



Committee Meetings

# APPENDICES

Item 12.5.1 – 12.5.2

## ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 26<sup>th</sup> of October 2022

Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive – EATON

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# MINUTES



Shire of Harvey  
&  
Shire of Dardanup



Joint Town Planning Scheme No. 1  
Committee Meeting

Held

10:30 am

Monday 5 September 2022

At

Shire of Harvey  
Australind Council Chambers  
7 Mulgara Street, Australind

SHIRE OF HARVEY & SHIRE OF DARDANUP**JOINT TOWN PLANNING SCHEME NO. 1**

MINUTES OF THE JOINT TOWN PLANNING SCHEME NO. 1 MEETING OF THE SHIRE OF HARVEY AND SHIRE OF DARDANUP, HELD IN THE SHIRE OF HARVEY AUSTRALIND COUNCIL CHAMBER, MULGARA STREET, AUSTRALIND ON MONDAY 5 SEPTEMBER 2022, COMMENCING AT 10.34AM.

**ATTENDANCE**MEMBERS:Shire of Dardanup

Elected Member – Shire of Dardanup

Cr. Michael Bennett

Elected Member – Shire of Dardanup

Cr. Tyrell Gardiner

Shire of Harvey

Elected Member – Shire of Harvey

Cr. Paul Beech

Elected Member – Shire of Harvey

Cr. Craig Carbone

Elected Member – Shire of Harvey

Cr. Amanda Lovitt

Elected Member – Shire of Harvey - observer

Cr. Wendy Dickinson

STAFF:

Shire of Harvey – Chief Executive Officer

Ms. Annie Riordan

Shire of Harvey – Director Sustainable Development

Mr. Simon Hall

Shire of Dardanup – Chief Executive Officer

Mr. André Schönfeldt

Shire of Dardanup – Director Infrastructure Services

Mr Theo Naudé

Shire of Dardanup – Manager Development Services

Mr. Murray Connell

GALLERY:

Mr. Kevin Coote

Mr. Kerry Powell

Mr. Len Kosova

Mr. Oscar Thomson

Mr. Daniel Skerratt

Mr. Travis Taylor

**1. OPENING & WELCOME**

Clause 3 of Schedule 2.3 of the Local Government Act 1995, provides that the Chief Executive Officer is to preside at the meeting until the office of Presiding Member is filled.

*The Shire of Harvey Chief Executive Officer opened the meeting at 10.34am and welcomed those present.*

**2. ELECTION OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER**

As this is the first meeting of the Joint Town Planning Scheme No. 1 Committee following the 2021 Local Government Election it is necessary to elect a Presiding Member and Deputy Presiding Member in accordance with Section 5.12 of the *Local Government Act 1995*.

*The Shire of Harvey Chief Executive Officer called for nominations for the position of Presiding Member of the Committee*

*Cr. Beech nominated Cr. Bennett for the position of Presiding Member. Cr. Bennett accepted the nomination and given that there were no further nominations, Cr. Bennett was declared elected unopposed as the Presiding Member of the Committee until the next Local Government Election in 2023.*

*Cr. Bennett assumed the Chair as Presiding Member.*

*Cr. Bennett called for nominations for the position of Deputy Presiding Member. Cr. Beech nominated Cr. Carbone who accepted the nomination. As there were no further nominations, Cr. Carbone was declared elected unopposed as Deputy Presiding Member of the Committee until the next Local Government Election in 2023.*

**3. PUBLIC QUESTION TIME**

Nil

**4. APOLOGIES**

Elected Member – Shire of Dardanup, Cr. Patricia Perks  
Elected Member – Shire of Harvey, Cr. Dakota Krispyn

**5. DECLARATION OF MEMBERS' AND OFFICERS' PERSONAL INTEREST**

Nil

**6. PETITIONS/DEPUTATIONS**

Nil

**7. CONFIRMATION OF PREVIOUS MINUTES**

The Minutes of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 Committee Meeting held on Wednesday, 19 June 2020, are attached hereto.

**ATTACHMENT**

**Recommendation**

**Moved: Cr Beech    Seconded: Cr. Carbone**

*That the Minutes of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 Committee meeting held on the Wednesday, 19 June 2020, as attached be confirmed as a true and correct record.*

**Carried 5-0    TPS1 – 22/001**

**8. REPORTS**

8.1    Adoption of Modified Scheme Model, Contribution Rates and Refund Methodology.

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**REPORTS**

<b>Item No.</b>	<b>8.1</b>
<b>Subject:</b>	<b>Adoption of Modified Scheme Model, Contribution Rates and Refund Methodology</b>
<b>Proponent:</b>	<b>Shires of Harvey and Dardanup</b>
<b>Location:</b>	<b>Shires of Harvey and Dardanup</b>
<b>Reporting Officer:</b>	<b>Simon Hall – Director Sustainable Development</b>

**Summary**

The purpose of this item is for the Committee to consider recommending that the Shire of Harvey and the Shire of Dardanup Councils resolve to:

1. ADOPT the modified "Scheme Review and Schedule of Shared Costs" model in ***Attachment 1***;
2. ADOPT the modified contribution rates with effect from 29 August 2022;

<b>Contribution Rate Category</b>	<b>Proposed 2022-23 Contribution Rate (per ha)</b>
Shire of Harvey without weighting factor	\$54,486.31
Shire of Harvey with weighting factor	\$65,053.09
Shire of Dardanup	\$31,637.87

3. Adopt the methodology outlined in this report for refunding surplus funds to contributing landowners over the remainder of the Scheme's life, acknowledging the imminent completion of all Joint Town Planning Scheme No. 1 (Scheme) works.
4. APPROVE a reimbursement of \$138,893.39 (in equal thirds) to Australian Vanguard, Treendale Nominees and Ardross Estates for pre-funding LK Advisory's review of the Scheme, NSA audit, and producing the simplified Scheme model and refund methodology and NOTE that such further expenditure incurred from 1 July 2022 will be considered for reimbursement at the next Joint Town Planning Scheme No. 1 Committee Meeting;
5. APPROVE a disbursement of \$1,000,000 from the Joint Town Planning Scheme No. 1 funds to landowners that have overpaid to date, distributed according to the refund methodology described in this report and summarised in Table 8;
6. CONSIDER whether all remaining Scheme funds, future contributions and future interest should be consolidated into a single Joint Scheme account shared between the Shire's, pursuant to clauses 19.2 and 19.3 of the Scheme and provide a report and recommendation to the next Joint Town Planning Scheme No. 1 Committee Meeting;
7. CONSIDER engaging the services of an external Consultant to independently administer the Scheme until its final annual review in 2026.
8. APPROVE a transfer of \$425,419.09 from the Shire of Harvey Joint Scheme Account to the Shire of Dardanup Joint Scheme Account to correct the disproportionate contribution previously paid towards the Collie River Bridge from the Shire of Dardanup Scheme Account to the Shire of Harvey Scheme Account.
9. NOTE that the transfer amount referenced in 8. above excludes interest, and that a further report will be presented to the Committee to consider transferring previously accrued

interest on that amount from the Shire of Harvey Scheme Account to the Shire of Dardanup Scheme Account.

10. ADVISE all remaining contributing landowners in the Joint Town Planning Scheme No. 1 area:

- a. That on 17 March 2026, pursuant to clause 17.5 of the Scheme, the Shires may serve written notice requiring payment of the owner's proportion of the Shared Costs within ninety (90) days of the service of such notice; and
- b. Their remaining liability under the Scheme, calculated at the True Rate, as summarised in Table 7.

The modified model, contribution rates and refund methodology are based on a comprehensive review of:

- The Scheme;
- Aurecon's Annual Reports from 2010 to 2019;
- Relevant State Administrative Tribunal proceedings;
- Historical Cadastral Data from 2006, 2011 and 2021; and
- The Shires' reserve transactional records from the first contributions in 1995 until 30 June 2022.

The NSA audit is based on a spatial analysis of historical cadastral data provided by Western Australia's Land Information Authority, Landgate, approved structure plans (georeferenced) and town planning scheme zone boundaries.

### **Scheme Summary and Status Update**

The Scheme collects income from developers within each Shire to fund the delivery of the following Infrastructure items:

1. Kingston Drive
2. Ditchingham Place
3. Eaton Drive (1<sup>st</sup> Carriageway)
4. Eaton Drive (2<sup>nd</sup> Carriageway)
5. Land Acquisition
6. Collie River Bridge
7. Administration expenses

To date (as of 30 June 2022), the Shires have collected \$22,995,359.73 and spent \$24,789,861.66 on scheme infrastructure and \$459,047.04 in administration expenses from the scheme accounts.

The total value of the scheme infrastructure is \$35,731,396.50. The total scheme liability for that infrastructure is \$24,823,563. The difference of \$10,907,833.50 is attributable to:

1. \$925,366 Regional Road Group (RRG) funding for Kingston Drive;
2. \$926,364 Regional Road Group funding for Eaton Drive (1<sup>st</sup> Carriageway);
3. \$773,005 contribution from the Shire of Dardanup for Eaton Drive (2<sup>nd</sup> carriageway); and
4. \$8,283,098.50 State Government contribution for the Collie River Bridge.

The remaining expenditure includes \$1,328,955.42 for the final segment of Kingston Drive, \$250,000 for Eaton Drive Carriageway 2 and \$218,893.39 in estimated administration costs. This figure includes the reimbursement of LK Advisory's costs and allows for \$20,000/annum to administer the Scheme to 2026.

Since its inception, the Scheme has collected \$5,328,832.69 in interest on funds held. This additional funding enabled the Shires to deliver (or imminently deliver in the case of Kingston Drive) all remaining infrastructure items before collecting sufficient contribution income.

For the sake of this review, all scheme infrastructure is considered to be final and known. As the final segment of Kingston Drive has been tendered and a contractor appointed, its cost is unlikely to change. Furthermore, the upgrade to the Peninsula Drive and Eaton Drive intersection is already complete, with \$250,000 included as a final payment for the 2022/23 financial year. The only exception is administration costs, which the model allows for \$20,000/annum to 2026.

Between the two Shires, 162.784 hectares of NSA remains liable to contribute towards the Scheme, yielding an additional \$7,864,504.62 in contributions if charged at the recommended contribution rates.

The total expected income (including interest collected to date) is expected to be \$25,590,326.08 in the Shire of Harvey and \$8,409,990.04 in the Shire of Dardanup or a total of \$34,000,316.12. Note that the above does not factor in additional interest earned on funds held over the remaining life of the Scheme. Accordingly, the Scheme is expected to collect at least \$9,176,753.12 in surplus income over the life of the Scheme. Pursuant to clause 18.5 of the Scheme, any surplus funding should be fairly and proportionately redistributed back to landowners that paid excess contributions since the Scheme was gazetted.

This report sets out an equitable process to collect the remaining contributions and fairly disseminate surplus funds and interest over the remaining life of the Scheme.

If, after six years, the Shires cannot trace an owner entitled to a refund, clauses 18.5 and 19.4 enable that excess funding to be expended for the benefit of the scheme area.

### **Background**

The Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 (Scheme) was gazetted on 17 March 2006. The boundary of the Scheme is shown in Appendix 1. The general objects of the Scheme are:

- a) *to make provision for the construction of new roads and/or the upgrading of existing roads within the Scheme Area.*
- b) *to make provision for the construction of a new bridge over the Collie River including the approaches thereto.*
- c) *to make provision for the respective rights and obligations of the landowners and of the Authorities.*
- d) *to improve and secure the amenity, health and convenience of the Scheme Area.*
- e) *to make provision for the equitable sharing and apportionment of the shared costs between the subdividing owners deemed by the Authorities to be necessary to carry out and complete the subdivision of the Scheme Area including the allocation and/or recoupment of administration and interest costs deemed applicable thereto.*
- f) *to make provision for any other matters which are necessary or incidental to town planning.*

While the Scheme was gazetted on 17 March 2006, subdivision and payment of contributions towards scheme infrastructure commenced in the mid-1990s, albeit at a reduced rate starting from \$500/lot. The initial contributions were collected based on reports dated 31 October 1994 and 23 November 1994 by Mr Colin Evans, which recommended that the cost to construct a bridge over the Collie River be apportioned between landowners within the study area.

The later dated report, entitled 'East Australind Structure Plan Report' (Evans Report) contains the genesis of the weighting factor that would apply to shopping centre sites and estimated that the Bridge would cost \$2.7 million to construct. This figure was later amended to \$3.4 million.

According to the historical cadastral data provided by Landgate, 2,183 lots (268.341 hectares



of Nett Subdividable Area (NSA)) were already created when the Scheme was gazetted in 2006.

This included:

- 133.804 hectares of NSA in the Shire of Harvey; and
- 134.537 hectares of NSA in the Shire of Dardanup.

Accordingly, 36% of the total NSA area had already been delivered before the Scheme formally took effect. During this time, the Shire of Harvey collected \$1,127,557.17, the Shire of Dardanup collected \$1,060,823.75, a total of \$2,188,380.92.

When the Scheme formally took effect, only 477.213 hectares or 64% of the NSA remained liable to contribute to the Scheme infrastructure. However, significant under-collection (due to the low \$500/lot rate) during the preceding years and substantial increases in the actual cost of land acquisition and scheme infrastructure means a significant (36%) portion of the land that is liable to fund the scheme items vastly underpaid their liabilities.

The Shires became aware of this in or around May 2005 when engineering firm GHD provided an updated cost estimate schedule. The updated schedule indicated that the cost to deliver Kingston Drive, Ditchingham Drive and the Collie River Bridge would be \$16,062,503.01<sup>1</sup> (note that these estimates did not account for land acquisition costs). The Shire of Harvey subsequently sought assurances from Lester Group that they would *'make good the current shortfall in funding contributions over the balance of approximate 700 lots still to be subdivided in Kingston Estate'*<sup>1</sup>. This matter is discussed in more detail in the following section of this report.

The Shires appointed Connell Wagner as the scheme administrator in February 2007. The Scheme cost estimates increased again when the Shires adopted Connell Wagner's report entitled *"Shared Costs Administration of JTPS No. 1 Shires of Harvey and Dardanup"*, dated 10 September 2007 (CW Report 2007).

In 2009, Connell Wagner merged with two South African companies, Africon and Ninham Shand, rebranded as Aurecon and continued to operate as scheme administrator. Connell Wagner/Aurecon undertook annual reviews each year from 2006 to 2019.

The latest Aurecon report for the 2020 committee meeting was not presented to the Committee as it contained a litany of errors and inaccuracies that could not be resolved due to fundamental flaws with the approach taken to administering the Scheme.

For example, Aurecon never accounted for the collective underpayment before 2006 and relied heavily on the NSA Schedules Three, Four and Five (Schedules) in the Scheme, which do not accurately reflect the actual NSA for each landholding. Clause 10.0 Scheme Design states that the land use areas on the scheme map, from which the Schedules derive their NSA, do not form part of the Scheme. Clause 10.2 states, *'Any alterations to land use details shall be a reflection of gazetted amendments to district town planning schemes, structure plans and approved subdivision plans as endorsed by the Western Australian Planning Commission'*. Put plainly, annual reporting on the Scheme and adjustments to the contribution rate should not be based on the Schedules in the Scheme. Instead, annual reporting should be based on the actual NSA derived from the most up-to-date and detailed version of the local planning framework.

This approach ensures the contribution rates are based on the actual NSA that will be delivered by each landholding, based on approved structure plans, scheme zone boundaries or endorsed subdivision plans, all of which vary from the NSAs envisaged by the Schedules for each landholding.

Accordingly, the NSA Audit used actual cadastral boundaries to measure NSA delivered in the past (to account for approved subdivision plans) and approved structure plans or town

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<sup>1</sup> Facsimile from the Shire of Harvey to Lester Group dated 4 May 2005

planning scheme zones to measure the area of remaining NSA. This process exposed the significant variation between the NSA contemplated by the Schedules in the Scheme and the actual NSA that would be delivered under the planning framework, as shown in Table 1 below.

Table 1 - JTPS 1 NSA vs Actual NSA

Local Government	Original Landholding	JTPS 1 NSA (Hectares)	Actual NSA (Hectares)	Difference (Hectares)
Shire of Harvey	Australian Vanguard Ltd	179.2498	158.04	-21.2098
	J & G Sawyer	6.216	5.373	-0.843
	R I E Partridge	6.1894	0	-6.1894
	J & M Piggott	61.7519	76.658	14.9061
	RP & MFW Gartrell	8.4	8.053	-0.347
	B Bevan, J & E Bracey, K, T & G Coote, P Price, F Pike	155.5676	163.621	-8.0534
	Riverland Management P/L	38.5746	46.906	8.3314
Shire of Dardanup	Ardross Estates S A P/L	156.5372	145.171	-11.3662
	Parkridge Group P/L	104.5057	111.636	7.1303
	NTC P/L	2.3165	2.323	0.0065
	Luca Investment P/L & Newstyle Construction P/L	11.84	10.924	-0.916
	Churches of Christ Homes & Community Services P/L	8.0415	17.209	9.1675
Total		739.1902	745.554	5.2912

The variations between actual NSA and the Schedules in the Scheme are typically due to variations in the size and position of schools, waterways, floodways, public open spaces, and community sites. Furthermore, the actual development areas do not always align with the Scheme's indicative zones. The difference between the Scheme NSA and the actual NSA is shown graphically in Appendix 2.

While the total NSA is only 5.2912 hectares greater than the NSA in the Schedules, the difference per landholding varies significantly. Therefore, quantifying the difference per landholding is critical to understanding the correct liability for each landholding and creating an equitable refund methodology.

Furthermore, Aurecon has been using actual and estimated interest over the life of the Scheme to reduce the scheme liability for each infrastructure item. This approach effectively uses interest income earned on earlier contributions to reduce the cost of scheme infrastructure for later contributors.

This approach is entirely inequitable and inconsistent with object e) of the Scheme. Interest income should be used for the benefit of contributing landowners to facilitate the delivery of scheme infrastructure as quickly as possible. Early delivery of scheme infrastructure protects the contributors from inflation and can catalyse development by unlocking further subdivisions and development. Interest should not be counted as income to calculate scheme contributions, as that would undermine the equity and fairness of the funding mechanism. Ultimately, interest earned on scheme funds brings forward the delivery of scheme infrastructure and should be refunded to contributing landowners once all scheme contributions have been paid. This approach is critical as there are often a small number of landowners that either won't or can't develop their land. If it weren't for interest, it would be impossible to deliver the final infrastructure items without using loans, as there would be insufficient funds in the scheme accounts.

In 2019, three of the four largest developers operating within the scheme area appointed LK

Advisory to:

- facilitate improved communication with the Shires;
- obtain clarification and understanding regarding fluctuating contribution rates;
- address a two-year time lag for each annual review; and
- reduce the time taken to issue invoices.

Following extensive discussions and collaboration with the Shires over 2019 and 2020, LK Advisory agreed to undertake an audit of the scheme model to simplify the administration of the Scheme for its remaining life. The simplified model would then be turned over to the Shires to transparently facilitate the equitable collection and redistribution of funds for the remaining life of the Scheme.

Over the past two years, LK Advisory has liaised with staff from both Shires to obtain all necessary information and inputs to undertake the NSA audit and prepare the modified scheme model, provided as **Attachment 1**. This work has been undertaken independently and on behalf of Shires and all landowners. The primary objective is to uncover the true cost of the scheme infrastructure, account for every dollar collected and expended and determine the actual amount of NSA that will be delivered on the ground.

### **Detail**

Critical to resolving the Scheme's issues is addressing the significant under-collection of funds per hectare from 1995 to 2006 on balance with the significant over collection of funds per hectare from 2007 until 2019. To date, this matter has remained unresolved.

As mentioned earlier in this report, the Shires initially sought to require developers to 'make good' their underpayments during the years that preceded the Scheme's gazettal through subsequent stages of subdivision. However, the Scheme provisions fundamentally fail to deal with the recovery of any amount of shortfall for contributions paid in previous stages of subdivision, particularly when the liability is discharged before the Scheme's gazettal.

The State Administrative Tribunal covers this contention in detail in *Australian Vanguard Pty Ltd And Western Australian Planning Commission [2009] WASAT 136* (WASAT 136), where it specifically considered whether prior underpayments could be recovered in subsequent stages of subdivision.

The case is summarised as follows:

- "1 These proceedings concerned an assessment of the entitlement of the Shire of Harvey and Shire of Dardanup to require subdividers to pay contributions to the cost of future construction of the Collie River Bridge and distribution roads in Eaton. Contributions to those costs are dealt with by the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No 1 and a cost sharing proposal contained in a report adopted by the Shires in 2007.*
- 2 A number of landowners in the area have progressively subdivided portions of their land since the mid 1990s. They have made contributions in relation to the proposed infrastructure in relation to earlier stages of subdivision, but on the basis of estimates of the likely costs of the works current at the time of payment. Those early estimates are dramatically lower than the cost now estimated.*
- 3 The two Shires sought to require that, in relation to further stages of subdivision, the landowners pay an amount towards infrastructure costs that would make up for the shortfall in respect to earlier stages. The landowners argued that they should only pay an amount calculated as a proportion that the area of the particular stage for which subdivision approval was sought bears to the whole scheme area.*

- 4 *The Tribunal considered that the proper construction of the Scheme led to the conclusion that the landowners' argument should be accepted."*

The Tribunal found that payments made to clear subdivision conditions are final and remove any further obligation or liability for the subdivided land to contribute toward the scheme infrastructure. Their interpretation of the scheme provisions is contained in paragraphs [76] & [77], as follows:

- "76 *The obligation to pay for shared costs arises under cl 17.1. We accept the applicant's submission that it is that clause that is the source of the obligation to pay. It requires that:*

*Each owner of land shall prior to endorsement of the final approval of the Commission of the subdivision of his/her land shall (sic) pay to the authorities a proportion of the Shared Costs calculated on the Nett area of the super lot or the land area being subdivided.*

- 77 *The mechanism in cl 17.1 is for payment on the basis of the proportion of 'the land being subdivided', not on the basis of the whole of the percentage of the landowners land as identified in Sch 3 and Sch 4, nor on the basis of the area of land previously subdivided by that land owner."*

Given the findings of the Tribunal, there is no point debating this matter any further.

Further to the significant under-collection of income before the Scheme was gazetted, fluctuation estimates of scheme infrastructure costs have also contributed to the fluctuating contribution rates over time. For example, while the Bridge was initially thought to cost \$2.7 million in 1994, Aurecon's 2010-2011 annual review estimated the Bridge would cost \$19.8 million; factoring in indexation meant Aurecon considered the Bridge would cost \$55,827,790 by the time construction started in 2026, and set the contribution rates accordingly.

The Bridge ultimately cost \$15.4 million. However, the State Government funded a significant portion of the costs, leaving the Scheme liable for just over \$7 million.

As a result of the above, the scheme contribution rates over the years fluctuated significantly in response to ever-changing infrastructure cost estimates, as shown in Table 2 below.

Table 2 - Schedule of Contribution Rates

Year	Shire of Harvey (unweighted) / hectare	Shire of Harvey (weighted) / hectare	Shire of Dardanup / hectare
1998		~\$500/lot	
2007		\$83,283 - \$174,784.06	\$59,853.01 - \$338,550.28
2008		\$83,944.98 - \$178,013.24	\$48,654.45 - \$277,466.81
2010/2011	\$99,342.00	\$153,285.00	\$73,644.00
2011/2012	\$84,420.00	\$129,654.00	\$62,341.00
2012/2013	\$89,360.00	\$145,329.00	\$73,795.00
2013/2014	\$71,512.27	\$110,045.49	\$70,771.01
2014/2015	\$69,169.87	\$104,505.70	\$60,069.06
2015/2016	\$65,935.22	\$102,936.69	\$61,103.72
2016/2017	\$37,259.14	\$44,631.83	\$25,808.81
2017/2018	\$32,646.82	\$35,519.97	\$21,754.99
2018/2019	\$32,646.82	\$35,519.97	\$21,774.84

As the Tribunal observed in WASAT 136, it is impossible to obtain 'top-up' payments from future stages of subdivision to compensate for areas of NSA that underpaid in the past.

The modified Scheme model addresses this issue equitably, within the limitations observed by the Tribunal and in accordance with the Scheme provisions. The model recognises that contributions made before the Scheme was gazetted were significantly lower than necessary to fund the ultimate cost of the scheme infrastructure, which is now known (rather than estimated). Furthermore, it acknowledges that the collective underpayment from before 2006

is vastly outweighed by the significant overpayments that occurred between 2007 and 2019. During this later period, the contribution rates were much higher than necessary due to excessive cost estimates, indexation and because the State Government did not confirm its contribution toward the Bridge until June 2015. Furthermore, Aurecon only reduced the contribution rate to Account for the State Government contribution in the 2016-17 annual review, which only took effect in 2019 due to the two-year time lag.

The model quarantines the income (accepting it was not sufficient) received before the Scheme formally took effect in 2006 and uses it to offset the bridge liability, which is a shared cost between each Shire. Furthermore, it deducts NSA delivered before the Scheme formally took effect from the NSA calculations, leaving the balance of NSA to equitably share the remaining (reduced) infrastructure costs per hectare basis. This approach is consistent with the Tribunal's observation that the Scheme contemplates recovery of proportionate amounts of scheme costs as land is progressively subdivided throughout the scheme area. That is to say, it will always be appropriate to set the contribution rate based on the latest cost estimates and the actual cost of infrastructure, divided by the total NSA liable to share the cost of that infrastructure.

This approach neutralises or 'writes off' the collective under-payment from before the Scheme's gazettal and is equitable because the amount of NSA and contributions made within each Shire before the gazettal date are very similar (refer to Table 3). Furthermore, in the mid-1990s, funding the Bridge was the main driver for collecting contributions ahead of the formal implementation of a development contributions framework. At that time, the 'district distributor roads' that would be funded using the same framework had not been adequately defined. Therefore, it is appropriate that preliminary income received before the gazettal of the Scheme is used to offset the cost of the Bridge fairly and proportionately between the two Shires.

*Table 3 - Managing pre-gazettal income*

Local Government	Pre gazettal NSA	Pre gazettal income	Infrastructure Item	Total Liability	Liability less 2006 income
Shire of Harvey	133.804	\$1,127,557.17	Collie River Bridge	\$7,107,828.50	\$4,919,447.58
Shire of Dardanup	134.537	\$1,060,823.75			

The model uses the NSA (477.213 hectares) that remained liable for payments after 17 March 2006 to share the cost of the remaining (reduced) scheme liabilities. The ultimate actual scheme liabilities per this methodology are shown in Table 4 below.

*Table 4 - Total Scheme Cost Schedule*

Responsible Local Government	Shared Scheme works	Total Projected Expenditure	Total Scheme Liability
Shire of Harvey	Kingston Drive	\$9,686,055.92	<b>\$8,760,689.92</b>
	Ditchingham Place	\$3,177,550.97	<b>\$3,177,550.97</b>
Shire of Dardanup	Eaton Drive (1st carriageway)	\$2,010,779.01	<b>\$1,084,415.01</b>
	Eaton Drive (2nd carriageway)	\$2,779,856.18	<b>\$2,006,851.18</b>
Shire of Harvey	Related Acquisition	\$2,043,594.58	<b>\$2,043,594.58</b>
Both Shires	Collie River Bridge	\$15,390,927.00	<b>\$4,919,447.58</b>
Both Shires	Administration Expenses	\$642,632.84	<b>\$642,632.84</b>
<b>Total</b>		<b>\$35,731,396.50</b>	<b>\$22,635,182.08</b>

The actual location of infrastructure and associated individual Shire and shared scheme costs are shown in Appendix 3.

This approach to managing pre-gazettal income and NSA does result in higher contribution rates than are currently in place. However, the figures accurately reflect the 'True Rate' for each Shire and will ensure the correct income is equitably collected from all remaining NSA,

as shown in Table 5.

The True Rate is the amount per hectare that should have been paid from the outset of the Scheme had the actual scheme costs and NSA been known. The True Rate can generally only be defined once all scheme works have been delivered and the associated costs confirmed.

Refunds of surplus income should be calculated using the difference between the actual amount paid (per landholding) and the amount that should have been paid, as per the True Rate. This matter is discussed in more detail in a later section of this report.

*Table 5 - Recommended Contribution Rates*

<b>Local Government</b>	<b>True rate</b>	<b>Remaining NSA</b>	<b>Remaining Income at the True Rate</b>
Shire of Harvey	\$54,486.31/Hectare	110.837	\$6,039,099.70
Shire of Harvey (weighted)	\$65,053.09/Hectare	5.444	\$354,149.03
Shire of Dardanup	\$31,637.87/Hectare	46.503	\$1,471,255.87
<b>Total</b>			<b>\$7,864,504.62</b>

Fortunately, as the scheme infrastructure is now delivered (or the costs are known), cost fluctuations are no longer a significant risk; all that remains is equitably collecting income from the remaining contributing landowners at the True Rate.

As the scheme costs are known, the adopted True Rate will not need to change for the remaining life of the Scheme, except if the Committee saw fit to amend the administration budget at any point during the remainder of the Scheme's life.

The modified scheme model already includes \$80,000 to administer the Scheme for the remaining four years, from 2022 to 2026, approximately \$20,000/annum. This amount should be sufficient to administer the Scheme for its remaining life now that it is simplified. If not, future annual reviews provide an opportunity to increase the administration budget if required, which would result in a minor increase in the contributions rate for each Shire.

## **NSA Audit**

To facilitate its review of the Scheme, LK Advisory obtained historical cadastral data from Landgate for 2006, 2011 and 2021. Historical cadastral data is not available for the period before 2006.

This data, along with town planning scheme zone boundaries and approved Structure Plans, enabled LK Advisory to measure and articulate the actual NSA for each landholding and contrast this against the NSA figures contemplated by the Schedules in the Scheme.

### 2006

The 2006 cadastral data indicates 268.341 hectares of NSA was delivered by 2006, including 133.804 in the Shire of Harvey and 134.537 in the Shire of Dardanup. As discussed earlier in this report, pre-2006 NSA is deducted from the NSA calculations in the model, and is shown in Appendix 4. The income collected during this time is simultaneously deducted from the bridge liability. Therefore, the bridge liability in the model is \$4,919,447.78 instead of \$7,107,828.50. As mentioned earlier in this report, this approach neutralises or essentially 'writes off' the broad under-collection of income before the Scheme's gazettal, leaving 477.213 hectares liable to share the remaining (reduced) infrastructure costs.

### 2006 - 2011

The NSA audit measured the area of NSA delivered between 2006 and 2011, which includes 100.107 hectares in the Shire of Harvey and 53.323 hectares in the Shire of Dardanup, a total of 153.43 hectares. The 2006 – 2011 NSA is shown in Appendix 5.

The Scheme reserve transactional information provided by each Shire indicates that between 2006 and 2011, the Shire of Harvey collected \$9,125,801.38 (for 100.107 hectares), and the Shire of Dardanup collected \$1,994.959.62 (for 53.323 hectares).

## 2011 - 2022

The NSA audit also measured the area of NSA delivered between 2011 and 2022, which includes 108.099 hectares in the Shire of Harvey and 52.88 hectares in the Shire of Dardanup, and is shown in Appendix 6.

The Scheme reserve transactions indicate that between 2011 and 2022, the Shire of Harvey collected \$6,280,923.60 (for 108.99) hectares and the Shire of Dardanup collected \$3,189,444.29 (for 52.9 hectares).

## 2006 - 2022

The NSA Audit indicates that the total overpayments from 2006 to 2022 equate to \$4,372,391.01, as shown in Table 6. However, it reveals net underpayments for J & G Sawyer, Riverland Management P/L and Parkridge, which sum to \$720,320.31. Unfortunately, these landowners were charged less than the 'True Rate' due to the specific circumstances around the timing of their subdivision. Similar to pre-2006 income, the shortfall is not recoverable. The following sections discuss the recommended approach to accommodating this shortfall and balancing the Scheme's financials.

Table 6 - Surplus Funds 2006 - 2022

Local Government	Original Landholding	NSA delivered – Post-2006	Total 'True' Liability	Total Contributions date plus remaining liabilities	Overall under/over payment
Shire of Harvey	Australian Vanguard Ltd	63.252	\$5,308,616.93	\$6,904,627.71	\$1,596,010.77
	J & G Sawyer	5.373	\$292,754.97	\$196,532.00	-\$96,222.97
	R I E Partridge (school site)	0	\$-		
	J & M Piggott	10.974	\$3,086,643.67	\$3,339,189.78	\$252,546.11
	RP & MFW Gartrell	2.827	\$438,778.29	\$458,588.28	\$19,809.99
	B Bevan, J & E Bracey, K, T & G Coote, P Price, F Pike	100.855	\$6,490,091.10	\$6,617,576.31	\$127,485.21
	B Bevan, J & E Bracey, K, T & G Coote, P Price, F Pike (Weighted)	6.211	\$758,193.79	\$1,956,115.51	\$1,197,921.73
	Riverland Management P/L	18.714	\$2,555,735.09	\$2,327,344.30	-\$228,390.79
Shire of Dardanup	Ardross Estates S A P/L	80.217	\$3,532,634.71	\$4,635,779.74	\$1,103,145.03
	Parkridge Group P/L	14.763	\$1,805,739.78	\$1,410,883.48	-\$394,856.29
	NTC P/L (pre-2006 development)	0	\$20,850.26	\$-	-\$20,850.26
	Luca Investment P/L & Newstyle Construction P/L	2.047	\$172,582.54	\$218,524.57	\$45,942.03
	Churches of Christ Homes & Community Services P/L	9.196	\$360,941.86	\$390,472.00	\$29,530.14
Total of overpayments					\$4,372,391.01

### Weighted land

The NSA Audit also investigates the areas of land that were and remain affected by the 'weighting factor', which attracts a higher rate of funding for the Collie River Bridge. The weighting factor is established by clause 16.3 and Schedule 4 of the Scheme. The weighted contribution rate is calculated according to the note in Schedule 4, which states:

*"Note: Weighting factor is to be determined by dividing the total bridge cost (reviewed annually) by the total net subdividable land to ascertain a value per square meter and the later (sic) is multiplied by two. The balance of the cost of the Bridge is to be paid by owners of the other titles on a proportionate basis. The owner's proportion to the balance of the Shared Cost is to be equivalent to the owner's net subdividable land area divided by the total net subdividable land area (excluding the abovementioned commercial areas)."*

The description of 'land area affected by the weighting factor' is vague and not further clarified, reflected or repeated in the local planning framework.

The fifth column and first row of the table in Schedule 4 describe these areas as '*East Australind District Shopping Centre, Mixed Business/Service Commercial (sic) and the Tavern/Fast food Outlet Development*'.

However, land that meets the above description is only vaguely displayed on the scheme map, and this is not further clarified in the town planning scheme or the approved Structure Plans. In fact, the town planning scheme zones and the commercial structure plan use differing terminology, which leads to further ambiguity around the specific areas of NSA that are affected by the weighted factor.

The Scheme map does display some small areas of land as 'Mixed Business' and 'Commercial' and a large circle as the District Centre. However, much of the land that may be affected by the Weighting Factor has already been subdivided but was not charged the weighted contribution rate. Therefore, the opportunity to charge potentially affected land at the contribution rate has now passed, and as discussed earlier in this report, it is impossible to recover this shortfall.

Accordingly, the model only uses land within the District Centre, which includes the 'Tavern/Fast Food Outlet', to calculate the weighting factor. This land has paid contributions at the weighted rate in the past, and 5.444 hectares of NSA remains liable to pay contributions at the weighted rate.

As a result of the above, the model accounts for 11.655 hectares of weighted land (rather than 18.1 hectares, per Schedule 4), and the affected land is displayed in Appendix 7.

### Recent underpayments

As mentioned earlier in this report, some landowners recorded a net underpayment for the life of the Scheme.

J & G Sawyer undertook their development after the Scheme was gazetted but before the contribution rates were sufficiently increased in 2007.

Riverland Management undertook its development between 2016 and 2020, which coincides with the period when the contribution rates were reduced below the True Rate. During this period, the contribution rate for the Collie River Bridge included the State's Contribution and Aurecon's approach to using actual and estimated interest over the Scheme's life to reduce the liability for future contributors. Accordingly, the contribution rate is currently based on an incorrect figure for NSA and a liability of just \$2,910,912.65 for the Collie River Bridge, which is also incorrect.

Parkridge Group P/L undertook much of its development before the Scheme was gazetted.



NTC P/L undertook all of its development before the Scheme was gazetted.

Similar to the pre-gazettal shortfall, this \$740,320.31 shortfall cannot be recovered through subsequent stages of subdivision and is instead proposed to be offset by interest accrued through the life of the Scheme. This approach balances the shortfall in income and leaves \$8,960,903.39 in surplus income and interest for redistribution for the remainder of the Scheme's life. This is discussed further in a later section of this report.

## Remaining NSA

The NSA Audit uses approved structure plans and local planning scheme boundaries to define the actual remaining NSA that is liable to contribute to the Scheme. The remaining NSA, along with the georeferenced structure plans and local planning scheme boundaries, is shown in Appendix 8.

According to the remaining areas of approved structure plans and scheme zones, there are 116.281 hectares of NSA remaining in the Shire of Harvey and 46.503 hectares of NSA remaining in the Shire of Dardanup.

Table 7 - Remaining NSA

Local Government	Original Landholding	NSA remaining	Remaining Income at the True Rate
Shire of Harvey	Australian Vanguard Ltd	25.311	\$1,379,103.12
	J & G Sawyer		
	R I E Partridge		
	J & M Piggott	45.462	\$2,477,056.85
	RP & MFW Gartrell	5.226	\$284,745.48
	B Bevan, J & E Bracey, K, T & G Coote, P Price, F Pike	6.646	\$362,116.05
	B Bevan, J & E Bracey, K, T & G Coote, P Price, F Pike (Weighted)	5.444	\$354,149.03
	Riverland Management P/L	28.192	\$1,536,078.19
Shire of Dardanup	Ardross Estates S A P/L	19.51	\$617,254.85
	Parkridge Group P/L	25.684	\$812,587.06
	NTC P/L		
	Luca Investment P/L & Newstyle Construction P/L	1.309	\$41,413.97
	Churches of Christ Homes & Community Services P/L		
<b>Total</b>		162.784	\$7,864,504.62

The modified Scheme model acknowledges that 22% of the NSA remains liable to pay its fair share towards the Scheme infrastructure. At the True Rate, the Shire of Harvey still needs to collect \$6,393,248.73 from 116.281 hectares of NSA, and the Shire of Dardanup still needs to collect \$1,471,255.89 from 46.503 hectares of NSA. This is shown spatially in Appendix 9.

Accordingly, the Scheme is still on track to collect \$7,864,504.62 in contributions, ensuring that each landowner pays their fair share toward the scheme infrastructure.

If any landowners do not subdivide and pay their contributions before 17 March 2026, clauses

17.5, 17.6 and 17.7 provide a mechanism to obtain the funding upon request. Failing that, the Scheme empowers the Shires to obtain that funding as a simple contract debt in a court of civil jurisdiction competent to deal with the amount of the claim. The costs for pursuing the funding in this manner are recoverable from the landowner pursuant to clause 17.7 of the Scheme.

### Unallocated income

Notwithstanding an exhaustive review of the Shires' financial information, some income could not be allocated or linked to a specific landholding. Shire planning and finance staff have attempted to identify these income sources but have not succeeded. Accordingly, there is \$34,436.96 of unallocated income for the Shire of Harvey and \$181,412.77 for the Shire of Dardanup.

Unallocated income should remain in the scheme accounts until the Scheme closes and remaining surplus funds are redistributed among contributing landowners, as the source of that income may become traceable in the interim.

As mentioned earlier in this report, if the Shires cannot trace an owner entitled to receive a refund after six years, excess funding may be expended for the benefit of the scheme area. In addition, as the Scheme is silent on unallocated income, if its source also cannot be traced, it would be appropriate to spend it (along with any accrued interest) for the benefit of the scheme area.

### Refund methodology

The refund methodology leverages the information drawn from the NSA audit and the Shire's financial information to determine the difference between how much each landholding has paid and how much they should have paid toward scheme infrastructure.

This is determined by calculating the difference between what they have paid and what they would have paid had they paid the True Rate for their actual NSA liability.

Except for J & G Sawyer, Riverland Management, Parkridge Group P/L and NTC P/L, interest is apportioned to each landowner (that is owed a refund) based on the proportion of their share of overpaid contributions in each Shire.

The unrecoverable underpayment of \$740,320.31 is offset by interest earned. This means the total amount of interest available for redistribution, as of this annual review, is reduced from \$5,328,382.69 to \$4,588,512.38.

Accordingly, in addition to the \$4,372,391.01 in overpayments, \$4,588,512.38 in interest is split equitably between contributing landowners across both shires, which totals to \$8,960,903.39 available for disbursement at the closure of the Scheme. This figure will likely grow due to additional interest earned over the coming four years.

The refund methodology applies to the Scheme as a whole and does not account for or rely on the funds held individually by each Shire. This is because some of the funds owed to Dardanup developers are currently held (and accruing interest) in Harvey accounts.

The approach to addressing the collective shortfall of contributions from before the Scheme was gazetted in 2006 simultaneously corrects the apportionment of costs for the Collie River Bridge. After adjusting for pre-2006 NSA, the apportionment of NSA that remained liable for the Collie River Bridge increased in Harvey by 6.314% and commensurately reduced in Dardanup.

This adjustment should have been addressed at the first annual review after the Scheme was gazette to account for ongoing underpayments in the past. However, the Shire's did not become aware that past underpayments were not recoverable until the Tribunal case in 2009.

Accordingly, Dardanup transferred \$2,700,189.93 for the construction of the Bridge (per the

NSA Schedules in the Scheme) to Harvey, some of which was subsequently transferred to MRWA to deliver the Bridge. However, based on their actual NSA, the transfer should only have been for \$2,274,770.84, a difference of \$425,419.09, which has been accruing interest in Harvey's Scheme account.

Having regard to the above complexity and clause 19.2 of the Scheme, it is recommended that both Shires give consideration to pooling all remaining Scheme funds into a single joint account. If this were to occur, then in accordance with clause 19.3 of the Scheme, any expenditure would need to be authorised by a nominated representative from each Shire.

To clarify the relatively complex refund methodology, the following is provided as an example:

1. Australian Vanguard Ltd has paid \$5,525,524.59 into the Scheme since it was gazetted in 2006, and they have delivered 63.252 hectares of NSA since the Scheme was gazetted.
2. Their original landholding remains liable for 25.311 hectares, which at the 'True Rate' means they still need to pay \$1,379,103.12, bringing their total contribution to \$6,904,627.71.
3. Their 'Total True Liability' is calculated by multiplying their total NSA (delivered + remaining) by the True Rate, plus their discounted contribution from pre-2006, which comes to \$5,308,616.93.
4. The difference between \$6,904,627.71 and \$5,308,616.93 is \$1,596,010.77, which represents their total over payment.
5. Australian Vanguard Ltd is also entitled to a share of the interest earned over the life of the Scheme.
6. At least \$4,588,512.38 in interest (noting the Scheme may earn additional interest in the future) remains available for fair apportionment between the landowners that overpaid.
7. Australian Vanguard Ltd's overpayment of \$1,596,010.77 represents 36.5% of the total amount of overpayments. Therefore, they are entitled to 36.5% of the interest, which equates to \$1,674,899.43.
8. This means the total ultimate disbursement (once all liabilities in the scheme area paid) for the Australian Vanguard Ltd will be \$3,270,910.20.
9. If the Committee approves a \$1,000,000 refund, Australian Vanguard will receive \$365,020.14 and their remaining disbursement will be \$2,905,890.06.

Notes:

- a) Generally, the refund methodology accounts for circumstances where land has been transferred from one landowner to another as it is generally apparent from the source of income recorded in the Shire's transactional information.
- b) There may be circumstances where a property/lot within an original landholding has changed hands. If this is not captured or recorded in the refund methodology, it may impact the landholding's ultimate disbursement.
- c) The refund methodology does not account for additional interest earned over the remaining life of the Scheme. This provides additional contingency funds that should be input into the scheme model and accounted for in the refund methodology at each annual review. Accordingly, it is likely that the amount of interest available for disbursement will increase over the coming years.

The full refund calculation for each landholding is provided in Table 8 below.

Table 8 - Refund Methodology

Local Gov.	Original Landholding	Total 'True' Liability	Total Contributions to date plus remaining liabilities	Total over payment	Total ultimate disbursement (plus interest entitlement)	Recommended Refund 2022
Shire of Harvey	Australian Vanguard Ltd	\$5,308,616.93	\$6,904,627.71	\$1,596,010.77	\$3,270,910.20	\$365,020.14
	J & G Sawyer	\$292,754.97	\$196,532.00			
	R I E Partridge					
	J & M Piggott	\$3,086,643.67	\$3,339,189.78	\$252,546.11	\$517,575.23	\$57,759.27
	RP & MFW Gartrell	\$438,778.29	\$458,588.28	\$19,809.99	\$40,599.16	\$4,530.70
	B Bevan, J & E Bracey, K, T & G Coote, P Price, F Pike	\$6,490,091.10	\$6,617,576.31	\$127,485.21	\$261,271.84	\$29,156.86
	B Bevan, J & E Bracey, K, T & G Coote, P Price, F Pike (Weighted)	\$758,193.79	\$1,956,115.51	\$1,197,921.73	\$2,455,055.10	\$273,974.06
	Riverland Management P/L	\$2,555,735.09	\$2,327,344.30			
Shire of Dardanup	Ardross Estates S A P/L	\$3,532,634.71	\$4,635,779.74	\$1,103,145.03	\$2,260,817.02	\$252,297.89
	Parkridge Group P/L	\$1,805,739.78	\$1,410,883.48			
	NTC P/L	\$20,850.26				
	Luca Investment P/L & Newstyle Construction P/L	\$172,582.54	\$218,524.57	\$45,942.03	\$94,154.91	\$10,507.30
	Churches of Christ Homes & Community Services P/L	\$360,941.86	\$390,472.00	\$29,530.14	\$60,519.92	\$6,753.77
<b>Total</b>		<b>\$24,823,563</b>	<b>\$28,455,633.70</b>	<b>\$4,372,391.01</b>	<b>\$8,960,903.39</b>	<b>\$1,000,000</b>

The scheme model provides an automated method to calculate, apportion and record refunds for each year to 2026. Staff need only enter the endorsed amount in the corresponding cell. The amount will automatically be split by landholding based on their overall proportion of overpayments, and their remaining disbursement will be automatically reduced accordingly until it eventually reaches zero.

### Scheme review and reimbursement of pre-funded costs

Three of the largest developers within the Scheme area, Australian Vanguard, Treendale Nominees and Ardross Estates, pre-funded LK Advisory's comprehensive review, NSA audit and development of a simplified scheme model and refund methodology.

This work has been undertaken independently and for the benefit of all contributing landowners and both Shires. Accordingly, \$138,893.39 is included in the budget for administration costs, and this is recommended to be reimbursed (equally on a one-third basis) to Australian Vanguard, Treendale Nominees and Ardross Estates for pre-funding this expense.

The reimbursement amount does not include funds spent on LK Advisory's initial engagement on this matter, only the time spent on the NSA Audit, development of the scheme model and the refund methodology.

### Comment

The modified scheme model provides for a highly simplified and integrated approach to administering the scheme model into the future. For example, undertaking each annual review is as simple as inserting additional transactional information (including additional interest) in the model, adjusting the delivered/remaining NSA for each landholding and accounting for any new contributions.

The models ensure each landowner will be entirely aware of their remaining liability as set out in Appendix 9, which shows each area of remaining NSA and the amount payable at the recommended contribution rates (True Rate).

For each annual review, the Committee will consider the quantum of contributions and interest accrued over the past year and decide how much to refund to past contributing landowners that have overpaid. Staff will typically recommend retaining some contingency in the scheme account to ensure there is sufficient funds to cover any administration costs over the coming year.

Table 9 includes the current and proposed contribution rates for both Shires.

*Table 9 - Recommended Change to the Contribution Rates*

Contribution Rate Category	Current 2019-2020 Contribution Rate (per ha)	Proposed 2022-23 Contribution Rate (per ha)
Shire of Harvey without weighting factor	\$32,646.82	\$54,486.31
Shire of Harvey with weighting factor	\$35,519.97	\$65,053.09
Shire of Dardanup	\$21,774.84	\$31,637.87

Table 12 sets out the breakdown of the contribution rates.

*Table 10 – Breakdown of Contribution Rates*

Shared Scheme Works	Total Costs for which Scheme is liable	True Contribution Rate - Harvey	True Contribution Rate - Dardanup
<b>Schedule 2 - Distributor Roads</b>			
Kingston Drive	\$8,760,689.92	\$26,998.59	N/A
Ditchingham Place	\$3,177,550.97	\$9,792.54	N/A
Eaton Drive (1st carriageway)	\$1,084,415.01	N/A	\$7,100.40
Eaton Drive (2nd carriageway)	\$2,006,851.18	N/A	\$13,140.21
Related Acquisition	\$2,043,594.58	\$6,297.92	N/A
<b>Schedule 4 - Bridge</b>	\$7,107,828.50		
Collie River Bridge (adjusted for pre-2006 income)	\$4,919,447.58	\$10,050.63	\$10,050.63
<b>Weighted</b>		\$20,617.41	
<b>Scheme Administration</b>			
Administration Expenses	\$642,632.84	\$1,346.64	\$1,346.64
<b>Total:</b>	\$22,635,182.08	\$54,486.31	\$31,637.87
<b>Weighted</b>		\$65,053.09	

The 2022/23 statutory budgets indicate the Scheme's closing balance in Dardanup was \$432,533 as of 30 June 2022. In the Shire of Harvey, the closing balance was \$2,642,750.72. Accordingly, the Scheme's funds held as of 30 June 2022 are \$3,075,283.72.

This report recommends making the following expenditure from the Scheme accounts:

1. Interim Refund = \$1,000,000
2. Scheme review reimbursement = \$138,893.39
3. Kingston Drive = \$1,328,955.42
4. Eaton Drive = \$250,000

The above expenditure sums to \$2,717,848.59.

This will leave \$357,434.91 in the Scheme accounts. This represents \$215,849.73 for

allocated income, \$80,000 for administration and \$61,585.18 as a contingency for any unaccounted adjustment to the scheme accounts that may emerge when the Shires undergo their annual financial audit in the latter half of the calendar year.

Moving forward, if the Shires see merit in consolidating the remaining Scheme funds, income and interest into a single, shared account, then this approach will be reported to a future meeting of the Committee for endorsement, as it would then result in a representative from each Shire needing to sign-off on any expenditure or transfer of funds from that account.

Pursuant to clauses 17.5 – 17.7 of the Scheme, on 17 March 2026, it will be 20 years since the Scheme came into force. At that time, the Scheme empowers the Shires to seek payment of any outstanding liabilities toward the Scheme. Accordingly, the Shires should take steps to ensure all future landholdings are aware of their outstanding liability (calculated at the True Rate) and the incoming deadline to settle that liability, either by subdividing their land or upon receipt of a notice issued per clause 17.5 of the Scheme. Accordingly, it is recommended that the Shires write to each landowner after the annual review and advise their outstanding liability and the number of years that remain to settle that liability. This approach ensures complete transparency about each landholding's obligation to contribute their fair share toward the Scheme. Furthermore, it mitigates the risk of this coming as 'a surprise' if the Shires decide to act on these powers in 2026, rather than simply extending the life of the Scheme.

### **Statutory/Policy Environment**

Clause 18.2 of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No 1 (the Scheme) provides for the adoption of the Schedule of Shared Costs on an annual basis.

### **Officer's Recommendation**

That the Shire of Harvey and the Shire of Dardanup Joint Town Planning Scheme No. 1 Committee recommends that the Councils of the Shires of Harvey and Dardanup:

1. ADOPT the modified "Scheme Review and Schedule of Shared Costs" model in **Attachment 1**;
2. ADOPT the modified contribution rates with effect from 29 August 2022;

<b>Contribution Rate Category</b>	<b>Proposed 2022-23 Contribution Rate (per ha)</b>
Shire of Harvey without weighting factor	\$54,486.31
Shire of Harvey with weighting factor	\$65,053.09
Shire of Dardanup	\$31,637.87

3. ADOPT the methodology outlined in this report for refunding surplus funds to contributing landowners over the remainder of the Scheme's life, acknowledging the imminent completion of all Joint Town Planning Scheme No. 1 (Scheme) works.
4. APPROVE a reimbursement of \$138,893.39 (in equal thirds) to Australian Vanguard, Treendale Nominees and Ardross Estates for pre-funding LK Advisory's review of the Scheme, NSA audit, and producing the simplified Scheme model and refund methodology and NOTE that such further expenditure incurred from 1 July 2022 will be considered for reimbursement at the next Joint Town Planning Scheme No. 1 Committee Meeting;
5. APPROVE a disbursement of \$1,000,000 from the Joint Town Planning Scheme No. 1 funds to landowners that have overpaid to date, distributed according to the refund methodology described in this report and summarised in Table 8;
6. CONSIDER whether all remaining Scheme funds, future contributions and future interest

should be consolidated into a single Joint Scheme account shared between the Shire's, pursuant to clauses 19.2 and 19.3 of the Scheme and provide a report and recommendation to the next Joint Town Planning Scheme No. 1 Committee Meeting.

7. CONSIDER engaging the services of an external Consultant to independently administer the Scheme until its final annual review in 2026.
8. APPROVE a transfer of \$425,419.09 from the Shire of Harvey Joint Scheme Account to the Shire of Dardanup Joint Scheme Account to correct the disproportionate contribution previously paid towards the Collie River Bridge from the Shire of Dardanup Scheme Account to the Shire of Harvey Scheme Account.
9. NOTE that the transfer amount referenced in 8. above excludes interest, and that a further report will be presented to the Committee to consider transferring previously accrued interest on that amount from the Shire of Harvey Scheme Account to the Shire of Dardanup Scheme Account.
10. ADVISE all remaining contributing landowners in the Joint Town Planning Scheme No. 1 area;
  - a. That on 17 March 2026, pursuant to clause 17.5 of the Scheme, the Shires may serve written notice requiring payment of the owner's proportion of the Shared Costs within ninety (90) days of the service of such notice; and
  - b. Of their remaining liability under the Scheme, calculated at the True Rate, as summarised in Table 7.

**Moved: Cr. Beech**

**Seconded: Cr. Carbone**

***That the Shire of Harvey and the Shire of Dardanup Joint Town Planning Scheme No. 1 Committee recommends that the Councils of the Shires of Harvey and Dardanup:***

- 1. ADOPT the modified "Scheme Review and Schedule of Shared Costs" model in Attachment 1;***
- 2. ADOPT the modified contribution rates with effect from 29 August 2022;***

Contribution Rate Category	Proposed 2022-23 Contribution Rate (per ha)
Shire of Harvey without weighting factor	\$54,486.31
Shire of Harvey with weighting factor	\$65,053.09
Shire of Dardanup	\$31,637.87

- 3. ADOPT the methodology outlined in this report for refunding surplus funds to contributing landowners over the remainder of the Scheme's life, acknowledging the imminent completion of all Joint Town Planning Scheme No. 1 (Scheme) works.***
- 4. APPROVE a reimbursement of \$138,893.39 (in equal thirds) to Australian Vanguard, Treendale Nominees and Ardross Estates for pre-funding LK Advisory's review of the Scheme, NSA audit, and producing the simplified Scheme model and refund methodology and NOTE that such further expenditure incurred from 1 July 2022 will be considered for reimbursement at the next Joint Town Planning Scheme No. 1 Committee Meeting;***
- 5. APPROVE a disbursement of \$1,000,000 from the Joint Town Planning Scheme No. 1 funds to landowners that have overpaid to date, distributed according to the refund methodology described in this report and summarised in Table 8;***

6. **INVESTIGATE** whether all remaining Scheme funds, future contributions and future interest should be consolidated into a single Joint Scheme account shared between the Shire's, pursuant to clauses 19.2 and 19.3 of the Scheme and provide a report and recommendation to the next Joint Town Planning Scheme No. 1 Committee Meeting.
7. **INVESTIGATE** engaging the services of an external Consultant to independently administer the Scheme until its final annual review in 2026 and provide a report and recommendation to the next Joint Town Planning Scheme No. 1 Committee Meeting.
8. **APPROVE** a transfer of \$425,419.09 from the Shire of Harvey Joint Scheme Account to the Shire of Dardanup Joint Scheme Account to correct the disproportionate contribution previously paid towards the Collie River Bridge from the Shire of Dardanup Scheme Account to the Shire of Harvey Scheme Account.
9. **NOTE** that the transfer amount referenced in 8. above excludes interest, and that a further report will be presented to the Committee to consider transferring previously accrued interest on that amount from the Shire of Harvey Scheme Account to the Shire of Dardanup Scheme Account.
10. **ADVISE** all remaining contributing landowners in the Joint Town Planning Scheme No. 1 area;
  - a. That on 17 March 2026, pursuant to clause 17.5 of the Scheme, the Shires may serve written notice requiring payment of the owner's proportion of the Shared Costs within ninety (90) days of the service of such notice; and
  - b. Of their remaining liability under the Scheme, calculated at the True Rate, as summarised in Table 7.

Carried 5-0 TPS1 – 22/002

9. **MATTERS BEHIND CLOSED DOORS (under Section 5.23 (2) of the Local Government Act, 1995)**

Nil

10. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil

11. **NEXT MEETING**

The next meeting of the Shire of Harvey and Shire of Dardanup Joint Town Planning Scheme No. 1 Committee is to be held on Friday 14 July 2023 (unless otherwise determined), the purpose of which will be to review the income and expenditure and approve the disbursement of a further refund of surplus funds.

12. **CLOSURE**

There being no further business to discuss the Presiding Member closed the meeting at 11:13am





# **MINUTES**

## **BUSHFIRE ADVISORY COMMITTEE MEETING**

**Held**

**12 October 2022**

**At**

**Shire of Dardanup  
Administration Centre Eaton  
1 Council Drive – EATON**

This document is available in alternative formats such as:

- ~ Large Print
- ~ Electronic Format [disk or emailed]  
Upon request.

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## VISION STATEMENT

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

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## COMMITTEE MEMBERS:

Mr Chris Hynes	-	CBFCO Eaton Townsite District
Mr Lyndon Skeers	-	FCO Ferguson District
Mr Neil Dyer	-	FCO West Dardanup District (Deputy Chairperson)
Mr Clay Rose	-	DCFCO (North) / FCO Burekup District
Mr Robert Drennan	-	DFCO (South) / FCO Waterloo District
Mr Grant Ratcliffe	-	FCO Upper Ferguson District
Mr Brendan Putt	-	FCO Dardanup Central District
Mr Jeff Duncombe	-	FCO Joshua/Crooked Brook District
Mr Ian Bridge	-	FCO Wellington Mill District
Mr Keith Higham	-	Fire Weather Officer
Mr Ricky Southgate	-	Representative Department of Fire & Emergency Services
Mr Matthew Cooper	-	Department of Biodiversity, Conservation and Attractions
Cr. T Gardiner	-	Elected Member (Chairperson)
Cr. M T Bennett	-	Elected Member
Cr. S L Gillespie	-	Elected Member (Proxy)

## STAFF MEMBERS

Mrs Erin Hutchins	-	Coordinator – Ranger & Emergency Services
Mr Murray Halden	-	Senior Ranger
Mrs Amanda Tuberes	-	Personal Assistant - Director Sustainable Development
Mr André Schönfeldt	-	Chief Executive Officer
Mr Murray Connell	-	Executive Manager Development Services
Ms Melissa Howard	-	Emergency Management Officer

## COUNCIL ROLE

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

## DISCLAIMER

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

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

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

**SHIRE OF DARDANUP**

**MINUTES OF THE SHIRE OF DARDANUP BUSHFIRE ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 12 OCTOBER 2022, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 7.00PM.**

<b>1</b>	<b>DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS</b>
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The Chairperson, Cr. T G Gardiner declared the meeting open at 7.01 pm and welcomed those in attendance and referred to the Disclaimer and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

*Acknowledgement of Country*

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

*Affirmation of Civic Duty and Responsibility*

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

*Committee members acknowledge that only the Chief Executive Officer or a member of the Shire of Dardanup staff appointed by the Chief Executive Officer is to have contact with consultants and suppliers that are appointed under contract to undertake the development and implementation of projects.*

*The exception to this Policy is when there is a meeting of the committee or working group with the consultant and the Chief Executive Officer or the Chief Executive Officer's representative is present.*

*Members of committees acknowledge that a breach of this Policy may result in a request to Council to have them removed from the committee.*

*Emergency Procedure*

*In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).*

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED****2.1****Attendance**

Mr Chris Hynes	-	CBFCO Eaton Townsite District
Mr Lyndon Skeers	-	FCO Ferguson District
Mr Neil Dyer	-	FCO West Dardanup District (Dep Chairperson)
Mr Clay Rose	-	DCFCO (North) / FCO Burekup District
Mr Robert Drennan	-	DCFCO (South) / FCO Waterloo District
Mr Brendan Putt	-	FCO Dardanup Central District
Mr Ian Bridge	-	FCO Wellington Mill District
Mr Jeff Duncombe	-	FCO Joshua/Crooked Brook
Mr Keith Higham	-	Fire Weather Officer (7.07pm)
Mr Rob Sharp	-	Representative Dept of Fire & Emergency Services
Cr. T G Gardiner	-	Elected Member (Chairperson)
Cr. M T Bennett	-	Elected Member

**Staff**

Mrs Erin Hutchins	-	Coordinator – Ranger & Emergency Services
Mr Murray Halden	-	Senior Ranger
Mrs Amanda Tuberes	-	Personal Assistant – Dir. Sustainable Development
Mr Murray Connell	-	Manager Development Services
Ms Melissa Howard	-	Emergency Management Officer

**Observers**

Mr Peter Mantrac	-	Captain Waterloo
Mr Rob Allen	-	Captain West Dardanup (7.07pm)

**2.2****Apologies**

Mr Grant Ratcliffe	-	FCO Upper Ferguson District
Mr Matt Cooper	-	Dept of Biodiversity, Conservation & Attractions
Mr Ricky Southgate	-	Representative Dept of Fire & Emergency Services

**3. PETITIONS/DEPUTATIONS/PRESENTATIONS**

The Chairperson, T. G. Gardiner thanked Melissa Howard for her work with the Brigades and she was presented with a small farewell gift from the Fire Chief Officer's.

**4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

4.1 Bushfire Advisory Committee Meeting Held 8<sup>th</sup> June 2022

**BUSHFIRE ADVISORY COMMITTEE RESOLUTION**

BFAC 14-22      MOVED -      Mr Chris Hynes      SECONDED -      Mr Clay Rose

**THAT the Minutes of the Bushfire Advisory Committee Meeting held on 8<sup>th</sup> June 2022, be confirmed as true and correct subject to no corrections.**

CARRIED

**5. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

None.

**6. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

None.

**7. DECLARATION OF INTEREST**

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

*The Chairperson, Cr. Tyrrell Gardiner asked if there were any Declarations of Interest to be made.*

*There were none.*



**8. ACTION SHEET UPDATE****PENDING ACTIONS:**

<b>ACTION &amp; MEETING DATE.</b>	<b>PERSON RESPONSIBLE</b>	<b>ACTION</b>	<b>OUTCOME</b>	<b>STATUS</b>
01/22 8/6/22	Melissa Howard	Emergency Management Officer, Ms Melissa Howard to request that the Chief Executive Officer formally write to Mr Peter Buck thanking him for his assistance covering the FCO role at Joshua/Crooked Brook.	Letter was sent from the CEO to Mr Peter Buck to thank him for his assistance covering the FCO role at Joshua/Crooked Brook.	Complete
02/22 8/6/22	Melissa Howard	Emergency Management Officer, Ms Melissa Howard to request that the Chief Executive Officer write to the CEO at Shire of Harvey requesting an update on the Tyndale Bridge.	Communications are naturally occurring between the two Shires and there is no need to request an update.	Complete
03/22 8/6/22	Melissa Howard	Emergency Management Officer, Ms Melissa Howard to request that the Chief Executive Officer formally write to Mr Allan Charlton thanking him for his many years of service to the Shire.	Letter was sent from the CEO to Mr Alan Charlton to thank him for his assistance in various Brigade roles that supported the Shire of Dardanup.	Complete

## 9 REPORTS OF OFFICERS AND COMMITTEES

### 9.1 Title: Chief Fire Control Officer (CFCO) Report – Chris Hynes

Reporting Department: CFCO - Dardanup

Reporting Officer: Chris Hynes

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

#### **Activity Report since Last BFAC Meeting**

<i>Fire Call Outs</i>	Nil to report.
<i>Appliance and Equipment</i>	Nil.
<i>Training</i>	I will be attending the Fire line construction course being run by Wespine 25/27 October.
<i>Meetings Held</i>	<p>Chiefs Meeting Held at Leschenault BFB. The aim is for local Chiefs to meet and discuss operational issues.</p> <p>Exercise West Dardanup. I was invited to participate in an exercise with the Regional office to test the preparedness of Staff in a level 2 incidents. I learned a lot during this exercise.</p> <p>ROAC meeting at Shire of Harvey/ Australind.</p> <p>I attended the WAFES Conference in Perth. It was good to see some of our Dardanup brigades attend this year. We all take something away from these conferences. I attended a session where we got to sit with the Commissioner, Deputy Commissioner and the Emergency Services Minister and ask questions. I questioned why we can't get dress uniforms to be able to proudly wear our service medals when other services like VFRS are supplied uniforms. They said the Shire was supposed to supply dress uniforms. I asked out of what pot of money did this come from if you can't get it from the LGGS. Notes were taken by their support staff. It will be interesting to see if I get any feedback.</p> <p>OHS legislation – I also said to the Commissioner there needs to be more information provided to the volunteers about what it means to us. Because many volunteers are frightened by thought of being sued for something.</p> <p>I also spoke about the Public warning advice in using road networks that are too far from the fire incidents. The Commissioner said they were looking at how they can do this better.</p>

# [Appendix ORD: 12.5.2A]

MINUTES FOR THE BUSHFIRE ADVISORY COMMITTEE MEETING HELD 12<sup>TH</sup> OCTOBER 2022

<i>Membership – Recruitment/Resignation</i>	Nil.
<i>Concerns</i>	<p>I have raised my concerns about the availability of suitable trained contractors and Shire works crew to construct fire lines at fire incidents.</p> <p>I recently got a list of contractor contacts from DFES, but these contractors are also BCDA contractors that operate state wide.</p> <p>In the event of an incident in our patch, there can be a big delay in getting suitable machinery and operators. I experienced this at the fire I was managing following the Tyndale fire, where the only available dozer and loaders were out of the Perth region and weren't able to attend until the following day.</p> <p>With the jarrah timber industries closing, there may be less trained people and machinery to work on fire line construction. We need to identify contractors and staff for our local incidents.</p> <p><u>Officer Comment – Mrs Erin Hutchins –Coordinator Emergency &amp; Ranger Services</u></p> <p><i>The CEO has raised this with the Director Infrastructure and Manager Operations to see what capacity Operations may have to assist with this or whether we will need to sure up contractors as an alternative.</i></p> <p><i>Consideration needs to be given to the suitability of equipment, Officer safety, ongoing training requirements and after hours availability of staff.</i></p> <p>Thank you to the Shires Media Officer in getting the fire preparedness out on Facebook and the Shires Webpages. We need to keep sharing the message as the season progresses.</p>
<i>Initiatives</i>	<p>Fire Services Act. We have an opportunity to send in any questions and suggestion's to Terry Hunter, the Chairman for the Southwest BFAC Committee. He will be in a group of representatives to look at the draft Fire Services Act.</p> <p>If there are any ideas, get them into me ASAP.</p>
<i>Other News</i>	<p>Fire weather training has been completed by Keith Higham, Lyndon Skeers and Chris Hynes.</p> <p>RUI exercise cancelled due to clashing with the AFL Grand Final. We will work on having it in the last weekend in August 2023. Let's put this in our calendars in advance for next year.</p>

## Item/s For BFAC Discussion

### 1. Dress uniforms

We need to keep for action. Who is responsible to supply uniforms? I think the minimum should be when a firefighters reaches 5 years services, they should get a uniform to be able to wear their service medals.

#### Officer Comment – Mrs Erin Hutchins –Coordinator Emergency & Ranger Services

*Officers advocated on behalf of the volunteers for the allocation of dress uniforms through the Local Government Grant Scheme (LGGS) review and direct with DFES headquarters, however to date remain unsuccessful. It is recommended that this remains as an action item on the ROAC agenda.*

### 2. Fire line construction

Our current list of contractors and suppliers that is published in the directory each year and distributed to the brigades is out of date.

#### Officer Comment – Mrs Erin Hutchins –Coordinator Emergency & Ranger Services

*As a DFES resource, Officers will need to advise DFES SWHQ of required changes for the next directory. Please email [brigade@dardanup.wa.gov.au](mailto:brigade@dardanup.wa.gov.au) of any necessary changes you have identified to ensure these are captured.*

#### *Discussion:*

*Mr Chris Hynes noted that the 6.30 pm BFAC pre-meetings for the FCO's have not recommenced since COVID. He feels the meetings were a good opportunity for the FCO's to discuss the upcoming agenda and any other issues they may be facing.*

*The majority of the Committee agreed and requested for the 6.30 pm pre-meets for the FCO's be recommenced.*

<b>ACTION 04/22</b>	<b>Shire staff to ensure the Eaton Administration building is open at 6:30pm prior to each BFAC meeting to enable the FCO's to hold their pre-meeting.</b>
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*Note: Mr Keith Higham and Mr Rob Allen entered the room at 7.07pm.*

*Mr Ian Bridge queried Mr Chris Hynes on whether the Commissioner had any comment on the Occupational Health and Safety issues.*

*There was no definitive response from the Commissioner on this issue. Mr Chris Hynes suggested that a lot of volunteers did not fully understand what the legislation means. It is a difficult read and there needs to be an easier way to communicate it to the volunteers. Mr Chris Hynes acknowledged that the Shire is organising a presentation at the Eaton Recreation Centre (ERC), however was unsure if it would be applicable to the volunteer firefighters.*

*Mr Robin Sharp advised that a DFES Representative would be attending the session at the Lighthouse to answer any questions.*

# [Appendix ORD: 12.5.2A]

MINUTES FOR THE BUSHFIRE ADVISORY COMMITTEE MEETING HELD 12<sup>TH</sup> OCTOBER 2022

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*Ms Melissa Howard advised that LGIS and WALGA had put together a webinar for their Officers discussing the changes that is specifically targeted to bushfire volunteers. It was previously sent out to the Brigades, however, could be redistributed to the FCO's to send out to their volunteers to watch. The Shire could also host a zoom/in person meeting with Shire's OHS Officer as a forum for volunteers to ask questions.*

*It was noted that the DFES pre-season meeting will be held in early November. OHS will be discussed as part of this session. If after this session the Volunteers are still seeking further advice, the Shire will hold a meeting.*

## **ACTION 05/22**

***Mr Chris Hynes to request the Shire Emergency Management Officer arrange a one-off information session on the OHS for the Brigade Volunteers in the event that the DFES pre-season meeting does not answer all queries and concerns of the Volunteers.***

*Mr Murray Halden reminded the Committee that members of the public need to contact the Shire directly (via phone or email) to have their mobile number added to the Shire notification system to receive alerts on harvest bands and other alerts via text message.*

## 9.2 Title: Department of Biodiversity, Conservation & Attractions – Matt Cooper

Chairperson, Cr Tyrrell Gardiner read out notes provided by Mr Matt Cooper:

- Currently at 17 fires for the district;
- Potential arsonist around Collie Cardiff area;
- Treated just under 2000ha this spring;
- Plans over the weekend are several burns around the collie area;
- As we progress into drier warmer weeks we will look to the National Park – WTN\_119 Davis within the shire of Dardanup; and
- Significantly light on for experienced operators and staff across the board.

## 9.3 Title: Department of Fire & Emergency Services (DFES) – Mr Ricky Southgate

*Reporting Department: DFES*

*Reporting Officer: Ricky Southgate*

No report provided.

9.4

Title: Burekup District Fire Control Officer Report – Mr Clay Rose

Reporting Department: Burekup BFB

Reporting Officer: Clay Rose

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

**Activity Report since Last BFAC Meeting**

<i>Fire Call Outs</i>	Nil.
<i>Appliance and Equipment</i>	New mobile phone booster installed in the truck.
<i>Training</i>	Being held bi-monthly.
<i>Meetings Held</i>	Committee Meeting held 8 September.
<i>Membership – Recruitment/Resignation</i>	Nil.
<i>Concerns</i>	Appliance changeover – still waiting for confirmation from DFES on what appliance will be replaced with.
<i>Initiatives</i>	Hard stand nearly completed (Collie River Road stand) – screen secured in channel of the inlet.
<i>Other News</i>	Received grant funding for installation of two electric motors for the Station doors and a TV.

**Item/s For BFAC Discussion**

None.

*Discussion:*

*Mr Clay Rose advised their Season Briefing was held on Sunday and that he had organised a tour to Tyndale Farm to be taken through the property if any others were interested in attending.*

9.5

Title: Dardanup Central District Fire Control Officer Report – Mr Brendan Putt

Reporting Department: Dardanup Central BFB

Reporting Officer: Brendan Putt

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

**Activity Report since Last BFAC Meeting**

Fire Call Outs	1 call out stood down.
Appliance and Equipment	Appliance currently at Collie fire several items being fixed.
Training	Training plus meeting started every 2 <sup>nd</sup> week.
Meetings Held	General Meeting.
Membership – Recruitment/Resignation	Nil.
Concerns	<p>Car park at rear of station – funding recently removed for another Dardanup project. Uncertain on when training surface will be hot mixed.</p> <p><u>Officer Comment – Mrs Erin Hutchins –Coordinator Emergency &amp; Ranger Services</u></p> <p>At its Ordinary Council Meeting held 24 August 2022, Council resolved [221-22] as follows:</p> <p>221-22      MOVED -      Cr. P R Perks      SECONDED -      Cr. P S Robinson</p> <p>THAT Council:</p> <ol style="list-style-type: none"> <li>1. Accepts the most advantageous tender being that submitted by Sanpoint Pty Ltd T/A LD Total to undertake the Dardanup Civic Precinct Landscaping in accordance with Tender RFT-F0295808/2022 for a total value of \$430,774 (excluding GST);</li> <li>2. Delegates by Absolute Majority in accordance with section 5.42 of the Local Government Act 1995, authority to the Chief Executive Officer to negotiate in regard to the contract for Tender RFT-F0295808/2022 for the Dardanup Civic Precinct Landscaping: <ol style="list-style-type: none"> <li>a) Minor variations before entering into the contract in accordance with Regulation 20 of the Local Government (Functions and General) Regulations 1996, including minor variations to the scope to reduce the overall cost of the contract to the value of \$350,000; and</li> <li>b) Variations after the contract has been entered into, limited to variations which do not change the scope of the contract, and which do not increase the contract value beyond 20%, in accordance with Regulation 21A of the Local Government (Functions and General) Regulations 1996.</li> </ol> </li> <li>3. Authorise the Chief Executive Officer in accordance with section 9.49A(4) of the Local Government Act 1995 to execute the contract for Tender RFT-F0295808/2022 for the Dardanup Civic Precinct Landscaping;</li> <li>4. Authorises a 2022/23 Budget amendment to transfer \$205,839 from J05026 (Dardanup Central BFB carpark) to J11653 (Dardanup Civic Precinct), to be funded from the Carry Forward Projects Reserve; and</li> <li>5. Defers J05026 (Dardanup Central BFB carpark) to be considered in the 2022/23 mid-year budget review.</li> </ol>

	<i>Based on Councils resolution, the Dardanup Central BFB carpark is to be considered in the 2022/23 mid-year budget review (approx. February 2023).</i>
<i>Initiatives</i>	<p>Brigade camping trip organized for start of season. Great family event.</p> <p>Bull and Barrel display will be on the oval this year smaller display, Ferguson LT and kids activity. We will also be promoting membership for Dardanup Shire Brigades. All volunteer members welcome to spend time on the display if available.</p>
<i>Other News</i>	<p>I attended WAFES conference with Wayne Cross. Was great networking with other groups, would highly recommend other members to attend. Thank you to DFES for a well organised and informative event.</p>

**Item/s For BFAC Discussion***Discussion:*

*Mr Brendan Putt advised that they had a stall at the Bull and Barrel festival and it was a great success. However, unfortunately the only enquiries for membership were out of the district.*

*It was also noted that the Council Resolution above (221-22, number 5) is assuming the carpark belongs to the Brigade, when in fact it is a community wide used carpark.*



9.6

Title: Ferguson Fire Control Officer Report – Mr Lyndon Skeers

Reporting Department: Ferguson BFB

Reporting Officer: Lyndon Skeers

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

**Activity Report since Last BFAC Meeting**

<i>Fire Call Outs</i>	Nil.
<i>Appliance and Equipment</i>	Light Tanker due for service, thermal imaging camera to be installed at that time.  PPE ordered for 10 members who recently completed training.
<i>Training</i>	Two training sessions conducted, twice monthly training begins in October.
<i>Meetings Held</i>	Nil
<i>Membership – Recruitment/Resignation</i>	1
<i>Concerns</i>	Maps requested approx. 12 months ago, not supplied. Suggest we arrange our own printing.  <u>Officer Comment – Ms Melissa Howard – Emergency Management Officer</u>  <i>Officers acknowledge the prolonged timeframe to provide the requested maps to brigades. The project was postponed in the absence of a GIS Officer. Once the position was filled, the GIS Officer spent a significant amount of time updating required maps and are now much better than they have been previously. Attempts have been made to print these in house, however, due to their size the Shire has had difficulty obtaining the specialised paper for the plotting machine. These will now be outsourced.</i>
<i>Initiatives</i>	Defibrillator ordered for the Brigade building as a community resource. Training for use of device will be provided to Brigade members and community.
<i>Other News</i>	HWS supplied and fitted and new fridge ordered from ESL funding.  Brigade banking system upgraded to allow for online access and card payments.

**Item/s For BFAC Discussion***Discussion:*

*Mr Lyndon Skeers thanked the Shire for going above and beyond on repairing an issue that was created after using the stand pipe.*

9.7                      Title:     Joshua Creek / Crooked Brook Fire Control Officer Report – Jeff Duncombe

Reporting Department:        Joshua Creek / Crooked Brook BFB

Reporting Officer:             Jeff Duncombe

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

**Activity Report Since Last BFAC Meeting**

<i>Fire Call Outs</i>	Nil.
<i>Appliance and Equipment</i>	Checked at training.
<i>Training</i>	1 x Cadet training session held – 6 Cadets attended.
<i>Meetings Held</i>	1 x Meeting.
<i>Membership – Recruitment/Resignation</i>	2 new Cadets. Peter Robinson CFO ended 30 June 2022.
<i>Concerns</i>	Nil.
<i>Initiatives</i>	Busy-bee held to tidy up fire shed and check equipment for upcoming fire season.
<i>Other News</i>	Fire shed treated for termites.

**Item/s For BFAC Discussion**

None.

9.8 Title: Upper Ferguson District Fire Control Officer Report – Mr Grant Ratcliffe

Reporting Department: Upper Ferguson

Reporting Officer: Grant Ratcliffe

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

**Activity Report Since Last BFAC Meeting**

<i>Fire Call Outs</i>	Nil.
<i>Appliance and Equipment</i>	WAREN Radio's serviced – waiting on SW Fire to service truck.  Hopeful we won't be without the appliance after mid-October as previously it has been away for weeks getting serviced at SW Fire leaving us vulnerable.
<i>Training</i>	Planned for mid-October.
<i>Meetings Held</i>	Nil.
<i>Membership – Recruitment/Resignation</i>	Nil.
<i>Concerns</i>	Nil.
<i>Initiatives</i>	Pre-season get together and promotion (mid-Oct).
<i>Other News</i>	Planning for water tank/s is underway – hoping for installation by fire season.

**Item/s For BFAC Discussion**

None.

9.9

Title: Waterloo District Fire Control Officer Report – Mr Rob Drennan

Reporting Department: Waterloo BFB

Reporting Officer: Mr Rob Drennan

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

**Activity Report Since Last BFAC Meeting**

<i>Fire Call Outs</i>	Nil.
<i>Appliance and Equipment</i>	Maintenance & AVL's was kept current by officers. Both Appliances have been serviced. Radio's of Appliances and Station have also been done.
<i>Training</i>	We have just started training after giving Brigade members two months R&R.
<i>Meetings Held</i>	Nil.
<i>Membership – Recruitment/Resignation</i>	Nil.
<i>Concerns</i>	<p>The biggest concern going into this coming season for the Waterloo area is the BORR road and how it will affect call outs in the area!</p> <p>The ability of crews to navigate road closures and the one way in, one way out that currently exists around the Waterloo area.</p> <p>If outer area crews are called for an escalating fire event, the demands on local management will be higher than normal in identifying the ways to access the fire ground as no navigational aids are correct in helping visiting crews in this area.</p> <p>I would suggest all Dardanup BFB Officers take the time to examine and explore new ways and points of access into this area.</p>
<i>Initiatives</i>	
<i>Other News</i>	<p>AO Ricky Southgate has advised that the Call out priority for supporting Bunbury F&amp;R in the Dardanup Shire industrial areas have now been corrected from Bunbury BFB to Waterloo BFB &amp; West Dardanup BFB via the group call out.</p> <p>A big thank you to Ricky for that one!</p>

**Item/s For BFAC Discussion**

None.

*Discussion:*

*Mr Rob Drennan noted that the BORR Road works will affect everyone in the Waterloo/Picton area. Be aware of your route where and when you can get access. Take a drive before fires start as lots of roads are one way in and the same way out.*

*It was also advised that the Fire and Rescue attendance for the industrial area of Picton has been adjusted so that the call outs within the Dardanup area are going to Dardanup Brigade's instead of Bunbury. Thanks to Mr Ricky Southgate for his efforts.*

9.10                      Title: Wellington Mill District Fire Control Officer Report – Mr Ian Bridge

Reporting Department: Wellington Mill BFB

Reporting Officer: Ian Bridge

(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)

**Activity Report since Last BFAC Meeting**

<i>Fire Call Outs</i>	Nil.
<i>Appliance and Equipment</i>	Radios have been serviced with exception of our hand-helds.
<i>Training</i>	We have assisted community with a number of private burns. We have used these private burns for training and familiarisation of equipment.  Our new Training officer is putting together an in-house training schedule.
<i>Meetings Held</i>	Monthly brigade meetings continue.
<i>Membership – Recruitment/Resignation</i>	Our 1 <sup>st</sup> Lieutenant resigned sighting her uncertainty and risk of liability under the WHS Act.  We have lost 1 member as he has moved from the area.
<i>Concerns</i>	Roadside fuel reduction. Does the Shire have a program for spraying herbicide?  <u>Officer Comment – Mrs Erin Hutchins – Coordinator Emergency &amp; Ranger Services</u>  <i>The Manager of Operations has advised that the Shire has a roadside verge program that includes spraying and slashing.</i>
<i>Initiatives</i>	We will be conducting a Busy-bee followed by a Community Bushfire Ready BBQ at our Station on 15 <sup>th</sup> October.
<i>Other News</i>	Nil.

**Item/s For BFAC Discussion**

1. WHS liability. We have great concerns over current and future liability of crew leaders and office bearers under the Act.

We have had one resignation and others office bearers are waiting to see what the Shires position is.

*Officer Comment – Mrs Erin Hutchins –Coordinator Emergency & Ranger Services*

*Officers have shared all available resources with brigades supplied by the Local Government Insurance Services (LGIS), WA Local Government Association (WALGA) and DFES in the hope of providing clarity in relation to the Work, Health & Safety legislation. These are also available via the DFES volunteer hub including a webinar specific to the volunteer audience. In addition, the Shires Work Health & Safety specialist Jarrad Leaver has offered to answer questions and provide clarity to volunteers concerns. Volunteers can either email their questions into the Shire or if suitable, a webinar can be organised for a group session. Responses via email will be shared to all volunteers to ensure everyone is kept up to date.*

*Discussion:*

*Mr Ian Bridge advised that on 12 November a simulated event would be run to test their Brigade's and community's 'bushfire ready communications plan'.*

9.11

*Title: West Dardanup District Fire Control Officer Report – Mr Neil Dyer**Reporting Department: West Dardanup Bush Fire Brigade**Reporting Officer: Neil Dyer**(In the interest of time efficiency report to be accepted as presented, not read aloud at the meeting)*

<i>Fire Call Outs</i>	1 x call out. Job was at the end of last season.
<i>Appliance and Equipment</i>	1.4 has been serviced and is ready work.
<i>Training</i>	Training continued once a month throughout winter and has now increased in frequency to twice monthly.
<i>Meetings Held</i>	Nil.
<i>Membership – Recruitment/Resignation</i>	Nil.
<i>Concerns</i>	<p>The servicing of the vehicles is working well (being collected and delivered) however it would be good if when vehicles are taken we don't end up with two vehicles from adjoining areas be taken at the same time.</p> <p><u><i>Officer Comment – Mrs Erin Hutchins –Coordinator Emergency &amp; Ranger Services</i></u></p> <p><i>Noted. Servicing is normally scheduled to ensure only one appliance is taken at a time. However, due to an issue that was to take longer than anticipated to repair, another vehicle was taken to ensure the continuity of servicing.</i></p>
<i>Initiatives</i>	Nil.
<i>Other News</i>	RUI training that was scheduled for September was postponed due to a clash with a long weekend and sporting event and so will be conducted in 2023.

**Item/s For BFAC Discussion**

None.



**9.12**                      **Title:    Coordinator Emergency & Ranger Services Report – Mrs Erin Hutchins**

**Reporting Department:**              *Shire of Dardanup*

**Reporting Officer:**                  *Mrs Erin Hutchins – Coordinator Emergency & Ranger Services*

**9.12.1 Bushfire Risk Mitigation Coordinator**

The Shire of Dardanup has entered into an agreement with the Department of Fire & Emergency Services (DFES) and Shires of Capel and Collie for the employment of a Bushfire Risk Mitigation Coordinator (BRMC). The position will be hosted at the Shire of Capel and will work across the Shires of Capel, Collie and Dardanup until 30 June 2025.

The BRMC will work with key stakeholders across Capel, Collie and Dardanup to identify, prioritise and evaluate mitigation activities and ensure our treatment plans are effectively planned, delivered and evaluated in accordance with the BRMC Business Plan and in line with relevant Policies and Procedures of the relative Local Government.

**Information Only****9.12.2 Mitigation Activity Funding**

The Shire has made application to Round 2 of the 2022-2023 Bushfire Mitigation Activity Fund (MAF) for \$195,370.00 to complete 11 treatments to identified areas at risk of bushfire, through mechanical works and planned burns. If successful, the new Bushfire Risk Mitigation Coordinator (BRMC) will be responsible for the management and implementation of the MAF and identified treatments.

**Information Only****9.12.3 Local Bushfire Response Support Plan**

The Local Bushfire Response Support Plan (LBRSP) was last endorsed by BFAC on 14 October 2020 [BFAC 14-20] and adopted by Council at its Ordinary Council Meeting held 28 October 2020 [302-20]. Following a recent review by DFES and Shire of Dardanup Officers, the latest version is now provided to BFAC for endorsement (Appendix BFAC 9.12.3). Following BFACs endorsement, the LBRSP will be presented to the Local Emergency Management Committee (LEMC) at its November meeting and subsequently to Council for adoption.

**OFFICER RECOMMENDED RESOLUTION  
AND BUSHFIRE ADVISORY COMMITTEE RESOLUTION**

BFAC 15-22      MOVED -              T. G. Gardiner                      SECONDED -              Ian Bridge

**THAT the Bushfire Advisory Committee recommends that:**

- 1.        The Shire of Dardanup Local Bushfire Response Support Plan (Appendix BFAC 9.12.3) is presented to the Local Emergency Management Committee for endorsement; and**
- 2.        Council adopts the Shire of Dardanup Local Bushfire Response Support Plan (Appendix BFAC 9.12.3) after being presented to the Local Emergency Management Committee.**

*CARRIED*

**Discussion:**

*Mr Brendan Putt had the following queries in relation to the Resource Assessment: when is it conducted and who gets a copy? Who audits the bushfire response plan? Is it independently audited? He noted that resources haven't increased, but everything else has?*

*Mrs Erin Hutchins advised the Bushfire Response Support Plan is separate to the "Risk to Resource" application that determines the resource requirements of the Local Government and its brigades. DFES assists with this process and it is usually submitted in conjunction with Local Government Grant Scheme application. The Bushfire Response Support Plan only lists current resources allocated to the Local Government and its Brigades and does not determine ongoing requirements.*

*Mr Chris Hynes advised the Committee members that if they have issues/items to be raised (appliances, wants, needs etc), to ensure they raise them at the Leadership Meetings and/or BFAC in their reports.*

*Mrs Erin Hutchins advised that when reviewing allocation of the Appliances, DFES Fleet take into account the statistics of the Brigades (number of call outs, location etc).*

*Mr Brendan Putt asked about the Emergency Response Plans for local businesses and schools and where information is available on evacuation areas etc.*

*Mrs Erin Hutchins advised that each organisation is responsible for their own evacuation plan. Community recovery and emergency arrangements are on the Shire website, including evacuation centres. The WA Police lead any evacuations and the Department of Communities lead organisation of welfare centres.*

#### **9.12.4 Tyndale Bridge (Bridge No. 4930) Update**

At its Ordinary Council Meeting held 27 July 2022, Council resolved [190-22] as follows:

**THAT Council:**

1. *Authorises as Unbudgeted Expenditure an amount of up to \$125,000 in 2022/23 towards the installation costs of Bridge No 4930, funded from the Carried Forward Projects Reserve (\$100,520) and the Unspent Grant Reserve (\$24,480), subject to:*
  - a) *Main Roads WA fund and undertake geotechnical investigations, project design & specifications and supply the Unibridge on site.*
  - b) *The Shire of Harvey contributes the balance of the funds required for the installation of the new Unibridge.*
  - c) *Other Main Roads WA conditions and legislative requirements being met.*
  - d) *The Shire of Dardanup's contribution being no more than 25% of the project cost.*
2. *Enters into a cost share agreement with Main Roads WA and the Shire of Harvey for the delivery of this project.*

Following Councils decision, a follow up meeting with the Shire of Harvey (SoH) and Main Roads WA (MRWA) was held on Friday 9 September 2022. At the meeting MRWA advised that it has purchased the bridge and it is now being stored at its Picton storage area. MRWA again reiterated that they will undertake the following in preparation to get the bridge installed:

- Design and Documentation
- Geotechnical investigation
- Pre-tender estimate
- Call tenders
- Tender assessment
- Tender award
- Contract management
- Invoice members accordingly once work has been completed.

The preliminary cost estimate to demolish the existing bridge, construct the concrete abutments and assemble/install the new bridge comes to \$500,000. Consistent with the Council decision the Shire of Dardanup committed to funding of up to \$125,000 or no more than 25% of the project.

The SoH are also liaising with relevant property owners for a final contribution and will take the matter further as soon as an outcome has been determined.

### Information Only

#### 9.12.4 Local Government Grant Scheme (LGGS)

The Shires 2022-2023 LGGS application was approved by the DFES Capital Grants Committee including Line 9 items worth **\$16,786.00**. Melissa is working with the brigades and providing purchase orders to enable items to be ordered/collected. All items must be ordered/collected before the **30 June 2023**.

The following Local Government Grants Scheme 2022-2023 budget figures are provided for information purposes only.

<b>Budget</b>	
Line Item 1-8 Operating Grant	\$188,000.00
Line Item 9	\$16,786.00
Additional State Government 2020/21 Insurance Allowance	\$15,236.00
<b>ESL – Total Gross Operating Grant</b>	<b>\$220,022.00</b>
<b>Less Expenditure (as of 15-09-2022)</b>	
Line 1 – Purchase of Plant & Equipment <\$1,500	0.00
Line 2 – Maintenance of Plant & Equipment	-\$2174.55
Line 3 – Maintenance of Vehicles, Trailers & Boats	-\$829.87
Line 4 – Maintenance of Land & Buildings	-\$29.26
Line 5 – Clothing & Accessories	-\$2731.36
Line 6 – Utilities, Rates & Taxes	-\$1153.51
Line 7 – Other Goods & Services	-\$1120.03
Line 8 – Insurances	-\$29,537.11
Line 9 Items - Purchase of Plant & Equipment ) from \$1,500 to \$5000)	-\$9015.60
<b>ESL – Total Expenditure</b>	<b>\$46,591.29</b>
<b>Funds Remaining as at September 2022</b>	<b>\$173,430.71</b>

### Information Only

9.13                      Title:    Firebreak Exemption – Mr Murray Halden

*Reporting Department:            Shire of Dardanup*

*Reporting Officer:                Mr Murray Halden – Senior Ranger*

Consideration needs to be given to the exemption or variations to fire prevention measures taken out by applicants in accordance with the Bush Fire Act 1954 and pursuant to the Shire of Dardanup Fire Prevention Order. Applications closed on 30 September 2022.

A list of applications is provided below (full submissions are provided in Appendix BFAC: 9.13) and a hard copy will be available to all Fire Control Officers from the Dardanup or Eaton office prior to the meeting (by arrangement) or at the meeting.

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
19/09/2022	Susan Diane Green	A8106	24	29	Coonan Ave	Dardanup West	House and garden have been established over 30 years, street/road in front of the house & driveway down the side of house. Firebreaks around remainder of property.	Garden beds and green lawn across front property firebreaks.	Recommended	3	2025
30/08/2022	Franco Angeloni	A2597	24	136	Garvey RD	Dardanup West	There is a 50 metre section at the front of the property that stays green year round due to the moisture levels in that part of the property. As a result the chance of fire & fuel load in this section is low. It is the only remaining remnant paperbark trees left & are old we have also found birdlife & nests in the trees over the years. The overhanging limbs have been cut as best as possible to minimise impact on nests found in the lower limbs. The area is still accessible by four wheel drive vehicles but not trucks. Fire trucks if needed can access these trees via the road as the trees in question are road verge trees. It is therefore not practical to cut them back.	The section of grassed area will be maintained by regular mowing to ensure the level of the grass is as low as it can be along this section highlighted(refer attached) thus reducing the fuel load. In addition to this the area in question stays green all year round as the area is lowest point of the property. Also any branches & leaf litter in this area that fall throughout the year is raked up and removed, now via our FOGO bin during the dangerous periods of the year.	Recommended	3	2025
22/08/2022	George Loverock	A11616	1	211	Garvey Road	Crooked Brook	Property is fully reticulated with complete ground cover of grass. Firebreaks will create bare	Reticulation complete grass coverage which is mowed to 25mm.	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticability	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
							ground with summer dust problems.				
19/09/2022	Peter Cowley	A2594	21	168	Garvey RD	Dardanup West	To Avoid damage to verge tree root system. As majority of property is irrigated.	To keep firebreaks mowed and clean at all times. The paddocks are irrigated – 9 -25mm hose outlets to cover property. A trailer able firefighting unit on standby and a backup Genset (auto) for bore pump should power go out.	Recommended	3	2025
30/08/2022	David Rumball	A12006	39B	260	Garvey Road	Dardanup West	Trees along front & east side of property for screening purposes from the road and neighbours. Most trees have been there for 30 years & others planted to replace those that have died.	Trees & shrubs along the front of the property & east side to approximately 40m down. Fire breaks to requirements along inside of boundary.	Recommended	3	2025
30/08/2022	Shaun Rumball	A12207	39A	262	Garvey Road	Dardanup West	Trees along front & west side of property for screening purposes from the road and neighbours. Most trees have been there for 30 years & others planted to replace those that have died.	Trees along the front & west side of the property down to the water tank to provide screening, to be trimmed back & maintained. Front lawn to the boundary to be mowed & reticulated.	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticality	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
24/08/2022	David & Jenni McMeeken	A4312	5	373	Garvey Road	Dardanup West	Paddock is stock feed. I have sheep in paddock eating the grass.	Break around boundary.	Recommended	3	2025
08/09/2022	Reece Peter Nash	A8228	85	37	Gavins Gully Court	Dardanup West	Exemption required for area where firebreak is not on fence line near front fence. Property has native garden from lawn up to fence line. Established trees close to fence.	Fire breaks all other borders of property. All weeds sprayed throughout native garden. All grass/paddocks mowed lower than 100mm. No wood piles all fuel removed from ground. No build-up of leaves in garden. No trees in close proximity to house & shed. 2 gates on front of property, one access gate on rear.	Recommended	3	2025
23/08/2022	Shane & Karen Gibson	A8087	75	16	Kentucky Drive	Dardanup West	We have sprinklers and green grass which is kept short and mowed across the front and the left & right hand side of the front of the block. There are sprinklers under the ground which would be torn up by the tractor if we put a firebreak there.	The grass is kept short and green and mowed regularly.	Recommended	3	2025
09/08/2022	Colin & Christine Bell	A8252	72	54	Kentucky Drive	Dardanup West	The area that is grassed (lawn) and reticulated lawn kept mowed once a week.	We own a fire unit Battery backup for	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
								power Machinery that can clear areas.			
25/08/2022	Gail Dawn Scott-Pillow	A8257	8	1	Maguire Place	Dardanup West	Small area at the front of property and immediately around the house is maintained lawn and gardens.	Lawn area around front of property as shown on plans is mowed reticulated and maintained throughout the fire season – balance of the firebreak is as per notice.	Recommended	3	2025
09/09/2022	Grant Legge	A2602	2	41	Maher Place	Dardanup West	I am positioned on a sandy ridge of a fragile nature and have problems with erosion. I have spent time in rehabilitation of my 5 acre property, each year I mow and maintain the Dardanup Shire 10m wide walkway along the side of my property. (Maher Place to Vera) as part of the firebreak prevention process at my own expense, with road frontage, gravel driveways dividing the property and clear fence lines / paddocks all around, I would like to submit a firebreak exemption request for three years due to a low risk around my property. I have also successfully completed a 3 year	All paddock areas cut short and cleared. All fence lines cut. All rubbish removed. All above maintained until the end of restricted burning '23. (Dardanup Shire walkway mowed)	Recommended	3	2025



Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
							exemption program ending 1 <sup>st</sup> September 2022.				
19/09/2022	Mathew Pover	A8234	94	12	Meadow Lane	Dardanup West	We have stock (sheep) on the property, therefore would like to leave feed in paddocks for the summer period. Slashing to 100mm would leave minimal feed.	Compliance to the remainder of the 22/23 fire prevention order – Firebreaks to correct specification. Good property access for fire appliances if the need arises.	Recommended	3	2025
23/08/2022	Neil Dyer	A3701	86	136	Padbury Road	Dardanup West	The soil at the front of the property is loose white sand and if cultivated is problematic to maintain.	Height and width of break will be maintained at all times for access. The ground will be mowed low.	Recommended	3	2025
12/08/2022	Patrick Garvey	A11149	401	69	Padbury Road	Dardanup West	Not necessary as fuel will be removed by animal grazing.	Property to be grazed by cattle during growing season as part of adjoining lot. No internal fencing.	Recommended	3	2025
23/08/2022	Raymond Edward & Elizabeth Tamzin Cosh	A3274	81	21	Rafferty Road	Dardanup West	Feed required for stock over summer period. Reticulated lawn area on North and East boundary near dwelling and sheds. East boundary is sand, ploughing will cause bogging in event of fire. (Break will still be put in but allow clear path for my fire tender or fire truck.	East boundary from house to south corner slashed roadway (not ploughed as it is gravelled) rest of boundary (other than lawn reticulated area) 2.4m firebreak.	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
								Paddocks either cut for hay or grazed.			
27/09/2022	Michael & Lois Green	A8094	9	7	Maguire Place	Dardanup West	Aged tress already exist on this section of the fire breaks.	<p>Exemption 1.</p> <p>Grass maintained very short to driveable surface.</p> <p>Exemption2.</p> <p>Watered lawn, around a road &amp; watered vegetables area.</p> <p>Exemption 3.</p> <p>Fire break around mature trees, alongside next doors fire break.</p>	Recommended	3	2025
29/09/2022	Stuart Flower	A8328	10		Rich Place	Dardanup West	Will still install fire breaks, but need to keep grass for livestock feed.	Will slash 6 metres around boundary and still install fire breaks.	Recommended	3	2025
30/09/2022	Sharee Davies	A8189	16	54	Coonan Avenue	Dardanup West	Trees/bushes on and over hanging firebreak requirements.	Reticulation and clearing of under growth to be maintained.	Recommended	3	2025
26/09/2022	Paul Psiuk	A11081	440	47	Keenan Road	Dardanup West	Property to be mainly grassed, mowed and reticulated throughout the year. Remaining	See attached plan.	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
							bush area, parkland cleared with fire break.				
29/09/2022	Trevor Shambrook	A8199	48	5	Stonesfield Court	Dardanup West	The ground too waterlogged for a tractor to drive on at the moment.	Fire breaks will be put in place as soon as practical.	Recommended	3	2025
19/09/2022	Matthew Power	A8234	94	12	Meadow Lane	Dardanup West	We have stock (sheep) on the property, therefore would like to leave feed in the paddocks for the summer period. Slashing to 100mm old leave minimal feed.	Compliance to the remainder of the 22/23 fire prevention order – fire breaks to correct specification. Good property access for fires appliances of the need arises.	Recommended	3	2025
30/08/2022	Daniel Normington	A10825	314	27	Sand Pits Road	Crooked Brook	The driveway of Lot 313 runs between Lot 312 and 314, it consists of a 4.0m wide hot mix driveway with a 1.0m wide gravel shoulder either side providing a total 6.0m wide separation clear of any fuel loads. The bridle path on the western boundary of Lot 314 is 6.0m wide limestone path which I have maintained to be free of weed and fuel loads since purchasing the property in 2012 provides adequate separation from the road side drain across the front of Lot 314. This will allow me to grow another 450m2 of pasture for	No firebreak to be put in on the western and northern boundaries. I will personally maintain the bridle path across the front of Lot 314 and the gravel shoulders of the driveway to Lot 313 to be clean, free of weeds and fuel loads throughout the year.	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
							livestock to graze and maintain a neat and tidy street frontage.				
26/08/2022	Daniel Skerratt	A4353	3001		Eaton Drive	Eaton	Due to size of the lot (18.9ha) it is impractical to maintain the entire lot to achieve all vegetation below 100mm for the entire Restricted and Prohibited Burning Periods.	It is proposed to maintain a mineral earth firebreak around the internal perimeter of the lot and an overall 20mm wide fuel load zone along the boundary with Eaton Drive. In addition, it is proposed to establish a 4m wide firebreak approximately through the middle of the lot to break up the vegetation into two areas.	Recommended	3	2025
17/08/2022	Michael Prosser	A9421	11	29	Joel Court	Ferguson	Inaccessible as per plan. North and East boundaries have roads as breaks. Excepting the large trees western boundary fence line has shrubs too close as the firebreak can be done on adjoining property line which does not have shrub line.	As an alternative to firebreaks, a fire sprinkler system sprays around 300 litres of water per minute over house and surrounds has been installed with a dedicated fire pump and back-up generator. The system also includes two fire reels that can reach the house and surrounds per the attached plan.	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
28/07/2022	Chris Walton	A3023	119	43	Greenwood Heights	Ferguson	Terrain too steep and trees too thick.	New fire boundary running along the top fence line. Grated to bare earth. FCO Note: Extend fire break down on the Southside 50m towards the forest. LYNDON	Recommended	3	2025
13/08/2022	Margot Penwarden	A3026	123	97	Greenwood Heights	Ferguson	Due to the steepness of the northern and southern boundaries of the block, firebreaks would lead to severe erosion.	Only the front part of the block, containing the house, to be surrounded by a firebreak. See attached plan.	Recommended	3	2025
17/08/2022	Jane Skipworth	A3027	124	101	Greenwood Heights	Ferguson	Steep terrain makes it impractical to install firebreaks on the full length of side boundaries.	Firebreaks will be installed on side boundaries for approximately 50m, then a bare earth firebreak will be created across the slop, connecting the two sides in order to protect buildings.	Recommended	3	2025
26/09/2022	Andrew Carrick	A7315	624	19	Tyrrell Road	Ferguson	The centre of the front fence line unwater, making it impossible to create a fire break.	Fire break will be cut as soon as water subsides	Recommended	3	2025
26/09/2022	Malcolm Toft	A7200	111	53	Nyleeta Close	Ferguson	The majority of the perimeter of the property is steep and heavily timbered. This	A fire break will be kept 30-100 metres around all dwellings (eg house,	Recommended	3	20245

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
							alternative fire break has been in place for the past 22 years.	shed & water tanks). All grass within will be kept cut short > 100mm.			
10/08/2022	Trevor & Kaye Hill	A3016	112	39	Nyleeta Close	Ferguson	Our property is a "Small Holding", requiring under the Fire Prevention Order to have a 2m wide firebreak around the entire boundary. In the case of our property the steep terrain & soil type make provision of such a firebreak physically impractical. It would also exacerbate the erosion risk on the Eastern & Western boundaries. The western boundary has the added complication of a mainly granite rock base.	The proposed alternative firebreak will provide a 2m firebreak around the internal fence line that surrounds the existing buildings. A firebreak will also be constructed along the neighbouring property. These firebreaks will be addition to the usual maintenance of a 20m low-fuel area around the buildings.	Recommended	3	2025
29/09/2022	Tony Oscar Albertsen	A3024	121	79	Greenwood Heights	Ferguson	Exactly the same reasons as previously documented. That is:  1. Too Steep & Erosion prone.  2. Too rocky (surface).	1. 2 metre wide mineral earth fire break.  2. Removal of all flammable material within 30 metre of dwelling.	Recommended	3	2025
20/09/2022	Mark Titchener	A7292	20	1620	Ferguson Road	Ferguson	The boundary with Ferguson Road is 500 metres in length, at least 400 metres of that is a creek bed which is flowing and too wet to access in addition	Reduce fuel loads around house. Install sprinkler system on house. Improve turnaround of shed and	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
							there are environmental & potential erosion issued to consider.	house plus improve access to paddocks. Install watering point for BFB appliances at shed, plus slashing etc			
08/09/2022	James Brussen	A7280	15	2	Pfennig Place	Henty	Our property is relatively steep and very rocky in some areas. In winter water run off flows down the firebreak and causes erosion with gravel & material washing into the creek bed. Some areas of grass and moss remain on part of the firebreak but we can't rotary hoe.	I will still spray the firebreaks with glyphosate (first spray completed in July) follow up application will be done in Oct/Nov. The whole property will be slashed prior to summer. Tree line have been will be cleared of branches & debris on the ground.	Recommended	3	2025
26/09/2022	Malcolm Woods	A7218	11	21	Pfenning Place	Henty	<p>a. Irrigated lawn &amp; garden, always green.</p> <p>b. Grass between gravel car park and boundary to hold bank from slipping. Gravel car park will prevent fires movement.</p> <p>c. Irrigated orchard.</p> <p>Unable to get tractor between dam &amp; fence safely. Dam will prevent fires movement.</p>	Have 600 litre fire unit in trailer with pump. Quick fills on both dam & rainwater tanks. Member of the Volunteer Ferguson Bushfire Brigade	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
02/08/2022	Andrew Grieve & Leanne Williams	A2516	27	11	Seaview Heights	Henty	The western part of the property is heavily wooded so there is no access for machinery.	All the cleared parts of the property will be slashed.	Recommended	3	2025
10/08/2022	Jason Borgomastro	A2526	19	11	The Dress Circle	Henty	Most of our block is very steep, rocky and has many wet springs which flow all year round. A bare earth fire break would promote wash a ways and soil damage.	We can provide good breaks on most of the block. We slash and mow all accessible areas regularly during the year. In particular the north and some of the eastern boundaries. They are mowed to residential standards with a lawnmower and slasher.	Recommended	3	2025
13/08/2022	Mike Trefry	A2527	20	19	The Dress Circle	Henty	Southern quarter of block too rugged for safe access during fire-fighting operations. Native tree cover in this portion to be retained to avoid soil erosion neat natural drainage line of Henty Brook.	Firebreaks to be maintained around boundaries except southern quarter of block which will be cordoned off by an east-west firebreak as shown on attached map. Movement within property boundary to be improved by installation of two new gates in fence 2. All cleared areas within firebreaks to be slashed before summer to reduce fuel loads.	Recommended	3	2025



Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticality	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
02/10/2022	Jeff Jackson	A2528	21	35	The Dress Circle	Henty	Part of the building area behind shed and boundary fence which abuts the access road/strategic firebreak between the Dress Circle and Pfenning Road. Fruit trees and lawn in this area, is well maintained and mown regularly. No access do a firebreak along the fence line here. Erosion area also, have drains in place to carry water away from buildings and run off into bottom paddock. These are located between fruit trees and shed.	Area is planted with fruit trees, with reticulation and grassed. Area is regularly mown and maintained. Access to fire hoses and firefighting units, has 7,500 litre rain water tank and one end of the shed and 26,700 litre rain water tank at the other end of the shed with firefighting attachments.	Recommended	3	2025
05/09/2022	Anita Britza	A8297	12	14677 -14699	South Western Highway	Waterloo	As per last year no changes. Low risk for fire due to roads and train track as firebreak as well as property is maintained as grass green/ reticulated in summer.	Reticulation to majority of property, paddocks are kept mowed and short. Green all year and surrounding infrastructure acting as a firebreak. Also mow the verge so snakes /weeds /fire risk reduced.	Recommended	3	2025
19/09/2022	Eric Jorgenson	A7238	1	2041	Ferguson Road	Wellington Mills	Was original firebreak but because of lay on land (steep & angled) erosion has taken place & rocky base, unable to put in break. Length 70m.	Area has just been burnt inside area on East Fire access road (tar) on west.	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
02/08/2022	John Anderson	A7191	3	9	South Road	Wellington Mills	Southern corner (marked "A") is wetland. It is inaccessible by machine or livestock until late summer and ecologically undesirable to compact. Fuels do not reach full cure and will not carry fire. Area marked "B" is perennial pasture with significant groundwater and some sprinkler irrigation. It will grow throughout the summer season but remains green and will not carry fire. It will exceed 5cm height in places without continuous grazing which is ecologically undesirable.	Firebreaks as indicated. Limited grazing in wetlands as they dry out and fuels begin to cure (late January -early February). Pasture to be kept green and grazed regularly to manage fuel height.	Recommended	3	2025
19/09/2022	Robert Doherty	A7176	6	47	South Road	Wellington Mills	Creek line inside the fence line makes it impossible to construct a firebreak along the front of the property.	A firebreak is constructed where practical on the inside of the creek line. This has been the practice for some time (aprox 9 years).	Recommended	3	2025
19/09/2022	Robert Doherty	A7198	105	507	Wellington Mill Road	Wellington Mills	Ferguson River runs inside of boundary from making impossible to construct a break on roadside frontage for one section.	Breaks are constructed where feasible including along old railway line alignment between road and fence line. This has been the practice for the	Recommended	3	2025

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticability	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
								40 years I have owned the property.			
23/09/2022	Loren Bywaters	A7016	18	640	Collie River Road	Burekup	Two small paddocks having the road on the bottom side and irrigation channel on the top side, irrigation channel leaks. It's near impossible to get machines in to clear fire breaks.	Both paddocks are irrigated from the channel and the irrigation channel leaks so bad that large areas are constantly very wet and constantly grazed.	Recommended	3	2025

Officer Comment

The following information was provided to the Committee at the meeting.

### ITEM 9.13 – FURTHER INFORMATION

*Note: The following Bush Fire Exemptions have been received after the completion and distribution of the Bush Fire Advisory Committee Agenda.*

*The following 3 year fire exemption notice has been recommended by the FCO's and are now presented to be endorsed by the Bushfire Advisory Committee*

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticability	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
10/10/2022	Matthew Denton	A3859	31		Japonica View	Wellington Mill	Unsafe to work on – too steep, too many rocks etc. Erosion risk also.	Alternative fire breaks/clearing etc.	Recommended	3	2023

*Note: The following Bush Fire Exemption has been received after the completion and distribution of the Bush Fire Advisory Committee Agenda.*

*The following 1 year fire exemption notice has been recommended by the FCO and is now presented to be endorsed by the Bushfire Advisory Committee*

Date	Applicant Name	Assess No.	Lot No.	House No.	Street Road	Suburb Locality	Reason for Impracticably	Alternative Fire Prevention Measures	FCO Recommendation	Years	Expiry
10/10/2022	Teresa Wells	A3629	26	10	Japonica View	Wellington Mill	<p>There is a line of large trees along the boundary which restricts the width of a break.</p> <p>There is some erosion which has uncovered some possible environmental hazard at the Northern Boundary.</p>	<p>There is a gravel driveway parallel to the front fence line approx. 10 m w.</p> <p>Gasses are grazed.</p> <p>Mineral earth breaks will be applied to all areas other than those that are too dangerous to access.</p>	Recommended	1	2023

**OFFICER RECOMMENDED RESOLUTION &  
BUSHFIRE ADVISORY COMMITTEE RECOMMENDED RESOLUTION**

BFAC 16-22      MOVED -      Mr Lyndon Skeers      SECONDED -      Mr Ian Bridge

**THAT the Bushfire Advisory Committee grants the following firebreak exemption/variations  
for 3 year duration commencing from the 2022/2023 firebreak season:**

Applicant	Property	Assessment	Years	Fire Season Expiry
Susan Diane Green	Lot 24, 29 Coonan Ave Dardanup West	A8106	3	2025
Franco Angeloni	Lot 24, 136 Garvey RD Dardanup West	A2597	3	2025
George Loverock	Lot 1, 211 Garvey Road Crooked Brook	A11616	3	2025
Peter Cowley	Lot 21, 168 Garvey RD Dardanup West	A2594	3	2025
David Rumball	Lot 390, 260 Garvey RD Dardanup West	A12006	3	2025
Shaun Rumball	Lot 391, 262 Garvey RD Dardanup West	A12207	3	2025
David & Jenni McMeeken	Lot 5, 373 Garvey RD Dardanup West	A4312	3	2025
Reece Peter Nash	Lot 85, 37 Gavins Gully Road Dardanup West	A8228	3	2025
Shane & Karen Gibson	Lot 75, 16 Kentucky Drive Dardanup West	A8087	3	2025
Colin & Christine Bell	Lot 72, 54 Kentucky Drive Dardanup West	A8252	3	2025
Gail Dawn Scott-Pillow	Lot 8, 1 Maguire Place Dardanup West	A8257	3	2025
Grant Legge	Lot 2, 41 Maher Place Dardanup West	A2602	3	2025
Mathew Pover	Lot 94, 12 Meadow Lane Dardanup West	A8234	3	2025
Neil Dyer	Lot 86, 136 Padbury Road Dardanup West	A3701	3	2025
Patrick Garvey	Lot 401, 69 Padbury Road Dardanup West	A11149	3	2025
Raymond Edward & Elizabeth Tamzin Cosh	Lot 81, 21 Rafferty Road Dardanup West	A3274	3	2025
Michael & Lois Green	Lot 9, 7 Maguire Place, Dardanup West	A8094	3	2025
Stuart Flower	Lot 10 Rich Place, Dardanup West	A8328	3	2025
Sharee Davies	Lot 16, 54 Coonan Avenue Dardanup West	A8189	3	2025
Paul Psiuk	Lot 440, 47 Keenan Road Dardanup West	A11081	3	2025
Trevor Shambrook	Lot 48, 5 Stonesfield Court, Dardanup West	A8199	3	2025
Daniel Normington	Lot 314, 27 Sand Pits Road Crooked Brook	A10825	3	2025
Daniel Skerratt	Lot 3001, Eaton Drive	A4353	3	2025
Michael Prosser	Lot 11, 29 Joel Court Ferguson	A9421	3	2025
Chris Walton	Lot 119, 43 Greenwood Heights Ferguson	A3023	3	2025
Margot Penwarden	Lot 123, 97 Greenwood Heights Ferguson	A3026	3	2025
Jane Skipworth	Lot 124, 101 Greenwood Heights Ferguson	A3027	3	2025
Andrew Carrick	Lot 19 Tyrrell Road Ferguson	A7315	3	2025
Malcolm Toft	Lot 111, 53 Nyleeta Close Ferguson	A7200	3	2025
Trevor & Kaye Hill	Lot 112, 39 Nyleeta Close Ferguson	A3016	3	2025
Tony Oscar Albertsen	Lot 121, 79 Greenwood Heights Henty	A3024	3	2025
Mark Titchener	Lot 20, 1620 Ferguson Road, Ferguson	A7292	3	2025

Applicant	Property	Assessment	Years	Fire Season Expiry
James Brussen	Lot 15, 2 Pfennig Place Henty	A7280	3	2025
Malcolm Woods	Lot 11, 21 Pfennig Place, Henty	A7218	3	2025
Andrew Grieve & Leanne Williams	Lot 27, 11 Seaview Heights Henty	A2516	3	2025
Jason Borgomastro	Lot 19, 11 The Dress Circle Henty	A2526	3	2025
Mike Trefry	Lot 20, 19 The Dress Circle Henty	A2527	3	2025
Jeff Jackson	Lot 21, 35 The Dress Circle, Henty	A2528	3	2025
Anita Britza	Lot 12, 14677/14699 South Western Highway Waterloo	A8297	3	2025
Malcolm Woods	Lot 11, 21 Pfennig Place, Henty	A7218	3	2025
Eric Jorgenson	Lot 1, 2041 Ferguson Road Wellington Mill	A7238	3	2025
John Anderson	Lot 3, 9 South Road Wellington Mills	A7191	3	2025
Robert Doherty	Lot 6, 47 South Road Wellington Mill	A7176	3	2025
Robert Doherty	Lot 105, 507 Wellington Mill Road Wellington Mill	A7168	3	2025
Loren Bywaters	Lot 18, 640 Collie Rover Road, Burekup	A7016	3	2025
Matthew Denton	Lot 31, Japonica View, Wellington Mill	A3859	3	2023

*CARRIED***BUSHFIRE ADVISORY COMMITTEE RESOLUTION**

BFAC 17-22      MOVED -      Mr Lyndon Skeers      SECONDED -      Mr Ian Bridge

**THAT the Bushfire Advisory Committee grants the following firebreak exemption/variations for a 1 year duration commencing from the 2022/2023 firebreak season:**

Applicant	Property	Assessment	Years	Fire Season Expiry
Teresa Wells	Lot 26, 10 Japonica View, Wellington Mill	A3629	1	2023

*CARRIED*

<b>10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>
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None.

<b>11. NEW BUSINESS OF AN URGENT NATURE</b>
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None.

**12. MATTERS BEHIND CLOSED DOORS**

None.

**13. CLOSURE OF MEETING.**

The Chairperson advised that the date of the next Bush Fire Advisory Committee Meeting is to be confirmed.

There being no further business the Chairperson declared the meeting closed at 7.43 pm.



## Part 5 Duration of Exemption

Please indicate the time frame for this exemption/variation

☐

1 year (12 months)

☒

3 years (Where alternative fire prevention measures can not be remedied within 12 months)

Reason/Details

Terrain will remain difficult to cut firebreaks

## Part 6 Declaration by Bush Fire Control Officer

Bush Fire Control Officer to complete

Bush Fire Control Officers Name

IAN BRIDGE

District/Brigade

WELLINGTON MILLS

I have carried out an inspection of the property described in Part 1 for an exemption.

I hereby:

☒

Recommend

☐

Do Not Recommend

this property to have the Firebreak Variation/Exemption granted in accordance with the attached plan.

Bush Fire Control Officers Signature

Ian Bridge

Date

13/10/22

## Part 7 Declaration by Applicant

Applicant to complete

**Please note: Part 6 must be signed off by your local Fire Control Officer before submitting your application**

Applicants Name

Christopher Adam Monk

I accept that this application **must** be counter-signed by the Bush Fire Control Officer for the District in which the land is situated to signify his agreement to the variation.

If permission is not granted by the Council or duly Authorised Officer, I agree to comply with the Shire of Dardanup Fire Break Order.

I accept that my application for a Fire Prevention and Fire Break Exemption must be submitted to the Shire of Dardanup no later than 30 September each year.

☒

Owner of Land

☒

Occupier of Land

Applicants Signature

Chris Monk

Date

10/10/2022

## Part 8 OFFICE USE ONLY

Applicant Notified:

☐

Yes

☐

No

Name of Officer

Signature

Date

[Appendix ORD: 12.5.2B]





**[Appendix ORD: 12.5.2B]**

**REQUEST FORM  
FIRE PREVENTION & FIRE BREAK  
EXEMPTION  
FORM 82**

Date stamp

**Part 1 Property Details**

Please provide the details of the property you are requesting an exemption/variation of fire prevention measures on

Lot

111

House No

353

Street/Road Name

Wellington Mill Road

Suburb/Locality

Wellington Mill

**Part 2 Requested by**

Details of person making request, in accordance with the *Bush Fire Act 1954* and the Shire of Dardanup Fire Prevention Order

Name

Adam Monk

Daytime Contact Phone Number

0415 854 179

Postal Address

15 Stevens St

Fremantle WA 6160

Email Address

adammonk@icloud.com

**Part 3 Reason for Request**

Please provide details why you consider the required or standard fire prevention works to be impractical at the property described in Part 1

See attached map. Red lines denote firebreaks requiring exemption. This area is steep, rocky and heavily forested.  
The Northern boundary is adjacent to a substantial DBCA Firebreak.

**Part 4 Alternative Proposal**

Please provide details of the alternate fire prevention measures to be taken to mitigate the properties fire risk

Existing Firebreaks are shown in yellow on attached map. They are sufficient to protect the house and neighbouring properties

☒

I have included a plan of the property, detailing the proposed fire prevention measures. Please note: If a plan is not included the application will not be accepted.



DATE: 06/06/2014





# [Appendix ORD: 12.5.2C]

T: 08 9724 0307 | E: [Murray.Halden@dardanup.wa.gov.au](mailto:Murray.Halden@dardanup.wa.gov.au)

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



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**From:** Chris Hynes <[cbfco@dardanup.wa.gov.au](mailto:cbfco@dardanup.wa.gov.au)>  
**Sent:** Monday, 17 October 2022 9:50 AM  
**To:** Rangers Mailbox <[rangers@dardanup.wa.gov.au](mailto:rangers@dardanup.wa.gov.au)>  
**Subject:** Fwd: From\_BrotherDevice

Hi Murray

I am supportive of the late exemption received on 12 October 2022 by Ian Bridge, FCO Wellington Mill, for the property at Lot 111, 353 Wellington Mill Road, Wellington Mill to be accepted and endorsed by Council.

Regards

Chris Hynes

Dardanup CBFCO

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**From:** Ian and Trish Bridge <[iantrish.bridge@hotmail.com](mailto:iantrish.bridge@hotmail.com)>  
**Sent:** Thursday, 13 October 2022 9:49 AM  
**To:** Brigade Mailbox <[Brigade@dardanup.wa.gov.au](mailto:Brigade@dardanup.wa.gov.au)>  
**Subject:** Fwd: From\_BrotherDevice

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Hi Murray,  
Attached is another later Fire Break Exemption application.

I told Adam that I needed it for signing and submission prior to the BFAC meeting. I think I received it at about 6.59 but didn't see it until I got home last night.

He is a new part time resident out of Perth so he's still trying to get his head around country life.

Regards,

Ian

Begin forwarded

