

SHIRE OF GINGIN
LOCAL PLANNING
SCHEME NO. 9

**Development Application
Modification to Agriculture Intensive**

Lot 108 (201) Lennards Road, Lennard Brook

September 2025



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1.0 INTRODUCTION

This report documents justification for retrospective approval for the establishment of centre pivot irrigation and the growing of a variety of agricultural annual horticultural crops including particularly lucerne, canola and other fodder crops amongst others.

The landowners (John and Brenda Treloar) recently acquired the subject site (Lot 108 (201) Lennards Road, Lennard Brook) which had been used for many decades for the growing of citrus. There had however been two recent fires which had damaged the citrus plantation including its irrigation system and some of the scattered remnant bushland on the property. The citrus orchard had also been neglected in many respects prior to acquisition.

Upon acquisition of the site, transfer of the relevant water licence also occurred which permits 250,000 kilolitres of pumping irrigation from an approved bore.

Given the citrus plantation was partially damaged and neglected, the Treloar's needed to decide what to do next in respect to agriculture onsite and a decision was made to commence removal of the citrus and bring to site a centre pivot irrigation system (given the previous reticulation system was damaged) and grow Lucerne, Canola, Sorghum and other fodder crops with a view to other annual horticultural produce being grown season to season depending on the market.

The Treloar's did not see this necessary as a change in land use because the site was still being used for intensive agriculture.

In fact, an argument could be put that there has not been a change in land use because both the growing of citrus and the growing of other horticultural crops, all falls under the definition of intensive agricultural use, for which the site has been used for decades and therefore has a continuing use right. The change from one type of crop to another is a logical move given the fact that the site was affected by fire and partially neglected. It is also arguable that a centre pivot irrigation system is development.

The Shire contacted the owners advising that in their opinion a change of use had occurred and installation of the centre pivot required planning approval. Whilst there is a question as to whether or not this is clearly a change in land use, the Treloar's have decided to retrospectively apply for approval in good faith to work with the Shire and maintain their business, respectfully requesting that the centre pivot can be retained onsite whilst the application is determined.

The area to be utilised for the centre pivot as documented under this application, is for all intents and purposes, almost occupying the same area that was used for citrus production and the existing sheds will continue to be used for incidental storage, packing, juicing and other related activities supporting the agricultural use.

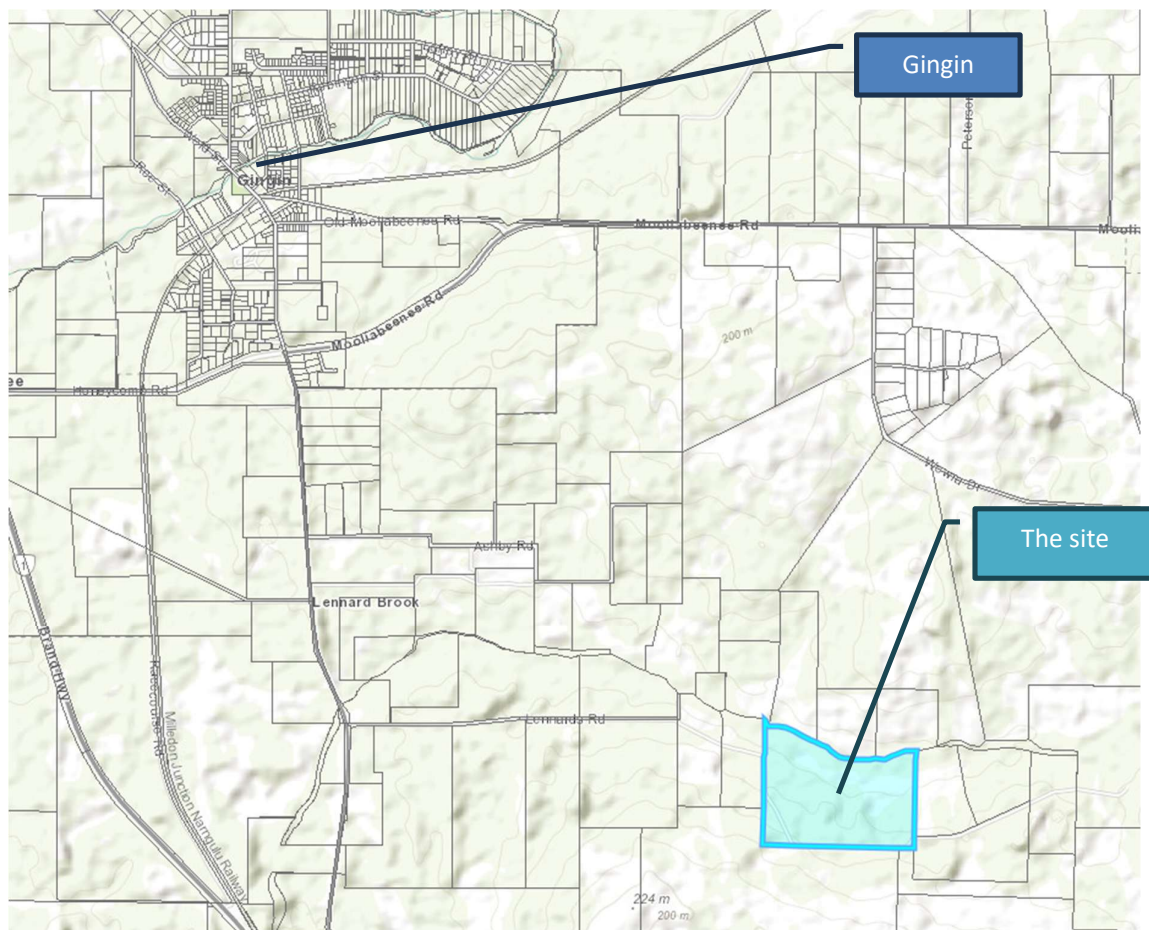
The Treloar's did not intend to purposefully contravene any planning requirements, simply were of the view that the change of crop was not necessarily a change of land use and therefore this change in activity was an honest move to try and maintain agricultural viability as a result of the citrus orchard neglect and damaging fires.

2.0 THE SITE

The subject site is Lot 108 (201) Lennards Road, Lennard Brook which is 66.61ha hectares in area with frontage to Lennard Brook Road along the northern boundary. The site is almost rectangular in shape except for the northern boundary which follows the alignment of Lennards Road reserve and therefore is not a straight alignment.

The site is situated within the Shire of Gingin, approximately 5.8 kms south-east from the townsite of Gingin as evident on the location plan below at **Figure 1**.

Figure 1 – Location Plan



The site is traversed by a creekline (Lennard Brook) in the north near the boundary, which harbours some vegetation and was previously established with 18 hectares of citrus plantation and various windrows of planting, old irrigation system and much of this is still evident on the aerial photograph below at **Figure 2**.

Figure 2 – Aerial photograph (Source: Plan WA)



Also evident above, in the aerial photograph, are some farm sheds and office in the northwest which have historically been used to support intensive agricultural activity including juicing, storage of materials, packing of goods etc. and also storage of equipment.

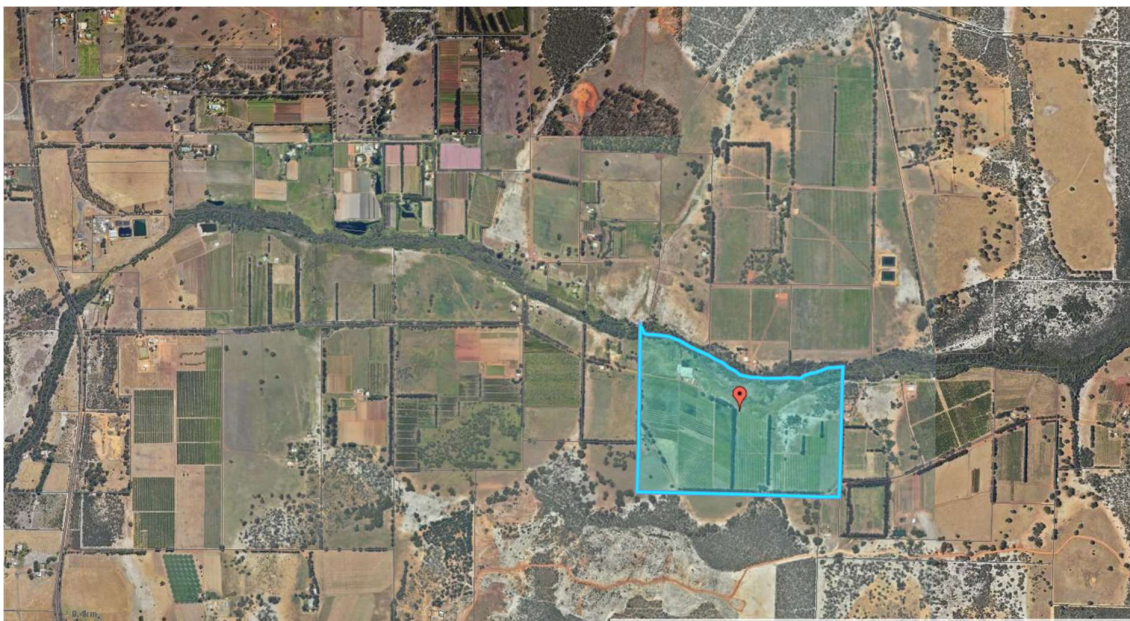
Small sections of native vegetation in the northeast were damaged by the recent fire and some of which (dead trees) was removed.

As stated previously, the site is the subject of a water licence allowing extraction of 250,000 kilolitres of water for intensive agricultural use, a copy of this licence is included at **Attachment 2**.

The subject site contains quality soils for horticulture as demonstrated by the previous citrus activity. It is also supported by a strong water supply from an approved bore, again established to support the previous citrus operation.

It is noted that the surrounding area is occupied by many different types of intensive agricultural pursuits, particularly along the Lennard Brook on the north and south side. This is evident on the aerial photograph below.

Figure 3 – Locality illustrating mixture of intensive agricultural pursuits



The fact that there are a large number of intensive agricultural pursuits in the area demonstrates that it is a high quality agricultural area with capability and the subject site represents one of the larger lots within this particular locality.

The subject site is accessed along Lennard Brook Road and then via easements through adjoining properties to the internal driveway systems. In addition, a substantial driveway exists along the western and southern boundaries, likewise protected by easements servicing other lots to the east. This easement arrangement was likely established as a better alternative to the actual Lennard Brook Road reserve alignment.

Power services are available onsite and this supports the existing infrastructure as well as the bore located just north of the existing sheds.

As evident on the aerial photograph, most of the site is cleared with the Lennard Brook running along the northern boundary and small patches of bush associated with this and in the east. Some previously established windrows are also evident.

The site slopes gently from south to north towards the Lennard Brook.

The citrus operation has been in existence for decades and aerial photography is limited at Landgate however, in 1999 it is clear that the citrus operation was in place and an aerial photograph below illustrates this. The sheds were also evident.

Figure 4 – Landgate aerial photograph showing operation in 1999



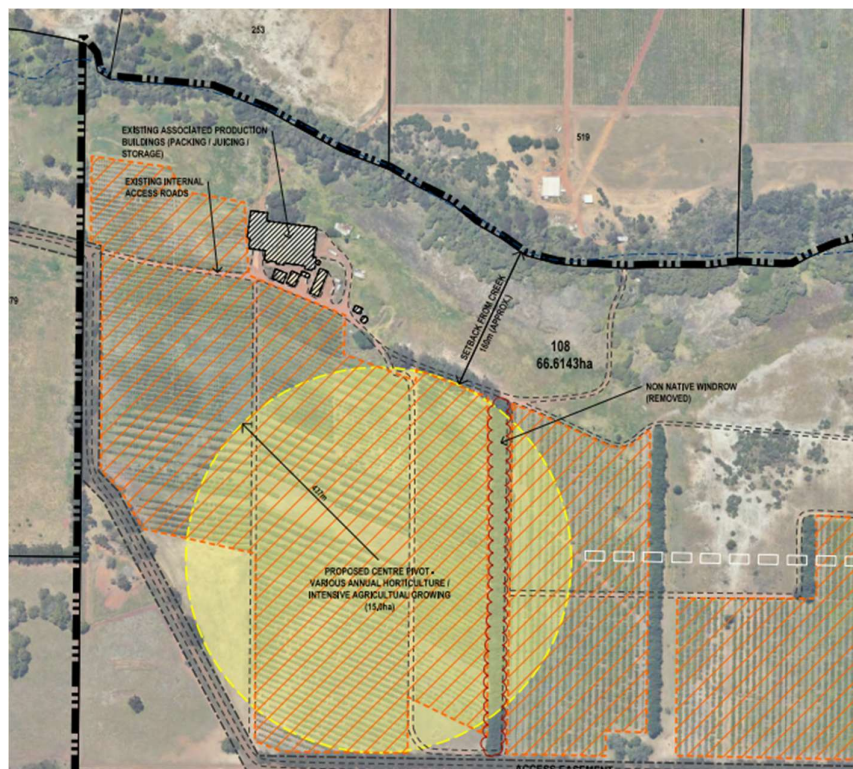
3.0 THE PROPOSAL

The proposal is to seek retrospective approval for establishment of a centre pivot irrigation system and the planting of annual horticultural crops over an area of 15 hectares, essentially previously used for citrus production (prior to the fire). The crops to be grown will vary from year to year, dependent on climatic and economic factors but will effectively be annual horticultural produce such as lucerne, canola, sorghum and other fodder crops and other horticultural produce.

A plan indicating the aerial centre pivot irrigation and therefore, growing area, is depicted on the application plan contained at **Attachment 1**.

As evident at **Figure 5** below, the area where the centre pivot activity is to occur, is for all intents and purposes, where previous intensive agricultural growing occurred in the form of citrus and the intention is to retain the windrow along the south boundary however, remove all citrus from the site and any windrows which would interfere with the growing of annual horticulture.

Figure 5 – Location of Proposed Pivot



The area of growing is 15 hectares, which is less than the 18 hectares of citrus that previously occupied the site.

The proposed activity will be operated from the same sheds, with generally the same amount of traffic movement, staff (family run) and the sheds will be used for similar activity to previous including storage, packing, keeping of machinery etc.

Access to the site will remain from the existing locations and the only change physically to the site that will be evident, will be the fact that the plantation of citrus would no longer be in situ and the centre pivot irrigation system would be evident.

It is noted that this type of centre pivot irrigation production is common in the Shire of Gingin and there are a wide variety of agricultural activities occurring within the immediate locality as evident on the broader locality aerial photograph at **Figure 3**.

The activity will include the following:

- The centre pivot will be located as indicated on the application plan and will be centred to direct irrigation to annual horticultural crops which will vary from year to year dependant on market forces.
- All chemical spray will be by ground boom or drone.
- All fertiliser will be spread using tow behind ground spreader or with seeder.
- Application of chemicals and fertiliser will be generally commensurate with previous citrus planting.
- The centre pivot will be setback approximately 160 metres from the creek as evidenced on the application plan.
- All existing citrus will be removed from the site.
- The existing sheds, office etc. will be utilised for the same purposes as it has previously including juicing, storage, packing and associated works related to the agricultural production on the land.

The actual centre pivot has been located onsite and a photograph depicting this is provided below at **Figure 6**.

Figure 6 – Centre Pivot



This is a relatively low profile piece of irrigation equipment which is also not significant in the landscape.

Visually the centre pivot is less bulky than the large citrus orchard.

The attached plan (attachment 1) illustrates how the activity will be located on the site ongoing.

Again, an argument could be presented that there is actually no change in land use because all the landowners have chosen to do is change the type of crop to be grown within existing areas used for intensive agriculture for decades. There are some marginal sections that weren't used for intensive agriculture and the Shire could take the view that there may have been a material change in the use of the land and therefore development, although again, this could be questioned. The landowner has chosen to work with the Shire and lodge this application seeking approval for surety and to keep in good standing with the Shire.

The amount of produce grown can be serviced by the approved water licence as documented below.

A review of DPIRD irrigation calculator indicates for example, on clay loamy soils with an area of 15 hectares in the Gingin locality, the following requirements for irrigation are needed between October and May with no irrigation required in June, July, August or September.

Lucerne 2000 kilolitres

High Pasture 1670 kilolitres

This clearly demonstrates that there is adequate water to support the activity.

The proposal is therefore a minor physical change to the site which has limited implications and is effectively commensurate with previous land use that has been occurring for many years.

4.0 PLANNING FRAMEWORK

4.1 Shire of Gingin Local Planning Scheme No. 9 ('the scheme')

The subject site falls within the Shire of Gingin and therefore within the area of Local Planning Scheme No. 9. Under the Scheme the subject site is zoned General Rural as evident in the excerpt of the Scheme Map below at Figure 5.

Figure 5 – Zoning Map



It is also evident on the Scheme Map that the General Rural zone is coded GR30.

The objectives of the General Rural zone are:

- a. "Manage land use changes so that the specific local rural character of the zone is maintained or enhanced"

- b. Encourage and protect broadacre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use*
- c. Maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and*
- d. Provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone”*

The proposal is consistent with the objectives of the zone because the change in land use is minor in the context of the area and would not be a significant visual change affecting the rural character. Further, the use is intensive agriculture and this is therefore encouraged as the primary activity. In addition, the intensive agricultural pursuit is setback the same distance from watercourses and vegetation as the existing / previous citrus intensive agricultural pursuit and this is a notable setback (160 metres) and the proposed activity is similarly distanced from sensitive land uses within the locality.

The land use was established under the previous Local Planning Scheme and whilst a different land use classification existed at the time, the use was permissible within the relevant zone.

Under the current Scheme, the use falls within the definition of Agriculture Intensive, which is a ‘D’ use or discretionary use under the Scheme.

The definition of Agriculture Intensive under Schedule 1 of the Scheme as follows:

“Means premises used for the trade or commercial purposes, including outbuildings and earthworks associated with the following –

- a. The production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts*
- b. The establishment and operation of plant or fruit nurseries*
- c. The development of land for irrigated fodder production or irrigated pasture (including turf farms); or*
- d. Aquaculture”*

The annual horticulture proposed including a variety of crops and fodder is effectively production of exotic or native plants and irrigated fodder / pasture, therefore falling within the definition of

Agriculture Intensive. This is akin to the land use previously of citrus, which would likewise fall within the same definition.

This means that the land use would not be non-conforming because it is permissible, both under the previous and current Scheme. It is just the land-use and definitions have changed.

Within the General Rural zone, Table 2 outlines site requirements and states that a 20 metre front, side and rear setback is applicable and plot ratio and site coverage are not applicable. Any landscaping is as required by Local Government.

The proposed centre pivot activity is setback adequately from boundaries as required under this part of the Scheme as evident on the application plan.

Clauses specific to the General Rural zone are included at 4.8.6 and there are generally no clauses of relevance to the proposal warranting comment.

A review of the Local Planning Scheme clearly indicates that the subject site is set aside for agricultural purposes and the site has been used for this purpose for decades and the area proposed to be utilised for centre pivot activity under this proposal, is generally consistent with previous activity. Such activity is encouraged within the zone and is obviously prevalent within the Lennard Brook area.

4.2 Shire of Gingin Local Planning Strategy

The Local Planning Strategy was adopted in February 2012 and provides guidance for strategic planning and land use within the Shire.

It is noted at Section 2.5.2 that agriculture and the continued use of this for production is paramount to the economic future of the Shire. The Strategy recognises that regionally, horticultural activity is recognised and there is substantial potential for further diversification.

It is noted that for future growth and viability of diversified agriculture in the Shire, it is dependent on a number of factors including market demand, competitiveness, diversity of produce, availability of water supply etc. The proposal moves away from a single product (citrus) to a diversified horticultural activity which is recognised by the Strategy with diversification considered important. The Strategy recognises there has been a trend towards diversified and more intensive agricultural land uses.

The proposal therefore aligns strongly with the anticipated paramount objectives within the Shire for agriculture. Diversification in agriculture is a key observation and given the site has the benefit of a

substantial water licence, this presents that it is an important site with adequate area for annual horticulture production. The built infrastructure on the land is also highly beneficial as this supports agricultural activity.

Again, of relevance to the proposal is the section in respect to economy (3.5). A key objective is to *“Facilitate more intensive and diversified use of rural land for higher value products, including horticulture, intensive animal husbandry, basic raw materials extraction and farm forestry, which are compatible with land capability attributes and surrounding farming practices”*.

This section also recognises the need to ensure agriculture can occur with minimal conflict on uses and promotion of processing and value adding.

In summary, the proposal aligns with the Local Planning Strategy intentions.

4.3 Local Planning Policy Statement No. 1.6 – Agriculture Intensive

This Local Policy provides standards for different form of irrigated horticulture in order to prevent impacts on the natural environment and surrounding property.

It is noted that the Shire will process development applications for irrigated horticulture purely on land use planning grounds without regard for viability such as water licencing.

Proposals should indicate areas of vegetation and wetlands and physical characteristics, which is included on the application plans noting that no native vegetation is proposed to be removed.

Irrigated horticulture located within 500 metres of an existing Residential or Rural Residential area will only be considered in certain circumstances. The proposed use area is not within such a circumstance.

All horticultural activities should have a minimum distance satisfactory to Council from any conservation category wetland. Whilst it is unclear whether Lennard Brook is a conservation category wetland, the proposed horticultural activity is setback the same distance as the existing citrus activity. In fact, it is setback further than some parts of the existing citrus activity. The proposal invokes the removal of citrus which therefore effectively increases the setback more generally of horticultural activity as this relates to the Lennard Brook. There is also vegetation on the Lennard Brook and 160 metres of separation to the Brook. This is a substantial setback to the waterway which may not be conservation status in any case.

The Policy mentions annual horticulture relating to market gardens and floriculture, although this is not the cropping that the application envisages. Notwithstanding this, it is reiterated that the setbacks from watercourses are to be increased as a result of the proposal.

5.0 PLANNING ISSUES

5.1 Hydrological Use

The subject site has been utilised for the growing of 18 hectares of citrus for decades and is the subject of a 250,000 kilolitre water licence issued by the Department of Water & Environmental Regulation. The calculations provided in the proposal section of this report demonstrate that 15 hectares of horticultural production can be serviced by this bore, obviously dependent on the type of crops that are installed.

The landowner is aware of the water demand and availability under their licence and will be required to operate within the scope of this licence and so, the management of horticultural crops within the area proposed will be cognicent of the water availability. It is typical for water licences and applicable bores to be the subject of monitoring in respect to the amount of water used and so this water supply use is self-governing.

The proposal therefore serves to ensure that the activity will be operated sustainably within the scope of available water resources. This use is commensurate with previous use of the land, albeit with a different crop.

The Shire Policy mentioned at section 4.3 above does not require water licensing to be a determiner prior to consideration of annual horticulture.

5.2 Environmental Management

The growing of crops in rural areas and the application of fertilisers, sprays etc. has been occurring on the site for many years in the same areas the subject of this proposal.

As documented in the proposal section, the inputs in respect to annual horticulture production is similar to that in respect of the citrus production and given the areas to be utilised are effectively the same, there is effectively no change in the way the site is used agriculturally in respect to inputs.

The area of production is separated the same distance away from the creekline system and is therefore no different to long term use of the site for citrus production in respect to proximity to water courses. The change in activity therefore does not change the situation in respect to environmental impact.



Development Application – Modification to Agriculture Intensive

Lot 108 (201) Lennards Road, Lennard Brook

The proposal includes removal of citrus currently located closer to the Lennard Brook and therefore with removal of citrus the proposal indicates that intensive agricultural use will be setback further from the Brook given some citrus is currently much closer to the brook particularly in the west.

6.0 CONCLUSION

The subject site has been used for intensive agricultural purposes for decades, including growing of 18 hectares of citrus. A recent fire damaged this citrus orchard and the associated irrigation system and the Citrus had been neglected and the landowners needed to decide how to economically continue farming the site. Various intensive agricultural options were considered and it was determined that a centre pivot irrigation system could be installed, utilising water from an existing approved licence and this would enable the growing of horticulture on an annual basis, dependent on climatic and economic factors.

This would mean the site would continue to provide an agricultural income and contribution to the agricultural sector in the Shire of Gingin, albeit with different crops with a more flexible approach in respect of horticultural production. Diversity in agriculture is promoted by the Local Planning Strategy.

It was determined the citrus orchard was damaged and not producing quite as well as it had in the past and therefore, a change in the type of crop was a logical move and still an appropriate activity under the Scheme.

The change in activity could have been perceived by any layperson as still intensive agricultural use and the fact that the Shire considers this as development warranting application whilst possibly questionable, is one that the landowner has been willing to participate with the Shire in good faith in the lodgement of this application, seeking approval.

We trust the information included in this application demonstrates the suitability of the proposal and the simplicity of it such that an approval could be issued.

The opportunity to liaise with the Shire in respect to consideration of this proposal is respectfully requested.

The landowners intend to be able to retain the centre pivot onsite whilst this proposal is being considered, given particularly the use of irrigation systems would not be necessary until probably October /November in any case and this will mean that the irrigation system will lay dormant and the use will effectively not be occurring whilst the proposal is assessed. The landowners are long term farmers and experts in agricultural production and have been stressed by the recent process in relation to their activity which they genuinely thought was something that was not effectively a change in land use and so, cooperation with the Shire is respectfully requested.