



**CONFIRMED**

**MINUTES**

**SPECIAL**

**COUNCIL MEETING**

Held

11<sup>th</sup> of September 2024

At

ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

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

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## **VISION STATEMENT**

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

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## COUNCIL ROLE

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

## DISCLAIMER

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

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

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

## RISK ASSESSMENT

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

**SHIRE OF DARDANUP**

**MINUTES FOR THE SHIRE OF DARDANUP SPECIAL COUNCIL MEETING HELD ON WEDNESDAY, THE 11<sup>TH</sup> OF SEPTEMBER 2024, AT ADMINISTRATION CENTRE EATON, 1 COUNCIL DRIVE, EATON, COMMENCING AT 5.30PM.**

**1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Presiding Member, Cr. T G Gardiner declared the meeting open at 5.30pm, welcomed those in attendance, referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

*Acknowledgement of Country*

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

*Emergency Procedure*

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

*Affirmation of Civic Duty and Responsibility*

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

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

### 2.1 Attendance

Cr. Tyrrell Gardiner	-	Shire President
Cr. Jack Manoni	-	Elected Member
Cr. Annette Webster	-	Elected Member
Cr. Tony Jenour	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Stacey Gillespie	-	Elected Member (Teams)
Mr André Schönfeldt	-	Chief Executive Officer
Mr Chris Murray	-	Acting Director Corporate & Governance
Mr Theo Naudé	-	Director Infrastructure
Mr Ashwin Nair	-	Director Sustainable Development
Mrs Donna Bailye	-	Manager Governance
Mrs Brooke Sudbury	-	Executive Support Officer

### 2.2 Apologies

Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Cr. Taneta Bell	-	Elected Member
Cr. Ellen Lilly	-	Deputy Shire President

### 2.3 Leave of Absence

### 2.4 Previous Meetings

DATE	TYPE	Cr. T BELL	Cr. L W DAVIES	Cr. T G GARDINER	Cr. S L GILLESPIE	Cr. A C JENOUR	Cr. E P LILLY	Cr. M R HUTCHINSON	Cr. J D MANONI	Cr. A L WEBSTER
<b>June 2024</b>										
05/06/24	CF	Ap	NA	✓	Ap	✓	✓	✓	Ap	Ap
19/06/24	AF	✓	NA	✓	✓	✓	✓	✓	✓	✓
26/06/24	OCM	✓	✓	✓	✓	✓R	✓	✓	✓	✓
<b>July 2024</b>										
10/07/24	SCM	✓	Ap	✓	✓	✓R	✓R	✓	✓	Ap
17/07/24	AF	NA	✓	✓	✓	Ap	✓	✓	✓	✓
24/07/24	OCM	✓	✓	✓	✓	✓R	✓	✓	✓	✓
31/07/24	CF	✓	NA	✓	✓	✓	✓	✓	✓R	NA
<b>August 2024</b>										
14/08/24	WS	NA	✓	✓	✓	✓	✓	✓	NA	✓
21/08/24	AF	✓R	Ap	✓	Ap	✓R	✓	✓	NA	Ap
28/08/24	OCM	✓R	Ap	✓	✓R	✓	✓	✓	✓	✓

DATE	TYPE	Cr. T BELL	Cr. L W DAVIES	Cr. T G GARDINER	Cr. S L GILLESPIE	Cr. A C JENOUR	Cr. E P LILLY	Cr. M R HUTCHINSON	Cr. J D MANONI	Cr. A L WEBSTER
<b>September 2024</b>										
4/09/24	CF	✓R	Ap	✓	Ap	Ap	✓	✓	✓	✓
11/09/24	WS	Ap	NA	✓	✓R	✓	Ap	✓	✓	✓
11/09/24	SCM	Ap	NA	✓	✓R	✓	Ap	✓	✓	✓
18/09/24	AF									
25/09/24	OCM									

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

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

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

None.

### 4 PUBLIC QUESTION TIME

#### 4.1 Ms Lynette Sleight Safety Officer –Coastal Rowing WA Inc.

Ms Sleight read aloud the following question:

*Regarding report 12.1.2 – Coastal Rowing WA Inc, what is the difference between the Eaton Foreshore Place Plan that is endorsed at this time and The Concept Plan referred to in “Officer Recommended resolution B”. The Place Plan indicates a waters sports facility on The Eaton Foreshore.*

*Discussion:*

*Chief Executive Officer, Mr André Schönfeldt responded that the Place Plan show a number of dots however these do not show what the facilities would look like or exactly where anything would be built. Mr Schönfeldt advised that the Place Plans show what can occur with no concept designs prepared by the Shire of Dardanup. The Concept plan process aims to clarify this and there would need to be community consultation to confirm the plans. This would be something similar to what has already occurred in Burekup and Dardanup. Through this process, it is possible that no building end up being supported at the foreshore.*

Ms Sleight asked a further question :

*Would the building, upon completion belong to the Grantees, namely the Coastal Rowing Club, with only the land being leased?*

Chief Executive Officer, Mr André Schönfeldt advised that the Shire of Dardanup would own the asset and that the Shire does not enter into land leases on public reserves to third parties, however would be happy to enter into lease negotiations when the building is completed.

#### 4.1 Mr Troy Kent- President of Eaton Boomers

##### *Discussion:*

Mr Kent advised that he had no questions to ask but was happy to answer Councillor questions if they had any.

Cr Jenour asked if there was any consultation with the surrounding land owners, regarding the potential lights?

Mr Kent responded - No, the guidance received from the contractor was that the style of lighting proposed is not designed to have light "spillage".

Clarification was received from Chief Executive Office André Schönfeldt, that a development application will be required and community consultation will form part of the approval process.

Cr Mark Hutchinson advised that between the Shire of Dardanup estimations and the clubs quote there is a large discrepancy, is there a reason for this?

Chief Executive Office, Mr André Schönfeldt advised that the Shire of Dardanup had previously received costings when the light upgrade was performed at the Softball oval and those costings were used. However, it was explained that the Shire will not fund any of the upgrades if the quote was not accurate.

Cr Hutchinson noted that within the report the Shire of Dardanup is prepared to project manage the installation. How will this work and what if there are over runs in the project.

Chief Executive Office, Mr André Schönfeldt advised that Officers recommend that Council be prepared to absorb the cost of project managing as part of operational costs. There will be a preference for the Shire to project manage, however if the Eaton Boomers choose to project manage themselves the Shire of Dardanup would require proof that all standards are met.

Cr Jenour questioned the ongoing maintenance costs of the new lights?

Chief Executive Officer, Mr André Schönfeldt advised that the maintenance costs would be borne by the Shire.

Mr Troy Kent advised that that quality of the lighting proposed has a much lower maintenance costs than the existing lights, which in the long run has the potential to drop costs.





**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

None.

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

None.

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

None.

**11 DECLARATION OF INTEREST**

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

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

*Note: Chairperson, Cr T Gardiner asked Councillors and Staff if there were any Declarations of Interest to be declared.*

*There were no Declarations of Interest made.*

## 12 REPORTS OF OFFICERS AND COMMITTEES

### 12.1 CORPORATE & GOVERNANCE DIRECTORATE REPORTS

#### 12.1.1 Title: Eaton Boomers – Play Our Way Grant Application

<b>Reporting Department</b>	<i>Corporate &amp; Governance Directorate</i>
<b>Responsible Officer</b>	<i>Mr Chris Murray – Acting Director Corporate &amp; Governance</i>
<b>Reporting Officer</b>	<i>Mrs Donna Bailye - Manager Governance</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Council Role</b>	<i>Executive/Strategic.</i>
<b>Voting Requirement</b>	<i>Simple Majority.</i>
<b>Attachments</b>	<i>Appendix ORD: 12.1.1 – Risk Assessment Confidential Attachment “A”</i>

#### **Overview**

Eaton Boomers has made application to the Commonwealth Department of Health & Aged Care for grant funding through the Play Our Way program to upgrade the lighting towers on the Glen Huon Reserve. The Eaton Boomers have now progressed through to Stage 2 of the application process and have been requested to provide evidence of Councils support for the project.

**Change to Officer Recommendation** - No Change.

OFFICER RECOMMENDED RESOLUTION “A”

THAT Council does not support the Eaton Boomers 2024 Play Our Way grant application.

#### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION “B”

231-24      MOVED -      Cr. J D Manoni      SECONDED –      Cr T G Gardiner

**THAT Council provides a letter of support to the Eaton Boomers for the grant application for funding under the Commonwealth Department of Health & Aged Care, Play Our Way funding round with the following stipulations:**

- **The asset will remain the property of the Shire of Dardanup.**
- **The Shire of Dardanup is willing to enter into a five-year seasonal user agreement available to the club over the oval, lights, club rooms, change rooms and storage areas.**
- **The Shire of Dardanup is willing to project manage the project, however the Shire of Dardanup will not be contributing financially towards the project.**

- **Eaton Boomers are to complete and obtain approval of the necessary Shire of Dardanup applications and approvals prior to works commencing.**
- **Eaton Boomers are to provide the required documentation confirming the works are being undertaken by a suitably qualified person(s), and are to liaise with the Shire of Dardanup regarding when site works are to commence.**
- **Eaton Boomer's contractor(s) are required to provide the relevant Works Health & Safety documentation and undertake an induction by the Shire of Dardanup prior to works commencing,**

CARRIED

6/0

FOR THE MOTION	AGAINST THE MOTION
Cr. T G Gardiner	
Cr. J D Manoni	
Cr. A L Webster	
Cr. A C Jenour	
Cr. S L Gillespie	
Cr. M R Hutchinson	

### **Background**

The Eaton Boomers (the Club) entered into a Lease and Management Agreement with Council on 1<sup>st</sup> of May 2017 for the lease of the Football Pavilion and Changerooms on Reserve 50882. This lease agreement provided a term of 10 years, with the expiry being 31<sup>st</sup> of December 2027. It also provided the option of a further term of 10 years.

At the Ordinary Council meeting of 30<sup>th</sup> of June 2021, Council resolved (224-21)

*THAT Council:*

1. *Notes that the Eaton Boomers Football Club have not provided Council with an updated three year Business Plan for the Eaton Sports Centre by the extended due date of 31<sup>st</sup> of March 2021, and have not complied with the requirements of their lease agreement with the Shire of Dardanup.*
2. *Requests the Chief Executive Officer to arrange a workshop with Councillors prior to advising the Eaton Boomers Football Club of Council's intention to amend the lease agreement so that the Eaton Sports Club building is no longer part of the lease, with Council to resume responsibility for the booking, usage and management of the building from the 1<sup>st</sup> of October 2021.*
3. *Requests the Chief Executive Officer to bring a report to Council on the requirements for a Building Property Manager to manage the Eaton Sports Club building and other Council leased facilities from 1<sup>st</sup> of October 2021.*

Following Council's resolution, Councillors and Staff met with the Eaton Boomers to discuss a way forward for the Club. At this meeting it was agreed by all parties that a User Agreement be established between the Club and Council. The Lease and Management Agreement with the Club was terminated on 31<sup>st</sup> of December 2021 and a User Agreement was signed by the Club in 2022. The User Agreement is for the seasonal hire of the Sports Pavilion and Change Rooms.

Annual User Agreements between Council and the Eaton Boomers have been in place for 2023 and 2024. The Club pays seasonal fees as per Council's current Fees and Charges.

There is no User Agreement in place with the Club for the usage of the Glen Huon Oval, however the club pays a Seasonal Fee for Use of the Oval as per Council's fees and charges.

### **Legal Implications**

A User Agreement currently exists with the Eaton Boomers for the seasonal hire of the Sports Pavilion and the Changerooms.

### **Council Plan**

8.1 - Support responsible planning and development.

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

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

**Environment** - None.

**Precedents** -

In March 2022, Council was successful in its 2021 CSRFF grant funding application for the Club Night Lights Program. Under the Club Night Lights Program, the State Government provided a maximum one-third contribution toward the project cost, with the model generally working under the principal of a one-third contribution from Local Government and one-third contribution from the Club/Association.

Officers sought response from the Eaton Boomers as to their desire to participate in the project through a financial contribution. At the time the Club was unable to contribute to the project and Council endorsed (233-22) to remove the AFL lighting from the successful CSRFF funded project.

The project was completed and the lights on the Softball Oval were upgraded.

### **Budget Implications**

The current 2024/25 Budget does now allow for any lighting upgrades to the football lighting on the Glen Huon Reserve.

The Club have advised that they will be seeking \$408,314(Ex GST) funding from the Play Our Way grant and will also be providing \$20,000 towards the works.

Whilst the Club will be seeking the full amount, and contributing \$20,000 they have suggested that assistance from Council would make their submission more inviting. (Confidential Attachment "A")

### **Budget – Whole of Life Cost** -

The Club has not provided estimated operation and maintenance costs. As a guide, the previous quote received by the Shire for the upgraded AFL lighting project (Night Lights Program) provided for the following estimated operation and maintenance costs.

	<b>AFL LIGHTING</b>
<b>Average Yearly Running Costs *</b>	\$14,500 per year (average over 20 year life of the lights - this is recouped from the users of the lights).
<b>Average Yearly Maintenance Costs</b>	\$3,240

### **Council Policy Compliance**

- CNG CP306 Accounting Policy for Capital Works.
- Infr CP017 – Project Development Policy

### Risk Assessment

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

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Eaton Boomers – Play Our Way Grant Application
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Financial There is a risk that the Shire will be pressured into contributing to the project if there is a shortfall, the stipulation to support the project without a financial contribution mitigates this risk
	Service Interruption There is a risk that without upgrades to the lights, the lights around the Oval will not be effective to allow for training and night games.

### Officer Comment

The Club is seeking a letter of support from Council to support their Grant Application in the Play Our Way Program. A copy of the request, along with the Quote for the works is provided in (Confidential Attachment “A”).

The Play our Way program requires that the letter of support provides the following:

- *Facility Owner or Landowner/Council’s endorsement of the project: including details of the project proposed under the Play Our Way Grant Opportunity*
- *Facility Owner or Landowner/Council’s endorsement to use the land: including details of any lease or licensing arrangements that need to be put in place.*

*Additional details of support may also include:*

- *Facility Owner or Landowner/Council’s willingness to:*
  - *Work with the organisation throughout the project*
  - *Provide assistance and guidance as needed.*
- *Compliance with regulations: the letter may include a reminder to the organisation that they must comply with all relevant regulations, planning requirements, and building standards during construction. It would emphasize the importance of maintaining all necessary approvals and permits.*
- *Evidence of tenure is either a copy of the land title in the name of the applicant or a current registered lease agreement. Leases need to be current and remain current throughout the life of the grant period. It is preferable that the lease continues beyond the completion of the infrastructure works. Expired leases will not be accepted.*

The Club does not currently hold a Lease or User Agreement with Council over the Glen Huon Oval. The Club does however pay for Seasonal Hire of the Glen Huon Oval. The Club does have a yearly User

Agreement in place for the Sports Pavilion and Change Rooms. Should Council wish to support the Clubs application, it is proposed that Council enter into a 5 year Seasonal User Agreement to provide evidence of tenure moving forward.

The upgrade of the lighting to the Glen Huon Oval has been identified in the Council endorsed Sport and Recreation Plan 2020-2030. To support this Project, Council endorsed the CSRFF Night Lights grants Project in 2021, and was identified in the 2021/22 Budget.

The 2024/25 Budget does not provide for any funding to undertake or support the upgrade of the oval lighting at Glen Huon.

- *Project Development Engineer Comment*

The Club has provided a Quote and timeline for works to be undertaken for the project (Confidential Attachment "A". A review of this has been undertaken and assessed against the CSRFF Night Lights AFL project. It is to be noted that a full assessment could not be undertaken due to the different levels of detail between the Clubs quote and the Nights Lights project.

The Clubs design appears to be for Semi- professional level, where the Shires Night Lights application design was for Amateur Level. It is to be recognised that the upgrade to the lighting to bring the facility towards a WA Football League standard could see future additional upgrades/modification being required by Council to bring the oval and facilities in line with a WA Football league facility.

Lighting requirements are outlined in **Australian Standard 2560 Sports Lighting** (table below)

**TABLE 1**  
**LIGHTING CRITERIA**

Level of play	Maintained average horizontal illuminance <sup>a),b)</sup> ( $\bar{E}_{mh}$ ) lux	Minimum horizontal uniformities <sup>c)</sup>		Maximum glare rating (GR <sub>max</sub> )	Minimum colour rendering index ( $R_a$ min)	Maximum uniformity gradient
		( $U_1$ )	( $U_2$ )			
<b>Recreational level</b>						
Touch and tag	50	0.3	N/A	N/A	65	N/A
<b>Amateur level</b>						
Ball and physical training <sup>e)</sup>	50	0.3	N/A	N/A	65	N/A
Club competition and match practice	100	0.5	0.3	50	65	N/A
<b>Semi-professional level</b>						
Ball and physical training <sup>e)</sup>	50	0.3	N/A	N/A	65	N/A
Match practice	100	0.5	0.3	50	65	N/A
Semi-professional competition	200	0.6	0.4	50	65 <sup>d)</sup>	N/A
<b>Professional level</b>						
Ball and physical training <sup>e)</sup>	100	0.5	0.3	50	65	N/A
Match practice	200	0.6	0.4	50	65	N/A
Professional competition	500	0.7	0.5	50	65 <sup>d)</sup>	20% per 5 m

The quote references design to AFL Amateur level training and Game lighting 100lux/200lux. However, they appear to be installing lights with 200lux for matches and 100lux for training which is the requirements for Semi-professional level.

Semi-professional level require only 50lux for training and the quote doesn't appear to allow for this. The quote supplied appears reasonable however without seeing detail on light fitting types it's difficult to evaluate.

A Summary of the Shires AFL lighting design is provided below;

- Lighting to comply with **Australian Standard 2560** Sports Lighting Part 2.3
- Club competition and practice match **100lux**
- Lighting can be operated at **50lux** which is suitable for training
- Design drawing Attached (4 x 30m high poles to be installed).

	<b>COST (Exc GST)</b>
Shire's Estimate (Night Lights Project)	<b>\$522,300</b>
Boomers 2024 Quote	<b>\$408,314</b>

- *Director Infrastructure Comment*

There appears to be a discrepancy between the project scope and quotation provided by the Boomers Club and the specifications and scope previously tendered for (CSRFF Night Lights AFL project). The scope and requirements needed to be determined and agreement reached whether the previous design sufficiently caters for the Boomers Club's needs, which may impact on the project costs.

The quotation provided by the Boomers Club appears to be relatively low in comparison to previously tenders obtained. Depending on the design and whether adjustments needs to be made or if the previous design could be used, other factors needs to be considered in the costings for the project. These include project management as well as geotechnical investigation. As experienced with a previous project, the very soft ground conditions at this location required increased footings as was determined by the structural engineer.

Community consultation to be undertaken to ensure the lighting design complies to the requirements whilst ensuring obtrusive lighting is being addressed. Since installation of the skate park lights and the softball lights, numerous complaints have been raised by residents in the area. This could be dealt with through a development application to be lodged by the Boomers Club should the funding be received. Should Council wish to support the Club's grant application, Officers are recommending that the following stipulations are included in the support.

- The asset will remain the property of the Shire of Dardanup
- The Shire of Dardanup is willing to enter into a five-year seasonal user agreement available to the club over the oval, lights, club rooms, change rooms and storage areas.
- The Shire of Dardanup is willing to project manage the project, however the Shire will not be contributing financially towards the project.
- Eaton Boomers are to complete and obtain approval of the necessary Shire of Dardanup applications and approvals prior to works commencing
- Eaton Boomers are to provide the required documentation confirming the works are being undertaken by a suitably qualified person(s), and are to liaise with the Shire regarding when site works are to commence.
- Eaton Boomer's contractor(s) are required to provide the relevant Works Health & Safety documentation and undertake an induction by the Shire of Dardanup prior to works commencing,

END REPORT



## 12.1.2 Coastal Rowing WA Inc – Play Our Way Application

<b>Reporting Department</b>	Corporate & Governance Directorate
<b>Responsible Officer</b>	Mr Chris Murray – Acting Director Corporate & Governance
<b>Reporting Officer</b>	Mrs Donna Bailye - Manager Governance
<b>Legislation</b>	Local Government Act 1995
<b>Council Role</b>	Executive/Strategic.
<b>Voting Requirement</b>	Simple Majority.
<b>Attachments</b>	Confidential Attachment “B” 12.1.2 – Risk Assessment

### **Overview**

Coastal Rowing WA Inc has made application to the Commonwealth Department of Health & Aged Care for grant funding through the Play Our Way program for the construction of a Multi-Water Boat Storage Facility on the Eaton Foreshore. Coastal Rowing WA Inc has now progressed through to Stage 2 of the application process and have been requested to provide evidence of Councils support for the project.

**Change to Officer Recommendation** - No Change.

### OFFICER RECOMMENDED RESOLUTION “A”

THAT Council does not support the Coastal Rowing WA Inc 2024 Play Our Way grant application.

### OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION “B”

232-24      MOVED -      Cr. T G Gardiner      SECONDED –      Cr. M R Hutchinson

#### THAT Council

1. **Provides a letter of in-principle support to Coastal Rowing WA Inc for the grant application for funding under the Commonwealth Department of Health & Aged Care, Play Our Way funding round with the following stipulations:**
  - **Before the design and location of the building can be agreed to, the Shire of Dardanup is first to develop a Concept Plan for the Eaton Foreshore thorough community consultation and this Concept Plan is intended to be presented to Council in June 2025 for Council endorsement.**
  - **The asset will remain the property of the Shire of Dardanup.**
  - **Should Coastal Rowing WA Inc be successful in securing adequate funding for the facility, the Shire of Dardanup would be willing to enter into a multi-year lease agreement with the Coastal Rowing WA Inc over the whole or part of the building.**
  - **The Shire of Dardanup will not be contributing financially towards the project.**

- **Project Management for the design and construction of a building will be undertaken by the Shire of Dardanup.**
2. **Endorse the following Elected Members to the Eaton Foreshore Working Group [Note: that all appointments expire on the day prior to the next Ordinary Local Government election to be held in October 2025 or in accordance with Section 5.11 of the Local Government Act 1995:**
    - i) **Cr. T G Gardiner (Chair)**
    - ii) **Cr. S L Gillespie (Deputy 1)**
    - .....iii) **Cr. A L Webster (Deputy 2)**
  3. **Requests the Chief Executive Officer prepare a Terms of Refence for an Eaton Foreshore Working Group inclusive of the following groups:**
    - i) **Coastal Rowing Club Inc**
    - ii) **Bunbury Repertory Club**
    - iii) **Eaton Foreshore Festival Committee (Eaton Primary School)**
    - iv) **Eaton Junior Football Club**
    - v) **Eaton Cricket Club**
    - vi) **Grow Cook Eaton Create Inc.**
  4. **Includes a new project in the Shire of Dardanup Council Plan for 2024/2025 – “Develop a Concept Plan for the Eaton Foreshore” under Amenity.**

CARRIED  
6/0

<i>FOR THE MOTION</i>	<i>AGAINST THE MOTION</i>
Cr. T G Gardiner	
Cr. J D Manoni	
Cr. A L Webster	
Cr. A C Jenour	
Cr. S L Gillespie	
Cr. M R Hutchinson	

### **Background**

At the Ordinary Council meeting of the 25<sup>th</sup> of August 2021, Council resolved (258-12) to establish a written Agreement to Occupy Reserve 24359 (Eaton Foreshore) with Coastal Rowing WA Inc. On the 28<sup>th</sup> of July 2021 a 2 year permit to Occupy was provided to Coastal Rowing WA Inc. In July 2023 a further Permit to Occupy was provided to Coastal Rowing WA Inc for a further 2 years. The current permit is due to expire on 28<sup>th</sup> of July 2025.

### **Legal Implications**

The Eaton Foreshore is located on Lot 500 Pratt Road, Eaton and is part of Reserve 24359, with the care, control and management vested with the Shire of Dardanup. The vested purpose of the Reserve is 'Recreation'. The Shire of Dardanup has the power to lease for any period not exceeding 21 years, subject to the consent of the Minister for Lands.

Shire of Dardanup Local Government Property local Law 2007. Clause 1.4 (2)(b) enables Council to enter into an agreement with any person regarding the use of any local government property.

### **Council Plan**

- 8.1 - Support responsible planning and development.  
 2.2 - Increase participation in sport, recreation and leisure activities.  
 8.2 - Advocate for adequate utility infrastructure to support a growing community and economy.

**Environment** - None.

### **Precedents**

The Eaton Foreshore is a Reserve vested by the State, to the Shire of Dardanup. The vested purpose of the Reserve is Recreation. Council has allowed for the construction of structures on Council Reserves, the most recent being the construction of the new Fishwick Pavilion located on Reserve 24728. Reserve 24728 is vested to the Shire of Dardanup with vested purpose of Recreation.

### **Budget Implications**

Coastal Rowing WA Inc has applied for a Grant in the sum of \$1,702,852.20, which is streamed over 3 years. A copy of the funding proposal is provided in (Confidential Attachment "B") Coastal Rowing WA Inc is not seeking funding from Council for the project.

### **Budget – Whole of Life Cost** -

The Coastal Rowing WA Inc submission (Confidential Attachment "B") is proposing leasing the premises back from the Shire and have put forward the current Eaton Bowling Club Lease model. The building will become a Shire owned asset. No costings have been provided for the operation, maintenance, insurances of the Shire owned facility. Renewal works associated with the normal wear and tear of the building structure will need to be scheduled into the 10 Year Building Asset Management Plan and undertaken at the cost of the Shire.

### **Council Policy Compliance**

- CNG CP306 Accounting Policy for Capital Works.
- Infr CP017 – Project Development Policy

### **Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.1.2) for full assessment document.

<b>TIER 2 – 'Low' or 'Moderate' Inherent Risk.</b>	
Risk Event	Coastal Rowing WA Inc – Play Our Way Application
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Financial There is a risk that the Shire will be required to contribute to the project if there is a shortfall this is mitigated by the stipulation that the Shire will not contribute to the project financially.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
	Property	The current facility is a sea-container, the proposal poses a risk that the foreshore is used for an individual club or purpose.
	Reputational	There is a risk that the project is not supported by the Community, which could result in reputational damage, this is mitigated by undertaking a detailed concept plan, which will be advertised for public comment.

### **Officer Comment**

The Club is seeking a letter of support from Council to support their Grant Application in the Play Our Way Program. A copy of the request, along with the proposed costings for the works is provided in (Confidential Attachment “B”)

The Play our Way program requires that the letter of support provides the following:

- *Facility Owner or Landowner/Council’s endorsement of the project: including details of the project proposed under the Play Our Way Grant Opportunity*
- *Facility Owner or Landowner/Council’s endorsement to use the land: including details of any lease or licensing arrangements that need to be put in place.*

*Additional details of support may also include:*

- *Facility Owner or Landowner/Council’s willingness to:*
  - *Work with the organisation throughout the project*
  - *Provide assistance and guidance as needed.*
- *Compliance with regulations: the letter may include a reminder to the organisation that they must comply with all relevant regulations, planning requirements, and building standards during construction. It would emphasize the importance of maintaining all necessary approvals and permits.*
- *Evidence of tenure is either a copy of the land title in the name of the applicant or a current registered lease agreement. Leases need to be current and remain current throughout the life of the grant period. It is preferable that the lease continues beyond the completion of the infrastructure works. Expired leases will not be accepted.*

Coastal Rowing WA Inc currently hold a Permit to Occupy for Reserve 243959. This Permit to Occupy was granted on 28<sup>th</sup> of July 2023 and expires on 28<sup>th</sup> of July 2025 and is for the placement of a sea container within a designated area of the Eaton Foreshore.

When the Club approached Council in 2021 with its proposal to place a sea container on the Eaton Foreshore, it was identified that the area was considered a flood risk and there were also issues identified in the Capel to Leschenault Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). Whilst there were conditions placed on the sea container it was acknowledged that a non-permanent structure, such as the sea container, whilst still carrying risk, could be approved.

The CHRMAP that was adopted by Council at its Ordinary Council meeting on 22<sup>nd</sup> May 2024 serves as a guide for future planning and coastal management in the Shire. The CHRMAP was developed as a result of the Western Australian Planning Commission (WAPC) State Planning Policy No. 2.6: State Coastal Planning Policy, which recommends that management authorities develop it for land use or development that is potentially vulnerable to coastal hazards.

As the CHRMAP produced hazard maps for present and future scenarios, it identified certain areas along the lower end of the Collie River that are affected by potential flooding and needs to be used to guide future planning.

Council had previously endorsed the Eaton Foreshore and Boat Ramp Facility Landscape Masterplan in August 2014. Part of the resolution (143-23) provided for the following:

5. *Requires that all future forecast programmes of works and budgets to be considered and informed by the endorsed Place Plans as amended from time to time*

Council adopted the Eaton- Millbridge Community Facilities Plan (335-21) in 2021. The Eaton Place Plan superseded the Eaton Foreshore and Boat Ramp Facility Landscape Masterplan and was adopted by Council (143-23) in 2023. Updated master plans or precinct plans for this area are yet to be adopted by Council.

Following the last round of the Eaton Millbridge Community and Advisory Group meetings, where the Community Facility Plans and Place Plans were workshopped, it is now recommended that a Eaton Foreshore Precinct Plan be developed to refine the land use at the foreshore area.

The current plans adopted by Council do not have a permanent structure/facility placed on the Eaton Foreshore.

Following Councils current process of Community Engagement with stakeholders, Officers are recommending that a precinct or master plan for this area is required before works can be carried out in this location.

Should Council wish to provide in kind support to the Grant Application and to ensure equity in the usage of this area, Officers recommend that a Community Group Meeting would need to take place with stakeholders present and for other community groups to be given an opportunity to occupy as well. The suggested meetings could take the format of a Community Precinct Working Group, similar to those that were successfully held in Burekup and Dardanup. From these meetings a Concept Plan for the Eaton Foreshore Reserve can be created and then endorsed by Council.

Following Council endorsement of the Concept Plans officers are recommending that the Shire then establish a Working Group consisting of representatives from the following:

- Coastal Rowing WA Inc
- Bunbury Repertory Club
- Eaton Foreshore Festival Committee (Eaton Primary School)
- Eaton Junior Football Club
- Eaton Cricket Club
- Grow Cook Eaton Create Inc
- Elected Members

The Working Group will provide input on the final design of the premises. Shire Officers will be appointed as Project Managers for the build, and construction will be undertaken in accordance with the Shire of Dardanup policies and procedures.

If In Kind support is given by Council the above stipulations will be included in the letter of in-principle support to the Play Our Way Program.

END REPORT

**13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

None.

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

None.

**15 PUBLIC QUESTION TIME****15.1 Ms Lynette Sleight Safety Officer –Coastal Rowing WA INC.**

*Ms Sleight requested that along with the letter of support from the Shire of Dardanup, would there be a willingness of the Shire to sign a lease agreement?*

*Chief Executive Officer, Mr André Schönfeldt responded that the Shire of Dardanup would only enter into a lease agreement with Coastal Rowing when the building is completed.*

**16 MATTERS BEHIND CLOSED DOORS**

None.

**17 CLOSURE OF MEETING**

The Presiding Officer, Cr. T G Gardiner advised that the date of the next:

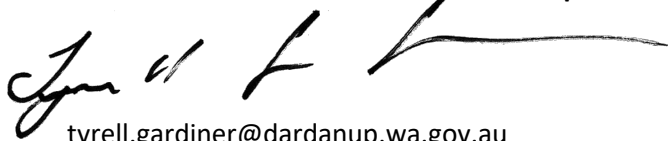
- Ordinary Meeting of Council will be Wednesday, the 25<sup>th</sup> of September 2024, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 5.58pm.

**CONFIRMATION OF MINUTES**

**"As the person presiding at the meeting at which these minutes were confirmed on the 25<sup>th</sup> of September 2024, I certify that these minutes have been confirmed as a true and accurate record of proceedings".**

Signature:

Email:  tyrell.gardiner@dardanup.wa.gov.au