



**Corporate Governance
Directorate**

APPENDICES

Items 12.4.1 – 12.4.7

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 27th of July 2022

Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive – EATON

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



Shire of Dardanup

Item 12.4.1A

2022/23

Annual Budget

Under Separate Cover

[Appendix ORD: 12.4.1B]

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Annual Budget 2022/2023						
RISK THEME PROFILE:		3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)						
RISK ASSESSMENT CONTEXT:		Operational						
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	The financial implications associated within the elements of the Annual Budget can affect the financial sustainability of Council.	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not Required - No Risk Identified	N/A	N/A
LEGAL AND COMPLIANCE	Legislative requirements and compliance determine the need for the production of an Annual Budget	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not Required - No Risk Identified	N/A	N/A
REPUTATIONAL	The inclusion of projects and works within the various plans within the Annual Budget build community expectation.	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not Required - No Risk Identified	N/A	N/A
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not Required - No Risk Identified	N/A	N/A

[Appendix ORD: 12.4.2A]

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Proposed Shire of Dardanup Cemeteries Local Law 2022						
RISK THEME PROFILE:		3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory) 4 - Document Management Processes						
RISK ASSESSMENT CONTEXT:		Operational						
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Failing to review in the 8 yearly cycle as stipulated in S3.16 of Local Government Act 1995.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Council would be seen in a negative light if we failed in our legislative requirements.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.



G WESTERN
AUSTRALIAN
GOVERNMENT
Gazette
ISSN 1448-949X PRINT POST APPROVED PP665002/00041



PERTH, FRIDAY, 27 JUNE 2014 No. 96

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.30 PM

© STATE OF WESTERN AUSTRALIA

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

SHIRE OF DARDANUP

**CEMETERIES LOCAL
LAW 2014**

[Appendix ORD: 12.4.2B]

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF DARDANUP

CEMETERIES LOCAL LAW 2014

CONTENTS

PART 1—PRELIMINARY

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

PART 2—ADMINISTRATION

- 2.1 Powers and functions of CEO

PART 3—APPLICATION FOR FUNERALS

- 3.1 Application for burial
- 3.2 Applications to be accompanied by certificates etc
- 3.3 Certificate of identification
- 3.4 Minimum notice required

PART 4—FUNERAL DIRECTORS

- 4.1 Funeral director's licence expiry
- 4.2 Single funeral permits
- 4.3 Application refusal

PART 5—FUNERALS

- 5.1 Requirements for funerals and coffins
- 5.2 Funeral processions
- 5.3 Vehicle entry restricted
- 5.4 Vehicle access and speed limitations
- 5.5 Offenders may be ordered to leave
- 5.6 Conduct of funeral by Board
- 5.7 Disposal of ashes
- 5.8 Ashes held by the Board

PART 6—BURIALS

- 6.1 Depth of graves
- 6.2 Mausoleum, etc

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

- 7.1 Application for monumental work
- 7.2 Placement of monumental work
- 7.3 Removal of rubbish
- 7.4 Operation of work
- 7.5 Removal of sand, soil or loam
- 7.6 Hours of work
- 7.7 Unfinished work
- 7.8 Use of wood

- 7.9 Plants and trees
- 7.10 Supervision
- 7.11 Australian War Graves
- 7.12 Placing of glass domes and vases

Division 2—Lawn Section

- 7.13 Specification of monuments
- 7.14 Headstones

Division 3—Memorial plaque section

- 7.15 Requirements of a memorial plaque

Division 4—Licensing of monumental masons

- 7.16 Monumental mason's licence
- 7.17 Expiry date, non-transferability
- 7.18 Carrying out monumental work
- 7.19 Responsibilities of the holder of a monumental mason's licence
- 7.20 Cancellation of a monumental mason's licence

PART 8—GENERAL

- 8.1 Animals
- 8.2 Damaging and removing of objects
- 8.3 Withered flowers
- 8.4 Littering and vandalism
- 8.5 Advertising
- 8.6 Obeying signs and directions
- 8.7 Removal from the cemetery

PART 9—OFFENCES AND MODIFIED PENALTIES

- 9.1 General
- 9.2 Modified penalties

Schedule 1—Modified penalties

Schedule 2—Infringement notice

Schedule 3—Infringement withdrawal notice

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

SHIRE OF DARDANUP

CEMETERIES LOCAL LAW 2014

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dardanup resolved on 11 June 2014 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dardanup Cemeteries Local Law 2014*.

1.2 Application

This local law applies to the Dardanup and Ferguson Cemeteries located in the district.

1.3 Commencement

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

1.4 Repeal

The *Shire of Dardanup Cemeteries Local Law 1998* published in the *Government Gazette* on 30 December 1998 is repealed.

1.5 Interpretation

In this local law, unless the context otherwise requires—

Act means the *Cemeteries Act 1986*;

ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

authorised officer means an employee of the Board appointed by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

Board means the district of the local government;

CEO means the chief executive officer, for the time being, of the Board;

district means the district of the local government;

funeral director means a person holding a current funeral director's licence;

local government means the district of the Shire of Dardanup;

mausoleum means a building or construction wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

monumental mason means a person holding a current monumental mason's licence;

personal representative means the administrator or executor of an estate of a deceased person;

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

single funeral permit means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit; and

vault means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board.

1.6 Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

PART 2—ADMINISTRATION

2.1 Powers and functions of Chief Executive Officer

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

PART 3—APPLICATION FOR FUNERALS

3.1 Application for burial

(1) A person may apply for approval to bury a dead body or dispose of ashes in the cemetery in the form determined by the Board from time to time.

(2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

3.3 Certificate of identification

(1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless—

- (a) in the opinion of a funeral director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

(2) A funeral director shall complete a certificate in the form determined by the Board from time to time, where—

- (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 24 hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

PART 4—FUNERAL DIRECTORS

4.1 Funeral director's licence expiry

A funeral director's licence shall expire on 30 June of each year.

4.2 Single funeral permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5—FUNERALS

5.1 Requirements for funerals and coffins

A person shall not bring a dead body into the cemetery unless—

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle entry restricted

- (1) Subject to subclause (2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

5.4 Vehicle access and speed limitations

- (1) A person shall drive a vehicle on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within the cemetery, unless otherwise authorised by the CEO.
- (2) A person driving a vehicle, within a cemetery, shall not exceed the speed limit of 25 km per hour, and shall comply with the signs and directions in the cemetery.

5.5 Offenders may be ordered to leave

- (1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised officer.
- (2) A person who has been ordered to leave the cemetery by the CEO or an authorised officer is to leave immediately in a peaceful manner and not cause a disruption or be a nuisance to the funeral congregation or ceremony or procession.

5.6 Conduct of funeral by Board

When conducting a funeral under section 22 of the Act the Board may—

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- (f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

5.7 Disposal of ashes

(1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee, the Board may grant permission for the ashes to be disposed of by one of the following methods—

- | | |
|------------------------------|---------------------------------------|
| Niche wall | Granite seat |
| Memorial wall | Family grave |
| Garden of remembrance | Book of remembrance |
| Ground niche | Scattering to the winds |
| Memorial rose, tree or shrub | Memorial gardens |
| Family shrub | Other memorials approved by the Board |
| Memorial desk | |

- (2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided—
 - (a) the person requesting the placement of the ashes has the permission of the Board; and
 - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

5.8 Ashes held by the Board

- (1) If at the expiration of 6 months from the date of cremation at a cemetery—
 - (a) the ashes of the deceased person have not been claimed; or
 - (b) no arrangements have been made for the placement of the ashes of a deceased person by the personal representative, then the Board may dispose of the ashes in the cemetery by any of the methods listed in clause 5.12.
- (2) If prior to the expiration of 6 months from the date of cremation the personal representative of the deceased person requests the Board to store the ashes of the deceased person, and pays to the Board the set fee monthly in advance for such storage, the Board shall store the ashes in safe custody.
- (3) Notwithstanding subclause (2), should the personal representative default in the payment of the fee referred to in subclause (2), the Board may dispose of the ashes in the cemetery by any of the methods listed in clause 5.7.

PART 6—BURIALS

6.1 Depth of graves

- (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is—
 - (a) subject to paragraph (b), less than 750 mm, unless that person has the permission of an authorised officer; or
 - (b) in any circumstances less than 600 mm.

(2) The permission of the authorised officer in subclause (1)(a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

6.2 Mausoleum, etc

(1) A person other than the Board shall not construct a brick grave, crypt, vault or mausoleum within the cemetery.

(2) A person may request the Board to construct a vault or mausoleum within the cemetery which vault or mausoleum shall at all times remain the property of the Board.

(3) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.

(4) A person shall not place a dead body in a mausoleum except—

- (a) in a closed coffin; and
- (b) in a soundly constructed chamber; and
- (c) in accordance with subclause (5).

(5) The number of burials in a chamber must not exceed the number for which the chamber was designed.

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

7.1 Application for monumental work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00 am and 6.00 pm on weekdays, and 8.00 am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished work

Should any work by masons or others be not completed before 6 pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Board.

7.9 Plants and trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.12 Placing of glass domes and vases

A person shall not place glass domes, vases or other grave ornaments—

- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
- (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

Division 2—Lawn section

7.13 Specification of monuments

(1) All monuments in the lawn section of a cemetery shall—

- (a) be made of natural stone; and
- (b) be placed upon a base of natural stone; and
- (c) comply with the following specifications—
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05 m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 mm nor more than 450 mm;
 - (iii) the width of the base of the monument shall not exceed 1.20 m;
 - (iv) the depth of the base of the monument shall not exceed 300 mm; and
- (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.

(2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.

(3) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

7.14 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3—Memorial plaque section

7.15 Requirements of a memorial plaque

(1) All memorial plaques placed in a memorial plaque section of the cemetery shall—

- (a) be made of admiralty bronze or any other material approved by the Board; and
- (b) not be less than the dimensions 380 mm x 280 mm, nor more than 560 mm x 305 mm.

(2) All memorial plaques made of admiralty bronze shall—

- (a) not exceed 20 mm in thickness; and
- (b) be placed upon a base mounting approved by the Board.

(3) All memorial plaques made of stone shall—

- (a) not exceed 50 mm in thickness placed upon a base mounting approved by the Board; or
- (b) not be less than 100 mm in thickness if it is not to be placed upon a base mounting.

Division 4—Licensing of Monumental Masons

7.16 Monumental mason's licence

(1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.

(2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.17 Expiry date, non-transferability

A monumental mason's licence—

- (a) shall be valid from the date specified therein until 30 June next following; and
- (b) is not transferable.

7.18 Carrying out monumental work

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.16; or
- (b) is an employee of a person who holds such a licence; or
- (c) is authorised by the Board to do so.

7.19 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

7.20 Cancellation of a monumental mason's licence

(1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds—

- (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
- (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

PART 8—GENERAL

8.1 Animals

Subject to clause 8.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

8.2 Damaging and removing of objects

Subject to clause 8.3, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and vandalism

A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

(1) A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board.

(2) The Board may consider and grant approval subject to such conditions as the Board thinks fit.

8.6 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.7 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

PART 9—OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

(1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.

(2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.

(3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Schedule 2.

(4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 3.

[Appendix ORD: 12.4.2B]

27 June 2014

GOVERNMENT GAZETTE, WA

2389

Schedule 1—Modified penalties

[Clause 9.2]

Item No.	Clause	Nature of offence	Modified penalty
1	5.4(1)	Not driving vehicle on vehicular access way or constructed roadways or within designated areas	\$50.00
2	5.4(2)	Exceeding speed limit	\$50.00
3	7.3	Not removing rubbish and surplus materials	\$50.00
4	7.5	Unauthorised use of sand, earth or other material taken from the cemetery	\$50.00
5	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
6	8.1	Unauthorised bringing in of animal into cemetery or permitting animal to remain in cemetery	\$50.00
7	8.3	Damaging and removing of objects	\$50.00
8	8.5	Littering and vandalism	\$50.00
9	8.6	Unauthorised advertising and/or trading	\$50.00
10	8.7	Disobeying sign or lawful direction	\$50.00

Schedule 2—Infringement notice

[Clause 9.2(3)]

INFRINGEMENT NOTICE

To: _____
(Name)

(Address)

It is alleged that at _____:_____ hours on _____ day of _____ 20_____
at _____
you committed the offence indicated below by an (x) in breach of clause _____ of the *Shire of Dardanup Cemeteries Local Law 2014*.

(Authorised Person)

Offence—

- Not driving vehicle on vehicular access way or designated areas
- Exceeding speed limit
- Not removing rubbish and surplus materials
- Unauthorised use of materials taken from the cemetery
- Leaving uncompleted works in an untidy or unsafe condition
- Unauthorised animal in cemetery
- Damaging and removing of objects
- Littering and vandalism
- Unauthorised advertising and/or trading
- Disobeying sign or lawful direction
- Other Offence: _____ \$ _____

You may dispose of this matter by payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire of Dardanup at 1 Council Drive, Eaton WA 6232 between the hours of 9 am to 4.30 pm, Monday to Friday.

Please make cheques payable to Shire of Dardanup. Payments by mail should be addressed to—

The Chief Executive Officer
Shire of Dardanup
1 Council Drive, Eaton WA 6232

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Schedule 3—Infringement withdrawal notice

[Clause 9.2(4)]

WITHDRAWAL OF INFRINGEMENT NOTICE

No. _____ Date ____/____/____

To: ^[1] _____

Infringement Notice No. _____ dated ____/____/____ for the alleged offence of ^[2] _____

Penalty ^[3] \$_____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

(Authorised Person)

^[1] Insert name and address of alleged offender.

^[2] Insert short particulars of offence alleged.

^[3] Insert amount of penalty prescribed.

Dated: 11 June 2014.

The Common Seal of the Shire of Dardanup was affixed by authority of a resolution of the Council in the presence of—

Cr MICHAEL T. BENNETT, President.
Mr MARK L. CHESTER, Chief Executive Officer.

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

**SHIRE OF DARDANUP
CEMETERIES LOCAL LAW 2022**

[Appendix ORD: 12.4.2C]

CEMETERIES ACT 1986 LOCAL GOVERNMENT ACT 1995

SHIRE OF DARDANUP

CEMETERIES LOCAL LAW 2022

CONTENTS

PART 1 – PRELIMINARY

- 1.1 Citation
- 1.2 Application
- 1.3 Commencement
- 1.4 Terms used
- 1.5 Interpretation
- 1.6 Repeal

PART 2 - ADMINISTRATION

- 2.1 Powers and functions of CEO
- 2.2 Plans

PART 3 – APPLICATION FOR FUNERALS

- 3.1 Application for burial
- 3.2 Applications to be accompanied by certificates etc
- 3.3 Certificate of identification
- 3.4 Minimum notice required
- 3.5 Fixing times for funerals
- 3.6 Times for burials

PART 4 – FUNERAL DIRECTORS AND PERMIT HOLDERS

- 4.1 Funeral director’s licence expiry
- 4.2 Single funeral permits
- 4.3 Application refusal

PART 5 – FUNERALS

Division 1 – General

- 5.1 Requirements for funerals and coffins
- 5.2 Funeral processions
- 5.3 Vehicle entry restricted
- 5.4 Vehicle access and speed limitation
- 5.5 Offenders may be ordered to leave
- 5.6 Conduct of funeral by Board

Division 2 – Placement of Ashes

- 5.7 Disposal of ashes

PART 6- BURIALS

- 6.1 Dimensions of graves
- 6.2 Preparation of graves
- 6.3 Depth of graves
- 6.4 Vaults and Mausoleums

[Appendix ORD: 12.4.2C]

PART 7 – MEMORIALS AND OTHER WORK

Division 1 – General

- 7.1 Application for memorial
- 7.2 Placement of memorial
- 7.3 Removal of rubbish
- 7.4 Operation of work
- 7.5 Removal of sand, soil or loam
- 7.6 Hours of work
- 7.7 Unfinished work
- 7.8 Use of wood
- 7.9 Plants
- 7.10 Supervision
- 7.11 Australian war graves
- 7.12 Placing of glass domes and vases

Division 2 – Types of memorials permitted in different areas of a cemetery

- 7.13 Determination of types of memorials permitted in different areas of a cemetery
- 7.14 Memorials to be placed or erected in accordance with determination
- 7.15 Amendment or revocation of determination

Division 3 – Specifications and materials for memorials

- 7.16 Specification of a monument
- 7.17 Specification of a headstone
- 7.18 Specification of a memorial plaque
- 7.19 Display of trade names on memorials not allowed

Division 4 – Licencing of Monumental Masons

- 7.20 Monumental mason's licence
- 7.21 Expiry date, non-transferability
- 7.22 Carrying out monumental work
- 7.23 Responsibilities of the holder of a monumental mason's licence
- 7.24 Cancellation of a monumental mason's licence
- 7.25 Numbering of graves

PART 8 – GENERAL

- 8.1 Animals
- 8.2 Utility services
- 8.3 Damaging and removing of objects
- 8.4 Withered flowers
- 8.5 Littering
- 8.6 Signs, advertising and vending
- 8.7 Board may close a cemetery
- 8.8 Obeying signs and directions
- 8.9 Removal from the cemetery
- 8.10 Board may enter into an agreement for maintenance

PART 9 – OFFENCES AND MODIFIED PENALTY

- 9.1 General
- 9.2 Modified penalties

SCHEDULE 1 – MODIFIED PENALTIES

SCHEDULE 2 – TYPES OF MEMORIALS PERMITTED IN DIFFERENT AREAS OF A CEMETERY

SCHEDULE 3 – INFRINGEMENT NOTICE

SCHEDULE 4 – WITHDRAWAL OF INFRINGEMENT NOTICE

[Appendix ORD: 12.4.2C]

[Appendix ORD: 12.4.2C]

CEMETERIES ACT 1986 LOCAL GOVERNMENT ACT 1995

SHIRE OF DARDANUP CEMETERIES LOCAL LAW 2022

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dardanup resolved on **[insert date]** to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law is the *Shire of Dardanup Cemeteries Local Law 2022*.

1.2 Application

This local law applies to the cemeteries.

1.3 Commencement

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

1.4 Terms used

In this local law unless the context otherwise requires-

Act means the *Cemeteries Act 1986*;

ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a cremation urn;

assistance animal has the same meaning as in the *Disability Discrimination Act 1992 (Cth)*;

authorised person means an employee of the Board -

- (a) appointed by the Board under section 9.10 of the *Local Government Act 1995* for the purposes of performing any function or exercising any power, other than the giving of infringement notices, conferred upon an authorised person by this local law; or

- (b) authorised under section 64 of the Act to give infringement notices;

Board means the Shire of Dardanup;

business day means any week day other than a public holiday in Western Australia;

cemetery means, depending on the context, any or all of the Dardanup Cemetery, or the Ferguson Cemetery;

CEO means the chief executive officer for the time being, of the Board;

coffin means a coffin or other receptacle used for the transportation of a dead body to the grave site;

cremation urn means a container used for holding the remains of a dead body after the due processes of cremation of which the volume does not exceed $.004\text{m}^3$ (4,000 cubic centimetres), or such greater volume as approved by the CEO in writing;

Dardanup Cemetery means the Dardanup Cemetery located within Reserve 19722 which the Governor by order has vested under the care, control and management of the Board;

disability has the same meaning as in the *Disability Discrimination Act 1992 (Cth)*;

district means the district of the Shire of Dardanup;

Ferguson Cemetery means the Ferguson Cemetery located at Lot 3 Ferguson Road, Ferguson;

funeral director means a person holding a current funeral director's licence issued by the Board under section 17 of the Act;

headstone means a memorial designed for placement at the head of a grave in the lawn section of a cemetery, commemorating a grave or the placement of ashes;

mausoleum means a burial chamber wholly above or partially above and below ground level with one or more sealed compartments;

memorial has the meaning set out in the Act and includes a headstone, memorial plaque and monument;

memorial plaque means a panel, plate or tablet designed or used for purposes of bearing commemorative inscription;

monument means a tombstone, sculpture, statute or other form of memorial approved by the Board commemorating a grave or the placement of ashes, other than a headstone;

[Appendix ORD: 12.4.2C]

monumental mason licence means a licence issued under clause 7.21(1);

natural stone means –

- (a) any variety of non-fabricated, naturally occurring stone or rock; or
- (b) any fabricated compound or fabricated aggregate which, in the opinion of the Board, has similar durability and aesthetic qualities as the materials specified in paragraph (a) above, suitable for decorative purposes and monumental sculpture and includes granite, but not porcelain, ceramics or any pottery;

plant includes trees, shrubs, annuals and perennials;

personal representative means the administrator or executor of an estate of a deceased person;

set fee means a fee or charge set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

single funeral permit means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at a cemetery a funeral of a person named in the permit;

standard grave means a grave which does not exceed any of the following dimensions: 2m long, 1.2m wide and 2.1m deep;

utility services means municipal or public services and include the supply of water, electrical power, gas and refuse, building waste and sewerage disposal services;

vault means a below ground lined grave or burial chamber with one or more sealed compartments; and

vehicle includes every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise (and includes a bicycle and a skateboard).

1.5 Interpretation

In this local law –

- (a) a reference to an application, approval, consent or permission means a written application, approval, consent or permission; and
- (b) a reference to a person does not include the Board.

1.6 Repeal

The *Busselton Cemeteries By-Law* published in the *Government Gazette* on 14 October 1994 is repealed.

PART 2 - ADMINISTRATION

2.1 Powers and functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of all cemeteries.

2.2 Plans

- (1) The Board shall establish and maintain a plan of each cemetery showing –
 - (a) the location of areas set aside for burials and placement of ashes;
 - (b) the location of an area to be used only for burials of persons of a particular religious denomination;
 - (c) the location of different areas of a cemetery to which different requirements for memorials apply; and
 - (d) the location of areas set aside for the works and other uses as specified in sections 24(2)(a) and (b) of the Act.
- (2) The Board may from time to time vary the boundaries of any area referred to in subclause (1).
- (3) The plans referred to in subclause (1) shall be open for inspection by members of the public during normal office hours of the Board.

[Appendix ORD: 12.4.2C]

PART 3 – APPLICATION FOR FUNERALS

3.1 Application for burial

- (1) A person may apply for approval to bury a dead body in a cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) shall be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc

- (1) An application under clause 3.1 shall be accompanied by a certificate issued under clause 3.3, in respect of the dead body.
- (2) The Board may require that an application under clause 3.1 be accompanied by either a medical certificate of death or a Coroner's order of burial, in respect of the dead body.

3.3 Certificate of identification

- (1) After a dead body is placed in a coffin and prior to the dead body being removed to a cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless –
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.
- (2) A funeral director shall complete a certificate in the form determined by the Board from time to time, where –
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

An application to hold a funeral shall be made with the Board at least two business days prior to the day proposed for burial, otherwise an extra charge may be made.

3.5 Fixing times for funerals

- (1) On receipt of a properly completed application form and the satisfaction of all other requirements of the Act and this local law, the Board may—
 - (a) fix a time for the funeral; and
 - (b) dig or re-open any grave that is required.
- (2) The time fixed for a funeral is at the discretion of the Board but subject to this Part will be as near as possible to the time requested by the applicant.

3.6 Times for burials

A person shall not carry out a burial—

- (a) on a Saturday, a Sunday or a public holiday; or
- (b) at any time other than between the hours 9:00am to 3:00pm, except with the permission of the Board or an authorised person.

PART 4 – FUNERAL DIRECTORS AND PERMIT HOLDERS

4.1 Funeral director's licence expiry

A funeral director's licence shall expire on 30 June in each year.

4.2 Single funeral permits

An application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

[Appendix ORD: 12.4.2C]

4.3 Application refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5 - FUNERALS

Division 1 - General

5.1 Requirements for funerals and coffins

A person shall not bring a dead body into a cemetery unless –

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is leak proof, structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate properly affixed in a clearly visible position on the exterior of the coffin; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10mm in height, for burial with the dead body..

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle entry restricted

- (1) Subject to clause 5.3(2), a funeral procession shall enter by the principal entrance of the cemetery, and no vehicle shall enter the cemetery except –
 - (a) the hearse;
 - (b) official mourning coaches;
 - (c) a vehicle carrying or transporting a person with a disability;
 - (d) a device or equipment used to transport, carry or handle a coffin; and
 - (e) a pram, baby carriage, stroller or a similar device.
- (2) This clause does not apply to a vehicle approved by the CEO or an authorised person.

5.4 Vehicle access and speed limitation

- (1) A person shall drive or ride a vehicle only on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within the cemetery, unless otherwise authorised by the CEO.
- (2) A person driving or riding a vehicle in an area within a cemetery -
 - (a) shall not exceed the speed limit designated by a sign applying to that area; and
 - (b) shall comply with the signs and directions applying to that area.

5.5 Offenders may be ordered to leave

- (1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised person.
- (2) A person who has been ordered to leave the cemetery by the CEO or an authorised person is to leave immediately in a peaceful manner and not cause a disruption or be a nuisance to the funeral congregation or ceremony or procession.

5.6 Conduct of funeral by the Board

When conducting a funeral, or for the purposes of deciding whether to conduct a funeral, under section 22 of the Act the Board may –

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;

[Appendix ORD: 12.4.2C]

- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (e) bury the dead body;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law; and
- (g) do or require anything which it considers is necessary or convenient for the conduct of the funeral by it.

Division 2 - Placement of Ashes

5.7 Disposal of ashes

- (1) Except in accordance with an approved application under this clause, a person shall not bring or dispose of the ashes of a deceased person in a cemetery.
- (2) A funeral director or the personal representative of a deceased person whose body has been cremated may apply to the Board for permission to dispose of the ashes of that deceased person in a cemetery by one of the following methods, if that method is available –
 - (a) placed in a niche wall;
 - (b) placed under a family tree or shrub;
 - (c) placed under a bench seat;
 - (d) placed in a grave, vault or mausoleum;
 - (e) scattered in an area approved by the Board;
 - (f) placed in a memorial garden; or
 - (g) placed in or under other memorials approved by the Board
- (3) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.
- (4) The CEO or an authorised person may require a person making an application under subclause (2) to provide additional information reasonably related to the application before determining the application.
- (5) The CEO or an authorised person may –
 - (a) approve an application under subclause (2) unconditionally or subject to any conditions; or
 - (b) refuse to approve an application under subclause (2).
- (6) Where an application under subclause (2) has been approved subject to conditions, the applicant must comply with each of those conditions, as amended.
- (7) If the CEO or an authorised person refuses to approve an application under subclause (2), he or she is to give written notice of that refusal to the applicant.

PART 6 – BURIALS

6.1 Dimensions of graves

- (1) A person shall not bury a dead body in a cemetery other than in a standard grave, unless that person has the permission of an authorised person.
- (2) The permission of the authorised person in subclause (1) shall not be granted unless in the opinion of the authorised person, exceptional circumstances require granting of that permission.

6.2 Preparation of graves

A person shall not dig or prepare a grave or fill a grave, unless that person has the permission of an authorised person.

6.3 Depth of graves

- (1) A person shall not bury a dead body within a cemetery so that the distance from the top of the dead body to the original surface of the ground is –
 - (a) subject to paragraph (b), less than 1600 mm, unless that person has the permission of an authorised person; or
 - (b) in any circumstances less than 750 mm.
- (2) The permission of the authorised person in subclause (1)(a) shall not be granted unless, in the opinion of the authorised person, exceptional circumstances require granting of that permission.

[Appendix ORD: 12.4.2C]

6.4 Vaults and Mausoleums

- (1) A person shall not construct a vault or mausoleum within a cemetery.
- (2) A person may request the Board to construct a vault or mausoleum within a cemetery.
- (3) A vault or mausoleum within a cemetery shall at all times remain the property of the Board.
- (4) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.
- (5) The CEO or an authorised person may require a person making an application under subclause (2) to provide additional information reasonably related to the application before determining the application.
- (6) The CEO or an authorised person may –
 - (a) approve an application under subclause (2) unconditionally or subject to any conditions; or
 - (b) refuse to approve an application under subclause (2).
- (7) Where an application under subclause (2) has been approved subject to conditions, the applicant must comply with each of those conditions, as amended.
- (8) If the CEO or an authorised person refuses to approve an application under subclause (2), he or she is to give written notice of that refusal to the applicant.
- (9) A person shall not place a dead body in a vault or mausoleum except –
 - (a) in a closed coffin;
 - (b) in a soundly constructed and sealed chamber; and
 - (c) in accordance with subclause (10).
- (10) The number of burials in a chamber must not exceed the number for which the chamber was designed.

PART 7 – MEMORIALS AND OTHER WORK

Division 1 - General

7.1 Application for memorial

The Board may require the consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of memorial

Subject to Division 3 of this Part, a memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permission given under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the works.

7.4 Operation of work

All material required in the placement, erection or alteration of any memorial work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised person shall direct.

7.5 Removal of sand, soil or loam

A person shall not, without the consent of the Board –

- (a) take sand, gravel, stone, timber, trees or other material from a cemetery for use in connection with the placement, erection or alteration of any memorial or other work; or
- (b) subject to clause 7.3, remove or cause to be removed from a cemetery any sand, gravel, stone, timber, trees, shrubs, grass or other material.

7.6 Hours of work

Except in accordance with the permission of an authorised person, a person shall not carry out memorial or other work within a cemetery –

- (a) during a funeral;
- (b) other than between the hours of 8.00am and 5.00pm on a business day; or
- (c) other than between the hours of 8.00am and 1.00pm on a Saturday.

[Appendix ORD: 12.4.2C]

7.7 Unfinished work

A mason or other person who does not complete any work before 5.00pm on a business day shall leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised person.

7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around a grave, other than as a temporary marker or with the permission of an authorised person.

7.9 Plants and trees

A plant or tree shall not be planted on any grave or within the cemetery except in accordance with an approval by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times while within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised person and shall obey any directions of the CEO or an authorised person.

7.11 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves:

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed on a military grave.

7.12 Placing of glass domes and vases

A person shall not place a glass dome, vase or other grave ornament –

- (a) outside the perimeter of a grave as defined in the plans kept and maintained under section 40(2) of the Act; or
- (b) on the lawn in an area set aside by the Board as a lawn section.

Division 2 – Types of memorials permitted in different areas of a cemetery

7.13 Determination of types of memorials permitted in different areas of a cemetery

- (1) The Board may determine the types of memorials permitted in a cemetery and may impose different requirements for different areas of a cemetery.
- (2) Where the Board makes a determination under subclause (1), the CEO must give local public notice to give effect to the determination.
- (3) A proposed determination is to have effect as a determination on and from the date of publication.
- (4) A determination made under this clause 7.13 shall be recorded in a publicly accessible register of determinations that must be maintained by the Board.
- (5) The determinations in Schedule 2 –
 - (a) are to be taken to have been made in accordance with clause 7.13;
 - (b) may be amended or revoked in accordance with clause 7.15; and
 - (c) have effect on the day on which this local law commences under clause 1.3.

7.14 Memorials to be placed or erected in accordance with determination

The Board may refuse an application under section 30 of the Act if the type or location of the memorial applied for is not in accordance with a determination.

7.15 Amendment or revocation of determination

- (1) The Board may amend or revoke a determination.
- (2) The provisions of clauses 7.13(2), (3) and (4) are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Board revokes a determination, the CEO is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

[Appendix ORD: 12.4.2C]

Division 3 – Specifications and materials for memorials

7.16 Specification of a monument

- (1) A monument in a cemetery shall –
 - (a) be made of natural stone;
 - (b) be placed on a base of natural stone;
 - (c) comply with the following specifications:
 - (i) unless a greater height is approved by the CEO, the overall height of a monument above the original surface of the grave shall not exceed 1.2m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 mm nor more than 450 mm;
 - (iii) the width of the base of the monument shall not exceed 1.2m;
 - (iv) the length of the base of the monument shall not exceed 2.4m; and
 - (v) the depth of the base of the monument shall not exceed 300 mm; and
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are approved by the Board.
- (2) Subject to subclause (3) a memorial plaque may be attached to a monument that has been or is being erected.
- (3) The provisions of clause 7.18 apply to a memorial plaque that is attached to a monument.

7.17 Specification of a headstone

- (1) A headstone shall –
 - (a) be made of natural stone;
 - (b) be placed on a base of natural stone;
 - (c) comply with the following specifications:
 - (i) the height of the base of the headstone above the highest point of the original surface of the grave shall not be less than 150 mm nor more than 200 mm;
 - (ii) the overall height of the headstone, including the base, shall not exceed 1.2m;
 - (iii) the length of the base of the headstone measured across the width of the grave shall not exceed 1m;
 - (iv) the width of the base of the headstone shall not exceed 300mm; and
 - (v) that part of a headstone above its base shall not extend horizontally beyond that base.
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are approved by the Board.
- (2) Subject to subclause (3) a memorial plaque may be attached to a headstone erected or being erected within a cemetery.
- (3) The provisions of clause 7.18 apply to a memorial plaque that is attached to a headstone.

7.18 Specification of a memorial plaque

- (1) A memorial plaque placed in a cemetery shall –
 - (a) be made of admiralty bronze or any other material approved by the Board;
 - (b) if placed on a monument or headstone - not be less than the dimensions 140 mm width x 117 mm height, nor more than 560 mm width x 305 mm height; and
 - (c) if placed on any other memorial or in any other section of a cemetery - comply with the relevant specification in Schedule 2 relating to that section of the cemetery.
- (2) A memorial plaque –
 - (a) made of admiralty bronze shall not exceed 20 mm in thickness;
 - (b) made of stone shall not exceed 50 mm in thickness; and
 - (c) shall be placed upon a standard concrete plinth with the relevant specification in Schedule 2 or a base mounting approved by the Board.

7.19 Display of trade names on memorials not allowed

A person shall not display any trade names or marks on a memorial.

Division 4 – Licensing of Monumental Masons

[Appendix ORD: 12.4.2C]

7.20 Monumental mason's licence

- (1) The Board may on receipt of an application by any person and on payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within a cemetery subject to the provisions of this local law and such conditions as the Board specifies on the licence.

7.21 Expiry date, non-transferability

A monumental mason's licence –

- (a) is valid from the date specified on the licence until 30 June next following; and
- (b) is not transferable.

7.22 Carrying out monumental work

A person shall not carry out monumental work within the cemetery unless that person –

- (a) is the holder of a current monumental mason's licence;
- (b) is an employee of a person who holds such a licence; or
- (c) is authorised by the Board to do so.

7.23 Responsibilities of the holder of a monumental mason's licence

A holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within a cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

7.24 Cancellation of a monumental mason's licence

- (1) The Board may, by notice in writing to the holder of a monumental mason's licence, terminate the licence on any of the following grounds:
 - (a) that the holder of the licence has committed a breach of the requirements or conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
 - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
 - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

7.25 Application for single monumental work permit

- (1) The Board may on receipt of an application by a person in the form prescribed and on payment of a set fee, issue to an applicant a single monumental work permit authorising the holder to place a monument within a cemetery subject to such conditions as the Board specifies on the permit.
- (2) An application for a single monumental work permit under subclause (1) shall include an application for a monumental work in the form prescribed.

7.26 Numbering of graves

A person shall not carry out monumental work on a grave unless the number of that grave is, depending on the area where the grave is located, indelibly and legibly inscribed either on the base of the head of the monument or on the base of the headstone, or if this is not practicable, on the kerbing at the foot of the grave.

[Appendix ORD: 12.4.2C]

PART 8 - GENERAL

8.1 Animals

- (1) Subject to subclause (2), a person shall not bring an animal, or the carcass or remains of a deceased animal, into a cemetery or permit an animal to enter or remain in a cemetery, other than with the approval of the CEO or an authorised person.
- (2) Subclause (1) shall not apply to an assistance animal providing assistance to a person with a disability or alleviating the effect of a disability.

8.2 Utility services

- (1) A person shall not –
 - (a) connect any device or equipment to any utility services supplied on or at a cemetery; or
 - (b) alter or interfere with utility services infrastructure located in a cemetery, other than with the approval of the CEO or an authorised person.
- (2) The Board may recover from a person the reasonable costs incurred by the Board for the supply to and use of any utility services by that person at a cemetery.

8.3 Damaging and removing of objects

Subject to clause 8.4, a person shall not damage, remove or pick any plant in a cemetery or any other object or thing on any grave or memorial or any property of the Board without the permission of the Board.

8.4 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.5 Littering

A person shall not –

- (a) break or cause to be broken any glass, ceramic or other material in a cemetery; or
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in a cemetery other than in a receptacle provided for that purpose.

8.6 Signs, advertising and vending

- (1) A person shall not place or display any sign, advertisement or fixture of any nature, other than an approved memorial a cemetery, except with the permission of the Board.
- (2) A person shall not advertise or carry on any trade, business or profession in the cemetery without the approval of the Board.
- (3) The Board may consider and grant approval subject to such conditions as the Board thinks fit.

8.7 Board may close a cemetery

The Board may –

- (a) close a cemetery or any part of it;
 - (b) exclude from a cemetery the public and all persons or so many of the public or so many persons as the Board consider to be necessary;
 - (c) regulate, prohibit or restrict access to a cemetery or any part of it; or
 - (d) direct persons to leave a cemetery or any part of it,
- for purposes of –
- (e) a funeral or public convenience;
 - (f) maintenance, redevelopment or extension of the cemetery;
 - (g) public safety; or
 - (h) other operational reasons.

8.8 Obeying signs and directions

- (1) The Board may display, mark, place or erect a sign within the cemetery specifying any conditions relating to the use of the cemetery.
- (2) A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised person.

[Appendix ORD: 12.4.2C]

8.9 Removal from the cemetery

(1) Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised person is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised person.

(2) A person whom an order under sub clause (1) is given by the CEO or an authorised person is to leave immediately in a peaceful manner and not cause a disruption or be a nuisance to the funeral congregation or ceremony or procession.

8.10 Board may enter into an agreement for maintenance

The Board may enter into an agreement with the holder of a right of burial for the maintenance of an area of a cemetery at the expense of the holder.

PART 9 – OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

(1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.

(2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.

(3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in Schedule 3.

(4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 4.

[Appendix ORD: 12.4.2C]

SCHEDULE 1
MODIFIED PENALTIES
(Clause 9.2(1))

Item No	Clause No	Nature of Offence	Penalty \$
1	5.3	Unauthorised entrance of a vehicle	50.00
2	5.4(1)	Driving or riding a vehicle other than on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within the cemetery	50.00
3	5.4(2)	Excessive speed	50.00
4	5.7(1)	Bringing or disposing of the ashes of a deceased person in a cemetery	50.00
5	7.3	Failure to remove rubbish and surplus material from the cemetery	50.00
6	7.7	Leaving uncompleted works in an untidy or unsafe condition	50.00
7	7.9	Unauthorised planting of plants	50.00
8	7.12	Unauthorised placing of glass domes and vases	50.00
9	7.19	Displaying a trade name on a memorial	50.00
10	8.1	Unauthorised animal in cemetery	50.00
11	8.2(1)	Connect to or alter or interfere with utility services	50.00
12	8.3	Damage or removal of objects	50.00
13	8.5	Littering	50.00
14	8.6(1)	Place or display a sign or advertisement	50.00
15	8.6(2)	Unauthorised advertising, and/or trading	50.00
16	8.8	Disobeying sign or lawful direction	50.00

[Appendix ORD: 12.4.2C]

SCHEDULE 2

TYPES OF MEMORIALS PERMITTED IN DIFFERENT AREAS OF A CEMETERY

The following determinations are to be taken to have been made by the Board under clause 7.13.

Dardanup Cemetery

Area of cemetery	Type of memorial	Dimensions
General section / Grave sites	Monument or	As specified in clause 7.16
	Headstone or	As specified in clause 7.17
	Memorial Plaque on concrete plinth	As specified in clause 7.18 Dimensions of Memorial Plaque: 140mm to 145mm wide x 115mm to 120 mm high Dimensions of concrete plinth face for placement of single memorial plaque: 145mm wide x 120mm high.
Niche Wall	Memorial plaque	As specified in clause 7.18 Single: 140mm to 145mm wide x 115mm to 120 mm high Double: 275mm to 285mm wide x 120mm to 125mm high
Rose Garden	Memorial plaque mounted on a concrete plinth	As specified in clause 7.18 Dimensions of Memorial Plaque: 140mm to 145mm wide x 115mm to 120 mm high Dimensions of concrete plinth face for placement of single memorial plaque: 145mm wide x 120mm high.

[Appendix ORD: 12.4.2C]

Ferguson Cemetery

Area of cemetery	Type of memorial	Dimensions
General section / Grave sites	Monument or Headstone or Memorial Plaque on concrete plinth	As specified in clause 7.16 As specified in clause 7.17 As specified in clause 7.18 Dimensions of Memorial Plaque: 140mm to 145mm wide x 115mm to 120 mm high Dimensions of concrete plinth face for placement of single memorial plaque: 145mm wide x 120mm high.
Niche Wall	Memorial plaque	As specified in clause 7.18 Single: 140mm to 145mm wide x 115mm to 120 mm high Double: 275mm to 285mm wide x 120mm to 125mm high

[Appendix ORD: 12.4.2C]

SCHEDULE 3
INFRINGEMENT NOTICE
(Clause 9.2(3))

TO: _____
(Name)

(Address)

It is alleged that at _____: _____ hours on _____ day
of _____ 20 _____ at _____

you committed the offence indicated below by an (x) in breach of clause of the Shire of Dardanup
Cemeteries Local Law 2022

(Authorised Person)

Offence

5.3	Unauthorised entrance of a vehicle	\$50.00
5.4(1)	Driving or riding a vehicle other than on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within the cemetery	\$50.00
5.4(2)	Excessive speed	\$50.00
5.7(1)	Bringing or disposing of the ashes of a deceased person in a cemetery	\$50.00
7.3	Failure to remove rubbish and surplus material from the cemetery	\$50.00
7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
7.9	Unauthorised planting of plants	\$50.00
7.12	Unauthorised placing of glass domes and vases	\$50.00
7.19	Displaying a trade name on a memorial	\$50.00
8.1	Unauthorised animal in cemetery	\$50.00
8.2(1)	Connect to or alter or interfere with utility services	\$50.00
8.3	Damage or removal of objects	\$50.00
8.5	Littering	\$50.00
8.6(1)	Place or display a sign or advertisement	\$50.00
8.6(2)	Unauthorised advertising, and/or trading	\$50.00
8.8	Disobeying sign or lawful direction	\$50.00

Other Offence _____ \$ _____

you may dispose of this matter:

By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire of Dardanup, 1 Council Drive, Eaton WA 6232 between the hours of 9am to 4.30pm Monday to Friday.

Please make cheques payable to Shire of Dardanup. Payments by mail should be addressed to:

The Chief Executive Officer
Shire of Dardanup
1 Council Drive, Eaton WA 6232

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

[Appendix ORD: 12.4.2C]

SCHEDULE 4
WITHDRAWAL OF INFRINGEMENT NOTICE
(Clause 9.2(4))

No. _____

_____ Date ____/____/____

To (1) _____

Infringement Notice No _____ dated ____/____/____ for the alleged offence of (2)

Penalty (3) \$ _____ is withdrawn.

(Delete whichever does not apply)

- * No further action will be taken.
- * It is proposed to institute court proceedings for the alleged offence.

- (1) Insert name and address of alleged offender.
- (2) Insert short particulars of offence alleged.
- (3) Insert amount of penalty prescribed.

(Authorised Person)

Dated [*insert date*]

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

CR. MICHAEL THEODORE BENNETT, Shire President

MR ANDRIES STEFAN SCHÖNFELDT, Chief Executive Officer

[Appendix ORD: 12.4.3A]

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT:		Proposed Shire of Dardanup Extractive Industries Local Law 2022						
RISK THEME PROFILE:		3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)			4 - Document Management Processes			
RISK ASSESSMENT CONTEXT:		Operational						
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Failing to review in the 8 yearly cycle as stipulated in S3.16 of Local Government Act 1995.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Council would be seen in a negative light if we failed in our legislative requirements.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

LOCAL GOVERNMENT ACT 1995

SHIRE OF DARDANUP

EXTRACTIVE INDUSTRIES LOCAL LAW

Under the powers conferred upon it by the Local Government Act 1995, the Council of the Shire of Dardanup resolved on the twenty-six day of July 1996, to make the following Local Law –

Repeal of Previous By-Laws

1. The By-Laws of the Shire of Dardanup relating to Extractive Industries published in the Government Gazette on 8th November 1962 as amended, are repealed.

Citation

2. This Local Law may be cited as the “Shire of Dardanup Extractive Industries Local Law”.

Definitions

3. In this Local Law, unless the context otherwise requires –
 - “Act” means the Local Government Act 1995 as amended.;
 - “carry on an extractive industry” means quarrying and excavating for stone, gravel, sand and other material;
 - “Council” means the Council of the Shire;
 - “district” means the municipal district of the Shire;
 - “excavation” includes quarry;
 - “licence” means a licence issued under this Local Law;
 - “licensee” means the person named in the licence as the licensee;
 - “secured sum” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 13;
 - “Shire” means the municipality of the Shire of Dardanup;
 - “Chief Executive Officer” means the Chief Executive Officer of the Shire and includes an Acting Chief Executive Officer; and
 - “site” means the land specified by the Council in licence.

Application

4. This Local Law –
 - (a) subject to paragraphs (b) and (c) -
 - (i) applies and has force and effect throughout the whole of the district; and
 - (ii) applies to every excavation whether commenced prior to or following the coming into operation of this Local Law;
 - (b) does not apply to the extraction of minerals (as defined in the *Mining Act 1978*);
 - (i) pursuant to the *Mining Act 1978*; or
 - (ii) from land alienated in fee simple from the Crown before 1st January, 1889; and
 - (c) does not apply to the carrying on of an extractive industry on Crown land.

Extractive Industries Prohibited Without Licence

5. A person shall not carry on an extractive industry –
 - (a) unless the person is the holder of a valid and current licence; and
 - (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

[Appendix ORD: 12.4.3B]

Applicant to Advertise Proposal

6. (1) Unless the Council approves otherwise, a person seeking the issue of a licence shall, before applying to the Council for a licence –
 - (a) forward by certified mail a notice in the form set out in Schedule 1 to –
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the Council as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the Council;
 - (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 7(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land or within an area determined by the Council as likely to be affected by the granting of a licence; and
 - (b) as soon as practicable after complying with the requirements of paragraph (a) –
 - (i) forward a copy of the notice to the Chief Executive Officer; and
 - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The Council may, within 14 days after receiving a copy of a notice referred to in sub-clause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices –
 - (a) in the form set out in Schedule 2;
 - (b) the content, size and construction of which have been approved by the Chief Executive Officer;
 - (c) specifying particulars of the proposed excavation; and
 - (d) inviting objections or comments within 21 days from the placement of the notice.

Application For Licence

7. (1) A person seeking the issue of a licence in respect of any land shall apply in the form set out in Schedule 3 and shall forward the application duly completed and signed by both the applicant and the owner of the land to the Chief Executive Officer together with –
 - (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing–
 - (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (ii) the land on which the excavation site is to be located;
 - (iii) the external surface dimensions of the land;
 - (iv) the location and depth of the existing and proposed excavation of the land;
 - (v) the location of existing and proposed roads or other means of vehicle access to and egress from the land and to public roads in the vicinity of the land;
 - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, wetlands, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
 - b) 3 copies of a works and excavation programme containing –
 - (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;

[Appendix ORD: 12.4.3B]

- (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of roads to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, secured water supply, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise sand drift dust nuisance, erosion, watercourse siltation and dangers to the general public;
 - (xii) a description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997;
 - (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
 - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation;
 - (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby roads or other areas; and
 - (xvi) If dewatering is proposed and if a license is needed, evidence of approval or exemption to be provided by the Department of Water.
- (c) 3 copies of a rehabilitation and decommissioning programme indicating –
- (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) the method by which topsoil is to be replaced and revegetated;
 - (iv) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (v) how rehabilitated areas are to be maintained and irrigated; and
 - (vi) the programme for the removal of buildings, plant, waste and final site clean up;
- (d) evidence that a datum peg has been established on the land related to a point approved by the Council on the surface of a constructed public road or such other land in the vicinity;
- (e) a certificate from a licensed surveyor certifying the correctness of –
- (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and the related point referred to in paragraph (d);
- (f) evidence that the requirements of clause 6(1) and (2) have been carried out;
- (g) copies of all land use planning approvals required under any planning legislation;
- (h) copies of any environmental approval required under any environmental legislation;
- (i) copies of any geotechnical information relating to the excavation site;
- (j) the consent in writing to the application from the owner of the excavation site;
- (k) the licence application fee as determined by Council from time to time; and
- (l) any other information that the Council may reasonably require.”
- (2) All survey data supplied by an applicant for the purpose of sub clause (1) must comply with Australian Height Datum and Australian Map Grid standards.
- (3) Where in relation to a proposed excavation –
- (a) the surface area is not to exceed 2000m²; and
 - (b) the extracted material is not to exceed 2000m³;

the local government may exempt a person, making application for a licence under subclause (1), from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).

[Appendix ORD: 12.4.3B]

Determination Of Application

8. (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 7 and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.”
- (2) The Council may, in respect of an application for a licence –
 - (a) refuse the application; or
 - (b) approve the application –
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) on such terms and conditions, if any, as it sees fit.
- (3) Where the Council approves an application for a licence, it shall –
 - (a) determine the licence period, not exceeding 21 years from the date of issue; and
 - (b) approve the issue of a licence in the form set out in Schedule 4.
- (4) Where the Council approves the issue of a licence, the Chief Executive Officer upon receipt by the Shire of Dardanup
 - (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 31st December next, as determined by Council from time to time; and
 - (b) payment of the secured sum, if any, imposed under clause 13; and
 - (c) the documents, if any, executed to the satisfaction of the Chief Executive Officer, under clause 13,shall issue the licence to the applicant.
- (5) Without limiting subclause (2), the Council may impose conditions in respect of the following matters –
 - (a) the orientation of the excavation to reduce visibility from other land;
 - (b) the appropriate siting of access roads, buildings and plant;
 - (c) the stockpiling of material;
 - (d) the hours during which any excavation work may be carried out;
 - (e) the hours during which any processing plant associated with, or located on, the site may be operated;
 - (f) the depths below which a person shall not excavate;
 - (g) distances from adjoining land or streets which a person must not excavate;
 - (h) the safety of persons employed at or visiting the excavation site;
 - (i) the control of dust and wind-blown material;
 - (j) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
 - (k) the prevention of the spread of dieback disease;
 - (l) the drainage of the excavation site and the disposal of water;
 - (m) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
 - (n) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
 - (o) requiring the licensee to furnish to the Council a surveyor’s certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
 - (p) requiring the licensee to enter into an agreement with the Council in respect of any condition or conditions imposed under this Local Law;
 - (q) any other matter for properly regulating the carrying on of an extractive industry; and
 - (r) The applicant to provide information on the maximum recorded ‘end of winter’ groundwater level, to ensure that following excavation that the site does not become inundated and groundwater is not exposed.

Payment of Annual Licence Fee

9. On or before 31st December in each year, a licensee shall pay to the Shire the annual licence fee as determined by Council from time to time’.

[Appendix ORD: 12.4.3B]

Transfer of Licence

10. (1) An application for the transfer of a licence shall –
 - (a) be made in writing;
 - (b) be signed by the licensee and the proposed transferee of the licence;
 - (c) be accompanied by the current licence;
 - (d) contain the consent in writing from the owner of the excavation site;
 - (e) include any information that the Council may reasonably require; and
 - (f) be forwarded to the Chief Executive Officer together with the transfer of licence fee as determined by Council from time to time.
- (2) Upon receipt of an application for the transfer of a licence, the Council may-
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the Council approves an application for transfer of a licence, the Council shall transfer the licence by an endorsement on the licence to that effect signed by the Chief Executive Officer.
- (4) Where the Council approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

Cancellation of Licence

11. (1) The Council may cancel a licence where the licensee has –
 - (a) been convicted of an offence against –
 - (i) this Local Law; or
 - (ii) any other law relating to carrying on an extractive industry; or
 - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the Council;
 - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this Local Law; or
 - (d) failed to pay the annual licence fee under clause 9.
 - (e) Failed to have a current public liability insurance policy under clause 18 or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 18.
- (2) Where the Council cancels a licence under this clause –
 - (a) the Council shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the Council shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

Renewal of Licence

12. (1) A licensee who wishes to renew a licence shall apply in writing to the Council at least 45 days before the date of expiry of the licence and shall submit with the application for renewal –
 - (a) renewal of licence fee as determined by Council from time to time;
 - (b) a copy of the current licence;
 - (c) a plan showing the contours of the excavation carried out to the date of that application;
 - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 7(1)(b) and (c); and
 - (e) any other things referred to in clauses 7 and 8.
- (2) The Council may waive any of the requirements specified in clause 12(1)(d) or (e).
- (3) If –
 - (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,

[Appendix ORD: 12.4.3B]

then the applicant shall not be obliged, unless otherwise required by Council to submit details of any of the things referred to in clause 7 and 8.

- (4) Upon receipt of an application for the renewal of a licence, the Council may –
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Security for Restoration and Reinstatement

13. (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the Council may require that –
 - (a) as a condition of a licence; or
 - (b) before the issue of a licence, the licensee shall give to the Shire a bond, bank guarantee or other security, of a kind and in a form acceptable to the Council, in or for a sum determined by the Council from time to time.
- (2) A bond required under subclause (1) is to be paid into a fund established by the Shire for the purposes of this clause.

Use by the Council of Secured Sum

14. (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either –
 - (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions,then –
 - (c) the Shire may carry out the required restoration and reinstatement works or so much of that work as remains undone; and
 - (d) the licensee shall pay to the Shire on demand all costs incurred by the Shire or which the Shire may be required to pay under this clause.
- (2) The Shire may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 13 towards its costs under this clause.
- (3) The liability of a licensee to pay the Shire's costs under this clause is not limited to the amount, if any, secured under clause 13.

Limits on Excavation Near Boundary

15. Subject to any licence conditions imposed by the Council, a person shall not, without the written approval of the Council, excavate within –
 - (a) 20 metres of the boundary of any land on which the excavation site is located;
 - (b) 20 metres of any land affected by a registered grant of easement;
 - (c) 40 metres of any road; or
 - (d) 40 metres of any watercourse.

Prohibitions

16. A licensee shall –
 - (a) not remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the Council) of the boundary of any road reserve on land in respect of which a licence has been granted, except for the purpose of constructing access roads, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the Council and subject to any conditions which the Council may impose in accordance with clause 8;
 - (b) where the Council so requires, securely fence the excavation to a standard determined by Council and keep the gateways locked when not actually in use in order to prevent unauthorized entry;
 - (c) erect and maintain warnings signs along each of the boundaries of the site to which the licence applies so that each sign –
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words 'DANGER EXCAVATIONS KEEP OUT';

[Appendix ORD: 12.4.3B]

- (d) except where the Council approves otherwise, drain and keep drained to the Council's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (e) not store, or permit to be stored, any explosives or explosive device on the site to which the licence applies;
- (f) not fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the Council;
- (g) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the Council;
- (h) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (i) otherwise comply with the conditions imposed by the Council in accordance with clause 8.

Blasting

17. (1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless –
- (a) the Council has otherwise given approval in respect of blasting generally or in the case of each blast;
 - (b) subject to sub-clause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the Council, on Mondays to Fridays inclusive;
 - (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Regulation Act 1946 and all relevant Local Laws of the Council; and
 - (d) in compliance with any other conditions imposed by the Council concerning –
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used;
 - (iii) the methods of detonation and blasting;
 - (iv) the types of explosives to be used; and
 - (v) such other matters as the Council may reasonably require in the interests of the safety and protection of members of the public and of property within the district.
- (2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday except with the prior approval of the Council.

Public Liability

18. A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the Shire indemnifying the licensee and the Shire for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.

Mines Regulation Act

19. (1) In any case where the Mines Regulation Act 1946 applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall –
- (a) comply with all applicable provisions of that Act; and
 - (b) provide to the Council within 14 days full particulars, of any inspection or report made under that Act.
- (2) In this clause, the Mines Regulation Act 1946 includes all subsidiary legislation made under that Act.

Notice of Cessation of Operations

20. (1) Where a licensee intends to cease carrying on an extractive industry –
- (a) temporarily for a period in excess of 12 months; or
 - (b) permanently,
- the licensee shall, as well as complying with clause 21, give the Council written notice of the cessation not later than 1 week after those operations have ceased.
- (2) Where a licensee has given written notice to the Council of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.

[Appendix ORD: 12.4.3B]

- (3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

Works to be Carried out on Cessation of Operations

21. Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 20 –
 - (a) restore and reinstate the excavated site in accordance with the proposals approved by the Council or in such other manner as the Council may subsequently agree in writing with the licensee;
 - (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is –
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical : horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the Council, would enable the site to be left in a stable condition;
 - (c) ensure that the agreed floor level of the excavation site is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the Council;
 - (d) ensure that all stockpiles or dumps of stone, sand or other material are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
 - (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
 - (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
 - (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this Local Law.

Objections & Appeals

22. When the local government makes a decision as to whether it will—
 - (a) grant a person a license under this Local Law; or
 - (b) renew, vary or cancel a license that a person has under this local law, the provisions of Division 1 of Part of the Act and regulations 33 and 34 of the Local Government (Functions & General) Regulations 1996 shall apply to that decision”

Penalties

23. A person who contravenes or fails to comply with any of the provisions of this Local Law commits an offence and upon conviction is liable to –
 - (a) a penalty not exceeding \$5,000; and
 - (b) a daily penalty not exceeding \$500 for every day or part of a day during which the offence continues.

Modified Penalties

24. (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 5.

Forms

25. For the purposes of this local law –

[Appendix ORD: 12.4.3B]

- a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Local Government (Functions and General) Regulations 1996; and
- b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.”

[Appendix ORD: 12.4.3B]

SCHEDULE 1 (Form of Newspaper Notice)

Clause 6(1)(a)

NOTICE OF APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

Take notice that ⁽¹⁾

.....

...

intends to apply to the Shire of Dardanup for an extractive industry licence to excavate ⁽²⁾

.....

.....

...

on land situated at ⁽³⁾

.....

.....

...

.....

...

being ⁽⁴⁾

.....

.....

...

Any person who wishes to object or otherwise comment upon this proposal, should do so in writing to the Chief Executive Officer, Shire of Dardanup, 1 Council Drive, Eaton 6232, not later than ⁽⁵⁾

.....

...

- (1) Insert the name of applicant.
- (2) Insert the material(s) proposed to be excavated.
- (3) Insert the postal address of the land subject of the application.
- (4) Insert the title description of the land subject of the application.
- (5) Insert the date which should not be less than 3 weeks after the date when the advertisement first appears in the newspaper.

[Appendix ORD: 12.4.3B]

SCHEDULE 2 (Form of Site Notice)

Clause 6(2)

NOTICE OF APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

Take notice that ⁽¹⁾

...

intends to apply to the Shire of Dardanup for an extractive industry licence to excavate ⁽²⁾

.....

...

on land situated at ⁽³⁾

.....

...

.....

...

being ⁽⁴⁾

.....

...

Any person who wishes to object or otherwise comment upon this proposal, should do so in writing to the Chief Executive Officer, Shire of Dardanup, 1 Council Drive, Eaton 6232, not later than ⁽⁵⁾

.....

...

- (1) Insert the name of applicant.
- (2) Insert the material(s) to be excavated.
- (3) Insert the postal address of the land subject of the application.
- (4) Insert the title description of the land subject of the application.
- (5) Insert the date which is to be 21 days after the date on which the notice is placed on the land.

[Appendix ORD: 12.4.3B]

SCHEDULE 3 SHIRE OF DARDANUP

Clause 7

APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

1. Name(the “applicant”)
2. Address
3. Telephone Fax :
4. Address and locality of proposed excavation site
.....
.....
.
5. Lot No No
6. Location No
7. Plan or Diagram No
8. Certificate of Title Volume: Folio :
9. Owner of the land
.....
.....
.
10. Address of owner of the land
.....
.....
.
11. Material to be excavated
.....
12. If the application covers land that is the subject of an existing licence:
Date of issue of that licence
.....
Date of expiration of that licence
.....
Conditions applicable to that licence
.....
.....
.
13. Term of licence sought
.....
14. Submitted with this application are :
(a)3 copies of excavation site plan (cl.7(1)(a))
(b)3 copies of works and excavation programme (cl.7(1)(b))
(c)3 copies of rehabilitation and decommissioning programme (cl.7(1)(c))
(d)datum peg evidence (cl.7(1)(d))
(e)licensed surveyor’s certificate (cl.7(1)(e))
(f)evidence of compliance with cl.6(1) and (2) (cl.7(1)(f))
(g)copies of all land use planning approvals (cl.7(1)(g))

[Appendix ORD: 12.4.3B]

- (h)written consent of the owner of the excavation site (cl.7(1)(h))
- (i)any other information that the Council has required (cl.7(1)(i))
- (j)licence application fee of \$250 (cl.7(1)(j)).

The applicant applies for a licence in respect of the proposed excavation site in accordance with and subject to the Shire of Dardanup Extractive Industries Local Law.

Dated this day of 19

.....

Signature of Applicant

.....

Signature of Owner of the land

.....

Signature of existing licensee

(if applicable)

SCHEDULE 4
SHIRE OF DARDANUP
EXTRACTIVE INDUSTRY LICENCE

Clause 8(3)(b)

Licensee

.....

Address

.....

.....

...

.....

...

Land

Description

.....

.....

...

Material

to

be

to

Excavated

.....

Term of Licence

.....

Date of Expiry

This licence is issued in accordance with the Shire of Dardanup Extractive Industries Local Law subject to the following conditions :

.....

...

.....

...

.....

...

Dates this day of 19

.....

.....

[Appendix ORD: 12.4.3B]

Chief Executive Officer
Shire of Dardanup

TRANSFER ENDORSEMENT

Clause 9(3)

This licence is transferred to

of

.....

.....

...

.....

...

from the date of the endorsement until

.....

subject to each of the above conditions and the following additional conditions –

Dates this day of 19

.....

Chief Executive Officer
Shire of Dardanup

[Appendix ORD: 12.4.3B]

SCHEDULE 5 SHIRE OF DARDANUP

PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
5	Carry on extractive Industry without licence or in breach of terms and conditions	350
15(a)	Excavate near boundary	250
16(a)	Remove trees or shrubs near boundary without approval	300
16(b)	Gateways not kept locked where required	350
16(c)	Warning signs not erected or maintained as required	350
16(d)	Excavation not drained as required	350
16(e)	Store explosives or explosive devices on the site to which the license applies	350
16(f)	Fill or excavate in breach of licence	350
17(1)(a)	Blasting without approval of the local government	250
17(1)(b)	Blasting outside times authorised	350
17(1)(d)	Blasting in breach of conditions imposed by the local government	350
17(2)	Blasting without approval on Saturday, Sunday or public holiday	250

The Common Seal of the Shire of Dardanup was affixed this day of
..... 20....., in the presence of

.....
Mr Brad Day

Shire President

.....
Mr Mark Chester

Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF DARDANUP

**EXTRACTIVE INDUSTRIES
LOCAL LAW 2022**

[Appendix ORD: 12.4.3C]

LOCAL GOVERNMENT ACT 1995

SHIRE OF DARDANUP

EXTRACTIVE INDUSTRIES LOCAL LAW 2022

CONTENTS

PART 1 PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Definitions
- 1.4 Application
- 1.5 Transitional provisions
- 1.6 Repeal

PART 2—LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY

- 2.1 Extractive industries prohibited without licence
- 2.2 Applicant to advertise proposal
- 2.3 Application for licence

PART 3—DETERMINATION OF APPLICATION

- 3.1 Determination of application
- 3.2 Payment of annual licence fee

PART 4—TRANSFER, CANCELLATION AND RENEWAL OF LICENCE

- 4.1 Transfer of licence
- 4.2 Cancellation of licence
- 4.3 Renewal of licence
- 4.4 Notice of outcome

PART 5—SECURED SUM AND APPLICATION THEREOF

- 5.1 Security for restoration and reinstatement
- 5.2 Use by the local government of secured sum

PART 6—LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS

- 6.1 Limits on excavations near boundary
- 6.2 Obligations of the licensee
- 6.3 Prohibitions
- 6.4 Blasting

PART 7—MISCELLANEOUS PROVISIONS

- 7.1 Public liability
- 7.2 Mines Safety and Inspection Act and Environmental Protection Act
- 7.3 Notice of cessation of operations
- 7.4 Works to be carried out on cessation of operations

PART 8—OBJECTIONS AND REVIEW

- 8.1 Objection and review rights

[Appendix ORD: 12.4.3C]

PART 9—OFFENCES, PENALTIES AND FORMS

- 9.1 Offences
- 9.2 General penalty
- 9.3 Modified penalty
- 9.4 Forms

SCHEDULE 1 - PRESCRIBED OFFENCES

[Appendix ORD: 12.4.3C]

LOCAL GOVERNMENT ACT 1995

Shire of Dardanup Extractive Industries Local Law 2022

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dardanup resolved on _____ to make the following local law.

PART 1 PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dardanup Extractive Industries Local Law 2022*.

1.2 Commencement

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

1.3 Definitions

In this local law unless the context otherwise requires-

Act means the Local Government Act 1995;

AS means an Australian Standard published by Standards Australia, as amended from time to time, and available for viewing free of charge at the Shire of Dardanup Administration office;

carry on an extractive industry means quarrying and excavating for stone, gravel, sand, and other material;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

excavation includes quarry;

land unless the context otherwise requires, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates;

licence means a licence issued under this local law;

licensee means the person named in the licence as the licensee;

local government means the Shire of Dardanup;

occupier has the meaning given to it in the Act;

owner has the meaning given to it in the Act;

person does not include the local government;

planning approval means an approval for a development and/or a land use that is issued under a local planning scheme administered by the local government;

secured sum means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1;

Schedule means a schedule to this local law; and

site means the land specified by the local government in a licence.

1.4 Application

(1) The provisions of this local law-

(a) subject to paragraphs (b), (c), (d) and (e)-

(i) apply and have force and effect throughout the whole of the district; and

(ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;

(b) do not apply to the extraction of minerals under the *Mining Act 1978*;

(c) do not apply to the carrying on of an extractive industry on Crown land;

(d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land; and

(e) do not affect the validity of any licence issued under the local law repealed by clause 1.5 of this local law if that licence is currently in force at the date of gazettal of this local law.

[Appendix ORD: 12.4.3C]

- (2) In subclause (1)(d), land includes adjoining lots or locations in the same occupation or ownership of the owner or occupier referred to in subclause (1)(d).

1.5 Transitional provisions

(1) Within 90 days of commencement of this local law or within 90 days of the date of the annual licence fee of a previous licence becoming due and payable (under clause 3.2), the local government may in respect of the licence—

- (a) vary or delete a condition; or
- (b) impose one or more other conditions, as specified in clause 3.1(5).

(2) A condition that is varied, deleted or imposed under subclause (1) does not become effective until 90 days (or longer period that is specified by the local government) after written notice of the condition is given by the local government to the licensee.

1.6 Repeal

This local law repeals the *Shire of Dardanup Extractive Industries Local Law* as published in the *Government Gazette* on 15 October 1996.

PART 2—LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY

2.1 Extractive industries prohibited without licence

A person must not carry on an extractive industry—

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

2.2 Applicant to advertise proposal

(1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before applying to the local government for a licence—

- (a) forward by registered mail a notice in the form determined by the local government from time to time to—
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within 21 days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government;
 - (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and
- (b) as soon as practicable after complying with the requirements of paragraph (a)—
 - (i) forward a copy of the notice to the CEO; and
 - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.

(2) The local government may, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—

- (a) in the form determined by the local government from time to time;
- (b) the content, size and construction of which have been approved by the CEO;
- (c) specifying particulars of the proposed excavation; and
- (d) inviting objections or comments within 21 days from the placement of the notice.

[Appendix ORD: 12.4.3C]

2.3 Application for licence

(1) Subject to subclause (3), a person seeking the issue of a licence in respect of any land shall apply in the form determined by the local government from time to time and must forward the application duly completed and signed by each of the applicants, the owner of the land and any occupier of the land to the CEO together with—

- (a) three (3) copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing—
 - (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (ii) the land on which the excavation site is to be located;
 - (iii) the external surface dimensions of the land;
 - (iv) the location and depth of the existing and proposed excavation of the land;
 - (v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
 - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- (b) Three (3) copies of a works and excavation programme containing—
 - (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
 - (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
 - (xii) a description of the measures to be taken to comply with the Environmental Protection (Noise) Regulations 1997;
 - (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
 - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and

[Appendix ORD: 12.4.3C]

- (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
 - (c) Three (3) copies of a rehabilitation and decommissioning programme indicating—
 - (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) how any face is to be made safe and batters sloped;
 - (iv) the method by which topsoil is to be replaced and revegetated;
 - (v) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (vi) how rehabilitated areas are to be maintained; and
 - (vii) the programme for the removal of buildings, plant, waste and final site clean-up;
 - (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
 - (e) certificate from a licensed surveyor certifying the correctness of—
 - (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and related point referred to in paragraph (d);
 - (f) where the applicant is required to display a notice, evidence that the requirements of clause 2.2 (2) have been carried out;
 - (g) copies of all land use planning approvals required under any planning legislation;
 - (h) copies of any environmental approval required under any environmental legislation;
 - (i) copies of any geotechnical information relating to the excavation site;
 - (j) the consent in writing to the application from the owner of the excavation site;
 - (k) the licence application fee specified by the local government from time to time; and
 - (l) any other information that the local government may reasonably require.
- (2) All survey data supplied by an applicant for the purpose of subclause (1) shall comply with Australian Height Datum and Australian Map Grid standards.
- (3) Where in relation to a proposed excavation—
- (a) the surface area is not to exceed 5000 square metres; and
 - (b) the extracted material is not to exceed 5000 cubic metres;
- the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).

PART 3—DETERMINATION OF APPLICATION

3.1 Determination of application

- (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government may, in respect of an application for a licence—
 - (a) refuse the application; or
 - (b) approve the application—
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for a licence, it shall—
 - (a) determine the licence period, not exceeding 5 years from the date of issue; and
 - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of -

[Appendix ORD: 12.4.3C]

- (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 30 June, determined by the local government under and in accordance with sections 6.16 to 6.19 of the Local Government Act 1995;
 - (b) payment of the secured sum if any, imposed under clause 5.1;
 - (c) the documents, if any, executed to the satisfaction of the CEO, under clause 5.1; and
 - (d) a copy of the public liability insurance policy required under clause 7.1(1) shall issue the licence to the applicant.
- (5) Without limiting subclause (2), the local government may impose conditions in respect of the following matters—
- (a) the orientation of the excavation to reduce visibility from other land;
 - (b) the appropriate siting of access thoroughfares, buildings and plant;
 - (c) the stockpiling of material;
 - (d) the hours during which any excavation work may be carried out;
 - (e) the hours during which any processing plant associated with, or located on, the site may be operated;
 - (f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
 - (g) the depths below which a person shall not excavate;
 - (h) distances from adjoining land or thoroughfares within which a person must not excavate;
 - (i) the safety of persons employed at or visiting the excavation site;
 - (j) the control of dust and wind-blown material;
 - (k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
 - (l) the prevention of the spread of dieback or other disease;
 - (m) the drainage of the excavation site and the disposal of water;
 - (n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
 - (o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
 - (p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
 - (q) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;
 - (r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and
 - (s) any other matter for properly regulating the carrying on of an extractive industry.

3.2 Payment of annual licence fee

On or before 30 June in each year, a licensee shall pay to the local government the annual licence fee determined by the local government from time to time under and in accordance with sections 6.16 to 6.19 of the Act.

PART 4—TRANSFER, CANCELLATION AND RENEWAL OF LICENCE

4.1 Transfer of licence

- (1) An application for the transfer of a licence shall—
 - (a) be made in writing;

[Appendix ORD: 12.4.3C]

- (b) be signed by the licensee and the proposed transferee of the licence;
 - (c) be accompanied by the current licence;
 - (d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
 - (e) include any information that the local government may reasonably require; and
 - (f) be forwarded to the CEO together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the CEO.
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

4.2 Cancellation of licence

- (1) The local government may cancel a licence where the licensee has—
- (a) been convicted of an offence against—
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry;
 - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
 - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
 - (d) failed to pay the annual licence fee under clause 3.2; or
 - (e) failed to have a current public liability insurance policy under clause 7.1(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2).
- (2) Where the local government cancels a licence under this clause—
- (a) the local government shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

4.3 Renewal of licence

- (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 90 days before the date of expiry of the licence and shall submit with the application for renewal—
- (a) the fee determined by the local government from time to time;
 - (b) a copy of the current licence;
 - (c) a plan showing the contours of the excavation carried out to the date of that application;
 - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 2.3(1)(b) and (c); and
 - (e) any other things referred to in clauses 2.3 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3 (1) (d) or (e).
- (3) If—
- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application, then the applicant shall not be obliged, unless

[Appendix ORD: 12.4.3C]

otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.

- (4) Upon receipt of an application for the renewal of a licence, the local government may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

4.4 Notice of outcome

The local government will provide written notice to an applicant whenever it makes a decision regarding the issue, renewal, transfer or cancellation of a licence.

PART 5—SECURED SUM AND APPLICATION THEREOF

5.1 Security for restoration and reinstatement

- (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that—
- (a) as a condition of a licence; or
 - (b) before the issue of a licence, the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government from time to time.
- (2) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.
- (3) Subject to clause 5.2, any interest accrued in respect of the bond paid into the fund under subclause (2) is to be returned to the licensee at the completion of the restoration and reinstatement works required by the licence conditions or otherwise under this local law.

5.2 Use by the local government of secured sum

- (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either—
- (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then, subject to the local government giving the licensee 14 days notice of its intention to do so—
 - (c) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and
 - (d) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

PART 6—LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS

6.1 Limits on excavations near boundary

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within—

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare; or
- (d) 40 metres of any watercourse.

[Appendix ORD: 12.4.3C]

6.2 Obligations of the licensee

A licensee shall-

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign—
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words ‘DANGER EXCAVATIONS KEEP OUT’;
- (c) except where the local government approves otherwise, drain and keep drained to the local government’s satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

6.3 Prohibitions

A licensee shall not—

- (a) remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;
- (b) store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Mines, Industry Regulation and Safety; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government.

6.4 Blasting

(1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless—

- (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;
- (b) subject to subclause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
- (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code as amended from time to time, the Mines Safety and Inspection Act 1994, the Environmental Protection Act 1986, and all relevant local laws of the local government; and
- (d) in compliance with any other conditions imposed by the local government concerning—
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used; and
 - (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.

[Appendix ORD: 12.4.3C]

(2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

PART 7—MISCELLANEOUS PROVISIONS

7.1 Public liability

(1) A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation operations.

(2) The licensee shall provide to the local government a copy of the policy taken out under subclause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

7.2 Mines Safety and Inspection Act and Environmental Protection Act

(1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.

(2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

7.3 Notice of cessation of operations

(1) Where a licensee intends to cease carrying on an extractive industry—
(a) temporarily for a period in excess of 12 months; or
(b) permanently,

the licensee shall, as well as complying with clause 7.4, give the local government written notice of the cessation not later than 1 week after those operations have ceased.

(2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.

(3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

7.4 Works to be carried out on cessation of operations

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 7.3—

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;
- (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is—
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;

[Appendix ORD: 12.4.3C]

- (c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;
- (d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
- (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
- (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
- (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

PART 8—OBJECTIONS AND REVIEW

8.1 Objection and review rights

- (1) The provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply when the local government makes a decision as to whether it will—
 - (a) grant a person a licence under this local law; or
 - (b) renew, vary, transfer, or cancel a licence that a person has under this local law.
- (2) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3 of the *Local Government Act 1995*.

PART 9—OFFENCES, PENALTIES AND FORMS

9.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

9.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature to an additional penalty not exceeding \$500 for each day or part of the day during which the offence has occurred.

9.3 Modified penalty

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 (1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

9.4 Forms

For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

[Appendix ORD: 12.4.3C]

SCHEDULE 1 - PRESCRIBED OFFENCES

Extractive Industries Local Law 2022

(clause 9.3)

Item	Clause	Description	Modified Penalty \$
1	2.1	Carry on extractive industry without licence or in breach of terms and conditions	500
2	6.1	Excavate near boundary	500
3	6.2(a)	Gateways not kept locked where required	500
4	6.2(b)	Warning signs not erected or maintained as required	500
5	6.2(c)	Excavation not drained as required	500
6	6.2(e)	Failure to prevent the emission of dust, noise or other forms of nuisance	500
7	6.3(a)	Remove trees or shrubs near boundary without approval	500
8	6.3(b)	Store without required approval explosives or explosive devices	500
9	6.3(c)	Fill or excavate in breach of licence	500
10	6.4(1)(a)	Blasting without approval of the local government	500
11	6.4(1)(b)	Blasting outside times authorised	500
12	6.4(1)(d)	Blasting in breach of conditions imposed by the local government	500
13	6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	500

Dated **[insert date]**

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

CR. MICHAEL THEODORE BENNETT, Shire President

MR ANDRIES STEFAN SCHÖNFELDT, Chief Executive Officer

[Appendix ORD: 12.4.4]

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Eaton Boomers Football Club – Interim Charge for User Agreement Seasonal Use

RISK THEME PROFILE:

4 - Document Management Processes

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Possible loss of revenue.	Minor (2)	Likely (4)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Compliance with User Agreement	Minor (2)	Likely (4)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Reputational impact of fees charged	Minor (2)	Likely (4)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.



COUNCIL POLICY NO:-

Exec CP122 – PRIVATE USE OF MOTOR VEHICLES – PRINCIPAL COMPLIANCE OFFICERS**GOVERNANCE INFORMATION**

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

ADMINISTRATION INFORMATION

History:	1	Version	OCM 15/05/13	Res: 130/13	Synopsis:	Policy created.
	2	AP008	OCM 23/11/16	Res: 297/16	Synopsis:	New Admin Policy Document endorsed
	3	CP122	OCM 30/05/18	Res: 177-18	Synopsis:	Council Policy – excludes commuting
Version:	2	Exec CP122	OCM 30/09/20	Res: 270-20	Synopsis	Reviewed and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Executive

2. PURPOSE OR OBJECTIVE

To establish the rules that apply to Senior and Compliance Officers in their use and care of Council vehicles.

3. REFERENCE DOCUMENTS

Local Government Act 1995 6.2, 6.5 Financial Regulations 1996.

4. POLICY

In circumstances where the Shire provides a vehicle for use by Officers, the following conditions apply;

- The Chief Executive Officer shall assign the vehicle to the officer of Council to care for the vehicle after hours (The Caretaker).
- The Caretaker is granted private use of the vehicle, including commuting rights.
- A maximum of 7,500 kilometres per Fringe Benefit Tax (FBT) reporting year applies to private use excluding commuting to and from work. Officers that exceed the 7,500 kilometre provision will be required to contribute to the operating costs of the vehicle via a fortnightly after tax contribution based on Australian Tax Office* rate of cents per kilometre of private use. Payments for fuel for private use is to be deducted from the employee's liability for exceeding the 7,500 kilometre private use limit.
** Reimbursement Rate for Private Vehicle Use – The Australian Taxation Office's 'cents per kilometre' method will be used to calculate vehicle reimbursement costs. For example, 0.72c per kilometre for all vehicles. The rates are available on the Australian Taxation Office website.*
- The vehicle may be used during periods of annual leave and sick leave as a benefit and is considered private use.
- All fuel purchased for the vehicle during any period of annual, long service, and other leave, and also for private weekend use is to be the Caretakers responsibility. (The intent of the "weekend" condition is for fill-ups on long private weekend trips are to be at the Caretakers cost.)
- Council accepts responsibility for all repairs and/or maintenance during the leave, with the exception that if there is an accident that is the employee's fault and Council's insurer does not cover expenses the employee is responsible for those repairs.
- The Caretaker is not to take the vehicle outside of Western Australia or above the 26th parallel.
- The vehicle is only to be driven by the Caretaker, other Council employees or Council members unless with specific written approval of the Chief Executive Officer. The Caretakers partner or designated family member may drive the vehicle after work hours subject to the approval of the Caretaker and limited to a 200 kilometre radius of the Shire of Dardanup boundary.
- The Caretaker is responsible for the washing and cleaning of the vehicle, keeping the vehicle in a clean and tidy state as expected of an employee of Council having the privilege of use of a Shire vehicle.

10. The vehicle is to be available for use by other employees of Council during normal working hours. The vehicle may be required for use by other employees after hours and this may be arranged through mutual agreement between the officers involved.
11. When the vehicle is used by other Officers, the Caretaker is to ensure that the Vehicle Use Register is completed as required by the Road Traffic Act and the Shire's Governance policy.
12. The Caretaker is responsible for ensuring the vehicle is in a roadworthy condition, and will ensure the vehicle is serviced as required and the tyres are maintained in a roadworthy state.
13. The Caretaker is to comply with all laws and regulations pertaining to the use and operation of motor vehicles.
14. The Caretaker is to ensure that at all times the driver of the vehicle is known and identified. In the case that a traffic infringement has been issued and where the driver cannot be identified, the Caretaker takes full responsibility for any infringement relating to the vehicle.
15. Where a dispute arises with respect to use of the vehicle the Chief Executive Officer is to intervene and the Chief Executive Officer's decision is final.

5. VARIATION TO THIS POLICY

This policy may be cancelled or varied from time to time. All the Shire of Dardanup's employees will be notified of any variation to this policy by the normal communication method. Employee's directly affected by this Policy will be consulted prior to any changes being made.

6. NOTES

This policy should be read in conjunction with Parts 2 and 3 of Resolution 176-18 of the Ordinary Council Meeting held 30 May 2018.

Resolution 176-18 clarifies that CP122 is applicable only to existing employees [as at 30 May 2018] who are receiving the benefit of limited private use of the vehicle.

All employees in a position below manager level that are employed after 30 May 2018, or existing employees that move from their current position to a higher level position after 30 May 2018 and provided with a vehicle will not be eligible to have private use of the vehicle, but will have commuting use only.



ADMINISTRATION POLICY NO:-
AP007 – PAYMENT IN LIEU PROVISION OF MOTOR VEHICLES – COMPLIANCE OFFICER

GOVERNANCE INFORMATION			
Procedure Link:	PR007 PR007 - Use of Pool Vehicle	Council Policy Link:	NA

ADMINISTRATION INFORMATION					
Version:	1	EXEC12	15/05/13	Synopsis:	Policy created & endorsed by CEO
Version:	2	AP007	23/11/16	Synopsis:	New Council Policy Document endorsed

1. RESPONSIBLE DIRECTORATE

Executive Services

2. PURPOSE OR OBJECTIVE

Where in the opinion of the Chief Executive Officer, a compliance officer requires a motor vehicle for the efficient discharge of their duties, a suitable vehicle will be provided for that officer and its use shall be in accordance with Administrative Policy AP010 “Use of Pool Vehicles”.

In those circumstances where, although the Chief Executive Officer is of the opinion that a motor vehicle is required, and no vehicle can be provided, the officer shall, at the discretion of the Chief Executive Officer, be subject to an over-award payment of up to \$7,500 by way of compensation.

3. POLICY

The Chief Executive Officer will determine the amount of the over-award payment but will not exceed the amount stated in the objective above.

Such over-award payment shall cease on a motor vehicle being provided.

The Chief Executive Officer will consider the necessity to provide compliance officers with vehicles or over award payments on a case by case basis.



ADMINISTRATION POLICY NO:-

AP009 – PRIVATE MOTOR VEHICLE USE - MANAGERS**GOVERNANCE INFORMATION**

Procedure Link:	PR006 PR006 - Private Motor Vehicle Use - Directors and Managers	Council Policy Link:	NA
------------------------	--	-----------------------------	----

ADMINISTRATION INFORMATION

History:		EXEC14	OCM 15/05/13	Res: 130/13	Synopsis:	Policy created.
	1	AP009	OCM 23/11/16	Res: 297/16	Synopsis:	New Council Policy Document endorsed
	2	AP009	NA 12/06/18	N/A	Synopsis:	Amended to Managers Policy Only by CEO

1. RESPONSIBLE DIRECTORATE

Executive Services

2. PURPOSE OR OBJECTIVE

Managers receive as a benefit the private use of a motor vehicle. To establish the rules that apply to the private use of the motor vehicle by Managers.

3. REFERENCE DOCUMENTS

Local Government Act 1995 6.2, 6.5 Financial Regulations 1996.

4. POLICY

Where a motor vehicle is provided to a Manager and the salary package negotiated includes the private use of a motor vehicle, the following conditions apply:

1. The vehicle is available to the Manager at all times during the period of employment.
2. All fuel purchased for the vehicle during any period of annual, long service, and other leave, and also for private weekend use is to be the Manager's responsibility. (The intent of the "weekend" condition is for fill-ups on long private weekend trips are to be at the Manager's cost.)
3. Council accepts responsibility for all repairs and/or maintenance during the leave, with the exception that if there is an accident that is the employee's fault and Council's insurer does not cover expenses the employee is responsible for those repairs.
4. Prior Chief Executive Officer approval in writing is required to take the vehicle outside of the state or north of the 26th parallel.
5. The vehicle is only to be driven by the Manager, other Council employees or Council members unless with specific written approval of the Chief Executive Officer. The Manager's partner or designated family member may drive the vehicle after work hours subject to the approval of the Manager and limited to a 200 kilometre radius of the Shire of Dardanup boundary.
6. The Manager is responsible for the washing and cleaning of the vehicle, keeping the vehicle in a clean and tidy state as expected of an employee of Council having the privilege of use of a Shire vehicle.

7. The vehicle is to be available for use by other employees of Council during normal working hours, such use is to be authorised by the Manager prior to use and will be approved unless the Manager has an immediate need for the vehicle.
8. When the vehicle is used by other Officers, the Manager is to ensure that the Vehicle Use Register is completed as required by the Road Traffic Act and the Shire's Governance policy.
9. The Manager is responsible for ensuring the vehicle is in a roadworthy condition, and will ensure the vehicle is serviced as required and the tyres are maintained in a roadworthy state.
10. The Manager is to comply with all laws and regulations pertaining to the use and operation of motor vehicles.
11. The Manager is to ensure that at all times the driver of the vehicle is known and identified. In the case that a traffic infringement has been issued and where the driver cannot be identified, the Manager takes full responsibility for any infringement relating to the vehicle.
12. Where a dispute arises with respect to use of the vehicle the Chief Executive Officer is to intervene and the Chief Executive Officer's decision is final.

5. VARIATION TO THIS POLICY

This policy may be cancelled or varied from time to time. All the Shire of Dardanup's employees will be notified of any variation to this policy by the normal communication method.



ADMINISTRATION POLICY NO:-

AP020 – LOSS OF DRIVERS LICENCE**GOVERNANCE INFORMATION**

Procedure Link:	PR029 - Loss of Drivers Licence	Council Policy Link:	NA
------------------------	---	-----------------------------	----

ADMINISTRATION INFORMATION

History:		EXEC36	OCM: 13/08/08	Res: 244/08	Synopsis:	Policy created.
Version:	1	Reference:	OCM: 10/05/12	Res: 138/12	Synopsis:	Reviewed Policy Adopted
Version	2	AP020:	OCM: 25/01/17	Res: 02/17	Synopsis:	New Council Policy Document endorsed

1. RESPONSIBLE DIRECTORATE

Corporate & Governance Directorate

2. PURPOSE OR OBJECTIVE

It is essential that employees maintain certain skills and qualifications in order to satisfactorily undertake their duties.

The need for a valid Driver's Licence is one such qualification that is needed in many positions.

Should an employee lose their driver's licence, this may negatively impact on their ability to perform their duties.

To outline the possible outcomes if an employee loses their drivers licence or if their drivers licence was to lapse (or invalidated) and such licence is needed for them to satisfactorily perform their duties.

"Loss of licence" for the purpose of this policy shall include lapsed, cancelled, failure to renew, renewal not issued, suspension and cancellation.

3. POLICY

An employee is required to notify their supervisor/Director at the earliest opportunity when they lose their licence.

An employee who has lost their licence must not operate any Local Government vehicle. Any employee who does operate a vehicle whilst not in possession of a current drivers licence will face disciplinary action. Driving a Local Government Vehicle whilst not possessing a current drivers licence is violating the law and can potentially be invalidating the Local Government's vehicle insurance policy.



ADMINISTRATION POLICY NO:-

AP043 – FUEL CARDS**GOVERNANCE INFORMATION**

Procedure Link:	PR117 - Fuel Card Procedure.docx	Council Policy Link:	NA
------------------------	--	-----------------------------	----

ADMINISTRATION INFORMATION

Version:	1	Created	13/06/2019	Synopsis:	Endorsed by EMT 01/07/2019
Version:	2			Synopsis:	

1. RESPONSIBLE DIRECTORATE

Directorate - Executive

2. PURPOSE OR OBJECTIVE

The purpose of this policy is to provide a consistent approach to the allocation and administration of fuel card's issued to Shire staff and members of local volunteer fire brigades. It also establishes a recorded chain of accountability and access for all fuel card holders

This maintains the compliance culture and promotes a sound internal control environment supported by the risk management framework for the Shire.

3. REFERENCE DOCUMENTS

AP009 – Private Motor Vehicle Use - Managers

CP122 – Private Usage of Motor Vehicles – Principal Compliance Officers

4. POLICY

The Shire of Dardanup operates a fleet of passenger, light and heavy vehicles, together with light and heavy vehicles for the local fire brigades.

Fuel cards are issued to staff and members of the local fire brigades and are utilised for the purchase of fuels and oils relating to Council business, with the exception of Emergency Services staff (e.g. Rangers). Emergency Services staff are permitted to purchase additional sundry items in the case of an emergency situation (e.g. natural or other disaster or emergency/injury or illness to any person).

Fuel cards must only be used for the vehicle it has been assigned to and must not be utilised to refuel another vehicle. Cards are obtained from suppliers who meet the Council's Procurement Policy and where possible are WALGA preferred suppliers.

Responsible officers assigned with Fuel Cards, will complete a Form 216 Approval Form – Use of Fuel Card acknowledging that they will agree to the guidelines and conditions set.

The Procurement Officer is responsible for issuing, recording and maintaining fuel cards and will manage the Fuel Card Register. This officer will also monitor and review the monthly fuel card report and invoice issued by the supplier.

Any discrepancies surrounding the misuse of the Fuel Card will be noted by the Procurement Officer and reported to the Officer in question and the relevant Manager and/or Director; and also the Deputy Chief Executive Officer.

Fuel cards and the fuel card register will be securely stored and guarded against improper use at all times.

5. VARIATION TO THIS POLICY

This policy may be cancelled or varied from time to time. All the Shire of Dardanup's employees will be notified of any variation to this policy by the normal communication method.



MOTOR VEHICLE USE AGREEMENT

TOOL OF TRADE

AGREEMENT:

This is an agreement between the Shire of Dardanup and the **Employee** recorded as signatory to the agreement.

This agreement is to establish the conditions that apply to the use of the motor vehicle as a **'tool of trade'**.

This agreement applies to operations staff (The Officer) as appointed from time to time.

Where a motor vehicle is assigned to an Officer as a **'tool of trade'** the **Employee** agrees to the following;

General Conditions

1. The Chief Executive Officer shall assign the vehicle to the Officer of Council as a **'tool of trade'** to care for the vehicle after hours.
2. The vehicle is available to the Officer for commuting rights only with reasonable (occasional) infrequent private use allowed.
3. Officers are not permitted to carry passengers in the vehicle other than persons directly involved with activities required by the Shire of Dardanup unless with specific written approval of the Chief Executive Officer.
4. The vehicle is only to be driven by the Officer, other Council employees or Council members unless with specific written approval of the Chief Executive Officer.
5. The vehicle is not available to the Officer during leave of any nature, inclusive of annual leave, sick leave, long service leave and other leave as prescribed in the Local Government Industry Award 2010 (LGIA), inclusive of Workers Compensation; where that leave is of a duration greater than 24 hours, in such circumstances the vehicle will be handed over to the Chief Executive Officer for continued use by Shire employees.
6. Where the Officer is on leave for any reason for duration greater than 24 hours the Chief Executive Officer shall assign the vehicle to another officer.
7. The Officer is not to take the vehicle outside of Western Australia or above the 26th parallel.
8. The Officer is responsible for the washing and cleaning of the vehicle, keeping the vehicle in a clean and tidy state as expected of an employee of Council having the privilege of use of a Shire vehicle.
9. The vehicle is to be available for use by other employees of Council during normal working hours.
10. When the vehicle is used by other Officers, the Officer is to ensure that the Vehicle Use Register (logbook) is completed as required by the Road Traffic Act and the Shire's Governance policy.
11. The Officer is responsible for ensuring the vehicle is in a roadworthy condition, and will ensure the vehicle is serviced as required and the tyres are maintained in a roadworthy state.
12. The Officer is to comply with all laws and regulations pertaining to the use and operation of motor vehicles.

13. The Officer is to ensure that at all times the driver of the vehicle is known and identified. In the case that a traffic infringement has been issued and where the driver cannot be identified, the Officer takes full responsibility for any infringement relating to the vehicle.
14. The type/standard of vehicle to be provided to be of the Make/Model/standard in accordance with the Shire of Dardanup provision of motor vehicle policy.
15. A lesser value/standard may be provided as agreed by the Officer and the Chief Executive Officer.

Fringe Benefits Tax

16. The Officer and other staff are to complete the Vehicle Use Register (logbook) to record on each occasion the business usage kilometres.

Replacement

17. The purchase and replacement/changeover of the vehicle will be administered in accordance with shire policy and coordinated through the Procurement Officer when appointed.

Security

18. Whenever the vehicle is at the Officer's home it should be parked on the property.
19. Whenever the Officer is absent interstate or on leave and the vehicle is required to remain with the Shire, it may be garaged at the Shire depot or elsewhere as determined by the Chief Executive Officer.
20. End of Contract - the vehicle is to be returned to the Shire when the Officer's employment contract ends.
21. Where a dispute arises with respect to use of the vehicle the Chief Executive Officer is to intervene and the Chief Executive Officer's decision is final.

Signatories

EXECUTED by the parties

Signed:

Employee:

MR ANDRÉ SCHÖNFELDT
Chief Executive Officer

Date: _____

Date: _____

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Light Vehicle Fleet Review

RISK THEME PROFILE:

1 - Asset Sustainability Practices

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

7 - Environment Management

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Financial whole-of-life costs of fleet management exceeding expectations.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Risk of Council breaching the Local Government Act 1995 – Breach of Procurement Policy.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Loss of reputation through non-compliance or mismanagement of funds.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	Move towards electric vehicles improving greenhouse gas emissions.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Monthly Statement of Financial Activity for the Period Ended on the 30th of June 2022

RISK THEME PROFILE:

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

RISK ASSESSMENT CONTEXT: Operational

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



Monthly Financial Report

For the Period

1 July 2021 to 30 June 2022

TABLE OF CONTENTS

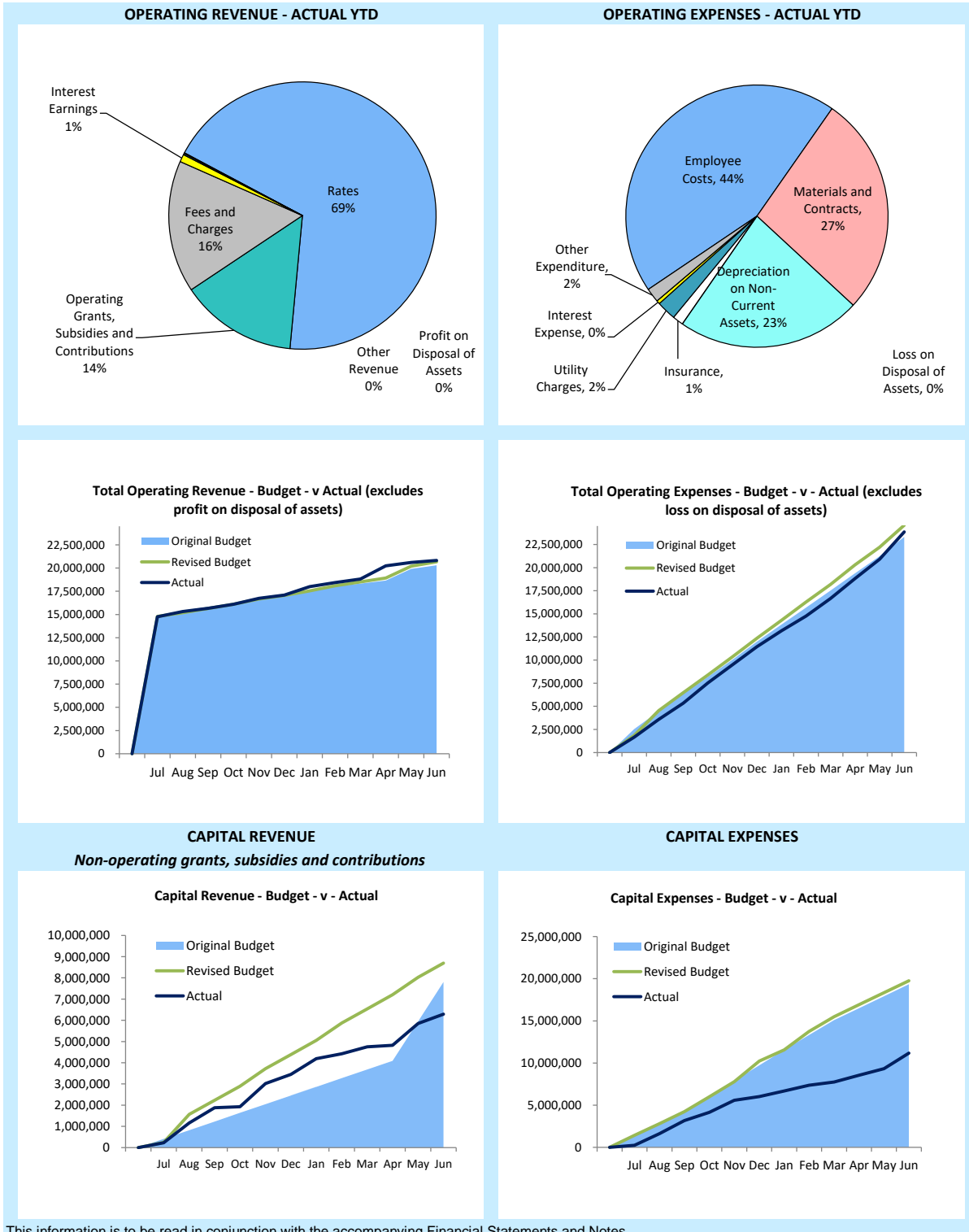
	Page
Information Summary Graphs	2
Statement of Financial Activity by Program	3
Net Current Assets	5
Statement of Comprehensive Income by Nature and Type	6
Note 1 Statement of Objectives, Programs and Activities	7
Note 2 Explanation of Material Variances in the Statement of Financial Activity	8
Note 3 Trust Fund	12
Note 4 Reserve Accounts	13
Note 5 Municipal Liabilities	13
Note 6 Statement of Investments	14
Note 7 Accounts Receivable - Rates and Sundry Debtors	16
Note 8 Salaries and Wages	16
Note 9 Rating Information	17
Note 10 Information on Borrowings	18
Note 11 Budget Amendments	19

[Appendix ORD: 12.4.6B]



Monthly Financial Report For the Period Ended 30 June 2022

SUMMARY GRAPHS



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

[Appendix ORD: 12.4.6B]



**Statement of Financial Activity by Program
For the Period Ended 30 June 2022
(Covering 12 months or 100% of the year)**

Sch	2021/22	2021/22	2021/22	2021/22	Variance Y-T-D	Variance Y-T-D	2021/22	2020/21	
	Adopted Budget \$	Revised Budget \$	Y-T-D Revised Budget \$	Y-T-D Actual \$	Actual to Revised Budget \$	Actual to Revised Budget %	Forecast \$	Last Year Actual \$	
OPERATING ACTIVITIES									
Revenue									
Governance	4	800	800	800	4,282	3,482	435.3%	4,769	23,979
General Purpose Funding	3	15,793,559	15,793,559	15,793,559	16,197,052	403,493	2.6%	16,212,395	15,328,126
Law, Order, Public Safety	5	513,681	859,526	859,526	473,272	(386,254)	(44.9%) ▼	525,342	647,418
Health	7	16,650	16,650	16,650	23,504	6,854	41.2%	23,550	5,489
Education and Welfare	8	6,000	11,000	11,000	2,550	(8,450)	(76.8%)	7,550	10,017
Community Amenities	10	1,770,752	1,770,752	1,770,752	1,724,136	(46,616)	(2.6%)	1,922,514	1,592,566
Recreation and Culture	11	1,687,284	1,803,937	1,803,937	1,784,492	(19,445)	(1.1%)	1,864,417	1,633,968
Transport	12	157,524	157,524	157,524	191,897	34,373	21.8% ▲	177,767	153,523
Economic Services	13	189,980	189,980	189,980	165,081	(24,899)	(13.1%)	161,690	158,933
Other Property and Services	14	3,815,130	3,815,130	3,815,130	222,825	(3,592,305)	(94.2%) ▼	247,800	270,536
Total Operating Revenue		23,951,359	24,418,858	24,418,857	20,789,092	(3,629,766)	(14.9%)	21,147,794	19,824,555
Operating Expenses									
Governance	4	(1,272,496)	(1,377,185)	(1,377,185)	(1,367,504)	9,681	0.7%	(1,370,910)	(1,084,776)
General Purpose Funding	3	(530,474)	(530,474)	(530,474)	(526,239)	4,235	0.8%	(537,310)	(367,084)
Law, Order, Public Safety	5	(1,666,216)	(2,046,461)	(2,046,461)	(1,658,838)	387,624	18.9%	(1,727,569)	(1,736,734)
Health	7	(552,143)	(552,143)	(552,144)	(525,315)	26,829	4.9%	(536,669)	(508,635)
Education and Welfare	8	(878,754)	(913,754)	(913,754)	(858,273)	55,481	6.1%	(897,054)	(831,897)
Community Amenities	10	(3,385,649)	(3,645,363)	(3,645,363)	(3,263,010)	382,353	10.5%	(3,389,819)	(2,805,205)
Recreation & Culture	11	(8,026,956)	(8,198,109)	(8,198,109)	(8,019,835)	178,274	2.2%	(8,376,163)	(8,085,668)
Transport	12	(6,443,340)	(6,600,239)	(6,600,239)	(6,668,534)	(68,295)	(1.0%)	(6,587,487)	(6,352,869)
Economic Services	13	(563,127)	(564,127)	(564,127)	(519,770)	44,356	7.9%	(544,956)	(481,257)
Other Property and Services	14	(408,728)	(438,728)	(438,728)	(420,421)	18,307	4.2%	(418,862)	(710,322)
Total Operating Expenditure		(23,727,883)	(24,866,583)	(24,866,583)	(23,827,738)	1,038,845	4.2%	(24,386,799)	(22,964,447)
Net Operating Activities		223,477	(447,725)	(447,726)	(3,038,646)	(2,590,920)	(578.7%)	(3,239,005)	(3,139,892)

(continued next page)

[Appendix ORD: 12.4.6B]



Statement of Financial Activity by Program For the Period Ended 30 June 2022 (Covering 12 months or 100% of the year)

	2021/22 Adopted Budget \$	2021/22 Revised Budget \$	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2021/22 Forecast \$	2020/21 Last Year 0 Actual \$
Net Operating Activities (from previous page)	223,477	(447,725)	(447,726)	(3,038,646)	(2,590,920)	578.7%	(3,239,005)	(3,139,892)
ADJUSTMENTS OF NON CASH ITEMS								
(Profit)/Loss on Asset Disposals	(3,637,796)	(3,637,796)	(3,637,796)	(32,999)	3,604,797	99.1% ▲	10,534	1,303,513
Accruals	0	0	0	(74,576)	(74,576)	100.0% ▼	26,585	(47,412)
Fair value adjustment to financial assets	0	0	0	0	0	0.0%	0	(2,586)
Movement in contract liabilities associated with restricted cash	(3,053,776)	(3,053,776)	(1,539,438)	(1,503,361)	36,077	2.3%	(3,385,250)	(2,109,196)
Depreciation on Assets	5,635,083	5,635,083	5,635,083	5,428,360	(206,723)	(3.7%)	5,635,083	5,270,048
Adjusted Net Operating Activities	A (833,012)	(1,504,214)	10,124	778,777	768,654	7592.6%	(952,052)	1,274,475
INVESTING ACTIVITIES								
Revenue								
Non-operating grants, subsidies & contributions	7,805,595	8,259,612	8,259,612	6,289,298	(1,970,314)	(23.9%) ▼	7,933,207	5,269,566
Proceeds from Disposal of Assets	5,170,384	5,204,784	5,204,784	243,274	(4,961,510)	(95.3%) ▼	266,469	229,045
Total Capital Revenue	12,975,979	13,464,396	13,464,396	6,532,571	(6,931,824)	(51.5%)	8,199,676	5,498,611
Expenditure								
Land & Buildings	(11,269,366)	(11,380,366)	(11,380,366)	(5,836,713)	5,543,653	48.7% ▲	(7,402,307)	(2,077,708)
Infrastructure Assets - Road / Bridges / Paths	(5,843,154)	(5,932,953)	(5,932,954)	(3,295,141)	2,637,813	44.5% ▲	(4,759,826)	(3,989,623)
Infrastructure Assets - Parks & Gardens	(1,041,348)	(1,390,912)	(1,390,912)	(754,324)	636,587	45.8% ▲	(1,246,323)	(363,538)
Vehicles	(600,054)	(835,437)	(835,437)	(823,180)	12,257	1.5% ▲	(947,581)	(531,430)
Plant & Equipment	(499,000)	(499,000)	(499,000)	(398,755)	100,245	20.1% ▲	(399,000)	0
Furniture & Fittings	(90,315)	(95,315)	(95,315)	(64,396)	30,919	32.4% ▲	(74,747)	(24,754)
Total Capital Expenditure	(19,343,237)	(20,133,983)	(20,133,984)	(11,172,509)	8,961,474	44.5%	(14,829,784)	(6,987,053)
Net Capital Activities	B (6,367,258)	(6,669,587)	(6,669,588)	(4,639,938)	2,029,650	30.4%	(6,630,108)	(1,488,442)
FINANCING ACTIVITIES								
Revenue								
Proceeds from New Loans	320,000	320,000	320,000	320,000	0	0.0%	320,000	750,000
Transfers from Reserves	17,937,355	19,089,369	19,088,319	6,078,145	(13,010,175)	(68.2%) ▲	15,347,310	7,607,708
Total Financing Revenue	18,257,355	19,409,369	19,408,319	6,398,145	(13,010,175)	67.0%	15,667,310	8,357,708
Expenditure								
Repayment of Loans	(349,517)	(349,517)	(349,517)	(333,977)	15,540	4.4%	(328,172)	(250,116)
Principal element of finance lease payments	(334,246)	(334,246)	(334,246)	(199,229)	135,017	40.4% ▲	(305,270)	(165,751)
Transfers to Reserves	(10,526,326)	(11,356,326)	(11,356,326)	(2,813,226)	8,543,101	75.2% ▼	(8,228,446)	(7,241,183)
Total Financing Expenditure	(11,210,089)	(12,040,089)	(12,040,089)	(3,346,432)	8,693,657	72.2%	(8,861,888)	(7,657,050)
Net Financing Activities	C 7,047,266	7,369,280	7,368,230	3,051,713	(4,316,517)	58.6%	6,805,422	700,658
FUNDING SOURCES								
Surplus/(Deficit) July 1 B/Fwd	D 169,557	961,190	961,190	961,190	0	0.0%	961,190	474,501
CLOSING FUNDS (A+B+C+D)	16,552	156,668	1,669,956	151,743	(1,518,213)	90.9%	184,453	961,193

KEY INFORMATION

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

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

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

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

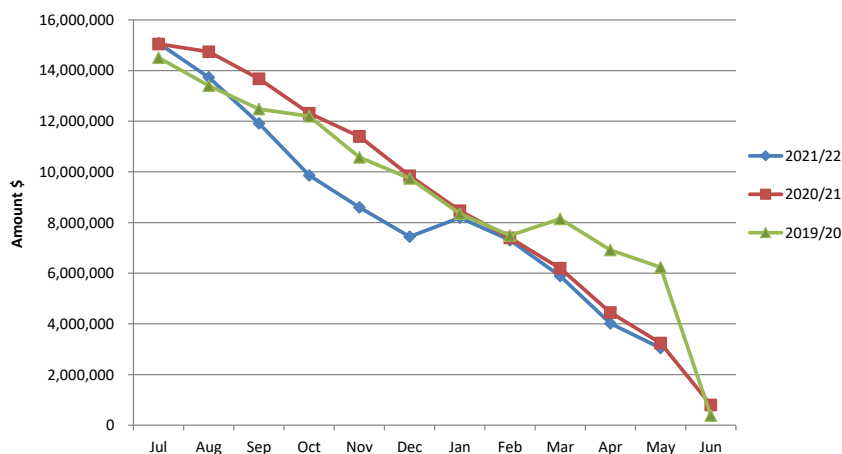
[Appendix ORD: 12.4.6B]



Statement of Financial Activity by Program For the Period Ended 30 June 2022 NET CURRENT ASSETS

Note	Year to Date Actual 30-Jun-2022 \$	Same Time Last Year Actual 30-Jun-2021	Last Year Closing 30-Jun-2021 \$
Represented By:			
CURRENT ASSETS			
Cash and Cash Equivalents	22,165,701	27,043,224	27,043,224
Rates Debtors Outstanding	483,901	309,045	309,045
Pensioner Rates Rebate	19,104	46,375	46,375
Sundry Debtors	383,391	170,111	170,111
Accrued Revenue	25,012	119,951	119,951
Prepaid Expenses	0	40,180	40,180
Goods & Services Tax / BAS Refund	357,965	351,138	351,138
Other Receivables	0	0	0
Inventories - Materials	6,318	6,318	6,318
Inventories- Trading Stock - Recreation Centre	5,842	5,842	5,842
Current Assets	23,447,234	28,092,185	28,092,185
LESS CURRENT LIABILITIES			
Payables:			
Sundry Creditors	(895,605)	(1,798,946)	(1,798,946)
Goods & Services Tax / BAS Payable	0	0	0
Other Payables	(17,917)	(24,697)	(24,697)
Municipal Bonded Liabilities	(580,208)	(675,602)	(675,602)
Contract Liabilities	(1,618,928)	(2,639,655)	(2,639,655)
Prepaid Revenue - Rates / PPL	(885,616)	(782,454)	(782,454)
Accrued Interest on Debentures	(30,331)	(30,331)	(30,331)
Accrued Salaries & Wages	(171,847)	(141,811)	(141,811)
Other Accrued Expenses	0	(117,261)	(117,261)
Borrowings - Debentures	0	(333,977)	(333,977)
Provisions:			
Staff Leave Provisions	(1,630,074)	(1,693,713)	(1,693,713)
Current Liabilities	(5,830,526)	(8,238,447)	(8,238,447)
Net Current Assets	17,616,708	19,853,738	19,853,738
Less: Restricted Assets / Reserve Funds	(18,573,971)	(21,838,890)	(21,838,890)
Add: Current - Borrowings	0	333,977	333,977
Add: Current - Contract Liabilities held in Reserve accounts	941,565	2,444,924	2,444,924
Add: Current - Contract Liabilities - Leases	167,441	167,441	167,441
CLOSING FUNDS / NET CURRENT ASSETS (per previous page)	151,743	961,190	961,190

Liquidity Over The Year



[Appendix ORD: 12.4.6B]



**Statement of Comprehensive Income by Nature or Type
For the Period Ended 30 June 2022
(Covering 12 months or 100% of the year)**

	2021/22 Adopted Budget \$	2021/22 Revised Budget \$	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2021/22 Forecast \$	2020/21 Last Year 0 Actual \$
Revenue								
Rates	14,311,406	14,286,379	14,311,406	14,307,664	(3,741)	0.0%	14,307,487	13,812,484
Grants, Subsidies & Contributions	2,656,447	3,099,945	3,099,945	2,945,930	(154,015)	5.0%	3,379,368	2,507,208
Fees and Charges	3,110,375	3,134,375	3,134,375	3,327,093	192,717	(6.1%)	3,234,825	3,237,538
Interest Earnings	196,149	196,149	196,149	190,871	(5,278)	2.7%	197,460	212,518
Other Revenue	28,653	28,653	28,653	17,534	(11,119)	0.0%	28,653	30,683
	<u>20,303,029</u>	<u>20,745,500</u>	<u>20,770,527</u>	<u>20,789,092</u>	<u>18,564</u>	<u>(0.1%)</u>	<u>21,147,793</u>	<u>19,800,431</u>
Expenses								
Employee Costs	(10,840,096)	(10,900,096)	(10,900,036)	(10,534,748)	365,288	3.4%	(10,762,584)	(10,661,612)
Materials and Contracts	(5,791,984)	(7,229,268)	(6,903,661)	(6,484,935)	418,726	6.1%	(6,504,882)	(4,278,695)
Utility Charges	(563,170)	(563,170)	(563,170)	(573,880)	(10,709)	(1.9%)	(563,170)	(589,476)
Depreciation on Non-current Assets	(5,635,083)	(5,635,083)	(5,635,083)	(5,428,360)	206,723	3.7%	(5,635,083)	(5,270,048)
Interest Expense	(123,418)	(123,418)	(123,418)	(103,432)	19,986	16.2%	(120,450)	(106,470)
Insurance	(337,242)	(337,242)	(337,242)	(318,720)	18,523	5.5%	(324,142)	(310,162)
Other	(426,355)	(461,755)	(461,755)	(416,663)	45,092	9.8%	(465,954)	(420,346)
	<u>(23,717,349)</u>	<u>(25,250,033)</u>	<u>(24,924,366)</u>	<u>(23,860,737)</u>	<u>1,063,629</u>	<u>4.3%</u>	<u>(24,376,266)</u>	<u>(21,636,809)</u>
Operational Surplus / (Deficit)	(3,414,320)	(4,504,533)	(4,153,839)	(3,071,645)	1,082,193	26.1%	(3,228,473)	(1,836,378)
Grants & Contributions for the Development of Assets	7,805,595	8,438,490	8,393,766	6,289,298	(2,104,468)	(25.1%)	7,933,207	5,269,566
Profit on Asset Disposals	3,648,330	3,648,330	3,637,796	32,999	(3,604,797)	0.0%	0	0
Loss on Asset Disposals	(10,534)	(10,534)	0	0	0	0.0%	(10,534)	(1,303,513)
Fair Value Adjustment to Financial Assets	0	0	0	0	0	0.0%	0	0
	<u>11,443,391</u>	<u>12,076,286</u>	<u>12,031,562</u>	<u>6,322,297</u>	<u>(5,709,264)</u>	<u>47.5%</u>	<u>7,922,673</u>	<u>3,966,052</u>
NET RESULT	8,029,071	7,571,753	7,877,723	3,250,652	(4,627,071)	58.7%	4,694,200	2,129,674
Other Comprehensive Income								
Changes on Revaluation of Non-Current Assets	0	0	0	0	0	0.0%	0	0
TOTAL COMPREHENSIVE INCOME	8,029,071	7,571,753	7,877,723	3,250,652	(4,627,071)	58.7%	4,694,200	2,129,674

[Appendix ORD: 12.4.6B]



Notes to the Statement of Financial Activity For the Period Ended 30 June 2022

1. PROGRAMS / ACTIVITIES

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

COMMUNITY VISION

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

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



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022

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

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

	Sch	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
OPERATING ACTIVITIES							
Revenue							
Governance	4	800	4,282	3,482	435.3%		
General Purpose Funding	3	15,793,559	16,197,052	403,493	2.6%		
Law, Order, Public Safety	5	859,526	473,272	(386,254)	(44.9%)	▼ Permanent / Timing	Permanent : Less grant revenue \$169,900 bushfire risk management planning (program discontinued), increase in supplementary BFB operating grant \$29,200; Timing : \$193,800 less grant revenue recognised for bushfire mitigation activity.
Health	7	16,650	23,504	6,854	41.2%		
Education and Welfare	8	11,000	2,550	(8,450)	(76.8%)		
Community Amenities	10	1,770,752	1,724,136	(46,616)	(2.6%)	▼ Permanent / Timing	Permanent : Less Town Planning Application Fees revenue than budgeted. Timing : Grant Revenue associated with timing of capital works projects.
Recreation and Culture	11	1,803,937	1,784,492	(19,445)	(1.1%)		
Transport	12	157,524	191,897	34,373	21.8%	▲ Permanent	Increased revenue from MRWA direct road grant \$11,000, contribution to current and future works \$8,000, grants for Local Bike Plan and Forrest Highway route plan \$16,000.
Economic Services	13	189,980	165,081	(24,899)	(13.1%)		
Other Property and Services	14	3,815,130	222,825	(3,592,305)	(94.2%)	▼ Permanent / Timing	Permanent : Increased revenue from DAMA application fees \$14,000, workers compensation and paid parental leave reimbursements \$70,000. Timing : Decrease of \$3,648,000 for lower revenue to date for profit on sale of land which will be recognised upon completion of the planned sale of Council land (now due to occur in 2022/23 (budget is for even spread of revenue over this year), \$11,400 less insurance claims reimbursement, offset by lower insurance claim costs, \$9,400 lower amount of general reimbursements of administration costs.
Total Operating Revenue		24,418,857	20,789,092	(3,629,766)	(14.9%)		

(continued next page)



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022

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

Operating Expenses						
Governance	4	(1,377,185)	(1,367,504)	9,681	0.7%	
General Purpose Funding	3	(530,474)	(526,239)	4,235	0.8%	
Law, Order, Public Safety	5	(2,046,461)	(1,658,838)	387,624	18.9%	▲ Permanent / Timing
						Permanent - Lower costs to date for Bushfire Risk Management Planning (program discontinued) \$158,300. Timing : Lower costs to date for fire prevention and mitigation activity \$183,000, returned BFB vehicles (per ESL rules) \$34,400, low costs for animal control wages and administration \$50,000.
Health	7	(552,144)	(525,315)	26,829	4.9%	
Education and Welfare	8	(913,754)	(858,273)	55,481	6.1%	▲ Timing
						Lower costs to date for Place and Community administration \$28,600 and community programs & donations \$25,800.
Community Amenities	10	(3,645,363)	(3,263,010)	382,353	10.5%	▲ Timing
						Permanent : Higher costs to date for: household sanitation \$246,039 of which \$104,900 is due to reclassification of cost of FOGO kitchen caddies from asset acquisition be expense, \$69,600 for tip operations, \$23,200 planning legal expenses; Lower costs for town planning employee costs \$115,800, low planning consultants expenditure (primarily related to the WANJU & Waterloo developer contribution plans) \$620,200. Timing : Lower land development expenses \$31,400.
Recreation & Culture	11	(8,198,109)	(8,019,835)	178,274	2.2%	
Transport	12	(6,600,239)	(6,668,534)	(68,295)	(1.0%)	
Economic Services	13	(564,127)	(519,770)	44,356	7.9%	▲ Timing
Other Property and Services	14	(438,728)	(420,421)	18,307	4.2%	
Total Operating Expenditure		(24,866,583)	(23,827,738)	1,038,845	(4.2%)	
Net Operating Activities		(447,726)	(3,038,646)	(2,590,920)	578.7%	

(continued next page)



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022

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

	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
Net Operating Activities (from previous page)	(447,726)	(3,038,646)	(2,590,920)	578.7%		
ADJUSTMENTS OF NON CASH ITEMS						
(Profit)/Loss on Asset Disposals	(3,637,796)	(32,999)	3,604,797	99.1%	▲ Timing	Significant budget item is profit on the sale of Council land that is now expected to occur in 22/23.
Accruals	0	(74,576)	(74,576)	100.0%	▼ Timing	Adjustment for movement in expenses and revenues related to non-current liabilities - being contract liabilities (developer contributions) & employee long service leave provisions.
Movement in Contract Liabilities held as Reserve funds	(1,539,438)	(1,503,361)	36,077	2.3%		
Depreciation on Assets	5,635,083	5,428,360	(206,723)	(3.7%)		
Adjusted Net Operating Activities	10,124	778,777	768,654	7592.6%		
INVESTING ACTIVITIES						
Revenue						
Non-operating grants, subsidies & contributions	8,259,612	6,289,298	(1,970,314)	(23.9%)	▼ Timing	Grant revenue is recognised concurrently with the related project expenditure. Well advanced or completed projects with grant revenue higher than YTD budget include Eaton Skate Park and Eaton Drive duplication. Final grant instalments for Bush Fire Brigade, Eaton Bowling Club and Harris Rd upgrade projects are pending final acquittal reports. Several projects are at a less advanced stage and correspondingly less grant funds recognised include road construction and renewal projects Ferguson Rd, Eaton Dr/Glenhuon Blvd.
Proceeds from Disposal of Assets	5,204,784	243,274	(4,961,510)	(95.3%)	▼ Timing	Variance is substantially due to timing of sale of land on Council Drive now due to occur in 22/23. \$22,600 is due to timing of vehicle changeovers. Budget is for an even spread over the year.
Total Capital Revenue	13,464,396	6,532,571	(6,931,824)	(51.5%)		
Expenditure						
Land & Buildings	(11,380,366)	(5,836,713)	5,543,653	48.7%	▲ Timing	The budget is for an even spread of expenditure over the year. Buildings with lower costs to date include bush fire brigade facilities at Dardanup, Waterloo and Wellington Mills, Charlotte Street toilet, Wells Recreation Park upgrades, Eaton Recreation Centre renovations, improvements to community halls & sports pavilion and construction of the new Eaton Administration & Library building.
Infrastructure Assets - Road / Bridges / Paths	(5,932,954)	(3,295,141)	2,637,813	44.5%	▲ Timing	Year-to-date expenditure on roads, bridges and paths renewal and road upgrades is lower than budget including major projects Eaton Drive/Glenhuon Blvd intersection, Harris Road, Pratt Road modification, Ferguson Road, Eaton Drive extension and 3 proposed bridge renewals.
Infrastructure Assets - Parks & Gardens	(1,390,912)	(754,324)	636,587	45.8%	▲ Timing	Expenditure to date is lower on Parks projects including Dardanup Civic Precinct, Cadell Park renewal & expansion, East Millbridge POS Stage 1, Eaton foreshore improvements and Lofthouse Park. Although commenced, these projects are likely to be completed in 2022/23.
Vehicles	(835,437)	(823,180)	12,257	1.5%	▲ Timing	Expenditure related to the timing of carried forward vehicle changeovers.
Plant & Equipment	(499,000)	(398,755)	100,245	20.1%	▲ Permanent	Cost of FOGO kitchen caddies reclassified to operating expenses.
Furniture & Fittings	(95,315)	(64,396)	30,919	32.4%	▲ Timing	Lower costs to date for purchase of Administration Office and Council Chamber furniture items. Some classification of costs to operating expenses to comply with asset recognition regulations.
Total Capital Expenditure	(20,133,984)	(11,172,509)	8,961,474	(44.5%)		
Net Investing Activities	(6,669,588)	(4,639,938)	2,029,650	(30.4%)		

(continued next page)



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022

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

	2021/22 Y-T-D Revised Budget \$	2021/22 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
FINANCING ACTIVITIES						
Revenue						
Proceeds from New Loans	320,000	320,000	0	0.0%		
Transfers from Reserves	19,088,319	6,078,145	(13,010,175)	(68.2%)	▲ Timing	Actual year-to-date transfers relate to the use of a) Unspent Grants Reserve and b) Carried Forward Projects Reserve funds on related projects. The remainder of Reserve transfers are budgeted to occur at year end.
Total Financing Revenue	19,408,319	6,398,145	(13,010,175)	(67.0%)		
Expenditure						
Repayment of Loans	(349,517)	(333,977)	15,540	4.4%		
Principal element of finance lease payments	(334,246)	(199,229)	135,017	40.4%	▲ Timing	Lower costs to date for IT and print/copy equipment leases. Some of these costs re-allocated as operating expense for short term lease extensions.
Transfers to Reserves	(11,356,326)	(2,813,226)	8,543,101	(100.0%)	▼ Timing	The original Budget was for all transfers to Reserves to occur at year end. The year-to-date Actual transfers are mostly for received grants that are not immediately spent on related projects.
Total Financing Expenditure	(12,040,089)	(3,346,432)	8,693,657	(72.2%)		
Net Financing Activities	7,368,230	3,051,713	(4,316,517)	(58.6%)		
FUNDING SOURCES						
Surplus/(Deficit) July 1 B/Fwd	961,190	961,190	0	0.0%		
CLOSING FUNDS (A+B+C+D)	1,669,956	151,743	(1,518,213)	(90.9%)		

[Appendix ORD: 12.4.6B]



Notes to the Statement of Financial Activity For the Period Ended 30 June 2022

3. TRUST FUNDS

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

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
Tourism WA for Ferguson Valley Project	90,188.24	0.00	0.00	(90,188.24)	0.00	0.00
Ross & Deborah Bevan	40,000.00	0.00	0.00	0.00	0.00	40,000.00
Public Open Space	772,623.28	0.00	0.00	(245,089.00)	0.00	527,534.28
Dept Communities Grant - Auspicing for Goodstart Eaton Child Care Centre	0.00	25,000.00	0.00	0.00	0.00	25,000.00
Accrued Interest	0.00	65.31	0.00	0.00	0.00	65.31
Plus: Outstanding Creditors	0.00	0.00	0.00	0.00	0.00	0.00
Less: Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	902,811.52	25,065.31	0.00	(335,277.24)	0.00	592,599.59

4. RESERVES - CASH BACKED

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

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
<i>Council Restricted</i>						
Executive & Compliance Vehicles Reserve	202,279.74	0.00	0.00	0.00	0.00	202,279.74
Plant & Engineering Equipment Reserve	871,486.80	0.00	0.00	0.00	0.00	871,486.80
Eaton Recreation Centre - Equipment Reserve	276,753.48	0.00	0.00	0.00	0.00	276,753.48
Building Maintenance Reserve	1,659,484.10	0.00	0.00	(321,926.00)	0.00	1,337,558.10
Employee Relief Reserve	265,072.67	0.00	0.00	0.00	0.00	265,072.67
Employee Leave Entitlements Reserve	37,705.89	0.00	0.00	0.00	0.00	37,705.89
Refuse Site Environmental Works Reserve	84,079.81	0.00	0.00	0.00	0.00	84,079.81
Information Technology Reserve	667,851.83	0.00	0.00	0.00	0.00	667,851.83
Roadwork Construction & Major Maintenance Reserve	1,133,127.85	0.00	0.00	(902,838.00)	0.00	230,289.85
Accrued Salaries Reserve	499,625.69	0.00	0.00	0.00	0.00	499,625.69
Tourism Reserve	11,752.79	0.00	0.00	0.00	0.00	11,752.79
Recycling Education Reserve	39,129.63	0.00	0.00	0.00	0.00	39,129.63
Road Safety Programs Reserve	26,722.94	0.00	0.00	0.00	0.00	26,722.94
Council Land Development Reserve	22,633.78	0.00	0.00	0.00	0.00	22,633.78
Carried Forward Projects Reserve	3,532,648.72	0.00	0.00	(646,938.76)	0.00	2,885,709.96
Election Expenses Reserve	32,037.85	25,000.00	0.00	(45,454.00)	0.00	11,583.85
Town Planning Consultancy Reserve	37,993.08	0.00	0.00	0.00	0.00	37,993.08
Parks & Reserves Upgrades Reserve	608,347.76	0.00	0.00	(24,855.00)	0.00	583,492.76
Strategic Planning Studies Reserve	116,763.87	0.00	0.00	0.00	0.00	116,763.87
Pathways Reserve	308,065.78	0.00	0.00	0.00	0.00	308,065.78
Asset / Rates Revaluation Reserve	284,307.30	0.00	0.00	0.00	0.00	284,307.30
Refuse & Recycling Bin Replacement Reserve	54,805.49	0.00	0.00	0.00	0.00	54,805.49
Sale of Land Reserve	4,579,909.25	0.00	0.00	0.00	0.00	4,579,909.25
Storm Water Reserve	158,311.93	0.00	0.00	0.00	0.00	158,311.93
	15,510,898.03	25,000.00	0.00	(1,942,011.76)	0.00	13,593,886.27
<i>Statute Restricted</i>						
Contribution to Works Reserve	756,143.02	0.00	164,086.30	0.00	0.00	920,229.32
Eaton Drive - Access Construction Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Eaton Drive - Scheme Construction Reserve	11,332.08	0.00	0.00	(11,332.08)	0.00	0.00
Fire Control Reserve	11,569.40	0.00	0.00	0.00	0.00	11,569.40
Collie River (Eaton Drive) Bridge Construction Reserve	1,290,499.74	0.00	0.00	(631,946.05)	0.00	658,553.69
Unspent Grants Reserve	3,161,706.49	2,532,987.50	0.00	(3,492,854.85)	0.00	2,201,839.14
Swimming Pool Inspection Reserve	4,501.19	0.00	0.00	0.00	0.00	4,501.19
Burekup - Public Open Space	72,500.00	0.00	0.00	0.00	0.00	72,500.00
Unspent Specified Area Rate - Bulk Waste Collection Reserve	87,646.82	0.00	0.00	0.00	0.00	87,646.82
Unspent Specified Area Rate - Eaton Landscaping Reserve	140,765.96	0.00	0.00	0.00	0.00	140,765.96
Wanju Developer Contribution Plan Unspent Loan Reserve	750,000.00	0.00	0.00	0.00	0.00	750,000.00
Dardanup Expansion Developer Contribution Plan Reserve	41,327.68	0.00	0.00	0.00	0.00	41,327.68
	6,327,992.38	2,532,987.50	164,086.30	(4,136,132.98)	0.00	4,888,933.20
Interest	0.00	0.00	91,151.86	0.00	0.00	91,151.86
Less: Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	21,838,890.41	2,557,987.50	255,238.16	(6,078,144.74)	0.00	18,573,971.33

[Appendix ORD: 12.4.6B]



Notes to the Statement of Financial Activity For the Period Ended 30 June 2022

5. MUNICIPAL LIABILITIES

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

	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
Retention Bonds						
Parkridge Group	86,067.06	17,677.51	0.00	(51,384.53)	0.00	52,360.04
South West Waste	10,777.36	0.00	0.00	(10,777.36)	0.00	0.00
Henty Brooke Estate	9,699.37	0.00	0.00	(9,699.37)	0.00	0.00
D Maher	8,186.85	0.00	0.00	(8,186.85)	0.00	0.00
Clifton Partners	347.34	0.00	0.00	(347.34)	0.00	0.00
Cristopher West Consultants	9,998.04	0.00	0.00	(9,998.04)	0.00	0.00
Burra98 Unit Trust	11,214.04	0.00	0.00	(11,214.04)	0.00	0.00
NTC Pty Ltd	779.33	0.00	0.00	(779.33)	0.00	0.00
Dale Thompson	2,078.72	0.00	0.00	(2,078.72)	0.00	0.00
Barry Garvey	3,540.62	0.00	0.00	(3,540.62)	0.00	0.00
Civil Tech	32,158.31	0.00	0.00	(32,158.31)	0.00	0.00
Westgate Property Group	18,375.50	0.00	0.00	(18,375.50)	0.00	0.00
Cleary Estate	3,132.42	0.00	0.00	(3,132.42)	0.00	0.00
Little Meadow Pty Ltd	15,631.53	0.00	0.00	0.00	0.00	15,631.53
Winterfall Nominees Pty Ltd	4,111.16	36,007.60	0.00	(4,111.16)	0.00	36,007.60
Thomas Fields Pty Ltd	22,763.74	0.00	0.00	(22,763.74)	0.00	0.00
Holland Loop Pty Ltd	19,370.00	0.00	0.00	0.00	0.00	19,370.00
Terrence J Coman	8,384.63	0.00	0.00	0.00	0.00	8,384.63
Garvey Road Pty Ltd	36,393.21	0.00	0.00	(2,870.61)	0.00	33,522.60
Burekup Developments Pty Ltd	7,250.91	16,945.37	0.00	(7,250.91)	0.00	16,945.37
Universal Marina Systems	4,123.29	0.00	0.00	0.00	0.00	4,123.29
Thompson Surveying Consultants	0.00	21,993.00	0.00	0.00	0.00	21,993.00
Total - Retention Bonds	314,383.43	92,623.48	0.00	(198,668.85)	0.00	208,338.06
Extractive Industry Rehabilitation Bonds						
L G Davidson	1,290.20	0.00	0.00	0.00	0.00	1,290.20
M Denholm	845.24	0.00	0.00	0.00	0.00	845.24
S Catalano	1,340.36	0.00	0.00	0.00	0.00	1,340.36
Bunbury Agricultural Society	2,387.88	0.00	0.00	0.00	0.00	2,387.88
D Busher	1,282.84	0.00	0.00	0.00	0.00	1,282.84
Valli & Co	2,600.14	0.00	0.00	0.00	0.00	2,600.14
Charles Hull Contracting	7,603.41	0.00	0.00	0.00	0.00	7,603.41
J & P Group	135,809.01	0.00	0.00	0.00	0.00	135,809.01
Total - Extractive Industries Bonds	153,159.08	0.00	0.00	0.00	0.00	153,159.08
Specified Projects						
Dardanup Central Bushfire Station Refurbishment - Red Cross - A Poad Bequest	33,776.15	0.00	0.00	0.00	0.00	33,776.15
Wells Recreation Ground Refurbishment/Expansion - Red Cross - A Poad Bequest	53,139.81	0.00	0.00	0.00	0.00	53,139.81
Total - Specified Projects	86,915.96	0.00	0.00	0.00	0.00	86,915.96
Sundry Deposits						
Unclaimed Monies	1,704.60	133.51	0.00	0.00	0.00	1,838.11
Bunbury Wellington Group of Councils	40,664.30	9,868.01	0.00	0.00	0.00	50,532.31
Total - Sundry Deposits	42,368.90	10,001.52	0.00	0.00	0.00	52,370.42
Election Deposits	0.00	640.00	0.00	(640.00)	0.00	0.00
Key Bonds	352.68	1,160.00	0.00	(760.00)	0.00	752.68
Hire Bonds	3,380.00	12,208.00	0.00	(11,958.00)	0.00	3,630.00
Kerb Bonds	75,041.91	0.00	0.00	0.00	0.00	75,041.91
Construction Training Fund	1,024.08	15,697.92	0.00	(8,287.59)	0.00	8,434.41
Building Services Levy	12,517.62	9,494.11	0.00	(12,528.93)	0.00	9,482.80
Development Assessment Panel	9,411.00	165.00	0.00	(9,576.00)	0.00	0.00
Less Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	698,554.66	141,350.03	0.00	(241,779.37)	0.00	598,125.32

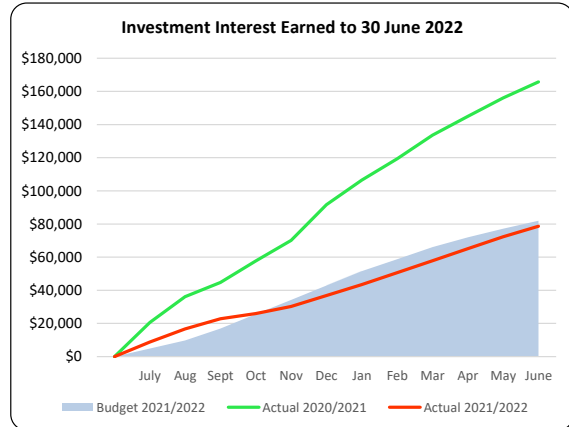
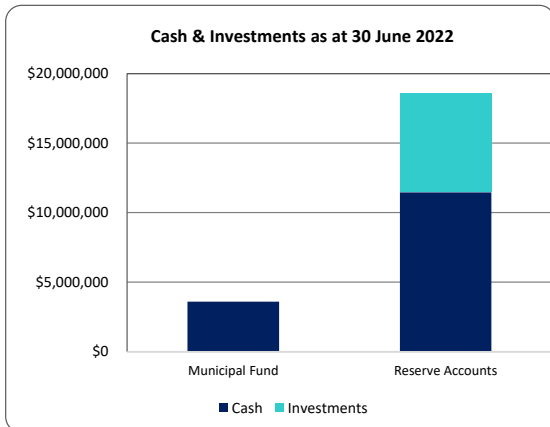
[Appendix ORD: 12.4.6B]



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022

6. STATEMENT OF INVESTMENTS

BANK	TYPE	AMOUNT	RATE	DAYS	COMMENCEMENT	MATURITY	ESTIMATED INTEREST	INTEREST CREDITED 2021-2022
MUNICIPAL FUND								
CBA	Municipal Fund Bank Account	\$ 1,586,939.48	0.00%					\$109.84
CBA	Municipal - Business Online Saver	\$ 2,001,329.20	0.20%					\$1,329.20
	Interest received on matured deposits							\$12,410.97
		<u>\$ 3,588,268.68</u>					<u>\$0.00</u>	<u>\$15,144.54</u>
TRUST FUND								
CBA	Trust Fund Bank Account	\$ 592,599.59	0.00%				\$0.00	\$0.00
		<u>\$ 592,599.59</u>					<u>\$0.00</u>	<u>\$0.00</u>
RESERVE ACCOUNTS								
CBA	Reserve Bank Account	\$ 1,955,411.21	0.00%				\$0.00	\$0.00
CBA	Reserve - Business Online Saver	\$ 9,504,029.23						\$2,762.48
AMP	Term Deposit	\$ 1,100,000.00	0.75%	330	8/2021	7/2022	\$7,458.90	\$8,800.00
ANZ	Term Deposit	\$ 3,000,000.00	0.39%	304	10/2021	8/2022	\$9,744.66	\$24,734.79
ANZ	Term Deposit - Interest Compounded	\$ 3,014,530.89	0.40%	335	10/2021	9/2022	\$11,067.04	\$3,162.13
	Interest received on matured deposits							\$39,285.28
		<u>\$ 18,573,971.33</u>					<u>\$28,270.61</u>	<u>\$78,744.68</u>
Total Interest Received								<u><u>\$93,889.22</u></u>



[Appendix ORD: 12.4.6B]



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022

6. STATEMENT OF INVESTMENTS (continued)

Total Funds Invested

Total Funds Invested as at Reporting Date -

Municipal Fund Investment Portfolio	\$	-
Trust Fund Investment Portfolio	\$	-
Reserve Fund Investment Portfolio	\$	7,114,530.89
	\$	<u>7,114,530.89</u>

Investment Policy - Portfolio Risk Exposure

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

Portfolio - Terms of Maturity

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

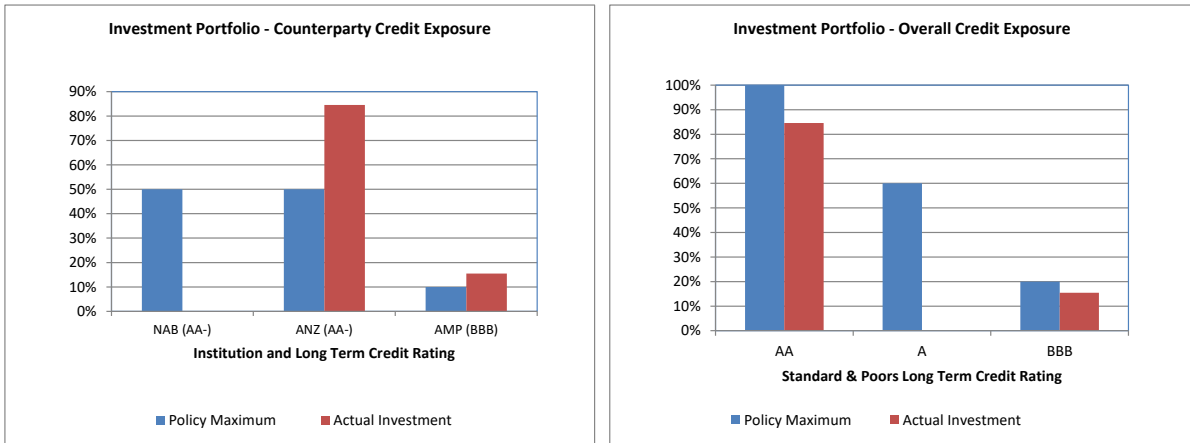
Counterparty Credit Exposure

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

Overall Credit Exposure

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

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



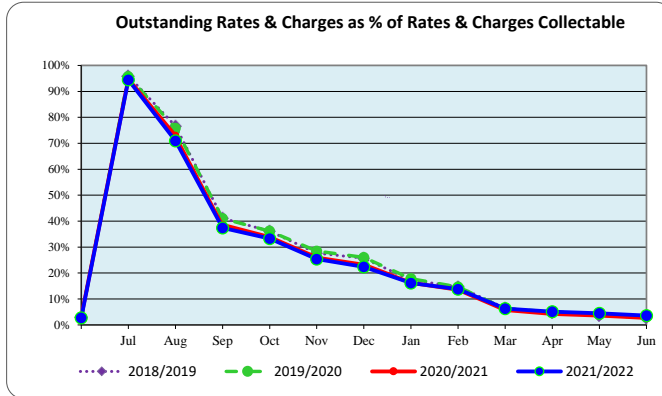


**Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022**

7. Accounts Receivable as at 30 June 2022

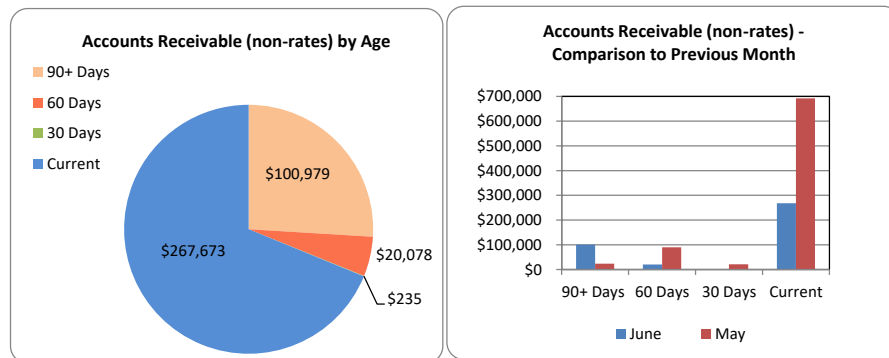
Rates and Charges Outstanding

2021/22 annual rates were raised on 23 July 2021 and were due by 8 September 2021 for payment in full or for the first of four instalments. For ratepayers who elected to pay by the four instalment option, the final instalment was due by 14 March 2022. As at the reporting date, total outstanding rates and charges (including pensioner deferred rates) is \$609,429. This equates to 3.6% of rates and charges collectable and is similar to collection rates over recent years. It is the objective of management to achieve less than 4% of rates and charges outstanding by 30 June.



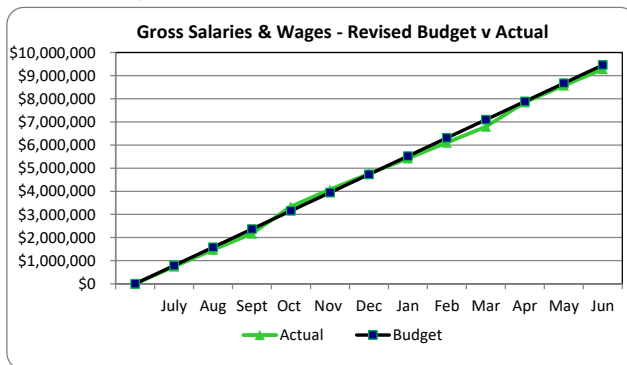
Sundry Debtors Outstanding (non-rates)

As at the reporting date, the total outstanding Sundry Debtors amount to \$388,965. An invoice for a Government grant accounts for \$220,000 of the current debts. It is anticipated that all of this will be paid in July 2022. The only significant invoice outstanding in excess of 30 days is for Education Department use of Eaton Recreation Centre and Glen Huon Oval. Receipt of this is pending a final review of costings by the Education Department.



8. Salaries and Wages to 30 June 2022

At the reporting date, total salaries and wages expenditure is \$9,281,953 (98.15%) of the annual budget of \$9,456,708 for the 2021/22 financial year.



[Appendix ORD: 12.4.6B]



Notes to the Statement of Financial Activity For the Period Ended 30 June 2022

9. RATING INFORMATION

RATE TYPE	Rate in	Number of properties	Rateable value	2021/22 Revised Budget rate revenue	2021/22 Revised Budget interim rates	2021/22 Revised Budget back rates	2021/22 Revised Budget total revenue	2021/22 Actual total revenue	2020/21 Actual total revenue	2020/21 Budget total revenue
	\$		\$	\$	\$	\$	\$	\$	\$	\$
<u>Differential general rate or general rate</u>										
Gross rental valuations										
General Rates - GRV: Residential	0.104016	3,452	61,450,723	6,391,858	0	0	6,391,858	6,391,940	5,715,510	5,746,655
General Rates - GRV: Commercial	0.104016	60	14,621,830	1,520,904	0	0	1,520,904	1,523,068	1,459,170	1,428,025
General Rates - GRV: Industrial	0.104016	73	7,983,546	830,416	0	0	830,416	830,416	763,695	763,695
General Rates - GRV: Small Holding	0.104016	348	7,859,124	817,475	0	0	817,475	815,230	764,943	765,545
General Rates - GRV: Interim and Back Rates	0.104016	0	0	0	92,600	0	92,600	99,081	86,122	91,144
Unimproved valuations										
General Rates - UV: Broad Acre Rural	0.006468	474	259,287,000	1,677,068	0	0	1,677,068	1,677,068	1,718,315	1,718,765
General Rates - UV: Mining	0.006468	0	0	0	0	0	0	0	0	0
General Rates - UV: Interim and Back Rates	0.006468	0	0	0	0	0	0	0	0	0
Sub-Totals		4,407	351,202,223	11,237,721	92,600	0	11,330,321	11,336,803	10,507,755	10,513,829
Minimum	\$									
<u>Minimum payment</u>										
Gross rental valuations										
General Rates - GRV: Residential	1,547.50	1,446	17,681,209	2,237,685	0	0	2,237,685	2,220,662	2,554,923	2,554,923
General Rates - GRV: Commercial	1,547.50	7	61,400	10,833	0	0	10,833	13,928	10,833	10,833
General Rates - GRV: Industrial	1,547.50	44	542,200	68,090	0	0	68,090	68,090	72,732	72,733
General Rates - GRV: Small Holding	1,547.50	79	616,920	122,253	0	0	122,253	136,180	131,538	131,538
General Rates - GRV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0
Unimproved valuations										
General Rates - UV: Broad Acre Rural	1,547.50	126	17,828,600	194,985	0	0	194,985	194,985	184,152	184,153
General Rates - UV: Mining	1,547.50	14	212,885	21,665	0	0	21,665	21,665	27,855	27,855
General Rates - UV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0
Sub-Totals		1,716	36,943,214	2,655,511	0	0	2,655,511	2,655,510	2,982,033	2,982,035
		6,123	388,145,437	13,893,232	92,600	0	13,985,832	13,992,313	13,489,788	13,495,864
Discounts/concessions/write-off							(29,027)	(39,174)	(27,482)	(5,000)
Total amount raised from general rates							13,956,805	13,953,139	13,462,306	13,490,864
Specified area rates							354,600	354,525	350,178	350,000
Total rates							14,311,405	14,307,664	13,812,484	13,840,864



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022

10. INFORMATION ON BORROWINGS

Debenture Repayments

Particulars	Loan No.	Principal	New		Principal		Interest		Principal	
		Opening Balance 01 July 2021	Loans 2021/22	Revised	Repayments	Revised	Repayments	Revised	Outstanding	Revised
		\$	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
			\$	\$	\$	\$	\$	\$	\$	\$
Community Amenities										
Wanju/Waterloo Industrial Park										
Developer Contribution Plans	70	750,000	0	0	(70,249)	(64,443)	(15,638)	(29,743)	679,751	685,557
Waste Bins (3 Bin System)	New	0	320,000	320,000	0	(21,345)	(902)	(4,467)	320,000	298,655
Recreation and Culture										
Eaton Recreation Centre	59	192,573	0	0	(93,456)	(93,456)	(10,983)	(10,983)	99,117	99,117
Glen Huon Oval Club Rooms	69	924,296	0	0	(42,771)	(42,771)	(41,340)	(41,340)	881,525	881,525
Transport										
Depot Land	66	444,476	0	0	(61,039)	(61,039)	(20,397)	(20,396)	383,437	383,437
Economic Services										
Gravel Pit Land - Panizza Road	61	66,648	0	0	(25,428)	(25,428)	(4,130)	(4,130)	41,220	41,220
Other Property and Services										
Administration Building Extensions	65	85,007	0	0	(41,035)	(41,035)	(5,909)	(5,908)	43,972	43,972
		2,463,000	320,000	320,000	(333,977)	(349,517)	(99,300)	(116,967)	2,449,023	2,433,483

All debenture repayments are financed by general purpose revenue.



**Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022**

11. BUDGET AMENDMENTS

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

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
				\$	\$	\$	\$
	Budget Adoption		Opening Surplus				16,552
	Permanent Changes						
	Amendment to B/Fwd surplus 01/07/2021				791,613		808,165
0827501	Covid-19 Youth Recovery Grant	28/07/21 - 231-21	Operating Revenue		5,000		813,165
J08712	Youth Development Program - Bush Adventure Learning Camp	28/07/21 - 231-21	Operating Expense			(4,000)	809,165
J08712	Youth Development Program - Innovate Youth Program	28/07/21 - 231-21	Operating Expense			(1,000)	808,165
0521502	DFES Mitigation Activity Fund grant to reduce bushfire risk	28/07/21 - 232-21	Operating Revenue		337,295		1,145,460
J05021	Bushfire Risk Management - treatments to mitigate bushfire risk	28/07/21 - 232-21	Operating Expense			(337,295)	808,165
1124003	Fees & Charges Recreation Centre - Admissions	28/07/21 - 240-21	Operating Revenue		24,000		832,165
1114013	Advertising / Promotions Recreation Centre (Wildcats Fixture)	28/07/21 - 240-21	Operating Expense			(24,000)	808,165
1123501	State Government Grant for Eaton Boat Ramp Washdown	25-08-21 - 255-21	Non-Operating Grant		18,000		826,165
J11632	Eaton Boat Ramp Washdown	25-08-21 - 255-21	Asset Acquisition			(18,000)	808,165
J11650	East Millbridge POS - Stage 1 - Upgrade / Expansion	25-08-21 - 255-21	Asset Acquisition			(12,465)	795,700
1143001	Transfer from Reserve - Parks & Reserves Upgrades	25-08-21 - 255-21	Transfer from Reserve		12,465		808,165
1123501	State Government grant for Heritage Interpretive Signs	25-08-21 - 255-21	Non-Operating Grant		30,000		838,165
1123501	Heritage Council of WA grant for Heritage Interpretive Signs	25-08-21 - 255-21	Non-Operating Grant		16,593		854,758
J11654	Heritage Interpretive Signs - Dardanup Townsite	25-08-21 - 255-21	Asset Acquisition			(46,593)	808,165
1123501	State Government grant for Dardanup Memorial Statue	25-08-21 - 255-21	Non-Operating Grant		30,000		838,165
J11652	Dardanup War Memorial statue	25-08-21 - 255-21	Asset Acquisition			(30,000)	808,165
1129502	Contribution - Other Culture for Spring-Out Festival	25-08-21 - 256-21	Operating Revenue		10,000		818,165
J11901	Community projects - Events & Festivals	25-08-21 - 256-21	Operating Expense			(10,000)	808,165
0523502	DPIRD & WALGA grants for Animal Welfare in Emergencies training	25-08-21 - 257-21	Operating Revenue		8,550		816,715
0513503	Grant Expenditure - Animal Welfare in Emergencies training	25-08-21 - 257-21	Operating Income			(8,550)	808,165
	Department of Local Government, Sport and Cultural Industries for the						
1129502	Ferguson Valley Public Art Trail Concept Plan Grant.	29-09-21 - 282-21	Operating Revenue		62,653		870,818
J11902	Ferguson Valley Public Art Trail Concept Plan Grant Expenditure	29-09-21 - 282-21	Operating Expense			(62,653)	808,165
1046007	Transfer from WANJU DCP Loan Reserve	29-09-21 - 285-21	Transfer from Reserve		210,000		1,018,165
1016503	Increasing Town Planning Consultants expenditure in 21/22 for the DCP	29-09-21 - 285-21	Operating Expense			(210,000)	808,165

(continued next page)



**Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022**

11. BUDGET AMENDMENTS (continued)

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

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
				\$	\$	\$	\$
	Balance brought forward from previous page						808,165
1221504	Grant Revenue - Special Projects (LGGC Bridge Renewals)	29-09-21 - 286-21	Non-Operating Grant		646,000		1,454,165
1211502	Renewals - Bridges	29-09-21 - 286-21	Asset Acquisition			(646,000)	808,165
J12900	Reallocated funds from Pile Road to Harris Road (Capital Upgrade)	29-09-21 - 289-21	Capital Revenue		450,000		1,258,165
J12363	Reduce Pile Road Capital works (Road Renewal)	29-09-21 - 289-21	Asset Acquisition			(130,649)	1,127,516
J12589	Reduce Pile Road Capital works (Capital Upgrade)	29-09-21 - 289-21	Asset Acquisition			(319,351)	808,165
J12829	Remove Venn Road SLK 0.69 to 2.22 (Road Renewal)	29-09-21 - 289-21	Asset Acquisition		453,386		1,261,551
J12685	Pathway funding changes	27-10-21 - 337-21	Asset Acquisition			(8,597)	1,252,954
J12683	Pathway funding changes	27-10-21 - 337-21	Asset Acquisition			(5,933)	1,247,021
J12684	Pathway funding changes	27-10-21 - 337-21	Asset Acquisition			(15,294)	1,231,727
J12684	Pathway funding changes	27-10-21 - 337-21	Asset Acquisition			(15,284)	1,216,443
1241006	Transfer from Pathway Reserve	27-10-21 - 337-21	Transfer from Reserve		45,108		1,261,551
0421010	Public Relations - additional funding for public relations - newsletter	17-11-21 - 358-21	Operating Expense			(20,000)	1,241,551
0421011	Public Relations - Other - website upgrade	17-11-21 - 358-21	Operating Expense			(80,000)	1,161,551
0817001	Grants Officer FTE increase	17-11-21 - 358-21	Operating Expense			(30,000)	1,131,551
1318004	Bunbury Geographe Chamber of Commerce membership fees	17-11-21 - 358-21	Operating Expense			(1,000)	1,130,551
1113505	Eaton Foreshore Master Plan - additional inclusions	17-11-21 - 358-21	Operating Expense			(50,000)	1,080,551
J10021	Additional maintenance for public convenience buildings	17-11-21 - 358-21	Operating Expense			(9,992)	1,070,559
J11006	Ceiling repairs for Eaton Community Centre	17-11-21 - 358-21	Operating Expense			(4,500)	1,066,059
1421039	Additional staff training - organisational development	17-11-21 - 358-21	Operating Expense			(30,000)	1,036,059
0533001	New removable animal cage for Ranger vehicle	17-11-21 - 358-21	Operating Expense			(5,000)	1,031,059
1016503	Detailed Dardanup townsite master plan	17-11-21 - 358-21	Operating Expense			(30,000)	1,001,059
	Return funding to Bunbury Geographe Group of Councils for previously claimed Regional Waste project officer costs	17-11-21 - 358-21	Operating Expense			(4,669)	996,390
412503	Contribution to Regional Waste Coordinator cost	17-11-21 - 358-21	Operating Expense			(9,722)	986,668
1011005	Transfer surplus funds to Building Maintenance Reserve	17-11-21 - 358-21	Transfer to Reserve			(830,000)	156,668
1129502	Lotterywest grant for 'Enlighten' event	24-11-2021 - 367-21	Operating Revenue		20,000		176,668
J11901	2022 'Enlighten' event	24-11-2021 - 367-21	Operating Expense			(20,000)	156,668

(continued next page)



**Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022**

11. BUDGET AMENDMENTS (continued)

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

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment \$	Increase in Available Cash \$	Decrease in Available Cash \$	Revised Budget Running Balance \$
	Balance brought forward from previous page						156,668
0522503	Transfer from Trust - A Poad bequest	24-11-2021 - 369-21	Non-Operating Donation		30,000		186,668
J05022	New Dardanup central BFB facility	24-11-2021 - 369-21	Asset Acquisition			(30,000)	156,668
1143001	Transfer from Parks & Gardens Reserve	15-12-2021 - 404-21	Capital Revenue		60,465		217,133
1123504	Capital Contributions	15-12-2021 - 404-21	Capital Revenue		69,506		286,639
J11573	Glen Huon Reserve Development	15-12-2021 - 404-21	Asset Acquisition			(129,971)	156,668
1241002	Transfer from Road Construction & Major Mtce Reserve	15-12-2021 - 405-21	Transfer from Reserve		19,000		175,668
J12794	Hynes Road	15-12-2021 - 405-21	Asset Acquisition			(19,000)	156,668
1241012	Transfer from Collie River Bridge Reserve (JTPS)	15-12-2021 - 406-21	Capital Revenue		388,968		545,636
J12902	Eaton Drive Extension	15-12-2021 - 406-21	Asset Acquisition			(388,968)	156,668
1123501	Grant Revenue - Parks and Gardens Capital	15-12-2021 - 422-21	Capital Revenue		125,000		281,668
J11653	Dardanup Civic Precinct	15-12-2021 - 422-21	Asset Acquisition			(125,000)	156,668
1121502	Capital Contributions	15-12-2021 - 424-21	Capital Revenue		51,000		207,668
J11639	Wells Recreation Reserve Clubroom	15-12-2021 - 424-21	Asset Acquisition			(51,000)	156,668
J12904	Pratt Road Modifications	15-12-2021 - 425-21	Asset Acquisition			(99,356)	57,312
1241002	Transfer from Road Construction & Major Mtce Reserve	15-12-2021 - 425-21	Transfer from Reserve		55,456		112,768
J12828	Reallocation from Project Design & Management to Pratt Road & Car Park	15-12-2021 - 425-21	Asset Acquisition		43,900		156,668
J12404	Henty Road Renewal	25-01-2022 - 08-22	Asset Acquisition		800,000		956,668
1221501	Grant Revenue - Transport Capital	25-01-2022 - 08-22	Capital Revenue			(800,000)	156,668
1241002	Transfer from Road Construction & Major Mtce Reserve	25-01-2022 - 07-22	Capital Revenue		38,653		195,321
J12599	Venn Road - Capital Upgrade - Additional Cost	25-01-2022 - 07-22	Asset Acquisition			(38,653)	156,668
0531002	Motor Vehicle - Fire Prevention - Ferguson BFB Light Tanker	23-02-2022 - 35-22	Asset Acquisition	(235,383)			156,668
0522502	Grant Revenue - ESL Asset Acquisition - Ferguson BFB Light Tanker	23-02-2022 - 35-22	Capital Revenue	235,383			156,668
0541002	Sale of Assets - ESL - Disposal of Ferguson BFB Light Tanker	23-02-2022 - 35-22	Sale of Asset	34,400			156,668
0512501	Disposal of ESL Asset Expense - Ferguson BFB Light Tanker	23-02-2022 - 35-22	Operating Expense	(34,400)			156,668
J12115	Urgent Bridge Maintenance - Pile Road Bridge 3678	23-02-2022 - 37-22	Operating Expense			(156,899)	(231)
1241002	Transfer from Road Construction & Major Mtce Reserve	23-02-2022 - 37-22	Transfer from Reserve		156,899		156,668
1143004	Sale of Vehicles - Parks & Gardens	23-02-2022 - 39-22	Capital Revenue		25,000		181,668
1241008	Transfer from Plant & Engineering Equipment Reserve	23-02-2022 - 39-22	Transfer from Reserve		55,000		236,668
1133003	Purchase 2 replacement Parks & Gardens Utilities	23-02-2022 - 39-22	Asset Acquisition			(80,000)	156,668

(continued next page)



**Notes to the Statement of Financial Activity
For the Period Ended 30 June 2022**

11. BUDGET AMENDMENTS (continued)

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

GL/JOB Code Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
			\$	\$	\$	\$
						156,668
						6,668
J12902 Increase Expenditure Eaton Dr / Peninsula Lakes Drive Intersection	23-03-2022 - 50-22	Asset Acquisition			(150,000)	156,668
1241012 Transfer from Joint Town Planning Scheme Reserve	23-03-2022 - 50-22	Transfer from Reserve		150,000		96,668
J10308 Increase expenditure Charlotte Street Toilet	23-03-2022 - 51-22	Asset Acquisition			(60,000)	111,668
0341003 Transfer from Unspent Grants Reserve	23-03-2022 - 51-22	Transfer from Reserve		15,000		156,668
1027501 Grant Revenue - Community Amenities - LRCI Phase 3	23-03-2022 - 51-22	Capital Revenue		45,000		
				5,299,510	(5,159,394)	156,668

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Schedule of Paid Accounts as at the 30th of June 2022

RISK THEME PROFILE:

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

6 - Engagement Practices

RISK ASSESSMENT CONTEXT: Operational

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

