



Corporate & Governance  
Directorate

# APPENDICES

Item 12.4.1 – 12.4.8

## ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 22<sup>nd</sup> November 2023  
Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

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



## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** Adoption of Cats Local Law 2023

**RISK THEME PROFILE:**

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

4 - Document Management Processes

**RISK ASSESSMENT CONTEXT:** Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	Council has a statutory obligation to make laws which are clear and effective.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	Council's reputation will be impacted negatively if it fails to discharge its statutory obligation.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
<b>ENVIRONMENT</b>	Ensuring appropriate controls around keeping of cats reduces environmental risks.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
<b>PROPERTY</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.


Appendix ORD: 12.4.1A)

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**Subject:** FW: Department of Local Government - Proposed cat local law  
**Attachments:** JSCDL Report 78 - Extract - Cat local laws.pdf

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**From:** Steven Elliott <[steven.elliott@dlgsc.wa.gov.au](mailto:steven.elliott@dlgsc.wa.gov.au)>  
**Sent:** Wednesday, April 5, 2023 5:03 PM  
**To:** Governance Mailbox <[governance@dardanup.wa.gov.au](mailto:governance@dardanup.wa.gov.au)>  
**Subject:** Department of Local Government - Proposed cat local law

 **CAUTION:** This email originated from outside the Shire of Dardanup. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

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Good afternoon,

The Department's comments on the Shire's proposed cat local law is provided below.

### **Cats Local Law 2023**

#### **1. Clause 2.2 – Banning cats from non-public areas**

Clause 2.2 states that a cat may not enter any premises without explicit consent and a cat breaching this clause may be seized from the premises.

The Parliament's Delegated Legislation Committee has generally raised issues with clauses that attempt to confine cats to owner's premises, either explicitly or via the imposition of indirect conditions that lead to a similar outcome.

Further details on this issue can be found in an extract of one of the Committee's reports which is attached for the Shire's noting. This report related to the previous version of the Shire's local law and resulted in Part 2 of that local law being deleted.

#### **2. Clause 2.4 – Opinion of authorised person**

Clause 2.4(2) provides that a written notice may be issued when a cat is causing a nuisance "in the opinion of an authorised person".

In March this year, the Committee has requested a similar phrase be deleted from the Shire of Kojonup Cat Local Law. Presumably, this is due to the fact that if the matter proceeds to prosecution, guilt will hinge on whether nuisance existed as an actual fact.

It is suggested the Shire delete the phrase, as the Committee is likely to raise an issue with it. The deletion is unlikely to have any impact on the clause from an operational perspective.

#### **3. Clause 3.1 – Designation of cat prohibited areas**

If the local law is made in its current form, the areas listed in Schedule 3 will become cat prohibited areas for the purposes of clause 2.4.

Once the local law is made, it is generally unable to be changed except by making an amendment local law via the section 3.12 process in the LGA 1995.

## (Appendix ORD: 12.4.1B)

It is presumed that the process specified in clause 3.1 is intended to operate in addition to the normal law-making process. If so, the City may wish to make this clear when the local law is submitted to the Delegated Legislation Committee.

However, if the purpose of section 3.1 is to provide some kind of administrative power to amend Schedule 3 outside of the normal local law process (e.g. allowing Schedule 3 to be amended by council resolution or CEO decision), this is likely to raise legal issues.

### 4. Clause 4.8(1)(a) – Confinement of cats as condition of permit

Clause 4.8(1)(a) provides that all permits are issued subject to the condition that all cats be kept on the premises unless under effective control.

On 24 March 2023, the Committee requested a similar paragraph be deleted from the Kojonup cat local law. It is likely the Committee will make a similar request in relation to the Shire's draft local law as well.

Given the above, it is possible that paragraph (c) is also an issue, since it requires fencing of a sort that is clearly designed to have the secondary effect of confining cats to the premises. However, this clause wasn't present in the Kojonup local law and as a result, the DLGSC cannot confirm that this paragraph is an issue. A copy of the Committee's specific undertaking in relation to Kojonup can be viewed at the following link: [Current Local Governments 1.pdf \(parliament.wa.gov.au\)](https://www.parliament.wa.gov.au/Current_LocalGovernments_1.pdf)

### 5. Minor edits

The following minor edits are suggested:

- **Clause 1.1:** Change the citation to italics.
- **Clause 1.4:** Change both the citation title and "Government Gazette" to italics.
- **Clause 1.5:**
  - In the definition of **Act**, change the citation to italics.
  - In the definition for district, change the "**district**" to "*district*".

The Shire should also check all references and cross references, particularly if any further changes are made prior to the final draft being submitted to council for endorsement.

### Minister's Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Shire has published a local law in the *Government Gazette*, the Shire must comply with the requirements of the Minister's *Local Laws Explanatory Memoranda Directions 2010*. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk  
Joint Standing Committee on Delegated Legislation  
Legislative Council Committee Office  
GPO Box A11  
PERTH WA 6837  
Email: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)  
Tel: 9222 7404  
Fax: 9222 7805

## (Appendix ORD: 12.4.1B)

A copy of the Explanatory Memoranda forms can be downloaded from the Department of Local Government, Sport and Cultural Industries website at [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au). A copy of the Directions is also available at the Committee's webpage at the Parliament WA website. Failure to comply with the Directions may render the local law inoperable.

Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire's consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire's policies and objectives.

Kind regards

**Steven Elliott**

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*The Department acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders past and present.*

just section 3.5(1) of the *Local Government Act 1995*. This is important because a local law is invalid if the law is made under the *Dividing Fences Act 1961* and the local government fails to provide a copy of the proposed local law; Statewide notice of it; and later a copy of the gazetted local law, to the Minister for Commerce as required under section 3.12 of the *Local Government Act 1995*.

- 7.6 The Attorney General supported the Committee’s view that the *Local Government Act 1995* is the source of power and not the *Dividing Fences Act 1961*. The Attorney General’s letter explaining the rationale is attached at **Appendix 1**.
- 7.7 The Committee now considers this matter settled. In future, local governments need only cite the *Local Government Act 1995* in the title and enacting clause when drafting a fencing local law.

### **Cat local laws**

- 7.8 The Committee drove legislative reform of cat law after encountering numerous problems with cat local laws made under the *Local Government Act 1995*.<sup>9</sup> Consequently, the *Cat Act 2011* was enacted and in 2013, the *Cat (Uniform Local Provisions) Regulations 2013* were gazetted.<sup>10</sup>
- 7.9 Section 27(a) of the *Cat Act 2011* empowers an authorised person in any public place, to seize any cat that the authorised person believes or suspects on reasonable grounds is the subject of an offence against the Act. In other words, a cat that the authorised person believes or suspects to be unsterilised, unregistered, not wearing a registration tag or not microchipped.
- 7.10 In this reporting period, the Committee scrutinised Part 2 of the Shire of Dardanup *Keeping and Control of Cats Local Law 2014*.<sup>11</sup> Part 2 provides that cats must not be in a “public place” or other place unless under “effective control” meaning any of the following methods:

*(a) held by a person who is capable of controlling the cat;*

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<sup>9</sup> The Committee had formed a view that the *Local Government Act 1995* did not provide the legislative basis for a local law to contain provisions requiring the sterilisation of cats; and that, in any case, a local law was not the appropriate legislative instrument for this purpose and had historically disallowed attempts by local governments to introduce local laws on the basis that cat control needed to be dealt with on a state-wide basis. See the Committee’s Report 34, 10 September 2009, *City of Joondalup Cats Local Law 2008*.

<sup>10</sup> During the Parliamentary debate in 2011, concerns were raised about the impact the Act would have on the number of cats that cat fanciers and breeders could own if local governments introduced a local law limiting cat numbers. Not all local governments have cat laws and there is no WALGA model. However, those that do, restrict cat numbers to 3. The former Minister for Local Government gave an undertaking that regulations would be introduced to ensure that if a local government introduced a local law limiting numbers, they would be reasonably protected.

<sup>11</sup> That local law was based on the *Shire of Busselton Keeping and Control of Cats Local 2014*.

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*(b) securely tethered;*

*(c) secured in a cage; or*

*(d) any other means of preventing escape.*

- 7.11 A public place “includes any place to which the public may lawfully have access”.
- 7.12 The effect of Dardanup’s law is that it is an offence<sup>12</sup> to have your cat in a public place, including your own verge, or on the road on a quiet street, without the cat being, in the opinion of an authorised person, under ‘effective control’. Similarly, it is an offence to allow your cat to be in any “other place” unless consent is given by the occupier or on behalf of the occupier and it is under ‘effective control’. For example, a cat must under effective control at a neighbour’s house even if the neighbour gives consent. Cats in public or other places may be seized and impounded by an authorised person.
- 7.13 The Department of Local Government and Communities made a number of comments in relation to Dardanup’s Local Law. In particular, that while section 79(3) of the *Cat Act*<sup>13</sup> provides that local governments can create cat local laws regarding certain subjects, including prohibiting cats from certain areas, it is uncertain whether this extends to allowing cats in public areas subject to restrictions.
- 7.14 Section 27(a) is the only provision of the Act dealing specifically with cats on public land. Section 27(b)(i) of the Act empowers an authorised person, in any premises lawfully entered, to seize *any cat* at the request, or with the consent, of the person who is, or appears to be, the owner or occupier of the premises. This section does not require that the authorised person believe or suspect that the cat is the subject of an offence under the Act. The cat may be registered and tagged and may still be validly seized under this section.
- 7.15 The general law-making power in the *Local Government Act 1995* cannot authorise local laws that are repugnant with another Act, in this case the *Cat Act 2011*.<sup>14</sup> The Act ‘covers the field’ on the regulation of cats in public places and other places. It provides that certain cats, namely those believed or suspected by an authorised person to be unsterilised, unregistered, not wearing a registration tag or not microchipped, may be seized. By implication, all other cats can lawfully remain on public land.
- 7.16 The effect of Dardanup’s clauses 2.1 and 2.2 when read together is to require that unless under “effective control”, cats must be confined to the premises in which they

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<sup>12</sup> (with a \$250 infringement notice penalty or maximum of \$5,000 if prosecuted in court)

<sup>13</sup> Section 79(3)(f) states that a local law may be made “as to... specifying places where cats are prohibited absolutely”.

<sup>14</sup> Section 3.7 of the *Local Government Act 1995*.



are kept. If they are not so confined, their ‘keeper’ has committed an offence under the Local Law and the cat is subject to seizure under clause 2.1(2) or 2.2(2). Using the language of the High Court in *R v Commissioner of Patents; Ex parte Martin*<sup>15</sup>, clause 2.1 ‘endeavours to take a new step in policy’ and is thus repugnant to the Act.

7.17 Further, the local law-making power in section 79(3)(g) of the Act<sup>16</sup> extends only to local laws “*requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats*”. Although it is true that the general local law-making power under section 79(1) is not limited by the specific powers set out in section 79(3), local laws which are directly contrary to any of the specific powers would be repugnant to the Act. By section 79(3)(g), the Parliament has arguably delineated the scope of valid local laws concerning the confinement of cats. Dardanup, in requiring all cats be confined to their keepers’ premises, is taking a significant new policy step. Part 2 of the Local Law in requiring that unless under “effective control”, cats must be confined to the premises in which they are kept, is a significant change to existing policy and a fundamental change in the law relating to cats.

7.18 The Committee resolved that Part 2 was inconsistent with or repugnant to the *Cat Act 2011*<sup>17</sup> and therefore not within power.<sup>18</sup> Further, that as Part 2 constituted a significant change to existing policy relating to cats, it was not appropriate for subsidiary legislation.<sup>19</sup> The Committee sought undertakings from the Shire of Dardanup to repeal Part 2 of the Local Law.

7.19 Noting identical provisions in Part 2 of the Shire of Busselton *Keeping and Control of Cats Local Law 2014*, the Committee intends to ask the Minister for Local Government and Communities to request the Governor to repeal the offending clauses pursuant to section 3.17 of the *Local Government Act 1995*. Consequently, the Committee also considered the following operational local laws which deal with the presence of cats in public and other places and contain similar, offending clauses:

- Clause 6 of the *Shire of Donnybrook-Balingup Keeping and Welfare of Cats Local Law 2007*;
- Clause 10.1 of the *Shire of Mundaring Keeping and Control of Cats Local Law 2005*;

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<sup>15</sup> (1953) 89 CLR 381.

<sup>16</sup> It states that a local law may be made “*requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats*”.

<sup>17</sup> Specifically, sections 27 and 79(3).

<sup>18</sup> See Committee Term of Reference 10.6(a).

<sup>19</sup> See Committee Term of Reference 10.6(d).

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- Clause 6 of the *Shire of Capel Local Law relating to the Keeping and Welfare of Cats 2004*; and
- Clause 7(6) of the *Shire of Ashburton Local Law Relating to the Control of Cats 1998*.

7.20 It is the Committee's intention to ask the Minister for Local Government and Communities to request the Governor to also repeal these offending clauses.

### **Assistance Animals**

7.21 In 2013, the Committee reported that many local laws contain exemption clauses for guide dogs and hearing dogs to the general ban on animals being on certain local government property, such as public swimming pools, cemeteries and jetties. This is in line with the requirements of the *Equal Opportunity Act 1984*. However, these local laws were not consistent with Commonwealth anti-discrimination legislation as set out in the *Disability Discrimination Act 1992 (Cth)*.

7.22 This issue arose in a number of local laws during this reporting period. The Committee negotiated with the Minister for Local Government to request the Governor to make a global amendment to these problematic clauses in all local laws. To date, the Parliamentary Counsel's Office has reviewed over 300 local laws.

### **Local Government correspondence**

7.23 The Committee continues to experience problems with Mayors and Shire Presidents failing to sign correspondence on behalf of their councils' resolutions. Instead, the Committee receives correspondence signed by chief executive officers, rangers; environmental health or planning officers.

7.24 As the Committee is part of the legislative arm of Government, it needs to communicate with and receive responses from, the legislative arm of local governments, not the executive (administrative) arm unless there are exceptional reasons.<sup>20</sup>

## **8 FEES AND CHARGES**

8.1 The Committee continues to spend a significant amount of its time considering fees and charges imposed by departments, agencies and statutory authorities in delegated legislation.<sup>21</sup> The Committee's task was made easier by the publication of the

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<sup>20</sup> An exception was the *City of Fremantle Alfresco Dining Local Law 2014* when the Committee indicated it would accept correspondence from the chief executive officer. That Instrument was exceptional because the Committee did not receive an Explanatory Memorandum in relation to it and although not formally confirmed, the City intends to repeal it.

<sup>21</sup> Local government fees and charges do not appear in the text of local laws.

**FIRST DRAFT – WITH AMENDMENTS  
FOLLOWING DLGSC COMMENTS**

**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

**SHIRE OF DARDANUP  
CATS LOCAL LAW 2023**

**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

**SHIRE OF DARDANUP**

**CATS LOCAL LAW 2023**

**CONTENTS**

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Interpretation

**PART 2—CONTROL OF CATS**

- 2.1 Cats in public places
- ~~2.2 Cats in other places~~
- 2.2 Cat in prohibited areas
- 2.3 Direction to abate the nuisance of a cat

**PART 3—CAT PROHIBITED AREAS**

- 3.1 Designation of Cat Prohibited Areas

**PART 4—PERMITS FOR KEEPING CATS**

- 4.1 Interpretation
- 4.2 Cats for which a permit is required
- 4.3 Transitional provisions
- 4.4 Application for permit
- 4.5 Refusal to determine application
- 4.6 Factors relevant to determination of application
- 4.7 Decision on application
- 4.8 Conditions
- 4.9 Duration of permit
- 4.10 Revocation
- 4.11 Permit not transferable

**PART 5—IMPOUNDING OF CATS**

- 5.1 Cat management facility
- 5.2 Impounding register
- 5.3 Charges and costs
- 5.4 Release of impounded cats

**PART 6—MISCELLANEOUS**

- 6.1 Giving of a notice
- 6.2 Content of a notice

**PART 7—OBJECTIONS AND REVIEW**

- 7.1 Objections and review

**PART 8—OFFENCES AND PENALTIES**

- 8.1 Offences
- 8.2 Prescribed offences
- 8.3 Forms

**SCHEDULE 1—ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS**

**SCHEDULE 2—MODIFIED PENALTIES**

**SCHEDULE 3—AREAS WHERE CATS ARE PROHIBITED ABSOLUTELY**

LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011

SHIRE OF DARDANUP

**CATS LOCAL LAW 2023**

Under the powers conferred by the Cat Act 2011, the Local Government Act 1995 and all other powers enabling it, the Council of the Shire of Dardanup hereby records having resolved on the ..... 2023 to adopt the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Dardanup Cats Local Law 2023*.

**1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

The Shire of Dardanup Keeping and Control of Cats Local Law 2014 as published in the *Government Gazette* on 22 August 2014 is hereby repealed.

**1.5 Interpretation**

In this local law unless the context otherwise requires—

*Act* means the *Cat Act 2011*;

*animal welfare organisation* means a non-government, not-for-profit organisation with the welfare of animals as their reason for existence;

*applicant* means the occupier of the premises who makes an application for a permit under this local law;

*approved cat breeder* has the meaning given to it in the Act;

*authorised person* means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

*cat* means an animal of the species *felis catus* or a hybrid of that species;

*cat management facility* has the meaning given to it in the Act;

*cattery* means any premises where 3 or more cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary owner of the cats;

*CEO* means the Chief Executive Officer of the local government;

*Council* means the Council of the local government;

*district* means the district of the local government;

*effective control* in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) secured in a cage; or
- (c) any other means of preventing escape;

## (Appendix ORD: 12.4.1C)

**group dwelling** (commonly referred to as a duplexes, villas or townhouses) means a dwelling that is 1 of a group of 2 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

**local government** means the Shire of Dardanup;

**multiple dwelling** (often called flats, apartments or units) meaning a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—

- (a) does not include a group dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

**nuisance** means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**owner** has the meaning given to it in the Act;

**permit** means a permit issued by the local government under clause 4.7;

**permit holder** means a person who holds a valid permit issued under clause 4.7;

**pet shop** means a shop or place used for the conduct of a business, in the course of which an animal is kept for the purposes of sale;

**premises** has the meaning given to it in the Act;

**public place** has the meaning given to it in the Act;

**RSPCA** means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

**Schedule** means a Schedule to this local law;

**scheme** means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents;

**single dwelling** means a house that stands alone on its own parcel of land;

**veterinary hospital** means any premises at which veterinary surgery is practised at which animals receive treatment, nursing care, and other services required for the reception, treatment and care of animals suffering from disease or injury or in need of surgical or medical treatment or assistance;

**veterinary clinic** means any premises at which veterinary surgery is practised, but at which animals are not retained overnight;

**veterinary surgery** means the art and science of veterinary surgery and veterinary medicine, and, without limiting the generality of the foregoing, includes —

- (a) the examination of any animal for the purpose of the diagnosis of disease in, or injury to, that animal, or the conduct of tests, whether physiological or pathological, on any animal for diagnostic purposes; and
- (b) the provision of advice based upon diagnosis of disease of, or injury to, any animal; and
- (c) the surgical or medical treatment of any animal;
- (d) the giving of any anaesthetic to, or the performance of surgical operations on, any animal; and
- (e) the doing or performing of any act, matter, procedure, or thing that is prescribed pursuant to section 31 as forming part of the practice of veterinary surgery.

**PART 2—CONTROL OF CATS**

**2.1 Cats in public places**

- (1) A cat shall not be permitted in a public place, if ~~in the opinion of an authorised person~~, the cat is causing a nuisance.
- (2) If a cat is at any time in a public place in contravention of subclause (1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**2.2 Cats in other places**

- (1) A cat shall not be in any place that is not a public place if—
  - (a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or
  - (b) the cat, ~~in the opinion of an authorised person~~, is causing a nuisance.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**2.3 Cat in prohibited areas**

- (1) A cat shall not be in any Cat Prohibited Area as identified in Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**2.4 Direction to abate the nuisance of a cat**

- (1) The owner of a cat, or any other person responsible for a cat, shall not allow the cat to create a nuisance.
- (2) Where, ~~in the opinion of an authorised person~~, a cat is creating a nuisance, the local government may give written notice to the owner of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) If the owner fails to comply—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**PART 3—CAT PROHIBITED AREAS**

**3.1 Designation of Cat Prohibited Areas**

- (1) The Local Government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3 **after following the process for amending a local law pursuant to the Local Government Act**.
- (2) The Local Government shall make available to the public the list of lands designated as Cat Prohibited Areas after consideration of any submissions received under subclause 3.1(4).



- (3) In designating land for the purpose of section 3.1 the Local Government shall have regard to clause 2.1.
- (4) The Local Government shall not designate a place or area to be a Cat Prohibited Area without first giving Local Public Notice of its intention to designate a place or area as a Cat Prohibited Area and considering any submissions received in response the Local Public Notice.
- (5) The Local Government shall publish an up to date list of lands or areas specified as Cat Prohibited Areas in a Local Public Notice after the consideration of any submissions received.

## **PART 4—PERMITS FOR KEEPING CATS**

### **4.1 Interpretation**

In this Part, and for the purposes of applying the definition of “cattery” in Part 4, a cat does not include a cat less than 6 months old.

### **4.2 Cats for which a permit is required**

- (1) Subject to subclause (2) a person is required to have a permit—
  - (a) to keep 3 or more cats on any premises;
  - (b) to use any premises as a cattery; or
  - (c) to be an approved cat breeder.
- (2) A permit is not required under subclause (1) if the premises concerned are—
  - (a) a refuge of the RSPCA or any other animal welfare organisation;
  - (b) a cat management facility which has been established by and is maintained by the local government for the impounding of cats;
  - (c) a veterinary hospital;
  - (d) a veterinary surgery;
  - (e) a veterinary clinic; or
  - (f) a pet shop.

### **4.3 Transitional provisions**

Where an owner has 3 or more cats on their premises prior to this local law coming into operation they are not required to have a permit; however they will not substitute or replace any cat (in excess of 2 cats) once that cat—

- (a) dies; or
- (b) is permanently removed from the premises.

### **4.4 Application for permit**

An application for a permit under clause 4.2 shall be—

- (a) made in writing by an occupier of either a single or multiple dwelling or premises in relation to that single or multiple dwelling or premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept at the single or multiple dwelling or on the premises;
- (c) accompanied by the plans of the single or multiple dwelling or premises to which the application relates, to the specification and satisfaction of the local government;
- (d) accompanied by the consent in writing of the owner of the single or multiple dwelling or premises, where the occupier is not the owner of the single or multiple dwelling or premises to which the application relates;

- (e) accompanied by the application fee for the permit determined by the local government from time to time; and
- (f) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to maintain effective control of the cats and ensure their health and welfare.

#### **4.5 Refusal to determine application**

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 4.4.

#### **4.6 Factors relevant to determination of application**

- (1) In determining an application for a permit the local government may have regard to—
  - (a) the physical suitability of the premises for the proposed use;
  - (b) the suitability of the zoning of the premises under any scheme which applies to the premises for the use;
  - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (d) the structural suitability of any enclosure in which any cat is to be kept;
  - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
  - (f) the likely effect on the amenity of the surrounding area of the proposed use;
  - (g) the likely effect on the local environment, including any pollution or other environmental damage which may be caused by the use;
  - (h) any submissions received under subclause (2) within the time specified in subclause (2); and
  - (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) Where an application is received pursuant to clause 4.4 the local government shall—
  - (a) consult with adjoining occupiers and landowners; and
  - (b) advise the adjoining occupiers and landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

#### **4.7 Decision on application**

- (1) The local government may—
  - (a) approve an application for a permit, in which case it shall approve it subject to the conditions in clause 4.8, and may approve it subject to any other conditions it considers fit; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

#### **4.8 Conditions**

- (1) Every permit is issued subject to the following conditions—

## (Appendix ORD: 12.4.1C)

- (a) each cat kept on the premises to ~~which the permit relates shall be contained on the premises unless under the effective control of a person;~~ be kept so as not to create a nuisance;
  - ~~(b) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);~~
  - (eb) the permit holder will provide adequate space for the exercise of the cats;
  - (c) the single or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition;
  - (d) the written consent to the application for a permit of the adjoining multiple dwellings has been obtained;
  - (e) the written consent to the application from the owner of the premises, if not the applicant, has been obtained;
  - (f) without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
    - (i) dies; or
    - (ii) is permanently removed from the premises.
  - (g) those conditions contained in Schedule 1.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.
- (3) A permit holder who fails to comply with a condition of a permit commits an offence.

### 4.9 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and until any cat either—

- (a) dies;
- (b) is permanently removed from the premises; or
- (c) the permit holder ceases to reside at the dwelling or premises to which the permit relates.

### 4.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

### 4.11 Permit not transferable

A permit is not transferable in relation to either the permit holder or the dwelling or premises.

## PART 5—IMPOUNDING OF CATS

### 5.1 Cat management facility

- (1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.
- (2) The local government may determine from time to time—
- (a) the times when a cat management facility will be open for the reception and release of cats; and
  - (b) times for the sale of cats from the facility.
- (3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week as are determined by the CEO.

## **5.2 Impounding register**

- (1) The local government is to keep a proper record of impounded cats (the “Impounding Register”).
- (2) The Impounding Register is to contain the following information about each impounded cat—
  - (a) if known, the breed and sex of the cat;
  - (b) the colour, distinguishing markings and features of the cat;
  - (c) if known, the name and address of the owner;
  - (d) the date, time and location of seizure and impounding;
  - (e) the name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
  - (f) the reason for the impounding;
  - (g) a note of any direction made by an authorised person under clause 2.4-2.3 relating to the cat; and
  - (h) the date of the sale, release or destruction of the cat.
- (3) The Impounding Register is to be available for inspection by the public.

## **5.3 Charges and costs**

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (1) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and
- (2) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 5.1(2).

## **5.4 Release of impounded cats**

- (1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 5.1(1) or in the absence of that person, to the CEO.
- (2) The authorised person referred to in clause 5.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence—
  - (a) of his or her ownership of the cat or of his or her authority to take delivery of it;
  - (b) that he or she is the person identified as the owner on a microchip implanted in the cat;
  - (c) of proof of registration of the cat in accordance with the Act;
  - (d) if a permit under Part 4 is required, proof of obtaining the permit.

# **PART 6—MISCELLANEOUS**

## **6.1 Giving of a notice**

A notice given under this local law may be given to a person—

- (a) personally;
- (b) by mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

## **6.2 Content of a notice**

The contents of a notice given under section 6.1 can be—

- (a) ascertained from the person directly;

- (b) recorded by the local government under the Act; or
- (c) ascertained from enquiries made by the local government.

## **PART 7—OBJECTIONS AND REVIEW**

### **7.1 Objections and review**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

## **PART 8—OFFENCES AND PENALTIES**

### **8.1 Offences**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

### **8.2 Prescribed offences**

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

### **8.3 Forms**

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

**SCHEDULE 1—ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS**

[Clause 4.8]

**A. Permit to use premises as a cattery**

*Additional conditions*

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements;
- (2) There is to be a feed room, wash area, isolation cages and maternity section;
- (3) Materials used in structures are to be approved by the local government;
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
- (6) Wash basin with the minimum of cold water to be available to the satisfaction of the Local Government;
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
- (8) A register is to be kept recording in respect of each cat the—
  - (a) date of admission;
  - (b) date of departure;
  - (c) breed, age, colour and sex; and
  - (d) the name and residential address of the owner;
- (9) The register is to be made available for inspection on the request of an authorised person;
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
- (11) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats on the premises; and
- (12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

**B. Permit for Approved Cat Breeder**

*Additional conditions*

- (1) Required to keep records of all purchases and or transfers of cat/s for a period of 2 years, including but not limited to the purchasers' name and address, and the cat/s microchip number; and
- (2) Premises may be inspected annually.

\_\_\_\_\_

**SCHEDULE 2—MODIFIED PENALTIES**

[Clause 8.2]

<b>Item No.</b>	<b>Clause</b>	<b>Nature of offence</b>	<b>Modified Penalty \$</b>
1	2.1(2)(a)	Cat in a public place causing a nuisance	\$200
2	2.2(2)(a)	Cat in a place that is not a public place without consent and/or is causing a nuisance	\$200
3	2.3(1)	Cat in any prohibited area	\$200
4	2.4(5)(a)	Failure to abate the nuisance	\$200
5	4.2(1)	Failure to obtain the proper permit for the keeping of 3 or more cats	\$200
6	4.8(3)	Failure to comply with the conditions of a permit	\$200

\_\_\_\_\_

**SCHEDULE 3—AREAS WHERE CATS ARE PROHIBITED ABSOLUTELY**[Clause 2.2~~3~~]

<b>Lot Number</b>	<b>Reserve Number</b>	<b>Common Name</b>	<b>Locality</b>
6203	47036	Shier Rise Park	Burekup
647; 2011; 2012 and 2061 646 501 2010 644 and 645 2009 15; 121; 122; 443; 444; 2001; 2002; 2003; 2005; 2006 and 2023 2060 16 14	48979 48802 43939 52264 48829 52942 47537 49458 49457 47825	Millars Creek	Eaton Drive, Millbridge
641	48801	Hunter Park	Hunter Circle, Millbridge
90 and 123	48003	Cadell Park	Swan Avenue, Millbridge
5679	43641	Leicester Ramble Wetlands (including the possum sanctuary)	Eaton Drive, Eaton
874	48933	Peninsula Lakes Park	Holstein Drive, Millbridge
5536	25417	Watson Park (including the wetland area)	Pratt Road, Eaton
500; 501 and 4847	25417 and 24359	Collie River Foreshore (including the Western Ring Tail Possum area)	Pratt Road, Eaton
510	27516	Eaton Bowling Club	Eagle Crescent, Eaton
4880	25775	Duck Pond	Hamilton Road, Eaton
1; 2; 5 and 5680	42368	Lofthouse Park	Pecan Lane, Eaton
6	45537	Cottonwood Gardens	Cottonwood Gardens, Eaton
6097	46512	Hale Street Park	Hale Street, Eaton



Dated .....**2023**

The Common Seal of the Shire of Dardanup was  
affixed under the authority of a resolution of  
Council in the presence of –

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Shire President

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MR ANDRIES STEFANUS SCHÖNFELDT, Chief Executive Officer

**LOCAL LAW AS AMENDED, FOR ADOPTION**

**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

**SHIRE OF DARDANUP  
CATS LOCAL LAW 2023**

**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

**SHIRE OF DARDANUP**

**CATS LOCAL LAW 2023**

**CONTENTS**

**PART 1—PRELIMINARY**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Interpretation

**PART 2—CONTROL OF CATS**

- 2.1 Cats in public places
- 2.2 Cats in other places
- 2.3 Cat in prohibited areas
- 2.4 Direction to abate the nuisance of a cat

**PART 3—CAT PROHIBITED AREAS**

- 3.1 Designation of Cat Prohibited Areas

**PART 4—PERMITS FOR KEEPING CATS**

- 4.1 Interpretation
- 4.2 Cats for which a permit is required
- 4.3 Transitional provisions
- 4.4 Application for permit
- 4.5 Refusal to determine application
- 4.6 Factors relevant to determination of application
- 4.7 Decision on application
- 4.8 Conditions
- 4.9 Duration of permit
- 4.10 Revocation
- 4.11 Permit not transferable

**PART 5—IMPOUNDING OF CATS**

- 5.1 Cat management facility
- 5.2 Impounding register
- 5.3 Charges and costs
- 5.4 Release of impounded cats

**PART 6—MISCELLANEOUS**

- 6.1 Giving of a notice
- 6.2 Content of a notice

**PART 7—OBJECTIONS AND REVIEW**

- 7.1 Objections and review

**PART 8—OFFENCES AND PENALTIES**

- 8.1 Offences
- 8.2 Prescribed offences
- 8.3 Forms

**SCHEDULE 1—ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS**

**SCHEDULE 2—MODIFIED PENALTIES**

**SCHEDULE 3—AREAS WHERE CATS ARE PROHIBITED ABSOLUTELY**

**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

SHIRE OF DARDANUP

**CATS LOCAL LAW 2023**

Under the powers conferred by the Cat Act 2011, the Local Government Act 1995 and all other powers enabling it, the Council of the Shire of Dardanup hereby records having resolved on the ..... 2023 to adopt the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Dardanup Cats Local Law 2023*.

**1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Application**

This local law applies throughout the district.

**1.4 Repeal**

The Shire of Dardanup Keeping and Control of Cats Local Law 2014 as published in the *Government Gazette* on 22 August 2014 is hereby repealed.

**1.5 Interpretation**

In this local law unless the context otherwise requires—

*Act* means the *Cat Act 2011*;

*animal welfare organisation* means a non-government, not-for-profit organisation with the welfare of animals as their reason for existence;

*applicant* means the occupier of the premises who makes an application for a permit under this local law;

*approved cat breeder* has the meaning given to it in the Act;

*authorised person* means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

*cat* means an animal of the species *felis catus* or a hybrid of that species;

*cat management facility* has the meaning given to it in the Act;

*cattery* means any premises where 3 or more cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary owner of the cats;

*CEO* means the Chief Executive Officer of the local government;

*Council* means the Council of the local government;

*district* means the district of the local government;

*effective control* in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) secured in a cage; or
- (c) any other means of preventing escape;

## (Appendix ORD: 12.4.1D)

**group dwelling** (commonly referred to as a duplexes, villas or townhouses) means a dwelling that is 1 of a group of 2 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

**local government** means the Shire of Dardanup;

**multiple dwelling** (often called flats, apartments or units) meaning a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—

- (a) does not include a group dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

**nuisance** means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**owner** has the meaning given to it in the Act;

**permit** means a permit issued by the local government under clause 4.7;

**permit holder** means a person who holds a valid permit issued under clause 4.7;

**pet shop** means a shop or place used for the conduct of a business, in the course of which an animal is kept for the purposes of sale;

**premises** has the meaning given to it in the Act;

**public place** has the meaning given to it in the Act;

**RSPCA** means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

**Schedule** means a Schedule to this local law;

**scheme** means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents;

**single dwelling** means a house that stands alone on its own parcel of land;

**veterinary hospital** means any premises at which veterinary surgery is practised at which animals receive treatment, nursing care, and other services required for the reception, treatment and care of animals suffering from disease or injury or in need of surgical or medical treatment or assistance;

**veterinary clinic** means any premises at which veterinary surgery is practised, but at which animals are not retained overnight;

**veterinary surgery** means the art and science of veterinary surgery and veterinary medicine, and, without limiting the generality of the foregoing, includes —

- (a) the examination of any animal for the purpose of the diagnosis of disease in, or injury to, that animal, or the conduct of tests, whether physiological or pathological, on any animal for diagnostic purposes; and
- (b) the provision of advice based upon diagnosis of disease of, or injury to, any animal; and
- (c) the surgical or medical treatment of any animal;
- (d) the giving of any anaesthetic to, or the performance of surgical operations on, any animal; and
- (e) the doing or performing of any act, matter, procedure, or thing that is prescribed pursuant to section 31 as forming part of the practice of veterinary surgery.

**PART 2—CONTROL OF CATS**

**2.1 Cats in public places**

- (1) A cat shall not be permitted in a public place if the cat is causing a nuisance.
- (2) If a cat is at any time in a public place in contravention of subclause (1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**2.2 Cats in other places**

- (1) A cat shall not be in any place that is not a public place if—
  - (a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or
  - (b) the cat is causing a nuisance.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**2.3 Cat in prohibited areas**

- (1) A cat shall not be in any Cat Prohibited Area as identified in Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**2.4 Direction to abate the nuisance of a cat**

- (1) The owner of a cat, or any other person responsible for a cat, shall not allow the cat to create a nuisance.
- (2) Where a cat is creating a nuisance, the local government may give written notice to the owner of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice which shall not exceed 28 days.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.
- (5) If the owner fails to comply—
  - (a) the owner of the cat commits an offence; and
  - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

**PART 3—CAT PROHIBITED AREAS**

**3.1 Designation of Cat Prohibited Areas**

- (1) The Local Government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3 after following the process for amending a local law pursuant to the Local Government Act.
- (2) The Local Government shall make available to the public the list of lands designated as Cat Prohibited Areas after consideration of any submissions received under subclause 3.1(4).
- (3) In designating land for the purpose of section 3.1 the Local Government shall have regard to clause 2.1.

## (Appendix ORD: 12.4.1D)

(4) The Local Government shall not designate a place or area to be a Cat Prohibited Area without first giving Local Public Notice of its intention to designate a place or area as a Cat Prohibited Area and considering any submissions received in response the Local Public Notice.

(5) The Local Government shall publish an up to date list of lands or areas specified as Cat Prohibited Areas in a Local Public Notice after the consideration of any submissions received.

### **PART 4—PERMITS FOR KEEPING CATS**

#### **4.1 Interpretation**

In this Part, and for the purposes of applying the definition of “cattery” in Part 4, a cat does not include a cat less than 6 months old.

#### **4.2 Cats for which a permit is required**

- (1) Subject to subclause (2) a person is required to have a permit—
  - (a) to keep 3 or more cats on any premises;
  - (b) to use any premises as a cattery; or
  - (c) to be an approved cat breeder.
- (2) A permit is not required under subclause (1) if the premises concerned are—
  - (a) a refuge of the RSPCA or any other animal welfare organisation;
  - (b) a cat management facility which has been established by and is maintained by the local government for the impounding of cats;
  - (c) a veterinary hospital;
  - (d) a veterinary surgery;
  - (e) a veterinary clinic; or
  - (f) a pet shop.

#### **4.3 Transitional provisions**

Where an owner has 3 or more cats on their premises prior to this local law coming into operation they are not required to have a permit; however they will not substitute or replace any cat (in excess of 2 cats) once that cat—

- (a) dies; or
- (b) is permanently removed from the premises.

#### **4.4 Application for permit**

An application for a permit under clause 4.2 shall be—

- (a) made in writing by an occupier of either a single or multiple dwelling or premises in relation to that single or multiple dwelling or premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept at the single or multiple dwelling or on the premises;
- (c) accompanied by the plans of the single or multiple dwelling or premises to which the application relates, to the specification and satisfaction of the local government;
- (d) accompanied by the consent in writing of the owner of the single or multiple dwelling or premises, where the occupier is not the owner of the single or multiple dwelling or premises to which the application relates;
- (e) accompanied by the application fee for the permit determined by the local government from time to time; and



## (Appendix ORD: 12.4.1D)

- (f) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to maintain effective control of the cats and ensure their health and welfare.

### 4.5 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 4.4.

### 4.6 Factors relevant to determination of application

- (1) In determining an application for a permit the local government may have regard to—
  - (a) the physical suitability of the premises for the proposed use;
  - (b) the suitability of the zoning of the premises under any scheme which applies to the premises for the use;
  - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (d) the structural suitability of any enclosure in which any cat is to be kept;
  - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
  - (f) the likely effect on the amenity of the surrounding area of the proposed use;
  - (g) the likely effect on the local environment, including any pollution or other environmental damage which may be caused by the use;
  - (h) any submissions received under subclause (2) within the time specified in subclause (2); and
  - (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) Where an application is received pursuant to clause 4.4 the local government shall—
  - (a) consult with adjoining occupiers and landowners; and
  - (b) advise the adjoining occupiers and landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

### 4.7 Decision on application

- (1) The local government may—
  - (a) approve an application for a permit, in which case it shall approve it subject to the conditions in clause 4.8, and may approve it subject to any other conditions it considers fit; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

### 4.8 Conditions

- (1) Every permit is issued subject to the following conditions—
  - (a) each cat kept on the premises to be kept so as not to create a nuisance;
  - (b) the permit holder will provide adequate space for the exercise of the cats;

## (Appendix ORD: 12.4.1D)

- (c) the single or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition;
  - (d) the written consent to the application for a permit of the adjoining multiple dwellings has been obtained;
  - (e) the written consent to the application from the owner of the premises, if not the applicant, has been obtained;
  - (f) without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
    - (i) dies; or
    - (ii) is permanently removed from the premises.
  - (g) those conditions contained in Schedule 1.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.
- (3) A permit holder who fails to comply with a condition of a permit commits an offence.

### 4.9 Duration of permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and until any cat either—

- (a) dies;
- (b) is permanently removed from the premises; or
- (c) the permit holder ceases to reside at the dwelling or premises to which the permit relates.

### 4.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

### 4.11 Permit not transferable

A permit is not transferable in relation to either the permit holder or the dwelling or premises.

## PART 5—IMPOUNDING OF CATS

### 5.1 Cat management facility

- (1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.
- (2) The local government may determine from time to time—
- (a) the times when a cat management facility will be open for the reception and release of cats; and
  - (b) times for the sale of cats from the facility.
- (3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week as are determined by the CEO.

### 5.2 Impounding register

- (1) The local government is to keep a proper record of impounded cats (the “Impounding Register”).
- (2) The Impounding Register is to contain the following information about each impounded cat—
- (a) if known, the breed and sex of the cat;

## (Appendix ORD: 12.4.1D)

- (b) the colour, distinguishing markings and features of the cat;
  - (c) if known, the name and address of the owner;
  - (d) the date, time and location of seizure and impounding;
  - (e) the name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
  - (f) the reason for the impounding;
  - (g) a note of any direction made by an authorised person under clause 2.4 relating to the cat; and
  - (h) the date of the sale, release or destruction of the cat.
- (3) The Impounding Register is to be available for inspection by the public.

### 5.3 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (1) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and
- (2) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 5.1(2).

### 5.4 Release of impounded cats

- (1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 5.1(1) or in the absence of that person, to the CEO.
- (2) The authorised person referred to in clause 5.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence—
  - (a) of his or her ownership of the cat or of his or her authority to take delivery of it;
  - (b) that he or she is the person identified as the owner on a microchip implanted in the cat;
  - (c) of proof of registration of the cat in accordance with the Act;
  - (d) if a permit under Part 4 is required, proof of obtaining the permit.

## PART 6—MISCELLANEOUS

### 6.1 Giving of a notice

A notice given under this local law may be given to a person—

- (a) personally;
- (b) by mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

### 6.2 Content of a notice

The contents of a notice given under section 6.1 can be—

- (a) ascertained from the person directly;
- (b) recorded by the local government under the Act; or
- (c) ascertained from enquiries made by the local government.

**PART 7—OBJECTIONS AND REVIEW**

**7.1 Objections and review**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

**PART 8—OFFENCES AND PENALTIES**

**8.1 Offences**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

**8.2 Prescribed offences**

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

**8.3 Forms**

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

**SCHEDULE 1—ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS**

[Clause 4.8]

**A. Permit to use premises as a cattery**

*Additional conditions*

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements;
- (2) There is to be a feed room, wash area, isolation cages and maternity section;
- (3) Materials used in structures are to be approved by the local government;
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
- (6) Wash basin with the minimum of cold water to be available to the satisfaction of the Local Government;
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
- (8) A register is to be kept recording in respect of each cat the—
  - (a) date of admission;
  - (b) date of departure;
  - (c) breed, age, colour and sex; and
  - (d) the name and residential address of the owner;
- (9) The register is to be made available for inspection on the request of an authorised person;
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
- (11) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats on the premises; and
- (12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

**B. Permit for Approved Cat Breeder**

*Additional conditions*

- (1) Required to keep records of all purchases and or transfers of cat/s for a period of 2 years, including but not limited to the purchasers' name and address, and the cat/s microchip number; and
  - (2) Premises may be inspected annually.
-

**SCHEDULE 2—MODIFIED PENALTIES**

[Clause 8.2]

<b>Item No.</b>	<b>Clause</b>	<b>Nature of offence</b>	<b>Modified Penalty \$</b>
1	2.1(2)(a)	Cat in a public place causing a nuisance	\$200
2	2.2(2)(a)	Cat in a place that is not a public place without consent and/or is causing a nuisance	\$200
3	2.3(1)	Cat in any prohibited area	\$200
4	2.4(5)(a)	Failure to abate the nuisance	\$200
5	4.2(1)	Failure to obtain the proper permit for the keeping of 3 or more cats	\$200
6	4.8(3)	Failure to comply with the conditions of a permit	\$200

\_\_\_\_\_

**(Appendix ORD: 12.4.1D)****SCHEDULE 3—AREAS WHERE CATS ARE PROHIBITED ABSOLUTELY**

[Clause 2.23]

<b>Lot Number</b>	<b>Reserve Number</b>	<b>Common Name</b>	<b>Locality</b>
6203	47036	Shier Rise Park	Burekup
647; 2011; 2012 and 2061 646 501 2010 644 and 645 2009 15; 121; 122; 443; 444; 2001; 2002; 2003; 2005; 2006 and 2023 2060 16 14	48979 48802 43939 52264 48829 52942 47537 49458 49457 47825	Millars Creek	Eaton Drive, Millbridge
641	48801	Hunter Park	Hunter Circle, Millbridge
90 and 123	48003	Cadell Park	Swan Avenue, Millbridge
5679	43641	Leicester Ramble Wetlands (including the possum sanctuary)	Eaton Drive, Eaton
874	48933	Peninsula Lakes Park	Holstein Drive, Millbridge
5536	25417	Watson Park (including the wetland area)	Pratt Road, Eaton
500; 501 and 4847	25417 and 24359	Collie River Foreshore (including the Western Ring Tail Possum area)	Pratt Road, Eaton
510	27516	Eaton Bowling Club	Eagle Crescent, Eaton
4880	25775	Duck Pond	Hamilton Road, Eaton
1; 2; 5 and 5680	42368	Lofthouse Park	Pecan Lane, Eaton
6	45537	Cottonwood Gardens	Cottonwood Gardens, Eaton
6097	46512	Hale Street Park	Hale Street, Eaton

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Dated .....**2023**

The Common Seal of the Shire of Dardanup was  
affixed under the authority of a resolution of  
Council in the presence of –

---

Shire President

---

MR ANDRIES STEFANUS SCHÖNFELDT, Chief Executive Officer



**From:** [Burekup Cricket Club](#)  
**To:** [Aly Smith](#)  
**Subject:** Re: burekup office bearers  
**Date:** Tuesday, 22 August 2023 6:17:43 PM

**CAUTION:** This email originated from outside the Shire of Dardanup.

Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

Hi Ay

On behalf of the Burekup Cricket Club we would like to renew the lease.

Regards

Sam King

Secretary Burekup Cricket Club

On Tue, 22 Aug 2023 at 14:31, Aly Smith <[Aly.Smith@dardanup.wa.gov.au](mailto:Aly.Smith@dardanup.wa.gov.au)> wrote:

Hello,

Thank you.

Do you know if the Club is seeking to renew the lease of the oval? I will need to prepare a report to Council for approval so the more notice you can give the better. I just need an emailed request to renew.

Kind regards,

**Aly Smith**

Building Property Management Officer



**A:** 1 Council Drive | PO Box 7016 | Eaton WA 6232

**T:** 08 9724 0341 | **E:** [Aly.Smith@dardanup.wa.gov.au](mailto:Aly.Smith@dardanup.wa.gov.au)

**W:** [www.dardanup.wa.gov.au](http://www.dardanup.wa.gov.au)




**From:** Burekup Cricket Club <[burekupcc@gmail.com](mailto:burekupcc@gmail.com)>

**Sent:** Tuesday, 22 August 2023 2:01 PM

**To:** Aly Smith <[Aly.Smith@dardanup.wa.gov.au](mailto:Aly.Smith@dardanup.wa.gov.au)>

**Subject:** burekup office bearers

 **CAUTION:** This email originated from outside the Shire of Dardanup. Do NOT click links or open attachments unless you recognize the sender and know the content is safe. Do NOT enter any username or passwords and report any suspicious content.

Hi Aly

I'll get the proper forms completed but until then here is the current 2023/2024 season office bearers.

regards Sam King

Secretary Burekup CC

“This message contains privileged and confidential information intended only for the use of the addressee or entity named above. Use of this information beyond this intended use is unauthorised”

## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** Burekup Cricket Club Lease Renewal

**RISK THEME PROFILE:**

6 - Community Engagement

4 - Document Management Processes

**RISK ASSESSMENT CONTEXT:** Strategic

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
<b>HEALTH</b>	Not supporting continued access to an activity that benefits health and well-being of the community.	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	Council could be seen in a negative light if they didn't support an established community group that provides recreational opportunities to the community.	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>PROPERTY</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

**(Appendix ORD: 12.4.2B)**



# **Draft 2023** **COMMUNITY** **ENGAGEMENT** **FRAMEWORK**

**TABLE OF CONTENTS**

1.	INTRODUCTION .....	1
2.	WHAT IS COMMUNITY ENGAGEMENT? .....	1
3.	WHY IS COMMUNITY ENGAGEMENT IMPORTANT? .....	2
4.	PURPOSE AND OBJECTIVES OF THE COMMUNITY ENGAGEMENT FRAMEWORK .....	2
5.	THE BENEFITS OF COMMUNITY ENGAGEMENT .....	2
6.	INTERNATIONAL ASSOCIATION FOR PUBLIC PARTICIPATION FRAMEWORK.....	3
7.	LEVELS OF ENGAGEMENT .....	3
8.	COMMUNITY ENGAGEMENT APPROACH.....	4
8.1	Place-Based Approach .....	5
8.2	Topic Based Approach .....	6
9.	DETERMINING THE LEVEL OF ENGAGEMENT .....	6
10.	ENGAGEMENT TOOL AND ACTIVITIES.....	8
11.	REVIEW.....	8

### 1. INTRODUCTION

The Shire of Dardanup undertakes a range of community engagement activities. This Community Engagement Framework aims to affirm the Shire's commitment to the principles of community engagement and to consolidate and enhance its practice. The Shire's Community Engagement Framework consists of four parts:

- The Policy, which underpins this Framework and provides a clear policy statement to ensure the community is aware and empowered to participate in civic life;
- This Framework Document to provide transparent and accountable procedures for how the Shire of Dardanup will engage with the community;
- The Operational Procedure: A 10 Step Guide to Community Engagement, to guide staff and consultants through the decision-making process on considering engagement levels, tools and activities; and
- The Toolkit, which will provide a template community engagement plan to help staff and consultants develop engagement plans that are appropriate, relevant and consistent across the organisation.

The Framework is relevant to many activities undertaken by the Shire and aims to provide a clear statement and guidelines for how the Shire will engage with the community. Using the Framework will facilitate improved decision making based on increased knowledge of community need, aspirations and strengths. This will also help in targeting Shire of Dardanup's resource and service priorities.

### 2. WHAT IS COMMUNITY ENGAGEMENT?

The term 'community engagement' incorporates information sharing, consultation (seeking feedback) and active participation (involvement, collaboration and empowerment) between local government and communities.

Council defines community engagement as:

***An ongoing dialogue with our community to identify civic issues and opportunities, to assist with planning and inform decision making.***

Community engagement does not replace Council's responsibility for decision making. The purpose of gaining input from the community is to enhance Council's decision-making processes. Community engagement is a key part in the relationship between Council staff, Councillors and the community. It is a process of working collaboratively with groups of people linked by geographic proximity, special interest or similar situations to address issues affecting their well-being.

The Community Engagement Framework provides the context in which to plan and implement a community engagement process for identified projects, strategies and decision making processes. The Framework outlines the relationship between Council's Community Engagement Policy, the Ten-Step Process to develop a community engagement plan and other related protocols.

Therefore, engagement may involve a range of activities that allow community members to be informed of, involved in, and provide input into, Council activities and local issues. These activities range from everyday informal discussions, contact with stakeholders during service delivery, group discussions or meetings and formal consultation processes through to Council supporting community members to take action on issues themselves.

### 3. WHY IS COMMUNITY ENGAGEMENT IMPORTANT?

Communities are complex and many issues involve a wide range of stakeholders often with different views and areas of interest. Engagement activities need to incorporate the diversity and dynamics of the community, help different groups consider issues constructively and manage potentially conflicting interests. While engagement requires skills, resources and time, if it is planned and conducted well, it can be done efficiently and relatively easily.

Traditionally, Local Government has relied on the community representation of elected Councillors to ensure that community issues and priorities are reflected in Council activities. This is still crucial but increasingly community members have an expectation of more direct involvement in providing input to Council priorities.

Not only is greater transparency and engagement with community expected, but it is also good business practice for Council. Successful engagement can improve strategic planning and service delivery, ensure that Council is addressing the priorities of the community and increase community support and collaboration.

Engagement does not mean that every detail of Council operation is open to community comment or control. Nor does it mean that staff will be distracted from their delivery of services. There are many situations where engagement is not necessary or possible and the Community Engagement Framework is intended to clearly identify these situations.

### 4. PURPOSE AND OBJECTIVES OF THE COMMUNITY ENGAGEMENT FRAMEWORK

The purpose of the Community Engagement Framework is to enable Council to engage its community to develop and implement the Integrated Plans including the Council Plan and various supporting and informing strategies. ,

The objectives of the Community Engagement Framework is to:

- Establish a clear set of guidelines that informs the way the Shire of Dardanup engages with the community;
- Establish consistent and strategically targeted processes for community engagement;
- Ensures that those processes are implemented by the Shire of Dardanup; and
- Takes into account the legislative requirements for consultation such as notices of application for a planning permit.

### 5. THE BENEFITS OF COMMUNITY ENGAGEMENT

There is an increasing expectation that all levels of government are transparent and accountable in the way they do business. Community engagement provides a valuable link between the Councillors, the Council organisation and the community they serve by:

- Enabling the community to be better informed;
- Reducing the level of misconception or misinformation;
- Ensuring commitment and greater ownership of the final decision by the community;
- Strengthening relationships between council and the community;
- Encouraging the community to put forward ideas;
- Assisting council to gain a better understanding of local needs; and
- Helping to identify issues which may not otherwise have been considered.

## (Appendix ORD:12.4.3A)

### 6. INTERNATIONAL ASSOCIATION FOR PUBLIC PARTICIPATION FRAMEWORK

The Shire of Dardanup will be using the International Association for Public Participation (IAP2) framework in these guidelines and its Community Engagement Policy in recognition that IAP2 is a world-class leader in the engagement of communities. IAP2 has developed a spectrum for community engagement which provides a methodology for determining what level of influence a community has over a decision and therefore what level of engagement is appropriate. The IAP2 Spectrum<sup>4</sup> shows that differing levels of participation are appropriate, depending on the outcomes, timeframes, resources and levels of concern or interest in the decision to be made.

The IAP2 Spectrum is a tool that enables the user to determine the level of engagement and the most suitable techniques to use during the engagement process. There are five different levels of engagement within the IAP2 Spectrum, which should be used as a guide in determining the level of community engagement to be considered. For example, if the Council has made a decision regarding a project, and it is not actively seeking community input then 'Inform' is the most appropriate category. On the other hand, if the outcome is of high community concern, then you may need to 'Involve' or 'Collaborate' with the community to determine an outcome that meets both the community and Council needs.

A summary of the five different levels of public participation along the IAP2 Spectrum and the definition for each is outlined in the table below, along with the suggested decision maker for each level:

LEVEL OF INFLUENCE	DESCRIPTION OF INTENT	DECISION-MAKER
Inform	To provide information about the problem or project to be addressed	Council
Consult	To seek an opinion or input to inform a decision	
Involve	To engage with stakeholders in order to understand and consider their input and feedback	Community and Council
Collaborate	To work in partnership to come to a decision	
Empower	To give the decision-making role to the stakeholders	Community

### 7. LEVELS OF ENGAGEMENT

Council and community stakeholders engage each other at different levels along the IAP2 spectrum with increasing levels of engagement. It is important to understand that each participation level involves a different promise made to the community. If the promise is not defined, or is understood differently by the participants and the decision maker, the process may result in dissatisfaction and/or disillusionment. At all public participation levels, promises should be made clear and upheld.

The table below has been adapted from the IAP2 spectrum, and shows the different promises at increasing levels of public impact as the engagement progress from 'inform' through to 'empower':



## (Appendix ORD:12.4.3A)

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>Public Participation Goal:</b>				
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	<i>Members of the Public make recommendations to Council through relevant Committees; or Empower groups by making Council owned facilities available for the group to deliver its services.</i>
<b>Promise to the Public:</b>				
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and Incorporate your advice and recommendations into the decisions to the maximum extent possible.	<i>Council will give due regard when considering the recommendations of Committees and Advisory/Working Groups.</i>

The IAP2 Spectrum includes ‘*empower*’ as a level of community engagement, where the final decision-making power is in the hands of the public. Under the Local Government Act 1995, community members can serve on a committee of Council that could be delegated authority to make decisions, or as a minimum make direct recommendations to Council for the final decision. Additionally, in a number of occasions the management of a Council owned facility could also be transferred to a community or sporting group which empowers that group to use the facility to advance its services rendered to the community. Therefore, the Shire of Dardanup will consider the *Empower* category in its Community Engagement Matrix as related to relevant Committees and Community Groups empowered through a lease, sublease or license agreement as well as community member representation on committees.

## 8. COMMUNITY ENGAGEMENT APPROACH

The Shire of Dardanup Council in October/November 2019 restructured its Committees and Advisory Groups to provide greater opportunities for ongoing engagement. Since 2019, a range of strategies, plans, events, programs and projects have been identified, planned and implemented with input and advice from the relevant groups. Due to the majority of the overarching planning having now been completed, it is recommended that Council incorporates an additional forum – Working Groups, which will be Project Specific.

The following table outlines the updated forums within which engagement will be undertaken:

COUNCIL	GENERAL
Statutory Committees	Topic Specific
Working Group	Project Specific
Place Based Advisory Group	Place Based
Topic Advisory Groups	Topic Specific
External Groups/Boards	General / Topic Specific / Place based
General Public	General / Topic Specific / Place based

## (Appendix ORD:12.4.3A)

As outlined above the Shire has set up Formal Place Based Advisory Groups of Council to replace the previous Townscape Committees. In addition to the Place Based Advisory Groups, Council has also established topic specific advisory groups. These advisory groups allowed more informal engagement by community members, groups, sporting clubs or businesses on topics related to arts, culture, sport and recreation, economic development, environmental sustainability, waste and road safety.

Each of these committees, advisory and working groups provide a significant opportunity for community members to collaborate or become empowered and to assist the Shire to develop meaningful outcomes related to the *FACTS* of the relevant locations or topics as outlined in the below:

<b>Facilities:</b>	Identifies the community facility priorities within the place required to support the community's needs, activities and services.
<b>Activity:</b>	Sets out actions and projects which assist the Shire to enhance the activity in the locality so that the area can reach its activation and economic potential.
<b>Character:</b>	Sets out the actions and projects which contribute to the locality's unique sense of place, based on the culture, heritage and character of the area.
<b>Technology:</b>	Considers the opportunities to incorporate smart technologies to assist in delivery of facilities and services within the place.
<b>Services:</b>	Set out the actions and projects which will maintain and improve the coordination of service delivery in the locality.

### 8.1 Place-Based Approach

The Shire acknowledges that in order to meet the needs of its ever-evolving community, local places and services should be designed, delivered and programmed with consideration to the uniqueness of each community. This will require a more coordinated and integrated approach to support the economic, social, environmental and local government activities delivered in place.

The Shire of Dardanup currently comprises of 12 suburbs and/or localities across an area of 526 square kilometres. While these suburbs share similarities with one another, they also possess unique and distinctive characteristics based on their history, location, design, access and the people who call these places home. In implementing a Place-Based Approach, the Shire acknowledges the Noongar People as the traditional custodians of this place, and aims to work collaboratively with its unique local communities to ensure all local places encompass the history, culture, values, beliefs, languages and lifestyles of the Shire of Dardanup.

Our Place Based approach to service delivery therefore recognises that the Shire is made up of many local communities (Places) and that planning for such a diverse area requires creative solutions. As such the main objective of the Place Based Approach is to ensure that the Shire is working as one in its planning and delivery of services, programs and infrastructure unique to each Place.

To deliver on the Place Based approach it is intended to develop Place Plans that identifies and explores the *FACTS* of the area as outlined above.

The Integrated Planning and Reporting Framework outlined by the Local Government (Administration) Regulations 1996 requires the Shire to adopt a Strategic Community Plan, a Corporate Business Plan and relevant Informing Strategies. The Place Plans is to form a part of the Shire's suite of informing strategies. The creation of the Place Plans is to be identified in the Shire's future Strategic Community Plan and Corporate Business Plan.

## (Appendix ORD:12.4.3A)

### 8.2 Topic Based Approach

The Shire also recognises the importance of the Triple Bottom Line approach incorporated in the Local Government Act 1995 that aims to achieve Economic Prosperity, Social Advancement and Environmental Protection. Therefore, in addition to place specific solutions, the Shire acknowledges that a more coordinated and integrated approach to support economic, social, environmental and local government activities across the shire district as a whole, is imperative to deliver effective and efficient facilities and services to its community.

Our Topic Based approach to service delivery therefore recognises that in planning and implementation of infrastructure, activities and services requires coordination across the whole shire district and not just in place. Additionally it is recognized that within the community there are experts within relevant fields of interest that may be able to contribute significantly towards a specific topic which may not be place based. As such, the main objective of the Topic Based approach is to ensure that the Shire is coordinating its planning and delivery of services, programs and infrastructure across the shire district.

To deliver on the Topic Based approach it is intended to develop relevant Topic Plans that identifies and explores the FACTS of the area as outlined above. The Topic Plans are to form a part of the Shire's suite of informing strategies. The creation of the relevant Topic Plans is to be identified in the Shire's future Strategic Community Plan and Corporate Business Plan.

### 8.3 Working Group Approach

The Shire also acknowledges that in order to ensure facilities and projects meet the requirements of specific user groups, community members, customers or interested stakeholders, the planning, design, delivery and ongoing maintenance or operation of facilities require a more collaborative approach to ensure successful outcomes. To this extent the Shire will establish project based working groups that may include members of Council, the community and/or staff that are focussed on the delivery of a specific project or outcome.

The Working Group approach recognises that in some instances a more focussed approach to delivering on the FACTS as outlined above, may be required in order to ensure the project is planned, designed and resourced adequately and that the expectations are clearly defined. The approach will generally be deployed to ensure the implementation of the strategies, plans, projects and programs identified and developed through the Advisory Group Processes.

To deliver on the Working Group approach it is intended to identify relevant projects or programs that requires input from relevant stakeholders, user groups and/or community or customers to provide input into the project planning, design and implementation as part of the over Project Plan. The Project Plans will form part of the Shire's Council Plan and long term financial planning considerations.

## 9. DETERMINING THE LEVEL OF ENGAGEMENT

The Community Engagement Matrix set out below is a tool designed to assist with the selection of a level of engagement. The axes on the Matrix relate to "degree of complexity, and potential community impact /political sensitivity". Measures on a scale of 1 - 6 are set out to provide further definition.

To determine the level of Engagement the Shire use this matrix to consider both the degree of complexity and the potential impact of the community to select the appropriate engagement level and to then select appropriate engagement tools and activities. The below table will help determine the level of engagement for each project by considering the most relevant of the below statements with regards to the particular project:

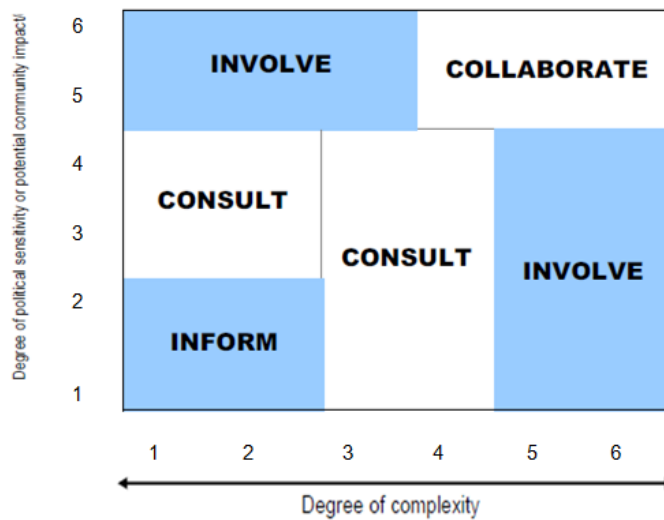
## (Appendix ORD:12.4.3A)

	SCORE 1 - 2	SCORE 3 - 4	SCORE 5 - 6	This Project
<b>Degree of complexity</b>	There is one clear issue and or problem that needs to be addressed.	There are more than one or two issues/problems that can be resolved.	There are multiple issues/problems and it is unclear how to resolve them.	
	SCORE 1 - 2	SCORE 3 - 4	SCORE 5 - 6	This Project
<b>Degree of potential community impact and political sensitivity</b>	The project will have little effect on communities, and they will hardly notice any changes. The project has acceptance throughout the community.	The project will fix a problem that will benefit communities and the change will cause minor inconvenience. There are groups in communities who may see potential in raising the profile of a project to gain attention for their cause.	The project will create a change that will have an impact on communities and the living environment and the degree of impact/outrage and acceptance will vary. Community expectations about the project are different to those of the decision makers and there is high potential for individuals and groups to use the uncertainty to gain attention.	

Project score for Degree of Complexity: .....

Project score for Degree of Community Impact/Political Sensitivity: .....

Using the scores from above on the graph below will indicate the project engagement level based on the Community Engagement Matrix below:



The engagement level for this project is: \_\_\_\_\_

## 10. ENGAGEMENT TOOL AND ACTIVITIES

There are a range of tools and activities that could be used to engage with the community. Selecting the right engagement tool or activity is an essential step for a successful decision-making outcome. The table below is an amended extract from the IAP2 Spectrum which indicates examples of techniques suited to each level of community engagement.

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
<b>Example Tools:</b>				
<ul style="list-style-type: none"><li>• Fact Sheets</li><li>• Frequently Asked Question Sheets</li><li>• Web sites</li><li>• Public meetings</li><li>• Media releases</li><li>• Project Bulletins</li></ul>	<ul style="list-style-type: none"><li>• Public Comment</li><li>• Working / Focus groups</li><li>• Surveys</li><li>• Public meetings</li><li>• Targeted feedback e.g. specific stakeholders</li></ul>	<ul style="list-style-type: none"><li>• Working Groups</li><li>• Workshops</li><li>• Project/ Strategy planning</li><li>• Steering Committees</li></ul>	<ul style="list-style-type: none"><li>• Working Groups</li><li>• Advisory Groups</li><li>• Consensus Building</li><li>• Participatory decision making</li></ul>	<ul style="list-style-type: none"><li>• <i>Council committees</i></li><li>• <i>Community or Sporting Groups leasing Council owned facilities</i></li></ul>

More examples of tools/activities are set out in the Toolkit/Template, (to be developed to show what techniques work most effectively with the levels of inform, consult, involve, collaborate on the spectrum).

## 11. REVIEW

The Community Engagement Framework will be reviewed as required. Feedback on the success or failures of the framework is likely to be forthcoming as part of engagement processes undertaken following its adoption.

One aspect of the framework will also be to seek comment from community members during engagements on how the engagement can be improved and what engagement tools are preferred. This data will be used in continuous improvement of this framework.

## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** Update of Community Engagement Framework and Appointment of Councillors to Working Groups

**RISK THEME PROFILE:**

4 - Document Management Processes

**RISK ASSESSMENT CONTEXT:** Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

**(Appendix ORD:12.4.3B)**

## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** Appointment of Delegates and Representatives to Various Community & Regional Committees

**RISK THEME PROFILE:**

4 - Document Management Processes

**RISK ASSESSMENT CONTEXT:** Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

**(Appendix ORD: 12.4.4)**

## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** RFT – F0318137 Traffic Management Services

**RISK THEME PROFILE:**

16 - Work Health and Safety (WHS)

1 - Asset Sustainability Practices

**RISK ASSESSMENT CONTEXT:** Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
<b>HEALTH</b>	Health and safety of Staff and contractors when working on roads.	Catastrophic (5)	Possible (3)	High (12 - 19)	Utilize traffic management services at all times.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)
<b>FINANCIAL IMPACT</b>	Over expenditure of allocated budgets	Minor (2)	Possible (3)	Moderate (5 - 11)	Monitor job codes and accounts.	Minor (2)	Possible (3)	Moderate (5 - 11)
<b>FINANCIAL IMPACT</b>	Compensation claim if injury occurs	Major (4)	Possible (3)	High (12 - 19)	Utilise safe work practices and traffic management.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)
<b>SERVICE INTERRUPTION</b>	Delay in repairing hazardous road repairs	Major (4)	Possible (3)	High (12 - 19)	Plan ahead, pre order.	Moderate (3)	Possible (3)	Moderate (5 - 11)
<b>LEGAL AND COMPLIANCE</b>	Claim for damages if unable to undertake repairs to roads.	Moderate (3)	Likely (4)	High (12 - 19)	Plan ahead, undertake inspections, repair on priority.	Minor (2)	Likely (4)	Moderate (5 - 11)
<b>REPUTATIONAL</b>	Delay in completion of projects and carryover of funds	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Insignificant (1)	Unlikely (2)	Low (1 - 4)
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
<b>PROPERTY</b>	Damage to roads and road shoulders increasing due to lack of maintenance	Major (4)	Likely (4)	High (12 - 19)	Undertake road inspections, pre plan.	Moderate (3)	Possible (3)	Moderate (5 - 11)

Appendix ORD: 12.4.5)



## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** RFT-F0344431 Ferguson Road Reconstruction and Upgrade 13.56 – 19.56 SLK

**RISK THEME PROFILE:**

- 13 - Project/Change Management
- 15 - Supplier and Contract Management

**RISK ASSESSMENT CONTEXT:** Project

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	Not upgrading the road may result in further accidents and near misses.	Major (4)	Possible (3)	High (12 - 19)	Project is returned to the Road Asset Management Plan and Associated 10 Year Programs for rescheduling.	Minor (2)	Unlikely (2)	Low (1 - 4)
FINANCIAL IMPACT	Loss of Blackspot Funding	Moderate (3)	Almost Certain (5)	High (12 - 19)	Construction of roundabout in compliance with State Blackspot Program Application, or return funds to the Program funding pool and not construct the roundabout.	Insignificant (1)	Rare (1)	Low (1 - 4)
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	The potential of legal action against the Shire should a contract be entered into without available funds to complete the project.	Major (4)	Unlikely (2)	Moderate (5 - 11)	Do not proceed with the tender.	Insignificant (1)	Rare (1)	Low (1 - 4)
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

**(Appendix ORD: 12.4.6A)**



Government of Western Australia  
Department of Water and Environmental Regulation

Our ref: CPS 10155/1  
Enquiries: Sandy How  
Phone: (08) 6364 6570  
Email: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

Mr Nathan Ryder  
Manager Infrastructure, Planning & Design  
Shire of Dardanup  
PO Box 7016  
EATON WA 6232

Attn: Ms Kirsten Knox (Principal Environmental Consultant, Emerge Associates)

via email: [nathan.ryder@dardanup.wa.gov.au](mailto:nathan.ryder@dardanup.wa.gov.au)  
[kirsten.knox@emergeassociates.com.au](mailto:kirsten.knox@emergeassociates.com.au)

Dear Mr Ryder,

**APPLICATION TO CLEAR NATIVE VEGETATION UNDER THE *ENVIRONMENTAL PROTECTION ACT 1986* – REQUEST FOR FURTHER INFORMATION**

I refer to the Shire of Dardanup's (the Shire) application (CPS 10155/1) for a clearing permit under section 51E(1) of the *Environmental Protection Act 1986* (the EP Act) to clear 3.19 hectares of native vegetation within an approximately 13.89-hectare clearing footprint within multiple road reserves and land parcels in Ferguson, Wellington Forest and Wellington Mill, for the purpose of road upgrades. The application was received by the Department of Water and Environmental Regulation (the department) on 19 April 2023.

A preliminary assessment of the application has identified a number of areas in which the information supplied is insufficient for the requirements of the assessment. Please provide the information set out in Schedule 1 (**attached**), within 30 calendar days from the date of this letter. You may request an extension (in writing), should you require additional time.

Until this information has been received, the department has suspended the assessment timeframe for your application ('stop the clock'). Please note, applications will remain in 'stop the clock' where surveys are not submitted in accordance with the Environmental Protection Authority's (EPA) *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)*. This timeframe will recommence upon receipt of the required information.

If the required information is not received by the date set out above (or other date as agreed), the assessment process will recommence, and a determination will be made based on the information available. This is likely to result in the refusal of the application.

Prime House, 8 Davidson Terrace Joondalup Western Australia 6027

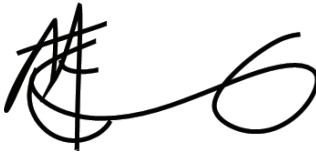
Locked Bag 10 Joondalup DC WA 6919

Telephone: 08 6364 7000 Facsimile: 08 6364 7001

[www.dwer.wa.gov.au](http://www.dwer.wa.gov.au)

If you have any queries regarding the above information, please contact the Environmental Officer, as listed above.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mathew Gannaway', written in a cursive style.

Mathew Gannaway  
MANAGER  
NATIVE VEGETATION REGULATION

*Officer delegated under Section 20  
of the Environmental Protection Act 1986*

8 September 2023

Att: Schedule 1

**Schedule 1 – Additional information requested**

Item	Information requirements	Specifications	Rationale
1.	<p>Evidence of efforts taken to avoid and/or mitigate significant environmental impacts resulting from the proposed clearing.</p>	<p>Implementation of the mitigation hierarchy is required to avoid or mitigate significant environmental impacts resulting from the proposed clearing.</p> <p><b>Avoidance measures</b> may include modifications to the area proposed to be cleared or alternative designs in order to retain the significant environmental values. Any proposed modifications to the area to be cleared must be accompanied by updated maps and/or digital files reflecting these proposed changes.</p> <p><b>Mitigation measures</b> may include implementation of onsite impact mitigation strategies that reduce impacts from the proposed clearing.</p> <p>If evidence of efforts taken in accordance with the mitigation hierarchy are provided but are not sufficient to counterbalance the residual significant environmental impacts, suitable environmental offsets may be considered as discussed under Item 2 and as detailed in Principle 1 of the <a href="#">WA Environmental Offsets Policy</a> (2011).</p>	<p>The preliminary assessment has identified that the area proposed to be cleared comprises significant habitat for threatened fauna.</p> <p>From information provided by the Basic and Targeted Fauna Assessment undertaken on Ferguson Road Reserve, the trees proposed to be cleared contain hollows potentially suitable for black cockatoo breeding including <i>Zanda latirostris</i> (Carnaby’s black cockatoo), <i>Zanda baudinii</i> (Baudin’s black cockatoo) and <i>Calyptorhynchus banksii naso</i> (forest red-tailed black cockatoo), which are listed as endangered and/or vulnerable under the <i>Biodiversity Conservation Act 2016</i> (BC Act) and the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) (Emerge, 2023). There is also the potential for suitable hollows for <i>Phascogale tapoatafa wambeger</i> (South-western brush-tailed phascogale) and <i>Pseudocheirus occidentalis</i> (western ringtail possum), which is listed as conservation dependent and critically endangered, respectively, under the BC Act.</p> <p>Expert advice obtained from Department of Biodiversity, Conservation and Attractions (DBCA) has advised that trees take more than 120 years to develop hollows that are of a suitable size for black cockatoos. Given tree hollow creation is complex and not all trees form hollows, the retention of all habitat trees (regardless of age or size) is vital to ensure preservation of the species. The area surrounding the proposed clearing site meets the vital criteria for breeding, in terms of proximity to food, water and hollows. The removal of suitable hollows and potential hollows is likely to be significant to black cockatoo species relevant to this area (DBCA, 2023).</p> <p>DWER advise that where possible all habitat trees should be retained. Given the likely impact to this environmental value, evidence of additional efforts to avoid and/or mitigate the need for clearing are required to be provided.</p> <p>After further consideration of avoidance of habitat trees is completed, any black cockatoo breeding habitat trees that contain suitable hollows remaining within the application area must be mitigated through the installation of artificial hollows, including the provision for regular maintenance. Any proposed mitigation should be proportional to the spatial and temporal impact (DBCA, 2023).</p>

Item	Information requirements	Specifications	Rationale
			<p>Please provide a suitable location for the installation of artificial hollows, should any trees with hollows still be required to be cleared. Please ensure that shapefiles of this area and a map showing the location for artificial hollow installation, is provided.</p> <p>To ensure no impacts to individuals that may be present at the time of clearing, please provide confirmation that pre-inspection of the application area for all fauna at the time of clearing is able to occur, in particular for the South-western brush-tailed phascogale and western ringtail possum.</p> <p>After further consideration of avoidance of trees suitable for foraging habitat is completed, any trees still requiring to be cleared must be mitigated through revegetation within the road reserve or offset measures.</p> <p>The preliminary assessment has identified that the area proposed to be cleared comprises significant habitat for threatened fauna.</p> <p>If the efforts taken to avoid and/or mitigate the need for clearing under Item 1 are not sufficient to counterbalance the residual impacts, an environmental offset is required to counterbalance the remaining significant residual impacts of the proposed clearing.</p> <p>Based on the current application area, the significant residual impacts of the proposed clearing include:</p> <ul style="list-style-type: none"> <li>Approximately 3.19 hectares of native vegetation that provides suitable foraging habitat for black cockatoos, <i>Phascogale tapoatafa wambenger</i> (south-western brush tailed phascogale) and <i>Pseudocheirus occidentalis</i> (western ringtail possum), including three native trees with significant hollows suitable for black cockatoos and western ringtail possum.</li> </ul> <p>Based on the current application area, the department has undertaken some preliminary calculations of an appropriate offset, detailed below using the WA State Metric offset calculator:</p> <ul style="list-style-type: none"> <li>onsite revegetation (Offset Calculation 1)</li> <li>the conservation of remnant native vegetation (Offset Calculation 2).</li> </ul> <p>These calculations have assumed particular variables that directly impact on the adequacy of an offset, and as such are to be used as a guide only.</p>
2.	<p>Identification of satisfactory environmental offsets.</p>	<p>If efforts taken in accordance with the mitigation hierarchy as discussed under Item 1 are not sufficient to counterbalance the residual significant environmental impacts, a satisfactory environmental offset may be considered, as detailed in Principle 1 of the <a href="#">WA Environmental Offsets Policy</a> (2011).</p> <p>Proposed environmental offsets are to be submitted using Appendix A of the <a href="#">Clearing of native vegetation – offsets procedure</a> guideline, available via the department's website. The <a href="#">WA Environmental Offsets Policy</a> (2011) and <a href="#">WA Environmental Offsets Guidelines</a> (2014) outline the assessment and decision making processes around the use of environmental offsets.</p>	

Item	Information requirements	Specifications	Rationale
			<p>Offset calculation 1 has identified that onsite revegetation within the road reserve in an area in a degraded to a good (Keighery, 1994) condition, as specified below, may be sufficient to adequately address the impacts of the proposed clearing (noting that these values can all be present within one larger remnant):</p> <ul style="list-style-type: none"> <li>• approximately 11.92 hectares of native vegetation that provides suitable habitat for black cockatoos</li> <li>• approximately 22.92 hectares of native vegetation that provides suitable habitat for western ringtail possums</li> </ul> <p>Please note that for revegetation to be considered, a comprehensive revegetation plan will be required. The department's A guide to preparing revegetation plans for clearing permits is available on the department's website.</p> <p>The department notes that there may not be an adequate area within the road reserves to achieve all of the revegetation requirements. If the Shire is able to undertake some revegetation, please notify the department. Offset calculation 2 has been based on no revegetation being able to occur.</p> <p>Offset calculation 2 has identified that the conservation of remnant native vegetation is in a very good condition, as described below, may be sufficient to adequately address the impacts of the proposed clearing (noting that these values can all be present within one larger remnant):</p> <ul style="list-style-type: none"> <li>• approximately 28.59 hectares of native vegetation that provides suitable habitat for black cockatoos</li> <li>• approximately 27.29 hectares of native vegetation that provides suitable habitat for western ringtail possums</li> </ul> <p>If the Shire wish to discuss alternative offset options, please provide the department with the details of the location and type of offset to enable a recalculation of the offset requirements, based on the specifics of the proposal.</p>

Item	Information requirements	Specifications	Rationale
3.	<p>Mitigation of impacts to surface water quality resulting from the proposed clearing.</p>	<p>A modification to the area proposed to be cleared or alternative designs in order to avoid the clearing of vegetation growing in association with a watercourse. Any proposed modifications to the area to be cleared must be accompanied by updated maps and/or digital files reflecting these proposed changes.</p> <p>If the area proposed to be cleared cannot be modified to avoid the clearing of vegetation growing in association with a watercourse, the implementation of onsite impact mitigation strategies may be considered. Proposed mitigation strategies should be provided as a detailed outline of the management measures to be undertaken with a description as to how these will mitigate impacts to surface water quality.</p>	<p>The preliminary assessment identified that the proposed clearing intersects a number of tributaries of the Ferguson River. Any vegetation associated with a watercourse may require a permit to interfere with the bed and banks to be assessed.</p> <p>Road upgrades also generally have the potential need for water. Similarly, where they propose to access water to undertake the works, they may need to apply for a surface water licence for that purpose.</p> <p>All works should seek to minimise disturbance which may discharge into watercourses during rainfall events.</p> <p>It may be that because bridges are already in place the need to go near the watercourses may be limited.</p> <p>Further information is required as to how the above risks to surface water quality resulting from the proposed clearing are proposed to be minimised or managed.</p>

Department of Biodiversity, Conservation and Attractions (DBCA) (2023) *Species and Communities Branch – Threatened Fauna advice for clearing permit application CPS 9769/1*, received 10 February 2023 (DWER Ref: DWERT726378)

## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** Monthly Statement of Financial Activity for the Period Ended on the 31<sup>st</sup> of October 2023

**RISK THEME PROFILE:**

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

**RISK ASSESSMENT CONTEXT:** Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Non-compliance with the legislative requirements that results in a qualified audit.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required	Not required.	Not required.	Not required.
REPUTATIONAL	Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Insignificant (1)	N/A	N/A	Not required	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required. (	Not required.	Not required.	Not required.

Appendix ORD: 12.4.7A)





**Monthly Financial Report**

**For the Period**

**1 July 2023 to 31 October 2023**

**TABLE OF CONTENTS**

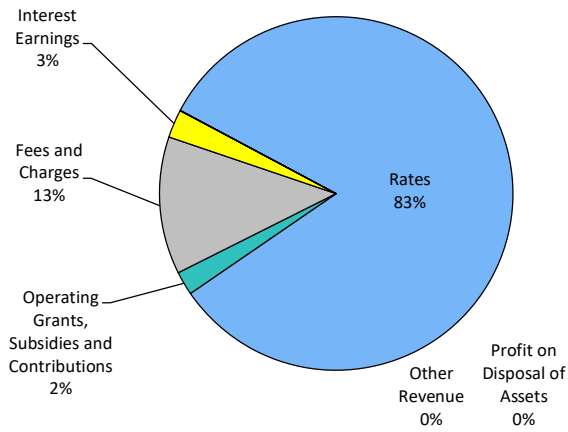
	Page
Information Summary Graphs	2
Statement of Financial Activity by Nature and Type	3
Net Current Assets	4
Statement of Comprehensive Income by Program	5
Note 1 Statement of Objectives, Programs and Activities	6
Note 2 Explanation of Material Variances in the Statement of Financial Activity	7
Note 3 Trust Fund	10
Note 4 Reserve Accounts	10
Note 5 Municipal Liabilities	11
Note 6 Statement of Investments	12
Note 7 Accounts Receivable - Rates and Sundry Debtors	14
Note 8 Salaries and Wages	14
Note 9 Rating Information	15
Note 10 Information on Borrowings	16
Note 11 Budget Amendments	17



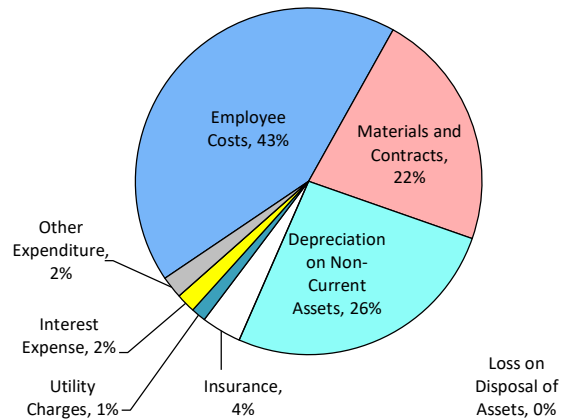
Monthly Financial Report  
For the Period Ended 31 October 2023

SUMMARY GRAPHS

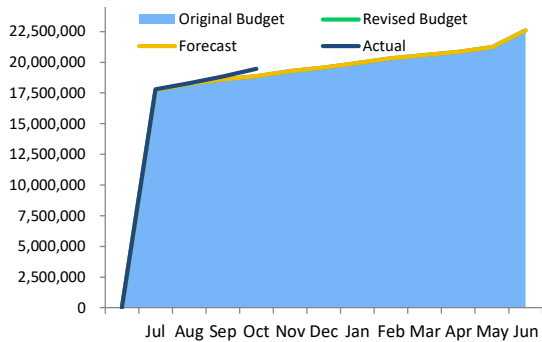
OPERATING REVENUE - ACTUAL YTD



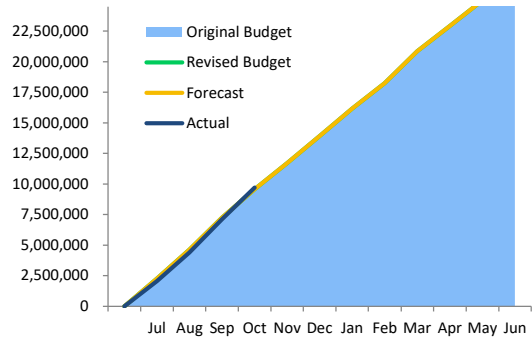
OPERATING EXPENSES - ACTUAL YTD



Total Operating Revenue - Budget - v Actual (excludes profit on disposal of assets)



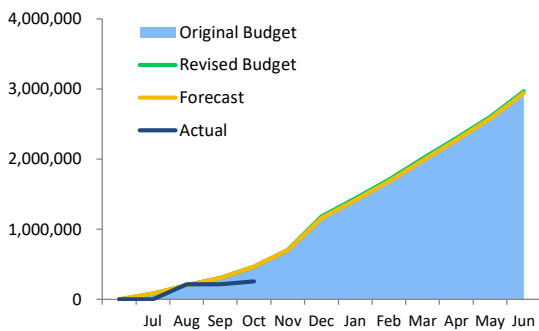
Total Operating Expenses - Budget - v Actual (excludes loss on disposal of assets)



CAPITAL REVENUE

(Non-operating grants, subsidies and contributions; sale of assets)

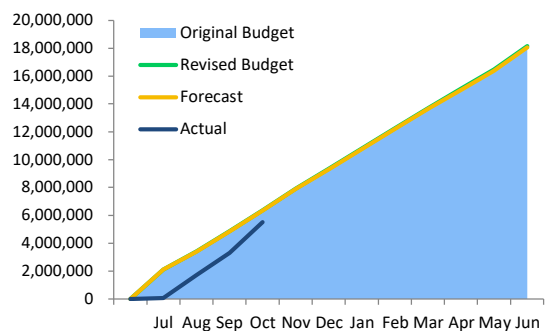
Capital Revenue - Budget - v - Actual



CAPITAL EXPENSES

(Acquisition of assets)

Capital Expenses - Budget - v - Actual



This information is to be read in conjunction with the accompanying Financial Statements and Notes

# (Appendix ORD: 12.4.7B)



## Statement of Financial Activity by Nature and Type For the Period Ended 31 October 2023 (Covering 4 months or 34% of the year)

	2023/24	2023/24	2023/24	2023/24	Variance Y-T-D		2023/24	2022/23
	Adopted Budget	Revised Budget	Y-T-D Revised Budget	Y-T-D Actual	Actual to Revised Budget	Actual to Revised Budget	Forecast	Last Year Actual
	\$	\$	\$	\$	\$	%	\$	\$
<b>OPERATING ACTIVITIES</b>								
<b>Operating revenue</b>								
Rates	16,060,454	16,060,454	15,995,214	16,086,454	91,240	0.6%	16,060,453	15,037,329
Operating grants, subsidies & contributions	2,177,958	2,182,458	434,290	419,602	(14,688)	(3.4%)	2,687,456	2,893,101
Fees and charges	3,726,548	3,726,548	2,285,572	2,450,890	165,318	7.2%	3,732,548	3,876,080
Interest earnings	626,059	626,059	158,770	501,667	342,897	216.0% ▲	1,038,073	871,364
Other revenue	24,711	24,711	6,177	3,053	(3,124)	0.0%	24,711	25,045
Profit on asset disposal	0	0	0	0	0	0.0%	0	27,742
<b>Total Operating Revenue</b>	<b>22,615,730</b>	<b>22,620,230</b>	<b>18,880,023</b>	<b>19,461,666</b>	<b>581,643</b>	<b>3.1%</b>	<b>23,543,241</b>	<b>22,730,660</b>
<b>Operating expenses</b>								
Employee costs	(12,116,943)	(12,116,943)	(4,120,388)	(4,123,005)	(2,617)	(0.1%)	(12,048,996)	(11,561,261)
Materials and contracts	(6,262,173)	(6,266,673)	(2,172,209)	(2,159,339)	12,870	0.6%	(6,673,548)	(5,802,137)
Utility charges	(584,007)	(584,007)	(194,552)	(133,046)	61,506	31.6% ▲	(584,007)	(627,520)
Depreciation on non-current assets	(7,624,365)	(7,624,365)	(2,541,432)	(2,541,448)	(16)	(0.0%)	(7,624,365)	(7,454,510)
Interest expenses	(463,401)	(463,401)	(194,812)	(176,323)	18,489	9.5%	(463,401)	(181,652)
Insurance expenses	(368,081)	(368,081)	(211,975)	(359,522)	(147,547)	(69.6%) ▼	(383,489)	(355,267)
Other expenses	(407,551)	(407,551)	(225,027)	(201,743)	23,284	10.3%	(407,551)	(499,001)
Loss on asset disposals	0	0	0	0	0	0.0%	0	(2,980)
<b>Total operating expenditure</b>	<b>(27,826,520)</b>	<b>(27,831,020)</b>	<b>(9,660,395)</b>	<b>(9,694,427)</b>	<b>(34,032)</b>	<b>(0.4%)</b>	<b>(28,185,356)</b>	<b>(26,484,327)</b>
<b>Adjustments of non cash items</b>								
(Profit)/Loss on Asset Disposals	0	0	0	0	0	0.0%	0	(24,762)
Movement in non-current assets and liabilities	0	0	0	(12,923)	(12,923)	100.0%	17,718	73,965
Movement in contract liabilities associated with restricted cash	0	0	0	0	0	0.0%	0	(72,665)
Depreciation on Assets	7,624,365	7,624,365	2,541,432	2,541,448	16	0.0%	7,624,365	7,454,510
Non-cash amounts excluded from operating activities	7,624,365	7,624,365	2,541,432	2,528,525	(12,907)	(0.5%)	7,642,083	7,431,048
<b>Adjusted net operating activities</b>	<b>2,413,575</b>	<b>2,413,575</b>	<b>11,761,060</b>	<b>12,295,764</b>	<b>534,704</b>	<b>4.5%</b>	<b>2,999,968</b>	<b>3,677,381</b>
<b>INVESTING ACTIVITIES</b>								
Non-operating grants, subsidies & contributions	2,655,672	2,655,672	467,992	235,218	(232,774)	(49.7%) ▼	2,991,672	2,787,022
Proceeds from disposal of assets	314,667	314,667	0	19,095	19,095	0.0%	314,667	5,107,353
Payments for land and buildings	(12,040,301)	(12,154,226)	(3,527,504)	(5,235,557)	(1,708,053)	(48.4%) ▼	(12,167,226)	(8,002,462)
Payments for transport infrastructure	(3,989,299)	(3,989,299)	(2,149,229)	(131,092)	2,018,137	93.9% ▲	(4,071,299)	(2,080,667)
Payments for parks and reserves infrastructure	(1,015,345)	(1,026,345)	(262,517)	(34,361)	228,156	86.9% ▲	(1,026,345)	(814,690)
Payments for motor vehicles	(859,098)	(859,098)	(377,982)	(39,130)	338,852	89.6% ▲	(859,098)	(579,139)
Payments for plant & equipment	(10,000)	(10,000)	(3,332)	(11,079)	(7,747)	(232.5%) ▼	(10,000)	(5,215)
Payments for furniture & fittings	(238,019)	(238,019)	(79,328)	(67,839)	11,489	14.5%	(238,019)	(98,066)
<b>Amount attributable to investing activities</b>	<b>(15,181,723)</b>	<b>(15,306,648)</b>	<b>(5,931,900)</b>	<b>(5,264,747)</b>	<b>667,153</b>	<b>11.2%</b>	<b>(15,065,648)</b>	<b>(3,685,865)</b>
<b>Non-cash amounts excluded from investing activities</b>								
Movement in non-operating grants and contributions associated with restricted cash	0	0	0	0	0	0.0%	0	(460,870)
<b>Adjusted amount attributable to investing activities</b>	<b>(15,181,723)</b>	<b>(15,306,648)</b>	<b>(5,931,900)</b>	<b>(5,264,747)</b>	<b>667,153</b>	<b>11.2%</b>	<b>(15,065,648)</b>	<b>(4,146,735)</b>
<b>FINANCING ACTIVITIES</b>								
Proceeds from new debentures	1,500,000	1,500,000	0	0	0	0.0%	1,500,000	6,700,000
Transfers from reserves	16,341,090	16,455,015	6,758,655	6,834,308	75,653	1.1%	16,707,437	7,491,066
Repayment of debentures	(478,810)	(478,810)	(194,160)	(197,384)	(3,224)	(1.7%)	(478,810)	(392,533)
Principal portion of lease liabilities	(177,784)	(177,784)	(73,608)	(67,910)	5,698	7.7%	(177,784)	(191,514)
Transfers to reserves	(4,569,168)	(4,569,168)	0	(272,954)	(272,954)	(100.0%) ▼	(5,234,851)	(13,034,989)
<b>Amount attributable to financing activities</b>	<b>12,615,328</b>	<b>12,729,252</b>	<b>6,490,887</b>	<b>6,296,060</b>	<b>(194,827)</b>	<b>(3.0%)</b>	<b>12,315,991</b>	<b>572,030</b>
<b>FUNDING SOURCES</b>								
Surplus/(Deficit) July 1 B/Fwd	332,558	332,558	332,558	278,068	(54,490)	(16.4%) ▼	278,068	175,393
<b>CLOSING FUNDS (A+B+C+D)</b>	<b>179,737</b>	<b>168,737</b>	<b>12,652,605</b>	<b>13,605,145</b>	<b>952,540</b>	<b>7.5%</b>	<b>528,379</b>	<b>278,068</b>

### KEY INFORMATION

▲ ▼ Indicates a significant variance between Year-to-Date (YTD) Revised Budget and YTD Actual data as per the adopted materiality threshold.

▲ indicates a positive impact on the surplus/deficit position. ▼ indicates a negative impact on the surplus/deficit position.

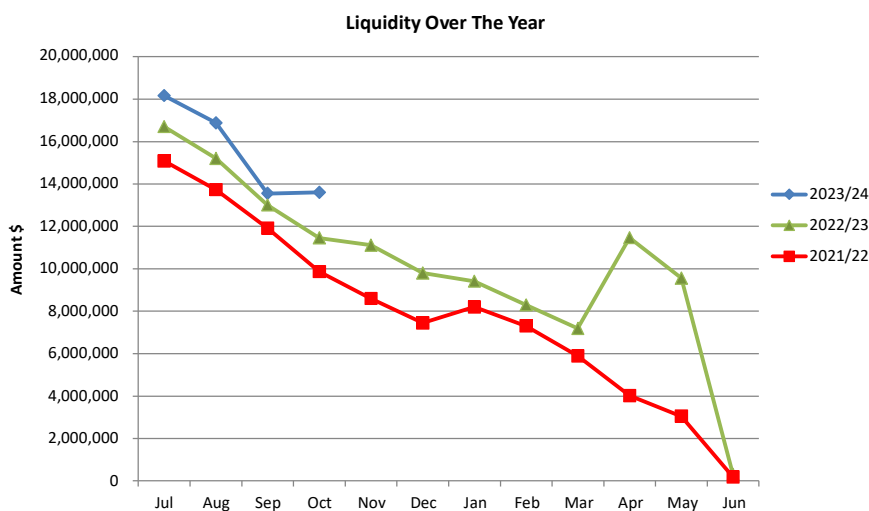
Refer to Note 2 for an explanation of the reasons for the variance.

This statement to be read in conjunction with the accompanying Financial Statements and Notes



Statement of Financial Activity by Nature and Type  
For the Period Ended 31 October 2023  
NET CURRENT ASSETS

Note	Year to Date Actual 31-Oct-2023 \$	Same Time Last Year Actual 31-Aug-2022	Last Year Closing 30-Jun-2023 \$
Represented By:			
<b>CURRENT ASSETS</b>			
Cash and Cash Equivalents	29,177,086	22,876,291	29,585,677
Rates Debtors Outstanding	6,233,701	13,919,226	420,195
Pensioner Rates Rebate	3,743	243,041	32,471
Sundry Debtors	134,431	157,549	96,144
Accrued Revenue	104,386	21,611	265,500
Prepaid Expenses	0	0	68,997
Goods & Services Tax / BAS Refund	272,787	81,529	136,305
Other Receivables	(300)	(566)	0
Inventories - Land Held for Resale	0	0	0
Inventories - Materials	32,002	6,318	32,002
Inventories - Trading Stock - Recreation Centre	6,781	5,842	6,781
<b>Current Assets</b>	<b>35,964,617</b>	<b>37,310,841</b>	<b>30,644,071</b>
<b>LESS CURRENT LIABILITIES</b>			
Payables:			
Sundry Creditors	(155,225)	(139,391)	(1,624,075)
Goods & Services Tax / BAS Payable	0	0	0
Other Payables	(549,480)	(545,786)	177
Municipal Bonded Liabilities	5	(428,080)	(637,366)
Contract Liabilities	(1,561,538)	(2,421,103)	(1,105,675)
Prepaid Revenue - Rates / PPL	(284,809)	(148,290)	(972,312)
Accrued Interest on Debentures	(101,879)	(28,572)	(101,879)
Accrued Salaries & Wages	0	0	(218,644)
Other Accrued Expenses	0	0	0
Borrowings - Debentures	(259,173)	(224,661)	(456,556)
Provisions:			
Staff Leave Provisions	(1,703,666)	(1,687,731)	(1,664,462)
<b>Current Liabilities</b>	<b>(5,043,849)</b>	<b>(5,832,900)</b>	<b>(6,682,582)</b>
<b>Net Current Assets</b>	<b>30,920,768</b>	<b>31,477,941</b>	<b>23,961,489</b>
Less: Restricted Assets / Reserve Funds	4	(18,034,663)	(17,267,600)
Add: Current - Borrowings	259,173	224,661	456,556
Add: Current - Contract Liabilities held in Reserve accounts	318,597	600,102	314,769
Add: Current - Contract Liabilities - Leases	141,270	167,441	141,270
<b>CLOSING FUNDS / NET CURRENT ASSETS (per previous page)</b>	<b>13,605,145</b>	<b>15,202,545</b>	<b>278,068</b>



# (Appendix ORD: 12.4.7B)



## Statement of Comprehensive Income by Program For the Period Ended 31 October 2023 (Covering 4 months or 34% of the year)

	2023/24	2023/24	2023/24	2023/24	Variance Y-T-D		2023/24	2022/23
	Adopted Budget \$	Revised Budget \$	Y-T-D Revised Budget \$	Y-T-D Actual \$	Actual to Revised Budget \$	Actual to Revised Budget %	Forecast \$	Last Year Actual \$
<b>Revenue</b>								
General Purpose Funding	18,013,025	18,013,025	16,000,134	16,338,701	338,567	2.1%	18,674,488	17,787,502
Governance	800	800	260	7	(253)	(97.4%)	800	41,722
Law, Order, Public Safety	331,524	331,524	116,779	222,893	106,114	90.9%	532,909	374,650
Health	28,050	28,050	9,348	26,222	16,874	180.5%	28,050	28,297
Education and Welfare	1,000	5,500	332	5,880	5,548	(1671.1%)	24,764	5,700
Community Amenities	1,891,587	1,891,587	1,711,323	1,744,173	32,850	1.9%	1,911,587	1,969,753
Recreation and Culture	1,743,125	1,743,125	724,968	802,292	77,324	10.7%	1,764,025	1,969,575
Transport	179,169	179,169	157,767	181,494	23,727	15.0%	179,169	176,491
Economic Services	171,250	171,250	73,732	66,839	(6,893)	(9.3%)	171,250	148,014
Other Property and Services	256,200	256,200	85,380	73,166	(12,214)	(14.3%)	256,200	290,930
	<u>22,615,730</u>	<u>22,620,230</u>	<u>18,880,023</u>	<u>19,461,666</u>	<u>581,643</u>	<u>3.1%</u>	<u>23,543,242</u>	<u>22,792,634</u>
<b>Expenses</b>								
General Purpose Funding	(435,535)	(435,535)	(150,878)	(169,631)	(18,753)	(12.4%)	(435,535)	(398,878)
Governance	(1,492,019)	(1,492,019)	(518,025)	(476,578)	41,447	8.0%	(1,492,019)	(1,277,790)
Law, Order, Public Safety	(2,251,874)	(2,251,874)	(801,348)	(755,476)	45,872	5.7%	(2,429,831)	(1,738,457)
Health	(626,229)	(626,229)	(219,504)	(231,605)	(12,101)	(5.5%)	(638,120)	(521,372)
Education and Welfare	(1,038,158)	(1,042,658)	(371,481)	(341,647)	29,834	8.0%	(1,055,441)	(814,988)
Community Amenities	(3,923,862)	(3,923,862)	(1,212,996)	(1,176,860)	36,136	3.0%	(3,967,971)	(3,632,355)
Recreation & Culture	(9,626,353)	(9,626,353)	(3,291,676)	(3,501,882)	(210,206)	(6.4%)	(9,672,974)	(9,514,736)
Transport	(7,617,933)	(7,617,933)	(2,537,415)	(2,459,159)	78,256	3.1%	(7,609,933)	(7,301,857)
Economic Services	(545,028)	(545,028)	(240,388)	(278,634)	(38,246)	(15.9%)	(549,596)	(562,641)
Other Property and Services	(269,529)	(269,529)	(316,684)	(302,955)	13,729	4.3%	(333,936)	(495,072)
	<u>(27,826,520)</u>	<u>(27,831,020)</u>	<u>(9,660,395)</u>	<u>(9,694,427)</u>	<u>(34,032)</u>	<u>(0.4%)</u>	<u>(28,185,356)</u>	<u>(26,258,146)</u>
<b>Operational Surplus / (Deficit)</b>	<b>(5,210,790)</b>	<b>(5,210,790)</b>	<b>9,219,628</b>	<b>9,767,239</b>	<b>547,611</b>	<b>(5.9%)</b>	<b>(4,642,115)</b>	<b>(3,465,512)</b>
Grants & Contributions for the Development of Assets	2,655,672	2,655,672	467,992	235,218	(232,774)	(49.7%)	2,991,672	2,729,874
Profit on Asset Disposals	0	0	0	0	0	(100.0%)	0	59,645
Loss on Asset Disposals	0	0	0	0	0	0.0%	0	(2,980)
	<u>2,655,672</u>	<u>2,655,672</u>	<u>467,992</u>	<u>235,218</u>	<u>(232,774)</u>	<u>49.7%</u>	<u>2,991,672</u>	<u>2,786,539</u>
<b>NET RESULT</b>	<b>(2,555,118)</b>	<b>(2,555,118)</b>	<b>9,687,620</b>	<b>10,002,456</b>	<b>314,836</b>	<b>3.2%</b>	<b>(1,650,443)</b>	<b>(678,973)</b>
<b>Other Comprehensive Income</b>								
Changes on Revaluation of Non-Current Assets	0	0	0	0	0	0.0%	0	0
<b>TOTAL COMPREHENSIVE INCOME</b>	<b><u>(2,555,118)</u></b>	<b><u>(2,555,118)</u></b>	<b><u>9,687,620</u></b>	<b><u>10,002,456</u></b>	<b><u>314,836</u></b>	<b><u>(3.2%)</u></b>	<b><u>(1,650,443)</u></b>	<b><u>(678,973)</u></b>

# (Appendix ORD: 12.4.7B)



## Notes to the Statement of Financial Activity For the Period Ended 31 October 2023

### 1. PROGRAMS / ACTIVITIES

In order to discharge its responsibilities to the community, the Shire has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the Shire's Community Vision and for each of its broad activities/programs.

#### COMMUNITY VISION

*Provide effective leadership in encouraging balanced growth and development of the Shire while recognising the diverse needs of the community.*

PROGRAM NAME	OBJECTIVE	ACTIVITIES
GENERAL PURPOSE FUNDING	To collect revenue to allow for the provision of services	Rates, general purpose government grants and interest revenue.
GOVERNANCE	To provide a decision making process for the efficient allocation of scarce resources.	Includes the activities of members of Council and the administration support available to Council for the provision of governance of the District. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific Council services.
LAW, ORDER, PUBLIC SAFETY	To provide services to help ensure a safer and environmentally conscious community.	Supervision and enforcement of various local-laws relating to the fire prevention, animal control and protection of the environment, and other aspects of public safety including emergency services.
HEALTH	To provide services to achieve community and environmental health.	Maternal and infant health facilities, immunisation, meat inspection services, inspection of food outlets, noise control and pest control services.
EDUCATION AND WELFARE	To provide services to children, youth, the elderly and disadvantaged persons.	Pre-school and other education services, child minding facilities, playgroups, senior citizens' centres.
COMMUNITY AMENITIES	To provide services required by the community.	Waste collection services, operation of refuse site, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemeteries and public conveniences.
RECREATION AND CULTURE	To establish and effectively manage infrastructure and resources which help the social well being of the community.	Maintenance of halls, civic buildings, river banks, recreation centre and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library and other cultural facilities.
TRANSPORT	To promote safe, effective and efficient transport services to the community.	Construction and maintenance of streets, roads, bridges, footpaths, cycle ways, parking facilities, traffic control and depot. Cleaning of streets and maintenance of street trees, street lighting, etc.
ECONOMIC SERVICES	To help promote the shire and its economic wellbeing.	Tourism and area promotion, building control, provision of rural services including weed control and vermin control, standpipes.
OTHER PROPERTY & SERVICES	To monitor and control Council's overheads operating accounts.	Private works operations, general administration overheads, plant repairs and operating costs, public works overheads.



Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

2. EXPLANATION OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY

The material variances adopted by the Shire of Dardanup for reporting in the 2023/24 year is 10% or \$50,000, whichever is the greater. All variances are between Year-to-Date Actual and Year-to-Date Revised Budget values.

	2023/24 Y-T-D Revised Budget \$	2023/24 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
<b>OPERATING ACTIVITIES</b>						
<b>Revenue</b>						
Rates	15,995,214	16,086,454	91,240	0.6%		
Operating grants, subsidies & contributions	434,290	419,602	(14,688)	(3.4%)		
Fees and charges	2,285,572	2,450,890	165,318	7.2%		
Interest earnings	158,770	501,667	342,897	216.0%	▲ Permanent	More bank interest revenue due to higher than anticipated level of funds held and higher rates of interest on 'at call' and short term deposits.
Other revenue	6,177	3,053	(3,124)	0.0%		
Profit on asset disposal	0	0	0	0.0%		
<b>Total Operating Revenue</b>	<b>18,880,023</b>	<b>19,461,666</b>	<b>581,643</b>	<b>3.1%</b>		
<b>Operating Expenses</b>						
Employee costs	(4,120,388)	(4,123,005)	(2,617)	(0.1%)		
Materials and contracts	(2,172,209)	(2,159,339)	12,870	0.6%		
Utility charges	(194,552)	(133,046)	61,506	31.6%	▲ Timing	Variance relates mainly to the timing of payment of electricity charges for street lighting (\$45,000) and other facilities (\$16,000) - lag is one month later than budget.
Depreciation on non-current assets	(2,541,432)	(2,541,448)	(16)	(0.0%)		
Interest expenses	(194,812)	(176,323)	18,489	9.5%		
Insurance expenses	(211,975)	(359,522)	(147,547)	(69.6%)	▼ Permanent / Timing	Permanent: Slightly higher renewal premiums. Timing: All annual insurance premiums paid by 31 October whereas the 23/24 Budget has buildings and bridge insurance costs evenly spread over the year.
Other expenses	(225,027)	(201,743)	23,284	10.3%		
Loss on asset disposals	0	0	0	0.0%		
<b>Total Operating Expenditure</b>	<b>(9,660,395)</b>	<b>(9,694,427)</b>	<b>(34,032)</b>	<b>0.4%</b>		
<b>Net Operating Activities</b>	<b>9,219,628</b>	<b>9,767,239</b>	<b>547,611</b>	<b>5.9%</b>		

(continued next page)



Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

2. EXPLANATION OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY (continued)

	2023/24 Y-T-D Revised Budget \$	2023/24 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
<b>ADJUSTMENTS OF NON CASH ITEMS</b>						
(Profit)/Loss on Asset Disposals	0	0	0	0.0%		
Fair value adjustment to financial assets	0	(12,923)	(12,923)	100.0%		
Depreciation on Assets	2,541,432	2,541,448	16	0.0%		
<b>Adjusted Net Operating Activities</b>	<b>11,761,060</b>	<b>12,295,764</b>	<b>534,704</b>	<b>4.5%</b>		
<b>INVESTING ACTIVITIES</b>						
<b>Revenue</b>						
Non-operating grants, subsidies & contributions	467,992	235,218	(232,774)	(49.7%) ▼	Timing	Revenue recognition of captial grants and contributions primarily relates to the timing of capital projects expenditure.
Proceeds from disposal of assets	0	19,095	19,095	0.0%		
Payments for land and buildings	(3,527,504)	(5,235,557)	(1,708,053)	(48.4%) ▼	Timing	Capital expenditure for land and building projects relate to when expenditure is incurred. The higher than YTD budget expenditure is related to the timing of progress payments for the Administration/Library Project and Eaton Oval Club Rooms. It is expected that the higher than YTD budget will fall in line as projects are completed in 23/24 financial year.
Payments for transport infrastructure assets	(2,149,229)	(131,092)	2,018,137	93.9% ▲	Timing	No significant costs to date on major upgrade projects (Ferguson Road and Eaton Bowling Club Parking and renewal of various bridges and pathways.
Payments for parks infrastructure assets	(262,517)	(34,361)	228,156	86.9% ▲	Timing	Works not yet commenced on most Parks and Reserves capital projects, with mainly design and preliminary costs incurred.
Payments for motor vehicles	(377,982)	(39,130)	338,852	89.6% ▲	Timing	One car purchased to date, four others have been ordered and are pending delivery.
Payments for furniture & fittings	(79,328)	(67,839)	11,489	14.5%		
<b>Net investing activities</b>	<b>(5,931,900)</b>	<b>(5,264,747)</b>	<b>667,153</b>	<b>11.2%</b>		
<b>Non-cash amounts excluded from investing activities</b>						
<b>Adjusted net investing activities</b>	<b>(5,931,900)</b>	<b>(5,264,747)</b>	<b>667,153</b>	<b>11.2%</b>		

(continued next page)





Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

2. EXPLANATION OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY (continued)

	2023/24 Y-T-D Revised Budget \$	2023/24 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	
<b>FINANCING ACTIVITIES</b>						
<b>Revenue</b>						
Proceeds from new debentures	0	0	0	0.0%		
Transfers from reserves	6,758,655	6,834,308	75,653	1.1%		
Repayment of debentures	(194,160)	(197,384)	(3,224)	(1.7%)		
Principal portion of lease liabilities	(73,608)	(67,910)	5,698	7.7%		
Transfers to Reserves	0	(272,954)	(272,954)	(100.0%)	▼ Timing	Interest earned on Reserve Fund cash investments is transferred to Reserve account when received. Budget is for transfer to be made later in the year.
<b>Total financing activities</b>	<b>6,490,887</b>	<b>6,296,060</b>	<b>(194,827)</b>	<b>(3.0%)</b>		
<b>FUNDING SOURCES</b>						
Surplus/(Deficit) July 1 B/Fwd	332,558	278,068	(54,490)	(16.4%)	▼ Permanent	Impact of 22/23 end-of-year adjustments and accruals greater than anticipated at the time of budget adoption in June 2023.
<b>CLOSING FUNDS (A+B+C+D)</b>	<b>12,652,605</b>	<b>13,605,145</b>	<b>952,540</b>	<b>7.5%</b>		

# (Appendix ORD: 12.4.7B)



## Notes to the Statement of Financial Activity For the Period Ended 31 October 2023

### 3. TRUST FUNDS

Funds held at reporting date over which the Shire has no control and which are not included in the financial statements are as follows:

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
Ross & Deborah Bevan	40,982.27	0.00	0.00	0.00	0.00	40,982.27
Public Open Space	524,694.82	0.00	0.00	0.00	0.00	524,694.82
Dept Communities Grant - Auspicing for Goodstart Eaton Child Care Centre	25,611.86	0.00	0.00	0.00	0.00	25,611.86
Accrued Interest	0.00	0.00	7,721.04	0.00	0.00	7,721.04
Plus: Outstanding Creditors	0.00	0.00	0.00	0.00	0.00	0.00
Less: Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>591,288.95</b>	<b>0.00</b>	<b>7,721.04</b>	<b>0.00</b>	<b>0.00</b>	<b>599,009.99</b>

### 4. RESERVES - CASH BACKED

All reserves are supported by cash and cash equivalents and are restricted within equity as Reserves - cash backed.

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
<b>Council Restricted</b>						
Executive & Compliance Vehicles Reserve	369,043.87	0.00	0.00	0.00	0.00	369,043.87
Plant & Engineering Equipment Reserve	661,288.11	0.00	0.00	0.00	0.00	661,288.11
Eaton Recreation Centre - Equipment Reserve	327,026.39	0.00	0.00	0.00	0.00	327,026.39
Building Maintenance Reserve	9,920,894.73	0.00	0.00	(4,279,011.13)	0.00	5,641,883.60
Employee Relief Reserve	274,028.27	0.00	0.00	0.00	0.00	274,028.27
Employee Leave Entitlements Reserve	49,880.09	0.00	0.00	0.00	0.00	49,880.09
Refuse Site Environmental Works Reserve	188,411.09	0.00	0.00	0.00	0.00	188,411.09
Information Technology Reserve	701,084.97	0.00	0.00	0.00	0.00	701,084.97
Roadwork Construction & Major Maintenance Reserve	1,338,699.53	0.00	0.00	(43,244.82)	0.00	1,295,454.71
Accrued Salaries Reserve	512,081.47	0.00	0.00	0.00	0.00	512,081.47
Tourism Reserve	11,928.18	0.00	0.00	0.00	0.00	11,928.18
Recycling Education Reserve	54,777.60	0.00	0.00	0.00	0.00	54,777.60
Road Safety Programs Reserve	27,121.72	2,700.00	0.00	0.00	0.00	29,821.72
Council Land Development Reserve	32,971.53	0.00	0.00	0.00	0.00	32,971.53
Carried Forward Projects Reserve	2,432,628.40	0.00	0.00	(182,798.17)	0.00	2,249,830.23
Election Expenses Reserve	36,799.94	0.00	0.00	0.00	0.00	36,799.94
Town Planning Consultancy Reserve	31,431.95	0.00	0.00	0.00	0.00	31,431.95
Parks & Reserves Upgrades Reserve	157,786.03	0.00	0.00	(11,353.64)	0.00	146,432.39
Strategic Planning Studies Reserve	108,410.24	0.00	0.00	0.00	0.00	108,410.24
Pathways Reserve	199,213.14	0.00	0.00	(5,615.47)	0.00	193,597.67
Asset / Rates Revaluation Reserve	219,030.88	0.00	0.00	0.00	0.00	219,030.88
Refuse & Recycling Bin Replacement Reserve	65,687.38	0.00	0.00	0.00	0.00	65,687.38
Sale of Land Reserve	1,371,661.71	0.00	0.00	0.00	0.00	1,371,661.71
Storm Water Reserve	153,957.49	0.00	0.00	(489.07)	0.00	153,468.42
	<b>19,245,844.71</b>	<b>2,700.00</b>	<b>0.00</b>	<b>(4,522,512.30)</b>	<b>0.00</b>	<b>14,726,032.41</b>
<b>Statute Restricted</b>						
Contribution to Works Reserve	935,141.79	2,298.59	0.00	0.00	0.00	937,440.38
Eaton Drive - Access Construction Reserve	144,007.71	0.00	0.00	0.00	0.00	144,007.71
Eaton Drive - Scheme Construction Reserve	248,624.80	0.00	0.00	0.00	0.00	248,624.80
Fire Control Reserve	11,742.04	0.00	0.00	0.00	0.00	11,742.04
Collie River (Eaton Drive) Bridge Construction Reserve	183,796.45	0.00	0.00	0.00	0.00	183,796.45
Unspent Grants Reserve	2,116,661.73	0.00	0.00	(1,668,065.00)	0.00	448,596.73
Swimming Pool Inspection Reserve	4,568.36	0.00	0.00	0.00	0.00	4,568.36
Burekup - Public Open Space	73,581.90	0.00	0.00	0.00	0.00	73,581.90
Unspent Specified Area Rate - Bulk Waste Collection Reserve	73,384.21	0.00	0.00	0.00	0.00	73,384.21
Unspent Specified Area Rate - Eaton Landscaping Reserve	344,350.33	0.00	0.00	0.00	0.00	344,350.33
Unspent Loans Reserve	1,214,311.84	0.00	0.00	(643,730.31)	0.00	570,581.53
Dardanup Expansion Developer Contribution Plan Reserve	0.00	0.00	0.00	0.00	0.00	0.00
	<b>5,350,171.16</b>	<b>2,298.59</b>	<b>0.00</b>	<b>(2,311,795.31)</b>	<b>0.00</b>	<b>3,040,674.44</b>
Interest	0.00	267,955.79	0.00	0.00	0.00	267,955.79
Less: Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>24,596,015.87</b>	<b>272,954.38</b>	<b>0.00</b>	<b>(6,834,307.61)</b>	<b>0.00</b>	<b>18,034,662.64</b>

# (Appendix ORD: 12.4.7B)



## Notes to the Statement of Financial Activity For the Period Ended 31 October 2023

### 5. MUNICIPAL LIABILITIES

Funds held at reporting date for bonds and deposits not required to be held in the Trust Fund and classified as restricted to recognise that they are owed to developers/hirers and others. These are now classified as Municipal Liabilities as follows:

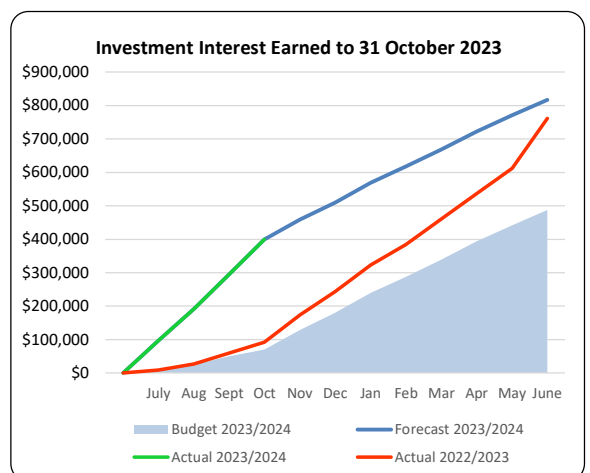
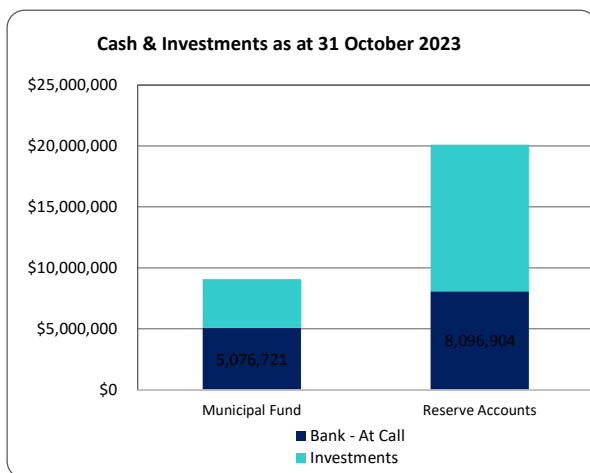
	BALANCE 1 JULY 2023	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
<b>Retention Bonds</b>						
Parkridge Group	19,854.41	0.00	0.00	(17,677.51)	0.00	2,176.90
Winterfall Nominees Pty Ltd	36,007.60	0.00	0.00	0.00	0.00	36,007.60
Holland Loop Pty Ltd	2,540.00	0.00	0.00	0.00	0.00	2,540.00
T J Coman	8,384.63	0.00	0.00	0.00	0.00	8,384.63
Thompson Surveying Consultants	21,993.00	0.00	0.00	0.00	0.00	21,993.00
Anstee Earthmoving Pty Ltd	2,408.00	0.00	0.00	0.00	0.00	2,408.00
Ability Support 6 Pty Ltd	34,470.15	0.00	0.00	0.00	0.00	34,470.15
Bethanie Group Inc	77,058.26	0.00	0.00	(77,058.26)	0.00	0.00
<b>Total - Retention Bonds</b>	<b>202,716.05</b>	<b>0.00</b>	<b>0.00</b>	<b>(94,735.77)</b>	<b>0.00</b>	<b>107,980.28</b>
<b>Construction Contract Retention</b>						
Kalamunda Electrics	11,569.30	0.00	0.00	0.00	0.00	11,569.30
LD Total (Sanpoint Pty Ltd)	8,739.33	0.00	0.00	0.00	0.00	8,739.33
Carbone Bros	6,007.10	0.00	0.00	(6,007.10)	0.00	0.00
	<b>26,315.73</b>	<b>0.00</b>	<b>0.00</b>	<b>(6,007.10)</b>	<b>0.00</b>	<b>20,308.63</b>
<b>Extractive Industry Rehabilitation Bonds</b>						
L G Davidson	1,290.20	0.00	0.00	0.00	0.00	1,290.20
M Denholm	845.24	0.00	0.00	0.00	0.00	845.24
S Catalano	1,340.36	0.00	0.00	0.00	0.00	1,340.36
Bunbury Agricultural Society	2,387.88	0.00	0.00	0.00	0.00	2,387.88
D Busher	1,282.84	0.00	0.00	0.00	0.00	1,282.84
Valli & Co	2,600.14	0.00	0.00	0.00	0.00	2,600.14
Charles Hull Contracting	7,603.41	0.00	0.00	0.00	0.00	7,603.41
J & P Group	135,809.01	0.00	0.00	0.00	0.00	135,809.01
<b>Total - Extractive Industries Bonds</b>	<b>153,159.08</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>153,159.08</b>
<b>Sundry Deposits</b>						
Unclaimed Monies	1,829.65	0.00	0.00	0.00	0.00	1,829.65
Bunbury Wellington Group of Councils (BunGeo Group of Councils - BGCC)	53,532.31	2,500.00	0.00	0.00	0.00	56,032.31
<b>Total - Sundry Deposits</b>	<b>55,361.96</b>	<b>2,500.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>57,861.96</b>
<b>Election Deposits</b>	0.00	700.00	0.00	0.00	0.00	700.00
<b>Key Bonds</b>	642.68	360.00	0.00	(280.00)	0.00	722.68
<b>Hire Bonds</b>	2,400.00	4,289.50	0.00	(4,500.00)	0.00	2,189.50
<b>Kerb Bonds</b>	75,041.91	0.00	0.00	0.00	0.00	75,041.91
<b>Construction Training Fund</b>	7,314.65	1,516.39	0.00	(8,330.86)	0.00	500.18
<b>Building Services Levy</b>	16,204.42	20,684.83	0.00	(27,273.20)	0.00	9,616.05
<b>Development Assessment Panel</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>Less Outstanding Debtors</b>	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL</b>	<b>539,156.48</b>	<b>30,050.72</b>	<b>0.00</b>	<b>(141,126.93)</b>	<b>0.00</b>	<b>428,080.27</b>



Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

6. STATEMENT OF INVESTMENTS

BANK	TYPE	AMOUNT	RATE	DAYS	COMMENCE	MATURITY	ESTIMATED INTEREST	INTEREST CREDITED 2023-2024
<b>MUNICIPAL FUND</b>								
CBA	Municipal Fund Bank Account	\$ 2,184,753.20	3.90%					\$34,994.17
CBA	Municipal - Business Online Saver	\$ 2,891,967.63	4.10%					\$37,010.48
CBA	Term Deposit	\$ 1,000,000.00	5.02%	120	10/2023	02/2024	\$16,504.11	
CBA	Term Deposit	\$ 1,000,000.00	5.10%	151	10/2023	02/2024	\$21,098.63	
NAB	Term Deposit	\$ 1,000,000.00	5.00%	90	10/2023	01/2024	\$12,328.77	
NAB	Term Deposit	\$ 1,000,000.00	5.20%	180	10/2023	04/2024	\$25,643.84	
		<u>\$ 9,076,720.83</u>					<u>\$75,575.34</u>	<u>\$72,004.65</u>
<b>TRUST FUND</b>								
CBA	Trust Fund Bank Account	\$ 599,009.99	3.90%					\$7,721.04
		<u>\$ 599,009.99</u>					<u>\$0.00</u>	<u>\$7,721.04</u>
<b>RESERVE ACCOUNTS</b>								
CBA	Reserve Bank Account	\$ 3,029,084.98	3.90%					\$82,894.02
CBA	Reserve - Business Online Saver	\$ 5,067,819.49	4.10%					\$140,682.44
CBA	Term Deposit	\$ 1,000,000.00	4.90%	90	10/2023	01/2024	\$12,082.19	
CBA	Term Deposit	\$ 2,000,000.00	5.02%	120	10/2023	02/2024	\$33,008.22	
CBA	Term Deposit	\$ 2,000,000.00	5.10%	151	10/2023	03/2024	\$42,197.26	
CBA	Term Deposit	\$ 1,000,000.00	5.16%	180	10/2023	04/2024	\$25,446.58	
NAB	Term Deposit	\$ 2,000,000.00	5.00%	90	10/2023	01/2024	\$24,657.53	
NAB	Term Deposit	\$ 1,000,000.00	5.05%	120	10/2023	02/2024	\$16,602.74	
NAB	Term Deposit	\$ 2,000,000.00	5.10%	151	10/2023	03/2024	\$42,197.26	
NAB	Term Deposit	\$ 1,000,000.00	5.20%	180	10/2023	04/2024	\$25,643.84	
		<u>\$ 20,096,904.47</u>					<u>\$221,835.62</u>	<u>\$223,576.46</u>
<b>Total Interest Received</b>								<u><b>\$303,302.15</b></u>





Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

6. STATEMENT OF INVESTMENTS (continued)

**Total Funds Invested**

Total Funds Invested as at Reporting Date -

Municipal Fund Investment Portfolio	\$ 4,000,000.00
Trust Fund Investment Portfolio	\$ -
Reserve Fund Investment Portfolio	\$ 12,000,000.00
	<u>\$ 16,000,000.00</u>

**Investment Policy - Portfolio Risk Exposure**

Council's investment policy provides a framework to manage the risks associated with financial investments.

**Portfolio - Terms of Maturity**

Limits are placed on the term to maturity thereby reducing the impact of any significant change in interest rate markets and to provide liquidity.

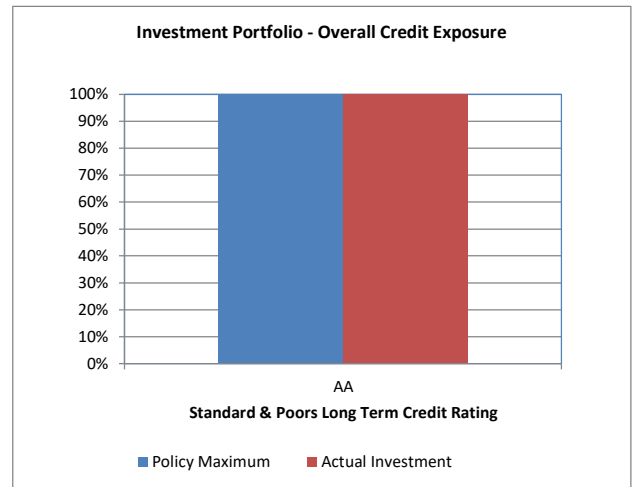
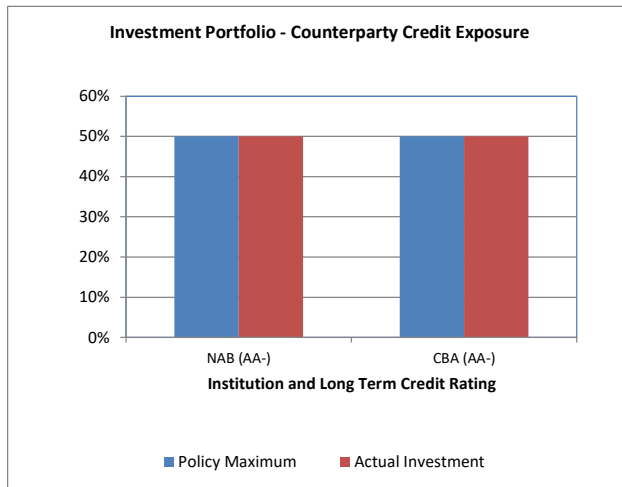
**Counterparty Credit Exposure**

Exposure to an individual authorised deposit-taking institution (ADI) counterparty will be restricted by their credit rating so that single entity exposure is limited.

**Overall Credit Exposure**

To control the credit quality on the entire portfolio, limits are placed on the percentage exposed to any particular credit rating category.

The following charts demonstrate the current portfolio diversity and risk compliance with the policy framework.





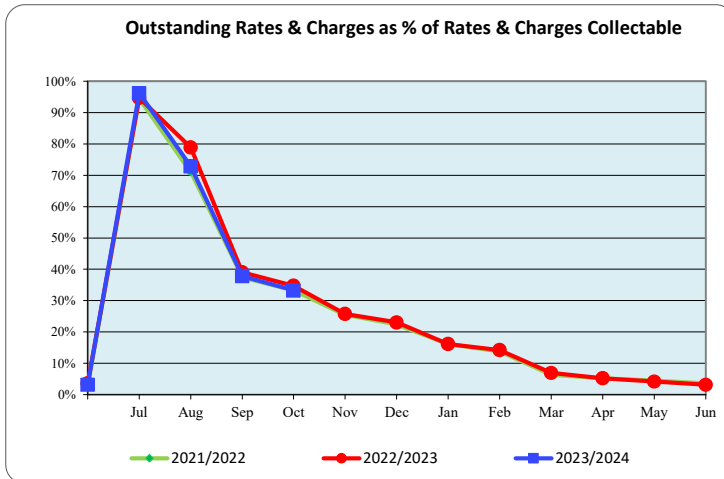
Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

7. Accounts Receivable as at 31 October 2023

Rates and Charges Outstanding

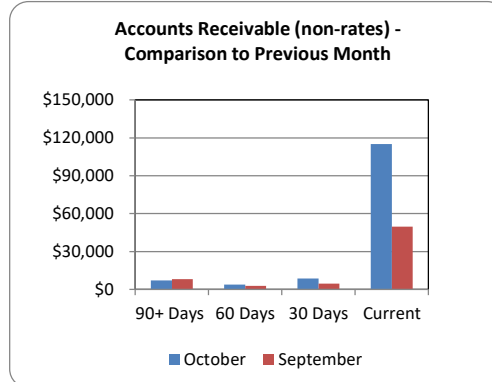
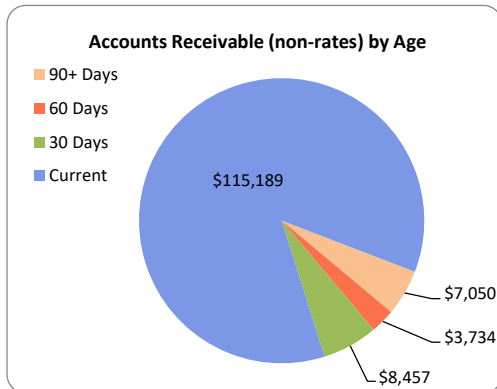
2023/24 annual rates were raised on 28 July 2023 and were due by 13 September 2023 for payment in full or for the first of four instalments. The second instalment is due 15 November 2023.

As at the reporting date, total outstanding rates and charges (including pensioner deferred rates) is \$6,377,298. This equates to 33% of rates and charges collectable and is at a similar position to previous years. It is the objective of management to achieve less than 4% of rates and charges outstanding by 30 June.



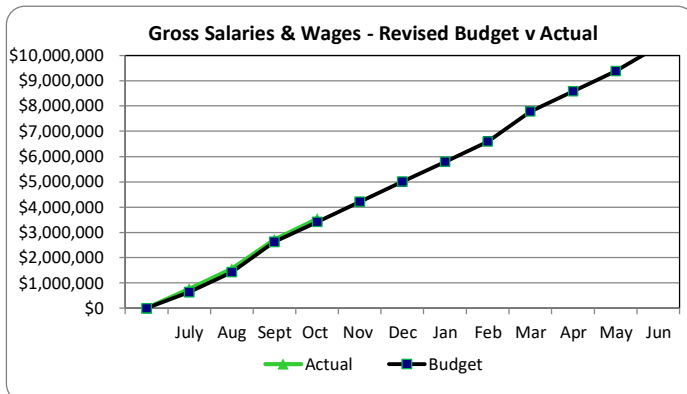
Sundry Debtors Outstanding (non-rates)

As at the reporting date, the total outstanding Sundry Debtors amount to \$134,430.



8. Salaries and Wages to 31 October 2023

At the reporting date, total salaries and wages expenditure is \$3,539,068 (34%) of the annual budget of \$10,365,399 for the 2023/24 financial year.





Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

9. RATING INFORMATION

RATE TYPE	Rate in	Number of properties	Rateable value	2023/24 Budget rate revenue	2023/24 Budget interim rates	2023/24 Budget back rates	2023/24 Budget total revenue	2023/24 Actual total revenue	2022/23 Actual total revenue	2022/23 Budget total revenue
	\$		\$	\$	\$	\$	\$		\$	\$
<b>Differential general rate or general rate</b>										
<b>Gross rental valuations</b>										
General Rates - GRV: Residential	0.109420	4,429	80,548,292	8,813,594	0	0	8,813,594	8,813,594		
General Rates - GRV: Commercial	0.109420	62	14,851,106	1,625,008	0	0	1,625,008	1,625,008		
General Rates - GRV: Industrial	0.109420	71	9,441,902	1,033,133	0	0	1,033,133	1,033,133		
General Rates - GRV: Small Holding	0.109420	387	9,064,228	991,808	0	0	991,808	991,808		
General Rates - GRV: Interim and Back Rates	0.109420	0	0	0	100,359	0	100,359	154,300		
<b>Unimproved valuations</b>										
General Rates - UV: Broad Acre Rural	0.005974	493	315,390,099	1,884,140	0	0	1,884,140	1,884,140		
General Rates - UV: Mining	0.005974	0	0	0	0	0	0	0		
General Rates - UV: Interim and Back Rates	0.005974	0	0	0	0	0	0	0		
<b>Sub-Totals</b>		5,442	429,295,627	14,347,683	100,359	0	14,448,042	14,501,983	0	0
<b>Minimum</b>										
<b>Minimum payment</b>	\$									
<b>Gross rental valuations</b>										
General Rates - GRV: Residential	1,547.50	523	5,242,378	809,343	0	0	809,343	809,343		
General Rates - GRV: Commercial	1,547.50	9	67,360	13,928	0	0	13,928	13,928		
General Rates - GRV: Industrial	1,547.50	43	425,600	66,543	0	0	66,543	66,543		
General Rates - GRV: Small Holding	1,547.50	76	553,300	117,610	0	0	117,610	117,610		
General Rates - GRV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0		
<b>Unimproved valuations</b>										
General Rates - UV: Broad Acre Rural	1,547.50	121	20,079,023	198,482	0	0	198,482	198,482		
General Rates - UV: Mining	1,547.50	16	267,980	26,246	0	0	26,246	26,246		
General Rates - UV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0		
<b>Sub-Totals</b>		788	26,635,641	1,232,152	0	0	1,232,152	1,232,150	0	0
		6,230	455,931,268	15,579,835	100,359	0	15,680,194	15,734,133.00	0	0
Concession on general rates							(8,531)	(27,553)		
Rates write-off								(801)		
Total amount raised from general rates							15,671,663	15,705,779	0	0
Specified area rates - bulk waste collection			84,123,610	112,447			112,447	111,177		
Specified area rates - Eaton landscaping			91,394,796	276,345			276,345	269,498		
Total specified area and ex gratia rates							388,792	380,675	0	0
<b>Total rates</b>							16,060,455	16,086,454	0	0



Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

10. INFORMATION ON BORROWINGS

Debenture Repayments

Particulars	Loan No.	Principal	New		Principal		Interest		Principal	
		Opening Balance 01 July 2023	Loans 2023/24		Repayments 2023/24		Repayments 2023/24		Outstanding 31 October 2023	
		\$	Actual \$	Adopted Budget \$	Actual \$	Adopted Budget \$	Actual \$	Adopted Budget \$	Actual \$	Adopted Budget \$
<b>Community Amenities</b>										
Wanju/Waterloo Industrial Park										
Developer Contribution Plans	70	608,486	0	0	0	(72,295)	0	(12,680)	608,486	536,191
Waste Bins (3 Bin System)	71	276,850	0	0	(21,884)	(43,978)	(2,643)	(6,660)	254,966	232,872
<b>Recreation and Culture</b>										
Glen Huon Oval Club Rooms	69	837,097	0	0	(22,856)	(46,151)	(16,072)	(37,347)	814,241	790,946
Eaton Oval Club Rooms	72	700,000	0	0	(10,787)	(21,826)	(16,297)	(36,822)	689,213	678,174
<b>Transport</b>										
Depot Land	66	319,890	0	0	(32,747)	(66,161)	(6,510)	(14,511)	287,143	253,729
<b>Economic Services</b>										
Gravel Pit Land - Panizza Road	61	14,167	0	0	(14,167)	(14,167)	(438)	(471)	0	0
<b>Other Property and Services</b>										
Library / Administration Centre (#1)	73	6,000,000	0	0	(94,941)	(191,978)	(132,459)	(304,276)	5,905,059	5,808,022
Library / Administration Centre (#2)	New	0	0	1,500,000	0	(22,254)	0	(42,756)	0	1,477,746
		8,756,490	0	1,500,000	(197,384)	(478,810)	(174,420)	(455,523)	8,559,106	9,777,680

All debenture repayments are financed by general purpose revenue.





Notes to the Statement of Financial Activity  
For the Period Ended 31 October 2023

11. BUDGET AMENDMENTS

Amendments to the original budget since budget adoption. Surplus/(Deficit)

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
				\$	\$	\$	\$
	<b>Budget Adoption</b>						
	<b>Permanent Changes</b>						
			Opening Surplus (Budgeted)				179,737
J14322	Increase Job J14322 Eaton Admin Expenditure by \$387,333.15	26/07/23 - 189-23				(387,333)	(207,596)
1141001	Increase Transfer from Building Maintenance Reserve Account	26/07/23 - 189-23			387,333		179,737
J11666	Reserve 19722 Dardanup Cemetery - Reinstatement Boundary Fence	26/07/23 - 191-23				(11,000)	168,737
J11621	Cancelled Dardanup Hard Courts Upgrade Project from 23/24 Budget	23/08/23 - 200-23			273,409		442,146
1141001	Decrease Transfer from Building Maintenance Reserve Account	23/08/23 - 200-23				(273,409)	168,737
0817504	Minor Assets Memorial at Palmer Park (Dardanup Heritage Collective)	27/09/23 - 226-23				(4,500)	164,237
0827502	Donation/Contribution from Dardanup Heritage Collective	27/09/23 - 226-23			4,500		168,737
					<b>660,742</b>	<b>(676,242)</b>	<b>168,737</b>

## RISK ASSESSMENT TOOL

**OVERALL RISK EVENT:** Schedule of Paid Accounts as at the 31<sup>st</sup> of October 2023

**RISK THEME PROFILE:**

3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)

6 - Community Engagement

**RISK ASSESSMENT CONTEXT:** Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Non-compliance with the legislative requirements that results in a qualified audit.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

Appendix ORD: 12.4.8)