



Shire of Dardanup

**CORPORATE & GOVERNANCE
DIRECTORATE**

BOOK 2

APPENDICES

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 24th of November 2021

Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

(Appendix ORD: 12.4.7A)

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Annual Review of Delegations 2021						
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
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	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	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	Local Government Act 1995 compliance requirement to review delegations annually	Major (4)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Notification from Dept. Local Government Non Compliance.	Moderate (3)	Rare (1)	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.

ACTION	NEW 1.1.3 BEHAVIOUR COMPLAINTS COMMITTEE
REASON	New Committee formed with delegations in accordance with legislation. Refer report to OCM Agenda of 24 November 2021 – Item 12.4.6.
Delegation	1.1.3 Behaviour Complaints Committee
Category	Committee
Head of power	01. Local Government Act
Delegator	Local Government
Express power to delegate	Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees
Express power or duty delegated	Local Government (Model Code of Conduct) Regulations 2021: Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
Function	<ol style="list-style-type: none"> 1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12(7)]. 2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> a. take no further action [MCC.cl.12(4)(a)]; or b. prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. 3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].
Delegates	Behaviour Complaints Committee
Conditions	<ol style="list-style-type: none"> a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy Exec CP202 Code of Conduct Behaviour Complaints Management Process. b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance. <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
Express power to subdelegate	Nil

Subdelegates	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Exec CP202 Code of Conduct Complaints Management Process
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 November 2021, by resolution ???-21
Last reviewed	

ACTION	NEW 1.2.44 - GENERAL POWERS OF DISCHARGE OF DUTIES OF FUNCTIONS OF POLICY MANUAL
REASON	To provide transparency, good governance and ensure that the powers delegated to the Chief Executive Officer within the Policy Manual are clearly articulated in the Annual Delegation Review. This allows the Chief Executive Officer to make decisions and carry out duties assigned to him under policy with a further lens of transparency.
Delegation	1.2.44 General Powers of Discharge of Duties of Functions of Policy Manual
Category	Administration/Business
Head of power	01. Local Government Act
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	Council delegate authority to its Chief Executive Officer general powers to perform the function of the Council as applies to the Council Policy Manual delegations.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy Chief Executive Officer Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 November 2021, by resolution ???-21
Last reviewed	

ACTION	NEW 1.2.45 – Authority to Appoint External Complaints Officer
REASON	New Behaviour Complaints Committee formed and new policy Exec CP202 Code of Conduct Complaints Management Process that includes delegations has been adopted. Refer report to OCM Agenda of 24 November 2021 – Item 12.4.6.
Delegation	1.2.45 – Authority to Appoint External Complaints Officer
Category	Administration/Business
Head of power	01. Local Government Act
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Model Code of Conduct) Regulations 2021: Clause 12 Dealing with a complaint. Clause 15 Other provisions about complaints
Function	Authority to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.
Delegates	CEO
Conditions	<p>a) Any appointment under this delegation excludes a current or former Shire of Dardanup Council Member, Committee Member, candidate or employee.</p> <p>b) Any appointed external Complaints Officer must comply with the requirements contained in the –</p> <ul style="list-style-type: none"> • Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates. • Council Policy – Exec CP202 Code of Conduct Complaints Management Process.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy Chief Executive Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Exec CP202 Code of Conduct Complaints Management Process
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Date adopted	
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 November 2021, by resolution ???-21
Last reviewed	

ACTION	Amend 3.1.4 Restricted Burning Times – Vary and Control Activities by addition of Part 10 to Function
REASON	<p>Section 18 (5c) should be read as if Section 17 (8)(9)(10) and (11) that refers to Prohibited Burning Times are the same as Restricted Burning Times.</p> <p>(5C) The provisions of section 17(8), (9), (10) and (11), with the necessary adaptations and modifications, apply to and in relation to the variation of restricted burning times or prescribed conditions by a local government, <u>as if those provisions were expressly incorporated in this section.</u></p> <p>In particular, S.17(10) Authority to delegate to its president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections 17 (7) and (8). Demonstrates that the same conditions apply to both prohibited and restricted burning times.</p>
Delegation	3.1.4 Restricted Burning Times – Vary and Control Activities
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<p><i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land s.17(10) Prohibited burning times may be declared by Minister</p> <p><i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>

<p>Function</p>	<ol style="list-style-type: none"> 1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18 (5)]. <ul style="list-style-type: none"> • Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. 2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the BushFire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)]. 3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15]. 4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)]. 5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C]. 6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B]. 7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)]. 8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)]. 9. Authority to recover the cost of measures taken by the Shire of Dardanup or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)]. 10. [s.17(10) Authority to delegate to its president, and its Chief Bush Fire Control Officer, jointly its powers and duties to vary restricted burning times.
<p>Delegates</p>	<p>CEO Chief Bush Fire Control Officer</p>
<p>Conditions</p>	<p>Nil</p>
<p>Express power to subdelegate</p>	<p>NIL – Sub-delegation is prohibited by s.48(3)</p>
<p>Subdelegate conditions</p>	<p>Nil</p>
<p>Statutory framework</p>	<p>Nil</p>

ACTION	Additional Wording in Function
REASON	<p><i>In accordance with the following legislation.</i></p> <p><i>s59A(5) Withdrawal of Infringement</i></p> <p><i>Bush Fires (Infringements) Regulations 1978:</i></p> <p><i>r.4 (a) Prescribed officers</i></p>
Delegation	3.1.12 Prosecution of Offences
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A Alternative procedure – infringement notices s.59 (3) Prosecution of offences
Function	<p>1. The Chief Executive Officer be delegated authority to perform the functions required under the Bush Fires Act 1954.</p> <p>2 Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</p> <p>3. Authority to serve an infringement notice for an offence against this Act [s.59A].</p> <p>4. An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer [s.59A(5), r.4 (a)]</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

09. Planning and Development Act 2005

Planning and Development Act 2005

9.1 Council to Chief Executive Officer

ACTION	DELETE 9.1.1 – Replace with NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme
REASON	<p><i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i></p> <p><i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i></p> <p><i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i></p>
Delegation	9.1.1 Determination of Development Applications—DELETE
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p>Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82— Local government may delegate powers to CEO</p>
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015- Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	<p>1.— Authority to:</p> <ul style="list-style-type: none"> • Determine applications in accordance with Structure Plans pursuant to cl. 27 of the deemed provisions. • Determine development applications, which modifies or varies a Local Development Plan pursuant to cl. 56 of the deemed provisions. • Determine any works or uses that are temporary and in existence longer than 48 hours pursuant to cl. 61 (1) (f) and cl. 61 (2) (d) of the deemed provisions. • Make determinations on the sufficiency of information provided with applications for planning consent pursuant to cl. 63 of the deemed provisions. • Advertise and provide notice of applications for planning approval or consent pursuant to cl. 64 of the deemed provisions. • Determine any development application for unauthorised development pursuant to cl. 65— subsequent approval of development— of the deemed provisions. • Determine applications pursuant to cl. 68 of the deemed provisions for planning

	<p>approval or refusal including:</p> <ul style="list-style-type: none"> a) any conditions to be imposed or reasons for refusal; b) the period of validity; and c) the scope of the planning approval. <ul style="list-style-type: none"> • Allow for the extension of the term within which any development approved must be substantially commenced in accordance with cl. 71 of the deemed provisions. • Determine an application for temporary development approval in accordance with cl.72 of the deemed provisions. • Determine an application for development within the timeframes in accordance with cl.75(1)(a) and (b) or agree to a longer time in writing in accordance with cl.75(1)(c) of the deemed provisions. • Determine an application for development in accordance with cl.75(3) of the deemed provisions. • Determine any amendment applications pursuant to cl. 77 (amending or cancelling development approval) of the deemed provisions. <p>1. Amending a Development Approval by extending the period within which the approved development must be substantially commenced in accordance with Schedule 2, Part 9, Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>2. Amending a Development Approval by amending or deleting conditions in accordance with Schedule 2, Part 9, Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the original Development Approval having been granted under delegation.</p> <p>3. Amending an aspect of a Development Approval which, if amended, would not substantially change the development approved in accordance with Schedule 2, Part 9, Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>4. Amending or deleting a condition of a Development Approval imposed by Council on the advice of an external advice agency, subject to the amendment of deletion being consistent with amended advice being received from the relevant external advice agency.</p>
Delegates	CEO
Conditions	<p>1. Delegation only to be exercised following appropriate consideration of the matters listed in cl.67, 68 and 69, of Schedule 2 – Deemed Provisions.</p> <p>2. Where applications are required to undergo consultation in accordance with cl.64 of Schedule 2, Part 8 and cl.66 of Schedule 2, Part 9, delegation can only be exercised where concerns raised through consultation is not relevant to planning considerations or where concerns can be addressed by way of conditions or mitigated by design.</p> <p>3. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared.</p> <p>4. Delegation can only be exercised to the extent that the Scheme, or Council Policy provides for variations. Where variation to Council policy is proposed, a report to Council shall be prepared.</p> <p>5. With the condition that Development Applications within the waste precinct identified in the Local Planning Strategy are brought back to Council for Council's consideration and determination.</p>
Express power to subdelegate	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</p>

Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Exception of the following uses: <ul style="list-style-type: none"> ▲ Industry – Extractive ▲ Industry – Noxious or Hazardous subject to no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015.
Statutory framework	Part 13 of the Planning and Development Act 2005
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	New Delegation 9.1.1 - Powers Or Duties Under The Local Planning Scheme.
REASON	Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.
Delegation	NEW 9.1.1 Powers or Duties under the Local Planning Scheme
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No 3 cl 7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10, cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8 and 9 Shire of Dardanup Local Planning Scheme No 3 cl 7.3 Council Decisions
Function	Authority to exercise any of the local government's powers or the discharge of any of the local government duties under the operative Local Planning Scheme.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Delegation can only be exercised where if concerns raised through consultation are not relevant to planning considerations or where concerns can be addressed or mitigated by way of conditions or design modifications. 2. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated by way pf conditions or design modifications, the application shall be referred to Council for determination. 3. Delegation can only be exercised to the extent that the Scheme, or Council policy allows for variations. Where variation to Council policy is not provided for, the application shall be referred to Council for determination. 4. With the condition that Development Applications within the waste precinct identified in the Local Planning Strategy are brought back to Council for Council's consideration and determination.
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10, cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services

Subdelegate conditions	Nil
Statutory framework	Part 13 of the Planning and Development Act 2005
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	New
Adoption references	Planning
Last reviewed	29 September 2021

ACTION	No Change
Delegation	9.1.2 Illegal Development
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Planning and Development Act 2005: Section 214(2), (3) and (5)
Function	<p>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</p> <p>2. Give a written direction to the owner or any other person who undertook an unauthorised development:</p> <ul style="list-style-type: none"> • to remove, pull down, take up, or alter the development; and • to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority. <p>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Statutory Enforcement Officer
Subdelegate conditions	Nil
Statutory framework	Part 13 of the Planning and Development Act 2005
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21
Last reviewed	30 June 2021

ACTION	DELETE 9.1.3 – Replace with: <i>NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme</i>
REASON	<i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i> <i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i> <i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i>
Category	Planning
Head of power	09- Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82— Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to interpret and apply the provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83— Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Oversized Outbuildings that propose an insignificant departure from the Local Planning Policy and do not negatively impact on the amenity of the area subject to no objections being received from adjoining landowners if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015

Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	DELETE 9.1.4 – Replace with: NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme
REASON	<i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i> <i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i> <i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i>
Delegation	9.1.4 Amendments to Building Envelopes and Building Exclusion Areas
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to determine development applications to amend building envelopes and building exclusion areas subject to no objections being received if advertised. Authority to issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions
Delegates	CEO
Conditions	Delegation only to be exercised if no objections being received if advertised under Schedule 2, Part 8, cl.64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015. Delegation only to be exercised following appropriate consideration of matters listed in the Deemed Provisions, provisions of the Shire of Dardanup Town Planning Scheme No.3, any relevant planning policy, study, or strategy and issue refusals where there is no exercise of discretion involved, deemed refusals, or approvals with relevant conditions.
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer

	Senior Planning Officer
Subdelegate conditions	Authority to amend building envelopes and building exclusion areas subject to no objections being received if advertised under Schedule 2, Part 8, cl.64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015
Statutory framework	Deemed Provisions for Local Planning Schemes – Schedule 2, Part 8, Clause 64 Planning and Development (Local Planning Schemes) Regulations 2015
Policy	Nil
Record-keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the –‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	DELETE 9.1.5 – Replace with: NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme
REASON	<i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i> <i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i> <i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i>
Delegation	9.1.5 Extinguishment of Restrictive Covenants
Category	Planning
Head of power	09- Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Shire of Dardanup Local Planning Scheme No.3 Part 4, s.4.9 Restrictive Covenants
Function	Authority to process applications for extinguishment of Restrictive Covenants.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Deemed Provisions for Local Planning Schemes – Schedule 2, Part 8, Clause 64 Planning and Development (Local Planning Schemes) Regulations 2015

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the 'Executed Delegations Register' .
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	DELETE 9.1.6 – Replace with: NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme
REASON	<i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i> <i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i> <i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i>
Delegation	9.1.6 Landscape Buffer to Australind Bypass Road (Forrest Highway)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to apply the provisions of clause 7.6 of Town Planning Scheme No.3 to vary a scheme requirement: <ul style="list-style-type: none"> • Landscape Buffer to Australind Bypass Road (Forrest Highway): clause 3.18.1(i) of Town Planning Scheme No. 3 preventing the development of buildings or structures with the landscape buffer to the Australind Bypass Road (Forrest Highway) subject to the proposal not requiring the removal of existing vegetation and no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015 • Allow the removal of dead, diseased or dangerous vegetation as well as the installation of fencing.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	No Change to wording – delegation numbering change only.
Delegation	9.1.7 9.1.3 Recommendations to the WAPC regarding Subdivision and Amalgamation -
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development Act 2005</i> s.142 Consultation requirements as to proposed subdivision
Function	Authority to make recommendations for the Support and Refusal for the creation or amalgamation of lots to the Western Australian Planning Commission.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	No Change to wording – delegation numbering change only.
REASON	<i>Remains the same - Attain System will renumber automatically with the deletion of delegations - - this delegation will move to 9.1.4.</i>
Delegation	9-1-8 9.1.4 Greater Bunbury Region Scheme
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Western Australian Planning Commission
Express power or duty delegated	<p>Published by:</p> <p>Planning GOVERNMENT GAZETTE Western Australia -----</p> <p>No. 65. 09-May-2014</p> <p>Page: 1420</p> <p>PL406 PLANNING AND DEVELOPMENT ACT 2005</p> <p>Instrument of Delegation</p> <p>DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme</p> <p>Preamble</p> <p>Unless exempted by clause 25 and 26, under clause 24 of the Greater Bunbury Region Scheme (GBRS), on reserved land, a person must not commence or carry out development unless that person has planning approval. Development on zoned land requires planning approval if it is of a kind or class set out in a resolution of the Western Australian Planning Commission (WAPC) under clause 27 of the GBRS. Parts 7 and 8 of the GBRS sets out the requirements, procedures and functions of the WAPC in relation to the determination of applications for planning approval.</p> <p>Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.</p> <p>In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or conferred upon the WAPC by the Act or any other written law as the case requires.</p> <p>Resolution under section 16 of the Act (delegation)</p> <p>On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED--</p> <p>A TO DELEGATE to local governments, and to members and officers of those local governments,</p>

	<p>its functions in respect of the determination, in accordance with Parts 7 and 8 of the Greater Bunbury Region Scheme, of applications for approval to commence and carry out development as specified in schedules 1 and 2, within their respective districts, subject to the terms set out in schedule 3;</p> <p>B TO REVOKE its delegation of powers and functions to local governments as detailed in a notice published in the Government Gazette of 20 April 2012 (pages 1717--1722).</p> <p>TIM HILLYARD, Secretary, Western Australian Planning Commission.</p>
<p>Function</p>	<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>Instrument of Delegation</p> <p>SCHEDULE 1--Development on reserved land delegated to local governments</p> <ol style="list-style-type: none"> 1. Development on land in a regional road reservation where the local government accepts the recommendation and any advice of the advice agency. 2. Development of private jetties and associated facilities located in an artificial waterway in the waterways reservation. 3. Development on reserved land, which requires planning approval under the GBRS and which is-- <ol style="list-style-type: none"> (a) Ancillary and incidental development that does not conflict with the purposes of thereservation; and (b) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land. 4. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds-- <ol style="list-style-type: none"> (a) Development where the local government accepts the recommendation and any advice of the Department of Planning. (b) Development for which the local government decides to refuse. <p>SCHEDULE 2--Development on zoned land delegated to local governments</p> <p>Applications for development on zoned land, excluding public works undertaken by public authorities--</p> <ol style="list-style-type: none"> 1. On land abutting regional open space reservations, development which requires planning approval under the GBRS and which is one or more of the following kinds-- <ol style="list-style-type: none"> (a) Development where the local government accepts the recommendation and any advice of the Department of Planning. (b) Development for which the local government decides to refuse approval under the GBRS. 2. On land abutting a primary regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds-- <ol style="list-style-type: none"> (a) Development where the local government accepts the recommendation and any advice of Main Roads Western Australia. (b) Development for which the local government decides to refuse approval under the GBRS.

	<p>3. On land abutting an other regional roads reservation, development which requires planning approval under the GBRS and which is of one or more of the following kinds—</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of Planning.</p> <p>(b) Development which--</p> <p>i. complies with an approved access policy pertaining to other regional roads reservations submitted by the local government and endorsed by the WAPC, and</p> <p>ii. is approved subject to conditions requiring compliance with that policy.</p> <p>(c) Development for which the local government decides to refuse approval under the GBRS.</p> <p>4. On land abutting a port installations, public purposes, railways, state forests or waterways reservation, development of one or more of the following kinds—</p> <p>(a) Development where the local government accepts the recommendation and any advice of the public authority responsible for that reserved land.</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>5. On land in the water catchments special control area (SCA No. 1), development which requires planning approval under the GBRS and which is of one or more of the following kinds-</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of Water and/or the Water Corporation, as the case may be.</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>6. On land in the Kemerton industrial zone buffer special control area (SCA No. 2), development which requires planning approval under the GBRS and which is one or more of the following kinds--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of State Development and the Environmental Protection Authority.</p> <p>(b) Development for which the local government decides to refuse under approval under the GBRS.</p> <p>7. On land in the Glen Iris service corridor buffer special control area (SCA No. 3) development which requires planning approval under the GBRS and which is one or more of the following kinds--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority.</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>8. On land in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) development which requires planning approval under the GBRS and which is one or more of the following kinds--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Water Corporation.</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p>
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	<p>9. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic agricultural resource policy area and which requires planning approval under the GBRS--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of Agriculture and Food.</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>10. Development of one or more of the following kinds which is on land in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area and which requires planning approval under the GBRS--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of Mines and Petroleum.</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>11. Development of one or more of the following kinds which is on land partly or wholly within the land subject to the floodplain management policy area and which requires planning approval under the GBRS--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of Water</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>12. Development in an activity centre which is for shop-retail purposes and which requires planning approval under the GBRS and which is for one or more of the following kinds--</p> <p>(a) Development generally in accordance with a WAPC endorsed activity centres structure plan;</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>13. Development in the rural zone, other than for an animal husbandry-intensive, which requires planning approval under the GBRS and for which the local government decides to refuse approval under the GBRS.</p> <p>14. Development for an animal husbandry-intensive premises, or for any extension or addition in excess of 100 m2 to the improvements of an existing animal husbandry-intensive premises and which is one or more of the following kinds--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or Environmental Protection Authority.</p> <p>(b) Development for which the local government decides to refuse approval under the GBRS.</p> <p>15. Any extension and/or change to a non-conforming use which requires planning approval under the GBRS and which is one or more of the following kinds--</p> <p>(a) Development where the local government accepts the recommendation and any advice of the Department of Planning.</p> <p>(b) Development for which the local government decides to refuse.</p> <p>SCHEDULE 3--Terms of delegations to determine development on reserved and zoned land</p> <p>1. Under clause 36 of the GBRS, an application for planning approval is to be</p>
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	<p>submitted to the local government, which, if the application is to be determined by the WAPC, shall forward it to the WAPC in seven days and make recommendations to the WAPC within 42 days, or such longer period as the WAPC allows.</p> <p>2. An application for development on reserved land, excluding regional open space, shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.</p> <p>3. An application for development on or abutting regional open space reservations, shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.</p> <p>4. An application for development in or abutting a primary regional roads reservation shall be referred within seven days to Main Roads Western Australia for advice and recommendation before being considered by the local government.</p> <p>5. An application for development in or abutting an other regional roads reservation shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.</p> <p>6. An application for development abutting a port installations, public purposes, railways, state forests or waterways reservation shall be referred within seven days to the public authority responsible for that reserved land for advice and recommendation before being considered by the local government.</p> <p>7. An application for development within the water catchments special control area (SCA No. 1) shall be referred within seven days to the Department of Water and/or the Water Corporation for advice and recommendation before being considered by the local government.</p> <p>8. An application for development in the Kemerton industrial zone buffer special control area (SCA No. 2) shall be referred within seven days to the Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.</p> <p>9. An application for development in the Glen Iris service corridor buffer special control area (SCA No. 3) shall be referred within seven days to the Bunbury Port Authority, Department of State Development and the Environmental Protection Authority for advice and recommendation before being considered by the local government.</p> <p>10. An application for development in the Wastewater Treatment Plant Odour Buffer special control area (SCA No. 4) shall be referred within seven days to the Water Corporation for advice and recommendation before being considered by the local government.</p> <p>11. An application for development within, adjacent to or in close proximity to the strategic agricultural resource policy area shall be referred within seven days to the Department of Agriculture and Food for advice and recommendation before being considered by the local government.</p> <p>12. An application for development in, adjacent to or in close proximity to the strategic minerals and basic raw materials resource policy area shall be referred within seven days to the Department of Mines and Petroleum for advice and recommendation before being considered by the local government.</p> <p>13. An application for development partly or wholly within the floodplain management policy area shall be referred within seven days to the Department of Water for advice and recommendation before being considered by the local government.</p>
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	<p>14. An application for an animal husbandry-intensive premises shall be referred to the Department of Planning, Department of Agriculture and Food, Department of Health, Department of Environmental Regulation, Department of Parks and Wildlife and/or the Environmental Protection Authority for advice and recommendation before being considered by the local government.</p> <p>15. An application for any extension and/or change to a non-conforming use shall be referred within seven days to the Department of Planning for advice and recommendation before being considered by the local government.</p> <p>16. Where an application is referred to an advice agency for advice and recommendation the agency is to be advised that if no advice or recommendation has been received within thirty days of receipt of the application by the advice agency the application may be determined on the available information; and the WAPC, or delegate of, or a local government acting under delegated power, may determine the application on that basis.</p> <p>17. Following referral for advice and recommendation, an application which is to be determined by the WAPC shall be forwarded as soon as practicable to the WAPC with the advice and recommendations provided by all the advice agencies consulted together with the advice and recommendation of the local government.</p> <p>18. Where the recommendation provided by an advice agency specified above is not acceptable to the local government, the application, together with the recommendations provided by all advice agencies consulted and the reasons why the recommendation is not acceptable to the local government, shall be forwarded immediately to the WAPC for determination.</p> <p>19. Each local government shall report to the WAPC, in the form and manner required by the WAPC, all decisions made under this instrument of delegation.</p> <p>20. The powers delegated to members and officers of a local government may only be exercised by a member or officer who has been delegated power from the local government to consider and determine applications for approval to commence and carry out development in the local government district under the local planning scheme.</p> <p>-----</p> <p>Government of Western Australia</p> <p>State Law Publisher. All contents Copyright (C) 2003. All rights reserved. Disclaimer</p>
<p>Delegates</p>	<p>CEO Council Director Sustainable Development Manager Development Services</p>
<p>Conditions</p>	<p>Nil</p>
<p>Express power to subdelegate</p>	<p>Nil</p>
<p>Subdelegate conditions</p>	<p>Nil</p>
<p>Statutory framework</p>	<p>Nil</p>

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21
Last reviewed	30 June 2021

ACTION	Delegation has been updated as per Government Gazette – 29 January 2021 PL402 and then Renumbered to 9.1.5
REASON	<p><i>Changes required following the 1 May 2020 amendments to the Strata Titles Act 1985.</i></p> <p><i>Two amendments have been made by gazettal. The first is to grant power to local governments to determine applications relating to use conditions or by-laws. The second is to restrict the power of local governments to determine type 1A and 2 subdivision applications.</i></p> <p><i>- Attain System will renumber automatically with the deletion of delegations - – this delegation will move to 9.1.5</i></p>
Delegation	9.1.9 9.1.5 Strata Titles Act
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Western Australian Planning Commission
Express power or duty delegated	<p>PL402 PLANNING AND DEVELOPMENT ACT 2005 - INSTRUMENT OF DELEGATION Del 2020/01 Powers of Local Governments</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain application under the Strata Titles Act 1985.</p> <p>Preamble</p> <p>Under section 16 of the Planning and Development Act 2005 (the Act) the Western Australian Planning Commission (the WAPC) may, by resolution published in the Government Gazette, delegate any function under the Act or any other written law to a local government, a committee established under the Local Government Act 1995 or an employee of a local government.</p> <p>In accordance with section 16(4) of the Act, a reference in this instrument to a function or a power of the WAPC includes and extends to, without limitation or restriction, any of the powers, privileges, authorities, discretions, duties and responsibilities vested in or imposed on the WAPC by the Act or any other written law as the case requires.</p> <p>Resolution under section 16 of the Act (delegation) On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—</p> <p>A. To delegate to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the Strata Titles Act 1985 as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>B. Delegate to local governments, and to members and officer of those local governments, its powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>C. To amend “Del 2020/01 – Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.</p> <p>_____</p> <p>SAM FAGAN, Secretary, Western Australian Planning Commission.</p>

Function	<p>Schedule 1</p> <p>1. Applications made under section 15 of the Strata Titles Act 1985 Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that-</p> <p>(a) propose the creation of a vacant lot; (b) propose vacant air stratas in multi-tiered strata scheme developments; (c) propose the creation or postponement of a leasehold scheme; (d) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the Strata Titles Act 1985); (e) in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to— i. a type of development; and/or ii. land within an area, which is of state or regional significance, or in respect of which the WAPC has determined is otherwise in the public interest for the WAPC to determine the application.</p> <p>2. Applications under sections 21 and 22 of the Strata Titles Act 1985 Power to determine application under-</p> <p>(a) Section 21 of the Strata Titles Act 1985 (b) Section 22 of the Strata Titles Act 1985 where the amendment or repeal of scheme by-laws requires the approval of the WAPC.</p> <p>3. Reporting requirements</p> <p>A local government that exercises the power referred to in clause 1 and/or 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p>
Delegates	<p>CEO Council Director Sustainable Development Manager Development Services Planning Officer Principal Planning Officer Senior Planning Officer</p>
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21
Last reviewed	30 June 2021

ACTION	No Change – Renumber only
REASON	<i>Attain System will renumber automatically with the deletion of delegations - - this delegation will move to 9.1.6</i>
Delegation	9.1.10 9.1.6 Section 40 Certificates under the Liquor Licensing Act
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p>Shire of Dardanup Local Planning Scheme No.3</p> <p>Part 7, s.7.12 Delegation of Functions</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p> <p>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p>Liquor Control Act 1988</p> <p>Part 3, Div 2,s.40 Certificate of planning authority as to whether use of premises complies with planning laws.</p>
Function	Authority to respond to applications for a certificate of planning authority under the Liquor Control Act 1988.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p>Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</p>
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21
Last reviewed	30 June 2021

<p>ACTION</p>	<p><i>Additional delegation to give authority to:</i></p> <ul style="list-style-type: none"> • <i>Determine that a local development plan does not require advertising.</i> <p><i>The change to this delegation is essentially an addition to allow delegation to determine that a local development plan does not require advertising if the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area (as per cl. 50(3) of the deemed provisions).</i></p> <p><i>In conditions on the approval of a local development plan use consistent wording to that used in other delegations.</i></p>
<p>REASON</p>	<p><i>Conditions applicable to amended delegation are as follows:</i></p> <ol style="list-style-type: none"> 1. <i>Delegation can only be exercised where, if concerns raised through consultation are not relevant planning considerations or where concerns can be addressed or mitigated by way of conditions or design modifications.</i> 2. <i>Where concerns raised are relevant planning considerations that cannot be addressed or mitigated by way of conditions or design modifications, the local development plan shall be referred to Council for determination.</i> <p>- <i>Attain System will renumber automatically with the deletion of delegations - - this delegation will move to 9.1.7</i></p>
<p>Delegation</p>	<p>9.1.11 9.1.7 Local Development Plans</p>
<p>Category</p>	<p>Planning</p>
<p>Head of power</p>	<p>09. Planning and Development Act 2005</p>
<p>Delegator</p>	<p>Council</p>
<p>Express power to delegate</p>	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> art 7, s.7.12 Delegation of Functions</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
<p>Express power or duty delegated</p>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 6 cl.52 of the Deemed provisions.</p>
<p>Function</p>	<p>Authority to approve Local development plans prepared in accordance with Schedule 2, Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to no objections being received if advertised to affected landowners and/or residents in the locality.</p> <p>Authority to:</p> <ul style="list-style-type: none"> • <i>Determine that a local development plan does not require advertising.</i> • <i>Approve a local development plan.</i>
<p>Delegates</p>	<p>CEO</p>

Conditions	<p>1. <i>Delegation can only be exercised where, if concerns raised through consultation are not relevant planning considerations or where concerns can be addressed or mitigated by way of conditions or design modifications.</i></p> <p>2. <i>Where concerns raised are relevant planning considerations that cannot be addressed or mitigated by way of conditions or design modifications, the local development plan shall be referred to Council for determination.</i></p>
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	As above
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	No Change – Renumber only.
REASON	<i>Attain System will renumber automatically with the deletion of delegations - – this delegation will move to 9.1.8</i>
Delegation	9.1.12 9.1.8 Waiving of Application Fees for Development Approval
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development Regulations 2009</i> Part 7 r.52 - Local government may waive or refund fee
Function	Authority to waive development application fees.
Delegates	CEO
Conditions	Fees associated with the following: <ul style="list-style-type: none"> • Applications made by the Shire of Dardanup on land owned and/or managed by the Shire of Dardanup. • Applications made by community groups on land owned and/or managed by the Shire of Dardanup.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	SDev CP502 – Local Planning Policy – Waiving and Refunding of Fees
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21
Last reviewed	30 June 2021

ACTION	Delete delegation and incorporate into NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme.
REASON	<p><i>Refer to New Delegation 9.1.1 – Powers or Duties under the Local Planning Scheme</i></p> <p><i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i></p> <p><i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i></p> <p><i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i></p> <p><i>Refer to new delegation in (Appendix ORD: 12.4.3B) Page 7</i></p>
Delegation	9.2.1 Development that is permitted as an Additional Use in Appendix IV or a Restricted-Use in Appendix V of Shire of Dardanup Town Planning Scheme No
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to determine development is permitted as an Additional Use in Appendix IV or a Restricted Use in Appendix V of Shire of Dardanup Town Planning Scheme No 3.
Delegates	CEO
Conditions	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer

Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	Delete delegation and incorporate into NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme.
REASON	<p><i>Refer to <u>New Delegation 9.1.1 – Powers or Duties under the Local Planning Scheme</u></i></p> <p><i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i></p> <p><i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i></p> <p><i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i></p> <p><i>Refer to new delegation in (Appendix ORD: 12.4.3B) Page 7</i></p>
Delegation	9.2.2 Variations under the Residential Design Codes
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to determine variations to the Residential Design Codes.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil

Statutory framework	<i>Shire of Dardanup Local Planning Scheme No.3</i> Deemed Provisions for Local Planning Schemes –Schedule 2, Part 8, Clause 64 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	Delete delegation and incorporate into NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme.
REASON	<p><i>Refer to New Delegation 9.1.1 – Powers or Duties under the Local Planning Scheme</i></p> <p><i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i></p> <p><i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i></p> <p><i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i></p> <p><i>Refer to new delegation in (Appendix ORD: 12.4.3B) Page 7</i></p>
Delegation	9.2.3 Bushland Development Area – External Cladding
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
Express power or duty delegated	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 3, c.3.16.8(d) Bushland Development Area</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)</p>
Function	Authority to approve variation to the external cladding of a building within a Bushland Development area.
Delegates	CEO
Conditions	No objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	<i>Town Planning Scheme No. 3</i> c.3.16.8(d) Bushland Development Area
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	Delete delegation and incorporate into NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme.
REASON	<p><i>Refer to New Delegation 9.1.1 – Powers or Duties under the Local Planning Scheme</i></p> <p><i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i></p> <p><i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i></p> <p><i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i></p> <p><i>Refer to new delegation in (Appendix ORD: 12.4.3B) Page 7</i></p>
Delegation	9.2.4 Variation to Site and Development Standards and Requirements
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
Express power or duty delegated	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.6 Variation to Site and development Standards and Requirements</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)</p>
Function	<p>Authority to apply the provisions of clause 7.6 of Town Planning Scheme No.3 to vary site and development standards and requirements, including the following:</p> <ul style="list-style-type: none"> • Construction Materials: Appendix VIII – Additional Requirements – Small Holding Zones clause 1(i) of Area 4 – Henty Brook Estate, clause 1(d) of Area 6 – Copplestone South, clause 1(l) of Area 10 – Garvey Road and clause 1(h) of Area 12 – Greenwood Heights requiring dwellings to be constructed from materials other than brick or stone subject to the materials of the proposed dwelling being of a standard which is compatible with the surrounding environment and no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015.
Delegates	CEO

Conditions	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83— Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the —‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

ACTION	Delete delegation and incorporate into NEW 9.1.1 - Powers Or Duties Under The Local Planning Scheme.
REASON	<p><i>Refer to New Delegation 9.1.1 – Powers or Duties under the Local Planning Scheme</i></p> <p><i>The deemed provisions allow for the delegation of ‘the exercise of any of the local government’s powers or the discharge of any of the local government duties under the Scheme’. This delegation ‘may be general or as otherwise provided in the instrument of delegation’.</i></p> <p><i>Rather than having a separate and specific delegation for every aspect of the Scheme that can be varied, it is proposed to have a single, more general delegation to cover on all of those aspects. This will also allow for any changes in the Scheme (or the adoption of the new Scheme) to be covered by the delegation without the need for change.</i></p> <p><i>It is important to note that the current restrictions on delegation for development applications and the ‘Waste Precinct’ are still retained in other delegations.</i></p> <p><i>Refer to new delegation in (Appendix ORD: 12.4.3B) page 7</i></p>
Delegation	9.2.5 Minor Variations to Car Parking
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
Express power or duty delegated	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 4 Car parking</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)</p>
Function	Authority to review and approve minor variations to carparking requirements as indicated in Appendix IIA of the Shire of Dardanup Town Planning Scheme No. 3, subject to adequate justification being provided by the applicant demonstrating that variation will not result in adverse offsite impacts.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers

Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20
Last reviewed	30 June 2021

(Appendix ORD: 12.4.8A)

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Burekup Cricket Club – Request for Sale of Alcohol						
RISK THEME PROFILE:		10 - Management of Facilities, Venues and Events						
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	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	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	Assessment of the request is required under the current lease agreement. Failure to assess is in breach of the agreement	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Council could be seen in a negative light if they failed to assess the request	Minor (2)	Possible (3)	Moderate (5 - 11)	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.



Exemptions to the Liquor Control Act 1988 policy

Guidance on the specific circumstances whereby the sale, supply and consumption of liquor is exempt from the application of the Act under the Liquor Control Regulations 1989 (the regulations).

Effective date: 18 July 2011

Last amended: 2 July 2019

Next review: July 2021

Print this page

Disclaimer

This policy is designed to provide information in regard to the subject matter covered, and with the understanding that the Director of Liquor Licensing is not passing legal opinion or interpretation or other professional advice. The information is provided on the understanding that all persons undertake responsibility for assessing the relevance and accuracy of its contents.

Introduction

Section 6(1)(o) of the Liquor Control Act 1988 (the Act) states that the Act does not apply:

“where the sale or supply of liquor is to, or the consumption of liquor is by, a person who is at least 18 years of age and that sale, supply or consumption is exempted by the regulations from the application of this Act”.

This document provides guidance on the specific circumstances whereby the sale, supply and consumption of liquor is exempt from the application of the Act under the Liquor Control Regulations 1989 (the regulations).

Legislative basis

The definition of 'sell' under section 3 of the Act includes:

- a. Agree or attempt to sell;
- b. Offer or expose for the purpose of selling;
- c. Send, forward or deliver for sale or on sale;
- d. Barter or exchange;
- e. Dispose, by lot or chance or by auction;
- f. Supply, or offer, agree or attempt to supply:
 - i. In circumstances in which the supplier derives, or would be likely to derive, a direct or indirect pecuniary benefit; or

Tags

- **exemption**
(/department/publications/-in-tags/tags/exemption)
- **liquor**
(/department/publications/-in-tags/tags/liquor)
- **Occasional**
(/department/publications/-in-tags/tags/occasional)
- **policy**
(/department/publications/-in-tags/tags/policy)

- ii. Gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- g. Authorise, direct, cause or permit to be done any act referred to in this definition.

(Appendix ORD: 12.4.8B)

Regulations 8, 8B, 8C, 8D and 8E of the regulations prescribe the situations whereby the sale of liquor (as per the above definition) is exempt from the Act. Regulations 8A and 8F prescribe the situations where the consumption of liquor (brought to the premises by the customer) is exempt from the Act. Regulation 8G of the regulations prescribe exemption of sale, supply or consumption of liquor in relation to liquor competitions.

Sales/consumption exempt from the Act

The Act regulates the sale, supply and consumption of liquor. However, there are a number of situations where the sale, supply and consumption of liquor is specifically exempted from the application of the Act. Such situations involve small amounts of liquor supplied in controlled environments and social situations where relatively few people are in attendance. These prescribed situations are only considered to be exempt from the Act when the exact conditions of the exemptions, as stated in the regulations, are met. The prescribed exemptions and the conditions of each are summarised below:

Live entertainment venues

This exemption applies only when BYO liquor is consumed at a live entertainment venue. "Live entertainment" is defined in regulation 8A for the purposes of this exemption only. Live entertainment is musical, theatrical, dance or comic entertainment provided by one or more persons present at the venue. Live entertainment does not include:

- sporting contests;
- recorded music;
- DJs; and
- live broadcasts or transmissions.

Where the primary purpose of a venue is to facilitate continuous live entertainment, the consumption of BYO liquor on the premises is exempt from the Act, provided this consumption is ancillary to the provision of live entertainment. This exemption does not allow the sale and supply of liquor by the venue operator.

All of the following conditions must be met, in order for the consumption of BYO liquor at live entertainment venues to be exempt from the Act:

- No more than 200 patrons are permitted on the premises at any one time;
- Juveniles must be accompanied by a responsible adult at all times (unless the juvenile is employed at the premises or providing entertainment);
- A drunk person is not allowed to consume liquor on the premises;
- X18+, R18+ or RC classified films are not permitted to be shown on the premises;
- RC, Category 1 or Category 2 restricted publications are not permitted to be shown on the premises;
- RC classified computer games are not permitted to be shown on the premises;
- No person on the premises can be indecently dressed or take part in indecent activities;
- Free drinking water must be provided to patrons at all times;

- The person in charge of the premises must notify the Director of Liquor Licensing, in writing, of their intention to allow the consumption of BYO liquor in their venue, at least 14 days prior to this occurring (a notification template Notice of Intention to Allow Consumption of Liquor at a Live Entertainment Venue, which can be used for this purpose, is available from the department's website (<http://www.dlgsc.wa.gov.au>));
- The person/s in charge of operating the premises, employees, agents and contractors providing services can not:
 - be the subject of a prohibition order; or
 - have previously been found 'not fit and proper' (by the Licensing Authority) to have an interest in any licence or permit under any section of the Act.

Where liquor consumption takes place at a live entertainment venue, the premises is deemed to be a 'regulated premises' under section 122 of the Act. Offence provisions under section 122 and section 115 therefore apply to the supply of liquor to juveniles and drunk persons, the consumption and possession of liquor by juveniles and the consumption of liquor by drunk persons on these premises.

Whilst the consumption of BYO liquor is exempt from the Act in many circumstances, it is important to note that section 119(7) of the Act prohibits allowing unlicensed premises "to be kept or used as a place of resort for the consumption of liquor". The exemption relating to live entertainment venues therefore clarifies that this type of BYO consumption is not a breach of section 119(7).

Small functions

The 'small functions' exemption:

- is applicable to small events where previously the organiser would have been required to apply for an occasional licence (for example a book launch or a small private event);
- does not apply to premises where a permanent liquor licence is already in effect; and
- does not provide the means by which an entity can establish a permanent business in the sale and supply of liquor (in these instances, it would be necessary to obtain a permanent liquor licence).

The sale or supply of liquor at a function (where the serving of liquor is ancillary to the purpose of the function) is exempt from the Act, provided:

- the total number of attendees over the entire course of the function does not exceed 100 and the service of liquor lasts a maximum of 2 hours (continuous), commencing no earlier than 6 am and finishing no later than 10 pm on the same day; or
- the total number of attendees over the entire course of the function does not exceed 75 and the service of liquor lasts a maximum of 4 hours (continuous), commencing no earlier than 6 am and finishing no later than 10 pm on the same day.

An "attendee" does not include a person who is:

- managing or supervising the function;
- providing services at the function (such as serving food or liquor; security etc);
- providing entertainment at the function or assisting a person who is providing entertainment.

Additionally, a drunk person is not allowed to consume liquor at the function, nor is liquor to be supplied to a drunk person.

(Appendix ORD: 12.4.8B)

For the purposes of this exemption, a function is defined under section 3(1) of the Act as: "a gathering, occasion or event (including a sporting contest, show, exhibition, trade or other fair, or reception) at which it is proposed that liquor be sold or supplied to those present."

Where liquor is sold or supplied at a small function, the premises on which the function takes place is deemed to be 'regulated premises' under section 122 of the Act. Offence provisions under section 122 and section 115 therefore apply to the supply of liquor to juveniles and drunk persons, the consumption and possession of liquor by juveniles and the consumption of liquor by drunk persons on these premises.

Complimentary supply by business

Relevant only to the gratuitous supply of liquor when it is provided ancillary to the purpose of a customer's attendance at a business.

This exemption provides that businesses may supply liquor to customers, provided it is gratuitous (without charge) and ancillary to the purpose of the customer's attendance at the business. However, the quantity of liquor supplied can not be more than two standard drinks for consumption on the premises or one litre of packaged liquor for consumption away from the premises.

For example, a hair salon may wish to offer a complimentary glass of wine or champagne to a client; or a real estate agent may wish to offer a complimentary bottle of champagne to a home buyer.

A standard drink is defined as a drink containing no more than 10 grams of ethanol measured at 20°C. The Australian Guidelines to Reduce Health Risks from Drinking Alcohol, published by the National Health and Medical Research Council in February 2009 provide further guidance on the Australian standard drink size.

Where gratuitous liquor is supplied by a business in these circumstances, the business premises is deemed to be 'regulated premises' under section 122 of the Act. Offence provisions under section 122 and section 115 therefore apply to the supply of liquor to juveniles and drunk persons, the consumption and possession of liquor by juveniles and the consumption of liquor by drunk persons on these premises.

This exemption does not provide the means by which an entity can establish a permanent business in the sale and supply of liquor. In these instances, it would be necessary to obtain a permanent liquor licence.

Tourism operators

The gratuitous (without charge) supply of liquor by a tourism business, either on the business premises or during the course of a tour, is exempt from the Act under the following conditions:

- the business must be accredited under the Australian Tourism Accreditation Program;
- the supply of liquor must be ancillary to the purpose of the business;
- the supply of liquor must not take place on a premises that is licensed under the Act;

- the supply and consumption of liquor must not take place on a public road;
- liquor can only be supplied or consumed with the permission of the person or authority in charge of the land or premises where this takes place;
- liquor must not be supplied to a juvenile or a drunk person;
- the supply and consumption of liquor must not take place in an area that has been declared as a liquor restricted area under section 175(1a) of the Act¹; and
- the person who supplies the liquor to the customer has successfully completed the 'Provide Responsible Service of Alcohol' course².

For the purpose of the regulations, the person who supplies the liquor to the customer is taken to mean the person in charge of the business such as the owner/manager and the tour leader. Staff that are involved in serving liquor (such as pouring glasses of wine for guests) will also require training, however staff who simply place liquor in a room or on a table for example, do not require training.

The 'Provide Responsible Service of Alcohol' course (SITHFAB002) is a nationally accredited course of training in responsible practices in the sale, supply and service of liquor which covers topics such as refusal of service, juveniles, identifying intoxication and refusal of service. Whilst parts of the course will not be relevant (as staff are not selling liquor), it is important that staff are aware of responsible practices so that liquor is not supplied to a juvenile or a drunk person in contravention of the exemption conditions.

Bed and breakfast guests

The supply of liquor by a person who conducts, supervises or manages a bed and breakfast facility (with a maximum capacity of 8 guests at any one time) is exempt from the Act provided that all of these conditions are met:

- the supply of liquor is to an adult staying at the facility;
- the supply of liquor takes places at the facility;
- the supply of liquor is gratuitous;
- the supply of liquor does not exceed 1.5 litres in total for the entire time the guest stays at the facility; and
- the liquor was purchased from the holder of a licensee who can sell packaged liquor (with the exception of wholesalers and club licences).

The operator of a bed and breakfast facility may instead elect to rely on the tourism operator exemption, if they meet the requirements of that exemption category (see above).

Farmers' markets

Where one or more liquor producers host a stall at a farmers market, liquor may be sold or supplied where it is no more than 9 litres of packaged liquor per customer or by way of free sample. Orders can also be taken for larger quantities, with the sale or supply of the liquor to take place at a later date.

"Sample sizes" are prescribed in regulation 5A and can not be greater than 100ml for beer, 50ml for wine and 15ml for spirits.

"Farmers' markets" are those markets where primary producers display and sell their products directly to the public. "Primary producers" include agriculture, pastoral pursuits, horticulture, grazing, dairy farming, bee-keeping, orcharding, viticulture, silviculture or other similar farming activities.

The stall and the area immediately surrounding the stall in which customers congregate to sample or purchase liquor, is deemed to be 'regulated premises' under section 122 of the Act. Offence provisions under section 122 and section 115 therefore apply to the supply of liquor to juveniles and drunk persons, the consumption and possession of liquor by juveniles and the consumption of liquor by drunk persons on these premises.

Organisers of functions on licensed premises

Where the organiser of a function enters into an arrangement with a licensee of an appropriately licensed premises and:

1. the licensee provides the venue, food and liquor for the function, at a set price; and
2. the organiser arranges for the function to be advertised to the public and for the sale of tickets to the function,

then, the sale or supply of liquor by the function organiser is exempt from the Act, provided that:

- the profit sharing arrangement is approved by the Licensing Authority under section 104 of the Act; and
- the price of a ticket for admission to the function includes food, liquor and entertainment at the function; and
- all advertising for the function must refer to the licence details under which the function is occurring; and
- the function is held on an appropriately licensed premises where the liquor licence permits the sale and supply of liquor to the general public for consumption on the premises. Licence categories such as liquor stores, wholesalers and clubs, do not allow for the general public to consume liquor on the premises and therefore will not be able to utilise this exemption.

Charter vehicles

The consumption of liquor supplied by the passengers in charter vehicles that are licensed by the Department of Transport, are exempt from the Act, provided that all of the following conditions are met:

- an on-demand charter vehicle authorisation* is in force for the vehicle; and
- the vehicle is capable of carrying 14 passengers or less (excluding the driver); and
- the vehicle is hired in advance of the trip; and
- the vehicle is hired for at least one continuous hour; and
- the driver of the vehicle does not allow a drunk person or a juvenile to consume liquor in the vehicle; and
- any juvenile in the vehicle is accompanied by a 'responsible adult'; and
- the purpose of the vehicle hire can not include transportation of one or more school students to or from a school based function (such as a school ball etc, regardless of whether the function takes place at the school or not)

*On-demand charter vehicle authorisation is defined in the regulations as "a passenger transport vehicle authorisation that authorises the operation of the vehicle for use in providing an on-demand charter passenger transport service under the Transport (Road Passenger Services) Act 2018.

A 'responsible adult' is defined in section 125(2)(b) as:

“...an adult who is a parent, step-parent, spouse, de facto partner or legal guardian of the juvenile, or other person in loco parentis to the juvenile”.

(Appendix ORD: 12.4.8B)

Where BYO liquor consumption takes place in a charter vehicle, the vehicle is deemed to be ‘regulated premises’ under section 122 of the Act. Offence provisions under section 122 and section 115 therefore apply to the supply of liquor to juveniles and drunk persons, the consumption and possession of liquor by juveniles and the consumption of liquor by drunk persons on these premises.

Warehouse

Where a premises is licensed as a warehouse (under the Customs Act 1901) and the sale of liquor in bond by the proprietor occurs with a person who proposes to personally take the liquor outside of Australia, this sale is exempt from the Act.

Transport services

The sale and supply of liquor is exempt when it occurs:

- on an interstate rail passenger service to or from Perth;
- on an aircraft during the course of a flight;
- on a commercial vessel in the course of an inter-State or overseas voyage;
- to the master of a ship as ship’s stores, for consumption on that ship once it has passed outside of WA territorial seas; and
- on an intra-State cruise:
 - during the course of a scheduled deep water³ cruise; and
 - where the vessel has a minimum capacity of 100 passenger berths; and
 - that continues at least over one night; and
 - where liquor is sold to a fare-paying passenger or crew member who is over 18 years of age and is not drunk.

Delivery of gifts

The sale or supply of liquor together with flowers, food or other products to be delivered by the vendor or supplier as a gift, to a person other than the purchaser, vendor or supplier is exempt from the Act, provided that the following conditions are met:

- the gift must be delivered between 7am and 7pm; and
- the person to whom the gift is delivered must be at least 18 years of age; and
- the quantity of the liquor sold or supplied cannot be more than two litres; and
- the business of the vendor or supplier must be genuinely marketed as a service for the sale and delivery of gifts; and
- the gift must be packaged so that the person to whom it is delivered would be likely to know that it was intended as a gift; and
- the vendor or supplier must have purchased the liquor from the holder of a hotel or liquor store licence; and
- the value of the liquor and its container can not be more than half of the purchase price of the gift.

The value of the liquor and its container is based on the cost of buying that liquor from a liquor store/hotel licence.

Lottery prize

The sale or supply of liquor as a prize in a lottery conducted in accordance with the Gaming and Wagering Commission Act 1987 is exempt from the Act.

(Appendix ORD: 12.4.8B)

Food essence

The retail sale of an alcohol based food essence is exempt from the Act. This is defined as a flavour substance in liquid form, with a concentration of ethanol exceeding 1.15% by volume in a container that has a volume exceeding:

- 100 millilitres in the case of vanilla essence; or
- 50 millilitres in any other case.

The sale must be authorised in writing by the Director of Liquor Licensing, in order for the exemption to apply.

Health care services and retirement villages

The sale or supply of liquor is exempt from the Act where it is to a patient or resident at a:

- hospital; or
- private psychiatric hostel.

The sale or supply of liquor is exempt from the Act where it is to a patient or resident and their guests at a:

- nursing home;
- residential care facility; or
- retirement village.

The sale or supply is authorised by the person who conducts, manages, owns or operates the premises or is the approved provider of residential care. In respect of retirement villages, a resident who is a member of the residents' committee, subcommittee, incorporated association or other body of residents is also authorised to sell/supply liquor.

Liquor Competitions

The sale or supply of liquor and the consumption of liquor in a liquor competition is exempt for a:

- judge;
- liquor producer; or a
- steward

as long as the liquor is sold or supplied by way of sample and the sale or supply and consumption of the liquor is incidental to the competition.

Offence provisions

Despite being exempt from the application of the Act, in many of the above situations the venue/premises are deemed to be regulated premises under section 122 of the Act. This means that offence provisions apply if a juvenile or drunk person is sold, supplied or permitted to consume liquor on the premises. The penalty for a breach of these sections of the Act is a fine of up to \$10,000.

Section 3A of the Act states that a person is 'drunk' for the purposes of the Act if:

- a. the person is on licensed or regulated premises; and

- b. the person's speech, balance, coordination or behaviour appears to be noticeably impaired; and
- c. it is reasonable in the circumstances to believe that that impairment results from the consumption of liquor.

(Appendix ORD: 12.4.8B)

Business owners, managers and function organisers are advised to implement strategies to ensure that liquor is not consumed by juveniles or drunk persons on their premises.

The nationally accredited training unit on providing responsible service of alcohol covers topics such as duty of care, harm minimisation, refusal of service, effects of alcohol, juveniles, identifying intoxication and conflict resolution. Whilst this is not compulsory, training may assist with ensuring that liquor is not supplied to or consumed by juveniles and drunk persons, in breach of the Act. Further details regarding the course can be found in the Director's Policy titled Mandatory Training.

Footnotes

1. A **map showing the relevant restricted areas** (</racing-gaming-and-liquor/liquor/liquor-restrictions>) is available on the department's website.
2. This requirement comes into effect on 11 October 2017.
3. Deep water is characterised by water of considerable depth, especially able to accommodate oceangoing vessels.

Related pages

- [Liquor \(/racing-gaming-and-liquor/liquor\)](/racing-gaming-and-liquor/liquor)
- [Liquor Control Act 1988 \(/department/legislation/liquor-control-act-1988\)](/department/legislation/liquor-control-act-1988)

(Appendix ORD: 12.4.9)

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT: Shire of Dardanup –New Lease Agreement Template								
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
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	Failure to establish a preferred template could lead to incorrect charges and loss of income for leasing of Council property	Minor (2)	Likely (4)	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	Establishment of a Council endorsed template will ensure compliance for future lease agreements	Moderate (3)	Possible (3)	Moderate (5 - 11)	Not required	Not required.	Not required.	Not required.
REPUTATIONAL	Inconsistencies in lease agreement terms could lead to damage to the Shires reputation	Moderate (3)	Possible (3)	Moderate (5 - 11)	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.

By email: eatonfamilycentre@gmail.com

24 August 2021

Ms Anne Jones
Centre Manager
Eaton Family Centre
PO Box 7010
EATON WA 6232

Dear Anne

RE: LEASE AGREEMENT – EATON FAMILY CENTRE

I am contacting you in regards to Council's Lease Agreement with the Department of Communities for the lease of the Eaton Family Centre at Charterhouse Street.

In the middle of 2019 the 10 year lease with the Department of Communities expired. Council was supportive of the renewal and Council officers' commenced negotiations with the Department of Communities for the renewal of the Lease. The Department of Communities advised that they would support an extension for a 12 month period, with an expiry of 30 June 2020.

A new lease agreement was forwarded to Mr Mark Murphy, Project Manager Assets – Corporate Operations, Department of Communities in July 2019 for the Departments review and execution.

Council officers' made numerous attempts, via phone and email to contact the Department of Communities to finalise the signing of a new 2019-20 Lease Agreement. There was no response from Mr Murphy or his office.

Contact was then made with the Director General, Ms Michelle Andrews in August 2020 requesting a meeting to discuss the matter. Acting Assistant Director General Assets, Mr Nigel Hindmarsh responded, advising that the Department of Communities would support the lease up to 30 June 2021 and that the current funding provided to the Eaton Family Centre, through the Community and Neighbourhood Development Service would expire by 30 June 2021.

Following this advice, Council officers' forwarded 2 copies of the 2020-21 Lease Agreement for signing to Mr Hindmarsh and to date, have not received a signed lease or any further correspondence from the Department.

As the Centre Manager for the Eaton Family Centre, can you please provide us with an update on the Centre's current arrangements with the Department of Communities. Can you please advise Council if the Department of Communities has extended funding for the 2021-22 period, or if you have been successful in securing funding from other sources.

Council has historically supported an ongoing lease with the Eaton Family Centre via the Department of Communities, however we are now seeking to explore alternate leasing options direct with the Eaton Family Centre due to the current lease agreement remaining unsigned. Once this has been established we can then look at formalising any future arrangement through a signed Lease Agreement.

I look forward to hearing back from you to enable this outstanding lease arrangement to be resolved. Should you wish to discuss this matter further, please do not hesitate to contact either myself on 9724 0309 or phil.anastasakis@dardanup.wa.gov.au or Donna Bailye on 9724 0310 or donna.bailye@dardanup.wa.gov.au.

Yours sincerely



MR PHIL ANASTASAKIS
Deputy Chief Executive Officer

(Appendix ORD: 12.4.12B)

From: [Phillip Anastasakis](#)
To: [Mark Murphy](#)
Cc: [Donna Bailye](#); eatonfamilycentre@gmail.com; [Simon Biss](#); [Kay Channer](#); [Kevin Toop](#)
Subject: Shire of Dardanup - Eaton Family Centre Lease through Department of Communities
Date: Monday, 30 August 2021 9:15:30 AM
Attachments: [image007.jpg](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)
[image006.jpg](#)

Hi Mark,

Thank you for your response to our enquiry about a future lease agreement for the Eaton Family Centre.

Based on your below response where you support a continuing lease directly with the Department of Communities, with a "Deed of Licence" sub-lease with the Eaton Family Centre, will be putting a report to the September 2021 Council meeting seeking Council's support for a new four year lease agreement on this basis - commencing 1 July 2021 to 30 June 2025.

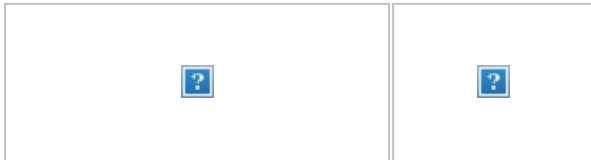
Once this agreement has been obtained from Council we will write to your office with a copy of the proposed lease agreement for your review.

I appreciate that this matter will be handled by Simon Biss while you are on leave, and look forward to having a signed agreement established as soon as possible.

Regards

Phil Anastasakis

Deputy Chief Executive Officer



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

T: 08 9724 0309 | **M:** 0459 897 623 | **E:** Phillip.Anastasakis@dardanup.wa.gov.au

W: www.dardanup.wa.gov.au



From: Mark Murphy <Mark.MURPHY@communities.wa.gov.au>

Sent: Friday, 27 August 2021 2:12 PM

To: Phillip Anastasakis <Phillip.Anastasakis@dardanup.wa.gov.au>

Cc: Donna Bailye <donna.bailye@dardanup.wa.gov.au>; eatonfamilycentre@gmail.com; Simon Biss <Simon.BISS@communities.wa.gov.au>; Kay Channer <Kay.Channer@communities.wa.gov.au>; Kevin Toop <Kevin.TOOP@communities.wa.gov.au>

Subject: FW: URGENT ATTENTION REQUIRED

Hi Phil

Firstly apologies from myself and Communities in not having made arrangements for a current

(Appendix ORD: 12.4.12A)

lease as yet.

In light of recent developments regarding funding for centres, I have discussed with Anne today regarding Eaton's position for leasing. Anne advised that Eaton strongly prefer for Communities to continue to hold the lease and Eaton to "sublease" by way of a Deed of Licence from Communities.

Funding priorities have been changing annually and are expected to be extended for the benefit of Eaton over the next few years.

If the Shire is agreeable, Communities is requesting to have the new Lease term extended to 30 June 2025.

Apologies for the inconvenience this has caused the Shire.

I will be on extended leave from today for the rest of the year, so arrangements can be made with Simon Biss, who is currently on leave but returning on Monday 6 September or he will direct to the appropriate person upon his return.

Thank you for your patience in this matter.

Kind regards

Mark Murphy
Project Manager | Land and Built Form Assets
Department of Communities
169 Hay Street, East Perth 6004
Locked Bag 5000, Fremantle WA 6959

P 08 9440 2339 **M** 0402 450 440
www.communities.wa.gov.au

From: eatonfamilycentre@gmail.com <eatonfamilycentre@gmail.com>

Sent: Thursday, 26 August 2021 9:50 AM

To: Mark Murphy <Mark.MURPHY@communities.wa.gov.au>

Subject: URGENT ATTENTION REQUIRED

Good Morning Mark,

Could you please contact me as a matter of urgency to discuss the attached letter from the Shire of Dardanup.

Thank You

Kind Regards

Anne Jones
Centre Manager
Eaton Family Centre
P O Box 7010
EATON WA

(Appendix ORD: 12.4.12A)

Telephone: 08 97251655



From: Donna Bailye <donna.bailye@dardanup.wa.gov.au>
Sent: Wednesday, 25 August 2021 4:15 PM
To: eatonfamilycentre@gmail.com
Subject: Attn Anne Jones - Shire of Dardanup Lease Agreement

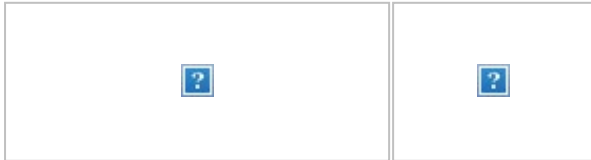
Hi Anne

Please see attached correspondence. Original has been forwarded in today's mail.

Kind Regards.

Donna Bailye

Personal Assistant Deputy Chief Executive Officer



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

T: 08 9724 0310 | **E:** donna.bailye@dardanup.wa.gov.au

W: www.dardanup.wa.gov.au



"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"

The Department of Communities acknowledges the traditional owners of country throughout Western Australia and their connection to land, waters and community. We pay our respects to them and their cultures, and to their elders past and present.

The Department of Communities (Communities) formed on 1 July 2017 and is responsible for the delivery of child protection and family support, community grants, funding and initiatives, education and care regulation, disability services, housing and regional services reform. During the transition phase emails sent from the Housing Authority domain will be converted to the Communities email address. This message may contain privileged and confidential information and is intended for the exclusive use of the addressee(s). You must not disclose this communication to anyone without the prior consent of Communities. If you have received this email in error, please notify us by return mail, delete it from your system and destroy all copies. Communities has exercised care to avoid errors in the information contained in this email but does not warrant that it is error or omission free.

(Appendix ORD: 12.4.13A)

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Failing to monitor the financial performance can increase the risk of a negative impact on the Shire's financial position. Non-compliance with legislative requirement could result in a qualified audit.						
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.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.



Monthly Financial Report

For the Period

1 July 2021 to 31 October 2021

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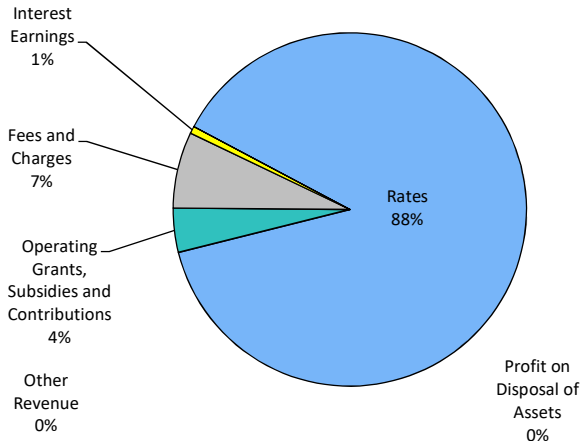
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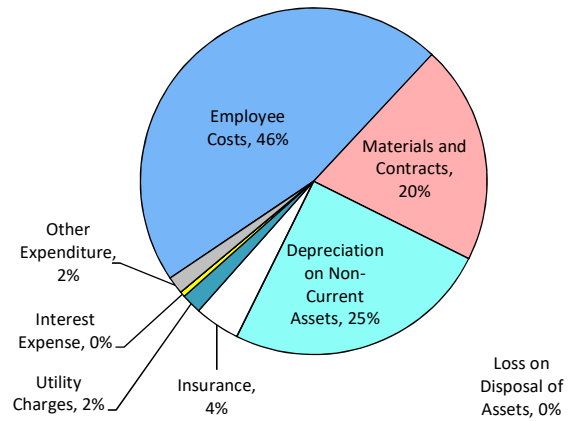
Monthly Financial Report
For the Period Ended 31 October 2021

SUMMARY GRAPHS

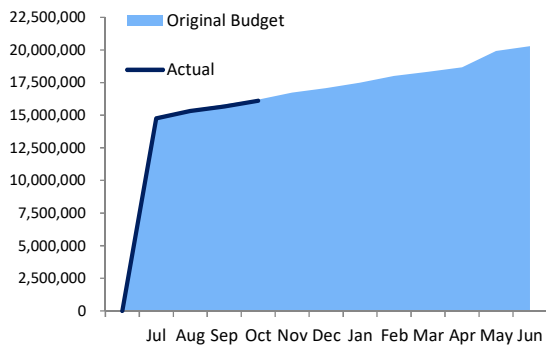
OPERATING REVENUE - ACTUAL YTD



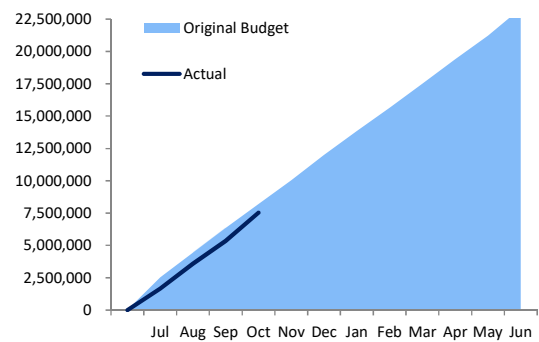
OPERATING EXPENSES - ACTUAL YTD



Total Operating Revenue - Budget - v - Actual

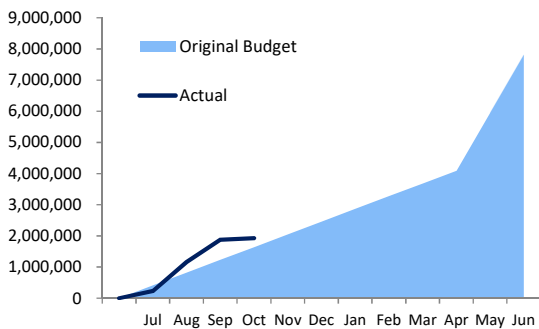


Total Operating Expenses - Budget - v - Actual



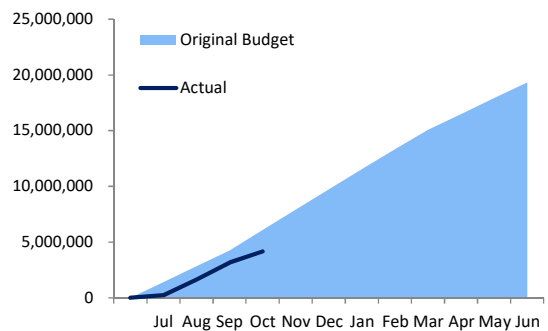
CAPITAL REVENUE

Capital Revenue - Budget - v - Actual



CAPITAL EXPENSES

Capital Expenses - Budget - v - Actual



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

(Appendix ORD: 12.4.14B)



Statement of Financial Activity by Program For the Period Ended 31 October 2021 (Covering 4 months or 33% of the year)

Sch	2021/22	2021/22	2021/22	2021/22	Variance Y-T-D	Variance Y-T-D	2021/22	2020/21	
	Adopted Budget \$	Revised Budget \$	Y-T-D Revised Budget \$	Y-T-D Actual \$	Actual to Revised Budget \$	Actual to Revised Budget %	Forecast \$	Last Year Estimated Actual \$	
OPERATING ACTIVITIES									
Revenue									
Governance	4	800	800	260	283	23	8.9%	800	23,979
General Purpose Funding	3	15,793,559	15,793,559	14,285,120	14,244,063	(41,057)	(0.3%)	15,771,222	15,328,126
Law, Order, Public Safety	5	513,681	859,526	275,124	146,848	(128,276)	(46.6%) ▼	686,045	647,418
Health	7	16,650	16,650	5,548	4,454	(1,094)	(19.7%)	16,650	5,489
Education and Welfare	8	6,000	11,000	2,000	0	(2,000)	(100.0%)	11,000	10,017
Community Amenities	10	1,770,752	1,770,752	659,370	602,946	(56,424)	(8.6%) ▼	1,754,137	1,592,566
Recreation and Culture	11	1,687,284	1,783,937	699,363	809,659	110,296	15.8% ▲	1,823,398	1,633,968
Transport	12	157,524	157,524	133,094	139,942	6,848	5.1%	157,524	153,523
Economic Services	13	189,980	189,980	63,976	50,752	(13,224)	(20.7%)	169,980	158,933
Other Property and Services	14	3,815,130	3,815,130	1,271,696	109,338	(1,162,358)	(91.4%) ▼	3,815,130	270,536
Total Operating Revenue		23,951,359	24,398,858	17,395,551	16,108,285	(1,287,266)	(7.4%)	24,205,886	19,824,555
Operating Expenses									
Governance	4	(1,272,496)	(1,272,496)	(472,693)	(395,302)	77,391	16.4% ▲	(1,253,996)	(1,084,776)
General Purpose Funding	3	(530,474)	(530,474)	(139,160)	(119,111)	20,049	14.4%	(530,474)	(367,084)
Law, Order, Public Safety	5	(1,666,216)	(2,012,061)	(713,180)	(562,572)	150,609	21.1% ▲	(1,836,888)	(1,736,734)
Health	7	(552,143)	(552,143)	(202,640)	(188,374)	14,266	7.0%	(551,840)	(508,635)
Education and Welfare	8	(878,754)	(883,754)	(323,203)	(288,988)	34,215	10.6% ▲	(885,678)	(831,897)
Community Amenities	10	(3,385,649)	(3,595,649)	(1,102,195)	(774,565)	327,630	29.7% ▲	(3,279,087)	(2,805,205)
Recreation & Culture	11	(8,026,956)	(8,123,609)	(2,796,494)	(2,575,763)	220,731	7.9% ▲	(8,225,456)	(8,085,668)
Transport	12	(6,443,340)	(6,443,340)	(2,147,787)	(2,087,849)	59,938	2.8%	(6,443,340)	(6,352,869)
Economic Services	13	(563,127)	(563,127)	(207,172)	(200,874)	6,298	3.0%	(517,493)	(481,257)
Other Property and Services	14	(408,728)	(408,728)	(263,879)	(332,388)	(68,509)	(26.0%) ▼	(150,815)	(710,322)
Total Operating Expenditure		(23,727,883)	(24,385,381)	(8,368,403)	(7,525,786)	842,617	10.1%	(23,675,067)	(22,964,447)
Net Operating Activities		223,477	13,477	9,027,148	8,582,499	(444,649)	4.9%	530,819	(3,139,892)

(continued next page)

(Appendix ORD: 12.4.14B)



Statement of Financial Activity by Program For the Period Ended 31 October 2021 (Covering 4 months or 33% of the year)

	2021/22 Adopted Budget \$	2021/22 Revised Budget \$	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2021/22 Forecast \$	2020/21 Last Year Estimated Actual \$
Net Operating Activities (from previous page)	223,477	13,477	9,027,148	8,582,499	(444,649)	(4.9%)	530,819	(3,139,892)
ADJUSTMENTS OF NON CASH ITEMS								
(Profit)/Loss on Asset Disposals	(3,637,796)	(3,637,796)	(1,212,600)	0	1,212,600	100.0% ▲	(3,637,796)	1,303,513
Accruals	0	0	0	4,425	4,425	0.0%	(18,639)	(47,412)
Fair value adjustment to financial assets	0	0	0	0	0	0.0%	0	(2,586)
Movement in contract liabilities associated with restricted cash	(3,053,776)	(3,053,776)	(518,724)	(493,167)	25,557	4.9%	(3,053,775)	(2,109,196)
Contra Repayment of Prefunded Infrastructure	0	0	0	0	0	0.0%	0	
Depreciation on Assets	5,635,083	5,635,083	1,878,332	1,878,364	32	0.0%	5,635,083	5,270,048
Adjusted Net Operating Activities	A (833,012)	(1,043,012)	9,174,156	9,972,121	797,965	8.7%	(544,308)	1,274,475
INVESTING ACTIVITIES								
Revenue								
Non-operating grants, subsidies & contributions	7,805,595	8,621,188	1,854,552	1,925,985	71,433	3.9%	9,326,856	5,269,566
Proceeds from Disposal of Assets	5,170,384	5,170,384	1,723,456	87,818	(1,635,638)	(94.9%) ▼	5,193,287	229,045
Total Capital Revenue	12,975,979	13,791,572	3,578,008	2,013,804	(1,564,204)	(43.7%)	14,520,143	5,498,611
Expenditure								
Land & Buildings	(11,269,366)	(11,269,366)	(3,756,404)	(2,841,007)	915,397	24.4% ▲	(11,269,366)	(2,077,708)
Infrastructure Assets - Road / Bridges / Paths	(5,843,154)	(6,080,876)	(1,454,278)	(762,676)	691,602	47.6% ▲	(6,080,877)	(3,989,623)
Infrastructure Assets - Parks & Gardens	(1,041,348)	(1,210,941)	(403,620)	(204,544)	199,076	49.3% ▲	(1,203,659)	(363,538)
Vehicles	(600,054)	(600,054)	(200,016)	(351,592)	(151,576)	(75.8%) ▼	(632,198)	(531,430)
Furniture & Fittings	(90,315)	(90,315)	(30,096)	(5,418)	24,679	82.0%	(90,315)	(24,754)
Total Capital Expenditure	(19,343,237)	(19,750,552)	(6,010,746)	(4,165,236)	1,845,510	30.7%	(19,775,414)	(6,987,053)
Net Capital Activities	B (6,367,258)	(5,958,980)	(2,432,738)	(2,151,432)	281,306	11.6%	(5,255,272)	(1,488,442)
FINANCING ACTIVITIES								
Revenue								
Proceeds from New Loans	320,000	320,000	0	0	0	0.0%	320,000	750,000
Transfers from Reserves	17,937,355	18,192,463	3,768,217	2,679,609	(1,088,608)	(28.9%) ▼	17,540,728	7,607,708
Total Financing Revenue	18,257,355	18,512,463	3,768,217	2,679,609	(1,088,608)	28.9%	17,860,728	8,357,708
Expenditure								
Repayment of Loans	(349,517)	(349,517)	(149,649)	(130,115)	19,534	13.1%	(349,517)	(250,116)
Principal element of finance lease payments	(334,246)	(334,246)	(113,836)	(88,971)	24,865	21.8%	(334,246)	(165,751)
Transfers to Reserves	(10,526,326)	(10,526,326)	0	(1,379,802)	(1,379,802)	(100.0%) ▼	(11,231,994)	(7,241,183)
Total Financing Expenditure	(11,210,089)	(11,210,089)	(263,485)	(1,598,888)	(1,335,403)	(506.8%)	(11,915,757)	(7,657,050)
Net Financing Activities	C 7,047,266	7,302,374	3,504,732	1,080,721	(2,424,011)	69.2%	5,944,971	700,658
FUNDING SOURCES								
Surplus/(Deficit) July 1 B/Fwd	D 169,557	169,557	169,557	961,193	791,636	466.9% ▲	961,193	474,501
CLOSING FUNDS (A+B+C+D)	16,552	469,938	10,415,707	9,862,603	(553,105)	5.3%	1,106,585	961,193

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

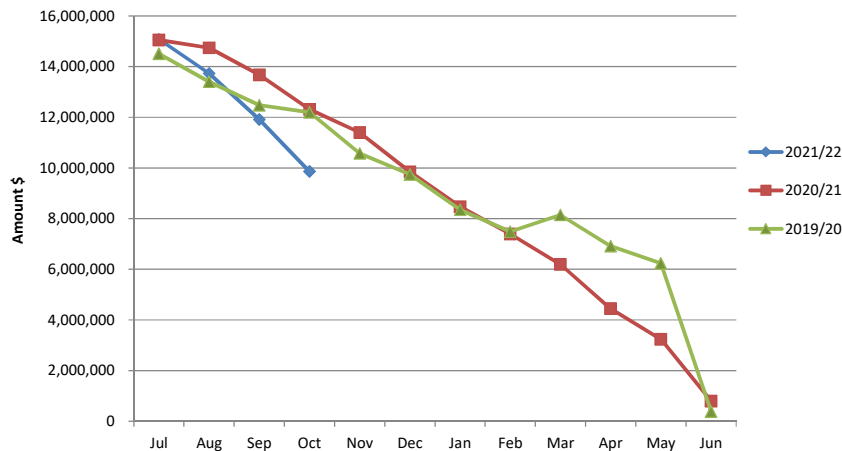
(Appendix ORD: 12.4.14B)



Statement of Financial Activity by Program For the Period Ended 31 October 2021 NET CURRENT ASSETS

Note	Year to Date Actual 31-Oct-2021 \$	Same Time Last Year Actual 31-Oct-2020	Last Year Closing 30 June 2021 \$
Represented By:			
CURRENT ASSETS			
Cash and Cash Equivalents	27,989,068	31,109,918	27,043,227
Rates Debtors Outstanding	5,420,578	5,414,848	309,045
Pensioner Rates Rebate	264,939	13,073	46,375
Sundry Debtors	113,581	145,775	170,111
Accrued Revenue	33,443	18,832	119,951
Prepaid Expenses	0	0	40,180
Goods & Services Tax / BAS Refund	407,986	125,848	351,138
Other Receivables	1,080	(73,941)	0
Inventories - Materials	6,318	11,917	6,318
Inventories- Trading Stock - Recreation Centre	5,842	7,310	5,842
Current Assets	34,242,836	36,773,579	28,092,188
LESS CURRENT LIABILITIES			
Payables:			
Sundry Creditors	(1,438)	(735)	(1,798,946)
Goods & Services Tax / BAS Payable	0	0	0
Other Payables	(644,914)	(494,346)	(24,697)
Municipal Bonded Liabilities	(579,512)	(761,419)	(675,602)
Contract Liabilities	(3,024,152)	(4,862,895)	(2,639,655)
Prepaid Revenue - Rates / PPL	(215,975)	(186,559)	(782,454)
Accrued Interest on Debentures	(30,331)	(33,404)	(30,331)
Accrued Salaries & Wages	0	0	(141,811)
Other Accrued Expenses	0	0	(117,261)
Borrowings - Debentures	(133,613)	(126,712)	(333,977)
Provisions:			
Staff Leave Provisions	(1,464,026)	(1,437,008)	(1,693,713)
Current Liabilities	(6,093,961)	(7,903,078)	(8,238,447)
Net Current Assets	28,148,876	28,870,501	19,853,741
Less: Restricted Assets / Reserve Funds	(20,539,083)	(21,547,148)	(21,838,890)
Add: Current - Borrowings	133,613	126,712	333,977
Add: Current - Contract Liabilities held in Reserve accounts	1,951,758	4,862,895	2,444,924
Add: Current - Contract Liabilities - Leases	167,441		167,441
CLOSING FUNDS / NET CURRENT ASSETS (per previous page)	9,862,604	12,312,960	961,193

Liquidity Over The Year



(Appendix ORD: 12.4.14B)



**Statement of Comprehensive Income by Nature or Type
For the Period Ended 31 October 2021
(Covering 4 months or 33% of the year)**

	2021/22 Adopted Budget \$	2021/22 Revised Budget \$	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2021/22 Forecast \$	2020/21 Last Year Estimated Actual \$
Revenue								
Rates	14,286,379	14,286,379	14,252,337	14,227,074	(25,263)	0.2%	14,286,379	13,812,484
Grants, Subsidies & Contributions	2,656,447	3,079,945	711,562	648,529	(63,033)	8.9%	2,895,804	2,507,208
Fees and Charges	3,110,375	3,134,375	1,106,747	1,126,920	20,173	(1.8%)	3,137,760	3,237,538
Interest Earnings	196,149	196,149	101,634	105,762	4,128	(4.1%)	183,933	212,518
Other Revenue	28,653	28,653	7,163	0	(7,163)	0.0%	28,653	30,683
	<u>20,278,002</u>	<u>20,725,500</u>	<u>16,179,443</u>	<u>16,108,285</u>	<u>(71,158)</u>	<u>0.4%</u>	<u>20,532,529</u>	<u>19,800,431</u>
Expenses								
Employee Costs	(10,840,096)	(10,841,458)	(3,710,483)	(3,491,712)	218,771	5.9%	(10,405,001)	(10,661,612)
Materials and Contracts	(5,791,985)	(6,447,336)	(2,119,256)	(1,536,710)	582,546	27.5%	(6,087,859)	(4,278,695)
Utility Charges	(563,170)	(563,170)	(187,591)	(140,973)	46,618	24.9%	(563,170)	(589,476)
Depreciation on Non-current Assets	(5,635,083)	(5,635,083)	(1,878,332)	(1,878,364)	(32)	(0.0%)	(5,635,083)	(5,270,048)
Interest Expense	(123,418)	(118,951)	(49,462)	(37,494)	11,968	24.2%	(118,951)	(106,470)
Insurance	(337,242)	(337,242)	(197,940)	(318,720)	(120,780)	(61.0%)	(337,591)	(310,162)
Other	(426,355)	(431,605)	(181,219)	(121,813)	59,406	32.8%	(426,605)	(420,346)
	<u>(23,717,350)</u>	<u>(24,374,846)</u>	<u>(8,324,283)</u>	<u>(7,525,786)</u>	<u>798,497</u>	<u>9.6%</u>	<u>(23,574,261)</u>	<u>(21,636,809)</u>
Operational Surplus / (Deficit)	(3,439,348)	(3,649,346)	7,855,160	8,582,499	727,339	(9.3%)	(3,041,732)	(1,836,378)
Grants & Contributions for the Development of Assets	7,805,596	8,621,188	1,854,552	1,925,985	71,433	3.9%	9,326,856	5,269,566
Profit on Asset Disposals	3,648,330	3,648,330	1,212,600	0	(1,212,600)	0.0%	3,648,330	0
Loss on Asset Disposals	(10,534)	(10,534)	0	0	0	0.0%	(10,534)	(1,303,513)
Fair Value Adjustment to Financial Assets	0	0	0	0	0	0.0%	0	0
	<u>11,443,392</u>	<u>12,258,984</u>	<u>3,067,152</u>	<u>1,925,985</u>	<u>(1,141,167)</u>	<u>37.2%</u>	<u>12,964,652</u>	<u>3,966,052</u>
NET RESULT	8,004,044	8,609,638	10,922,312	10,508,484	(413,828)	3.8%	9,922,919	2,129,674
Other Comprehensive Income								
Changes on Revaluation of Non-Current Assets	0	0	0	0	0	0.0%	0	0
TOTAL COMPREHENSIVE INCOME	8,004,044	8,609,638	10,922,312	10,508,484	(413,828)	3.8%	9,922,919	2,129,674

(Appendix ORD: 12.4.14B)



**Notes to the Statement of Financial Activity
For the Period Ended 31 October 2021**

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.	Rubbish 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, plant repairs and operations costs, engineering operation costs.

(Appendix ORD: 12.4.14B)



Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

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

The material variances adopted by the Shire of Dardanup for reporting in the 2021/22 year is 5% or \$25,000, whichever is the greater. All variances are between Year-to-Date Actual and Year-to-Date Revised Budget values.

	Sch	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
OPERATING ACTIVITIES							
Revenue							
Governance	4	260	283	23	8.9%		
General Purpose Funding	3	14,285,120	14,244,063	(41,057)	(0.3%)		
Law, Order, Public Safety	5	275,124	146,848	(128,276)	(46.6%)	▼ Permanent / Timing	Permanent: Less grant revenue \$56,000 bushfire risk management planning (program ended); Timing: \$96,000 lower grant revenue recognised for bushfire mitigation activity; \$20,000 additional ESL supplementary BFB operating grant.
Health	7	5,548	4,454	(1,094)	(19.7%)		
Education and Welfare	8	2,000	0	(2,000)	(100.0%)		
Community Amenities	10	659,370	602,946	(56,424)	(8.6%)	▼ Timing	Better Bins Plus grant for FOGO 3 bin system unspent to date.
Recreation and Culture	11	699,363	809,659	110,296	15.8%	▲ Permanent / Timing	Permanent: \$80,000 additional revenue from DFES Disaster Recovery Grant for May 2020 storm damage claim. Timing: \$20,000 higher Recreation Centre revenue from court hire, café sales & vacation care.
Transport	12	133,094	139,942	6,848	5.1%		
Economic Services	13	63,976	50,752	(13,224)	(20.7%)		
Other Property and Services	14	1,271,696	109,338	(1,162,358)	(91.4%)	▼ Timing	\$1,216,000 for profit on sale of land which will be recognised upon completion of the planned sale of Council land. Budget amount is for an even spread over the year. \$55,000 additional revenue from workers compensation claims & paid parental leave.
Total Operating Revenue		17,395,551	16,108,285	(1,287,266)	(7.4%)		
Operating Expenses							
Governance	4	(472,693)	(395,302)	77,391	16.4%	▲ Timing	Lower costs to date for: Elected members fees, allowances & administration costs \$35,000, audit fees \$19,000, Other Governance including receptions, public relation & general administration \$25,000.
General Purpose Funding	3	(139,160)	(119,111)	20,049	14.4%		
Law, Order, Public Safety	5	(713,180)	(562,572)	150,609	21.1%	▲ Permanent: Timing	Permanent - Lower costs to date for Bushfire Risk Management Planning (program ended) \$47,000, Timing: Lower costs to date for bush fire mitigation activity \$96,000, animal control \$11,000
Health	7	(202,640)	(188,374)	14,266	7.0%		
Education and Welfare	8	(323,203)	(288,988)	34,215	10.6%	▲ Timing	Lower costs to date for School chaplaincy donations \$6,000, community donations \$16,000, Place & Community administration \$12,000.
Community Amenities	10	(1,102,195)	(774,565)	327,630	29.7%	▲ Timing	Lower costs to date for: household sanitation \$71,000, bulk waste collection \$23,000, environmental expenses \$7,000, planning consultants \$128,000, Planning salaries and administration \$80,000, public toilet maintenance \$9,000.
Recreation & Culture	11	(2,796,494)	(2,575,763)	220,731	7.9%	▲ Timing	Lower costs to date for: Parks and Gardens maintenance \$145,000, Library administration \$31,000, Community projects, events and donations \$54,000.
Transport	12	(2,147,787)	(2,087,849)	59,938	2.8%		
Economic Services	13	(207,172)	(200,874)	6,298	3.0%		
Other Property and Services	14	(263,879)	(332,388)	(68,509)	(26.0%)	▼ Timing	\$40,000 public works overhead & plant operating costs not yet allocated to works, increase in payments of workers compensation \$38,000 and parental leave \$18,000; lower costs to date for public works consultants \$20,000
Total Operating Expenditure		(8,368,403)	(7,525,786)	842,617	(10.1%)		
Net Operating Activities		9,027,148	8,582,499	(444,649)	(4.9%)		

(continued next page)



Notes to the Statement of Financial Activity
For the Period Ended 31 October 2021

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

	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
Net Operating Activities (from previous page)	9,027,148	8,582,499	(444,649)	(4.9%)		
ADJUSTMENTS OF NON CASH ITEMS						
(Profit)/Loss on Asset Disposals	(1,212,600)	0	1,212,600	100.0%	▲ Timing	Variance is for recognition of profit on sale of land, which will occur upon completion of the sale of Council land. Budget is for an even spread over the year.
Accruals	0	4,425	4,425	0.0%		
Movement in Contract Liabilities	(518,724)	(493,167)	25,557	4.9%		
Depreciation on Assets	1,878,332	1,878,364	32	0.0%		
Adjusted Net Operating Activities	9,174,156	9,972,121	797,965	8.7%		
INVESTING ACTIVITIES						
Revenue						
Non-operating grants, subsidies & contributions	1,854,552	1,925,985	71,433	3.9%		
Proceeds from Disposal of Assets	1,723,456	87,818	(1,635,638)	(94.9%)	▼ Timing	Variance is due to timing of sale of land on Council Drive. Budget is for an even spread over the year.
Total Capital Revenue	3,578,008	2,013,804	(1,564,204)	(43.7%)		
Expenditure						
Land & Buildings	(3,756,404)	(2,841,007)	915,397	24.4%	▲ Timing	The budget is for an even spread of expenditure over the year. Costs incurred to date vary among the numerous building projects. Those with costs ahead of their Y-T-D budget include Eaton Skate Park, Eaton Bowling Club and Gnomesville public toilet. Buildings with lower costs to date include bush fire brigade facilities at Dardanup, Waterloo and Wellington Mills, Wells Recreation Park, Burekup pavilion, Eaton Recreation Centre renovations, and Eaton Administration Office & Library.
Infrastructure Assets - Road / Bridges / Paths	(1,454,278)	(762,676)	691,602	47.6%	▲ Timing	Year-to-date expenditure on road and path renewals and road upgrades is less than the year-to-date budget estimate by \$851,000, whilst overall costs attributed to upgrade of paths exceed Y-T-D budget by \$160,000 but within specific project budget estimates.
Infrastructure Assets - Parks & Gardens	(403,620)	(204,544)	199,076	49.3%	▲ Timing	321,000 lower costs to date for projects at preliminary stage including Dardanup Civic Precinct, East Millbridge POS, Cadell Park, Lofthouse Park and Glen Huon Reserve development works. Higher costs to date for Millars Creek lighting \$60,300, Gnomesville master plan \$38,250 & Burekup Entry Statement \$23,400.
Vehicles	(200,016)	(351,592)	(151,576)	(75.8%)	▼ Timing	Two utilities and a backhoe loader purchased to date. Replacement tip truck and four works utilities not yet purchased. The budget is for an even spread over the year.
Furniture & Fittings	(30,096)	(5,418)	24,679	82.0%		
Total Capital Expenditure	(6,010,746)	(4,165,236)	1,845,510	(30.7%)		
Net Investing Activities	(2,432,738)	(2,151,432)	281,306	(11.6%)		

(continued next page)

(Appendix ORD: 12.4.14B)



Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

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

	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
FINANCING ACTIVITIES						
Revenue						
Proceeds from New Loans	0	0	0	0.0%		
Transfers from Reserves	3,768,217	2,679,609	(1,088,608)	(28.9%)	▼ Timing	Due to capital works expenditure being lower than estimated to date, Reserve Account funds required are similarly lower at year to date. Budget is for an even spread over the year.
Total Financing Revenue	3,768,217	2,679,609	(1,088,608)	(28.9%)		
Expenditure						
Repayment of Loans	(149,649)	(130,115)	19,534	13.1%		
Donated Assets	0	0	0	0.0%		
Advance to community groups	0	0	0	0.0%		
Contra Repayment of Prefunded Infrastructure	0	0	0	0.0%		
Principal element of finance lease payments	(113,836)	(88,971)	24,865	21.8%		
Transfers to Reserves	0	(1,379,802)	(1,379,802)	(100.0%)	▼ Timing	Grant funds received this year but not yet spent are transferred to Unspent Grants Reserve until used. Budget was for all transfers to reserves to occur at year end.
Total Financing Expenditure	(263,485)	(1,598,888)	(1,335,403)	506.8%		
Net Financing Activities	3,504,732	1,080,721	(2,424,011)	(69.2%)		
FUNDING SOURCES						
Surplus/(Deficit) July 1 B/Fwd	169,557	961,193	791,636	100.0%	▲ Permanent	Final surplus from 2020/21 operations exceeded the estimate at the time of budget preparation.
CLOSING FUNDS (A+B+C+D)	10,415,707	9,862,603	(553,105)	(5.3%)		

(Appendix ORD: 12.4.14B)



Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

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
	\$	\$	\$	\$	\$	\$
Tourism WA for Ferguson Valley Project	90,188.24	0.00	0.00	0.00	0.00	90,188.24
Ross & Deborah Bevan	40,000.00	0.00	0.00	0.00	0.00	40,000.00
Public Open Space	772,623.28	0.00	0.00	0.00	0.00	772,623.28
Accrued Interest	0.00	0.00	0.00	0.00	0.00	0.00
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
TOTAL	902,811.52	0.00	0.00	0.00	0.00	902,811.52

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
	\$	\$	\$	\$	\$	\$
<i>Council Restricted</i>						
Executive & Compliance Vehicles Reserve	202,279.74	0.00	0.00	0.00	0.00	202,279.74
Plant & Engineering Equipment Reserve	871,486.80	0.00	0.00	0.00	0.00	871,486.80
Eaton Recreation Centre - Equipment Reserve	276,753.48	0.00	0.00	0.00	0.00	276,753.48
Building Maintenance Reserve	1,659,484.10	0.00	0.00	0.00	0.00	1,659,484.10
Employee Relief Reserve	265,072.67	0.00	0.00	0.00	0.00	265,072.67
Employee Leave Entitlements Reserve	37,705.89	0.00	0.00	0.00	0.00	37,705.89
Refuse Site Environmental Works Reserve	84,079.81	0.00	0.00	0.00	0.00	84,079.81
Information Technology Reserve	667,851.83	0.00	0.00	0.00	0.00	667,851.83
Roadwork Construction & Major Maintenance Reserve	1,133,127.85	0.00	0.00	0.00	0.00	1,133,127.85
Accrued Salaries Reserve	499,625.69	0.00	0.00	0.00	0.00	499,625.69
Tourism Reserve	11,752.79	0.00	0.00	0.00	0.00	11,752.79
Recycling Education Reserve	39,129.63	0.00	0.00	0.00	0.00	39,129.63
Road Safety Programs Reserve	26,722.94	0.00	0.00	0.00	0.00	26,722.94
Council Land Development Reserve	22,633.78	0.00	0.00	0.00	0.00	22,633.78
Carried Forward Projects Reserve	3,532,648.72	0.00	0.00	0.00	0.00	3,532,648.72
Election Expenses Reserve	32,037.85	0.00	0.00	0.00	0.00	32,037.85
Town Planning Consultancy Reserve	37,993.08	0.00	0.00	0.00	0.00	37,993.08
Parks & Reserves Upgrades Reserve	608,347.76	0.00	0.00	0.00	0.00	608,347.76
Strategic Planning Studies Reserve	116,763.87	0.00	0.00	0.00	0.00	116,763.87
Pathways Reserve	308,065.78	0.00	0.00	0.00	0.00	308,065.78
Asset / Rates Revaluation Reserve	284,307.30	0.00	0.00	0.00	0.00	284,307.30
Refuse & Recycling Bin Replacement Reserve	54,805.49	0.00	0.00	0.00	0.00	54,805.49
Sale of Land Reserve	4,579,909.25	0.00	0.00	0.00	0.00	4,579,909.25
Storm Water Reserve	158,311.93	0.00	0.00	0.00	0.00	158,311.93
	15,510,898.03	0.00	0.00	0.00	0.00	15,510,898.03
<i>Statute Restricted</i>						
Contribution to Works Reserve	756,143.02	0.00	8,398.94	0.00	0.00	764,541.96
Eaton Drive - Access Construction Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Eaton Drive - Scheme Construction Reserve	11,332.08	0.00	0.00	(11,332.08)	0.00	0.00
Fire Control Reserve	11,569.40	0.00	0.00	0.00	0.00	11,569.40
Collie River (Eaton Drive) Bridge Construction Reserve	1,290,499.74	0.00	0.00	(290,138.24)	0.00	1,000,361.50
Unspent Grants Reserve	3,161,706.49	1,330,237.50	0.00	(2,378,138.89)	0.00	2,113,805.10
Swimming Pool Inspection Reserve	4,501.19	0.00	0.00	0.00	0.00	4,501.19
Burekup - Public Open Space	72,500.00	0.00	0.00	0.00	0.00	72,500.00
Unspent Specified Area Rate - Bulk Waste Collection Reserve	87,646.82	0.00	0.00	0.00	0.00	87,646.82
Unspent Specified Area Rate - Eaton Landscaping Reserve	140,765.96	0.00	0.00	0.00	0.00	140,765.96
Wanju Developer Contribution Plan Unspent Loan Reserve	750,000.00	0.00	0.00	0.00	0.00	750,000.00
Dardanup Expansion Developer Contribution Plan Reserve	41,327.68	0.00	0.00	0.00	0.00	41,327.68
	6,327,992.38	1,330,237.50	8,398.94	(2,679,609.21)	0.00	4,987,019.61
Interest	0.00	0.00	41,165.81	0.00	0.00	41,165.81
Less: Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	21,838,890.41	1,330,237.50	49,564.75	(2,679,609.21)	0.00	20,539,083.45

(Appendix ORD: 12.4.14B)



Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

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	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
Retention Bonds						
Ardross Estate Pty Ltd	0.00	0.00	0.00	0.00	0.00	0.00
Parkridge Group	86,067.06	0.00	0.00	(51,384.53)	0.00	34,682.53
South West Waste	10,777.36	0.00	0.00	0.00	0.00	10,777.36
Henty Brooke Estate	9,699.37	0.00	0.00	0.00	0.00	9,699.37
D Maher	8,186.85	0.00	0.00	(8,186.85)	0.00	0.00
Clifton Partners	347.34	0.00	0.00	0.00	0.00	347.34
Cristopher West Consultants	9,998.04	0.00	0.00	0.00	0.00	9,998.04
Burra98 Unit Trust	11,214.04	0.00	0.00	0.00	0.00	11,214.04
NTC Pty Ltd	779.33	0.00	0.00	0.00	0.00	779.33
Dale Thompson	2,078.72	0.00	0.00	0.00	0.00	2,078.72
Barry Garvey	3,540.62	0.00	0.00	(3,540.62)	0.00	0.00
Civil Tech	32,158.31	0.00	0.00	0.00	0.00	32,158.31
Westgate Property Group	18,375.50	0.00	0.00	0.00	0.00	18,375.50
Cleary Estate	3,132.42	0.00	0.00	(3,132.42)	0.00	0.00
Little Meadow Pty Ltd	15,631.53	0.00	0.00	0.00	0.00	15,631.53
Winterfall Nominees Pty Ltd	4,111.16	0.00	0.00	(4,111.16)	0.00	0.00
Thomas Fields Pty Ltd	22,763.74	0.00	0.00	(22,763.74)	0.00	0.00
Holland Loop Pty Ltd	19,370.00	0.00	0.00	0.00	0.00	19,370.00
Terrence J Coman	8,384.63	0.00	0.00	0.00	0.00	8,384.63
Garvey Road Pty Ltd	36,393.21	0.00	0.00	(2,870.61)	0.00	33,522.60
Burekup Developments Pty Ltd	7,250.91	0.00	0.00	(4,700.36)	0.00	2,550.55
Universal Marina Systems	4,123.29	0.00	0.00	0.00	0.00	4,123.29
Total - Retention Bonds	314,383.43	0.00	0.00	(100,690.29)	0.00	213,693.14
Extractive Industry Rehabilitation Bonds						
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
Total - Extractive Industries Bonds	153,159.08	0.00	0.00	0.00	0.00	153,159.08
Specified Projects						
Dardanup Central Bushfire Station Refurbishment - Red Cross - A Poad Bequest	33,776.15	0.00	0.00	0.00	0.00	33,776.15
Wells Recreation Ground Refurbishment/Expansion - Red Cross - A Poad Bequest	53,139.81	0.00	0.00	0.00	0.00	53,139.81
Total - Specified Projects	86,915.96	0.00	0.00	0.00	0.00	86,915.96
Sundry Deposits						
Unclaimed Monies	1,704.60	0.00	0.00	0.00	0.00	1,704.60
Bunbury Wellington Group of Councils	40,664.30	3,000.00	0.00	0.00	0.00	43,664.30
Total - Sundry Deposits	42,368.90	3,000.00	0.00	0.00	0.00	45,368.90
Election Deposits	0.00	640.00	0.00	(400.00)	0.00	240.00
Key Bonds	352.68	280.00	0.00	(120.00)	0.00	512.68
Hire Bonds	3,380.00	3,600.00	0.00	(2,400.00)	0.00	4,580.00
Kerb Bonds	75,041.91	0.00	0.00	0.00	0.00	75,041.91
Construction Training Fund	1,024.08	6,644.96	0.00	(1,729.80)	0.00	5,939.24
Building Services Levy	12,517.62	4,879.83	0.00	(3,434.73)	0.00	13,962.72
Development Assessment Panel	9,411.00	165.00	0.00	(9,576.00)	0.00	0.00
Less Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	698,554.66	18,569.79	0.00	(117,950.82)	0.00	599,413.63

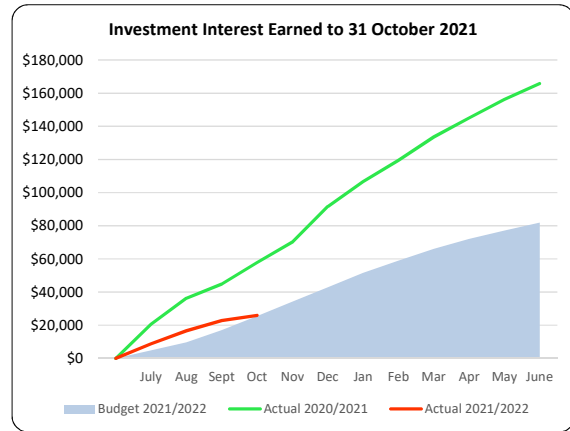
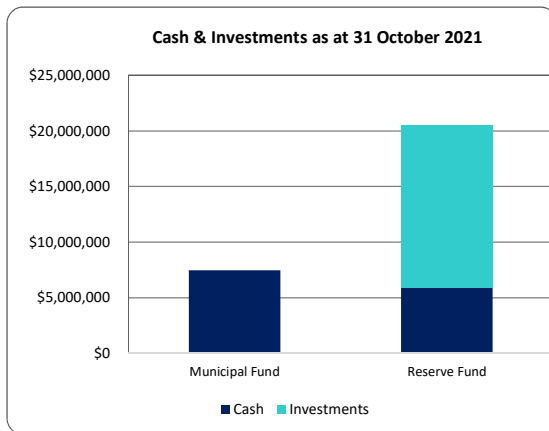
(Appendix ORD: 12.4.14B)



Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

6. STATEMENT OF INVESTMENTS

BANK	TYPE	AMOUNT	RATE	DAYS	COMMENCEMENT	MATURITY	ESTIMATED INTEREST	INTEREST CREDITED 2021-2022
MUNICIPAL FUND								
CBA	Municipal Fund Bank Account	\$ 7,446,524.42	0.00%					\$0.00
	Interest received on matured deposits							\$3,241.10
		<u>\$ 7,446,524.42</u>					<u>\$0.00</u>	<u>\$3,241.10</u>
TRUST FUND								
CBA	Trust Fund Bank Account	\$ 902,811.52	0.00%				\$0.00	\$0.00
		<u>\$ 902,811.52</u>					<u>\$0.00</u>	<u>\$0.00</u>
RESERVE FUND								
CBA	Reserve Bank Account	\$ 5,924,552.56	0.00%				\$0.00	\$0.00
AMP	Term Deposit	\$ 1,100,000.00	0.75%	330	8/2021	7/2022	\$7,458.90	\$8,800.00
NAB	Term Deposit	\$ 1,500,000.00	0.32%	302	8/2021	6/2022	\$3,971.51	\$11,706.42
NAB	Term Deposit	\$ 1,000,000.00	0.72%	181	9/2020	3/2022	\$3,570.41	\$7,200.00
ANZ	Term Deposit	\$ 3,000,000.00	0.39%	304	10/2021	8/2022	\$9,744.66	\$0.00
ANZ	Term Deposit - Interest Compounded	\$ 3,014,530.89	0.40%	335	10/2021	9/2022	\$11,067.04	\$3,162.13
ME Bank	Term Deposit	\$ 1,000,000.00	0.45%	273	9/2021	6/2022	\$3,365.75	\$2,231.51
NAB	Term Deposit	\$ 4,000,000.00	0.33%	304	8/2021	6/2022	\$10,993.97	
	Interest received on matured deposits							\$8,065.75
		<u>\$ 20,539,083.45</u>					<u>\$50,172.25</u>	<u>\$41,165.81</u>
Total Interest Received				\$ 10,614,530.89				<u>\$44,406.91</u>



(Appendix ORD: 12.4.14B)



Notes to the Statement of Financial Activity
For the Period Ended 31 October 2021

6. STATEMENT OF INVESTMENTS (continued)

Total Funds Invested

Total Funds Invested as at Reporting Date -

Municipal Fund Investment Portfolio	\$	-
Trust Fund Investment Portfolio	\$	-
Reserve Fund Investment Portfolio	\$	14,614,530.89
	\$	<u>14,614,530.89</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.

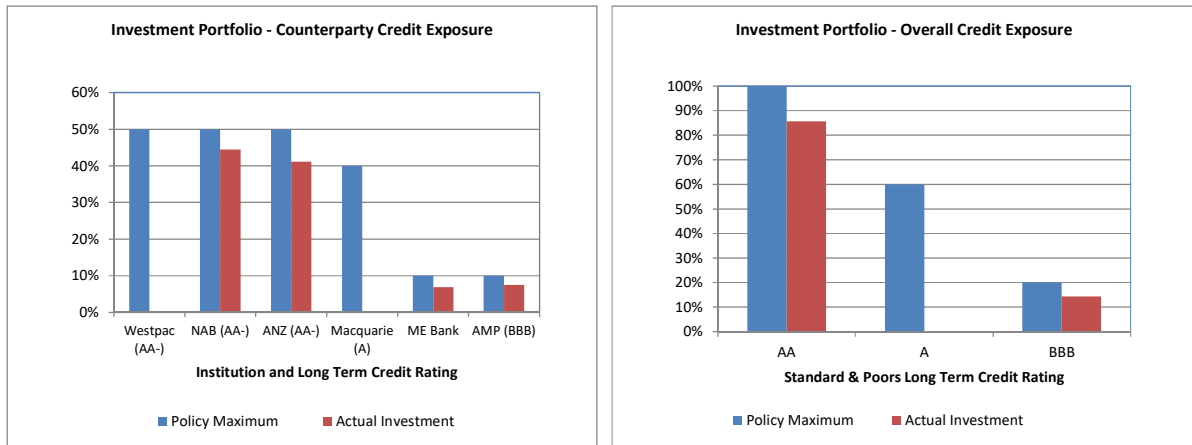
Counterparty Credit Exposure

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.



(Appendix ORD: 12.4.14B)



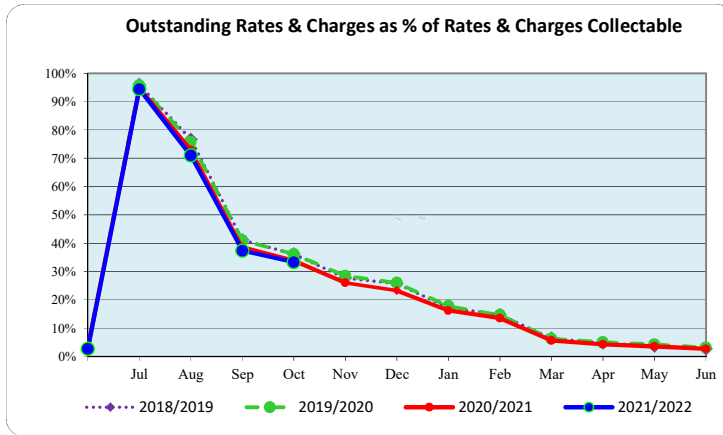
Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

7. Accounts Receivable as at 31 October 2021

Rates and Charges Outstanding

2021/22 annual rates were raised on 23 July 2021 and were due by 8 September 2021 for payment in full or for the first of four instalments. For ratepayers who elected to pay by the four instalment option, the second instalment is due on 8th November 2021.

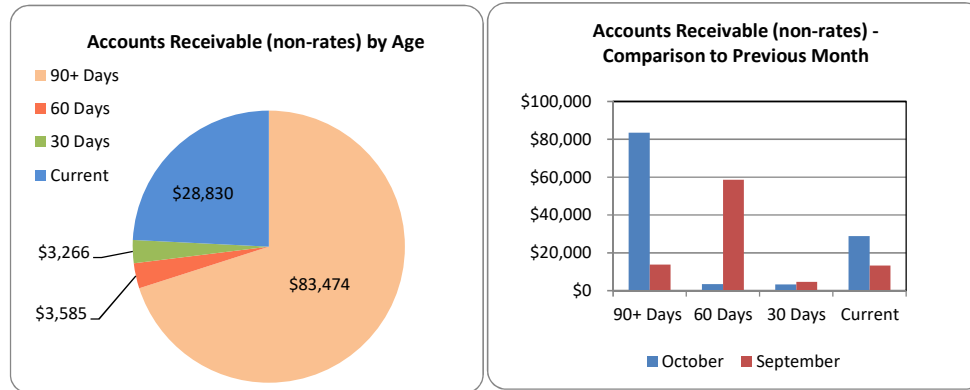
As at the reporting date, total outstanding rates and charges (including pensioner deferred rates) is \$5,609,948. This equates to 33.3% of rates and charges collectable and is similar to last year's collection rate. It is the objective of management to achieve less than 4% of rates and charges outstanding by 30 June.



Sundry Debtors Outstanding (non-rates)

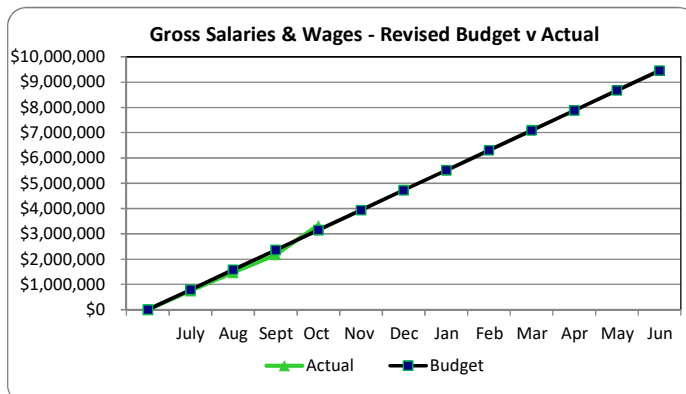
As at the reporting date, the total outstanding Sundry Debtors amount to \$119,155.

The only significant invoice outstanding is for Education Department use of Eaton Recreation Centre and Glen Huon Oval. Receipt of this is pending a final review of costings by the Education Department.



8. Salaries and Wages to 31 October 2021

At the reporting date, total salaries and wages expenditure is \$3,337,826 (35%) of the annual budget of \$9,456,708 for the 2020/21 financial year.



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Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

9. RATING INFORMATION

RATE TYPE	Rate in	Number of properties	Rateable value	2021/22 Budget rate revenue	2021/22 Budget interim rates	2021/22 Budget back rates	2021/22 Budget total revenue	2021/22 Actual total revenue	2020/21 Actual total revenue	2020/21 Budget total revenue
	\$		\$	\$	\$	\$	\$		\$	\$
<u>Differential general rate or general rate</u>										
Gross rental valuations										
General Rates - GRV: Residential	0.104016	3,452	61,450,723	6,391,858	0	0	6,391,858	6,391,940	5,715,510	5,746,655
General Rates - GRV: Commercial	0.104016	60	14,621,830	1,520,904	0	0	1,520,904	1,523,068	1,459,170	1,428,025
General Rates - GRV: Industrial	0.104016	73	7,983,546	830,416	0	0	830,416	830,416	763,695	763,695
General Rates - GRV: Small Holding	0.104016	348	7,859,124	817,475	0	0	817,475	815,230	764,943	765,545
General Rates - GRV: Interim and Back Rates	0.104016	0	0	0	92,600	0	92,600	9,623	86,122	91,144
Unimproved valuations										
General Rates - UV: Broad Acre Rural	0.006468	474	259,287,000	1,677,068	0	0	1,677,068	1,677,068	1,718,315	1,718,765
General Rates - UV: Mining	0.006468	0	0	0	0	0	0	0	0	0
General Rates - UV: Interim and Back Rates	0.006468	0	0	0	0	0	0	0	0	0
Sub-Totals		4,407	351,202,223	11,237,721	92,600	0	11,330,321	11,247,345	10,507,755	10,513,829
Minimum										
Minimum payment	\$									
Gross rental valuations										
General Rates - GRV: Residential	1,547.50	1,446	17,681,209	2,237,685	0	0	2,237,685	2,220,662	2,554,923	2,554,923
General Rates - GRV: Commercial	1,547.50	7	61,400	10,833	0	0	10,833	13,928	10,833	10,833
General Rates - GRV: Industrial	1,547.50	44	542,200	68,090	0	0	68,090	68,090	72,732	72,733
General Rates - GRV: Small Holding	1,547.50	79	616,920	122,253	0	0	122,253	136,180	131,538	131,538
General Rates - GRV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0
Unimproved valuations										
General Rates - UV: Broad Acre Rural	1,547.50	126	17,828,600	194,985	0	0	194,985	194,985	184,152	184,153
General Rates - UV: Mining	1,547.50	14	212,885	21,665	0	0	21,665	21,665	27,855	27,855
General Rates - UV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0
Sub-Totals		1,716	36,943,214	2,655,511	0	0	2,655,511	2,655,510	2,982,033	2,982,035
		6,123	388,145,437	13,893,232	92,600	0	13,985,832	13,902,855	13,489,788	13,495,864
Discounts/concessions/write-off							(29,027)	(27,811)	(27,482)	(5,000)
Total amount raised from general rates							13,956,805	13,875,044	13,462,306	13,490,864
Specified area rates							354,600	352,030	350,178	350,000
Total rates							14,311,405	14,227,074	13,812,484	13,840,864



Notes to the Statement of Financial Activity
For the Period Ended 31 October 2021

10. INFORMATION ON BORROWINGS

Debenture Repayments

Particulars	Loan No.	Principal	New		Principal		Interest		Principal	
		Opening Balance 01 July 2021	Loans	Adopted	Repayments	Adopted	Repayments	Outstanding	Adopted	
		\$	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
			\$	\$	\$	\$	\$	\$	\$	\$
Community Amenities										
Wanju/Waterloo Industrial Park										
Developer Contribution Plans	70	750,000	0	0	0	(64,443)	0	(29,743)	750,000	685,557
Waste Bins (3 Bin System)	New	0		320,000	0	(21,345)	0	(4,467)	0	298,655
Recreation and Culture										
Eaton Recreation Centre	59	192,573	0	0	(46,041)	(93,456)	(5,652)	(10,983)	146,532	99,117
Glen Huon Oval Club Rooms	69	924,296	0	0	(21,182)	(42,771)	(17,746)	(41,340)	903,114	881,525
Transport										
Depot Land	66	444,476	0	0	(30,212)	(61,039)	(9,045)	(20,396)	414,264	383,437
Economic Services										
Gravel Pit Land - Panizza Road	61	66,648	0	0	(12,517)	(25,428)	0	(4,130)	54,131	41,220
Other Property and Services										
Administration Building Extensions	65	85,007	0	0	(20,163)	(41,035)	0	(5,908)	64,844	43,972
		2,463,000	0	320,000	(130,115)	(349,517)	(32,444)	(116,967)	2,332,885	2,433,483

All debenture repayments are financed by general purpose revenue.



**Notes to the Statement of Financial Activity
For the Period Ended 31 October 2021**

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
				\$	\$	\$	\$
	Budget Adoption		Opening Surplus				16,552
	Permanent Changes						
	Amendment to B/Fwd surplus 01/07/2021 (subject to audit)				0		16,552
0827501	Covid-19 Youth Recovery Grant	28/07/21 - 231-21	Operating Revenue		5,000		21,552
J08712	Youth Development Program - Bush Adventure Learning Camp	28/07/21 - 231-21	Operating Expense			(4,000)	17,552
J08712	Youth Development Program - Innovate Youth Program	28/07/21 - 231-21	Operating Expense			(1,000)	16,552
0521502	DFES Mitigation Activity Fund grant to reduce bushfire risk	28/07/21 - 232-21	Operating Revenue		337,295		353,847
J05021	Bushfire Risk Management - treatments to mitigate bushfire risk	28/07/21 - 232-21	Operating Expense			(337,295)	16,552
1124003	Fees & Charges Recreation Centre - Admissions	28/07/21 - 240-21	Operating Revenue		24,000		40,552
1114013	Advertising / Promotions Recreation Centre (Wildcats Fixture)	28/07/21 - 240-21	Operating Expense			(24,000)	16,552
1123501	State Government Grant for Eaton Boat Ramp Washdown	25-08-21 - 255-21	Non-Operating Grant		18,000		34,552
J11632	Eaton Boat Ramp Washdown	25-08-21 - 255-21	Asset Acquisition			(18,000)	16,552
1123501	State Government Grant for East Millbridge POS	25-08-21 - 255-21	Non-Operating Grant		75,000		91,552
J11650	East Millbridge POS - Stage 1 - Upgrade / Expansion	25-08-21 - 255-21	Asset Acquisition			(75,000)	16,552
1123501	State Government grant for Heritage Interpretive Signs	25-08-21 - 255-21	Non-Operating Grant		30,000		46,552
1123501	Heritage Council of WA grant for Heritage Interpretive Signs	25-08-21 - 255-21	Non-Operating Grant		16,593		63,145
J11654	Heritage Interpretive Signs - Dardanup Townsite	25-08-21 - 255-21	Asset Acquisition			(46,593)	16,552
1123501	State Government grant for Dardanup Memorial Statue	25-08-21 - 255-21	Non-Operating Grant		30,000		46,552
J11652	Dardanup War Memorial statue	25-08-21 - 255-21	Asset Acquisition			(30,000)	16,552
1129502	Contribution - Other Culture for Spring-Out Festival	25-08-21 - 256-21	Operating Revenue		10,000		26,552
J11901	Community projects - Events & Festivals	25-08-21 - 256-21	Operating Expense			(10,000)	16,552
0523502	DPIRD & WALGA grants for Animal Welfare in Emergencies training	25-08-21 - 257-21	Operating Revenue		8,550		25,102
0513503	Grant Expenditure - Animal Welfare in Emergencies training	25-08-21 - 257-21	Operating Income			(8,550)	16,552
	Department of Local Government, Sport and Cultural Industries for the						
1129502	Ferguson Valley Public Art Trail Concept Plan Grant.	29-09-21 - 282-21	Operating Revenue		62,653		79,205
J11902	Ferguson Valley Public Art Trail Concept Plan Grant Expenditure	29-09-21 - 282-21	Operating Expense			(62,653)	16,552
1046007	Transfer from WANJU DCP Loan Reserve	29-09-21 - 285-21	Transfer from Reserve		210,000		226,552
1016503	Increasing Town Planning Consultants expenditure in 21/22 for the DCP	29-09-21 - 285-21	Operating Expense			(210,000)	16,552

(continued next page)

(Appendix ORD: 12.4.14B)



Notes to the Statement of Financial Activity For the Period Ended 31 October 2021

11. BUDGET AMENDMENTS (continued)

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
				\$	\$	\$	\$
	Balance brought forward from previous page						16,552
1221504	Grant Revenue - Special Projects (LGGC Bridge Renewals)	29-09-21 - 286-21	Non-Operating Grant		646,000		662,552
1211502	Renewals - Bridges	29-09-21 - 286-21	Capital Exp			(646,000)	16,552
J12900	Reallocated funds from Pile Road to Harris Road	29-09-21 - 289-21	Capital Rev		450,000		466,552
J12363	Reduce Pile Road Capital works	29-09-21 - 289-21	Capital Exp			(130,649)	335,903
J12589	Reduce Pile Road Capital works	29-09-21 - 289-21	Capital Exp			(319,351)	16,552
J12829	Remove Venn Road (SLK 0.69 to 2.22)	29-09-21 - 289-21	Capital Exp		453,386		469,938
J12685	Pathway funding changes	27-10-21 - 337-21	Capital Exp			(8,597)	461,341
J12683	Pathway funding changes	27-10-21 - 337-21	Capital Exp			(5,933)	455,408
J12684	Pathway funding changes	27-10-21 - 337-21	Capital Exp			(15,294)	440,114
J12684	Pathway funding changes	27-10-21 - 337-21	Capital Exp			(15,284)	424,830
1241006	Transfer from Pathway Reserve	27-10-21 - 337-21	Transfer from Reserve		45,108		469,938
					2,421,585	(1,968,199)	469,938

(Appendix ORD: 12.4.14)

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Failing to monitor the financial performance can increase the risk of a negative impact on the Shire's financial position. Non-compliance with legislative requirement could result in a qualified audit.						
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.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

