



APPENDICES

PART 3

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 29 July 2020
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Local Planning Policy – CP084 – Advertising Signage

RISK THEME PROFILE:

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

4 - Document Management Processes

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	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 draft Local Planning Policy CP084 has been prepared to establish the Shires position in relation to advertising signage. The Policy carries a reputational risk as it deals with the Shire's processes and procedures when considering applications for advertising signage.	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.



COUNCIL POLICY NO:-
CP084 – DRAFT LOCAL PLANNING POLICY - ADVERTISING SIGNAGE

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION					
History:				Synopsis:	
Version:	New	OCM	29/07/2020	Res: ???/??	Draft Policy created.
Version:					

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE AND OBJECTIVE

This Policy provides guidance on the assessment of advertisement signs within the Shire of Dardanup. This Policy outlines when advertisement signs require development approval, and the objectives and standards against which the Shire will assess applications for advertisement signs.

This Policy also seeks to exempt certain advertisement signs from the need to obtain development approval where minimum requirements are met.

The objectives of this Policy are to:

- 2.1 Ensure that advertisement signs are appropriate for their location, relate to the land and/or buildings for which it is placed, and do not adversely impacts the amenity of the surrounding area.
- 2.2 Ensure advertising signage is of a scale appropriate to buildings, lot size and lot frontage/s of the site relevant to the application.
- 2.3 Ensure that advertisement signs only advertise services offered and/or products produced, sold, and/or manufactured on the land or building/s related to the approved use/s taking place.
- 2.4 To ensure advertisement signs do not pose an unnecessary risk to the safety of people and vehicles by virtue of their location, design, use and function.
- 2.5 To ensure that advertising signs are simple, clear, easy to read and maintained to a high standard.
- 2.6 Protect the cultural heritage significance of particular places and/or areas.
- 2.7 To provide for the rationalisation of signage on properties with multiple advertising requirements.

This Policy made pursuant to Division 2, Part 2, Schedule 2 of the Deemed Provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations, 2015*. Under clause 3(5) and clause 67(g) of the Deemed Provisions the Local Government is to have due regard to a local planning policy in making a determination under the local planning scheme and applications for development approval.

This Policy applies to the entire Shire of Dardanup Scheme Area and to be read in conjunction with the Scheme and any other relevant local planning policy. This Policy does not deal with:

- warning signs and risk management signage installed by the Local Government on Local Government controlled land in accordance with the *Public Works Act, 1902*; and
- street parking signs, information signs, road signs, regulatory traffic signs and directional signs installed by the Local Government in local road reserves in accordance with the *Public Works Act, 1902*. The Local Government’s approach to such signage is set out in Policy CP040 Directional

Signage Policy for Fixed Signs within Road Reserves and Policy CP041 Directional Signage for Public Events and Activities – Temporary Signs within Road Reserves.

3. REFERENCE DOCUMENTS

Planning and Development Act, 2005
Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
Shire of Dardanup Local Planning Scheme No.3 (TPS3)

4. DEFINITIONS

4.1 The words and expressions in this policy have their normal and common meaning, and as defined in Part 1, Clause 1.8 of the Shire of Dardanup Town Planning Scheme No.3, the *Planning and Development Act, 2005*, the *Planning and Development (Local Planning Schemes) Regulations, 2015*, and as defined below.

4.2 The meaning of other specific words and expressions relevant to this Policy given below:

Advertisement Sign: Has the same meaning as an 'Advertisement' as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 – Deemed Provisions*.

Electronic Display Screen/Panel: Means an advertisement sign or a portion of an advertisement sign that displays an electronic image or video, which may or may not include text.

Election Sign: Means a sign that is -

- is erected or installed in connection with an election, referendum or other poll conducted under the *Commonwealth Electoral Act 1918* (Commonwealth), the *Electoral Act 1907* or the *Local Government Act 1995*;
- the primary purpose of the advertisement is for the political communication in relation to the election, referendum or poll; and
- not erected or installed until the election, referendum or other poll is called and is removed no later than 48 hours after the election, referendum or other poll is conducted.

Fence: a freestanding structure put in place to mark a boundary and restrict movement across a property. It can be a permeable or solid structure. A fence may consist of several sections each section defined by a clear edge at which the angle of alignment of the adjoining fence changes.

Gable: is the generally triangular portion of a wall between the edges of a sloping roof.

Heritage Area: Has the same meaning as 'Heritage Area' as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 – Deemed Provisions*.

Heritage Place: Has the same meaning as 'Heritage Place' as defined in section 3(1) of the *Heritage of Western Australia Act 1990*.

Sign: includes all forms of advertising devices, signage and bill posting including a notice, flag, mark, structure or device, or part thereof, whether or not words, numbers, expressions or symbols are shown thereon.

Sign surface area: where the sign is painted, printed or affixed on a building or fence and there is no contrasting background used to the predominant colour of the building elevation or fence, the surface area of the sign taken as the outer edge of the lettering, symbols images used. In the event contrasting colour(s) are used, the outer edge of the contrasting colour(s) will form the sign surface area. The surface area of the sign in a co-joined 'V' shape is the sum of both surfaces.

Third Party Signage: Means any advertisement sign advertising services and products unrelated to the subject site.

Wall: is the vertical external face of a constructed building comprising solid building material and includes any openings (windows/doors) but does not include a fence. A building may consist of

several walls each wall being defined by a clear edge at which the angle of alignment of the adjoining wall changes

4.3 The definitions of various advertisement signs are contained within Table 1, 2 and 3: Advertisement Sign Requirements.

5. POLICY

5.1 This Policy exempts advertisement signs from requiring development approval where the advertisement signs permitted in a Zone and complies with the development standards in Table 1 and the General Requirements listed in Part 7.1 of this Policy.

5.2 A Development Approval application is required for all other signs within the Shire. Such applications would be assessed against the Development Standards contained in Table 2 where applicable, and the Development Requirements listed in Part 7 of this Policy. Advertisement signs that do not comply with the objectives listed in Part 2 of this policy are deemed unacceptable and will not be supported unless exceptional circumstances exist.

5.3 The exemption afforded by Clause 5.1 of this Policy does not apply in any of the following situations where the advertisement sign:

- a) is located on land reserved under the Greater Bunbury Region Scheme or on a lot abutting land reserved under the Greater Bunbury Region Scheme, unless the development is exempted under the Greater Bunbury Region Scheme;
- b) does not comply with the Development Requirements listed in Part 7 of this Policy;
- c) is illuminated or contains an electronic display screen and/or panel components;
- d) is inconsistent with any relevant Design Guidelines or other Local Planning Policy;
- e) is located in a place that is included on a Heritage List or on land located within a Heritage Area designated under the Scheme.
- f) Where multiple signs are proposed a single property and/or lot.

5.4 If a particular advertisement sign is not listed or defined, it shall be assessed on its individual merits in accordance with the objectives outlined in Part 2 of this Policy and the Scheme.

5.5 Before carrying out of any development listed associated with advertising signs, any other licences, permits or approvals required is to be obtained in accordance with any other law. A building permit may be required and applicants should consult with the Shire Building Division to determine if a building permit application is required to be submitted.

5.6 Signs listed in Table 3 are not permitted in the Shire of Dardanup.

6. INFORMATION REQUIRED TO ACCOMPANY DEVELOPMENT APPLICATION

An application for development approval for an advertisement sign is to be accompanied by the required information listed by Clauses 62 and 63 of the Deemed Provisions. At a minimum, a signage plan/s shall be submitted with each application with the following information:

- The name of the sign type as described in this Policy, for example, 'Wall Sign', 'Roof Sign' etc. or a full description of the sign;
- Details of the business or land use conducted on the premises to which the sign relates including the business name, business owner/proprietor, business address and contact details;
- Site plan: indicating the location of each proposed sign on the building and/or site and any existing signage that will be retained or removed;
- Elevations: showing the details/display of each sign, including wording, images, logos, colours and size dimensions;

- Specifications: including materials to be used, fixing methods, proposed illumination (if any) and any support structure/s;
- All application for development approval are to include footing details of the signage structure, or detail as to how the sign is intended to be fixed to the land or the building to which it applies;
- Fee: if a signage application does not form part of a larger development application, the fee will apply based on the cost of the proposed signage; and
- Approximate cost of the proposed sign.

Applications for development approval, which are not accompanied by the necessary information, will not be accepted for assessment and processing.

All applications for Electronic Display Screen/Panel Signs are required to be accompanied with an electronic display screen/panel lighting impact report from a qualified lighting engineer that specifies the maximum daytime, dawn/dusk, and night-time brightness relative to the surrounding development and land uses and the dwell/transition time.

All applications for advertisement signs within a Heritage Area/Place are required to be accompanied with a heritage assessment or statement prepared by a qualified practitioner that specifies the impact of the sign on the heritage of the area.

7. DEVELOPMENT REQUIREMENTS

7.1 General Requirements

- a) Advertisement signs shall only advertise services and products available on the premises to which it relates. Third party advertising not permitted.
- b) Advertisement signs must be contained wholly within the property boundaries of a lot and a nil setback may apply where the sign will not overhang and the sign and its footings will not encroach into any reserve (including road reserve).
- c) Advertisement signs that cause or are likely to cause interference with or be hazardous to vehicular traffic and pedestrians, are prohibited.
- d) Street numbering shall be incorporated into advertisement signage, and shall be clearly visible from the street.
- e) Except where required by clause 5.3 of this Policy, development approval is not required where the content of an approved advertisement sign is proposed to be changed, provided the dimensions, location and structure remain unchanged, and the wording is not of an offensive nature.
- f) Advertisement signs shall not be located in a location or manner that unreasonably obstructs the view of existing public artwork or murals.
- g) Signs are required to be securely fixed to the structure by which it is supported.
- h) A signage strategy is required for multiple signs on a single property and/or lot.
- i) Where a proposed sign is exempt, the applicant is to provide written correspondence of the proposed signage for the Shire to keep on record.
- j) Signs needs to be of a high quality, and maintained to a high quality. If in the opinion of the local government, the sign is in conflict with the aims of the Scheme the local government may require the owner of the advertisement to repair or remove the advertisement.

7.2 Illuminated and Electronic Display Screen/Panel Signs

- a) All Electronic Display Screen/Panel signs shall:
 - i. be restricted to static images that are:
 - externally illuminated during hours of darkness; or
 - displayed electronically, i.e. in a digital format.
 - ii. have a minimum dwell time duration of 30 seconds;
 - iii. not contain a transition time from one display to another that exceeds 0.1 seconds;

- and
- iv. no display transitional effects such as fly-in, fade-out and scrolling.

- b) Illuminated advertising signs, including electronic display screens/panels, abutting any road must:
- i. use a low level of illumination, not exceeding 300cd/m², not flash, pulsate, or chase, and not cause a nuisance, by way of light spillage, to light received to the abutting sites to a maximum of 50 lux;
 - ii. not contain fluorescent, reflective or retro reflective colours or materials;
 - iii. not interfere with or be likely to be confused with traffic control signals;
 - iv. screen any electrical cables from the public realm and be maintained in a tidy manner; and
 - v. not be located in Residential areas.

7.3 Signage Strategy

A Signage Strategy outlining the type, size, and location of all existing and proposed advertisement signs will be required for developments with multiple signage needs.

- a) A Signage Strategy (example illustrated in Appendix 1) required by Clause 7.1 of this Policy shall include the following information:
- i. a scaled site plan, illustrating the location of any existing and proposed signage;
 - ii. elevation details illustrating the location and dimensions of any existing and proposed/future signage;
 - iii. details of any illumination if signage is proposed to be illuminated;
 - iv. evidence that all tenancies have equitable access to signage locations and
 - v. other plans and information that the Shire may reasonably require to enable the signage strategy to be assessed and determined.
- b) All advertisement signs shall comply with the approved Signage Strategy, unless otherwise approved by the Shire under a separate development approval.
- c) Further development approval is not required where an advertisement sign complies with an approved signage strategy.

7.4 Heritage Places

- a) Any original and early signage (including remnants) that contribute to the cultural heritage significance of a heritage place shall be preserved.
- b) The size, scale, location, materials and colours of any proposed advertisement sign on a heritage place must respect the heritage value of the site.
- c) Advertisement signs shall not impact the heritage value/significance of an area.

7.5 Performance Criteria

Where standards in Clause 7.1 and 7.2 are not met, the variations will be assessed in accordance with the performance criteria outlined below:

a) Response to location and character

- Signs shall not result in an adverse impact upon the character or historical significance of the site.
- Signs shall not dominate the streetscape or detract.
- Signs shall not block important views or vistas to environmental or heritage areas or obscure architectural detailing.

b) Scale and design of signage

- The scale and design of signage is appropriate to the building and architectural details to which it relates.
- The scale and design is compatible with surrounding development and general nature of land use.
- Signs shall not contain reflective materials or finishes that would adversely affect amenity within the public realm or adjacent buildings.
- Signs shall not incorporate sound or vibration
- Signs shall not incorporate offensive content.
- All supporting structures, cabling and conduits shall be screened from public view.

c) Rationalisation of signage

- The rationalisation of signage is supported where possible.
- Multiple signs on a single site will not be supported, where rationalisation opportunities are possible.

d) Design, construction and maintenance

- Signs shall be constructed using high quality, durable materials and installed in a professional manner.
- Signs are maintained to a high standard.

e) Safety

- Signs shall be adequately installed and secured.
- Signs shall not cause confusion with, or reduce the effectiveness of, traffic control devices.
- Signs shall not cause driver distraction or otherwise impact on traffic or driver safety.
- Signs shall not obstruct safe and convenient pedestrian movement.
- Signs shall not pose a threat to public safety or health.

7.6 Contents of Signs

The content of any sign shall not contain any information that may be deemed by the Local Government to be misleading, offensive or derogatory in nature. Where a sign is deemed to fall into one or more of the categories above, the Local Government will request that revised content be provided.

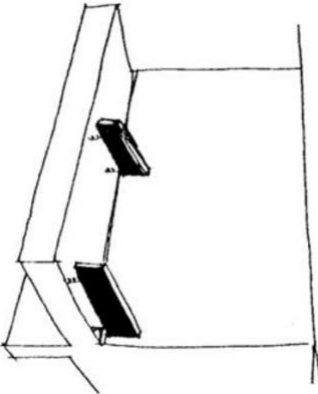
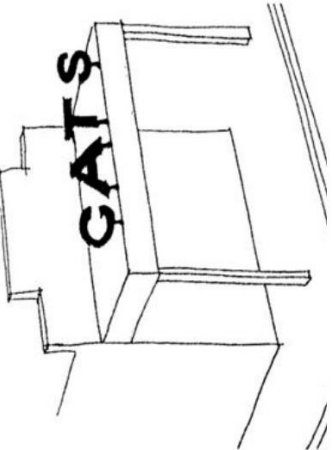
7.7 Advertisement Signs required by Shire of Dardanup and Public Authorities



- a) Advertisement signs required by the Shire of Dardanup and/or a public authority are exempt from requiring development approval.

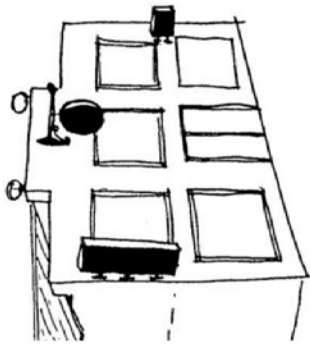
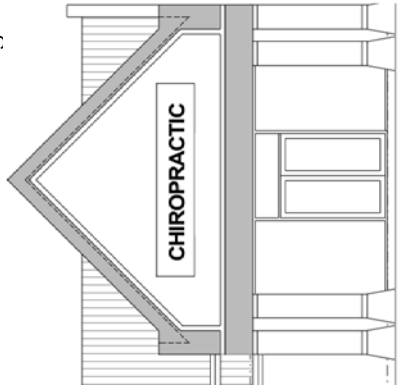
TABLE 1 – EXEMPTED ADVERTISEMENTS


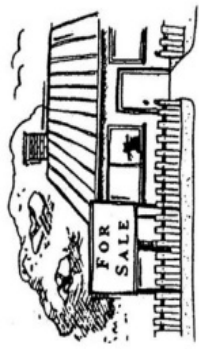

Signs which do not require approval.

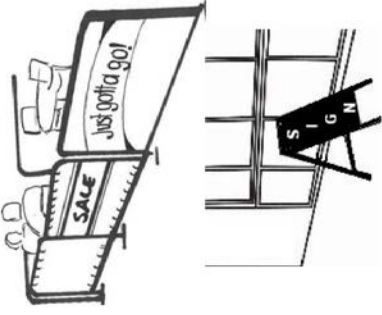
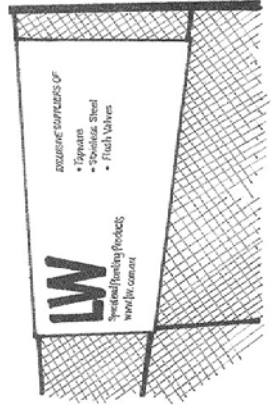
The following signs do not require approval if the sign meets all applicable development standards and it only applies to the Permitted Zones. Any variations to the development standards proposed, requires an application for development approval. The signs types in Table 1 in all other Zones will require development approval.

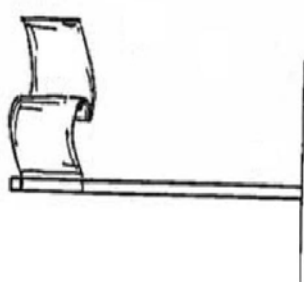

SIGN TYPE	Permitted Zones	EXEMPTED ADVERTISEMENTS - DEVELOPMENT STANDARDS
<p>Signs on Buildings</p> <p>Awning Signs (below) An advertisement sign fixed to or suspended from the underside of a verandah, balcony or awning.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community</p>	<p>Awning Signs (below) shall:</p> <ul style="list-style-type: none"> • Is a single faced sign • achieve a minimum height clearance of 2.7m from the natural ground level; • not exceed a height of 500mm; • not exceed an area of 4 m²; • not be within 3m of another such sign attached to the underside of the same verandah; • not project or overhang beyond the boundaries of the lot; • consist of one sign per tenancy; and • only be located near the entrance to a tenancy.
<p>Awning Signs (above) An advertisement sign located above the outer fascia of a verandah, balcony or awning.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community</p>	<p>Awning Signs (above) shall:</p> <ul style="list-style-type: none"> • Is a single faced sign • not exceed 500mm in height; • not exceed 500mm in depth; • not project beyond the outer metal frame or the surround of the fascia of the building to which it is attached; • not project or overhang beyond the boundaries of the lot; • consist of one sign per tenancy; and • only be located near the entrance to a tenancy.

SIGN TYPE	Permitted Zones	EXEMPTED ADVERTISEMENTS - DEVELOPMENT STANDARDS
<p>Signs on Buildings</p> <p>Community Service Sign Is a temporary sign on non-rigid material hung on a building or fence to which advertises non-for-profit, short term events such as a fete, fair or festival for a charitable, religious, education, child care, sporting organisation or the like.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community</p>	<ul style="list-style-type: none"> • One sign per street frontage. • Maximum area of 4sqm; • Located on the site of the proposed activity or the property of the relevant organisation where the activity is to occur; and • Not be displayed more than four weeks prior to the event advertised and removed not later than one week after the conclusion of the event.
<p>Freestanding Banner Signs A freestanding banner sign is an advertising device made from lightweight material attached to a pole weighted to the ground. These signs come in a variety of shapes and may also be referred to as 'Ball', 'Teardrop', 'Blade' or 'Wing' signs.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community</p>	<ul style="list-style-type: none"> • Dimension: max. 2.5m height max. 1.2m width • Must: <ul style="list-style-type: none"> • be limited to 2 per street frontage; • be securely fixed to a building or pole of sufficient size and strength to support the banner under all conditions; • be erected within the boundaries of the lot and not project beyond any lot boundary; • not be located within the street setback line; • not impede vehicle • sightlines for access to and from the property; and • not impede pedestrian access to and from the property

EXEMPTED ADVERTISEMENTS - DEVELOPMENT STANDARDS		
SIGN TYPE	Permitted Zones	
<p>Signs on Buildings</p> <p>Projecting Signs An advertisement sign which projects more than 300mm out from a wall of a building, below the eaves or ceiling height.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community</p>	<p>All Projecting Signs shall:</p> <ul style="list-style-type: none"> • be limited to a maximum of one sign per tenancy; • have a minimum clearance of 2.7m from the natural ground level; • not project out more than 1m from the wall of which it is attached; • not exceed 4m² in area; • not be placed within 2m of either end of the wall to which they are attached; and • not project above the top of the wall to which they are attached.
<p>Wall Signs</p> <p>An advertisement sign which is affixed to the external part of a wall of a building, a gable end, or a building façade and no part of which is above the roofline of the building.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community</p>	<p>Wall Signs shall:</p> <ul style="list-style-type: none"> • not extend laterally beyond either end of the wall or protrude above the top of the wall; and • not cover more than 10% of the façade for each tenancy within a building and/or development site visible from the public realm; or • where there is an approved signage strategy, not cover more than 25% of a façade within a building and/or development site visible from the public realm.

EXEMPTED ADVERTISEMENTS - DEVELOPMENT STANDARDS		
SIGN TYPE	Permitted Zones	
<p>Signs on Buildings</p> <p>Window Signs An advertisement sign which is painted or affixed to either the interior or exterior surface of the glazed area of the window.</p> <p>*Note: This includes all areas of non-advertising window coverings which block views into or out of the window of the building to which they are affixed.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community</p>	<p>Window Signs that:</p> <ul style="list-style-type: none"> do not cover more than 50% of the total window area per tenancy; not obstruct views onto the public realm; and not detract from the streetscape
<p>Property Transaction, Display Home, and Building Construction Signs</p> <p>An advertisement sign advertising the display, sale, construction or lease of buildings, land and/or development.</p>  	<p>All Zones</p>	<p>Property Transaction, Display Home, and Building Construction Signs pertaining to Single Houses, Grouped and Multiple Dwellings that:</p> <ul style="list-style-type: none"> a double faced sign having not exceeding an area of 2m² for property transactions and building construction and 4m² for Display Homes; are limited to a maximum of one sign per street frontage for each property or tenancy; and illumination is not permitted. <p>Property Transaction and Building Construction Signs for shopping centres and commercial developments that:</p> <ul style="list-style-type: none"> do not exceed an area of 5m²; are limited to a maximum of one sign per street frontage for each property or tenancy; and do not exceed a maximum height of 3m, inclusive of supporting posts/structures.

EXEMPTED ADVERTISEMENTS – DEVELOPMENT STANDARDS		
SIGN TYPE	Permitted Zones	
<p>Portable / Temporary Signage</p> <p>Ground Based Signs An advertisement sign not permanently attached to the ground including, but not limited to a sandwich board sign which consists of two sign boards attached to each other at the top or elsewhere by hinges or other means, which is no higher than 1.2m above natural ground level.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community Tourist General Farming</p>	<p>Ground Based Signs that:</p> <ul style="list-style-type: none"> • contain a maximum area of 1m² each side; • are only displayed during the operating hours of the business to which the sign relates; • provide a clearance of a minimum of 1.8m to a footpath or pedestrian walkway; • are limited to a maximum of one sign per tenancy on a lot; • are not located more than 5m from the building to which the sign relates; • do not exceed a maximum height of 0.75m measured from natural ground level (including supporting structures).
<p>Fence Sign</p> <p>An advertisement sign attached to a fence.</p> 	<p>Industrial – Light Industrial General</p>	<p>Fence Signs shall:</p> <ul style="list-style-type: none"> • Is a single faced sign; • be limited to a maximum of one sign per street frontage on any one lot; • be securely attached; • sit flush on the fence to which it is attached; • not contain any sharp or pointed edges below a height of 2.7m; • not cover more than 30% of the total area of the fence; and • not impact on views to the street and/ or building.

EXEMPTED ADVERTISEMENTS – DEVELOPMENT STANDARDS		
SIGN TYPE	Permitted Zones	
<p>Portable / Temporary Signage</p> <p>Flag Pole</p> <p>An advertisement sign consisting of a banner that is made from a piece of material attached to a pole.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community Tourist Residential</p>	<p>Flag Poles that:</p> <ul style="list-style-type: none"> • be limited to a maximum of three per property, with the exception of residential properties which are limited to a maximum of one per property; • do not exceed a maximum height of 6m; and • the area of the flag does not exceed 2 m2 in residential zoned areas and shall not exceed 4 m2 in all other zones.
<p>Rural Producer Sign</p> <p>A sign erected on land lawfully used for rural or farming purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located.</p> 	<p>Tourist General Farming Small Holdings</p>	<p>Rural Producer Sign shall:</p> <ul style="list-style-type: none"> • Not exceed 2.5m² in area; • Not exceed 3m in height; • Be no more than one sign per lot; and • Only be erected and maintained on land on which the goods or products are produced, grown or lawfully manufactured

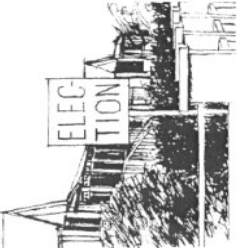
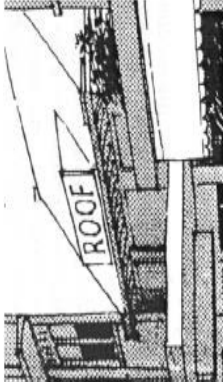
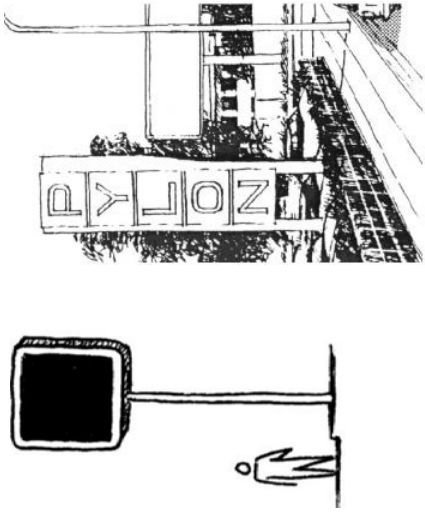
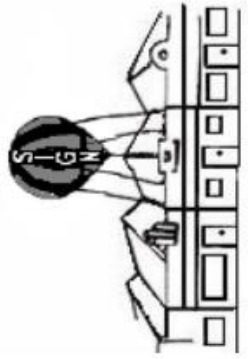
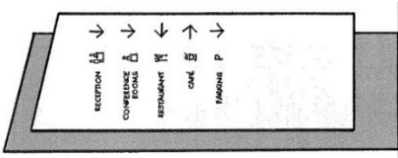
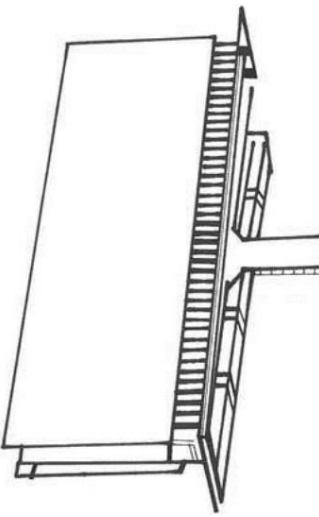
SIGN TYPE	EXEMPTED ADVERTISEMENTS – DEVELOPMENT STANDARDS	
<p>Home Occupation/Home Business Sign</p>	Residential	<p>Specific signage provisions – areas</p> <p>a) Signage on residential properties:</p> <ul style="list-style-type: none"> • Shall be associated with an approved home occupation or home business. • No more than one sign per street frontage shall be supported • Signage shall be sited appropriately and not obscure vehicle and pedestrian sightlines. • Individual signage shall not exceed 0.5 of a square metres • No illumination permitted.
<p>Election sign</p> <p>Is a temporary, non-illuminated advertisement advertising a political candidate(s), a registered political party, or a campaign for a Commonwealth, State, or local government election.</p> 	All Zones	<ul style="list-style-type: none"> • The maximum sign face area is 1.2m² per face, for a maximum of two faces. • Must not be in the form of bunting and streamers. • Has a maximum height of 1.8m above natural ground level. • An election sign is to be: <ul style="list-style-type: none"> • Displayed in a location that is not a road or other public place. • Displayed no earlier than six (6) weeks before the day of an election. • Removed no later than seven (7) days after the day of an election.
<p>Roof sign</p> <p>Is an advertisement positioned at the top of a building (above an awning, verandah roof or the like) where the roof of that building would normally form the predominant backdrop to the sign when it is viewed from the ground.</p> 	<p>Mixed Use District Centre Industrial – Light Industrial General Business Commercial Mixed Business Other Community Tourist</p>	<ul style="list-style-type: none"> • A maximum area of 20% of the area of the roof panel on which it is located or 4m² whichever is the lesser. • A maximum width of 2/3 of the width of the roof. • Does not protrude above the roof ridgeline. • Does not project more than 300mm from the portion of the building to which it is attached.

TABLE 2 – SIGNS THAT REQUIRE DEVELOPMENT APPROVAL

Signs that Require Development Approval

The following signs require development approval in all circumstances. Applications will be assessed on their merit and need to demonstrate compliance with the Development Standards in Table 2.

SIGN TYPE	DEVELOPMENT STANDARDS
<p>Pylon Signs</p> <p>An advertisement sign which affixed to the ground having one or more supports where the overall height (inclusive of any supports) is greater than the sign's horizontal dimension.</p> 	<p>Pylon Signs shall:</p> <ul style="list-style-type: none"> • The maximum sign face area is 10m² per face, for a maximum of two faces; • Must not be located less than 1.5m from the front property boundary (including the primary and secondary street frontages of a corner lot), and must not project beyond the alignment of any property boundary; • have a minimum clearance of 2.7m from the natural ground level; • be restricted to a maximum of either one pylon or monolith sign per street frontage, or where a lot has numerous tenancies/units, multiple pylon or monolith signs may be approved where separated by a minimum distance of 50m; • not exceed 2.5m measured horizontally across the face of the sign; • Where practical, make provision for infill panels to accommodate the needs of a property containing multiple tenancies/units; • not be more than 6m above natural ground level (including supporting structures), except where: <ul style="list-style-type: none"> • multiple tenancies/units are located on a lot, then the height can be increased to 7m above natural ground level (including supporting structures).
<p>Balloon Sign</p> <p>An inflatable advertisement sign.</p> 	<p>Balloon Signs shall:</p> <ul style="list-style-type: none"> • not exceed 7m in diameter; • not exceed 9m in height; • not be displayed for more than 14 days in aggregate for any one calendar year; and • be securely attached.

DEVELOPMENT STANDARDS	
<p>SIGN TYPE</p> <p>Monolith Signs</p> <p>An advertisement sign comprising of a solid, ground mounted structure, where the vertical dimension exceeds the horizontal dimension, but does not include a Pylon Sign or a Directional Sign:</p> 	<p>Monolith Signs shall:</p> <ul style="list-style-type: none"> not be more than 6m above natural ground level (including supporting structures), except where multiple tenancies/units are located on a lot, then the height can be increased to 7m above natural ground level. have a maximum area of 15m² be restricted to a maximum of either one pylon or monolith sign per street frontage, or where a lot has numerous tenancies/units, multiple monolith or pylon signs may be approved where separated by a minimum distance of 50m. Where practical, make provision for infill panels to accommodate the needs of a property containing multiple tenancies/units.
<p>Billboards</p> <p>An advertisement sign fixed to a freestanding structure or building may include LED components, however not classified as a pylon or wall sign.</p> 	<p>Not permitted, but Council may consider a hoarding sign subject to the following:</p> <ul style="list-style-type: none"> Number of similar signs approved by Council within 1km of the proposed sign; Must be mounted as a freestanding structure; Must not be located on a street frontage of a premises along which is located another billboard sign, billboard sign large, ground sign, pole sign, pylon sign or pylon sign – large; Sign not exceed a maximum of 85m² in area; Sign not less than 1.2m or greater than 20m (top of sign inclusive of supporting posts) above ground level; Setback of the sign from the property boundary to be determined subject to the adjoining road hierarchy, width of road reserve, proximity of sensitive uses, size of the sign and any existing vegetation/screening; Consideration to advice received from agencies upon referral of the proposal to the affected agencies.

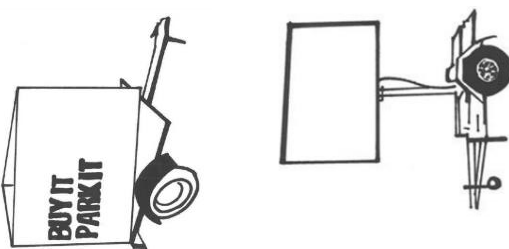
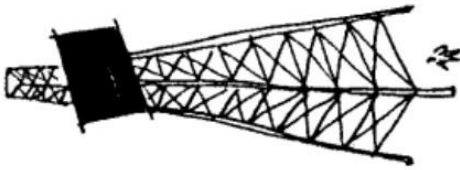
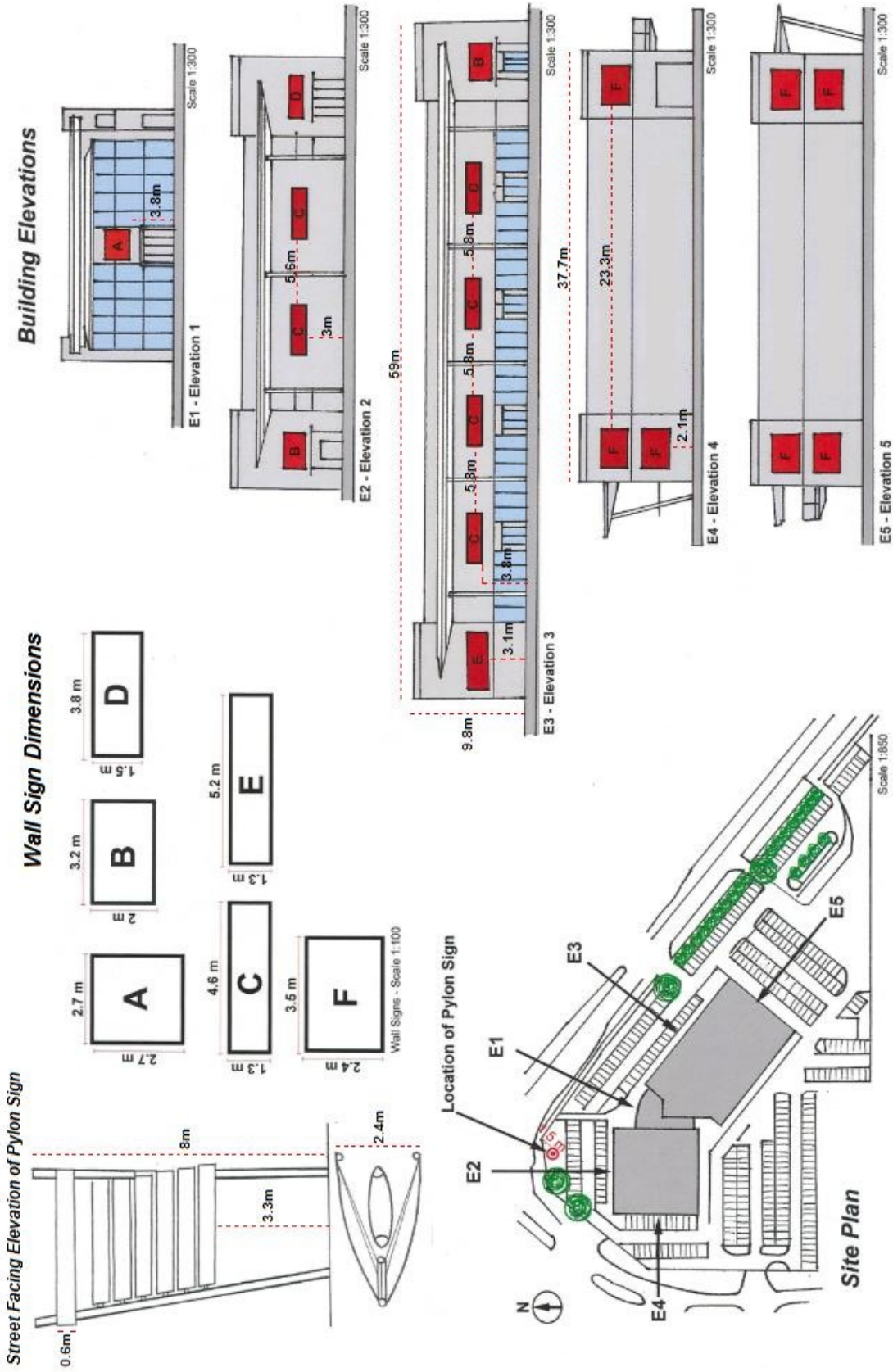
<p>Trailer Mounted Signs An object which is displayed for the purposes of advertisement (including a variable message sign); or an advertisement sign which is attached to or placed on a vehicle (car, truck, boat, trailer, caravan, machinery, whether moveable or not).</p> 	<ul style="list-style-type: none"> • Maximum horizontal or vertical dimension being 2.0m • The vehicle is removed when Cyclone warning 'Yellow' alert is issued • The sign is adequately secured to not cause risk to other road users. • Public authorities exempted.
<p>Any Other Sign - Is a sign that is not listed or defined within the general terms of the definitions or otherwise mentioned in this Policy.</p>	<ul style="list-style-type: none"> • These are to be considered against the provisions of a sign definition of 'nearest fit' and the performance criteria.

TABLE 3 – ADVERTISEMENTS NOT PERMITTED

Signs not Permitted - the signs below are not permitted.

SIGN TYPE	ADVERTISEMENTS NOT PERMITTED
<p>Tower Sign</p> <p>A sign affixed to, or placed on an open structural mast or tower.</p> 	<ul style="list-style-type: none">• Tower Signs are not permitted.

Appendix 1 – Signage Strategy Example





COUNCIL POLICY NO:-
CP070 -DRAFT EVENT APPLICATION POLICY

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION					
History:				Synopsis:	
Version:	New	OCM date	Res: ???/??	Synopsis:	Policy created.
Version:					

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE OR OBJECTIVE

The objective of this policy is to support and encourage events in the Shire of Dardanup that benefit the community and meet the relevant objectives outlined in the Shire of Dardanup Strategic Community Plan 2018-2028; while ensuring events comply with relevant legislative and legal requirements for public safety, health and amenity.

3. SCOPE

This policy applies to events held fully or partially on Shire owned and managed waterways, roads, land and facilities; and privately owned or leased properties within the Shire of Dardanup.

The following events fall outside of the Policy and therefore do not require an event application:

- Social gatherings, being small groups (generally less than 75 people over the age of 16 years) partaking in recreational activities with no significant infrastructure or entertainment.
- Events held in a building or venue that is approved for the purpose of events, and the event is within the approval limitations.
- Event held on crown land, where the event is run by the State or Federal Government.
- Political events or protests. This activity requires application and approval in accordance with the Local Government Act 1986, and other relevant legislation as required.
- Activities for which a Stallholder’s Permit, Trader’s Permit, or Permit to Perform has been issued.

4. POLICY

4.1 Event Application Criteria

An event permit is usually required for events where one or more of the following apply:

- The event type and expected number of attendees exceed or is not consistent with the planning or health approval for the proposed venue.
- The event is for more than 75 people over the age of 16 years.
- The event is advertised.
- Event registration is required, or ticket sales occur.
- Preparation or sale of food or drinks, including liquor, to the public is to occur.
- Amusement rides, bouncy castles, animals, laser or fireworks displays are part of the event.

- Erection of tents and marquees larger than 50m², stages or other temporary structures is to occur.
- Use of drones, lighting towers, generators, cabling, switches, extension cords or other specialised equipment is to occur.
- Potential noise including music, use of amplified equipment, extraordinary vehicle noise.
- Trading in a public place is to occur (i.e. food vans, food stalls, market stalls, sales or hire of goods or wares)
- Liquor is being sold, supplied or consumed.
- A permit/approval/license issued by an external agency is required (e.g. permit for fireworks or pyrotechnics).
- Traffic management is required.
- Security, crowd control, first aid or other emergency services are engaged.
- The event could have a negative impact on the residents, community or the environment.
- The event could cause damage to Shire property or reserves.
- The activities proposed to be undertaken at the event have moderate to high level of risk to the public.

4.2 Events on Shire of Dardanup Parks, Reserves and Facilities

Event bookings can be made on Shire of Dardanup managed parks, reserves and facilities which are available to all events that promote the objectives of the Shire of Dardanup Strategic Community Plan.

Any park or reserve may be booked for an event; however, every endeavor should be made to ensure that at least 50% of the park or reserve remains available for use by the general public. Public facilities such as playgrounds, BBQs and the jetty cannot be booked exclusively, with the exception of gazebos.

The Shire will consider the appropriateness of the proposed venue for the purpose of the event when assessing a booking application. The booking applications for major events supported by the Shire will be given priority. Applications will be considered on a 'first-come, first-served' basis; in the event of two or more booking applications being received at the same time the Shire will prioritise the application of local individuals, groups, and organisations.

The Shire leases a number of its facilities to various groups and organisations, meaning those which are already leased may not be available for hire.

4.3 Application

An event permit application shall be made to the Shire on the prescribed form (Form 188) for any event meeting the criteria set-out under 4.1. of this Policy.

An event booking application shall be made on the prescribed form (Form 188A) for events on Shire of Dardanup managed parks and reserves. An event booking application shall be made on the prescribed form (Form 77) for events in Shire of Dardanup facilities.

Event applications and event bookings should be made at least eight (8) weeks prior to the proposed event date.

The Shire has the right to refuse and/or cancel any event applications for a range of issues, including but not limited to:

- The impact the event will have on the environment, residents and community.
- The impact the event will have on the Shire's reputation.
- The ability to meet all legislative requirements and to obtain all permits, licenses and approvals.
- The level of risk.
- The potential damages that could occur to the Shire's property.
- The potential conflict with other events or community use in that location.

4.4 Fees and Charges

The Shire shall determine all fees and charges for community facilities, parks and reserves on an annual basis and these shall be listed in the Schedule of Fees and Charges.

4.5 Responsibility

It is the responsibility of the event organiser to:

- organise an event that complies with all relevant legislation, is safe and does not have negative impacts on community or the environment;
- to obtain all relevant approvals/permits/licenses issued by the Shire of Dardanup and/or any other government department or regulatory body;
- adhere to any conditions set out in the Shire of Dardanup event permit, Conditions of Hire for Parks and Reserves, and any other government departments or regulatory bodies.

5. REFERENCE DOCUMENTS

- Shire of Dardanup Event Guidelines
- Shire of Dardanup Form 188 – Application Form Event
- Shire of Dardanup Form 188B – Application Form Park or Reserve
- Shire of Dardanup Form 77 – Application Form Facility Hire
- Shire of Dardanup CP044- Donations and Grants : Minor Community Events Assistance
- Shire of Dardanup AP015 – Casual Hirers Liability Insurance
- Shire of Dardanup 'Activities in Thoroughfares and Public Places and Trading Local Law'
- Shire of Dardanup 'Local Government Property Local Law 2007'
- Shire of Dardanup Strategic Community Plan 2018-2028
- Health (Miscellaneous Provisions) Act 1911
- Health (Public Buildings) Regulations 1992

Appendix 12.11B – Example signs and notice boards



RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Event application assessment Policy – CP070 RISK THEME PROFILE: 1 - Asset Sustainability Practices 7 - Environment Management 3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)									
RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	Event applications not being properly assessed against health requirements, and the public safety, health and amenity being put at risk	Moderate (3)	Possible (3)	Moderate (5 - 11)	That the Shire adopt proposed Events Policy. The policy provides a defined framework for the assessment of events.	Minor (2)	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	The Shire found not meeting its implied legal responsibility and its duty of care in ensuring public health and safety at a public gathering.	Moderate (3)	Possible (3)	Moderate (5 - 11)	That the Shire adopt proposed Events Policy. The policy provides a defined framework for the assessment of events.	Minor (2)	Unlikely (2)	Low (1 - 4)	
REPUTATIONAL	The Shire being seen as having an ad-hoc/ uncoordinated approach to event assessment.	Moderate (3)	Possible (3)	Moderate (5 - 11)	That the Shire adopt proposed Events Policy. The policy provides a defined framework for the assessment of events.	Insignificant (1)	Rare (1)	Low (1 - 4)	
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: 12.7A)



POLICY NO:-
CP044 – DONATIONS AND GRANTS

GOVERNANCE INFORMATION			
Procedure Link:	NA	Administrative Policy Link:	NA

ADMINISTRATION INFORMATION					
History:		OCM:	Res:	Synopsis:	Policy created.
	1	DEV10	OCM: 10/05/12	Res:	Synopsis: Reviewed Policy Adopted
Version:	3	CP044	SCM 26/07/18	Res: 251-18	Synopsis: Reviewed and Adopted by Council
	4	CP044	OCM 14/08/19	Res: 243-19	Synopsis: Reviewed and Adopted by Council

1. RESPONSIBLE DIRECTORATE

Sustainable Development

2. PURPOSE AND OBJECTIVES

Provide positive financial support to not for profit community groups/organisations, educational institutions and individuals to assist with the development of their chosen interest and events within the Shire of Dardanup.

Provide financial support to such requests that meet the policy criteria (subject to budget constraints) and promote the Shire of Dardanup as a positive, supportive and caring community organisation.

There are four (4) categories that financial support can fall into.

- Educational
- Community Groups/Organisations – Shire of Dardanup
- Personal Development
- Minor Community Event Assistance

3. POLICY

The policy sets out the criteria for each category of financial support available.

Educational:

The Shire of Dardanup will make an annual donation for a Citizenship Award to all schools located in the Shire of Dardanup, and also to the Australind Senior High School on the following basis:

Primary Schools: Awards to the value (as adopted in the annual budget)
Middle and High Schools: Awards to the value (as adopted in the annual budget)

An allowance for these funds will be included in the draft budget, and notification will be forwarded to the schools via a formal letter upon adoption of the budget.

No application form is required to be submitted; however a written request is required.

Applications for Educational funding will be assessed by the Chief Executive Officer under the delegation of Council.

Community Groups/Organisations – Shire of Dardanup

The Shire of Dardanup will make an allocation of funds in its budget to be used to provide financial assistance to Not for Profit Community Groups/Organisations that can demonstrate an association with the Shire of Dardanup. Funding to Community Groups/Organisations fall into two categories: -

1. *Minor Community Grants*

(Appendix ORD: 12.7A)

Funding of less than \$1,000 with no matching funds required from applicant.

Community Groups/Organisations may apply for Minor Grants in each of the funding rounds, however, each grant must be for a separate project. (Where a group/organisation applies for more than one Minor Grant they must prioritise their applications).

2. Community Grants

Funding between \$1,000-\$5,000 with a 50:50 matching component where applicants must contribute at least 50% of total project cost from either the applicant organisation or confirmed other funding sources. Evidence of other funding sources must be provided.

For Community Grants the applicant's and other contributions to the proposed project may come from one or more of the following sources:

- Applicant organisation's cash;
 - State or Federal Government funding agencies;
 - Donations of materials and/or cash;
 - Voluntary labour (max. 1/3 of total project cost); or
 - Voluntary labour cost to be calculated at a maximum of \$25 per hour.
-
- Funding for Not for Profit Community Groups/Organisations will be made bi-annually. Calls for submissions will be advertised in the South West Times twice a year.
 - The applicant organisation must be based within the Shire of Dardanup, or the majority of members of the application organisation may be residents of the Shire of Dardanup.
 - The applicant should submit documented estimates of expenditure as part of the application.
 - All applications must be received by the designated closure date. No late applications will be considered.
 - A Project financial report and supporting documentation of your total expenditure must be submitted to the Shire of Dardanup, on the "Grant Acquittal – Form 116" provided, within three (3) months of the completion of the project, this is for all successful financial assistance applications.
 - If satisfactory acquittal is not submitted no further grants will be made available to the group.
 - Once an allocated budget has been utilised, no further requests for funding will be considered until the next funding round.
 - All applications for financial assistance must meet the application criteria.
 - All applications for financial assistance shall be made on the "Application for Community Grants" application Form.
 - Prior approval must be sought for any substantial changes to an application.
 - Examples of Not for Profit groups are: - Sporting, CWA, art/cultural groups or Shire of Dardanup local interest groups.

Funding will not be available for the following:

- Ineligible groups, including but not limited to, State Government Departments, (includes schools, though P & F may be eligible depending on the request, please discuss with a staff member), Business enterprises and Individuals;
- Individual wages;

(Appendix ORD: 12.7A)

- Retrospective funding or items already ordered;
- Deficit funding – for organisations that are experiencing a shortfall in cash or revenue or anticipated revenue;
- Personal travel;
- Professional fees – please contact staff to discuss as not all professional fees are eligible;
- Venue Hire;
- Where funding can be sourced from other relevant funding sources (i.e. Department Sport and Recreation, Lotterywest);
- Prizes and awards;
- Consumables;
- Operational costs;
- Team Uniforms; and
- Deficit funding.

Acquittal must be submitted within three months after financially supported proposal completed.

Personal Development

The Shire of Dardanup will make an allocation of funds in its budget to be used to help promote the personal development (non-professional) of individuals that reside within the Shire of Dardanup. E.g. music, sports, arts, science, cultural or academic.

The Chief Executive Officer has delegated authority to make payments for Personal Development in accordance with the Donations and Grants Policy.

All applications for financial assistance for Personal Development must meet the application criteria for Personal Development.

All applications for financial assistance for Personal Development shall be made on the "Application for Financial Assistance" application Form.

- All applicants seeking financial assistance should reside within the Shire of Dardanup.
- To be eligible for the \$400 for State or National representation, a letter from the governing body advising of the applicant's selection must accompany the application form.
- The applicant should submit documented estimates of expenditure as part of the application.
- The proposed development/representation must take place within three (3) months of funding being made available.
- Prior approval must be sought for any substantial change to the assistance request.
- Only one (1) application by an individual, for financial assistance per financial year will be considered.

This financial assistance is limited as follows:

- \$400 for State/National representation;
- Should the Personal Development budget be exceeded any other applications received will be approved at the discretion of the Chief Executive Officer and will be assessed on an individual basis;
- Personal Development grants are available to all age groups;
- Funding is available for Music, Arts, Culture and Academic to attend Master classes in their chosen field interstate and or overseas; and
- Funding is available for Music, Arts, Culture and Academic to attend Master Classes in their chosen field interstate and or overseas.

Acquittal must be submitted within three months after financial supported proposal completed.

(Appendix ORD: 12.7A)

Funding will not be available for the following:

- Entry fees into competitions or to attend competition events/functions;
- Purchase of personal equipment i.e. musical instruments, sporting equipment etc; and
- To attend pre-selection training/recruitment camps.

An allowance for these funds will be included in the annual budget.

Minor Community Event Assistance

The Shire of Dardanup values and supports community events. Community groups and individuals conducting community based events that in some way benefits the community, may be eligible for a donation from the Shire to assist the organiser in ensuring a free, quality and well organised event can be delivered.

The Shire of Dardanup will make an allocation of funds in its budget to be used to provide financial assistance to Community Groups/Organisations that can demonstrate the capacity to run events within the Shire of Dardanup (Bunbury Geographe).

The aim of the Minor Community Event Assistance grant is to support and enable groups to establish and develop community events which benefit the Shire of Dardanup community, are held in the Shire of Dardanup and are free to enter.

It is anticipated that funding will not be provided every year for the same event as event organisers should aim to become financially self-sufficient in the medium to long term.

- All applications for financial assistance must meet the application criteria.
- All applications for financial assistance shall be made on the "Minor Community Event Assistance" application Form.
- Prior approval must be sought for any substantial changes to an application.
- The applicant organisation must be based within the Shire of Dardanup, or the majority of members of the application organisation may be residents of the Shire of Dardanup.
- The applicant should submit documented estimates of expenditure as part of the application.
- A Project financial report and supporting documentation for total expenditure must be submitted to the Shire of Dardanup, on the "Grant Acquittal – Form 116" provided, within three (3) months of the completion of the project.
- If satisfactory acquittal is not submitted no further grants will be made available to the group.
- The event must be free to enter.
- Once an allocated budget has been utilised, no further requests for funding will be considered until the next funding round.

Requests towards a specific cost to the organiser for the delivery of the event could include a partial or entire amount towards the cost of one or more of the following items:

- Promotion and Advertising;
- Traffic Management;
- Waste Management (bins);
- Security;
- Portable toilets, public use only;
- Event furniture/equipment hire/stage hire/sound/lighting equipment hire;
- Venue Hire Fees; and
- First Aid.

Funding will not be available for the following:

- Wages;
- Retrospective funding or items already ordered;
- State or Commonwealth Government Departments or Agencies (includes schools, though P & F may be eligible depending on the request, please discuss with a staff member), profit based business enterprises and individuals;
- Personal travel;

(Appendix ORD: 12.7A)

- Professional fees – please contact staff to discuss as not all professional fees are ineligible;
- Event Coordinator Fees;
- Catering, including alcohol;
- Events that are not free to the public;
- Prizes/Awards; and
- Fundraising events.

4. PROCEDURE

4.1 Assessment

Groups registered for GST will have their grant grossed up by 10%.

Applications need to demonstrate the benefits to the community and or individual.

Applications for Minor and Community Grants and Minor Community Event Assistance will be assessed by the Manager Community Services and referred to the Director for determination.

Applications for Educational and Personal Development funding will be assessed by the Chief Executive Officer under the delegation of Council.

Applications for Minor Community Event Assistance will be assessed by the Manager Community Services and referred to the Corporate & Community Services Committee for determination.

Preference will be given to projects with demonstrated community support.

Whilst applications will be based on their merits, priority will be given to those applications from organisations/clubs that have not previously received funding.

All applicants will be notified in writing of the outcome of their application for Shire of Dardanup assistance.

Decisions regarding funding applications are final and will not be reconsidered in that funding round.

RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Grants and Donations Policy amendment									
RISK THEME PROFILE: 4 - Document Management Processes									
RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Council funds misused by grant recipient	Insignificant (1)	Rare (1)	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	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.
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.

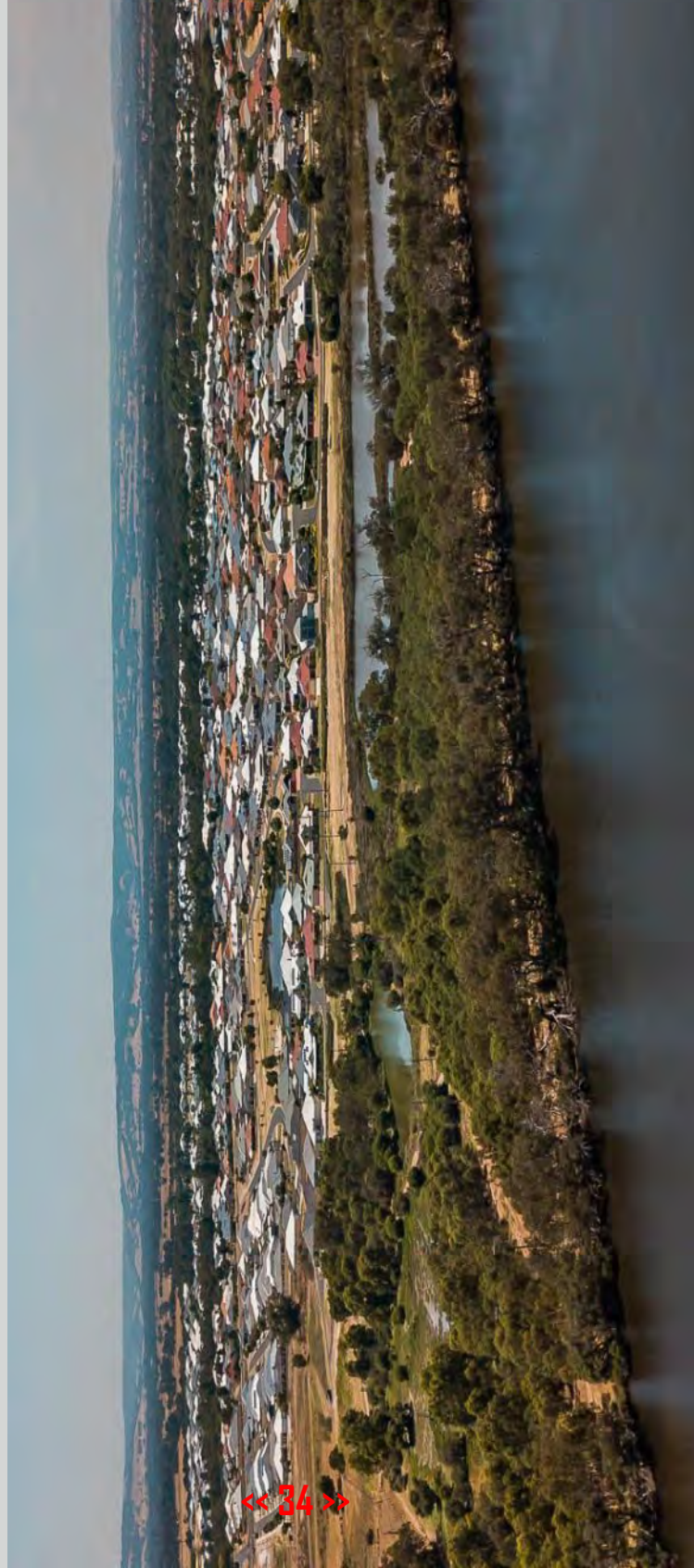
RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Local Planning Policy – CP129 – Development Assessment Unit RISK THEME PROFILE: 4 - Document Management Processes 8 - Errors, Omissions and Delays 2 - Business and Community Disruption RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	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	Unlikely (2)	Low (1 - 4)	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	The Local Planning Policy CP129 has been prepared to outline the role and function of the Shire's Development Assessment Unit. The Policy carries a reputational risk as it deals with the Shire's processes and procedures when dealing with certain applications.	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.

(Appendix ORD: 12.9A) – Please refer to Appendices Part 4

RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Draft Local Planning Scheme No. 9									
RISK THEME PROFILE: 3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)									
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	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	May affect the determination of the future rates base, if Council does not proceed with advertising LPS9.	Moderate (3)	Possible (3)	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.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Non-compliance with significant regulatory requirements imposed - Minister for Planning may support a generic Model Scheme to replace LPS3.	Moderate (3)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	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.

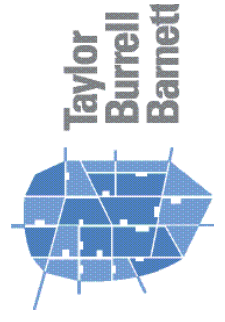
Shire of Dardanup Local Planning Scheme No.9

Peer Review Report



<< 34 >>

(Appendix ORD: 12.9C)



Prepared for the Shire of Dardanup
Prepared by Taylor Burrell Barnett
May 2020

Document History and Status

**Shire of Dardanup
Local Planning Scheme No. 9
Peer Review Report**

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Revision	Reviewer	Date Issued
20/023 (Draft)	JR	April 2020
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1.0 Introduction

1.1 Project Overview

Taylor Burrell Barnett (TBB) were engaged in March 2020 to undertake a peer review of the Shire of Dardanup draft Local Planning Scheme No. 9 (LPS9) prior to it being considered by Council for submission to the Western Australian Planning Commission with a request for formal advertising under clause 21 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

Specifically the review was requested to assist in progressing the following:

- a) Confirming the draft Scheme was in accordance with the Model Scheme Text and best practice standards;
- b) Review of housing opportunities within the urban and town site areas of Eaton, Millbridge, Dardanup and Burekup;
- c) Review of residential intensification opportunities within the walkable catchment areas of the Eaton Fair Shopping Centre and additional use considerations;
- d) Preparation of a Heritage List based on the Shire's Municipal Heritage Inventory.

This report provides a summary of the analysis undertaken and recommendations provided by TBB, and is supported by:

- **Appendix 1:** A copy of the draft LPS9 with TBB comments and track changes to assist in undertaking a final review prior to progression to Council;
- **Appendix 2:** A copy of TBB's review of the list of implementation actions included in the Shire of Dardanup's *Local Planning Strategy (LPS)*, with commentary provided by TBB as to the extent that the draft LPS9 addresses each implementation action;
- **Appendix 3:** A copy of the proposed Heritage List for consideration of the Shire as a component of progressing LPS9.

1.2 Background

In consideration of the brief the Shire has provided a range of documents both directly and via the Shire of Dardanup website, including:

- a) A copy of the most recent draft LPS9, identified as 'Version 5, June 2018 - with SO Comments';
- b) A copy of the endorsed Shire of Dardanup LPS and accompanying plans from April 2015;
- c) A copy of the recently updated Municipal Heritage Inventory to support the preparation of the Heritage List; and
- d) Access to the existing endorsed structure plans and local planning policies applicable to the Shire's existing Local Planning Scheme No. 3. Peer Review of LPS9



Image: Eaton Fair Shopping Centre is the only 'District Centre' level activity centre within the Shire of Dardanup, and as such is a significant focal point for the surrounding urban area.

2.0 Peer Review of Local Planning Scheme No. 9

2.1 Local Planning Strategy Implementation Actions

As a component of project a review of the Shire's existing LPS was undertaken to assist in understanding the rationale and background to the preparation of the draft Scheme, and to ensure that actions proposed in the Strategy have been addressed by the draft Scheme (Figure 1).

The review identified that the majority of the actions have been addressed in the draft Scheme, with the summary of our review contained in Appendix 2 to this report.

There are also a number of actions that were not considered to have been addressed, noting however that there may be additional information we are unaware of at the time of preparing this report. These actions are summarised as follows for consideration, and are further outlined in Appendix 2:

- Action 2 of the Rural Living section** identifies that 'LPS9 provisions (are) to be prepared with a view to consolidating site specific provisions for 'Rural Residential' areas'. This appears to have been implemented through the general standards and requirements of clause 32 for the Rural Residential zone, but several references are made to more site specific provisions to be included within Schedule 4. This would appear to be at odds with the Strategy action to consolidate site specific provisions, and in any event Schedule 4 is not included in the current Scheme text.
- Action 3 of the Rural Living section** identifies that rural living lots adjacent the Burekup Town Centre are to be identified as a 'Special Control Area for structure planning with appropriate provisions for area-specific requirements'. These lots have been zoned 'Rural Small Holdings' but are not located within a Special Control Area, and do not have any area-specific provisions applied that would facilitate further subdivision.
- Action 5 of the Rural Living section** identifies that the Ferguson/Henty Rural Living Precinct should be identified as 'a Special Control Area for structure planning with appropriate provisions for area-specific requirements'. Although this area has been zoned Rural Residential under the draft LPS9, there are no specific structure planning provisions for this precinct. In addition, it is included within the SCA10 (Tourism Encouragement Area) but no provisions have been included in the Scheme Text for SCA10 as yet.

- Action 6 of the Rural Living section** identifies that the Wellington Mills Rural Living precinct is to be identified as 'a Special Control Area for structure planning with appropriate provisions for area specific requirements'. Only portions of the identified Wellington Mills Rural Living precinct are to be zoned 'Rural Residential' consistent with the other rural living precincts, and the area isn't within an SCA for the purpose of structure planning. It is, however, included within the SCA10 (Tourism Encouragement Area) but no provisions have been included in the Scheme Text for SCA10 as yet.
- Action 7 of the Rural Living section** identifies that the Dardanup South Rural Living precinct is to be identified as 'Rural Residential' with appropriate scheme provisions

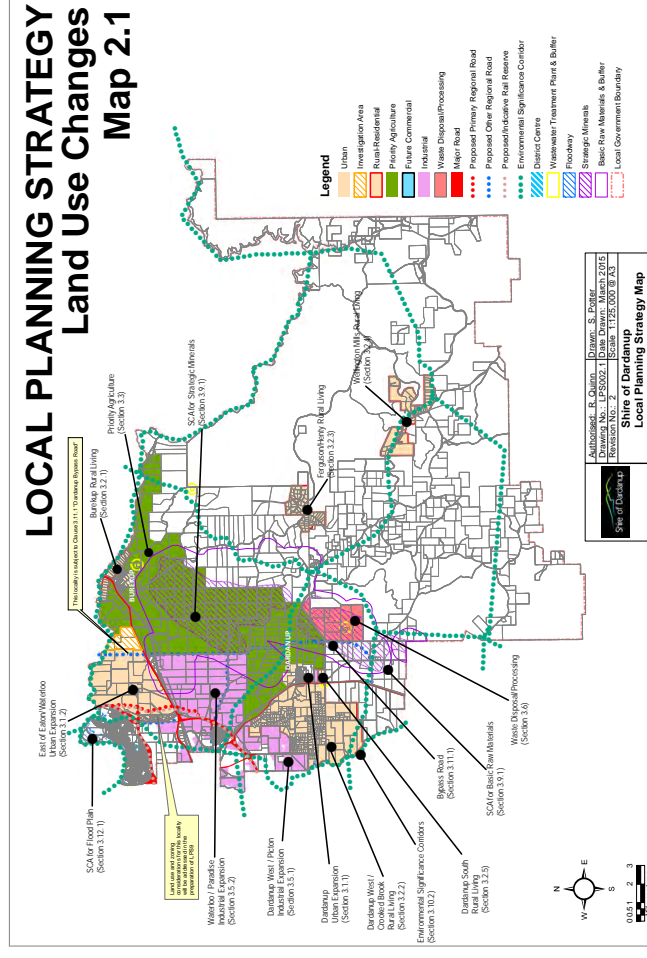


Figure 1: The Shire of Dardanup Local Planning Strategy (2015) identifies a number of implementation actions to be completed as part of preparing Local Planning Scheme No. 9.

and a restriction preventing further subdivision'. The lots identified are proposed to be zoned 'Rural' without any suggestion that they are for rural residential purposes, or any restriction on further subdivision beyond the minimum site area range specified by the Rural zone specific provisions in clause 32.

6. Action 2 of the Retail and Commercial section identifies that land on Eaton Drive adjoining the Eaton Town Centre is to be zoned 'Mixed Business - Non Retail' and Scheme provisions are to be consistent with the Activity Centres for Greater Bunbury Policy'. It is not immediately clear whether this objective is referring to land to the west of Eaton Drive or to the south of the Eaton Town Centre, which is also adjacent Eaton Drive. In any event, 'Shop' is a permissible use in both the Commercial zoned western area and the Service Commercial zoned southern area, so the zoning of the land for non-retail uses does not appear to have been addressed.

7. Action 1 of the Waste Disposal / Processing section identifies that land surrounding and including existing waste sites are to be zoned 'Waste Disposal / Processing in LPS9 with appropriate provisions. Whilst the Scheme maps identify two Special Use zone precincts (SUZ1 and SUZ2), the Scheme text only outlines provisions relating to SUZ1, and the bulk of the provisions relating to the Waste Disposal / Processing precinct are currently located in the Special Control Area section in line with the identification of Special Control Area 6. It is understood from reviewing the notes of Shire officers that this still requires further work to identify the broader precinct as a Special Use Zone with clear provisions outlining development requirements, and the Scheme text provisions of this should be reviewed prior to finalisation.

8. Action 1 of the Tourism section outlines that LPS9 is 'to include provisions and criteria to be addressed as part of an application for a tourist development. The sample provisions included in the NTPG should be used as a basis for the LPS9 provisions.' Development requirements and standards are included within the Tourism Zone, though it is noted this zone is used sparingly in the Scheme Maps, and an SCA for Tourism Encouragement Area (SCA10) is included across a large area, but as yet there are no Scheme provisions which relate to this SCA.

9. Action 1 of the Natural Resources section outlines that 'Strategic mineral areas are to be identified in LPS9 as a Special Control Area with the inclusion of appropriate scheme provisions as provided in the Strategic Minerals and Basic Raw Materials Policy of the GBRs'. The draft Scheme doesn't include a Special Control Area for Strategic Minerals and Basic Raw Materials, and the Scheme provisions make little reference to them. We note that the plan outlined within the policy identifies that such a special control area would be cover a significant proportion of land within the Shire of Dardanup, so may in fact be of limited benefit given it will be well understood by decision makers.

10. Action 2 of the Natural Resources section outlines that 'the Wellington Dam Catchment Area is to be identified in LPS9 as a Special Control Area with the inclusion of appropriate scheme provisions as provided in the Public Water Supply Catchment Policy of the GBRs'. We note that there is no Special Control Area proposed for water catchment areas or Scheme text provisions relating to this matter, but this may have been addressed by the 2017 amendment to the GBRs to include the Special Control Areas within that Scheme.

11. Actions 1 to 4 of the Environmental Protection section outlines that Environmental Significance areas / corridors are to be identified as Special Control Areas within the LPS9, and provisions are to be included to ensure tree planting, tree preservation and vegetation corridors are to be required, subject to further liaison with the EPA and WAPC. These matters have not been addressed as part of the draft LPS9, but we recognise that further discussions with these agencies may have resulted in the identification of an alternative method of ensuring protection of these areas.

12. Action 1 and 2 of the Constraints section identifies that the floodplains for the Collie and Preston Rivers should be identified as Special Control Areas in LPS9, with appropriate Scheme provisions to control development within the floodplain areas, and land within 200m of other watercourses without a defined floodplain should also be addressed through Scheme provisions. These matters have not been addressed as part of the draft LPS9, though we recognise they may be the subject of further discussion with the Department of Water and Environmental Regulation.

Whilst we understand the intent of this, we anticipate the DPLH will request that the provisions are included under a reformatted clause 32 rather than extension of the subsequent clauses. Aligning with the MST will ensure the provisions are straightforward and easy to understand for readers as the numbering will be consistent across Schemes. It will also ensure that the variations clause (clause 34 under the MST and clause 62 under the Shire's draft Scheme) is consistently applied to all development standards under clause 32 and 33, as at present the Shire's variation clause applies to all of Part 4.

c) Special Control Areas / Development Contribution Areas: The *Planning and Development (Local Planning Scheme) Regulations 2015* do not currently provide the enabling provisions for the application of Development Contribution Areas either through the MST or the Deemed Provisions, as they are contained within Appendix 2 of *State Planning Policy 3.6 Development Contributions for Infrastructure*. It is ultimately intended that, once the updated SPP is adopted, these provisions will be inserted into the Regulations as either Model Scheme Text or Deemed Provisions.

These provisions need to be included within local government schemes to ensure that the local government has a sufficient head of power to adopt and implement a development contribution plan for a specified area.

At present the Shire's draft Scheme does not include the provisions, and these should be included within Part 5 (Special Control Areas) of the draft text prior to Table 12. In including these provisions, each of the proposed Development Contribution Areas should be transferred from Table 12 to a dedicated Schedule (Development Contribution Areas), with each given a specific numerical reference and identified on the Scheme Maps.

In further considering these matters prior to the preparation of the final draft LPS9, we recommend that the Shire prepare a table similar to that included in **Appendix 2** to ensure that all matters raised in the Strategy have been sufficiently addressed, and where further information or justification is necessary to support the Scheme text this is provided.

2.2 Model Scheme Text Alignment

A review of the draft Scheme Text has been undertaken and it is considered to be predominantly consistent with the form and structure of the Model Scheme Text. There are three areas that we believe require some further attention and work prior to finalisation, however, which are outlined as follows:

a) Modifications to Land Use Zones: We note that the Shire has proposed a number of modifications to the standardised zones outlined in the Model Scheme Text. The Zones modified are noted as:

- **'Residential' and 'Mixed Use'**, for which the Shire has proposed additional objectives, all of which we are supportive of, but likely require some additional justification to the DPLH as part of progression of the draft Scheme;
- **'Private Community Purposes'**, which is not a standard zone within the MST, but appears to take its objectives from the standard zone of 'Private Clubs, Institutions and Places of Worship'. Using the standard zone name may be more desirable to support consistency across Western Australian local planning schemes, and such an approach would not appear to compromise the use of the zone within the Shire of Dardanup.

b) Development Requirements and Standards Clause 33, 35 - 61: The MST provides clauses for development requirements and standards as clause 32 (general standards) and clause 33 (standards for structure planning areas). Whilst the Shire's Scheme makes use of these two clauses (as clause 32 and 34), it also includes 28 additional clauses (numbered from clause 33 and 35 - 61), which provide an array of additional development specific standards, most of which are applicable to all zones.

2.3 Other Considerations

In reviewing the draft Scheme there are a number of other matters which we are of the view require further consideration by the Shire prior to progression, particularly where provisions lack sufficient context or explanation, or may be better formulated.

These are summarised as follows:

- **Clause 19 (Additional Uses):** The Additional Use table appears to be consistent with the MST provisions but:
 - a) The table currently does not specify the permissibility of the uses (P, D, A, etc), which is important as users will otherwise not understand the amended permissibility;
 - b) The Additional Uses are not currently outlined on the Scheme Maps, which is important in understanding the extent of applicability.

- **Clause 19 (Additional Use 6):** It is noted that Additional Use 6 provides for additional uses of 'Consulting Rooms', 'Medical Centre' and 'Office' across a series of sites to the west of Eaton Drive. In reviewing these it is noted that the subject sites, which are zoned 'Residential' under the existing Scheme, are proposed to be zoned 'Commercial' under the LPS9. Each of these uses is already permissible within the 'Commercial' zone, so the Additional Use classification is redundant given the proposed zoning.

As a separated but related matter, the rationale for zoning the identified lots as 'Commercial' is unclear, as the existing Scheme provides for these lots to be used for commercial purposes that fit within a residential context, but applying the 'Commercial' zone will provide for a raft of commercial land uses that may not fit within a residential context, and may impact upon the abutting and surrounding R20 Residential areas.

It would also appear to be at odds with the recommendation of the Local Planning Strategy, which identifies that land adjacent to the Eaton Fair Shopping Centre should be zoned 'Mixed Use - Non Retail'. The 'Commercial' zoning doesn't provide for residential uses so doesn't facilitate mixed use development, and it provides for 'Shop' as a 'P' use, so provides no restriction at all consistent with 'no retail'.

- **Clause 21 (Special Use Zones):** As briefly noted in Section 2.1 of this report, Table 6 currently identifies one Special Use Zone area (SU1) for Lot 4580 Panizza Road, but:
 - a) The Scheme Maps identify two special use zoned sites (SU1 and SU2) (**Figure 2**);
 - b) The implementation actions of the LPS identify that the broader waste processing/disposal precinct should be zoned consistently for this purpose and suitable provisions be applied;
 - c) The waste processing / disposal precinct is currently identified as a Special Control Area (SCA6) with more specific provisions relating to the expectations of development applications, but we note the comment from Shire officers in the margin that these provisions are to be relocated to the Special Use Zone section.

We would recommend this be given further consideration and the provisions of SCA6 be reviewed and consolidated in the Special Use Zone section, and the Scheme maps updated accordingly.

- **Clause 26 R-Code standards:** Clause 26 includes standards applicable to the maximum floor area, wall height and ridge height of an outbuilding within the Residential zone. We aren't clear as to whether these standards are absolute and incapable of variation by development application, as their inclusion within clause 26 would render them incapable of variation under a standard MST approach, as variations only apply to clause 32 and 33.

The Shire's Scheme, however, indicates that the variations clause (currently clause 62) applies to all of Part 4, inclusive of clause 26. We are of the view that these provisions should be capable of variation by development application, so as to not unreasonably restrict otherwise acceptable development, and should therefore ideally be included in clause 32 as a general development standard, rather than clause 26.

- **Clause 32 (Application of RAC-1 Coding):** It is noted that the Scheme standards apply an RAC-1 density coding to both the Mixed Use and District Centre zone. Whilst the application to the District Centre zone, which is only applied for the Eaton Fair Shopping Centre, is considered very high, the relative separation of the centre from

the surrounding suburban context provides the opportunity to gain significant height and scale of residential development, pending market viability of such development. As a result it is considered acceptable for the District Centre zone. The Mixed Use zone, however, is used for small local centres in Eaton and Millbridge, and the RAC1 coding is considered to be significantly out of scale with even the aspirational density surrounding these centres. It is recommended that this be modified to something more consistent with the suburban context, with R80 or R100 considered to be more consistent with the surrounding density coding.

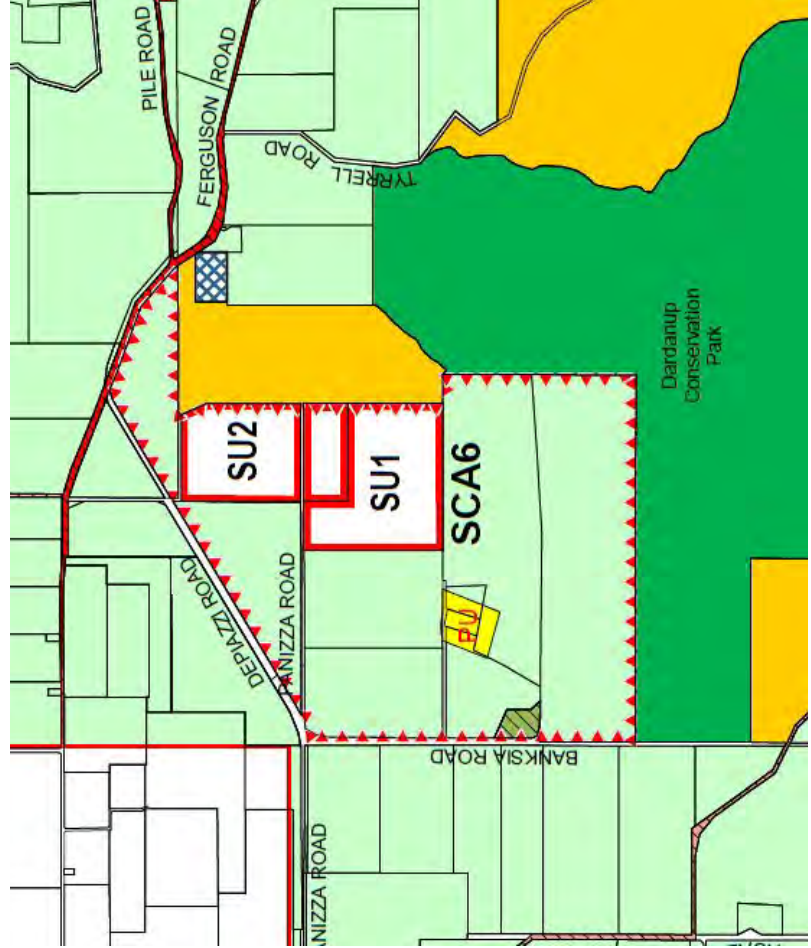


Figure 2: An extract of draft LPS9 identifying Special Use Zone 1 and 2, along with SCA6, all of which are currently applicable to the waste processing / disposal precinct identified in the Shire's Local Planning Strategy.

- Clause 32 (Tourism Zone Standards):** The Scheme includes provisions under clause 32 with respect to the Tourism zone which refer to a 'residential occupancy restriction' and a 'no-occupancy-restriction' which are not well defined or explained. We recommend revising the way in which these provisions are written to ensure they are more easily understood.

We understand that this is a perennial issue within south-western local governments, and recommend further liaison with the officers of some of the surrounding Shires, such as Busselton, Augusta-Margaret River and Donnybrook, amongst others, to collaborate on statutory approaches to limiting occupancy in tourist facilities.
- Clause 33 (Tourism Uses in Rural, Rural Smallholdings and Rural Residential Zones):** The provisions of Clause 33 indicate that tourism standards applied are an absolute not capable of variation, but this is inconsistent with clause 62 which indicates that all provisions within Part 4 are capable of variation via decision of the determining authority on an individual development application.

We are not clear as to the rationale in specifying that these particular standards are not capable of variation, as there are likely to be situations in which variation is warranted in consideration of an individual development application, and consider it important to allow an applicant this opportunity, and not restrict the opportunity for the Shire to support such a proposal. We recommend that the limitation on these provisions be reconsidered prior to progression of the Scheme.
- Clause 33 and 35 - 61 (General Development Standards):** In addition to our recommendation that these clauses be reformatted under an expanded Clause 32 to align with the format of the MST (as per Section 2.2 of this report), we also recommend that the Shire consider shifting the non-essential provisions into Local Planning Policy instead of including them all within the Scheme. In reading through these provisions we are of the view that many of them are fairly generic and not essential as Scheme provisions, but rather provide guidance to applicants in the expectations of the development applications. The use of Local Planning Policies would also provide the Shire with greater breadth to explain the intent and expectations through text and diagrams/figures, making it easier for all stakeholders to understand.

- **Clause 41 (Traffic Impact Assessment):** Given the Department of Transport provide fairly comprehensive guidelines as to the threshold requirement for both Traffic Impact Statements and Traffic Impact Assessments, we are unclear as to why the Shire would need replication of these standards, and why these standards would need to be enforced by the Scheme. We recommend this be given further consideration, and if deemed necessary to retain the standards, either reference the DOT standards directly in the Scheme instead of replicating them, or consider whether they may be better placed in a Local Planning Policy or guidance note.
- **Clause 43 (Split Density Coding in the Residential Zone):** We note that these provisions, in the context of clause 62 (variations clause) are capable of variation subject to a development application. The more common approach to split coding provisions is to make them an absolute provision of the Scheme that is not capable of variation, to ensure that the density bonus is only available where the bonus criteria has been achieved. This aligns with the approach taken by the WAPC in R-Coding, in that only the WAPC is able to vary the minimum and average site requirements for the R-Codes, to maintain the density codes as a reliable standard within the planning system.
We accept, however, that local governments may seek a level of discretion when dealing with split coding provisions so as not to prevent otherwise acceptable outcomes (e.g. a frontage that is 39.5m rather than 40m not being permitted to utilise the higher coding), but thought it best to raise the question for further consideration.
- **Clause 53 (Signage and Advertisements):** We note that clause 53(1) currently requires development approval for all signage, which may conflict with the standard exemption for signage under clause 61(1)(h) of the deemed provisions which provides an exemption for signage consistent with a class specified in a local planning policy or local development plan. Whilst the deemed provisions override the Scheme to the extent of any inconsistency, it may be better to avoid the inconsistency in the first instance, and we recommend removing clause 53(1).

- **Clause 64 (Design Guidelines):** We note that clause 64 provides the ability for the Shire to prepare and endorse Design Guidelines for any part of the Scheme, though these provisions are in draft form and appear to be incomplete. We are not of the view that these provisions are necessary, as Design Guidelines can already be properly considered and adopted for any portion of the Scheme area as a local planning policy consistent with Part 2, Division 2 of the Deemed Provisions. Clause 64 in part appears to replicate these provisions, and is not considered necessary. We recommend removing clause 64 in its entirety.
- **Special Control Area 10 (SCA10):** As briefly outlined in Section 2.1 of this report, the Scheme Maps identify Special Control Area 10 as a Tourism Encouragement Area, which is broadly consistent with the implementation action of the Local Planning Strategy. There are, however, not currently any provisions within Part 5 of Table 12 relating to SCA10. It is recommended that these provisions are drafted and included as a component of the final draft LPS9.
- **Minor clarifications, considerations and formatting:** There a number of more minor matters that we have outlined in our review in **Appendix 1**, including:
 - Questions of clarification with respect to provisions that we are either unclear on the intent of, or are potentially incomplete due to the drafting stage of the Scheme;
 - Questions for reconsideration of the need for provisions, as they are either guidance for applicants or matters which are likely better framed in policy, and as such can potentially be removed from the Scheme; and
 - Formatting or presentation issues, the majority of which we have not corrected as they should be undertaken in finalising the Scheme once the extent of text and presentation style are confirmed.

3.0 Residential Opportunity Analysis

3.1 Analysis Overview

Section 3 outlines the analysis of the Shire's existing and potential future residential development to assist in identifying growth opportunities for consideration by the Shire prior to finalising the draft LPS9.

The primary aim of this analysis is not specifically to facilitate additional residential growth, but rather to undertake a 'health check' to identify potential opportunities and provide recommendations as to whether these should be progressed in the short-term, and the necessary further analysis and planning required to progress such opportunities.

This section utilises an array of planning policy and guidance predominantly provided by the Western Australian State Planning Framework, with particular focus on:

- Liveable Neighbourhoods (2009)
- State Planning Policy 3.0 - Urban Growth and Settlement (SPP3);
- State Planning Policy 7.3 - Residential Design Codes (Vol 1 and Vol 2) (SPP7.3); and
- Activity Centres for Greater Bunbury Policy (WAPC 2012).

In the interests of providing clarity to the analysis the following sections have been divided based on key attributes which influence residential development, being proximity to existing nodes, areas subject to structure planning and existing suburban environments.

3.2 Intensification of Nodes

The first stage of a residential opportunity analysis is to undertake a review of the existing and potential residential density within and adjacent to existing commercial and community nodes.

3.2.1 Eaton District Centre

The Eaton District Centre is subject to the Eaton Fair Activity Centre Plan (**Figure 3**) and primarily consists of the Eaton Fair Shopping Centre, the Shire of Dardanup Council offices, Eaton Community College, Eaton Recreation Centre and a variety of commercial and service-commercial businesses providing goods and services to the local and regional catchment.

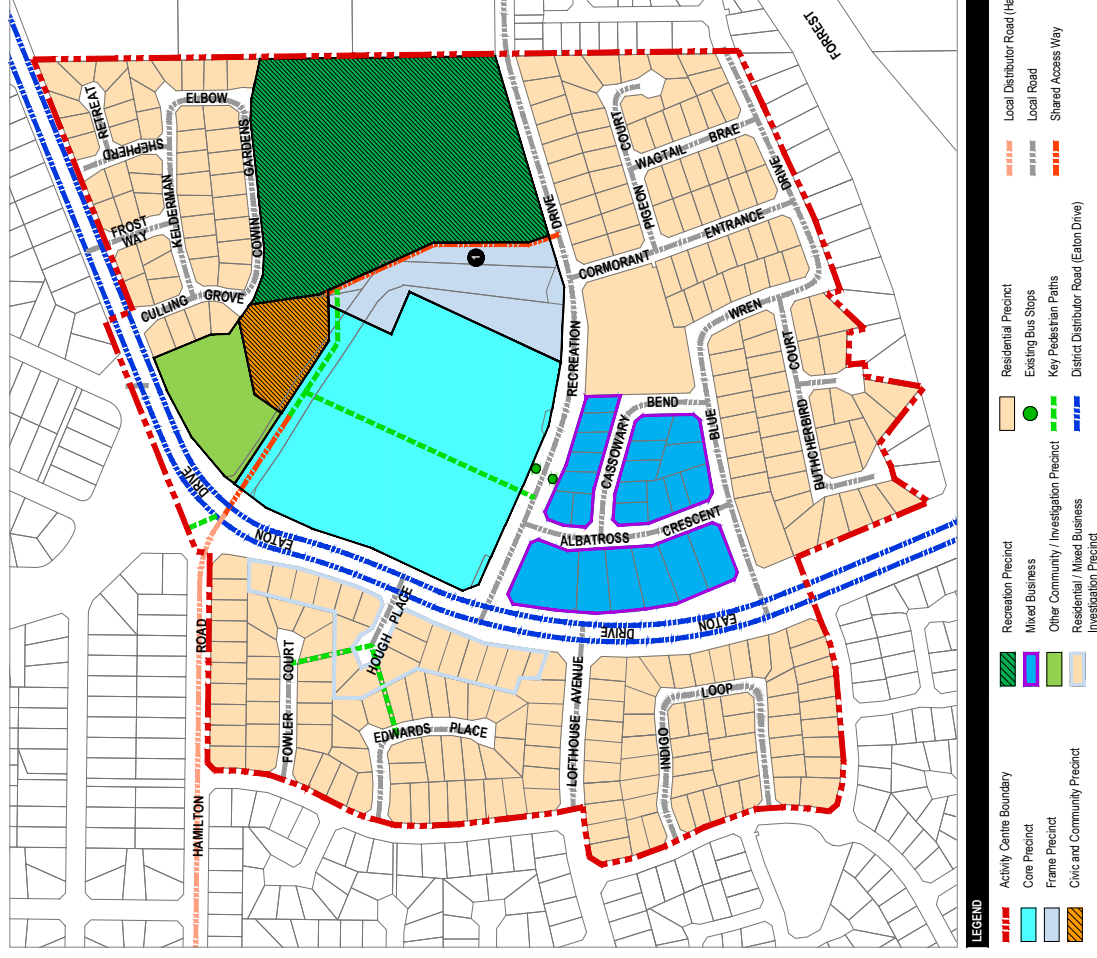


Figure 3: The Eaton Fair Activity Centre Plan was endorsed by the Shire of Dardanup in 2016.

3.2.1.1 Spatial Distribution of Residential Development

In analysing the residential potential under the Eaton Fair Activity Centre Plan the following is noted:

- a) The 'Core Precinct' and the 'Frame Precinct', which collectively encompass the Eaton Fair Shopping Centre, provide for 'Medium - High density residential' under an R-AC1 density code. It is noted that LPS9 proposes the Core Precinct to be zoned 'District Centre' with an RAC-1 coding, and under SPP7.3 (Volume 2) the RAC-1 Code provides for residential development up to nine storeys with a potential plot ratio of 3.0. It is also noted that a small number of multiple dwellings have been provided within this precinct as part of the 2015 redevelopment of the Shopping Centre, as shown in the image below.
- b) The 'Mixed Business Precinct' does not provide for residential uses, and the precinct is proposed to be zoned 'Service Commercial' under LPS9 which does not permit residential development.
- c) The 'Residential Precinct', together with the 'Residential/Commercial Precinct' provide for residential development consistent with the existing TPS3, with no further changes to the density or development standards proposed.



Image: Apartments developed atop the Eaton Fair Shopping Centre as a component of its redevelopment in 2015.

The consideration of residential intensification surrounding a District Centre generally falls within the walkable catchment of 400m (5 minute walk) to 800m (10 minute walk) of the centre boundary. The designation of the centre boundary for the purpose of the walkable catchment depends upon the key attractions of that centre, and may be focused on key retail operations, employment generators and public transport nodes, amongst others.

In the case of the Eaton District Centre, the key attraction is clearly the Eaton Fair Shopping Centre, with peripheral retail and recreation activities to the centre forming secondary attractions. For the purpose of **Figure 4**, radial walkable catchments have been annotated at a central point within the centre, with further analysis of the actual walkable catchment outlined in **Figure 5** and discussed further below.

In reviewing the spatial distribution of Residential Density coding there appears to be limited priority given to increasing residential density potential based on proximity to the centre. The most extensive coding applied to Residential zoned land within 400m of the centre is R20, with only individual sites coded R30 to the south of the centre, and some lots on the periphery of the 400m radius to the north coded R40 (Figure 5). The 400m - 800m catchment exhibits similar sporadic application of residential coding, with suburban areas to the east coded R20, northern sections coded R30 and R40, and a portion of land backing onto the Forrest Highway coded R10.

The target density for the walkable catchment of a District Centre under the WAPC's *Activity Centres for Greater Bunbury Policy* is 30 dwellings per hectare.

Based on analysis of cadastral information it is estimated that the Eaton District Centre currently accommodates approximately 370 dwellings within 400m of the centre, which equates to an actual density of approximately 7 dwellings per gross hectare or 11 dwellings per net hectare. This is significantly below the target density provided by the policy.

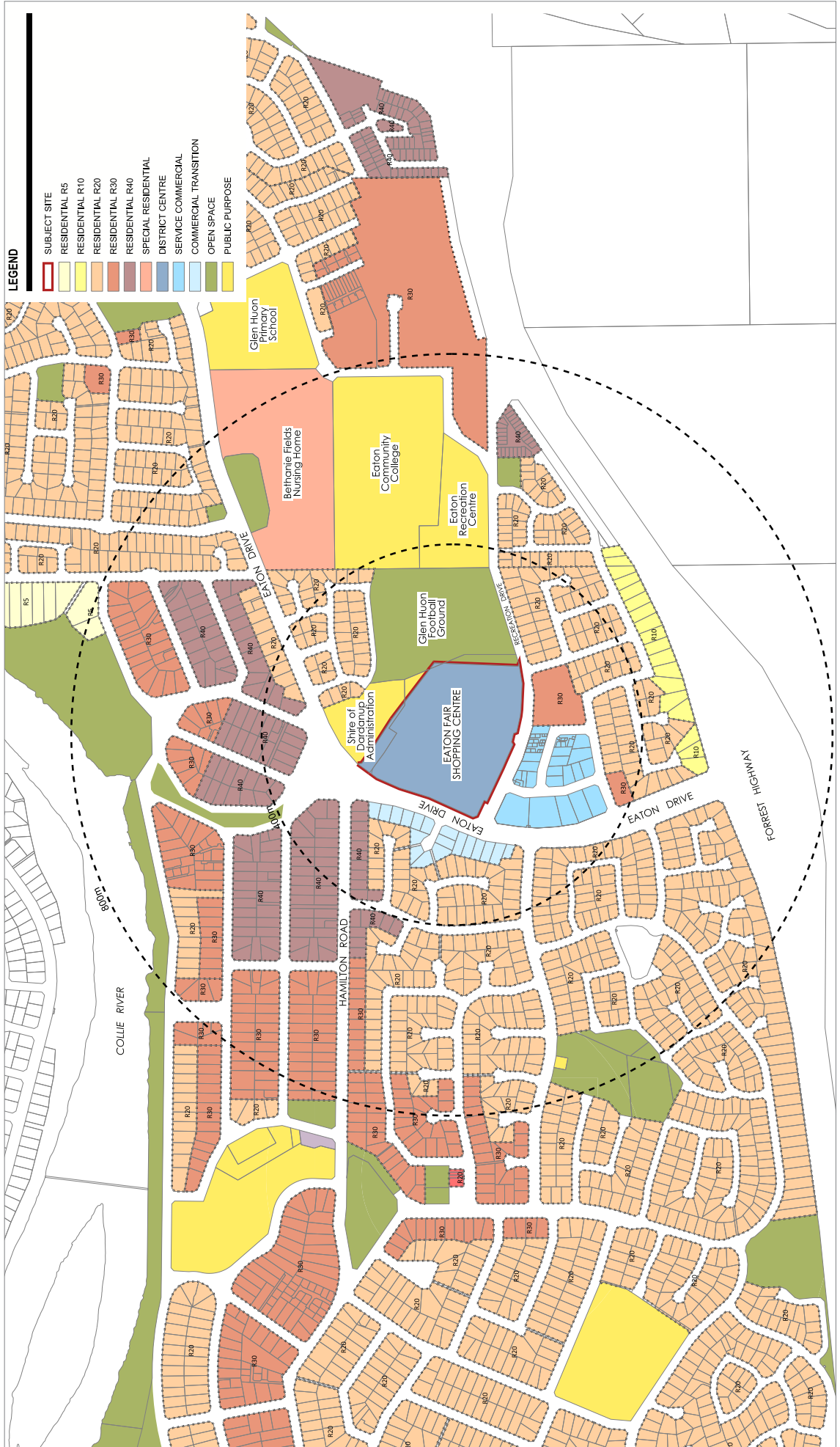


Figure 4: Existing land use analysis of the Eaton District Centre and surrounds, noting the suburban residential environment within 400m and 800m of the core retail and commercial precincts.

3.2.1.2 Potential for Future Residential Development

In reviewing the subdivision potential for the 400m and 800m catchment under LPS9 the analysis has noted the following:

- a) **Lots coded R20** are predominantly less than the R-Code threshold of 900m² to be permitted to subdivide and meet the required average lot size requirement of 450m², with the majority being between 671m² and 805m². Lots that do exceed the 900m² are generally corner lots which are splayed in their design, or deeper mid block lots accessed via a cul de sac.
- b) **Lots Coded R30**, and particularly those to the north of Eaton Fair, are predominantly in excess of the minimum threshold of 600m² to be permitted to subdivide and meet the required average lot size requirement of 300m², with the majority being between 750m² and 1,078m². These lots almost exclusively fall within the 400m - 800m radius, with very few located within the 5 minute walk of the Eaton Fair Shopping Centre.
- c) **Lots coded R40** have significant subdivision potential, particularly given the opportunity to develop either grouped or multiple dwellings. The majority of lots are between 751m² and 1,078m², which at an average lot size requirement of 220m², or a potential multiple dwelling plot ratio of 0.7, provides significant opportunity to subdivide and/or develop.

There is also clear potential for further multiple dwellings to be developed within the Eaton Fair Shopping Centre complex, but this will be subject to the landowners desire to undertake further residential development on site and the market opportunities and constraints to the development proceeding.

In further analysing the residential development potential of this precinct it would be beneficial to have an understanding of the impediments to redevelopment of existing dwellings, and in particular the extent of market demand for smaller lots/dwellings and any infrastructure constraints.

This information could then be used to prepare a series of assumptions for scenario analysis of the existing residential potential, which may demonstrate that the centre is capable of achieving a density per hectare closer to that desired under the *Activity Centres for Greater Bunbury Policy*.

3.2.1.3 Alternative Residential Density Proposal

The brief has requested advice on alternative coding arrangements based on best practice standards and WAPC policy guidance. In planning a District Centre, and achieving the target density for this centre, a residential coding substantially greater than the target is commonly applied to overcome:

- a) non-residential uses within the catchment area, including commercial/retail uses, community uses, open space and land for roads and access;
- b) inefficiencies in the subdivision and development processes which result in an achieved average lot size higher than the minimum requirement.

It is best practice to start with the highest density potential being applied to the core area of the centre, as residents living within this area have the most convenient access to local services, public transport and employment.

For the purpose of the subject area this would apply to the District Centre zone, which as noted above has been granted a density code of RAC-1. It was noted previously within this report that the coding is considered very high for a District Centre, but given the separation of the centre from surrounding suburban areas, the flexibility provided by an RAC-1 Code is likely appropriate as it will have very minimal impact on surrounding residents.

To achieve the density target of 30 dwellings per hectare within 400m of the District Centre, it would generally be appropriate to apply a code of R60, as this provides opportunity to achieve grouped dwellings at a minimum lot size of 120m² and multiple dwellings at a plot ratio of 0.8.

Residential density would then logically transition to the surrounding lower density suburban areas, with a frame of R40 within the 400m-800m walkable catchment of the centre, R30 at the periphery of the 800m, and R20 thereafter.

The application of this coding arrangement to the Eaton District Centre is shown in **Figure 5**, with the walkable catchment measured on actual walking distances via roads and pedestrian access ways rather than being based on radial distances.

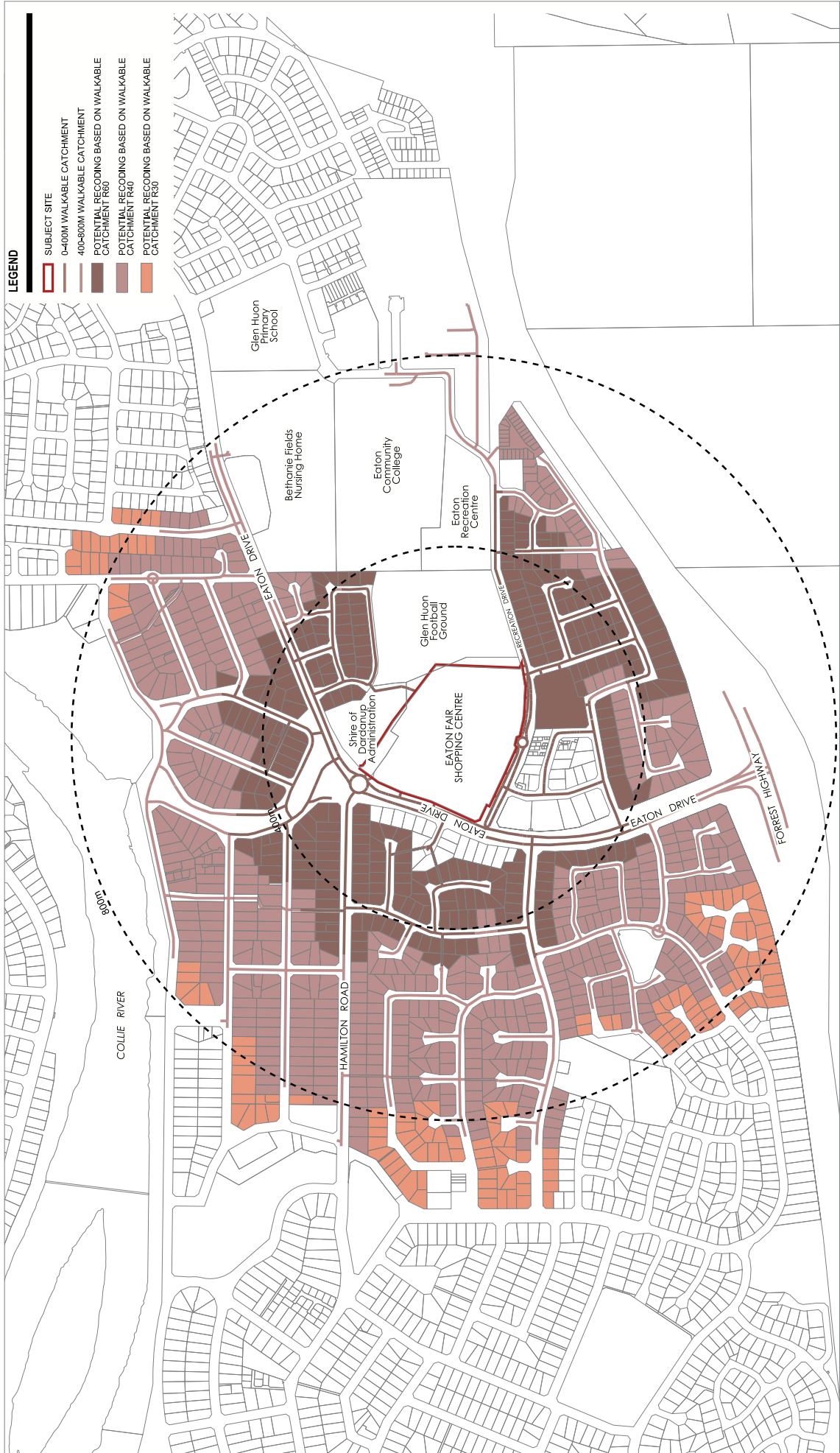


Figure 5: Alternative Density option based on actual walkable catchments to the Eaton Fair Shopping Centre of 400m (R60 application) and 800m (R40 application) for further consideration and refinement.

3.2.1.4 Recommendations for Shire Consideration

Whilst the coding arrangements outlined in **Figure 6** are potentially appropriate for the subject area, it is not recommended that the Shire proceed with this recoding as a component of the draft LPS9 as:

- It is not considered that the recoding is sufficiently justified at this time given the substantial existing development potential within the catchment areas that is yet to be capitalised upon; and
- The application of higher density coding without a full understanding of the desired and potential residential character and built form outcomes within these areas will likely lead to unexpected and potentially detrimental outcomes.

It is instead recommended that the Shire:

- Undertake further analysis of the opportunities and constraints within the LPS9 coding arrangements to understand the market demand for smaller lots/dwellings and any infrastructure deficiencies that may be constraining subdivision and development;
- Undertake engagement with the affected landowners and residents to better understand their desire to develop their properties, and the dwelling typologies they consider appropriate within their suburban areas;
- Identify and prepare preferred dwelling typologies and subdivision designs based on the existing and desired neighbourhood character, resident/landowner aspirations and existing lot configurations, to provide a clearer understanding of the preferred development outcomes and inform the Scheme and policy provisions required to achieve those outcome.
- Consider the preparation of a Local Planning Policy to control poor infill development form under both LPS9 and an alternative coding arrangement. This will be important in protecting the local character, tree canopies and establishing direction for some deficient areas of the R-Codes, particularly in the context of the integration of multiple dwellings, infill within cul-de-sac environments and interface with open space.

The analysis above could be undertaken in support of a future amendment to LPS9, and form part of the supporting justification to this amendment report.

Figure 5 is not, however, a recommended coding plan, as it requires careful refinement to avoid the otherwise illogical application of residential coding, particularly where:

- Individual lots or small groups of lots within a street block are granted a lower coding simply because they are on the periphery of a walkable catchment, resulting in their development potential being inconsistent with the remainder of the street block (as shown in **Figure 6**);
- Recoding where the density potential would exceed the capacity of the local road network, particularly where sites are accessed from cul-de-sacs;
- Lots would be 'down-coded' as a result of a coding change which reduces their potential from that provided under the existing TPS3, as this would be an unreasonable impost on those landowners.



Figure 6: An example of a portion of the alternative coding proposal that would require refinement, as the street is subject to two different R-Codings that will lead to an inconsistency in built form outcomes.

3.2.2 Burekup Town Centre

The brief has requested a review of the residential codings applied to the Burekup Town Centre, and more specifically the application of the lower codings of R5 and R2.5. It is understood that landowners have raised objection to the application of the R-Code development standards for these lower codings, and the Shire shares these concerns, particularly with respect to street setback and open space requirements.

The following general observations have been made in reviewing the coding in the context of **Figure 7**:

- The R20 coding applied to the majority of the 400m walkable catchment of the Town Centre is likely appropriate, as it is a relatively small town and there is anticipated to be limited desire for lots smaller than an R20 code would provide;
- The reduction of coding at the peri-urban areas is also likely appropriate, to provide a greater variety of lifestyle opportunities and transition to the rural landholdings surrounding the town centre;
- The introduction of urban expansion areas, consistent with the Burekup Townsite Expansion Strategy 2009 and via the Urban Development zone under LPS9, provides for additional supply to meet demand for residential development. The Strategy identifies that the lot densities will be similar to that already within the Town, being R12.5 to R30, but predominantly R20.

There are two potential methods of addressing the concerns expressed by residents of the R5 and R2.5 lots:

- a) Increase the residential coding to R10 or R12.5, as this will provide development standards which are closer to that of the R20 lots. It will also, however, provide the majority of these lots with subdivision potential, and given their relatively narrow frontage and deep lots, is likely to facilitate predominantly battleaxe subdivision unless sites are amalgamated.
- b) Amend the R-Code development standards for these sites via provisions in clause 26 of LPS9 to provide them with reduced primary/secondary street setback requirements and reduced open space requirements.

It is recommended that the Shire proceed with option b) as an initial step to providing the landowners with relief, as this will provide flexibility in the development standards without unexpected or undesirable subdivision outcomes.

The Shire may then further consider increasing the density code once the layout and density of the adjacent urban development precinct is progressed and the opportunities for coordinated subdivision within the subject area are better understood and detailed planning for this subdivision is progressed.



Figure 7: Land use distribution within the Burekup Town Centre based on LPS9.

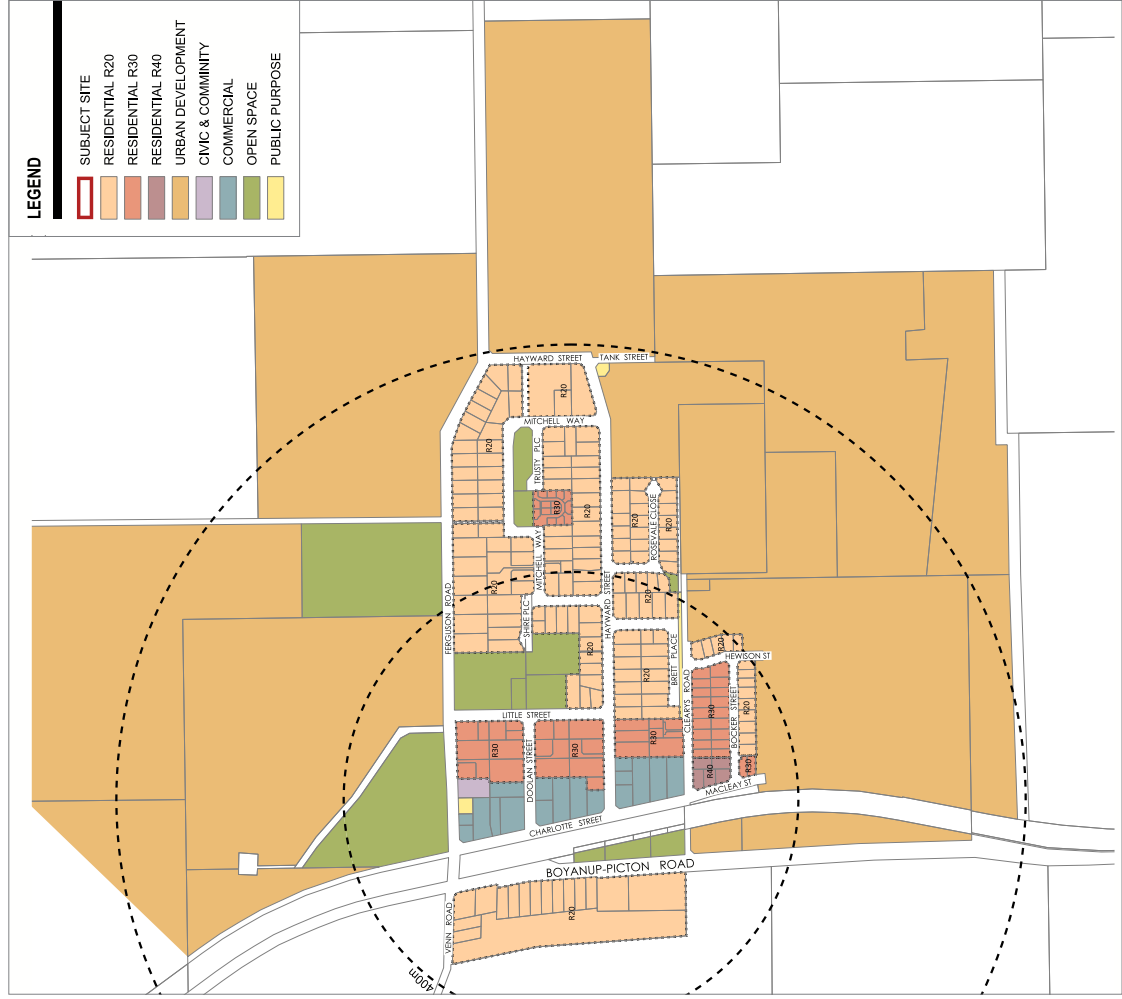


Figure 8: Land use distribution within the Dardanup Town Centre based on LPS9.

3.2.3 Dardanup Town Centre

The brief has requested a review of the residential codings applied to the Dardanup Town Centre to confirm their appropriateness in the context of a growing town site. The following general observations have been made in reviewing the coding in the context of **Figure 8**:

- The R30 coding has been applied to the interface with the commercial zoned land fronting Charlotte Street, which would appear to be a suitable transitional coding given the predominantly single storey 'Main Street' built form of Charlotte Street. The R30 Coding also provides subdivision potential, with many lots exceeding the site area threshold of 600m² to facilitate further subdivision.
- The R20 coding applied to the majority of the 400m and 800m walkable catchment of the Town Centre to the east (and a small portion to the west) is likely appropriate, as it is a relatively small town and the existing subdivision and development pattern preserves the character of the area. It is noted that many of these lots also exceed the required threshold for subdivision to an average lot size of 450m², so are capable of further development without the need for an increased density code.
- The introduction of urban expansion areas, consistent with the Dardanup Townsite Expansion Strategy 2009 and via the 'Urban Development' zone under LPS9, provides for additional supply to meet demand for residential development.
- The more recent implementation of the Roselands @ Dardanup Structure Plan for land to the south of the existing urban area will provide for expansion of the residential area, with the application of a predominantly R20 coding, and some sections of R30 and R40 at key entry points and adjacent areas of open space.

At this time it is not recommended that any modifications of the density codes be applied to the existing suburban areas of the Dardanup Townsite.

If there is a desire to intensify existing suburban areas, particularly as structure planning is implemented at the periphery of the centre, it is recommended that the Shire review opportunities for limited recoding adjacent key open space areas (e.g. sites abutting Carramar Park) and further intensification adjacent commercial land on Charlotte Street, with guidance provided to landowners through policy or Scheme provisions on the preferred subdivision and built form design considerations.

3.2.4 Crampton Avenue Local Centre

The Crampton Avenue Local Centre, which is located on the periphery of the 800m catchment of the Eaton District Centre, consists of a Veterinary Centre, Childcare Centre and a number of small professional services, and sits adjacent the Eaton Senior Citizens Centre. The combined centre has an area of approximately 7,000m², but the commercial component of this is limited to approximately 1,000m².

The walkable catchment for residential density for a local centre is 200m under the *Activity Centres for Greater Bunbury Policy*, and the target density for this catchment is 25 dwellings per net hectare.

The 200m catchment for the Crampton Street Local Centre is predominantly characterised by R30 coded single dwellings, the majority of which have existing subdivision potential as they exceed the threshold area requirement of 600m². The catchment area and codings applied are outlined in **Figure 9**.

Whilst the application of an R40 Coding within the 200m catchment would likely bring the actual achieved density closer to the 25 dwellings per net hectare target, and this may be appropriate for a local centre such as the subject site, it is not recommended that this coding be applied in finalising LPS9. The local centre does not currently provide a sufficient array of local services to justify the application of a higher coding, as other than the limited provision of professional services, the centre provides little in the way of activity.

It is instead recommended that the Shire work with the existing owners of the commercial sites to identify redevelopment and expansion opportunities, with the potential inclusion of

the adjacent public car park and redevelopment of Shire owned community facilities. It is anticipated there may be opportunity to expand the retail and service offering provided at the centre, and incorporate mixed use development, which would provide more of a catalyst for increased residential development within the 200m catchment of centre.



Figure 9: R-Coding applied in LPS9 within 200m of the Crampton Avenue Local Centre.



Image: Existing commercial operations within the Crampton Avenue Local Centre.

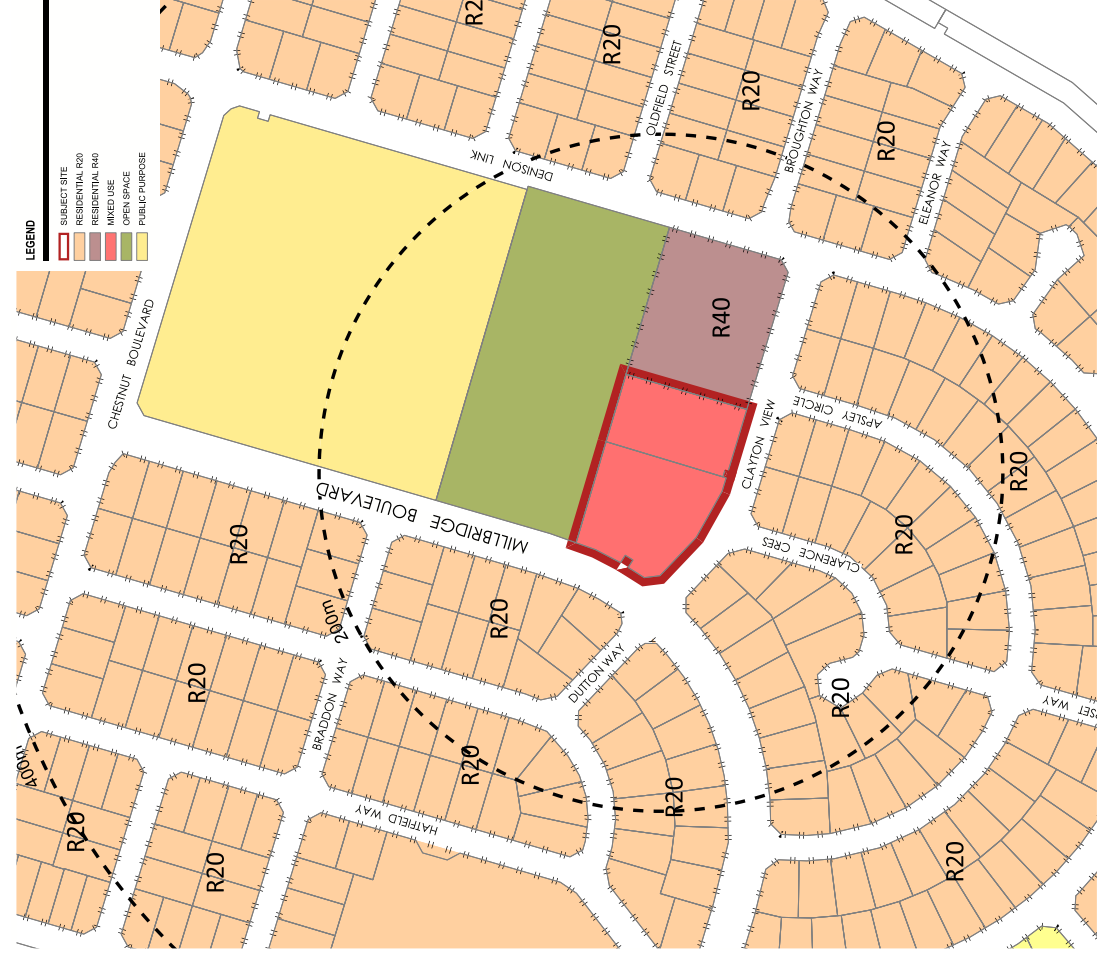


Figure 10: R-Coding applied in LPS9 within 200m of the Clayton View Local Centre.

3.2.5 Clayton View Local Centre

The Clayton View Local Centre is located within the Millbridge Structure Planning Precinct and consists of two lots proposed to be zoned 'Mixed Use' under the draft LPS9. The lots comprise a total area of 7,400m², and at the time of preparing this report it is understood the sites are undeveloped. To the north of the centre is a portion of public recreation reservation, and a school site which is also currently undeveloped.

Within the 200m walkable catchment of the centre the suburban residential areas are predominantly coded R20, with only the immediately abutting site (which is currently undeveloped) provided an R40 code.

It is noted that the residential lots which were created under the R20 code, at a lot size of 600m² - 750m², are relatively large given the required average of 450m² under the R-Codes Volume 1.

It is not, however, recommended that any modifications be made to the coding as:

- The estate is the result of relatively recent subdivision, and has been specifically designed to accommodate the lot product and housing typologies developed;
- The local centre is yet to be developed, and will hopefully achieve a mixed use outcome accommodating apartments above retail and commercial operations on the ground floor; and
- The abutting, currently vacant, R40 site also provides the opportunity to provide differentiation in dwelling product within the 200m walkable catchment.

The option to revisit subdivision potential within the 200m catchment will be open to the Shire into the future, and should be further reviewed following completion of the development of the local centre and adjacent R40 sites.

It is, however, recommended that the coding of RAC1 identified in the 'Mixed Use' zoning provisions of the LPS9, which would apply to the local centre on Clayton View, is modified to R80 or R100 to better align with the suburban residential codings of sites surrounding the centre.



Figure 11: The Shire of Dardanup endorsed Millbridge Structure Plan.

3.3 Residential Structure Planning Areas

It is noted that there are several greenfield residential structure planning areas operating within the Shire of Dardanup and facilitating significant new residential growth.

An overview of the structure plans, along with commentary on any proposed adjustments for the purpose of the LPS9, are outlined in the following sections.

3.3.1 Millbridge Structure Plan

The Millbridge Structure Plan guides the subdivision and development of land to the east of the suburb of Eaton, creating the suburb of Millbridge between the Forrest Highway to the east and Eaton Drive to the west (Figure 11). The structure plan provides for predominantly residential development, with subdivision primarily at the R20 code, with R10 as an interface to environmentally sensitive areas and R40 adjacent key nodes and entry points.

As subdivision and development within the precinct is nearing completion, the provisions of LPS9 propose to continue a 'normalisation' of the structure planning area by zoning the subject land in accordance with the structure plan map, rather than applying an 'Urban Development' zone.

The approach taken in normalising the structure plan without modification to the proposed R-Codings is supported, as the structure plan has been specifically designed to achieve the lot product and built form design being delivered, and there is no practical benefit in deviating from this plan as part of LPS9.

It is, however, recommended that the coding of RAC1 identified in the 'Mixed Use' zoning provisions of LPS9, which would apply to the local centre on Clayton View, is modified to R80 or R100 to better align with the suburban residential codings of sites surrounding the centre.

3.3.3 Parkridge Structure Plan

The Parkridge Estate Structure Plan is the most recent structure plan applicable to the Shire of Dardanup, being formally adopted and endorsed in September 2019. The structure plan applies to the 'Urban Development' zoned land to the west of Eaton Drive and east of the Collie River, and provides for residential subdivision and development at a density code of R20 - R40 (**Figure 13**).

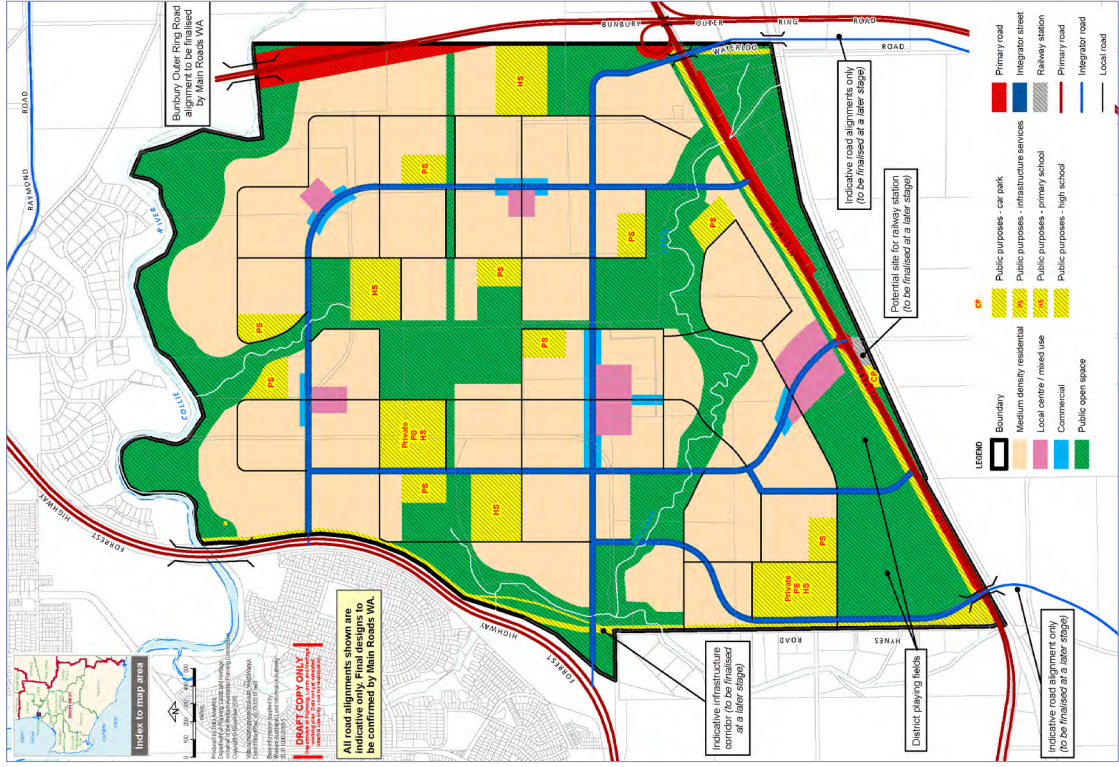
At the time of preparing this report, subdivision and development within the precinct is yet to commence, and as such the Shire is proposing to zone the area 'Urban Development' under LPS9, consistent with the zoning in the current Scheme. This is considered to be an appropriate approach.

The coding proposed is consistent with the surrounding suburban coding of the Milbrook Structure Plan and the developed area to the south. The application of the R20 - R40 coding range provides the opportunity to focus higher density development adjacent key nodes, such as entry points and open space areas, as the subdivision and development proceeds.



Figure 13: The Shire of Dardanup endorsed Southbank @ Millbridge Structure Plan.

draft Wanju District Structure Plan



3.3.4 Wanju District Structure Plan

The Wanju District Structure Plan was prepared to facilitate the greenfield development of a new community across approximately 1200 hectares of land east of Eaton and Millbridge (Figure 14). The precinct is proposed to accommodate approximately 19000 dwellings, in addition to five new local centres, five new high schools and eleven new primary schools. The proposed growth of the urban area within the Shire of Dardanup is significant, and will substantially boost the urban population of the Shire over the next 40 years.

The District Structure Plan is in draft form at the time of preparing this report, and concluded public advertising in mid 2019. To facilitate subdivision and development consistent with the DSP, a series of local structure plans will be required to provide detailed guidance to landowners.

The provisions of LPS9 identify the Wanju precinct as a Special Control Area which requires, amongst other items, the following:

- Adoption of a District Structure Plan;
- Local Structure Planning consistent with the staging plan outlined in the District Structure Plan;
- Subdivision and Development generally consistent with the endorsed local structure plans.

Whilst it is not recommended the Shire make any substantial amendments to the provisions of SCA1, we have made some recommendations for minor refinements to provide greater flexibility in the consideration of subdivision and development staging. These modifications are further outlined in **Appendix 1**.

Figure 14: The draft WAPC Wanju Structure Plan

3.4 Eaton Suburban Areas

The remaining suburban residential areas not previously considered in the context of the District Centres, Local Centre and Structure Planning areas are outlined in **Figure 15**. The areas are almost exclusively coded R20, though there are some areas coded R30 between the Eaton District Centre and the Collie River, and a small section of lots to the east of the Collie River coded R5.

It is not recommended that the Shire make any changes to the R20 or R30 coding of sites, as these are generally appropriate for a suburban residential context where sites are not within the walkable catchment of key centres or other activity nodes.

The R5 coded sites may provide an opportunity for an isolated pocket of intensification, but this would need to be considered against:

- a) The identification of a coding that would be appropriate in a suburban context characterised by R20 residential development, which would likely equate to R30 or R40 at the highest;
- b) Whether the application of such a coding would potentially compromise the environmental values of the adjacent wetlands, or would be achievable in the context of the capacity of the local road network or the bushfire considerations of the abutting vegetation;
- c) Whether there is sufficient benefit in providing opportunity for more small lot product given the potential this product elsewhere in the suburb, and whether retaining a limited area of large lot product provides a level of diversity within the suburb that will be of greater benefit.

In weighing up the above considerations it is recommended that the Shire maintain the R5 coding of the subject lots as well.

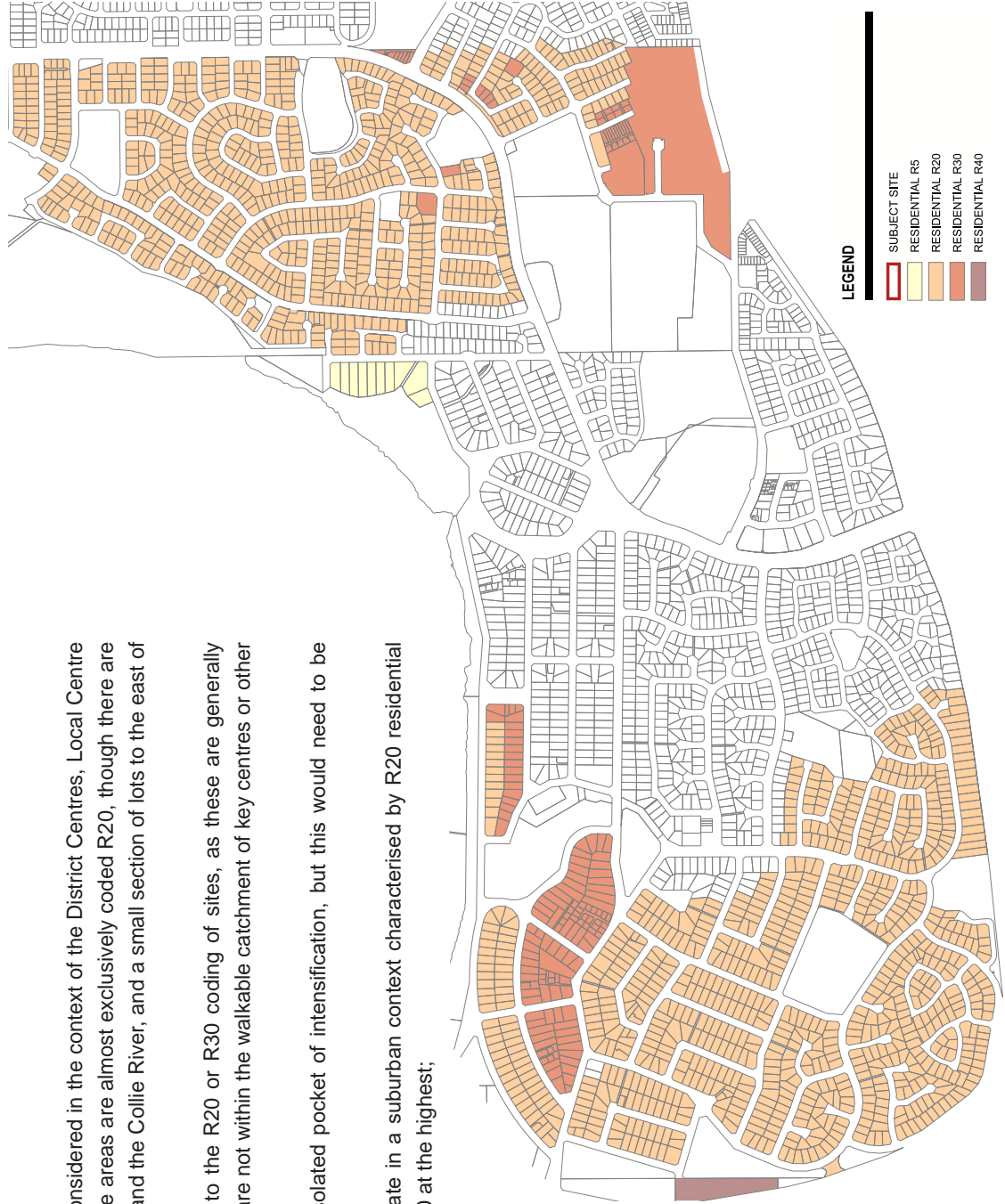


Figure 15: Eaton Suburban Areas

4.0 Additional Use Considerations - District Centre Transition Areas

(Appendix ORD: 12.9C)

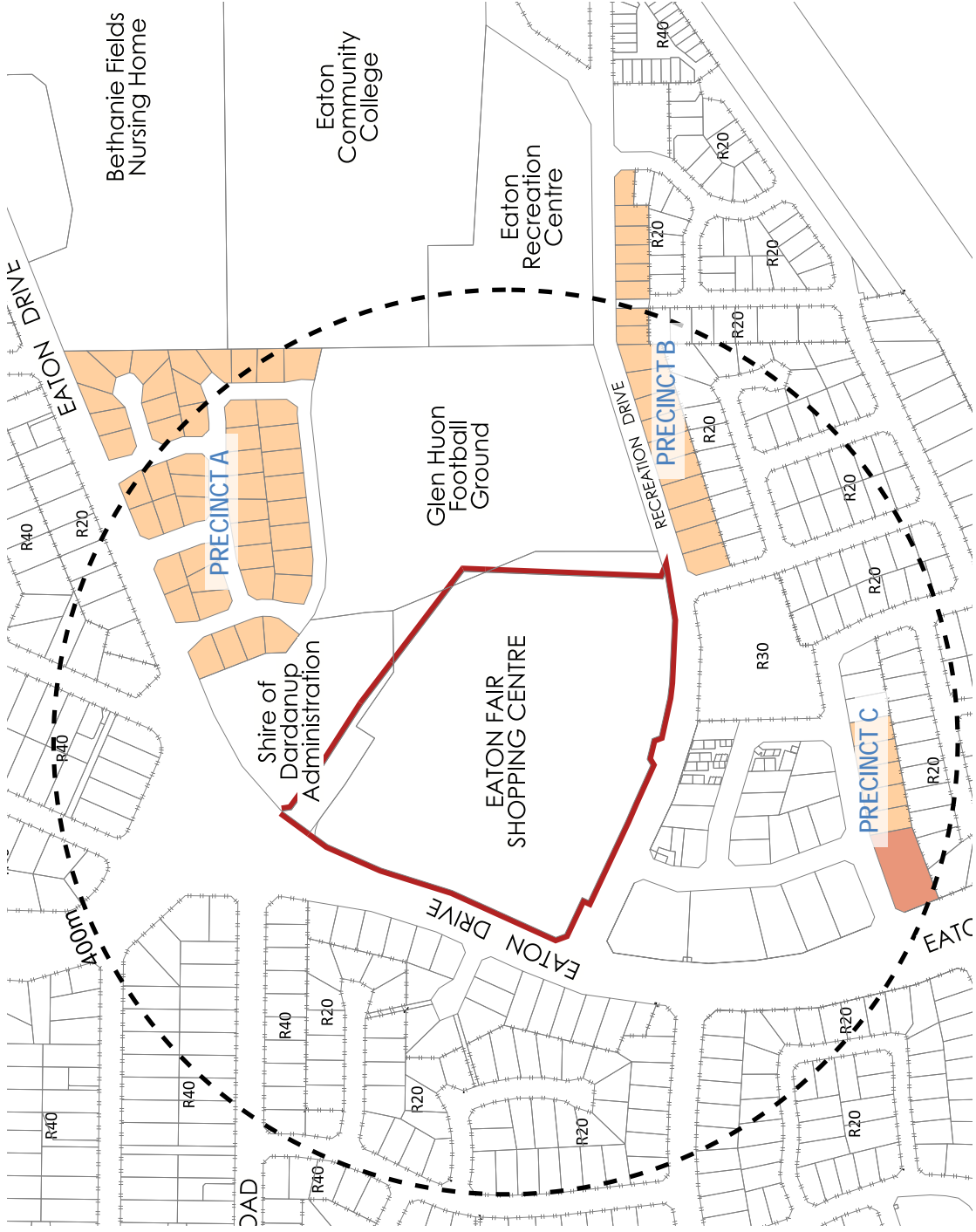


Figure 16: Identified precincts for consideration of additional uses.

4.1 Overview

The Shire of Dardanup requested specific advice with respect to the potential expansion of use permissibility for residential lots located on the periphery of Eaton Fair Activity Centre.

In particular, the request relates to those Residential zoned lots that interface with non-residential uses, including the Eaton Fair Shopping Centre, the service-commercial uses to the south of the shopping centre and the adjacent public purpose land which is comprised of the Shire of Dardanup's Administration Centre and the Glen Huon Recreation Oval.

The lots requested for further consideration are identified in **Figure 16**, and for the purposes of clarity have been identified as follows:

- **Precinct A:** Being those lots to the north-east of the Eaton Fair Shopping Centre;
- **Precinct B:** Being those lots fronting Recreation Drive between Cormorant Entrance and Emu Cove; and
- **Precinct C:** Being those lots fronting Blue Wren Drive that generally front the service commercial area.

It is understood that residents of these precincts experience disruption to the residential amenity they would otherwise enjoy, including informal parking by visitors to the retail and recreational precincts and noise as a result of sporting activities.

4.2 Considerations

Given the proximity of the land to the Eaton Fair District Centre, and the inclusion of the majority of the lots within the Eaton Fair Activity Centre Precinct, there is a potential opportunity for these lots to be considered for alternative uses to that otherwise available within the Residential (R20) zone.

In reviewing the options the following key considerations are relevant:

- a) **Existing access arrangements:** To facilitate commercial or mixed use development, the transitional areas should ideally be accessed by the same transport linkages as the primary commercial area, such that the commercial traffic and activity within the local road network is not increased to the detriment of the residential amenity. Precinct B and Precinct C are good examples of such situations, where Recreation Drive (Precinct B) and Blue Wren Drive (Precinct C) already accommodate traffic associated with the commercial and recreational uses adjacent. Precinct A, however, has a road network designed to provide access only to the residential precinct, and as such facilitating commercial uses within this precinct may increase the traffic disruption and activity of the area.
- b) **Existing lot patterns and land uses:** In facilitating commercial or mixed use development it is important to understand the existing site parameters and characteristics. All three of the precincts exhibit fairly standard R20 residential development, with relatively modest houses on lot sizes of approximately 750m². The extent of fragmentation of land ownership and likely slow pace of redevelopment will impact the ability to coordinate outcomes, and this needs to be taken into account in determining the appropriateness of commercial uses on individual sites and the potential built form and site design limitations that may be required to protect amenity of adjacent sites and the surrounding area.
- c) **Potential benefits of broadening capacity:** Each of the precincts is advantaged by its proximity to the District Centre and opportunities provided by the activity that this centre generates. In considering land use opportunities it would be advantageous to understand demand and supply for commercial floorspace within the broader district, and how these areas may be able to alleviate some of the demand pressure. Each of these land uses would then need to be considered for its appropriateness in the context of points a) and b) above.

4.3 Recommendations

TBB has undertaken a review of the three precincts based on the information provided by the Shire and the available information from the Shire's website, including spatial information via the Intramaps platform. The results of this review and recommendations for the Shire are outlined as follows:

4.3.1 Precinct A

In order to facilitate limited commercial uses within this precinct the Shire will first need to address access and parking considerations, which are understood to be an issue now in the context of informal parking for visitors to the adjacent commercial and recreational uses, and will be exacerbated if the precinct is to also accommodate commercial uses.



Figure 17: Residential lots within Precinct A

In our view this requires consideration of both:

- a) An additional access road into the precinct, as there is currently only one access point via Frost Way to Eaton Drive, and will otherwise require commercial traffic to traverse through the residential area to access the commercial operation they are seeking. The additional road connection would likely come from the south-west linking Cowin Gardens to Council Drive, requiring a reconsideration of the car park constructed adjacent to the Shire of Dardanup Administration Centre. This will likely be of further concern to residents, however, as it will provide an opportunity for 'rat-running' of commercial traffic seeking to connect between Eaton Drive and the broader Eaton Fair commercial area.
- b) Opportunities for additional public parking, as the design of the local streets provides a relatively narrow carriageway and limited opportunities for verge parking. This may potentially be provided through further expansion of the adjacent Council car park to the south-west of the precinct, or verge parking within the southern verge of Cowin Garden.

On the basis of the information provided we are of the view that it is premature, and likely counter-productive, to consider additional uses for commercial purposes within Precinct A. In our view the area is too isolated from a transport perspective to accommodate commercial uses without further exacerbating the issues already experienced, and the measures required to address this isolation will only further undermine residential amenity.

We would instead recommend that the Shire undertake:

- Engagement with the landowners within the precinct to gain a thorough understanding of the issues that they are encountering, and their proposals for how the Shire may address these issues. It is considered that there are a number of non land-use based responses, such as parking restrictions, which would be far more productive than adjusting the use permissibility.
- Further consideration of the recommendations for residential recoding as an alternative to the provision of additional uses, as the coordinated redevelopment and intensification of residential uses within the precinct may provide opportunity to modify accessibility and road reservation design and provide additional on-street parking opportunities to accommodate overflow parking.

4.3.2 Precinct B

Given Recreation Drive forms a quasi 'Main Street' connecting the Eaton Fair Shopping Centre and service commercial areas with the regional recreation space and community facilities, Precinct B is considered to provide good opportunity for both:

- **Residential intensification**, as per the recommendations outlined in Section 3 for recoding of the subject sites, which could easily accommodate apartments or terrace homes facing out onto the open space area; and
- **Selected commercial uses** to provide opportunities for redevelopment of the existing large blocks and leveraging the benefit of proximity to the surrounding centre. The uses would need to be selected based on their appropriateness in the context of their interface with the adjacent residential areas to the south. Such uses may include 'Art Gallery', 'Consulting Rooms', 'Office' or 'Serviced Apartments', all of which are not permissible within the Residential zone, and may also include modifications to the permissibility of 'Child Care Premises' and 'Medical Centre' which are otherwise 'A' uses within the zone.

In progressing consideration of Precinct B we recommend that the Shire consider providing Additional Uses to the identified sites for the above uses via Table 4 of LPS9. The additional uses should be guided by suitable conditions and/or local planning policy to guide built form and site design to ensure that:

- a) The impact on amenity to abutting and surrounding residential areas is minimised, particularly with respect to managing traffic, parking and noise that may be generated by the subject sites; and
- b) The interface with Recreation Drive is consistent with the Shires vision for the streetscape and the broader Activity Centre precinct.

We are not aware of the extent of engagement with these landowners as to the potential changes to land use permissibility within this precinct to date. It is recognised, however, that further engagement prior to the finalisation of the Scheme may be of benefit to address any additional concerns or considerations.

4.3.3 Precinct C

The portion of Blue Wren Drive which facilitates access to Precinct C would clearly accommodate a reasonable amount of commercial traffic accessing the northern 'service commercial' precinct (Figure 19). The lots are relatively large for an R20 coded area, with the majority in the order of 750m², and a larger site on the corner of Blue Wren Drive and Eaton Avenue which could potentially be redeveloped over the longer term.

Given its direct interface with commercial land uses and the commercial traffic generated there is potentially benefit in providing these landowners further opportunity to leverage their proximity to the District Centre. To this extent Precinct C is similar to Precinct B, in that it may provide good opportunity for both:

- **Residential intensification**, as per the recommendations outlined in Section 3 for recoding of the subject sites, which could easily accommodate apartments or terrace homes facing onto the commercial area; and
- **Selected commercial uses** to provide opportunities for redevelopment of the existing large blocks and leveraging the benefit of proximity to the surrounding centre. The uses would need to be selected based on their appropriateness in the context of their interface with the adjacent residential areas to the south. Such uses may include 'Art Gallery', 'Consulting Rooms', 'Office' or 'Serviced Apartments', all of which are not permissible within the Residential zone, and may also include modifications to the permissibility of 'Child Care Premises' and 'Medical Centre' which are otherwise 'A' uses within the zone.

In progressing consideration of Precinct C we recommend that the Shire consider providing Additional Uses to limited sites, being the stretch of lots between Lot 133 and Lot 138, to ensure that the commercial uses don't extend further east into the residential area, and essentially cease at the intersection of Blue Wren Drive and Cassowary Bend.

The additional uses should be applied via Table 4 of LPS9, and guided by suitable conditions and/or local planning policy to guide built form and site design to meet the vision of the Shire.



Figure 18: Residential lots within Precinct B



Figure 19: Residential lots within Precinct C

5.0 Heritage List

The Shire of Dardanup prepared and adopted a Heritage Strategy in 2013 establishing the Shire's objectives for managing their heritage places between 2013-2023. The Strategy was developed to provide strategic direction to protect and manage their heritage upon the completion of the review of their Municipal Heritage Inventory. The Strategy identified four areas in the Shire's previous heritage framework that potentially placed heritage at risk.

These areas were:

- a) The existing Local Planning Scheme was prepared prior to the introduction of the Model Scheme Text resulting in the heritage provisions being outdated.
- b) The existing Local Planning Scheme did not contain a heritage list resulting in the protection mechanism for heritage places being minimal.
- c) The existing Municipal Heritage Inventory had been prepared in 2003 and had not been subject to a major review.
- d) Many place records in the Municipal Heritage Inventory were incomplete and provided no details as to the significance of a place.

The Heritage Strategy identified a number of actions to be undertaken together with a priority/ timeframe for delivery. The revision of the Municipal Heritage Inventory was identified as a high priority and the updated Local Heritage Survey (the new name for Municipal Heritage Inventories) was adopted by the Shire in November 2016.

Although the Strategy does not specifically mention the formulation of a Heritage List as an action, the Heritage List is referenced in a number of other actions and is considered to be an essential aspect of the Shire's on-going commitment to protecting and managing heritage within their local area.

The Heritage List has been prepared utilising the Local Heritage Survey 2016. The Local Heritage Survey was prepared under the s.45 of the Heritage of Western Australia Act 1990. This Act has been superseded by the Heritage Act 2018 which reinforces the requirement for local governments to record their local heritage places. Any survey prepared under the previous Act remains valid under the 2018 Act.

Local Heritage Surveys are now prepared under Part 8 of the *Heritage Act 2018*. S.104 of the Act establishes the purposes of the heritage surveys as:

- a) Identifying and recording places that are, or may become, of cultural heritage significance in its district;
- b) Assisting the local government in making and implementing decisions that are in harmony with cultural heritage values;
- c) Providing a cultural and historical record of its district;
- d) Providing an accessible public record of places of cultural heritage significance to its district; and
- e) Assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.

Heritage Council guidance for preparing the Local Heritage Survey explains that the Survey has no direct statutory role and should not be used as the basis of decision making for development or subdivision proposals. This function is served by a Heritage List or Heritage Area adopted under the *Planning and Development Act 2005*.

The information contained within this Heritage List is drawn down from the Shire's Local Heritage Survey 2016. The updated survey assessed each place to determine the nature and degree of significance and to assign each place with a level of significance ie Exceptional, Considerable, Some/Moderate and Little Significance. The Heritage List contains all places identified as being of Exceptional and Considerable Significance.

The definitions of these two categories are established within the Shire of Dardanup Local Heritage Survey 2016 and are outlined in **Table 1**.

The Shire of Dardanup Heritage List has been prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 – Deemed provisions for local planning schemes, Part 3 – Heritage Protection.

Table 1: Definitions of Heritage Survey Categories under the Shire of Dardanup Local Heritage Survey 2016

Significance	Description	Desired Outcome	Further Actions / Opportunities
Exceptional	Essential to the heritage of the locality. Rare or outstanding example.	The place is in or recommended for the State Register (may be on Assessment Program). The place must be retained and conserved. Any alterations or extensions should reinforce the significance of the place, and be in accordance with a Conservation Plan (if one exists for the place). All development applications for places included on the RHP need to be referred to the State Heritage Office for advice.	Inclusion in the Shire's Heritage List. Heritage Impact Statement to accompany development applications. Design Guidelines should be prepared – individual or part of a group. Heritage incentives should be offered if available. Interpretation of the place should be pursued, including as part of condition
Considerable	Very important to the heritage of the locality. High degree of integrity/ authenticity.	The place is on or recommended for the State Register (may be on Assessment Program). Conservation of the place is essential. Any alterations or additions or other modifications should reinforce the significance of the place and be in accordance with a Conservation Plan (if one exists for the place). All development applications for places included on the RHP need to be referred to the State Heritage Office for advice.	Further research and other information may result in further assessment and possible nomination to / inclusion on the State Register of Heritage Places. Inclusion on the Shire's Heritage List. Heritage Impact Statement to accompany development applications. Design Guidelines should be prepared – individual or part of a group. Heritage incentives should be offered if available. Interpretation of the place should be pursued, including as part of condition of planning consent.

Clause 8 of Part 3 of the Deemed Provisions states:

(1) *The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.*

(2) *The heritage list:*

- a. *Must set out a description of each place and the reason for its entry in the heritage list; and*
- b. *Must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and*
- c. *May be published on the website of the local government*

(3) *The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government:*

- a. *Notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
- b. *Invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served*

A number of the place record forms included in the 2016 Local Heritage Survey do not include a 'statement of significance'. Each place has been assessed in terms of nature of significance ie. aesthetic, historic, social and research values as well as the degree of significance being assessed ie. rarity, representativeness, integrity, authenticity and condition. The statement of significance is usually drawn from these values and establishes a benchmark for assessing impacts of development/ change on the significance of a place.

In the absence of a succinct statement, the values as shown in the place record forms have been used as justification for entry into the Heritage List. Where brief statements have been included, these have been supplemented by the assessed values to clearly provide justification for their inclusion in the Heritage List.

6.0 Recommendations Summary

Table 2 provides a summary of the recommendations for consideration of the Shire in finalising the draft LPS9 prior to formal consideration.

Table 2: Summary of Recommendations

Ref	Section	Reference Document	Consideration	Recommended Action
1	Section 2.1	Local Planning Strategy	The Local Planning Strategy provides a series of recommended actions to be undertaken as a component of the preparation of LPS9. It appears that some of these matters may have been disregarded.	In further considering these matters prior to the preparation of the final draft LPS9, we recommend that the Shire prepare a table similar to that included in Appendix 2 to ensure that all matters raised in the Strategy have been sufficiently addressed, and where further information or justification is necessary to support the Scheme text this is provided.
2	Section 2.2	Model Scheme Text	The MST provides a series of standard land use zones and objectives for use in local planning schemes. It is noted that there are some deviations from these zones in the draft LPS9.	It is recommended the zoning objectives and naming is reviewed, and modified where appropriate, but otherwise supported by justification for the deviation.
3			Clause 19 (Additional Uses) - We note the Additional Use table is inconsistent with the MST provisions in the information provided, in that the additional uses aren't specified with a permissibility (P, D, A, etc.) and are not delineated on the Scheme maps.	It is recommended that the Additional Use table be updated to reflect permissibility and the Scheme Maps be updated to delineate the sites which are subject to the Additional Use provisions.
4	Section 2.3	Other Scheme Considerations	Clause 19 (Additional Uses) - Additional Use 6: It is noted that Additional Use 6 applies to a series of sites proposed under the Scheme Maps to be zoned 'Commercial', but the uses specified are already provided with varying levels of permissibility within the Commercial zone.	It is recommended that the Shire review the zoning and/or additional use classification to address the inconsistency between the two Scheme designations.
5			Clause 21 (Special Use Zones): Table 6 currently identifies only Special Use Zone 1, but the Scheme Maps identify a second Special Use Zone abutting SU1.	It is recommended that the Shire give further consideration to the provisions of SCA6, and revise the Special Use Zone provisions and Scheme Maps accordingly.
6			Clause 26 (R-Codes): We note that Clause 26 provides specific standards which under an MST approach would be incapable of variation, though we are of the view these should be capable of variation as part of a development application.	Should the Shire's approach to the variations clause (MST clause 34 and draft LPS9 clause 62) be modified to align with the MST, we recommend the provisions contained in clause 26 be shifted to clause 32 (Residential Zone) such that they are capable of variation as part of development approval.

Table 2: Summary of Recommendations (cont)

Ref	Section	Reference Document	Consideration	Recommended Action
7			<p>Clause 32 (Application of RAC-1 Coding): We note that the coding of RAC-1 applies to properties zoned Mixed Use and District Centre zones, and have raised concern with the application of RAC-1 to Mixed Use zoned properties which are all immediately abutting sites with relatively low residential density coding.</p>	<p>It is recommended that the Shire amend the Mixed Use zone coding to R80 or R100 at most, such that development of these sites will be more consistent with the surrounding density coding.</p>
8			<p>Clause 32 (Tourism Standards): The Scheme includes provisions under clause 32 with respect to the Tourism zone which refer to a residential occupancy restriction and a no occupancy restriction which are not well defined or explained.</p>	<p>It is recommended that these provisions be revised to ensure they are more easily understood.</p>
9	Section 2.3	Other Scheme Considerations	<p>Clause 33 (Tourism Uses in Rural, Rural Small Holdings and Rural Residential Zones): The provisions of Clause 33 indicate that tourism standards applied are an absolute not capable of variation, but this is inconsistent with clause 62 which indicates that all provisions within Part 4 are capable of variation via decision of the determining authority on an individual development application.</p>	<p>We are not clear as to the rationale in specifying that these particular standards are not capable of variation, as there are likely to be situations in which variation is warranted in consideration of an individual development application, and consider it important to allow an applicant this opportunity, and not restrict the opportunity for the Shire to support such a proposal. We recommend that the limitation on these provisions be reconsidered prior to progression of the Scheme.</p>
10			<p>Clause 33 and 35-61 (General Development Standards): In reading through these provisions we are of the view that many of them are fairly generic and not essential as Scheme provisions, but rather provide guidance to applicants in the expectations of the development applications. The use of Local Planning Policies would also provide the Shire with greater breadth to explain the intent and expectations through text and diagrams/figures, making it easier for all stakeholders to understand.</p>	<p>In addition to our recommendation that these clauses be reformatted under an expanded Clause 32 to align with the format of the MST (as per Section 2.2 of this report), we also recommend that the Shire consider shifting the non-essential provisions into Local Planning Policy instead of including them all within the Scheme.</p>
11			<p>Clause 41 (Traffic Impact Assessment): Given the Department of Transport provide fairly comprehensive guidelines as to the threshold requirement for both Traffic Impact Statements and Traffic Impact Assessments, we are unclear as to why the Shire would need replication of these standards, and why these standards would need to be enforced by the Scheme.</p>	<p>We recommend this be given further consideration, and if deemed necessary to retain the standards, either reference the DOT standards directly in the Scheme instead of replicating them, or consider whether they may be better placed in a Local Planning Policy or guidance note.</p>

Table 2: Summary of Recommendations (cont)

Ref	Section	Reference Document	Consideration	Recommended Action
12			<p>Clause 43 (Split Density Coding in Residential Zone): We note that these provisions, in the context of clause 62 (variations clause) are capable of variation subject to a development application. The more common approach to split coding provisions is to make them an absolute provision of the Scheme that is not capable of variation, to ensure that the density bonus is only available where the bonus criteria has been achieved. This aligns with the approach taken by the WAPC in R-Coding, in that only the WAPC is able to vary the minimum and average site requirements for the R-Codes, to maintain the density codes as a reliable standard within the planning system.</p>	<p>We recommend further consideration of the location for these provisions, and in particular consideration of relocating them to clause 26 (R-Code variations) whereby they will not be capable of variation by development approval.</p>
13	Section 2.3	Other Scheme Considerations	<p>Clause 53 (Signage and Advertisements): We note that clause 53(1) currently requires development approval for all signage, which may conflict with the standard exemption of for signage under clause 61(1)(h) of the deemed provisions which provides an exemption for signage consistent with a class specified in a local planning policy or local development plan.</p>	<p>It is recommended that clause 53(1) be removed to avoid any perceived inconsistency with clause 61(1)(h) of the deemed provisions under the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>.</p>
14			<p>Clause 64 (Design Guidelines): We note that clause 64 provides the ability for the Shire to prepare and endorse Design Guidelines for any part of the Scheme, though these provisions are in draft form and appear to be incomplete. We are not of the view that these provisions are necessary, as Design Guidelines can already be properly considered and adopted for any portion of the Scheme area as a local planning policy consistent with Part 2, Division 2 of the Deemed Provisions.</p>	<p>It is recommended that clause 64 be deleted as these are not considered to be necessary provisions, and simply replicate the ability for the Shire to adopt Design Guidelines under the deemed provisions for local planning schemes.</p>
15			<p>Special Control Area 10 (SCA10): As briefly outlined in Section 2.1 of this report, the Scheme Maps identify Special Control Area 10 as a Tourism Encouragement Area, which is broadly consistent with the implementation action of the Local Planning Strategy. There are, however, not currently any provisions within Part 5 of Table 12 relating to SCA10.</p>	<p>It is recommended that these provisions are drafted and included as a component of the final draft LPS9.</p>

Table 2: Summary of Recommendations (cont)

Ref	Section	Reference Document	Consideration	Recommended Action
16	Section 2.3	Other Scheme Considerations	<p>Minor clarifications, considerations and formatting: There a number of more minor matters that we have outlined in our review in Appendix 1.</p>	<p>It is recommended the Shire give further consideration to:</p> <ul style="list-style-type: none"> • Questions of clarification with respect to provisions that we are either unclear on the intent of, or are potentially incomplete due to the drafting stage of the Scheme; • Questions for reconsideration of the need for provisions, as they are either guidance for applicants or matters which are likely better framed in policy, and as such can potentially be removed from the Scheme; and • Formatting or presentation issues, the majority of which we have not corrected as they should be undertaken in finalising the Scheme once the extent of text and presentation style are confirmed.
17	3.2.1.4	Eaton District Centre	<p>A review of all residential density allocation has been undertaken within the actual walkable catchment (400m and 800m) of the Eaton Fair Shopping Centre.</p>	<p>It is instead recommended that the Shire:</p> <ul style="list-style-type: none"> • Undertake further analysis of the opportunities and constraints within the LPS9 coding arrangements to understand the market demand for smaller lots/dwellings and any infrastructure deficiencies that may be constraining subdivision and development; • Undertake engagement with the affected landowners and residents to better understand their desire to develop their properties, and the dwelling typologies they consider appropriate within their suburban areas; • Identify and prepare preferred dwelling typologies and subdivision designs based on the existing and desired neighbourhood character, resident/landowner aspirations and existing lot configurations, to provide a clearer understanding of the preferred development outcomes and inform the Scheme and policy provisions required to achieve those outcome. • Consider the preparation of a Local Planning Policy to control poor infill development form under both LPS9 and an alternative coding arrangement. This will be important in protecting the local character, tree canopies and establishing direction for some deficient areas of the R-Codes, particularly in the context of the integration of multiple dwellings, infill within cul-de-sac environments and interface with open space.

Table 2: Summary of Recommendations (cont)

Ref	Section	Reference Document	Consideration	Recommended Action
18	3.2.2	Burekup Town Centre	It is understood that landowners have raised objection to the application of the R-Code development standards for R5 and R2.5 coded sites, and the Shire shares these concerns, particularly with respect to street setback and open space requirements.	It is recommended that the Shire consider including variations to the development standards applicable to these sites under clause 26 of LPS9 to provide them with reduced primary/secondary street setback requirements and reduced open space requirements.
19	3.2.4	Crampton Avenue Local Centre	As a local centre the 200m walkable catchment has been reviewed to identify the potential for residential intensification opportunities. It was noted, however, that the local centre currently provides a limited array of local services to justify a higher coding at this time.	It is recommended that the Shire work with the existing owners of the commercial sites to identify redevelopment and expansion opportunities, with the potential inclusion of the adjacent public car park and redevelopment of Shire owned community facilities, and further consider residential intensification for surrounding properties in the context of redevelopment of the local centre.
20	4.3	District Centre Transition Areas	Precinct A: On the basis of the information provided we are of the view that it is premature, and likely counter-productive, to consider additional uses for commercial purposes within Precinct A. In our view the area is too isolated from a transport perspective to accommodate commercial uses without further exacerbating the issues already experienced, and the measures required to address this isolation will only further undermine residential amenity.	<p>We would instead recommend that the Shire undertake:</p> <ul style="list-style-type: none"> Engagement with the landowners within the precinct to gain a thorough understanding of the issues that they are encountering, and their proposals for how the Shire may address these issues. It is considered that there are a number of non land-use based responses, such as parking restrictions, which would be far more productive than adjusting the use permissibility. Further consideration of the recommendations for residential recoding as an alternative to the provision of additional uses, as the coordinated redevelopment and intensification of residential uses within the precinct may provide opportunity to modify accessibility and road reservation design and provide additional on-street parking opportunities to accommodate overflow parking.

Table 2: Summary of Recommendations (cont)

Ref	Section	Reference Document	Consideration	Recommended Action
21	4.3	District Centre Transition Areas	<p>Precinct B: Given Recreation Drive forms a quasi 'Main Street' connecting the Eaton Fair Shopping Centre and service commercial areas with the regional recreation space and community facilities, Precinct B is considered to provide good opportunity for both residential intensification and selected commercial uses.</p>	<p>In progressing consideration of Precinct B we recommend that the Shire consider providing Additional Uses to the identified sites for the above uses via Table 4 of LPS9. The additional uses should be guided by suitable conditions and/or local planning policy to guide built form and site design to ensure that:</p> <ul style="list-style-type: none"> The impact on amenity to abutting and surrounding residential areas is minimised, particularly with respect to managing traffic, parking and noise that may be generated by the subject sites; and The interface with Recreation Drive is consistent with the Shires vision for the streetscape and the broader Activity Centre precinct. <p>We are not aware of the extent of engagement with these landowners as to the potential changes to land use permissibility within this precinct to date. It is recognised, however, that further engagement prior to the finalisation of the Scheme may be of benefit to address any additional concerns or considerations.</p>
22			<p>Precinct C: Given its direct interface with commercial land uses and the commercial traffic generated there is potentially benefit in providing these landowners further opportunity to leverage their proximity to the District Centre. To this extent Precinct C is similar to Precinct B, in that it may provide good opportunity for both residential intensification and selected commercial uses.</p>	<p>In progressing consideration of Precinct C we recommend that the Shire consider providing Additional Uses to limited sites, being the stretch of lots between Lot 133 and Lot 138, to ensure that the commercial uses don't extend further east into the residential area, and essentially cease at the intersection of Blue Wren Drive and Cassowary Bend.</p> <p>Such uses may include 'Art Gallery', 'Consulting Rooms', 'Office' or 'Serviced Apartments', all of which are not permissible within the Residential zone, and may also include modifications to the permissibility of 'Child Care Premises' and 'Medical Centre' which are otherwise 'A' uses within the zone.</p> <p>The additional uses should be applied via Table 4 of LPS9, and guided by suitable conditions and/or local planning policy to guide built form and site design to meet the vision of the Shire.</p>

APPENDIX A

Draft Local Planning Scheme No. 9 - Annotated

APPENDIX B

Review of the Local Planning Strategy Actions

APPENDIX C

Heritage List

Shire of Dardanup Tourism Encouragement Area

Analysis Briefing Paper



Document History & Status

Shire of Dardanup Tourism Encouragement Area

Analysis Briefing Paper

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1.0 Introduction

1.1 Project Overview

The Shire of Dardanup engaged Taylor Burrell Barnett to undertake a review of the Shire's proposal to include a 'Tourism Encouragement Area' within the provisions of the draft *Local Planning Scheme No. 9*.

The review was requested to include:

- a) Recommendations for provisions to be included within the LPS9 applicable to the proposed Special Control Area;
- b) Review of the land use zones applicable to the Tourism Encouragement Area and their appropriateness in encouraging tourism-based uses;
- c) Review of the Scheme development standards and their potential for conflict with the Tourism Encouragement Area;
- d) Review of the methods employed by similar local governments in encouraging tourism; and
- e) Recommendations with respect to other actions that the Shire may further consider to encourage tourism.

1.2 Project Scope and Inputs

The project has been designed as a desktop review of available existing and proposed planning frameworks of the Shire of Dardanup and publicly available information from other specified local governments. The project scope comprises the following tasks:

- a) A project inception meeting to ensure a full understanding of any relevant information or background on the project, and in particular understand the opportunities and constraints identified by existing landowners and/or Councillors which underpin the desire for the Tourism Area.

- b) A review of other local government planning frameworks (including Schemes, Strategies and Policies) to provide a summary of the methods used to control and facilitate tourism-based land uses.
- c) Preparation of a briefing paper outlining a summary of the local government review, and recommended actions and Scheme provisions for the Shire of Dardanup LPS9.
- d) A virtual meeting to discuss the Shire's feedback on the briefing paper.
- e) Finalisation and updates to the briefing paper where required.

It should be noted that the project does not include any engagement with stakeholders other than the Shire of Dardanup officers. Further engagement with stakeholders would potentially allow a more comprehensive understanding of opportunities and constraints associated with the development of tourism-based uses, and may be a matter the Shire gives further consideration to in the future.

1.3 Project Inputs

In considering the brief the following project inputs have been made available:

- Shire of Dardanup draft Local Planning Scheme No. 9 (V5 – June 2018);
- Access to the Shire's existing Local Planning Policy framework via the Shire's website;
- Access to the Shire's Ferguson Valley marketing website; and
- Access to other local government planning frameworks via their respective websites and the Department of Planning, Lands and Heritage website.

2.0 Scheme Context

2.1 Proposed Special Control Area

2.1.1 Analysis

We note that the Shire has identified the Tourism Encouragement Area as Special Control Area 10 (SCA 10) which has been delineated on the draft LPS9 Scheme Maps, shown in **Figure 1** and **Appendix 2**. The draft Scheme text provided does not currently contain any provisions relating to the Special Control Area.

We note that SCA 10 is approximately 1,100 Ha in area and incorporates a raft of rural landholdings of varying sizes. The predominant zones applicable to the SCA are 'Rural' for the majority of the area and 'Rural Residential' for the smaller rural holding precincts of Henty and Wellington Mills.

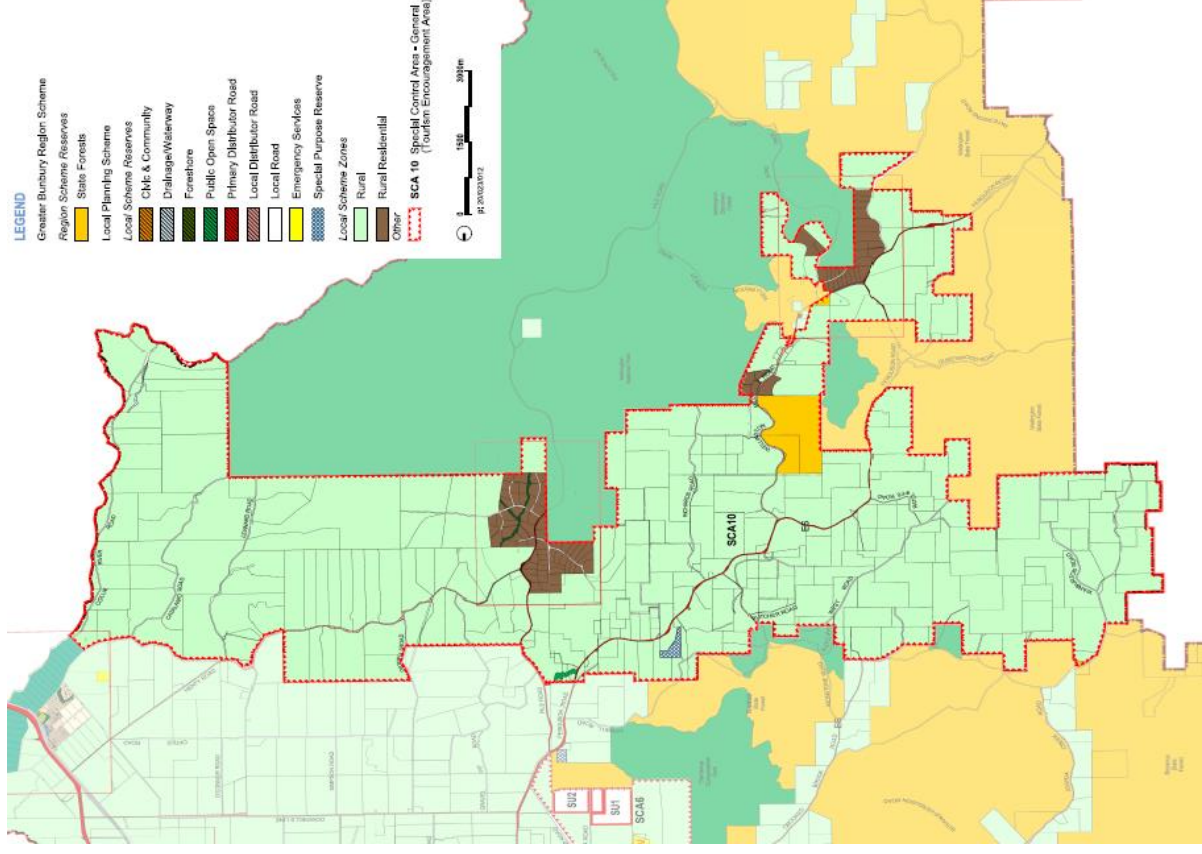
There are also a number of sites reserved for a range of purposes, including 'Special Purposes', 'Public Open Space' and 'State Forest'.

2.1.2 Commentary

The use of a Special Control Area is considered a logical approach to the identification of statutory measures to facilitate tourism development. This allows the inclusion of additional objectives, use permissibility and development standards over and above the standard zoning provisions in recognition of the over-arching vision for the area.

An alternative approach would be the creation of a new zone or zones which reflect the diversity of land uses permissible within the Tourism Area, inclusive of the tourism related developments, and structures zoning objectives accordingly. This is further considered in **Section 5.2** of the report.

Figure 1: Extract of the draft LPS9 Scheme Maps, outlining the proposed Special Control Area 10 – Tourism Encouragement Area (shown in more detail in **Appendix 2**).



2.2 Land Use Zoning and Permissibility

2.2.1 Analysis

The permissibility of land uses that are considered to fall within the category of 'tourism related' under the draft provisions of LPS9 are outlined in **Table 1**, with the definitions of these uses outlined in **Appendix 2** for reference.

2.2.2 Commentary

The majority of the uses within the 'Rural' zone are permissible in some form, and the application of permissibility appears to be appropriate given the nature of the uses and the potential of some for conflict with other traditional rural uses.

Of those uses that aren't permissible within the zone, it is noted that 'Community Purpose' and 'Club Premises' are currently identified as 'X' uses. These uses clearly have the potential to attract visitors from the local community and the surrounding catchment and contribute to activity within the tourism area, and as such there is likely benefit in reconsidering their permissibility within SCA10.

It is also noted that 'Hotel', 'Motel' and 'Serviced Apartments', which are traditionally tourism-based uses, are 'X' uses in both the 'Rural' and 'Rural Residential' zones. This is considered appropriate given these uses are better suited to an urban or peri-urban environment, would be unlikely to contribute to maintaining the rural and natural character, and would have the potential to impact the feasibility of other holiday accommodation within the area which better aligns with the character of the area.

It is noted that the 'Rural Residential' zone is somewhat more restrictive in its land use permissibility than the 'Rural' zone, with the majority of tourism-based uses identified as an 'X' use. We are of the view that it would be appropriate to broaden the permissibility of uses within the Rural Residential zone via the Special Control Area provisions, particularly relating to uses that can operate subject to controls which limit their impact on the broader amenity of the area. This is further outlined in **Section 5.2**.

This may, however, be reconsidered if the Shire identifies a nodal based tourism strategy which identifies the rural residential areas as tourism focal points, and provides specific standards for these uses within the context of the rural residential communities. This is further considered in **Section 5.1**.

Table 1: Defined uses that are considered to be 'tourism related'.

Tourism Related Uses	Permissibility within Existing Zone	
	Rural Residential	Rural
Art Gallery	D ¹	D ¹
Bed and Breakfast	P	P
Brewery	X	D ¹
Camping Ground	X	D ¹
Caravan Park	X	D ¹
Club Premises	X	X
Community Purpose	X	X
Holiday Accommodation	X	D ¹
Holiday House ⁴	A ¹	D ¹
Home Store	A	A
Hotel	X	X
Industry - Cottage	P	P
Motel	X	X
Park Home Park	X	D
Reception Centre	X	A ¹
Recreation - Private	X	A ¹
Restaurant / Café	X	D ¹
Rural Produce Store	A	D
Serviced Apartments	X	X
Tourist Development	X	A
Winery	X	D ¹

¹ Tourism uses in Rural, Rural Smallholdings and Rural Residential zones - Refer to Cl. 33.

⁴ Commercial parking in the Residential zone - Refer to Clause 49.

2.3 Development Standards

2.3.1 Analysis

It is noted that the current draft Scheme provides specific provisions for tourism-based uses in 'Rural', 'Rural-Residential' and 'Rural Smallholdings' zones at clause 33. These standards are a variation to the zone-specific standards listed earlier in the Scheme at Table 8 for the 'Rural' zone, but the same variation reference is not currently included for the Rural Residential or Rural Smallholdings zone.

The only other development standards that relate to tourism-based uses are encapsulated within:

- a) The Table 8 standards for the Tourism zone, which is not currently applicable to the Special Control Area, but does include provisions which relate to the maximum permanent residential development as a component of a tourism development.
- b) Clause 52 which provides development standards for the use 'Holiday House' within any of the zones in which this land use is permissible.



2.3.2 Commentary

TBB has previously made comment that the majority of the development standard provisions contained within the draft LPS9 are likely better encapsulated in policy rather than in the Scheme text, as this will provide greater flexibility in their application and greater efficiency in the amendment of these provisions if they prove to be unsuitable.

It is noted that the provisions included in Clause 33 are identified as maximum standards, and that if an applicant seeks to exceed this standard a Scheme amendment will be required to facilitate the proposed use as an 'Additional Use'. This is not considered to be an appropriate strategy, as:

- An Additional Use is not necessary for a site where the use is already otherwise permissible in the land use permissibility table; and
- The provisions of this clause are already subject to the discretion of the determining authority by virtue of the current Clause 62, and as such the standards are capable of variation as a component of development approval.

We are not of the view that establishing non-variable maximum standards via the Scheme is an appropriate course of action for any use, as the Shire should not limit its discretionary powers unless absolutely necessary. Given the variety of lot sizes, zones and geographical contexts within the Tourism Encouragement Area, flexibility is particularly important and should be applied.

This is also particularly important given our understanding that the standards themselves are not derived from empirical evidence or analysis of lot characteristics within the area, but rather are an estimation as to the most commonly applicable standards for these uses.

On this basis it is considered that the drafting of the provisions of Clause 33 could be improved and supported by clear objectives and application requirements within the Special Control Area.

It is also noted that the current Clause 33 provisions relate to the development of tourism based uses outside of the Tourism Encouragement Area, and in particular across all land zoned 'Rural', 'Rural Residential' and 'Rural Smallholdings'.

This structure supports the suggestion that the development standards may be better located in policy rather than the Scheme, such that they can provide guidance to support development within each of the relevant zones, and also in accordance with the objectives and requirements of the Special Control Area.

This is further discussed in **Section 5.2**.

3.0 Shire Policy Context

3.1.1 Analysis

Based on a review of the Shire’s website there are only two current policies relating to the subject Special Control Area, being:

- a) The **Wellington Mills Structure Plan**, which is structure plan rather than a local planning policy, but has a similar level of influence as a ‘due regard’ document;
- b) The **‘Exempted Development Policy’**, which provides a raft of exemptions for defined land use and development subject to specified conditions.

We are not aware of any other policies relating to tourism development or to the area encapsulated within the Special Control Area at the time of preparing this report.

3.1.2 Commentary

3.1.2.1 Wellington Mills Structure Plan

The Wellington Mills Structure Plan was endorsed by the WAPC in 2007 and provides guidance on subdivision and development within the Wellington Mills with a focus on the intensive agricultural activity and rural small holdings lots, in addition to other land uses considered appropriate for a rural village in keeping with the character of Wellington Mill.

The Structure Plan recognises the benefits of the tourism associated with the broader Ferguson Valley area, and the local tourism opportunities that have arisen within the Wellington Mills area, including the townsite itself. Appropriate land uses identified for the area include a range of agricultural, rural and rural living uses, in addition to uses which support tourism including ‘Restaurant’, ‘Shop/Convenience Store’ and ‘Holiday Accommodation’.

The Structure Plan does note, however, that *‘Larger scale activities that either dominate the landscape or generate too much traffic for the existing road system and the village atmosphere should not be permitted eg. theme parks, tourist resorts, and larger commercial or industrial operations.’*

The Wellington Mills Structure Plan appears to be reasonably consistent with the current intention of the Shire to identify the broader Ferguson Valley area as a tourism

encouragement area, and as such no changes to this Structure Plan are recommended. The desire to ensure that more significant tourism activities (e.g. theme parks, tourist resorts) are not located in close proximity to rural residential areas, however, is noted, and should be taken into consideration in further planning for the Tourism Encouragement Area.

3.1.2.2 Exempted Development Policy

The Shire’s CP091 Local Planning Policy – Exempted Development and Land Use was reviewed in early 2020 and a revised version adopted by Council on 29 April 2020. We have undertaken a review of the policy and noted the extent of development which is exempt under various zones of the current Scheme (rather than draft LPS9).

To this extent we provide the following comment:

- a) The subject area under LPS3 is predominantly zoned ‘General Farming’ and ‘Small Holding’, which under LPS 9 is proposed to be zoned ‘Rural’ and ‘Rural Residential’ respectively;
- b) The ‘tourism related’ uses of ‘Bed and Breakfast’ and ‘Industry – Cottage’ are both exempt from requiring development approval within the respective zones where the specified conditions are met.
- c) There may be benefit to consideration of an exemption for ‘Holiday House’ given this would predominantly focus on the short-term rental of existing dwellings with no actual development occurring on site. We recognise, however, that their may be concern with such an approach due to a perception of anti-social behaviour associated with short-term rentals, so would suggest further discussion prior to progression.
- d) There may be benefit to consideration of an exemption for ‘Rural Produce Store’ similar to the approach taken with ‘Industry – Cottage’, in that the development needs to align with the use definition and be in accordance with conditions that limit the amenity impact on surrounding neighbours (parking on site, separation distance, operation out of existing structures, setbacks, etc.).



4.0 Alternative Approaches

In reviewing the draft approach proposed by the Shire of Dardanup TBB has undertaken a review of alternative approaches taken by other local governments seeking to attract tourism to their municipal area. The local governments selected are the Shire of Augusta-Margaret River, Shire of Busselton and the City of Swan (specifically the Swan Valley area).

It must be noted that the work undertaken was a desktop review of the publicly available information only. Inferences from the analysis would benefit from further discussion with the planning officers at each of the local governments reviewed, and we would recommend this be undertaken prior to relying specifically upon these inferences for decision making purposes by the Shire of Dardanup.

4.1 Shire of Augusta Margaret River

4.1.1 Analysis

The Shire of August-Margaret River Local Planning Scheme No. 1 facilitates tourism through a number of Scheme mechanisms which are summarised as follows:

a) Several of the Scheme objectives relate back to the facilitation of tourism development, and one objective specifically deals with tourism with the objective to *'provide for, and foster a diverse tourist industry (which builds on the global market demand for nature based, wilderness, environmentally friendly and indigenous based learning experiences) with particular support for unique local niche products and services, which complements the natural, cultural, social and man-made environment, strengthens the local sense of place and promotes sustainable economic support for the Shire.*

b) Three zones, noted as the 'Tourism Zones', are provided to specially facilitate tourism uses. These are listed as the 'Tourism' zone, the 'Caravan Park' zone and the 'Chalet and Camping' zone. The application of these zones appears to be on a site by site basis, and we expect this has either occurred as a result of individual Scheme amendment proposals submitted by a proponents to rezone to a 'Tourism' zone prior to progressing a development application, or as a result of the consolidation of the

Scheme by the Shire and the grouping of existing operational tourism facilities within the zone.

- c) Uses in the zoning table are grouped into themes, with 'Tourism' uses forming a distinct group. These include Bed and Breakfast, Camping Ground, Caravan Park, Chalet, Guest House, Holiday House, Motel, Resort and Serviced Apartment. Given the breadth of the 'tourism uses' included, it is noted that the permissibility of these uses is not just limited to the 'Tourism' zones, but also spans across residential, commercial and rural zones.
- d) Specific development provisions relating to the tourism zones, providing standards to address what appear to be specific issues within these zones, with additional requirements for setbacks, plot ratio and landscaping requirements included within a Schedule to the Scheme.
- e) A defined land use of 'low impact tourist development' which aligns with tourism developments set in a rural and natural setting.
- f) Multiple 'Additional Uses' for individual sites or groups of sites relating to various tourism-based uses. Again, we expect this has either occurred as a result of individual Scheme amendment proposals submitted by a proponents to facilitate the Additional Use prior to progressing a development application, or as a result of the consolidation of the Scheme by the Shire and the facilitation of the existing approved use in the context of the zone applied.

In addition to the Scheme provisions the Shire of Augusta Margaret River also has a raft of strategy and policy documents to assist in facilitating tourism-based development, including but not limited to:

- Local Tourism Planning Strategy (April 2015);
- Multiple studies with a heavy focus on tourism – e.g. 'Redevelopment of Margaret River Townsite' (2011), Cowaramup Village Strategy (2005), Margaret River Townsite Strategy (2011); and
- Several local planning policies aimed at providing more detailed guidance for specific land uses, including the Tourism Policy (GL.28 – 2017) and Caravan Parks and Camping Policy (GL.26 – 2017).

4.1.2 Commentary

The strategic approach taken to tourism via the Shire's fairly comprehensive Local Tourism Planning Strategy is commendable. The Strategy provides a clear and comprehensive outline of the key opportunities and issues impacting tourism within the region, identifies the strategic advantages of the municipal area and then outlines a range of land use control measures applicable to tourism operations throughout.

This is an approach that should be given consideration by the Shire, as it would facilitate a more comprehensive understanding of the issues impacting tourism development within the Shire generally and specifically within the Ferguson Valley area, and a clear strategy to address these issues.

In considering the statutory approach taken, we are not of the view that the use of site by site zoning will be useful approach for the Shire of Dardanup given the desire to facilitate tourism development generally and make the process clearer and easier for proponents. Whilst this approach is likely effective at giving the local government very strong control over the location and design of tourism development, the process to achieve an approval would be very drawn out and very expensive for proponents.

There are, however, elements of the Shire's Scheme that would appear to be useful in preparing statutory provisions for the Shire of Dardanup's Scheme.

In particular the definition of 'low impact tourism development' within LPS1 appears to align very well with the Shire of Dardanup's stated desire to ensure that tourism based development within the Ferguson Valley has minimal impact on the natural environment and rural amenity of the area, and is likely a useful reference in framing the Shire's SCA10 provisions.

4.2 Shire of Busselton

4.2.1 Analysis

The Shire of Busselton *Local Planning Scheme No. 21* facilitates tourism through a number of Scheme mechanisms which are summarised as follows:

- a) The application of two zones which specifically relate to tourism, being:
 - The 'Tourism' zone, which facilitates tourism accommodation and other facilities, and is predominantly applied on a site by site basis to reflect existing tourism-based uses; and
 - The 'Viticulture and Tourism' zone which provides for rural based tourism opportunities, with particular focus on the protection of viticulture operations, rural amenity and the environmental qualities of land within the zone. This zone is predominantly applied to the east and west of Caves Road as a primary tourist link, in addition to a select number of sites to the south of Eagle Bay which are occupied by Wise Vineyard.
- b) Provisions guiding the subdivision of land within the 'Viticulture and Tourism' zone to protect larger landholdings from being subdivided to a lot size that would be unsuitable for other rural purposes;
- c) Setback requirements for the tourism zone to protect both the landscape buffer along key tourist routes and to ensure separation between lot boundaries and tourism operations;
- d) A series 'Special Provisions Areas' within Schedule 3, which provide a variety of additional site-specific requirements for existing tourism-based uses;

Similar to the Shire of Augusta Margaret River, the Shire of Busselton has a fairly comprehensive strategic framework and policy structure to support tourism developments, including but not limited to:

- A Local Tourism Planning Strategy (2011);
- Several precinct-based design guidelines and special character areas aimed at preserving the character of the various precincts within the Shire, many of which contribute to their value as tourist attractions, including Special Character Area guidelines for Yallingup, Eagle Bay, Old Dunsborough, Quindalup and Adelaide

4.3 City of Swan (Swan Valley Area)

4.3.1 Analysis

The City of Swan's *Local Planning Scheme No. 17* facilitates tourism development within the Swan Valley area consistent with the provisions of the *Swan Valley Planning Act 1995* (SVP Act). A summary of the Scheme mechanisms used for tourism related development include:

- a) Applications for development under the provisions of the Scheme and within the delineated SVP Act area require referral to the Swan Valley Planning Committee prior to determination by the City.
- b) A specific zone, being the Swan Valley Rural Zone, has been included to reflect the delineation of Area B within the SVP Act. Like Area B, this zone is predominantly focused on the promotion of horticultural, recreational and tourism activities, in addition to maintaining the landscape values.
- c) A land use listed as 'tourist facilities' is applicable within a multitude of rural and commercial zonings, and is defined as '*facilities used or intended to be used by visitors, and includes short-stay accommodation, provision of food and refreshments, recreational activities and the sale of goods produced in adjacent rural areas*'.

It is noted that the DPLH recently undertook a review of the appropriateness of land use controls, amongst other matters, applicable to the SVP Act area. This strategic review ultimately produced:

- The *Swan Valley Interim Planning Policy* (July 2014), which primarily provides further guidance as to the interpretation of the planning objectives specified with the SVP Act to assist the City of Swan and the WAPC in determining applications within the SVP Act area.
- The *Swan Valley Action Plan* (October 2019) which is primarily focused on the preparation of a new SVP Act, the coordination of decision making through a new Authority under the WAPC to determine all applications within the SVP Act area, the creation of a strategic planning committee and the preparation of a new Scheme to guide subdivision and development with a focus on tourism, rural and viticultural activities.

The provisions of LPS17 do not include development standards applicable to the various zones applied to the SVP Act area, as these are outlined within a separate local planning

Street, Visual Management guidelines for Caves Road and Setback and Buffers policy for the Busselton Bypass and Bussell Highway.

- Several local planning policies aimed at providing more detailed guidance for specific land uses, including Rural Tourist Accommodation (LPP2.4) and Holiday Homes (LPP4.1).

4.2.2 Commentary

Similar to the commentary outlined in Section 4.1.1, the strategic approach taken by the Shire of Busselton provides very comprehensive analysis and evidence-based decision making for land use and development controls.

The Shire's approach to the application of 'Tourism' zone and 'Additional Uses' (or in this case 'Special Provision Areas') is also similar to that applied in within the Shire of Augusta Margaret River. The use of the 'Viticulture and Tourism' zone appears to be more consistent with the Tourism Encouragement Area approach taken by the Shire of Dardanup, in that it applies to the entire precinct adjacent Caves Road and provides guidance for the development of tourism based uses whilst protecting the existing rural and viticultural context.

There are a number of other elements of the Shire's planning framework that provide a useful reference point for the preparation of the Shire of Dardanup Scheme provisions, including:

- The incorporation of provisions to guide the Shire's assessment of subdivision applications, and in particular to limit subdivision to the creation of lots which would still be viable for rural purposes. These provisions are likely important in ensuring that landholdings remain large enough to accommodate a variety of uses within the zone, and the subdivision of land to smaller parcels is not used as a vehicle to support inappropriate uses or rezoning proposals.
- The *Caves Road Visual Management Policy* (LPP4.6) provides detailed guidance for the development of land adjacent to Caves Road. This includes a detailed evaluation of the landscape qualities along the road and the standards for adjacent development, inclusive of setbacks, access restrictions, site design controls and built form provisions. Undertaking a visual management study of the Tourism Encouragement Area would be a very useful method of further understanding the attributes of the natural landscape and rural aesthetic valued by residents and visitors, and would help to inform policy provisions to guide future development.

policy. The policy outlines the applicable standards for setbacks, access, site design considerations and landscaping, amongst others.

4.3.2 Commentary

The Swan Valley area is clearly considered an area of State significance given the gazettal and implementation of a separate Act of Parliament to protect its character and facilitate ongoing tourism-based uses. We expect this would be a comparatively effective approach to protecting areas of tourism from the introduction of land use, development and subdivision that would detract from the appeal of such an area, but are not aware of any comparative studies to provide evidence to such conclusion.

We do not, however, anticipate that the State would have sufficient motivation to identify other tourism areas at such a level of significance, but this may be an approach the Shire seeks to interrogate further in collaboration with the Department of Planning, Lands and Heritage.

Certainly, the extent of strategic and detailed planning that has facilitated the development of the Swan Valley as a key tourist location is to be commended, and serves as a useful example of the benefits of such work.

The relegation of development standards from the Scheme to a local planning policy is, in our view, a useful approach. This provides the City of Swan with greater flexibility in the description of the development standards beyond that dictated by the Model Scheme Text, and provides greater flexibility in the modification of development standards if and when the City determine they require further modification.

It also gives the City the opportunity to outline the development requirements visually using graphics and diagrams, and provide guidance to applicants in the expectation of development applications to assist in their preparation. It is noted that the City's current policy does not provide such guidance or diagrams, but we are of the view this would be a best practice approach in such policy.

5.0 Recommendations

5.1 Strategic Approach

5.1.1 Commentary

In considering appropriate Scheme provisions it is noted that there is currently no published information about the strategic context or intent of the Tourism Encouragement Area other than the broad information outlined in the Shire's Local Planning Strategy. Without the strategic context it is somewhat challenging to provide comprehensive guidance as to the envisioned spatial and development outcomes and the objectives and performance indicators applicable.

In preparing a strategic overview for the Tourism Encouragement Area, the Shire could make clear its development vision, and perhaps identify focal points or nodes for tourism development where complementary uses could be encouraged. The strategic review could also assist in identifying the key aspects of the natural and rural environment that are of importance to the character of the area, and need to be retained and reinforced.

5.1.2 Recommendation

We recommend the preparation of a strategic overview for the Tourism Encouragement Area to provide guidance on the spatial vision, key opportunities and constraints and implementation actions. The Local Tourism Strategies adopted by the Shire of Augusta-Margaret River and the Shire of Busselton are relevant examples of such strategic work, but at a minimum the analysis should include:

- a) A spatial vision plan outlining the key opportunities for tourism operators, and key nodes for envisioned tourism-based uses that may be complementary to each other and provide greater viability for business operators as focal points for travelling tourists;
- b) An overview of key opportunities and issues for tourism-based uses developing within the area, and advice as to how the opportunities can be capitalised upon and issues resolved by collaboration between developers, operators and the Shire.

- c) A visual assessment study to identify the key topographical, environmental and landscape features critical to the rural and natural character of the area, and are necessary to retain and reinforce as a component of development.
- d) Reinforcement of the area objectives and requirements outlined within the Scheme. It is also recognised that the strategic overview may not necessarily require the full extent of a Local Tourism Strategy, and could otherwise be incorporated as:
 - An update to, or component of a new, Local Planning Strategy for the Shire;
 - An initial component of the local planning policy, as further discussed in **Section 5.3**.

It is also recognised that the strategic overview would greatly benefit from the inputs of a range of key stakeholders, including landowners within the area, tourism operators both within the area and within surrounding areas, and representative groups of the tourism industry. This is further discussed in **Section 5.4**.

5.2 Scheme Provisions

5.2.1 Commentary

In reviewing the draft LPS9 and the alternative approaches by other local governments we maintain the view that the delineation of a Special Control Area is an appropriate mechanism to assist the Shire in encouraging tourism within the area.

The alternative approach of specific zonings may be equally effective, but it can add another layer of complexity and can bring with it some unintended consequences. This approach is not considered appropriate without the support of a strategic review and vision plan which supports the delineation of such zoning to focus activities within different sub-precincts.

We are also cognisant that the area is represented by a large number of existing landowners undertaking a broad range of land uses within the context of the existing zones. Amending the zoning of these properties has the potential to compromise or undermine the continued operation of these land uses, and this is an unnecessary and undesirable

action for the Shire to take without more comprehensive investigation and consultation with the landowners.

To this extent we have undertaken a review of the relevant provisions of the existing draft Scheme and prepared recommendations with respect to:

- a) SCA10 provisions as a component of Table 12, as outlined in Section 5.22;
- b) Incorporation of provisions relating to subdivision to ensure the tourism encouragement is not used as a method of justification for subdivision below minimum lot size recommendations;
- c) Relegation of the provisions contained within Clause 33 and Clause 52 to a Tourism based policy, as outlined in Section 5.3;
- d) Further review of provisions relating to permanent residential occupancy within tourism-based uses, which are currently within the 'Tourism' zone standards of the draft LPS9; and
- e) Amendment to the permissibility of 'Community Purpose' and 'Club Premises' to make these 'D' uses within the 'Rural' and 'Rural Residential' zones.

5.2.2 Recommendation

It is recommended that the Shire undertake the following modifications to the draft LPS9 text:

a) Incorporation of SCA10 provisions in Table 12

The following provisions are recommended to be included in Table 12 against Special Control Area 10 to provide guidance to development within the area:

Purpose:

The Tourism Encouragement Area is intended to provide guidance and support for proponents of tourism proposals seeking to leverage the natural beauty and rural charm of the Ferguson Valley area.

Provisions:

1. *The development of tourism-based uses within the area is to be guided by the following objectives:*

- a) *To encourage the sustainable growth of tourism within the Ferguson Valley area;*
 - b) *To ensure that tourism-based uses are undertaken in a coordinated and well considered manner, and are supported by necessary infrastructure provision;*
 - c) *To protect the existing rural and lifestyle land uses within the area from the encroachment of non-complementary or conflicting land uses;*
 - d) *To ensure that appropriate tourism uses are able to operate without unreasonable constraint being imposed by surrounding rural uses;*
 - e) *To maintain the natural and rural character of the area to be enjoyed by visitors, landowners and residents of the area;*
 - f) *To ensure that the development provides a bona fide tourism function and does not facilitate otherwise unsuitable residential development.*
2. *Development applications for tourism-based uses within the Special Control Area will be assessed in the context of applicable local planning policies adopted for the area and/or for land uses within the applicable zones.*
3. *Development applications for tourism-based uses within the area are to be supported by analysis and written information to demonstrate that:*
- a) *The proposed development is designed to minimise the impact on adjacent and surrounding properties from the generation of noise, dust, vibration or visual impact from the proposed development.*
 - b) *The proposed development is designed to limit the imposition of any restriction on adjacent land uses through the provision of sufficient setbacks, screening and buffering as a component of the proposed development.*
 - c) *The road network to be used by visitors is sufficient to meet the anticipated demand generated by the proposed use.*
 - d) *The proposed development is supported by sufficient service infrastructure to meet the projected demand based on the nature of the land use and development proposed.*
 - e) *The proposed development is designed to protect the visual amenity of the area from key vantage points and areas of public realm through the retention of existing native and non-native vegetation, and the planting of additional*

vegetation where warranted to assist in screening proposed development and reinforcing the landscape and rural aesthetic.

- f) *The proposed development is designed to protect life and property from the risks associated with bushfire consistent with the applicable State and local planning guidance.*

b) Guidance for Subdivision Applications

In facilitating tourism within the Special Control Area, it is recognised that some applicants may rely upon the Shire's desire to attract tourism to support justification for subdivision of lots that would render them unsuitable for alternative purposes. To counter such justification, we would recommend adding a further provision as Point 4 of the Special Control Area provisions as follows:

- 4. *Subdivision of land within the Special Control Area will be subject to the site and development requirements outlined for the respective zone as identified in Table 8, with an overarching objective to ensure that land parcels are of a suitable size to support a broad range of uses consistent with the objectives of the zone and the Special Control Area.*

c) Delete Clause 33 and Clause 52

We recommend the deletion of Clause 33 and 52, consistent with our previous recommendation to review the standards outlined within the Scheme and look to relegate these to local planning policies instead, as further discussed in **Section 5.3**.

In shifting the provisions to policy it is likely beneficial to include a provision or note within Clause 32 referring readers to the additional development standards and requirements contained within policy, and clarifying that the standards of Clause 32 are subject to the variations clause to provide opportunity for variation by the determining authority as a component of development approval.

d) Permanent Residential Occupancy

We note that the Scheme currently includes restrictions on permanent residential occupancy within the 'Tourism' zone under Table 8, which we understand are the result of concerns that proponents may seek an unacceptable level of permanent residential occupancy, and/or proponents may repurpose approved short stay accommodation as permanent accommodation without first gaining the required approval.

On the basis that the Shire is seeking to ensure it has sufficient statutory clarity to enforce the provisions of the Scheme to support refusal of proposals or prosecution of such uses of land, we are supportive of these provisions remaining within the Scheme text.

We would, however, recommend that if the provisions are to stay within the Scheme, they be removed from the 'Tourism' zone provisions and be applied within an 'All Zones' classification within Table 8. This recommendation is on the basis that the issue at hand does not specifically relate to the 'Tourism' zone, but rather relates to tourism-based uses where accommodation is provided, irrespective of the zone applicable.

e) Amendment to the use classification of 'Community Purpose' and 'Club Premises' within the 'Rural' zone

We recommend the amendment to the permissibility of the use classes 'Community Purpose' and 'Club Premises' for the 'Rural' zone from an 'X' use to a 'D' use.

In reviewing the definitions of these use classifications, we are of the opinion that some tourism-based uses may fall within these definitions, and as such it may be of benefit to make them permissible within the 'Rural' zone. We have not recommended this for the 'Rural Residential' zone given the smaller lot sizes within this zone, and the potential impacts of development under this use classification on rural residential amenity.

We recommend this occur through provisions under the Special Control Area, with an additional note 5 under the provisions as follows:

- 5. *Notwithstanding Table 3, the use classes of 'Community Purpose' and 'Club Premises' within the 'Rural' zone are designated as 'D' uses within the Special Control Area for the purpose of clause 18.*

f) Amendment to the use classification of 'Holiday Accommodation', 'Restaurant/Café', 'Tourist Development' and 'Winery' within the 'Rural Residential' zone

We recommend an amendment to the permissibility of a number of uses within the Rural Residential zone which are considered likely to be generally consistent with the objectives of the zone, subject to policy guidance on site and built form development, and will assist in facilitating tourism within the broader Special Control Area. The uses specified are 'Holiday Accommodation', 'Restaurant/Café', 'Tourist Development' and 'Winery', as these are each considered potentially appropriate subject to policy controls which would limit their impact on the amenity of the broader area.



We recommend this occur through provisions under the Special Control Area, with an additional note 6 under the provisions as follows:

6. *Notwithstanding Table 3, the use classes of 'Holiday Accommodation', 'Restaurant/Cafe', 'Tourist Development' and 'Winery' within the 'Rural Residential' zone are designated as 'D' uses within the Special Control Area for the purpose of clause 18, and are subject to guidance provided by relevant local planning policy(s).*

Alternatively, if both recommendations e) and f) are supported by the Shire, proposed clauses 5 and 6 may be amalgamated into a bifurcated clause.

5.3 Policy Considerations

5.3.1 Tourism Related Uses Policy

We recommend the preparation of a 'Tourism Related Uses' policy which provides guidance on:

- a) Tourism uses generally across the applicable zones, outlining the development standards applicable and specific application requirements. This is anticipated to accommodate the standards currently drafted and included within Clause 33 and Clause 52 of the draft LPS9 given these are based on zoning rather than specific areas such as SCA10.

Importantly, we recommend that these provisions are:

- i. Clearly described as standards for guidance purposes only, and not as absolute requirements, with additional guidance on the considerations and information required to be provided by applicants in varying from the policy standards;
 - ii. Supported by additional textual and graphic/diagrammatic explanations to assist applicants in preparing their applications and justification.
- b) Tourism uses within the 'Tourism Encouragement Area' in recognition that the applicable standards and application requirements may differ within this area. This is particularly in recognition of the desire to facilitate and encourage tourism-based uses in this area, and the need for protection of the landscape and rural aesthetic, which will likely warrant differences in the applicable development standards to those applied more generally.

Should the Shire decide against the preparation of more comprehensive strategic guidance outlined in Section 5.1, part b) of the policy may also be a useful opportunity to outline the development vision for the area, describe the characteristics of the landscape and rural character of importance, and reinforce the Scheme objectives for the Special Control Area.

5.3.2 Exemptions Policy

Given the current exemptions provides reference to the existing LPS3 we recognise it will require update to reflect the revised zones and any provisions of LPS9 once the new Scheme is gazetted. In this context we recommend further consideration of additional exemptions for the following uses within the 'Rural' and 'Rural Residential' zones:

- a) We recommend further consideration of an exemption for 'Holiday House' given this would predominantly focus on the short-term rental of existing dwellings with no actual development occurring on site. The nature of the use is very similar to that of 'Bed and Breakfast', and as such it likely warrants consideration of an exemption similar to the 'Bed and Breakfast' use. We do recognise, however, that there may be concern with such an approach due to a perception of anti-social behaviour associated with short-term rentals (without an onsite host), so such an exemption may ultimately not be appealing to the Elected Members or the local community.
- b) We recommend further consideration of an exemption for 'Rural Produce Store' similar to the approach taken with 'Industry – Cottage', in that the development needs to align with the use definition and be in accordance with conditions that limit the amenity impact on surrounding neighbours (parking on site, separation distance, operation out of existing structures, setbacks, etc.). This would appear to be a use suitable for exemption as it would have little potential impact on amenity given the large lot sizes and floorspace limitations under the use definition.

5.4 Stakeholder Coordination

In considering further opportunities for encouraging tourism within the precinct there is an obvious benefit in the Shire receiving regular advice and feedback from the local community within the Special Control Area, and in particular the landowners and operators of tourism-based activities, and those landowners surrounding these activities.

We understand that the Shire is in the process of creating a more community lead approach to planning and governance via a place-based structure for the various places throughout the municipality.

This approach is commendable, and will ideally be a method of achieving greater information from the local community on:

- a) Constraints to the development of tourism-based uses of which the Shire may be able to provide assistance or greater facilitation;
- b) Demand for particular uses within key locations which may assist the Shire in strategic planning for the area;
- c) Issues resulting from the existing tourism operations that are impacting upon amenity or surrounding land uses of which the Shire may be able to provide greater control and/or guidance.

This information will be of great assistance to the Shire in progressing the recommended strategic and policy work outlined in Sections 5.1 and 5.3.

5.5 Marketing and Advertising

In reviewing the Shire's website, we note that the Shire assists with the provision of:

- a) The Ferguson Valley Tourism website, which provides a raft of information on tourism attractions, food and beverage providers and accommodation throughout the precinct; and
- b) The Ferguson Valley Visitors Centre, which is staffed by volunteers to provide visitors with information about attractions and accommodation options throughout the region.

The Shire has a useful role in continuing to support the marketing and advertising of the Ferguson Valley area. This may potentially be further expanded through advocacy from the Shire to Tourism WA and the broader State Government to assist in widening the scope of marketing activities underway, in addition to seeking funding opportunities where available.

APPENDIX A

Land Use Definitions

Appendix 1 – Listed Definitions of ‘Tourism Related’ Uses under the draft Shire of Dardanup Local Planning Scheme No. 9

Tourism Related Uses	Definition
Art Gallery	<p>means premises –</p> <ul style="list-style-type: none"> a) that are open to the public; and b) where artworks are displayed for viewing or sale.
Bed and Breakfast	<p>means a dwelling –</p> <ul style="list-style-type: none"> a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than four adult persons or one family; and b) containing not more than two guest bedrooms.
Brewery	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
Camping Ground	means premises that are a camping ground as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> .
Caravan Park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1).
Club Premises	means premises used by a legally constituted club or association or other body of persons united by a common interest.
Community Purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.
Holiday Accommodation	means two or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
Holiday House ⁴	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
Home Store	<p>means a shop attached to a dwelling that –</p> <ul style="list-style-type: none"> a) has a net lettable area not exceeding 100 m²; and b) is operated by a person residing in the dwelling.
Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.
Industry - Cottage	<p>means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which:</p> <ul style="list-style-type: none"> a) does not cause injury to or adversely affect the amenity of the neighbourhood; b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put; d) does not occupy an area in excess of 50 m²; and e) does not display a sign exceeding 0.2 m² in area.

Tourism Related Uses	Definition
Motel	<p>means premises, which may be licensed under the <i>Liquor Control Act 1988</i> —</p> <ul style="list-style-type: none"> a) used to accommodate guests in a manner similar to a hotel; and b) with specific provision for the accommodation of guests with motor vehicles.
Park Home Park	<p>means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997 Schedule 8</i>.</p>
Reception Centre	<p>means premises used for hosted functions on formal or ceremonial occasions.</p>
Recreation - Private	<p>means premises that are —</p> <ul style="list-style-type: none"> a) used for indoor or outdoor leisure, recreation or sport; and b) not usually open to the public without charge.
Restaurant / Café	<p>means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i>.</p>
Rural Produce Store	<p>means a premise used by the occupier of the premise for carrying out a business where:</p> <ul style="list-style-type: none"> a) it does not occupy an area greater than 25m²; b) it is used for sale of produce associated with farming operations, but may include local souvenir products; and c) will not adversely affect the amenity of the neighbourhood.
Serviced Apartments	<p>means a group of units or apartments providing —</p> <ul style="list-style-type: none"> a) self-contained short stay accommodation for guests; and b) any associated reception or recreational facilities.
Tourist Development	<p>means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —</p> <ul style="list-style-type: none"> a) short-term accommodation for guests; and b) onsite facilities for the use of guests; and c) facilities for the management of the development.
Winery	<p>means premises used for the production of viticultural produce and associated sale of the produce.</p>

APPENDIX B

Proposed Special Control Area – Spatial Plan

(Appendix ORD: 12.9D)

LEGEND

Greater Bunbury Region Scheme

Region Scheme Reserves

 State Forests

Local Planning Scheme

Local Scheme Reserves

 Civic & Community


 Drainage/Waterway

 Foreshore

 Public Open Space

 Primary Distributor Road

 Local Distributor Road

 Local Road

 Emergency Services

 Special Purpose Reserve

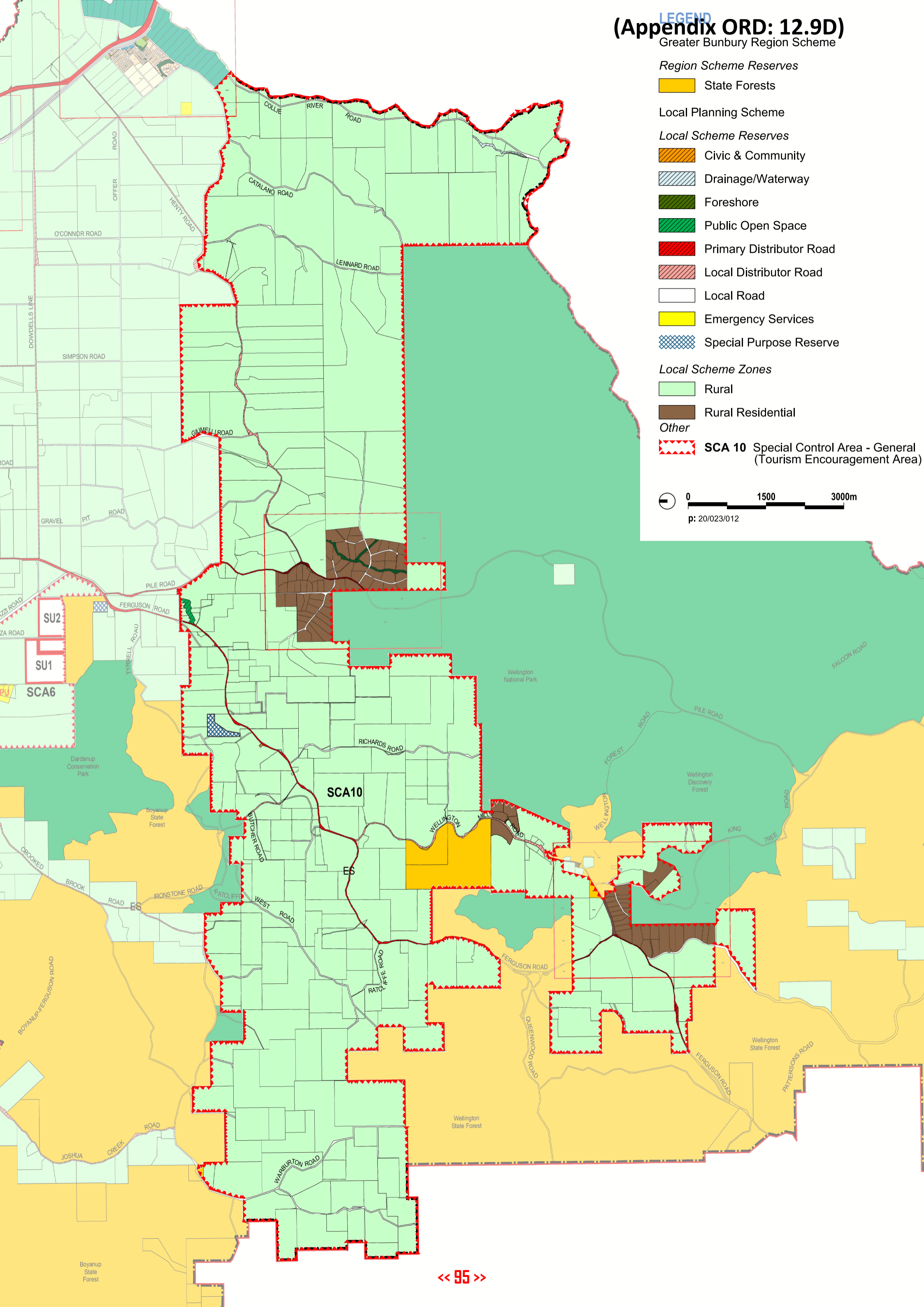
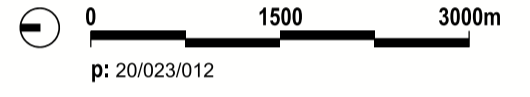
Local Scheme Zones

 Rural

 Rural Residential

Other

 **SCA 10** Special Control Area - General (Tourism Encouragement Area)



Community Engagement and Advice on Shire of Dardanup Waste Precinct - Local Planning Scheme No.9 Report

Prepared for Shire of Dardanup

By Urbaqua

June 2020

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1 INTRODUCTION

The objective of the project was to engage with industry stakeholders, State Government Agencies and affected community members to determine the objectives, aims, issues and concerns for the Waste Precinct. This information was used to develop recommended scheme provisions for incorporation of the waste precinct into the new Local Planning Scheme via a Special Use Zone.

1.1 Proposal area

The land within the Study area is summarised in Table 1 and shown on Figure 1.

Table 1: Land within the proposed Waste Precinct

Lot	Ownership	Current use
Lot 4576 Depiazzi Road, Dardanup	DF & PM Depiazzi	Cleared and cropped
Lot 4577 Depiazzi Road, Dardanup	DF & PM Depiazzi	Depiazzi and Sons mulch facility, some remnant vegetation
Lot 190 Panizza Road, Crooked Brook	Water Corporation	Cleared land
Lot 270 Panizza Road, Crooked Brook	Shire of Dardanup	Dardanup Aeromodellers Society
Lot 4580 Panizza Road, Crooked Brook	Tronox	Cleared land with some remnant vegetation
Portion Lot 81 Marginata Close, Crooked Brook	CPSS PTY LTD	Former Dardanup Landfill Facility, Greenwaste recycling, remnant vegetation
Portion Lot 82 Marginata Close, Crooked Brook	Water Corporation	Wastewater Treatment Plant and wood lot
Lot 2 Banksia Road, Crooked Brook	J & P Corporation PTY LTD	Cleanaway Dardanup Landfill Facility

1.2 Report preparation

This report was prepared on the basis of a desktop review of relevant information and the outcomes of community and stakeholder engagement. This included a review of existing development approvals to understand the types of uses and activities that are already permitted.

An understanding of any issues or concerns regarding the current and possible future operation of the Waste Precinct was sought from relevant agencies, landowners and the community as part of an engagement process. This information was used to inform recommendations for future development control.

(Appendix ORD: 12.9E)

Community Engagement & advice on Shire of Dardanup Waste Precinct - LPS No.9

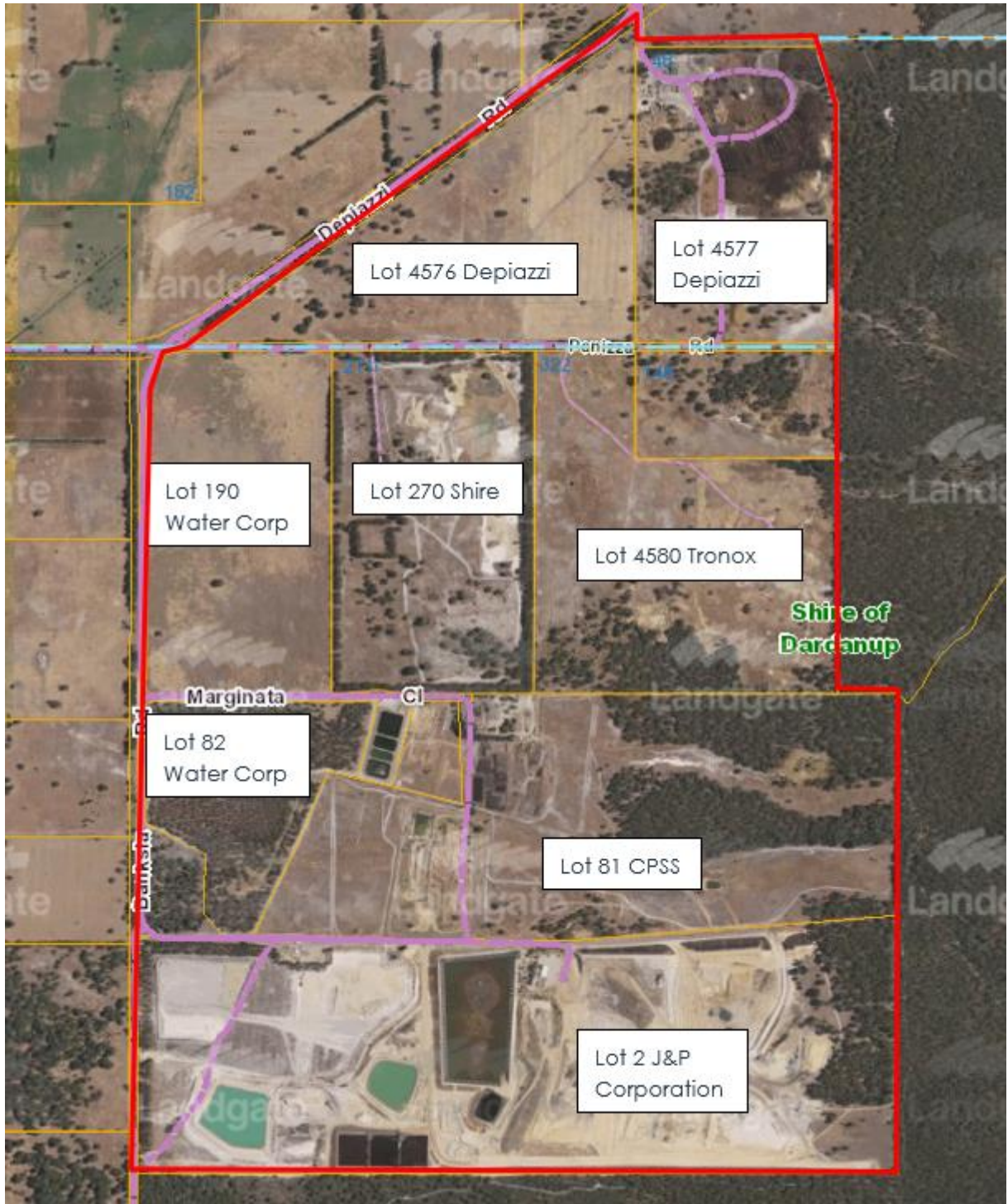


Figure 1: Study area and land ownership

2 BACKGROUND

The Shire of Dardanup are currently preparing a new Local Planning Scheme No. 9 (LPS9) to control future land use and development across the Shire. The Shire's Local Planning Strategy, adopted in April 2015, identified a Waste Disposal/Processing precinct that incorporates a number of existing facilities including the Cleanaway Dardanup Landfill Facility, a Water Corporation Waste Water Treatment Facility, the Shire of Dardanup Waste Transfer Station, the Depiazzi & Sons Composting Facility, and an area which has been considered for the storage of tailings associated with the processing of mineral sands.

2.1 Existing development approvals

In order to understand the activities that are currently permitted in the area, a review was undertaken of the existing development approvals. This is summarised in Appendix 1 and outlined further below, including identification of key environmental issues highlighted by the Shire as part of each approval.

Table 2: Current development approvals for land within the study area

Lot and ownership	Approved development (year)	Environmental issue addressed by DA conditions
Lot 4576 Depiazzi Road, Dardanup, DF & PM Depiazzi	No current development approval	
Lot 4577 (Lot 148) Depiazzi Road Dardanup, DF & PM Depiazzi	Shed with lean-to (2009) located in the north western corner of the property.	None
	Transportable office (2010) located in the north western corner of the property	On-site disposal of wastewater
	Lean-to to an existing shed (2013) in the north western corner of the property.	None
	Depot for composting mill waste (retrospective) and hardstand extension (2016)	<ul style="list-style-type: none">Stormwater managementFront landscaping (vegetative screening)Water management including stormwater management, licence for abstraction of groundwater and management of onsite wastewater including toxic and hazardous substancesBushfire risk Other issues: Vehicle and pedestrian movement including carparking
	Extractive industry – gravel extraction and gravel processing	<ul style="list-style-type: none">AmenityDust suppressionFire fightingStormwaterRehabilitation Other issues: Safety fencing, Hours of operation, rehabilitation bond, public liability insurance
Lot 181 Panizza Road, Crooked Brook, Water Corporation	No current development approval	

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Community Engagement & advice on Shire of Dardanup Waste Precinct - LPS No.9

Lot and ownership	Approved development (year)	Environmental issue addressed by DA conditions
Lot 80 (270) Panizza Road, Crooked Brook, Shire of Dardanup	Transportable Clubroom, Transportable Storage Unit, One Sea Container Used for Storage and Shade Sails (2018) – community purpose	Stormwater management Onsite wastewater management All vehicles associated with the activities on the premises shall be parked within the approved lease area boundaries.
	Emergency Access Way Easement over a portion of Lot 80 (270) Panizza Road, Crooked Brook (Shire owned land.)	Bushfire management
Lot 4580 (322) Panizza Road, Crooked Brook, Millennium Inorganic Chemicals Ltd	No current development approval	
Portion Lot 82 Marginata Close, Crooked Brook, Water Corporation	No current development approval Wastewater Treatment Plant	Managed under Part V of the <i>Environmental Protection Act 1986</i> .
Portion Lot 81 Marginata Close, Crooked Brook, Bunbury Harvey Regional Council on behalf of CPSS PTY LTD	Greenwaste Recycling – Mulching Facility (2012) - Superseded by P110/15	Neighbourhood amenity impacts from emission of light, noise, vibration, electrical interference, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products
	Greenwaste Recycling and Mulching Facility (2016)	Stormwater management
	Transportable Building for Staff Facilities and Tip Shop (2018)	Stormwater management Onsite management of wastewater Water supply for all uses Bushfire risk
Lot 2 Banksia Road, Crooked Brook, J & P Corporation PTY LTD	Approval and Licence for extractive industry (gravel and sand) granted February 1997 for 10 years <u>Expired</u>	Rehabilitation of mined areas Dust Noise – hours of operation and exceptional truck movements <u>Other issues</u> Road upgrades for trucks Setbacks fencing, signage and notices to neighbours regarding blasting
	Solid Waste Disposal Facility (1999) – Class III landfill. Approved indefinitely (SAT Decision 2006)	Dam construction Surface water run-off and erosion controls Groundwater quality – monitoring Noise – hours of operation Site management of litter, dust and vermin Fire risk Visual amenity - height and contours of the proposed waste cells
	Various facilities and infrastructure (2005), including <ul style="list-style-type: none"> • Access roads; • transportable office; • toilet block; • tank stand; • leachate pond; • drying beds; • a concrete crusher yard; • inert laydown areas; • a weigh bridge. 	Stormwater management Onsite management of wastewater Bio solid drying beds being constructed and maintained in a manner so as not to become offensive or injurious to health

(Appendix ORD: 12.9E)

Lot and ownership	Approved development (year)	Environmental issue addressed by DA conditions
	Landfill Cell 5 (2010)	Works approval from the Department of Environment and Conservation.
	Millenium Inorganic Chemicals (MIC) Residue Cell (2011)	Works approval from the Department of Environment Regulation
	Leachate ponds (2011)	Works approval from the Department of Environment Regulation
	Landfill Cell 12 and a Leachate Pond (2014)	Works approval from the Department of Environment Regulation
	Extractive industry (2016) for 5 years	Noise - Hours of operation are 7.00am to 7.00pm Monday to Friday Rehabilitation (bond and Staging and rehabilitation plan) Dust Management Plan Stormwater Management Plan including reporting within 72 hours on any actions required in response to 10 year / 2 hour average recurrence interval rainfall event. Weed Management Plan Dieback Management Plan Noise - Acoustic Report Screening - Buffer Vegetation Plan Groundwater - maximum depth of 4m below the current surface level Contamination – no storage of hydrocarbons or repair/maintenance of plant & equipment. Mobile refuelling <u>Other issues</u> <ul style="list-style-type: none"> • Safety fencing • Setbacks • Road network • Public liability
	Stormwater infrastructure works (April 2016)	Stormwater management plan Vegetated buffer
	Landfill cells 6, 7 & 8 – Waste Management Facility (2016)	No matter to be deposited on adjacent land during or after construction of the development. Works Approval required from DWER prior to the proposed works commencing
	Waste cell and waste pond (2018)	No matter to be deposited on adjacent land during or after construction of the development. Works Approval required from DWER prior to the proposed works commencing Cristal Pigment Australia Limited only, hours from 6:00am to 10:00pm. Operating hours - All other activities es – 6:00am to 6:00pm.

2.2 Site conditions

The following summary of site conditions has been prepared on the basis of reports undertaken to support proposed Amendment 130 – the rezoning of Lot 4580 (Environmental Gap Analysis: Dardanup 2018; Development of a waste disposal facility Prepared for Cristal Pigment Australia Ltd by Strategen, 2014). No validation of the information has been undertaken. Relevant excerpts from this report follow.

2.2.1 Soils

The site is underlain by a thin layer of colluvial deposits that vary in composition and consist of sandy silt, gravely/ sandy silt or sand (Heptinstall 2010). Underlying this is the Bassendean Sands formation, which forms a thin, approximately 5 m veneer of fine to medium grained sand that is exposed at the surface in some areas. Below this is the Guildford Formation, a layer of lenticular interbeds of sand, silt, clay and conglomerate about 10 m thick. The next formation is the Yoganup Formation consisting of sand and lenticular clay beds with a basal conglomerate overlying the Leederville Formation. In the vicinity immediately west of the Whicher Scarp, the Yoganup formation is known to outcrop at the surface.

2.2.2 Groundwater

The site is bordered to the west by the Bunbury Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914*. The site is within the Karri Groundwater Area which is not currently proclaimed.

Information from published hydrogeological literature indicates that the general groundwater level in the deeper Leederville aquifer occurs at 35-40 mAHD (Commander 1984). The direction of groundwater flow in the area is generally toward the northwest. The flow of groundwater within the superficial formations is strongly controlled by the presence of clays, which can cause a localised perched water table during periods of high rainfall (Golder Associates 1999).

There is conflicting information regarding hydraulic heads in the underlying aquifers in the area. Commander (1984) indicated that the area has moderate to strong downward hydraulic heads. That is, groundwater is infiltrating down from the superficial formations into the Leederville formation and acting as a recharge area. Whereas other investigations contend that the groundwater has a slight upward hydrostatic head, meaning that there is upward pressure exerted by the water flowing in the aquifer against the base of the confining layer (Stass 2009).

The Leederville aquifer is the most intensively exploited source of groundwater in the area. There are about 50 bores within 5 km of the site, in the assumed direction of groundwater flow, abstracting water for both domestic consumption and for livestock.

2.2.3 Surface water

There are no wetlands or well-defined drainage lines on the property with rainfall infiltrating the soil on site. Drainage in the area is generally towards the Ferguson River, which lies several kilometres to the north-west.

2.2.4 Vegetation and fauna

The site is bordered to the east and south by State Forest and the Dardanup Conservation Park.

The remnant native vegetation found on the site includes representations from the Whicher Scarp, Cartis and Kingia vegetation complexes:

- Whicher Scarp is described as open forest of *Eucalyptus marginata* (Jarrah) - *Corymbia calophylla* (Marri) on escarpment with some *Corymbia haematoxylon* (Mountain Marri), *Banksia attenuata* (Slender Banksia) and *Xyiomelum occidentale* (Woody Pear) in the humid zone (Mattiske & Havel 1998).
- Cartis Complex, is described as low open forest to open forest of *Eucalyptus marginata* - *Corymbia calophylla* - *Corymbia haematoxylon* with some *Banksia attenuata* and *Xyiomelum occidentale* on slopes of escarpment in the humid zone.
- Kingia Complex is described as openforest of *Eucalyptus marginata* - *Corymbia calophylla* - *Allocasuarina fraseriana* (Sheoak) – *Banksia grandis* (Bull Banksia) - *Xyiomelum occidentale* on lateritic uplands in perhumid and humid zones.

Most of the remnant vegetation is contained on Lots 4577, 4580 and 81.

Database searches conducted for Lot 4580 revealed six fauna species of conservation significance within a 10 km radius. These include the Western Ringtail Possum, Forest Red-tailed Black-Cockatoo, Baudin's Black-Cockatoo and Carnaby's Black-Cockatoo.

2.2.5 Infrastructure

Although the Water Corporation's wastewater treatment plant is within the precinct, there is no access to reticulated water or sewerage services.

2.3 Other considerations

A number of other considerations are noted as follows:

- Water Corporation's Wastewater Treatment Plant odour buffer extends to the edge of the proposed precinct at Banksia Road.
- The majority of the site falls within the Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Policy Area, identified as Titanium-zircon mineralisation.
- Parts of the land are identified as being Bushfire Prone.

3 COMMUNITY AND STAKEHOLDER ENGAGEMENT

A number of meetings were held with landowners, key stakeholders and the community. These are outlined in Table 3 and a summary is provided in Appendix 2.

NOTE: All comments noted in this report were made in conversation with each stakeholder and do not represent a formal agency position or individual opinion. They are indicative only and should not be misrepresented or used against the agency or individual.

Table 3: Discussions with landowners, stakeholders and the community

Date	Attendees
3 June 2020	Depiazzi and Sons - David, Aaron and Peta Depiazzi
3 June 2020	J&P Corporation – Jim Zheng and Peter Tolmachoff
3 June 2020	Tronox – Craig McManus and Chris Roberts
5 June 2020	Water Corporation – Brett Coombes
8 June 2020	Shire of Dardanup – Susan Oosthuizen, Cecilia Muller DPLH - Scott Penfold and Marian Dandridge DWER - Krish Seewraj and Steve Pavey DBCA – Kim Williams and Natasha Oke
9 June 2020	Community workshop #1 David Birch, Raelene Birch, Russell Sheridan, Rob Manning, Heather Elliott, Noel Hayward, Valerie Brandstater, Ian Trigwell, Jenny Trigwell, Fiona Moriarty, Cecilia Muller, Zac Hall, Carmel Boyce, Mick Bennett, Janice Dow, Peter Robinson, Tyrrell Gardiner, Patricia Perks, Andre Schonfeldt, Susan Oosthuizen
10 June 2020	Community workshop #2 Jill Cross, Allen Mountford, James Szabadics, Philip Smith, Lisa Ferris, Catherine Miller, Darline Morgan, Mark Panizza, Rhys Yuill, Russell Harvie, Ross Ferguson, Ian Isbister, Dania Birch, Anthony Commisso, Janice Dow, Tyrrell Gardiner, Andre Schonfeldt, Susan Oosthuizen, Cecilia Muller, Zac Hall
19 June 2020	Cleanaway – John Mulholland, Les Egerton

3.1 Key consultation outcomes

3.1.1 Landowners

In general, the landowners supported inclusion of all lots in the Study Area within the Special Use zone. This was in recognition that it would limit further development of sensitive uses and provide adequate buffers to existing uses.

Most landowners also noted a desire for increased recycling or resource recovery including waste to energy in the future and supported the idea that this be permitted in the zone. There was also general support for a requirement for public reporting of monitoring and rehabilitation at an appropriate time. It is noted that Cleanaway currently publish the results of their groundwater monitoring program on their website (<https://www.cleanaway.com.au/dardanup-landfill/>).

A summary of consultation with landowners is provided in Appendix 1.

3.1.2 Community

There was strong community opposition to the expansion of any further landfill in the precinct and a desire to restrict the uses to those currently permitted by existing approvals. It was therefore recommended that the size of the precinct be reduced to just those lots with approved waste uses. It was noted that consideration would need to be given to existing land use rights and so the participants agreed that it would be appropriate for the Shire to impose controls to ensure that future development proposals would address likely risks to the environment and the community.

Issues to be addressed in scheme provisions, as identified by the Community are as follows:

- Monitoring of groundwater quality with results to be publicly reported
- Odour, particularly from organics
- Visual impact – no development to be higher than tree line (8m)
- Dust, with management to be best practice
- Noise
- Cumulative impacts
- Hours of operation
- 20m Vegetative buffer within the boundary of each lot
- Restrict waste class and category
- Staging of operations - management plan for whole site
- Rehabilitation including a bond

Issues for exploration by the Shire

- Establish a network of groundwater monitoring around the precinct (500m, 1km, 3km) with fees for independent monitoring to be paid by landowners – noting at this time, the community were unaware that the Cleanaway results are already public.
- Creation of a Local Law to restrict cartage of waste on local roads.

Other issues raised that were considered unlikely to be able to be implemented were:

- No further landfill within the precinct
- Put a time limit on any new activities
- Don't allow waste from areas outside the Shire
- Requirement that it can't be seen from Bunbury
- Prohibit lithium storage or disposal
- "Down zone" Lot4580 Panizza Road so waste disposal is not permitted
- Shire to impose a waste levy
- Shire to impose a toll on the roads

Key outcomes (proposed zones/reserves and permitted uses) from the community consultation are summarised below.

Table 4: Suggested uses on the basis of community workshops

Lot	Current use/development	Proposed Zoning/Reserve	Permitted uses/development
Lot 4576 Depiazzi Road, Dardanup	Cleared pasture	Rural	Agriculture – extensive

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Lot	Current use/development	Proposed Zoning/Reserve	Permitted uses/development
Lot 4577 Depiazzi Road, Dardanup	Depiazzi and Sons mulch facility	Special Use	Transportable buildings Resource recovery centre Waste storage facility Industry – extractive
Lot 190 Panizza Road, Crooked Brook	Cleared land (Water Corporation)	Public Purposes	Wastewater treatment – wood lot
Lot 80 (270) Panizza Road, Crooked Brook	Dardanup Aeromodellers Society	Public Purposes	Industry – extractive Sea Containers
Lot 4580 Panizza Road, Crooked Brook	Cleared land with some remnant vegetation	Special Use	Waste storage facility Waste disposal facility (remove if possible))
Portion Lot 81 Marginata Close, Crooked Brook	Former Dardanup Landfill Facility, Greenwaste recycling	Special Use	Resource recovery centre Waste storage facility Waste disposal facility (remove if possible)
Portion Lot 82 Marginata Close, Crooked Brook	Wastewater Treatment Plant and tree lot	Public Purposes	Wastewater treatment
Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	Special Use	Waste storage facility Waste disposal facility Industry - extractive

3.1.3 Other feedback

Correspondence from DPLH suggested that 'Sea container' and 'Transportable buildings' are not a defined land use pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*. These should be regulated through the use of a local planning policy. There may therefore be a need to reconsider some of the definitions in the draft Scheme.

4 MANAGING ENVIRONMENTAL IMPACTS

As identified by the community, the operation of waste disposal and waste storage facilities may pose a number of risks to the environment and the community. This may include impacts to soil, vegetation, fauna, surface water, groundwater and landscape, as well as impacts from dust, noise, odour, wastewater, litter, traffic and bushfires. In order to address these impacts, the following standards and/or guidelines should be referenced in the conditions.

Table 5: Environmental matters - relevant legislation, standards and guidelines

Environmental matter	Guidance
Vegetation and fauna	<ul style="list-style-type: none">• Requirement to obtain a permit under <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> for clearing of native vegetation• Protected species – Biodiversity Conservation Act & Environment Protection and Biodiversity Conservation Act 1999• EPA Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment.• Rehabilitation of extractive industry and landfill site – EPA Guidance Statement No. 6: Rehabilitation of Terrestrial Ecosystems• Mine Closure Plan Guidance - how to prepare in accordance with the Statutory Guidelines (DMIRS 2020)
Groundwater	<ul style="list-style-type: none">• Australian Standard AS/NZS 5667.11:1998 (R2016): Water quality - Sampling Guidance on sampling of groundwaters.
Stormwater including erosion	<ul style="list-style-type: none">• Decision Process for Stormwater Management in Western Australia (DWER 2017)• State Planning Policy 2.9: Planning for Water• Policy CP060 – Stormwater Discharge from Buildings
Dust	<ul style="list-style-type: none">• Shire of Dardanup Dust Control Local Law 2011• A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC, 2011)
Noise	<ul style="list-style-type: none">• Environmental Protection (Noise) Regulations 1997
Odour	<ul style="list-style-type: none">• Department of Water and Environmental Regulation Guideline: Odour emissions (2019)
Domestic Wastewater	<ul style="list-style-type: none">• Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974• Government Sewerage Policy• Australian Standard AS 1547: On-site domestic wastewater management.
Litter	<ul style="list-style-type: none">• Litter Act 1979
Contamination	<ul style="list-style-type: none">• Contaminated Sites Act 2003
Traffic	<ul style="list-style-type: none">• Governed by both the Department of Transport and local government based on weight, length and width of vehicles
Bushfire Risk	<ul style="list-style-type: none">• SPP 3.7 Planning for Bushfire Prone Areas• Shire Firebreaks notice
Buffer to sensitive land uses	<ul style="list-style-type: none">• Guidance for the Assessment of Environmental Factors No. 3: Separation Distances between Industrial and Sensitive Land Uses (EPA 2005)• State Planning Policy No. 4.1: Industrial Buffer policy
Strategic Minerals Resource	<ul style="list-style-type: none">• Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy

4.1 Best practice guidelines

References to best practice guidelines can also assist in maintaining standards. However, there is a risk to referencing these guidelines should they be updated or superseded. The following standards are considered relevant:

- BRM applicants manual (WAPC 2009)
- Mining Proposal Guidance - how to prepare in accordance with the Statutory Guidelines (DMIRS 2020)
- Victorian EPA, 2014, Best Practice Environmental Management: Siting, Design, Operation and Rehabilitation of Landfills Guideline
- Safe Design and Operating Standards for Tailings Storage Facilities (DME May 1999, January 2007)
- AS 1940:2004 – The Storage and Handling of Flammable and Combustible Liquids.
- Draft DWER Guideline: Better Practice Composting (currently out for consultation)

Advice from DWER suggests that there are a number of best practice guidelines in development. These include:

- Environmental Standard: Rural landfills (in development with WA Local Government Association)
- Guideline: Emissions to Air
- Guideline: Emissions to Land
- Guideline: Emissions to Water
- Environmental Standard: Metropolitan Landfills
- Environmental Standard: Waste Water Treatment Plants
- Environmental Standard: Tailings Storage Facilities

5 DISCUSSION AND RECOMMENDATIONS

5.1 Discussion

Key points of discussion for the consideration of Council are:

- Justification of reduction in Special Use zone from that proposed within the Local Planning Strategy
- Permitting "Industry- extractive" in SU1
- Permitting Waste disposal on Lot 81
- Specifying waste categories and classes permitted for disposal on Lot 4580 and Lot 81
- Allowing for other discretionary uses

5.1.1 *Justification of reduction in Special Use zone from that proposed within the Local Planning Strategy*

It will be necessary to justify the reduction in the size of the proposed Special Use Zone from that depicted in the Local Planning Strategy. It is suggested that the overwhelming response from the community to further proposals for landfill provides such justification. This is consistent with the Minister for Planning's Action Plan for Planning Reform which has a key goal to create "A better-organised planning system with clear strategic direction and guidance, which provides everyone with the opportunity to make a meaningful contribution to planning for the future of their community".

5.1.2 *Permitting "Industry- extractive" in SU1*

The Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy identifies the majority of the site as having the potential for Titanium-zircon mineralisation. Relevant policy statements include:

5.1 Strategic resources and their buffers are not to be developed for other purposes until the resource is extracted, or unless development is compatible with the future extraction of the resource.

5.5 Region and local planning schemes should identify strategic resources, and include provisions for their protection, access and use.

5.9 Consideration may be given to approving rezoning, subdivision or development within the policy areas where, following detailed investigations and consultations with the Department of Mines, Industry Regulation and Safety, the Department of Water and Environment Regulation and the Department of Planning, Lands and Heritage, it can be demonstrated that the proposed rezoning, subdivision or development would not prejudice current or future mining of strategic resources within the areas. The acceptability of any proposed rezoning, subdivision or development within the policy areas will be determined with due regard to:

- advice from the Department of Mines, Industry Regulation and Safety on matters referred to in this policy
- any other planning or environmental considerations, including WAPC policies and local government policies adopted under their local planning scheme.

It is therefore recommended that "Industry – extractive" is included as a permitted use across the Special Use Zone. This is also consistent with approvals already in place for Lot 4577 and Lot 2.

5.1.3 Permitting Waste disposal on Lot 81

Although current approvals for the lot do not currently allow waste disposal, this site is the former Shire landfill. It has been suggested that the current owners paid a premium for the site and their intention is to extend landfill activities across this site and a clearing permit has been lodged with DWER.

The community is opposed to any additional landfill in the precinct and it was suggested that the uses on this lot be restricted to what is currently permitted i.e. allow for 'Resource recovery centre', 'Waste storage facility' and 'Industry – extractive', but not 'Waste disposal facility'.

Advice was sought from DPLH, who noted at officer level that this restriction is likely to be of concern to the landowner if they were considering a landfill for the site in future. In addition, whilst the use is not currently approved, it would be able to be considered under the current land zoning and has been previously utilised for this use. It was also noted that:

- It may seem inconsistent to identify the lots to the north and south of Lot 81 for waste disposal facility and not Lot 81 itself, where this is the intent; and
- The land is identified for Waste Disposal/Processing by the Shire of Dardanup Local Planning Strategy.

It is therefore suggested that the use "Waste disposal facility" is included for this Lot as this will ensure that any future proposal is subject to the conditions stipulated. If it is not included, the landowners are likely to propose the rezoning of this lot to include such a use, and the conditions granted through a further process may not be consistent with those proposed here.

5.1.4 Specifying waste categories and classes permitted for disposal on Lot 4580 and Lot 81

There was a strong desire by the community to prohibit any toxic waste disposal within the precinct. It was suggested that the scheme provisions limit the waste type and classification to minimise risks to the environment and community. Accordingly, the following conditions are recommended for consideration to be applied to Lot 4580 and Lot 81.

In addition to the above requirements, the disposal of waste shall be restricted to Class I (Prescribed Premises Category 63), Class II (Prescribed Premises Category 64 or 89) or Class III (Prescribed Premises Category 64) landfill.

Advice from DPLH has suggested that the restriction of the type of waste disposed of would be something to be determined outside of planning processes, through DWER works approvals / Licenses, rather than the planning scheme. However, given the concern by the community, particularly in relation to groundwater contamination, it is suggested that this requirement is included.

5.1.5 Allowing for other discretionary uses

The landowners suggested that there may be an opportunity to increase recycling in future and even move towards waste to energy opportunities. These strategies are consistent with the WA waste strategy and are also likely to decrease the need for future landfill. It is therefore suggested that consideration is given to including the following discretionary uses:

- Renewable energy facility
- Car park
- Tree farm

It is noted that the condition restricting the height of the development will preclude the establishment of a windfarm.

5.2 Recommendations

Having consideration of the outcomes of the landowner, stakeholder and community consultation and the discussion above, the recommended zones, reserves and permitted uses are shown in Table 6 and Figure 2.

Table 6: Recommended zoning/reservation and permitted uses

Lot	Current use/development	Proposed Zoning/ Reserve	Permitted uses
Lot 4576 Depiazzi Road, Dardanup	Cleared pasture	Rural	Agriculture – extensive
Lot 4577 (148) Depiazzi Road, Dardanup	Depiazzi and Sons mulch facility	Special Use	Resource recovery centre Waste storage facility Industry - extractive
Lot 190 Panizza Road, Crooked Brook	Cleared land (Water Corporation)	Public Purposes – Government Services	
Lot 80 (270) Panizza Road, Crooked Brook	Dardanup Aeromodellers Society	Public Purposes	
Lot 4580 (322) Panizza Road, Crooked Brook	Cleared land with some remnant vegetation	Special Use	Waste storage facility Waste disposal facility Industry - extractive
Portion Lot 81 Marginata Close, Crooked Brook	Former Dardanup Landfill Facility, Greenwaste recycling	Special Use	Resource recovery centre Waste storage facility Waste disposal facility Industry - extractive
Portion Lot 82 Marginata Close, Crooked Brook	Wastewater Treatment Plant and wood lot	Public Purposes – Government Services	
Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	Special Use	Resource recovery centre Waste storage facility Waste disposal facility Industry - extractive

(Appendix ORD: 12.9E)

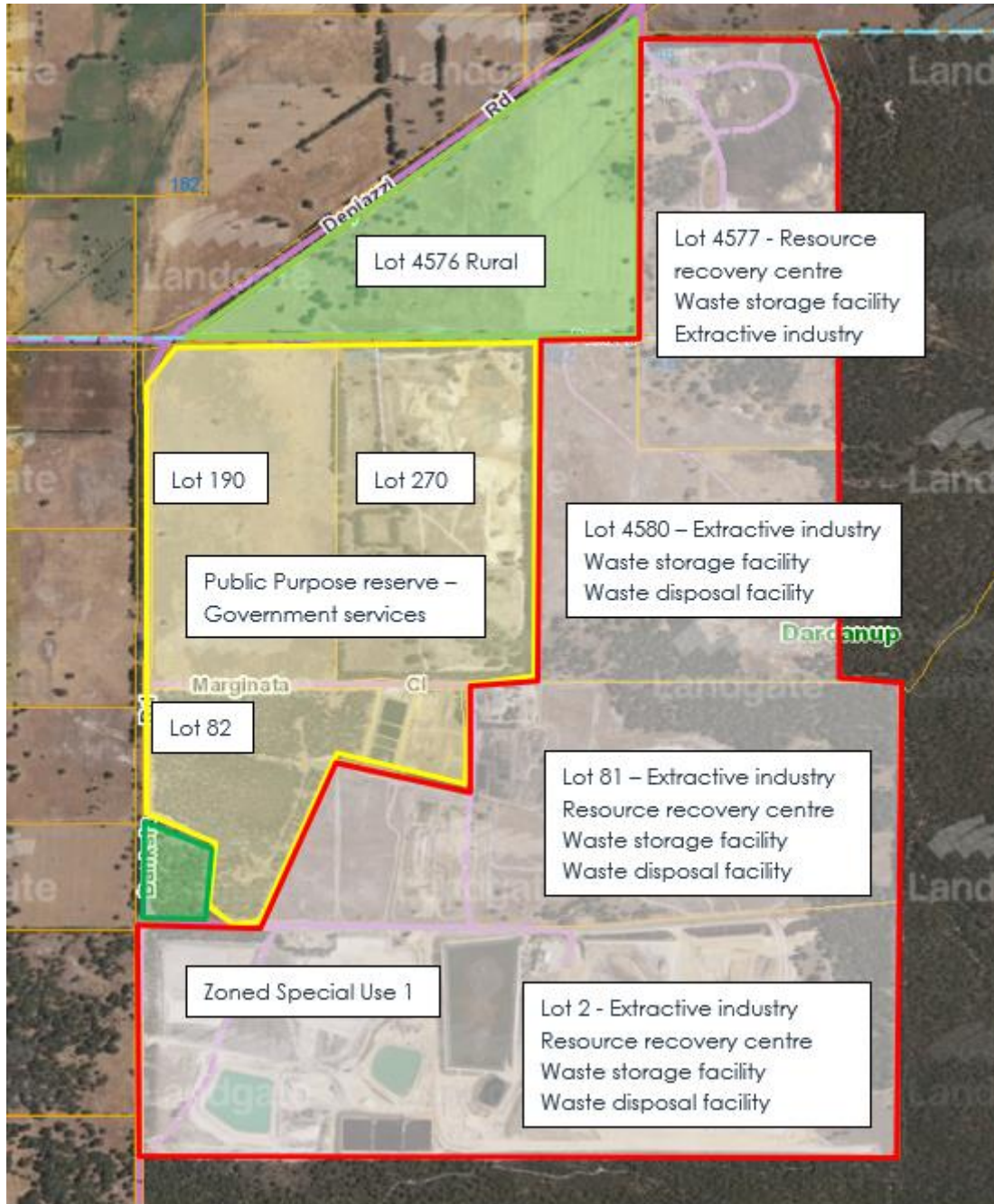


Figure 2: Proposed Dardanup waste precinct

Table 7: Recommendation for Schedule 3 – SPECIAL USE ZONES

SPECIAL USE No (SU)	LAND DESCRIPTION	PERMITTED USE	CONDITIONS
SU1	Lot 4577 (148) Depiazzi Road, Dardanup	Resource recovery centre	<ol style="list-style-type: none"> All applications for development approval shall demonstrate that consideration has been given to the <i>Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy, the BRM applicants manual (WAPC 2009) and/or Mining Proposal Guidance - how to prepare in accordance with the Statutory Guidelines (DMIRS 2020)</i>, and the extraction of the resource on the part of the lot that the development application relates to, is completed to the satisfaction of the local government in consultation with the Department of Mines, Industry Regulation and Safety ahead of development. All applications for development approval shall be accompanied by an Environmental Condition report which describes the current environmental conditions on-site and establishes baseline groundwater conditions for both the superficial and Leederville aquifers in accordance with Australian Standard AS/NZS 5667.11:1998 (R2016): <i>Water quality - Sampling Guidance on sampling of groundwaters</i>. Flora and vegetation surveys shall be consistent with EPA <i>Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment</i>. Results of groundwater sampling are to be made public. Clearing of native vegetation may require a permit under Part V of the <i>Environmental Protection Act 1986</i>. Protected flora, fauna and communities are to be addressed consistent with the <i>Biodiversity Conservation Act 2016</i> and <i>Environment Protection and Biodiversity Conservation Act 1999</i>. A 20m vegetated strip is to be provided around the perimeter of the lot, planted with vegetation that acts as a visual screen as part of a landscape plan for the lot to accompany all application for development approval. All applications for development approval shall be accompanied by a Rehabilitation and Vegetation Management Plan consistent with EPA <i>Guidance Statement No. 6: Rehabilitation of Terrestrial Ecosystems and Mine Closure Plan Guidance - how to prepare in accordance with the Statutory Guidelines (DMIRS 2020)</i>. The local government may also impose a Rehabilitation Bond in accordance with <i>Shire of Dardanup Policy: Description Gravel Pit Rehabilitation Policy</i>. A staging plan for the rehabilitation of the site is to form part of Rehabilitation and Vegetation Plan. No structures should be greater than 8m above (natural) ground level to avoid visual impacts on the landscape. Any proposal for development approval is to be accompanied by a Local Development Plan that outlines likely areas for future activities to maximum extent of operations, with an indication of
		Waste storage facility	
	Lot 4580 (322) Panizza Road, Crooked Brook	Waste storage facility	
		Waste disposal facility	
Portion Lot 81 Marginata Close, Crooked Brook	Resource recovery centre	Waste storage facility	
		Waste disposal facility	
		Waste disposal facility	
Lot 2 Banksia Road, Crooked Brook	Resource recovery centre	Waste storage facility	
		Waste disposal facility	
		Waste disposal facility	

(Appendix ORD: 12.9E)

SPECIAL USE No (SU)	LAND DESCRIPTION	PERMITTED USE	CONDITIONS
			<p>timing and staging.</p> <p>8. Hours of operation are to be restricted to 6am – 6pm, 6 days a week unless otherwise approved by local government.</p> <p>9. Dust is to be managed in accordance with the <i>Shire of Dardanup Dust Control Local Law 2011</i>. Applications for development to be accompanied by a Dust Management Plan in accordance with 'A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (DEC, 2011)' and approved by the local government in consultation with the Department of Water and Environmental Regulation.</p> <p>10. Noise is to be managed in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>. Applications for development approval are to be accompanied by a Noise Management Plan in accordance with <i>Environmental Protection (Noise) Regulations 1997</i> and approved by the Shire in consultation with Department of Water and Environmental Regulation.</p> <p>11. An application for development approval is to be accompanied by an Odour Report consistent with Department of Water and Environmental Regulation <i>Guideline: Odour emissions (2019)</i> and approved by the Shire in consultation with the Department of Water and Environmental Regulation.</p> <p>12. Where there is a likelihood of significant impacts on community amenity from increased levels of noise, dust and/or odour on advice of the Department of Water and Environmental Regulation, an application for development shall be accompanied by a cumulative impact assessment in relation to the relevant impact. The cumulative impact assessment shall be approved by the local government in consultation with the Department of Water and Environmental Regulation.</p> <p>13. The principles of stormwater management must comply with the <i>Decision Process for Stormwater Management in Western Australia (DWER 2017)</i> unless there are other industry specific criteria. Applications for development shall be accompanied by a Water Management Report consistent with <i>State Planning Policy 2.9: Planning for Water</i> and approved by the local government in consultation with the Department of Water and Environmental Regulation.</p> <p>14. Domestic wastewater is to be managed in accordance with <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i>, <i>Government Sewerage Policy</i> and <i>Australian Standard AS 1547: On-site domestic wastewater management</i>.</p> <p>15. Demonstrate that suitable buffers can be achieved in accordance with the EPA's 'Guidance for the Assessment of</p>

(Appendix ORD: 12.9E)

Community Engagement & advice on Shire of Dardanup Waste Precinct - LPS No.9

SPECIAL USE No (SU)	LAND DESCRIPTION	PERMITTED USE	CONDITIONS
			<p>Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses', or alternatively information demonstrating that buffers can be modified whilst not having an impact on amenity..</p> <p>16. Information in accordance with <i>State Planning Policy 3.7: Planning for Bushfire Prone Areas</i>, shall be submitted to and approved by the local government in consultation with the Department of Fire and Emergency Services.</p>
SU1	<p>Lot 4580 Panizza Road, Crooked Brook Portion Lot 81 Marginata Close, Crooked Brook</p>	<p>Waste storage facility</p> <p>Waste disposal facility</p>	<p>In addition to the above requirements,</p> <ol style="list-style-type: none"> the disposal of waste shall be restricted to Class I (Prescribed Premises Category 63), Class II (Prescribed Premises Category 64 or 89) landfill or Class III (Prescribed Premises Category 64) landfill.
SU1	<p>Lot 4577 Depiazzi Road, Dardanup Lot 4580 Panizza Road, Crooked Brook Portion Lot 81 Marginata Close, Crooked Brook Lot 2 Banksia Road, Crooked Brook</p>	<p>Industry - Extractive</p>	<ol style="list-style-type: none"> Applications for the development shall be submitted to the local government in accordance with the Local Planning Scheme and the Shire's Extractive Industry Local Law 1996 (as amended).
SU1	<p>Lot 4577 Depiazzi Road, Dardanup Lot 4580 Panizza Road, Crooked Brook Portion Lot 81 Marginata Close, Crooked Brook Lot 2 Banksia Road, Crooked Brook</p>	<p>The following land use classes are listed as discretionary 'D' uses:</p> <ul style="list-style-type: none"> Renewable energy facility Car park Tree farm 	<ol style="list-style-type: none"> All applications for development approval shall demonstrate that consideration has been given to the <i>Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy</i>, the <i>BRM applicants manual (WAPC 2009)</i> and/or <i>Mining Proposal Guidance - how to prepare in accordance with the Statutory Guidelines (DMIRS 2020)</i>, and the extraction of the resource on the part of the lot that the development application relates to, is completed to the satisfaction of the local government in consultation with the Department of Mines, Industry Regulation and Safety ahead of development. A 20m vegetated strip is to be provided around the perimeter of the lot, planted with vegetation that acts as a visual screen. This, and other actions to retain and rehabilitate the land should be outlined in a Landscape Management Plan. No structures should be greater than 8m above (natural) ground level to avoid visual impacts on the landscape. The principles of stormwater management must comply with the <i>Decision Process for Stormwater Management in Western Australia (DWER 2017)</i> unless there are other industry specific

SPECIAL USE No (SU)	LAND DESCRIPTION	PERMITTED USE	CONDITIONS
			criteria. Applications for development shall be accompanied by a Water Management Report consistent with <i>State Planning Policy 2.9: Planning for Water</i> and approved by the local government in consultation with the Department of Water and Environmental Regulation.

5.3 Definitions of uses

Car park	means premises used primarily for parking vehicles whether open to the public or not but does not include - (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
Industry – extractive	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes – a) the processing of raw materials including crushing, screening, washing, blending or grading; b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
Renewable energy facility	means premises, buildings or structures used to generate energy from a renewable energy source, where energy is being produced for commercial gain. It does not include solar panels or a wind turbine principally used to supply energy for an individual lot's private domestic or rural supply.
Resource recovery centre	means premises other than a waste disposal facility used for the recovery of resources from waste.
Tree farm	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the Carbon Rights Act 2003 section 5.
Waste disposal facility	means premises used — a) for the disposal of waste by landfill; or b) the incineration of hazardous, clinical or biomedical waste.
Waste storage facility	means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

APPENDIX 1: SUMMARY OF CONSULTATION

Meetings held

Date	Attendees
3 June 2020	Depiazzi and Sons - David, Aaron and Peta Depiazzi
3 June 2020	J&P Corporation – Jim Zheng and Peter Tolmachoff
3 June 2020	Tronox – Craig McManus and Chris Roberts
5 June 2020	Water Corporation – Brett Coombes
8 June 2020	Shire of Dardanup – Susan Oosthuizen, Cecilia Muller DPLH - Scott Penfold and Marian Dandridge DWER - Krish Seewraj and Steve Pavey DBCA – Kim Williams and Natasha Oke
9 June 2020	Community workshop #1 David Birch, Raelene Birch, Russell Sheridan, Rob Manning, Heather Elliott, Noel Hayward, Valerie Brandstater, Ian Trigwell, Jenny Trigwell, Fiona Moriarty, Cecilia Muller, Zac Hall, Carmel Boyce, Mick Bennett, Janice Dow, Peter Robinson, Tyrrell Gardiner, Patricia Perks, Andre Schonfeldt, Susan Oosthuizen
10 June 2020	Community workshop #2 Jill Cross, Allen Mountford, James Szabadics, Philip Smith, Lisa Ferris, Catherine Miller, Darline Morgan, Mark Panizza, Rhys Yuill, Russell Harvie, Ross Ferguson, Ian Isbister, Dania Birch, Anthony Commisso, Janice Dow, Tyrrell Gardiner, Andre Schonfeldt, Susan Oosthuizen, Cecilia Muller, Zac Hall
19 June 2020	Cleanaway – John Mulholland, Les Egerton

Summary of discussion

NOTE: All comments noted below were made in conversation with each stakeholder and do not represent a formal agency position or individual opinion. They are indicative only and should not be mis-represented or used against the agency or individual.

Depiazzi and Sons

- No intention to develop Lot 4576 (maintain grazing) - consolidating operations
- Support inclusion of both lots in Waste Precinct – no intention to add a house or sensitive use
- Support rehabilitation back to pasture
- Supportive of recycling, possibly waste to energy in future
- Use groundwater for all uses on site (including office drinking water – although have bottled water as well)
- Support making the results of any groundwater monitoring within the precinct public

J&P Corporation

- Recognise the community issues including noise complaint from land to the south
- Planning for at least 30 years remaining life of landfill on Lot 2
- Approval for green waste mulch and extraction of gravel and sand on Lot 81
- In future, would consider waste to energy, gravel/concrete crushing, tyre shredding
- Also recognise the existing mining leases/tenements
- Support future rehabilitation to native vegetation
- Cleanaway – considering locating their office and truck storage/depot
- Support for upgrade to transport network and minimal restrictions on operating times
- The defined business allowed on site as per lease agreement is for compost facility and waste management services which includes gas extraction, the collection, transport, storage, transfer and disposal of waste or related material as approved or allowed by relevant authority.

Cleanaway

- Groundwater monitoring reports are publicly available on the Cleanaway website (<https://www.cleanaway.com.au/dardanup-landfill/#>).
- The Dardanup Landfill Community Reference Group meets every 2 months. The meeting notes are published on the website. This group includes the Shire and a number of community members.
- The company invests a significant amount in community engagement and development and ensures its workers support local businesses where possible.
- Have prepared a Dust Management Plan. It has been revised once in response to Shire comments was resubmitted in February 2020. Still waiting on comments from the Shire. Will commence monitoring as soon as DMP is approved.
- Current activities include waste storage (e.g. crushing & screening). Considering recycling in future.
- All operations and reporting are currently undertaken in accordance with approved licences.
- Future restrictions on height and hours of operation will significantly constrain the viability of the business for both Lot 2 and Lot 81. Current approved height is 128RL but intend to submit a future DA for RL149. Also need to extend the current hours of operation to cater for one additional truck.
- Future operations may also look at Class IV so would prefer not to constrain the Waste Classes. Note that Class II is often associated with more impacts (unlined and putrescible).

Tronox

- Have preliminary design for nine (9) cells which would provide for 30 years waste disposal but no plans to develop at this stage. Currently using cell on Cleanaway site and will continue to do this until no longer viable.
- Recognise the need to extract the mineral sands first
- Support need for best practice design and rehabilitation. Currently remove declared weeds (Cotton Bush)
- Support requirement to make any groundwater monitoring results public. Already 4 bores on site
- Re timing of operation – prefer to leave blank so can be negotiated at a later date as required

Water Corporation

- Lot 190 – planned to become a tree lot when needed, based on water and nutrient balance. Ponds will also expand when required.
- WC buffer extends to edge of Banksia Road. Wood lot unlikely to need additional buffer
- Support restriction of uses to similar to current activities
- Currently a passive plant – facultative only. No pump station.
- Monitoring groundwater bores and reporting to DWER as part of licence conditions.
- Consider opportunities for circular industry – i.e. someone within the precinct could use the sludge
- Support resource recovery precinct or strategic resource precinct

DWER, DBCA & DPLH

- Change of use to commercial/industrial provides for increased noise under the Noise Regulations so consider sensitive land uses
- Will address future applications on case by case basis
- Currently not proclaimed – Karri Groundwater area
- Variable soils, some with high infiltrative capacity so would need to consider use as appropriate to minimise risk in these areas
- Old tip site has contaminated the superficial aquifer. Not sure if it has leached into Leederville
- Land holdings to west have allocations for stock and domestic supply
- Erosion and sediment mobilisation – need runoff control down the scarp
- Odour – currently being investigated at a number of sites within the precinct with composting facility and Fogo Waste (Bunbury Regional Council) identified as a key source. DWER odour guidelines are considered in EPA Part V assessments
- EPA Act provision – ‘unreasonable emissions’ provision, but quite general.
- Amendment 190 is being considered by the Minister for Planning. The provisions of this zone will need to be considered for the future zone.
- DPLH support for listing the key regulations and guidelines in this instance due to current sensitivities in the area.
- DBCA looking for no impact on Conservation Park and State Forest. The vegetation within the precinct is Whicher Scarp which is poorly represented so most remnants likely to be considered a priority. Some threatened flora and fauna and Priority Ecological Communities
- Streams run from conservation park into the site. Need to ensure the flows are maintained (no damming) so that there are no erosion issues at the boundary like those that have resulted from the bund on Lot 2. Some potential conflict with Shire policy to “contain all flows on site”.
- Dieback risk although conservation park is upstream /upslope so risk is low
- Conservation Park and State Forest requires retention or establishment of native vegetation buffers for containing rubbish and reducing exposure of adjacent reserve vegetation to degradation as a result of adjacent clearing and land use
- Clearing will require a permit under the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, so no need to ask for planning consent. Currently some clearing permits have been lodged with DWER. DWER would prefer an approved DA prior to granting. To satisfy DWER requirement, DBCA seeks a conditional approval of DA that requires a clearing permit to avoid clearing due to DA approval without proper assessment of vegetation values.
- Support need for baseline Information/ condition. Works approvals only have particular boundaries so useful to request the information through planning; however, needs to be appropriate to the type of proposal.
- Dust refer to DWER's guidelines as well as Local Law
- DWER has increased activity regarding the investigation of dust complaints, including undertaking particulate and video monitoring at a complainant's residence. Community OK to send through additional information.
- DWER (EPA services) noted that any scheme provisions which require a survey, management plan or something similar should state the requirement is to be in accordance with a published guideline etc., e.g. EPA Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment.

Community workshop #1

Concerns

- Groundwater and baseline
- Site suitability
- Noise
- Dust
- Buffer zones and wildlife corridors

(Appendix ORD: 12.9E)

- Rehabilitation and staging
- Monitoring
- Site management plan for whole site
- Site coverage
- Waste categories and classifications
- Height
- Hours of operation

Other comments

- Will permitting these uses remove the ability of the Shire to control? No – by putting stronger conditions on the use, the Shire will be able to ask for the right level of information and investigation. Will also provide more support for Council Decisions at SAT.
- Planning and Development Act contains provisions in which large fines can be issued for contravention of planning conditions (\$50,000 then \$5,000 per day)
- The current activities on Lot 2 are poisoning the groundwater and should be required to cease immediately. The community wants it to stop now. Significant concern over the type of waste being disposed (Lithium)
- Local only - don't want to accept regional waste. Restrict point of origin?
- The site is ruining the Shire's tourism potential – you can see the site from Bunbury. Businesses are already trying to relocate and new ones won't come here because of the tip. It is located too close to the townsite.
- Scheme will be advertised and the Minister will need to consider all submissions.
- Need to prohibit Class 4 and certain categories
- Consider a Local Law to control what is transported on Shire roads
- Reduce the size of the precinct – remove any lots that currently have no approved waste uses. Include Water Corporation land and Shire land in public purpose reserve.
- Will need to retain gravel extraction and minerals extraction due to designation in Greater Bunbury Region Scheme
- Consider an Environmental bond
- Can you put an end date on approvals?
- Emphasise resource recovery
- Rehabilitation plan – submitted prior to implementation for approval

Community workshop #2

Concerns

- Groundwater contamination
- Odour from organics
- Visual impact
- Dust
- Cumulative impact
- Noise
- Rehabilitation – bond?
- Fees for independent monitoring
- Hours of operation
- Vegetated buffer – 20m
- Restrict waste class and category

Other comments

- Waste precinct should not expand beyond what is already there.

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- Concern over groundwater contamination. The groundwater is vitally important to the rural users in the vicinity. Shire needs to obtain copies of the monitoring reports – need to test for more than salinity. Need to look at the trends over time.
- Improvements likely to be made with regards to odour from the organics processing. Also possibly moving the operations.
- Visual impact is extreme. Can see it from Bunbury. Need to restrict the height to the tree line
- Business community is feeling the impact – new businesses don't want to relocate and tourism is going elsewhere.
- The site has been breaching environmental conditions for many years. Needs stronger DWER regulation to ensure the groundwater is not being contaminated and to address dust and noise. Lack confidence that the operators will adhere to stricter requirements. Who will police it?
- Risk to this aquifer is real. No new landfill should be permitted. Prohibit storage/disposal of lithium.
- Is it possible to “down zone” lot 322?
- Can Shire impose a levy/fee or a road toll?
- Consider need for an independent agency/body to undertake monitoring and reporting. Can this be paid for by those within the precinct? Establish a network (500m, 1km & 3km)
- Need to limit hours of operation – ruining the “rural” feel of the Shire



Client: Shire of Dardanup

Report	Version	Prepared by	Reviewed by	Submitted to Client	
				Copies	Date
Draft report	V1	SSh	HBr	Electronic	16 June 2020
Final report	V2	SSh	HBr	Electronic	23 June 2020

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RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Periodical Review of Local Laws – 2020									
RISK THEME PROFILE: 3 - Failure to Fulfill Compliance Requirements (Statutory, Regulatory) 4 - Document Management Processes									
RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			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 in the 8 yearly cycle as stipulated in S3.16 of Local Government Act 1995.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Council would be seen in a negative light if we failed in our legislative requirements.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	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.

1. **Manager Operations – Mr Serge Massimini:**

2.3 Building Waste Control measures [Suggested Amendment – Include below]

- (1) A person must not commence or continue, or permit the commencement or continuation, of building works on a building site unless—
- (a) an Approved Receptacle is provided and maintained on the building site;
 - (b) all building waste is placed in, and kept securely in, the Approved Receptacle; and
 - (c) if the Approved Receptacle has a lid **or cover**, the lid **or cover** is kept securely in place at all times except when building waste is being placed in, or removed from, the Approved Receptacle.
- (2) In this clause—
- “Approved Receptacle”** means—
- (a) a receptacle with a capacity of at least 4 cubic metres with a lid **or cover**;
 - (b) a wire enclosure with a capacity of at least 4 cubic metres with a lid **or cover**; or
 - (c) any other receptacle or container approved by the Shire or an authorised person.

2. **Principal Environmental Health Officer – Mr Neil Nicholson and Statutory Enforcement Officer – Ms Miranda Ackerman:**

Amendment required to the Dust Local law - upgrade to Clause 3.4 (2) (b)

3.4 Assessing a dust management plan

- (1) The local government may—
- (a) refuse to consider a dust management plan that does not comply, or in its opinion does not adequately comply, with the requirements of this Part; and
 - (b) ~~require~~ the owner or occupier to provide further plans, documents or other information to enable it to properly assess the dust management plan.
- (2) In assessing a dust management plan, the local government may—
- (a) consult with any person or body; and
 - (b) ~~have regard to any relevant publications of a State environmental agency including—~~
 - (i) *“Land development sites and impacts on air quality; A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia”* (November 1996); and
 - (ii) *“Guidance for the Assessment of Environmental Factors—Prevention of Air Quality Impacts from Land Development Sites”* (No. 18, March 2000).

The document *“Land development sites and impacts on air quality; A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia”* has been superseded by: *“A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities (March 2011)”*. However, DWER are in the process of reviewing the 2011 guideline. Rather than including any reference to a guideline that might be superseded in the near future, the Shire should omit such references altogether. It is suggested that 2(b) be replaced with

“Have regard to any relevant publications from the Department of Water and Environmental Regulation or other relevant State Authority.”

1. Principal Environmental Health Officer – Mr Neil Nicholson.

Stage 5 of the Public Health Act 2016 is due for roll out 2020-21; Based on the Department of Health's website:

- *Once Stage 5 of the Public Health Act roll-out commences (in one to two years from now), Health Local Laws are to be either **made** (i.e. a whole new Health Local Law based on a new model framework – described below) or **transitioned** (i.e. moving the existing local laws) to Local Government Act 1995. Traditionally, Health Local Laws are made under the Health Act 1911. But, the Health Act will no longer have effect once Stage 5 commences. Also, the Public Health Act contains no provision for the creation of Health Local Laws. Instead, the state government has amended the Local Government Act to now contain provision for the creation of Health Local Laws.*
- *If local governments choose to transition their current local laws from the Health Act 1911 to the Local Government Act, the Department of Health essentially warns that these laws may need to be reviewed or repealed if they conflict with the new Health Regulations that will be introduced as part of the Stage 5 (the final stage) of the Public Health Act roll-out.*
- *To resolve the above matter, the Department of Health is working in conjunction with WALGA to develop a new **model local law** 'or template' for adoption by local governments. This new model local law is supposed to be complete before the commencement of Stage 5.*

1. Manager Governance & HR – Ms Cathy Lee:

The WALGA Model Local Law includes at Part 8 – “Saleyards”. At this time, the Shire of Dardanup does not have any Saleyards, however if this practice/business was commenced in the Shire there would be no regulation in place to manage it.

A full review of the local law is recommended.

2. Jackie Nichol

Activities which may be prohibited on specified local government property.

Amend Clause 2.8(1)(g) – to include the words “Flora/Vegetation”

- (g) the playing or practice of any ball game which may cause detriment to the property or any **flora/vegetation and** fauna on the property; and

Amend Clause 2.8(1)(h) – from:

- (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

Comment: Suggest we also add- damaging endemic (local) vegetation, flora, fungi or fauna on any Shire property or on property vested with the Shire or containing a Management order. Damaging being defined as –breaking, cutting bark, pulling up by roots, burning, setting fire to, vandalising, of any plants/vegetation. Endemic (local) Vegetation being native plants, trees, herbs or fungi of any kind found naturally occurring within Shire Managed lands.

Fauna – no live or dead organism, it’s habitat, nest, tree hollow, drey or other abode, including hole , or the animal itself, to kill, maim , burn, hurt or adversely affect, including the use of fishing materials, nets, traps, hooks or using other fauna, such as dogs or cats.

It is illegal to hurt native fauna and flora under state laws but this would be really useful in particular relating to local government laws around dogs- as dogs regularly kill possums and we can’t currently get the state involved because it occurs on our lands.

Activities needing a permit

As a result that the Shire has had someone plant potatoes in a Shire reserve and yell at staff when there was an attempt to remove them, consider adding after the word seeds:

Amend Clause 3.13(1)(e) – from:

- (e) *plant any plant or sow any seeds on local government property;*
- (e) *plant any plant or sow any seeds, bulbs, corms or other living material. on local government property;*

Adding after (e)

- (f) *To take vegetation of any kind (endemic, local) from Shire property without a permit.*
- (g) *To take fauna – endemic, local from Shire property if unauthorised, do not have a permit and or, have contacted the Shire for advice if the fauna requires urgent medical attention. If requires urgent medical attention fauna can be removed but must be taken immediately to a local veterinary practice or liced state fauna carer, as per state environmental laws.*

Then renumber remaining clauses.

Behaviour detrimental to property

Clause 4.2(2)(b) - Amend from:

- (b) *destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.*

To read:

- (b) *destroying, vandalising, damaging, breaking, cutting, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.*

3. Executive Support Officer – Mrs Ella Rafferty

Amend Clause 2.8(1) – consider adding the following:

- (i) *use, launch or fly a kite or motorised model aeroplanes, gliders or rockets that are propelled by mechanical, hydraulic, combustion or pyrotechnic means;*
- (j) *land or launch a balloon, aircraft, helicopter, hang glider or parachute;*
- (k) *harmful or detrimental feeding of fauna; and*
- (l) *Lighting of fires.*

Division 2 - Toilet blocks and change rooms

Only specified gender to use entry of toilet block or change room

Amend Clause 5.2 – Addition of clause (c)

- (c) families – then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.*

Additional Clause 5.3

- 5.3 Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is-*
 - (a) under the age of 8 years; or*
 - (b) otherwise permitted by an authorised person to use the relevant entry.*

PART 8 - OBJECTIONS AND APPEALS

Application of Division 1, Part 9 of the Act

Amend Clause 8.1 – wording to be changed from:

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

To read:

the provisions of Division 1 of Part 9 of the Act and regulation 33 and 34 of the Regulations apply to that decision.

Part 9 – Miscellaneous

Clause 9.1 be amended from:

Authorized person to be obeyed

9.1 *A person on local government property shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.*

To read:

CEO and authorised person to be obeyed

9.1 *A person on local government property must obey any lawful direction of the CEO or an authorised person and must not in any way obstruct or hinder the CEO or an authorised person in the execution of her or his duties.*

Clause 9.2 be amended from:

Persons may be directed to leave local government property

9.2 *An authorized person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.*

To read:

Persons may be directed to leave local government property

9.2 *The CEO or an authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.*

Clause 9.3 be amended from:

Disposal of lost property

9.3 *An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.*

To read:

Disposal of lost property

9.3 *An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person in any manner he or she thinks fit.*

Addition of Clause 9.5:

Decency of dress

9.5 *Where an authorised person considers that the clothing of any person on local government property is not proper and adequate to prevent indecent exposure, the authorised person may order that person to put on adequate clothing and that person is to comply with the order immediately.*

Addition of Clause 9.6:

False or misleading statement

9.6 *A person must not make a false or misleading statement in connection with an application for a permit under clause 3.2 under this local law.*

***SCHEDULE 1
PRESCRIBED OFFENCES***

Review of Modified Penalty to be undertaken.

**MITIGATION ACTIVITY FUND (MAF)
GRANTS PROGRAM
2020/21 Round 1**

GRANT AGREEMENT
Shire of Dardanup

July 2020

(Appendix ORD: 12.11A)

THIS GRANT AGREEMENT is made on **[insert date and year]**.

BETWEEN:

The State of Western Australia acting through its Department of Fire and Emergency Services
("DFES")

and

[insert name of grant recipient] A.B.N. (if applicable).
("Organisation")

RECITALS

The Organisation has applied to DFES for financial assistance to undertake the Approved Purpose and DFES has agreed to provide a grant subject to the terms and conditions of this Agreement.

THE PARTIES AGREE as follows:

1. DEFINITIONS AND INTERPRETATION

In this Agreement, unless the context otherwise requires:

Agreement means this Grant Agreement, including its recitals and any schedules or annexures.

Acquittal occurs when DFES has advised the Organisation that the reports and financial information provided by the Organisation in accordance with clause 3.6 are satisfactory.

Approved Purpose means the purpose or purposes set out in item 1 of Schedule 1.

Audit means the verification and certification the Grant has been spent in accordance with this agreement by either an independent registered company auditor (as defined by the Corporations Act 2001) or the Office of the Auditor General for Western Australia.

Auditor means an accountant in public practice, who is a certified public practitioner (or equivalent) and is a member of either Chartered Accountants Australia and New Zealand (CAANZ), CPA Australia or the Institute of Public Accountants (IPA).

Auditor General means the Auditor General for the State of Western Australia.

(Appendix ORD: 12.11A)

Business Day means a day other than a Saturday, Sunday or public holiday in Western Australia.

Grant means the amount or amounts specified in Item 7(a) of Schedule 1.

Party means each of DFES or the Organisation as the context requires and **Parties** means both of them.

Project means the initiative or activities to be undertaken using the Grant.

2. PAYMENT OF GRANT

Subject to the terms and conditions of this Agreement, DFES will pay to the Organisation the Grant in accordance with Item 7(b) of Schedule 1.

3 OBLIGATIONS OF ORGANISATION

3.1 Use of Grant

The Organisation will use the Grant solely for the Approved Purpose.

3.2 No Changes

The Organisation will not make any changes to the Approved Purpose without the prior written consent of DFES.

3.3 No Endorsement

The Organisation agrees that nothing in this Agreement constitutes an endorsement by DFES of any goods or services provided by the Organisation.

3.4 Acknowledgement of Grantor

The Organisation will acknowledge DFES in the manner set out in item 6 of Schedule 1.

3.5 Request for Information

The Organisation is to provide DFES with any documents or information relating to this Agreement or the Project within ten (10) business days of receiving such a request from DFES.

3.6 Accounts and Reporting

- (a) The Organisation is to provide progress reports, evaluation reports and financial statements as specified in Schedule 1, or such additional information as requested by DFES.
- (b) The Organisation is to keep proper financial records in accordance with generally accepted accounting principles and practices.
- (c) All reporting of financial information is to be certified by the Chairperson, CEO or equivalent of the Organisation.

3.7 Special Conditions of Grant

The Organisation agrees to comply with the special conditions (if any) specified in Item 4 of Schedule 1.

3.8 General Undertaking of Organisation

The Organisation must:

- (a) at all times duly perform and observe its obligations under this Agreement and promptly inform DFES of any occurrence which might materially adversely affect its ability to do so;
- (b) undertake its responsibilities under this Agreement with integrity, good faith and probity in accordance with good corporate governance practices;
- (c) not, nor attempt to, sell, transfer, assign, mortgage, charge or otherwise dispose of or deal with any of its rights, entitlements and powers or obligations under this Agreement;
- (d) comply with all State and Commonwealth laws, rules, regulations and by-laws;
- (e) cooperate fully with DFES in the administration of this Agreement; and
- (f) upon reasonable notice, provide DFES or its agents, with access at any reasonable time and from time to time to the Organisation's premises, financial records, other documents, equipment and other property for the purpose of audit and inspection by DFES in order to verify compliance by the Organisation with this Agreement.

4. REPAYMENT AND RETENTION OF GRANT

The Organisation must repay to DFES any amounts that DFES has paid which are not used in accordance with this Agreement unless there has been written agreement otherwise between the parties.

5. LIMITATION OF LIABILITY

DFES does not accept any responsibility or liability for the success or otherwise of the Approved Purpose and is not liable for any losses which may be suffered by the Organisation in undertaking the Approved Purpose.

6. ***FREEDOM OF INFORMATION ACT 1992 AND FINANCIAL MANAGEMENT ACT 2006***

- (a) The Organisation acknowledges and agrees that this Agreement and information regarding it is subject to the *Freedom of Information Act 1992* and that DFES may publicly disclose information in relation to this Agreement, including its terms and the details of the Organisation.
- (b) The parties acknowledge and agree that, despite any provision of this Agreement to the contrary, the powers and responsibilities of the Auditor General under the *Financial Management Act 2006* are not limited or affected by this Agreement.
- (c) The Organisation must allow the Auditor General, or an authorised representative, to have access to and examine the Organisation's records and information concerning this Agreement.

7. NOTICES

Any notice or other communication that may or must be given under this Agreement:

- (a) must be in writing;
- (b) must be given by an authorised officer of the Party giving notice;
- (c) may be:
 - (i) hand delivered or sent by prepaid post to the address of the Party receiving the notice as set out in item 5 of Schedule 1; or
 - (ii) sent by email to the email address of the Party receiving the notice as set out in item 5 of Schedule 1;
- (d) subject to paragraph (e), is taken to be received:
 - (i) in the case of hand delivery, on the date of delivery;
 - (ii) in the case of post, on the third Business Day after posting; and
 - (iii) in the case of email, on the date of transmission; and
- (e) if received after 5.00 pm or on a day other than a Business Day, is taken to be received on the next Business Day.

8. DEFAULT AND TERMINATION

8.1 Event of Default by the Organisation

An Event of Default occurs if:

- (a) the Organisation breaches any of its obligations under this Agreement which continues without remedy for ten (10) business days after notice in writing has been served on the Organisation by DFES;
- (b) the Organisation becomes insolvent or is deemed to be insolvent under the *Corporations Act 2001 (Cth)*; or
- (c) if DFES has reasonable grounds to believe that the Organisation is unwilling or unable to comply with its obligations under this Agreement.

8.2 Effect of Event of Default

If an Event of Default occurs, DFES may either:

- (a) terminate the Agreement by providing a further ten (10) business days notice in writing to the Organisation of the Event of Default; or
- (b) suspend payment of the Grant amount until the Event of Default is remedied.

8.3 Recommencement of Grant Payment

DFES may, in its absolute discretion, recommence payment of the Grant amount if and when the Organisation has rectified the Event of Default.

8.4 Acquittal

Unless earlier terminated, this Agreement will terminate at the time of Acquittal.

9. GOODS AND SERVICES TAX (GST)

- (a) For the purposes of this agreement:
 - (i) "GST" means the goods and services tax applicable to any taxable supplies as determined by the GST Act;
 - (ii) "GST Act" means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and includes all associated legislation and regulations; and
 - (iii) the terms "supply", "tax invoice", "taxable supply" and "value" have the same meanings as in the GST Act.
- (b) If the supply of anything under this Agreement is a taxable supply under the GST Act, the Grant amount shall be inclusive of GST.

(Appendix ORD: 12.11A)

- (c) The obligation of DFES to pay the GST on any supply by the Organisation under this Agreement is conditional upon the prior issue by the Organisation to DFES of a tax invoice, which complies with the GST Act. This provision applies notwithstanding any law to the contrary.
- (d) If the Parties agree that DFES will issue the Organisation with a Recipient Created Tax Invoice (RCTI), then the Parties hereby agree that:
 - (i) DFES will issue a RCTI in respect of GST payable on the supply of the Project and the Organisation will not issue a tax invoice in respect of that supply;
 - (ii) the Organisation warrants that it is registered for the purposes of GST and will notify DFES in writing if it ceases to be registered during the term of this Agreement (“the Term”);
 - (iii) DFES warrants that it is registered for the purposes of GST and will notify the Organisation in writing if it ceases to be registered, or if it ceases to satisfy the requirements of the *GST Act* during the Term; and
 - (iv) DFES will indemnify and keep indemnified the Organisation for GST and any related penalty that may arise from an understatement of the GST payable on the supply of the Project for which DFES issues a RCTI under this Agreement.

10. RELATIONSHIP

The Parties agree that nothing in this Agreement may be construed to make either of them a partner, agent, employee or joint venturer of the other.

11. WAIVER

- (a) No right under this Agreement shall be deemed to be waived except by notice in writing signed by both Parties.
- (b) A waiver by either Party will not prejudice that Party’s rights in relation to any further breach of this Agreement by the other Party.
- (c) Any failure to enforce this Agreement, or any forbearance, delay or indulgence granted by one Party to the other Party, will not be construed as a waiver of any rights.

12. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties and supersedes all communications, negotiations, arrangements and agreements, whether oral or written, between the Parties with respect to the subject matter of this Agreement.

13. VARIATION

Any variations, including changes to financial, timeframes or treatment details must be requested and approved in writing, prior to the delivery of the treatment. Where the variation has not been approved, the Department of Fire and Emergency Services may withhold final payment, with the cost to be the responsibility of the Organisation.

14. DISPUTE RESOLUTION

Before resorting to external dispute resolution mechanisms, the Parties shall in good faith attempt to settle by negotiation any dispute in relation to this Agreement, and where practical, each Party shall refer the matter to personnel who have authority to intervene and facilitate some form of resolution.

Executed by the Parties hereto:

For and on behalf of DFES:

Signature of Authorised Person

Murray Carter
Print full name of Authorised Person

Dated _____

Executive Director – Rural Fire Division
Department of Fire and Emergency
Services
Position of Authorised Person

For and on behalf of the Organisation:

_ Click or tap here to enter text _
Signature of Authorised Person

Click or tap here to enter text.
Print full name of Authorised Person

Click or tap here to enter text.
Dated

Click or tap here to enter text.
Position of Authorised Person

(Appendix ORD: 12.11A)

SCHEDULE 1

DEFINITION OF PROJECT OR SERVICE TO BE FUNDED

1. APPROVED PURPOSE OF THE GRANT

This grant is provided as part of the Department of Fire and Emergency Services' Mitigation Activity Fund (MAF) Grants Program to support building the fire management capacity and overall resilience of communities.

Funds are to be used for on-ground works to mitigate extreme, very high and high risks on land that is State owned and managed by the Local Government (the land must not be managed by another State Department).

2. PROJECT DEFINITION AND/OR ANTICIPATED ACTIVITIES

This Organisation will use the Grant solely to undertake the treatment activities detailed in appendix 1, as outlined in the 2020 MAF Grant Application submitted by the Organisation.

3. AGREEMENT TERM

Unless earlier terminated, this Agreement will terminate at the time of Acquittal.

In this context, Acquittal means that DFES has advised the Organisation that the reports and financial information provided by the Organisation in accordance with clause 3.6 are satisfactory.

All physical works are to be completed by **30 June 2021**.

4. SPECIAL CONDITIONS OF THE GRANT

- a) Payment of this funding is subject to the acquittal of previous MAF grant funding.
- b) The Organisation will ensure that all personnel performing works in relation to this agreement are appropriately qualified and equipped to perform the work.
- c) Adequate insurance will be maintained for the duration of this project, with proof to be provided to DFES if requested.
- d) All required permits are the responsibility of the Organisation (including, but not limited to clearing permits, heritage surveys and environmental surveys). Allocation of funding does not negate the need for adherence to statutory requirements.
- e) Funding is for use on State Land managed by Local Government only. If any portion of the treatment crosses another tenure/interest, express

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permission from the owner/holder of that other interest, must first be obtained by the Local Government.

5. NOTICE ADDRESSES

(a) Department of Fire and Emergency Services
Rural Fire Division
Level 1, Albert Facey House,
469 Wellington Street WA 6000
Email: MAFGP@dfes.wa.gov.au

(b) Insert Organisation
Insert mail Address
Insert Email
Insert Phone

6. ACKNOWLEDGEMENT OF GRANTOR

Acknowledgment of the contribution from Department of Fire and Emergency Services must appear on all material relating to the project, in the form approved by Department of Fire and Emergency Services prior to release of such material.

7. GRANT AMOUNT AND METHOD OF PAYMENT

- (a) DFES will pay \$492,880 (exclusive of GST) in two instalments.
- (b) Payment of the Grant under this Agreement will be by way of instalment:
- i. Instalment 1 comprising 50% of the amount shown in Item 7(a) of this schedule after the Parties have executed the Agreement.
 - ii. Instalment 2 comprising the residual, as indicated by the Final Financial Report, certified in accordance with this agreement, up to a maximum of 50% of the amount shown in Item 7(a) of this schedule, after Acquittal.
- (c) The Grant will be expended to undertake the treatments specifically outlined in appendix 1, providing they did not commence prior to the date of execution of this Agreement.
- (d) Any unexpended funds held by the Organisation will be returned to DFES within 30 days acquittal.
- (e) The Organisation must keep adequate financial accounts and records to enable identification of the grant, payments and receipts.

8. FINAL FINANCIAL STATEMENT

The Final Acquittal Declaration is to be certified by the Chairman, CEO or equivalent of the Organisation.

9. PROGRESS REPORTS

The Organisation will provide a Progress Report (generated from the Bushfire Risk Management System (BRMS)), and advise the status of each treatment activity detailed in Appendix 1. This will be requested by DFES midway through the funding round and shall be submitted by the Organisation with 30 days of receiving such request.

10. FINAL REPORT

A final report is to be returned to DFES upon funding round completion comprising of the following documents:

- (a) Final Acquittal report (generated from the BRMS), which will include an expenditure statement detailing actual expenditure,
- (b) Evidence of all expenditure (e.g. invoices, screen shots of internal financial system showing transactions),
- (c) Signed financial acquittal declaration.

Appendix 1
MITIGATION ACTIVITY FUND (MAF)
GRANTS PROGRAM
GRANT AGREEMENT 2020/21 ROUND 1

(Appendix ORD: 12.11A)

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Recommended Amount
2704	Mechanical Works	Create Hazard Separation Zone for houses on Peppermint Way & Tulip Grove Eaton by reducing elevated / ground fuels plus getting canopy separation by using hand crews to 90 % of the planned area. Asset ID DARDDP010	Peppermint Way (50-62), Eaton	\$ 7,300.00
2706	Prescribed Burning	Conduct a prescribed burn for Asset Protection for Houses on Peppermint Way by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID DARDDP003	Peppermint Way (4-8), Eaton	\$ 2,040.00
4549	Prescribed Burning	Conduct a prescribed burn for Asset Protection for Houses on Hollyford Place, Dardanup West by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID - DARDDP235	Hollyford Place (14-46), Dardanup West	\$ 5,780.00
4561	Prescribed Burning	Conduct an Asset Protection Prescribed Burn for Houses along Hale Street, Eaton by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID -DARDDP018	Hale Street (39-43), Eaton	\$ 11,380.00
4978	Mechanical Works	Create an Hazard Separation Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Asset ID - DARDDP111	Eaton Scout Camp	\$ 4,200.00
4979	Prescribed Burning	Conduct a planned Hazard Separation burn for Houses on Cormo Court by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID - DARDDP116	Cormo Court (1-14), Eaton	\$ 3,020.00
4980	Prescribed Burning	Conduct a planned Hazard Separation burn for Houses on Cormo Court by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID - DARDDP116	Cormo Court (1-14), Eaton	\$ 2,360.00
4981	Prescribed Burning	Conduct a planned Hazard Separation burn for Houses on Charolais Mews by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID - DARDDP114	Charolais Mews (2-10), Eaton	\$ 2,900.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Recommended Amount
5099	Mechanical Works	Conduct a planned Asset Protection burn for businesses on Busher Road by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID - DARDDP246	Wespine Industries, Dardanup West	\$ 20,200.00
5100	Prescribed Burning	Conduct a planned Hazard Separation burn for houses along Lennard Road by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID - DARDDP453	Lennard Road (205), Burekup	\$ 4,480.00
5114	Prescribed Burning	Conduct a planned Asset Protection burn for Houses & Sheds on Ferguson Road by reducing the fuel load to less than 5t/Ha over 90% of the treatment area. Asset ID - DARDDP409	Ferguson Road (538), Ferguson	\$ 4,400.00
5432	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP157	Alice Court (3-6), Millbridge	\$ 18,400.00
5433	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP160	Hunter Circle (1-3), Millbridge	\$ 12,625.00
5434	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP176	Millbridge Boulevard (36-38), Millbridge	\$ 9,850.00
5435	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP177	Castlereagh Vista (2-18), Millbridge	\$ 31,325.00
5436	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Asset ID - DARDDP201	Hazelgrove Crescent (43-53), Millbridge	\$ 9,660.00
5439	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP259	Golding Crescent (40), Picton East	\$ 2,070.00
5440	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP260	Golding Crescent (30-43), Picton East	\$ 6,350.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Recommended Amount
5442	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Asset ID - DARDDP478	Road Bridge Timber - 4822 - Martin-Pelusey Road	\$ 21,140.00
5443	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Asset ID - DARDDP262	Harris Road (158), Picton East	\$ 19,530.00
5450	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Asset ID - DARDDP226	Padbury Road (124-180), Dardanup West	\$ 8,640.00
5453	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Asset ID - DARDDP209	Harold Douglas Drive (315), Dardanup West	\$ 19,760.00
5686	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels plus canopy separation from ground fuels across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP181	Wilmot Court (6- 8), Millbridge	\$ 14,725.00
5687	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels plus canopy separation from ground fuels across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP141	Chamberlain Grove (35-39), Millbridge	\$ 2,500.00
5688	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels plus canopy separation from ground fuels across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP144	Berkeley View (17-19), Millbridge	\$ 3,550.00
5689	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels plus canopy separation from ground fuels across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP148	Gascoyne Circle (27-29), Millbridge	\$ 11,340.00
5690	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels plus canopy separation from ground fuels across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP177	Denison Link (6- 20), Millbridge	\$ 18,400.00
5692	Mechanical Works	Create an Asset Protection Zone by parkland clearing / mulching vegetation to reduce elevated fuels plus canopy separation from ground fuels across 90% of planned area.	Charolais Mews (2-10), Eaton	\$ 10,250.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Recommended Amount
		Using hand crews due to the limited access for machines. Asset ID - DARDDP114		
5693	Mechanical Works	Create an Hazard Separation Zone by parkland clearing / mulching vegetation to reduce elevated fuels plus canopy separation from ground fuels across 90% of planned area. Using hand crews due to the limited access for machines. Asset ID - DARDDP095	Pratt Road (123-125), Eaton	\$ 6,150.00
5694	Chemical Works	Create an Hazard Separation Zone by spraying out vegetation to reduce fuels, plus canopy separation from ground fuels across 90% of planned area. Using hand crews to remove sprayed out vegetation & canopy separation. Asset ID - DARDDP080	Millard Street (12-18), Eaton	\$ 9,900.00
5695	Mechanical Works	Create an Hazard Separation Zone by spraying out vegetation to reduce fuels, plus canopy separation from ground fuels across 90% of planned area. Using hand crews to remove sprayed out vegetation & conduct canopy separation hand pruning. Asset ID - DARDDP296	Shier Rise (13-17), Burekup	\$ 14,200.00
5696	Mechanical Works	Create an Hazard Separation Zone by parkland clearing / mulching vegetation to reduce elevated fuels to a compacted state across 90% of planned area. Asset ID - DARDDP218	Rich Place (8-18), Dardanup West	\$ 5,300.00
5701	Mechanical Works	Create an Hazard Separation Zone by mulching vegetation to reduce fuels, plus canopy separation from ground fuels which will help stop the wick effect during a bush fire. Use hand crews to remove vegetation & do canopy separation. Asset ID - DARDDP229	Padbury Road (196-236), Dardanup West	\$ 15,200.00
5705	Mechanical Works	Create an Hazard Separation Zone by mulching vegetation to reduce fuels, plus canopy separation from ground fuels which will help stop the wick effect during a bush fire. Use hand crews to remove vegetation & do canopy separation. Asset ID - DARDDP234	Slattery Way (18-30), Dardanup West	\$ 9,600.00
5706	Mechanical Works	Create an Hazard Separation Zone by mulching vegetation to reduce fuels, plus canopy separation from ground fuels which will help stop the wick effect during a bush fire. Use hand crews to remove vegetation & do canopy separation. Asset ID - DARDDP427	Hollyford Place (3-47), Dardanup West	\$ 8,130.00
5707	Mechanical Works	Create an Hazard Separation Zone by mulching vegetation to reduce fuels, plus canopy separation from ground fuels which will help stop the wick effect during a bush fire. Use hand crews to remove vegetation & do canopy separation. Asset ID - DARDDP231	Kentucky Drive (41-61), Dardanup West	\$ 18,630.00

Treatment ID	Treatment Type	Treatment Objective	Primary Asset Name	Recommended Amount
5709	Fire Access Road / Track(s)	Upgrade mineral earth fire access track using lime stone to create 2nd ingress - egress for sounding residents. Asset ID - DARDDP447	Gardincourt Drive (111), Henty	\$ 47,380.00
5710	Fire Access Road / Track(s)	Upgrade mineral earth fire access track using lime stone to create 2nd ingress - egress for sounding residents. Asset ID - DARDDP325	Ferguson Road (2041), Wellington Mill	\$ 33,850.00
5711	Fire Access Road / Track(s)	Upgrade mineral earth fire access track using lime stone to create 2nd ingress - egress for sounding residents. Asset ID - DARDDP444	Seaview Heights (55-56), Henty	\$ 36,365.00

RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Failure to comply with the conditions of the Mitigation Activity Fund Grant Agreement RISK THEME PROFILE: 8 - Errors, Omissions and Delays									
RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Failure to comply with the conditions of the Mitigation Activity Fund Grant Agreement will cause payment of grant funding to be declined resulting in financial losses.	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.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Failure to comply with the conditions of the Mitigation Activity Fund Grant Agreement will cause the termination of the agreement for default.	Catastrophic (5)	Rare (1)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Failure to comply with the conditions of the Mitigation Activity Fund Grant Agreement will cause the grantor to decline future grant applications made by the Shire.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.

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.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Failing to accept Mitigation Activity Fund (MAF) Grant Funding will leave areas of high bushfire risk throughout the Shire

RISK THEME PROFILE:

8 - Errors, Omissions and Delays

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	Failing to accept Mitigation Activity Fund (MAF) Grant Funding will leave areas of high bushfire risk throughout the Shire and cause death and/or permanent disability during an emergency.	Catastrophic (5)	Almost Certain (5)	Extreme (20 - 25)	Accept Mitigation Activity Fund (MAF) Grant Funding to reduce areas of high bushfire risk throughout the Shire.	Minor (2)	Rare (1)	Low (1 - 4)
FINANCIAL IMPACT	Failing to accept Mitigation Activity Fund (MAF) Grant Funding will leave areas of high bushfire risk throughout the Shire and impact buildings and agriculture resulting in financial losses during an emergency.	Catastrophic (5)	Almost Certain (5)	Extreme (20 - 25)	Accept Mitigation Activity Fund (MAF) Grant Funding to reduce areas of high bushfire risk throughout the Shire.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)
SERVICE INTERRUPTION	Failing to accept Mitigation Activity Fund (MAF) Grant Funding will leave areas of high bushfire risk throughout the Shire and will impact the Shires and emergency services capacity to respond to a bushfire emergency.	Catastrophic (5)	Almost Certain (5)	Extreme (20 - 25)	Accept Mitigation Activity Fund (MAF) Grant Funding to reduce areas of high bushfire risk throughout the Shire.	Minor (2)	Unlikely (2)	Low (1 - 4)
LEGAL AND COMPLIANCE	Failing to accept Mitigation Activity Fund	Catastrophic (5)	Likely (4)	Extreme (20 - 25)	Accept Mitigation Activity Fund (MAF) Grant Funding to reduce areas	Insignificant (1)	Rare (1)	Low (1 - 4)

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
	(MAF) Grant Funding will leave areas of high bushfire risk throughout the Shire and will cause loss and damage during an emergency resulting in prosecution.				of high bushfire risk throughout the Shire.			
REPUTATIONAL	Failing to accept Mitigation Activity Fund (MAF) Grant Funding will leave areas of high bushfire risk throughout the Shire and will cause public news items in the media for failure of the Shire to be able to respond to a bushfire emergency.	Catastrophic (5)	Almost Certain (5)	Extreme (20 - 25)	Accept Mitigation Activity Fund (MAF) Grant Funding to reduce areas of high bushfire risk throughout the Shire.	Insignificant (1)	Rare (1)	Low (1 - 4)
	Failing to accept Mitigation Activity Fund (MAF) Grant Funding will leave areas of high bushfire risk throughout the Shire will cause significant damage to local flora and fauna during an emergency.	Major (4)	Almost Certain (5)	Extreme (20 - 25)	Accept Mitigation Activity Fund (MAF) Grant Funding to reduce areas of high bushfire risk throughout the Shire.	Minor (2)	Possible (3)	Moderate (5 - 11)

PROJECT INFORMATION SHEET

HIGH LEVEL CONCEPT

EATON SKATE PARK AND PUMP TRACK

LOCATION – EATON



SCOPE

To deliver an integrated Civic, Community, Sport and Recreation Precinct catering for all ages of the community to visit, use and enjoy in the heart of the Eaton Town Centre.

- The objective of this precinct is to provide for the relocation of the district-level civic and community facilities to a location on the edge of the Town Square with an outlook to the Glen Huon Reserve.
- 3 stages to the delivery of this precinct and the implementation stages of the precinct includes:
 - Development of district level sport and recreational facility
 - **Skate Park and children’s playground**
 - Library and civic buildings

CONCEPT DESIGN



INDICATIVE COST

Order of Magnitude Estimate:

- Detailed design \$ 63,000
 - Skate park hard surface \$ 692,000
 - Pump track \$ 53,000
 - Lighting and CCTV \$ 84,000
 - Concrete pathways \$ 12,000
 - Landscaping \$ 86,000
 - Shade shelters, bins, fountain, handrails \$ 60,000
 - Contingency \$ 210,000
- TOTAL \$1,260,000**

PROJECT INFORMATION SHEET ADOPTED CONCEPT



EATON BOWLING CLUB AND SENIOR CITIZENS - PROPOSED NEW CLUBROOMS AND TENNIS COURTS

LOCATION PLAN - EATON BOWLING CLUB - PRATT ROAD, EATON



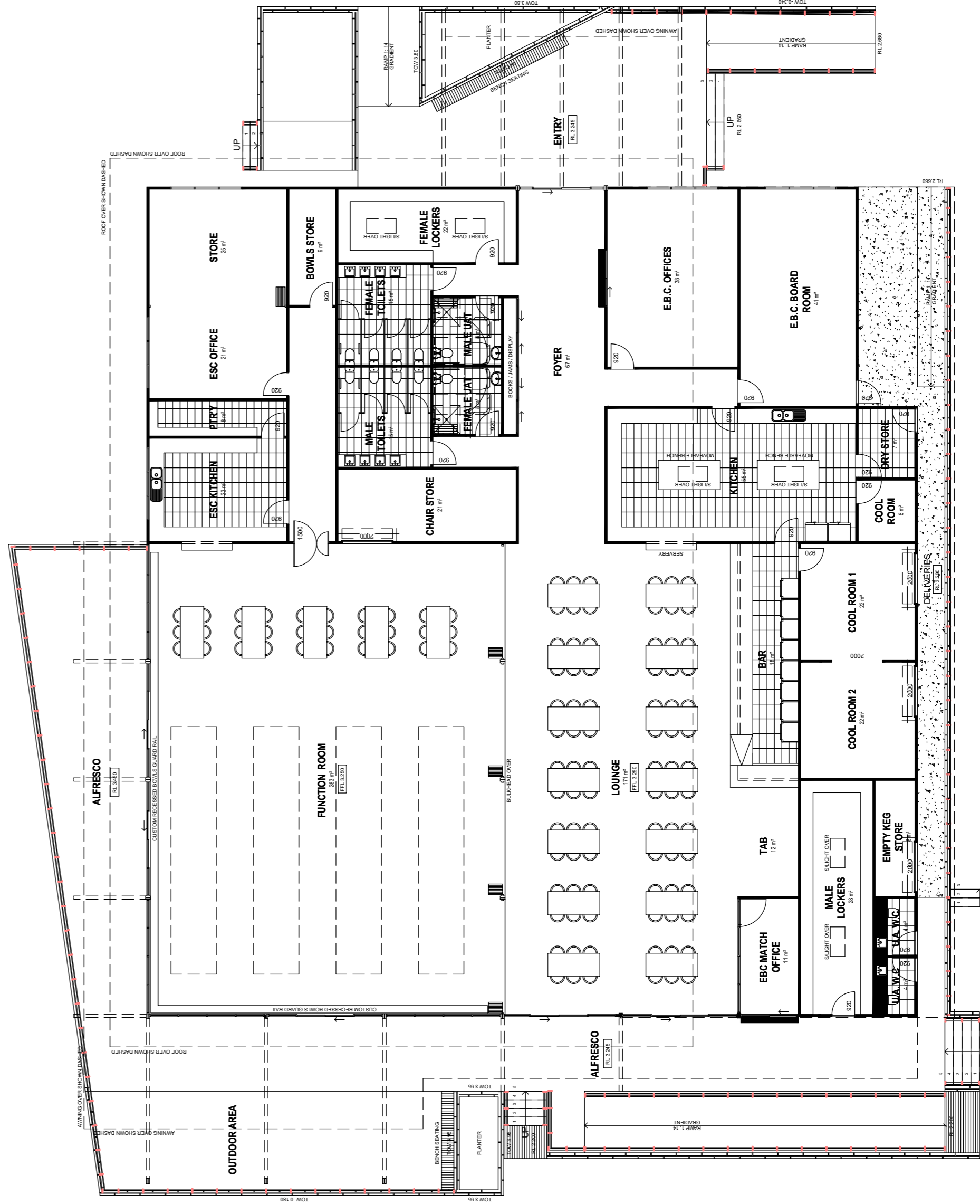
- LEGEND**
- PROPOSED NEW BUILDING
 - PROPOSED TENNIS COURTS
 - PROPOSED ADDITION CAR PARKING AREA

SCOPE

- Demolish existing facility.
- New amalgamated Bowling Club and Senior Citizens building.
- Constructed from sustainability sourced timber.
- Road modifications and car parking construction.
- Design and construction contract model for building.
- New tennis courts to be constructed on unused green to the East.

INDICATIVE COST

TOTAL BUILDING AREA -	Approx 1500 sqm
• Stage 1 Building Works	\$2,434,740
• Stage 2 Building Works	\$1,738,000
• Modifications to site	\$150,000
• Road modifications and car parking	\$325,000
• New tennis courts	\$250,000
• Lights and fencing to tennis courts	\$325,000
• Contingency	\$750,000
APPROXIMATE TOTAL COST -	\$4,499,215



CONCEPT LAYOUT

RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Community Sport and Recreation Facilities Funding Applications									
RISK THEME PROFILE: 10 - Management of Facilities, Venues and Events 13 - Project/Change Management									
RISK ASSESSMENT CONTEXT: Project									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			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's a possibility that there may not be adequate grant funding available for the projects.	Moderate (3)	Possible (3)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	There is a possibility that the facilities may not be constructed due to lack of grant funding.	Moderate (3)	Possible (3)	Moderate (5 - 11)	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	There is a possibility of negative public reaction if the new facilities cannot be constructed.	Moderate (3)	Possible (3)	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.

PROJECT INFORMATION SHEET HIGH LEVEL CONCEPT



EATON OVAL CLUBROOMS - PROPOSED NEW CLUBROOMS

LOCATION PLAN - EATON OVAL, PRATT ROAD, EATON

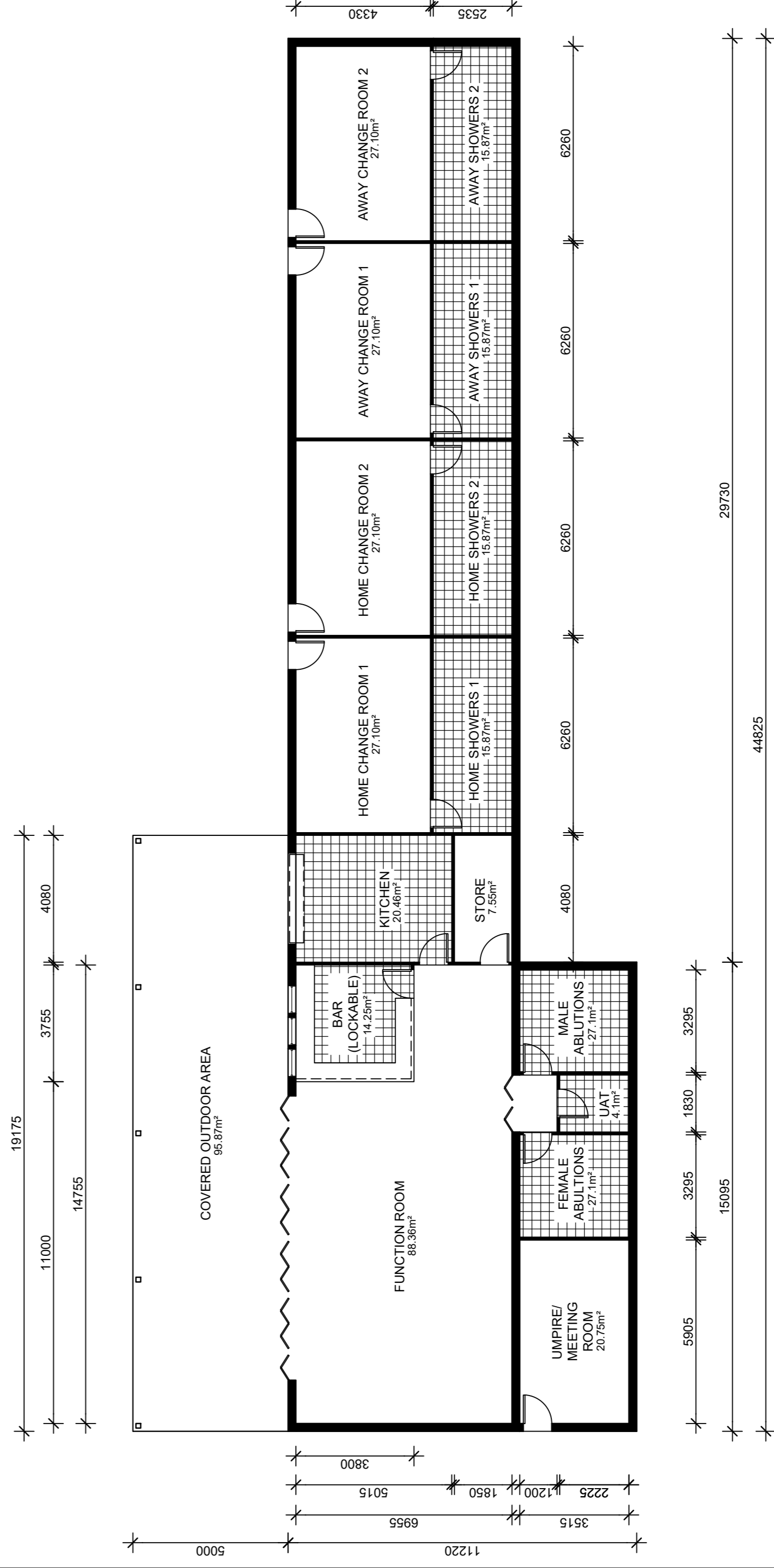


SCOPE

- Demolish existing tennis clubrooms and basketball court.
- New change rooms and change room showers and toilets, store, public toilets, kitchen, lockable bar, umpire/meeting room, function room and undercover outdoor area.
- Working group had already commenced investigation into the project scope.
- Demand and scope to be confirmed through the Sports and Recreation Plan currently being undertaken by the Dardanup Shire.
- Yarragadee bore / water filtration system.
- Raise finished floor level above 100 year flood plain.

INDICATIVE COST

- **TOTAL BUILDING AREA -** 368.4 sqm
- Change rooms - 108.4 sqm
- Wet areas - 121.75 sqm.
- Function area - 88.36 sqm
- Umpire/meeting room - 20.75 sqm
- Lockable Bar - 14.25 sqm
- Kitchen - 20.46 sqm
- Store - 7.55 sqm
- Covered outdoor area - 95.87sqm
- Service connection
- Site preparation & Earthworks
- New bore and associated water license
- Water allocation - provisional
- Contingency
- **APPROXIMATE TOTAL COST -** \$2,798,000



CONCEPT LAYOUT

(Appendix ORD: 12.13A)

Bunbury Geographe Economic Alliance

PO Box 21
Bunbury WA 6231
admin@bgea.com.au
ABN 24861829225



Tax Invoice

BILL TO
Shire of Dardanup

INVOICE 1047
DATE 13/07/2020
TERMS Net 30
DUE DATE 12/08/2020

DATE	ACTIVITY	DESCRIPTION	GST	AMOUNT
	BGEA Membership	2020 - 2021 BGEA Membership: Local Government	GST	13,500.00

		SUBTOTAL		13,500.00
		GST TOTAL		1,350.00
		TOTAL		14,850.00

		BALANCE DUE		A\$14,850.00

Please send payment using bank details below:

Bunbury Geographe Economic Alliance
BSB: 633 000
ACC: 149 134 777
Reference: Invoice Number

RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Bunbury Geographe Economic Alliance (BGEA) Membership RISK THEME PROFILE: 6 - Engagement Practices 15 - Supplier and Contract Management RISK ASSESSMENT CONTEXT: Strategic									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)			AFTER TREATMENT OR CONTROL	
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING	CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING		
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	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	The Shire of Dardanup has been one of the founding members of the Bunbury Wellington Economic Alliance back in 1999 which supports a regional approach to economic development. The risk to remain with BGEA as it becomes more focussed on small business development is that the regional approach no longer holds true.	Moderate (3)	Possible (3)	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.



(Appendix ORD: 12.14A)
Basketball South West Inc.

PO Box 1644, BUNBURY WA 6231

Email: admin@southwestslammers.com.au

Phone: 0417 185 077 ABN: 42 454 703 072

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

Dear Sir

RE: Basketball South West (BSW) & Eaton Recreation Centre (ERC) Agreement

Historically BSW has been a major user of the ERC since the completion of the venue in 2004 where our usage included all SBL and WABL training and fixtures during the winter months. BSW also ran a very successful development program which included not only the use of the basketball courts but also the gym. BSW in return has been allowed to operate out of a small office and we use of a storeroom for all of our game equipment and corporate boxes partitioning.

In recent years, the use of ERC by BSW has been limited to the SBL & WABL game day fixtures and we have struggled to be able to gain courts for training at ERC. Currently we have 4 teams training at ERC and our other 16 teams at 5 different venues. Development training is restricted to 6.00am sessions which is not conducive to parents and or players wanting to train especially in winter.

Over the past six months BSW and the manager of ERC Mr John Kowal have discussed the future use of the Eaton Recreation Centre (ERC) for the mutual benefit of the venue and BSW. A Draft agreement has been received and BSW agree in principle to the agreement which will see benefits to both. Mr Kowal and BSW would like to complete the Agreement which will outline our usage as well as the conditions we use the courts and the associated fees we need to pay for the use.

BSW has recently sent through to Mr Kowal a guide to the court usage requirements of BSW for the period from October 2019 to the end of December 2020 which includes the Regional Championships in November each year, our requirement for WABL & SBL training, WABL team trials and development training. Every year there are the 13 SBL fixtures for 8 hours and the 9 WABL home games days which currently allow for up to 18 games (36 teams) over the 11 hour day.

Whilst we agree in principle to the Agreement which we would like to move ahead and complete in the next month or so, BSW would also like to see the essence of the court hire fees as discussed and fundamentally agreed to, be extended to the court hire charges for the 2019 seasons SBL & WABL games day court hire costs.





(Appendix ORD: 12.14A)

Basketball South West Inc.

PO Box 1644, BUNBURY WA 6231

Email: admin@southwestslammers.com.au

Phone: 0417 185 077 ABN: 42 454 703 072

The discussions have been around BSW hiring the whole ERC venue for the days or evenings at a court hire cost without additional costs for seats, grandstands, trestles and tables, competition packages, liquor licences etc being added to our invoices. BSW considers we attract the players and spectators to the venue which adds a reasonable value to the takings of the kiosk and hence suitably compensates ERC.

We have also discussed with Mr Kowal, the building of additional courts which would be of significant interest to BSW whereby we could be a major user of not only the existing courts but also any new courts.

May BSW request the Dardanup Shire Council:

1. Consider the deletion of the additional costs for the SBL & WABL game days for the 2019 season; and
2. Continue to finalise the Agreement for usage and associated costs for the period of October 2019 to the end of December 2020.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Hawkins".

Steve Hawkins
Director





Eaton Recreation Centre

And

Basketball South West

HIRE AGREEMENT

(F0138693)

This AGREEMENT is made

On the day of 20

BETWEEN

SHIRE OF DARDANUP of 1 Council Drive, Eaton

AND

BASKETBALL SOUTH WEST of PO Box 1644, Bunbury, WA, 6230.

RECITALS

This agreement is for the hire and use of the Eaton Recreation Centre for the period and conditions defined in this Hire Agreement.

THE PARTIES AGREE as follows:

1. DEFINITIONS AND INTERPRETATION

In this Agreement, unless the context otherwise requires:

Agreement means this agreement as entered into by the Shire of Dardanup - Eaton Recreation Centre and Basketball South West.

BSW - means Basketball South West

CEO – means the Chief Executive Officer of the Shire of Dardanup.

Council - means the Shire of Dardanup.

ERC - means the Eaton Recreation Centre and anything appurtenant thereto.

Venue - means the Eaton Recreation Centre.

Parties - means the Eaton Recreation Centre and Basketball South West - (including South West Slammers, WABL, Regional Carnival Games, Training, and Development Squads).

Fee - means the Schedule of Fees as at Appendix “A” herein.

Term - means the period of the agreement from the date signed to the expiration date of the agreement.

- 1.1 This agreement shall be interpreted so that it complies with all laws applicable in Western Australia. If any provision of this agreement does not comply with any law, then the provision must be read down so as to give as much effect as possible in compliance with any law. If it is not possible to give the provision any effect at all, then it must be severed from the rest of the agreement.
- 1.2 Any changes or alterations to this agreement shall be in writing and signed by all parties.
- 1.3 Headings have been used in this agreement for ease of reference only and shall not affect the interpretation or construction of this agreement.

2. FIXTURES

- 2.1 ERC shall be the host venue for all home games for the State Basketball League (SBL), WA Basketball League (WABL) and Regional Carnival fixtures when held in the Greater Bunbury area; however liaison will be required between parties to ensure the capability of the ERC to accommodate all fixtures along with any other existing venue bookings and fixtures. Where possible, the ERC shall give priority to BSW fixtures over other hirers and events at the venue.

3. RISK AND INDEMNITY

- 3.1 BSW shall ensure that all players, coaches and any other BSW representatives are covered by the applicable insurance including public liability, professional indemnity, accident and injury liability insurance whilst using the ERC.
- 3.2 BSW is to ensure that all instruction and coaching provided by their members or on behalf of the BSW is conducted by suitably qualified and competent individuals, and are to protect all parties from any claims of negligence of those individuals.
- 3.3 BSW are to provide, at the request of the Shire, a copy of all current relevant insurance policies
- 3.4 Whilst the ERC allows BSW to store equipment, memorabilia including trophies, pennants flags in the sports hall and display cabinet at the ERC, the ERC accepts no responsibility for any loss or damage whatsoever. It shall be the responsibility of BSW to manage and insure these items so displayed or stored.

4. PUBLIC LIABILITY

Council shall maintain an appropriate public liability insurance cover for the risks associated with the ERC, its staff and the operations of the ERC.

5. CONDITIONS

- 5.1 ERC reserves the right to continue to take bookings in unused sections of the venue while BSW training or games are being held during normal opening hours of the ERC (i.e. unused courts, Function Room, Meeting Room or Group Fitness Room, and Fitness Centre).

5.2 BSW shall be responsible for arranging all officials for its games and shall be responsible for the management of the games, umpires, coaches and players. BSW shall also provide First Aid qualified people to manage any injuries sustained during any training, practice or games.

5.3 ERC shall be responsible for the setup of the venue as per BSW requirements in relation to goals, timing and seating.

6. CONSENT – PLACEMENT OF SIGNAGE

6.1 BSW shall receive consent from the Manager Recreation Services prior to installing any signage either on the interior or exterior of the ERC.

6.2 The ERC provides a free allocation of signage space on the northern wall above the centre court for the placement of BSW major sponsor's promotional signage. The signs are to be no larger than 2400mm x 2400mm with the placement, design and layout of the sign being approved by the Manager Recreation Services prior to installation. All costs associated with the installation, maintenance/upkeep and removal of any BSW sign shall be borne by the BSW.

7. TERM OF AGREEMENT

7.1 This agreement shall commence on the date as signed by both parties and shall cease on the 31st October annually or as otherwise agreed by both parties.

8. CONTACT DETAILS

8.1 BSW shall ensure that the ERC is always provided with the most current contact details for the BSW authorised representatives including which BSW authorised representative is to be contacted for any emergency situations that may occur.

9. ENTRY FEES

9.1 BSW shall be responsible for managing and collection of any entry fees that is charged for any person to enter the venue for any BSW fixtures.

10. LIQUOR LICENCE

10.1 BSW shall be responsible for applying for, complying with and paying for any costs associated with obtaining and servicing a Liquor Licenses for their fixtures. A list of dates covering fixtures, for which a liquor license is to be obtained, shall be submitted to the CEO for approval. This approval is required to accompany any Liquor Licensing Application submitted by BSW to the Department that administers the *Liquor Control Act 1988*, *Liquor Licensing Act 1988* and Regulations.

10.2 BSW shall ensure that the service of alcohol shall be in compliance with any Liquor Licence as obtained by BSW. Any alcohol shall be managed by licensed and qualified personnel suitably qualified in the Responsible Service of Alcohol and compliant with *Liquor Control Act 1988*, *Liquor Licensing Act 1988* and Regulations together with any State and Council alcohol management guidelines and policies.

10.3 In compliance with any Liquor Licence, a designated Liquor Licence area shall be established, managed and maintained by BSW with approval of the CEO. BSW shall ensure that no alcohol shall be consumed outside the designated Liquor Licence area. If required, BSW shall be responsible for the employment of qualified and licensed security guards to manage the security of the designated Liquor Licence area and any other areas as agreed with between the parties.

11. VENUE CONDITION

11.1 The ERC shall ensure that the venue is maintained in a clean and safe state for all BSW fixtures.

11.2 BSW shall be responsible for the setup and clearing away of all equipment used or pertinent to their fixtures and ensure that any rubbish generated from their fixtures is collected and disposed of appropriately.

11.3 ERC shall ensure that the courts are cleaned and scrubbed after fixtures where the fixtures are “back to back” in other words consecutive games on consecutive days.

12. COURT ALLOCATION

12.1 For the term of the agreement, the ERC shall provide (first right of refusal) court allocations for BSW game fixtures, training and development as agreed between both parties.

12.2 In accordance with clause 12.1, BSW normal seasonal court bookings for game fixtures, training and development shall be attached to the agreement and titled “Appendix B”.

12.3 In consultation with the ERC, BSW shall review their bookings on an annual basis and shall provide the ERC with their bookings for game fixtures, training and development at least 2 months prior to the commencement of their season.

13. OFFICE AND STORAGE USE

13.1 The use of a meeting room, an office and storage area 1 (Store 1) shall be provided free of charge to BSW for the duration of the agreement for business purposes and the storage of BSW equipment associated with their use of the ERC.

13.2 Any BSW equipment items such as fridges that are stored are to be turned off and disconnected from power when not in use for prolonged periods of time i.e. between seasonal fixtures for safety reasons and to reduce electricity consumption.

13.3 The use of meeting rooms, office areas and storage areas may not be for the exclusive use of BSW and Council reserves the right to also allow other organisations the use of the meeting rooms, office and storage areas.

13.4 Prior consultation shall occur between the Manager Recreation Services and BSW to determine the terms and conditions relating to the use of the office and storage area by other organisations.

13.5 BSW shall be responsible for the cleaning of the office and storage and shall ensure that the office and storage areas are clean, tidy and items stored safely at all times.

13.6 BSW shall be responsible for any costs associated with the use of the office area including any telephone/data connections and any other charges associated with BSW use of the office.

14. DISPLAY OF PROMOTIONAL MATERIALS AND MEMORABILIA

14.1 The ERC provides a display cabinet where BSW trophies, pennants, photographs and other memorabilia can be housed.

14.2 Pennants are permitted to be hung on the northern wall, west court of the ERC.

14.3 In consultation with the BSW, the Manager Recreation Services shall determine the amount of promotional items and memorabilia that can be displayed.

14.4 It shall be the responsibility of BSW to install, maintain and insure any items that are displayed by the BSW.

14.5 The Council and ERC shall not be liable to any maintenance, loss or damage caused to any BSW promotional material or memorabilia that is displayed at the ERC.

15. PAYMENT OF FEES AND CHARGES

15.1 The payment for fees and charges for the use of the venue as per Appendix "A" and for any State Basketball League (SBL), WA Basketball League (WABL) and Regional Carnival fixtures shall be in accordance with the following:

15.1.1 Training and Development Court Hire (as per Appendix "A", herein) – Charged monthly in arrears via Council invoice to BSW; and

15.1.2 SBL, WABL, Regional Carnival Fixtures – Paid within 14 days of the date of a Council invoice.

15.1.3 Any default of payment contrary to Council's normal financial management terms and conditions may result in the cancellation of BSW fixtures/bookings, suspension or termination of this agreement and the commencement of action for the recovery of any debt as owed to the Council.

16. CANCELLATION

16.1 Council will not be responsible for the interruption, cancellation or alterations to bookings due to circumstances beyond its reasonable control;

16.2 Council will not be liable for any costs related whatsoever to the interruption, cancellation or alterations to bookings due to circumstances beyond its reasonable control;

- 16.3 Council reserves the right to interrupt, cancel, alter or withhold bookings of the venue if necessary or due to circumstances beyond its reasonable control;
- 16.4 BSW shall provide Council with at least two (2) weeks prior written notice if BSW intends to alter or cancel any bookings for the hire of the ERC;
- 16.5 No fee shall be applicable for any booking alterations or cancellations with less notice than two (2) weeks prior written notice unless otherwise determined by the Manager Recreation Services in consultation with BSW.

EXECUTION

**SIGNED FOR AND ON BEHALF OF
THE SHIRE OF DARDANUP**

Name: Mr André Schönfeldt Date _____

Position Held: Chief Executive Officer

Witness Name _____ Date _____

(Witness Signature)

**SIGNED FOR AND ON BEHALF OF
BASKETBALL SOUTH WEST**

Name: _____ Date _____

Position Held: _____

Witness Name: _____ Date _____

(Witness Signature)

APPENDIX “A”**FEE STRUCTURE****1. WABL, REGIONAL CARNIVALS AND SLAMMERS HOME FIXTURES**

For the exclusive use of the ERC stadium for WABL, Regional Carnivals and for SW Slammers home game fixtures, stadium hire fees shall be charged at the applicable peak rate/per court/per hour as per the Councils Annual Schedule of Fees and Charges.

The stadium hire fees shall incorporate the setup and use of the grandstands, chairs, tables, any ERC owned timing equipment and any other items or equipment as agreed between the Manager Recreation Services and BSW.

If required the stadium hire fee shall also include the kitchen server for food preparation during game times, however, the use of the kitchen server shall be on a non-exclusive use basis.

All abovementioned costs include set up and clearway in accordance with clause 11, of this agreement.

2. COURT HIRE

Court hire fees shall be charged for the use of the courts for the purposes of training, development and any other use at a fixed rate of \$40 per hour/per court.

The hire of courts out of normal ERC operating hours may be available subject to availability and negotiations with the Manager Sport and Recreation. Any hire of courts out of normal ERC operating hours shall be in accordance with the terms and conditions of this agreement.

3. CASUAL SHOTS

The hire of courts for casual shots for BSW players shall be free of charge for BSW affiliated players only. The use of courts for casual use by BSW affiliated players will only be accommodated if the courts are free for casual shots.

The use of courts for any other purpose other than for casual shots will require BSW and/or BSW players to hire courts as per clause 2.

4. FITNESS CENTRE MEMBERSHIP

Up to 4 players that are affiliated with BSW are eligible to join the ERC Fitness Centre for a period as agreed between BSW and ERC Management.

BSW players under the age of 16 must be accompanied by a parent/guardian or coach at all times whilst using the Fitness Centre and BSW players under the age of 18 must have parent/guardian consent forms completed prior to joining as a member.

BSW players will be eligible for fitness appraisals and personally designed fitness programs every 13 weeks as a component of their membership.

5. CLEANING

To ensure that the venue is maintained to a high standard, ERC shall arrange the cleaning of the areas used by BSW. Any cleaning/cleanup costs associated with any BSW use of the venue shall be charged as per the Council annual Fees and Charges Schedule.

6. ADDITIONAL SERVICES

Other areas within the ERC including Group Fitness, Fitness Centre, Crèche and Function Room are available for hire as required. Hire fees shall be charged for the use of any additional areas and shall be charged as per the Council annual Fees and Charges Schedule and at the *Not for Profit rate*.

Additional fees may apply as per Councils annual Fees and Charges Schedule if the provision of any services is required outside of ERC normal operating hours. The ERC does not operate on public holidays and therefore any public holidays will be excluded from the provision of any services unless otherwise approved by the Manager Recreation Services.

Bookings for other areas within the ERC shall only be confirmed via a formal booking that has been authorized by BSW personnel and provided to ERC Bookings Officer.

7. INCREASES TO FEES

Council determines and sets its fees and charges annually and therefore Council reserves the right to increase any of the fees and charges as stated in this agreement (APPENDIX "A"). Council shall notify BSW of any potential fees and charges increases at least 14 days prior to any increase in fees or charges.

Owner/Operator	Shire of Dardanup ERC	City of Mandurah	Town of Victoria Park	City of Cockburn	City of Greater Geraldton	City of Kalgoorlie Boulder	Lakeside Baptist Church
SBL Team Name	SW Slammers	Mandurah Magic	Perth Redbacks	Cockburn Cougars	Geraldton Buccaneers	Goldfield Giants	Lakeside Lighting
Cost for court hire	Off-Peak - \$36/hour/court Peak - \$48/hour/court	\$28.50/court/hour	\$39 per court/per hour for training and games.	Cockburn Cougars operate the stadium on behalf of City of Cockburn and do not pay for stadium hire.	Run and owned by Geraldton Amateur Basketball Association. Lease with LG. Pay for only 6 months of the year.	Own their own Stadium. Do not pay for Court Hire.	Own their own Stadium. Do not pay for Court Hire.
Cost for WABL, SBL game days << 172 >>	WABL Off-Peak - \$36/hour/court Peak - \$48/hour/court SBL Off-Peak - \$36/hour/court Peak - \$48/hour/court Plus – Grandstand charge - \$260 Competition Events package - \$30 Servery Hire - \$20 Chair Hire - \$67 Trestle table hire - \$25 Liquor License hire - \$200 Centre Supervisor - \$100	\$686.20					
Details for any other centre support	<ul style="list-style-type: none"> Free office and storage 	<ul style="list-style-type: none"> Free use of the facilities for all 40 Mandurah Magic players including gym, pool, stadium. Operate their own licenced Bar & Food Kiosk 					

RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Hire Agreement between Eaton Recreation Centre and Basketball South West									
RISK THEME PROFILE:									
10 - Management of Facilities, Venues and Events									
6 - Engagement Practices									
RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			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 the potential for the minor loss of ERC income due to the terms and conditions of the agreement.	Minor (2)	Likely (4)	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.	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	There is the potential for adverse club and public perception of the ERC and the Shire if the agreement is not supported.	Moderate (3)	Possible (3)	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

OVERALL RISK EVENT: COVID-19 Emergency Expenditure Report

RISK THEME PROFILE:

6 - Engagement Practices
 2 - Business and Community Disruption
 10 - Management of Facilities, Venues and Events

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	Health Pandemic response not adequate.	Major (4)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Incurring expenditure over the budget.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	Reduced service provision.	Minor (2)	Unlikely (2)	Low (1 - 4)	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	Inadequate community response.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

RISK ASSESSMENT TOOL									
<p>OVERALL RISK EVENT: Failing to monitor the financial performance can increase the risk of a negative impact on the Shire's financial position. Non-compliance with legislative requirement could result in a qualified audit.</p> <p>RISK THEME PROFILE: 3 - Failure to Fulfill Compliance Requirements (Statutory, Regulatory)</p> <p>RISK ASSESSMENT CONTEXT: Operational</p>									
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	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	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	Non-compliance with the legislative requirements that results in a qualified audit.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	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.



Monthly Financial Report

For the Period

1 July 2019 to 30 June 2020

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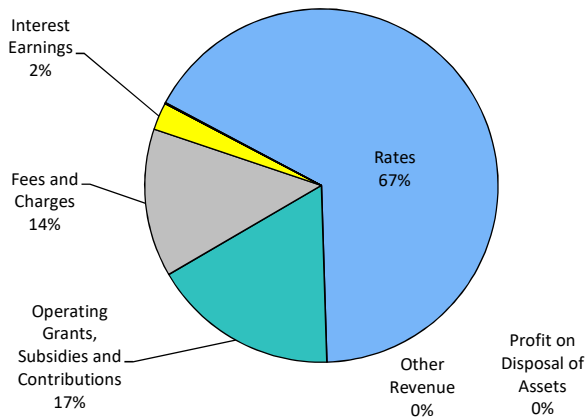
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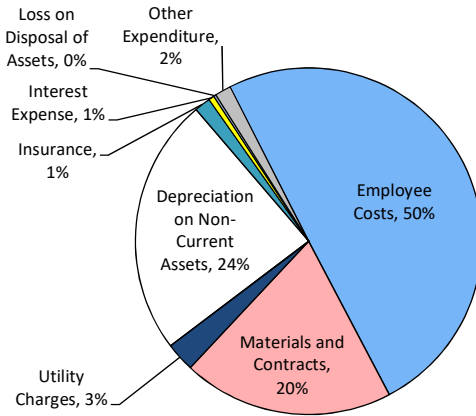
Monthly Financial Report For the Period Ended 30 June 2020

SUMMARY GRAPHS

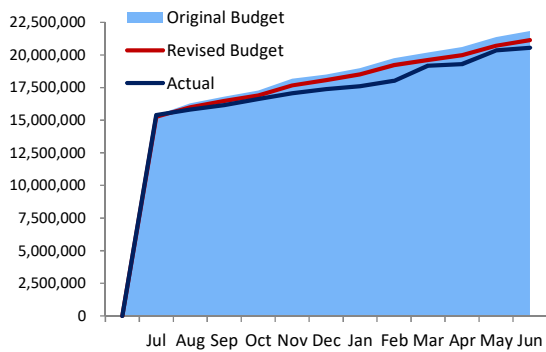
OPERATING REVENUE - ACTUAL YTD



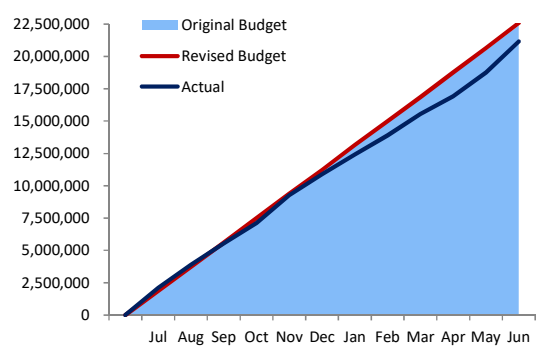
OPERATING EXPENSES - ACTUAL YTD



Total Operating Revenue - Budget - v Actual

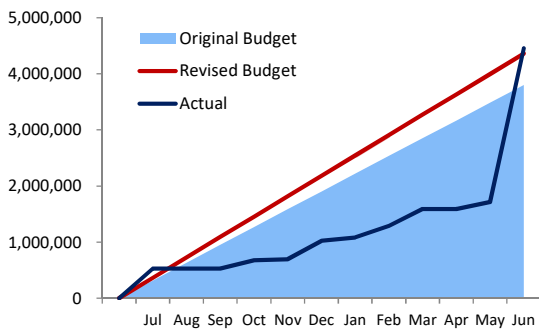


Total Operating Expenses - Budget - v Actual



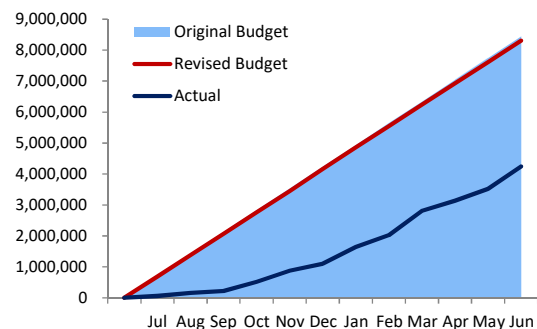
CAPITAL REVENUE

Capital Revenue - Budget - v - Actual



CAPITAL EXPENSES

Capital Expenses - Budget - v - Actual



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

(Appendix ORD: 12.16B)



Statement of Financial Activity by Program For the Period Ended 30 June 2020 (Covering 12 months or 100% of the year)

Sch	2019/20	2019/20	2019/20	2019/20	Variance Y-T-D	Variance Y-T-D	2019/20	2018/19	
	Adopted Budget \$	Revised Budget \$	Y-T-D Revised Budget \$	Y-T-D Actual \$	Actual to Revised Budget \$	Actual to Revised Budget %	Forecast \$	Last Year Actual \$	
OPERATING ACTIVITIES									
Revenue									
Governance	4	1,550	3,240	3,240	25,720	22,480	693.9%	6,832	29
General Purpose Funding	3	15,474,534	15,461,160	15,461,160	15,525,481	64,321	0.4%	15,455,677	14,868,866
Law, Order, Public Safety	5	410,591	639,614	639,614	592,573	(47,041)	(7.4%)	648,404	440,114
Health	7	20,150	20,150	20,150	27,713	7,563	37.5%	15,650	19,177
Education and Welfare	8	3,500	4,205	4,205	7,205	3,000	71.3%	3,205	13,384
Community Amenities	10	1,504,690	1,516,067	1,516,067	1,526,710	10,643	0.7%	1,491,706	1,398,292
Recreation and Culture	11	2,834,702	2,825,214	2,825,214	2,363,440	(461,774)	(16.3%) ▼	2,404,322	1,817,846
Transport	12	178,301	178,301	178,301	174,468	(3,833)	(2.1%)	177,801	161,057
Economic Services	13	101,580	101,580	101,580	93,080	(8,500)	(8.4%)	92,990	156,340
Other Property and Services	14	1,303,007	1,394,616	1,394,616	218,302	(1,176,314)	(84.3%) ▼	1,445,490	226,367
Total Operating Revenue		21,832,605	22,144,147	22,144,147	20,554,691	(1,589,456)	(7.2%)	21,742,077	19,101,472
Operating Expenses									
Governance	4	(1,282,266)	(1,276,440)	(1,276,440)	(1,169,391)	107,048	8.4%	(1,242,444)	(1,026,392)
General Purpose Funding	3	(409,569)	(396,294)	(396,294)	(325,183)	71,110	17.9% ▲	(380,294)	(354,842)
Law, Order, Public Safety	5	(1,661,176)	(1,890,341)	(1,890,341)	(1,708,095)	182,246	9.6% ▲	(1,912,544)	(1,465,816)
Health	7	(564,913)	(563,407)	(563,408)	(538,092)	25,316	4.5%	(542,865)	(510,333)
Education and Welfare	8	(826,305)	(856,109)	(856,109)	(745,186)	110,923	13.0% ▲	(810,226)	(754,676)
Community Amenities	10	(2,832,799)	(2,879,500)	(2,879,500)	(2,607,689)	271,811	9.4%	(2,721,049)	(2,106,048)
Recreation & Culture	11	(8,160,605)	(8,043,329)	(8,043,329)	(7,575,870)	467,460	5.8%	(7,844,738)	(7,299,459)
Transport	12	(5,802,313)	(5,807,747)	(5,807,747)	(5,873,678)	(65,931)	(1.1%)	(5,736,458)	(5,707,573)
Economic Services	13	(601,073)	(573,224)	(573,224)	(468,814)	104,411	18.2% ▲	(563,420)	(523,658)
Other Property and Services	14	(263,823)	(327,314)	(327,314)	(200,706)	126,608	38.7% ▲	(157,607)	(460,427)
Total Operating Expenditure		(22,404,841)	(22,613,705)	(22,613,706)	(21,212,704)	1,401,002	6.2%	(21,911,643)	(20,209,224)
Net Operating Activities		(572,236)	(469,558)	(469,559)	(658,013)	(188,454)	(40.1%)	(169,566)	(1,107,752)

(continued next page)

(Appendix ORD: 12.16B)



Statement of Financial Activity by Program For the Period Ended 30 June 2020 (Covering 12 months or 100% of the year)

	2019/20 Adopted Budget \$	2019/20 Revised Budget \$	2019/20 Y-T-D Revised Budget \$	2019/20 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2019/20 Forecast \$	2018/19 Last Year Actual \$
Net Operating Activities (from previous page)	(572,236)	(469,558)	(469,559)	(658,013)	(188,454)	40.1%	(169,566)	(1,107,752)
ADJUSTMENTS OF NON CASH ITEMS								
(Profit)/Loss on Asset Disposals	(1,165,000)	(1,146,655)	(1,146,655)	49,517	1,196,172	104.3% ▲	(1,221,645)	18,870
Accruals	0	34,140	0	47,681	47,681	100.0%	34,140	(202,576)
Fair Value Adjustment to Financial Assets	0	0	0	0	0	0.0%	0	(70,068)
Contra Repayment of Prefunded Infrastructure	0	0	0	0	0	0.0%	0	0
Depreciation on Assets	5,242,750	5,242,750	5,242,750	5,102,752	(139,998)	(2.7%)	5,210,500	5,042,270
Adjusted Net Operating Activities	A 3,505,514	3,660,677	3,626,536	4,541,937	915,401	25.2%	3,853,429	3,680,744
INVESTING ACTIVITIES								
Revenue								
Non-operating grants, subsidies & contributions	3,804,088	4,361,257	4,361,257	4,454,599	93,342	2.1%	4,126,841	1,874,654
Proceeds from Disposal of Assets	1,323,924	1,341,054	1,341,054	1,313,892	(27,162)	(2.0%)	1,341,054	261,575
Total Capital Revenue	5,128,012	5,702,311	5,702,311	5,768,491	66,180	1.2%	5,467,895	2,136,229
Expenditure								
Land & Buildings	(1,148,280)	(1,231,423)	(1,231,423)	(198,374)	1,033,049	83.9% ▲	(921,404)	(400,830)
Infrastructure Assets - Road / Bridges / Paths	(5,405,567)	(5,149,126)	(5,149,127)	(3,079,221)	2,069,906	40.2% ▲	(5,149,127)	(3,788,051)
Infrastructure Assets - Parks & Gardens	(854,154)	(833,737)	(833,737)	(428,457)	405,280	48.6% ▲	(833,737)	(68,198)
Vehicles	(546,108)	(631,444)	(631,444)	(325,321)	306,123	48.5% ▲	(631,444)	(381,650)
Plant & Equipment	(26,000)	(6,000)	(6,000)	0	6,000	100.0%	(6,000)	(45,444)
Furniture & Fittings	(475,478)	(456,719)	(456,719)	(215,052)	241,667	52.9% ▲	(426,419)	(33,131)
Total Capital Expenditure	(8,455,587)	(8,308,449)	(8,308,450)	(4,246,424)	4,062,026	48.9%	(7,968,131)	(4,717,304)
Net Capital Activities	B (3,327,575)	(2,606,138)	(2,606,139)	1,522,067	4,128,206	158.4%	(2,500,236)	(2,581,075)
FINANCING ACTIVITIES								
Revenue								
Proceeds from New Loans	750,000	750,000	750,000	0	(750,000)	(100.0%) ▼	0	0
Self Supporting Loans - Principal Recoups	0	0	0	0	0	0.0%	0	32,936
Transfers from Reserves	6,036,256	5,408,863	5,407,813	838,176	(4,569,636)	(84.5%) ▼	5,227,650	3,969,700
Total Financing Revenue	6,786,256	6,158,863	6,157,813	838,176	(5,319,636)	86.4%	5,227,650	4,002,636
Expenditure								
Repayment of Loans	(279,748)	(279,748)	(279,748)	(279,748)	(0)	(0.0%)	(279,748)	(362,288)
Transfers to Reserves	(6,853,402)	(7,032,931)	(7,032,931)	(1,356,529)	5,676,402	80.7% ▲	(6,323,794)	(4,638,721)
Total Financing Expenditure	(7,133,150)	(7,312,679)	(7,312,679)	(1,636,277)	5,676,402	77.6%	(6,603,542)	(5,001,009)
Net Financing Activities	C (346,894)	(1,153,817)	(1,154,867)	(798,101)	356,766	30.9%	(1,375,893)	(998,373)
FUNDING SOURCES								
Surplus/(Deficit) July 1 B/Fwd	D 301,183	404,751	404,751	404,751	0	0.0%	404,751	303,456
CLOSING FUNDS (A+B+C+D)	132,227	305,473	270,282	5,670,654	5,400,373	(1998.1%)	382,052	404,751

KEY INFORMATION

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

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

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

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

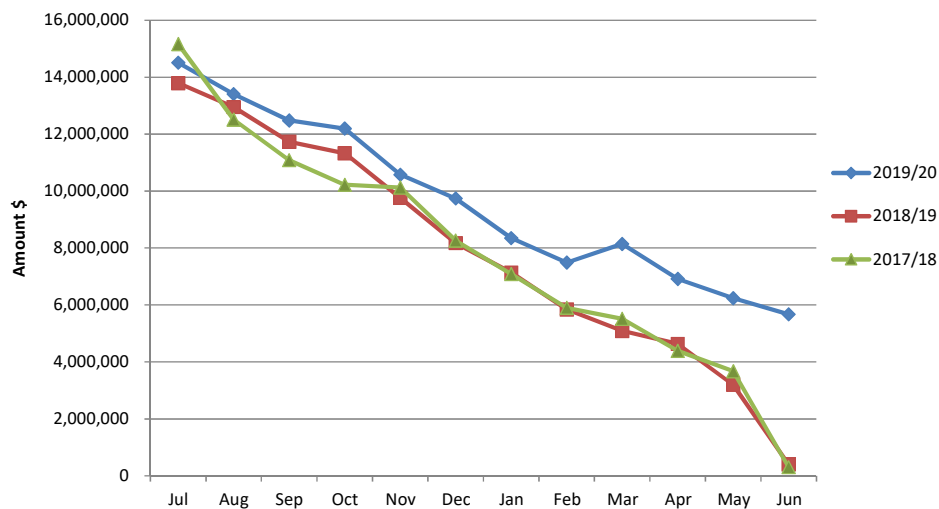
(Appendix ORD: 12.16B)



Statement of Financial Activity by Program For the Period Ended 30 June 2020 NET CURRENT ASSETS

	Note	Year to Date Actual 30-Jun-2020 \$	Last Year Closing 30 June 2019 \$
Represented By:			
CURRENT ASSETS			
Cash and Cash Equivalents		25,555,340	19,441,957
Rates Debtors Outstanding	5	402,268	311,495
Pensioner Rates Rebate		5,998	19,786
Sundry Debtors	6	713,506	200,555
Self Supporting Loan Asset		0	0
Accrued Revenue		39,231	151,597
Prepaid Expenses		0	22,734
Goods & Services Tax / BAS Refund		(132,201)	127,208
Other Receivables		(22,000)	0
Inventories - Materials		5,047	5,047
Inventories- Trading Stock - Recreation Centre		8,430	8,430
Current Assets		26,575,620	20,288,810
LESS CURRENT LIABILITIES			
Payables:			
Sundry Creditors		(970,465)	(735,312)
Other Payables		1,493	(5,069)
Municipal Bonded Liabilities		(792,262)	(825,867)
Prepaid Revenue - Rates / PPL		(648,952)	(565,248)
Accrued Interest on Debentures		(37,523)	(37,523)
Accrued Salaries & Wages		(96,114)	(25,165)
Other Accrued Expenses		0	(5,174)
Borrowings - Debentures		0	(279,748)
Provisions:			
Staff Leave Provisions		(1,430,786)	(1,272,697)
Current Liabilities		(3,974,609)	(3,751,803)
Net Current Assets		22,601,011	16,537,007
Less: Restricted Assets / Reserve Funds	4	(16,930,357)	(16,412,005)
Less: Self Supporting Loan Income		0	0
Add: Current - Borrowings		0	279,748
CLOSING FUNDS / NET CURRENT ASSETS (per previous page)		5,670,654	404,751

Liquidity Over The Year



(Appendix ORD: 12.16B)



**Statement of Comprehensive Income by Nature or Type
For the Period Ended 30 June 2020
(Covering 12 months or 100% of the year)**

	2019/20 Adopted Budget \$	2019/20 Revised Budget \$	2019/20 Y-T-D Revised Budget \$	2019/20 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2019/20 Forecast \$	2018/19 Last Year Actual \$
Revenue								
Rates	13,742,181	13,713,132	13,713,132	13,716,704	3,572	(0.0%)	13,713,132	13,091,847
Grants, Subsidies & Contributions	3,234,207	2,580,226	2,580,226	3,514,987	934,761	(36.2%)	3,564,954	2,202,843
Fees and Charges	3,156,021	3,150,593	3,150,593	2,790,593	(360,000)	11.4%	2,663,467	3,112,535
Interest Earnings	507,656	507,656	507,656	512,789	5,133	(1.0%)	532,994	581,228
Other Revenue	27,540	27,540	27,540	19,618	(7,923)	0.0%	27,540	27,855
	<u>20,667,605</u>	<u>19,979,147</u>	<u>19,979,147</u>	<u>20,554,691</u>	<u>575,544</u>	<u>(2.9%)</u>	<u>20,502,087</u>	<u>19,016,308</u>
Expenses								
Employee Costs	(11,155,410)	(11,016,815)	(11,016,755)	(10,564,712)	452,044	4.1%	(10,911,998)	(9,793,985)
Materials and Contracts	(4,665,758)	(4,950,406)	(4,950,406)	(4,174,763)	775,643	15.7%	(4,402,192)	(4,049,538)
Utility Charges	(561,970)	(565,816)	(565,816)	(573,598)	(7,783)	(1.4%)	(552,718)	(551,434)
Depreciation on Non-current Assets	(5,242,750)	(5,242,750)	(5,242,750)	(5,102,752)	139,998	2.7%	(5,210,500)	(5,042,270)
Interest Expense	(113,943)	(113,943)	(113,943)	(113,944)	(1)	(0.0%)	(113,943)	(127,293)
Insurance	(282,982)	(314,956)	(314,956)	(316,060)	(1,104)	(0.4%)	(313,993)	(253,207)
Other	(382,028)	(390,674)	(390,674)	(317,357)	73,317	18.8%	(387,954)	(357,532)
	<u>(22,404,842)</u>	<u>(22,595,361)</u>	<u>(22,595,301)</u>	<u>(21,163,186)</u>	<u>1,432,114</u>	<u>6.3%</u>	<u>(21,893,298)</u>	<u>(20,175,259)</u>
Operational Surplus / (Deficit)	(1,737,237)	(2,616,214)	(2,616,154)	(608,495)	2,007,658	76.7%	(1,391,211)	(1,158,951)
Grants & Contributions for the Development of Assets	3,804,089	4,361,257	4,361,257	4,454,599	93,342	2.1%	4,126,841	1,874,654
Profit on Asset Disposals	1,165,000	1,146,655	1,146,655	0	(1,146,655)	(100.0%)	1,221,645	15,093
Loss on Asset Disposals	0	0	0	(49,517)	(49,517)	(100.0%)	0	(33,963)
Fair Value Adjustment to Financial Assets	0	0	0	0	0	0.0%	0	70,068
	<u>4,969,089</u>	<u>5,507,912</u>	<u>5,507,912</u>	<u>4,405,082</u>	<u>(1,102,831)</u>	<u>20.0%</u>	<u>5,348,486</u>	<u>1,925,852</u>
NET RESULT	3,231,852	2,891,699	2,891,759	3,796,586	904,828	(31.3%)	3,957,275	766,901
Other Comprehensive Income								
Changes on Revaluation of Non-Current Assets	0	0	0	0	0	0.0%	0	0
TOTAL COMPREHENSIVE INCOME	3,231,852	2,891,699	2,891,759	3,796,586	904,828	-31.3%	3,957,275	766,901

(Appendix ORD: 12.16B)



Notes to the Statement of Financial Activity For the Period Ended 30 June 2020

1. PROGRAMS / ACTIVITIES

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

COMMUNITY VISION

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

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



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2020

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

The material variances adopted by the Shire of Dardanup for reporting in the 2019/20 year is 10% or \$50,000, whichever is the greater. All variances are between Year-to-Date Actual and Year-to-Date Revised Budget values.

Sch	2019/20 Y-T-D Revised Budget	2019/20 Y-T-D Actual	Variance to		Timing / Permanent	Material Variance - Explanation
			Y-T-D Revised Budget	Y-T-D Revised Budget		
	\$	\$	\$	%		
OPERATING ACTIVITIES						
Revenue						
Governance	3,240	25,720	22,480	693.9%		
General Purpose Funding	15,461,160	15,525,481	64,321	0.4%		
Law, Order, Public Safety	639,614	592,573	(47,041)	(7.4%)		
Health	20,150	27,713	7,563	37.5%		
Education and Welfare	4,205	7,205	3,000	71.3%		
Community Amenities	1,516,067	1,526,710	10,643	0.7%		
Recreation and Culture	2,825,214	2,363,440	(461,774)	(16.3%)	▼	Timing - \$63,000 Eaton Community College half-yearly cost share reimbursement not yet issued, Permanent - \$383,000 lower ERC revenue
Transport	178,301	174,468	(3,833)	(2.1%)		
Economic Services	101,580	93,080	(8,500)	(8.4%)		
Other Property and Services	1,394,616	218,302	(1,176,314)	(84.3%)	▼	\$1,165,000 profit not yet accounted for disposal of land. Asset register to be updated.
Total Operating Revenue	22,144,147	20,554,691	(1,589,456)	(7.2%)		
Operating Expenses						
Governance	(1,276,440)	(1,169,391)	107,048	8.4%		
General Purpose Funding	(396,294)	(325,183)	71,110	17.9%	▲	Generally lower costs to date for rates revaluations and debt recovery legal expenses.
Law, Order, Public Safety	(1,890,341)	(1,708,095)	182,246	9.6%		
Health	(563,408)	(538,092)	25,316	4.5%		
Education and Welfare	(856,109)	(745,186)	110,923	13.0%	▲	\$98,000 lower costs for Community Services operating costs and programs
Community Amenities	(2,879,500)	(2,607,689)	271,811	9.4%		
Recreation & Culture	(8,043,329)	(7,575,870)	467,460	5.8%		
Transport	(5,807,747)	(5,873,678)	(65,931)	(1.1%)		
Economic Services	(573,224)	(468,814)	104,411	18.2%	▲	Lower costs for tourism donations and building control. Timing \$9,000, Permanent \$85,000
Other Property and Services	(327,314)	(200,706)	126,608	38.7%	▲	\$82,000 lower costs for software/licensing, \$35,000 overheads allocated to works and programs.
Total Operating Expenditure	(22,613,706)	(21,212,704)	1,401,002	(6.2%)		
Net Operating Activities	(469,559)	(658,013)	(188,454)	40.1%		
ADJUSTMENTS OF NON CASH ITEMS						
(Profit)/Loss on Asset Disposals			1,196,172	104.3%	▲	\$1,165,000 profit not yet accounted for on disposal of land, \$32,000 write off for building demolition at de-commissioned Dardanup depot.
Accruals	0	47,681	47,681	100.0%		
Depreciation on Assets	5,242,750	5,102,752	(139,998)	(2.7%)		
Adjusted Net Operating Activities	3,626,536	4,541,937	915,401	25.2%		

(continued next page)

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

	2019/20 Y-T-D Revised Budget	2019/20 Y-T-D Actual	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
Adjusted Net Operating Activities (from previous p:	3,626,536	4,541,937	915,401	25.2%		
INVESTING ACTIVITIES						
Revenue						
Non-operating grants, subsidies & contributions	4,361,257	4,454,599	93,342	2.1%	Timing	Lower receipt of capital grants & contributions to date for bush fire buildings, halls & sporting buildings, foreshore boat ramp, parks & roads construction projects. Grant received in advance for Bowling Club redevelopment
Proceeds from Disposal of Assets	1,341,054	1,313,892	(27,162)	(2.0%)		
Total Capital Revenue	5,702,311	5,768,491	66,180	1.2%		
Expenditure						
Land & Buildings	(1,231,423)	(198,374)	1,033,049	83.9% ▲	Timing	Major building projects Eaton Bowling Club, Waterloo Fire Station, Eaton Oval Clubrooms upgrade have not yet commenced construction - to be constructed in 2020/21.
Infrastructure Assets - Road / Bridges / Paths	(5,149,127)	(3,079,221)	2,069,906	40.2% ▲	Timing	\$752,000 from delay in upgrade project Eaton Drive roundabout; \$299,000 in ongoing other road upgrades; \$517,000 relates to pending road renewals, \$474,000 for various paths upgrades not yet constructed.
Infrastructure Assets - Parks & Gardens	(833,737)	(428,457)	405,280	48.6% ▲	Timing	Work is ongoing for several parks and reserves projects with some works yet to occur including foreshore boat ramp upgrade, Millars Creek fitness trail and Gnomesville Master Plan improvements.
Vehicles	(631,444)	(325,321)	306,123	48.5% ▲	Timing	Procurement for replacement tip truck and several Works Operations utilities to occur in 2020/21.
Plant & Equipment	(6,000)	0	6,000	100.0% ▲		
Furniture & Fittings	(456,719)	(215,052)	241,667	52.9% ▲	Timing	\$185,000 Recreation Centre gym equipment acquired under a finance lease agreement, \$25,000 meeting recording equipment, \$25,000 administration office furniture.
Total Capital Expenditure	(8,308,450)	(4,246,424)	4,062,026	(48.9%)		
Net Capital Activities	(2,606,139)	1,522,067	4,128,206	(158.4%)		
FINANCING ACTIVITIES						
Revenue						
Proceeds from New Loans	750,000	0	(750,000)	(100.0%) ▼	Timing	Wanjup Developer Contribution loan to be borrowed next year
Self Supporting Loans - Principal Reimbursement	0	0	0	0.0%		
Transfers from Reserves	5,407,813	838,176	(4,569,636)	(84.5%) ▼	Timing	The majority of Transfers from Reserves will be finalised as part of the year end accounting.
Total Financing Revenue	6,157,813	838,176	(5,319,636)	(86.4%)		
Expenditure						
Repayment of Loans	(279,748)	(279,748)	(0)	(0.0%)		
Transfers to Reserves	(7,032,931)	(1,356,529)	5,676,402	80.7% ▲	Timing	Most transfers to Reserves will be finalised as part of the year-end accounting.
Total Financing Expenditure	(7,312,679)	(1,636,277)	5,676,402	(77.6%)		
Net Financing Activities	(1,154,867)	(798,101)	356,766	(30.9%)		
FUNDING SOURCES						
Surplus/(Deficit) July 1/B/Fwd	404,751	404,751	0	0.0%		
CLOSING FUNDS (A+B+C+D)	270,282	5,670,654	5,400,373	1998.1%		

(Appendix ORD: 12.16B)



Notes to the Statement of Financial Activity For the Period Ended 30 June 2020

3. TRUST FUNDS

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

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
Tourism WA for Ferguson Valley Project	301,800.73	0.00	0.00	130,308.50	0.00	171,492.23
Public Open Space	857,943.74	16,500.00	0.00	0.00	0.00	874,443.74
Accrued Interest	0.00	0.00	4,779.60	0.00	0.00	4,779.60
Plus: Outstanding Creditors	0.00	0.00	0.00	0.00	0.00	0.00
Less: Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	1,159,744.47	16,500.00	4,779.60	130,308.50	0.00	1,050,715.57

4. CASH BACKED RESERVES

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
Un-Restricted						
Executive & Compliance Vehicles Reserve	364,152.78	0.00	0.00	0.00	0.00	364,152.78
Plant & Engineering Equipment Reserve	837,737.92	0.00	0.00	0.00	0.00	837,737.92
Eaton Recreation Centre - Equipment Reserve	365,346.45	0.00	0.00	0.00	0.00	365,346.45
Building Maintenance Reserve	1,620,574.64	0.00	0.00	0.00	0.00	1,620,574.64
Employee Relief Reserve	226,994.98	0.00	0.00	0.00	0.00	226,994.98
Employee Leave Entitlements Reserve	5,000.00	0.00	0.00	0.00	0.00	5,000.00
Refuse Site Environmental Works Reserve	82,960.37	0.00	0.00	0.00	0.00	82,960.37
Information Technology Reserve	406,982.52	0.00	0.00	0.00	0.00	406,982.52
Roadwork Construction & Major Maintenance Reserve	500,300.53	0.00	0.00	0.00	0.00	500,300.53
Meat Inspection Reserve	5,218.96	0.00	0.00	5,218.96	0.00	0.00
Accrued Salaries Reserve	379,359.78	0.00	0.00	0.00	0.00	379,359.78
Tourism Reserve	6,377.35	5,218.96	0.00	0.00	0.00	11,596.31
Recycling Education Reserve	82,334.11	0.00	0.00	0.00	0.00	82,334.11
Road Safety Programs Reserve	8,356.69	18,200.00	0.00	0.00	0.00	26,556.69
Council Land Development Reserve	20,838.59	0.00	0.00	0.00	0.00	20,838.59
Carried Forward Projects Reserve	2,968,519.73	0.00	0.00	0.00	0.00	2,968,519.73
Election Expenses Reserve	23,487.06	0.00	0.00	0.00	0.00	23,487.06
Town Planning Consultancy Reserve	91,740.47	0.00	0.00	0.00	0.00	91,740.47
Parks & Reserves Upgrades Reserve	549,702.69	0.00	0.00	0.00	0.00	549,702.69
Strategic Planning Studies Reserve	218,946.93	0.00	0.00	0.00	0.00	218,946.93
Pathways Reserve	164,161.78	0.00	0.00	0.00	0.00	164,161.78
Asset / Rates Revaluation Reserve	292,877.18	0.00	0.00	0.00	0.00	292,877.18
Refuse & Recycling Bin Replacement Reserve	54,075.81	0.00	0.00	0.00	0.00	54,075.81
Sale of Land Reserve	2,303,942.18	0.00	0.00	0.00	0.00	2,303,942.18
Emergency Services Reserve	10,306.48	0.00	0.00	10,306.48	0.00	0.00
Small Plant & Equipment Reserve	15,261.45	0.00	0.00	15,261.45	0.00	0.00
Storm Water Reserve	101,082.19	15,261.45	0.00	0.00	0.00	116,343.64
	11,706,639.62	38,680.41	0.00	30,786.89	0.00	11,714,533.14
Restricted						
Contribution to Works Reserve	601,543.28	62,768.69	0.00	0.00	0.00	664,311.97
Eaton Drive - Access Construction Reserve	153,212.42	0.00	0.00	0.00	0.00	153,212.42
Eaton Drive - Scheme Construction Reserve	904,633.29	0.00	0.00	0.00	0.00	904,633.29
Fire Control Reserve	1,108.89	10,306.48	0.00	0.00	0.00	11,415.37
Collie River (Eaton Drive) Bridge Construction Reserve	1,548,013.31	0.00	0.00	0.00	0.00	1,548,013.31
Unspent Grants Reserve	1,308,820.17	858,564.75	0.00	766,611.75	0.00	1,400,773.17
Swimming Pool Inspection Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Unspent Specified Area Rate - Bulk Waste Collection Reserve	79,770.43	0.00	0.00	0.00	0.00	79,770.43
Unspent Specified Area Rate - Eaton Landscaping Reserve	67,486.00	0.00	0.00	0.00	0.00	67,486.00
Wanju Developer Contribution Plan Unspent Loan Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Dardanup Developer Contribution Scheme - Dardanup Community Centre Reserve	7,317.22	0.00	0.00	7,317.22	0.00	0.00
Dardanup Developer Contribution Scheme - Community Centre Design Reserve	1,126.10	0.00	0.00	1,126.10	0.00	0.00
Dardanup Developer Contribution Scheme - Dardanup Public Library Reserve	4,356.65	0.00	0.00	4,356.65	0.00	0.00
Dardanup Developer Contribution Scheme - Wells Park Hard Courts Reserve	4,089.36	0.00	0.00	4,089.36	0.00	0.00
Dardanup Developer Contribution Scheme - Wells Park Clubroom Reserve	9,725.94	0.00	0.00	9,725.94	0.00	0.00
Dardanup Developer Contribution Scheme - Wells Park Clubrooms Design Reserve	1,282.14	0.00	0.00	1,282.14	0.00	0.00
Dardanup Developer Contribution Scheme - Wells Park Car Park Reserve	12,880.03	0.00	0.00	12,880.03	0.00	0.00
Dardanup Expansion Developer Contribution Plan Reserve	0.00	40,777.44	0.00	0.00	0.00	40,777.44
	4,705,365.23	972,417.36	0.00	807,389.19	0.00	4,870,393.40
Interest	0.00	0.00	345,430.76	0.00	0.00	345,430.76
Less: Outstanding Debtors	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	16,412,004.85	1,011,097.77	345,430.76	838,176.08	0.00	16,930,357.30

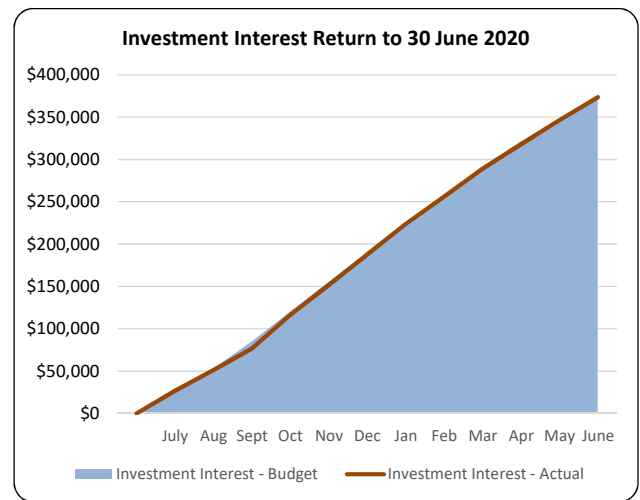
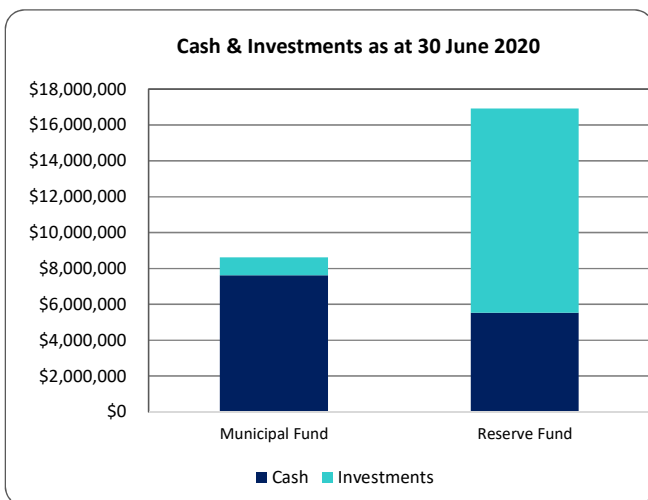
(Appendix ORD: 12.16B)



Notes to the Statement of Financial Activity For the Period Ended 30 June 2020

5. STATEMENT OF INVESTMENTS

BANK	TYPE	AMOUNT	RATE	DAYS	COMMENCEMENT	MATURITY	ESTIMATED INTEREST	INTEREST CREDITED 2019-2020
MUNICIPAL FUND								
CBA	Municipal Fund Bank Account	\$ 7,621,121.99	0.40%				\$2,540.37	\$5,666.72
NAB	Term Deposit	\$ 1,000,000.00	0.90%	92	6/2020	9/2020	\$2,280.09	\$5,110.19
		<u>\$ 8,621,121.99</u>					<u>\$4,820.46</u>	<u>\$10,776.91</u>
TRUST FUND								
CBA	Trust Fund Bank Account	\$ 1,050,715.57					\$0.00	\$2,467.49
		<u>\$ 1,050,715.57</u>					<u>\$0.00</u>	<u>\$2,467.49</u>
RESERVE FUND								
CBA	Reserve Bank Account	\$ 5,530,057.30					\$0.00	\$6,838.69
Westpac	Coupon Select Deposit (Tailored Deposit)	\$ 5,000,000.00	2.94%	1098	8/2017	8/2020	\$455,244.76	\$147,402.73
AMP	Term Deposit	\$ 1,900,000.00	1.80%	189	1/2020	8/2020	\$17,709.04	\$33,271.23
NAB	Term Deposit	\$ 1,500,000.00	1.55%	180	2/2020	10/2020	\$11,465.75	\$0.00
NAB	Term Deposit	\$ 1,000,000.00	0.86%	83	6/2020	9/2020	\$1,955.62	\$6,490.62
Macquarie	Term Deposit	\$ 1,000,000.00	0.85%	91	6/2020	9/2020	\$2,119.18	\$4,378.08
Macquarie	Term Deposit	\$ 1,000,000.00	0.85%	91	3/2020	6/2020	\$2,119.18	\$4,238.36
		<u>\$ 16,930,057.30</u>					<u>\$490,613.53</u>	<u>\$202,619.71</u>
Total Interest Received								<u><u>\$215,864.11</u></u>





Notes to the Statement of Financial Activity
For the Period Ended 30 June 2020

5. STATEMENT OF INVESTMENTS (continued)

Total Funds Invested

Total Funds Invested as at Reporting Date -

Municipal Fund Investment Portfolio	\$ 1,000,000.00
Trust Fund Investment Portfolio	\$ -
Reserve Fund Investment Portfolio	\$ 11,400,000.00
	<u>\$ 12,400,000.00</u>

Investment Policy - Portfolio Risk Exposure

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

Portfolio - Terms of Maturity

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

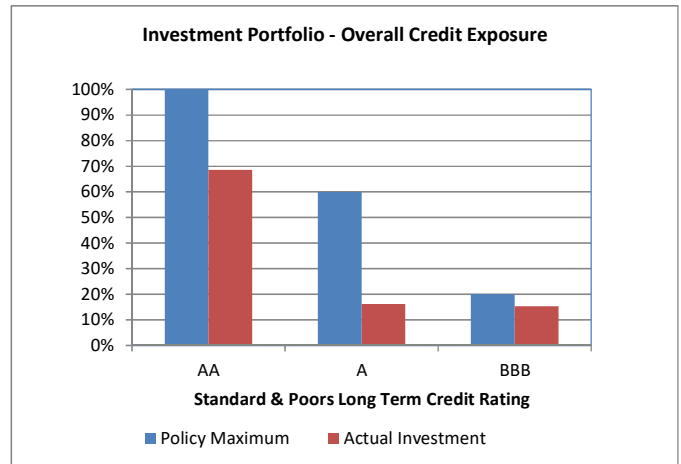
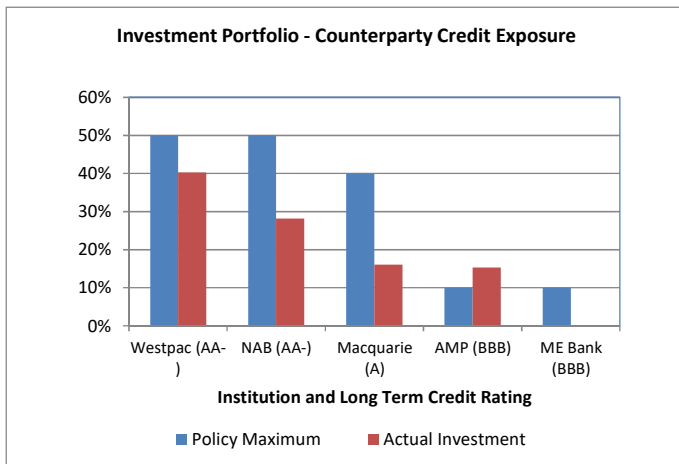
Counterparty Credit Exposure

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

Overall Credit Exposure

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

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



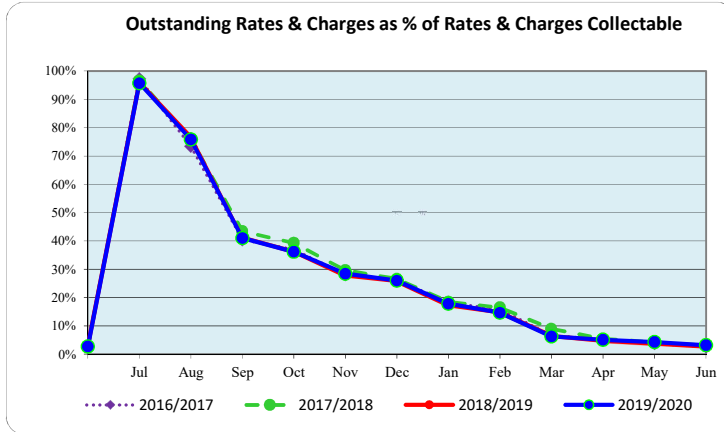


**Notes to the Statement of Financial Activity
For the Period Ended 30 June 2020**

6. Accounts Receivable as at 30 June 2020

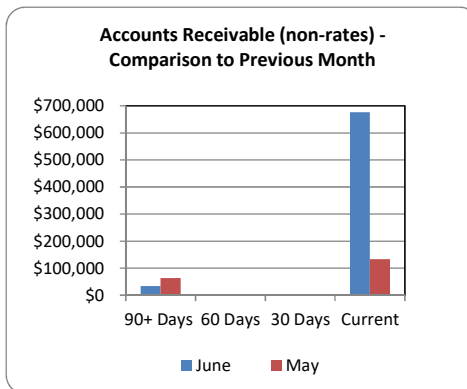
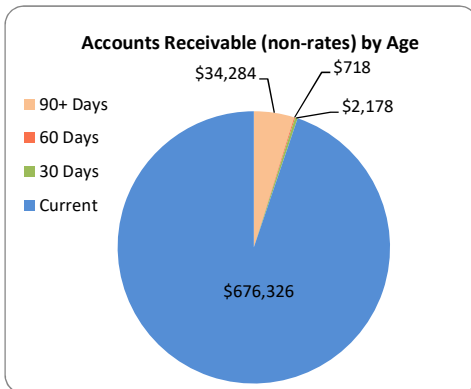
Rates and Charges Outstanding

2019/20 annual rates were raised on 17 July 2019 and were due for payment by 12 September 2019. As at the reporting date, total outstanding rates and charges (including pensioner deferred rates) is \$514,172. This equates to 3.16% of rates and charges collectable and is at a similar ratio to recent years. It is the objective of management to achieve less than 4% of rates and charges outstanding by 30 June.



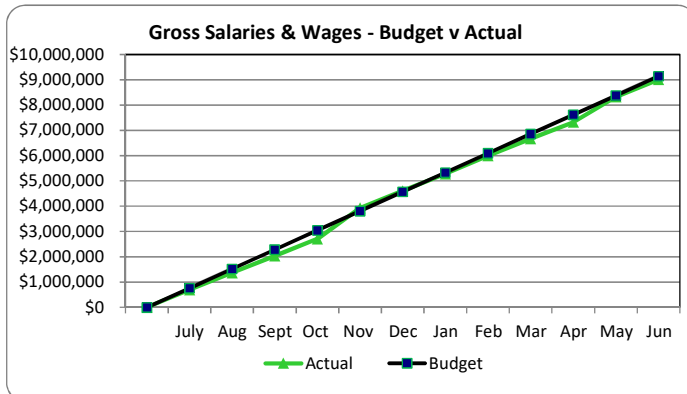
Sundry Debtors Outstanding (non-rates)

As at the reporting date, the total outstanding Sundry Debtors amount to \$713,506. Significant invoices raised in June were \$649,440 for Regional Road Group project grants and \$25,894 for reimbursement of electricity charges at the waste transfer station. It is anticipated these will be paid in July 2020.



7. Salaries and Wages to 30 June 2020

At the reporting date, total salaries and wages expenditure is \$9,006,198 (98.47%) of the revised annual budget of \$9,145,748 for the 2019/20 financial year).





Notes to the Statement of Financial Activity
For the Period Ended 30 June 2020

8 RATING INFORMATION

RATE TYPE	Rate in \$	Number of properties	Rateable value \$	2019/20		2019/20		2019/20		2019/20		2018/19	
				Revised Budget rate	Revised Budget interim rates	Revised Budget back rates	Revised Budget total revenue	Actual total revenue	Actual total revenue	Actual total revenue	Actual total revenue		
Differential general rate or general rate													
Gross rental valuations													
General Rates - GRV: Residential	0.100662	3,085	55,836,980	5,620,662	0	0	5,620,662	5,620,662	5,309,324	5,309,324	5,309,324	5,309,324	5,309,324
General Rates - GRV: Commercial	0.100662	54	13,605,420	1,369,549	0	0	1,369,549	1,369,549	1,315,359	1,315,359	1,315,359	1,315,359	1,315,359
General Rates - GRV: Industrial	0.100662	65	7,529,898	757,975	0	0	757,975	757,975	727,562	727,562	727,562	727,562	727,562
General Rates - GRV: Small Holding	0.100662	360	8,010,860	806,389	0	0	806,389	806,389	761,329	761,329	761,329	761,329	761,329
General Rates - GRV: Interim and Back Rates	0.100662	0	0	0	75,000	0	75,000	91,938	85,991	85,991	230,000	230,000	230,000
Unimproved valuations													
General Rates - UV: Broad Acre Rural	0.006259	488	273,051,000	1,709,026	0	0	1,709,026	1,709,026	1,644,349	1,644,349	1,644,349	1,644,349	1,644,349
General Rates - UV: Mining	0.006259	0	0	0	0	0	0	0	0	0	0	0	0
General Rates - UV: Interim and Back Rates	0.006259	0	0	0	0	0	0	0	0	0	0	0	0
Sub-Totals		4,052	358,034,158	10,263,601	75,000	0	10,338,601	10,355,539	9,843,914	9,843,914	9,987,923	9,987,923	9,987,923
Minimum payment													
Gross rental valuations													
General Rates - GRV: Residential	1,547.50	1,662	21,419,776	2,571,945	0	0	2,571,945	2,571,945	2,484,960	2,484,960	2,484,960	2,484,960	2,484,960
General Rates - GRV: Commercial	1,547.50	7	61,400	10,833	0	0	10,833	10,833	10,416	10,416	10,416	10,416	10,416
General Rates - GRV: Industrial	1,547.50	52	629,150	80,470	0	0	80,470	80,470	77,376	77,376	77,376	77,376	77,376
General Rates - GRV: Small Holding	1,547.50	72	607,980	111,420	0	0	111,420	111,420	104,160	104,160	104,160	104,160	104,160
General Rates - GRV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0	0	0	0
Unimproved valuations													
General Rates - UV: Broad Acre Rural	1,547.50	135	20,540,600	208,913	0	0	208,913	208,913	191,952	191,952	191,952	191,952	191,952
General Rates - UV: Mining	1,547.50	20	372,699	30,950	0	0	30,950	30,950	29,759	29,759	29,759	29,759	29,759
General Rates - UV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0	0	0	0
Sub-Totals		1,948	43,631,605	3,014,531	0	0	3,014,531	3,014,531	2,898,623	2,898,623	2,898,623	2,898,623	2,898,623
Discounts/concessions													
Total amount raised from general rates		6,000	401,665,763	13,278,132	75,000	0	13,353,132	13,370,070	12,742,537	12,742,537	12,886,546	12,886,546	12,886,546
Specified area rates							(5,000)	(1,016)	(19,775)	(19,775)	(5,000)	(5,000)	(5,000)
Total rates							13,348,132	13,369,054	12,722,762	12,722,762	12,881,546	12,881,546	12,881,546
							350,000	347,651	351,801	351,801	349,178	349,178	349,178
							13,698,132	13,716,705	13,074,563	13,074,563	13,230,724	13,230,724	13,230,724



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2020

9. INFORMATION ON BORROWINGS

Debtenture Repayments

Particulars	Loan No.	Principal Opening Balance 01 July 2019	New Loans 2019/20		Principal Repayments 2019/20		Interest Repayments 2019/20		Principal Outstanding 30 June 2020	
			Actual \$	Revised Budget \$	Actual \$	Revised Budget \$	Actual \$	Revised Budget \$	Actual \$	Revised Budget \$
Community Amenities										
Wanjui/Waterloo Industrial Park Developer Contribution Plans	New	0	0	750,000	0	0	0	0	0	750,000
Recreation and Culture										
Eaton Recreation Centre	59	363,773	0	0	83,083	83,083	22,423	22,423	280,690	280,690
Eaton Recreation Centre Extensions	63	21,440	0	0	21,440	21,440	1,147	1,146	(0)	(0)
Fitness Equipment	68	21,070	0	0	21,070	21,070	413	413	(0)	(0)
Glen Huon Oval Club Rooms	69	1,005,108	0	0	39,638	39,638	45,073	45,072	965,470	965,470
Transport										
Depot Land	66	559,417	0	0	56,313	56,313	25,841	25,841	503,104	503,104
Economic Services										
Gravel Pit Land - Panizza Road	61	113,015	0	0	22,466	22,466	7,381	7,381	90,550	90,550
Other Property and Services										
Administration Building Extensions	65	159,042	0	0	35,739	35,739	11,667	11,667	123,303	123,303
		2,242,865	0	750,000	279,748	279,748	113,944	113,943	1,963,117	2,713,117

All debtenture repayments were financed by general purpose revenue.



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2020

10 BUDGET AMENDMENTS

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

GI/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
	Budget Adoption						
	Permanent Changes						
	Opening surplus adjustment		Opening Surplus		103,568		132,227
J12596	2019/20 Upgrade of Gravel Pit East Road	26/06/2019 - 178-19	Capital Expense			(16,200)	235,795
1241002	Transfer from Reserve - Road Construction Reserve	26/06/2019 - 178-19	Capital Revenue		16,200		219,595
J11712	Ferguson Hall	17/07/2019 - 235-19	Capital Expense			(7,971)	235,795
1241010	Transfer from Reserve - Carried Forward Projects Reserve	17/07/2019 - 235-19	Capital Revenue		7,971		227,824
J11640	Depiazzi Park	17/07/2019 - 228-19	Capital Expense			(10,000)	235,795
1143001	Transfer from Reserve - Parks & Reserves Upgrades Reserve	17/07/2019 - 228-19	Reserve Transfer		10,000		225,795
J11636	Ferguson Valley Marketing for mobile visitor centre van.	14/08/2019 - 238-19	Operating Expense			(25,000)	235,795
J11636	Gnomesville master plan	14/08/2019 - 238-19	Capital Expense		25,000		235,795
1221505	Grant Revenue - Roads to Recovery	25/09/2019 - 277-19	Capital Revenue		63,204		298,999
1241002	Transfer from Reserve - Road Construction Reserve	25/09/2019 - 277-19	Reserve Transfer			(63,204)	235,795
0412506	Sundry Consultants - Other Governance	25/09/2019 - 286-19	Operating Expense			(20,000)	215,795
J12597	Road safety treatments - Hamilton Road and Recreation Drive	16/10/2019 - 294-19	Capital Expense		4,200		211,595
1241002	Transfer from Reserve - Road Construction Reserve	16/10/2019 - 294-19	Reserve Transfer			(45,900)	215,795
1036002	Changeover Vehicle DA004 - Migr Development Services	16/10/2019 - 296-19	Capital Expense			(45,900)	169,895
1432001	Changeover Vehicle DA9668 - Migr Information Services	16/10/2019 - 296-19	Capital Expense			(45,900)	123,995
1036002	New Vehicle - Director Sustainable Development	16/10/2019 - 296-19	Capital Expense			(71,400)	52,595
1046001	Sale of Vehicle - Town Planning	16/10/2019 - 296-19	Capital Revenue		22,950		75,545
1442003	Sale of Vehicle - Administration O/H	16/10/2019 - 296-19	Capital Revenue		22,950		98,495
1444007	Transfer from Reserve - Executive & Compliance Vehicles	16/10/2019 - 296-19	Reserve Transfer		117,300		215,795
J05005	Dardanup West Bush Fire Brigade Shed - Concrete Pad	06/11/2019 - 314-19	Capital Expense			(7,545)	208,250
0522501	Grant Revenue - Capital ESL	06/11/2019 - 314-19	Capital Expense		7,545		215,795
0521502	Grant - Fire Prevention - for Mitigation Activity Funding	27/11/2019 - 351-19	Operating Revenue		209,615		425,410
J05021	Grant Funding Expenditure - Bush Fire Mitigation Activity	27/11/2019 - 351-19	Operating Expense			(209,615)	215,795
0522501	Grant Revenue - Capital - Fire Prevention ESL	27/11/2019 - 344-19	Capital Revenue		15,134		230,929
0541001	Transfer from Reserve - Fire Control Reserve	27/11/2019 - 344-19	Reserve Transfer		2,885		233,814
J05009	Installation of water tank, pump & electricity supply	27/11/2019 - 344-19	Capital Expense			(18,019)	215,795
1422003	Reimbursements - Insurance Scheme Surplus	27/11/2019 - 351-19	Operating Revenue		33,620		249,415
1121001	Reimbursement Revenue - Public Halls	27/11/2019 - 351-19	Operating Revenue			(7,297)	242,118
1123003	Fees & Charges - Lease of Reserves	27/11/2019 - 351-19	Operating Revenue			(6,790)	235,328
1412006	Insurance - Admin OH	27/11/2019 - 351-19	Operating Expense			(15,000)	220,328

Continued next page



Notes to the Statement of Financial Activity
For the Period Ended 30 June 2020

10 BUDGET AMENDMENTS (continued)

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

GI/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
	Brought forward from previous page						220,328
J11807	Building Special Maintenance - Eaton Recreation Centre	29/01/2020 - 09-20	Operating Expense			(35,000)	185,328
1141001	Transfer from Reserve - Building Maintenance	29/01/2020 - 09-20	Reserve Transfer	35,000			220,328
J11505	Eaton Foreshore Stage 1 - Colin Spragg Adventure Playground	29/01/2020 - 10-20	Capital Expense			(8,528)	211,800
J11594	Eaton Foreshore Stage 2	29/01/2020 - 10-20	Capital Expense	8,528			220,328
1113505	Consultation - fenced dog exercise area	29/01/2020 - 05-20	Operating Expense			(15,000)	205,328
1016503	Town Planning - General Consultants	26/02/2020 - 15-20	Operating Expense			(70,000)	135,328
1016503	Consultants - Strategic Planning	26/02/2020 - 15-20	Operating Expense	70,000			205,328
J11801	Construction - Eaton Recreation Centre	26/02/2020 - 21-20	Capital Expense			(36,895)	168,433
1141001	Transfer from Reserve - Building Maintenance	26/02/2020 - 21-20	Reserve Transfer	36,895			205,328
1113505	Consultants - Parks & Gardens Reserves	26/02/2020 - 28-20	Operating Expense			(4,400)	200,928
	Adoption of mid-year budget review - various amendments	25/03/2020 - 73-20	Various	1,772,504		(1,653,872)	319,560
1121001	Reimbursement Revenue - Public Halls	25/03/2020 - 59-20	Operating Revenue			(8,111)	311,449
1123003	Fees & Charges - Lease of Reserves	25/03/2020 - 59-20	Operating Revenue			(5,976)	305,473
1119504	Community Grants - reduced expenditure	27-05-2020 - 125-20	Operating Expense	27,500			332,973
	Small Business Quick Response Grants					(20,000)	312,973
	Consultancy - Economic Stimulus Package grant applications					(7,500)	305,473
				2,585,069	(2,397,736)		

RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Failing to monitor the financial performance can increase the risk of a negative impact on the Shire's financial position. Non-compliance with legislative requirement could result in a qualified audit.									
RISK THEME PROFILE:									
3 - Failure to Fulfill Compliance Requirements (Statutory, Regulatory)									
RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			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	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	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	Non-compliance with the legislative requirements that results in a qualified audit.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	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.

