Reporting Officer: Mr Phil Anastasakis – Director Corporate & Community Services
Mrs Natalie Hopkins – Manager Financial Services
Legislation: Local Government Act 1995

DECLARATION OF INTEREST

Cr. Cr. P S Robinson declared a Financial Interest in this item as he is the FCO of the Joshua/Crooked Brook Fire Brigade and receives an honorarium for that role. As the Brigade is affected by the adoption of the Budget, a Financial Interest is declared.

Cr. P S Robinson left the room [5.43pm].

DECLARATION OF INTEREST

Cr. M T Bennett declared an Impartiality Interest in this item as he is a member of the Eaton Bowling Club. As the club is affected by the adoption of the Budget, an Impartiality Interest is declared.

Cr. M T Bennett declares he will consider this matter on its merits and vote accordingly.

DECLARATION OF INTEREST

Cr. T G Gardiner declared an Impartiality Interest in this item as he is a member of the Ferguson Valley Hall Committee. As the committee is affected by the adoption of the Budget, an Impartiality Interest is declared.

Cr. T G Gardiner declares he will consider this matter on its merits and vote accordingly.

Overview

This report presents the final 2019/20 Annual Budget for Council adoption. The 2019/20 Annual Budget papers have been formulated and presented to Council in the statutory format for formal adoption.

Background

The 2019/20 budget has been compiled based on the principles contained in the Strategic Community Plan and Plan for the Future.

As part of the Integrated Planning and Reporting cycle, Council has reviewed and updated its four year Corporate Business Plan 2019/20 – 2022/23, and ten year Long Term Financial Plan. The Strategic Community Plan 2018 – 2028 is scheduled for an internal review in January 2020.

Year one of the Corporate Business Plan formed the basis of the draft annual budget, with further deliberations and resolutions of Council occurring at the Corporate & Community Services Committee on the 20 March 2019, and Strategic Planning Committee meeting on the 1 May 2019.

The 2019/20 Annual Budget has been prepared taking into consideration these preceding reviews and incorporates relevant elements of the various strategies, plans and resolutions adopted by Council.

The culmination of these strategic reviews resulted in Council considering and resolving to endorse the draft 2019/20 budget at the 5 June 2019 Ordinary Council meeting [146-19].

This report recommends Council adopt the final Shire of Dardanup 2019/20 Annual Budget, together with the supporting schedules, including the imposition of rates and minimum payments, and related matters arising from the budget. (Appendix ORD: 12.2 – Under Separate Cover).

Legal Implications

Local Government Act 1995

Division 2 — Annual budget

6.2. Local government to prepare annual budget

- (1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

- (2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
 - (a) the expenditure by the local government; and*
 - (b) the revenue and income, independent of general rates, of the local government; and*
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) The annual budget is to incorporate —*
 - (a) particulars of the estimated expenditure proposed to be incurred by the local government; and*
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —*
 - (i) the amount it is estimated will be yielded by the general rate; and*
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;**and*
 - (c) the fees and charges proposed to be imposed by the local government; and*
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and*
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and*
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and*
 - (g) such other matters as are prescribed.*
- (5) Regulations may provide for —*

- (a) *the form of the annual budget; and*
- (b) *the contents of the annual budget; and*
- (c) *the information to be contained in or to accompany the annual budget.*

Strategic Community Plan

Strategy 1.3.1- Implement the Integrated Planning and Reporting Framework including the Long Term Financial Plan, Workforce Plan, Asset Management Plans and Corporate Business Plan. (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

Each year Council prepares an annual budget for the forthcoming financial year. The annual budget is formed from year one of the Shire of Dardanup Corporate Business Plan 2019/20 – 22/23.

Budget Implications

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards.

The budget outlines planned expenditure and revenue and determines the financial parameters for the Shire to operate within for the 2019/20 financial year. Specific budget implications are as outlined in the Schedules and Notes that form part of the budget document.

The main features of the budget include:

- The budget has been prepared on the basis of a 4.0% rate increase in line with Corporate Business Plan and Long Term Financial Plan. This increase applies to all UV and GRV general rates, and minimum rates.
- After taking into consideration all other sources of income, Council is required to raise sufficient rates to meet its total expenditure. However, it is allowed to adopt a budget that has a deficit that does not exceed 10% of its rate revenue.
- For the 2019/20 budget it is proposed a total of \$13,278,132 be raised from general property rates, \$244,800 for the Eaton Landscaping Specified Area Rate, and \$100,000 for the Annual Bulk Rubbish Collection Specified Area Rate. The expected yield from rates will be sufficient to balance the 2019/20 budget after some adjustments have been made to increase other sources of revenue, reduce operating expenditure and to adjust the amount transferred to or from reserves.

	Unimproved Value Rate in Dollar	Gross Rental Value Rate in in Dollar	Minimum Rate
2018/19 – current	\$0.006019	\$0.09679	\$1,488.00
2019/20 – 4.0% increase	\$0.006259	\$0.100662	\$1,547.50

	Specified Area Rate Bulk Waste	Specified Area Rate Eaton Landscaping
2018/19 – current	\$0.001454	\$0.002895
2019/20 – budget	\$0.001315	\$0.002925

- The Bulk Waste Specified Area Rate has decreased by 9.55% with the Eaton Landscaping Specified Area Rate increasing by 1.03% to ensure revenue received covers the specific cost of these services. These changes reflect the anticipated decreased or increased service costs.
- Household waste collection charges have been increased 10% to \$225.70 to predominantly reflect the forecast increase in kerbside recycling contract costs from \$46,138 to \$136,743 (or 196%), and are itemised in the schedule of Fees & Charges.
- The recurrent operating budget includes an overall increase in estimated expenditure of \$1,165,213 or 5.79% compared with the previous year (although individual line items may vary from this based on specific factors affecting each of these) and continues to focus on improved service delivery to the community.

This increase includes additional staffing of 3.19 full-time equivalents making a total of 119.97 FTE's This is one FTE higher than presented in the draft 2019/20 budget due to the late inclusion of the DFES grant funded position of Bushfire Risk Planning Coordinator.

Non-recurrent expenditure has increased by \$237,238 or 27.2% and includes items such as special projects expenditure, grant funded expenditure (ie: Bushfire Risk Management Coordinator, etc), loss on disposal of assets, community grants, software purchases and insurance claims.

- The fees and charges when adopted will determine the amount of revenue to be received during the 2019/20 financial year for certain areas. The income has been forecast in the budget income projections.
- \$8,455,588 is to be spent in 2019/20 on the acquisition and/or construction of furniture, equipment, vehicles, plant, buildings and infrastructure assets. Council will allocate \$6,036,256 from Reserves to fund this expenditure, with \$1,323,924 received as proceeds from disposal. The funding balance of \$1,095,408 will be contributed from Council's municipal and trust fund.

Of the \$8,455,588 capital expenditure budget, the following is the breakdown based on Asset Category:

- Asset Renewal \$3,822,445 (45%)
- Asset Upgrade \$3,412,330 (40%)
- New Assets \$1,220,813 (15%)

A profit on disposal of assets of \$1,165,000 has been included which relates to the sale of land - Lot 501 to Citygate, which forms part of the overall development of the Eaton Fair Shopping Centre. Proceeds from this sale, together with the \$1,000,000 donation by Citygate, will be transferred to the Sale of Lands Reserve as previously noted in the Long Term Financial Plan.

- The 2019/20 budget includes the raising of one new loan during the year of \$750,000. These funds are to be utilised over a three year period to pay for the creation and management of the WANJU Developer Contribution Plan. Funds are to be utilised to pay for a Project Manager and consultancy costs, plus any administrative cost directly attributed to the Developer Contribution Plan. The loan is anticipated to be drawn down around January 2020, which enables the first repayment of principal and interest to occur in July 2020.
- Transfers to reserves are expected to total \$6,142,469 for the 2019/20 year. \$312,957 in interest is forecast to be earned on cash backed reserves during 2019/20, with 50% returned to the municipal fund.

Transfers from reserves (including carried forward projects) totalling \$6,036,256 are primarily used for capital projects.

The expected balance of reserves at 30 June 2020 will be \$14,331,517.

- It is expected that Council will receive Local Government Grants Commission General Purpose Grant revenue of \$893,405 and Local Roads Grant revenue of \$498,125, noting that 50% of these grant funds are expected to be received in June 2020, and will be transferred to the Unspent Grants Reserve.

The Commonwealth Roads to Recovery (R2R) Grant program was allocated over 5 years to all local governments in Australia; the program was completed in 2018/19 financial year. During this time Council received \$2,020,891. A new round of R2R funding is scheduled to commence in 2019/20 with a stronger focus on road safety for Roads to Recovery projects. \$252,813 is allocated in 2019/20 from this funding program.

- The current forecast end of year surplus for 2018/19 is \$301,183, which is reflected in the opening surplus at the start of the 2019/20 financial year. This forecast will vary when the final annual financial report is produced for 2018/19, with the final result reflected in the financial statements when the 2019/20 mid-year budget review is conducted in Feb/March 2020.
- A modest end of year surplus of \$132,227 has been forecast in the budget. This small surplus enables Council to withstand any unforeseen financial costs or revenue reductions that may occur during the year.

Budget – Whole of Life Cost

While the budget contains new assets and infrastructure, this report does not deal directly with the whole of life costs of those items. Consideration of the whole of life costs relevant to those items forms part of the individual project or asset evaluation and justification.

Council Policy Compliance

Council Policy CP018 – *Corporate Business Plan & Long term Financial Plan* notes that each year with the best endeavours Council aims to consider a draft budget for adoption by the end of June. This goal will be achieved through the adoption of the 2019/20 Budget at the 26 June 2019 ordinary Council meeting.

Risk Assessment - Low.

Officer Comment

The budget document follows a similar format to previous years, as there have not been any significant changes to the relevant Australian Accounting Standards.

The Moore Stephens budget model has been utilised to generate the 2019/20 budget report as it is a good benchmark of industry standards and requirements, and is reviewed and updated annually.

The 2019/20 budget document includes the following information:

- Financial statements including the Statement of Comprehensive Income (by Nature or Type), Statement of Comprehensive Income (by Program), Statement of Cash Flows, and Rate Setting Statement.

- Notes to and forming part of the budget including notes on operating expenditure and revenue, loan borrowings, asset construction / acquisition / disposal, transfers to and from reserves, rating information and grants.
- Detailed Financial Information for each Schedule at account level, with Sundry Notes providing a greater level of detail for each account. This information is formatted with the account number, description and totals for the 2019/20 Budget.

The final 2019/20 budget has been prepared utilising the various elements that Council has previously resolved to adopt. These include:

- Strategic Community Plan;
- Long Term Financial Plan;
 - Debt Management Plan
 - Reserve Funds
 - Rating Strategy
- Corporate Business Plan;
- Workforce Plan
- Asset Management Plans
 - Pathways
 - Roads
 - Parks & Reserves
 - Buildings
 - Stormwater Drainage
 - Engineering Services Vehicles
 - Compliance & Executive Vehicles
 - Information Technology
 - Recreation Centre Equipment
 - Small Plant & Equipment
- Elected Member Fees, Expenses & Allowances;
- Community Budget Requests
- Events, Festivals & Community Services Programs
- Community Funding Applications
- Minor & Community Grants
- Elected Member Budget Requests;
- Fees & Charges Schedule
- Draft 2019/20 Budget

While the 2018/19 financial year has not yet ended, the 2019/20 Budget document presented to Council represents the current forecast to the 30 June 2019.

- *Materiality Limit*

Local Government (Financial Management) Regulation 34(5) requires that each financial year a local government adopts a Materiality percentage or value, calculated in accordance with the Australian Accounting Standards.

This percentage or value is required to guide the users of financial reports regarding variances in actual to budget expenditures and revenues. Specifically the intention is to highlight variances that are important or significant due to their value and possible impact.

Having regard to the fact that the users of these financial reports are primarily management and Council, a value greater than \$10,000 or 10%, whichever is greater has historically been considered reasonable for highlighting material variances.

While this historical materiality value is considered to be reasonable, additional reporting of variances above \$50,000 would assist in monitoring cost variances. Therefore it is proposed that the materiality limit change to be \$50,000 or 10% whichever is greater, with reporting at the Program or Nature/Type level instead of the line item.

Overall the 2019/20 Budget continues to deliver on strategies and actions identified and prioritised by Council as part of its Strategic Community Plan and Corporate Business Plan. This ensures Council maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well on renewing all assets at sustainable levels.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation - No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "A"

173-19 MOVED - Cr. T G Gardiner SECONDED - Cr. P R Perks

MUNICIPAL FUND BUDGET FOR 2019/20

THAT Council pursuant to Section 6.2 of the *Local Government Act 1995* and *Part 3 of the Local Government (Financial Management) Regulations 1996*, adopts the Municipal Fund Budget as contained in (Appendix ORD: 12.2 – Under Separate Cover) of this Agenda and the Minutes, for the Shire of Dardanup for the 2019/20 financial year which includes the following:

- **Statement of Comprehensive Income by Nature or type showing a net result for 2019/20 of \$3,231,852;**
- **Statement of Comprehensive Income by Program showing a net result for 2019/20 of \$3,231,852;**
- **Statement of Cash Flows;**
- **Rate Setting Statement showing an amount required to be raised from rates for 2019/20 of \$13,397,381;**
- **Notes to and Forming Part of the Budget;**
- **Budget Program Schedules; and**
- **Transfers to / from Reserve Accounts.**

CARRIED

5/0

By Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "B"

174-19 MOVED - Cr. T G Gardiner SECONDED - Cr. L Davies

GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS**THAT Council:**

1. For the purposes of yielding the deficiency disclosed by the Municipal Fund Budget for 2019/20 adopted as Part A above, Council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum rates on Gross Rental and Unimproved Values:

a) **General Rates**

- Gross Rental Value (GRV) Rated Properties= \$0.100662
- Unimproved Value (UV) Rated Properties = \$0.006259

b) **Minimum Payments**

- Gross Rental Value (GRV) Rated Properties = \$1,547.50
- Unimproved Value (UV) Rated Properties = \$1,547.50

	RATE IN THE DOLLAR	\$ RATE YIELD
Gross Rental Value (GRV)	\$0.100662	\$8,678,824
GRV Minimum	\$1,547.50	\$2,774,668
TOTAL GRV		\$11,453,492
Unimproved Value (UV)	\$0.006259	\$1,709,026
UV Minimum	\$1,547.50	\$239,863
TOTAL UV		\$1,948,889
TOTAL GRV & UV YIELD		\$13,402,381

2. Pursuant to Sections 6.37 of the *Local Government Act 1995* impose the following Specified Area Rates:

a) **The Specified Area Rate for "Bulk Waste Collection Levy"**

- Purpose: Levied on developed residential properties within (and adjoining to) the townsites of Eaton, Dardanup and Burekup that are services with Council's bulk and green waste kerbside pickup to meet the cost of the service and to contribute to the refuse site.
- Residential GRV = \$0.001315 per specified assessment to yield \$100,000.

- b) **The Specified Area Rate for "Eaton Landscaping"**
- **Purpose:** Levied on properties within the townsites of Eaton for the purpose of upgrading and maintaining parks and reserves in Eaton townsite.
 - **Residential GRV = \$0.002925 per specified assessment to yield \$244,800.**
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following dates for the payment in full by instalments:
- **Full payment and 1st instalment due date 12 September 2019**
 - **2nd quarterly instalment due date 14 November 2019**
 - **3rd quarterly instalment due date 16 January 2020**
 - **4th quarterly instalment due date 19 March 2020**
4. Pursuant to Section 6.46 of the *Local Government Act 1995*, Council offers an incentive for the early payment of rates through a rates prize draw of \$1,500 to those ratepayers who pay their rates in full and have no outstanding balance by 4.00pm on 12 September 2019.
5. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$13.00 for each instalment after the initial instalment is paid (\$39.00 for four (4) instalment option).
6. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 5.5% where the owner has elected to pay rates (and service charges) through an instalment option.
7. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and Regulation 70 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest rate of 11% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED

5/0

By Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "C"

175-19 MOVED - Cr. T G Gardiner SECONDED - Cr. P R Perks

GENERAL FEES AND CHARGES FOR 2019/20

THAT Council pursuant to Section 6.16 of the *Local Government Act 1995*, adopts the Fees & Charges as contained in the 2019/20 Budget included as (Appendix Ord: 12.2 – Under Separate Cover) of the Agenda and Minutes.

CARRIED
5/0
By Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "D"

176-19 MOVED - Cr. T G Gardiner SECONDED - Cr. L Davies

OTHER STATUTORY FEES FOR 2019/20

THAT Council:

- 1. Pursuant to Section 53 of the *Cemeteries 1986*, Council adopts the Fees & Charges for the Dardanup and Ferguson Cemetery as contained in the 2019/20 Budget included as (Appendix ORD; 12.2 – Under Separate Cover) of the Agenda and Minutes.**
- 2. Pursuant to Section 245A(8) of the *Local Government (Miscellaneous Provisions) Act 1960*, Council adopts the swimming pool inspection fee as contained in the 2019/20 Budget included as (Appendix ORD: 12.2 – Under Separate Cover) of the Agenda and Minutes.**
- 3. Pursuant to Section 67 of the *Waste Avoidance and Resource Recovery Act 2007*, Council adopts the Fees & Charges for the removal and deposit of domestic and commercial waste as contained in the 2019/20 Budget included as (Appendix ORD: 12.2 – Under Separate Cover) of the Agenda and Minutes.**
- 4. Pursuant to Section 67 of the *Waste Avoidance and Resource Recovery Act 2007* and Section 6.16 of the *Local Government Act 1995*, Council adopts the Fees & Charges for the deposit of domestic and commercial waste as contained in the 2019/20 Budget included as (Appendix ORD: 12.2 – Under Separate Cover) of the Agenda and Minutes.**

* (Simple Majority required)

CARRIED
5/0
By Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION "E"

177-19 MOVED - Cr. L Davies SECONDED - Cr. T G Gardiner

MATERIAL VARIANCE REPORTING FOR 2019/20

THAT Council In accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 101 Presentation of Financial Statements*, the level to be used in statements of financial activity in 2019/20 for reporting material variances shall be 10% or \$50,000, whichever is greater.

CARRIED
5/0

Note: Cr. P S Robinson returned to the room [5.47pm].

12.3 Title: Voluntary Upgrade of Gravel Pit Road East

Reporting Department: Engineering & Development Services
Reporting Officer: Mr Mick Saunders - Manager Assets
Legislation: Local Government Act 1995

Overview

Council is requested to consider an application to voluntarily upgrade Gravel Pit Road East to a sealed road.

The request is made by Mr Rick Casagrande of Lot 60, Gravel Pit Road East.

Officers are recommending approval of the request, with due consideration to the points set out below.

Background

Gravel Pit Road East is a local access rural road, currently formed as a gravel road for a length of 420 metres from Pile Road. The formed portion terminates at the entrance to Lot 60, Gravel Pit Road East, that being Mr Casagrande's residence. The gravel pavement varies in width from 5 to 6 metres. Gravel Pit Road East is classified as carrying 0 to 20 vehicles per day. Under the standards adopted in the Shire's Road Asset Management Plan, the road would not warrant sealing unless traffic volumes exceeded 100 vehicles per day.

Legal Implications

Gravel Pit Road East is under the care, control and management of the Shire. Accordingly, the Shire is responsible for maintaining the road.

Depending on the nature and extent of works and resources that Council contributes to the upgrade, the works could set a precedent whereby the provisions of Council Policy CP064 are not adhered to.

The current width and finish of Gravel Pit Road East is sufficient for the very low traffic volumes.

The works are not included in the 2019-2020 Budget and therefore 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.*

Section 8 of Schedule 9.1 of the Local Government Act 1995 and regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996 are also applicable.

- Section 8 of Schedule 9.1 of the Local Government Act 1995:

8. Private works on, over, or under public places

- (1) *Regulations may be made to prohibit or control the construction of anything on, over, or under a public thoroughfare or other public place that is local government property.*
- (2) *Subclause (1) does not apply to the construction of things by or on behalf of the Crown or under the authority of an Act.*
- (3) *Regulations cannot authorise permanent or unreasonable obstruction of the ordinary and reasonable use of the public thoroughfare or other public place for the purpose to which it is dedicated.*
- (4) *Section 3.25 applies as if anything constructed as mentioned in this clause were land owned by the person who constructed it and occupied by the persons entitled to use it.*
- (5) *Regulations may require anything constructed in accordance with regulations to be maintained and may require the person who constructs it to insure against any liability that the local government may incur in connection with its construction, maintenance, or use.*

- Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996:

17. Private works on, over, or under public places — Sch. 9.1 cl. 8

- (1) *A person must not, without lawful authority, construct anything on, over, or under a public thoroughfare or other public place that is local government property.*

Penalty: a fine of \$5 000.

- (2) *Subregulation (1) does not apply to the construction of things by or on behalf of the Crown.*

- (3) *A person may apply to the local government for permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property.*

- (4) *Permission granted by the local government under this regulation —*

(a) must be in writing; and

(b) must specify the period for which it is granted; and

(c) must specify each condition imposed under subregulation (5); and

(d) may be renewed from time to time; and

(e) may be cancelled by giving written notice to the person to whom the permission was granted.

- (5) *The local government may impose such conditions as it thinks fit on granting permission under this regulation including, but not limited to, any of the following —*

(a) a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction;

(b) a condition requiring the applicant to deposit with the local government a sum sufficient in the opinion of the CEO of the local government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the construction, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant.

- (6) *It is a condition of the permission granted under this regulation that —*

(a) the ordinary and reasonable use of the public thoroughfare or public place for the purpose to which it is dedicated is not to be permanently or unreasonably obstructed; and

(b) the person carrying out the construction work ensures that a footpath of a public thoroughfare or other public place that is local government property is covered during the period specified in writing by the local government so as to —

(i) prevent damage to the footpath; or

(ii) prevent inconvenience to the public or danger from falling materials;

and

(c) damage to the public thoroughfare or public place resulting from the construction is repaired to the satisfaction of the CEO of the local government.

- (7) *A person granted permission under this regulation must comply with each condition of the permission.*

Penalty: a fine of \$5 000 and a daily penalty of \$500 for each day during which the offence continues.

- (8) *A person who constructs anything in accordance with permission granted under this regulation must —*

- (a) *maintain it; and*
- (b) *obtain from an insurance company approved by the local government an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use.*

Penalty: a fine of \$5 000.

- (9) *For the purposes of section 3.37 of the Act, a contravention of subregulation (1) or (7) is a contravention that can lead to impounding of goods comprising a thing constructed on, over, or under a public thoroughfare or other public place that is local government property.*

Clause 4 (b) of Regulation 17 states that permission must state the period for which it is granted. If permission is granted by the Council, the period will be inclusive of the construction of the road to practical completion stage plus a further 12 month period starting from practical completion (i.e. defects liability and maintenance period).

In regards to Clause 8 of Regulation 17, maintenance of the road by the proponent will only be applicable to the period for which permission is granted. Following completion of the 12 month period after practical completions, and subject to the completion of any identified defects, the ongoing maintenance responsibility for the road will shift to the Shire of Dardanup.

Strategic Community Plan

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

Environment - The proposal to upgrade does not require any clearing of vegetation.

Precedents

Although it is uncommon for residents to voluntarily upgrade Shire roads there are examples where it has occurred in the past. Most recently, part of Gardincourt Drive was upgraded to a sealed standard and adjoining residents paid for the works. This occurred in the 2014 – 2015 financial year. In this case, the Shire performed the additional works and the adjoining residents made a calculated contribution to the Shire.

Budget Implications

There are no funds allocated to the upgrade of Gravel Pit Road East within the Road Asset Management Plan (RAMP) 10 Year programs. However, the Shire's Asset Inspector has been assessing the Shire's gravel roads in the past months and based upon condition data received, it would be reasonable to expect that Gravel Pit Road East will appear in the early years of the 10 Year Plan – Gravel Resheeting when the RAMP is reviewed later this year.

Budget – Whole of Life Cost

The Shire's RAMP deals with the full life cycle management of all roads in the Shire, including Gravel Pit Road East. The RAMP identifies and prioritises improvement, preservation and maintenance works on roads within the Shire. According to the RAMP, Gravel Pit Road East meets the minimum standard and upgrading of the gravel portion to a sealed standard is not warranted unless traffic volumes increase.

It should be noted that Gravel Pit Road East should receive routine programmed maintenance to reinstate the surface and ride quality. It also receives occasional reactive maintenance to rectify washouts due to heavy rainfall.

The sealing of the road will eliminate the need to maintenance grade the road and perform reactive maintenance. However, the bitumen seal will require future resurfacing in order to preserve the pavement. Over the life of the asset, a bituminised low volume road (i.e. less than 100 vehicles per day) will cost more than a maintained gravel road. This is based on the combined cost of constructing a sealed road and preservation of the seal in future. However, if funds are contributed to the initial upgrade to a sealed standard, it is expected that maintaining a sealed road would represent a lesser Whole of Life cost.

Council Policy Compliance

Council Policy CP064 – Upgrade of Existing Roads – Voluntary Contributions by Adjoining Property Owners sets out the provisions by which voluntary upgrades can occur. CP064 states:

“The contribution is calculated as follows:

*Contribution per property =
(Requested Upgrade Cost – Scheduled Works Cost)/No of Contributing Properties”*

As there are currently no scheduled works, Mr Casagrande would be responsible for the entire cost of upgrade.

CP064 also states:

3.4 Use Of Contractors

Subject to the approval of Council, property owners/residents may wish to engage contractors to carry out upgrade works on the road at their own expense. Under these circumstances, the property owners/residents are responsible for:

- 1. The preparation of engineering designs and drawings by a suitably qualified civil engineer, to be submitted for approval by the Shire of Dardanup.*
- 2. Engaging a suitably qualified civil engineer to supervise and manage the delivery of construction works to the satisfaction of the Shire of Dardanup.*

It is the Officer’s understanding that Mr Casagrande wishes to engage contractors to perform the works at his expense.

Risk Assessment - Low.

A sealed surface to Gravel Pit Road East would reduce the risk of gravel washouts requiring reactive maintenance.

A sealed surface is theoretically a safer surface for road users, however with the traffic volumes and speed environment, the reduction in risk to road users is minimal.

Should Council decide to make some contribution to the upgrade, it would set a precedent. This would pose a risk in future requests for voluntary upgrades. It is uncommon to receive requests for voluntary upgrades so this risk is considered ‘Low’.

Officer Comment

Discussions held with Mr Casagrande indicate he wants to engage contractors to perform the works, in line with Section 3.4 of CP064. Further to this, it is the Officer's understanding that Mr Casagrande objects to paying for the gravel required to bring Gravel Pit Road East to a suitable pavement depth for sealing.

It is important to establish the minimum standard that the Shire would accept for the upgraded Gravel Pit Road East. Table 5 from the RAMP provides guidance on the width to be selected for the road.

TRAFFIC VOLUME (VPD)	SURFACE TYPE	FORMATION WIDTH (m)		SEAL WIDTH (m)		SHOULDER WIDTH (m)	
		MINIMUM	DESIRED	MINIMUM	DESIRED	MINIMUM	DESIRED
0 - 20	Gravel	4.5	4.5				
20 - 50	Gravel	4.5	5.5				
50 - 100	Gravel	5.5	6				
100 - 250	Bitumen			4.5	6.0	0	0.5
250 - 500	Bitumen			5.5	6.0	0.5	1.1
500 - 1000	Bitumen			6.0	7.0	0.8	1.1
1000 +	Bitumen			7	8	1.1	

(VPD = Vehicles per day)

Table 5 – Width Standards for Local Access Roads

According to Table 5, the minimum desired standard for sealed roads is a seal width of 6.0 metres. This assumes sufficient pavement width and traffic volumes of 100 to 250 vehicles per day. In the case of Gravel Pit Road East, a minimum seal width of 4.5 metres on a 5.0 metre pavement would suffice due to the traffic volumes being below 100 vehicles per day. The required pavement depth (gravel) is 150 millimetres. Further to this, adequate piped drains and open drains are required to convey stormwater from the north of Gravel Pit Road East under the road formation and into the existing open drains.

Officers estimate that approximately 665 tonnes of gravel will be required to bring the existing pavement up to the required 150 millimetres thickness. Should Council decide to supply this gravel and construct the pavement, this would cost approximately \$16,200.

The recent gravel road inspections has identified Gravel Pit Road East as being relatively depleted – although satisfactory at the moment as a gravel road, the current pavement would be insufficient for a sealed road without further gravel being added. If it remains as a gravel road, the Assets team believe that it would likely be programmed for gravel resheeting in the early years of the 10 Year Program. On this understanding, staff believe it would be reasonable for the Council to contribute to the construction of the gravel pavement.

To fund the amount of \$16,200 for the gravel pavement, Council may consider a transfer of some funds from the Joshua Brook Road gravel resheeting works scheduled for 2019-2020 to Gravel Pit Road and then the remaining unfinished section of Joshua Brook Road would be programmed for 2020-2021 – this is based on the assumption that Gravel Pit Road East would likely feature in the 2020-2021 program if it were to remain as a gravel road.

Council Role - Review.

Voting Requirements - Absolute Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Grants permission to Mr Casagrande to upgrade Gravel Pit Road East to that of a sealed road, subject to the following conditions:
 - a) The seal is a two coat chip, comprising a primer seal with 7 mm stone, followed approximately one year later with a 10 mm seal;
 - b) The seal width is 4.5 metres (minimum) on a 5.0 metre (minimum) pavement width;
 - c) The pavement depth is 150 millimetres, comprising quality gravel;
 - d) Adequate piped and open drainage is provided to convey stormwater from the north of Gravel Pit Road East under the road formation and into the existing open drains;
 - e) Works on the road are only permitted once engineering drawings and specifications are prepared and submitted to the satisfaction of the Shire of Dardanup and have been approved by the Shire of Dardanup;
 - f) Mr Casagrande provides adequate notice for Shire staff to attend site and ensure compliance;
 - g) Works are carried out in accordance with all relevant standards and regulations, including but not limited, to Council Policy CP064, Occupational Safety and Health Act and Council's Safety Procedures;
 - h) Council pays, upon receipt of a Tax Invoice and upon satisfactory construction of the sealed road, the sum of \$16,200 to Mr Casagrande as a contribution toward the construction of the 150mm deep gravel pavement;
 - i) Permission is granted for a period inclusive of the construction of the road to practical completion stage plus a further 12 month period starting from practical completion (i.e. defects liability period);
 - j) Mr Casagrande is responsible for maintenance of the road during the period for which permission is granted and for any further period required to address any defects following completion of the 12 month defects liability period;
 - k) Following completion of the 12 month period after practical completion, and subject to the completion of rectification of any identified defects, the ongoing maintenance responsibility for the road will shift to the Shire of Dardanup; and
 - l) Mr Casagrande obtaining from an insurance company approved by the Shire of Dardanup an insurance policy, in the joint names of the Shire of Dardanup and Mr Casagrande, indemnifying the Shire of Dardanup against any claim for damages which may arise in, or out of, its

construction, maintenance or use during the period for which permission is granted.

2. Contribution to the upgrade of Gravel Pit Road East is limited to the value of \$16,200 and is an unbudgeted expenditure in the 2019-2020 Budget with the expenditure being offset by an equivalent reduction in expenditure on the Joshua Brook Road Gravel Resheeting Project scheduled in the 2019-2020 Budget.
3. The remaining incomplete section of gravel resheeting on Joshua Brook Road be scheduled for completion in 2020-2021.

FURTHER INFORMATION

Discussion:

Cr. P S Robinson put forward an alternate resolution to have the expenditure on Gravel Pit Road offset by a transfer from the Road Reserve.

Change to Officer Recommendation

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

- *That the contribution be sought from the Shire's financial reserve used to fund road projects rather than reduce the budget and subsequent scope of works on the Joshua Brook Road Project.*

ELECTED MEMBER ALTERNATE RESOLUTION

178-19 MOVED - Cr. P S Robinson SECONDED - Cr. P R Perks

THAT Council:

1. **Grants permission to Mr Casagrande to upgrade Gravel Pit Road East to that of a sealed road, subject to the following conditions:**
 - a) **The seal is a two coat chip, comprising a primer seal with 7 mm stone, followed approximately one year later with a 10 mm seal;**
 - b) **The seal width is 4.5 metres (minimum) on a 5.0 metre (minimum) pavement width;**
 - c) **The pavement depth is 150 millimetres, comprising quality gravel;**
 - d) **Adequate piped and open drainage is provided to convey stormwater from the north of gravel Pit Road East under the road formation and into the existing open drains;**
 - e) **Works on the road are only permitted once engineering drawings and specifications are prepared and submitted to the satisfaction of the Shire of Dardanup and have been approved by the Shire of Dardanup;**

- f) Mr Casagrande provides adequate notice for Shire staff to attend site and ensure compliance;**
 - g) Works are carried out in accordance with all relevant standards and regulations, including but not limited, to Council Policy CP064, Occupational Safety and Health Act and Council's Safety Procedures;**
 - h) Council pays, upon receipt of a Tax Invoice and upon satisfactory construction of the sealed road, the sum of \$16,200 to Mr Casagrande as a contribution toward the construction of the 150mm deep gravel pavement;**
 - i) Permission is granted for a period inclusive of the construction of the road to practical completion stage plus a further 12 month period starting from practical completion (i.e. defects liability period);**
 - j) Mr Casagrande is responsible for maintenance of the road during the period for which permission is granted and for any further period required to address any defects following completion of the 12 month defects liability period;**
 - k) Following completion of the 12 month period after practical completion, and subject to the completion of rectification of any identified defects, the ongoing maintenance responsibility for the road will shift to the Shire of Dardanup; and**
 - l) Mr Casagrande obtaining from an insurance company approved by the Shire of Dardanup an insurance policy, in the joint names of the Shire of Dardanup and Mr Casagrande, indemnifying the Shire of Dardanup against any claim for damages which may arise in, or out of, its construction, maintenance or use during the period for which permission is granted.**
- 2. Contribution to the upgrade of Gravel Pit Road East is limited to the value of \$16,200 and is an unbudgeted expenditure in the 2019-2020 Budget with the expenditure being offset by an equivalent transfer from the Road Reserve.**

CARRIED

6/0

By Absolute Majority

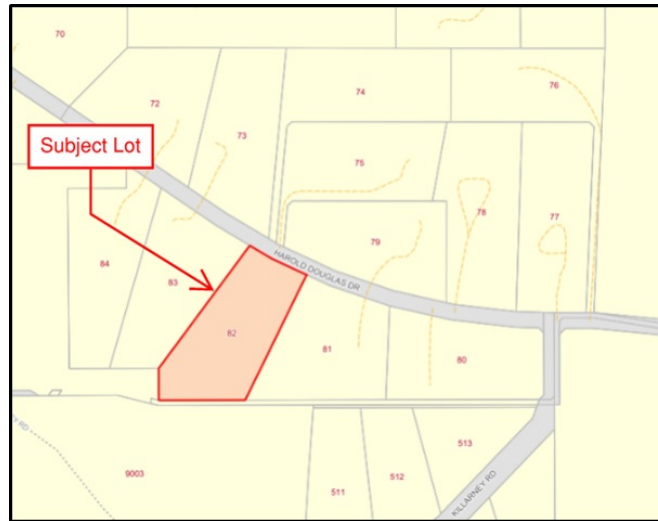
12.4 Title: Application for Development Approval – Lot 82 Harold Douglas Drive, Dardanup West – Proposed Home Occupation (Reiki Practitioner) – (Laetitia Storey)

Reporting Department: Engineering & Development Services
Reporting Officer: Mr Gareth Webber - Planning Officer
Legislation: Planning and Development Act 2005

Overview

Council has received an Application for Development Approval for a proposed Home Occupation for a 'Reiki Practitioner' at Lot 82 Harold Douglas Drive, Dardanup West. The proposal was advertised to neighbours for comment with one objection received. The proposal has been referred to Council for its determination as Officers do not have delegated authority to determine applications where objections have been received. Officers are recommending the proposal be approved subject to appropriate conditions.

Location Plan



Site Plan



Background

Council has received an Application for Development Approval for a Home Occupation for a 'Reiki Practitioner' on Lot 82 Harold Douglas Drive, Dardanup West.

The 2.0211ha lot is zoned 'Small Holding' and is subject to Area 6 provisions under the Shire of Dardanup Town Planning Scheme No. 3 (TPS3). Lot 82 abuts similarly zoned 'Small Holding' Area 6 lots to the east, west and north, and a 'Small Holding' Area 14 lot to the south that has yet to be subdivided but a structure plan is applicable to the lot.

Details of the proposal are contained in (Appendix ORD: 12.4A) and are summarised below:

- The proposed Home Occupation occupies an area of 11.25m²;
 - The proposed hours of operation are Monday to Friday 10.00am to 4.00pm and Saturday 10.00am to 1.00pm;
 - There is a proposed maximum number of three client visits per day;
 - No staff to be employed; and
 - One A3 sized sign to be displayed on the front gate of the property.
- *Notification of Application*

A Home Occupation is a 'D' use in the 'Small Holding' zone under TPS3 which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval. Council officers sent a letter of notification to eight directly adjoining landowners requesting comment on the application. As a result of the advertising, one objection was received. A full copy of the objection received is contained in (Appendix ORD: 12.4B).

A summary of the submission received is contained in the Schedule below:

Submitter	Comment	Officer Comment
B Simmonds & J Szewczuk	Objection. 1. Advises that they purchased here because of the area being semi rural, businesses were not permitted to operate from the properties.	A Home Occupation is a discretionary use within the 'Small Holding' zone which means that the use is something that can be considered subject to an Application for Development Approval being submitted.
	2. Believes these are lifestyle properties for outdoor activities and for a few livestock.	The objective of the 'Small Holding' zone is to provide for residential development within a rural setting, where the predominant land use is residential. However, other uses can be considered within the zone.
	3. Queries if the maximum number of clients are 3 a day, why does the hours of 10.00am to 4.00pm warrant this?	Applicant has advised that clients would be spread out during the day. The proposed hours of operation will allow the applicant to undertake

Submitter	Comment	Officer Comment
		the Home Occupation during school hours. A condition stating that no more than three clients visiting the lot on any one day will be added to the determination.
	4. Queries that the applicants business requires quiet time, so do her neighbours have to go quietly around their properties for the 6 hours?	There is no requirement for the adjoining landowners to reduce noise during the hours of operation of the Home Occupation. All parties are to comply with the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> .
	5. Queries if there is a supervisor in place for the applicants 2 children and possibly her clients may have children?	The proposed hours of operation will allow the applicant to undertake the Home Occupation whilst their children are at school. The applicant has advised that clients will be advised not to bring their children with similar to any other business of this nature.

Subsequent to advertising, the applicant was provided with the submission received and submitted a response addressing adjoining landowners concerns. A full copy of the applicant's response is contained in (Appendix ORD: 12.4C).

Legal Implications

Appeal rights exist at the State Administrative Tribunal.

Strategic Community Plan

Strategy 2.3.1- Continue to implement integrated environmental, social and land use planning which meets diverse community needs. (Service Priority: Very High)
 Strategy 2.6.1- 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)

Environment - None.

Precedents

Officers are not aware of any 'Home Occupation' approved within the Small Holding zone, however there are a number of instances of 'Home Business' which allows a greater area and number of staff to be employed.

- 231 Harold Douglas Drive, Dardanup West

In October 2016, Council officers under delegated authority approved a Home Business for 'Parking of Commercial Vehicle – Ice Cream Van'.

- 9 South Road, Wellington Mill

In October 2010, Council officers under delegated authority approved a Home Business for 'Weekend Retreats / Yoga and Meditation Classes'.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

The application has been assessed against the relevant planning requirements as follows:

- TPS3 – Clause 1.8.2 Land Use Definition for Home Occupation;
- TPS3 – Clause 2.2 Objectives of the Zones;
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas.

Each of these will be addressed individually.

Clause 1.8.2 Land Use Definition for Home Occupation

Under clause 1.8.2 of TPS3:

'Home Occupation' means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ any person not a member of the occupier's household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 20 square metres;*
- (d) does not display a sign exceeding 0.2 square metres;*
- (e) does not involve the retail sale, display or hire of goods of any nature;*
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicles more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and*
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.*

In assessing the proposal against this definition, the following is noted:

- a) The applicant has indicated that no persons other than herself, the occupier of the dwelling are employed in the activity;
- b) The proposed home occupation will be contained within the existing dwelling and will not have any adverse impact on the amenity of the area;
- c) The floor area of the proposed home occupation is 11.25m²;
- d) One sign of 0.126m² (0.3m by 0.42m) is proposed;
- e) There will be no retail sale, display or hire of goods of any nature;

- f) The applicant has advised that there will only be one client at a time with a period of rest between each to allow the room's energy to be cleaned up. There are two carparks allocated. The applicant has also advised that there will be a maximum of three clients per day, which officers consider will have limited impact on the traffic volume in the neighbourhood; and
- g) The applicant has advised that the proposal will not involve the use of an essential service of greater capacity than normally required in the zone.

Clause 2.2 Objectives of the Zones

The objectives of the 'Small Holding Zone' as indicated in clause 2.2 of TPS3 states:

'Small Holding Zone'

To provide for residential development within a rural setting, where the predominant land use is residential.

A Home Occupation is a discretionary use within the Small Holding zone. Appropriate conditions are recommended to minimise any adverse impacts the Home Occupation may create. Officers consider the scale and nature of the proposal are secondary to the existing residential land use and will not have an adverse impact on the amenity of the area.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The existing dwelling on Lot 82 is within a designated bushfire prone area.

A Building Permit for a single dwelling, shed and water tank was issued in February 2019. During this process, a Bushfire Assessor determined that the BAL rating on site was BAL 29. Under the current legislation they are required to construct the dwelling at the Australian Standard for that BAL rating.

A package of reforms was introduced during December 2015 to help protect lives and property against the threat of bushfires throughout Western Australia. This included *State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)*; *Guidelines for Planning in Bushfire Prone Areas (Guidelines)*; and the *Planning and Development (Local Planning Schemes) Regulations 2015 Part 10A – Bushfire risk management* which contains deemed provisions relating to bushfire risk management.

Planning Bulletin 111/2016 states that exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker and where it is demonstrated that the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL assessment.

A proposal does not need to be assessed against SPP3.7 if the development is not going to result in an intensification of land use. As the applicant is the only person who will be employed in the activity and the number of clients is limited to three per day, with only one client at a time, Council officers' consider the proposal not to represent an intensification on site and a BAL assessment is not required in this instance.

In light of the above, it is recommended that Council approve the proposed Home Occupation.

Council Role - Quasi-Judicial.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

179-19 MOVED - Cr. J Dow SECONDED - Cr. P R Perks

THAT Council approves the Application for Development Approval under the Shire of Dardanup Town Planning Scheme No. 3 for a 'Home Occupation (Reiki Practitioner)' at Lot 82 Harold Douglas Drive, Dardanup West subject to the following conditions:

1. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans (Job No. 2017-17 sheet 1 and the signage plan contained in (Appendix ORD: 12.4A) and must not be altered or modified without the further written consent of Council.
2. The approved hours of operation are:
 - 10.00am to 4.00pm Monday to Friday; and
 - 10.00am to 1.00pm on a Saturday.

Any proposed increase in hours will require the further written consent of Council.
3. All client/visitor parking vehicles associated with the approved Home Occupation shall be parked within the property boundaries as indicated in blue on the approved plan and shall not be parked on the property's verge at any time.
4. The approved Home Occupation is restricted to the area as indicated on the approved plan.
5. All materials and equipment used in relation to the Home Occupation shall be stored within the approved area as indicated on the approved plan.
6. No person other than an occupier of the dwelling on the lot to be employed in the activity.
7. No more than three clients visiting the lot on any one of the operating days.
8. One sign associated with the Home Occupation not exceeding 0.2m² may be displayed on site within the property boundaries.

Advice Notes:

- i) 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.

- ii) **When 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.**

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

CARRIED
6/0

12.5 Title: Annual Review of Delegations 2019/2020

<i>Reporting Department:</i>	<i>Executive</i>
<i>Reporting Officer:</i>	<i>Mrs Kathleen Hault – Governance Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

An annual review of Delegations has been undertaken and the 2019-2020 Delegations listing has been provided for the Council to endorse.

Background

The Local Government Act 1995 empowers Council to delegate certain power and authority to the Chief Executive Officer to carry out the functions of Council, section 5.46 requires the delegations to be reviewed at least annually. A number of duties are to be performed by officers authorised by the local government; these areas are included for Council to endorse.

Legal Implications

- *Local Government Act 1995*

Section 3.24 and 3.25 - The powers given to the local government by this Subdivision can only be exercised on behalf of the local government by a person expressly authorised by it to exercise those powers. (This section relates to requiring the owner or occupier of land to do what is specified in the notice in relation to the land).

Section 5.16 - Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.* Absolute majority required. A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.42 – provides that a local government may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Local Government Act. This also applies to the delegation of powers under the Planning and Development Act 2005 that enables Council to delegate powers to the Chief Executive Officer in reference to section 214(2) (3) or (5) to issue a directions notice for non-compliance with the Town Planning Scheme or any conditions imposed on a development. Note: absolute majority required.

Section 5.43 – Council cannot delegate to a Chief Executive Officer any power that requires an absolute majority of the Local Government.

Section 5.44 – provides power to the Chief Executive Officer to delegate to any employee of the local government, the discharge of any of the Chief Executive Officer's duties or powers.

Section 5.45 (a) – delegations are for the period of time specified, or if no time is specified then the delegation is indefinite.

Section 5.45 (b) – any decision to amend or revoke a delegation is to be by an absolute majority vote.

Section 5.46(2) – requires that at least once in every financial year, delegations are to be reviewed by the delegate.

Section 7.1B - Despite section 5.16, the only powers and duties that a local government may delegate* to its audit committee are any of its powers and duties under this Part other than this power of delegation.* Absolute majority required. A delegation to an audit committee is not subject to section 5.17.

Section 9.10 - Appointment of authorised persons - The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions. The local government is to issue the authorised person with a certificate stating the person is so authorised.

- *Bush Fires Act 1954*

Section 59 (3) - A local government may, by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local government and, if the delegate thinks fit, to institute and carry on proceedings in the name of the local government against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

Section 48 (1) - A local government may, in writing, delegate to its chief executive officer the performance of any of its functions under this Act.

- *Graffiti Vandalism Act 2016*

Section 16 - The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Part.

Section 17 - A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Part other than this power of delegation.

- *Food Act 2008*

Section 118 - A local government is authorised to empower an officer to undertake duties as defined by the Act.

- *Health (Miscellaneous Provisions) Act 1911& Public Health Act 2016.*

Section 26 - Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder: Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

- *Cat Act 2011*

Section 44 - The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

Section 45 - A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under another provision of this Act.

- *Dog Act 1976*

Section 10 AA - The local government may delegate to its CEO the exercise of any of its powers or the discharge of any of its duties under another provision of this Act.

- *Litter Act 1979 Appointment of Authorised Officers*

All local government employees can be authorised officers providing they have been provided a Certificate of Appointment by the Authority, per Schedule 2 of the Litter Regulations 1981.

- *Town Planning*

Shire of Dardanup Town Planning Scheme No. 3 provides Council the power to delegate power to the Chief Executive Officer.

- *Building Act 2011*

Section 127 of the Building Act 2011 enables local governments to delegate any of its powers or duties as a permit authority under the Act. Such a delegation can only be made to an employee of the local government as per the Local Government Act 1995 section 5.36 [Chief Executive Officer].

- *Principal Environmental Health Officer*

The Environmental Health Officer [EHO or PEHO] should be delegated the powers (in the list) for the performance of his/her day-to-day duties. There may, from time to time, be an urgent or emergency situation pertaining to public health in which prompt action by an EHO is required.

There are a number of items on the list which would not pertain to any emergency but such a part of the normal day-to-day functions of an EHO and well within the capabilities and competencies of an EHO.

There are a handful of significant emergency powers which are not included in the list. They pertain to events and matters which only a Chief Executive Officer should preside over.

Strategic Community Plan

- | | |
|-----------------|--|
| Strategy 1.1.1- | To be equitable, inclusive and transparent in decision making. (Service Priority: High) |
| Strategy 1.1.2- | Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High) |
| Strategy 1.1.3- | Maintain best practice governance systems and practices. (Service Priority: Moderate) |

Environment - None.

Precedents

Council consider delegations annually.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - None.

Officer Comment

As provided for in (Appendix ORD: 12.5 – Under Separate Cover) the Delegations for 2019/20 have been reviewed by management, as the Shire of Dardanup has aligned with the WALGA model and delegations template, resulting in delegation changes, additions and removals.

Section 5.42 of the Local Government Act empowers Council to delegate authority to the Chief Executive Officer, it is then up to the Chief Executive Officer to delegate authority to other officers.

The Chief Executive Officer is authorised by the Act, section 5.44 to delegate powers to other officers. Such delegations will be made to the relevant officers that have the relevant qualifications and experience in relation to the delegated powers.

Council Role - Executive/Strategic

Voting Requirements - Absolute Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council delegate powers and duties to the Chief Executive Officer as empowered by the Local Government Act 1995, Regulations, the Shire of Dardanup Town Planning Scheme No. 3, and other relevant statutes as provided for in the Delegation Register (Appendix ORD: 12.5 – Under Separate Cover).

By Absolute Majority

Note: An updated copy of the Delegations Register was provided to elected members prior to the Council meeting.

Discussion:

Manager Governance & HR, Ms Cathy Lee advised Councillors that there had been amendments made to the Delegations Register document to update appropriate legislation where required and remove delegations that had been included in error. Council are requested to adopt the updated version (Appendix ORD: 12.5A).

In addition to Cr. P S Robinson's request at item 12.1 to remove delegated authority to Shire Staff to determine any development approval applications on land identified within the Waste Precinct under the Local Planning Strategy; the planning delegations have also been updated.

Change to Officer Recommendation

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

- Amendments to Delegation Register made to update 'Express Power of Duty Delegated', remove blank delegations and amendments to typographical errors; and
- Conditions placed on planning delegations to remove any delegated authority to Shire Staff to determine any development approval applications on land identified within the Waste Precinct under the Local Planning Strategy.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

180-19 MOVED - Cr. J Dow SECONDED - Cr. T G Gardiner

THAT Council:

1. **Receive the updated Delegation Register provided under Separate Cover (Appendix ORD: 12.5A).**

2. **Delegate powers and duties to the Chief Executive Officer as empowered by the Local Government Act 1995, Regulations, the Shire of Dardanup Town Planning Scheme No. 3, and other relevant statutes as specified in the Delegation Register (Appendix ORD: 12.5A – Under Separate Cover).**

CARRIED

6/0

By Absolute Majority

12.6 Title: Proposed Policy CP005 – Keeping of Bees

<i>Reporting Department:</i>	<i>Engineering & Development Services</i>
<i>Reporting Officer:</i>	<i>Mr Neil Nicholson - Principal Environmental Health Officer</i>
<i>Legislation:</i>	<i>Shire of Dardanup Health Local Laws 2000 Food Act 2008</i>

Overview -

This report requests the Council's approval of a revised proposed Policy 'CP005– Keeping of Bees' to provide guidance to Council, staff and the community when assessing applications to keep bees within the Shire of Dardanup.

The changes to the proposed policy are based directly on the outcomes of the beekeeping policy workshop held on 29 April 2019, which included the contributions of key industry and government department representatives, Councillors, and the Shire's Environmental Health Officers.

Background

Due to a number of requests for the keeping of bees in 2017 and 2018, the Shire's Environmental Health Services team produced policy 'CP005 – Keeping of Bees'. The predominant drivers for the development of the policy being:

- a) Clause 6.7.2 of the *Shire of Dardanup Health Local Laws 2000*, which requires a person obtain Council approval to keep bees anywhere within the Shire.
- b) The *Shire of Dardanup Health Local Laws 2000* provides no framework for the assessment of beekeeping applications; or any requirements which beekeeping activities must comply with.

As per the above, all proposals to keep bees within the Shire of Dardanup must obtain the approval of Council.

In the absence of a Policy, all applications have been individually presented to Council for a determination which causes delays in approving applications and inconsistent requirements and obligations on land owners / applicants.

While some aspects of beekeeping are regulated by other agencies, these do not cover the location of hives on privately owned land, or contain provisions for controlling the impact of bees on neighbouring properties. Comprehensive industry guidelines have been developed for the keeping of bees in urban and in rural environments, but they are not legislated and without recognition by Council the use of these guidelines as a basis for assessing good beekeeping practice when complaints are received is open to debate.

The policy (in its' initial form) was presented to Council at the Ordinary meeting on 31 October 2018 (Item 12.4). Due to concerns raised by the hobbyist beekeeping industry about the document, Council voted to 'defer the item pending further investigation by officers by 30 April 2019.

As a result of this, the Shire's Environmental Health Services team held a workshop on Monday 29 April 2019 and invited key health professionals, bee industry, and government department representatives. The invitation list included the West Australian Apiarist Society (WAAS) which is the

representative body for the hobbyist beekeeping industry in WA. The attendees for the workshop were:

- Adam Maskew – Bunbury Chapter of the West Australian Apiarist Society (WAAS);
- John Chadwick – Chairman of the West Australian Apiarist Society (WAAS);
- Kate Nicol – Executive Services Administrator of West Australian Farmers Federation;
- Stephen Fewster – Bee Division President of the West Australian Farmers Federation; and
- James Sheehan – Department of Primary Industries and Regional Development.

The Councillors who attended the workshop:

- Cr. Mick Bennett – Shire President;
- Cr. Peter Robinson – Deputy Shire President;
- Cr. Janice Dow;
- Cr. Patricia Perks; and
- Cr. Carmel Boyce.

Those who could not attend the workshop, provided their comments by email, prior to the workshop. Comments were received from:

- Maria Said – CEO of Anaphylaxis Australia;
- Angela Winter – Allens Training Partner (1st Aid);
- Charles Downes – Sustainable Forest Management (Wellington District) for the Department of Biodiversity, Conservation and Attractions (WA); and
- Stephanie Kruger – Licensing Officer for the Department of Biodiversity, Conservation and Attractions (WA).

With particular respect to the comments made by the Department of Biodiversity, Conservation and Attractions, Stephanie Kruger emphasised that it is ultimately the local government's decision as to the requirements for beekeeping within its district. The Department has no sway in the matter as its jurisdiction applies only to Crown land (that has not been vested to a local authority). Ms Kruger did however provide helpful points of consideration in the assessment of beekeeping applications (based on the Department's own experience in dealing with beekeeping activities), along with comprehensive set of requirements and restrictions the Department applies to beekeeping activities on Crown Land.

The original policy (Appendix ORD: 12.6A) covered the following areas:

- Stipulated separation distances between bee hives and sensitive land-uses;
- Compliance with state biosecurity requirements for registration of hives;
- Compliance with state and industry best practice for responsible bee keeping;
- Process for determining which applications require neighbour notification and approval processes; and
- Criteria to identify when a bee keeping proposal triggers the need for obtaining additional development (Planning) approval.

Attendees supported the concept of staff approval of lower-risk applications, with other applications being referred to Council for decision making. The workshop attendees supported less stringent bee keeping criteria for lower-risk applications than those stipulated in the original proposed policy, allowing more applications to be approved by staff. Recognition in the Policy of the Industry Guidelines for urban and rural beekeeping was strongly supported.

Based on the contributions of workshop attendees, the following key changes were made to the policy:

- Rural Beekeeping
 - a) Increase to the minimum number of hives that can be kept on rural land without need for notification of neighbours from 5 hives to 20 hives: so long as minimum buffer of 50m to neighbouring dwellings is maintained, and the hives are actively managed.
 - b) Removal of the minimum 500m setback from dwellings and neighbouring land-uses.
 - c) Ability for Environmental Health Officers to approve applications (under delegated authority) from registered commercial beekeepers to temporarily locate hives on rural property: so long as 50m separation from adjoining dwellings is maintained, and all DPIRD requirements are met.

- Urban Beekeeping
 - a) Hive densities simply to be in line with the “Draft Urban Beekeeping Code”, instead of the prescriptive ratio of 1 hive per 500m² as stated in the original draft of the policy.
 - b) Encouragement of the management of hives by the occupier of the site/premises, with Environmental Health Officers being able to directly approve (under delegated authority) those applications where hives are managed by the site occupiers.
 - c) Council may approve hives that are not directly managed by the occupier of the site/premises.

- Hives On Shire Reserves
 - a) Removal of the outright restriction on beekeeping on Shire Reserves. Instead, beekeepers are required to enter into a lease or similar agreement before being permitted to keep hives on Shire Reserves.

The revised draft Policy CP005 is provided in the recommended resolution of this agenda Item.

Legal Implications - None.

Strategic Community Plan

- | | |
|-----------------|---|
| Strategy 1.1.1- | To be equitable, inclusive and transparent in decision making. (Service Priority: High) |
| Strategy 1.4.2- | Maintain, review and ensure relevance of Council's policies and local laws. (Service Priority: Moderate) |
| Strategy 1.5.2- | Foster strategic alliance with major industry groups and government agencies. (Service Priority: High) |
| Strategy 4.1.3- | To encourage business to develop: Support the capacity of local firms and industry to establish, grow and employ. (Service priority: Moderate) |
| Strategy 2.2.1- | To conserve natural resources. (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) |

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost None.

Council Policy Compliance None.

Risk Assessment - Low.

Officer Comment

The revised policy is directly based on the comments and suggestions made by contributors of the 29 April workshop.

A copy of the revised document was emailed out to both workshop attendees and those who were invited (but could not attend), with recipients invited to make comment and provide feedback. Comprehensive feedback was received from Adam Maskew on behalf of the West Australian Apiarist Society (WAAS) (Appendix ORD: 12.6B). No other comments were received. Given this, it would be reasonable for Council to conclude that the majority of the contributors to the workshop are satisfied with the document.

Based on this, it is the reporting officers' recommendation that Council approve the revised Policy *as-it-is*, as it is based on the workshop outcomes, and the general consensus of the contributors.

Officers acknowledge Mr Maskew's comments, and believe it is appropriate that they be retained and formally considered if the policy is reviewed. As the policy covers a matter of high relevance to an industry, and to public safety and wellbeing, it would be appropriate for the Shire to consider review of the policy after 12 months.

Officers believe it is important to acknowledge the following comments by Mr Maskew.

Adam Maskew (WAAS)	Environmental Health Officer comment
<p>How will this policy be applied to existing beekeepers in the Shire? Will there be a moratorium where they will be given approval if no complaints have been received in the last 2 years without the need for full application?</p>	<p>Existing bee keeping operations would be approved in accordance with the policy. There have only been complaints against two (2) premises in the last two years with respect to the keeping of bees.</p>
<p><i>Suggestion for the 'Purpose or Objective' of the revised Policy:</i></p> <p>The [policy] document could benefit from a preamble as to why the Shire of Dardanup is developing the Keeping of Bees policy.</p> <p>This could include:</p> <ul style="list-style-type: none"> • Information relating to the value of the industry, estimated at \$1.1b in Western Australia and \$14.4b nationally. • The rapid increase in registered beekeepers, predominately in urban areas, with over 3000 registered beekeepers in Western Australia. • The difference in rural, urban and migratory beekeeping. • Difference between managed versus feral bee colonies. • Why the Shire of Dardanup wants to encourage and have an appropriate regulatory touch. 	<p>Council's Policies are ideally limited to a maximum 2 pages. It is appropriate that Background material such as that specified be included in the Council Agenda item requesting approval of the Policy.</p>

Adam Maskew (WAAS)	Environmental Health Officer comment
<ul style="list-style-type: none"> That the policy relates to managed beehives with the policy aiming to ensure best practise to reduce potential for nuisance arising from managed hives. 	

The remainder of Mr Maskew's (WAAS) comments are included in (Appendix ORD: 12.6B).

- Town Planning Services Comment

Any buildings or works pertaining to a beekeeping application (e.g. construction of a honey processing building), may require Development Approval. Commercial honey production at any scale (i.e. honey production for sale rather than for personal use) may also require Development Approval under the Town Planning Scheme in certain zones.

Apart from the above, Town Planning Services have no further comment on this matter.

- Engineering Services Comment

Approvals from Engineering Services may be required if the beekeeping operation includes construction of a road/s, or there are regular heavy vehicle movements pertaining to the activity.

Officers are satisfied that the revised draft Policy reflects the consensus of the attendees of the 29 April 2019 workshop, and the Councillors who attended could have confidence in the process.

The revised draft is less restrictive than the original, and provides Environmental Health Officers greater power to directly approve beekeeping activities (under delegation). Officers are satisfied that the document provides a suitable structure to protect public safety and amenity.

Based on workshop outcomes, the revised policy now includes new elements to accommodate commercial hive operations.

The revised draft policy also takes a more simplified approach by requiring compliance with:

- National Best Management Practice for Beekeeping in the Australian Environment – Rural Beekeeping* (Appendix ORD:12.6C)
- Draft Urban Beekeeping Code – Urban Beekeeping* (Appendix ORD:12.6D)

It was the express desire of the workshop contributors that the policy only reference these two documents. This is departure from the original draft, which also required compliance with 'General conditions for using Apiary Authorities on Crown land in Western Australia'.

In consideration of public safety and amenity, the revised draft policy contains the following elements:

- If in the opinion of an Environmental Health Officer, the approved beehives are causing a nuisance, the Council may direct any bees or approved beehives to be removed; and
- If Council is notified of a new concern regarding the keeping of bees on a particular property, the application will be reconsidered by Council and approval may be revoked in the interests of public safety.

Officers consider that the revised draft policy accurately reflects the consensus of the contributors of the 29 April workshop. The document is more streamline, and less restrictive than the original draft.

There was strong representation from key stakeholders at the workshop, and that the representatives provided high-value professional feedback and suggestions to the structure and elements of the policy. Importantly, Council can have a reasonable level of confidence in the process.

If Council approve the revised draft policy, it is anticipated that the policy will be monitored, and may be reviewed as needed.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

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

- Points 3 and 4 under the heading 'Rural Beekeeping' had the number of hives amended from 20 to 21 hives.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

181-19 MOVED - Cr. J Dow SECONDED - Cr. P S Robinson

THAT Council approve Council Policy 'CP005 – Keeping of Bees' as follows without modification:



COUNCIL POLICY NO:-
CP005 – KEEPING OF BEES

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA
ADMINISTRATION INFORMATION			
History:		Synopsis:	
Version:	New	Synopsis:	Policy created.
Version:			

1. RESPONSIBLE DIRECTORATE

Engineering & Development Services Directorate

2. PURPOSE OR OBJECTIVE

The purpose of this Policy is to provide direction to Council in the processing of applications to keep bees in accordance with the Shire of Dardanup Health Local Law 2000 (amended 2014).

- The objectives of this Policy include:
- To provide an objective framework for the assessment and processing of applications to keep bees within the District;
- To require beekeepers to operate in compliance with specified industry codes;

- To permit the keeping of bees where this is consistent with public safety and social amenity.

3. REFERENCE DOCUMENTS

- The Shire of Dardanup Health Local Law 2000
- Appendix 1 - "National Best Management Practice for Beekeeping in the Australian Environment"
- Appendix 2 - "Draft Urban Beekeeping Code"
- Shire of Dardanup Town Planning Scheme No. 3 (TPS3)

4. DEFINITIONS

The terms used in this Policy and their defined as follows in accordance with the Local Law.

Term	Definition
Apiary	A place where honey bees are kept in hives
Bee Hive	Housing for a Bee Colony.
Local Law	Shire of Dardanup Health Local Law 2000
Rural Beekeeping	Beekeeping on land that is not zoned Residential, Small Holding or Industry (Light / General)
Urban Beekeeping	Beekeeping on non-rural sites (Residential, Small Holding and Industry)

5. POLICY

This policy applies to the keeping of bees within the Shire of Dardanup. The Local Law prohibits the keeping of bees anywhere within the District unless approval to do so has been granted by the Council.

Rural Beekeeping

1. Applications to keep bees within rural areas (expected to be mainly rural sites in the General Farming zone under TPS3) are expected to comply with the "National Best Management Practice for Beekeeping in the Australian Environment".
2. Applications shall be in writing ('Form 204 – Application Form – Keeping of Bees' or similar information), with plans and supporting information to show how the "National Best Management Practice for Beekeeping in the Australian Environment" will be met.
3. Applications from landowners to have less than 21 self-managed hives will not be notified to neighbours, provided the hives are located more than 50m from any neighbouring dwellings and "National Best Management Practice for Beekeeping in the Australian Environment" will be met.
4. Applications from landowners for 21 or more hives, and all situations where hives will be 50m or less from neighbouring dwellings will be notified to neighbours. Where Development Approval is required for the use or works associated with the keeping of bees, notification may be combined with Town Planning notification.

5. Applications under 3 above, or 4 above where no objections are received, and where the activity will be managed in accordance with the "*National Best Management Practice for Beekeeping in the Australian Environment*" may be granted approval by Environmental Health Officers under delegated authority.
6. Where objections have been received or the applicant has not demonstrated that the activity will be managed in accordance with the "*National Best Management Practice for Beekeeping in the Australian Environment*", the application will be determined by Council. It is expected that these applications will not be supported unless the applicant is able to demonstrate that the activity will not result in adverse off-site impacts.
7. Applications from Registered Commercial beekeepers to temporarily locate hives on property within the Shire must contain beekeeper name and contact details, property address, number of hives and approximate dates that hives will be present on the property. Applications may be approved by Environmental Health Officers under delegated authority, and approvals will specify that all hives must be located a minimum of 50m from adjoining dwellings, and all DPIRD requirements including the display of signage at the entry to the property must be met.

Conditions of Approval (Rural Beekeeping)

If Council (or staff under delegated authority) determines to approve an application to keep bees, conditions may be imposed on the approval including, but not limited to, the following:

1. Compliance with the "*National Best Management Practice for Beekeeping in the Australian Environment*", including the provision of water close to the hive location.

Urban Beekeeping

This applies to applications for beekeeping on non-rural sites (expected to be mainly residential, small holding and industrial):

- Hive density and location in urban areas are expected to meet the "Draft Urban Beekeeping Code".
- All applications must be in writing ('Form 204 – Application Form – Keeping of Bees' or the equivalent information), with plans and supporting information to show how the application will meet the "Draft Urban Beekeeping Code".
- Management of hives by the site occupier is encouraged. Applications where the hives be managed by a person not living on the property will still be accepted, but are not able to be approved through staff delegated authority and must be considered by Council.
- All applications will be assessed and the owners and occupiers of adjoining properties and any schools, childcare centres or aged care facilities within 100m of the lot are to be notified. Where Development Approval is required for the use or works associated with the keeping of bees, notification may be combined with Town Planning notification.
- Applications with no objections, a maximum hive density consistent with the "Draft Urban Beekeeping Code" (the Code), not within 100m of a Reserve, school, childcare centre, aged care facility, or other public space, and managed by the occupier with full compliance with the Code are able to be approved by an Environmental Health Officer under delegated authority.

- Council will determine applications that have one or more of the following elements:
 - Objections.
 - A greater hive density than specified in the Code.
 - A hive placement other than as specified in the Code.
 - Within 100m of a Reserve, or other public space.
 - Hives that will not be managed by the site occupier.
 - Do not comply with the "Draft Urban Beekeeping Code".

It is expected that these applications will not be supported unless the applicant is able to demonstrate that the activity will not result in off-site impacts.

Conditions of Approval (Urban Beekeeping)

If Council (or staff under delegated authority) determines to approve an application to keep bees, conditions may be imposed on the approval including, but not limited to, the following:

- The maximum number of hives permitted.
- The activity must comply with the "Draft Urban Beekeeping Code" at all times.

Advice notes:

- It is the responsibility of the operator to comply with the requirements of other legislation.
- Where building work is carried out, or the use of a building changes, a Building Application or evidence of compliance with the Building Code of Australia may be required.
- Processing of all bee or honey products intended to be sold for human consumption (honey, royal jelly and propolis) will require food approval.
- A Development Application approval under TPS3 will be required when building works are carried out in association with the beekeeping activity, or the processing or sale of bee products, or when the extraction, bottling or packaging of honey occurs for the purpose of sale.
- Permission will not be granted for the keeping of hives on Shire reserves or other public places administered by the Shire unless a lease or similar agreement has been made with the Shire as the administrator of the land giving the legal right to use the land for beekeeping purposes.
- All beekeepers in Western Australia are required to register with the Department of Primary Industries and Regional Development (DPIRD), and comply with all DPIRD requirements.

Revocation of Approval

- If it is the opinion of an Environmental Health Officer the approved beehives are causing a nuisance, the Council may direct any bees or approved beehives to be removed.
- If Council is notified of a new concern regarding the keeping of bees on a particular property, the application will be reconsidered by Council and approval may be revoked.

CARRIED

6/0

12.7 Title: Dardanup War Memorial

Reporting Department: Corporate & Community Services
Reporting Officer: Ms Lee Holben - Manager Community Services
Legislation: Local Government Act 1995

Overview

Council is requested to authorise unbudgeted expenditure for the purpose of a new plaque depicting names of residents who fought at World War I and II that are missing from the original plaque on the Dardanup RSL Memorial.

Site Photograph



Background

The RSL War Memorial is located in Palmer Park, Little Street Dardanup and is owned by the Shire of Dardanup.

It was constructed in 1960 of brick and render by an unknown architect or builder.

An obelisk type tablet is housed on three black steps in front of a rectangular brick paving in which are written the words "Lest We Forget". On either side are two strip rows of roses. The central memorial has a list of names of the locals who sacrificed their lives in both World Wars I and II.

Rev. Father O'Mahony consecrated the memorial in 1960.

The RSL War Memorial has aesthetic and social significance as part of a precinct comprising of the original Roads Board Office, Dardanup Hall and civic precinct on the corner of Ferguson Road and Little Street which is enhanced by the avenue of gum trees along Little Street.

The historical and social significance is due to its association with the remembrance of local community members who served in the armed forces and as a commemoration of local soldiers who died in the first and second World Wars.

The memorial is listed in the Shire of Dardanup's Local Heritage Survey 2016.

The local Dardanup residents contacted Shire of Dardanup in 2017 to enquire about adding names to the RSL Memorial in Dardanup as they had researched and discovered there were seven names missing from the plaque.

Legal Implications - None.

Strategic Community Plan -

Strategy 1.6.1- Provide opportunities for the community to engage with Councillors and Staff. (Service Priority: High)

Strategy 2.4.1- Encourage the preservation of significant heritage properties and precincts. (Service Priority: High)

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

Environment - None.

Precedents - None.

Budget Implications -

Unbudgeted item. There are currently sufficient funds in Minor Community Activities 2018/19 budget allocation (J08717) to cover the cost of the new plaque, including installation.

Budget – Whole of Life Cost

Ongoing maintenance costs of the memorial and the surrounding landscaping.

Council Policy Compliance None.

Risk Assessment - Low.

The risk is considered low for the following reasons:

Reputational Risk

The memorial is valued by the residents of the Shire of Dardanup and to not include all the names could see the Shire being viewed in a negative light.

Officer Comment

The local Dardanup residents contacted the Shire of Dardanup in 2017 to enquire about adding names to the RSL Memorial in Dardanup as they had researched and discovered there were seven names missing from the plaque.

Council staff have worked with the State RSL to ensure the names were authentic and appropriate to be added to the plaque.

The current plaque is marble, which is cemented into the memorial. It does not list the Wars separately (ie World War 1 and 2, with World War 2 being highlighted by an * next to the name). The lettering is quite large with limited space to add more names.

After discussion with the local residents it was recommended that the original plaque be left, with a smaller bronze plaque being placed next to it. This new plaque would indicate that due to social significance, the original plaque had been left unchanged and a new plaque had been placed on the other side of the memorial, with the names of those people not included on the original marble plaque.

The residents have confirmed that no one from the Shire of Dardanup participated in any other wars.

The current plaque is lit at night by a switcher which is on a timer in the Dardanup Hall. The Committee have requested that the new plaque also be lit.

Initial cost for a new plaque has been investigated with the cost being approximately \$3,500 to produce and install a granite inscribed plaque.

- Stage 2: 2019 – 2021 Timeframe

The community want to mirror the memorial on the other side of the current memorial as they are finding they are getting larger numbers to the ceremonies/march and they are spilling out onto the road. With this safety concern in mind, the committee felt that by mirroring the image on the other side – two lines of roses similar to what is already there and the same brick work (leading back into the hall car park) would be a safer option, and cater for the increase in numbers attending. (See Appendix ORD: 12.7)

With the plaque being on the other side, some of the roses (approximately four on each side), would need to be removed to allow visitors to walk around the memorial without difficulty, especially the elderly. These roses could be transplanted in the garden bed proposed in the mirror image.

As part of this design, one of the five flag poles would need to be removed (centre one). This concept has been priced by the Manager Operations at approximately \$10,000, which includes but is not limited to paving, plants, removal of reticulation and flag pole.

This project (Stage 2) is not currently listed in the forward financial plan. There are funding opportunities through the State RSL that can be investigated.

- Stage 3:

The Lions developed a concept a number of years ago for a life size statue of a soldier to be placed on top of the memorial. The drawings and costings were done a number of years ago. If this project (Stage 3) is approved by the residents and the Shire of Dardanup, a new quote will be secured.

Before this final stage can commence, a structural engineer would need to look at the memorial to ensure it can take the weight of the statue and that it would not tip the memorial over due to high wind velocity.

The Lions have indicated that they would fund this stage and may approach other funding/sponsorship bodies in the future.

Council Role - Review.

Voting Requirements - Absolute Majority.

OFFICER RECOMMENDED RESOLUTION

THAT Council:

1. Approve unbudgeted expenditure of \$3,500 from the 2018/2019 Budget (J08717) for the purpose of installing an additional plaque at the Dardanup RSL Memorial, depicting additional names of residents who fought in World War I and II.
2. Support the further investigation and inclusion of Stage Two Project works in future Long Term Financial Plans, which will involve the mirroring of brickworks and gardens on the opposite side of the current memorial.
3. Support the identification and future application for grant funding towards the Stage Two Project works.

Change to Officer Recommendation

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

- *Ensure that following Stage 3 the costings of the statue be brought back to Council for consideration*

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

182-19 MOVED - Cr. J Dow SECONDED - Cr. M T Bennett

THAT Council:

1. Approve unbudgeted expenditure of \$3,500 from the 2018/2019 Budget (J08717) for the purpose of installing an additional plaque at the Dardanup RSL Memorial, depicting additional names of residents who fought in World War I and II.
2. Support the further investigation and inclusion of Stage Two Project works in future Long Term Financial Plans, which will involve the mirroring of brickworks and gardens on the opposite side of the current memorial.
3. Support the identification and future application for grant funding towards the Stage Two Project works.
4. That drawings and costings of a statue be brought back to Council for consideration as per Stage 3 of the report.

CARRIED

6/0

By Absolute Majority

12.8 Title: Provision of Banking and Bill Payment Services

Reporting Department: Corporate & Community Services

Reporting Officer: Mr Phil Anastasakis – Director Corporate & Community Services
Mrs Natalie Hopkins – Manager Financial Services

Legislation: Local Government Act 1995
Local Government (Financial Management) Regulations 1996
Banking Act 1959

DECLARATION OF INTEREST

Cr. P S Robinson declared a Financial Interest in this item as he owns Commonwealth Bank and Westpac Bank Shares.

Cr. P S Robinson left the room [5.57pm].

DECLARATION OF INTEREST

Cr. J Dow declared a Financial Interest in this item as she owns Westpac Bank Shares.

Cr. M T Bennett declared a Financial Interest in this item as he owns Commonwealth Bank Shares.

Chief Executive Officer, Mr André Schönfeldt provided Cr. M T Bennett and Cr. J Dow with a copy of the advice received 26/06/2019 from the Deputy Director General – Regulation of the Department of Local Government, Sport and Cultural Industries:

The Deputy Director General Regulation, Mr Michael Connolly has, under delegated authority from the Minister, approved the application under section 5.69(3)(b) of the Local Government Act 1995 (the Act) for Cr Michael Bennett and Cr Janice Dow to fully participate in the discussion and decision making relating to “Item 12.8 The Provision of Banking and Bill Payment Services” agenda item at the Shire's Ordinary Council Meeting of 26 June 2019.

The following conditions were placed on the approval:

1. *The approval is only valid for the 26 June 2019 Ordinary Council Meeting when agenda item 12. 8 is considered;*
2. *The abovementioned Councillors must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
3. *The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillors;*
4. *The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
5. *The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the*

conditions of this approval; and

6. *The approval granted is based solely on the interests disclosed by the abovementioned Councillors, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

Shire President, Cr. M T Bennett and Cr. J Dow remained in the room under approval of the Minister for Local Government, to ensure there was a quorum available to deal with the matter.

Overview

This reports seeks Council endorsement to change the primary Municipal Fund banking services from Westpac Banking Corporation to the Commonwealth Bank of Australia (CBA), Eaton branch.

Background

The current contract for the provision of banking services was awarded to Challenge Bank (a division of Westpac Banking Corporation) in February 1999. Since that time Council has utilised Westpac's banking services at Bunbury Forum as the primary source for all of Council's day to day banking requirements whilst advocating for a banking institution to operate in the Shire of Dardanup.

With the expansion of Eaton Fair by Citygate Properties, it was hoped that an authorised deposit-taking institution (ADI) bank would form part of the shopping centre's tenancy; however, this was only recently completed with the CBA taking up tenancy on 29 November 2018.

On 30 November 2018, Westpac formerly closed the Bunbury Forum branch. As a result of this closure, Council were advised by Westpac that the remaining branch located in Bunbury's CBD (Victoria Street, Bunbury) would become the preferred branch location for Council to use.

At a meeting held on 2 November 2018, Council's management expressed their disappointment at Westpac's decision to close the Bunbury Forum branch, an issue that was echoed by the community. The meeting included Westpac's Senior Relationship Manager, Mr Justin Butcher, and Westpac's State Regional Manager, Mr Steve McGivern as well as relevant financial services staff.

Discussion focused on new methods of banking including a 24 hour deposit facility for cash and cheque deposits at the Bunbury CBD location. Whilst the 24 hour facility is a benefit, this benefit is significantly reduced by the increased staff time required to take banking deposits to the proposed new branch location.

The desire to have a new Westpac branch established at the Eaton Fair Shopping Centre was also raised on a number of occasions with Westpac management over the last 12-18 months. This was seen as a benefit to the local community as well as the Council through the provision of improved access to banking services and facilities, as well as increasing the scope of business services available locally within the Shire of Dardanup. While there was recognition of the benefit this would provide, Westpac was not able to give any commitment that this would occur at any time in the future.

As part of improving efficiencies within Council, management initiated a deposit account facility at CBA Eaton Fair for all physical deposits which are subsequently transferred electronically to Council's relevant Westpac banking accounts. With a specialised Local Government Banking Group section at Commonwealth Bank, CBA have provided excellent advice, training and assistance in the setting up of the operating account and associated online services.

As the only bank located in Eaton (and within the Shire of Dardanup), it is proposed that Council enter into negotiations to formerly change its banking services provider from Westpac Bank to Commonwealth Bank in accordance with Section 5 of the Banking Services Act 1959.

It should also be noted that Council will continue to source investment quotes from other ADI's (including Westpac) for approved short-term deposits investments in accordance with CP036 - Investment Policy and S6.14 of the LGA 1995 - Power to Invest.

Legal Implications

Local Government Act 1995

Part 6 – Financial management

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

Part 2 – General financial management – s.6.10

R5. CEO's duties as to financial management.

- (1) Efficient systems and procedures are to be established by the CEO of a local government —*
 - (a) for the proper collection of all money owing to the local government; and*
 - (b) for the safe custody and security of all money collected or held by the local government; and*
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and*
 - (d) to ensure proper accounting for municipal or trust —*
 - (i) revenue received or receivable; and*
 - (ii) expenses paid or payable; and*
 - (iii) assets and liabilities;**and*
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and*
 - (f) for the maintenance of payroll, stock control and costing records; and*
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.*

- (2) *The CEO is to —*
- (a) *ensure that the resources of the local government are effectively and efficiently managed; and*
 - (b) *assist the Council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and*
 - (c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.*

R8. Separate bank etc. accounts required for some moneys

- (1) *A local government is to maintain a separate account with a bank or other financial institution for each of the following purposes —*
- (a) *money required to be held in the municipal fund (other than money for which an account is to be established under paragraph (c)); and*
 - (b) *money required to be held in the trust fund; and*
 - (c) *money required to be held in reserve accounts.*
- (2) *Money related to a purpose set forth in subregulation (1) is to be banked in the account maintained for that purpose.*
- (3) *Money from different accounts may be placed in a common investment authorised by the Act.*

Banking Act 1959

Section 5 - Interpretation

"authorised deposit-taking institution" means a body corporate in relation to which an authority under subsection 9(3) is in force.

9 Authority to carry on banking business

(3) If an application has been made, APRA may grant the body corporate an authority to carry on banking business in Australia. The authority must be in writing, and APRA must give the body corporate written notice of the granting of the authority.

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 4.1.3 - To encourage business to develop: Support the capacity of local firms and industry to establish, grow and employ. (Service Priority: Moderate)

Environment - None.

Precedents

Council's current contract for the provision of banking services was awarded to Challenge Bank, a division of Westpac Banking Corporation, in February 1999 through Tender Contract 14-98/99.

Australian Prudential Regulation Authority (APRA) is an independent statutory authority which has the responsibility to regulate ADI's and other financial institutions in Australia.

Budget Implications

All bank fees are charged to Council's operating Municipal Fund account on a monthly basis. The 2018/19 Annual Budget includes a budget provision of \$40,328 for Bank Fees and Charges.

Changing bank accounts is an intensive process that will take time and require significant input from finance services staff. It is anticipated any costs incurred will be funded from the 2018/19 Annual Budget and that no further resources will be required for the change to occur.

Budget – Whole of Life Cost

The provision of banking services is funded from Council's annual operating budget as part of the budgeted item Bank Fees and Charges. The 2018/19 financial year includes a budget allocation of \$40,328 for Bank Fees and Charges; the prior four year's bank fees are summarised in the below table:

Bank Fees and Charges – Expenditure Analysis		
Financial Year	Budget	Actual
2017/18	\$38,200	\$39,069
2016/17	\$38,200	\$35,640
2015/16	\$36,000	\$36,052
2014/15	\$34,000	\$36,446

Council Policy ComplianceCouncil Policy CP034 – Procurement Policy

Council aims to deliver quality services that are responsive to business and community expectations, demonstrably cost-effective and subject to public accountability. Council is committed to delivering its services equitably and in a way that meets customer needs, minimises costs and recognises Council accountability.

Risk Assessment

Low.

Officer Comment

Due to the closure of Westpac branch at the Bunbury Forum on the 30 November 2018, which was previously the nearest bank to Council's Eaton Administration Centre, management instigated an interim arrangement to deposit funds with the newly established Commonwealth Bank branch at Eaton Fair Shopping Centre.

On the 10 May 2019 Council Officers sought written Quotations from local banks for the provision of Transactional Banking Services for a 12 month period. The banking services include, but are not limited to:

- Banking Deposits;
- Direct Debit Deposits;
- Merchant Fees (ie Eftpos/Credit Card Facilities);
- Electronic Funds Payments including BPAY, Foreign Currency Payments;
- Online user access; and
- Any other fees associated with the provision of transactional banking services.

This RFQ process was undertaken in accordance with Council's Procurement Policy, and is for an interim 12 month period only.

WALGA have advised that they are seeking to establish Banking Services as a new Preferred Supplier category on their Preferred Supplier Panel. The creation of a Preferred Supplier arrangement for banking services has many advantages including the generating of industry wide savings in fees and charges, while stipulating agreed standards of service. When this Panel is established, Council can obtain RFQ's or Tenders from those participating banks, depending on the contractual period and total estimated cost.

Quotations were received from the National Australia Bank, Commonwealth Bank and Westpac Bank.

Based on an overall assessment of transactional banking services and fees, combined with a consideration of staff daily banking needs (ie: cash deposits, security, travel, servicing) it is recommended that Council support changing its primary banking supplier from Westpac Corporation Bank (Westpac) to Commonwealth Bank (CBA), thereby utilising CBA's Eaton Fair branch as the primary location for all depositing of Council funds.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

183-19 MOVED - Cr. T G Gardiner SECONDED - Cr. P R Perks

THAT Council enters into an agreement with Commonwealth Bank of Australia (CBA) for the provision of banking and bill payment services for an initial 12 month period and authorises the Chief Executive Officer or such other person that the Chief Executive Officer delegates to:

- 1. Execute the agreement with Commonwealth Bank of Australia for the provision of banking and bill payment services effective immediately.**
- 2. Authorises all payments under the agreement.**

CARRIED
5/0

Note: Cr. P S Robinson returned to the room [5.58pm].

- 12.9 Title: ITEM – WITHDRAWN - Application for Development Approval – Lot 30 (205) Lennard Road, Burekup – “Agritourism” use and “Micro-brewery” addition to Evedon Lakeside Retreat- (Charles Anthony Jenour)

Reporting Department: Engineering & Development Services
Reporting Officer: Mrs Cecilia Muller - Principal Planning Officer
Legislation: Planning and Development Act 2005

DECLARATION OF INTEREST

Cr. M T Bennett declared a Financial Interest in this item as his wife sells artwork at the Evedon Lakeside Retreat

Cr. T G Gardiner declared a Proximity Interest in this item as he is a landholder opposite the property at Evedon Lakeside Retreat

As Cr. M T Bennett and Cr. T G Gardiner were intending to leave the room, the meeting would be left without a quorum.

This item was withdrawn from the agenda due to a lack of quorum.

Overview

Council has received an Application for Development Approval under the Shire of Dardanup Town Planning Scheme No. 3 (TPS3) for a proposed “Use Not Listed” - “Agritourism” development which includes works and land use associated with a “Micro-brewery” to accommodate an extension of the liquor licence at Lot 30 (205) Lennard Road, Burekup (subject lot). Officers do not have delegated authority to determine applications for a “Use Not Listed”. Therefore, the application is referred to Council for determination. Officers are recommending the proposal be approved subject to the appropriate conditions.

Location Plan



Site Plan



Background

Council has received an Application for Development Approval under the Shire of Dardanup Town Planning Scheme No. 3 (TPS3) for a proposed “Use Not Listed” - “Agritourism” development which includes works and land use associated with a “Micro-brewery” to accommodate an extension of the liquor licence at Lot 30 (205) Lennard Road, Burekup. Copies of the development plans are contained in (Appendix ORD: 12.9A).

Lot 30 is 140,4660ha in area and is zoned “General Farming” and is located within the Landscape Protection Area under the Shire of Dardanup Town Planning Scheme No.3 (TPS3). The property is surrounded by “General Farming” lots and abuts Lennard Road to the south and Catalano Road to the north.

Evedon Lakeside Retreat also known as Evedon Park Bush Resort is a short stay facility with a restaurant and function centre. The premises is licenced under the Liquor Control Act 1988 as a “hotel restricted” venue. The restaurant and function centre building is 500m² and built to take in the view over the artificial lake. It is a two storey building with the main entrance level having direct access from the parking area. It has an internal staircase that leads to the main restaurant and function level that has access to an outside area. The proposed microbrewery extension is 106m² in floor area and is to be located at the lower main building level. A new 150,000lt water tank will be installed next to the existing 90,000lt water tank to facilitate the new fire hydrants.

The Micro-brewery is proposed to:

- Establish a 2.5bbl (400L/day) brewery;
- A batch process will be undertaken with an expected annual daily wastewater volume of 500L/day;
- A sump will collect all the waste water, which will be pumped to the wastewater treatment system approximately 12m higher and 100m away from the Micro-brewery; and
- The wastewater treatment system is to be located south of the Micro-brewery behind the shed.

Several development approvals have been granted for the site as the land use and development has evolved. Relevant to the proposal are the following development approvals:

- P02/03 – DA granted for a Restaurant (Evedon Lakeside Retreat Bush Resort), this approval was granted by Council at its meeting of 26 February 2003.

- P43/07 – DA granted for Hotel Restricted Licence, this approval was granted by Council at its meeting of 14 June 2007, subject to the following conditions:
 1. *All development being generally in accordance with the approved development plans which form part of this Development Approval.*
 2. *This approval is valid provided that the development is substantially commenced within two (2) years and completed within three (3) years after the approval date. If development has not been substantially commenced within two (2) years and completed within three (3) years, the approval shall lapse and no further works shall be carried out without further approval from Council.*
 3. *The hereby approved development shall not prejudicially affect the amenity of the neighbourhood due to the emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.*
 4. *All of the sales and supply shall conform to the requirements of the 'hotel restricted license' as defined in the Liquor control Act 1988.*

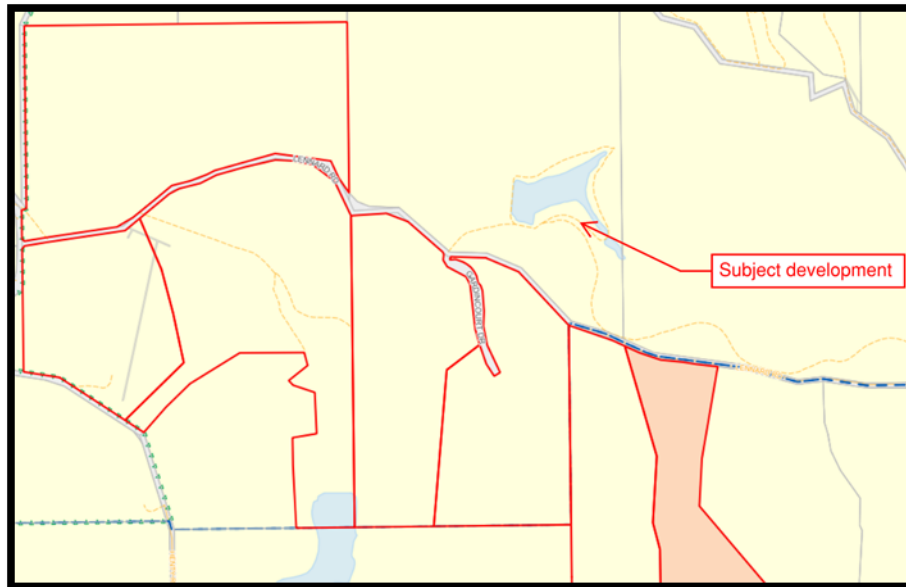
Advice Note

- * *The applicant is advised that a licence is required from the Department of Racing, Gaming and Liquor, in accordance with the Liquor Licensing Act 1988.*
- P24/11 – DA granted for the extension to the existing restaurant, this approval was granted by Shire Officers under delegated authority, a copy of the approval is contained in (Appendix ORD: 12.9B). Approved plans show 10 apartments and 6 cottages. The approved land use is a “Chalet – Short Stay Accommodation with Function Centre/Restaurant” under the Shire of Dardanup Town Planning Scheme No. 3.
- Lavan Legal provided advice to the landowner with regards to the proposed land use and to support an unconditional section 40 certificate for liquor licensing purposes. The advice was provided to permit a “hotel” liquor licence to be granted for the Evedon Lakeside Retreat, details are contained in (Appendix ORD: 12.9C) and summarised below:
 - Evedon Lakeside Retreat currently operates as a short stay accommodation facility with a restaurant and function centre capability. The premises are licensed under the Liquor Control Act 1988 (WA) as a hotel restricted venue.
 - The Shire previously approved this usage and issued an unconditional section 40 certificate for a hotel restricted licence on the basis that the land usage was not listed in the Town Planning Scheme.
 - The proposed development of the microbrewery at the premises would authorise tourists, visitors and those staying at Evedon Lakeside Retreat to consume liquor onsite as well as purchase packaged liquor for takeaway. The microbrewery would be designed to attract tourists and day trippers to come to Evedon Lakeside Retreat to try the craft beer produced onsite as part of their holiday experience. Boutique or craft breweries have become a popular tourist attractions across Western Australia and perhaps most notably in the South West, particularly through the Dunsborough and Margaret River area. For example, there is now a dedicated tour operator in Margaret River which only attends breweries. Further, the best craft breweries in the region are already marketed directly on Tourism Australia’s website.
 - The proposed development of the microbrewery at Evedon Lakeside Retreat would ensure that the facility would attract significant visitation from the public, such as day trippers, rather than the premises relying solely on those persons staying at the Retreat.

- In order for the microbrewery to attract custom from tourists, visitors and day trippers to the area, it is necessary for those people to be able to purchase the craft beer for takeaway as well. The craft beer experience is all about visiting the brewery, learning about how the particular beer is made, trying the different varieties produced and then taking some of those beers away with you for consumption at home. The takeaway component is a key part of the experience and allows people to reminisce about their experience.
- The land use definition for this type of facility to incorporate the existing uses and the proposed additional uses, is not defined in the relevant local planning scheme.
- This kind of facility and its tourism offering is often referred to as Agritourism. Agritourism has been defined as the act of going to a region to visit a farm or food-related business (including restaurants, markets, produce outlets or natural attractions) for enjoyment, education, or to participate in activities and events. A recent Deloitte article stated that Agritourism is “becoming an increasingly important sector of the Australian economy, providing direct and indirect benefits to Australian agribusinesses and regional economies.” The article went on to state that key agribusiness products prominent in Agritourism include “...wine, craft beer and spirits, gourmet foods...”
- In our view the Evedon Lakeside Retreat already operates as an Agritourism business. The approval of the microbrewery will allow the applicant to enhance its Agritourism offering and the microbrewery has been specifically selected for its ability to attract tourists, visitors and day trippers to the Retreat. If approved, the microbrewery would benefit other tourism related businesses nearby as visitors would likely seek out other places to attending in addition to visiting the microbrewery.
- In light of the above, the applicant proposes to make the development application on the basis that the microbrewery constitutes an Agritourism land usage. This usage is not listed in the Town Planning Scheme. The applicant would request that the Shire exercise its discretion to approve the development application.
- Following on from the development application, the applicant would need to apply to the licensing authority for a new category of licence because a hotel restricted licence does permit the sale of packaged liquor (except for lodgers). For a variety of important reasons, it is appropriate for the entire Evedon Lakeside Retreat to operate under a single licence. Indeed, the microbrewery has been specifically designed to seamlessly fit in with the existing operations at the site. A hotel licence is the only type of licence that will allow the applicant to operate the Evedon Lakeside Retreat in the manner proposed.
- A liquor licence application is required to be accompanied by an unconditional section 40 certificate from the local government confirming that the proposed usage complies with the local planning scheme. With respect to this application, the land on which the microbrewery is proposed to situate is zoned as General Farming. Regrettably, a hotel usage is not permitted on land zoned as General Farming.
- However, the applicant is seeking to have Agritourism as the approved usage for the site. The grant of a hotel licence will not alter the proposed usage. The premises will not operate as a hotel in the traditional sense, however, a hotel liquor licence is required in order to operate the facility in the manner proposed.

- *Notification of Application*

The application was advertised by giving notice of the proposal to the owners of properties in the vicinity of the development. Letter correspondence was sent to landowners (shown with a red border) requesting comment on the application. A total of seven letters were sent out, no submissions were received.



Legal Implications

Appeal rights exist at the State Administrative Tribunal.

Strategic Community Plan -

- | | |
|-----------------|---|
| Strategy 2.3.1- | Continue to implement integrated environmental, social and land use planning which meets diverse community needs. (Service Priority: Very High) |
| Strategy 2.6.1- | To provide a variety of places to live, work and play that meet the current and future needs of the community. (Service Priority: Very High) |
| Strategy 4.1.1- | To create connectivity; Support business success by efficient movement and exchange of people, business, goods, services and ideas. |
| Strategy 4.2.3- | Foster and promote the Ferguson Valley as a tourism destination. (Service Priority: Very High) |

Environment - None.

Precedents -

Council resolved [230/08] to approve an Application for Development Approval for a Micro-brewery at Lot 85 Ferguson Road, Ferguson subject to conditions. Council also determined the proposed Micro-brewery to be consistent with the objectives of land zoned "General Farming", contained within Clause 3.13.1 of the Shire of Dardanup Town Planning Scheme No.3. Following on from this the Department of Racing, Gaming and Liquor which uses different classifications from the land use classes under TPS3 has issued a "Hotel Tavern licence" to the premises.

Council at its meeting of 14 June 2007 granted approval for a Hotel Restricted Licence (P43/07), subject to conditions.

Neither a “Hotel” nor a “Tavern” is a use class that is permitted in the “General Farming” zone. Notwithstanding this, the current liquor licenses provide flexibility in accordance with the permitted use. From a planning point of view, the use on each of the premises mentioned above is to be managed by the operator in accordance with the Development Approval conditions to ensure compliance with TPS3.

Budget Implications - None

Budget – Whole of Life Cost - None.

Council Policy Compliance

The following provisions of CP011 – *Tourism Policy* is relevant to the proposal and states that:

7. *Council will encourage tourism product development and investment throughout the area and will facilitate the development application process.*
8. *Council will demand a high standard of design and aesthetics in all forms of tourist development.*
9. *Council will consider the welfare of the whole community when supporting tourism development and the provision of facilities.*
10. *When considering tourism developments, Council will consider the social, cultural, economic and environmental impact of the proposal within the area.*
12. *Council will support the provision of facilities sufficient to cater for destination and day trip visitors to appropriate areas within its boundaries.*

Risk Assessment - Low

The proposal complements the existing resort operations on Lot 30 and is unlikely to impact on any surrounding properties and agricultural uses due to extensive setbacks from public roads and other sensitive uses.

Officer Comment

The application has been assessed under the relevant planning requirements as follows:

- Shire of Dardanup Town Planning Scheme No.3 (TPS3) and *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Landscape Protection Area
- Planning in Bushfire Prone Areas
- Liquor License

Each of these will be addressed individually:

- *Shire of Dardanup Town Planning Scheme No.3 (TPS3) and Planning and Development (Local Planning Schemes) Regulations 2015*

Lot 30 is zoned “General Farming” and is located within the Landscape Protection Area under the Shire of Dardanup Town Planning Scheme No.3 (TPS3).

The proposed “Agritourism” and “Micro-brewery” uses are not specifically referred to in the zoning table for TPS3 (“Use Not Listed”). Pursuant to Clause 64, Part 8, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the local government is to determine whether the use may be consistent with the objective of the zone.

The objectives of the “General Farming” Zone are contained in Clause 2.2 of TPS3 and reads as follows:

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

Council has previously considered (Council resolution [230/08]) and approved an application for development approval for a “Micro-brewery” at Lot 85 Ferguson Road, Ferguson and also determined the use to be consistent with the objectives of the “General Farming” zone.

Lavan Legal has advised that Evedon Lakeside Retreat already operates as an Agritourism business and that the approval of the Micro-brewery will allow the applicant to enhance its Agritourism offering which aims to attract tourists, visitors and day trippers to the Retreat. There is likely to be a flow-on effect where visitors may seek out other nearby tourism related businesses in addition to visiting the Micro-brewery. Therefore the applicant suggests that the Micro-brewery constitutes an Agritourism land use.

Lavan Legal has also advised that following on from the development application, the applicant intends applying to the Department of Racing, Gaming and Liquor for a new category of liquor licence. The current hotel restricted licence restricts the sale of packaged liquor to in-house guests on the property and therefore the intended sale of packaged liquor for consumption off-site requires a new development application approval for a land use that supports the intended new category of licence, a hotel licence. A new liquor licence application would require the local government to confirm that the proposed usage complies with TPS3.

Under the Liquor Control Act 1988:

- *A hotel licence authorises the sale and supply of liquor, for consumption on and off the licensed premises and must provide accommodation.*
- *A hotel restricted licence authorises the sale and supply of liquor for consumption on the premises only (i.e. no packaged liquor sales except to a lodger and only in such quantities that might be reasonably consumed by that lodger on that day). It is also subject to the conditions that it provides accommodation.*

In this regard, a planning approval cannot be issued for a 'Hotel' use as the use is not permitted in the zone. Pursuant to TPS3, hotel means “*premises providing accommodation the subject of a hotel licence under the Liquor Licensing Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel*”. Approval of the proposed Agritourism use and associated Micro-brewery with the existing short stay accommodation component will provide the basis for Council to support a new category liquor licence, a hotel licence. The Department of Racing, Gaming and Liquor is the approving authority and it has the ability to issue a hotel licence. However, the issuing of a hotel liquor licence under the Liquor Licensing Act does not equate to a planning approval for a 'Hotel' use under TPS3.

- *Landscape Protection Area*

Clause 5.2.3 (a-d) of TPS3 is relevant to this proposal and states:

- 5.2.3 In considering applications for planning consent to commence development on or subdivision or rezoning of any land within a Landscape Protection Area or to do any*

of the other things mentioned in the preceding clause the Council shall have regard to the following:

- (a) The areas included within Landscape Protection Areas are considered to be areas of significant landscape beauty.*
- (b) Buildings and associated services should be regarded as being secondary to the natural features of the area and should not usually be permitted in visually exposed areas.*
- (c) Buildings should be set back at least one hundred metres from public roads except where the natural vegetation is such that buildings sited closer to a road will be screened by natural vegetation or dense planting of native vegetation.*
- (d) Farm outbuildings should where possible be clustered with the farm house and other outbuildings.*

Officers consider the proposal complies with the above development standards for the Landscape Protection Area for the following reasons:

- The Landscape Protection Area provisions mainly relate to new works to ensure that buildings and associated services are appropriate from an amenity perspective. Officers consider the proposed addition to the existing building will not adversely impact on the amenity of the area as the plans submitted demonstrates that the development would be of a high quality and in keeping with the exiting appearance of the main building.
- The proposal involves the construction of a new water tank which will be placed close to an existing concrete water tank which is setback at least 129m from Lennard Road. The proposed water tank will not be screened by the existing vegetation and officers consider the proposed 150 000lt water tank will be less visual if the colour of it matches the existing concrete water tank.

- *Planning in Bushfire Prone Areas*

Lot 30 is partially designated as being bushfire prone. A package of reforms was introduced during December 2015 to help protect lives and property against the threat of bushfires throughout Western Australia. This included *State Planning Policy 3.7- Planning in Bushfire Prone Areas* (SPP 3.7); *Guidelines for Planning in Bushfire Prone Areas* (Guidelines); and the *Planning and Development (Local Planning Schemes) Regulations 2015 Part 10A – Bushfire risk management* which contains deemed provisions relating to bushfire risk management.

Planning Bulletin 111/2016 states that exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker and where it is demonstrated that the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL Assessment.

The application included bushfire advice from Lush Fire & Planning Ref 18-073, a copy is contained in (Appendix ORD: 12.9D) and summarised below:

- It is noted that the proposal is for a 106m² addition to the existing function centre.
- The development is subject to a Liquor Licence which provides for a maximum of 200 patrons on the site. There will not be any increase in the number of patrons for the microbrewery.

- The proposed development can be defined as being a habitable building.
- A BAL Assessment would be required, Clause 78B of the Regulations specifically refers to “construction” which is separately defined in Part 10A as including the erection, assembly or placement of a building **but does not include** the renovation, alteration, **extension**, improvement or repair of a building.
- As the proposal is maintaining the current limit on the number of patrons at the facility it can be argued that there is no intensification of the land use. Planning Bulletin 111/2016 states that if the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL Assessment.
- The National Construction Code (Building Regulations 2012) only applies the AS3959 Construction Standards to Class 1, 2 or 3 buildings or associated Class 10a buildings i.e. dwellings and outbuildings. There is no ability through the building permit process to impose these standards to other building classes. As the proposed microbrewery is not a Class 1, 2 or 3 building then the AS3959 construction standards are not applicable.
- It is noted that a bushfire management plan has been prepared for the existing development and this includes a requirement for all buildings to have a 20m wide building protection zone.
- The proposed microbrewery is an extension to the existing building and no BAL Assessment is required for this under the Local Planning Schemes Regulations 2015. In considering the development application, the Shire may request that a bushfire assessment be undertaken. Any such assessment should contain a level of detail appropriate to the nature and scale of the proposal recognising that:
 - There is no intensification of the land use; and
 - There is an existing bushfire management plan for the development.
- If it is considered necessary to update the existing bushfire management plan or to prepare an emergency evacuation plan, then this should be as a condition of development approval.

It is recommended that the subject application for the proposed ‘Agritourism’ use and works and use associated with a “Micro-brewery” to accommodate a new category of liquor licence, hotel licence at Lot 30 (205) Lennard Road, Burekup be approved subject to appropriate conditions.

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 "A"

That Council determines that the proposed Micro-brewery at Lot 30 (205) Lennard Road, Burekup is consistent with the objectives of the "General Farming" zone, contained within Clause 2.2 of the Shire of Dardanup Town Planning Scheme No.3.

ITEM WITHDRAWN

OFFICER RECOMMENDED RESOLUTION "B"

THAT Council Approves the Application for Development Approval for an "Agritourism" use including works and use for a "Micro-brewery" at Lot 30 (205) Lennard Road, Burekup subject to the following conditions:

1. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans (DWG No. 1A up to and including 9A, dated 6/03/2019) and must not be altered or modified without the further written consent of Council.
2. The hereby approved development shall not prejudicially affect the amenity of the neighbourhood due to the emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
3. All stormwater from the proposed building addition shall be contained on site in accordance with the Shire's specifications (Policy CP060 – *Stormwater Discharge from Buildings*) to the satisfaction of the Shire of Dardanup prior to occupation of the proposed development.
4. The hereby approved development shall not result in an increase in the number of patrons on site, which is currently limited to a maximum of 200 patrons.
5. The existing bushfire management plan is to be updated to include consideration of the Micro-brewery addition and an emergency evacuation plan prepared by a suitably qualified bushfire consultant.
6. The colour of the proposed 150 000lt water tank is to match the existing concrete water tank next to it to the satisfaction of the Shire of Dardanup.

Advice Notes:

- a) 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.
- b) 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.

- c) All signage for the proposed development including painted signs are subject to a separate application being lodged and approved by the Shire prior to their installation or erection.
- d) The applicant is advised of the following requirements of other legislation that require further consideration and ongoing compliance:
- The applicant is advised that this is not a Building Permit. A Building Permit should be obtained prior to commencement of construction. A Building Permit is required for the 150,000ltr capacity water storage tank, and the proposed retaining walls which also requires a structural engineer design for walls of masonry or similar material.
 - Attention is drawn to the requirements for access to buildings for people with disabilities in accordance with the Building Code of Australia and AS1428.1. Detailed drawings are to be submitted with the building permit application identifying means of access from car parking areas to the entrance of the building and throughout the building, as required by AS1428.1.
 - Bar and brewery areas must comply with Standard 3.2.3 of the Food Standards Code, and with AS 4674-2004.
 - An Application to Install a Septic Apparatus must be submitted and approved before construction of any part of the system commences. As it is for a commercial operation, approval is reported on by Shire Environmental Officers and issued by the Western Australian Department of Health.
 - An application to alter a public building must be made before work commences. An amended Public Building Approval Certificate must be applied for and issued before use of the building occurs.
 - As the proposed addition to the premises will result in changes to the exit doors from the conference room and function room, confirmation of compliance with the Building Code will be required from a Building Certifier before an amended Public Building Approval Certificate will be issued. This Certificate is likely to contain maximum occupancy details for different areas of the premises where rooms are separated by doors or dividers.
- e) 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.

ITEM WITHDRAWN

Note:

The Presiding Member, Cr. M T Bennett advised the meeting that the remaining reports including resolutions could be adopted en bloc.

EN BLOC PROCESS

In accordance with Shire of Dardanup Standing Orders Local Law 2014, Part 9, s9.2, 'Adoption of Recommendations En Bloc'; A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a Committee or several reports, without amendment or qualification after having first identified those recommendations, if any—

- (a) which require adoption by an absolute or special majority vote;*
- (b) in which an interest has been disclosed;*
- (c) that has been subject of a petition or deputation;*
- (d) which any member has indicated the wish to debate; and*
- (e) in which any member has indicated the wish to ask a question or to raise a point of clarification,*

and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.

Note: Councillors should be aware that should they wish to declare an interest in any of the items listed in the en bloc voting table, and have not done so under Item 11, Declarations of Interest, they should do so at this point of the agenda.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

184-19

MOVED -

Cr. J Dow

SECONDED -

Cr. M T Bennett

THAT Council adopts en bloc the following Officer reports and recommendations contained in the Ordinary Council Agenda of 26 June 2019 in relation to the following agenda items:

Item	Report
12.10	Department of Communities – Lease Agreement – Eaton Family Centre, Charterhouse Street, Eaton
12.11	Membership Review Industry Road Safety Alliance (IRSA)
12.12	Email & Cyber Security Policy
12.13	Capitalisation Threshold Policy
12.14	South West Hall of Fame
12.15	Monthly Statement of Financial Activity for the Period Ended 31 May 2019
12.16	Schedule of Paid Accounts as at 26 June 2019
12.17	Occupational Safety and Health Committee Meeting Minutes Held 10/06/2019

CARRIED

5/1

12.10 Title: Department of Communities – Lease Agreement – Eaton Family Centre, Charterhouse Street, Eaton

Reporting Department: Executive
Reporting Officer: Mrs Donna Bailye - Executive Governance Officer
Legislation: Local Government Act 1995

Overview

Council is requested to approve the renewal of the lease of the Eaton Family Centre and surrounding structures to the Department of Communities.

Location Plan



Background

The Department of Communities lease with the Shire is due to expire at the end of June 2019. The current lease has been for a 10 year period, commencing in 2009.

Prior to this lease the Shire held a Deed of Lease with the Minister for Community Welfare. The Department of Communities took over responsibility of child care and family centres in 2007, when the Department for Community Development was divided.

Legal Implications - None.

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)

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

Environment - None.

Precedents

An agreement has been in place with the Department of Communities since 2009 and prior to this a Deed of Lease was held with the Minister for Community Health.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

The Shire received correspondence in June 2017 from the Department of Local Government and Communities advising that as a result of the 2016-17 State Budget, the Government announced that the Department would no longer be leasing and owning property for the purpose of providing subsidised accommodation to community groups and childcare providers.

The Eaton Family Centre operates under a Special Purpose Incorporated Community Group under a funded agreement with the Department.

As recommended by the Department, the Shire commenced negotiations with the Eaton Family Centre to initiate a direct lease agreement with the Shire.

In December 2018 the Shire received correspondence from the Department of Communities (Appendix ORD: 12.10) to advise that the Department would continue with support of the Eaton Family Centre. This support is extended to the Centre until 30 June 2020 and as such the Department is requesting an amendment to the term of the lease agreement, for an initial term of 12 months, with four, two year option periods. The current lease has a 10 year term with an option for a further 10 years.

From information received from the Eaton Combined Playgroup, the Department of Communities has advised that they will continue to provide accommodation support for building occupancy at the centre until 30 June 2021. It is therefore recommended that the lease be renewed with the Department of Communities for a one year term, with one option of one year. This will enable renegotiation by the Shire with the Department following the one year period.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

12.11 Title: *Membership Review Industry Road Safety Alliance (IRSA)*

Reporting Department: Engineering & Development Services
Reporting Officer: Mr Luke Botica - Director Engineering & Development Services
Legislation: Local Government Act 1995

Overview

Council endorsement is being sought to continue its representation on the South West Industry Road Safety Alliance (IRSA) at a cost of \$3,000 per annum.

Background

Council at its meeting held on 29 August 2018 resolved [292-18]:-

THAT Council:

- 1. Accepts the invitation to join the Industry Road Safety Alliance with the option of no cost until 30 June 2019.*
- 2. Undertakes a review prior to the 2019/2020 budget deliberations to determine whether to continue with the membership at a cost of \$3000 per annum.*
- 3. Appoints Director Engineering & Development Services as its representative to the Industry Road Safety Alliance.*

The Director Engineering & Development Services has since attended the meetings that are held on a bi-monthly basis.

Legal Implications - None.

Strategic Community Plan

Strategy 1.5.1- Participate in and seek collaborative resource sharing opportunities. (Service Priority: High)
 Strategy 1.5.2- Foster strategic alliance with major industry groups and government agencies. (Service Priority: High)
 Strategy 3.4.1- To enable community safety and a sense of security. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications - None.

Should Council support the continuation of membership there will be a membership cost of \$3,000 per annum to the Shire. An allocation has been included in the 2019-2020 budget.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment

The IRSA provides a contribution towards road safety at a Regional level. This is something that the Roadwise Committee has advocated for in recent years to assist with resource sharing and advocacy. It provides an opportunity for members to address and advocate for solutions to issues that affect individual members, as well as those that affect the broader membership base and fellow road users.

A recent example of areas where support can be sought from the Alliance is where the Roadwise Committee is seeking support for the reduction in the speed limit on Waterloo Road.

Another area of interest and opportunity for support and advocacy is with the heavy haulage operations within the Shire.

It is recommended that the Shire of Dardanup continue with its IRSA membership on an ongoing basis

Council Role - Advocacy.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

**OFFICER RECOMMENDED RESOLUTION &
ENBLOC COUNCIL RESOLUTION**

186-19 MOVED - Cr. J Dow SECONDED - Cr. M T Bennett

THAT Council:

- 1. Continues its membership with the Industry Road Safety Alliance; and**
- 2. Confirms its financial contribution to the Alliance through its expenditure allocation of \$3,000 in the 2019/2020 Budget.**

CARRIED
5/1

12.12 Title: Email & Cyber Security Policy

<i>Reporting Department:</i>	<i>Corporate & Community Services</i>
<i>Reporting Officer:</i>	<i>Mr Phil Anastasakis – Director Corporate & Community Services</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

This report presents a new Cyber Security Policy CP126 for consideration and adoption by Council.

Background

Council has instigated a process of regularly reviewing all Council policies at least once every two years. While Council considered all policies at a Special meeting of Council held in July 2018, there have been a number of areas where the creation of a new Policy is warranted or has been recommended as part of an independent review.

The area of internet and cyber security has been receiving increased attention in recent times, particularly given the increasing reliance on electronic data management and payments systems. The Office of Auditor General has also been raising the focus on cyber security as a risk area for all government agencies, and will be the subject of further scrutiny in the future.

To address this matter appropriately and to ensure the operations and security of the Council's data is maintained, Council staff have been undertaking a number of initiatives to test the integrity of our current cyber security systems, and raise the awareness of this risk with staff and Councillors.

In addition to this, Council staff have joined the Western Australian Local Government Cyber Security Consortium (CSC) and signed the Memorandum of Understanding to participate in this program with other local governments.

While Council does have an existing Social Media Policy and Electronic Mail and Internet Usage Policy, it is recommended that a new Council Policy be created to specifically address Cyber Security.

Legal Implications

Local Government Act 1995

2.7. Role of Council

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

Strategic Community Plan

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

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

Environment - None.

Precedents

The policy manual is reviewed regularly to ensure compliance with laws and regulations, and to maintain best practice governance systems.

Budget Implications

There are no direct budget implications associated with this new policy, however the new policy seeks to introduce some actions and improved internal controls, which together will incur some costs to Council.

Budget – Whole of Life Cost

There are positive long term financial implications associated with this policy through increased security and safety of Council's data.

Council Policy Compliance

Administrative Policy AP026 – *Electronic Mail and Internet Usage*.

Council Policy CP026 – *Social Media*

Risk Assessment - Low.

Officer Comment

The Policy has been developed utilising the industry best practice standards and identifies and reflects the importance of data and systems protection and security.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

OFFICER RECOMMENDED RESOLUTION & ENBLOC COUNCIL RESOLUTION

187-19 MOVED - Cr. J Dow SECONDED - Cr. M T Bennett

THAT Council adopts new Council Policy 'CP126 – Cyber Security' as follows:



POLICY NO:-
CP126 – CYBER SECURITY

GOVERNANCE INFORMATION			
Procedure Link:	NA	Council Policy Link:	NA

ADMINISTRATION INFORMATION					
History:					
Version:	1	CP126	OCM 26/06/19 Res: 187-19	Synopsis:	New Council Policy Document endorsed
Version:	2			Synopsis:	

1. RESPONSIBLE DIRECTORATE

Corporate & Community Services

2. PURPOSE OR OBJECTIVE

Cyber Security is about defending Information Technology (IT) facilities and services and stored data from unauthorised access, use, disclosure, disruption, modification and destruction. It is concerned with ensuring integrity, availability, confidentiality and safety of data and services; and ensures controls are proportionate to risk.

The Shire of Dardanup recognises the importance of cyber security and is committed to ensuring all Shire activities involving information technology are appropriately defended against cyber security threats and recognises that successful implementation of cyber security relies on having a well-informed user community combined with effective management procedures.

This overarching policy is supported by a cyber security framework which includes supplementary policies and guidelines on specific topics; operational practices; action plans; technology controls; education programs and monitoring and assurance activities.

The Shire of Dardanup is committed to the appropriate use of Information Technology and services to support administrative and service functions. The IT acceptable use policy defines acceptable behaviour expected of users of the Shire of Dardanup IT facilities and services.

1. This policy represents the Shire of Dardanup's institutional position and takes precedence over other relevant policies which may be developed at a local level.
2. All employees should be aware of this policy, their responsibilities and legal obligations. All employees are required to comply with this policy and are bound by law to observe applicable statutory legislation.

3. DEFINITIONS

Critical Security Controls	Refers to the Australian Signals Directorate 'Essential Eight Maturity Model - Level 3' security controls recommended for organisations.
Cyber Security	The practice of defending computing devices, networks and stored data from unauthorised access, use, disclosure, disruption, modification or destruction.

4. POLICY

- 4.1 The Shire of Dardanup's IT facilities and services will be protected by effective management of cyber security risks at all levels of the organisation as laid down in the Council's IT policies and procedures.
- 4.2 Use of IT facilities and services must comply with the Council's policies and relevant legislation. Examples of legal regulation include privacy, copyright, government information (public access), equal employment opportunity, intellectual property and workplace health and safety.
- 4.3 The IT facilities and services will be provided, managed and operated such that:
 - 4.3.1 The 'Critical Security Controls' maintained by the Shire of Dardanup are adopted to establish a broad and effective defensive base. This is an evidence based, pragmatic and practical approach that recognises an expert consensus agreement on priority controls.

- 4.3.2 Security critical infrastructure, application services and data are individually identified and are subject to risk-based management and additional controls as appropriate.
- 4.3.3 A monitoring program is approved annually to ensure ongoing effectiveness of cyber security that includes activities such as auditing, log and event analysis, vulnerability scanning and penetration testing.
- 4.3.4 Disaster recovery plans for security critical applications and foundational IT infrastructure are developed and maintained and an associated testing program is approved annually.

5. REFERENCE DOCUMENTS

Essential Eight Maturity Model | Cyber.gov.au. (2019, April). from <https://www.cyber.gov.au/publications/essential-eight-maturity-model>

CARRIED
5/1

12.13 Title: Capitalisation Threshold Policy

<i>Reporting Department:</i>	<i>Corporate & Community Services</i>
<i>Reporting Officer:</i>	<i>Mr Phil Anastasakis – Director Corporate & Community Services</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

This report presents a new Asset Capitalisation Threshold Policy CP127 for consideration and adoption by Council.

Background

Council has instigated a process of regularly reviewing all Council policies at least once every two years. While Council considered all policies at a Special meeting of Council held in July 2018, there have been a number of areas where the creation of a new Policy is warranted or has been recommended as part of an independent review.

Through AMD Chartered Accountants Council undertook a Financial Management Systems Review in early 2019, in accordance with the requirements of the Local Government Act 1995. This review is required to be undertaken at least once every three years.

The 2019 review was presented to the Audit Committee and accepted by Council [Resolution 56-19] on the 27 March 2019. The report contained a series of recommendations aimed at improving financial management systems and procedures.

Item 4.2.2 identified that there was no fixed asset capitalisation and depreciation policy, or documented policy in place in respect of attractive assets. The *Local Government (Financial Management) Regulations 1996 (Reg 17A)* were recently amended to exclude assets in a Local Government Financial Report valued under \$5,000.

While Council does have an existing Asset Management Policy, it is recommended that a new Council Policy be created to specifically address the new Asset Capitalisation Threshold.

Legal Implications

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

17A. Assets, valuation of for financial reports etc.

(1) *In this regulation —*

carrying amount, *in relation to an asset, means the carrying amount of the asset determined in accordance with the AAS;*

fair value, *in relation to an asset, means the fair value of the asset measured in accordance with the AAS.*

(2) *Subject to subregulation (3), the value of an asset shown in a local government’s financial reports must be the fair value of the asset.*

(3) *A local government must show in each financial report —*

(a) *for the financial year ending on 30 June 2013, the fair value of all of the assets of the local government that are plant and equipment; and*

- (b) *for the financial year ending on 30 June 2014, the fair value of all of the assets of the local government —*
- (i) *that are plant and equipment; and*
 - (ii) *that are —*
 - (I) *land and buildings; or*
 - (II) *infrastructure;*
- and*
- (c) *for a financial year ending on or after 30 June 2015, the fair value of all of the assets of the local government.*
- (4) *A local government must revalue an asset of the local government —*
- (a) *whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and*
 - (b) *in any event, within a period of at least 3 years but no more than 5 years after the day on which the asset was last valued or revalued.*
- (5) *An asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.*

Strategic Community Plan

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

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

Environment - None.

Precedents

The policy manual is reviewed regularly to ensure compliance with laws and regulations, and to maintain best practice governance systems.

Budget Implications

There are no direct budget implications associated with this new policy.

Budget – Whole of Life Cost - None.

Council Policy Compliance

Current Council Policy CP074 – Asset Management.

Risk Assessment - Low.

Officer Comment

This Policy has been developed utilising the industry best practice standards. It is proposed that an Attractive & Portable Items Assets Register will be created to ensure that those assets with a value below \$5,000 are recorded and managed, however they will have a zero value in the financial statements.

As part of the Asset Management Working Group's Terms of Reference, Council *Policy CP074 - Asset Management* will be reviewed over the coming 12 months and incorporate depreciation rates and classes. These depreciation rates will be established to reflect the useful life of assets and estimated consumption patterns.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change

OFFICER RECOMMENDED RESOLUTION & ENBLOC COUNCIL RESOLUTION

188-19 MOVED - Cr. J Dow SECONDED - Cr. M T Bennett

THAT Council adopts new Council Policy 'CP127 – Asset Capitalisation Threshold' as follows:



POLICY NO:-

CP127 – ASSET CAPITALISATION THRESHOLD POLICY

GOVERNANCE INFORMATION

Procedure Link:	NA	Council Policy Link:	NA
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ADMINISTRATION INFORMATION

History:					
Version:	1	CP127	OCM 26/06/19	Res: 188-19-19	Synopsis: New Council Policy Document endorsed
Version:	2				Synopsis:

1. RESPONSIBLE DIRECTORATE

Corporate & Community Services

2. PURPOSE OR OBJECTIVE

The purpose of this policy is to provide a consistent and practical approach to the administration and control of the Portable and Attractive Items Register. The Portable and Attractive Items Register will be regularly audited and maintained by the Finance Department.

3. REFERENCE DOCUMENTS

Local Government (Financial Management) Regulations 1996
Australian Accounting Standards

4. POLICY

Portable and Attractive Items are portable by nature, can easily be removed or concealed and are usually easily converted to cash or attractive for personal use. These items:

- have a value between \$300 - \$4999 (GST exclusive), but are less than the Shire of Dardanup capitalisation threshold of \$5,000 (GST exclusive),
- are susceptible to theft or loss due to their portable nature and attractiveness for personal use or resale, must be recorded on the Portable and Attractive Items Register by the Finance Department.

Items with a value below \$300 are not capitalized or recorded on the Portable and Attractive Items Register.

If the items have been issued to a specific employee, the item will be returned on or before the employees last day of employment.

By their nature items that are securely attached to land or building are not portable, and are therefore not to be recorded in the Portable and Attractive Items Register (eg whiteboards).

CARRIED

5/1

12.14 Title: South West Hall of Fame

Reporting Department: *Corporate & Community Services*
Reporting Officer: *Ms Lee Holben - Manager Community Services*
Legislation: *Local Government Act 1995*

Overview -

That Council supports the proposal to revitalize the South West Hall of Fame in conjunction with surrounding local governments for the initial capital cost in the 2019/2020 budget and ongoing management of the program for a 10 year period.

Background -

The South West Sports Hall of fame was established in 2002/03 with an election commitment from the then Premier, Geoff Gallop and eleven original LGA members (Cities of Bunbury, Busselton, Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup and Nannup) along with the South West Development Commission and Department for Sport and Recreation.

At the City of Bunbury's Annual Elected meeting held on the 4 December 2018 the following motion was carried:

"That the City of Bunbury establishes a system to recognise all current and former Bunbury based athletes who have achieved national representative status in their chosen sport.

- 1) This initiative includes a publicly accessible register to promote achievements of our community member's.
- 2) City of Bunbury annually use the opportunity presented by Myles Junior Sport Star of the Year ceremony to announce new inductees to the register, with the induction process incorporating the opportunity for public nomination of potential inductees.
- 3) Once the system is established the City of Bunbury explore opportunities to work collaboratively with neighbouring Shires to expand the register to include all eligible south west residents.

The City of Bunbury passed the following resolution at its meeting held on 22 January 2019.

"That Council request the CEO table this matter as an item on the next available South West Country Zone of WALGA agenda, for the Zone to consider establishing a Regional South West Sporting Hall of Fame, with appropriate funding contributions by member local governments".

The proposal was submitted to the SW Zone meeting on Friday 3 May for consideration and endorsement.

WALGA provides an opportunity for the South West Local Government zones, comprising of August-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Bunbury, Busselton, Capel, Collie, Dardanup, Donnybrook-Balingup, Harvey, Manjimup and Nannup to jointly discuss local government issues and initiatives as a group.

Legal Implications - None.

Strategic Community Plan

- Strategy 1.5.1 - Participate in and seek collaborative resource sharing opportunities. (Service Priority: High)
- Strategy 3.2.1- To encourage social connectedness in our community through participation in positive social networks, interaction and events. (Service Priority: Very High)
- Strategy 3.3.1- To promote and encourage volunteering within the Shire of Dardanup. (Service Priority: High)
- Strategy 5.3.1- To provide community facilities that enable a healthy community that volunteers, embraces lifelong learning and cultural awareness, and is involved with a diverse range of vibrant community, sporting, cultural and artistic organisations an

Environment - None.

Precedents -

Budget Implications -

The 2019/2020 Draft budget has an allocation of \$7,000 (GL104125030, Regional Resource Sharing) to cover requests such as this.

Below is the suggested breakdown if past participating Councils support the proposal, this may change if not all contribute.

Local Government Area	Indicative upfront contribution (based on rates levied)	Indicative Annual Management Cost (based on rates levied)	Population 2016 Census
Augusta-Margaret River	\$4,800	\$360	14,258
Boyup Brook	\$460	\$35	1,701
Bridgetown-Greenbushes	\$915	\$70	4,660
Bunbury	\$8,460	\$635	31,919
Busselton	\$10,285	\$770	25,329
Capel	\$2,740	\$205	17,123
Collie	\$1,370	\$100	7,587
Dardanup	\$2,740	\$205	14,033
Donnybrook-Balingup	\$1,140	\$85	5,870
Harvey	\$4,570	\$340	26,553
Manjimup	\$2,060	\$155	9,250
Nannup	\$460	\$35	1,328
Total	\$40,000	\$2,995	159,611

Budget – Whole of Life Cost -

A commitment of the Annual Management fee for 10 years.

Council Policy Compliance - None.

Risk Assessment - Low.

12.15 Title: Monthly Statement of Financial Activity for the Period Ended 31 May 2019

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

Overview

This report presents the monthly Financial Statements for the period ended 31 May 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 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 May 2019 is attached after the Officer Comment.

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 2018/19 for reporting material variances is 10% or \$10,000, 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.

After taking into account all operations for 2018/19 to date (including adopted budget amendments listed in Note 10 of the report) and estimated results for the remaining month in 2018/19, the anticipated surplus at 30 June 2019 is currently forecast as \$305,186.

Please note that amounts in the financial statements under the headings of "Revised Budget" and "Revised Budget Year to Date" (Y-T-D) include changes arising from the 2018/2019 mid-year budget review adopted by the Council at the ordinary meeting held on 27 March 2019 as well as any changes made via other Council resolutions.

Council Role - Executive/Strategic

Voting Requirements - Simple Majority

Change to Officer Recommendation No Change

**OFFICER RECOMMENDED RESOLUTION &
ENBLOC COUNCIL RESOLUTION**

190-19 MOVED - Cr. J Dow SECONDED - Cr. M T Bennett

THAT Council adopts the Monthly Statement of Financial Activity for the period ended 31 May 2019.

CARRIED

5/1

12.16 Title: Schedule of Paid Accounts as at 26 June 2019

<i>Reporting Department:</i>	<i>Corporate & Community Services</i>
<i>Reporting Officer:</i>	<i>Mrs Renée Thomson— Accounts Payable Officer Mrs Natalie Hopkins – Manager Financial Services</i>
<i>Legislation:</i>	<i>Local Government (Financial Management) Regulations 1996</i>

Overview

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

Background

Council delegates authority to the Chief Executive Officer annually:

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

Legal Implications - None.

Local Government Act 1995S6.5. Accounts and recordsLocal Government (Financial Management) Regulations 1996R11. 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 of the Strategic Community Plan – *Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations.*

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.

OFFICER RECOMMENDED RESOLUTION & ENBLOC COUNCIL RESOLUTION

191-19 MOVED - Cr. J Dow SECONDED - Cr. M T Bennett

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

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
ELECTRONIC FUNDS TRANSFER					
EFT34011	30/05/2019	Alan Wells	Refund of Animal Cage Hire	TRUST	150.00
EFT34012	30/05/2019	Jasmine Homer	Refund of Animal Cage Hire	TRUST	150.00
EFT34013	30/05/2019	Newgate Communications Pty Ltd	Refund of Hall Bond for Hire of the Dardanup Hall	TRUST	1,040.00
EFT34014	30/05/2019	A & L Printers Pty Ltd	50 x Timecard Books With Standing Artwork	MUNI	1,143.00
EFT34015	30/05/2019	Alex Carter-Raftos	Umpire Recoup Basketball 29-05-2019	MUNI	44.00
EFT34016	30/05/2019	All Aussie Truck and Bobcat Services	Transfer Station Maintenance & Clean Up	MUNI	1,540.00
EFT34017	30/05/2019	Amelia Kaitani	Umpire Recoup Netball 28-05-2019	MUNI	88.00
EFT34018	30/05/2019	Amity Signs	Guide Posts Road & Street Signs	MUNI	5,311.24
EFT34019	30/05/2019	Amy Helen Lawrence	Uniform Reimbursement	MUNI	55.94
EFT34020	30/05/2019	Anita Ettridge	Umpire Recoup Netball 27-05-2019	MUNI	22.50
EFT34021	30/05/2019	Aurecon Australia Pty Ltd	JTPS 2017-2018 Review and Report	MUNI	1,155.86
EFT34022	30/05/2019	Australian Institute of Business	MBA Unit - Operations Management Semester 3 2019 Director CCS	MUNI	2,725.00
EFT34023	30/05/2019	Australian Tax office	PAYG Withholding Payrun 31-05-2019	MUNI	85,156.00
EFT34024	30/05/2019	Australind Tyre Service	2 x Tyres Supplied and Fitted DA8170	MUNI	539.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34025	30/05/2019	AXIO Maintenance and Construction	ERC -Repairs to Slat Ceiling Court Net and Scissor Lift Hire	MUNI	506.00
EFT34026	30/05/2019	B & B Street Sweeping Pty Ltd	Hire of Street Sweeper - Various Locations	MUNI	1,573.00
EFT34027	30/05/2019	Besafe Building Inspections	Upper Ferguson BFB - Building Insp Certificate & Inspection Report	MUNI	675.00
EFT34028	30/05/2019	Big W	ECL - Local Book Stock	MUNI	476.00
EFT34029	30/05/2019	BOC Ltd	ERC - Monthly Hire of Oxygen Bottle	MUNI	11.80
EFT34030	30/05/2019	Brandicoot	Use of Web Services and Support - Wanju	MUNI	99.00
EFT34031	30/05/2019	Bunbury and Districts Softball Association	Venue Hire for Cook and Grow Workshop	MUNI	75.00
EFT34032	30/05/2019	Bunbury Auto Group (Parts and Service)	30,000Km Service DA9376	MUNI	648.00
EFT34033	30/05/2019	Bunbury Tyrepower - Picton	Repair Flat Tyre Hire Roller	MUNI	272.00
EFT34034	30/05/2019	Bunnings Group Limited	Metal Rakes - Supplies for Tip Site	MUNI	217.78
EFT34035	30/05/2019	Cameron Baker	Umpire Recoup Basketball 29-05-2019	MUNI	66.00
EFT34036	30/05/2019	Carbone Brothers Pty Ltd	Supply and Deliver Gravel - Pile Road Contract	MUNI	18,098.83
EFT34037	30/05/2019	Carmel Boyce	Councillor Allowance	MUNI	1,149.50
EFT34038	30/05/2019	Cleanaway Solid Waste Pty Ltd	Kerbside Waste Collection and Landfill	MUNI	4,490.40
EFT34039	30/05/2019	Clockwork Print	Cut Outs - Thank A Volunteer Project 2019 CCS	MUNI	3,465.00
EFT34040	30/05/2019	Craneford Plumbing	ATU Quarterly Inspection - Depot Maintenance	MUNI	143.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34041	30/05/2019	Cross Security Services	Security Monitoring & Door Control s Installation - Waterloo Depot	MUNI	1,760.00
EFT34042	30/05/2019	Daniel Bryant	Umpire Recoup Basketball 29-05-2019	MUNI	132.00
EFT34043	30/05/2019	Dapco Tyre and Auto Centre	Fitted Tyre to DA9136	MUNI	280.00
EFT34044	30/05/2019	Dardanup General Store	Supply of Milk (And General Goods As Required)	MUNI	7.20
EFT34045	30/05/2019	Data #3 Limited	Indesign CC Team - Software Maintenance	MUNI	600.31
EFT34046	30/05/2019	Department of Transport	Eaton Foreshore Jetty - Community Jetty Renewal Fee May 2019 to May 2020	MUNI	40.70
EFT34047	30/05/2019	Donna Bailye	Uniform Reimbursement	MUNI	253.78
EFT34048	30/05/2019	Donna Bastow	Umpire Recoup Basketball 29-05-2019	MUNI	132.00
EFT34049	30/05/2019	DX Print Group Pty Ltd	Business Cards -Manager Information Services and-Events Officer	MUNI	220.00
EFT34050	30/05/2019	Darryl Fishwick	Umpire Recoup Basketball 29-05-2019	MUNI	66.00
EFT34051	30/05/2019	Dean Pitts	Accommodation - Travel and Parking - WA Heritage Conference	MUNI	218.78
EFT34052	30/05/2019	Fuji Xerox Australia Pty Ltd	Lease for All Shire Photocopiers	MUNI	4,785.00
EFT34053	30/05/2019	Gaylene Godfrey	Reimbursement - Plants for CEO's Office	MUNI	44.63
EFT34054	30/05/2019	Go Electrical Contracting	ERC - Replacing Led Strip Light in Spin Room	MUNI	1,609.03
EFT34055	30/05/2019	Health Insurance Fund of WA	Payroll Deductions	MUNI	114.95

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34056	30/05/2019	Howson Technical	Project Management - Road Project 2018/19	MUNI	2,926.00
EFT34057	30/05/2019	IVC Computer Services	Western Digital 240Gb SSD Hard Drives	MUNI	800.00
EFT34058	30/05/2019	James Lee	Councillor Allowance	MUNI	1,149.50
EFT34059	30/05/2019	Janice Dow	Councillor Allowance	MUNI	1,418.10
EFT34060	30/05/2019	Jeong Hyunseok	Refund for Unsterilised Dog Now Sterilised	MUNI	25.00
EFT34061	30/05/2019	Kaitlyn O'Dea	Umpire Recoup Netball 28-05-2019	MUNI	157.50
EFT34062	30/05/2019	Karyn Rowe	Umpire Recoup Netball 28-05-2019	MUNI	202.50
EFT34063	30/05/2019	Kings Tree Care	Pruning on Slattery Way Dardanup for Power Line Clearance	MUNI	1,980.00
EFT34064	30/05/2019	Kmart	ERC - Crèche and Vacation Care Toys	MUNI	140.00
EFT34065	30/05/2019	Landgate	Rural Unimproved Valuation	MUNI	155.15
EFT34066	30/05/2019	Laura Dawn Raabe	Refund of Development Application Withdrawn	MUNI	222.00
EFT34067	30/05/2019	Linda Susan Hill	Rates Refund for Assessment A1848	MUNI	791.00
EFT34068	30/05/2019	Luke Davies	Councillor Allowance	MUNI	1,149.50
EFT34069	30/05/2019	Maia Financial Pty Ltd	Equipment Leasing Finance - Dell Contracts	MUNI	32,473.99
EFT34070	30/05/2019	Mantrac	Install Goals at Burekup Oval	MUNI	550.00
EFT34071	30/05/2019	Marie Wilkinson	Library Programs - One Crafty Mumma, Creative Collection, Scenic Paper Mosaics - May	MUNI	660.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34072	30/05/2019	Michael Bennett	Councillor Allowance	MUNI	3,802.34
EFT34073	30/05/2019	Nayax	ERC - License Fee	MUNI	37.39
EFT34074	30/05/2019	Nightguard Security Service	ERC - Alarm Response Call Out	MUNI	99.00
EFT34075	30/05/2019	NSCO Consulting	Staff Mentoring - Final Session	MUNI	290.40
EFT34076	30/05/2019	Nathan Stacey	Umpire Recoup Basketball 29-05-2019	MUNI	88.00
EFT34077	30/05/2019	Patricia Perks	Councillor Allowance	MUNI	1,149.50
EFT34078	30/05/2019	Perfect Landscapes	Mowing - Various Parks and Ovals	MUNI	4,152.50
EFT34079	30/05/2019	Pete Lewis	Library Programs - Live Music in the Library - May	MUNI	80.00
EFT34080	30/05/2019	Peter Robinson	Councillor Allowance	MUNI	1,683.08
EFT34081	30/05/2019	PFI Supplies	General Office Supplies	MUNI	163.95
EFT34082	30/05/2019	Pirtek Bunbury	Fix Hose on Grab	MUNI	194.13
EFT34083	30/05/2019	Polylink Piping Systems Pty Ltd	Supply 2 Lengths 375 Poly Pipe	MUNI	844.80
EFT34084	30/05/2019	Prestige Products	ERC - Cleaning Materials Slim Line Towels And Toilet Rolls	MUNI	860.42
EFT34085	30/05/2019	Procad Pty Ltd	AutoCAD Lt Annual Desktop Subscriptions	MUNI	1,051.00
EFT34086	30/05/2019	Pagoda Resort	Accommodation 23 May 2019 - Manager Financial Services	MUNI	218.50
EFT34087	30/05/2019	Raelene Tedd	Umpire Recoup Netball 27-05-2019	MUNI	90.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34088	30/05/2019	Rhianna Kathleen Scheffner	Uniform Reimbursement	MUNI	69.95
EFT34089	30/05/2019	RJ Pestell Family Trust Ta Subway Treendale	Catering - Management Challenge	MUNI	45.00
EFT34090	30/05/2019	Sanity Bunbury	New DVD'S Book Stock ECL	MUNI	400.01
EFT34091	30/05/2019	Simon Peter & Samantha King	Uniform Reimbursement	MUNI	193.00
EFT34092	30/05/2019	SMR Psychology	Employee Assistance Program - Admin O/H Mun	MUNI	374.00
EFT34093	30/05/2019	Sparklers Car Wash	Detail of Vehicle DA 9279 to Remove Bore Water Stain	MUNI	350.00
EFT34094	30/05/2019	Sportspower Bunbury	ERC - Sports Equipment	MUNI	192.00
EFT34095	30/05/2019	Spraymow Services	Supply and Apply Turf Fertiliser at Eaton Oval	MUNI	1,751.20
EFT34096	30/05/2019	State Library of Western Australia	Inter-Library Loans Delivery Charges 2018/19	MUNI	1,500.33
EFT34097	30/05/2019	Steann Pty Ltd	Bi-Annual Bulk Green waste Collection for May 2019	MUNI	23,249.60
EFT34098	30/05/2019	Surveying South	Provision of Survey Pile Rd to Inters of Mungalup Rd & King Tree	MUNI	20,443.50
EFT34099	30/05/2019	Synergy	Electricity Accounts for Various Locations	MUNI	7,490.45
EFT34100	30/05/2019	Subway Bunbury	Future Skatepark Consultation - Catering	MUNI	127.00
EFT34101	30/05/2019	The Workwear Group	Uniform Order - Shire of Dardanup Staff	MUNI	5,060.42
EFT34102	30/05/2019	Therese Price	Umpire Recoup Netball 24-05-2019	MUNI	45.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34103	30/05/2019	Total Eden Pty Ltd	Parts for Repairs - Parks & Gardens	MUNI	667.04
EFT34104	30/05/2019	Tracey Tupaea	Umpire Recoup Netball 28-05-2019	MUNI	154.00
EFT34105	30/05/2019	Tutt Bryant Hire	Hire of Plate Compactor	MUNI	160.95
EFT34106	30/05/2019	Tyrrell Gardiner	Councillor Allowance	MUNI	1,149.50
EFT34107	30/05/2019	Tenant Australia	ERC - Cleaning Materials	MUNI	328.90
EFT34108	30/05/2019	Toll Transport	Postage & Freight	MUNI	44.56
EFT34109	30/05/2019	Water Corporation	Water Use and Service Charges for Eaton Recreation Centre 1 May - 30 June 2019	MUNI	668.64
EFT34110	30/05/2019	Western Power	Burekup Street Lighting - Provision of Existing Network Assets	MUNI	1,320.00
EFT34111	30/05/2019	Winc Australia Pty Ltd	ECL and Eaton Admin - Stationery Items	MUNI	889.48
EFT34112	30/05/2019	Woolworths Group Limited	Purchase Items for General Meetings/Staff Meetings	MUNI	232.09
EFT34113	30/05/2019	Writing WA	Writing WA Annual Subscription	MUNI	135.00
EFT34114	06/06/2019	Julie May Henderson	Refund of Animal Cage Hire	TRUST	150.00
EFT34115	06/06/2019	Alex Carter-Raftos	Umpire Recoup Basketball 05-06-2019	MUNI	44.00
EFT34116	06/06/2019	Amelia Kaitani	Umpire Recoup Netball 04-06-19	MUNI	88.00
EFT34117	06/06/2019	Australia Post	Monthly Invoice for Mail and Postage	MUNI	865.11
EFT34118	06/06/2019	AXIO Maintenance and Construction	ERC - General Maintenance	MUNI	1,116.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34119	06/06/2019	Big W	ECL - Book Stock From Big W	MUNI	584.00
EFT34120	06/06/2019	Blackwoods	OHS Supplies for Public Works	MUNI	276.85
EFT34121	06/06/2019	Blaine Thompson	Umpire Recoup Basketball 05-06-2019	MUNI	44.00
EFT34122	06/06/2019	Brandicoot	Use of Web Services and Support - Shire of Dardanup	MUNI	514.99
EFT34123	06/06/2019	Brownes Foods Operations Pty Ltd	ERC - Cafe Stock	MUNI	297.36
EFT34124	06/06/2019	Bunbury and Districts Softball Association	Venue Hire - May	MUNI	75.00
EFT34125	06/06/2019	Bunbury Coffee Machines	ERC - Cafe Stock	MUNI	397.00
EFT34126	06/06/2019	Bunbury Repertory Club	Library Programs - Drama Workshop - April	MUNI	990.00
EFT34127	06/06/2019	Bunnings Group Limited	Open Reel Tape Measure - Health	MUNI	23.73
EFT34128	06/06/2019	Bunbury Plumbing Service	Pump Out Hire Tanks - Banksia Road Site	MUNI	434.10
EFT34129	06/06/2019	Caltex Australia Petroleum Pty Ltd	Fuel Expenses - Shire of Dardanup	MUNI	23,413.84
EFT34130	06/06/2019	Cameron Baker	Umpire Recoup Basketball 05-06-2019	MUNI	44.00
EFT34131	06/06/2019	CB Traffic Solutions	Pile Road Reconstruction Traffic Management	MUNI	19,314.96
EFT34132	06/06/2019	Chubb Fire and Security	Alarm Monitoring for Dardanup office & Eaton Admin	MUNI	515.97
EFT34133	06/06/2019	Cineads Australia Pty Ltd	Cineads Monthly Fee	MUNI	1,100.00
EFT34134	06/06/2019	City of Bunbury	Dog Pound Fees	MUNI	391.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34135	06/06/2019	Claire Lee	Uniform Reimbursement	MUNI	122.90
EFT34136	06/06/2019	Cleanaway Solid Waste Pty Ltd	Kerbside Waste Collection & Landfill	MUNI	4,542.86
EFT34137	06/06/2019	Coca-Cola Amatil Australia Pty Ltd	ERC - Cafe Stock	MUNI	174.02
EFT34138	06/06/2019	Craven Foods	ERC - Cafe Stock	MUNI	638.19
EFT34139	06/06/2019	David Lovett	Staff Uniform Reimbursement	MUNI	119.90
EFT34140	06/06/2019	David Wells Builder	Dardanup Community Centre - Install Fire Partition Wall In Roof Space	MUNI	3,528.00
EFT34141	06/06/2019	Dell Australia Pty Ltd	Dell External USB Slim DVD	MUNI	125.40
EFT34142	06/06/2019	Donna Bastow	Umpire Recoup Basketball 05-06-2019	MUNI	132.00
EFT34143	06/06/2019	Dorsogna Limited	ERC - Cafe Stock	MUNI	136.39
EFT34144	06/06/2019	Eaton Environmental Services	ERC - Inspect and Replenish Rodent Bait Stations	MUNI	132.00
EFT34145	06/06/2019	Eaton Pet Vet	Shire Sterilisation Voucher	MUNI	35.00
EFT34146	06/06/2019	Educa Aus	Educa - Annual Subscription 2019 -2020	MUNI	858.00
EFT34147	06/06/2019	Grace Records Management	Bin Exchange and Records Management	MUNI	625.70
EFT34148	06/06/2019	Guardians of Happiness	Library Programs - April & May	MUNI	1,650.00
EFT34149	06/06/2019	Hilda Wheeldon	Rates Refund for Assessment A1329	MUNI	791.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34150	06/06/2019	HP PPS Australia Pty Ltd	Hardware Maintenance Onsite Support Contract Plotter/Scanner	MUNI	592.16
EFT34151	06/06/2019	Illion Australia Pty Ltd (Tenderlink)	Tenderlink Public Notice Fee	MUNI	495.00
EFT34152	06/06/2019	Jackie Nichol	Uniform Reimbursement	MUNI	127.98
EFT34153	06/06/2019	Jim's Test and Tag	Test and Tag Events Items	MUNI	265.65
EFT34154	06/06/2019	Jo Jingles South West	Library Programs - Early Learning Programs for May	MUNI	2,750.00
EFT34155	06/06/2019	JP Group - CPSS Pty Ltd	3 Monthly Lease -Transfer Station Lot 81 Banksia Road Dardanup	MUNI	87.52
EFT34156	06/06/2019	June Keil	Library Programs - Grow Your Own Food - May	MUNI	100.00
EFT34157	06/06/2019	Kaitlyn O'Dea	Umpire Recoup Netball 04-06-19	MUNI	112.50
EFT34158	06/06/2019	Karyn Rowe	Umpire Recoup Netball 04-06-19	MUNI	90.00
EFT34159	06/06/2019	Kryptomine Pty Ltd	Applications Support Contract	MUNI	1,780.00
EFT34160	06/06/2019	Mckayhla Pomare	Umpire Recoup Basketball 05-06-2019	MUNI	66.00
EFT34161	06/06/2019	Monsterball Amusements & Hire	Equipment Hire - Family Community Outdoor Event	MUNI	2,000.00
EFT34162	06/06/2019	Nathan Stacey	Umpire Recoup Basketball 05-06-2019	MUNI	88.00
EFT34163	06/06/2019	Onsite Rental Group	Hire -Temp Trans Building & Ablutions at Eaton Admin Centre	MUNI	1,023.00
EFT34164	06/06/2019	P E Civil	Topdressing Sand Delivered	MUNI	330.00
EFT34165	06/06/2019	Perfect Landscapes	Mowing - Various Parks and Ovals	MUNI	4,262.50

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34166	06/06/2019	PFD Food Services Pty Ltd	ERC - Cafe Stock	MUNI	902.30
EFT34167	06/06/2019	Phil Anastasakis	Reimbursement of Fuel & Parking - Management Challenge Perth	MUNI	62.17
EFT34168	06/06/2019	Rock N Roll High	Library Programs - Live Music In The Library - May	MUNI	100.00
EFT34169	06/06/2019	Ryan Baker	Umpire Recoup Basketball 05-06-2019	MUNI	110.00
EFT34170	06/06/2019	Safetcard Australia	Monitoring Fees for Safetcards	MUNI	264.00
EFT34171	06/06/2019	Schweppes Australia Pty Ltd	ERC - Cafe Stock	MUNI	552.05
EFT34172	06/06/2019	Scope Electrical Contracting Pty Ltd	Repairs to BBQ at Eaton Foreshore	MUNI	143.00
EFT34173	06/06/2019	SMR Psychology	Employee Assistance Program - Admin O/H Mun	MUNI	374.00
EFT34174	06/06/2019	SOS office Equipment	Photocopier Meter Readings - Shire of Dardanup	MUNI	1,250.62
EFT34175	06/06/2019	South West Locksmiths	ERC - Repairs & Service to Locks	MUNI	551.99
EFT34176	06/06/2019	South West Rubber Stamps	Self Inking Stamps - Stationery	MUNI	145.90
EFT34177	06/06/2019	Southern Cross Austereo	ERC - Advertising Campaign & Gold Card Fees	MUNI	4,488.00
EFT34178	06/06/2019	Southern Lock and Security	New Padlock Keys Cut x 6	MUNI	180.00
EFT34179	06/06/2019	Suzette Sutton	Reimbursement of Travel to Perth	MUNI	73.20
EFT34180	06/06/2019	Telstra	Telephone Use for West Dardanup BFB	MUNI	35.00
EFT34181	06/06/2019	The Passionate Baker	Breads Cakes and Pastries for Cafe	MUNI	116.97

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34182	06/06/2019	Therese Price	Umpire Recoup Netball 04-06-19	MUNI	90.00
EFT34183	06/06/2019	Tracey Tupaea	Umpire Recoup Netball 30-05-19	MUNI	45.00
EFT34184	06/06/2019	Troy Williamson	Uniform Reimbursement	MUNI	359.70
EFT34185	06/06/2019	Tyrecycle Pty Ltd	Shire of Dardanup Banksia Rd Transfer Station - Tyre Recycling	MUNI	1,085.25
EFT34186	06/06/2019	Vanessa Black	Umpire Recoup Netball 30-05-19	MUNI	45.00
EFT34187	06/06/2019	West Australian Mechanical Services Pty Ltd	ERC- Repairs to Air Conditioning	MUNI	2,441.45
EFT34188	06/06/2019	West Coast Fit / Karis Aplin	Class Instruction - 26/3/2019 and 29/3/2019	MUNI	942.00
EFT34189	06/06/2019	Winc Australia Pty Ltd	Stationery - Eaton Admin Centre	MUNI	266.34
EFT34190	06/06/2019	WML Consultants	Structural Design Services for New Timber Walkway	MUNI	1,314.50
EFT34191	06/06/2019	Woolworths Group Limited	ERC - Cafe Stock & Eaton Office Items	MUNI	395.94
EFT34192	06/06/2019	Work Clobber	Safety Boots	MUNI	214.50
EFT34193	13/06/2019	Annette Dillon	Refund of Animal Cage Hire	TRUST	150.00
EFT34194	13/06/2019	Alan Michael Fisher	Crossover Rebate - A11666	MUNI	148.00
EFT34195	13/06/2019	All Aussie Truck and Bobcat Services	Cleanup Transfer Station Including Storm Damage	MUNI	660.00
EFT34196	13/06/2019	Amity Signs	Left Bend Sign Posts and Caps - Hynes Road	MUNI	659.45
EFT34197	13/06/2019	Australian Tax office	PAYG - Withholding - Payrun 14-06-2019	MUNI	74,728.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34198	13/06/2019	Ausdens Joinery & Glass	Replace Rotted Timber Frame on Main Northern Window Including Painting	MUNI	2,430.44
EFT34199	13/06/2019	Blackwoods	Safety Glasses Restock for Depot Employees - 60 Pairs Varieties of Safety Glasses	MUNI	897.37
EFT34200	13/06/2019	Blaine Thompson	Umpire Recoup Basketball 12-06-2019	MUNI	44.00
EFT34201	13/06/2019	Boyles Plumbing and Gas	Unblock Cadell Park Public Toilet	MUNI	148.50
EFT34202	13/06/2019	Brownes Foods Operations Pty Ltd	ERC - Cafe Stock	MUNI	173.41
EFT34203	13/06/2019	Bunbury Army Surplus	Pair of Safety Boots - Ranger Services	MUNI	160.00
EFT34204	13/06/2019	Bunbury Hiab and Tilt Tray	Transfer Yacht From Offer Rd to Vehicle Impound Facility	MUNI	242.00
EFT34205	13/06/2019	Bunbury Psychological Services	Counselling Services - EAP	MUNI	154.00
EFT34206	13/06/2019	Bunbury Subaru	Repair to Fuel System for Incorrect Fuel Supply	MUNI	440.76
EFT34207	13/06/2019	Bunnings Group Limited	Parts for Repairs - Building Maintenance	MUNI	427.22
EFT34208	13/06/2019	Bunbury Catholic College	Registration Fee for 2019 SW Careers Expo - 12 June 2019	MUNI	150.00
EFT34209	13/06/2019	Cameron Baker	Umpire Recoup Basketball 12-06-2019	MUNI	66.00
EFT34210	13/06/2019	Carbone Brothers Pty Ltd	Supply and Deliver Gravel - Pile Road Contract	MUNI	68,478.09
EFT34211	13/06/2019	Caroline Mears	Library Programs - Chair Yoga x 4 - June	MUNI	240.00
EFT34212	13/06/2019	CB Traffic Solutions	Pile Road Reconstruction Traffic Management	MUNI	13,962.30

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34213	13/06/2019	Cindy Barbetti	Uniform Reimbursement	MUNI	67.46
EFT34214	13/06/2019	Civilcon	Relocate Transportable to Waste Transfer Station and all Associated Works	MUNI	4,703.49
EFT34215	13/06/2019	Cleanaway	Kerbside Refuse Removal as per Contract	MUNI	52,660.48
EFT34216	13/06/2019	Cleanaway Solid Waste Pty Ltd	Kerbside Waste Collection & Landfill	MUNI	7,699.84
EFT34217	13/06/2019	Coca-Cola Amatil Australia Pty Ltd	ERC - Cafe Stock	MUNI	174.02
EFT34218	13/06/2019	Collins Booksellers	ECL - Book Purchase	MUNI	31.49
EFT34219	13/06/2019	Connect Call Centre Services	After Hours Call Centre Service	MUNI	475.48
EFT34220	13/06/2019	Craven Foods	ERC - Cafe Stock	MUNI	147.53
EFT34221	13/06/2019	Cross Security Services	Alarm System Monitoring - Depot & Eaton Office	MUNI	217.00
EFT34222	13/06/2019	Daniel Bryant	Umpire Recoup Basketball 12-06-2019	MUNI	110.00
EFT34223	13/06/2019	Dapco Tyre and Auto Centre	Hilux Ute 60,000Km Service DA8673	MUNI	410.40
EFT34224	13/06/2019	Dardanup Garage & Service Station	Abandoned Vehicles Call Out & Towing Fees	MUNI	528.00
EFT34225	13/06/2019	David Wells Builder	Upper Ferguson BFB Training Room - Additional Plumbing for Hot and Cold Water	MUNI	1,500.64
EFT34226	13/06/2019	Dept of Mines, Industry, Regulations & Safety	Building Approvals May 2019 - BSL Remittance	MUNI	5,088.53
EFT34227	13/06/2019	Drummond Catering	Council Meeting Catering - Wednesday 5 June 2019	MUNI	440.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34228	13/06/2019	DX Print Group Pty Ltd	Business Cards - Manager Development Services and ETO	MUNI	220.00
EFT34229	13/06/2019	Eaton Community College	Cost Share Eaton Community Library January to April 2019	MUNI	1,810.85
EFT34230	13/06/2019	Eaton Pet Vet	Dog Sterilisation Program - June 2019 - Dog Owners In The Shire of Dardanup	MUNI	150.00
EFT34231	13/06/2019	Emma Woollams	Umpire Recoup Netball 10-06-2019	MUNI	66.00
EFT34232	13/06/2019	Gas - It Pipe Contracting	Cable Location - Lot 360 Pile Road	MUNI	1,886.50
EFT34233	13/06/2019	Green Fencing	Pile Road Reconstruction Fencing Works	MUNI	14,230.60
EFT34234	13/06/2019	Guardians of Happiness	Library Programs - Monkey Bread Workshop - June	MUNI	330.00
EFT34235	13/06/2019	Health Insurance Fund of WA	Payroll Deductions	MUNI	114.95
EFT34236	13/06/2019	Heatleys	Protective Clothing and OHS Supplies	MUNI	757.79
EFT34237	13/06/2019	Howson Technical	Project Management - Ferguson Road	MUNI	5,329.50
EFT34238	13/06/2019	Hart Sport	ERC - Sports Equipment	MUNI	1,270.30
EFT34239	13/06/2019	ID Consulting Pty Ltd	Forecast Demographic Data 12 Month Subscription Fee	MUNI	14,300.00
EFT34240	13/06/2019	ilocks	Ipad Holder for Reception Desk In Crèche	MUNI	276.95
EFT34241	13/06/2019	Isabel Cody	Uniform Reimbursement	MUNI	12.00
EFT34242	13/06/2019	Josie Phillips	Umpire Recoup Netball 11-06-2019	MUNI	157.50
EFT34243	13/06/2019	JP Group - CPSS Pty Ltd	3 Monthly Lease of Transfer Station - Banksia Road Dardanup	MUNI	87.52

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34244	13/06/2019	Karyn Rowe	Umpire Recoup Netball 11-06-2019	MUNI	210.00
EFT34245	13/06/2019	Katie Tilbee	Uniform Reimbursement	MUNI	134.88
EFT34246	13/06/2019	Kings Tree Care	27 Blue Wren Drive Eaton Remove Damaged Tuart On Verge	MUNI	1,780.00
EFT34247	13/06/2019	Kryptomine Pty Ltd	Applications Support Contract	MUNI	1,060.00
EFT34248	13/06/2019	Landgate	GRV - RUV - Mining Tenements	MUNI	2,502.13
EFT34249	13/06/2019	Larry Price	Service and Repairs to Torro 360	MUNI	515.19
EFT34250	13/06/2019	Malatesta Road Paving and Hotmix	Little Street Reseal - Pile Road Reconstruction	MUNI	49,504.45
EFT34251	13/06/2019	Marketforce	Advertising - Recruiting - Public Notices and Tenders	MUNI	1,895.83
EFT34252	13/06/2019	Mckayhla Pomare	Umpire Recoup Basketball 12-06-2019	MUNI	88.00
EFT34253	13/06/2019	Mcleods Barristers and Solicitors	Legal Advise - Waste - Wanju - Membership Implications	MUNI	9,169.60
EFT34254	13/06/2019	Michael Bennett	Kilometre Reimbursement - Travel	MUNI	548.08
EFT34255	13/06/2019	Modern Teaching Aids Pty Ltd	Toys Equipment and Craft Supplies for Vacation Care and Crèche	MUNI	905.34
EFT34256	13/06/2019	Nathan Stacey	Umpire Recoup Basketball 12-06-2019	MUNI	110.00
EFT34257	13/06/2019	Novus Auto Glass Bunbury	Windscreen Repair On Hino 500 Series Truck & DA8170	MUNI	904.00
EFT34258	13/06/2019	Pages Mechanical Repairs	Service Truck DA8457	MUNI	1,084.58
EFT34259	13/06/2019	Perfect Landscapes	Mowing - Various Parks and Ovals	MUNI	2,167.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34260	13/06/2019	PFD Food Services Pty Ltd	ERC - Cafe Stock	MUNI	202.80
EFT34261	13/06/2019	Porter Consulting Engineers Tusno Pty Ltd	Engineering Design Ferguson Road	MUNI	22,330.00
EFT34262	13/06/2019	Prime Supplies	Portable Eye Wash Station Algae and Mould Inhibitor	MUNI	69.00
EFT34263	13/06/2019	Promote You	Embroidery of Staff Uniforms	MUNI	115.50
EFT34264	13/06/2019	Raelene Tedd	Umpire Recoup Netball 11-06-2019	MUNI	90.00
EFT34265	13/06/2019	Ryan Baker	Umpire Recoup Basketball 12-06-2019	MUNI	110.00
EFT34266	13/06/2019	Schweppes Australia Pty Ltd	ERC - Cafe Stock	MUNI	340.04
EFT34267	13/06/2019	Shire of Dardanup	Crossover Rebate to be Applied to Rates - A10765	MUNI	372.30
EFT34268	13/06/2019	Signs Plus	Shire of Dardanup Library Badges Helen Ammon - Senior Library officer X 2 Volunteer - Library X 2 Plus \$5.00 Postage	MUNI	60.60
EFT34269	13/06/2019	Skate Sculpture	Consultation and Draft Design Eaton Skate Facility	MUNI	9,835.00
EFT34270	13/06/2019	Southern Lock and Security	New Key Cabinet for Depot Vehicle Keys	MUNI	187.00
EFT34271	13/06/2019	Stephen Eaton	Laptop Charger and Misc Items for LG Management Challenge	MUNI	252.19
EFT34272	13/06/2019	Synergy	Townsite Street Lights -25 April - 24 May 2019	MUNI	26,188.10
EFT34273	13/06/2019	Telstra	Iridium 9555 Satellite Telephone 0147 142 614	MUNI	139.95
EFT34274	13/06/2019	Terrywhite Chemmart Eaton	Yearly Flu Vaccinations Shire Employees	MUNI	538.65

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT34275	13/06/2019	The Passionate Baker	ERC - Cakes and Bread Goods for Cafe	MUNI	71.19
EFT34276	13/06/2019	Thulani Gumbo	Crossover Rebate - A11538	MUNI	249.00
EFT34277	13/06/2019	Total Eden Pty Ltd	Parts for Repairs - Parks & Gardens	MUNI	32.94
EFT34278	13/06/2019	Tracey Tupaea	Umpire Recoup Netball 10-06-2019	MUNI	176.00
EFT34279	13/06/2019	Tutt Bryant Hire	Hire of 14ton Digger 2 Days	MUNI	715.00
EFT34280	13/06/2019	Vanessa Black	Umpire Recoup Netball 07-06-2019	MUNI	30.00
EFT34281	13/06/2019	Westbooks	YA Fiction Books - ECL	MUNI	120.57
EFT34282	13/06/2019	Whole Green Pepper	Library Programs - Whole Green Pepper - June Workshop	MUNI	200.00
EFT34283	13/06/2019	Woolworths Group Limited	ERC Cafe Goods and Items for Council Chambers & Eaton Office	MUNI	520.03
EFT34284	13/06/2019	Work Clobber	Protective Clothing and OHS Supplies	MUNI	1,406.23
CHEQUES					
44879	11/06/2019	Shire of Dardanup - Please Pay Cash	Eaton Office - Petty Cash Recoup	MUNI	184.00
BPAY					
DD14374.1	06/06/2019	linet Ltd	Monthly Charges	MUNI	174.94
DD14374.2	06/06/2019	Alinta	Electricity Account - ERC	MUNI	3,655.09
PAYROLL					

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD14365.1	31/05/2019	WA Super	Payroll Deductions	MUNI	39,126.23
DD14365.2	31/05/2019	Perpetual Wealth Focus Super Plan	Superannuation Contributions	MUNI	91.83
DD14365.3	31/05/2019	MLC Super Fund	Superannuation Contributions	MUNI	600.83
DD14365.4	31/05/2019	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	274.21
DD14365.5	31/05/2019	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	164.08
DD14365.6	31/05/2019	One Path Masterfund	Superannuation Contributions	MUNI	110.07
DD14365.7	31/05/2019	Wealth Personal Super and Pension Fund	Superannuation Contributions	MUNI	44.03
DD14365.8	31/05/2019	Suncorp Brighter Super	Superannuation Contributions	MUNI	141.99
DD14365.9	31/05/2019	BT Super For Life	Superannuation Contributions	MUNI	42.65
DD14365.10	31/05/2019	AMP Flexible Super - Super Account	Superannuation Contributions	MUNI	39.90
DD14365.11	31/05/2019	Asgard Infinity E Wrap Super	Superannuation Contributions	MUNI	256.69
DD14365.12	31/05/2019	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	552.65
DD14365.13	31/05/2019	Media Super	Superannuation Contributions	MUNI	476.26
DD14365.14	31/05/2019	Rest Superannuation	Payroll Deductions	MUNI	828.29
DD14365.15	31/05/2019	Construction & Building Industry Super	Superannuation Contributions	MUNI	581.79

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD14365.16	31/05/2019	Australiansuper	Superannuation Contributions	MUNI	1,195.25
DD14365.17	31/05/2019	Burton Superannuation Fund	Superannuation Contributions	MUNI	254.92
DD14365.18	31/05/2019	Hostplus	Superannuation Contributions	MUNI	457.30
DD14390.10	14/06/2019	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation contributions	MUNI	632.97
DD14390.11	14/06/2019	Media Super	Superannuation contributions	MUNI	476.26
DD14390.12	14/06/2019	Construction & Building Industry Super	Superannuation contributions	MUNI	763.58
DD14390.13	14/06/2019	REST Superannuation	Payroll deductions	MUNI	828.30
DD14390.14	14/06/2019	AustralianSuper	Superannuation contributions	MUNI	1,164.89
DD14390.15	14/06/2019	Burton Superannuation Fund	Superannuation contributions	MUNI	254.92
DD14390.16	14/06/2019	Hostplus	Superannuation contributions	MUNI	485.24
DD14390.1	14/06/2019	WA Super	Payroll deductions	MUNI	37,919.83
DD14390.2	14/06/2019	Perpetual Wealth Focus Super Plan	Superannuation contributions	MUNI	84.07
DD14390.3	14/06/2019	MLC Super Fund	Superannuation contributions	MUNI	556.83
DD14390.4	14/06/2019	Colonial First State First Choice Wholesale Personal Super	Superannuation contributions	MUNI	230.19
DD14390.5	14/06/2019	Diamond Sea Superannuation Fund	Payroll deductions	MUNI	272.09

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD14390.6	14/06/2019	One Path Masterfund	Superannuation contributions	MUNI	88.05
DD14390.7	14/06/2019	Suncorp Brighter Super	Superannuation contributions	MUNI	127.95
DD14390.8	14/06/2019	AMP Flexible Super - Super Account	Superannuation contributions	MUNI	50.22
DD14390.9	14/06/2019	Asgard Infinity E Wrap Super	Superannuation contributions	MUNI	256.69
					872,999.67

REPORT TOTALS

EFT	779,554.59
Muni Cheque	184.00
Payroll	89,431.05
Credit Card	
International	
BPAY	3,830.03
TOTAL	872,999.67

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

CARRIED
5/1

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

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

None.

15 PUBLIC QUESTION TIME

None.

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 (2) (a) - Matters for Which Meeting May Be Closed:

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

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
- (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal -*
 - (i) a trade secret;*

- (ii) *information that has a commercial value to a person; or*
 (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;
- (f) *a matter that if disclosed, could be reasonably expected to -*
 (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 (ii) *endanger the security of the local government's property; or*
 (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and*
 (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

194-19 MOVED - Cr. T G Gardiner SECONDED - Cr. P S Robinson

THAT in accordance with the Local Government Act 1995, S 5.23 the Council go Behind Closed Doors [6.07pm] to discuss:

- **Information that has a commercial value to a person; and**
- **Matters affecting an employee or employees.**

CARRIED
6/0

Note: Cr. P R Perks left the room [6.07pm].

*Note: Staff and members of the public left the meeting [6.07pm].
Staff remaining in the room:*

- *Chief Executive Officer, Mr André Schönfeldt*
- *Director Engineering & Development Services, Mr Luke Botica*
- *Director Corporate & Community Services, Mr Phil Anastasakis*
- *Manager Governance & HR, Ms Cathy Lee*
- *Manager Operations, Mr Nathan Ryder*
- *Governance Officer, Mrs Marisa Blandford*

iv) Priority Four – installation of toilet facilities (Item 2 on the Masterplan).

- 4. To advise Tourism WA of Council’s decision and seek endorsement for the Strategies and proposed funding.**

CARRIED
4/2

FOR THE MOTION	AGAINST THE MOTION
<i>Cr. M T Bennett</i>	<i>Cr. P S Robinson</i>
<i>Cr. J Dow</i>	<i>Cr. T G Gardiner</i>
<i>Cr. P R Perks</i>	
<i>Cr. L Davies</i>	

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

196-19 MOVED - Cr. P R Perks SECONDED - Cr. P S Robinson

THAT Council endorse the Shire of Dardanup Tourism Signage Strategy – 29 May 2019 (Appendix ORD: 16.1A).

CARRIED
6/0

16.2 Title: Kerbside Recycling Processing – Negotiation of Contract Variation

Reporting Department: Engineering & Development Services
Reporting Officer: Mr Nathan Ryder – Manager Operations
Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23 (2) this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Records Management System of the Council - OCM-R0640476.

Change to Officer Recommendation - No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

197-19 MOVED - Cr. T G Gardiner SECONDED - Cr. P R Perks

THAT Council:

1. **Authorises the Chief Executive Officer to finalise negotiations with Suez and agree on a Contract Variation on the basis of the proposed Gate Fee model.**
2. **Authorises the Shire President and Chief Executive Officer to sign and execute the Contract Variation with Suez.**

CARRIED
5/1
By Absolute Majority

Note: Governance Officer – Mrs Marisa Blandford and Manager Operations – Mr Nathan Ryder left the meeting [6.23pm].

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

198-19 MOVED - Cr. T G Gardiner SECONDED - Cr. J Dow

THAT Council notes:

1. **And supports the Chief Executive Officer's proposed new organisation structure to include a third directorate as outlined in the confidential report behind closed doors Item 16.3 dated 26 June 2019 (Tardis Ref: R0000636468).**

2. **That the Workforce Plan will be updated to reflect the new Organisation Structure ensuring that any changes to positions and titles are funded in 2019/20 through the existing budget allocation.**
3. **The commencement of the new structure will be from 1 July 2019.**
4. **That any possible compensation payments (funded in 2019/20 through the existing budget allocation) that may be required to enable the new organisation structure to be amended resulting in improved functions of the organisation and delivery of cost effective and efficient services to the community.**

CARRIED
6/0

16.4 Title: Chief Executive Officer Review & Key Performance Indicators

Reporting Department: Executive
Reporting Officer: Cr Michael Bennett – Shire President
 Ms Cathy Lee – Manager Governance & HR
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 - EMP-R0637947.

DECLARATION OF INTEREST

Chief Executive Officer, Mr André Schönfeldt declared a Financial Interest in this item as the matter deals with his Contract of Employment.

Mr André Schönfeldt left the room [6.24pm].

**OFFICER RECOMMENDED RESOLUTION
& COUNCIL RESOLUTION**

199-19 MOVED - Cr. J Dow SECONDED - Cr. P R Perks

THAT Council (in accordance with Section 4.3 of the Chief Executive Officer Contract) endorse the engagement of Mr Gary Martin's services to carry out the Chief Executive Officer annual performance review process for the duration of the Chief Executive Officer's current five year contract (Ending in February 2024).

CARRIED
6/0

AND

Change to Officer Recommendation - No Change.

**ELECTED MEMBER RECOMMENDED RESOLUTION
& COUNCIL RESOLUTION**

200-19 MOVED - Cr. J Dow SECONDED - Cr. P R Perks

THAT Council:

- 1. Advise Mr André Schönfeldt that his performance in his role as Chief Executive Officer for the Shire of Dardanup since his employment on 1 March 2019 has been satisfactory.**

2. Advise Mr André Schönfeldt that the probationary period has been finalised and that his ongoing employment in accordance with his Contract of Employment, is confirmed.
3. Commends Mr André Schönfeldt for his work in ensuring a smooth transition for the Shire of Dardanup in the change in its leadership and direction.
4. Endorses the change to the Chief Executive Officer vehicle costs for the period 1 March 2019 to the finalisation of the novated lease agreement in accordance with the Confidential report to Council dated 26/06/2019.
5. Schedules an interim review of the Chief Executive Officer's performance to be conducted with the Shire President and Deputy Shire President by 30 August 2019.
6. Schedules the next full review of the Chief Executive Officer's performance to be conducted with the Consultant, Shire President and Deputy Shire President by 31 March 2020.
7. Endorses the Chief Executive Officer Key Performance Indicators for the 2019/20 appraisal period as outlined in the confidential behind closed doors report dated 26/06/2019.

CARRIED
6/0

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

201-19 MOVED - Cr. P R Perks SECONDED - Cr. T G Gardiner

THAT Council return from Behind Closed Doors [6.40pm].

CARRIED
6/0

Note: In accordance with Standing Order 5.2(6) the Presiding Officer, does not 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 17 July 2019, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declares the meeting closed at 6.40pm.


Shire of Dardanup

CONFIRMATION OF MINUTES

“As the person presiding at the meeting at which these minutes were confirmed on 17 July 2019, I certify that these minutes have been confirmed as a true and accurate record of proceedings.

DocuSigned by:

Signed  .

(Chairman of Shire, President or Other Presiding Officer)

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