



Department of
**Local Government, Sport
and Cultural Industries**



Off-Road Vehicle Area Grants Program — Establishment and Major Upgrade

Guidelines

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Program guidelines

Objective

The WA Government is seeking to support the establishment of new Off-Road Vehicle (ORV) areas and major upgrades at existing ORV areas via a grants program for local governments.

Funding of \$4.8 million has been injected into the ORV Special Purpose Account, of which \$4 million is available for grants of up to \$1 million to construct new ORV areas, and \$800,000 is available for grants of up to \$200,000 for major upgrades at existing permitted ORV areas.

The grant program aims to support local governments to establish new ORV facilities in partnership with the WA Government. As part of this grant program, the WA Government has established an Inter-Agency Steering Group which is available to assist local governments progress approved proposals.

This grant program seeks to add to and support local government ORV areas following the introduction of the ORV Amendment Bill to Parliament on 19 June 2024.

Overview

This one-off grant program supplements the existing investments in ORV areas made through the ORV Special Purpose Account (SPA).

It supports a range of key government priorities and strategies. Local governments are encouraged to consider how proposals may be informed by the following:

- Western Australia (WA) Strategic Trails Blueprint 2022-2027
- Department of Biodiversity, Conservation and Attraction (DBCA) Trails Development Guidelines
- Western Australia Local Government Association (WALGA) Off-road Vehicles and Local Government 2018 guidelines
- The WA State Trailbike Strategy 2008.

An additional benefit of this funding is expected to be the boost to local businesses and tradespeople with applicants being encouraged to use local suppliers for their projects.

This grant funding will be administered by the Department of Local Government, Sport and Cultural Industries (DLGSC), in consultation with other agencies via the Inter-Agency Steering Group.

A DLGSC grants support team will provide advice and support to local government to facilitate the development of concepts and proposals, assist with any specific technical matters and completion of applications, including acting as a conduit to other relevant government agencies as required.

The Inter-Agency Steering Group will assess each application against the eligibility criteria and make recommendations on short-listed proposals. The steering group includes suitable representatives from DLGSC, Department of Planning, Lands and Heritage (DPLH), DBCA and Department of Water and Environmental Regulation (DWER).

Short-listed proposals will also be subject to the advice of the ORV Advisory Committee.

Key dates

Grants guidelines published	2 September 2024
Grant opening date	2 September 2024
Grant closing date	8 November 2024
Assessment and recommendations	November 2024 to May 2025
Funding agreement execution	By 30 June 2025
Project delivery	July 2025 to June 2027

Eligibility criteria

To be eligible for the program, applicants must:

- Be a local government within Western Australia (local governments may propose to partner with other organisations to deliver works and/or operate the ORV area).
- If a joint submission between two or more local governments is made, propose how each local government will contribute to the project and what portion each will fund and/or deliver.
- If a submission involves a partner other than a local government, propose how each project partner will contribute to the project and what portion each will fund and/or deliver.
- Be able to demonstrate capacity to deliver the construction of a new ORV area, or major works at an existing permitted ORV area within the relevant local government district.
- Provide evidence of support (or absence of opposition) for the proposal across relevant state agencies.
- Provide a clear project plan with itemised eligible costs.
- Provide a process of how public consultation will occur if funding is recommended.

Applications that demonstrate significant in-kind commitments from the applicant (such as internal capability to obtain relevant statutory approvals and complete civil construction work) will be favourably considered.

Eligible inclusions

To be eligible, the project must either:

- Deliver a new Gazetted ORV area (Stream A); or
- Deliver major upgrades at an existing ORV area (Stream B).

Stream A — New ORV Areas — Eligible inclusions

Examples of eligible inclusions that would be considered are:

- Construction of a new ORV area (or the first stage of a proposed larger area).
- Supporting infrastructure, including parking, lighting, access gates, surveillance equipment, utilities, etc.

- User and spectator amenities, such as water supply, picnic and barbeque facilities, toilet facilities, rubbish facilities.
- Signage.
- Fencing and walls/barriers.
- Landscaping and vegetation.
- Other items that meet the intent of improving the ORV user experience at the proposed new ORV area.

Applicants are encouraged to submit proposals that include options for scaling a new ORV area, or part of a new ORV area, with corresponding proposed grant funding.

Local government will remain responsible for items listed in 'Ineligible costs' below.

While consideration will be given to establishing as many new ORV areas as possible within the \$4 million funding allocation, submissions requesting funding of up to \$1 million will be considered.

As part of their application, local governments may also request an initial subsidy of up to \$25,000 per annum (for up to 4 years) to support the initial establishment and operation of a new ORV area.

However, if applicants demonstrate that \$1 million contribution plus an initial operating subsidy is insufficient to enable the construction of a full ORV area, applications for the construction of a viable first stage of an ORV area (such as an initial standalone track) will be considered, on the condition that the applicant includes the total estimated cost for any future stages for information.

As a condition of funding, the local government must agree to apply to Gazette the permitted area and Gazette any other prohibited areas or other elements of the ORV Act to apply within the district to ensure that ORVs may only be legally ridden within the approved Gazetted areas.

Stream B — Major Upgrades at Existing ORV Areas — Eligible

Examples of eligible inclusions that would be considered under this grant program, are:

- Construction of a new ORV track within an existing ORV area.
- Supporting infrastructure, including parking, lighting, access gates, surveillance equipment, utilities, etc.
- User and spectator amenities, such as water supply, picnic and barbeque facilities, toilet facilities, rubbish facilities.
- Signage.
- Fencing and walls/barriers.
- Landscaping and vegetation.
- Other items that meet the intent of improving the ORV user experience at existing ORV areas.

Priority will be given to applications that propose significant new infrastructure for riders, such as new tracks or trails to expand or significantly improve an existing area.

While consideration will be given to as many substantial improvements to existing ORV areas as possible within the \$800,000 funding allocation, submissions requesting funding of up to \$200,000 will be considered.

As a condition of funding, the local government must agree to apply to ensure that the permitted area is accurately Gazetted as a permitted area and Gazette any other prohibited areas or other

elements of the ORV Act to apply within the district to ensure that ORVs may only be legally ridden within the approved Gazetted areas.

Eligible costs

To be eligible, costs must:

- be a direct cost related to the construction of a new area a Gazetted ORV use area (Stream A).
- be a direct cost related to upgrading an existing ORV area (Stream B).

As outlined above, applicants in Stream A may also request an initial subsidy of up to \$25,000 per annum (for up to 4 years) to support the initial establishment and operation of a new ORV area.

Ineligible costs

The grant cannot be used for the following activities:

- Operational costs beyond the scope.
- Operational costs beyond the timeframe of the funded portion of the project.
- Administration costs exceeding 10 per cent of the total funding request.
- Business as usual operational expenditure, including but not limited to regular repairs.
- Initial desktop assessment of ORV areas.
- Connecting road upgrade costs.
- Utility costs greater than 20% of the total funding request.

As Gazetted ORV areas are located on Crown land, land acquisition or access costs are ineligible.

Assessment criteria

Proposals will be assessed based on:

Criteria	Description
1. ORV rider interest and in-principle support	The application provides evidence of the geographical catchment areas for riders, indicates support from prospective ORV riders or groups, and demonstrates potential to receive formal support from the ORV Advisory Committee.
2. Contribution to improving access to off-road vehicle areas	The application clearly shows how the initiative or upgrade will improve access to high-quality off-road vehicle facilities. It should align with the intended outcomes of this grant program.
3. Organisational capacity to support project delivery	The application details who will manage the delivery of the project. It will need to clearly show resources and capacity to complete the project during committed timeframes.
4. Value for money	The application demonstrates a strong value for money by matching a realistic budget with potential off-road vehicle areas benefits. Project deliverables, project and administration costs as well as in-kind and

co-contributions will be considered when assessing this criterion.

5. Project monitoring and evaluation

The application demonstrates the provision of a methodology that will determine whether the intended outcomes have been achieved, collect data and evidence to measure whether the activities have met the grant objectives.

Grant categories

ORV grants will be awarded to projects that demonstrate effective project planning to support the establishment of a new or existing ORV area. This is expected to include the following details:

1. Stream A: Establish new ORV areas — \$1 million

- A description of the vacant site requested, including a plan and details of tenure of the land.
- Access available to the undeveloped/vacant site.
- Environmental factors, including proximity of dwellings.
- General noise level details for the area.
- Terrain type.
- Identification of services and utilities that are likely to be affected.
- Confirmation from affected agencies that they support the project, including via the Inter-Agency Steering Group.
- Facilities currently on site and/or what facilities and services are required.
- Market analysis.
- Proposed management implementation plan for the site, including safety provisions.
- Required restrictions – justifications should be detailed.
- New development application plan/project plan with a budget including full costings and scoping of expected development.
- Evidence that the project is within the local government's ability for ongoing management and financial capabilities.

2. Stream B: Upgrade existing areas — up to \$200,000

Details related to:

- The installation of accessible facilities.
- Signage.
- Earthworks.
- Construction of vegetation buffers.
- Viewing areas for spectators.
- Fencing walls/barriers.
- Construction of a new ORV track within an existing ORV area.
- Supporting infrastructure, including parking, lighting, access gates, surveillance equipment, utilities, etc.
- Communications booster/access to make an emergency request.

- User and spectator amenities, such as water supply, picnic and barbeque facilities, toilet facilities, rubbish.
- New or upgrade existing wheelchair/disability access.
- Landscaping and vegetation.
- Upgrading of existing track in an existing ORV area.
- Construction of buildings, such as administration, retail, security guard office, etc.
- Other items that meet the intent of improving the ORV user experience at existing ORV areas.

As outlined above, applications for an initial stage of works, with a proposed scope and cost for future works, are encouraged.

Planning process

Information sessions will be held by the DLGSC grants support team. The team will also be available to assist local governments with proposals prior to submission. The DLGSC grants support team will not be involved in assessing applications.

All applicants will be required to identify any risks relevant to the project, therefore it is anticipated that submissions will include project plans that cover the duration of the project.

Application process

Applications must be submitted online via the DLGSC portal. The application form will require the following information:

- the applicant local government's details, including ABN and primary business activities.
- a detailed description of the project
- estimated total cost of the project excluding GST
- grant amount requested excluding GST (requested support should reflect the expected design and impact of the project)
- project location, and any supporting documents
- details of the project scope which demonstrates how it intends to meet the assessment criteria.
- a project plan
- any supporting quotes or technical documents
- evidence of financial viability such as, an audited financial statement for the last financial year, and/or a signed statement from an external accountant that the Local Government is financially able to fund the ongoing costs of the ORV area.

If further guidance is required on the application process, contact orv@dlgsc.wa.gov.au

Assessment process

Eligibility assessment

The DLGSC grants support team will assist interested local governments with development of proposals and will provide advice on whether concepts and proposals meet the eligibility criteria for the grant funding. The DLGSC grants support team may discuss the application with other state or local government entities that are listed as funders and/or partners.

It is the responsibility of the applicant to demonstrate the competitiveness and the alignment of the activity/application against the funding criteria.

The Inter-Agency Steering Group will assess applications against the eligibility criteria set out in these guidelines and will make recommendations on proposals.

Application assessment

The Inter-Agency Steering Group will consider eligible applications against the eligibility criteria set out in these guidelines. Where the steering group considers an application unsuitable or unsatisfactory against any criteria, it may exclude that application from further evaluation.

Applicants that are deemed to meet the eligibility criteria will then progress to a preliminary assessment against the assessment criteria by the steering group. This will result in a score attributed to each criteria, a summary of each application, reason for scoring and other notable information relating to the application for consideration.

The ORV Advisory Committee will consider and advise on applications that have been deemed to meet the eligibility criteria by the steering group.

During the assessment process, applicants may be asked to provide additional information either in the preliminary assessment, or by the DLGSC grants support team as part of its involvement, to assist in the assessment process. Additionally, advice may be sought from other WA Government agencies or other sources to assist in the assessment of projects as required.

Recommendations will be made by the Inter-Agency Steering Group (with the documented advice of the ORV Advisory Committee) to the Director General for consideration before progressing to the Minister for Local Government for final consideration.

Decision making

The Inter-Agency Steering Group will assess all applications and progress those deemed suitable to the ORV Advisory Committee for advice.

The Director General will consider advice from the ORV Advisory Committee and submit to the Minister for approval.

The Minister for Local Government or Treasurer may approve the provision and amount of support to individual projects.

Applicants should not lobby the Minister/s, DLGSC Director General or members of the Inter-Agency Steering Group or the ORV Advisory Committee during the application or assessment process. Any breaches of this condition may result in the application being deemed ineligible.

Timeframe

From the date of application lodgement and provision of all relevant documentation, the processing period for each stage will be in line with the timeframes listed under 'key dates'.

The assessment will be based on the information provided. Applicants will be notified of the outcome of their application via email. Where an application or claim is unsuccessful, a reason will also be provided.

All enquiries must be sent through orv@dlgsc.wa.gov.au for response, citing the application number.

Notification

Successful applicants will be notified via written correspondence. Successful applicants may be requested to keep any grant support confidential for a period of time if an announcement is likely to be made by the WA Government.

Further information

Grant agreement

Successful applicants will be required to enter into a grant program agreement with the WA Government. The WA Government will require the grant agreement to be executed no later than two weeks after the decision has been made.

No binding funding or support commitment to an applicant will be made by the WA Government, unless and until, both parties sign the Off-Road Vehicle Area Grant Program agreement.

The Off-Road Vehicle Area Grant Program agreement may require the successful applicant to provide a copy of all supporting documentation relevant to the project or as requested by DLGSC.

Supporting documentation may include, but is not limited to:

- relevant quotes from suitably qualified professionals
- site plans
- track and amenities schematics and/or project plans
- resolutions or documented approvals from the local government for the project
- evidence of ownership of land to be used for a new ORV area, and/or
- documented approval from the relevant government agency who owns or manages the land [such as DBCA or The Department of Water and Environmental Regulation (DWER)].

Project activities will be set out as milestones in the Off-Road Vehicle Area Grant Program agreement. Timing and requirements will vary depending on the scope and timelines of the project.

Successful applicants will be required to submit project progress reports to DLGSC as outlined in the Off-Road Vehicle Area Grant Program agreement.

Examples of measures to be included in the report are:

- completion of site works
- completion of any buildings and/or tracks
- erection of fences
- site furniture and/or viewing platforms
- completion certificates.

Variation

Any requests for variations must be presented to the Executive Director Local Government for consideration. Variations include adjustment to project delivery dates, adjustments to agreed project deliverables and/or changes to payment timing.

Payment of grant

The grant will be paid by DLGSC once the grant agreement has been executed. Grantees will be required to report how the grant funds were spent at the completion of the project.

The DLGSC may set payment amounts and timings subject to achievement of specific milestones. The milestone payments will be noted and agreed to through the grant agreement.

All payments are exclusive of GST.

Reporting requirements

Grantees must submit reports in line with the funding agreement. All grantees will be expected to report on progress against the agreed program milestones and outcomes of expenditure of the grant.

The scope of works and milestones submitted as part of the application will form the basis of the project reporting requirements.

When a grantee completes the project, the grantee must submit a final report and an audited financial report as part of the acquittal process.

Final reports must:

- identify if and how outcomes have been achieved
- include the agreed evidence as specified in the grant agreement
- identify the total eligible expenditure incurred
- be submitted within 40 business days of completion in the format provided in the grant agreement.

Evaluation and audit

DLGSC will evaluate the program to measure how well the outcomes and objectives have been achieved. Information from the application and progress reports may be used for this purpose. Grantees may also be interviewed or asked for further information to assist with understanding the Program impact and to evaluate how effective the program was in achieving its outcomes.

DLGSC and the Office of the Auditor General reserves the right to undertake an audit of program funding and support within seven years. Tracking and reporting will be a requirement of the grant agreement.

All grants are subject to an audit by the Office of the Auditor General or its representative in circumstances, in accordance with the *Financial Management Act 2006* or the *Auditor General Act 2006*.

Repayment of unexpended grant

Unspent funds, as detailed in the application and/or grant agreement will be returned. Applicants that wish to re-allocate unspent funds to expenses/activity costs that align with the eligible costs within these guidelines must seek and gain approval from the DLGSC before doing so.

Acknowledgement

DLGSC logo should be used on all materials related to grants provided to the project. Whenever the logo is used, the publication must also acknowledge the WA Government.

If a grantee makes a public statement about a project funded under the program, the grantee is required to acknowledge the program, and appropriately acknowledge the support provided by DLGSC and the WA Government.

Unsuccessful applicants

Unsuccessful applicants will be notified in writing of the outcome of their application within 45 business days from application close date. Feedback on unsuccessful applications can be

provided on request. All requests are to be submitted in writing to the department and emailed to orv@dlgsc.wa.gov.au.

Application support

DLGSC staff are available to provide guidance and clarity relating to the process and can be contacted at orv@dlgsc.wa.gov.au. DLGSC staff are not able to assist in writing, completing or submitting the application or in delivery of the activity.

Applicants should seek advice from their legal, business, and financial advisors to determine the suitability of the Program before applying.

Enquiries and feedback

For further information or clarification, applicants can contact orv@dlgsc.wa.gov.au.

Answers to your questions may be published on the DLGSC website as frequently asked questions.

If there are issues with how DLGSC has handled an enquiry or complaint, these may be referred to the WA Ombudsman.

Conflicts of interest

Any conflicts of interest could affect the performance of the program. There may be a conflict of interest, or perceived conflict of interest, if DLGSC staff, any member of a committee or advisor and/or the applicant or any of its associates:

- has a professional, commercial, or personal relationship with a party who is able to influence the application selection process.
- has a relationship with or interest in, an organisation, which is likely to interfere with or restrict the applicants from carrying out the proposed activities fairly and independently.
- has a relationship with, or interest in, an organisation from which they will receive personal gain because the organisation received a grant under the program.

All applicants will be required to declare, as part of the application, any perceived or existing conflicts of interests or that, to the best of your knowledge, there is no conflict of interest.

If an actual, apparent or perceived conflict of interest is later identified, the applicant must inform DLGSC immediately.

DLGSC staff, committee members and other officials including the decision maker must declare any conflicts of interest.

Conflicts of interest for DLGSC will be handled as set out in its Grants Administration Conflict of Interest Policy and Managing Conflicts of Interest Guidelines.

Privacy

Personal information is managed according to the Australian Privacy Principles, set out in Schedule 1 to the *Privacy Act 1988* (Cth).

Personal information can only be disclosed to someone for the primary purpose for which it was collected unless an exemption applies.

DLGSC may also use or disclose information about grant applicants and grant recipients for reporting purposes.

Freedom of information

Applicants should be aware that information submitted in applications and all related correspondence, attachments and other documents may be made publicly available under the *Freedom of Information Act 1992 (WA)*. Information that is deemed to be commercially sensitive will be withheld. The *Freedom of Information Act 1992 (WA)* makes government information accessible to the public by:

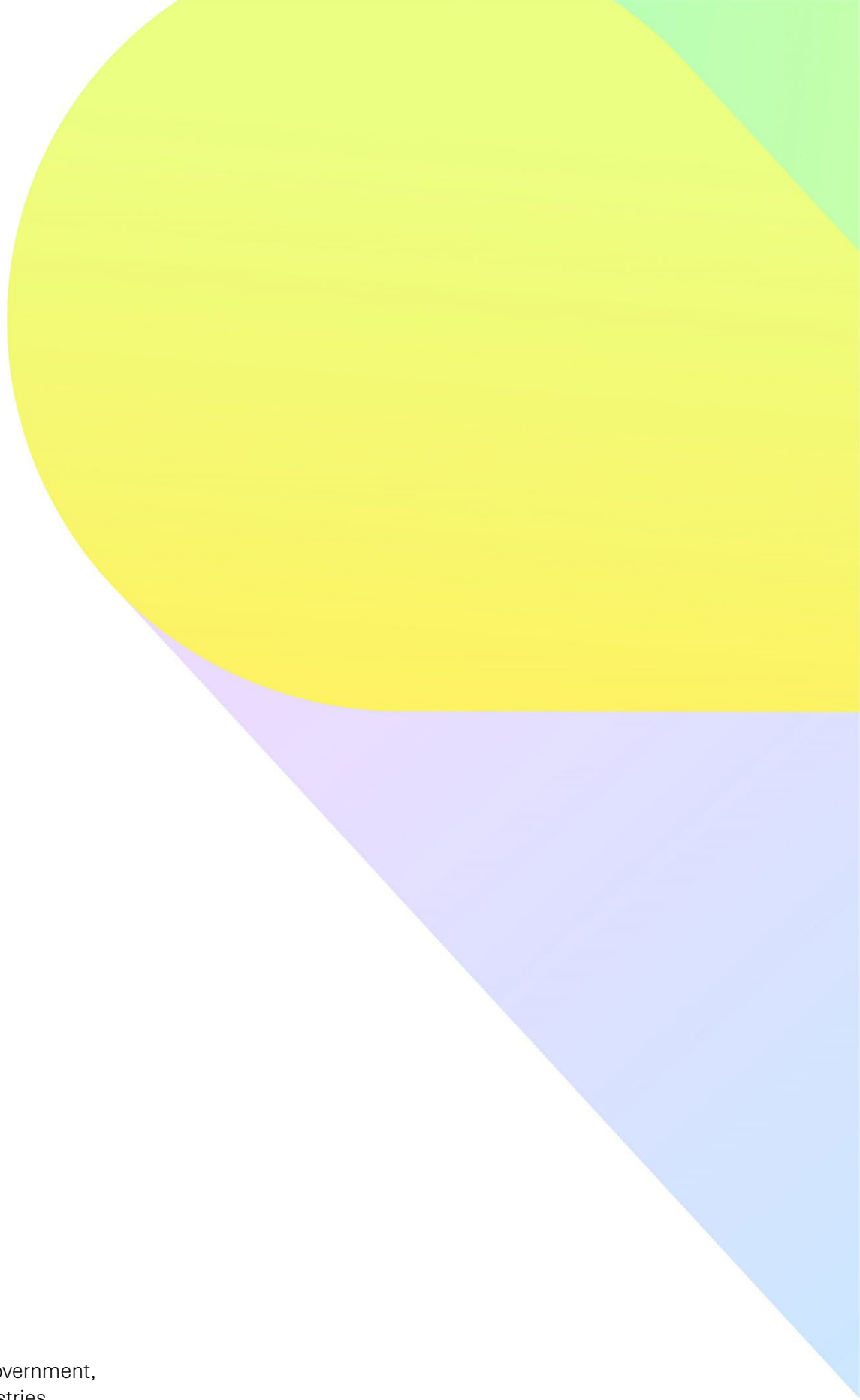
- requiring government agencies to make certain sorts of information freely available.
- encouraging government agencies to release as much other information as possible.
- giving the public an enforceable right to access applications for government information.
- restricting access to information only when there is an overriding public interest against disclosure.

Disclaimer

DLGSC does not guarantee or warrant and accepts no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency, or completeness of any material contained in this publication. Information in this publication is provided as general information only and is not intended as a substitute for advice from a qualified professional.

DLGSC recommends that users exercise care and use their own skill and judgment in using information from this publication and that users carefully evaluate the accuracy, currency, completeness, and relevance of such information. Users should take steps to independently verify the information in this publication and, where appropriate, seek professional advice.

The guidelines are subject to change at any time at the sole discretion of DLGSC. Any changes will be communicated to program applicants and publicly.



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