



A G E N D A

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 27 May 2020
Commencing at 5.00pm

At

eMeeting via
www.dardanup.wa.gov.au

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



NOTICE OF AN ORDINARY COUNCIL EMEETING

In accordance with the Local Government (Administration) Regulations 1996, the next Ordinary Meeting of the Shire of Dardanup Council will be held as an e-meeting (video conferencing) on Wednesday, 27 May 2020 at 5.00pm.

Members of the public are advised that the meeting can be accessed for viewing online and in real time by following the instructions on the Shire's website at <http://www.dardanup.wa.gov.au>.

Members of the public are also encouraged to read the Shire's E-meeting Guidelines for the Public, which are available on the Shire's website. These Guidelines provide advice on the public participation elements of the meeting agenda.

A handwritten signature in black ink, appearing to read "A. Schönfeldt", is positioned above the name of the Chief Executive Officer.

MR ANDRÉ SCHÖNFELDT

Chief Executive Officer

Date: 20 May 2020

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

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

VISION STATEMENT

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

TABLE OF CONTENTS

1	DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	1
2.1	Attendance	1
2.2	Apologies	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	2
3.1	Title: Response to Questions Taken on Notice – From Mr & Mrs Ian and Jenny Trigwell (9 Rosevale Close, Dardanup) Regarding Cleanaway Dust Management Plan	2
3.2	Title: Response to Questions Taken on Notice – From Mr & Mrs Ian and Jenny Trigwell (9 Rosevale Close, Dardanup) Regarding Cleanaway Dust Management Plan.....	3
3.3	Title: Response to Questions Taken on Notice - From Ms Heather Elliott (Smedley) (41 Wellington Mill Rd, Ferguson) and Ms Fiona Moriarty (14 Prout Road, Ferguson) Regarding Cleanaway Dust Management Plan	5
3.4	Title: Response to Questions Taken on Notice - From Mr & Mrs David & Raelene Birch (268 Banksia Road, Crooked Brook) Regarding Cleanaway Dust Management Plan	15
3.5	Title: Response to Questions Taken on Notice – From Mrs Jill Cross (513 Crooked Brook Road, Dardanup) Regarding Cleanaway Dust Management Plan	18
4	PUBLIC QUESTION TIME	20
5	APPLICATIONS FOR LEAVE OF ABSENCE	21
6	PETITIONS/DEPUTATIONS/PRESENTATIONS	21
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	21
7.1	Ordinary Meeting Held 29 April 2020	21
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	22
9	ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED	22
9.1	Title: Recycling Program Contract Variation and Behavioural Change Program.....	22
10	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	23
11	DECLARATION OF INTEREST	23
12	REPORTS OF OFFICERS AND COMMITTEES	24
12.1	Title: Customer Service Charter Policy	24
12.2	Title: Petition – A Rate Freeze for the Shire of Dardanup	26
12.3	Title: New Eaton Skate Park Funding and Project Timing	33
12.4	Title: Management Order Request – Lot 5 on Deposited Plan 411396, Picton Eaton – Lot 1000, 10001, 1002, 1003 on Deposited Plan 417241, Crooked Brook – Lot 277 on Deposited Plan 55435 and Lot 6250 on Deposited Plan 3443, Burekup	38
12.5	Title: National Redress Scheme (Participation of WA Local Governments)	43
12.6	Title: Endorsement of Draft Greater Bunbury Regional Park Management Plan 2020	51
12.7	Title: New Policy – Tree Management Policy.....	57
12.8	Title: Waterloo Hall – Diggers Club – Termination of Lease.....	66
12.9	Title: Supporting Economic Stimulus within the Shire of Dardanup	69
12.10	Title: New Policy – CP098 - COVID-19 Financial Hardship Policy for Rates and Sundry Debtors	73
12.11	Title: Extension of Banking Contract – Provision of Banking and Bill Payment Services.....	80
12.12	Title: Variation of Eaton Recreation Centre Fees due to COVID-19 Restrictions	86
12.13	Title: Establishment of CEO Review Committee and Adoption of its Terms of Reference	92

12.14	Title: Monthly Statement of Financial Activity for the Period Ended 30 April 2020	97
12.15	Title: Schedule of Paid Accounts as at 7 May 2020	101
12.16	Title: Local Emergency Management Committee Meeting Minutes Held 13 May 2020	121
12.17	Title: Integrated Planning Committee Meeting Minutes Held 13 May 2020	122
12.18	Title: Integrated Planning Committee Meeting Minutes Held 20 May 2020	124
13	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	125
13.1	Title: Elected Member Motion – Live Streaming of Council Meetings.....	125
14	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	128
15	PUBLIC QUESTION TIME	128
16	MATTERS BEHIND CLOSED DOORS	128
16.1	Title: Recycling Program Contract Variation and Behavioural Change Program.....	129
17	CLOSURE OF MEETING	130

COUNCIL ROLE

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

DISCLAIMER

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

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

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

RISK ASSESSMENT

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

RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE

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

RISK - LIKELIHOOD TABLE

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

LEVEL OF RISK GUIDE

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

SHIRE OF DARDANUP**AGENDA FOR THE SHIRE OF DARDANUP ORDINARY COUNCIL MEETING TO BE HELD ELECTRONICALLY [VIDEO CONFERENCING] ON WEDNESDAY, 27 MAY 2020, COMMENCING AT 5.00PM.****1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Presiding Member to declare the meeting open, welcome those in attendance, advise and acknowledge that the meeting would be conducted as an electronic meeting via video conferencing in accordance with the Local Government (Administration) Regulations 1996, refer to the Disclaimer, Acknowledgement of Country and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

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

Affirmation of Civic Duty and Responsibility

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

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**eMEETING PROCESS – ADVICE TO PUBLIC & ELECTED MEMBERS**

The Presiding Member will confirm that each person expected to attend the meeting is connected to the eMeeting platform and therefore in attendance [Roll Call].

The Presiding Member will call for each attendee to state their name to confirm that they are in attendance.

Presiding Member will then ask "Is there anyone in attendance that has not yet been recorded?"

2.1 Attendance

2.2 Apologies

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Title: Response to Questions Taken on Notice – From Mr & Mrs Ian and Jenny Trigwell (9 Rosevale Close, Dardanup) Regarding Cleanaway Dust Management Plan

Reporting Department: Sustainable Development
Reporting Officer: Mr Neil Nicholson – Principal Environmental Health Officer
Legislation: Local Government Act 1995

Background

The following question was submitted via email prior to the Ordinary Council Meeting held 29 April 2020. This question was not supplied to elected members prior to the meeting as it was omitted in error. The information and response are provided in this report.

Background from Resident

There seems little point in monitoring dust emissions from the waste site for May, June, July 2020 as historically little dust is generated during these months.

The second proposed monitoring period is November, December and January. This period only captures a portion of the year in which Easterly and South Easterly winds are strongest.

We acknowledge that the cost of dust monitoring as proposed in the Dust Management Plan is of concern to Cleanaway.

Question 1 - *Will Council please consider seeking a modification to the Plan, requiring the instrumental Dust Monitoring be for one period of six months from November 2020 to April 2021?*

Officer Response

The Director of Sustainable Development has had the Dust Management Plan peer reviewed by a suitable expert to determine that it complies with State Government guidelines. In particular, Department of Environment and Conservation (now DWER) – A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminates sites remediation and other related activities (DEC 2011). The Shire Officers are currently considering the outcomes of the peer review. It is the Shire's expectation that the frequency of dust monitoring be considered as part of this assessment, and the data collected is in line with the State Government standard.

3.2 Title: Response to Questions Taken on Notice – From Mr & Mrs Ian and Jenny Triqwell (9 Rosevale Close, Dardanup) Regarding Cleanaway Dust Management Plan

Reporting Department: Sustainable Development
Reporting Officer: Mr Neil Nicholson – Principal Environmental Health Officer
Legislation: Local Government Act 1995

Background

The following questions were submitted via email and provided to Councillors at the Ordinary Council Meeting held 29 April 2020 and were taken on notice.

Background from Resident

We note that the Dust Control Local Law has been in place since 2011. There have been numerous complaints and video recordings of dust emissions from the Waste Facility.

Question 1 - *Has the Shire been actively monitoring the dust emissions from Lot 1 Banksia Road over the past nine years?*

Officer Response

The Shire has not monitored dust from this site as the DWER is the lead enforcement agency for dust monitoring and other potential health and environmental impacts from sites licensed under the *Environmental Protection Act 1986*.

Question 2 - *Will the Shire be actively and regularly monitoring the dust emissions and effectiveness of the proposed Cleanaway Dust Management Plan? How would this be carried out?*

Officer Response

Under the DEC Guideline 2011 it is the responsibility of the proponent to monitor dust emissions.

The Guidelines recommend that the operation first be Risk Classified in accordance with Appendix 1 (Page 34 of the Guideline). After this, the proponent should determine appropriate monitoring requirements in accordance with Sheet 4 of the Guideline (Page 37).

DWER is the primary regulator for matters of dust and other environmental contaminants from operations licensed under the Environmental Protection Act and is the primary agency for enforcement of the guidelines, for licensed premises that generate dust.

The Guidelines indicate that monitoring should be conducted by NATA accredited bodies. The Shire does not hold such accreditation.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 3 - *There are many online video clips clearly showing the visibility of past dust emissions which, despite the presence of on-site water carts and responsible management, have continued unabated until the wind speed dropped. Is Council confident that Cleanaway will take appropriate control measures when monitoring ceases and reverts to on-site visual monitoring in the future?*

Officer Response

The report to Council recommended a review of the DMP after 12 months (a review clause). This is to ensure that, if there are any aspects of the DMP that are not sufficient to adequately control dust, that these may be addressed at the review.

Additionally, the DMP also notes that reviews may be implemented at the direction of the Shire of Dardanup (Page 17).

The Director of Sustainable Development has had the Dust Management Plan peer reviewed by a suitable expert to determine it complies with State Government guidelines. In particular, Department of Environment and Conservation (now DWER) – A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminates sites remediation and other related activities (DEC 2011). The Shire Officers are currently considering the outcomes of the peer review. It is the Shire's expectation that the frequency of dust monitoring be considered as part of this assessment, and the data collected is in line with the State Government standard.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

3.3 Title: Response to Questions Taken on Notice - From Ms Heather Elliott (Smedley) (41 Wellington Mill Rd, Ferguson) and Ms Fiona Moriarty (14 Prout Road, Ferguson) Regarding Cleanaway Dust Management Plan

Reporting Department: Sustainable Development
 Reporting Officer: Mr Neil Nicholson – Principal Environmental Health Officer
 Legislation: Local Government Act 1995

Background

The following questions were submitted via email and provided to Councillors at the Ordinary Council Meeting held 29 April 2020 and were taken on notice.

Background from Resident

- Topic - Table 3 - Site Roles and responsibilities for DMP

Background: *Cleanaway have a single water cart on site already and they have never been able to control the dust. It appears this one water cart needs to be in 3 places at one time - landfill areas, unsealed roads, tip face. The same cart is now to be utilised for spraying leachate on tip surface, for applying fresh dam water on offload areas and for fresh water on unsealed traffic areas. There is no Site Role for Operation of the Water Cart clearly outlined in the DMP.*

Question 1 - *Is there personnel to operate the water cart on a daily basis, during operating hours, at all times unless it is raining?*

Officer Response

The current DMP states two water vehicles are on the premises for dust mitigation: a water truck and water cart (page 8). The expectation is that these trucks are always available when needed.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 2 - *Do Council consider one water cart is adequate for both leachate and fresh water, and if there is a risk of leachate residue being sprayed on the general area?*

Officer Response

The current DMP states two water vehicles are on the premises for dust mitigation: a water truck and water cart (page 8). The DMP states that the leachate will be used for wetting down of the active landfill areas only (page 12).

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 3 - *Do Council consider there will be an issue with mud being transported onto public roads?*

Officer Response

If substantial dust or mud is taken onto Shire roads, this may be enforced under the Shire of Dardanup Dust Local Laws.

Question 4 - *If they are required to use water suppression throughout summer is the capacity of the existing stormwater dams adequate?*

Officer Response

The current DMP states that stormwater dams have the capacity to provide sufficient water for dust suppression.

Question 5 - *Are the leachate contaminant levels measured? This toxic material is used for wetting down active landfill areas and could result in a more toxic environment.*

Officer Response

The operator is bound under the *Environmental Protection Act 1986* not to cause environmental harm or pollution as defined under the Act. As a formally licensed operator under the Act, it is expected that the proponent considered that they can comply with this legal requirement before proposing the use of leachate.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Background from Resident

- Topic - 7.1 Visual Monitoring Page 14

Background: Only Reactive measures are indicated for a 'dust event,' from alerts from measuring equipment indicating a problem or someone reporting a problem once it reaches the boundary.

Once dust is being generated then activities at that area should cease. It should not reach the boundary before a trigger is actioned.

Dot Point 1 - "the site operational personnel will review the working methodology of the dust- generating activity and ensure the appropriate measures listed in the DMP have been implemented" - this is superfluous, and no timeline is included with this "corrective measure." It could be an hour or three weeks!

Question 6 - *Would Council recommend to omit Dot Point 1 “corrective measure” and move directly to a variation of Dot Point 2: “If the DMP measures do not control the “dust event” the activity will be stopped and controlled. Water will be applied at the source of the dust generation to damp down soils; work will not recommence until the dust event is under control”*

Officer Response

It is the Shire’s expectation is that the actions in Dot Point 1 (Page 14 of DMP) would happen immediately if there were a dust event.

Regarding “Would Council recommend to omit Dot Point 1 “corrective measure” and move directly to a variation of Dot Point 2:...””, this is a question for Council to decide/respond to.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER’s response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 7 - *Would Council add an additional Clause that every SMS ‘Dust event’ from monitoring stations be automatically cc’d in real time to both the Shire and DWER?*

Officer Response

The DEC Dust Management Guideline 2011 states that ‘Monitoring data should be recorded and made available to the DEC and DoH on a regular basis or upon request.’

The document implies that this data should also be available to local government.

Background from Resident

- Topic - 7.1 Dust Monitoring

Background: Ultimately this plan proposes to eliminate the need for instrumental monitoring of dust. It is assumed that once the monitoring programs are complete, visual monitoring of dust generating site activities will be deemed suitable as the primary mechanism for ongoing dust monitoring.

Question 8 - *Will the Council reject this assumption completely and demand ongoing monitoring equipment be used and SMS notifications for ‘dust events’ continue to be sent in real time directly to the Shire and DWER?*

Officer Response

The DEC Dust Management Guideline (2011) suggests that operations that are ongoing should be monitored across a 12 month period. Regarding the respondent’s comment: “SMS notifications for ‘dust events’ continue to be sent in real time directly to the Shire and DWER, refer to Officer’s Response to Question 7.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER’s response and the Peer review assessment will form part of a

written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Background from Resident

- Topic - 7.2.3 Performance Criteria P 15

Background: Industry Outcomes are 'SMART' - Specific, Measurable, Achievable, Relevant and Timely. Outcomes are what is important in Performance Criteria.

The proposed DMP put forward by Cleanaway lacks Clarity, Details, Timely and measurable Outcomes and consequences of breaches.

The Outcome should be that there is no dust emitted from the site, ever. It is unacceptable that 'dust events' occur.

We have been made abundantly aware that the current DMP for Cleanaway is inadequate and ineffective. No penalties have been applied for frequent breaches by EPA/ DWER or Shire.

Question 9 - *How will Council measure Cleanaway's compliance to a DMP?*

Officer Response

On 5 March 2020, the Shire issued an infringement against Cleanaway for failure to take effective measures to stabilise dust, which the company paid.

The DMP states that the number and details of complaints received concerning dust impacts will be recorded as part of an incident management system. The DMP also states that fugitive dust events and the effectiveness of actions taken in response to complaints will also be recorded.

If the DMP were to be formally accepted, it is the Shire's expectation that the proponent fully complies with the DMP, including keeping a full record of complaints, fugitive dust events, and corrective actions. It is expected the proponent may supply these records on request.

The DEC Dust Management Guidelines (2011) state the recommended procedures for monitoring and control of dust based on a risk classification framework.

The statement "*The Outcome should be that there is no dust emitted from the site, ever*" is not consistent with the DEC Dust Management Guidelines (2011) which accepts that a level of dust may be created by an operation, and that dust events should not exceed a suitably determined concentration and frequency thresholds.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 10 - *Who, in the Shire will be responsible for managing this DMP?*

Officer Response

The managing of the DMP is the responsibility of the proponent.

The failure to comply with the DMP, and determination of penalties, is determined by the Shire's Environmental Health department, in accordance with the *Shire of Dardanup Dust Local Law 2011*.

Question 11 - *How will breaches be addressed by Council?*

Officer Response

Under Clause 4.2 of the *Shire of Dardanup Dust Local Law 2011* a Notice to Cease activity may be issued for failure to comply with a term or condition of an accepted dust management plan.

Under Clause 6.1 of the Dust Local Law failure to comply with the Notice is considered an offence.

Question 12 - *Will Council use powers under the Local Govt Act to apply penalties to Cleanaway for breaches? Can the Council inform us what those penalties will be?*

Officer Response

Breach of a Dust Management Plan condition requiring the control of dust may be enforced under the Shire's Dust Local Law. This would generally be by way of issuing of a Notice under the LG Act. The maximum penalty for failure to comply with the Dust Local Law is \$5,000 and daily penalties of up to \$500 per day may be imposed.

However these maximum penalties are to be enforced by a court, whilst Infringements can be issued with modified penalties of \$500 every time an offence occurs.

Question 13 - *Is Dardanup Shire Council authorised to stop activity in high wind risk areas when required as part of this plan to ensure 'dust events' do not occur?*

Officer Response

Under the Shire's Dust Local Law, the Shire may issue a Notice to Cease Activity against the operator if it fails to comply with a term or condition of an accepted dust management plan, and a dust event occurs. Failure to comply with the Notice is considered an offence under the Dust Local Law, and the Shire may seek penalties against the operator under the Dust Local Law.

Question 14 - *In approving this DMP does the Shire accept accountability or should this be the responsibility of DWER?*

Officer Response

If the DMP is accepted by the Shire, it would be in accordance with the legal framework of the *Shire of Dardanup Dust Local Laws 2011*.

The DWER is the primary regulator for the management of dust from a licensed facility (i.e. facility licensed under the Environmental Protection Act) and the potential health and environmental impacts from that dust.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Background from Resident

- Topic - Potential Impacts - Parameters of Interest 5.1

Background: We have heard Reports that asbestos has been stored unwrapped at the Site.

Question 15 - *Does Council know if Asbestos is wrapped at all times, during delivery and storage?*

Officer Response

The DWER is the primary regulator on this matter as the site is licensed under the Environmental Protection Act.

The acceptance and management of asbestos and other hazardous substances on this site must be in accordance with the DWER license conditions. This includes the recording of the volumes of asbestos waste entering the site.

Background from Resident

- Topic - Radiation 5.1.3

Background: It is highly unusual that Enhanced radioactive tailings (thorium and Uranium) are being deposited on this Landfill site in close proximity to Dardanup Township and a sensitive Conservation area. Cleanaway have not included fugitive dust emissions from Radioactive Tailings in this DMP, siting these are managed under Their Radiation Management Plan.

Question 16 - *Given the community concern about poor management of dust emissions and tailings at this site, would Council explain who is responsible for monitoring of the Radiation Management Plan?*

Officer Response

The DWER is the primary enforcement agency with the suitable level of technical expertise to determine the management of radiative waste in facilities licensed under the Environmental Protection Act.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Background from Resident

- Topic - Administrative Controls 6.5

Background: Fugitive dust emission inspections will be conducted monthly as part of the Compliance Framework.

Foliavores in the Conservation Park rely on flora and nectar being clean and abundant. A build-up of dust could impact on endangered flora and fauna species.

Question 17 - *Will the Shire be conducting these inspections?*

Officer Response

Yes the Shire may conduct inspections if we receive complaints or concerns of dust emissions and it will also be required that the complaints be referred to DWER as the licencing authority.

Question 18 - *Will Cleanaway be invoiced by the Shire for these inspections?*

Officer Response

The Shire currently doesn't have the ability to invoice Cleanaway for these inspections, however this may be a future consideration under the Local Government Act.

Question 19 - *Will the Shire commit to conducting these inspections without warning?*

Officer Response

The Shire may conduct inspections without warning on the Cleanaway site.

Question 20 - *Will the Shire inspect the surrounding Conservation area for dust build up as part of these inspections?*

Officer Response - Mrs Jackie Nichol – Environmental Officer

The Conservation Park is not Shire land and therefore not inspected by us however the Shire will refer the matter to the Department of Biodiversity, Conservation and Attractions who are responsible for endangered flora and fauna and the management of the Conservation reserve area.

Question 21 - *Will Cleanaway be required to compensate the Council for their work in monitoring, site visits and inspections?*

Officer Response

There is no provision in the Dust Local Laws to recoup on costs for such activities.

Background from Resident

- Topic - Monitoring Locations 7.2.2

Background: Cleanaway state that final siting of Monitoring instruments will be subject to a site inspection and assessment of feasible locations.

There are multiple videos available of dust emissions from this site.

We consider 600g/m³ over 10 minutes is an excessive amount for a trigger point.

Below are a few samples of fugitive dust over the last 6 months which illustrate Cleanaway's inability to manage dust at this site.

<https://m.youtube.com/watch?v=tUTToTxYy0w>

<https://m.youtube.com/watch?v=QCrhEHlDujE>

<https://m.youtube.com/watch?v=TgShJHdWgvg>

https://m.youtube.com/watch?v=_j2vtRtT7Xc

<https://m.youtube.com/watch?v=sW6JWbjXpTQ>

<https://m.youtube.com/watch?v=BG0JJJUXchM>

Question 22 - *Who will approve Monitoring Instrument Locations and undertaking the site inspection?*

Officer Response

It is the proponent's responsibility to determine the Instrument monitoring locations and the trigger points which should be in accordance with the DEC Dust Management Guidelines 2011. The Shire has had the DMP peer reviewed and it will be referred to DWER for comments before requesting Cleanaway to make any changes to the DMP in line with the Guidelines 2011.

Question 23 - *Can the Shire explain what the visual impact of the existing trigger level of 600g/m³ is?*

Officer Response

The Shire can determine trigger points as recommended in the State Governments DEC Dust Management Guidelines 2011 of which there is two trigger levels recommended:

- One for corrective action
- The other for work stoppage (a higher trigger level than for corrective action).

The DEC Guidelines 2011 indicates that these trigger levels should be based on the National Environmental Protection Measures (NEPM) standards, which set a national level for ambient air quality. As the Shire has had the DMP peer reviewed and will refer it to DWER for comments, it is expected that these trigger points will be further considered during that process.

Background from Resident

- Topic - Limitations of Scope and Data

Background: Strategen has relied upon data provided from the client and have not verified its accuracy or completeness e.g.:

2.2 Surrounding Land Use - East and south is Dardanup Conservation Park - DMP states E and S is 'State Forest - Regional Open space'.

2.3.2 Topography - no mention is made of this being located above a superficial aquifer or adjacent to intensively irrigated special agricultural farmland.

Figure 2 - multiple residences and heritage buildings are not noted.

2.3.1 Climate and meteorology - no mention of strong prevailing Easterlies and westerlies from Nov - March and maximum wind gusts. Only 'Average wind speeds (9am)' in summer and winter are mentioned. The true picture is blurred through the siting of averages.

4.1 In addition after hours disposal of waste may be required.

Question 24 - *Does the Shire recognise there are important omissions in this document?*

Officer Response

The Shire recognises that the full and entire context of the site and its surroundings is not contained in the DMP. The Director of Sustainable Development has had the Dust Management Plan peer reviewed by a suitable expert to determine it complies with State Government guidelines. In particular, Department of Environment and Conservation (now DWER) – A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminates sites remediation and other related activities (DEC 2011). The Shire Officers are currently considering the outcomes of the peer review. It is the Shire's expectation that the frequency of dust monitoring be considered as part of this assessment, and the data collected is in line with the State Government standard.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

***Question 25 -** What does emergency after hours disposal of waste mean and when was this approved?*

Officer Response

An emergency in this instance would refer to a declared state emergency.

The Shire has not approved any emergency hours of operations and any activity associated with the disposal of waste in a declared emergency would require prior consultation with the Shire.

3.4 Title: Response to Questions Taken on Notice - From Mr & Mrs David & Raelene Birch (268 Banksia Road, Crooked Brook) Regarding Cleanaway Dust Management Plan

Reporting Department: Sustainable Development
Reporting Officer: Mr Neil Nicholson – Principal Environmental Health Officer
Legislation: Local Government Act 1995

Background

The following questions were submitted via email and provided to Councillors at the Ordinary Council Meeting held 29 April 2020 and were taken on notice.

Background from Resident

Whilst we appreciate the Council's attempts to regulate Cleanaway's dust issues may we remind you that this has been part of their license conditions from the beginning and their proposed method of control has been by use of water carts which has been a total failure. Given that this is once again their only proposed solution our questions are:

Question 1 - *Who will carry out external audits & checks that the water carts are available, in working order & capable of carrying out the job?*

Officer Response

It is the proponent's responsibility to ensure that water carts are in working order and capable of carrying out the job. This is universal regardless of whether regulation of the site falls with the Shire, or the DWER.

The operation is licensed by the DWER, and they are the lead agency for the management of dust and other environmental impacts from the site.

The respondent's comments are acknowledged.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 2 - *For any condition imposed it must be measurable to see if it is effective. How do Council propose to measure the effectiveness of the conditions placed on the operator if actions taken are only based on visual observations and the opinions of the operators once measurements cease? This is particularly important when personnel change and opinions may become divided on what "as far as practicable" entails.*

Officer Response

The report to Council recommended a review of the DMP after 12 months (a review clause). Additionally, the DMP also notes that reviews may be implemented at the direction of the Shire of Dardanup (Page 17). Effective, at any time.

If the DMP is not being met, and excessive dust events occur, the document may be reviewed, and more stringent measures may be imposed. The DEC Dust Management Guide 2011 indicates that instrument monitoring be ongoing for operations of an ongoing nature. At the very least the monitoring should span a 12 month period to identify seasonal differences in dust levels. Again with instrument monitoring.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 3 - *The dust risk area map appears to be based on current operations and does not take into account the new Cell 7. Will full dust monitoring be carried out with each change in the working areas?*

Officer Response

This comment is acknowledged.

The DEC Dust Management Guide 2011 recommends a comprehensive level of dust monitoring commiserate with the Risk Classification level of the site.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 4 - *The proposed time frame of the proposed dust monitoring does not include all of the months of the highest strength easterly winds and driest conditions so any parameters set from the proposed measurements will not be a true measurement for this site. Can the Council amend the proposal to include the months of February & March to capture this important data?*

Officer Response

This comment is acknowledged.

The DEC Dust Management Guide 2011 indicates that instrumental dust monitoring should take place for a minimum 12 month period to identify seasonal differences in dust levels, and that dust monitoring should remain ongoing for site operations that ongoing.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 5 - *If watering haul roads is implemented on site what conditions will the Council impose when this mud is dragged out on Banksia Road by exiting vehicles causing further dust problems as it dries?*

Officer Response

The movement of mud from the site onto Shire roads may be enforced under the Shire of Dardanup Dust Local Laws.

Question 6 - *Does the third party sand extraction license on the site have a dust management plan? If not, why not? If so, does the Council intend to monitor their operations as well?*

Officer Response

It is expected that the operator of the extractive industry comply with the license. In accordance with the DMP, the expectation is that the operator will, when necessary, engage professional monitoring of dust emissions. And at all times throughout the operation, engage in visual monitoring of the dust, as per the DMP.

3.5 Title: Response to Questions Taken on Notice – From Mrs Jill Cross (513 Crooked Brook Road, Dardanup) Regarding Cleanaway Dust Management Plan

Reporting Department: Sustainable Development
Reporting Officer: Mr Neil Nicholson – Principal Environmental Health Officer
Legislation: Local Government Act 1995

Background

The following questions were submitted via email and provided to Councillors at the Ordinary Council Meeting held 29 April 2020 and were taken on notice.

Question 1 - *We have all seen the videos of the dust emanating from the Cleanaway site during the summer months. Obviously the dust management plan that Cleanaway has relied upon till now is not working so what is different about this current plan that will ensure the community won't continue to see and be subjected to dust emanating from this site?*

Officer Response

The proponent has not previously been required to submit a dust management plan to the Shire.

The dust management plan submitted is determined to generally meet the requirements of the Shire of Dardanup Dust Local Laws.

However, it is acknowledged that it may fall short of complying with the DEC 2011 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.'

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 2 - *What action does the Shire intend to take to assess the implementation of the Dust Management Plan?*

Officer Response

The implementation of the DMP is the responsibility of the proponent and the role of the Shire is to monitor, regulate and review the DMP. This includes the reporting of monitoring results, dust incidents, corrective actions, and recording of complaints, and the provision of this information to the Shire.

However, the respondent's comments are acknowledged.

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 3 - *There is no mention in the DMP of any requirement by Cleanaway to report to the Shire of any dust events or complaints. Can this be incorporated into the Plan?*

Officer Response

It is considered that the respondent's request is reasonable.

The DMP does state that a report will be provided to the Shire that includes, but is not limited to, "summary of exceedances of the trigger level and any corrective action taken".

The Dust Management Plan and Peer Review assessment will be referred to DWER for further input and comments. DWER's response and the Peer review assessment will form part of a written request to the Cleanaway to update the Dust Management Plan. A report to Council for consideration on the Dust Management Plan will only be presented once these steps have been concluded.

Question 4 - *If the community complains to the Shire about a dust event from the Cleanaway site what will be the timely course of action taken by the Shire?*

Officer Response

If the DMP is not adhered to, the Shire may undertake enforcement action in accordance with the Shire of Dardanup Dust Local Laws. This includes Notices to Cease a dust generating activity. The maximum penalty for failure to comply with the Dust Local Law is \$5000, and daily penalties may be imposed.

4 PUBLIC QUESTION TIME

eMEETING PROCESS

To facilitate the operation of an e-meeting and in accordance with Local Government (Administration) Regulation 1996 [Reg. 7], the Council is required to consider the suspension of certain Standing Orders, which cannot be practically applied to an e-meeting.

OFFICER RECOMMENDED RESOLUTION

THAT Council suspend the operation of the following clauses of the Shire of Dardanup Standing Orders Local Law for the duration of this e-meeting:

- **4.3 Order of business – particularly in relation (1)(o) the second Public question time;**
- **5.7 (b) Other procedures for question time for the public**
- **7.1 Members to occupy own seats;**
- **7.2 Members not to interrupt;**
- **7.7 Members who wish to speak;**
- **10.8 Method of taking vote; and**

eMEETING PROCESS – ADVICE TO PUBLIC

In accordance with Reg. 14E(4) of the Local Government (Administration) Regulations 1996, public question time at an e-meeting will be as prescribed in the E-meeting Guidelines for the Public, which are available on the Shire's website at <http://www.dardanup.wa.gov.au>.

Reg. 14E(4) of the Local Government (Administration) Regulations 1996

- (4) *If a Council or a committee holds an electronic meeting, section 5.24 is modified so that the Council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if—*
- (a) *the Council or committee provides a means to submit a question prior to the meeting; and*
- (b) *the Council or committee determines at the meeting —*
- (i) *to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the Council or committee; or*
- (ii) *that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.*

Members of the public are advised that should they wish for a question to be asked at the Council meeting, to please email records@dardanup.wa.gov.au requesting a 'Form 60 – Public Question Time' or access the form on the Shire's website.

To have your question included in the meeting, the Public Question Time form will need to be received at the Shire of Dardanup email records@dardanup.wa.gov.au by 12 midday of the day of the Council meeting.

Dependent on the volume of questions received, the questions may be taken on notice and not read aloud at the time of the meeting.

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

THAT be granted leave of absence for the Special Council meeting to be held 10 June 2020.

COUNCIL RESOLUTION

THAT be granted leave of absence for the Ordinary Council meeting to be held 24 June 2020.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

eMEETING PROCESS – ADVICE TO PUBLIC

Deputations at an e-meeting will be as prescribed in the E-meeting Guidelines for the Public, which are available on the Shire's website at <http://www.dardanup.wa.gov.au>.

Deputations must be in writing and emailed through to records@dardanup.wa.gov.au and addressed to the Chief Executive Officer, by midday the day prior to the Council meeting advising which item on the Agenda your deputation relates to.

A staff member from the Shire of Dardanup will contact you to explain the process for you to join the meeting via video conferencing and deliver your deputation.

Note: The Presiding Member will not accept a Deputation where the matter does not relate to an item in the eMeeting agenda.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Meeting Held 29 April 2020

OFFICER RECOMMENDED RESOLUTION

THAT the Minutes of the Ordinary Meeting of Council held on 29 April 2020, be confirmed as true and correct subject to the following corrections:

- Resolution 82-20 on page 24, be amended to remove 'CP091' and replace with 'CP129'.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

eMEETING PROCESS – ADVICE TO PUBLIC

At the time of Matters Behind Closed Doors, the Council will pass by resolution a decision to proceed Behind Closed Doors, the live streaming of the eMeeting will be suspended.

Upon returning from Behind Closed Doors and reconnecting the live streaming with the public, the Presiding member will inform the public of any resolutions made behind closed doors.

9.1 Title: Recycling Program Contract Variation and Behavioural Change Program

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

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

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

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

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

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

11 DECLARATION OF INTEREST

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

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

eMEETING PROCESS – ADVICE TO PUBLIC & ELECTED MEMBERS

The Presiding Member will:

- *Read aloud each disclosure of interest received in writing before the meeting.*
- *Ask if there are any further disclosures to be made.*

If there are further disclosures to be made, the following process for disclosing interests in an eMeeting are to be followed:

- *Once the Presiding member acknowledges you, State your name and the conflict of interest being disclosed (financial / indirect financial / proximity / impartiality) and the relevant Agenda Item and Title.*
- *The Presiding Member will acknowledge the interest by repeating the Council Member’s name and the details of the interest for recording in the Minutes.*
- *After the meeting, Council Members must provide the disclosure of interest in writing by email to the CEO.*

Note: Chief Executive Officer, Mr André Schönfeldt has made the following Declarations of Interest:

- *Mr André Schönfeldt declared a Financial Interest in “Item 12.11 –Extension of Banking Contract” as his spouse has recently purchased shares in banking institutions.*
- *Mr André Schönfeldt declared an Impartiality and a Financial Interest in “Item 12.13 – Establishment of CEO Review Committee” as the item relates to his position of Chief Executive Officer.*

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 Title: *Customer Service Charter Policy*

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

Overview

This report seeks Council's endorsement for the draft Customer Service Charter (the Charter).

Background

Customer service is a component of every Council officer's role and it is of significant importance that all officers and the community have a clear indication of the service levels that can be expected.

The Charter sets a standard for the Shire of Dardanup community experience with Council's services.

Legal Implications

Whilst the new Charter will not have legal status, the Charter will specify the level of service to be provided by the Shire and outline expectations of staff as they undertake their work.

Strategic Community Plan

Strategy 1.4.1 - Maintain a Shire of Dardanup Customer Service Charter including customer feedback mechanisms. (Service Priority: Moderate)

Environment - None.

Precedents

The Shire of Dardanup Customer Service Charter was previously adopted by Council [244-14] on 23 July 2014 (Appendix ORD: 12.1A).

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation (Appendix ORD: 12.1B).

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Review of Customer Service Charter
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Legal and Compliance</p> <p>No noticeable regulatory or statutory impact. There is no legislation guiding the requirement of a Customer Service Charter.</p> <p>Reputational</p> <p>Ensuring that the Customer Service Charter is current and reviewed is good practice and shows a commitment to community of high standards adopted by the Council.</p>

Officer Comment

The updated Shire of Dardanup Customer Service Charter (Appendix ORD: 12.1C) will provide an agreed level of service and framework for which all community interactions will conform to. It will have a positive impact on Council’s future consultation outcomes and Councils image within the community

The inclusion of freedom of information in the Charter acknowledged the Shire’s obligations under The Freedom of Information Act 1982 and will enable a request to be dealt with appropriately.

When adopted the Customer Service Charter will be made available online and at the Shire Offices, Library and Recreation Centre and will be communicated to all staff. The Charter will be assigned to employees via the HR Learning System to capture the acknowledgement and acceptance of the Charter as an annual compliance requirement.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council adopts the updated Shire of Dardanup Customer Service Charter as attached at (Appendix ORD: 12.1C).

12.2 Title: Petition – A Rate Freeze for the Shire of Dardanup

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Mr André Schönfeldt - Chief Executive Officer Mr Phil Anastasakis – Deputy Chief Executive Officer
Legislation:	Local Government Act 1995

Overview

This report is presented to Council in accordance with Council Resolution [30-20], wherein Council requested that the Chief Executive Officer prepare and bring a report back to Council in response to the petition submitted on the 23 March 2020.

Background

At the Ordinary Meeting of Council held on the 25 March 2020, Council received an electronic petition dated 23 March 2020, submitted by Mrs Fiona Moriarty requesting that the Shire of Dardanup undertake a long term freeze on rates.

Council resolved [30-20] the following:

THAT Council:

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

Mrs Moriarty used the website www.change.org to commence the petition and then promoted it via Facebook. The petition had a total of 295 e-signatures – 129 from within the Shire of Dardanup, 73 from the state ‘Australia’ so some may be from within the Shire. The balance of 93 were from outside the Shire. A copy of the petition is provided for in (Appendix ORD: 12.2A) and the following requests/questions were raised in the Petition.

A list of the petition requests are provided below:

- *Long Term Rate Freeze on Rates.*
- *Substantial reduction of Employee Costs by a minimum of ten percentage points*
- *Contract out essential works to local businesses such as road maintenance and sell heavy machinery and equipment so reducing overheads and staff costs*
- *Reduce by minimum of thirty percent the proposed Council Offices building plans including removal of rentable office space which could add to local vacancy rates and takes possible tenants away from local landlords*
- *Pull back on funding of all special interest group activities such as free films and classes.*
- *Scrap non-essential public space improvements,*

- *Reduce all Councillor allowances.*
- *Remove employee perks such as cars and fuel, maintaining fewer vehicles reserved only for essential Shire purposes.*
- *All funds already on deposit for non-essential building plans should be reallocated to keep rates frozen for the long term*

Legal Implications

Local Government Act 1995

Local Government (Financial Management) 1996

Section 6.2 (4) of the *Local Government Act 1995* states:

6.2. *Local government to prepare annual budget*

(4) *The annual budget is to incorporate —*

(a) *particulars of the estimated expenditure proposed to be incurred by the local government;*

6.32. Rates and service charges

(1) *When adopting the annual budget, a local government —*

(a) *in order to make up the budget deficiency, is to impose* a general rate on rateable land within its district, which rate may be imposed either —*

(i) *uniformly; or*

(ii) *differentially;*

and

(b) *may impose* on rateable land within its district —*

(i) *a specified area rate; or*

(ii) *a minimum payment;*

and

(c) *may impose* a service charge on land within its district.*

** Absolute majority required.*

(2) *Where a local government resolves to impose a rate it is required to —*

(a) *set a rate which is expressed as a rate in the dollar of the gross rental value of rateable land within its district to be rated on gross rental value; and*

(b) *set a rate which is expressed as a rate in the dollar of the unimproved value of rateable land within its district to be rated on unimproved value.*

Strategic Community Plan

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

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

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Shire of Dardanup Standing Orders Local Law 2014 S4.9 allow for the submission of Petitions to Council.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.2B) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Petition – A Rate Freeze for the Shire of Dardanup
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Financial Risk that long-term Rates Freeze may severely impact future budgets, and Council’s operations including delivery of services.</p> <p>Legal and Compliance Risk of non-compliance with Council Resolution 30-20 which requested the CEO to prepare a report on the petition.</p> <p>Reputational Risk that Council’s reputation may be negatively impacted if no report is provided to Council addressing the Rates Freeze Petition.</p>

Officer Comment

Responses for each matter presented within the Petition is provided below.

- *Long Term Rate Freeze on Rates.*

Council is conscious of the impact of rate increases on the community and has endorsed a 0% rates increase for the 2020/21 Annual Budget.

At the Ordinary Council Meeting dated 25 March 2020, Council resolved [66-20] the following:

THAT Council, in addition to forecast growth:

1. *Endorse a projected rate revenue increase of 0 % for the 2020/21 budget, with a 0% increase in minimum rates;*
2. *Endorse a projected rate revenue increase of 0%, 3%, 4% and 4% for the four year Corporate Business Plan; and*
3. *Endorse a projected rate revenue increase of 4% for years five to fifteen of the Long Term Financial Plan.*

In May 2019 Council endorsed a 4% rates increase for the four years commencing 2019/20, 2020/21, 2021/22 and 2022/23 [142-19), and consequently, the 2019/20 Annual Budget was adopted with a 4% rates increase. As a result of recent and ongoing impact of COVID-19, the 2020/21 Annual Budget is forecast to be adopted with a 0% rates increase.

In comparison, the 2019-2029 Long Term Financial Plan adopted by Council considered a rate increase of 5% for 20/21 and 6% for 21/22 onwards. Council also requested the CEO undertake a review of the Long Term Financial Plan during 19/20 with an aim to keep rate increases for the next four years below 4%.

The reduced rate increase, from a projected 5% to 0%, will have a significant impact on Council ratepayers, particularly as we progress through the unprecedented impacts of COVID-19. It is also likely that the reduction in forecast rates revenue from 6% down to 3% and 4% will have an effect on the services and projects that Council delivers. However, Council is committed to providing a balanced budget to the community that incorporates realistic outcomes, better services and continual monitoring and review of Council's expenditures and revenues.

- *Substantial reduction of Employee Costs by a minimum of ten percentage points*

Employee costs include all costs associated with the employment of a person including, but not limited to, salaries, wages, allowances, superannuation, employment expenses, worker's compensation insurance, training costs and conferences, medical examinations and fringe benefits tax.

The 2019/20 Annual Budget was adopted with forecast 118.97 Full-time Equivalent Staff (FTE's). In June 2019 Council also endorsed the workforce plan that would see the FTE's increase to 120.17 by 20/21, 132.57 by 23/24 and 142.17 by 28/29.

The 2020/21 Workforce Plan presented to Council as part of this agenda, proposes reduced staffing levels with a forecast budget provision of 115.57 FTE's for the 2020/21 financial year. This will effectively mean about 4% reduction in previously projected staff. Overall projected FTEs has been reduced to be 116.97 by 23/24 and 126.37 by 28/29. This is an overall reduction in projected staff levels of 15.4 FTEs (12%) by 23/24 and 14 FTEs (11%) by 28/29.

Council is mindful of the perception of high employee costs in relation to Council operations, however, it should be noted that many of the ratios are subjective. Whilst employee costs may appear high in relation to expenditures or revenues, the current workforce structure provides for 'in-house' business related solutions and an ongoing commitment to specialised business improvement, amongst other initiatives.

- *Contract out essential works to local businesses such as road maintenance and sell heavy machinery and equipment so reducing overheads and staff costs*

Council currently employs 11 full-time Transport employees whose hours are budgeted across both Road Maintenance and Capital Road Works Programs. The outside workforce numbers are forecast to be retained at 11 FTE's over the next four years. The remainder of Councils Transport Construction works is outsourced to suppliers or contractors compliant to Council's Procurement Policy – CPO34 – Procurement Policy and in accordance Request for Quotation processes and legislated tender requirements.

Many of the major works projects are contracted to suppliers awarded through Council's tender process. Public tenders are called for works over \$150,000. Suppliers can register their interest in Council's public tender processes through the Tenderlink portal at www.tenderlink.com/dardanup/ or via Council's website www.dardanup.wa.gov.au.

The balance of 'in-house' built works against 'outsourced' road works is a decision of Council. There is no evidence at present to suggest cost savings would be achieved if Council chose to contract out its

Road Maintenance program. At times, the opposite may apply. Council's engineering staff and the works team have a high level of skills, experience and knowledge that is applied to all budgeted road projects, and where necessary, specialised skills and services are outsourced using Council's purchasing principles in the Procurement Policy including obtaining best value for money.

Council's heavy plant and equipment purchases are budgeted through the annually adopted Plant and Vehicle Asset Management Plan. When acquiring or replacing plant and equipment, Council has the option to purchase outright, lease or hire. The majority of plant is purchased, however several plant items are hired throughout the year 'with' or 'without a driver', depending on the expertise and skill required for the project. If Council wished to outsource the Plant Replacement program, it's likely an overhead component would still be incorporated as part of the contracted works. Council staff are continually assessing the benefits and risk associated with purchase acquisition versus leasing requirements, evident in recent leasing arrangement for other equipment – for example, Eaton Recreation Centre equipment which was part leased, part purchase; photocopier leases.

- *Reduce by minimum of thirty percent the proposed Council Offices building plans including removal of rentable office space which could add to local vacancy rates and takes possible tenants away from local landlords*

Council in 2018 endorsed draft concept plans to allow the construction of a new civic building of approximately 6,000m² that will include the following community, civic and commercial facilities:

- Public Library;
- Makerspace;
- Community Meeting Places;
- Community Function Rooms (Halls);
- Shire Administration Offices; and
- Small Commercial / Retail Space.

Only about 360m² of space will be available for retail/commercial use and up to about 620m² for office space. Within the broader context of the Eaton Fair Activity Centre Precinct there is 22,706m² of space available for retail/commercial. The recently amended Eaton Fair Activity Centre Plan will also allow for the extension of Eaton Fair to provide an additional 9,500m² of retail space resulting in a total of 32,744m² of retail. The 320m² of retail commercial space that the Shire is intending to make available as part of its building is therefore considered to be insignificant, being less than 1% of the overall retail provision, in the context of the Eaton Fair Activity Precinct. As such it is considered that the effect of the proposal in this regard is negligible.

With regards to the proposed office space, whilst there is currently limited office space available within Eaton, the previous iteration of the Eaton Fair Activity Centre Plan planned to create 4,000m² of office space where the new Shire building is now proposed. As such the effects and impacts of the proposal will be positive in that it may still make some flexible office space (620m²) available in the short and medium term, but it does not cater for the overall demand for office space within Eaton. As such the building will still allow the private sector to provide for the majority of office space demand within the district.

It should be noted that the final plans for the building have not yet been drafted and that this forms part of the overall design and construction tender process.

- *Pull back on funding of all special interest group activities such as free films and classes.*

These programmes and activities have been particularly well received during the COVID 19 response and will be seen as ever more important in the recovery stages as we rebuild our community connections. The #IHeartDardanup Facebook group and programmes run through it has showed the how valuable these programmes are at creating connection between the community and also supporting community members to engage.

Considering the current response to COVID 19 it is therefore recommended that Council considers increasing support to these programmes to reactivate the community and economy post the pandemic.

- *Scrap non-essential public space improvements,*

It is unclear as what would be considered non-essential public space improvements. The Parks and Reserves Asset Management Plan presented to Council as part of this Agenda provides for specific proposals to improve current parks and reserves. It should be noted that within Eaton and Millbridge there is a Specified Area rate that relates to maintenance and improvements and additionally there are also specific contributions received for the improvement of parks and reserves within the area.

Council Staff have developed an overall level of service for Parks and reserves which is used to consider the appropriate facilities within each reserve. This will continue to be reviewed and improved over time as further iterations aim to improve the correlation between Community need and Shire facilities.

- *Reduce all Councillor allowances*

Elected Member Allowances and Fees are set as per the Salary and Allowances Tribunal annually. The Shire of Dardanup falls within Band 3 of the Salaries schedule. Council adopted Policy CP042 that sets the fees for elected Members at 70% of the prevailing maximum Band 3 fees.

At the Ordinary Council Meeting dated 25 March 2020, Council in accordance with the policy resolved to set the Shire President and Elected Member *Annual Attendance Fees* at 70% of the prevailing maximum Band 3. The Shire President and Deputy Shire President *Annual Local Government Allowance* was also set at 70% of the prevailing maximum Band 3 value.

Below represents a table of recent budgeted Elected Member Fees:

Allowance Category	Adopted Budget		*Not Yet Adopted (Draft)
	2018/19	2019/20	2020/21
	\$	\$	\$
<i>Increase/(Decrease) from previous year</i>	-	+ 1%	<i>No Increase</i>
Annual Attendance Fees – Shire President	17,564	17,739	17,739
Annual Attendance Fees – Elected Members	11,344	11,457	11,457
Local Government Allowance – Shire President	25,614	25,870	25,870
Local Government Allowance – Deputy President	6,403	6,467	6,467
Annual Telecommunications Allowance (ICC)	2,450	2,450	2,450

It should be noted that Elected Members dedicate an enormous amount of time in representing the community, attending meetings and forming part Council's key decision making process. In addition to monthly Council meetings, Councillors are also required to attend various committee meetings, workshops and engage with their local community. The remuneration does not equate to the time a Councillor dedicates to their Elected Member role.

- *Remove employee perks such as cars and fuel, maintaining fewer vehicles reserved only for essential Shire purposes.*

Vehicles are considered an important part of daily operations for the Organisation. In 2017, Council requested the CEO to undertake a significant review of Shire vehicles and to prepare a policy in this regard. As a result Council adopted Council Policy CP122 – *Private use of Motor Vehicles – Principal Compliance Officers*. This policy provides the basis for vehicles being made available for private use and recoups some of the costs where appropriate.

- *All funds already on deposit for non-essential building plans should be reallocated to keep rates frozen for the long term*

Council's Building Asset Management Plan (BAMP) incorporates the 10 year capital and renewal replacement of all Council owned buildings. Similar to other Council Asset Management Plans, the BAMP is adopted annually by Council and is incorporated into the Long Term Financial Plan and draft Annual Budget, compliance to *Council Policy CPO18 – Corporate Business Plan & Long Term Financial Plan* which sets out the parameters for Council to follow.

What is considered 'non-essential' is subjective and open to interpretation, however the capital building projects forecast to be scheduled for 2020/21 are majority funded through grant funding and external contributions. Furthermore the impact of COVID-19 has also influenced the priority project listing for Council's 10 year Building program.

Council Staff have developed an overall level of service for Council buildings which is used to consider the appropriate facilities for each building upgrade and renewal. This will continue to be reviewed and improved over time as further iterations aim to improve the correlation between Community need and Shire facilities.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council notes the responses to matters raised in the petition that requested the Shire of Dardanup to undertake a long term freeze on rates, as included in the report.

12.3 Title: New Eaton Skate Park Funding and Project Timing

Reporting Department: Corporate & Governance Directorate
Reporting Officer: Mr John Kowal - Manager Sport & Recreation
Legislation: Local Government Act 1995

Overview

This report is to provide Council with information relating to the current status of the new Eaton Skate Park project, grant funding applications and funding implications for the development of the new Eaton Skate Park.

Background

The item regarding the development of a new Eaton Skate Park on the southern side of the Eaton Boomers Football Club premises was presented to Council on the 14 August 2019. At the Council meeting the Council resolved [241-19] as follows:

“THAT Council:

- 1. Receive the Eaton Skate Park Consultation and Concept Design Report – July 2019 produced by Skate Sculpture and New Line Skateparks (Appendix ORD: 12.2).*
- 2. Endorse the design and preliminary costing of the Eaton Skate Park as a basis for seeking external funding support for the project.*
- 3. Endorse the Eaton Skate Park Pump Track as a potential Stage 2 element, subject to seeking external funding support for the component.*
- 4. Include the building of a new Eaton Skate Park and Pump Track in the Parks & Reserves Asset Management Plan for 2020/21.”*

At the same Council meeting, Council endorsed (resolution 240 -19) the construction of the new Eaton Skate Park and Pump Track as its number one priority for the 2020/21 Community Sport and Recreation Facilities Funding (CSRFF) application to the Department of Local Government, Sports and Cultural Industries. Subsequently a CSRFF funding application was submitted to the DLGSCI for the amount of \$250,000 and in February 2020 the department advised the Shire that its CSRFF grant funding application had been unsuccessful.

In accordance with the abovementioned Council resolution, a funding grant application was also submitted to Lotterywest for \$650,000 and in March 2020 Lotterywest advised that the Shire had been successful in being granted \$290,000. A funding grant application was also submitted to the Federal Safer Communities funding grants for \$80,000 for the supply and installation of lighting and Closed Circuit Television and the outcome of this grant funding application will not be known until approximately June 2020.

The financial implications regarding not receiving funding or not receiving the total amount of funding requested from the funding grants as submitted to DLGSCI and Lotterywest is detailed later in this report.

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

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

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

Council provide for various infrastructure projects as per its Long Term Financial Plan and various Asset Management Plans. Council staff have also previously undertaken various Federal and State funding grant applications for various infrastructure projects.

Budget Implications

The development of the new Eaton Skate Park facility is included in the current 2020/2021 Long Term Financial Plan (LTFP), with a total budget of \$1,000,000. The LTFP identified a contribution from Council of \$250,000 and \$750,000 in grant funds which was to be sourced from the DLGSCI (CSRFF), Lotterywest and any other possible funding sources.

The estimated project costs are summarised in Table 1 below.

Table 1

DESCRIPTION	COST ALLOCATION
Balustrades	\$20,000.00
Drink fountain x 1	\$6,000.00
Shade Shelters x 2 including concrete base	\$24,000.00
Landscape wall	\$50,000.00
Concrete path connections (excludes sidewalk)	\$11,100.00
Lighting and CCTV	\$80,000.00
Bin Enclosures x 2	\$6,000.00

DESCRIPTION	COST ALLOCATION
Trees in planting	\$20,000.00
Planting soil, mulch, irrigation	\$8,050.00
Irrigation connection	\$3,500.00
Skate park	\$654,625.00
Pump track	\$50,000.00
Detailed design	\$60,000.00
SUB TOTAL	\$993,275.00
6% regional allowance	\$56,596.50
GRAND TOTAL	\$1,049,871.50

Funding grant applications were submitted to the DLGSCI CSRFF requesting \$250,000 in grant funding. Unfortunately, DLGSCI advised that the Shire was unsuccessful in its application. A funding application was also submitted to Lotterywest requesting \$650,000 in funding with Lotterywest recently informing that the Shire had been successful and Lotterywest would provide \$290,000 in funding of the \$650,000 requested. Grant funding application for \$80,000 for the supply and installation of lighting and CCTV was also submitted to the Federal Safer Communities Funding and the outcome of this funding submission will not be known until about June 2020.

Considering the above information, Table 2 provides the details of the funding requirements for the project.

To ensure that the project can proceed in 2021/22 additional financial contribution will be needed from Council. Together with the Lotterywest grant funding of \$290K, the balance of the funding would need to be \$710K. Council could fund the project with \$500K derived from the Building Reserve Fund and \$210K derived from the developer contribution of cash-in-lieu for Public Open Space. Ministerial approval will be required to use funds from the cash-in-lieu for Public Open Space. Table 2 below provides a summary of the funding.

Table 2

FUNDING SOURCE	PROJECT FUNDING
Lotterywest	\$290,000
Shire of Dardanup	
Cash-in-lieu for Public Open Space	\$210,000
Building Reserve Fund	\$500,000
Total	\$1,000.000

Budget – Whole of Life Cost

Should the new Eaton Skate Park be constructed, there will be an ongoing cost implication of constructing a new skate park, which includes maintenance, lighting and CCTV monitoring.

Council Policy Compliance

Current Council Policy CP074 – *Asset Management*.

Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.							
Risk Event	Construction of New Eaton Skate Park						
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)						
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.						
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.						
Risk Category Assessed Against	<table border="0"> <tr> <td>Financial</td> <td>There’s a possibility that there may not be adequate grant funding available for the project.</td> </tr> <tr> <td>Service Interruption</td> <td>There is a possibility that the new Eaton Skate Park may not be constructed due to lack of grant funding that may result in a skate park not being available to the public in Eaton.</td> </tr> <tr> <td>Reputational</td> <td>There is a possibility of negative public reaction if the new Eaton Skate Park cannot be constructed.</td> </tr> </table>	Financial	There’s a possibility that there may not be adequate grant funding available for the project.	Service Interruption	There is a possibility that the new Eaton Skate Park may not be constructed due to lack of grant funding that may result in a skate park not being available to the public in Eaton.	Reputational	There is a possibility of negative public reaction if the new Eaton Skate Park cannot be constructed.
Financial	There’s a possibility that there may not be adequate grant funding available for the project.						
Service Interruption	There is a possibility that the new Eaton Skate Park may not be constructed due to lack of grant funding that may result in a skate park not being available to the public in Eaton.						
Reputational	There is a possibility of negative public reaction if the new Eaton Skate Park cannot be constructed.						

Officer Comment

The Shire embarked on an overall vision for its Civic, Community, Sport and Recreation Precinct. The objective of this precinct is to provide for the relocation of the district-level civic and community facilities to a location on the edge of the Town Square with an outlook to the Glen Huon Reserve. This overall vision included 3 stages to the delivery of this precinct. The components of the precinct includes the development of district level sport and recreational facility, Skate Park and children’s playground, library and civic buildings.

In 2017, the Shire developed Stage 1a which delivered the Eaton Recreation Reserve upgrade. This included the upgrading of the Glen Huon oval, building the Eaton Boomers Football Club Rooms, Function Centre and change rooms, and building the Bunbury & Districts Softball Associations Function Centre and Clubrooms. Stage 1b delivered a children’s playground in 2018.

Stage 2 proposes a new Skate Park and Pump Track to be constructed between the Eaton Boomers Football Club Rooms and the children’s playground. Stage 3 will complete the Civic and Community Precinct with the proposed new Library, Community and Civic Centre.

The Skate Park and Pump Track is an important project and is integral to the overall development and will also be one of the drawcards to what will be a fantastic area for all of the community to utilise. Officers are therefore recommending that Council support the request to the Minister of Planning to spend \$210,000 of Cash in Lieu contributions on the Skate Park and Pump Track and to increase the Shires contribution from \$250,000 to \$500,000.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Retain the construction of the Eaton Skate Park and Pump Track project in the 2020/21 budget.**
- 2. Approve contribution to the Eaton Skate Park and Pump Track project of \$210,000 from the cash in-lieu contribution for Public Open Space and \$500,000 from the Building Reserve Fund.**
- 3. Request the Chief Executive Officer advertise for tenders for the construction of the Eaton Skate Park and Pump Track.**

12.4 Title: Management Order Request – Lot 5 on Deposited Plan 411396, Picton East – Lot 1000, 10001, 1002, 1003 on Deposited Plan 417241, Crooked Brook – Lot 277 on Deposited Plan 55435 and Lot 6250 on Deposited Plan 3443, Burekup

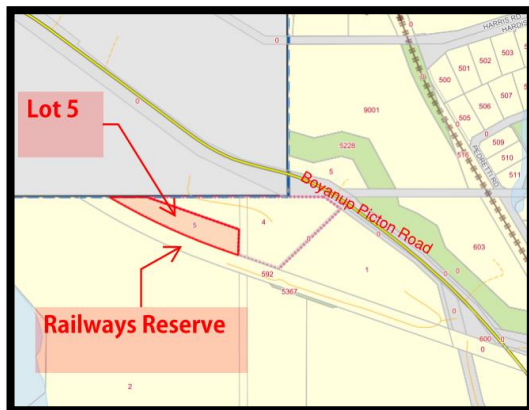
Reporting Department: Corporate & Governance Directorate
 Reporting Officer: Mrs Cecilia Muller - Principal Planning Officer
 Legislation: Local Government Act 1995

Overview

Council has received correspondence from the Department of Planning, Lands and Heritage (DPLH) requesting whether the Shire will be willing to accept the management of the following reserves:

1. Lot 5 on Deposited Plan 411396, Picton East. As a result of a freehold subdivision, Lot 5 was ceded to the Crown for 'Conservation of Flora and Fauna'. Officers have considered the request from the DPLH and are recommending that Council does not accept the Management Order.
2. Lot 1000, 1001, 1002, 1003 on Deposited Plan 417241, Crooked Brook. As a result of a freehold subdivision, the lots were ceded to the Crown for 'Drainage'. Officers have considered the request from the DPLH and are recommending that Council accept the Management Order.
3. Lot 277 on Deposited Plan 55435 and Lot 6250 on Deposited Plan 34443, Burekup. As a result of a freehold subdivision, the lots were ceded to the Crown for 'Pedestrian Access Way'. Officers have considered the request from the DPLH and are recommending that Council accept the Management Order.

Location Plan – Lot 5

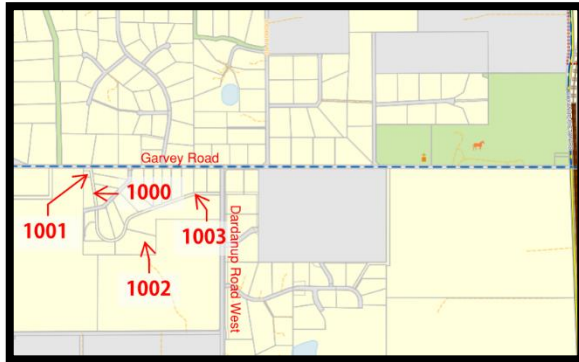


Site Plan – Lot 5



Background

Location Plan – Lot 1000, 1001, 1002, 1003



Site Plan – Lot 1000, 1001, 1002, 1003



Location Plan – Lot 277 and 6250



Site Plan – Lot 277 and 6250



- **Lot 5**

Council has received correspondence contained in (Appendix ORD: 12.4A) from the DPLH requesting whether the Shire will be willing to accept the management for the proposed reserve. Lot 5 is zoned “General Industry” under the Shire of Dardanup Town Planning Scheme No. 3 and is 16750m² in size. On 23 January 2015, the Western Australian Planning Commission (WAPC) approved the subdivision of Lot 520 Boyanup - Picton Road, Picton. The subdivision approval WAPC No: 150564 was a conditional approval with conditions 4, 5, 6 and 7 relating to Lot 5. The conditions were to be cleared by the Department of Parks and Wildlife (now Department of Biodiversity, Conservation and Attractions); a copy of the WAPC approval is contained in (Appendix ORD: 12.4B).

- **Lot 1000, 1001, 1002, 1003**

Council has received correspondence contained in (Appendix ORD: 12.4C) from the DPLH requesting whether the Shire will be willing to accept the management for the proposed reserve. Lots 1000, 1001, 1002 and 1003 are zoned “Small Holding” under the Shire of Dardanup Town Planning Scheme No. 3 and forms part of the Structure Plan area known as Amendment No 1 - Lot 503 Garvey Road, Crooked Brook which was endorsed by the WAPC on 20 March 2020. The lots are identified on the Structure Plan for Drainage Reserves. This WAPC approval of the subdivision WAPC No: 151949 on 2 March 2016 of Lot 503 Garvey road, Crooked Brook was a conditional approval with conditions 12 requiring drainage reserves for drainage infrastructure being shown on the diagram granted free of cost and vested with the local government.

- *Lot 277 and 6250*

Council has received correspondence contained in (Appendix ORD: 12.4D) from the DPLH requesting whether the Shire will be willing to accept the management for proposed reserves. Lots 277 and 6250 are zoned "Residential" under the Shire of Dardanup Town Planning Scheme No. 3. On 22 November 2006, the WAPC approved the subdivision of Lot 303 O'Meara Drive, Burekup. The subdivision approval WAPC No: 132397 was a conditional approval with conditions 1 requiring an eight-meter wide dual use path reserve to segregate Lots 276, 269 and 270 from Reserve 47036. The subdivision was conditioned with the developer needing to construct the dual use path prior to clearance of the subdivision. Lot 6250 was created as a pedestrian access way (approximately 3m wide) under WAPC No: 112753 on Deposited Plan DP 34443. The intent of this was to prevent access onto Shenton Road.

Legal Implications - None.

Strategic Community Plan

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

Environment

- *Lot 5*

Information received from the Shires Environmental Officer confirms that vegetation on Lot 5 appears to be Banksia woodland, which is threatened and listed under Federal Act. There are several locations of declared rare flora on Lot 5 as well.

- *Lots 1000, 1001, 1002 and 1003*

The small north-western reserve contains no significant vegetation. The entire area was revegetated after the realignment of the drain. The large southern drainage reserve contains some planted eucalyptus trees. The remainder of the area was revegetated with local endemic wetland species. Revegetation was completed at subdivision.

- *Lots 277 and 6250*

These lots are narrow lots that have been developed for footpaths.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost

Ongoing management and maintenance costs will need to be considered in the Shire Asset Management Plans. However, both Lot 277 and 6250 have been developed for footpaths purposes, which the Shire currently manage and maintain, as identified in the Pathway Asset Management Plan.

Council Policy Compliance - None.

Risk Assessment

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

Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.	
Risk Event	Management Order Request
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	To manage this risk, it is recommended that Council accept the management of the drainage reserves and the public access ways, to ensure appropriate maintenance of it.
Residual Risk Rating (after treatment or controls)	Low (1 - 4)
Risk Category Assessed Against	<p>Health Mosquito breeding may occur in standing water if the drainage system is left unmanaged.</p> <p>Financial By not accepting management of the drainage reserve, the existing infrastructure is likely to be more costly to repair if it fails. It is noted that the footpaths are already being maintained at the Shire’s cost.</p> <p>Legal and Compliance The drainage reserves have been created in accordance with an endorsed structure plan at subdivision stage. If the Shire does not accept the management order, the Shire will not have the necessary access to the land to ensure the vegetation and infrastructure is properly maintained.</p> <p>Reputational Community perception may be that the Shire is responsible for the management of the land.</p> <p>Environment Unmanaged crown land could look untidy, create a fire risk, and the drainage system may not operate correctly if left unmanaged.</p>

Officer Comment

- Lot 5

On 23 January 2015, the WAPC approved the subdivision of Lot 520 Boyanup - Picton Road, Picton. The subdivision approval was a conditional approval with a condition requiring an environmental management plan to be prepared for Lot 5. The plan was to incorporate bush fire, revegetation, weed, pest and dieback management requirements. The plan was approved by the Department of Parks and Wildlife (now Department of Biodiversity, Conservation and Attractions -DBCA) in consultation with Department of Fire and Emergency Services to ensure the protection and management of the sites environmental assets. Officers consider that given the DBCA approved the management plan for Lot 5, they would also be the most appropriate agency to ensure implementation of the management plan and to ensure ongoing compliance with the plan meet the departments’ expectations. Therefore, Officers recommend that Council does not accept the Management Order over Lot 5 but instead advise the DPLH that it considers DBCA to be the lead agency in this respect.

- Lot 1000, 1001, 1002, 1003

These reserves provide a significant drainage function and management of the reserves by the Shire is necessary. At the time of subdivision, the Urban Water Management Strategy was approved based on the realignment of the drain by the developer with the understanding that the Gavin's Gully Sub B Drain through Lot 503 will be transferred to the Shire of Dardanup at subdivision. The drain has been realigned and is now located on Lot 1000 which is 3905m² and Lot 1003 which is 1.4472ha in size. Lot 1001 is 1534m² in size, and Lot 1002 is a 2.88ha in size. These two lots are drainage reserves that have been revegetated. Revegetation was completed to the satisfaction of the Shire at subdivision stage. Officers recommended that Council accept the Management Order over Lots 1000, 1001, 1002 and 1003 on Deposited Plan 417241, Crooked Brook to ensure ongoing maintenance of the drainage system.

- Lot 277 and 6250

Lot 277 and 6250 have been developed with footpaths that are currently managed and maintained by the Shire. Therefore, Officers recommend that Council accept the Management Order over Lot 277 and 6250.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Advises the Department of Planning, Lands and Heritage that Council is not prepared to accept the Management Order over Lot 5 Ferguson Road, Ferguson on Deposited Plan 404267. Council consider the Department of Biodiversity, Conservation and Attractions (DBCA) that approved the environmental management plan for Lot 5 at subdivision stage to be the lead agency to accept the Management Order over Lot 5.**
- 2. Advises the Department of Planning, Lands and Heritage that Council is prepared to accept the Management Order over Lot 1000, 1001, 1002, 1003 on Deposited Plan 417241, Crooked Brook.**
- 3. Advises the Department of Planning, Lands and Heritage that Council is prepared to accept the Management Order over Lot 277 on Deposited Plan 55435 and Lot 6250 on Deposited Plan 34443, Burekup.**

12.5 Title: National Redress Scheme (Participation of WA Local Governments)

<i>Reporting Department:</i>	<i>Sustainable Development Directorate</i>
<i>Reporting Officer:</i>	<i>Mrs Lucy Owen-Conway - Manager Place & Community Engagement</i>
<i>Legislation:</i>	<i>Local Government Act 1995</i>

Overview

This item is recommending that the Council:

- Note the background information and the WA Government's decision in relation to the National Redress Scheme;
- Note the key considerations and administrative arrangements for the Shire of Dardanup to participate in the National Redress Scheme;
- Formally endorse the Shire of Dardanup's participation as part of the WA Government's declaration in the National Redress Scheme; and
- Grant authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.

Background

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector and the Shire of Dardanup will be required to consider leading practice approaches to child safeguarding separately in the future.

- *National Redress Scheme*

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme. The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019. Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

The Department provided an information paper on the National Redress Scheme for Institutional Child Sexual Abuse and is provided for in (Appendix ORD: 12.5A)

- *Consultation*

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019). The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;

- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020. The State's decision, in particular to cover the costs /payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

- *Details of Proposal*

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA Local Government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. *Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;*
2. *Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and*
3. *Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.*

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration. State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks endorsement of the Shire of Dardanup's participation in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire of Dardanup formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

Legal Implications

The Shire of Dardanup in agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act, 1995*.

Strategic Community Plan

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

Strategy 1.5.2 - Foster strategic alliance with major industry groups and government agencies. (Service Priority: High)

Environment - None.

Precedents - None.

Budget Implications

The State's decision will cover the following financial costs for Local Governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the Local Government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Participation in the National Redress Scheme
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Legal and Compliance Non-participation in the scheme would be a divergence from the Commonwealth, State, WALGA and the broader local government sector’s position, and the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit.
	Financial The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution.
	Reputational Non-participation in the scheme could result in potential reputational damage at a State, sector and community level.

Officer Comment

It is recommended that the Shire joins the Scheme in accordance with the State position and in line with the State directive.

The Shire of Dardanup will not be included in the State’s amended declaration, unless it formally decides to be included. The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State’s amended declaration.

The option also exists for the Shire of Dardanup to formally decide not to participate in the Scheme (either individually or as part of the State’s declaration). Should the Shire of Dardanup formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire of Dardanup include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector’s position on the Scheme (noting the Commonwealth’s preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State’s coverage of costs and administrative support, with the Shire of Dardanup having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, and without the administrative or financial coverage of the State.

Detailed below is a list of considerations for the Shire of Dardanup to participate in the Scheme:

1. *Executing a Service Agreement*

All Royal Commission information is confidential, and it is not known if the Shire of Dardanup will receive a Redress application. A Service Agreement will only be executed if the Shire of Dardanup receives a Redress application.

It is recommended that the Council gives authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. *Reporting to Council if/when an application is received*

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. *Application Processing/Staffing and Confidentiality*

Administratively the Shire of Dardanup will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements.

4. *Record Keeping*

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire of Dardanup's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. *Redress Decisions*

The Shire of Dardanup should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire of Dardanup do not have any influence on the decision made and there is no right of appeal.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA Local Governments.**
- 2. Endorses the participation of the Shire of Dardanup in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration.**
- 3. Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received.**
- 4. Notes that a confidential report will be provided to Council if a Redress application is received by the Shire of Dardanup.**

12.6 Title: Endorsement of Draft Greater Bunbury Regional Park Management Plan 2020

Reporting Department: Infrastructure Directorate
Reporting Officer: Ms Jackie Nichol, Environment Officer
Legislation: Local Government Act 1995

Overview

The Shire of Dardanup has received a request from Department of Biodiversity, Conservation and Attractions (DBCA) for formal Council Endorsement of the Draft Greater Bunbury Regional Park Management Plan 2020.

Background

The DBCA has been coordinating the preparation of a draft management plan for the proposed Regional Park, with assistance and input from relevant State and local government agencies, including the Shire of Dardanup. Shire staff represented on an inter-agency Working Group and Community Engagement working group, assisting with the preparation of the Draft Plan.

The regional park names (Preston River to Ocean Regional Park and Leschenault Regional Park) identified in the establishment plans for the parks were intended to be indicative. The draft management plan for the regional park, formally submitted for endorsement to the Shire of Dardanup on 27 March 2020, utilised 'Greater Bunbury' as a temporary name. DBCA undertook consultation with representatives from the Gnaala Karla Booja Native Title Working Group to identify a Noongar name for the regional park.

Council endorsed the name of the Regional Park to be changed to 'Kalgulup Regional Park' at its meeting held on 29 April 2020 (Resolution 89-20).

DBCA proposed a Memorandum of Understanding (MOU) that aimed to provide an interim management agreement for DBCA to access and undertake specific management activities on Crown Reserves vested and managed by the Shire (Shire's land) to complement the Shire's current objectives. The intention was that the MOU would be in place until the land tenure arrangements have been identified through the planning process and the agreed Crown Reserves are formally vested in the Conservation and Parks Commission, unless alternative arrangements are made.

Council endorsed the MOU at its meeting held on 26 February 2020 (Resolution 20-20) and the Shire and DBCA entered into this agreement in March 2020.

Following agency approvals, including the Shire of Dardanup, the Draft Greater Bunbury Regional Park Management Plan 2020 will be forwarded to DBCA's executive, the Conservation and Parks Commission and the Minister for Environment for endorsement and approval to release the plan for a minimum two-month public submissions period before being finalised.

The final management plan will be prepared based on comments received on the draft and will be referred to the Shire again for endorsement. The final plan will guide the management of the proposed regional park for 10 years. Note that the proposed land transfers detailed within the plan will ultimately require a Council resolution at some stage to take effect.

The formal request and the Draft Greater Bunbury Regional Park Management Plan 2020 are included in (Appendix ORD: 12.6A).

Legal Implications

There are no legal implications for endorsing the draft management plan.

Strategic Community Plan

Strategy 1.5.2 - Foster strategic alliance with major industry groups and government agencies. (Service Priority: High)

Strategy 2.1.1 - To protect and preserve open spaces, natural vegetation and bushland. (Service Priority: Very High)

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

Environment

Once the management plan has received feedback from the general public and been finally endorsed, the Shire will continue to work with DBCA to undertake environmental management projects in the region. Shire staff are expecting these projects to provide benefit to these areas and the opportunity to undertake some projects that perhaps may not have been able to be undertaken by the Shire.

The Shire planners have yet to resolve the exact boundaries within Dardanup, however, the *draft* plan proposes to jointly manage a number of key nature reserves within the Shire for recreation and environmental purposes. These reserves include the southern foreshore and bank of the Collie River, Pratt Road Reserve, Watson Reserve, Leicester Wetlands and Eelup Wetlands (The Elbow).

The management plan proposes changes for recreation and ecological management in these areas. As the plan is not approved as yet, the type of works proposed are:

- Controlling access in important areas of high ecological value, such as Eelup wetlands. This may include upgrading signage, pathways, considering ways to access views of the wetland as well as protecting habitat, such as installing bird hides and viewing platforms.
- Undertaking consultation to implement modifications to recreation and public use in different ways across the region, by connecting Dardanup reserves to other parts of the Regional Park. For example, upgrading pathways for different community uses like cycling, dog walking, etc.
- Undertaking weed control and pest management including trapping or baiting foxes and rabbits. This would be in accordance with state legislation and involve appropriate community engagement if undertaken in any public areas.
- Providing controls in some locations for domestic pets, such as installing fencing in high value areas and using gates and signage. Note, there are no proposed changes in the draft plan to alter dog off lead areas in the grass reserve dog off lead areas at Eaton foreshore, Pratt road, Watson reserve and the grass reserve at Leicester wetlands. Any future changes would involve discussions with the Shire, public engagement and consideration of local laws.
- Undertake revegetation works in high value reserves as necessary, including replanting, seed collection, direct seeding, etc. to improve environmental values and assets and protect flora and endangered species in the area.
- Consideration of fire access and mitigation works as per state government requirements, which the Shire already complies with.

- Community engagement including assistance with rubbish collection, revegetation and other activities to empower the local community to become more interested in protecting and conserving these areas.

All of these options will need to be considered by the Shire and DBCA in partnership and on a case-by-case basis once the Plan has been through public consultation and is finalised. Before this time, the Shire will continue to work with DBCA through the signed MOU already in-place, to commence some of these projects, again in consultation with Shire staff.

One particular proposal relates to the recommended change of Leister Reserve to the west of the lawn area to be a dog on lead area. The plan provides as follows on page 34:

It is proposed to change the off-leash areas of Leicester Reserve (outside of eastern landscaped areas), bushland areas of Watson Reserve and bushland areas of Clifton Community Reserve to on-leash dog areas. Several Dog Exercise Areas also occur next to or near the park²⁰.

It is understood that plan will be advertised for comment, as this has a direct impact on facilities provided by the Shire, Officers request Council's direction as to whether or not this would be supported, and if not, recommend that Council advise DBCA, that Council will only support a draft document where this proposal has been removed. The Officer Recommendation A provides an option for the latter.

Precedents

Council has been requested to endorse regional strategies and management plans on a regular basis, most recently the Bunbury-Wellington Cycling Strategy 2050.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - CP120 Environment.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.6B) for full assessment document.

Tier 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Endorsement of Draft Greater Bunbury Regional Park Management Plan 2020
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational Failure to support State Government election promises that may result in positive outcomes for the Shire.
	Environment Missing out on possible long term environmental benefits to the Shire by not endorsing the draft plan.

Officer Comment

Regional parks are areas of Regional Open Space (ROS) identified by statutory planning processes as having regionally significant conservation, landscape or recreation values, as specified under section 8E of the CALM Act. The Greater Bunbury Region Scheme (GBRS) is the statutory document that provides for the creation of the Greater Bunbury Regional Park, through the reservation of ROS.

Regional parks are important conservation and recreation areas that have been set aside under the planning system for the benefit of the local and regional community. Regional parks across the state are managed jointly across state government, local government and other land managers. The Kalgulup Regional Park is an important proposal for the greater Bunbury region and has direct, positive consequences for the Shire and community.

The draft management plan is intended to be a non-binding strategic guide for the Shire that allows for DBCA to work with the Shire to manage these areas for the wider benefit of the region, both for improving the environment of these areas but also to allow for greater recreational opportunities for all of the community. The Greater Bunbury Regional Park comprises a mosaic of lands around Bunbury and the Leschenault Estuary within the local government areas of the City of Bunbury, the Shire of Capel, the Shire of Dardanup and the Shire of Harvey (Map 1).

The Park covers an area of about 3,180ha and is fragmented into three general parts, being Leschenault, Preston River to Ocean and the Preston River link. The area within Dardanup falls with the Leschenault part, defined as:

- East and northeast of Bunbury mainly along the foreshores of the Leschenault Estuary and Inlet.
- The Collie and Brunswick rivers including the lands within the Leschenault Peninsula.

The park extends about 11km inland and eastwards up the Collie River from its mouth into the Leschenault Estuary, and another 7km northwards along the Brunswick River from where it meets the Collie River. It forms an almost continuous link along the foreshores of the estuary and the rivers, and includes land tenures; Crown reserves, unallocated crown reserve, Crown owned freehold land, road reserves, private property and local government lands.

The draft park plan is divided into 9 chapters, with strategies and objectives listed at the end of each chapter.

The Shire Parks and Gardens and Environment teams already undertake work across Shire reserves and waterways in line with the values and objectives of the Draft plan. With the implementation of the final Regional Park plan, the Shire will have more opportunities for funding and resourcing to continue such work. Once endorsed, the final plan will allow the Shire to work with state government to deliver projects that will benefit the whole environment, not just within arbitrary borders. For example, the Regional Park addresses all of the Collie river foreshore reserve, so the Shire will have greater opportunity to work with Harvey on recreational trails and cycling paths and conservation of Threatened Ringtail Possum habitat around the whole of the Lower Collie not just Shire foreshore.

Working with the State government, who has a strong focus on community engagement, also provides opportunities for the Shire to better engage with recreational projects across the region that will benefit the Shire long-term. The relationship provided by the adopted plan will allow the Shire to potentially engage with community better and encourage greater tourism and recreational projects within Shire lands. The networks and agencies involved with the future regional park will allow for Best Practice environmental management activities to be implemented, and for Shire staff to seek funding and grants for future conservation projects.

The Draft plan therefore gives the Shire staff a chance to work with local and state agencies across the wider Bunbury region in a coordinated and strategic manner. It will provide the Shire community with greater links to regional activities, values and opportunities to volunteer and be part of this vibrant greater Bunbury project in future.

DBCA has been coordinating the creation of this draft management plan since 2018. Shire staff have been actively involved in this process, including meeting in 2019 to consider land tenure amendments in light of the future management of the lands that are within Shire jurisdiction as well as the proposed Regional Park. As yet, these proposed future land tenure arrangements have not been formally considered by Council. In the interim, the Shire and DBCA formally signed a Memorandum of Understanding to enable both stakeholders to undertake management works on those Shire lands that may in future be relinquished. This arrangement allows the Shire to work with DBCA on protecting the flora and fauna values listed above, controlling feral animals, weeds, and providing recreation and education opportunities for the community until the final management plan can be endorsed.

DBCA have now concluded the preparation of the draft management plan, which proposes that the old Greater Bunbury Regional Park areas be amalgamated into the Kalgulup Regional Park, and the Shire continue to work with DBCA to manage this regional asset. Maps of the regional park are included in the draft plan.

Council Role - Review.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION 'A'

THAT Council:

1. **Endorses the Draft Greater Bunbury Regional Park Management Plan 2020 to proceed to the public consultation phase subject to the following changes:**
 - a) **That the section of the proposal on page 34 with regards to Leicester Reserve and Watson Reserve be removed to read as follows:**

~~"It is proposed to change the off-leash areas of Leicester Reserve (outside of eastern landscaped areas), bushland areas of Watson Reserve and bushland areas of Clifton Community Reserve to on-leash dog areas. Several Dog Exercise Areas also occur next to or near the park²⁰.~~
2. **Continues to work with the Department of Biodiversity, Conservation and Attractions through the current Memorandum of Understanding to implement environmental management in the Regional Park area within Shire of Dardanup boundaries.**

OR

OFFICER RECOMMENDED RESOLUTION 'B'

THAT Council:

- 1. Endorses the Draft Greater Bunbury Regional Park Management Plan 2020 to proceed to the public consultation phase.**

- 2. Continues to work with the Department of Biodiversity, Conservation and Attractions through the current Memorandum of Understanding to implement environmental management in the Regional Park area within Shire of Dardanup boundaries.**

12.7 Title: New Policy – Tree Management Policy

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

Overview

A new Tree Management Policy has been prepared by Shire staff and is presented to Council for adoption.

Background

The current policies with regard to tree management are now overdue for revision and the new Tree Management Policy is being presented now to address this review as well as to improve efficiencies and consistency in dealing with tree requests in the future.

Staff have identified that there is a need for a consistent approach to be applied to trees, particularly relating to requests for street tree removal. The Shire receives a significant number of tree related requests and it is important to establish a consistent Shire position on trees, particularly if the Council wishes to maintain or improve on the urban canopy.

The following main points were identified as being important to maintaining a consistent approach to managing trees, and have formed the basis of the Policy:

- The Shire acknowledges that trees provide vital benefits for the community with sound social, environmental and economic values including playing an important role in increasing urban biodiversity, providing plants and animals with a favourable habitat, food and protection improving air quality and making communities healthier places to live
- The Shire accepts ownership and is responsible for the care, control and management of all trees on property owned or managed by the Shire. This includes, but is not limited to, the inspection, maintenance, removal and/or replacement of trees.
- The Shire does not accept ownership of trees situated on private property and/or non-Shire owned or managed land, and considered to be the responsibility of the private property owner or manager of the land on which the tree is located.
- Only the Shire can remove a tree on reserves or land under the care, control and management of the Shire, including street verges, unless specific permission is granted.
- Trees will only be removed for valid reasons and this will be clearly listed in the Policy.
- Trees will only be pruned by the Shire and for reasons clearly listed in the Policy.
- Trees that are removed will be replaced with a suitable tree at or near the same location.
- The Shire will support requests for additional street or reserve trees from residents and the community.

Legal Implications

The Shire has adopted Local Laws that allow for the issue of penalties to any person that damages or removes trees from Local Government property. Further to this, any costs associated with replacing a tree 'like-for-like' may also be at the person's expense.

The new Policy clarifies Council's position on trees, particularly those on land owned or managed by the Shire.

Strategic Community Plan

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

Strategy 2.1.1 - To protect and preserve open spaces, natural vegetation and bushland. (Service Priority: Very High)

Strategy 2.2.1 - To conserve natural resources. (Service Priority: High)

Environment

Trees provide vital benefits for the community with sound social, environmental and economic values and therefore the sound management of trees is essential.

Precedents

The policy manual is reviewed regularly.

CP061 – *Planting of Trees* has previously been endorsed by Council and the new Tree Management Policy CP021, if adopted, will supersede policy CP061 (Appendix ORD 12.7A).

CP065 - *Trees on Roads* – Responsibility for the removal of Fallen Trees has previously been endorsed by Council and the new Tree Management Policy CP021 , if adopted, will supersede policy CP065 (Appendix ORD: 12.7B).

Budget Implications

The inspection, maintenance, removal and or replacement of trees is managed within the Parks & Environment Budget. Council has also adopted an allocation in the Parks & Reserve Asset Management Plan for annual tree planting and renewal.

The ongoing costs of planting of trees can be managed effectively and its impact on the Shire budget minimised, through the following:

- Selecting the appropriate tree that is safe, reduces the need for regular pruning (if any at all), does not create excessive debris and will not cause a nuisance.
- Positioning the tree to eliminate the need for ongoing pruning, does not affect infrastructure and is safe.
- If necessary, the installation of root guards to prevent damage to assets.

Budget – Whole of Life Cost

The inspection, maintenance, removal and or replacement of trees is managed within the Parks & Environment Budget and is included as part of that budget annually.

Council has also adopted an allocation in the Parks & Reserve Asset Management Plan for annual tree planting and renewal.

The Policy states that the Shire accepts ownership and responsibility for all trees on land owned or managed by the Shire. As such, trees that the Shire accepts ownership of are therefore considered Shire assets. The Shire’s Assets team are planning to undertake the asset data capture of trees in coming years as part of the ongoing development of the Shire’s asset systems. This will enable the Shire to plan and program for any bulk street tree replacements and planting in future.

Council Policy Compliance

The new Policy will replace the following policies:-

- CP061 – Planting of Trees
- CP065 - Trees on Roads – Responsibility for the Removal of Fallen Trees

Risk Assessment

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

Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.	
Risk Event	Not adopting a tree management policy will continue to impact on staff resources therefore affecting efficiencies in service delivery.
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Adoption of Policy. Provision of consistent procedure to manage trees. Provide community education and information.
Residual Risk Rating (after treatment or controls)	Moderate (5 - 11)
Risk Category Assessed Against	Service Interruption Adoption of Policy. Provision of consistent procedure to manage trees. Provide community education and information.

Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.	
Risk Event	Not adopting a tree management policy will continue to enable inconsistency in the management of trees across the Shire therefore affecting the Shire’s reputation.
Inherent Risk Rating (prior to treatment or control)	High (12 - 19)
Risk Action Plan (treatment or controls proposed)	Adoption of Policy. Provision of consistent procedure to manage trees. Provide community education and information.
Residual Risk Rating (after treatment or controls)	Moderate (5 - 11)

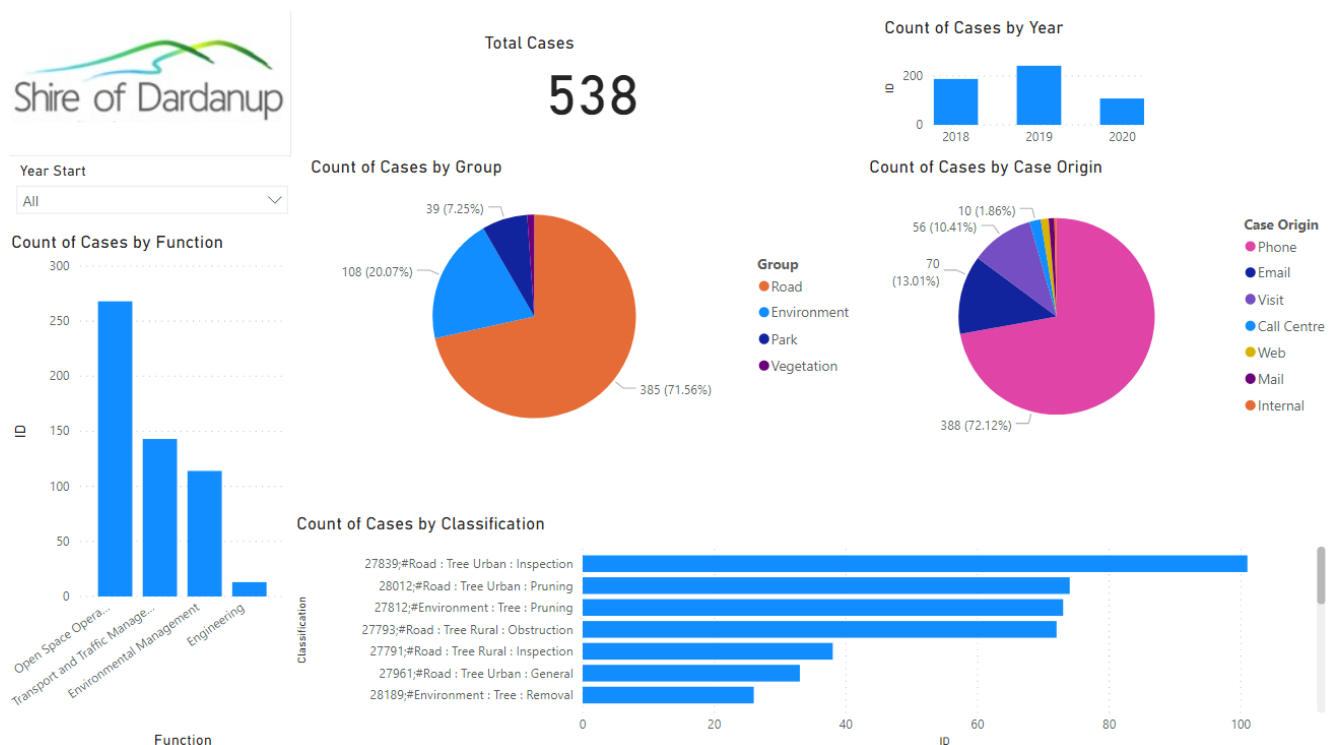
Tier 3 – ‘High’ or ‘Extreme’ Inherent Risk.		
Risk Category Assessed Against	Reputational	Adoption of Policy. Provision of consistent procedure to manage trees. Provide community education and information.
	Environment	Not adopting a tree management policy could impact the environment over time if there is not a decision making platform to retain maintain and plant trees.

Officer Comment

Through the ongoing commitment of the Shire to best practice and continual improvement the Infrastructure team have identified tree management as an area requiring Council policy to ensure efficiency and consistency in the delivery of services to the community. Tree Management currently consumes a considerable amount of staff resources on a daily basis. It has been identified that the provision of an overarching policy for the management of trees will provide a tool:-

- a. for Shire elected members and staff to work collaboratively with community to achieve goals in the provision of trees for the benefit of the whole of community.
- b. outlining a clear and consistent approach to the management of trees and the dissemination of information on this matter.
- c. that can be used to educate and inform the community about the importance of trees.

To provide the Council with a snapshot of the types and amount of customer requests that are received with regard to tree matters the following information has been extracted from our customer relations system (Fusion) for just over the past two years.



The 538 cases received equates to approximately five requests per week for staff to assess and attend to.

Each of the requests require the gathering of information by a customer service team member (it is noted that the majority of calls are received via telephone), an inspection by operations staff to assess the enquiry, implementation of the treatment requires and then a response to the customer. Together with the proposed Policy, Shire staff are in the process of developing a set of administrative procedures as well as a set of application forms for request and inspection purposes. It is also anticipated that the Shire website will inform residents about frequently asked questions and the Council policy on these matters, which will provide efficiencies and improvements to our service provision.

The data above also shows that there are a number of requests from residents for tree removal and pruning. This policy will provide clear direction to the staff and community to ensure that such works are considered carefully and that policy, and not precedents, are relied upon when dealing with tree management. It is proposed that trees will be allowed to develop their natural canopy and will not be pruned or removed except under the circumstances outlined in the policy.

The Policy is not intended to directly reduce the amount of tree enquiries or tree-related matters from the community but provide staff a consistent approach to dealing with requests, whether it be operational staff or customer service staff taking the enquiry in the first instance.

It is expected that the Policy will have an indirect impact on the number of requests through the following:

- The provision of the Policy and associated information sheets and FAQs to the community. This will enable residents to find answers to their enquiries, understand the Council's position on tree related matters and in many cases, will eliminate the need for those enquiries to be directed to the customer services staff, other staff and Councillors.
- It will provide guidance to customer services staff when they receive an enquiry and in many cases, be able to resolve matters without referring the matter further in the organization.
- Provide guidelines to staff when carrying out inspections of tree assets and developing tree maintenance, planting and replacement programs.

It is acknowledged that, at times, there are extenuating circumstances and that the Policy does allow the removal or modification of a tree in extenuating circumstances approved by the Chief Executive Officer. In these instances it is most likely that an investigation would be undertaken by Shire staff and external professional advice would be sought by a tree specialist.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council

1. **Deletes previous policies CP061 (Appendix ORD: 12.7A) and CP065 (Appendix ORD: 12.7B) and adopts the following reviewed Council policy CP121 Tree Management Policy as below:**
2. **Supports the delivery of a community education program to inform residents of the new Tree Management policy for the management of trees in the Shire.**



POLICY NO:-
CP121 – DRAFT Tree Management Policy

GOVERNANCE INFORMATION			
Procedure Link:	PR050 – to be drafted	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION					
History:					
Version:	1	New	OCM 27/05/2020	Res: TBA	Synopsis: Policy Created

1. RESPONSIBLE DIRECTORATE

Infrastructure

2. PURPOSE OR OBJECTIVE

To inform of the responsibility of tree management within the Shire.

3. DEFINITIONS

A tree under this policy is defined as:

A tree located on the road reserve, Crown land or other land that is under the care, control and management of the Shire.

A locally significant tree may be identified as:

A tree or a group of trees that hold particular cultural, heritage, environmental or scientific value (as per the National Heritage Trust Advisory document*). These trees may be significant due to their age, species, location, cultural significance, Biodiversity value (See National Heritage Trust document), habitat value (Habitat Trees)

4. REFERENCE DOCUMENTS

Council Policy CP057 – Residential Road Verge

Council Policy CP058 – Roadside Vegetation

5. POLICY

The Shire of Dardanup values all Shire trees as an integral part of the landscape, as providing vital benefits for the community with sound social, environmental and economic values.

The Shire accepts ownership and is responsible for the care, control and management of all trees on property owned and/or managed by the Shire. This includes, but is not limited to, the inspection, maintenance, removal and or replacement of trees.

The Shire does not accept ownership of trees situated on private property and/or non-Shire owned or managed land, and are considered to be the responsibility of the private property owner or manager of the land on which the tree is located.

5.1 Removal of Trees

Residents and ratepayers are not permitted to remove any tree on reserves or land owned or under the care, control and management of the Shire.

The Shire may remove trees on reserves or land under the care, control and management of the Shire, including those on street verges, if it is:

- An endemic tree, alive or dead, that is covered by an exemption to clearing permits, *under part V of the Environmental Protection Act of 1986*, or is subject to a clearing permit obtained from the Department of Environmental Regulation;
- A tree that is either:
 - Dead;
 - In a state of decline to the point that survival is unlikely;
 - Structurally unsound, to the point of constituting;
 - Damaging or likely to damage property, where alternatives to prevent damage are not possible;
 - Part of a tree replacement program;
 - Obstructing a Council approved works program, such as road and drainage work;
 - Places the public at unacceptable risk; or
 - A landscape or planted verge tree that is not on the Shire's approved species list.

In the case of a landscaped or planted verge tree that is not on the approved species list and does not meet any other criteria for removal, those trees shall continue to be maintained by the Shire until such time it is removed and replaced under the Shire's tree replacement program.

The Shire may grant a person or a company written permission to remove a tree or trees on reserves or land under the care, control and management of the Shire, including those on street verges.

Trees will not be removed or modified for the following reasons, unless in extenuating circumstances as approved by the Chief Executive Officer:

- Leaf debris and any arboreal windborne material;
- Leaves, nuts, fruiting bodies, bark, roots;
- Shading of solar panels;
- Aesthetics and views;
- Fauna, including insects, birds and mammals.

The CEO may apply conditions to any such approval including but not limited to, the reimbursement of the costs for removing the tree.

The Shire will consider any advice provided prior to making a decision on any specific issue, but is not bound by the opinion of any individual.

Where a tree is removed on a street verge, the Shire will plant a replacement tree selected from the Shire's approved species list. In the case where the replacement tree cannot be planted in the same location as the removed tree, the Shire shall plant the replacement tree in a nearby position.

All requests are to be made in writing to the Shire by using the appropriate Application Form.

The Shire has adopted Local Laws that allow for the issue of penalties to any person that damages or removes trees from Local Government property. Further to this, any costs associated with replacing a tree 'like-for-like' may also be at the person's expense.

5.2 Pruning of Trees

Residents and ratepayers are not permitted to prune any tree on reserves or land under the care, control and management of the Shire.

Generally, trees will be allowed to develop their natural canopy and will not be pruned except under the following circumstances:

- Vehicle clearances;
- Pedestrian height clearance;
- Public Utility requirements;
- Maintaining property clearances;
- Protecting assets; or
- Other circumstances as approved by the Shire.

At times when pruning is required this will be undertaken in accordance with AS4373-2007, Council Policy, and any State legislation for protection of habitat for endangered species.

All requests for tree pruning are to be made in writing to the Shire by using the appropriate Application Form.

5.3 Maintaining Tree Health

Trees are living organisms and as such, may be subject to change over time due to natural processes including storms, infestations by particular organisms, fire, flood etc. Under such circumstances the Shire will consider the appropriate treatment.

All requests for maintenance of tree health are to be made in writing to the Shire by using the appropriate Application Form.

5.4 Requests for New/ Replacement Street Trees

- Tree Planting

The Shire is responsible for planting street and reserve trees under its annual tree planting program which includes requests from residents. The Shire will determine the species and select the location of the tree within the verge. Generally, one tree will be planted per property, while larger or corner properties may be subject to more.

- Street Tree Requests

Residents can request for a tree to be planted on the verge abutting their property through the Shire's tree request program. The Shire will assess the suitability of the verge,

determine the tree species and the location to align with services and infrastructure. The Shire is responsible for planting, staking, mulching, watering and pruning the tree.

5.5 Preservation of Locally Significant Trees

The Shire is committed to the preservation of locally significant trees and will keep a register of these trees and manage them appropriately.

5.6 Responsibility for Fallen Trees

Existing trees in reserves and other property may fall resulting in a safety risk to the public, damage to property and/or inconvenience thus requiring removal of the fallen tree(s). The responsibility for the removal and costs associated with the removal of fallen trees is as follows:

5.6.1 Trees that Fall onto a Shire Road

- Trees originating from Shire owned or managed land shall be removed from the road by the Shire for safety reasons. If the tree has fallen due to the actions of a person or company, the Shire will seek the reimbursement of costs from them. Otherwise, the Shire will remove the remainder of the tree from the verge.
- Non-native or planted (non-remnant) trees growing on private property and/or non-Shire owned or managed land shall be removed from the road by the Shire for safety reasons. The property owner or organisation responsible for the land on which the tree came from will be requested to remove the remainder of the tree. Reimbursement of costs is to be sought from them.
- Native and remnant trees growing on private property and/or non-Shire owned or managed land shall be removed from the road by the Shire for safety reasons. The property owner or organisation responsible for the land on which the tree came from will be responsible for the portion of the tree on their land and for any damage to their property.

5.6.2 Trees that Fall Affecting Private Property and/or Non-Shire Owned Property

- Trees originating from Shire owned or managed land shall be, removed by the Shire and the Shire will refer any claims for the repair of damaged property to its insurer.
- Trees originating from private property and/or non-Shire owned or managed land shall be arranged between the property owners with no apportionment of responsibility or cost to the Shire.

5.7 Claims for Compensation

Where a compensation claim is made against the Shire as a result of alleged damage to property resulting from a tree or part of a tree, the matter will be referred to the Shire's insurer for a full assessment. Council accepts no liability in the first instance.

12.8 Title: Waterloo Hall – Diggers Club – Termination of Lease

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

Overview

Council is requested to consider the relocation of the Waterloo Diggers Club Remembrance Wall and the Club's memorabilia following the termination of the Lease and dissolving of the Waterloo Diggers Club.

Background

The Waterloo Diggers Club have held a lease over the Waterloo Hall since 2000. There have been two renewals of the lease during the period, with the last lease agreement due to expire on 14 September 2020.

The Shire received correspondence from the Diggers Club on the 11 March 2020 (Appendix ORD: 12.8A) to advise that at their Special Meeting on the 2 February 2020, the Club had agreed to dissolve and as such terminate the lease with the Shire.

Legal Implications

The 2010-2020 Lease Agreement allows for early termination of the Agreement by either party, through mutual agreement as per Item 5.1A of the lease agreement.

Strategic Community Plan

Strategy 1.1.1 - To be equitable, inclusive and transparent in decision making. (Service Priority: High)
 Strategy 3.3.2 - Support volunteer groups within the Shire of Dardanup. (Service Priority: High)

Environment - None.

Precedents - None.

Budget Implications

Council has an annual lease fee of \$100 included in the 2019/20 budget and Long Term Financial Plan. Expenses associated with insurance are now paid for by Council, however utilities and maintenance of the Waterloo Hall will need to be paid for by the Council in the future.

Budget – Whole of Life Cost

The whole of life cost of the building asset is incorporated in the Building Asset Management Plan.

Council Policy Compliance - None.

Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Waterloo Hall – Diggers Club – Termination of Lease
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Legal and Compliance Compliance with lease terms
	Financial Loss of lease income and increased costs.

Officer Comment

The Diggers Club currently has a small memorial Wall located at the Waterloo Hall, as per the photos provided below.



In the correspondence received from the Diggers Club, the Club has requested that the plaques in the Remembrance Wall be relocated to the Dardanup townsite in the vicinity of the existing wall memorial.

At the Ordinary Council Meeting of the 26 June 2019, Council resolved to approve unbudgeted expenditure 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. This new plaque was to be mirrored on the other side of the current memorial. A copy of the Council Report is provided in (Appendix ORD: 12.8C). The new plaque has been created for the new Dardanup War Memorial and is now awaiting installation. The new plaque only allows for a further 2 names to be installed.

As the current Dardanup War Memorial project is currently underway, it is recommended that the Council now undertake negotiations with the Diggers Club to establish relocation of the plaques located currently at the Diggers Club to either the current Dardanup War Memorial site or another appropriate site within the Dardanup Townsite. Funding for the relocation of the Diggers Club Remembrance Wall would be considered unbudgeted expenditure and would therefore require Council approval for the works to be undertaken.

The Diggers Club have also indicated that they would like to donate the memorabilia currently housed in the Club to ensure its safe keeping and they would also like to see the Honour Boards located within the building also relocated to Dardanup.

Should Council be in support of the Diggers Clubs proposal, it is recommended that further investigation be undertaken by Council staff into the possible costings and funding sources for relocation of the

Diggers Club Memorial Wall and the relocation of Diggers Clubs memorabilia, with a report to be returned to Council for expenditure approval.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council request that the Chief Executive Officer:

- 1. Acknowledge the termination of the lease agreement with the Diggers Club for the Waterloo Hall, effective 11 March 2020.**
- 2. Undertake discussion with the Waterloo Diggers Club for the relocation of the Remembrance Wall Plaques to possible sites within Dardanup.**
- 3. Investigate and provide costings for the relocation project, with a report to be brought back to Council for further funding consideration.**
- 4. Undertake discussions with the Waterloo Diggers Club for the relocation of the Clubs memorabilia and Honors Boards to Dardanup.**

12.9 Title: Supporting Economic Stimulus within the Shire of Dardanup

Reporting Department: Sustainable Development Directorate
Reporting Officer: Ms Melanie Ring - Culture & Community Services Officer
Legislation: Local Government Act 1995

Overview

This purpose of this report is to request that Council approve the remaining funds from the 2019-2020 Community Grants budget be utilised for grant-related activity to stimulate the economy during and post COVID-19. Stimulus activities proposed are Small Business Quick Response Grants to support the reactivation of small businesses operating within the Shire of Dardanup; and the preparation of Economic Stimulus Package documentation to assist the Shire to apply for State and Federal stimulus grant funding.

Background

This request is unique and will be a once-off due to the current COVID-19 climate.

Legal Implications

None.

Strategic Community Plan

Strategy 4.1.1 - To create connectivity: Support business success by efficient movement and exchange of people, business, goods, services and ideas. (Service Priority: Moderate)
 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 3.2.1 - To encourage social connectedness in our community through participation in positive social networks, interaction and events. (Service Priority: Very High)
 Strategy 1.3.3 - Maximise Shire grant funding. (Service Priority: Flagship)

Environment - None.

Precedents - None.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.9A) for full assessment document.

Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Event	Supporting Economic Stimulus within the Shire of Dardanup
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)

Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).	
Risk Action Plan (treatment or controls proposed)	Not applicable.
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational Council's reputation could be impacted dependant on their decision on recipients' applications for grant funding.

Officer Comment

The need has been identified to support economic stimulus within the Shire of Dardanup during and post the COVID-19 pandemic.

Community Grants for 2019-2020 have recently been finalised (as per Council resolution 98-20) and the 2020/21 Community Grants round will open late July. The community grants scheme will allow eligible clubs and not for profit groups to apply for financial assistance. These grants do not support small business who have been impacted by the COVID-19 pandemic.

Further, the State and Federal Government have announced or brought forward a raft of grant funding programs to stimulate economic growth and development through additional job creation. In order to stimulate the local economy by creating additional construction and related jobs the Shire has identified a number of priority capital works projects that could be brought forward if external funding is attained. It is important to note that 15% of the Shire of Dardanup residents are employed within the construction sector. Stimulating this part of the economy will therefore build on the existing strengths of the local resident economy.

It is proposed that economic stimulus within the Shire of Dardanup be supported by utilising remaining funds from the remaining Community Grants budget as follows:

- \$20,000 to establish a Small Business Quick Response Grant to assist with the reactivation and economic stimulus of small businesses operating within our Shire, as per the criteria outlined below.
- \$7,500 to appoint a consultant to develop Economic Stimulus Package documentation designed to assist the Shire in seeking State and Federal grant funding for its priority capital projects.

Small Business Quick Response Grant Criteria

The maximum amount an applicant is entitled to apply for is up to \$2,500, with only one application per small business or association permitted. Applications will open 1 June 2020 with a closing date of 16 June 2020. This will ensure all funds are paid within the current financial year.

The assessment criteria is as follows:

- The applicant is an actively trading business with 0-19 employees (as per the Australian Bureau of Statistics definition of a small business).
- The business is located within the Shire of Dardanup.
- The degree that the business has been negatively impacted by the COVID-19 pandemic.
- The degree the business is contributing to the local economy.

- Evidence of how the proposed project or activity will:
 - assist the business to adapt to the changing needs due to the COVID-19 pandemic; and/or
 - assist in the reactivation of the small business through marketing, promotions, or other customer reactivation strategies.
- Additionally the applicant may also be an active association within that aims to provide broader support for small businesses within the Shire of Dardanup.

Eligible items include:

- Marketing and promotions.
- Purchase of minor equipment to facilitate required change of operations.
- Implementation of COVID-19 safety plans (e.g. purchase of hygiene products).

Ineligible items include:

- Projects or activities not directly related to the COVID-19 response.
- Staff salaries and wages.
- Rent, utilities and consumables.
- Normal operating costs.

The assessment of applications will be conducted by an internal panel chaired by the Director Sustainable Development, and include the Manager Place and Community Engagement and Community Services Officer.

Funds must be allocated to the successful small businesses by 30 June 2020. If applications are to be assessed through the usual process of being presented to the Grants, Awards and Scholarships Meeting and then an ordinary Council meeting, this will result in successful applicants not receiving funds for a minimum of two months. The importance of applications being assessed internally is to ensure small business owners are supported in line with the WA Government's COVID-19 roadmap phases, refer to (Appendix ORD: 12.9B).

The initiative will be promoted on the Shire's website, a direct email to small business, #IHeart Dardanup Facebook page, and E-Trailer. The Communications Officer will assist with the marketing of this initiative.

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Approves \$20,000 from Community Grants (GL 1119504) 2019/20 to be utilised for Small Business Quick Response Grants.**
- 2. Support the Small Business Quick Response Grants internal assessment process to be chaired by the Director Sustainable Development.**
- 3. Delegates authority to the Chief Executive Officer to distribute Small Business Quick Response Grants before 30 June 2020 following assessment of applications by the internal assessment panel.**
- 4. Approves \$7,500 from Community Grants (GL 1119504) 2019/20 to be utilised to appoint a consultant to develop Economic Stimulus Package documentation for the purposes of assisting the Shire in seeking State and Federal grant funding for priority capital projects.**

By Absolute Majority

12.10 Title: New Policy – CP098 - COVID-19 Financial Hardship Policy for Rates and Sundry Debtors

Reporting Department:	Corporate & Governance Directorate
Reporting Officer:	Mrs Natalie Hopkins - Manager Financial Services
Legislation:	Local Government Act 1995

Overview

This report is provided to Council to consider and adopt the proposed new CP098 COVID-19 Financial Hardship Policy for Rates and Sundry Debtors.

Background

The COVID-19 pandemic is an international, national and local issue that is having far-reaching impact on the community and this policy is aimed specifically at Council's ratepayers and sundry debtors who are experiencing hardship, resulting in their inability to meet their obligation to pay their outstanding rates and debtor accounts. The policy is designed to assist and support the community to meet the financial challenges arising from the COVID-19 pandemic.

On 15 March 2020, the World Health Organisation (WHO) declared COVID-19 Coronavirus a pandemic, which resulted in the Government of Western Australia declaring a State of Emergency and Public Health Emergency the following day. With the advent of the COVID-19 pandemic and subsequent imposition of a state of emergency, many members of the community are suffering financial hardship due to the loss of employment or the closure of businesses.

Council has already responded to the COVID-19 crisis by adopting a number of financial relief measures including the implementation of deferred payment plans on overdue rates and debtor accounts, and the waving of penalty interest on rates where a ratepayer is suffering financial hardship due to the pandemic. The policy presented to Council for consideration sets out guidelines and parameters on how the Shire of Dardanup will apply these relief measures, ensuring all members of the community are treated with respect and understanding in a fair and consistent manner.

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.*

6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may —*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or*
 - (b) *waive or grant concessions in relation to any amount of money; or*

- (c) write off any amount of money, which is owed to the local government.
* Absolute majority required.

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

6.49. Agreement as to payment of rates and service charges

A local government may accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.

Strategic Community Plan

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

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

Strategy 1.3.5 - Review rating strategies. (Service Priority: High)

Strategy 4.1.1 - To create connectivity: Support business success by efficient movement and exchange of people, business, goods, services and ideas. (Service Priority: Moderate)

Environment - None.

Precedents - None.

WALGA have recently encouraged Local Governments to assess the unique circumstances and challenges that ratepayers are likely to face as a consequence of COVID-19. This policy is based on a modified version of WALGA's Financial Hardship Policy Template.

Whilst Council does not currently have a Financial Hardship Policy; however, ratepayers and sundry debtors have the option of applying for a payment arrangement for overdue accounts via a Direct Debit Plan.

Budget Implications

The proposed new policy is designed to assist community members directly impacted by COVID-19 by offering some measure of relief around the payment of rates and sundry debtor accounts.

The financial implication of this policy is not able to be estimated at this point in time as the full impact of COVID-19 pandemic is yet to be realised. Any financial impact to the Shire will be assessed and accommodated in the formulation of the 2020/21 Annual Budget and through the 2020/21 Mid-Year Budget Review process.

Budget – Whole of Life Cost

The economic impact of COVID-19 on the community is expected to be extensive. Although the impact cannot be measured at present, it is likely COVID-19 will have a negative effect on Council's operations and may affect future budgeting processes. In recognition of the challenge in the delivery of future budgets, potential savings are being considered across all directorates.

Council Policy Compliance - None.

Risk Assessment

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

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	COVID-19 Financial Hardship Policy for Rates and Sundry Debtors
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Financial Risk of Council not receiving 2020/21 Rates Revenue in a timely manner may affect operational budget requirements for next financial year.</p> <p>Reputational The Shire may be perceived as uncompassionate, uncaring or indifferent if no policy is in place for ratepayers and sundry debtors affected by financial hardship due to the events surrounding COVID-19.</p>

Officer Comment

The impacts of the COVID-19 pandemic have already become evident within the Shire of Dardanup community, with both business and residents being affected, resulting in Council’s quick response to offer relief to those ratepayers and sundry debtors hardest hit. This policy provides direction on the application of the relief measures surrounding payment of rates and debtor accounts, and provides support for decisions based on the principles of equity, fairness and transparency.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council adopt CP098 - COVID-19 Financial Hardship Policy for Rates and Sundry Debtors as follows:



POLICY NO:-

CP098 COVID-19 FINANCIAL HARDSHIP POLICY FOR RATES AND SUNDRY DEBTORS
GOVERNANCE INFORMATION

Procedure Link:	NA	Administrative Policy Link:	NA
------------------------	----	------------------------------------	----

ADMINISTRATION INFORMATION

History:					
Version:	1		OCM 27/05/2020 Res: TBA	Synopsis:	Policy Created

1. RESPONSIBLE DIRECTORATE

Corporate & Governance

2. PURPOSE OR OBJECTIVE

To give effect to our commitment to support the whole community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Dardanup recognises that these challenges will result in financial hardship for our ratepayers and sundry debtors.

The COVID-19 Financial Hardship Policy outlines how the Shire will assist residential ratepayers and sundry debtors experiencing financial hardship. The Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers and sundry debtors suffering hardship, while treating all members of the community with respect and understanding at this difficult time.

The purpose of this policy is to:

- a. Enable a ratepayer liable for rates and service charges, who is experiencing financial hardship, to make application for assistance relating to any unpaid rates or service charges levied on their residential property under the Local Government Act 1995;
- b. Enable a person liable for outstanding sundry debtor charges, who are experiencing financial hardship, to make application for assistance relating to any unpaid charged billed through the Shire's sundry debtor system; and
- c. Ensure all rates and sundry debtors are treated fairly and consistently with respect and compassion when the Shire is considering their circumstances in recognising financial hardship.

3. DEFINITIONS

In the context of this Policy, the following terms shall be used.

TERM	DEFINITION
Financial Hardship	Where a change in a person's circumstances results in them being unable to pay rates and service charges, or a sundry debtor account, and if paying their rates or debtors account will affect their ability to meet their basic living needs - in short, if the debtor has the intention but not the financial capacity to pay.
Outstanding Rates and Service Charges	A rate or service charge that becomes due and payable as determined by the Local Government, but not earlier than 35 days after the date noted on the rates notice as the date the rates notice was issued.

TERM	DEFINITION
Overdue Rates	Rates that remain unpaid after they are due and payable are referred to as 'overdue rates' in this policy.
Payment Difficulties, Hardship and Vulnerability	Adapted from the Ombudsman Western Australia publication, Local government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance: http://www.ombudsman.wa.gov.au/
Rates Debtor	A rates debtor is defined as a ratepayer of the Shire.
Sundry Debtor	A sundry debtor is a person, corporation, business or other entity owing money to the Shire.

4. POLICY

This policy applies to:

- a. Outstanding rates and service charges (overdue rates) as at the date of adoption of this policy;
- b. Rates and service charges levied for the 2020/21 financial year; and
- c. Outstanding sundry debtor accounts as at the date of adoption of this policy.

It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason the Policy is not intended to provide rate relief to ratepayers or sundry debtors who are not able to evidence financial hardship and the statutory provisions of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* will apply.

- **Policy Statement**

4.1 Payment difficulties, hardship and vulnerability

Payment difficulties, or short term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.

Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Dardanup recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers and sundry debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner etc.

4.2 Anticipated Financial Hardship due to COVID19

We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that additional financial difficulties will arise when their rates are received in the 2020/21 financial year.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

4.3 Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment;
- Sickness or recovery from sickness;
- Low income or loss of income; and
- Unanticipated circumstances such as caring for and supporting extended family

Ratepayers and sundry debtors are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

4.4 Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable; and
- The ratepayer will be responsible for informing the Shire of Dardanup of any change in circumstance that jeopardises the agreed payment schedule.

In the case of severe financial hardship, we reserve the right to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).

4.5 Interest Charges

A ratepayer that meets the Financial Hardship Criteria and enters into a payment arrangement may request a suspension or waiver of interest charges. Applications will be assessed on a case by case basis.

4.6 Deferral of Rates

Deferral of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property; eligible pensioners must hold 100% equity in the property as per the *Rates and Charges (Rebates and Deferrals) Act 1992*. The deferred rates balance:

- Remains as a debt on the property until paid;
- Becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- May be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- Does not incur penalty interest charges.

4.7 Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan, then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.

Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the *Local Government Act 1995*.

4.8 Review

The Shire will establish a mechanism for review of decisions made under this Policy, and advise the applicant of their right to seek review and the procedure to be followed.

4.9 Communication and Confidentiality

The Shire will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.

The Shire will advise ratepayers of this policy and its application, when communicating in any format (i.e. verbal or written) with a ratepayer that has an outstanding rates or service charge debt.

The Shire recognises that applicants for hardship consideration are experiencing additional stressors, and may have complex needs. The Shire will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.

5. REFERENCE DOCUMENTS

Local Government Act 1995 – s6.44

Local Government (Financial Management) Regulations 1996

Rates and Charges (Rebates and Deferments) Act 1992

Ombudsman WA Report – Local Government Collection of Overdue Rates for People in Situations of Vulnerability: Good Practice Guide.

12.11 Title: Extension of Banking Contract – Provision of Banking and Bill Payment Services

Reporting Department: Corporate & Governance Directorate
Reporting Officer: Mr Phil Anastasakis - Deputy CEO
 Mrs Natalie Hopkins - Manager Financial Services
Legislation: Local Government Act 1995

DECLARATION OF INTEREST

Chief Executive Officer, Mr André Schönfeldt declared a Financial Interest in this item as his spouse has recently purchased shares in banking institutions.

Overview

At the Ordinary Council meeting dated 26 June 2019 [183-19], Council agreed to enter into an agreement with Commonwealth Bank of Australia (CBA) for the Provision of Banking and Bill Payment Services for an initial 12 month period. The CBA contract was executed in 20 August 2019 for an initial period of one (1) year and is due to expire in the coming months.

This report is provided to Council to consider an extension to the current Banking and Bill Payment Services contract with Commonwealth Bank of Australia (CBA). If Council does not approve an extension to the Contract, tenders will need to be called for the award of a new Banking and Bill Payment Services contract.

Background

In May 2019 Management sought to procure a 12 month contractual agreement for the provision of transactional banking services from an Authorised Deposit-taking Institution (ADI) through Council's Request for Quotation (RFQ) process and in accordance with Council's Procurement Policy CP034 – *Procurement Policy*.

The Commonwealth Bank of Australia was the successful vendor for the supply of Council's banking services, offering competitive rates and bank fees, a specialised Local Government division within the CBA structure, and a local branch that opened in November 2018 at the Eaton Fair Shopping Centre – which remains the only bank located within the Shire of Dardanup.

The supply for Council's banking and bill payment services includes, but is not limited to:

- Negotiated accounts for the Municipal, Trust, and Reserve Fund requirements;
- CommBiz (Online Business Banking);
- Banking Deposits;
- Direct Debit Deposits;
- Merchant Fees (ie Eftpos/Corporate Credit Card Facilities);
- Electronic Funds Payments including BPAY and Foreign Currency Payments;
- Online User Access Fees; and
- Any other fees associated with the provision of transactional banking services.

Past performance of CBA over the last 12 months has been of a very high standard. Transition from Westpac Banking Corporation (Westpac) to CBA from June 2019 has been successful which can be attributed to the dedicated team at CBA's Local Government Banking division.

The existing contract between the Shire of Dardanup and Commonwealth Bank of Australia (CBA) commenced in August 2019 for a period of 1 year. As per section 3.2 of the agreement, the contract states:

3.1 Term of the Agreement

This agreement commences on the date of this Agreement and continues until the earlier of:

- a) The date it is terminated by either Party in accordance with this Agreement; and*
- b) The expiration of the Term.*

3.2 Term and Extension

- a) After the end of the Initial Term, the Bank has the right to amend the Fees and the Parties may agree to extend this Agreement for an extended term on the basis of those amended fees.*
- b) Upon the extension of the Initial Term in accordance with clause 3.2(a), the Parties agree that the provisions of this Agreement will continue to apply for the Extended Term.*
- c) After the end of the Initial Term, either party may terminate this Agreement by giving the other at least 60 days advance notice.*

The initial short-term 12 month contract with CBA was partly due to WALGA's Preferred Supplier Panel tender for *Financial Services* which was expected to be reopened sometime in 2020. To date, this has not occurred and with the recent impacts of COVID-19, it is likely the Financial Services tender will be reviewed on the expiration of the current WALGA Preferred Supplier Contract - in May 2022. *It should be noted that only one ADI is currently listed on the WALGA's Preferred Supplier Panel for Financial Services, and that supplier submitted a proposal for Council's banking services as part of last year's RFQ process.*

Based on an overall assessment of Council's 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 the extension of the current CBA contract for a further 2 years.

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.*

Local Government (Functions and General) Regulations 1996

Part 4 – Provision of goods and services, Division 1 – Purchasing Policies

11A. Purchasing policies for local governments

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*

- (3) *A purchasing policy must make provision in respect of—*
- (a) *the form of quotations acceptable; and*
 - (ba) *the minimum number of oral quotations and written quotations that must be obtained; and*
 - b) *the recording and retention of written information, or documents, in respect of—*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*

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 - None.

Council's current contract for the provision of banking and bill payment services was awarded to Commonwealth Bank of Australia (CBA) in May 2019 and subsequently endorsed by Council at the Ordinary Council meeting held on the 26 June 2019.

Australian Prudential Regulation Authority (APRA) is an independent statutory authority which has the responsibility to regulate ADI's and other financial institutions in Australia in accordance with the *Banking Act 1959*. APRA supervises institutions across banking, insurance and superannuation and is accountable to the Australian Parliament. Commonwealth Bank of Australia is listed as an Australian-owned authorised deposit-taking institution (ADI) in APRA's Register of Authorised Deposit-taking Institutions.

Budget Implications

A provision of \$42,000 for Bank Fees and Charges is included in the adopted 2019/20 annual budget against a year-to-date actual of \$37,446 as at 30 April 2020. It is forecast the budget provision of \$42,000 will be included in the draft 2020/21 annual budget.

As part of the Request for Quotation (RFQ) process conducted in May 2019, Management undertook and evaluated comprehensive review of Council's transactional banking processes. This RFQ process resulted in CBA obtaining Council's banking services contract for a 12 month period.

Over the last 12 months, Council's finance staff have implemented the change from Council's previous banking supplier (Westpac) to the current supplier (CBA). Initially, this was a labour intensive exercise but has since increased efficiencies in the reconciling and processing of transactions. Changing bank accounts is a planned decision that requires a reallocation of resources should Council not wish to renew the current CBA contract.

Budget – Whole of Life Cost

The provision of banking services is funded from Council's annual operating budget as part of the budgeted Bank Fees and Charges.

Council Policy Compliance

Council 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

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

Tier 2 – 'Low' or 'Moderate' Inherent Risk.	
Risk Event	Banking Contract – Provision of Banking and Bill Payment Services – Extension of Contract
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Financial Risk that the current banking contract may expire and result in an increase in bank fees and charges.
	Service Interruption Changing primary banking supplier has considerable ramifications to finance resources i.e. staff time/planning; implementation process; disruption to Council's banking processes including transactional processing, Eftpos, and Payments of Accounts.
	Legal and Compliance Risk of contract expiry and non-compliance to <i>Local Government (Functions and General) Regulations 1996</i> and Council's Procurement Policy - CP034 – Procurement Policy.
	Reputational Devoid of a banking contract, Council may be perceived as inefficient and/or lacking internal controls in managing its Contract Portfolio.

Officer Comment

Since the closure of Westpac branch at Bunbury Forum in November 2018, Council has formed a strong working relationship with the Commonwealth Bank *Local Government Banking Division* and the local CBA branch at Eaton Fair.

The customer service provided by CBA to Council's financial services staff, from the staged implementation plan to the current ongoing business operations, has been of a very high standard with no excessive or exorbitant increase in banking fees and services (from previous years); and all budgeted expenditure for Council's banking services have remained within predicted forecasts in the current 2019/20 budget.

It was also anticipated that the WALGA Preferred Supplier Panel tender for Financial Services would be reopened sometime in 2020, however this is not likely to occur in the foreseeable future. It was hoped the reopening of the Financial Services preferred program would have enabled more banking institutions/ADI's (including the possibility of CBA) to be listed on the Preferred Supplier Directory, increasing the competition and value for money. WALGA Preferred Suppliers deliver a wide range of products and services harnessing the collective purchasing power of Local Government.

The decision for the supply of Council's Banking and Bill Payment Services is important when evaluating the true cost of extending the current contract for a further two (2) years or proceeding to procure a new contract via Council's tender management process. It should be noted a considerable amount of resources will be required should Council decide to tender for the Provision of Banking and Bill Payment Services. For example officer time and resources, reallocation of other tasks plus disruption to Council's transaction and payment processes. It is anticipated the extension of the current contract for a further 2 years, until August 2022, will enable Council to capitalise on the WALGA Preferred Supplier Panel tender due for renewal in May 2022.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council enters into an agreement with the Commonwealth Bank of Australia (CBA) for the provision of banking and bill payment services to extend the current banking and bill payment contract for a further 2 years and authorises the Chief Executive Officer or such other person that the Chief Executive Officer delegates to:

- 1. Execute the agreement with the Commonwealth Bank of Australia for the provision of banking and bill payment services effective from the expiration of the current contract in August 2020; and**
- 2. Authorises all payments under this agreement.**

12.12 Title: Variation of Eaton Recreation Centre Fees due to COVID-19 Restrictions

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

Overview

Due to the WA State Governments COVID-19 restrictions the Eaton Recreation Centre (ERC) was able to open on the 18 May 2020 at a reduced service capacity. This report is to seek Council approval to amend the fees charged at the ERC to coincide with the reduced service capacity and to coincide with the WA Governments COVID-19 Roadmap.

Background

In March 2020 the Federal and WA State Governments instigated several requirements in response to the COVID-19 Pandemic. The State Government's requirements resulted in the closure of several community buildings and facilities including the ERC. As a result of the ERC having to close memberships and membership payments were suspended.

On 10 March 2020, the State Government introduced its 'Roadmap to Recovery' which included the relaxation of several previously imposed restrictions including the opening of outdoor and indoor fitness centres. This enabled the ERC to re-introduce fitness classes and some court activities whilst also complying with restrictions on the total number of participants, social distancing and hygiene requirements.

Due to the State Governments restrictions on the activities together with restrictions on participant numbers and social distancing requirements the current Shire 2019/20 Schedule of Fees and Charges for the ERC reflect the fees that would ordinarily be applied if the ERC and ERC services, programs and classes were fully operating and members had access to all services i.e. crèche, gym, fitness classes, courts etc. This is currently not the case and could inevitably not be the case for some time. Therefore, it is considered that an interim set of ERC fees need to be established so as to not seem to penalise members and patrons, especially under the current circumstances.

A copy of the Shires 2019/20 Schedule of Fees and Charges for the ERC is attached at (Appendix ORD: 12.12A).

Legal Implications**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.
- [Section 6.8 amended: No. 1 of 1998 s. 19.]

6.16. Imposition of fees and charges

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

* Absolute majority required.

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

* Absolute majority required.

6.17. Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors —
- (a) the cost to the local government of providing the service or goods; and
 - (b) the importance of the service or goods to the community; and
 - (c) the price at which the service or goods could be provided by an alternative provider.
- (2) A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.
- (3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —
- (a) under section 5.96; or
 - (b) under section 6.16(2)(d); or
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.
- (4) Regulations may —
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or
 - (b) limit the amount of a fee or charge in prescribed circumstances.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Strategic Community Plan

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

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

Environment - None.

Precedents - None.

Budget Implications

The closure of various Shire facilities due to the response to the COVID-19 Pandemic and the restrictions introduced by the WA State Government will invariably have an overall impact on the Shires current 2019/20 budget and the future 2020/21 budget.

The re-introduction of some activities will at least provide an income for the ERC, however the level of income cannot be determined at this time as it hinges on the number of members and other patrons that may return to fitness activities amid ongoing State Government COVID-19 public information and restrictions.

At the Incident Management Team Meeting of Thursday 14 May 2020, it was recommended that the Shire President supports the introduction of a subsidy to allow the phasing in of activities. The Shire President endorsed the subsidy to be applied for two weeks only or until Council has had an opportunity to consider a proposal to adjust the Fees and Charges.

As such through the subsidy Council is effectively paying the difference between the set fees which is \$18 per class and the fee charged which is \$5 per class. This means that from 18 May 2020 until the new fees come into effect, Council is subsidising the attendees with \$13 per class.

Over the first two days, there was an average take up of 33 attendees per day, which is effectively a subsidy of \$429 per day. Over the ten weekdays that we are anticipating to be open as this first phase of returning from COVID 19 restrictions, should the average take up remain at 33 attendees per day, it is estimated that the subsidy will cost the Shire a total of \$4,290.

Budget – Whole of Life Cost - None.

Council Policy Compliance

Statutory requirement under S6.19 Local Government Act 1995.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.12B) for full assessment document.

Tier 1 – No discernible Inherent Risk has been identified (no Risk Theme or Consequence).					
Risk Event	[brief explanation of the risk event]				
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)				
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.				
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.				
Risk Category Assessed Against	<table border="0"> <tr> <td>Financial</td> <td>There is the potential for a loss of ERC income due to the WA State Government COVID-19 restrictions.</td> </tr> <tr> <td>Reputational</td> <td>There is the potential for adverse members and public reaction and perception of the ERC and the Shire if the full ERC fees are reintroduced.</td> </tr> </table>	Financial	There is the potential for a loss of ERC income due to the WA State Government COVID-19 restrictions.	Reputational	There is the potential for adverse members and public reaction and perception of the ERC and the Shire if the full ERC fees are reintroduced.
Financial	There is the potential for a loss of ERC income due to the WA State Government COVID-19 restrictions.				
Reputational	There is the potential for adverse members and public reaction and perception of the ERC and the Shire if the full ERC fees are reintroduced.				

Officer Comment

With the easing of restrictions under Phase 2 of the WA Governments COVID-19 Roadmap to Recovery (the Roadmap), fitness activities were able to be reintroduced at the ERC on Monday 18 May 2020. This meant that fitness activities such as Group Fitness classes could once again be provided to ERC members and other patrons. Full access to all gym facilities and programs remains closed until Phase 3 of the Roadmap is implemented, which may be in June 2020.

At this point in time because of the limited number of members and/or patrons that can access services that can be provided at the ERC many of the community members would be financially disadvantaged for the following reasons:

- The ERC is not able to offer members the full range of normal services that would ordinarily be included in their memberships.
- The limit of 20 patrons at any one time means some members may miss out on being able to access classes through no fault of their own. It's considered that members should not be required to pay a full membership fee if they cannot access the services included in their membership.
- Some of our members will not be ready to return to the centre until such time that they are confident they are not at any risk of contracting COVID-19. It could create negative community perception if we were to resume debiting membership fees despite the fact that some customers may not feel safe enough to return.

Furthermore, the of reinstating services and number of people able to make use of the facilities and/or services will be a phased approach over the next 2-3 months under the requirements of Roadmap until full resumption of normalised services, it is recommended that for the ERC fee structure all memberships remain on suspension. For the interim (next 2-3 months) there will most likely be a reduction in revenue for the ERC however, income can be generated to offset the cost of classes by offering a pay as you go type options for community members who want to resume fitness activities. These can be aligned with the COVID-19 WA Government Roadmap which is attached at (Appendix ORD: 12.12C).

Following are the proposed interim fees proposed for the ERC in line with the WA Government COVID-19 Four Phase Roadmap.

WA Government COVID-19 Four Phase Roadmap	Proposed Eaton Recreation Centre (ERC) Fee Structure
<p>Phase 2 – Implemented 18th May 2020</p> <p>(To stay in place until Phase 3 – Approximately June 2020)</p>	<p>Pay as You Go</p> <ul style="list-style-type: none"> — \$5 per Group Fitness class; or — \$30 per fortnight. <p>All other ERC fees as per 2019/20 Shire Schedule of Fees and Charges.</p>
<p>Phase 3 – To be implemented on WA Government Announcement</p> <p>(Introduced approximately 4 weeks from Phase 2 – June 2020)</p>	<p>Pay as You Go \$7 per class or \$6.30 concession (10% discount for valid concession card). Justification: The average number of visits per week of our members is 2.28. Members currently pay \$33.35 per fortnight for their membership fees or \$30 per fortnight with a concession. 2.28 visits x \$7 x 2 weeks = \$31.92 which is comparable to what they would pay in fortnightly membership fees.</p> <p>Available to current members whose membership is currently on suspension and also casual users.</p> <p>5 Visit Pass \$33.25 for 5 visit pass or \$29.90 concession. Justification: 5% discount on the purchase of 5 x individual sessions. 3 month expiry.</p> <p>Any payment of remaining visits can be credited to the customer’s account or refunded to individuals when normal fees resume.</p> <p>Available to current members whose membership is currently on suspension and also casual users.</p> <p>10 Visit Pass \$63.00 for 10 visit pass or \$56.70 concession. Justification: 10% discount on the purchase of 10 x individual sessions 3 month expiry.</p> <p>Any payment of remaining visits can be credited to the customer’s account or refunded to individuals when normal fees resume.</p> <p>Available to current members whose membership is currently on suspension and also casual users.</p>
<p>Phase 4 – To be implemented on WA Government Announcement</p> <p>(Introduced approximately 4 weeks from Phase 3 – July 2020)</p>	<p>Return to normal Eaton Recreation Centre fees as per approved Shire Schedule of Fees and Charges.</p>
<p>Seniors aged 80 and over</p>	<p>As per Councils previous resolution will not be charged from 1 July 2020.</p>

Council Role - Executive/Strategic.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council:

- 1. Acknowledges the subsidy approved by the Shire President as expenditure to allow the phased opening of the Eaton Recreation Centre in response to the COVID 19 pandemic emergency.**
- 2. Adopt the following interim fees structure for the Eaton Recreation Centre.**

WA Government COVID-19 Four Phase Roadmap	Eaton Recreation Centre (ERC) Fee Structure
Phase 2 – Implemented 18th May 2020 (To stay in place until Phase 3 – Approximately June 2020)	<u>Pay as You Go</u> — \$5 per Group Fitness class; or — \$30 per fortnight for Group Fitness classes. All other ERC fees to be as per 2019/20 Shire Schedule of Fees and Charges
Phase 3 – To be implemented on WA Government Announcement (Introduced approximately 4 weeks from Phase 2 – June 2020)	<u>Pay as You Go – Group Fitness Classes</u> \$7 per class or \$6.30 concession (10% discount for valid concession card). <u>5 Visit Pass – Group Fitness Classes</u> \$33.25 for 5 visit pass or \$29.90 concession. <u>10 Visit Pass – Group Fitness Classes</u> \$63.00 for 10 visit pass or \$56.70 concession.
Phase 4 – To be implemented on WA Government Announcement (Introduced approximately 4 weeks from Phase 3 – July 2020)	Return to normal Eaton Recreation Centre fees as per approved annual Shire Schedule of Fees and Charges
Seniors aged 80 and over	As per Councils previous resolution will not be charged from 1 July 2020.

- 3. Advertise the interim fees structure for the Eaton Recreation Centre in accordance with S6.19 of the *Local Government Act 1995*.**

By Absolute Majority

12.13 Title: Establishment of CEO Review Committee and Adoption of its Terms of Reference

Reporting Department: Corporate & Governance Directorate
 Reporting Officer: Ms Cathy Lee - Manager Governance & HR
 Legislation: Local Government Act 1995

DECLARATION OF INTEREST

Chief Executive Officer, Mr André Schönfeldt declared an Impartiality and a Financial Interest as this item relates to his position as Chief Executive Officer of the Shire of Dardanup.

Overview

This report to Council provides for creation of a new Shire of Dardanup Council Committee, adoption of Terms of Reference and the appointment and endorsement of Councillors and representatives to the Shire of Dardanup CEO Review Committee.

Background

Council resolved [199-19] at its meeting held 26 June 2019 as follows:

“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).”

At the same meeting, Council resolved [200-19] to confirm the ongoing employment of the Chief Executive Officer in accordance with his Contract of Employment. Council adopted the Chief Executive Officer’s Key Performance Indicators (KPIs) for the 2019/20 period and scheduled the next full Chief Executive Officer review of the Chief Executive Officer’s performance to be conducted with the Consultant, Shire President and Deputy Shire President by 31 March 2020.

Legal Implications

The following Local Government Act requirements apply to the business before Council in relation to committees.

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Types of committees

(1) *In this section —*

“other person” means a person who is not a Council member or an employee.

(2) *A committee is to comprise —*

- (a) *Council members only;*
- (b) *Council members and employees;*
- (c) *Council members, employees and other persons;*
- (d) *Council members and other persons;*

- (e) *employees and other persons; or*
- (f) *other persons only.*

5.10. Appointment of committee members

- (1) *A committee is to have as its members —*
 - (a) *persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and*
 - (b) *persons who are appointed to be members of the committee under subsection (4) or (5).*
* *Absolute majority required.*
- (2) *At any given time each Council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a Council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that Council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.*
- (3) *Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.*
- (4) *If at a meeting of the Council a local government is to make an appointment to a committee that has or could have a Council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.*
- (5) *If at a meeting of the Council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —*
 - (a) *to be a member of the committee; or*
 - (b) *that a representative of the CEO be a member of the committee,*
the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11. Tenure of committee membership

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
 - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;*
 - (b) *the person resigns from membership of the committee;*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day, Which ever happens first.*

Strategic Community Plan

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

Strategy 1.6.10- Provide opportunities for the community to engage with Councillors and Staff. (Service Priority: High)

Environment - None.

Precedents - None.

Council has previously endorsed Council Committees and member nominations.

Budget Implications

Provision is made within the budget for the appointment of an independent consultant to facilitate the Chief Executive Officer annual review process.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.13A) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Establishment of a CEO Review Committee and adoption of its Terms of Reference
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.

Officer Comment

The Chief Executive Officer review process should aim to build the relationship between the Councillors and the Chief Executive Officer and to support the Chief Executive Officer’s continuing performance.

The Covid-19 pandemic interrupted the Shire’s business in February 2020. In addition, the consultant previously engaged; Mr Gary Martin, withdrew his services as he was no longer able to commit to the time frame agreed to. The outcome was that the Chief Executive Officer Review Process was extended to June at the direction of the Shire President.

In accordance with the Shire of Dardanup Procurement Policy, quotes were requested for the services of an independent consultant to carry out the Chief Executive Officer Review Process following the withdrawal of services from Mr Martin. Mr Gary Clark from Boab Consulting has now been engaged to undertake the 2020 review, with assistance from Human Resources to reduce costs. Mr Clark will liaise with all elected members, meet with the CEO Review Committee and facilitate the appraisal meeting. Mr Clark will also assist in establishing new or updated performance objectives and measures informed by the Corporate Business Plan priorities and report back to Council.

To clarify the process for the Chief Executive Officer review, it is suggested that Council establishes a CEO Review Committee. To provide clear guidance on its role and function, a Terms of Reference (Appendix ORD: 12.13B) should also be established to set out such matters as:

- Role of the committee;
- Committee structure;
- Terms of appointment;
- Meetings of the committee;
- Powers of the committee; and
- Voting

It is important to note that this Committee does not hold any delegated authority. No decisions are able to be made by this committee, unless delegated to do so by a Council resolution. The committee make recommendations to Council who are the determining authority for all decisions relating to the CEO Review Committee.

Council has already resolved [200-19] that the review of the Chief Executive Officer performance was to be conducted with the Consultant, Shire President and Deputy Shire President. This is included within the Terms of Reference. It is suggested that a proxy member also be nominated. The Manager Governance & HR will continue to assist with the Human Resource compliance and liaison with the consultant.

The administrative section of the review process has been commenced and the elected members will be provided with an opportunity to respond to the Chief Executive Officer self-assessment of the KPIs that were set last year. The process will be conducted as follows:

- CEO provides a written report and self-rating to the Committee against the Key Performance Indicators (KPIs);
- All elected members will participate in the performance review process;
- All elected members shall individually and independently rate and discuss the performance of the CEO against each of the Key Performance Indicators (KPIs) and provide such assessment directly and confidentially to the independent facilitator;
- The independent facilitator will consolidate all scores and comments from interviews to present a first draft of the assessment report to the Committee to discuss and agree overall ratings;
- The CEO meets with the Committee and independent facilitator for feedback and discussion;
- The Committee agrees on final ratings;
- The Committee and CEO agree to KPIs for the forthcoming year in review;
- The independent facilitator completes the final report, with final ratings and specific comments against each KPI;
- The CEO meets with the Committee and independent facilitator for discussion of remuneration package changes; and
- The final report, new KPIs and any remuneration packages recommendations are provided to Council for consideration in accordance with the CEO contract of employment.

The final report to Council will be presented to the 24 June 2020 Ordinary Council meeting.

It should be noted that Mr Gary Martin's services, support and assistance provided to the Shire of Dardanup over the past 24 years is appreciated and acknowledged.

Council Role - Legislative.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION**THAT Council:**

- 1. Establishes the “CEO Review Committee” and adopts the new Committee Terms of Reference as appended (Appendix ORD: 12.13B).**
- 2. Endorses the following elected members on the CEO Review Committee:**

Cr. M T Bennett – Shire President
Cr. P S Robinson – Deputy Shire President
Cr. _____ [Proxy Member].
- 3. Formally thanks Mr Gary Martin for his long standing service, support and assistance to the Shire of Dardanup.**

12.14 Title: Monthly Statement of Financial Activity for the Period Ended 30 April 2020

Reporting Department: Corporate & Governance Directorate

Reporting Officer: Mr Ray Pryce - Accountant

Legislation: Local Government Act 1995

Overview

This report presents the monthly Financial Statements for the period ended 30 April 2020 for Council adoption.

Background

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

Legal Implications

Local Government Act 1995 – Section 6.4

6.4. *Financial Report*

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

Local Government (Financial Management) Regulations 1996 r. 34

Part 4 — Financial Reports — s. 6.4

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

(1A) *In this regulation —*

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

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

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

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

Strategic Community Plan

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

Environment - None.

Precedents

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

Budget Implications

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

Budget – Whole of Life Cost - None.

Council Policy Compliance -

CP036 Investment Policy & CP128 Significant Accounting Policies

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.14A) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.							
Risk Event	Monthly Statement of Financial Activity for the Period Ended 30 April 2020						
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)						
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.						
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.						
Risk Category Assessed Against	<table border="0"> <tr> <td>Legal and Compliance</td> <td>Non-compliance with the legislative requirements that results in a qualified audit.</td> </tr> <tr> <td>Reputational</td> <td>Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.</td> </tr> <tr> <td>Financial</td> <td>Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.</td> </tr> </table>	Legal and Compliance	Non-compliance with the legislative requirements that results in a qualified audit.	Reputational	Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.	Financial	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.
Legal and Compliance	Non-compliance with the legislative requirements that results in a qualified audit.						
Reputational	Non-compliance that results in a qualified audit can lead stakeholders to question the Council’s ability to manage finances effectively.						
Financial	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.						

Officer Comment

The Monthly Financial Report for the period ended 30 April 2020 is contained in (Appendix ORD 12.14B) and consists of:

- Statement of Financial Activity by Program – including Net Current Assets (liquidity)
- Statement of Comprehensive Income by Nature and Type
- Notes to the Statement of Financial Activity:
 - * Note 1 Statement of Objectives
 - * Note 2 Explanation of Material Variances
 - * Note 3 Trust Funds
 - * Note 4 Reserve Funds
 - * Note 5 Statement of Investments
 - * Note 6 Accounts Receivable (Rates and Sundry Debtors)
 - * Note 7 Salaries and Wages
 - * Note 8 Rating Information
 - * Note 9 Borrowings
 - * Note 10 Budget Amendments

The Statement of Financial Activity shows operating revenue and expenditure by statutory program and also by nature and type, as well as expenditure and revenue from financing and investing activities - comparing actual results for the period with the annual adopted budget, the annual revised budget (incorporating changes adopted in the 2019/20 mid-year budget review) and the year-to-date revised budget. The previous year annual results are also included for information.

The Statement of Financial Activity includes the end-of-year surplus brought forward from 2018/19 of \$404,751, with a forecast surplus at 30 June 2020 of \$382,052. This forecast is continually under review and will likely change as project and expenditure information becomes clearer over the coming weeks.

The net current assets position at 30 April 2020 (details and graph on page 5 of the report) shows an improved net cash position when compared to the previous year. This is mainly due to inclusion of

additional cash from sale of land and current debtor for a sporting donation. This cash will ultimately be transferred to Reserve account and return the net unrestricted cash position to its usual trend.

Actual values for the year to date are compared to the year to date revised budget to present a percentage variance as well as the variance amount in Note 2 – Explanation of Material Variances. The minimum level adopted by Council to be used in the Statement of Financial Activity in 2019/20 for reporting material variances is 10% or \$50,000, whichever is greater.

Note 2 – Statement of Material Variances (pages 8 and 9 of the finance report) includes aspects of the recent sale of land on Council Drive. The cash has been received under the heading ‘Proceeds from Disposal of Assets’, however, the accounting records for the acquisition of the land asset and its subsequent disposal have not been completed as at the date of the report.

Note 5 – Statement of Investments reports the current Council cash investments and measures the portfolio against established credit risk limits based on reputable credit ratings agencies and incorporated in the Council’s Investment Policy. The current investment of \$1.9M with BBB+ rated AMP Bank (11% of the total portfolio) exceeds the Investment Policy’s counterparty credit exposure limit of 10% due to the drawdown of other investment cash for operations. The investment is still compliant under the ‘grandfathering’ clause of the investment policy and will be reduced to within the portfolio policy limit at its next maturity in August 2020.

Note 9 – Borrowings. The current budget includes a loan of \$750,000 for the Wanju/Waterloo Industrial Park Developer Contribution Plans. The loan that was originally planned to be raised in June 2020 is now anticipated to be raised in January 2021.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council receives the Monthly Statement of Financial Activity (Appendix ORD: 12.14B) for the period ended 30 April 2020.

12.15 Title: Schedule of Paid Accounts as at 7 May 2020

<i>Reporting Department:</i>	<i>Corporate & Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Jasmine Sillifant – Accounts Payable Officer</i>
<i>Legislation:</i>	<i>Local Government (Financial Management) Regulations 1996</i>

Overview

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

Background

Council delegates authority to the Chief Executive Officer annually:

- To make payments from Trust, Reserve and Municipal Fund;
- To purchase goods and services to a value of not more than \$200,000;
- To purchase goods and services for the Tax Office and other Government Agencies up to the value of \$300,000;
- To purchase goods and services for Creditors where an executed agreement or legal obligation exists which has prior Council endorsement.

Legal Implications

Local Government Act 1995

S6.5. Accounts and records

Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

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

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

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

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

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

Strategic Community Plan

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

Environment - None.

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

Environment - None.

Precedents

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

Budget Implications

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

Budget – Whole of Life Cost - None.

Council Policy Compliance

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

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.15) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Schedule of Paid Accounts as at 7 May 2020
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Financial Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.
	Reputational Non-compliance that results in a qualified audit can lead stakeholders to

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
	question the Council’s ability to manage finances effectively

Officer Comment

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

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

OFFICER RECOMMENDED RESOLUTION

THAT Council receive the Schedule of Paid Accounts report from 10/04/2020 to 07/05/2020 as follows:

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
ELECTRONIC FUNDS TRANSFER					
EFT38107	17/04/2020	3 E Consulting Engineers Pty Ltd	Eaton Drive / Blue Wren Roundabout - Lighting Design, As Per Quotation	MUNI	3,960.00
EFT38108	17/04/2020	Arbor Guy	Harris Road - Tree Removal And Pruning Of Roadside Vegetation As Per QUO-F0166656.	MUNI	52,090.50
EFT38109	17/04/2020	Australian Tax Office	PAYG Withholding 17-04-2020	MUNI	78,500.00
EFT38110	17/04/2020	BCE Surveying Pty Limited	Ironstone Road - Survey Works For Road Design / Pile Road Pegging Cadastral Boundary	MUNI	8,926.50
EFT38111	17/04/2020	Blair Stuart	Personal Development Grant 2019/20 - B Stuart	MUNI	400.00
EFT38112	17/04/2020	Bunbury Machinery	Clutch Plates For Barrett Slasher	MUNI	74.00
EFT38113	17/04/2020	Caltex Australia Petroleum Pty Ltd	Fuel - Shire Vehicles March 2020	MUNI	17,941.49
EFT38114	17/04/2020	Cleanaway	Bin Repairs And Maintenance - March 2020	MUNI	2,146.68
EFT38115	17/04/2020	Cross Security Services	Upgrade To Obsolete Challenger Panel ERC	MUNI	2,090.00
EFT38116	17/04/2020	DX Print Group Pty Ltd	Community Support Postcards - Covid-19 Quantity: 6,500	MUNI	605.00
EFT38117	17/04/2020	Eileen Patricia & Wayne Charles May	Rates Refund For 48 Peppermint Way Eaton WA 6232	MUNI	121.00
EFT38118	17/04/2020	Henry Davies	Rates Refund For 1 Morgan Ct Eaton WA 6232	MUNI	792.00
EFT38119	17/04/2020	JCW Electrical Pty Ltd	BBQ Shutdown Various Sites	MUNI	298.57
EFT38120	17/04/2020	Jennifer Megan & Maxime John Albert Payet	Rates Refund For 53 Stones Rd Wellington Mill WA 6236	MUNI	498.42

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38121	17/04/2020	Katie J Weiland	Refund Of Bond For Cat Cage Hire	MUNI	150.00
EFT38122	17/04/2020	Lynda Anne Schuch	Refund Of Bond For Cat Cage Hire	MUNI	150.00
EFT38123	17/04/2020	Lynette Anne & Paulo Orso	Refund Of Upfront ERC Membership Fees - Cancelled Due To Covid-19 Restrictions	MUNI	1,333.71
EFT38124	17/04/2020	Malatesta Road Paving And Hotmix	Orchard Drive Reseal – Pre-coated 10Mm Aggregate 96/4 Bitumen	MUNI	10,388.45
EFT38125	17/04/2020	Nicole Victoria & Nigel Grant Thompson	Refund Of Bond For Cat Cage Hire	MUNI	150.00
EFT38126	17/04/2020	Officeworks Superstores Pty Ltd	Stationery Order	MUNI	166.56
EFT38127	17/04/2020	SOS Office Equipment	Photocopier Meter Reading - March 2020	MUNI	2,598.19
EFT38128	17/04/2020	Telstra	Mobile - DFES Grant Funded Officer - Ben Anderson - Feb/March 2020	MUNI	152.95
EFT38129	17/04/2020	Teresa Jane Sidney Fowler	Rates Refund For 14 Clydesdale Dr Eaton WA 6232	MUNI	849.00
EFT38130	17/04/2020	Terrence James & Leanne Debra Hackett	Rates Refund For 2 Aralia Pl Eaton WA 6232	MUNI	793.89
EFT38131	17/04/2020	Toll Transport	Postage & Freight - Health	MUNI	21.45
EFT38132	17/04/2020	Woolworths Group Limited	ERC - Cafe Goods Milk	MUNI	8.19
EFT38133	23/04/2020	Advanced Traffic Management WA P/L	Implement Traffic Management - Ferguson Road / Pile Road	MUNI	41,316.00
EFT38134	23/04/2020	All Aussie Truck And Bobcat Services	Slashing Of All Shoulders On Garvey Rd	MUNI	2,750.00
EFT38135	23/04/2020	BOC Ltd	ERC - Hire Of Oxygen Bottle	MUNI	12.38

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38136	23/04/2020	Brandicoot	Monthly Web Hosting For: Dardanup.wa.gov.au	MUNI	1,236.98
EFT38137	23/04/2020	Built Right Approvals	4 Year Pool Inspections Carried out by Contractor	MUNI	2,103.75
EFT38138	23/04/2020	Bunbury Harvey Regional Council	Banksia Road - Organics Disposal - March 2020	MUNI	1,075.59
EFT38139	23/04/2020	Bunbury Machinery	Hire Of Kanga - Gnomesville Mtce / Clips for Tractor DA2833	MUNI	297.39
EFT38140	23/04/2020	Bunbury Mower Service	Height Adjustment - Edger Wheel Arm	MUNI	29.50
EFT38141	23/04/2020	Bunbury Psychological Services	Counselling Services - EAP	MUNI	154.00
EFT38142	23/04/2020	Bunbury Subaru	DA1314 - Attend To Battery Issue	MUNI	103.13
EFT38143	23/04/2020	Bunnings Group Limited	Parts And Materials For Installing Tactile Markers On Footpaths At Ferguson Road New Constructions Site	MUNI	872.42
EFT38144	23/04/2020	Carbone Brothers Pty Ltd	4 Semi Loads Of Rock Delivered To Panizza Rd Gravel Pit	MUNI	2,849.00
EFT38145	23/04/2020	Ciphertel Pty Ltd T/A Gateway Internet Services	Monthly Account For Point To Point Microwave Service	MUNI	2,893.00
EFT38146	23/04/2020	City Of Bunbury	City Of Bunbury 2019-2020 Dog/Cat Pound Fees - March 2020	MUNI	555.20
EFT38147	23/04/2020	Cleanaway	Kerbside Refuse Removal Exp	MUNI	44,215.17
EFT38148	23/04/2020	Cleanaway Solid Waste Pty Ltd	Skip Bin Hire - Eaton Rec Centre	MUNI	59.73
EFT38149	23/04/2020	Country Landscaping Pty Ltd	Repairs To Pressure Pump At The Dardanup Oval	MUNI	4,449.21
EFT38150	23/04/2020	Cross Security Services	Alarm System Monitoring	MUNI	429.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38151	23/04/2020	Dardanup Garage & Service Station	Replace Front Brake Pads - DA588	MUNI	423.02
EFT38152	23/04/2020	Data #3 Limited	Parallels Desktop For Mac Business Edition 18 Month	MUNI	223.69
EFT38153	23/04/2020	Dell Financial Services Pty Ltd	Nutanix Server (Dell) X 1 - Contract No 009-0141985-002	MUNI	2,983.75
EFT38154	23/04/2020	Deputec Pty Ltd	ERC - Deputy Roster Software 2019/2020	MUNI	88.28
EFT38155	23/04/2020	Erin Hutchins	Uniform Reimbursement - Erin Hutchins	MUNI	90.00
EFT38156	23/04/2020	Grace Records Management	Bin Exchange And Records Management - March 2020	MUNI	884.81
EFT38157	23/04/2020	Heatleys	Glove Orange Shield Large Box Of 100	MUNI	240.57
EFT38158	23/04/2020	IVC Computer Services	Mini USB Bluetooth Adapter	MUNI	705.00
EFT38159	23/04/2020	JCW Electrical Pty Ltd	Yellow Light For Fergus The Bull	MUNI	330.00
EFT38160	23/04/2020	Jim's Test And Tag	2019/2020 Test And Tags - Eaton Family Centre	MUNI	327.28
EFT38161	23/04/2020	Living Springs	8 X Water 20L Tubs	MUNI	88.00
EFT38162	23/04/2020	MJB Industries Pty Ltd	Pile Road - 1X Flush Grate Drain Lid For A 1200 Liner 1 X 375Mm Pipe	MUNI	586.30
EFT38163	23/04/2020	O'Brien Glass Industries Limited	DA9295 Driver Side Door Window - J12745829	MUNI	590.00
EFT38164	23/04/2020	Perfect Landscapes	Mowing - Week Commencing 6/04/2020	MUNI	4,202.00
EFT38165	23/04/2020	Pirtek Bunbury	Caps For Hydrauliq Hose Connectors.	MUNI	36.56

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38166	23/04/2020	Pragdigi Solutions	Sharepoint Support	MUNI	420.00
EFT38167	23/04/2020	Russell Sheridan	Surface Treatment Timber Statue - Fergus The Bull	MUNI	950.00
EFT38168	23/04/2020	Signs Plus	Name Badges - Accounts Payable Officer, Finance Officer, Governance Officer	MUNI	47.10
EFT38169	23/04/2020	SOS Office Equipment	Photocopier Meter Reading - Located In Eaton Library	MUNI	87.77
EFT38170	23/04/2020	Spraymow Services	Shier Rise Typha Control Top End With Follow Up Spray, Removal Of Materials/Disposal And Clearing Permit	MUNI	1,232.00
EFT38171	23/04/2020	Synergy	Townsite Street Lights, Wellington Mills BFB and Public Toilets, Eaton Admin, Depot & Garry Engel Park	MUNI	37,912.88
EFT38172	23/04/2020	Taylor Burrell Barnett	Review Of Draft Local Planning Scheme No 9	MUNI	5,438.43
EFT38173	23/04/2020	Telstra	Dardanup Office Fax	MUNI	96.14
EFT38174	23/04/2020	Total Eden Pty Ltd	Sprinkler Gear Driver 5004 Pc R/B	MUNI	754.44
EFT38175	23/04/2020	West Australian Newspapers Ltd	Subscription - Newspapers Per 12 Weeks	MUNI	164.34
EFT38176	23/04/2020	Western Australia Treasury Corporation	Loan 61 - Lot 4579 Panizza Road - Repayment	MUNI	25,764.85
EFT38177	23/04/2020	Work Clobber	PPE - D Newton - Depot	MUNI	154.50
EFT38178	01/05/2020	Access Wellbeing Services	EAP Counselling Sessions March 2020	MUNI	649.00
EFT38179	01/05/2020	Advanced Traffic Management WA P/L	Implement Traffic Management - Ferguson Road	MUNI	27,277.80

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38180	01/05/2020	Alina Gribble	Reimbursement For Purchase Of USB For ERC From Kmart	MUNI	9.00
EFT38181	01/05/2020	Amity Signs	4 X No Standing Sign, Posts, Brackets For Martin Pelusey Rd	MUNI	590.48
EFT38182	01/05/2020	Amy Cocodis	Reimbursement Of Social Basketball Fees For "The Bulls" - Season Cancelled Early Due To Covid-19	MUNI	162.00
EFT38183	01/05/2020	ATI - Mirage Training Solutions	Communications Training - Part One "Emotional Intelligence" Environmental Health Officers X 2	MUNI	1,089.00
EFT38184	01/05/2020	AusQ Training	Basic Worksite Traffic Management (BWTM) & Traffic Controller (TC) Reaccreditation - Dennis Newton	MUNI	678.00
EFT38185	01/05/2020	Australian Tax Office	PAYG Withholding For Period Ending 1/05/2020	MUNI	77,524.00
EFT38186	01/05/2020	Australind Landscaping Supplies	Lawn Mix Glen Huon Oval	MUNI	272.00
EFT38187	01/05/2020	Australind/Eaton Medical Centre	Attend Eaton Medical Centre - Lightning Strike Incident - 27 February 2020	MUNI	81.00
EFT38188	01/05/2020	BCE Spatial Pty Ltd	Underground Service Location - Harris Road	MUNI	5,995.00
EFT38189	01/05/2020	Brandit Tech	RFID Wrist Bands (Grey) - 250 Small, 250 Medium, 500 Large - ERC	MUNI	4,554.00
EFT38190	01/05/2020	Bunbury Machinery	DA9781 - Rear Glass, Strip, Sealing, Labour	MUNI	1,221.99
EFT38191	01/05/2020	Bunbury Mower Service	Helmet Kit - Pro Comfort, Workshop Maintenance - Blade Sharpening	MUNI	1,514.00
EFT38192	01/05/2020	Bunnings Group Limited	Paint Sprayer For Shelter Maintenance (Replacement)	MUNI	1,266.55
EFT38193	01/05/2020	Carmel Boyce	Meeting Attendance & ICT Allowance	MUNI	927.14
EFT38194	01/05/2020	Chelsea Louise Hill	Refund Of Social Basketball Fees Paid In Full - Season Cancelled Due To Covid-19	MUNI	108.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38195	01/05/2020	Cineads Australia Pty Ltd	Cineads Monthly Fee March 2020	MUNI	1,100.00
EFT38196	01/05/2020	Cleanaway Solid Waste Pty Ltd	Monthly Kerbside Waste Collection	MUNI	11,009.29
EFT38197	01/05/2020	Connect Call Centre Services	After Hours Call Centre Service	MUNI	1,136.14
EFT38198	01/05/2020	Department Of Transport	Eaton Foreshore Jetty - Community Jetty Renewal Fee May 2020 To May 2021	MUNI	41.40
EFT38199	01/05/2020	DX Print Group Pty Ltd	Business Cards - 500 X Cr Peter Robinson - 500 X General Enquiries	MUNI	275.00
EFT38200	01/05/2020	Elliotts Irrigation Pty Ltd	Millbridge Lakes - Iron Filter Service March 2020	MUNI	334.40
EFT38201	01/05/2020	Fulton Hogan Industries WA	2 Tonne Premix	MUNI	597.19
EFT38202	01/05/2020	Guardian Tactile Systems P/L	Yellow Warning Tactile Frp (600Mm X 300Mm) Inc. Fixings	MUNI	4,340.01
EFT38203	01/05/2020	Hitachi Construction Machinery Australia Pty Ltd	Service Grader 670G - 6000 Hrs	MUNI	5,427.40
EFT38204	01/05/2020	Holcim Australia Pty Ltd	Deliver 10 Tonne Of 5Mm Bluemetal To Depot	MUNI	564.19
EFT38205	01/05/2020	Hynes Contracting	Clean Up Of Bridal Path	MUNI	1,650.00
EFT38206	01/05/2020	Jane Kathleen Cordwell	Rates Refund For 7 Kalang Way Millbridge WA 6232	MUNI	819.09
EFT38207	01/05/2020	Janice Patricia Dow	Meeting Attendance And ICT Allowance	MUNI	1,158.92
EFT38208	01/05/2020	Jody Murphy	Walk On The Wildside Online Event - Balloon Creations Interactive Workshop - 4 X Boredom Buster Comp Packs	MUNI	1,500.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38209	01/05/2020	Kings Tree Care	Carry Out Clearance As Per Western Power Request List	MUNI	6,446.00
EFT38210	01/05/2020	Landgate	Gross Rental Valuation	MUNI	67.85
EFT38211	01/05/2020	Luke Daniel Kuka	Rates Refund For 4 Falabella Crescent Eaton WA 6232	MUNI	605.94
EFT38212	01/05/2020	Luke Davies	Meeting Attendance & ICT Allowance	MUNI	1,158.92
EFT38213	01/05/2020	Malatesta Road Paving And Hotmix	Crooked Brook Road Final Seal Slk 4.88 - 5.79 / Coolabah Cove Reseal / Dowdells Line - Emulsion	MUNI	40,106.35
EFT38214	01/05/2020	Mark Richard Hutchinson	Meeting Attendance & ICT Allowance	MUNI	1,158.92
EFT38215	01/05/2020	Michael Bennett	Local Government Allowance, Meeting Attendance & ICT Allowance	MUNI	3,838.25
EFT38216	01/05/2020	Modern Teaching Aids Pty Ltd	ERC - Vacation Care Items	MUNI	259.93
EFT38217	01/05/2020	Marzano Psychological Services	2 X EAP Consultations	MUNI	418.00
EFT38218	01/05/2020	NSCO Consulting	Professional Services & Coaching - Governance	MUNI	528.00
EFT38219	01/05/2020	Officeworks Superstores Pty Ltd	Walk On The Wildside - Online Event - 18/04/2020 - Ranger Pack Supplies	MUNI	158.44
EFT38220	01/05/2020	Outdoor World Bunbury	Supply And Install 6M X 6M Shed Including Concrete Slab - Waste Transfer Station	MUNI	10,600.00
EFT38221	01/05/2020	Pages Mechanical Repairs	DA9513 - 30,000Km Service	MUNI	633.20
EFT38222	01/05/2020	Patricia Perks	Meeting Attendance & ICT Allowance	MUNI	1,158.92
EFT38223	01/05/2020	Peter Robinson	Local Government Allowance, Meeting Attendance & ICT Allowance	MUNI	1,697.84

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38224	01/05/2020	Pollen Nation	Online Workshops - Easter Wreaths, Bunny Ears Plus 30 Material Packs, Anzac Wreaths	MUNI	1,170.00
EFT38225	01/05/2020	Polylink Piping Systems Pty Ltd	Order Of 3 X 6M Lengths Of Ribbed 375Mm Polypipe.	MUNI	1,267.20
EFT38226	01/05/2020	R & D Quality Concrete	Construct Concrete Pathway As Per Quote #2512 And To Shire Specifications.	MUNI	7,341.40
EFT38227	01/05/2020	SMR Psychology	Employee Assistance Program	MUNI	187.00
EFT38228	01/05/2020	Spotlight Pty Ltd	Felt Hearts Workshop - April Holidays - 13 Birch Ribbon Embroidery Needles Packs	MUNI	19.56
EFT38229	01/05/2020	Stacey Gillespie	Meeting Attendance & ICT Allowance	MUNI	1,158.92
EFT38230	01/05/2020	Sudhanshu Mishra	Reimbursement For Carpet Cable Cover From Bunnings	MUNI	39.96
EFT38231	01/05/2020	Synergy	Electricity Account For Dardanup Oval - Lot 55 Ferguson Road	MUNI	926.18
EFT38232	01/05/2020	Telstra	Telstra Mobiles March 2020	MUNI	5,439.54
EFT38233	01/05/2020	The Photography And Film Boutique	Walk On Wildside - Online Event - Pre-Record Tutorial Video & Q&A	MUNI	750.00
EFT38234	01/05/2020	Toni Gaye Spalding	Rates Refund For 11 Avon Gdns Millbridge WA 6232	MUNI	2,532.20
EFT38235	01/05/2020	Total Eden Pty Ltd	Coupling Gibault 100Mm	MUNI	248.79
EFT38236	01/05/2020	Tyrrell Gardiner	Meeting Attendance & ICT Allowance	MUNI	1,158.92
EFT38237	01/05/2020	Veolia Environmental Services (Australia) Pty Ltd	Clean Out Sumps And Pipes	MUNI	2,365.55

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38238	01/05/2020	Woodlands	Medium Size - Heavy Duty Black Animal Bags	MUNI	161.56
EFT38239	01/05/2020	Woolworths Group Limited	General Items Purchased (Grocery Milk Etc)	MUNI	94.27
EFT38240	01/05/2020	Work Clobber	PPE Uniform - Depot	MUNI	819.81
EFT38241	07/05/2020	Advanced Traffic Management WA P/L	Traffic Controllers - April 2020 - Ferguson Rd, Pile Rd, Garvey Rd	MUNI	7,400.80
EFT38242	07/05/2020	Aquila Food Forest	Plant For Free - Online Workshop	MUNI	230.00
EFT38243	07/05/2020	AusQ Training	Traffic Management Refresher Course - 3 x Staff Members	MUNI	1,017.00
EFT38244	07/05/2020	Australia Day Council Of WA Inc.	Aboriginal Culture Understanding And Awareness - Online Training (12 May 2020) - 3 x Staff Members Staff Attending Online Training: Lucy Owen-Conway, Melanie Ring & Isabel Cody.	MUNI	165.00
EFT38245	07/05/2020	Bark Busters Home Dog Training	Walk On The Wildside - Online Event - Behavioural Q&A Session	MUNI	110.00
EFT38246	07/05/2020	Battery All Types	Red Top Battery - Waterloo Bushfire Brigade	MUNI	358.00
EFT38247	07/05/2020	Blackwoods	PPE - Hats - Parks & Gardens x 8	MUNI	258.36
EFT38248	07/05/2020	Bluesteel Enterprises Pty Ltd	PPE Uniform - Bush Fire Brigades	MUNI	223.30
EFT38249	07/05/2020	Bunbury Coffee Machines	ERC - Coffee, Chai, Cups And Lids	MUNI	480.50
EFT38250	07/05/2020	Bunbury Hiab And Tilt Tray	Pick Up And Move Bus Shelter From Gavins Gully To Harold Douglas Rd Dardanup West.	MUNI	242.00
EFT38251	07/05/2020	Bunbury Mower Service	Sharpening Kit 1/4 Picco	MUNI	93.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38252	07/05/2020	Bunnings Group Limited	ERC - Supply Of Interior Paint And Painting Equipment	MUNI	332.51
EFT38253	07/05/2020	Caroline Mears	Chair Yoga - March - Four Sessions	MUNI	260.00
EFT38254	07/05/2020	CB Traffic Solutions	Traffic Controllers 20/01/2020 - 24/01/2020 & Line Marking - Ferguson Road	MUNI	10,255.00
EFT38255	07/05/2020	Cleanaway Solid Waste Pty Ltd	Monthly Kerbside Waste Collection	MUNI	6,090.73
EFT38256	07/05/2020	Caltex Energy WA	4 X 10 Lt Adblue - Bush Fire Brigade	MUNI	151.57
EFT38257	07/05/2020	Dapco Tyre And Auto Centre	DA10214 - 4 New Tyres & Wheel Alignment	MUNI	2,261.57
EFT38258	07/05/2020	Dardanup Garage & Service Station	DA9279 - Labour To Repair Beacon	MUNI	55.00
EFT38259	07/05/2020	Department Of Water And Environmental Regulation	Application Fee For Amendment Of Clearing Permit CPS 8689/1	MUNI	200.00
EFT38260	07/05/2020	DX Print Group Pty Ltd	500 X Business Cards - Zachary Hall - Business Solutions Team Leader	MUNI	155.00
EFT38261	07/05/2020	Eaton Pet Vet	Feline Euthanasia And Burial	MUNI	120.00
EFT38262	07/05/2020	Elliotts Irrigation Pty Ltd	Call-Out - Millbridge Estate - 2 Hours Onsite	MUNI	332.20
EFT38263	07/05/2020	Empired Ltd	Polycom Studio Audio/Video For Conference Room Camera	MUNI	1,726.02
EFT38264	07/05/2020	Go Electrical Contracting	Replace Lights And Starters - Wells Recreation Centre Building	MUNI	277.42
EFT38265	07/05/2020	Heatleys	Hand Cleaner Refill - Suprega Plus 4Ltr	MUNI	127.07
EFT38266	07/05/2020	J A K Civil Pty Ltd	First Claim - Supply Materials And Construct Culvert 3694A - Mountford Road, Crooked Brook	MUNI	89,516.53

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38267	07/05/2020	Janice Patricia Dow	Travel Reimbursements - 16/01/2020 - 23/03/2020 - 302Km at \$0.68 Per Km	MUNI	205.36
EFT38268	07/05/2020	JCW Electrical Pty Ltd	Light Repair And Investigation Millars Creek	MUNI	445.50
EFT38269	07/05/2020	Jo Jingles South West	Early Learning Sessions At Eaton Community Library	MUNI	2,178.00
EFT38270	07/05/2020	K9 Connections	Walk On The Wildside - Online Event - At Home Dog Agility Workshop	MUNI	150.00
EFT38271	07/05/2020	Kings Tree Care	123 Pratt Rd, Eaton - Remove Dead Banksia To Ground Level And Grind	MUNI	770.00
EFT38272	07/05/2020	Larry Price	DA9429 - Service And Deck Repair Of Toro Mower	MUNI	922.21
EFT38273	07/05/2020	Leah Gadsby	Refund Of Social Basketball Fees - Season Cancelled Due To Covid-19	MUNI	108.00
EFT38274	07/05/2020	Marketforce	Advertising March 2020 - Public Notices and Recruitment	MUNI	1,415.52
EFT38275	07/05/2020	Megan Gay	Walk On The Wildside - Online Event - Mindfulness And Communication Workshop With Megan Ann Gay	MUNI	200.00
EFT38276	07/05/2020	MG Settlements	Refund Of Orders And Requisitions Fee For EAS Lodged Incorrectly On 9/03/2020 - A10621	MUNI	175.00
EFT38277	07/05/2020	MGM Bulk Pty Ltd	Supply And Deliver Gravel - Joshua Creek Road (Approx. 3,300T)	MUNI	41,861.51
EFT38278	07/05/2020	Natalie Hopkins	Reimbursement For iPhone Cover And Screen - JB Hi Fi	MUNI	89.90
EFT38279	07/05/2020	O'Brien Glass Industries Limited	DA004 - Excess On Claim For Replacement Of Windscreen	MUNI	500.00
EFT38280	07/05/2020	P E Civil	Transfer Of Mulch From Pratt Road To Leicester Ramble	MUNI	2,992.00

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38281	07/05/2020	Pages Mechanical Repairs	DA325 - 171,000Km Service Tip Truck / DA8457 - 100,000 km Service Hino Truck	MUNI	1,252.50
EFT38282	07/05/2020	Perfect Landscapes	Mowing - Week Commencing 14/04/2020	MUNI	4,389.00
EFT38283	07/05/2020	Peta Nolan	Uniform Reimbursement - Totally Workwear	MUNI	77.00
EFT38284	07/05/2020	PFI Supplies	Cleaning Supplies	MUNI	388.75
EFT38285	07/05/2020	Prime Supplies	Coverall Disposables - 3XL - 2XL And Medium - Quote 112090788	MUNI	850.01
EFT38286	07/05/2020	Quality Press	DFES 80 - Vehicle Fault Report Books	MUNI	143.00
EFT38287	07/05/2020	RJ Pestell Family Trust Ta Subway Treendale	Catering For Youth Workshop	MUNI	104.90
EFT38288	07/05/2020	Seabreeze Clean Pty Ltd	ERC - Sani-Clean 15L Cleaning Product	MUNI	115.00
EFT38289	07/05/2020	Sew Art & Crafty	Felt Heart Workshop -16/04/2020 - 45 Minute Online Workshop Facilitation Plus Kit Preparation and Supplies	MUNI	660.00
EFT38290	07/05/2020	Sharon Hooper	Uniform Reimbursement - Redeployment Covid-19 - Steel Cap Boots	MUNI	59.00
EFT38291	07/05/2020	Signs Plus	1 X Magnetic Name Badge - Kylie Shaw - Project Officer	MUNI	20.10
EFT38292	07/05/2020	SMR Psychology	Employee Assistance Program	MUNI	561.00
EFT38293	07/05/2020	Total Eden Pty Ltd	Reticulation Parts And Repairs - Depot	MUNI	1,055.27
EFT38294	07/05/2020	Water Corporation	Water Use And Service Charges - 1/03/2020 - 30/04/2020 - Dardanup Oval, Don Hewison Centre & Swan Ave Reserve	MUNI	826.12
EFT38295	07/05/2020	Winc Australia Pty Ltd	Stationery Order	MUNI	277.83

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
EFT38296	07/05/2020	Woolworths Group Limited	ERC - Milk Purchase	MUNI	52.78
EFT38297	07/05/2020	Work Clobber	PPE Uniform - Depot	MUNI	998.45
EFT38298	07/05/2020	Zane Turner	Refund Of Bond For Animal Control Cage #2	MUNI	150.00

CHEQUES**PAYROLL**

DD14988.1	17/04/2020	WA Super	Payroll Deductions	MUNI	36,740.69
DD14988.2	17/04/2020	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	260.89
DD14988.3	17/04/2020	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	373.76
DD14988.4	17/04/2020	One Path Masterfund	Superannuation Contributions	MUNI	44.91
DD14988.5	17/04/2020	Hostplus	Superannuation Contributions	MUNI	126.97
DD14988.6	17/04/2020	Suncorp Brighter Super	Superannuation Contributions	MUNI	167.12
DD14988.7	17/04/2020	BT Super For Life	Superannuation Contributions	MUNI	77.36
DD14988.8	17/04/2020	Local Government Super	Superannuation Contributions	MUNI	232.58
DD14988.9	17/04/2020	BT Super	Payroll Deductions	MUNI	541.06
DD14988.10	17/04/2020	Asgard Infinity E Wrap Super	Superannuation Contributions	MUNI	261.82

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD14988.11	17/04/2020	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	645.63
DD14988.12	17/04/2020	Media Super	Superannuation Contributions	MUNI	498.07
DD14988.13	17/04/2020	Rest Superannuation	Superannuation Contributions	MUNI	515.67
DD14988.14	17/04/2020	Australiansuper	Superannuation Contributions	MUNI	2,487.27
DD14988.15	17/04/2020	Burton Superannuation Fund	Superannuation Contributions	MUNI	257.92
DD14988.16	17/04/2020	Construction & Building Industry Super	Superannuation Contributions	MUNI	312.29
DD14988.17	17/04/2020	MLC Super Fund	Superannuation Contributions	MUNI	638.67
DD15005.1	01/05/2020	WA Super	Payroll Deductions	MUNI	36,081.56
DD15005.2	01/05/2020	Colonial First State First Choice Wholesale Personal Super	Superannuation Contributions	MUNI	260.89
DD15005.3	01/05/2020	Diamond Sea Superannuation Fund	Payroll Deductions	MUNI	249.18
DD15005.4	01/05/2020	One Path Masterfund	Superannuation Contributions	MUNI	67.36
DD15005.5	01/05/2020	Hostplus	Superannuation Contributions	MUNI	154.32
DD15005.6	01/05/2020	Suncorp Brighter Super	Superannuation Contributions	MUNI	167.12
DD15005.7	01/05/2020	BT Super For Life	Superannuation Contributions	MUNI	168.71
DD15005.8	01/05/2020	Local Government Super	Superannuation Contributions	MUNI	232.58

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
DD15005.9	01/05/2020	BT Super	Payroll Deductions	MUNI	541.06
DD15005.10	01/05/2020	Amp Flexible Super - Super Account	Superannuation Contributions	MUNI	110.95
DD15005.11	01/05/2020	Asgard Infinity E Wrap Super	Superannuation Contributions	MUNI	261.82
DD15005.12	01/05/2020	The Bro Code Super Fund	Payroll Deductions	MUNI	5.76
DD15005.13	01/05/2020	ANZ Smart Choice Super (Onepath Masterfund)	Superannuation Contributions	MUNI	645.63
DD15005.14	01/05/2020	Media Super	Superannuation Contributions	MUNI	498.07
DD15005.15	01/05/2020	Rest Superannuation	Superannuation Contributions	MUNI	578.05
DD15005.16	01/05/2020	Australiansuper	Superannuation Contributions	MUNI	2,487.27
DD15005.17	01/05/2020	Burton Superannuation Fund	Superannuation Contributions	MUNI	257.92
DD15005.18	01/05/2020	Construction & Building Industry Super	Superannuation Contributions	MUNI	273.25
DD15005.19	01/05/2020	MLC Super Fund	Superannuation Contributions	MUNI	655.24
CREDIT CARD					
DD15010.1	30/04/2020	Zoom	Zoom Meeting Subscription	MUNI	2,120.12
DD15010.2	30/04/2020	Facebook Ireland Limited	Facebook Advertising For ERC	MUNI	72.79
DD15010.3	30/04/2020	Mailchimp	Monthly Subscription And Charge For Electronic Newsletter	MUNI	128.92

PAYMENT	DATE	NAME	INVOICE DESCRIPTION	FUND	AMOUNT
INTERNATIONAL					
BPAY					
DD15007.1	30/04/2020	linet Ltd	Monthly Charge For Business-4 Service Sod@Westenet.Com.Au	MUNI	239.94
DD15018.1	07/05/2020	Holcim Australia Pty Ltd	Class 4 Dia 450Mm Rcp Inc. Rubber Ring Gasket	MUNI	10,335.60
REPORT TOTALS					911,028.20
EFT	810,251.41				
Muni Cheque	0.00				
Payroll	87,879.42				
Credit Card	2,321.83				
International	0.00				
BPAY	10,575.54				
TOTAL	911,028.20				

CERTIFICATE of Chief Executive Officer

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



MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

12.16 Title: Local Emergency Management Committee Meeting Minutes Held 13 May 2020

MINUTES OF THE SHIRE OF DARDANUP LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY, 13 MAY 2020, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 10.00AM.

Officer Comment

The Minutes of the Local Emergency Management Committee Meeting are attached (Appendix ORD: 12.16).

OFFICER RECOMMENDED RESOLUTION

THAT Council receive the minutes of the Local Emergency Management Committee Meeting held 13 May 2020 (Appendix ORD: 12.16).

12.17 Title: Integrated Planning Committee Meeting Minutes Held 13 May 2020

MINUTES OF THE SHIRE OF DARDANUP INTEGRATED PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, 13 MAY 2020, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 1.00PM.

Officer Comment

The Minutes of the Integrated Planning Committee Meeting held 13 May 2020 are attached (Appendix ORD: 12.17A).

OFFICER RECOMMENDED RESOLUTION

THAT Council receive the minutes of the Integrated Planning Committee Meeting held 13 May 2020 (Appendix ORD: 12.17A).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'A'**

THAT Council:

- 1. Defer the Councillor workshop on Differential Rating for two years; and**
- 2. Request that this item is brought back to Council in January 2022.**

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'B'**

THAT Council adopt the Shire of Dardanup Workforce Plan 2020/21 – 2029/30 as per (Appendix ORD: 12.17B).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'C'**

THAT Council endorses the 10 Year Plant & Vehicle Asset Management Plan 2020/21 – 2029/30 acquisition and the replacement program (Appendix ORD: 12.17C).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'D'**

THAT Council adopts the IT Asset Management Plan 2020/21 – 2029/30 (Appendix ORD: 12.17D) with the amended schedule provided for on page 14.

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'E'**

THAT Council endorses the 10 Year Stormwater Asset Management Plan 2020/21 – 2029/30 program of works (Appendix ORD: 12.17E).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'F'**

THAT Council endorses the 10 Year Building Asset Management Plan 2020/21 – 2029/30 program of works (Appendix ORD: 12.17F).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'G'**

THAT Council endorses the 10 Year Road Asset Management Plan 2020/21 – 2029/30 program of works (Appendix ORD: 12.17G).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'H'**

THAT Council endorses the 10 Year Pathway Asset Management Plan 2020/21 – 2029/30 program of works (Appendix ORD: 12.17H).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'I'**

THAT Council endorses the 10 Year Parks & Reserves Asset Management Plan 2020/21 – 2029/30 program of works (Appendix ORD: 12.17I).

12.18 Title: Integrated Planning Committee Meeting Minutes Held 20 May 2020

MINUTES OF THE SHIRE OF DARDANUP INTEGRATED PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, 20 MAY 2020, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 1.00PM.

Officer Comment

The Minutes of the Integrated Planning Committee Meeting held 20 May 2020 are attached (Appendix ORD: 12.18).

OFFICER RECOMMENDED RESOLUTION

THAT Council receive the minutes of the Integrated Planning Committee Meeting held 20 May 2020 (Appendix ORD: 12.18A).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'A'**

THAT Council receive the Strategic Community Plan Internal Review report and endorse the updates to the Strategic Community Plan 2018-2028 as agreed by Councillors at the workshop held on the 13 May 2020, and contained within (Appendix ORD: 12.18B).

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'B'**

THAT Council receive and endorse the Shire of Dardanup draft Corporate Business Plan 2020/21 – 2023/24 (Appendix ORD: 12.18C)

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'C'**

THAT Council receive and endorse the Shire of Dardanup Long Term Financial Plan 2020/21 – 2029/30, based on a projected rate increase of 0.0% for the 2020/21 budget (Appendix ORD: 12.18D)

**INTEGRATED PLANNING COMMITTEE
AND COUNCIL RECOMMENDED RESOLUTION 'D'**

THAT Council adopts the 2020/21 Strategic Financial Plan (Appendix ORD: 12.18E).

13	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
-----------	--

13.1 Title: *Elected Member Motion – Live Streaming of Council Meetings*

Reporting Department: Elected Member
Reporting Officer: Cr. Janice Dow
Legislation: Local Government Act 1995

Overview

Elected member request to live stream Council meeting for the Shire of Dardanup.

Background

Live streaming of Council meetings is a positive step forward as one measure that contributes towards a Council being open, transparent and to better service and engage with our community. Live streaming has become a valuable tool for local governments to increase community engagement.

Local Governments of all sizes have taken to live streaming of Council meetings as a way to communicate their message to their community. By live streaming, local governments are demonstrating transparency and accountability, it also provides real-time and accurate information to residents quickly and efficiently.

While the public may want to attend every meeting the reality is that they can't always be physically present due to distance, prior commitments, ill health, being on vacation or lack of transport on the night to attend. Live streaming gives the flexibility to fit into the residents' day, whether it be by live streaming on the night or a recording at a later date. Live streaming also allows residents to view Council meetings in the comfort and safety of their own home especially at the current time with the threat of the COVID-19 pandemic which could go on for many more months.

The Shire employ 10 IT staff that have the expertise to set up live streaming. The last Council Meeting in April was set up and live streamed via Zoom due to COVID-19 by the very talented and qualified IT staff, not by outside contractors therefore I would expect the implementation of Live Streaming to be at a reasonable cost.

Legal Implications

Local Government Act 1995.
 State Records Act 2000.

Strategic Community Plan

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

Strategy 1.6.2 - Promote a positive public image for the Council through appropriate marketing activities and high standards of customer service. (Service Priority: Very High)

Environment - None.

Precedents - None.

Budget Implications - Costs to be investigated.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 13.1A) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Elected Member Motion – Live Streaming of Council Meetings
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	Low (1 - 4)
Risk Category Assessed Against	Financial Cost of installation and ongoing maintenance

Officer Comment

Business Solutions staff have investigated the requirements associated with implementing video recording and live streaming of Council meetings. The live streaming of Council meetings will need to be compliant with *State Records Act 2000*. The audio/video recording of meetings and verbatim transcripts must be retained and are required to be compliant with the following formats:

- Audio recordings must meet the following minimum specifications:
 - Speed: Audio must be digitized at original speed
 - Compression: Lossless only
 - Channels: Minimum Stereo, or as appropriate if recording contains more than 2 channels
 - Long term file formats: BWAV, WAV, AIF
- Video and film recordings must meet the following minimum specifications:
 - Speed: Video and film must be digitized at original speed
 - Compression: Lossless only
 - Channels: As per original (e.g.: 1280x720px)
 - Long term file formats: MPEG-2, MPEG-4
 - Audio: AAC

To achieve the above, verbal quotes were obtained to estimate the capital and operating costs required:

- Capital Cost – past research on the cost of the setup can range from \$70,000 – \$180,000 depending on the nature and complexity of the premise.
- Operational Cost – adequate IT and human resources need to be made available to support the function of the live streaming and/or recording of Council meetings. An additional 0.4 FTE would be recommended for this setup. Ongoing asset management responsibilities would need to be incorporated into this Plan as part of operational costs.

In addition to the cost and technical requirements, the video and recording equipment would need to capture public questions and presentations to Council. Members of the public attending Council meetings are able to speak during public question time and deputations or representations are often presented to Council during Council meetings, with responses often provided by Council during the meeting. The live streaming service/setup would need to capture this information to provide a complete record of what was spoken or raised at a Council meeting and responses provided.

Due to the above, Council Officers have recommended that this equipment be considered when the specifications for the new Council Administration building are being developed.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation

No Change. **OR:**

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

ELECTED MEMBER RESOLUTION

THAT the Council resolves to:

- 1. Live stream Council meetings via the Council website (and) to make available video recordings of Council meetings via the Council website within 2 days following the meeting for at least twelve months**
- 2. Request the Chief Executive Officer seek quotations on the most effective method of delivery.**
- 3. Authorise the Chief Executive Officer to accept the quotation they believe to achieve the objectives outlined in the report and in line with projected costs to direct Officers to implement the appropriate technology to accommodate live streaming in time for the July 2020 Council Meeting.**
- 4. Request the Chief Executive Officer that cameras be situated so that the video feed does not incorporate the public gallery or the face of residents or ratepayers asking questions.**
- 5. Request the Chief Executive Officer to ensure that the feed should include the audio of public questions only.**

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

~~15~~ PUBLIC QUESTION TIME

eMEETING PROCESS

To facilitate the operation of an e-meeting and in accordance with Local Government (Administration) Regulation 1996 [Reg. 7], the Council has resolved to suspend this section of the Shire of Dardanup Standing Orders Local Law.

16 MATTERS BEHIND CLOSED DOORS

eMEETING PROCESS – ADVICE TO PUBLIC

As this item is considered to be a Matter Behind Closed Doors, the Council will pass by resolution a decision to proceed Behind Closed Doors, the live streaming of the eMeeting will be suspended.

Upon returning from Behind Closed Doors and reconnecting the live streaming with the public, the Presiding member will inform the public of any resolutions made behind closed doors.

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

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

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

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

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

OFFICER RECOMMENDED RESOLUTION

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

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

16.1 Title: Recycling Program Contract Variation and Behavioural Change Program

Reporting Department: Infrastructure Directorate
Reporting Officer: Mr Sergio Massimini - Manager Operations
Mr Luke Botica - Director Infrastructure
Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

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

OFFICER RECOMMENDED RESOLUTION

THAT Council return from Behind Closed Doors.

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

17 CLOSURE OF MEETING

Process:

Before closing the meeting, the Presiding Member should undertake a final 'roll call' so the Minutes evidence continued attendance of Elected Members at the eMeeting and record attendance.

The Presiding Officer advises that the date of the next Special Meeting of Council will be an eMeeting and held on Wednesday 10 June 2020, commencing at 5.00pm.

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be held on Wednesday 24 June 2020, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer to declare the meeting closed.