



# APPENDICES

# BOOK 1

## ORDINARY

## COUNCIL MEETING

To Be Held

Wednesday, 29 April 2020  
Commencing at 5.00pm

At

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

# e-Meeting Procedures

ACTION	CARD	OUTCOME
Put the Motion	Green	Raise green card – Wait for Shire President to ask you to speak. Then confirm you are moving a motion.
Second the Motion	Green	Raise green card – Wait for Shire President to ask you to speak. Then confirm you are seconding the motion.
Vote FOR the Motion	Green	Raise green card and leave card raised until Shire President or Chief Executive Officer has confirmed the vote count 'for' the motion.
Vote AGAINST the Motion	Red	Raise red card and leave card raised until Shire President or Chief Executive Officer has confirmed the vote count 'against' the motion.
Wish to Speak	Raise ELECTRONIC HAND	Raise electronic hand and leave raised until Shire President asks you to speak. The meeting host will take your electronic hand down.
Point of Order	Raise ELECTRONIC HAND & Purple	Raise purple card and leave raised until Shire President asks you to speak. Then lower the card.
Procedural Motion	Raise ELECTRONIC HAND & Pink	Raise pink card and leave raised until Shire President asks you to speak. Then lower the card.
Comfort Break/Leaving Room	Yellow	Raise yellow card and leave raised until Shire President asks you to speak. Then say <i>“I wish to leave the meeting for a short period and I will advise the presiding member when I return.”</i> This allows for your absence and return to be minuted.

ACTION	CARD	OUTCOME
Declaring an Interest	Raise ELECTRONIC HAND	<p>Raise electronic hand and leave raised until Shire President asks you to speak.</p> <p>Then say <i>“I have disclosed an interest and am required to leave the meeting for discussion of this item.”</i></p> <p>This allows for your absence and return to be minuted.</p>
Lost Connection	~	<p>The Shire President should advise the meeting of the time the absence of the Member is noted for recording in minutes. The meeting should wait until the Council Member is reconnected.</p>
Technical Difficulties	~	<p>The Shire President will adjourn the meeting for a specified period of time [ie 10 minutes] advising that the meeting will reconvene.</p>
Roll Call	~	<p>The Shire President will make a ‘roll call’ as required.</p> <p>Your name will be called and you are to respond when your name is called to confirm that they are in attendance.</p>
Adjournment	~	<p>The Shire President will take a ‘roll call’ so that the name of each person is recorded at the point of adjournment. Then record the time before adjourning the meeting.</p>
Reconvening	~	<p>The Shire President will announce the time the meeting is being reconvened and a ‘roll call’ will be taken so the minutes record each person present.</p>
Closing the Meeting	~	<p>Before closing the meeting the Shire President will undertake a final ‘roll call’ so the minutes evidence the continued attendance of elected members.</p>
Break Out Room	~	<p>If there is a need to go ‘Behind Closed Doors’ Councillors will be directed to a ‘Break Out Room’ where the public are unable to access or view.</p>
Return to Main Session	~	<p>After leaving the Break Out Room, you will Return to Main Session – Instructions will be given at the time of the meeting.</p>

RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b>		Local Planning Policy – CP091 – Exempted Development and Land Use							
<b>RISK THEME PROFILE:</b>		4 - Document Management Processes							
<b>RISK ASSESSMENT CONTEXT:</b>		Operational							
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	The draft Local Planning Policy CP130 has been prepared to establish the Shires position in relation to development and land use that is exempt from development approval. The Policy carries a reputational risk as it deals with the Shire's processes and procedures when considering certain applications and development types.	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.



**(Appendix ORD: 12.1A)**

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
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

## (Appendix ORD: 12.1B)

**From:** Info Evedon <  
**Sent:** Friday, 17 April 2020 3:39 PM  
**To:** Submissions Planning  
**Subject:** Submission: Local Planning Policy CP091 – Exempted Development and Land Use

**Categories:** Red Category

Good afternoon,

With regards to the Landscape Protection Area policy, my dealings with the council over the last few years leads me to believe that it would be a good initiative to see the Landscape Protection Area policy reassessed on three fronts.

1. When you study the boundaries of the Landscape Protection Area policy, there seems to be no rationale on where the boundaries run. The priority of this review should be to look at the boundaries, in particular where those boundaries impact on general farming operations.
2. Development Applications that impact on general farmland should be further reviewed, in particular, in the Landscape Protection Area policy as a number of general farm maintenance tasks currently require a DA, including repairing a farm dam and I believe upgrading and realigning farm tracks (roads).
3. Currently the DA is a confusing requirement when dealing with ancillary uses to existing approved businesses. Some clear definition would be good with regards to ancillary uses.

If you have any further questions, please let me know.

Kind regards,  
Tony Jenour  
Proprietor



EVEDON  
LAKESIDE RETREAT

Wake up to the fresh country life...

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GRAEME MITCHELL

14 April, 2020

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TO: CHIEF EXECUTIVE OFFICER,  
Shire of Dardanup  
1 Council Drive,  
Eaton WA, 6230

RE: **SHIRE OF DARDANUP TOWN PLANNING SCHEME NO.3**  
**ADOPTION FOR ADVERTISING – LOCAL PLANNING POLICY CP091 – EXEMPTED**  
**DEVELOPMENT AND LAND USE**

Dear Andre,

I welcome the Shire of Dardanup's investigation into its internal planning process to reduce red tape, especially in the current challenging environment, and the increased focus of internal shire process effectiveness.

It is essential that these changes to the planning process are applied to the "Landscape Protection Zone" within the Shire. A large proportion of the Ferguson valley ratepayers fall into that catchment area and are currently very frustrated with the cumbersome process currently in place.

I would like to see the following amendments made to the policy:

### **VEGETATION CLEARING**

- ***Add the DEFS guidelines Building Protection and Hazard Separation zones to the list of exemptions in the revised policy.***

The requirements for clearing in the current draft are at odds with the DEFS guidelines Building Protection and Hazard Separation zones. This severely limits the fire protection actions of property owners, especially with respect to the Protection Zone 20m from the home.

With the increased national focus on fire protection and mitigation, it is essential that the Shire's regulations are aligned with DEFS, and do not put at risk personal safety of the home owner, and protection of property.

### **VEGETATION CLEARING INCIDENTAL TO EXEMPTED DEVELOPMENTS**

- ***Remove completely, or at least or more appropriately qualify the "no clearing of vegetation is required" exclusion.***

The current draft allows for an exemption for minor developments if the works do not require removal of vegetation, otherwise a Development Application is required.

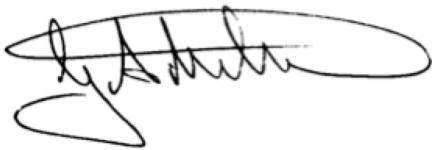
## (Appendix ORD: 12.1B)

The "Removal of vegetation" is far too broad, and either needs to be removed, or qualified. The qualifications could include proximity to the house, visual amenity, size of trees, percentage of affected vegetation cover in the area, etc.

The shire should also consider DWER's native vegetation removal exemptions in revision of the policy.

I look forward to a positive outcome on these matters.

Kind Regards

A handwritten signature in black ink, appearing to read 'Graeme Mitchell', enclosed within a large, horizontal oval scribble.

Graeme Mitchell

## (Appendix ORD: 12.1B)

**From:** Ian Barlow < >  
**Sent:** Friday, 10 April 2020 7:18 PM  
**To:** Submissions Planning  
**Cc:** Andre.Schonfeldt@dardanup.wa; Records  
**Subject:** My Responses to the Shire's initiative to reduce red tape in the Planning Process  
**Attachments:** RESCIND THE LANDSCAPE PROTECTION POLICY.docx; SUBMISSION - CP091.docx

Mr Schonfeldt,

The attached 2 documents are my responses to your requests for comments on the Shire Draft Proposal to reduce red tape in the planning process.

I believe this initiative is long overdue and I hope it is successful.

Please call me on if you need further clarification or information.

Many thanks

Regards

Ian Barlow

## REQUEST TO RESCIND THE SHIRE'S LANDSCAPE PROTECTION AREA POLICY

I believe that as part of the Shire's initiative to reduce unnecessary red tape in its Planning Process, it should review the appropriateness of its current Landscape Protection Area policy.

The reason we chose to live in Wellington Mills in the Ferguson Valley was to live among the natural beauty and peace of this special place and its flora and fauna. I would not support anything that adversely changes that, but my request that the current LPA Policy be rescinded is due to the following :-

1. The balance between aesthetics and safety in landscaping decisions is made by property owners all the time. No one in FV wants to live in a compromised landscape but residents should be able decide on the landscape immediately surrounding their homes.
2. Many residents are only made aware of the LPA provisions when their home sale settlement is held up by the Shire. This unnecessarily increases stress at an already stressful time and gives leverage to the intending purchaser. This policy does not induce better Shire/Ratepayers relations. I agree that a Building License is essential for the integrity and safety of structures but the Planning process does not provide any useful benefits.
3. Many of the residents that are aware of the policy, ignore it. The phrase "it is easier to get forgiveness than permission" is commonly heard.
4. Visibility of the project is not a requirement of the policy, which is nonsense. We and other residents have large (sometimes 100%) of their properties completely invisible to passing visitors and neighbours. The policy creates a catchall for the Shire.
5. There is no lower limit on the project size. Minor projects are unnecessarily caught under this policy causing an additional workload on the Planning Department.
6. The Shire's staff themselves are confused by it. I have had a couple of Building Permits approved only to find out later that I had to get Planning Approval. Council would be aware of other higher profile examples.
7. The Shire's planning process is unnecessarily slow, whereas my dealings with the Building Permit process has shown it to be relatively quick. This difference may be due to DWER's overarching involvement in the process. I note that DWER in their attempt to reduce red-tape, have relaxed their Native Vegetation Clearing Regulations for Farmers. Why can't these common-sense exceptions be applied to small-holdings?
8. The policy puts the ephemeral visual experience of the passer-by above that of the amenity and safety of residents.
9. Like-for-like replacements necessitated by storm damage (e.g. rainwater tanks destroyed by falling trees) still require a VA. These items have to be replaced very quickly, usually expedited by Insurance Companies, and cannot wait for the long-winded DA application process.
10. The hypocrisy of allowing the Overburden Mountain at WA's largest toxic waste dump to be developed at the entrance to the Ferguson Valley, outside the landscape protection area boundaries, and very visible to all FV visitors. And it is only going to get more of an eyesore as it gets ever larger.
11. The lack of any exemptions for alternative constructive landscaping solutions e.g. structures (e.g. rainwater tanks) to have aesthetic screening from the adjacent roads and properties.

## **(Appendix ORD: 12.1B)**

**I strongly recommend that the Shire rescind its current Landscape Protection Area policy.**

## **SUBMISSION - CP091 – DRAFT EXEMPTED DEVELOPMENT AND LAND-USE**

I commend the Shire's initiative to reduce red-tape in the current planning process.

I have the following issues with the current draft in that there are no exemptions in respect to the clearing of vegetation, native and otherwise.

### **BUSH FIRE HAZARD MITIGATION**

I do not know what the Shire's position on Climate Change is, but Wellington Mill ( An extreme bush fire danger area) residents can clearly see that the WM climate is getting ever drier and hotter, consequently I was shocked to read that there are no exemptions for vegetation removal for bush fire risk mitigation purposes in the proposed draft.

The Wellington Mill Neighbourhood Bush Fire Ready Group is encouraging WM residents to implement DFES's guidelines for :-

- a. the Building Protection Zone (a radius of 20 metres from the home) and
- b. the Hazard Separation Zone (a radius of 20 to 100 metres from the home).

This initiative will be hampered if residents are forced to apply for a Development Approval to undertake this clearing.

The Wellington Mill Structure Plan requires that these zones be established for all new dwellings. There appears to be an anomaly in that the current Shire Policy requires a DA Application to undertake work required by the WM Structure Plan.

**I strongly suggest that Clearing of Vegetation in the above 2 zones be added to the list of exemptions.**

### **VEGETATION CLEARING INCIDENTAL TO EXEMPTED DEVELOPMENTS**

The current draft requires a DA for minor developments (e.g. Horse Shelters, Outbuildings, Rural Sheds, Farm Buildings, Rainwater Tanks etc) which would be exempted if the development did not require the removal of vegetation.

This defies common-sense, as in rural areas, very few of these developments could be undertaken without the removal of some vegetation, native or otherwise.

DWER's regulations includes the 5 hectare exception for the removal of native vegetation in similar circumstances for Farmers and surely they would not be concerned in these minor cases.

**I strongly suggest that the "no clearing of vegetation is required" exclusion is removed from these cases.**



## **(Appendix ORD: 12.1B)**

### **NOXIOUS VEGETATION**

**I strongly suggest that the clearing of noxious vegetation be included as an exemption to apply for a DA.**



Mr Andre Schonfeldt  
Chief Executive Officer  
Shire of Dardanup  
Via email: [submissions@dardanup.wa.gov.au](mailto:submissions@dardanup.wa.gov.au)

17<sup>th</sup> April 2020

Dear Mr Schonfeldt

**Re: Shire of Dardanup TPS No 3, proposed Local Planning Policy No CP091  
Exempted Development and Land Use**

In response to the Shire's call for submissions on the above proposed Policy I wish to lodge this submission with the following comments.

Firstly, I would like to applaud the Shire on this initiative to "reduce red tape" and to simplify what can be a complex set of processes and policies for many property owners.

I have read the policy and feel it mostly provides a clear improvement on current circumstances. However, I would like to suggest that there be more clarity in a few areas as follows:

#### **1 Clearing of land**

The Policy fails to address clearing of land. In particular I refer to the clearing of flora for Bush fire precautions, removal of noxious weeds (cotton bush) and incidental clearing for exempt developments. This is most pertinent within the Shire's Landscape Protection Areas within which I live. In fact, the two policies seem to be at logger-heads with each other and I would suggest the latter is overdue a review. The latter prescribes that if we need to clear land (eg cut down a tree) for bush fire precautions we would have to first obtain a Development Approval. This is both impractical and nonsensical when we live in a High Bush Fire prone area.

#### **2 Swimming Pools**

Swimming Pools under the Building Code of Australia are a Class 10B structure and therefore in the same category as flag poles. As such, I would suggest that swimming pools be added to Table 1 under this proposed Policy No CP091. Any uncertainty with regards to structural integrity or pool safety can be controlled and conditioned at Building Permit stage and shouldn't necessitate another layer of approval process.

#### **3 Outbuildings, Patio etc**

In this items Under Small Holdings in the Policy, the details seem to conflict with the Landscape Protection Areas Policy and as such it is confusing which takes precedence? I think this needs to be considered and clarified.

#### **4 General conflict with Landscape Protection Areas Policy**

In general, this proposed Policy conflicts with the provisions of the Landscape Protection Areas (LPA) Policy, and as such, it is confusing which takes precedence? As you are aware, the LPA Policy states Development Approval is required before carrying out "any" development, "any" clearing or excavation of land and "any" erection of a building, out building or farm shed. This seems extremely onerous when this new policy is in fact relaxing statutory requirements for everyone outside of the LPA. I would therefore strongly suggest that the Shire Executive and Councillors review the appropriateness of the LPA and consider rescinding it in favour of this new Policy No CP091.

Thank you for this opportunity to comments and I hope my comments are constructive

Michel Greenhalgh

## (Appendix ORD: 12.1B)

**From:** Rob Doherty < >  
**Sent:** Wednesday, 8 April 2020 5:44 PM  
**To:** Submissions Planning  
**Subject:** Fwd: Exempted development policy

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sent from my iPad

Begin forwarded message:

**From:** Rob Doherty  
**Date:** 8 April 2020 at 5:40:18 pm AWST  
**To:** [submissions@dardanup.wa.gov.au](mailto:submissions@dardanup.wa.gov.au)  
**Subject:** Fwd: Exempted development policy

Sent from my iPad

Begin forwarded message:

**From:** Rob Doherty  
**Date:** 8 April 2020 at 2:49:30 pm AWST  
**To:** [submissions@dardanup.wa.gov.au](mailto:submissions@dardanup.wa.gov.au)  
**Subject:** Exempted development policy

I would like to make the following points in relation to this draft policy

- Anything that reduces red tape is a good thing.
- There should be more latitude given around the clearing of vegetation where such clearing is for Bushfire protection.
- For properties zoned rural, the Shires policy around clearing

## (Appendix ORD: 12.1B)

of vegetation for farming should align with the Dept of Water and Environment. This would mean for example that clearing of vegetation up to a maximum of 5 ha for fencing and the like could be undertaken without approval.

Rob Doherty  
507 Wellington Mill Rd

Sent from my iPad

## (Appendix ORD: 12.1B)

**From:** Ian and Trish Bridge <  
**Sent:** Friday, 17 April 2020 2:25 PM  
**To:** André Schönfeldt  
**Cc:** Submissions Planning  
**Subject:** Submission to Exempted Development Policy CP091.

Dear sir,

Thank you for the opportunity to submit our suggested exemptions from Planning/Development Application.

This submission is made on behalf of the Wellington Mills Community Association Inc and the Wellington Mills Bush Fire Brigade.

Items to be considered for exemption from approval are listed below

All land holdings.

1. Clearing land within a fire and hazard protection zone of a structure.

A property owner should have the right to remove vegetation to protect their property, their safety and the safety of Fire Fighters within 20m radius of a structure at their discretion.

2. Furthermore a property owner should have the right to remove vegetation within a 80m radius Hazard Reduction Zone with the written approval of their district Fire Control Officer, Shire Ranger or similar, without the need and cost of a Planning Approval. The 80m distance should mean a 20m vegetation buffer could remain along the roadside, assuming the 100m building set back had been adhered to. (As prescribed in the LPA policy) 3. Property owners should also be permitted to remove vegetation up to 10m both sides, in from their driveway/access road for safe exit in case of Bushfire.

General Farming.

4. The current Landscape Protection Area policy is vague on matters of excavation and land clearing. Eg. can a farm owner remove regrowth shrubs/trees from what was previously cleared land ? Can they clear weed infestations such as blackberry from a waterway or apple of sodom/cotton bush from a hillside ? Can they excavate a silted soak or clear out a dam ? Can they remove a dangerous termite infested tree ? Can a timber plantation be harvested ?

Of course all of the above would be permitted but according to the policy the property owner would need to endure a whole lot of "red tape", time and cost for something that is rarely enforced nor practicable.

A scale and definition of land clearing should be exempted from the approval process.

We agree with some form of Landscape Protection Area and policy surrounding it, but the current policy lacks definition and should be revised in consultation with the new mixed demographic of property owners in the LPA.

Whilst there is significant community interest in changes to these policies/schemes, unfortunately, due to our current Covid 19 protection measures, our committees are not able to meet so we can't offer more concise suggestions at this time.

Please feel free to contact be at any time if you wish.

Yours sincerely,

# (Appendix ORD: 12.1B)

Ian Bridge

Chair- Wellington Mills Community Association FCO - Wellington Mills Bushfire Brigade

## (Appendix ORD: 12.1B)

**From:** Kim Wesley < >  
**Sent:** Friday, 17 April 2020 8:04 AM  
**To:** Submissions Planning  
**Subject:** Suggestions to add to the Shire's proposed exemptions to its Planning Policies

Dear Mr Schonfeldt,

We have read the proposal – CP091 - DRAFT Exempted Development and Land Use - and find it very a very comprehensive list of common sense exceptions but we believe it should also include vegetation removal incidental to the installation of small structures such as rainwater tanks and sheds and bushfire mitigation measures in accordance DFES's guidelines.

We also believe that the Landscape Protection Area policy should be scrapped as it clearly is not working as intended. During the last 8 years we have been alerted to the fact the above policy exists. We believe it existed long before this to protect the amenity of the residents living in the Wellington Mill area and surrounds - giving care and consideration to the beauty and the amenity of neighbours.

We wish to stress that we wish to still preserve the amenity of all the residents who live in the various localities of this bush and rural environment to this day but it seems to us that many other rules and regulations cover the ethic of the LPA policy so we believe that it would be good to reduce the level of red tape put in place over and above the usual red tape that comes with building permits and development applications.

Common sense needs to be applied in many situations and blanket rules need not necessarily be implemented if good reason is given as to a way forward.

Vegetation removal is a sticking point and we see that this is a huge issue when a landowner may clear the whole block when it is situated in a rural area where bushland exists naturally and why all other residents live in the area. Mindful clearing that doesn't affect others is how it should be but we know this is hard to impart without adding more layers of red tape.

Fire mitigation is a high priority for most residents and needs to be considered for each property on its own merits.

Above all - no-one wishes to dictate to a landowner on what they can and cannot do on their land but requirements in zonings should be monitored and consideration of neighbours and the community is highly recommended - visually, odours, noise impact, location.

Thank you for your time.

**Kim and Simon Wesley**

**Peppermint Lane Lodge Bed and Breakfast**

PS. Some examples that come to mind that are complete blots on the landscape:-

- The dreadful Cleanaway mountain. It's appalling for all to see from so many angles and view points. I remember a resident standing up a Cleanaway "community" meeting and stating that by his calculations of waste and truck activity that there soon would be a mountain of rubbish and ..... it was so true.
- High Point Mansion on the top of the hill at East Gravel Pit Rd. How did this happen? I'm sure people can see it from Eaton.
- Just up the road from us a new build is happening. It is in the LP area and is not attractive in anyway. It is close to the road for all to see. On that lovely block - just up the hill - there are tree'ed areas that could have been building envelopes and protected the local residents from the eyesore and the business amenity it has/will become. It is so close to a neighbour. The shed is thought to be used for non general farming use.

**Kim and Simon Wesley**



RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b> Renewal of Lease – Adam Wroe – Paradise Reserve <b>RISK THEME PROFILE:</b> 3 - Failure to Fulfill Compliance Requirements (Statutory, Regulatory) 10 - Management of Facilities, Venues and Events <b>RISK ASSESSMENT CONTEXT:</b> Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		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.	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.	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.	Not required.
LEGAL AND COMPLIANCE	Failing to review and renew the lease agreement will be in breach of current lease terms	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Council would be seen in a negative light if we failed to meet our contractual and legislative requirements.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	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.	Not required.

RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b> Extension of Lease – Dardanup Community Centre – South Montessori Club <b>RISK THEME PROFILE:</b> 3 - Failure to Fulfill Compliance Requirements (Statutory, Regulatory) 10 - Management of Facilities, Venues and Events <b>RISK ASSESSMENT CONTEXT:</b> Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		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.	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.	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.	Not required.
LEGAL AND COMPLIANCE	Failing to review and renew the lease agreement will be in breach of current lease terms Council would be seen in a negative light if we failed to meet our contractual and legislative requirements.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Council would be seen in a negative light if we failed to meet our contractual and legislative requirements.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	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.	Not required.

## (Appendix ORD: 12.3B)

To whom it may concern,

We are writing in the hope that the Shire Committee may consider Lorraine O'Reilly to become the new official tenant of the rooms now being occupied by South West Montessori, starting next year.

This would be in partnership with South West Montessori, however she would be liable for all rent, insurance and costs. (Under the name South West Montessori Family Daycare)

The committee of SWM have come to the conclusion that this would give SWM more financial security going forward which would make sure that the Montessori environment will continue to be there for the community for many years to come.

SWM would run parent/child sessions for part of the week and Montessori family day care for the other days. There is an official shortage of Family Day Care's in the Dardanup area.

We feel that with Dardanup expanding over the next few years, this would fill a need that will only become more pronounced in the future. We're also very aware that the South West has no Montessori environments, with the nearest being the Montessori School in Margaret River. A group in Busselton have tried to get the equipment moved there but we're adamant that we want it to stay in Dardanup.

Having both a parent Montessori group and a Family Day Care on the premises (subject to planning permission), we feel will benefit the local town. We have Montessori parents from as far as Harvey and Australind and the Family Day Care, under the umbrella group of YMCA, will also bring parents from a large bordering area. This means that parents will shop in the local stores and buy coffees, cakes from the local bakery.

Lorraine O'Reilly would be running the Family Day Care and be involved in the parent sessions. She's a trained Montessori teacher working in that area for the last 29 years. She was on the committee since SWM first applied to rent the rooms in Dardanup after leaving Eaton. During that time, all bills were paid on time and maintenance kept up to date. She left January 2017 and a new committee took over. They ran SWM until recently when this new Committee took over. Although it's a new Committee, it comprises of Lorraine O'Reilly again and two parents that were on the committee previously (pre 2017) We feel that we can get SWM back on track quite easily as it wasn't run as a Montessori

by the previous committee, meaning that a lot of the families left. They are all now returning.

We hope you'll look favourably on our request and would like to thank you for your patience and understanding over the last couple of months. The new Committee has now finally got all names ect...changed on the bank account and look forward to paying any monies that are overdue.

Best regards,

Lorraine O'Reilly

Silje Hynes

Peta Jacotine

Melanie Consentino

Alison Bennetts

SWM Committee

RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b> Eaton Bowling Club Redevelopment Project <b>RISK THEME PROFILE:</b> 1 - Asset Sustainability Practices 2 - Business and Community Disruption <b>RISK ASSESSMENT CONTEXT:</b> Project									
10 - Management of Facilities, Venues and Events 15 - Supplier and Contract Management									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		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.	Not required.
FINANCIAL IMPACT	There is a risk that the project exceeds the allocated budget allowance.	Major (4)	Possible (3)	High (12 - 19)	Careful management of the detailed design process and construction works.	Major (4)	Unlikely (2)	Moderate (5 - 11)	Moderate (5 - 11)
SERVICE INTERRUPTION	Risk that the Bowling Club will not be able to operate while construction is occurring.	Major (4)	Likely (4)	High (12 - 19)	Stage construction works or hire transportable buildings for the duration of the works. Both options will incur extra costs.	Moderate (3)	Likely (4)	High (12 - 19)	High (12 - 19)
LEGAL AND COMPLIANCE	The procurement of an architect shall be in accordance with the Shire's Procurement Policy and Division 2 – Tenders for Providing Goods or Services of the Local Government (Functions and General) Regulations 1996.	Major (4)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Risk to the Shires reputation if the construction runs over time and budget.	Major (4)	Unlikely (2)	Moderate (5 - 11)	Not required.	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.	Not required.

RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b>		Economic Development and Regional Tourism – Budget Requests							
<b>RISK THEME PROFILE:</b>		3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)							
<b>RISK ASSESSMENT CONTEXT:</b>		Strategic							
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		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.	Not required.
FINANCIAL IMPACT	Tourism Budget requests form part of the Annual Budget Process.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	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	N/A
LEGAL AND COMPLIANCE	Failure to comply with Council policy CP 018 – <i>Corporate Business Plan &amp; Long Term Financial Plan</i> could result in non-compliance	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Shire brand can be impacted if Community requests are not provided for.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	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.	Not required.



Ferguson Valley Marketing Inc. PO Box 7180 Eaton WA 6232 <a href="http://www.fergusonvalley.net.au">www.fergusonvalley.net.au</a> <a href="mailto:marketing@fergusonvalley.net.au">marketing@fergusonvalley.net.au</a> Visitor Centre: 0897281551 Marketing officer: 042828 1551
---

15 April 2020

André Schönfeldt  
CEO Shire of Dardanup  
1 Council Way  
Eaton  
WA 6232

Dear André,

This letter is in response to your proposal to support the Ferguson Valley Visitor Centre (FVVC) to the extent of approximately \$5,900 and have a further \$20,000 being allocated for Marketing with ASW.

The proposal was considered at length at the Zoom Board meeting last night.

The effect of Covid 19 disease has been devastating to the Tourism/Hospitality sector. Most of the Businesses which make up the FVM membership are either closed or barely able to continue trading with a greatly reduced turn over. The FVVC has been put into hibernation mode even prior to the closure of tourism on March 23 due to the risks to the age related risk for our volunteers, and now the lack of need for visitor servicing.

Hibernation is the term used by government, and ourselves as we hope to emerge from this crisis with a rebound increase in activity as restrictions and risks diminish. The term hibernation implies that nothing happens to change the working environment while all of the businesses are "Sleeping".

The Board considers this to not be the time to make sweeping changes to the way in which we do business for two reasons. There is no clear understanding of how the crisis will play out both in terms of what the industry will look like, and which businesses are still viable at the time we emerge from the Corona Virus pandemic. Secondly, People are really struggling with change to their business, their security, and the whole of society, so to add further change at this time is considered untimely, and frankly inhumane.

## (Appendix ORD: 12.5B)

The Board sees some merit in outsourcing “Marketing” to ASW. We have been able to facilitate this by lobbying State politicians during the last election, and then helping to facilitate the application of the \$300,000 in industry appropriate ways. With the next election around the corner we plan to repeat our efforts with a view to tapping into State Government’s appetite to reinvigorate the important Tourism Industry’s contribution to our economy (even if it is initially only intra-state).

The proposal you put forward, would leave the FVM with inadequate funds to do anything except manage the FVVC, and have some oversight of the way in which the ASW spends the \$20,000 pa. ASW could take over the management of our new website, social media promotion, which would leave a small amount left for promotion, probably in their winter and summer campaigns. The board believes that \$20,000 in the hands of ASW would not have the same penetration as the dedicated work of 7 skilled Board members, one extremely efficient Admin Officer, and a Liaison person from the Shire of Dardanup and another from the FVVC.

The proposal also makes the assumption that our membership income would stay the same even though we would not be offering the many other functions of the FVM:

- Representation of the industry to:
  - Bungeo
  - ASW
  - BGCCI
  - News and media.
  - the shire of Dardanup
  - State government
  - Federal Government
- Member servicing and marketing including:
  - Networking opportunities
  - Families for stakeholders to businesses in FV
  - What’s Gnoming on regular publication
  - Lines of communication within the membership via online chat room
  - Local map with advertising
  - Local map signs on the roadside
  - Development, training and hosting of the new website
  - Providing leadership with events including:
    - Ferguson Found
    - Dardanup At Spectacular
    - Philharmonic in the valley
    - Bull and Barrel
    - Open Gardens
    - The new Bunbury Ferguson event.
- Administration of the FVVC which includes financial oversight and assistance with day to day management. This is mainly done by our Admin Officer.



## (Appendix ORD: 12.5B)

- Watching for and taking advantage of opportunities as they arise, for example The Gnomesville Book and lobbying, and applying for various grants as they become available.

During the discussion, there was the overwhelming feeling that this proposal would destroy Ferguson Valley Marketing in its present form, with some members of the Board declaring they would not continue to volunteer if it happens. It is our unanimous opinion that the benefits of a professional organisation such as ASW would bring to marketing is far outstripped by the benefits provided by FVM and its board in its present form. It does agree that getting ASW to take on some of the roles presently done for free by volunteers on the Board would be advantageous in future, and will be lobbying and applying for grants to do this.

At the recent Council meeting (25/3/2020) the motion was passed that the Council requests the CEO to bring the integrated planning committee recommendations back to council at the April OCM that Council allocates and approves \$35,000 To Ferguson Valley Marketing Inc; distributed as an operational grant of \$25,000 and conditional matching funds of \$10,000 to be included in the 2020/2021 Annual Budget. Ferguson Valley Marketing requests that this be done.

Ferguson Valley Marketing is not averse to looking at the present model, and discussing better ways to get a Return On Investment for the Shire's contribution, however we feel that just before a state election, in the middle of the largest world-wide crisis this generation has seen is not the time.

Yours Sincerely,

Phil Smith  
Chairman FVM Board



**SAGE  
CONSULTING  
ENGINEERS**



**EATON ADMINISTRATION BUILDING  
AND  
EATON RECREATION CENTRE**

**STANDBY POWER**

**REPORT**

APRIL 2020

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<b>REV</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>AUTHOR</b>	<b>REVIEW</b>
01	14-2-2020	First draft	M Sage	
02	18-2-2020	Internal review	M Sage	C Lawrence
03	20-2-2020	Client comments included (acknowledge existing solar, and add roof areas for solar)	M Sage	C Lawrence
03a	7-4-2020	Appendix A amended, watermark removed	M Sage	
04	7-4-2020	Conclusion amended to comment on better value of 100% option.	M Sage	

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**1. INTRODUCTION**

The purpose of this report is to investigate options for standby power for the Shire of Dardanup’s Eaton Administration Centre, 1 Council Drive, Eaton and the Eaton Recreation Centre, 18 Recreation Drive, Eaton. This report does not submit enough information to obtain quotations for a standby power system, or to construct a standby power system.

The options considered are listed below:

- Diesel
- Natural gas
- Hydrogen
- Solar
- Solar with battery storage

In particular, this report in response to Purchase Order No 83711 dated 13-2-2020.

**2. BASIS OF REPORT**

This report is based on the following:

- Council Resolution 260/19
- Unconfirmed minutes of the ordinary meeting of Council 4-9-2019
- Sage Consulting Engineers proposal February 2020
- Synergy Account number 126 199 740, Invoice number 2024863055, Date of issue 21 Jan 2020, Account period 17 Dec 2019 - 21 Jan 2020 (36 days), for the Eaton Administration Centre
- Alinta Energy Statement Number: 60354165 Issue date: 29/01/2020 Account Number: 80004063, Usage Period 17/12/2019 to 20/01/2020 (35 days), for the Eaton Recreation Centre
- Western Power Annual Reliability and Power Quality Report for the year ended 30 June 2019, 27 September 201
- Electricity Industry (Network Quality and Reliability of Supply) Code 2005
- WA Electrical Requirements October 2015

**3. ELECTRICAL LOADING**

The electricity bills indicate the following energy consumption for about a month from December 2019 to January 2020:

<b>Eaton Administration Centre</b>	<b>Consumption (36 days)</b>	<b>Consumption per day</b>
on peak	10388.02 kWh	289 kWh
off peak	5440.176 kWh	151 kWh
<b>TOTAL</b>	<b>15828.196 kWh</b>	<b>440 kWh</b>
<b>Average kW</b>		<b>18.3 kW</b>

<b>Eaton Recreation Centre (Solar Panels)</b>	<b>Consumption (35 days)</b>	<b>Consumption per day</b>
on peak	5266 kWh	150 kWh
off peak	5318 kWh	152 kWh
<b>TOTAL</b>	<b>10584 kWh</b>	<b>302 kWh</b>
<b>Average kW</b>		<b>12.6 kW</b>



If a typical load factor of 25% is applied, the after diversity maximum demand would be 73.2 kW (86 kVA, or 120 A @ 0.85 power factor) for the Administration Centre and 50.4 kW (59 kVA, or 82 A @ 0.85 power factor) for the Recreation Centre.

Council Resolution 260/19 requests standby power for two 8 kW servers and two 10 kW air conditioners for the Administration Centre, totalling 36 kW (42 kVA, or 59 A @ 0.85 power factor).

For each option, there could be two sub-options: a standby power system serving all circuits of the whole building (100% standby), or a standby power system serving limited circuits of the building (50% standby). The first sub-option will require less electrical work and little disruption to operations, but will require a larger power system.

The second sub-option will require significant electrical work on the existing switchboards to separate "essential circuits" from "non-essential" circuits. This will disrupt operations for perhaps a day, or more. The work could be scheduled during Christmas holidays, but overtime pay rates would apply.

For both sub-options, an automatic transfer switch will need to be added on the existing main switchboard.

**4. RELIABILITY OF ELECTRICITY SUPPLY**

Four measures of electricity supply reliability are listed below:

- Customer Average Interruption Duration Index (CAIDI) is the average length of interruption of supply to customer premises expressed in minutes
- System Average Interruption Frequency Index (SAIFI) is the average number of interruptions of supply to customer premises
- Average Service Availability Index (ASAI) is the average percentage of time that electricity has been supplied to customer premises
- System Average Interruption Duration Index (SAIDI) is the average total length of all interruptions of supply to customer premises expressed in minutes

The Electricity Industry (Network Quality and Reliability of Supply) Code 2005 considers three areas: the Perth CBD, urban areas other than the Perth CBD, and "other areas".

The Code states that the total duration of interruptions, averaged over four years, should not exceed 290 minutes for "other areas".

Western Power reported their reliability performance in September 2019 as follows:

KPI	Units	Financial Year Ended 30 June				4 Year Average
		2015/16	2016/17	2017/18	2018/19	
SAIDI	Minutes per year	1,125	880	1,055	757	954
SAIFI	Interruptions per year	5.40	4.94	4.81	4.17	4.83
CAIDI	Minutes per interruption	208	178	219	181	197
ASAI	% availability per year	99.786	99.833	99.799	99.856	99.818



Western Power reliability performance over the four years is an annual average of 954 minutes of unplanned interruptions, with about five interruptions per year, each of about 3 hours and 17 minutes.

In addition to these regular unplanned interruptions, there could be catastrophic conditions, such as bush fires, that interrupt the electricity supply for days. The fire will need to be contained and then power lines and equipment replaced.

## 5. WA ELECTRICAL REQUIREMENTS

The WA Electricity Requirements are mandatory under Regulation 49 of the Western Australian Electricity (Licensing) Regulations 1991.

WA Electrical Requirements Clause 3.4.2 Commercial connection, states: *"Each lot shall have its own point of supply"*.

WA Electrical Requirements Clause 3.6 Multiple network points of supply 3.6.1 General, states: *"A network operator shall provide only one point of supply to an individual freehold lot, Crown land title or survey strata lot unless circumstances justify more than one point of supply and safety concerns are satisfied"*.

The Administration Centre and the Recreation Centre each have their own electricity supplies in compliance with the WA Electrical Requirements. Each of these centres would need to have its own standby power system. A common standby system for both centres would have electricity supplies crossing lot boundaries and would contravene WA Electrical Requirements.

## 6. OPTIONS

### 6.1. DIESEL

Diesel standby systems are the typical industry standard, except where standby power loads exceed 1000 kW when gas turbine systems may become economic.

A diesel standby system comprises a diesel engine (with cooling, exhaust, and fuel systems), an alternator, a control panel (with automatic mains failure sensing), an acoustic enclosure, and a bulk fuel tank.

For a longer duration of standby power, the fuel tank can be re-fuelled. While commercial fuel stations may be closed during a disaster, accredited emergency facilities can be refuelled from government sources. Alternatively, a larger bulk fuel tank is required to provide a longer duration of standby power.

Diesel standby power systems can accept load within about 15 seconds of power failure.

Appendix A submits opinions of probable costs for this option.

### 6.2. NATURAL GAS

Natural gas can be used to fuel diesel engines. The diesel engines need to be equipped with appropriate fuel systems. The diesel engine has to be de-rated when run on gas. This means that a larger engine is needed to achieve the same power output. There are also hazards that need to be managed. This results in high construction costs.



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Natural gas fuelled diesel engines are commercially available for large size generators, but not for the small sizes required for the Administration Centre and Recreation Centre.

Accordingly, no opinions of probable costs are submitted.

### 6.3. HYDROGEN

Hydrogen can be used to fuel internal combustion engines equipped with appropriate fuel systems. An alternative is to use hydrogen in a fuel cell.

Hydrogen fuelled internal combustion engines are not commercially available.

Fuel cells are emerging technology, but are not commercially available. An Australian supplier suggests \$10 000 for a 1.2 kW fuel cell intended for academic research.

Accordingly, no opinions of probable costs are submitted.

### 6.4. SOLAR

Solar power from photovoltaic arrays is established technology. However commercially available photovoltaic arrays need normal power to operate. The normal supply provides the reference frequency and synchronisation. During a power failure, a photovoltaic array shuts down.

Accordingly, opinions of probable costs are not appropriate.

### 6.5. SOLAR WITH BATTERY STORAGE

Solar power from photovoltaic arrays with battery storage is becoming established technology. During a power failure, the photovoltaic array continues to operate as the battery supports the photovoltaic array.

Battery storage systems can accept load within a very brief time of power failure.

With battery storage, larger battery capacity is required to provide a longer duration of standby power. However, if the solar photovoltaic arrays are not obscured by clouds or smoke, during the day they can supply the load and recharge the batteries.

Appendix A submits opinions of probable costs for this option. The Administration Centre would need about 800 m<sup>2</sup> of roof area for 100% standby and 400 m<sup>2</sup> for 50% standby. The recreation Centre already has 118 panels (about 35 kW) and would need an additional 55 kW (about 220 m<sup>2</sup> of roof area) for 100% standby and an additional 10 kW (about 65 m<sup>2</sup> of roof area) for 50% standby.

## 7. CONCLUSIONS

The diesel option serving all circuits (100% standby) is the economic option offering better value than the 50% standby for the same cost. If the Shire wishes to pursue this option, it is recommended that recording instrumentation be fitted to the Administration Centre and Recreation Centre to measure the peak electrical load. This is best done in January or February when the air conditioning is working at maximum load.



**8. APPENDIX A – OPINIONS OF PROBABLE COSTS**



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**DIESEL**

**Capital Cost**

<b>ADMINISTRATION CENTRE (100% standby)</b>	
Diesel generator set (86 kVA)	26000
Site works	2000
Fuel storage (10 000 L)	5000
Electrical works (transfer switch)	10000
<b>TOTAL</b>	<b>43000</b>

<b>ADMINISTRATION CENTRE (50% standby)</b>	
Diesel generator set (42 kVA)	20000
Site works	2000
Fuel storage (5 000 L)	4000
Electrical works (transfer switch and separate essential circuits)	15000
<b>TOTAL</b>	<b>41000</b>

<b>RECREATION CENTRE (100% standby)</b>	
Diesel generator set (59 kVA)	21000
Site works	2000
Fuel storage (10 000 L)	5000
Electrical works (transfer switch)	10000
<b>TOTAL</b>	<b>38000</b>

<b>RECREATION CENTRE (50% standby)</b>	
Diesel generator set (30 kVA)	19000
Site works	2000
Fuel storage (5 000 L)	4000
Electrical works (transfer switch and separate essential circuits)	15000
<b>TOTAL</b>	<b>40000</b>

**DIESEL**

**Maintenance Cost (per annum)**

<b>ADMINISTRATION CENTRE</b>	
Monthly test 12 X \$1000	12000

<b>RECREATION CENTRE</b>	
Monthly test 12 X \$1000	12000



**SOLAR WITH BATTERY**

ADMINISTRATION CENTRE (100% standby)	
Solar photovoltaic array (130 kW)	130000
Battery storage (880 kWh =48 h)	900000
Battery room (62 X 13.5 kWh, 60 sq m)	60000
Electrical works (transfer switch)	10000
TOTAL	1100000

ADMINISTRATION CENTRE (50% standby)	
Solar photovoltaic array (65 kW)	65000
Battery storage (440 kWh =48 h)	450000
Battery room (31 X 13.5 kWh, 30 sq m)	30000
Electrical works (transfer switch and separate essential circuits)	15000
TOTAL	560000

RECREATION CENTRE (100% standby)	
Solar photovoltaic array (90 kW – 35 kW)	55000
Battery storage (604 kWh =48 h)	600000
Battery room (48 X 13.5 kWh, 50 sq m)	50000
Electrical works (transfer switch)	10000
TOTAL	715000

RECREATION CENTRE (50% standby)	
Solar photovoltaic array (45 kW – 35 kW)	10000
Battery storage (302 kWh =48 h)	300000
Battery room (24 X 13.5 kWh, 25 sq m)	25000
Electrical works (transfer switch and separate essential circuits)	15000
TOTAL	350000

**SOLAR WITH BATTERY**

**Maintenance Cost (per annum)**

ADMINISTRATION CENTRE	
Monthly test 12 X \$1000	12000

RECREATION CENTRE	
Monthly test 12 X \$1000	12000

Note: For the Tesla Powerwall 2, Tesla claims that no maintenance is required.



**9. APPENDIX B – COUNCIL RESOLUTION 260/19**



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## 12.6 Title: Natural Disaster Resilience Program (NDRP) Granting Funding for the Purchase of a Generator to Ensure Business Continuity

### Council Resolution 260/19

THAT Council:

2. Request the Chief Executive Officer to investigate options for solar panels, battery storage or other alternatives including hydrogen or gas generators pertaining to maintaining power supply to the Eaton Administration Centre in the event of an emergency, or power supply interruption.

#### Details:

Request: (i) Calculation of power requirements and (ii) Opinion of probable costs for each option in terms of initial Capital and on-going Operation & Maintenance

#### **Alternative Power Supply Requirements:**

##### **Technical Requirements:**

Auto cutover – must switch over within 1-2 minutes of power failing and cut-back when power returns.

Minimum 48 hour runtime – solution must support the stated load(s) for 48 hours continuously as a minimum.

100% duty cycle – in the event that power to the area or region is out for an extended period of time, the stated loads will require supporting indefinitely until services are restored. E.g. days or weeks.

##### **Power Requirements:**

The figures below are for the maximum power ratings of servers and ancillary equipment currently installed and is for the data centre/server rooms only, no power requirements are stated below to support building air-conditioning or staff computers.

##### **Eaton Admin:**

- 2x 8KW (16KW)
- 2x 10KW Air conditioners (20KW)



**10. APPENDIX C – UNCONFIRMED MINUTES OF THE ORDINARY MEETING OF COUNCIL 4-9-2019**



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12.6 Title: Natural Disaster Resilience Program (NDRP) Granting Funding for the Purchase of a Generator to Ensure Business Continuity

Reporting Department: Executive
Reporting Officer: Mrs Marisa Blandford – Acting Executive Assistant to CEO
Legislation: Local Government Act 1995 &

Overview

The Department of Fire and Emergency Services (DFES) has advised the Shire that they are willing to proceed with the project on an amended basis, solely for the establishment of a generator at the Eaton Recreation Centre. An updated budget for this project would need to be provided to DFES.

The 2019-2020 Budget does not include a budget allocation for the project. The matter is now brought to Council for further consideration and deliberation.

Background

The Department of Fire and Emergency Services (DFES) advised the Shire that its application to the Natural Disaster Resilience Program (NDRP) for the purchase of a generator was successful. The Shire was eligible to receive funding of \$44,250 towards the Shire of Dardanup Alternative Power Supply in Emergencies Project.

This was then brought to Council for further consideration and deliberation at the Ordinary Meeting of Council held Wednesday, 17 July 2019.

At that meeting, Council resolved as follows:

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

222-19 MOVED - Cr. T G Gardiner SECONDED - Cr. P S Robinson

THAT Council:

- 1. Acknowledges the advice from the Department of Fire and Emergency Services that the Shire of Dardanup has been successful in obtaining funding of \$44,250 under the Natural Disaster Resilience Program (NDRP) for the Shire of Dardanup Alternative Power Supply in Emergencies Project.
2. Instruct the Chief Executive Officer to write to the Department of Fire and Emergency Services and request that \$44,250 available under the Natural Disaster Resilience Program be held over until such time as the new administration centre is designed and construction commences.
3. Incorporate into the Shire of Dardanup Long Term Financial Plan a provision for matching capital contribution and ongoing maintenance and operating costs.

A letter was sent to DFES advising of the above request (Appendix ORD 12.6A).

In turn, a response was received via email from the State Emergency Management Committee Business Unit (Appendix ORD 12.6B) advising that they would be unable to hold over funds, and in light of a new building being constructed would not support the project in its current format.

A proposal was made to the Shire of Dardanup by the SEMC to consider amending the scope of the project to purely accommodate the Eaton Recreation Centre component. An amended funding amount



of \$40,827.50 would be provided. However, this would require the submission of an updated budget for the project for final approval by the SEMC.

The Executive Management Team have discussed the project at length and given the amount of funds required to be contributed by the Shire, have concluded that:

1. It is not possible to meet the unbudgeted expenditure of \$40,827.50 in the current financial year; and
2. Alternatives should be investigated such as solar panels, battery storage or other alternatives including hydrogen or gas generators as a means to maintain power supply to the Eaton Administration Centre in the event of an emergency, or power supply disruption.

Legal Implications

The project is not included in the 2019-2020 Budget and therefore the Local Government Act 1995 requires the Council to consider and approve any changes to the budget.

*6.8. Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or*
- (b) is authorised in advance by resolution\*; or*
- (c) is authorised in advance by the mayor or president in an emergency.*

*\* Absolute majority required.*

*(1a) In subsection (1) — additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.*

*(2) Where expenditure has been incurred by a local government —*

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the Council.*

• Local Government Act 1995

S6.10. Financial Management Regulations

*Regulations may provide for —*

- (a) the security and banking of money received by a local government; and*
- (b) the keeping of financial records by a local government; and*
- (c) the management by a local government of its assets, liabilities and revenue; and*
- (d) the general management of, and the authorisation of payments out of—*
  - (i) the municipal fund; and*
  - (ii) the trust fund,**of a local government.*



• Local Government (Financial Management) Regulations 1996

R11. Payments, procedures for making etc.

R12. Payments from municipal fund or trust fund, restrictions on making

(1) A payment may only be made from the municipal fund or the trust fund —

(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or

(b) otherwise, if the payment is authorised in advance by a resolution of the Council.

(2) The Council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the Council.

Strategic Community Plan

Strategy 1.3.3 - Maximise Shire grant funding. (Service Priority: Flagship)

Strategy 1.4.3 - Investigate and develop where appropriate 'smart' technologies to improve service provision. (Service Priority: Very high)

Strategy 1.5.1 - Participate in and seek collaborative resource sharing opportunities. (Service Priority: High)

Strategy 3.4.1 - To enable community safety and a sense of security. (Service Priority: Very High)

Strategy 3.3.2 - Support volunteer groups within the Shire of Dardanup. (Service Priority: High)

Strategy 3.5.1 - To protect public health and safety. (Service Priority: High)

Environment - None.

Precedents - None.

Budget Implications -

As part of the NDRP grant funding conditions, the Shire will require an equivalent dollar-for-dollar (cash & in-kind) contribution towards the project.

SUMMARY	COST (inc GST)
<b>*Generator ATS switchboard and mains connection to Eaton Recreation Centre</b>	<b>\$25,655.05</b>
100 KVA GENSET Supply and Install	\$45,000.00
Fencing	\$3000.00
Supply Oil and Fuel	\$2,500.00
GENSET trailer	\$5,000.00
Fire Extinguisher	\$500.00
<b>TOTAL</b>	<b>\$81,655.05</b>
NDRP Contribution (pending application)	\$40,827.50
<b>Shire's Cash Contribution</b>	<b>\$31,577.50</b>
<b>Shire's In-Kind Contribution</b>	<b>\$9,250.00</b>

There is no allocation in the current budget. If the Council decide to proceed with the funding agreement and the delivery of the project, the project will be unbudgeted expenditure. It will result in an unbudgeted net expenditure of \$40,827.50.





Budget – Whole of Life Cost -

The provision of a generator will require ongoing expenditure for the purposes of regular maintenance, testing and eventually the decommissioning and replacement of the unit when it reaches the end of its useful life. These expenses would need to be included in the Shire’s plant operational budgets and plant replacement program, which is an additional cost that is currently unbudgeted.

Council Policy Compliance - None.

Risk Assessment - Low.

Officer Comment -

Officers recommend that Council not support the immediate funding opportunity, but instead decline the current offer and not proceed with this project at this time. There is the potential for this project to be revisited when the new Shire Administration and Library Building is constructed in approximately three years’ time.

The Shire of Dardanup would also still be welcome to apply to the SEMC for future funding opportunities as advised in their email to the Shire (Appendix ORD 12.6B).

Officers also recommend that Council support the investigation of options for solar panels, battery storage or other alternatives including hydrogen or gas generators. These options could be used to maintain power supply in the event of an emergency or power disruption, and may prove more cost effective in the long term.

Council Role - Executive/Strategic.

Voting Requirements - Simple Majority.

Change to Officer Recommendation - No Change.

**OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION**

260-19          MOVED -          Cr. P S Robinson          SECONDED -          Cr. J Lee

**THAT Council:**

1.          **Instruct the Chief Executive Officer to write to the State Emergency Management Committee Business Unit and decline the offer of amended funding under the 2019/20 round of the National Disaster Relief Program (NDRP) Grant Funding.**
  
2.          **Request the Chief Executive Officer to investigate options for solar panels, battery storage or other alternatives including hydrogen or gas generators pertaining to maintaining power supply to the Eaton Administration Centre in the event of an emergency, or power supply interruption.**

CARRIED  
7/0



**11. APPENDIX D – ENERGY BILLS**

SYNERGY INVOICE NUMBER 2024863055

ALINTA ENERGY STATEMENT NUMBER 60354165



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ABN: 58 673 830 106

ENTERED

Your account details

Account number	126 199 740
Invoice number	2024863055
Date of issue	21 Jan 2020
Account period	17 Dec 2019 - 21 Jan 2020 (36 days)

Your account summary

Opening balance	\$0.00
	+
New charges	\$5,454.45
Due 11 Feb 2020	=
<b>Total</b>	<b>\$5,454.45</b>



- 025214

SHIRE OF DARDANUP  
PO BOX 7016  
EATON WA 6232

Creditor:	90518
Job/G.L. No.	J143012123002
Purchase Order No.	S126199740
ABN Quoted	YES/NO
Tax Invoice Compliant	YES/NO
GST Amount	\$ 495.86
Job/G.L. Approved	

Electricity Account

Tax Invoice

Need help with your bill? Visit [synergy.net.au/businesshelp](http://synergy.net.au/businesshelp)

Goods/Services Received	YES/NO
Prices Checked	YES/NO
More invoices to come on this order No.	YES/NO
Payment Auth. (Initial)	

**Know watt's watt.**

Knowledge is power and there's plenty of knowledge to be gained with Synergy's Online Tools. My Account, data services and our dedicated business support team are there to help you manage your energy use, leaving you more time for your business.

Learn more at [synergy.net.au/onlinetools](http://synergy.net.au/onlinetools)

**How much energy have you used?**

Your average daily usage **452.2342 units**  
Your average daily cost **\$155.84 per day**

To track your businesses' energy use and get access to a great range of energy management tools in one convenient spot, visit [synergy.net.au/myaccount](http://synergy.net.au/myaccount)

Payment options

- Direct Debit\***  
The set and forget way to pay. Visit [synergy.net.au/directdebit](http://synergy.net.au/directdebit)
- Credit/Debit Card\***  
Online: [synergy.net.au/payments](http://synergy.net.au/payments)  
Phone: 1300 650 900
- Electronic Funds Transfer**  
Please email [remittance@synergy.net.au](mailto:remittance@synergy.net.au) for details. A minimum payment of \$5,000 is required for EFT.
- Mail**  
Send your cheque payable to Synergy with this payment slip to GPO Box U1913 Perth WA 6845.

**BPAY\*/BPAY View\***  
Bill Code: 2600  
Reference: 126 199 7422  
Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account.

**Post Billpay\***  
Pay in person at any post office.

\*Fees may apply



\*2608 1261997422  
SHIRE OF DARDANUP  
Account number: 126 199 740



Payment number	126 199 7422
Due 11 Feb 2020	<b>\$5,454.45</b>

<0000545445> <000260> <000126199742001> >



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# How we've calculated your bill

ENTERED

## Previous bill and payments

Last bill	\$5,261.66
Payments and adjustments	\$5,261.66cr
<b>Opening balance</b>	<b>\$0.00</b>

## Your energy supply details

**Supply address:** Loc 39158 Recreation Dr, Eaton WA 6232  
**NMI:** 80010152117  
**Next scheduled read date:** 17 Feb 2020

## Your usage summary for meter number: 0136001788

Supply period: 17 Dec 2019 - 20 Jan 2020	Previous meter reading	Current meter reading	Units imported (kWh)	Units exported (kWh)
On-peak	0	+0	10388.0200	
Off-peak	0	+0	5440.1760	

†Your interval meter data is available online. Visit [synergy.net.au/myaccount](http://synergy.net.au/myaccount) to login or register.

## New charges

Business Flexi Charge period: 17 Dec 2019 - 20 Jan 2020	Units	Unit of measure	Unit price (cents)	Amount
On peak	10388.0200	kWh	40.7000	\$4,227.92
Off peak	5440.1760	kWh	11.5000	\$625.62
Supply charge	35	days	300.1300	\$105.05

Plus GST @ 10.00% \$495.86  
**Total new charges** **\$5,454.45**

If you're having problems paying your account, assistance is available. Please contact us before the due date.  
 A \$5.30 fee may apply for additional reminder notices sent regarding overdue payment of this account.  
 Overdue balances may incur an interest charge equal to the Reserve Bank of Australia's cash rate plus 6.00% and will appear on your bill when applied.

## Important information

**Need a payment extension?**  
 If you need a little more time to pay your bill, then we're here to help. Visit [synergy.net.au/extension](http://synergy.net.au/extension)

**Moving?**  
 Start, close or transfer your connection online. Visit [synergy.net.au/moving](http://synergy.net.au/moving)

**If your account has been estimated**  
 If you wish to find out how or why it was estimated, or if you would like to request a meter reading, call us on 13 13 54.



**Customer Charter**  
 For information on our products and services, and our obligations under the Customer Service Code, visit [synergy.net.au/charter](http://synergy.net.au/charter)

**Complaints process**  
 At Synergy, we're here to help. If you have a complaint, please call 1800 208 987 to speak with our Customer Service Representative. If they're unable to resolve your complaint, our Complaints Team may be able to help. If your complaint remains unresolved, you can contact the Energy and Water Ombudsman on 1800 754 004.

**Faults**  
 Call the Western Power 24hr emergency line on 13 13 51.

## We're here to help

- [synergy.net.au](http://synergy.net.au)
- 13 13 54
- TTY Service: (08) 9221 8608
- Interpreter Service: 13 14 50

2 of 2





Tax Invoice



alintaenergy

Alinta Sales Pty Ltd ABN 92 089 531 984 trading as Alinta Energy

- General and account enquiries 13 13 58
- Faults, leaks and emergencies 13 13 51
- Telephone Interpreter Service 13 14 50
- Teletypewriter 1300 306 006
- Internet www.alintaenergy.com.au

SHIRE OF DARDANUP  
 PO BOX 7016  
 EATON WA 6232

Statement Number: 60354165  
 Issue date: 29/01/2020  
 Account Number: 80004063

ENTERED

Payment Due By  
**12/02/2020**

Electricity Account

Previous Balance	Payments/Credits	Outstanding Balance	Current Charges	Amount Due
\$5,659.30	\$5,659.30 CR	\$0.00	\$2,640.09	\$2,640.09
				[includes GST]

Date	Description	Amount (inc. GST)	Includes tax
09/01/2020	Payment Received - Thank you	\$5,659.30 CR	-

Creditor:	90236
Job/G.L. No.	11405 062 3002
Purchase Order No.	77916
ABN Quoted	YES/NO
Tax Invoice Compliant	YES/NO
GST Amount	\$ 240.00
Job/G.L. Approved	

Goods/Services Received	YES/NO
Prices Checked	YES/NO
More invoices to come on this order No.	YES/NO
Payment Auth. (Initial)	

PAYMENT OPTIONS



**Electronic Funds Transfer**  
 Please forward payments to Alinta Sales Pty Ltd: BSB 012-988 Account Number 800040636

**CREDIT CARD (Visa, MasterCard or American Express)**  
 Pay online at www.alintaenergy.com.au or telephone 1300 360 276 for payment 24 hours a day, 7 days a week.  
 \*Payments made via debit, charge or credit card will incur 0.7% (incl. GST) payment processing fee. The fee will appear on the next account after the bill is paid.

**Billers Code: 347005** Telephone & Internet Banking **BPAY®**  
**Ref: 800040636** Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info: www.bpay.com.au

**BY POST**  
 Mail the payment slip with your cheque payable to Alinta Energy, at: Locked Bag 6, Collins St East VIC 8003.

Payment Number  
**800040636**

Amount Due  
**\$2,640.09**

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Electricity Account

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Site Address	68 RECREATION DR, EATON WA	Average Daily Cost	\$75.43
NMI	80010038420	Average Daily Usage	302.41
Meter number	0413000727	Account number	80004063
Usage Period	17/12/2019 to 20/01/2020	Invoice number	70293094
Bill days	35		
Total Consumption	10,584.26		

Electricity Charges

Charge	Quantity	Price	Amount (ex. GST)
<b>Energy Charges</b>			
Off Peak Energy	2,412 kWh	15.6300 c/kWh	\$377.00
Peak Energy	1,784 kWh	28.4700 c/kWh	\$507.90
Peak Energy	3,482 kWh	28.4700 c/kWh	\$991.33
Off Peak Energy	2,906 kWh	15.6300 c/kWh	\$454.21
<b>Other Charges</b>			
Retail Service Charge	35 Days	1.9900 \$/Day	\$69.65
<b>Sub-Total</b>			<b>\$2,400.09</b>
GST			\$240.00
<b>Total (inc. GST)</b>			<b>\$2,640.09</b>

Included in this tax invoice are Network Access Charges for the period totalling \$1,149.08 (ex GST).

Important Information

**Having Difficulty Paying** - Please call Alinta Energy on 13 13 58 before the due date in order to discuss alternative options.

**Interest Charges on Overdue Accounts** - An interest charge will be applied to overdue accounts.

**Adjustment to Prices** - If provided in your contract, the prices charged in this invoice have been adjusted. Adjustments provided for under the contract include movements in the Consumer Price Index, adjustments in network charges and changes in law. Please call Alinta Energy on 13 13 58 for more information.

**Service Standards** - When your electricity retailer or distributor fails to meet certain service standards, such as reconnection, wrongful disconnection and query or complaint response timeframes, you may be entitled to receive a payment under Part 14 of the Code of Conduct for the Supply of Electricity to Small Use Customers and under other state legislation. If you believe you may be eligible to receive such a payment, please call Alinta Energy on 13 13 58.

**Complaints and Disputes** - Alinta Energy has a dispute resolution system in place to ensure your complaint is dealt with fairly and efficiently. Should you have a complaint please contact us on 13 13 58. In the event you are not satisfied with the resolution, you are entitled to contact our Customer Care department on 94863515. If the complaint cannot be resolved it may be referred to the energy industry ombudsman on 1800 754 004.



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<b>RISK ASSESSMENT TOOL</b>									
<b>OVERALL RISK EVENT:</b> Investigation of Options of Maintaining Power Supply to Ensure Business Continuity									
<b>RISK THEME PROFILE:</b>									
2 - Business and Community Disruption									
10 - Management of Facilities, Venues and Events									
<b>RISK ASSESSMENT CONTEXT:</b> Project									
<b>CONSEQUENCE CATEGORY</b>	<b>RISK EVENT</b>	<b>PRIOR TO TREATMENT OR CONTROL</b>			<b>RISK ACTION PLAN</b> (Treatment or controls proposed)	<b>AFTER TREATMENT OR CONTROL</b>			<b>RESIDUAL RISK RATING</b>
		<b>CONSEQUENCE</b>	<b>LIKELIHOOD</b>	<b>INHERENT RISK RATING</b>		<b>CONSEQUENCE</b>	<b>LIKELIHOOD</b>	<b>CONSEQUENCE</b>	
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	Investigating best economic solution for standby power	Major (4)	Unlikely (2)	Moderate (5 - 11)	Consider alternative standby power options	Minor (2)	Rare (1)	Low (1 - 4)	Low (1 - 4)
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	Consider alternatives to make sound decisions	Minor (2)	Possible (3)	Moderate (5 - 11)	Consider alternative standby power options	Insignificant (1)	Rare (1)	Low (1 - 4)	Low (1 - 4)
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.

RISK ASSESSMENT TOOL									
<b>OVERALL RISK EVENT:</b>		Transfer of land under the South West Native Title Settlement – R2806, Lot 83 Waterloo							
<b>RISK THEME PROFILE:</b>		1 - Asset Sustainability Practices							
<b>RISK ASSESSMENT CONTEXT:</b>		Strategic							
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD		
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.	Not required.
FINANCIAL IMPACT	State Government Expectation that we having to make good the land to address possible land management issues	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	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.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Not meeting State Government expectations to assist in providing the reserve land required under the SW Native Settlement	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	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.	Not required.



**MEMORANDUM OF  
UNDERSTANDING**

**PERON NATURALISTE PARTNERSHIP INCORPORATED**

("the PNP")

-and-

**THE CITIES OF BUNBURY, BUSSELTON, MANDURAH AND  
ROCKINGHAM AND THE SHIRES OF CAPEL, DARDANUP,  
HARVEY, MURRAY and WAROONA**

(collectively "**Member Local Governments**")

## (Appendix ORD: 12.9A)

THIS MEMORANDUM OF UNDERSTANDING dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

is made between:

**PERON NATURALISTE PARTNERSHIP INCORPORATED** an Association incorporated under the *Associations Incorporations Act 2015* and having its registered office situated at the City of Mandurah Municipal Offices, 3 Peel Street, Mandurah in the State of Western Australia (“the **PNP**”) of the one part

AND

The **CITY OF BUNBURY**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 4 Stephen Street, Bunbury in the State of Western Australia (“**Bunbury**”) of the one part

AND

The **CITY OF BUSSELTON**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at Southern Drive, Busselton in the State of Western Australia (“**Busselton**”) of the one part

AND

The **SHIRE OF CAPEL**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at Forrest Road, Capel in the State of Western Australia (“**Capel**”) of the one part

AND

The **SHIRE OF DARDANUP**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 1 Council Drive, Eaton in the State of Western Australia (“**Dardanup**”) of the one part

AND

The **SHIRE OF HARVEY**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 102 Uduc Road, Harvey in the State of Western Australia (“**Harvey**”) of the one part

AND

The **CITY OF MANDURAH**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 3 Peel Street, Mandurah in the State of Western Australia (“**Mandurah**”) of the one part

AND

The **SHIRE OF MURRAY**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 1915 Pinjarra Road, Pinjarra in the State of Western Australia ("**Murray**") of the one part

AND

The **CITY OF ROCKINGHAM**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at Civic Boulevard, Rockingham in the State of Western Australia ("**Rockingham**") of the one part

AND

The **SHIRE OF WAROONA**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 52 Hesse Street, Waroona in the State of Western Australia ("**Waroona**") of the one part

("the **Member Local Governments**")

### 1. **BACKGROUND**

- 1.1. Bunbury, Busselton, Capel, Dardanup, Harvey, Mandurah, Murray, Rockingham and Waroona are a collective group of Local Governments located between Cape Peron and Cape Naturaliste in the southwest of Western Australia who recognise the current and future vulnerability of this region's coastal areas including estuarine environments due to climate change impacts.
- 1.2. The Member Local Governments have agreed to work collaboratively to build a resilient regional community to reduce risks and optimise opportunities presented by climate change and climate variability.
- 1.3. Member Local Governments are members of the PNP, an association formed to achieve those objectives.

### 2. **PURPOSE**

This Memorandum of Understanding ("**MOU**") will provide, on a non-legally binding basis, an outline of the expectations of the parties, their respective roles and responsibilities and detail the governance and working arrangements to achieve the agreed objectives.

### **3. VISION AND OBJECTIVES**

The vision and objectives of the PNP and the Member Local Governments are as set out in Rule 3.1 and Rule 3.2 of the Constitution of the PNP.

### **4. OUTLINE OF GENERAL OPERATING APPROACH**

In order to pursue the objectives set out above, the parties will maintain a close working relationship in a transparent manner that recognises each party's statutory and operating requirements in a co-operative manner such that:

- 4.1.** The Member Local Governments will, subject to their statutory governance procedures, consider and from time to time accept nomination as the Host Local Government under Rule 5.3 of the Constitution of the PNP, acknowledging in good faith that the PNP requires a Host Local Government to operate and that fulfilment of the obligations of the Host Local Government in turn is accepted as an incident in the membership of the PNP by a Member Local Government.
- 4.2.** If nominated as the Host Local Government, each Member Local Government acknowledges and accepts its obligation to employ staff and may be required to act as the review body for Annual Financial Statements of the PNP, such that the PNP is able to operate during the term of that Member Local Government as the Host Local Government.
- 4.3.** Member Local Governments will appoint delegates as contemplated by Rule 6.0 of the Constitution of the PNP.
- 4.4.** Each Member Local Government accepts that if it is the Host Local Government, it must, support the staff employed by it for the PNP, to carry out the task referred to in Rule 12.0 of the Constitution of the PNP.
- 4.5.** If involved in a dispute in relation to the PNP, each Member Local Government undertakes to follow the dispute and mediation procedure set out in Rule 24.0 of the Constitution of the PNP.
- 4.6.** Each Member Local Government acknowledges the obligations of every Member Local Government to each other and to the PNP to meet any financial commitments of the Member Local Government to the PNP, accepting that without such financial commitments being met, the PNP cannot operate

## (Appendix ORD: 12.9A)

successfully, to its prejudice and to the prejudice of the Member Local Governments.

### **5. SCOPE OF ACTIVITIES**

Member Local Governments agree to consider and where possible assist the PNP in the carrying out of its vision and objectives.

### **6. EXPENSES OF THE HOST LOCAL GOVERNMENT**

**6.1.** The Host Local Government is expected to employ two staff personnel, each to the extent of 0.5 FTE, in order to transact the business of the PNP, although it may provide additional services if it sees fit. In relation to those personnel, the following applies:

**6.1.1.** The salary payable to the personnel will be in accordance with the Host Local Government's Enterprise Bargaining Agreement. Workers compensation premium and other overheads such as superannuation payments will be applicable to those personnel.

**6.1.2.** Changes in the staff personnel employed by the Host Local Government for the purposes of the PNP may occur from time to time, including termination of employment, staff leaving for alternative employment, taking leave or long service leave or long term illness.

**6.1.3.** The Host Local Government may terminate the employment of those staff personnel for misconduct without requiring the approval of the PNP. Those personnel, as employees of the Host Local Government are bound by the Host Local Government's Code of Conduct as well as all other relevant legislation.

**6.1.4.** In respect of the expenses occasioned by the provision of such staff and any other expenses which the Host Local Government may incur, including staff salaries and administrative expenditure the PNP shall appoint the Host Local Government to manage and distribute the funds on its behalf.

## **(Appendix ORD: 12.9A)**

**6.1.5.** The Host Local Government shall incur the expenses associated with accommodation and office costs of staff personnel such as payroll, desktop computer(s) and telephone(s).

**6.1.6.** In the event of the PNP being dissolved, any unpaid expenses, including any redundancy payments, shall be borne by all Member Local Governments and each Member Local Government shall be obliged to contribute its share of those unpaid expenses to the Host Local Government.

### **7. AMENDMENT AND REVIEW**

**7.1.** The parties will monitor the arrangements applying to this MOU on an ongoing basis and may through the exchange of letters between the respective Chief Executive Officers and approval by the PNP, modify the MOU.

**7.2.** Notwithstanding the provisions of 7.1 above, the parties will formally review the MOU within two years from the date of the document to ascertain whether the terms of this MOU are still relevant or necessary.

### **8. PARTNERSHIP AND MOU NOT EXCLUSIVE**

**8.1.** Nothing in this MOU prevents any party from establishing relationships with other groups or entities to progress additional priorities or related areas of interest or from taking its own prescriptive actions to address the long term effects of climate change.

**8.2.** Under circumstances where it could be reasonably expected, parties establishing such relationships with other groups or entities shall keep the PNP informed of such action.

### **9. NOT LEGALLY BINDING**

The terms of this document are not legally binding on each or all of the parties and no legal partnership, joint venture or any legal privity is intended or implied. No party will represent to any third/outside party that it has authority to bind the other parties to the PNP.

**10. DISCONTINUANCE**

Any party seeking to withdraw from the PNP is to provide not less than 21 days notice in writing of its intention to withdraw from the PNP and will use reasonable endeavours to ensure that its withdrawal does not impact on the viability or continued objectives of the PNP.

# (Appendix ORD: 12.9A)

**EXECUTED** by the parties as set out below.

SIGNED for and on behalf of )  
the PNP )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the City of Bunbury )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the City of Busselton )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Capel )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Dardanup )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Harvey )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the City of Mandurah )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Murray )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the City of Rockingham )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Waroona )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_



**MEMORANDUM OF  
UNDERSTANDING**

**PERON NATURALISTE PARTNERSHIP INCORPORATED**

**-and-**

**THE CITY OF BUNBURY, THE SHIRES OF CAPEL, DARDANUP AND HARVEY**

**-and-**

**THE DEPARMENT OF BIODIVERSITY CONSERVATION AND ATTRACTIONS**

**-and-**

**THE DEPARTMENT OR WATER AND ENVIRONMENTAL REGULATION**

**-and-**

**SOUTHERN PORTS AUTHORITY**

## (Appendix ORD: 12.9B)

THIS MEMORANDUM OF UNDERSTANDING dated the \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_ is made between:

The **PERON NATURALISTE PARTNERSHIP INCORPORATED** an Association incorporated under the *Associations Incorporations Act 1987* and having its registered office situated at the City of Mandurah Municipal Offices, 3 Peel Street, Mandurah in the State of Western Australia (“the **PNP**”) of the one part

AND

The **CITY OF BUNBURY**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 4 Stephen Street, Bunbury in the State of Western Australia (“**Bunbury**”) of the one part

AND

The **SHIRE OF CAPEL**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at Forrest Road, Capel in the State of Western Australia (“**Capel**”) of the one part

AND

The **SHIRE OF DARDANUP**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 1 Council Drive, Eaton in the State of Western Australia (“**Dardanup**”) of the one part

AND

The **SHIRE OF HARVEY**, a local government constituted pursuant to the provisions of the *Local Government Act 1995* and having its Municipal offices situated at 102 Uduc Road, Harvey in the State of Western Australia (“**Harvey**”) of the one part

AND

The **Department of Biodiversity, Conservation and Attractions**, established on 1 July 2017 under the *Public Sector Management Act 1994* and having its State Operation Headquarters at 17 Dick Perry Avenue, Kensington in the State of Western Australia (“**DBCA**”) of the one part

AND

**(Appendix ORD: 12.9B)**

The Department of Water and Environmental  
Regulation.....

AND

The Southern Ports  
Authority.....

## 1. PURPOSE

This Memorandum of Understanding (“MOU”) will provide, on a non-legally binding basis, an outline of the expectations of the parties, their respective roles and responsibilities and detail the governance and working arrangements to achieve the agreed objectives.

## 2. AIM AND OBJECTIVES

2.1. The aim of this project is to collaboratively prepare a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for the chosen study area (Forrest Beach to McKenna Point, Koombana Bay [review], Leschenault Inlet, Leschenault Estuary, Leschenault Peninsular [eastern side and review of western side] and tidal reaches of the Preston, Ferguson, Collie, Brunswick Rivers, Millars Creek and Parkfield drain).

2.2. The broad project objectives are:

- Preparation of an application for a Coastal Management Plan Assistance Program (CMPAP) Grant in 2020/21
- Review of existing CHRMAP’s in study area in order to determine if any gaps are present
- Appointment of a consultant to:
  - Prepare stakeholder and community engagement plan;
  - Review of existing CHRMAP’s in study area to determine if any gaps are present
  - Undertake hazard and risk assessment and other technical aspects of CHRMAP
  - Prepare of CHRMAP report, incorporating separate action plans for each land manager
- Engage and involve the community and stakeholders in the preparation and promotion of the CHRMAP

### 3. PROJECT OVERSIGHT

Project oversight will be provided at a strategic level by a Project Steering Group (PSG), comprising one staff member from each of the project partners. The PSG will be chaired by the lead organisation. Decisions of the group will be made on a simple majority basis (n.b. in the event of a tied decision, the lead organisation will have a casting vote). The PSG will meet on a quarterly basis (minimum) during the life of the project.

Day to day project oversight will be provided by the lead organisation.

### 4. ROLES AND RESPONSIBILITIES

Each of the project partners will make staff available as required in delivering their appointed roles and responsibilities. Key roles and responsibilities are outlined in Table 1 below. The consultant will take the lead role in undertaking the hazard assessment and the bulk of the CHRMAP process. The local governments may elect to lead the public consultation processes associated with the preparation of the CHRMAP in their respective communities or may leave this to the consultant to manage, as decided in the lead up to the advertising of the consultant contract.

Table 1. Project roles and responsibilities.

Party	Roles and Responsibilities
Lead organisation: <ul style="list-style-type: none"><li>• Peron Naturaliste Partnership</li></ul>	<ul style="list-style-type: none"><li>• Creation of Memorandum of Understanding with input from partners</li><li>• Coordination of Project Steering Group (e.g. agendas and minutes)</li><li>• Preparation of grant application with input from partners</li><li>• Signing and lodgement of grant application</li><li>• Lodgement of invoices and management of project funding</li><li>• Appointment and management of consultant <b>in consultation with the Project Steering Group</b></li><li>• Grant reporting and acquittal with input from partners</li><li>• Acquittal of partner contributions</li></ul>
Project partners: <ul style="list-style-type: none"><li>• Peron Naturaliste Partnership</li><li>• City of Bunbury</li><li>• Shire of Capel</li><li>• Shire of Dardanup</li><li>• Shire of Harvey</li><li>• Department of Biodiversity, Conservation and Attractions</li><li>• Department of Water and Environmental Regulation</li><li>• Southern Ports Authority</li></ul>	<ul style="list-style-type: none"><li>• Develop project concept (collaboratively)</li><li>• Secure internal approvals and funding (individually)</li><li>• Signing of Memorandum of Understanding (individually)</li><li>• Provide support to lead organisation as required</li><li>• Provide funding contributions to lead organisation as agreed</li><li>• Review consultants work (individually and collaboratively)</li><li>• Promote and participate in public consultation processes to support preparation of CHRMAP</li></ul>

## (Appendix ORD: 12.9B)

	<ul style="list-style-type: none"> <li>Organise and promote public consultation processes associated with final adoption of CHRMAP (individually; if desired)</li> </ul>
Consultant: <ul style="list-style-type: none"> <li>To be appointed</li> </ul>	<ul style="list-style-type: none"> <li>Undertake hazard and risk assessment and other technical elements of CHRMAP process in accordance with contract</li> <li>Prepare CHRMAP Report</li> </ul>

### 5. TIMEFRAMES

Proposed timeframes for key milestones are as follows:

- Project partner internal approvals requirements (Jan to March 2020)
- Preparation and lodgement of CMPAP grant application (Feb to April 20 2020)
- Advertising and appointment of consultant (July to September 2020)
- Preparation of CHRMAP (October 2020 to December 2021)
- Project completion (January 2022 to June 2022)

### 6. COSTS AND EXPENSES

The lead organisation to manage the costs and expenses for the project on behalf of the project partners. Project partners to seek to contribute a total of \$125,000 as outlined in Table 2 below. Local government contributions calculated using average coastline length and income. Contributions can be paid in full in 2020 (if available) or split over 2 years.

Table 2. Project partner contributions

Project Partner	Total	2020/21	2021/22
Capel	\$9,730	\$4,865	\$4,865
Dardanup	\$15,660	\$7,830	\$7,830
Bunbury	\$40,031	\$20,015.50	\$20,015.50
Harvey	\$34,579	\$17,289.50	\$17,289.50
DBCA	\$12,000	\$6,000	\$6,000
SPA	\$13,000	\$6,500	\$6,500
	\$125,000	\$62,500	\$62,500

CMPAP grant of \$125,000 to be sought in 2020/21.

### 7. COMMUNICATION AND STAKEHOLDERS

- Internal communications (i.e. between project partners) are to occur through the nominated liaison officers, where possible (see 'Project Governance' document)

## (Appendix ORD: 12.9B)

- External communications are to be undertaken on a joint basis where possible (e.g. media releases)
- Each project partner will ensure that the others are suitably informed prior to any external project communications that are undertaken on a sole basis

### 8. LIAISON OFFICERS

The nominated liaison officers for the project partners are outlined in Table 3 below:

Table 3. Project partner liaison officers.

<b>Project Partner</b>	<b>Liaison Officer/s</b>
Peron Naturaliste Partnership	Craig Perry, Coastal Adaptation Coordinator Joanne Ludbrook, Coastal Adaptation Coordinator
Shire of Harvey	Simon Hall, Manager of Planning Services
Shire of Dardanup	Cecilia Muller, Planning Principle Officer
Shire of Capel	Rae McPherson, Natural Resource Management Officer
City of Bunbury	Ben Deeley, Team Leader Sustainability & Environmental Planning
Department of Water and Environmental Regulation	Krish Seewraj, Land Use Planning Program Manager
Department of Biodiversity, Conservation and Attractions	Aminya Ennis, Regional Parks Coordinator
Southern Ports Authority	Duncan Gordon, Bunbury Environment Manager

### 9. DEFAULT AND DISPUTE RESOLUTION

The project partners will use their best efforts to resolve disputes individually and through the Project Steering Group, where necessary.

### 10. TERMINATION

Project partners may elect to cease participation in the project by providing the others with a minimum of 90 days written notice. Funding may be recouped where it has not been prior committed under contract.

# (Appendix ORD: 12.9B)

**EXECUTED** by the parties as set out below.

SIGNED for and on behalf of )  
the PNP )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the City of Bunbury )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Capel )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Dardanup )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Shire of Harvey )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the City of Mandurah )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Department of Biodiversity )  
Conservation and Attractions )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Department of Water )  
and Environmental Regulation )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_

SIGNED for and on behalf of )  
the Southern Ports Authority )

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Date: \_\_\_\_\_





Department of Biodiversity,  
Conservation and Attractions



We're working for  
Western Australia.

Your ref:

Our ref: 2019/000420

Enquiries: Aminya Ennis

Phone: 9725 4300

Email: [aminya.ennis@dbca.wa.gov.au](mailto:aminya.ennis@dbca.wa.gov.au)

Mr Andre Schonfeldt  
Chief Executive Officer  
Shire of Dardanup  
PO Box 7016  
EATON WA 6232

Dear Mr Schonfeldt

## PROPOSED NOONGAR NAME FOR GREATER BUNBURY REGIONAL PARK

As you are aware, the Department of Biodiversity, Conservation and Attractions (DBCA) is coordinating the establishment of the proposed Greater Bunbury Regional Park, including preparation of a draft management plan.

The regional park names (Preston River to Ocean Regional Park and Leschenault Regional Park) identified in the [establishment plans](#) for the parks were intended to be indicative. The draft management plan for the regional park, formally submitted for endorsement to the Shire of Dardanup on 27 March 2020, is currently utilising 'Greater Bunbury' as a temporary name.

A Community Advisory Committee, established to provide advice to DBCA and other land managers, has recommended that the two parks be amalgamated into one regional park and that a single Noongar name be identified for the park.

DBCA has subsequently held three workshops with Gnaala Karla Booja (GKB) Native Title Working Party representatives, nominated by the South West Aboriginal Land and Sea Council. Outcomes of this consultation are outlined below:

- The identified proposed park name is **Kalgulup Regional Park**, with kalgulup meaning place of fire or place of burning campfires in Noongar language.
- The word kalgulup has been sourced from maps produced by Edith Cowan University School of Indigenous Studies *A Nyungar Interpretation of the Lands Surrounding Quobba Keip Boya (a place of pretty rocks & water)*. Copies of these maps were provided by regional park Community Advisory Committee member and local Elder, Mr Bill Turner.
- The significance of the name Kalgulup to Aboriginal people includes fire being at the heart of Aboriginal culture and symbolising the importance/role of fire in supporting life (warmth, cooking, healing), campfires were places where stories were told, fire was utilised for land management and has shaped the landscape and fire was carried along pathways by Aboriginal people from camp to camp.

Regional and Fire Management Services Division  
South West Region

PO Box 1693, Bunbury, Western Australia 6230  
[dbca.wa.gov.au](http://dbca.wa.gov.au)

## (Appendix ORD: 12.9C)

DBCA has submitted the proposed name to the Noongar Boodjar Language Cultural Aboriginal Corporation, who has advised in writing that it does not have any concerns or issues in relation to use of the word *kalgulup* as the park name.

DBCA also provided an update to the regional park Community Advisory Committee on the consultation outcomes, including the proposed park name, at its 19 March 2020 meeting, at which members expressed support.

DBCA considers the proposed name to be consistent with Landgate's *Policies and Standards for Geographical Naming in Western Australia* (2017) in that it is easy to pronounce, spell and write, is meaningful and appropriate and doesn't duplicate existing names in the area.

The proposed name will require submission to Landgate and consideration by the Geographic Names Committee. In preparing the naming submission, DBCA is required to submit the proposed name to relevant local government authorities and land management agencies for endorsement.

DBCA is therefore seeking the Shire of Dardanup's endorsement of **Kalgulup Regional Park** as the proposed name for the Regional Park.

DBCA is seeking to progress the Landgate submission and approval with the aim of being able to include and use the proposed park name in the version of the draft management plan that is released for public comment.

Finalisation of a name for the regional park will also facilitate the development of park branding (colours and motif) for utilisation on future signage, such as park boundary signs.

If you have any queries regarding this correspondence and request, please contact Regional Parks Coordinator, Aminya Ennis at [amina.ennis@dbca.wa.gov.au](mailto:amina.ennis@dbca.wa.gov.au) or 9725 4300.

Yours sincerely



Bob Hagan  
Regional Manager

3 April 2020

CC Mr Nathan Ryder, Manager Operations, Shire of Dardanup

<b>RISK ASSESSMENT TOOL</b>							
<i>Memorandum of Understanding – Coastal Hazard Risk Management Adaptation Plan Partnership</i>							
<b>OVERALL RISK EVENT:</b>							
<b>RISK THEME PROFILE:</b>							
1 - Asset Sustainability Practices							
7 - Environment Management							
<b>RISK ASSESSMENT CONTEXT:</b> Strategic							
3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)							
13 - Project/Change Management							
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
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not Required	Not required.	Not required.
FINANCIAL IMPACT	Consideration needs to be given to a situation where the grant funding for the CHRMAP is not obtained, this may require additional Shire funding towards the project.	Moderate (3)	Possible (3)	Moderate (5 - 11)	Council is requested to support the project subject to the grant funding application being successful. If funding is not obtained alternative funding options would need to be considered and the proposal will be brought back to Council for further consideration.	Insignificant (1)	Unlikely (2)  Low (1 - 4)
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.
REPUTATIONAL	If the Shire decide to participate in the CHRMAP project it needs to involve the community as a key stakeholder to be involved in the decision making process.	Moderate (3)	Possible (3)	Moderate (5 - 11)	The MoU states that the project partners would promote and participate in public consultation processes to support preparation of CHRMAP, and organise and promote public consultation processes associated with final adoption of CHRMAP (individually, if desired)	Insignificant (1)	Unlikely (2)  Low (1 - 4)
ENVIRONMENT	Prior to the CHRMAP project, there is little	Moderate (3)	Possible (3)	Moderate (5 - 11)	Having a CHRMAP in place would inform key local government	Insignificant (1)	Unlikely (2)  Low (1 - 4)

(Appendix ORD: 12.9D)

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
	knowledge and understanding of the risks associated with the low lying areas around the rivers that are susceptible to flooding as a result of storm surge and catchment flooding.				strategies, plans and actions to manage the risks identified in the short, medium and long term.			

PS ref: 6410

19 February 2020

Chief Executive Officer  
Shire of Dardanup  
PO Box 7016  
EATON WA 6232

Dear Sir,

**APPLICATION FOR DEVELOPMENT APPROVAL  
CINEMA  
LOT 1109 (2) RECREATION DRIVE, EATON**

Planning Solutions acts on behalf of Citygate Properties Pty Ltd, the registered proprietor of Eaton Fair Shopping Centre on Lot 1109 (2) Recreation Drive, Bunbury (**subject site**).

This submission has been prepared in support of an application for development approval for an 8-cinema complex on the subject site. With regard to the above, please find enclosed:

1. The Shire's Application For Development Approval Form, signed by applicant/landowner.
2. The Shire's Application Checklist.
3. A copy of the certificate of title applicable to the subject site.
4. Development plans of the proposed cinema complex.

We understand the application attracts a fee of \$17,553 under the Shire of Dardanup Schedule of Planning Fees – Town Planning Regulations 1967. Please contact Mr Michael Prosser on 9725 0716 to arrange payment of the fee.

The application to amend development approval. The following submission discusses various matters pertaining to the proposal, including:

- Site details.
- Background.
- Proposal.
- Town planning considerations.

**SITE DETAILS**

The subject site is formally described as Lot 1109 on Deposited Plan 413977, being the whole of the land contained in certificate of title volume 2968 folio 431. Refer **Appendix 1** for a copy of the Certificate of Title.

The subject site is developed with the Eaton Fair Shopping Centre and portion of Council Drive. Refer **Figure 1**.





Figure 1 – Aerial Photograph, with subject site in red and approximate location of proposed cinema in yellow

## BACKGROUND

On 5 June 2013 the South West Joint Development Assessment Panel (**DAP**) granted development approval to extend the Eaton Fair Shopping Centre on the subject site include a new discount department store, a supermarket and other specialty shops, food tenancies and kiosks ('Stage 1') plus a 736-seat, 4-cinema complex ('Stage 2'). The approved plans of the DAP approval also showed a "future cinema expansion zone (not part of this application)" to the west of the Stage 2 cinema. Refer **Figures 2 and 3** for extracts from the DAP approval.

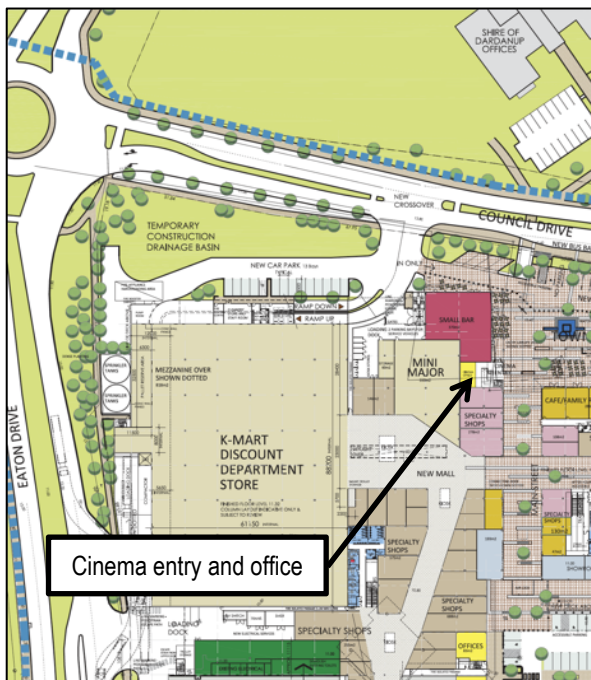


Figure 2 – extract from DAP approval (ground level)

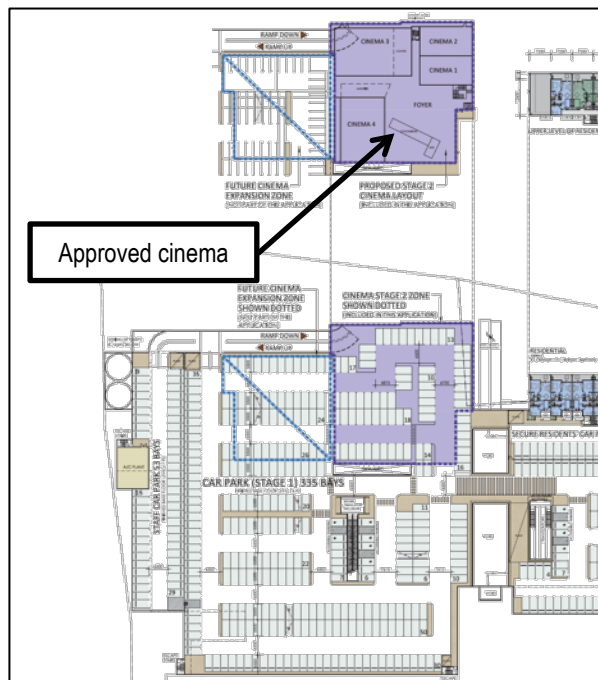


Figure 3 – extract from DAP approval (upper level)

## (Appendix ORD: 12.10A)

Development of Stage 1 was substantially commenced under the DAP approval and the extension was completed and opened to the public in 2014. The Stage 2 cinema was not progressed at the time.

The DAP approval, having been acted on, remains valid.

### PROPOSAL

This application seeks approval for an 8-cinema complex on the subject site with the following characteristics:

- The construction of a glass, concrete and metal building on the upper level of the Shopping Centre having a total building footprint (roof) area of approximately 3,694m<sup>2</sup>.
- The construction of an approximately 184m<sup>2</sup> cinema entry on the ground level, to the north of the Hog's Breath Café tenancy. The entry comprises an entry door on the eastern façade, two escalators, stairs, and a lift. The entry building is setback approximately 4.95m from the Hog's Breath Café tenancy to provide a walkway between the town square and the car parking areas to the west.
- A foyer on the upper level in the northeast corner of the building with an area of approximately 505m<sup>2</sup>. The foyer comprises a ticket / candy bar, informal seating areas, and areas to be used for movie promotional material, queuing areas, waiting areas, and circulation.
- Staff office, choc-top ice-cream room, and post-mix room accessed from the ticket / candy bar.
- Eight cinemas on the upper level with a total of 1,021 seats, with the cinema size ranging between 114 seats to 203 seats.
- Cinema concourse on the upper level providing access between the foyer and the cinemas, informal seating, and a kitchen with counter providing food and drinks to patrons.
- Various storage rooms on the ground floor and upper levels.
- Freezer room and dry store.
- Male, female, and accessible toilets on the upper level.
- Fire egress corridors and stairs.
- Plant and equipment areas on the upper level.
- A bio-box level above the upper level containing passageways used to access cinema projectors, and a communications room, storeroom, and staff toilet.
- Illuminated "United Cinemas" sign on the eastern façade above the ground-floor entry.

The cinema will employ approximately 20 full-time equivalent staff. Operating hours will be determined by the cinema operator, and may vary depending on demand and market conditions. The Eaton Fair Shopping Centre is open 24 hours per day.

In relation to access arrangements, the proposal includes the following:

- Removal of vehicle access aisle, 3 car parking bays and 2 motorcycle parking bays on the ground level on the northern side of the shopping centre (adjacent to the Hogs Breath Café tenancy).
- Removal of 112 car parking bays and vehicle access on the upper (deck) level on the northern side of the Shopping Centre.

The entry is at the ground level, with emergency egress only from the upper (deck) level.

Waste from the cinema will be stored and collected from the existing bin area at the rear of the Hog's Breath Café tenancy. There are no changes to the bin area or collection arrangements.

Refer **Figure 4** for a perspective drawing of the proposed cinema complex, and **Appendix 2** for a copy of the proposed development plans.



Figure 4 – Perspective drawing of proposed cinema (looking to the southwest)

### TOWN PLANNING CONSIDERATIONS

#### Greater Bunbury Region Scheme

The subject site is zoned 'Urban' under the provisions of the Greater Bunbury Region Scheme (**GBRS**).

Pursuant to resolution RES 2014/03 of the Western Australian Planning Commission (**WAPC**) made under clause 27 of the GBRS on 9 May 2014, the development of non shop/retail floorspace is exempt from requiring development approval. A motion-picture theatre is not a shop/retail land use and therefore approval is not required under the GBRS.

#### State Planning Policy 7 Design of the Built Environment

State Planning Policy No.7 – Design of the Built Environment (**SPP7**) became operational on 24 May 2019. It is the lead policy that elevates the importance of design quality, and sets out the principles, processes and considerations which apply to the design of the built environment in Western Australia, across all levels of planning and development.



SPP7 establishes a set of ten 'Design Principles', providing a consistent framework to guide the design, review and decision-making process for planning proposals. Refer **Table 1** below for an assessment against the ten design principles of SPP7.

**Table 1: Assessment against Schedule 1 – Design Principles of SPP7**

Design element	Design outcome
<b>1. Context and character</b> <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>	The development is designed to recognise the prominence of the Eaton Fair Shopping Centre in the local area.
<b>2. Landscape quality</b> <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>	The proposed development is located in an area already developed with buildings and hardstand, with limited impact on landscaped areas.
<b>3. Built form and scale</b> <i>Good design provides development with massing and height that is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>	The building reflects the existing built form of the Eaton Fair Shopping Centre, and presents as a continuation to the 2-3 storey built form around the perimeter of the town square.
<b>4. Functionality and build quality</b> <i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to deliver optimum benefit and performing well over the full lifecycle.</i>	The building is designed to function efficiently both in terms of internal circulation and management of spaces, as well as its external connection directly into the town square as a focus for pedestrian movements in the activity centre.
<b>5. Sustainability</b> <i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>	The proposed building is designed to meet efficiency and energy efficiency requirements.
<b>6. Amenity</b> <i>Good design optimises internal and external amenity for occupants, visitors and neighbours, contributing to living and working environments that are comfortable and productive.</i>	The cinema is a modern design that reflects current innovations in cinema design.
<b>7. Legibility</b> <i>Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.</i>	The building's appearance, orientation, awning over the entry, building design cues, and signage together contribute to make the entry from the town square intuitively recognisable and easily accessed.
<b>8. Safety</b> <i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>	The cinema provides a safe environment for users. The 4.95m wide passageway on the north side of the Hog's Breath Café tenancy provides a clear line-of-sight between the town square and the car parking areas to the east.
<b>9. Community</b> <i>Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.</i>	The cinema's aspect to the town square enhances the town square as a place which all members of the community can legitimately congregate.
<b>10. Aesthetics</b> <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i>	The cinema presents as a simple design which both enhances the entry point and also allows visibility from the upper-level foyer to the town square. The design ties in with the Shopping Centre aesthetics which helps to improve the overall amenity of the town square.

The proposed design suitable responds to the 10 principles of SPP7 and warrants approval.

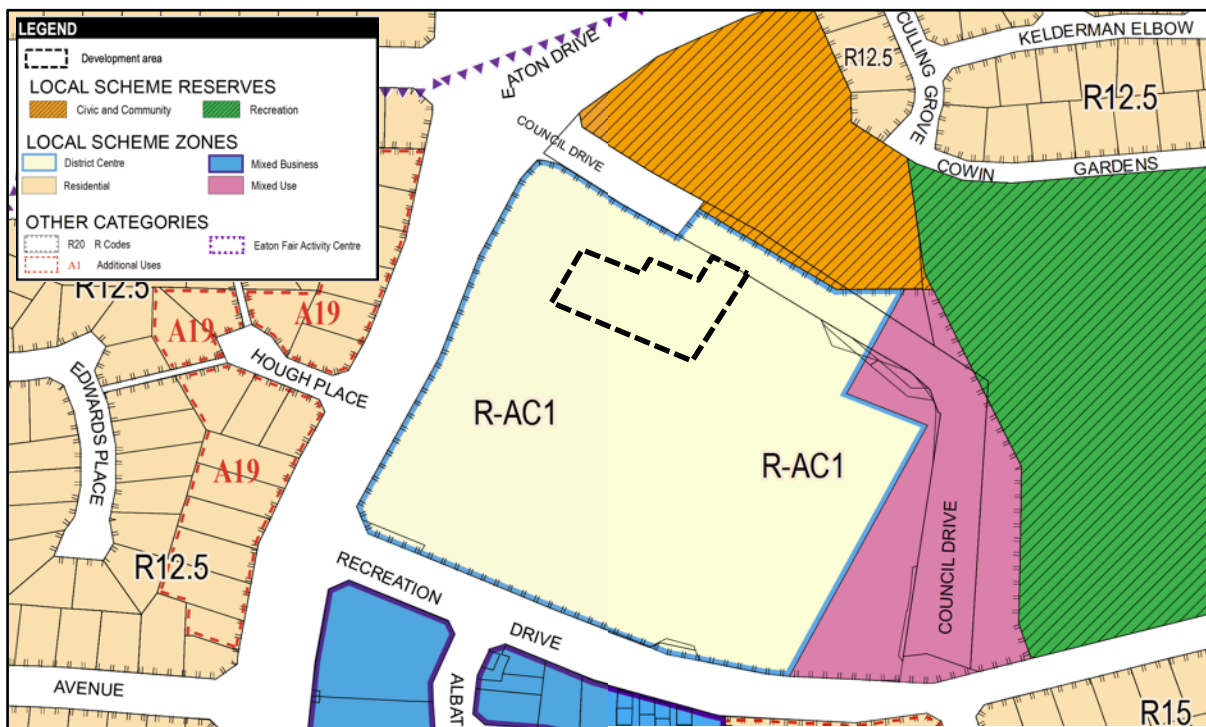
**Shire of Dardanup Town Planning Scheme No. 3**

Use class and permissibility

The development site is zoned District Centre pursuant to the provisions of the Shire’s Town Planning Scheme No. 3 (TPS3) (refer **Figure 5**). The objective of the District Centre zone under LPS3 is:

*To designate land for future development as an activity centre.*

*To provide a basis for future detailed planning in accordance with the structure planning or activity centre planning provisions of this Scheme or any relevant Activity Centres State Planning Policy.*



**Figure 5 – TPS3 zoning**

The proposed use is best classed as Public Amusement under the land use definitions of TPS3 which is classified as a ‘P’ use within the District Centre zone. A ‘P’ use means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

Development requirements – car parking

Clause 4.1.1 of TPS3 requires car parking to be provided in accordance with the tables in Appendices II and IIA, with due regard to be given to variations under an activity centre plan. Refer **Table 2**.

Table 2 – TPS3 Carparking Requirements

Clause	Applicable Calculation	No. bays required
<p>As part of clause 4.1.1 in Appendix IIA the Public Amusement land use has carparking requirements of;</p> <ul style="list-style-type: none"><li>• 1 space for every 5 seats or</li><li>• 1 space for every 5 persons the facility is designed to accommodate, or</li><li>• 1 space for every 2.5m<sup>2</sup> seating area, whichever is the greater.</li></ul>	<p>Using the '1 space for every 5 seats' as a calculation the proposed cinema is a 1,015-seat development necessitating provision of 203 car parking spaces.</p>	203

The proposed development will result in the loss of 115 carparking bays (current supply of 1,290 bays, post-development supply of 1,175 bays).

The reduction in the number of on-site car parking bays plus the demand generated by the cinema complex (as per TPS3) results in a total car parking adjustment of -318 bays.

The adjustment in car parking is considered acceptable for the following reasons.

Firstly and importantly, the DAP has already granted approval for an adjustment in car parking for the stage 2 cinema complex. The responsible authority report to the DAP noted the approved 736-seat cinema complex required 147 car parking bays. Further, the stage 2 cinema would result in the removal of 64 car parking bays (refer **Figure 3**). The total DAP-approved adjustment for stage 2 was -211 bays. Therefore the additional adjustment for which approval is sought in this application is -107 bays.

Secondly, the drawings submitted for DAP approval clearly contemplated a future cinema expansion which aligns with the current proposal (refer **Figure 3**). So while the "future cinema expansion zone" did not form part of the DAP approval, the intent was clearly articulated at the time. The current proposal does not depart from that intent.

Thirdly, the proposed cinema is located in the Eaton Fair Shopping Centre, which is open 24 hours a day. Kmart is open 24 hours every day and the Coles and Woolworths supermarket tenancies have extended trading hours being open 'til 11pm every day. These opening hours, which differ from those of many shopping centres, aid in dispersing traffic from a more conventional concentration during normal business hours. We also note the peak hours of a cinema are different to shop/retail tenancies. The result of this is a lesser demand for carparking at the Eaton Fair Shopping Centre at any one time due to the spreading of demand for parking over a wider time period.

Fourthly, aerial photography evidence indicates the car parking at the Shopping Centre is vastly underutilised, particularly on the upper-level deck. Refer **Figures 6, 7 and 8**. **Figure 6**, in particular, was taken on Boxing Day which is one of the busiest shopping days of the year.



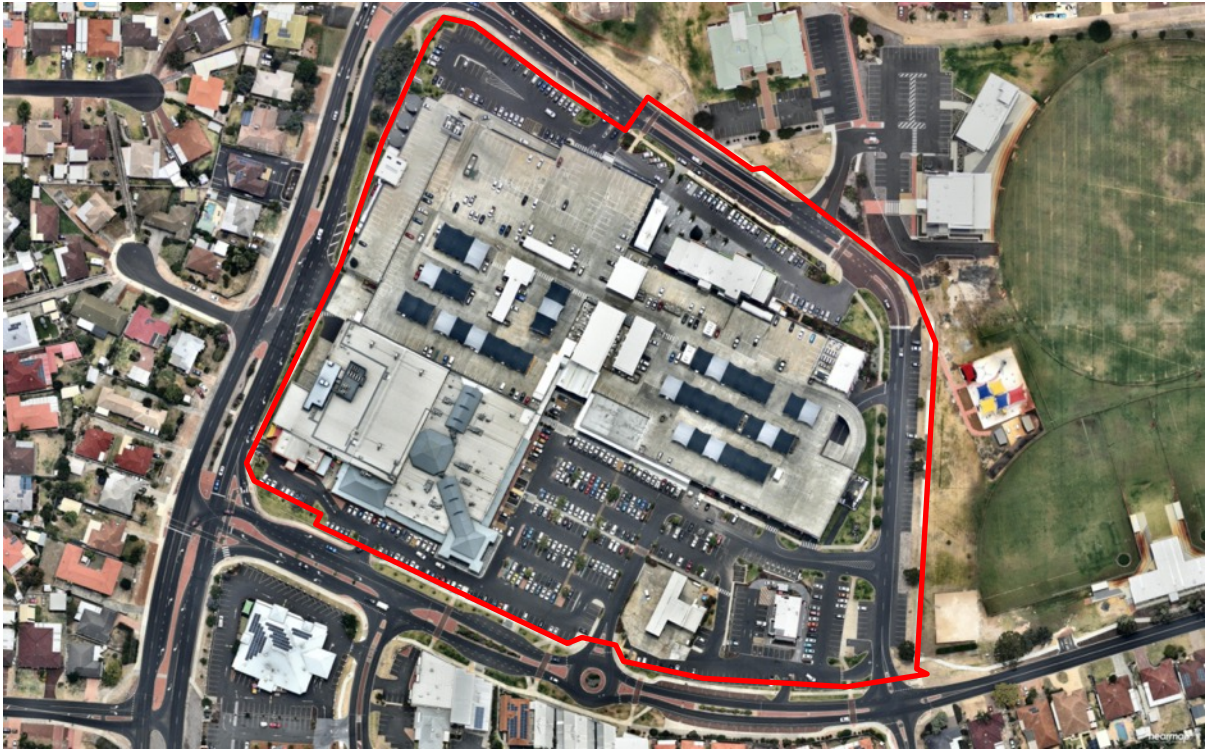


Figure 6 – Aerial photograph of the Eaton Fair Shopping Centre, taken on Wednesday 26 December 2018 (at around midday) (source: Nearmap)



Figure 7 – Aerial photograph of the Eaton Fair Shopping Centre, taken on Saturday 10 August 2019 (at around mid-morning) (source: Nearmap).





Figure 8 – Aerial photograph of the Eaton Fair Shopping Centre, taken on Monday 9 December 2019 (at around mid-afternoon) (source: Nearmap)

Fifthly, the owner is progressing land acquisition and development which would see the construction of additional car parking at the shopping centre. For example, the construction of a new shared access road along the eastern boundary of the subject site and removal of the former Council Drive will provide space for the construction of approximately 91 new car parking bays. This would almost balance the adjustment of -107 bays resulting from the proposed cinema complex.

For the above reasons, the adjustment in car parking warrants approval.

#### Development requirements – signage

An illuminated “United Cinemas” sign is proposed on the eastern façade of the proposed building above the ground floor entry.

Clause 4.4.1 of the TPS3 states the maximum size of signs, notices and advertising devices is set down in Appendix II – Development Table of TPS3; there is, however, no details on signage included in the Development Table. There is no local planning policy relating to advertisements. Further, the Shire’s Signs, Hoardings and Bill Posting Local Law was repealed by notice published 7 December 2007. Accordingly, there are no specific standards or requirements relating to advertisements applicable to the Shire.

Accordingly, all advertisements shall be considered against the general objectives of TPS3 as follows:

- a) *to zone the Scheme Area for the purposes in the Scheme described;*
- b) *to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;*
- c) *to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;*

- d) *the preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest; and*
- e) *to make provision for other matters necessary or incidental to town planning and housing.*

The proposed signage identifies the name of the business, complements the building, and assists in identifying the location of the entry. The sign's illumination aids to identify the entry during nighttime hours, an important consideration given the Shopping Centre's 24-hour opening hours and the late trading times of the cinema. The signage is considered acceptable.

### **Eaton Fair Activity Centre Plan**

On 5 October 2017, the WAPC granted approval to the Eaton Fair Activity Centre Plan (**ACP**). The ACP adopts a precinct-based approach to the planning of the ACP area. The proposed development is located in the Core Precinct of the ACP.

**Table 3** sets out the guiding principles and objectives and development standards of the ACP that apply to the proposed development, and a response to those objectives and requirements.

**Table 3 – Objectives and requirements of Activity Centre Plan**

<b>ACP objective / requirement</b>	<b>Response</b>	<b>Complies</b>
<b>1.1 Guiding principles and objectives</b>		
a) <i>To create an active focus for the community with a diversity of land uses which generate both day and evening activity and promote and contribute to the achievement of a vibrant and diverse Town Centre which achieves economic, social and environmental sustainability.</i>	The development of the cinema complex helps to generate both day and evening activity which promotes additional activity and contributes to the overall social and economic sustainability of the centre.	✓
b) <i>To allow appropriate businesses to locate and develop in close proximity to the established Eaton urban area for the convenience of its residents.</i>	The provision of a cinema within the Eaton Fair Activity Centre ( <b>EFAC</b> ) provides residents with a convenient entertainment service in close proximity to the Eaton urban area.	✓
c) <i>Encourage high standards of 'Main Street' streetscape, urban design and built form.</i>	The proposed elevation for the development fronting the 'main street' constitutes a high standard of design and built form.	✓
d) <i>Provide efficient vehicle access and circulation with pedestrian focus and priority.</i>	The proposed development, while minorly altering vehicle access in the northern side of the shopping centre does not adversely affect the overall vehicle access of the centre while the proposed ground floor cinema entry provides for easy pedestrian movement and accessibility.	✓
e) <i>Encourage development with a high level of passive surveillance of public and private spaces in accordance with crime prevention through environmental design principles.</i>	The design includes substantial areas of glazing to assist in passive surveillance of publicly-accessible areas. The proposed cinema generates both day and evening activity within the EFAC encouraging social interaction and passive surveillance.	✓

## (Appendix ORD: 12.10A)

ACP objective / requirement	Response	Complies
f) <i>A legible and interconnected network of publicly accessible internal streets being provided to maximise permeability throughout the EFAC and provide functional public transport outcomes at grade with the street.</i>	The development retains the main pedestrian pathway movements through the centre.	✓
g) <i>Development designed to be accessible for residents, employees and visitors of all ability levels.</i>	Yes.	✓
h) <i>All areas of the EFAC will be seamlessly connected to the surrounding urban area by a safe and convenient pedestrian and cycle network.</i>	The development retains the main pedestrian pathway movements through the centre.	✓
i) <i>Development to address and activate the public realm to create a safe and comfortable environment that encourages social interaction and passive surveillance.</i>	The design includes substantial areas of glazing to assist in passive surveillance of publicly-accessible areas. The proposed cinema generates both day and evening activity within the EFAC encouraging social interaction and passive surveillance.	✓
j) <i>The EFAC will provide for an inclusive, healthy, and engaged community with a high level of access to social infrastructure and community services and facilities.</i>	The proposed cinema development encourages a community engagement within the local area.	✓
k) <i>The EFAC will deliver infrastructure and essential services in a timely manner to support the future population and meet community needs.</i>	The proposed extension to the approved cinema provides a development in line with current and future population needs.	✓
l) <i>Residential development is encouraged in the EFAC.</i>	Not applicable.	n/a
<b>1.2 General development standards</b>		
1.2.1 Landscaping		
<i>All developments shall incorporate waterwise plants in landscaping.</i>	No new landscaping is proposed.	n/a
<b>1.3 Core Precinct</b>		
1.3.1 Objective		
<i>The objective of the Core Precinct is to provide the main retail functions of the EFAC in conjunction with retail, food, entertainment and office uses and associated car parking, centred around a north-south pedestrian spine linking the timed bus stops on Recreation Drive with a town square at the northern periphery of the Core Precinct.</i>	Yes. The development respects and retains the main north-south pedestrian spine through the centre.	✓
1.3.2 Preferred uses		
<i>The following land uses are preferred in the Core Precinct:</i> <ul style="list-style-type: none"> <li>• <i>Shop/retail</i></li> <li>• <i>Eating and drinking</i></li> <li>• <i>Entertainment</i></li> <li>• <i>Medium-high density residential</i></li> <li>• <i>Office</i></li> <li>• <i>Health service</i></li> </ul>	The proposed land uses are consistent with the preferred land uses in the Core Precinct. Specifically, the proposed cinema use is consistent with the preferred use for 'entertainment'.	✓

## (Appendix ORD: 12.10A)

ACP objective / requirement	Response	Complies
1.3.3 General development requirements		
a) <i>A minimum 8% landscaping being provided, comprising both 'hard' brick paved pedestrian areas and 'soft' landscaped areas, with the calculation including the adjoining road reserve (verge) areas.</i>	Noted. There is minimal change to the overall area of landscaping provided.	✓
b) <i>All existing vegetation in the Eaton Drive road reserve shall be retained.</i>	Yes.	✓
c) <i>A nil setback shall apply to all development fronting the shared access way on the northern edge of the Core Precinct. A greater setback may be considered on individual merit.</i>	Not applicable.	n/a
d) <i>There are to be no buildings in the Core Precinct within 10 metres of the Civic and Community Precinct boundary and any existing sightlines and access as of 15 April 2016 are not to be unreasonably impeded.</i>	The proposed cinema is approximately 20m from the Civic and Community Precinct boundary at its closest.	✓
e) <i>Loading, servicing, bin and material storage areas, including air conditioners, compressors and other similar machinery, shall be screened from view from streets and public areas by an enclosure in the style and material of the associated building.</i>	Yes.	✓
f) <i>Roof mounted mechanical equipment and air conditioners, if required, shall generally be screened from view by the roof form or through the use of parapet walls.</i>	Yes.	✓
g) <i>All buildings, streets, access ways, paths and car parking areas shall be well lit to encourage safe use after hours with no light spill into adjoining residential areas.</i>	Yes.	✓
h) <i>Security bollards shall not conflict with pedestrian flow and security shutters upon all buildings (if required) shall be retractable.</i>	Yes.	✓
i) <i>All internal thoroughfares should be appropriately designed so as to sustain high levels of pedestrian movement and permeability.</i>	The proposed development including the redesigned ground floor entry is designed to sustain the appropriate levels of pedestrian movement expected.	✓
j) <i>Crime prevention through environmental design principles shall be incorporated into all development.</i>	The design includes substantial areas of glazing to assist in passive surveillance of publicly-accessible areas. The proposed cinema generates both day and evening activity within the EFAC encouraging social interaction and passive surveillance.	✓
k) <i>All drainage shall be restricted to pre-development flows. Should the proponent wish to increase the rate of outflow from the site the Shire's stormwater network shall be upgraded at the proponent's cost.</i>	Not applicable.	n/a
l) <i>The R-AC1 density code shall apply to residential development in the Core Precinct.</i>	Not applicable.	n/a
m) <i>The car parking standards in Table 1 shall apply to the Core Precinct.</i>	For a cinema land use Table 1 refers to the car parking requirements of TPS3.	✓



ACP objective / requirement	Response	Complies
n) <i>The reciprocal (shared) use of all car parking spaces within the Core Precinct, the Frame Precinct, and adjoining road reserves is encouraged subject to the applicant adequately demonstrating the potential of land uses and car parking bays to provide for reciprocal (shared) use.</i>	Noted.	✓
o) <i>Development is to be consistent with the Master Plan and associated development plans as required in Section 4.1.</i>	The proposed development presents a minor departure from the master plan at Appendix 1 of the ACP, by the inclusion of a new ground floor entry to the north of the Hog's Breath Café tenancy. This is acceptable; section 5.1.1 of Part 2 of the ACP notes the master plan presents just one way in which the EFAC could be developed. The purpose of the master plan was not to lock in a certain development outcome, but rather to guide the overall development of the centre. The proposed development is not inconsistent with the master plan and it warrants approval accordingly.	Discretion required

The application addresses all relevant and reasonable requirements of the ACP and warrants approval accordingly.

### Eaton Fair Activity Centre Plan – Proposed Amendments

On 27 March 2019 the Council considered submissions made during the public consultation period for proposed amendments to the ACP and accompanying Amendment No. 202 to TPS3, and resolved to support both the ACP and Amendment No. 202 subject to modifications. There has been subsequent discussions between the applicant, Shire and Department of Planning Lands and Heritage, and the applicant provided further information to the WAPC in February 2020.

The proposed amendments to the ACP and Amendment No. 202 are seriously entertained planning proposals for which due regard can be given. In our opinion, a reasonably significant amount of weight can be afforded to the ACP amendments and Amendment No. 202. This is because both proposals relate specifically to the subject site, and the proposals have progressed so far that it is relatively certain the proposals will be approved in one form or another.

Specific to the cinema application are the following proposals:

- Incorporating a concept plan into Part One of the ACP (refer **Figure 9**).
- An extension to the northern side of the Core Precinct to facilitate a 9,500m<sup>2</sup> extension to the Shopping Centre, framing the western and northern sides of the town square.
- The relocation of the Shire's administration building to the eastern side of the Shopping Centre.



Figure 9 – Proposed ACP Concept Plan



Figure 10 – Perspective drawing submitted with the ACP amendments, showing the cinema complex as viewed from the town square (incorporating future development to the north)

The proposed cinema complex is specifically incorporated into the amended ACP and is therefore the proposal is consistent with the amended ACP.


**CONCLUSION**

It is considered the proposal should be favourably determined, on the basis the cinema complex was already approved by the DAP in 2013 and the proposal simply seeks to expand and update the proposal in a way which does not depart from the intent which was expressed in 2013.

We respectfully request we are invited to attend any Council meeting at which the application is considered.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,



**ROSS UNDERWOOD  
ASSOCIATE**

200219 6410 DA letter.docx

**(Appendix ORD: 12.10A)**

**APPENDIX 1**

**CERTIFICATE OF TITLE**

WESTERN



AUSTRALIA

REGISTER NUMBER <b>1109/DP413977</b>	
DUPLICATE EDITION <b>N/A</b>	DATE DUPLICATE ISSUED <b>N/A</b>

**RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2968** FOLIO **431**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.



REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 1109 ON DEPOSITED PLAN 413977

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

CITYGATE PROPERTIES PTY LTD OF UNIT 10C HOMEMAKER CENTRE 42 STRICKLAND STREET BUNBURY WA 6230

(AF O149858 ) REGISTERED 1/7/2019

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. \*L759007 EASEMENT TO SHIRE OF DARDANUP FOR DRAINAGE PURPOSES - SEE DEPOSITED PLAN 413977. REGISTERED 14/10/2011.
2. \*M736965 EASEMENT TO SHIRE OF DARDANUP FOR DRAINAGE PURPOSES - SEE DEPOSITED PLAN 413977. REGISTERED 14/8/2014.
3. \*M736966 EASEMENT TO SHIRE OF DARDANUP FOR RIGHT OF CARRIAGEWAY PURPOSES - SEE DEPOSITED PLAN 413977. REGISTERED 14/8/2014.
4. \*H734460 LEASE TO WOOLWORTHS LTD OF LEVEL 5, 540 GEORGE STREET, SYDNEY, NEW SOUTH WALES. AS TO PORTION ONLY. EXPIRES: SEE LEASE. REGISTERED 1/5/2001.  
\*J018950 EXTENSION OF LEASE H734460. REGISTERED 13/9/2004.
5. \*J107260 CAVEAT BY WOOLWORTHS LTD AS TO PORTION ONLY. LODGED 3/12/2004.
6. \*J107261 CAVEAT BY WOOLWORTHS LTD AS TO PORTION ONLY. LODGED 3/12/2004.
7. \*J718864 CAVEAT BY WOOLWORTHS LTD AS TO PORTION ONLY. LODGED 28/4/2006.
8. \*J787737 LEASE TO WOOLWORTHS LTD OF LEVEL 5, 540 GEORGE STREET, SYDNEY, NEW SOUTH WALES. EXPIRES: SEE LEASE. AS TO PORTION ONLY. REGISTERED 15/6/2006.  
\*O118415 TRANSFER OF LEASE J787737, LESSEE NOW WOOLWORTHS PETROL LIMITED OF 1 WOOLWORTHS WAY BELLA VISTA NSW 2153 REGISTERED 27/3/2019.
9. \*M480959 CAVEAT BY KMART AUSTRALIA LTD AS TO PORTION ONLY LODGED 3/12/2013.
10. \*M613445 CAVEAT BY COLES SUPERMARKETS AUSTRALIA PTY LTD AS TO PORTION ONLY LODGED 22/4/2014.
11. \*M943851 CAVEAT BY THE COFFEE CLUB (PROPERTIES) PTY LTD AS TO PORTION ONLY LODGED 13/5/2015.
12. \*EASEMENT BURDEN CREATED UNDER SECTION 167 P. & D. ACT FOR ELECTRICITY PURPOSES TO ELECTRICITY GENERATION CORPORATION SEE DEPOSITED PLAN 413977.
13. \*N087074 EASEMENT TO SHIRE OF DARDANUP FOR PUBLIC ACCESS PURPOSES - SEE DEPOSITED

END OF PAGE 1 - CONTINUED OVER

- PLAN 413977. REGISTERED 10/8/2015.
- 14. \*N286739 LEASE TO HUNGRY JACK'S PTY LTD OF LEVEL 6 100 WILLIAM STREET WOOLLOOMOOLOO NSW 2011 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 30/3/2016.
- 15. \*N498100 LEASE TO COLES SUPERMARKETS AUSTRALIA PTY LTD OF 800 TOORAK ROAD HAWTHORN EAST VICTORIA 3123 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 1/12/2016.
- 16. \*N505639 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA REGISTERED 9/12/2016.
- 17. \*N684841 LEASE TO WOOLWORTHS LTD OF 1 WOOLWORTHS WAY BELLA VISTA NSW 2153 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 31/7/2017.
- 18. \*N698445 LEASE TO KMART AUSTRALIA LIMITED OF LEVEL 2 690 SPRINGVALE ROAD MULGRAVE VIC 3170 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 17/8/2017.
- 19. \*N947611 LEASE TO COMMONWEALTH BANK OF AUSTRALIA OF GROUND FLOOR TOWER 1 201 SUSSEX STREET SYDNEY NSW 2000 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 20/7/2018.
- 20. \*O025875 LEASE TO VENGA PTY LTD OF LEVEL 1 SUITE 1 281 BRUNSWICK STREET FITZROY VIC 3065 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 8/11/2018.
- 21. \*O187705 LEASE TO DOTTI PTY LIMITED OF 457 ST KILDA RD, MELBOURNE VIC 3004 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 4/7/2019.
- 22. \*O187709 LEASE TO SMIGGLE PTY LTD OF 457 ST KILDA RD, MELBOURNE VIC 3004 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 4/7/2019.
- 23. \*O187712 LEASE TO JUST JEANS PTY. LTD. OF 457 ST KILDA RD, MELBOURNE VIC 3004 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 4/7/2019.
- 24. \*O187713 LEASE TO JAY JAYS TRADEMARK PTY LTD OF 457 ST KILDA RD, MELBOURNE VIC 3004 EXPIRES: SEE LEASE. AS TO PORTION ONLY REGISTERED 4/7/2019.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
 \* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.  
 Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP413977  
 PREVIOUS TITLE: 2883-48  
 PROPERTY STREET ADDRESS: 2 RECREATION DR, EATON.  
 LOCAL GOVERNMENT AUTHORITY: SHIRE OF DARDANUP

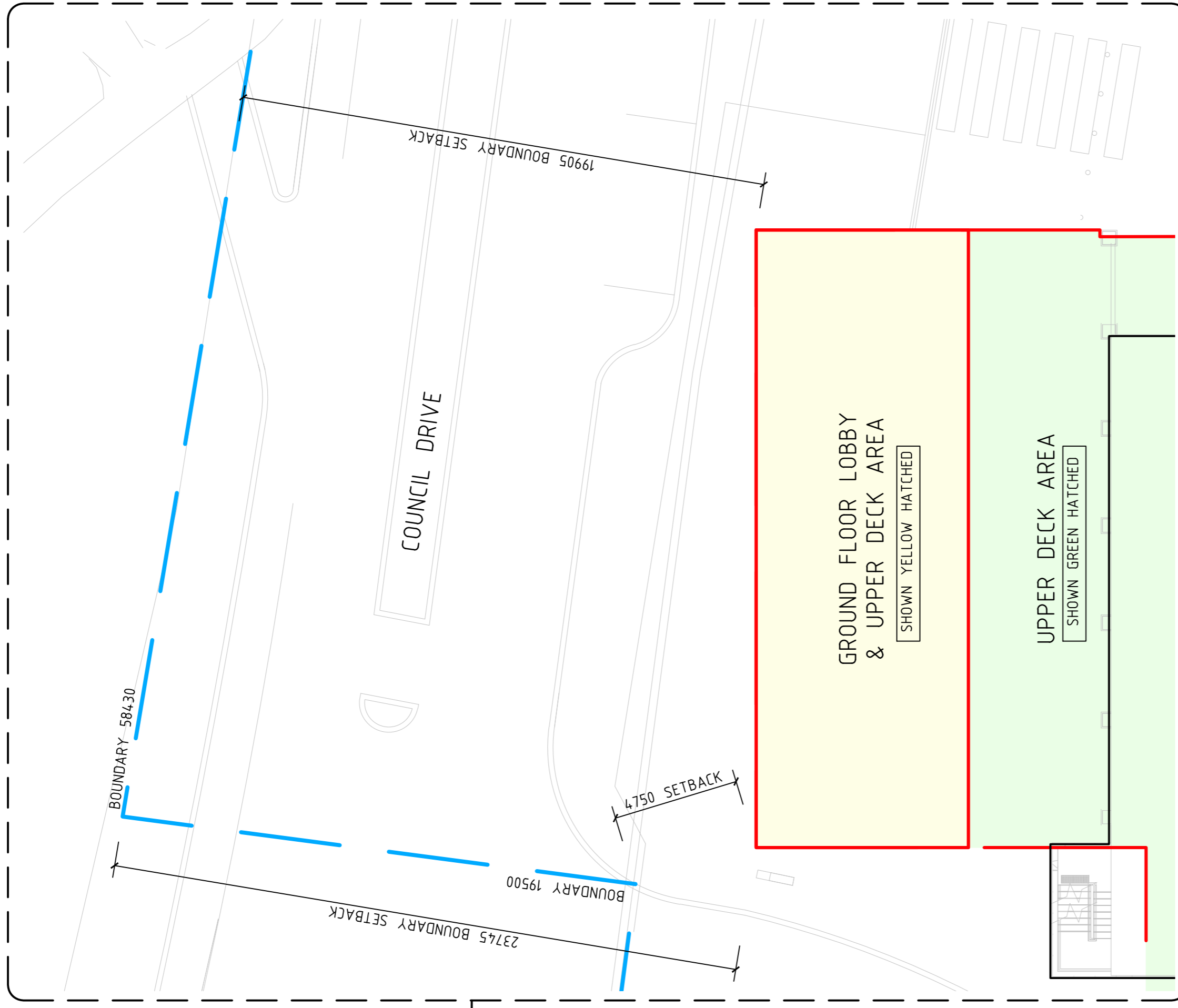
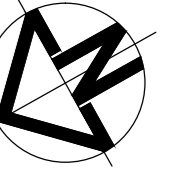
NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING N87075

# **(Appendix ORD: 12.10A)**

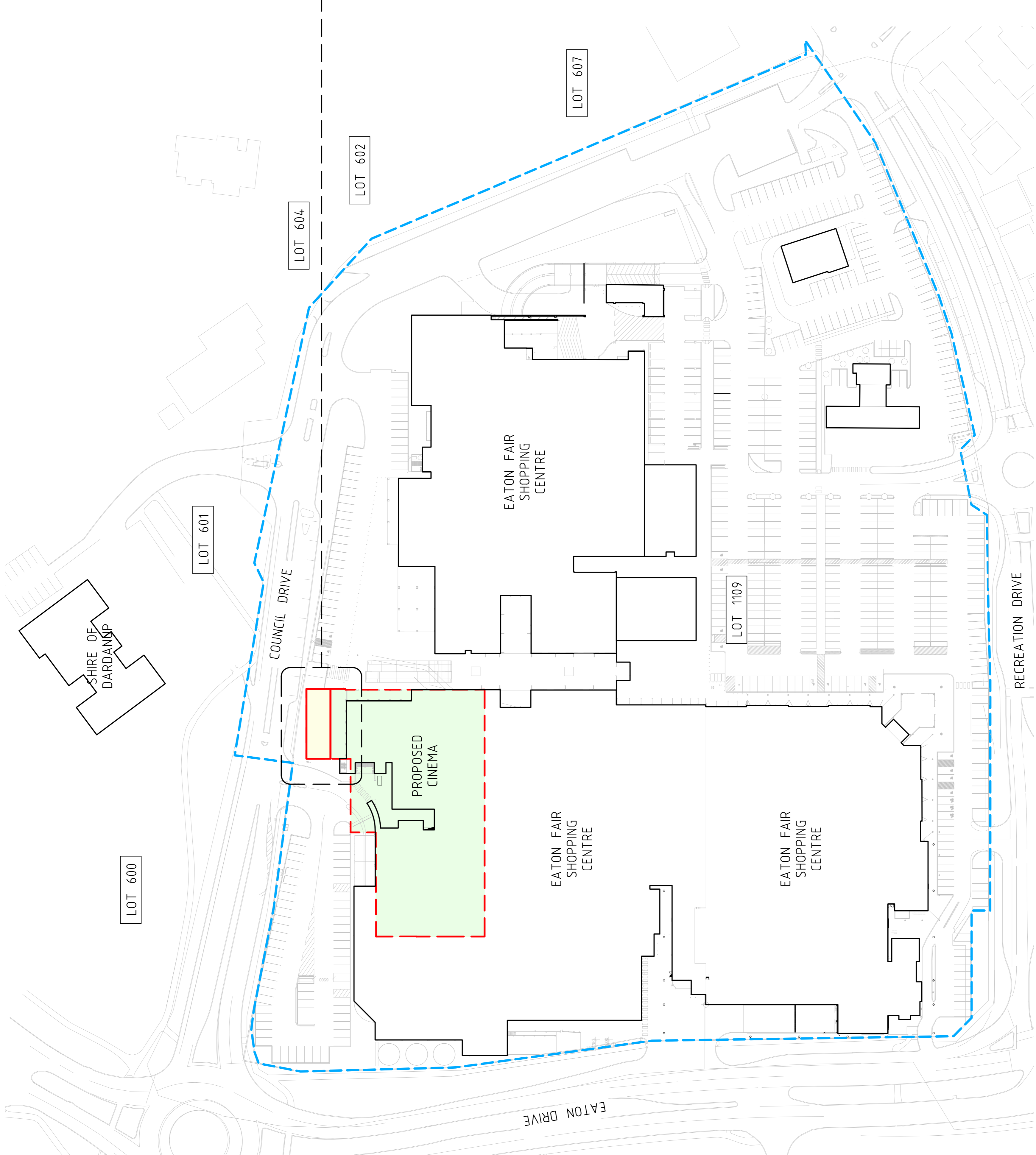
## **APPENDIX 2**

### **DEVELOPMENT PLANS**





ENLARGED LOCALITY PLAN  
SCALE 1:150

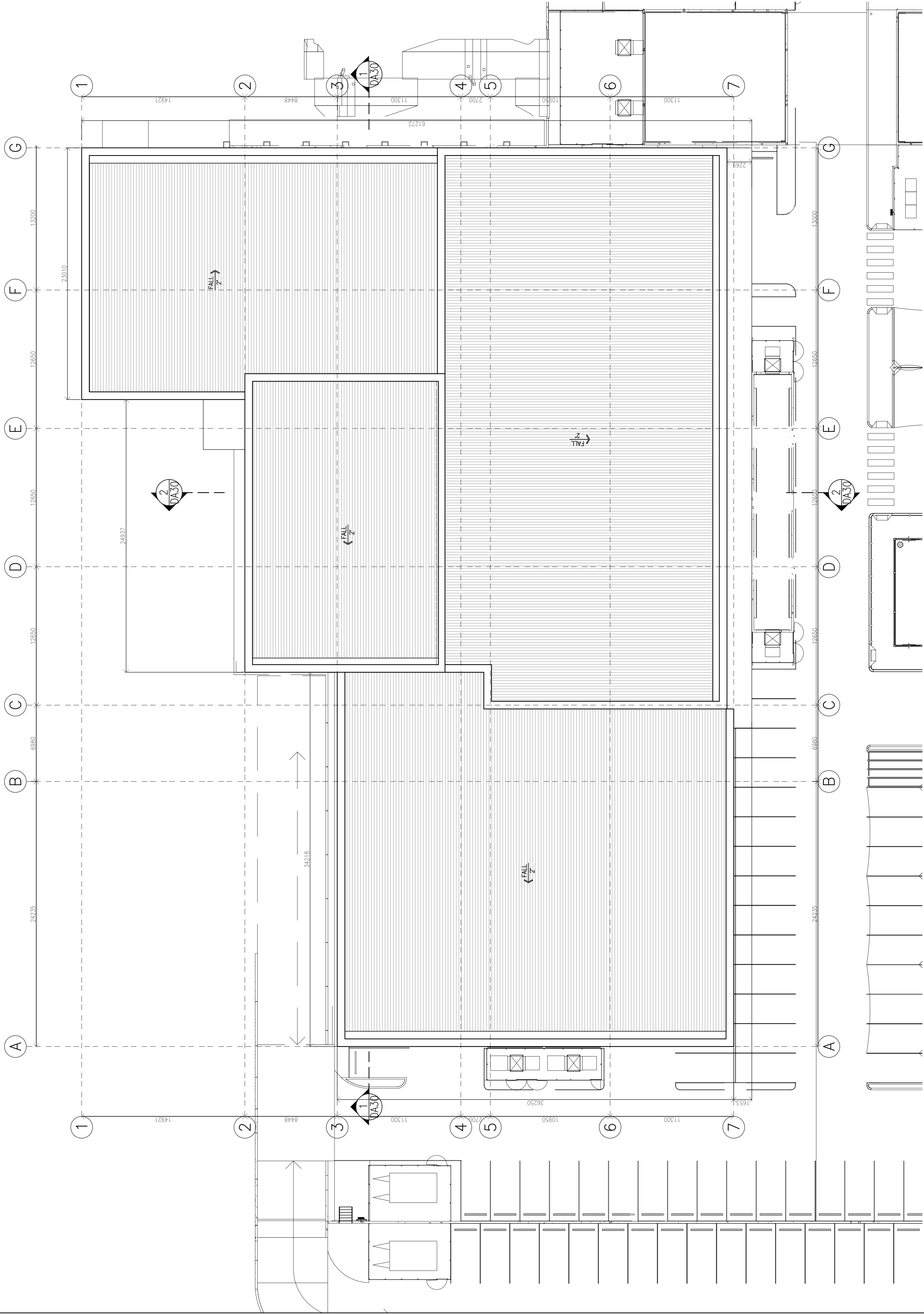


LOCALITY PLAN  
SCALE 1:750





**2 LOCALITY PLAN**  
SCALE NTS



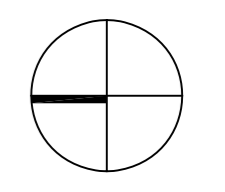
**1 ROOF PLAN**  
SCALE 1:200

**NOTE:**  
The architect retains the copyright and may not be used or reproduced for any other project or purpose without the prior written consent of the architect.  
Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work in construction with all contract documents.  
Use figured dimensions only. Do not scale from drawings.  
The Architect cannot guarantee the accuracy of content and format for copies of drawings issued electronically.  
The architect and authorised section below is confirmation of the status of the drawing.  
The drawing shall not be used for construction unless endorsed for Contractor and submitted for issue.

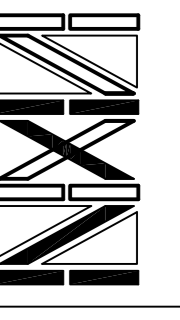
**AUTHORISED**

AMENDMENTS	DATE	DESCRIPTION
E	28.01.20	FACADE ALIGNED TO GRID G
D	24.01.20	MODIFIED GROUND FLOOR ENTRY ALIGNMENT
C	22.01.20	DIMENSIONS ADDED
B	22.01.20	MODIFIED CINEMA PLAN WITHIN LEASE AREA
A	20.12.19	PRELIMINARY ISSUE
IS		DATE
		DESCRIPTION

**NORTH**



**ARCHITECT**



**A TELIER ARCHITECTS**  
ASB 94 100 875 125  
PO Box 97 Mona Vale NSW 1600  
Phone 94 100 875  
www.atelierarchitects.com.au  
notified architect Victoria Licence 7446

**PROJECT**  
UNITED CINEMAS  
EATON FAIR SHOPPING CENTRE

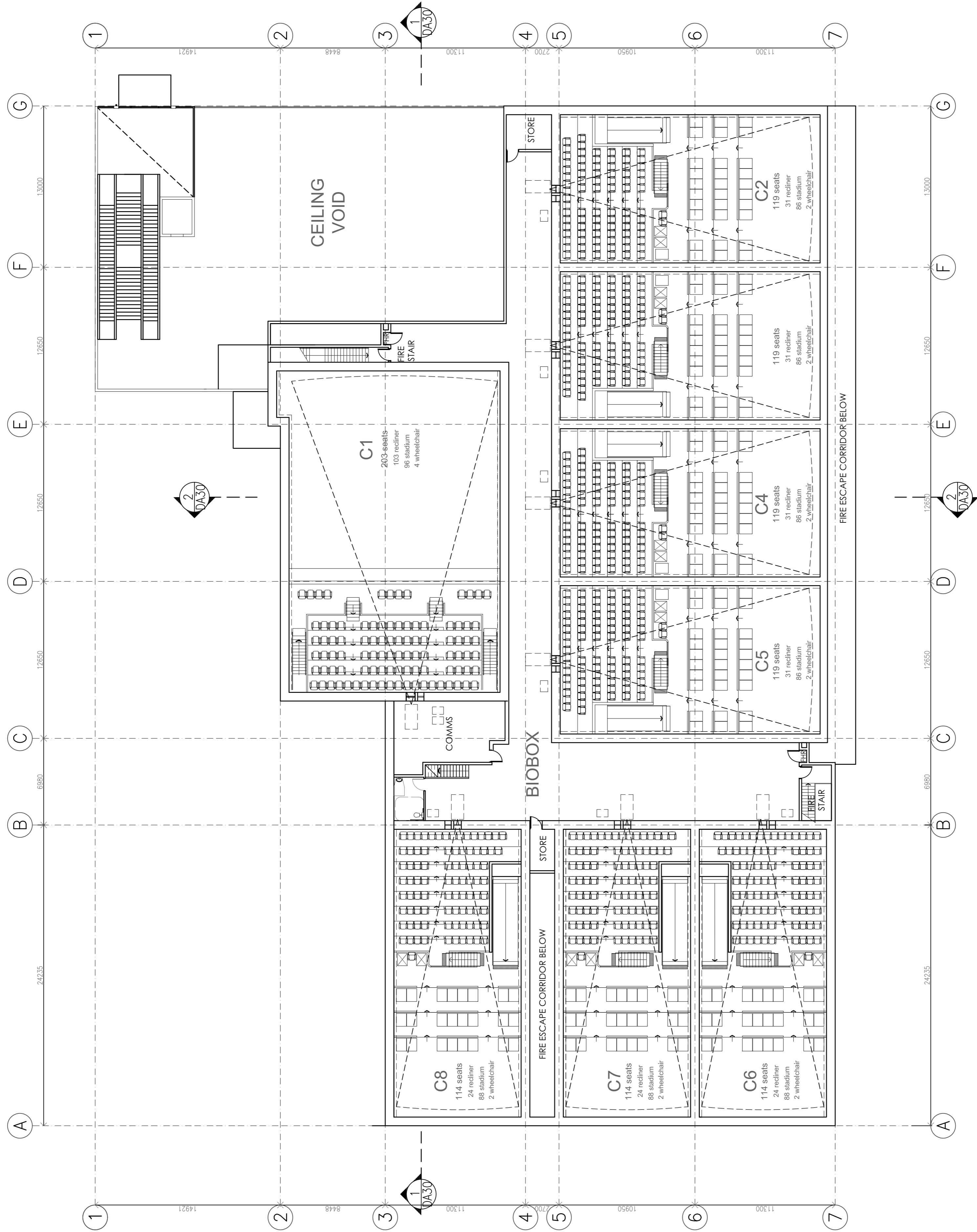
**DRAWING**  
PRELIMINARY CINEMA DRAWINGS  
SITE /ROOF PLAN

SCALE	DRAWN	DATE
1:200	VB	DEC 2019

SHEET No.	ISSUE
DA01	E







Cinema Seat Numbers				
Cinema	Recliner	Stadium	Wheelchair	Subtotal
1	103	96	4	203
2	31	86	2	119
3	31	86	2	119
4	31	86	2	119
5	31	86	2	119
6	24	88	2	114
7	24	88	2	114
8	24	88	2	114
<b>Subtotal</b>	<b>299</b>	<b>704</b>	<b>18</b>	<b>1021</b>

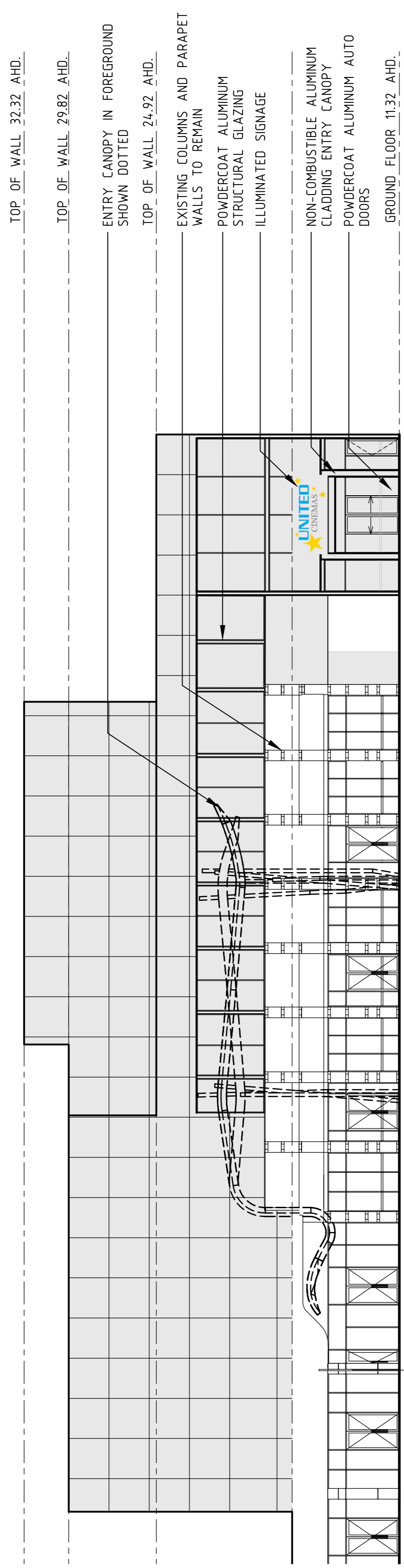
**1 CINEMA BIOBOX - LEVEL 2**  
SCALE 1:200

**2 SEAT NUMBERS**  
SCALE NTS

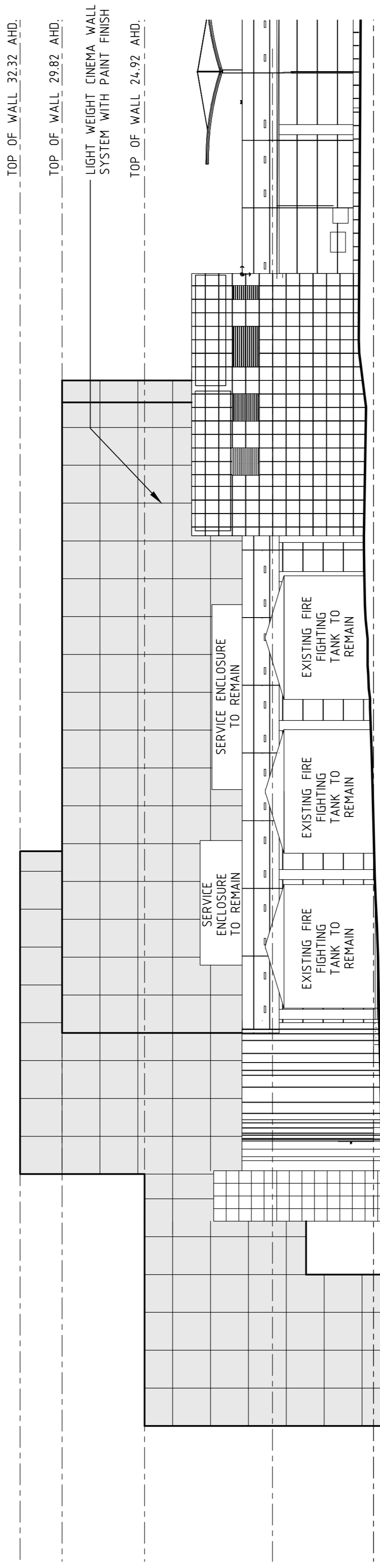
AMENDMENTS	DATE	DESCRIPTION	ISSUE
D 28.01.20	28.01.20	FACADE ALIGNED TO GRID G	VB
C 24.01.20	24.01.20	MODIFIED GROUND FLOOR ENTRY ALIGNMENT	VB
B 22.01.20	22.01.20	MODIFIED CINEMA PLAN WITHIN LEASE AREA	VB
A 20.12.19	20.12.19	PRELIMINARY ISSUE	VB
IS		DATE	CKD

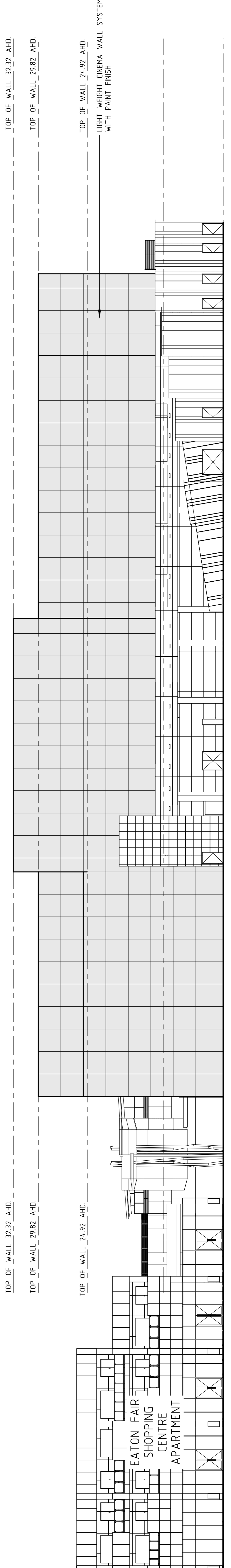
PROJECT	UNITED CINEMAS EATON FAIR SHOPPING CENTRE
ARCHITECT	<b>A T E L L I E R</b> <b>ARCHITECTS</b> AS/N 94 100 875 125 PO Box 87 Mona Vale NSW 1600 Phone 002 9500 0705 www.aatelierarchitect.com.au nominated architect Victoria Building 7.446
DRAWING	PRELIMINARY CINEMA DRAWINGS CINEMA BIOBOX - LEVEL 2
SCALES	1:200
DRAWN	VB
CHECKED	VB
DATE	DEC 2019
SHEET No.	DA11
ISSUE	D



**EAST ELEVATION**  
SCALE 1:200



**WEST ELEVATION**  
SCALE 1:200



**NORTH ELEVATION**  
SCALE 1:200



RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Consideration of proposed 8 cinema complex at Eaton Fair Shopping Centre – Lot 1109 (2) Recreation Drive, Eaton									
RISK THEME PROFILE:									
2 - Business and Community Disruption									
7 - Environment Management									
3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)									
8 - Errors, Omissions and Delays									
RISK ASSESSMENT CONTEXT: Strategic									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	Nose, Dust and Waste management during construction may impact on the nearby landowners if not controlled.	Moderate (3)	Possible (3)	Moderate (5 - 11)	Require as condition of approval that relevant plans be submitted to manage the impacts during construction.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	
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	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	
REPUTATIONAL	The Shire is to make a recommendation where it accepts the advice from a technical expert regarding the parking provision for the Cinema. If a parking shortage is created at the centre it could impact the viability of the centre.	Moderate (3)	Possible (3)	Moderate (5 - 11)	The advice received from the technical expert has demonstrated that sufficient parking is available at the centre to accommodate the 8 cinema complex.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	
ENVIRONMENT	Drainage will be limited to predevelopment flows to ensure that there is no added pressure on the Shire infrastructure	Moderate (3)	Possible (3)	Moderate (5 - 11)	Require as condition of approval that will ensure the applicant is aware of the upgrade to the Shire infrastructure if required.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	

**(Appendix ORD: 12.10B)**

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
	unless the applicant wants to contribute to the upgrades.							



**LEGEND**

	Portion of Reserve 50861 to be acquired
	Town Square with Public Access Easement
	Indicative any wider public access easement (emergency pedestrian route)

**NOTES**

The Private Access Road fits to be developed as a high standard roadway that is capable of allowing emergency vehicles to access the site in accordance with the standards for specification of roads. It is proposed to provide access to the site from the existing roads and commercial areas.





(Appendix ORD: 12.10C)

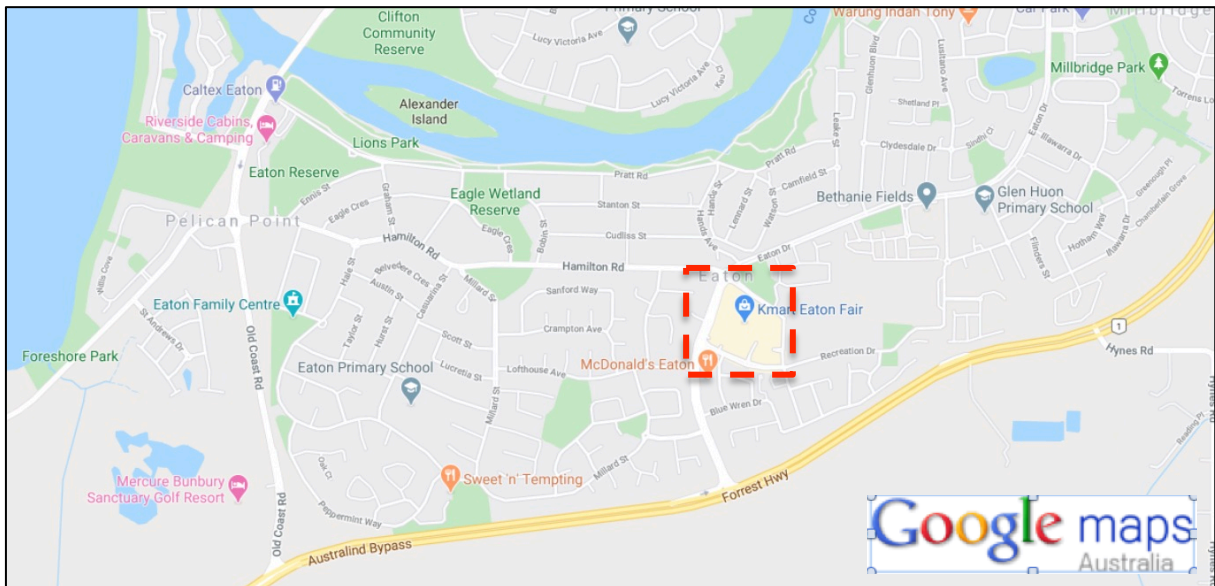


## 1. EXECUTIVE SUMMARY

- 1.1. This technical note has been prepared on behalf of Citygate Properties Pty Ltd to review the car parking provision and demand at the Eaton Fair Shopping Centre. The findings of this assessment are:
  - 1.2. Based on the RTA *Guide to Traffic Generating Developments* an established and recognised source, the existing car park provides about 20% more bays than would be recommended as a minimum provision for a shopping centre of this size.
  - 1.3. Based on the RTA recommended number of bays, 235 bays could be deemed surplus and could cater for new development. The proposed cinema is identified to require 204 bays and thus can in theory, be accommodated.
  - 1.4. The typical daily demand to Eaton Fair has been sourced from Google and used to identify what car parking would be available based on the existing car park being 100% full during the Saturday peak hour of demand (11am to 12pm).
  - 1.5. The parking demand assessment identifies that outside of the peak hour 11am to 12pm there are only 4 other 1 hour periods that would limit full occupancy of the proposed cinema. During these periods the cinema would not be expected to attract full occupancy.
  - 1.6. The assessment concludes that the existing car park should have ample capacity to cater for the parking demand of the proposed cinema. On this basis the provision of additional car parking bays would not be warranted.

**2. BACKGROUND AND PURPOSE**

- 2.1. Eaton Fair is a district shopping centre serving the suburbs of Eaton, Kingston, Millbridge, Australind and beyond. It is located to the southern end of the residential area in close proximity to the Forrest Highway.
- 2.2. Figure 1 show the location of the shopping centre and Figure 2 an aerial image of the site and surrounding area.
- 2.3. A recent application has been made to the Shire of Dardanup for development of a cinema within the shopping centre, The Shire has requested that the applicant demonstrate there will be car parking bays available.
- 2.4. This technical note has been prepared to assess the car parking provision and the anticipated car parking demands to determine if the proposed cinema would compromise the ability to park at the centre.



**Figure 1 Site Location (Site area indicative)**



**Figure 2 Aerial Image of the Eaton Fair**

### **3. THE PROPOSED DEVELOPMENT**

- 3.1. It is proposed to develop a cinema complex on top of the existing shopping centre. The cinema is proposed to accommodate 1,021 seats. The cinema replaces 112 existing car parking bays
- 3.2. The Shire of Dardanup's Town Planning Scheme sets out a requirement to provide 1 seat for every 5 patrons accommodated. Thus with 1,021 patrons a total of 204 new parking bays would be required to be provided.

### **4. CAR PARKING DEMANDS**

- 4.1. Eaton Fair is a well established shopping centre and car parking has been provided initially in accordance with the Shires car parking policy. However, as with most local government Town Planning Schemes (TPS) parking requirements, they are based on the isolated use of each land component. Frequently this can lead to large car parks being constructed that are not well utilised.
- 4.2. For the purpose of assessing the car parking provision at Eaton Fair, reference is made to the Road Traffic Authority (NSW) Guide to Traffic Generating Developments (RTA).
- 4.3. The RTA provides accepted trip generation rates that are used to determine the traffic demands of development land uses. Research was undertaken in regard

to shopping centres to determine the traffic reductions occurring as a result of multiple land uses being co-located within a shopping centre<sup>1</sup>. The RTA also provides advice in regard to recommended levels of parking.

- 4.4. The RTA *Guide to Traffic Generating Developments* is the most relevant source and is relied upon in Western Australia by the State Administrative Tribunal in regard to traffic engineering evidence.
- 4.5. Table 5.2 of the RTA sets out recommended minimum numbers of car parking bays for shopping centres based on the overall size of the centre. Figure 3 reproduces the advice.

**Table 5.2**  
**Off Street Parking**

Gross leasable floor area (GLFA) m <sup>2</sup>	Car Parking Spaces per 100m <sup>2</sup> of GLFA
0-10,000	6.1
10,000-20,000	5.6
20,000-30,000	4.3
Over 30,000	4.1

**Figure 3** RTA Car Parking Advice

- 4.6. The RTA identifies that use of the Gross Leasable Area (GLA) of the centre is more appropriate *“because it refers most specifically to the factor that generates / attracts trips*. The land uses within the shopping centre are identified as:
  - slow trade (major department stores such as Myer)
  - faster trade (discount stores such as Big W)
  - supermarket (Coles / Woolworths)
  - specialty shops (includes internal take away food outlets)
  - office/ medical.
- 4.7. Further, the RTA recognise that *“If the proposed development is an extension of an existing retail development, additional parking demand could be less than proportional to the increase in floor area”*.
- 4.8. Appendix A shows the current floor areas of the shopping centre and includes the recent development application for a medical centre and pharmacy. The

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<sup>1</sup> The RTA trip rates are accepted as the most reliable trip rate for shopping centres

medical centre and pharmacy floor areas can be included within the overall floor area of the shopping centre.

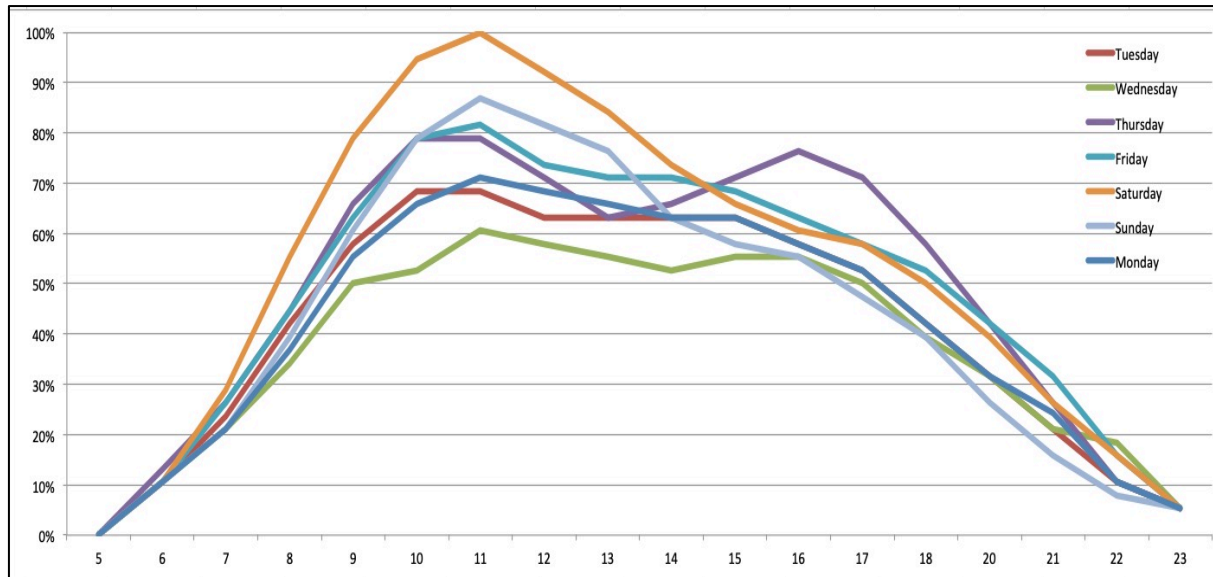
- 4.9. In total the shopping centre has a gross leasable area of 21,108m<sup>2</sup> plus the recent addition of 1,023m<sup>2</sup> making a total gross leasable area of 22,131m<sup>2</sup>.
- 4.10. Reference to table 5.2 of the RTA indicates that a shopping centre of this size should provide a minimum of 4.3 bays for every 100m<sup>2</sup>. Therefore the RTA would recommend that at least  $(22,131 / 100 \times 4.3 = 951.6)$  952 parking bays should be provided.
- 4.11. The RTA also provides a formula based on the type of land uses shown in Paragraph 4.5. Based on that formula a total of 875 bays are recommended.
- 4.12. Additional to the above, a minimum number of bays will be required for the external fast food outlets and service station.
- 4.13. The service station would provide appropriate parking at each bowser and a provision of 2 bays for staff would be provided.
- 4.14. It is understood that the Chicken Treat store was approved with a parking requirement of 23 bays (DA ref: 79/99). We can assume 4 of those 23 bays were provided in a drive-through facility. Thus 19 bays would be allocated to Chicken Treat.
- 4.15. Hungry Jacks was approved with 14 bays, 7 of which were provided in the drive-through (DA Ref: P78/14).
- 4.16. In total the external land uses would need to be allocated with  $(2+19+7)$  28 bays. With the total of 1,175 bays it can be derived that  $(1175 - 28)$  1,147 bays would be allocated to the shopping centre.
- 4.17. Whilst a reduction to the overall car parking supply is noted for the fast food outlets, it is obvious that many customers of these outlets will also be using the shopping centre. Surveys at Karrinyup shopping centre indicates a cross visitation of 60% during Saturday lunchtime.

## 5. CAR PARKING DEMANDS

- 5.1. Google Maps provides a very handy tool to show how busy places are. The Eaton Fair shopping centre data has been graphed to show how busy the centre gets throughout the week. The data shows hourly activity between 5am and midnight. The profiles have been imported to Excel to compare the peak demand to other times.
- 5.2. The Google data identifies that the peak time of shopping centre activity is Saturday between 11am and 12pm, which is to be expected. Figure 4 shows



the demand data graphically and compares the peak period to all other hours of the week.



**Figure 4 Eaton Fair Shopping Centre Weekly Demand Profile**

**6. ASSESSMENT OF CAR PARKING**

6.1. There are a few methods to assess the appropriateness of the number of parking bays provided within the Eaton Fair shopping centre. The number can be derived by reference to independent sources such as the RTA. Alternatively the number can be derived from the demand. These methods are considered below.

**Independent Source Assessment**

6.2. Based on the RTA Guide to Traffic Generating Developments a minimum of  $(875 + 28)$  903 bays would be recommended based on the individual land uses within Eaton Fair shopping centre.

6.3. Using the overall shopping centre floor area, the RTA recommends a minimum of  $(952 + 28)$  980 parking bays.

6.4. Using the higher number, the car park with 1,175 bays after the Cinema is constructed could be considered to provide  $(1,175 - 980)$  195 bays more than would be recommended by the RTA as a minimum.

6.5. With 204 parking bays deemed to be required for the proposed cinema, it could be argued that 195 are currently surplus and that the cinema would only result in a shortfall of 9 bays.

- 6.6. Given that the cinema and shopping centre would be most unlikely to experience simultaneous peaks, the above would provide some confidence that the existing car park should be adequate.
- 6.7. Further it is understood that parking in Council Avenue, which now falls within the shopping centre lot boundaries can be included which could provide an additional 61 bays.

### **Demand Profile Assessment**

- 6.8. Knowing the demand profile of Eaton Fair and applying the demand to the number of parking bays will identify what number of bays could be expected to be vacant to cater for cinema patrons.
- 6.9. With 1,175 bays post-development available and an assumption that 28 bays would be designated for external facilities, it can be derived that (1,175 – 28) 1,147 parking bays would be available for Eaton Fair customers.
- 6.10. If the peak occupancy of the car park on Saturday between 11am and 12pm is assumed to occupy all available bays, (100% occupancy) then it is possible to identify how many parking bays can be expected to be available at other times by applying the proportion of demand shown in Figure 4.
- 6.11. It is understood that the existing car park does not reach full occupancy even during peak seasons such as on Boxing day. Therefore the calculation of available bays will be very conservative.
- 6.12. Appendix B shows the Excel spread sheet calculating the number of bays that would be expected to be available based on 100% car park occupancy between 11am and 12pm on a Saturday (the peak time of activity).
- 6.13. The data demonstrates that if, hypothetically, the existing car park is 100% full between 11am and 12pm on a Saturday lunchtime, there would be a shortage of parking at the following times (assuming a need to provide 204 bays).
- Saturday between 10am and 2pm
  - Sunday between 11am and 12pm
- 6.14. However, the assessment suggests that there would not be a shortage of parking as:
- The actual peak occupancy is not at 100% of the number of parking bays, even during busy periods such as Boxing Day.
  - The RTA assessment verifies the parking supply is greater than expected demand.
  - Further, there are 61 bays in Council Drive which are available as part of the shopping centre but which have not been included in the 1,175 bays

## 7. CONCLUSIONS

- 7.1. Reference to recognised source documents that are relied upon in the industry indicate that the existing car park has about 20% more parking bays than recommended minimums.
- 7.2. On the basis of a theoretical surplus of 20% (19.8% actual), there should be some degree of confidence that the addition of a cinema would not result in a car parking problem.
- 7.3. Further confidence can be gained from the parking demand assessment that identifies that only on Saturday and Sunday lunch times would the cinema parking requirement of 204 bays may not be available. These periods are not peak occupancy times of cinemas.
- 7.4. During the peak times of cinema activity being after 4pm at weekends and later during the weekday, a minimum of 272 bays would be expected to be available (Thursday PM peak).
- 7.5. It is concluded therefore that additional car parking bays are not be required to cater for the cinema development.



APPENDIX A EATON FAIR FLOOR AREAS

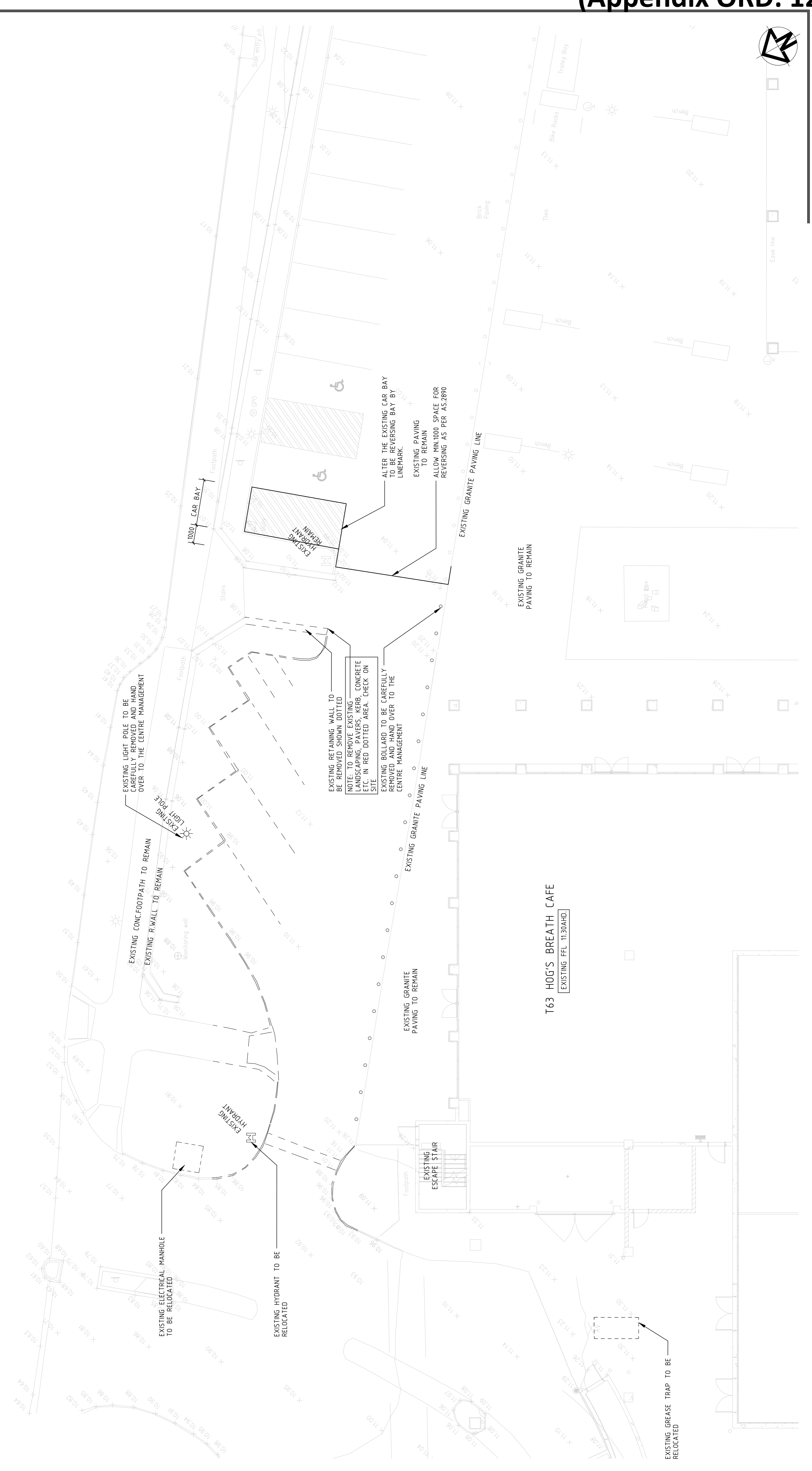
	GLA (sqm)
<b><u>Majors</u></b>	
Kmart	5,648
Coles	4,102
Woolworths	3,859
<b>Sub-total majors</b>	<b>13,609</b>
<b><u>Specialities</u></b>	
Food & Beverage	2,897
Fashion	1,121
Hhld & general goods	2,210
Retail services	564
<b>Sub-total specialities</b>	<b>6,792</b>
<b>Total retail</b>	<b>20,401</b>
Non-retail	672
Vacant	1,060
<b>Total centre</b>	<b>22,133</b>
<b><u>External tenancies</u></b>	
Hungry Jacks	248
Chicken Treat	307
Caltex	72
12 residential apartments	1,089
<b>Total Eaton Fair</b>	<b>23,849</b>

**APPENDIX B EATON FAIR CAR PARK CALCULATION OF VACANT BAYS**

Start	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5	1147	1147	1147	1147	1147	1147	1147
6	1026	1026	1026	996	1026	1026	1026
7	906	875	906	845	845	815	906
8	724	664	755	634	634	513	694
9	513	483	574	392	423	241	453
10	392	362	543	241	241	60	241
11	332	362	453	241	211	0	151
12	362	423	483	332	302	91	211
13	392	423	513	423	332	181	272
14	423	423	543	392	332	302	423
15	423	423	513	332	362	392	483
16	483	483	513	272	423	453	513
17	543	543	574	332	483	483	604
18	664	664	694	483	543	574	694
20	785	785	785	664	664	694	845
21	869	906	906	845	785	845	966
22	1026	1026	936	1026	966	966	1056
23	1087	1087	1087	1087	1087	1087	1087

Peak demand Saturday 11am-12pm shown red.

Highlighted bays indicate periods when less than 204 bays may not be vacant.



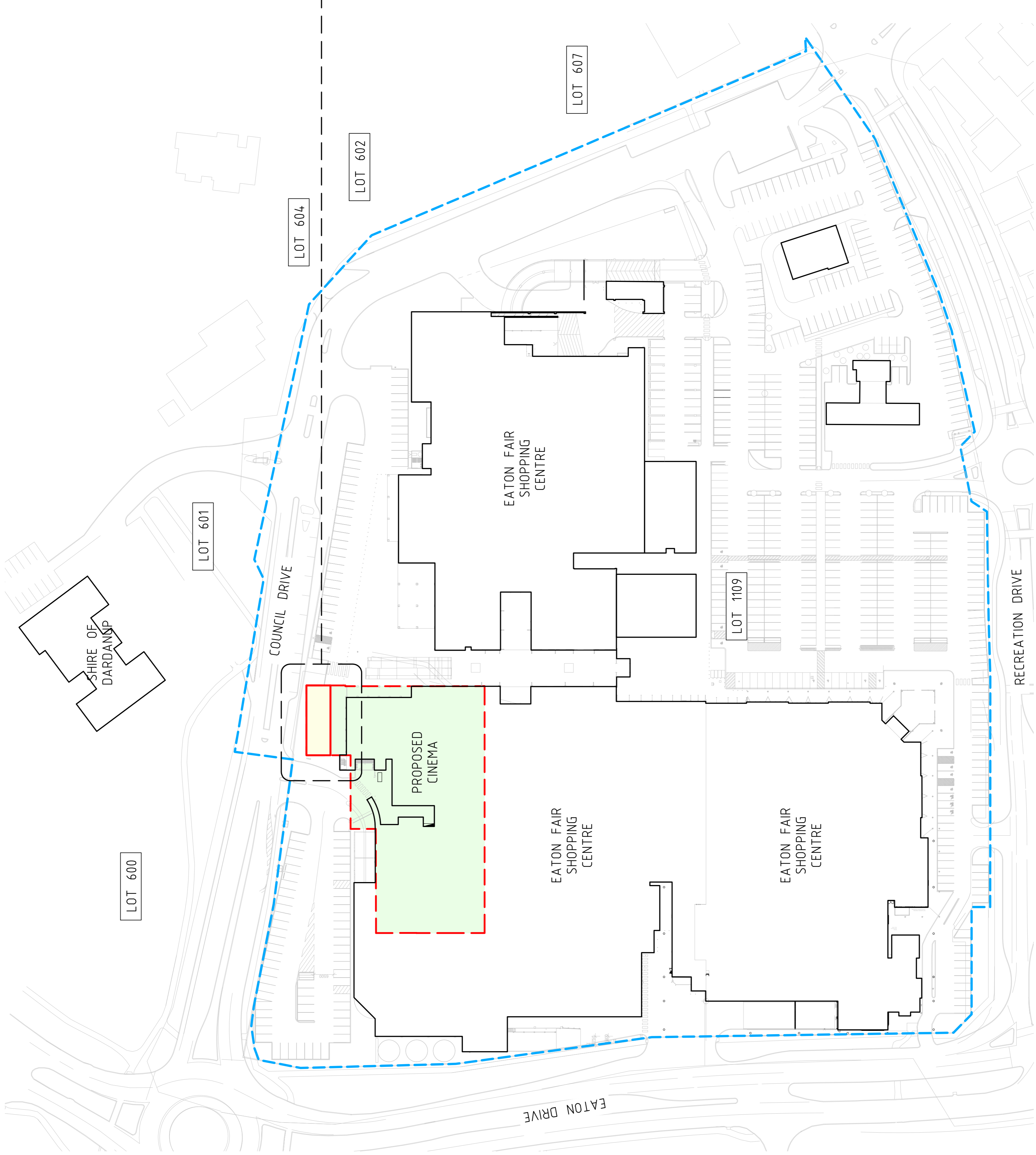
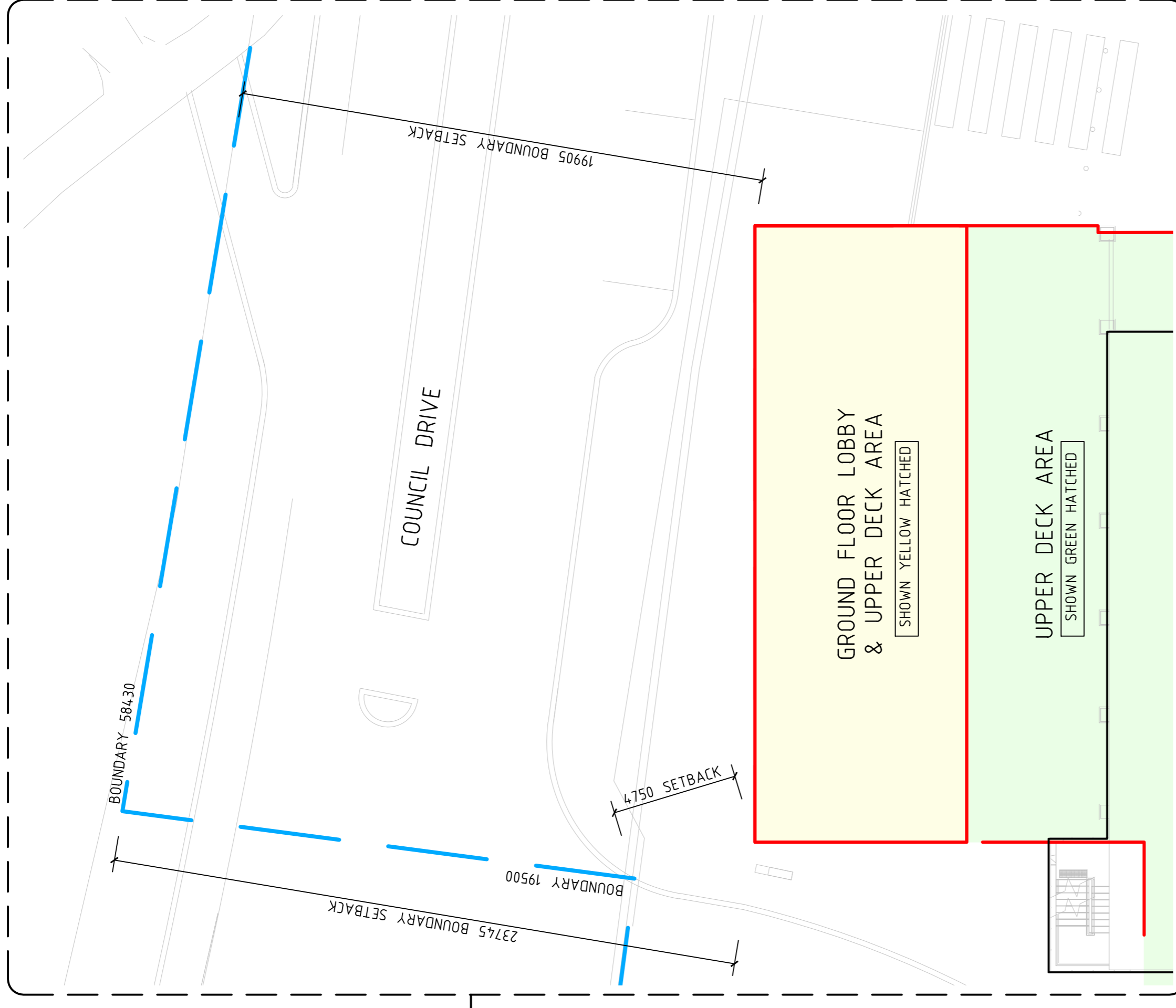
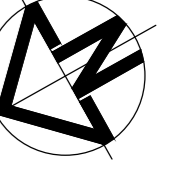
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CLIENT	CJ
DESIGNED	-
DRAWN	-
CHECKED	-
SCALE	1:100@A1
DATE	JAN. 2020
CITYGATE PROJECT No.	EATON FAIR SHOPPING CENTRE, 2 RECREATION EATON, WA, 6232

No	AMENDMENT	DWN DATE	CHKD	No	AMENDMENT	DWN DATE	CHKD
B	ISSUED FOR DESIGN INFORMATION	24/JAN	CJ				

UNIT 10C HOME/MAKER CENTRE  
 62 STRICKLAND STREET  
 BUNBURY WA 6230  
 Ph: (08) 9792 4444  
 Email: architect@citygate.com.au



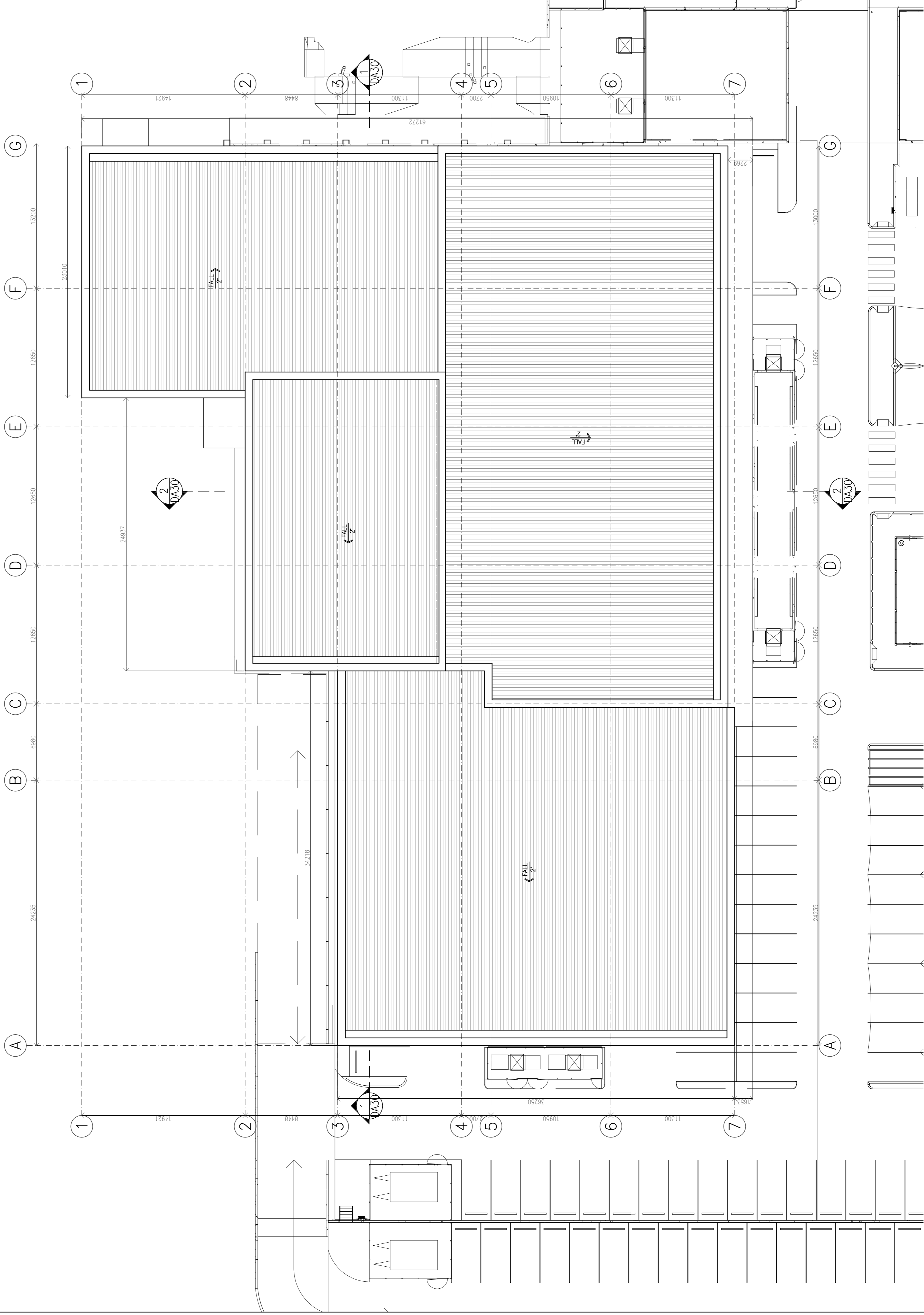
**CHECK AND CONFIRM ALL EXISTING LEVELS ON SITE PRIOR TO COMMENCING ANY WORKS. REPORT ANY DISCREPANCIES OR ERRORS TO THE ARCHITECT PRIOR TO PROCEEDING AND SEEK INSTRUCTIONS.**  
 THE ARCHITECT SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF THE PRODUCTION OF ANY SHOP DRAWINGS OR THE MANUFACTURE OF ANY ELEMENTS AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING AND SEEK INSTRUCTIONS.  
 ALL WORKMANSHIP AND MATERIALS TO BE IN ACCORDANCE WITH THE LATEST RELEVANT SAA CODES, BUILDING REGULATIONS AND BUILDING CODE OF AUSTRALIA.  
 DO NOT SCALE DRAWINGS.







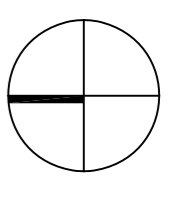
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SCALE NTS



**1 ROOF PLAN**  
SCALE 1:200

AMENDMENTS	AUTHORISED	NOTE	NORTH	ARCHITECT	PROJECT	SCALES	DRAWN	DATE
E 28.01.20	VB	Facade aligned to grid G			UNITED CINEMAS EATON FAIR SHOPPING CENTRE	1:200	VB	DEC 2019
D 24.01.20	VB	Modified ground floor entry alignment						
C 22.01.20	VB	Dimensions added						
B 22.01.20	VB	Modified cinema plan within lease area						
A 20.12.19	VB	Preliminary issue						
IS DATE	DESCRIPTION							
	CKD							

**ATELIER ARCHITECTS**  
 ASB 94 100 875 125  
 PO Box 97 Mona Vale NSW 1600  
 002 900 0205  
 nominated architect Vanessa Reinhard 7446



PROJECT  
 UNITED CINEMAS  
 EATON FAIR SHOPPING CENTRE

DRAWING  
 PRELIMINARY CINEMA DRAWINGS  
 SITE /ROOF PLAN

SHEET No.  
 DA01

ISSUE  
 E

2m 4 6 8 10 12 14

DATE  
 DEC 2019

DRAWN  
 VB

SCALE  
 1:200

PROJECT  
 UNITED CINEMAS  
 EATON FAIR SHOPPING CENTRE

DRAWING  
 PRELIMINARY CINEMA DRAWINGS  
 SITE /ROOF PLAN

SHEET No.  
 DA01

ISSUE  
 E

2m 4 6 8 10 12 14

DATE  
 DEC 2019

DRAWN  
 VB

SCALE  
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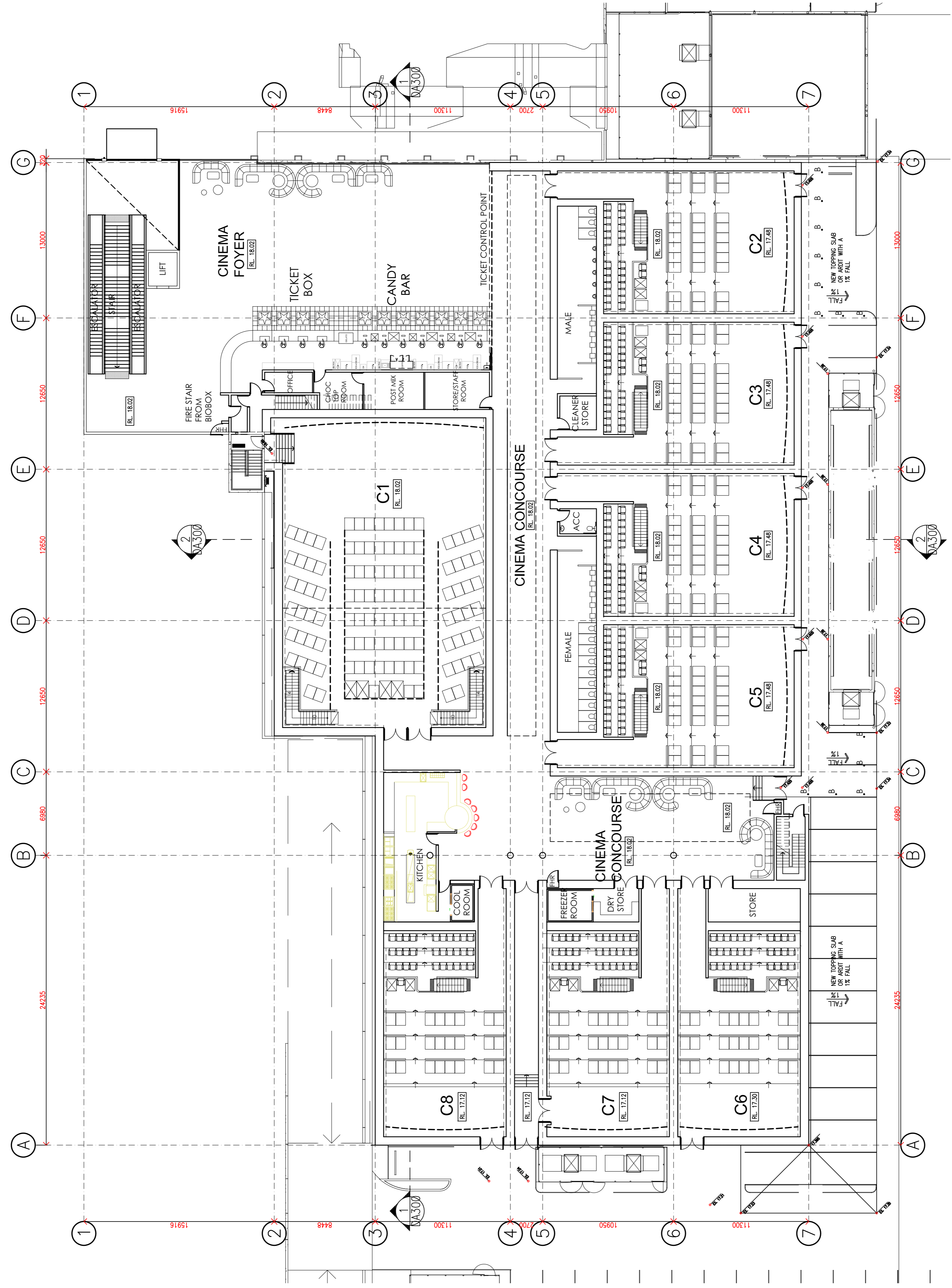
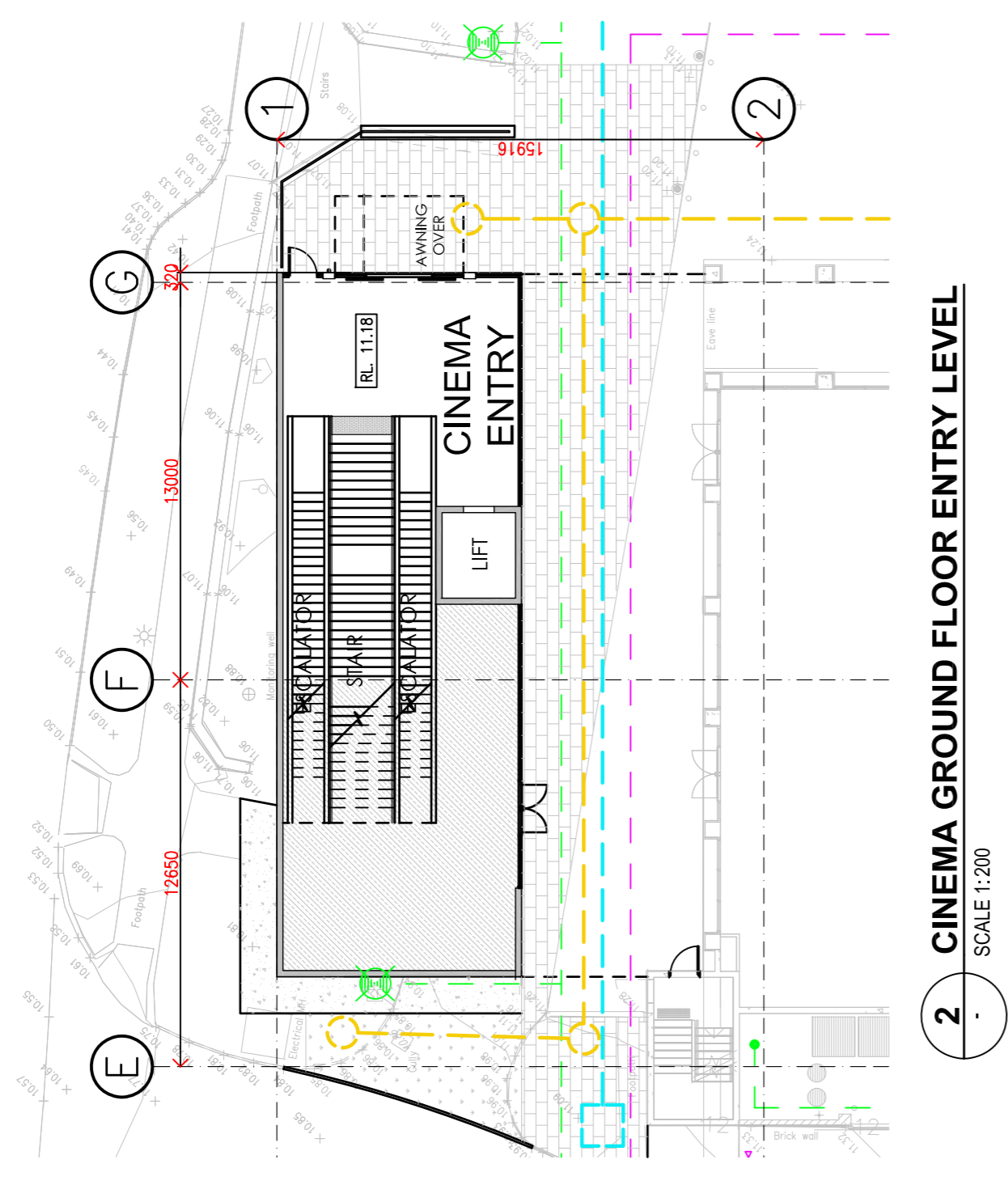
PROJECT  
 UNITED CINEMAS  
 EATON FAIR SHOPPING CENTRE

DRAWING  
 PRELIMINARY CINEMA DRAWINGS  
 SITE /ROOF PLAN

SHEET No.  
 DA01

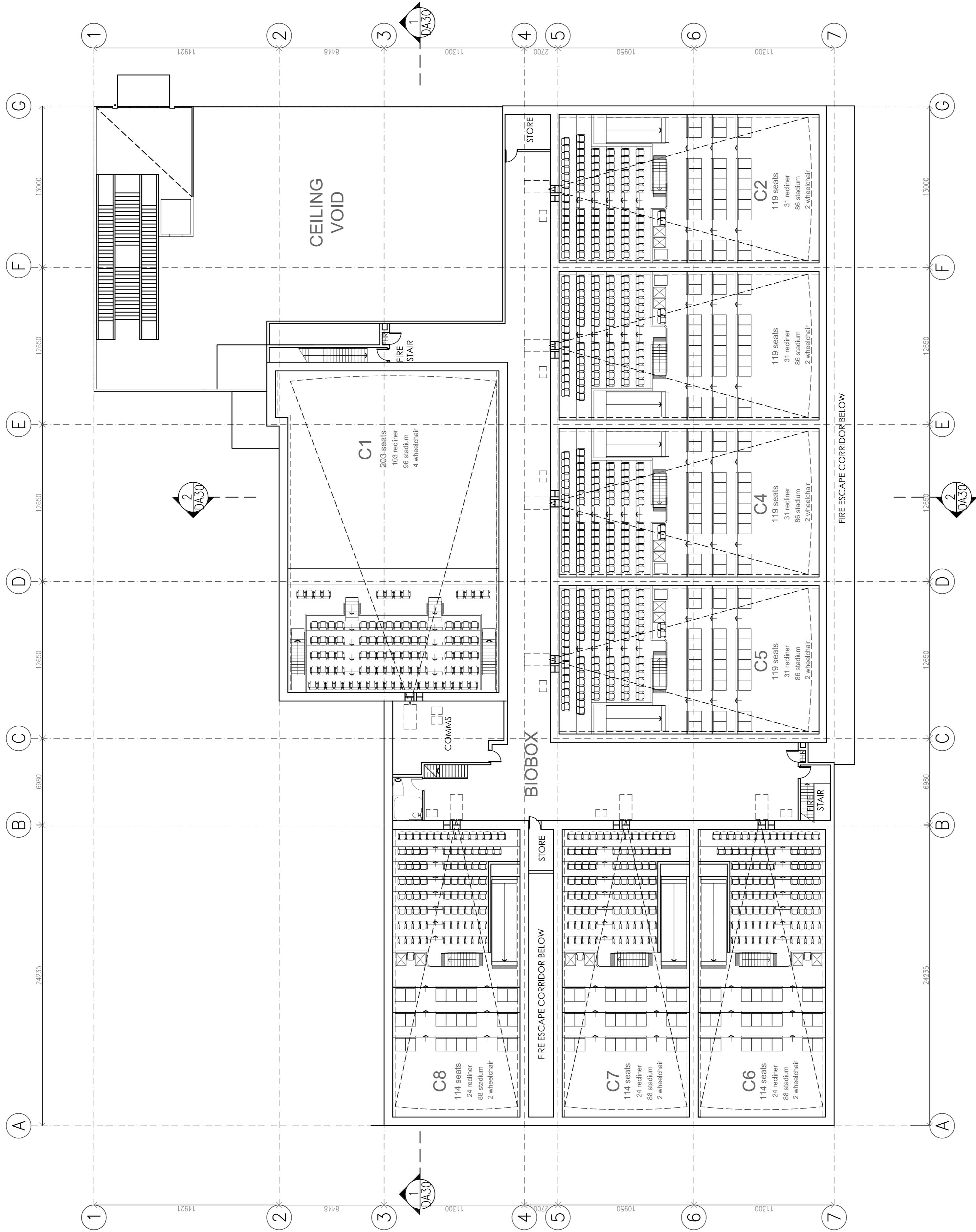
ISSUE  
 E





1 CINEMA FLOOR PLAN - LEVEL 1  
SCALE 1:200

AMENDMENTS	AUTHORISED	NOTES	STRUCTURAL ENGINEER	BUILDING CERTIFICATION	ARCHITECT	PROJECT	SCALES	DATE
		<p>The architect warrants that the drawings, specifications, copyright and may not be used or reproduced for any other project or purpose. Verify all dimensions and levels on site and report any discrepancies prior to the commencement of work in accordance with all contract documents. Use figured dimensions only. Do not scale from drawings. The Architect cannot guarantee the accuracy of content and format for copies of drawings issued electronically. All checked and unfiled sections below is confirmation of the status of the drawing. The drawing shall not be used for construction unless endorsed for Contractor and subcontract for issue.</p>	PERITAS CONSULTING PTY LTD	BCA CONSULTANTS (WA) PTY LTD	<p><b>A T E L I E R ARCHITECTS</b>                      ASN 94 100 875 125                      PO Box 87 Mona Vale NSW 1600 000 025                      nominated architect Valerius Reinartz 7448</p>	UNITED CINEMAS EATON FAIR SHOPPING CENTRE	1:200	MAR 2020
A 25.03.20	30% DEVELOPED DESIGN		ELECTRICAL ENGINEER BCA CONSULTANTS (WA) PTY LTD	HYDRAULIC ENGINEER BCA CONSULTANTS (WA) PTY LTD			DRAWING DEVELOPED DESIGN GROUND FLOOR & LEVEL 1	SHEET No. DD100
		MECHANICAL ENGINEER BCA CONSULTANTS (WA) PTY LTD	FIRE ENGINEER BCA CONSULTANTS (WA) PTY LTD					



Cinema Seat Numbers			
Cinema	Recliner	Stadium	Wheelchair
1	103	96	4
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3	31	86	2
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5	31	86	2
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7	24	88	2
8	24	88	2
<b>Subtotal</b>	<b>299</b>	<b>704</b>	<b>18</b>
<b>Total</b>			<b>1021</b>

1 CINEMA BIOBOX - LEVEL 2  
SCALE 1:200

2 SEAT NUMBERS  
SCALE NTS

AMENDMENTS	DATE	DESCRIPTION	ISSUE
D 28.01.20		FACADE ALIGNED TO GRID G	VB
C 24.01.20		MODIFIED GROUND FLOOR ENTRY ALIGNMENT	VB
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A 20.12.19		PRELIMINARY ISSUE	VB
IS		DATE	DESCRIPTION

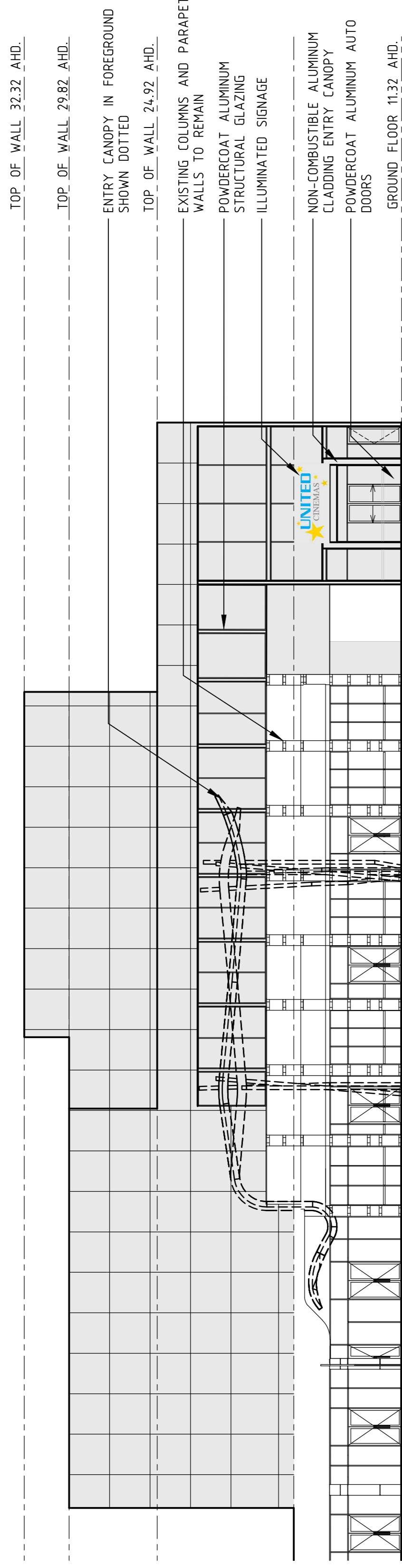
  

PROJECT	UNITED CINEMAS EATON FAIR SHOPPING CENTRE
ARCHITECT	A T E L L I E R ARCHITECTS AS/N 94 100 875 125 PO Box 87 Mona Vale NSW 1600 AUSTRALIA national architect Victoria licence 7446
DRAWING	PRELIMINARY CINEMA DRAWINGS CINEMA BIOBOX - LEVEL 2
SCALE	1:200
SHEET No.	DA11
ISSUE	D

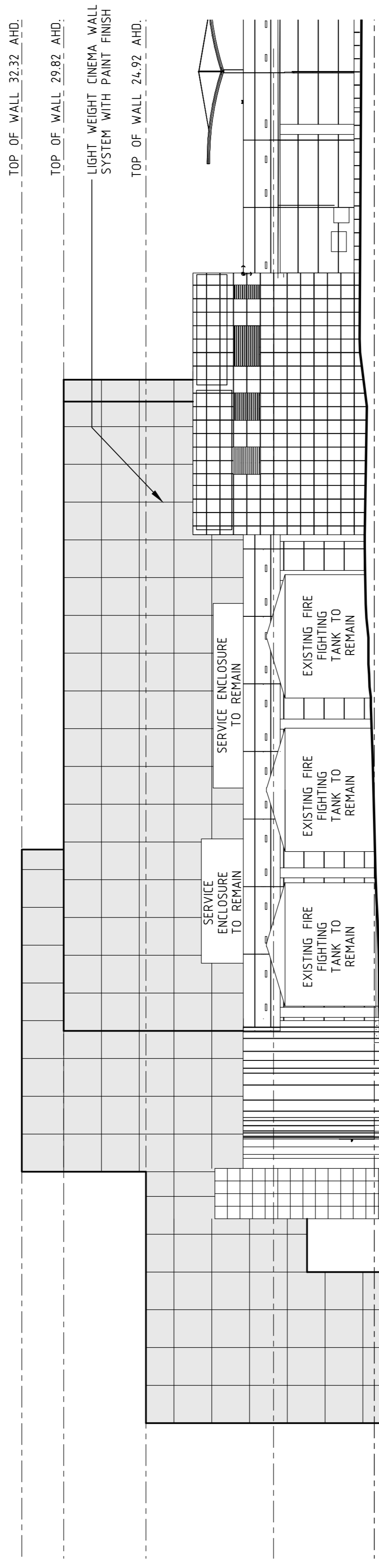
  

2 <sup>nd</sup>	4	6	8	10	12	14
SCALE	1:200	VB	DATE	DEC 2019		

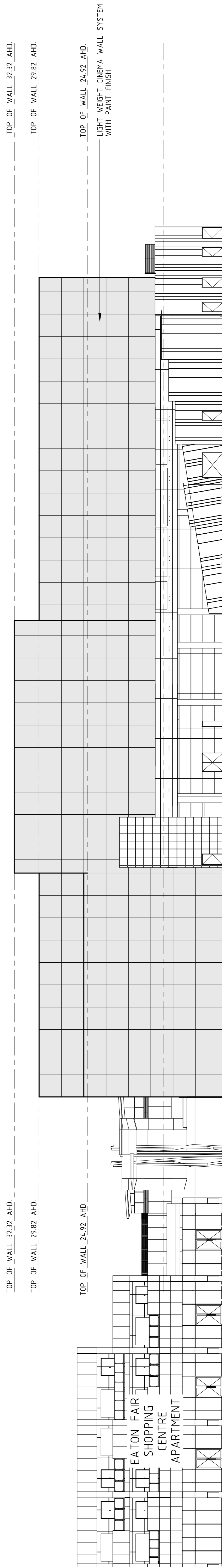
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 Use figured dimensions only. Do not scale from drawings.  
 The Architect cannot guarantee the accuracy of content and format for copies of drawings issued electronically.  
 The drawing shall not be used for construction unless endorsed for confirmation of the status of the drawing.  
 Contractor and subcontractor for issue.



**EAST ELEVATION**  
SCALE 1:200



**WEST ELEVATION**  
SCALE 1:200



**NORTH ELEVATION**  
SCALE 1:200



# (Appendix ORD: 12.10F)

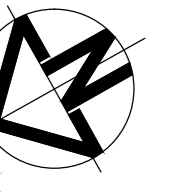
## Eaton Fair Shopping Centre - Land Use Analysis

Edit Date : 16th Apr. 2020

No.	Name	Retail	BOH	Food	Office	Health	Vacant	Service	Residential
T1	Woolworths Supermarket	2850	1008.6						
T67	Kmart	4800	847.6						
T45/46	Coles & Liquor Land	3040	1314.3						
<b>Total Floor Area</b>		10690	3170.5						
No.	Name	Retail	Food	Office	Health	Vacant	Service	Residential	
T2	Woolworths BWS	253							
T3	Fish & Chips		67						
T4	Domino's Pizza		93						
T5	Biltong Kiosk	27							
T6	Commonwealth Bank			167.5					
T7	Smokemart & Giftbox	41							
T8	Healthy Notions	60							
T9	Natural Island	45							
T10	Noodler's Noodle Bar		109						
T11	Misha's Gallery	57							
T12	Vacant					88			
T13	Vacant					285			
T14	Matchbox								
T15	Jay Jay's	153							
T16	Adnoia Hair Salon	41							
T17	Café Merchant		95.5						
T18	Minu Threading	40							
T19	Spec Savers	115.5							
T20	Noni B	125							
T21	Ally Fashion	190.6							
T22	ATM			15.5					
T23	Fresh Floral Studio	46.7							
T24	Vacant					109			
T25	Cartridge World	18.5							
T27	Just Jeans	99.5							
T29	Forever New	180.5							
T30	Jean West	127.5							
T31	Hillzeez	156.5							
T33	Coffee Club		133						
T35	Michael Hill	77							
T36	Optus	65.5							
T37	The Nile		73.5						
T38	Vacant					54			
T39	Soul of Asia		176						
T41	Vacant					57			
T42	Fair Massage	51.5							
T43	Vacant					73.5			
T44	Just 10	47							
T48	Small's Bar		325.5						
T48	Small's Bar Outdoor Dining		130						
T49	Vacant					91.5			

## (Appendix ORD: 12.10F)

No.	Name	Retail	Food	Office	Health	Vacant	Service	Residential
T50	Vacant					66		
T51	Baskin Robbins		71.5					
T52	Pasta Cup		71.5					
T53	Crust Pizza		70.5					
T54	Shota Sushi		63.5					
T55	Flight Centre			57				
T56	ODG Nails	68						
T57	The Y Bar		49.5					
T58	Eatin' Fresh		55					
T59	San Churros		145.5					
T60	Thamel's Kitchen		28					
T61	Vacant					213		
T63	Hog's Breath Café		305					
T64	Vacant					395		
T65	Priceline	300						
T66	Skin and Body Collective	58						
T68	Regal Nails	80						
T69	Lorna Jane	80						
T71	Telstra	110.5						
T73	Smiggle	60.4						
T74	Dotti	136.1						
T75	Collette	76.5						
T76	Sports Power	187						
T78	Chicken Treat		306.5					
T81	Terry White Pharmacy	538						
T82	Health Hub				485			
K1	Lottery West	40						
K2	Vacant	0						
K3	Ifixer	18						
K4	Vacant	0						
K5	Lottery West	18						
K6	Vacant	0						
P1	Caltex Petrol						70	
P2	Hungry Jacks		248					
	12 Apartments							1088.5
<b>Total Leased Area</b>		3788.8	2617	240	485	1432		1088.5
<b>10% Back of House Area</b>		378.88	261.7	24		143.2		
<b>Total Sales Floor Area</b>		3409.92	2355.3	216		1288.8		
<b>Car Park Ratio</b>		1:20	1:20	1:40	5 per room; total 10 rooms	1:20	4 car bays required	
<b>Required Car Bays</b>		705	118	5	50	64	4	17
<b>Total Required Car Bay</b>		<b>963</b>						
<b>Cinema Car Bay Required</b>		<b>203</b>	<b>Total Car Bay Required after Cinema Built</b>				<b>1166</b>	
<b>Current Total Car Bays</b>		<b>1321</b>						
<b>Car Bay Lost After Cinema Built</b>		<b>115</b>	<b>Total Car Bays After Cinema Built</b>				<b>1206</b>	
<b>Result</b>		<b>Comply The Car Park Requirement After Cinema Built With 40 Bays Over</b>						



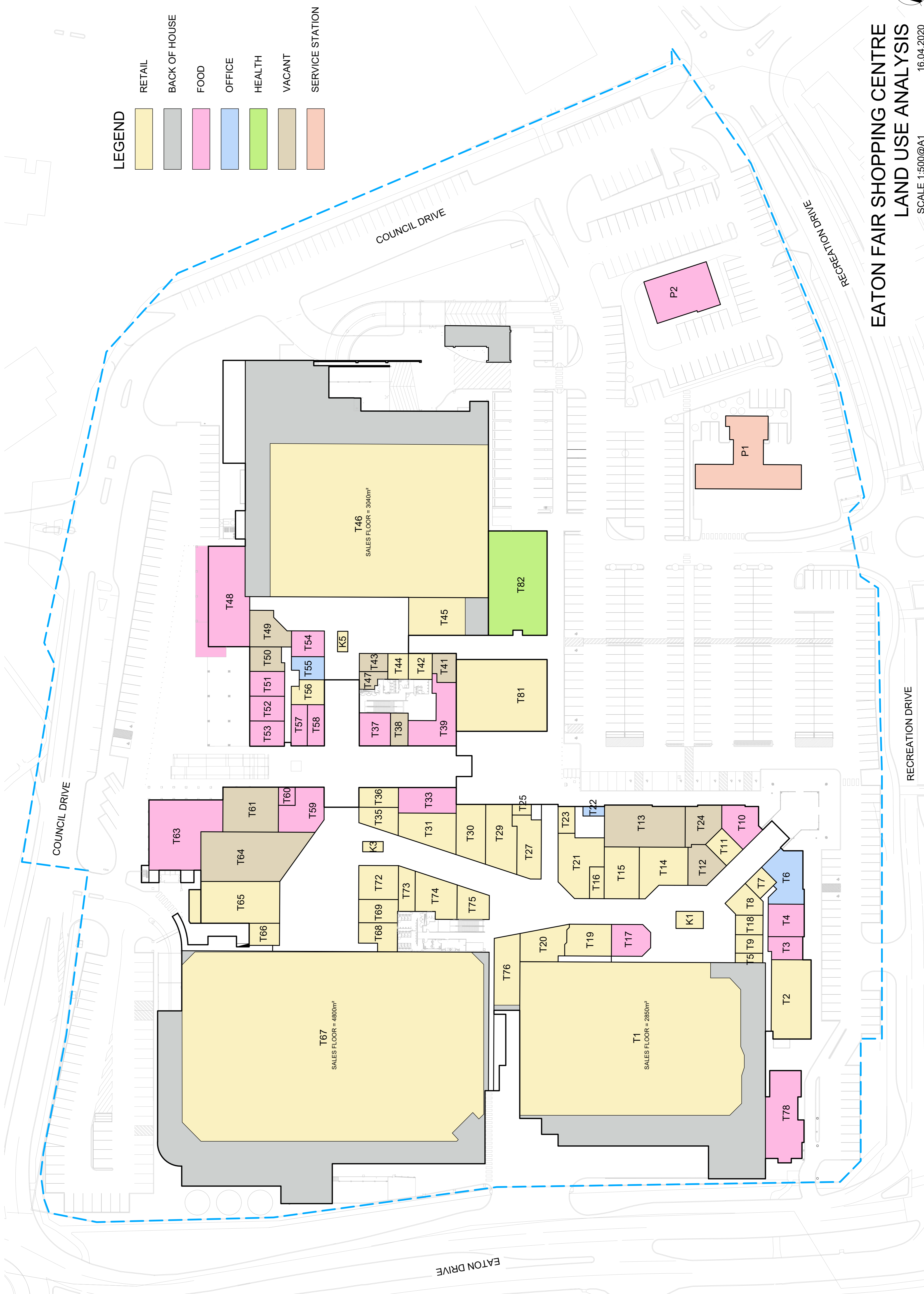
# EATON FAIR SHOPPING CENTRE LAND USE ANALYSIS

16.04.2020

SCALE 1:500@A1

**LEGEND**

RETAIL	BACK OF HOUSE	FOOD	OFFICE	HEALTH	VACANT	SERVICE STATION
[Yellow Box]	[Grey Box]	[Pink Box]	[Blue Box]	[Green Box]	[Tan Box]	[Orange Box]



RECREATION DRIVE

COUNCIL DRIVE

COUNCIL DRIVE

RECREATION DRIVE

EATON DRIVE

# (Appendix ORD: 12.10G)

## Eaton Fair Shopping Centre - Land Use Analysis

Shire of Dardanup assessment of parking requirement, dated 17-04-2020

No.	Name	Retail	BOH	Food	Office	Health	Vacant	Service	Residential
T1	Woolworths Supermarket	2850	1008.6						
T67	Kmart	4800	847.6						
T45/46	Coles & Liquor Land	3040	1314.3						
Total Floor Area		10690	3170.5						
Bays required considering the back of house areas as warehousing requiring 4 bays for the first 200m2 and thereafter 1 bay/100m2 based on EFACP 3170.5-200 = 2970.5 is 4+29.7=33.7		534.5 1/20sq m	33.7 EFACP 2017						
Total bays required considering the back of house areas as warehousing		534.5 + 33.7 = 568.20							
No.	Name	Retail	Food	Office	Health	Vacant	Service	Residential	
T2	Woolworths BWS	253							
T3	Fish & Chips		67						
T4	Domino's Pizza		93						
T5	Biltong Kiosk	27							
T6	Commonwealth Bank			167.5					
T7	Smokemart & Giftbox	41							
T8	Healthy Notions	60							
T9	Natural Island	45							
T10	Noodler's Noodle Bar		109						
T11	Misha's Gallery	57							
T12	Vacant					88			
T13	Vacant					285			
T14	Matchbox								
T15	Jay Jay's	153							
T16	Adnoia Hair Salon	41							
T17	Café Merchant		95.5						
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T19	Spec Savers	115.5							
T20	Noni B	125							
T21	Ally Fashion	190.6							
T22	ATM			15.5					
T23	Fresh Floral Studio	46.7							
T24	Vacant					109			
T25	Cartridge World	18.5							
T27	Just Jeans	99.5							
T29	Forever New	180.5							
T30	Jean West	127.5							
T31	Hillzeez	156.5							
T33	Coffee Club		133						
T35	Michael Hill	77							
T36	Optus	65.5							
T37	The Nile		73.5						

## (Appendix ORD: 12.10G)

T38	Vacant					54		
T39	Soul of Asia		176					
T41	Vacant					57		
T42	Fair Massage	51.5						
T43	Vacant					73.5		
T44	Just 10	47						
T48	Small's Bar		325.5					
T48	Small's Bar Outdoor Dining		130					
T49	Vacant					91.5		
T50	Vacant					66		
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T53	Crust Pizza		70.5					
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T59	San Churros		145.5					
T60	Thamel's Kitchen		28					
T61	Vacant					213		
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T64	Vacant					395		
T65	Priceline	300						
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T76	Sports Power	187						
T78	Chicken Treat		306.5					
T81	Terry White Pharmacy	538						
T82	Health Hub				485			
K1	Lottery West	40						
K2	Vacant	0						
K3	Ifixer	18						
K4	Vacant	0						
K5	Lottery West	18						
K6	Vacant	0						
P1	Caltex Petrol						70	
P2	Hungry Jacks		248					
	12 Apartments							1088.5
Total Leased Area		3788.8	2617	240	485	1432		1088.5
Car Park Ratio		1:20	1:20	1:40	5 per room; total 10	1:20	4 car bays	
<b>Officer assessment: Total bays required considering the back of house areas as warehousing</b>		<b>189.44 + 568.20 = 757.64 back of house considered as warehouse for parking calculation</b>	<b>130.85</b>	<b>6</b>	<b>50</b>	<b>71.6</b>	<b>4</b>	<b>17</b>

## (Appendix ORD: 12.10G)

Total required bays	1037.09		
Cinema Car Bay Required	203	Total Car Bay Required after Cinema Built	1240.09
Current Total Car Bays Provided	1321		
Car Bay Lost After Cinema Built	115	Total Car Bays Provided After Cinema Built	1206
Result	Parking shortfall to be considered 34.09 bays		

