

MINUTES

ORDINARY MEETING OF COUNCIL

16 JULY 2019



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SHIRE OF GINGIN

MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF GINGIN HELD IN THE COUNCIL CHAMBER ON TUESDAY, 16 JULY 2019 AT 3.00 PM

DISCLAIMER

Members of the Public are advised that decisions arising from this Council Meeting can be subject to alteration.

Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decision with respect to any particular issue.

ORDER OF BUSINESS

1. <u>DECLARATION OF OPENING</u>

The Shire President declared the meeting open at 3.02pm and welcomed those in attendance.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

<u>Councillors</u> – I B Collard (Shire President), J W Elgin (Deputy Shire President), J Court, C W Fewster, F J Johnson, J C Lobb, J E Morton, F J Peczka and J K Rule.

<u>Staff</u> – A Cook (Chief Executive Officer), Z Edwards (Acting Executive Manager Corporate and Community Services), K Lowes (Executive Manager Corporate and Community Services), A Butcher (Executive Manager Operations), J Bayliss (Acting Manager Statutory Planning), M Wallace (Communications and Marketing Officer), M Tallon (Statutory Planning Officer) and L Burt (Governance/Minute Officer).

<u>Gallery</u> – There was one member of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3. <u>DISCLOSURES OF INTEREST</u>

3.1 J Bayliss – Acting Manager Statutory Planning Item 11.4.1 Gingin Outdoor Activity Space – Technical Working Group

J Bayliss (Acting Manager Statutory Planning) declared an Impartiality Interest in Item 11.4.1 due to the fact that he is a member of the community working group "Gingin Interactive Space".

3.2 Councillor I B Collard – Shire President

Item 11.4.2 Performance Based Standard Scheme Application for Wannamal Road West, Boonanarring

Councillor Collard (declared an Impartiality Interest in Item 11.4.2 due to the fact that his son-in-law works at the mineral sands mine operated by Image Resources on Wannamal Road West.

3.3 A Cook – Chief Executive Officer Item 15.1 Annual Performance Review – Chief Executive Officer Aaron Cook

A Cook (Chief Executive Officer) declared a Financial Interest in Item 15.1 due to the fact that the item deals with the Chief Executive Officer's contract position.

4. PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. <u>PETITIONS, DEPUTATIONS AND PRESENTATIONS</u>

5.1 PETITIONS

Nil

5.2 **DEPUTATIONS**

Nil

5.3 PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

An Application for Leave of Absence has been submitted by Councillor Elgin for the Ordinary Council Meeting on 20 August 2019.

COUNCIL RESOLUTION

MOVED: Councillor Johnson SECONDED: Councillor Rule

That Council approve Councillor Elgin's Application for Leave Of Absence for the Ordinary Council Meeting on 20 August 2019.

CARRIED UNANIMOUSLY

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Peczka

That the Minutes of the Ordinary Council meeting held on 20 June 2019 be confirmed.

CARRIED UNANIMOUSLY

8. ANNOUNCEMENTS BY THE PRESIDING

Nil

9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. REPORTS

11.1. OFFICE OF THE CEO

11.1.1 REVIEW OF CODE OF CONDUCT FOR COUNCILLORS, COMMITTEE MEMBERS AND EMPLOYEES

File:	GOV/10
Author:	Lee-Anne Burt – Governance Officer
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	16 July 2019
Refer:	20 September 2016 Item 11.1.3
Appendices:	1. Shire of Gingin Code of Conduct for Councillors,
	Committee Members and Employees 2019

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider:

- 1. Proposed amendments to the Shire of Gingin Code of Conduct for Councillors and Committee Members; and
- 2. Repeal of Council Policy 1.11 Code of Conduct for Councillors, Committee Members and Employees.

BACKGROUND

Section 5.103 of the *Local Government Act 1995* (the Act) requires every local government to prepare or adopt a code of conduct to be observed by council members, committee members and employees. The Shire of Gingin first adopted a Code of Conduct in 1996. The Code has been reviewed periodically over the years, with the most recent review taking place in 2016.

At its meeting on 20 September 2016, Council adopted a revised Code of Conduct which separated conduct requirements for Councillors and employees, and added a new Code for committee members as required under the Act.

The impending amendments to the Act will require WALGA to develop a model code of conduct which all local governments will be compelled to adopt. However, the model may take some time to develop and, given that it has been nearly three years since the last review of the Shire's Code of Conduct, it was considered prudent to undertake a review of our existing Code of Conduct for Council's consideration in the interim.

A copy of the Shire of Gingin Code of Conduct for Councillors and Committee Members 2019 is provided as **Appendix 1**.

COMMENT

The 2016 Code of Conduct has been amended primarily in the following areas:

1. Code of Conduct Specific to Councillors

a. Roles (pg 14)

The section dealing with the roles of individual Councillors and Council as a body has been significantly expanded to provide more specific information with respect to the role of a Councillor as set out in the *Local Government Act 1995*, and to include an explanation of the fidelity and fiduciary obligations that every Councillors owes to the Shire of Gingin.

In making their Declaration of Office, every Councillor voluntarily accepts these obligations, and agrees that these obligations must take precedence over any personal opinion they may have as to the appropriateness of any decision of the Council.

Councillors also agree to subordinate the interests of themselves and their own specific locality to the interests of the ratepayers, electors and residents of the Shire of Gingin as a whole.

b. Interests (pg 16)

A more detailed explanation has been provided with respect to the obligations of Councillors in disclosing Financial, Proximity and Impartiality Interests.

c. Conflict of Interest (pg 15)

An additional item has been added requiring Councillors to lodge written notice with the CEO of any intended dealings in land within the Shire, or that otherwise might be in conflict with the Council's functions (other than the purchase of a principal place of residence)

d. Personal Benefit (pg 18)

A more detailed explanation has been provided with respect to the current requirements relating to disclosure of gifts and contributions to travel.

Gift disclosure requirements will change once the impending amendments to the Act are introduced.

e. Conduct (pg 21)

Part 1 of this section, previously titled "General Conduct", has been renamed "Personal Behaviour". Some additional points have been added, including the requirements for Councillors to make decisions that are based on relevant and factually correct information, and to not publicly reflect adversely upon any decision of Council or employees (in accordance with their obligation of fidelity to the Shire of Gingin).

Council's particular attention is drawn to the inclusion of a new section 3 under Conduct which deals with the quasi-judicial role of Councillors, or the powers of Council in approving or refusing planning and other applications and in granting licences, consents and permits.

It is important for Councillors to understand that, in exercising these quasi-judicial powers, they must remain completely impartial and make decisions based only on the law and Council policies as they exist, and the facts and merits of the individual case. In addition, all Councillors must have equal access to any relevant information.

In order to protect themselves and the Council against any potential perception of bias, if contacted by an applicant or an affected person, Councillors should:

- i. listen and endeavour to understand the reason for the applicant or affected person making contact.
- ii. advise the applicant or affected person of the role and principles of a Councillor as a quasi-judicial decision maker.
- iii. encourage the applicant or affected person to make their views known through the relevant formal Shire and statutory processes, such as through public submission periods, contacting the Shire's administration, a deputation to Council or Public Question Time at a Council meeting.
- iv. ensure that they do not commit their vote, or give an impression that they have committed their vote, to the matter. Councillors may offer support or otherwise, but are obliged to consider all relevant facts and have regard to debate at the Council meeting at which a matter is considered, prior to making their decision.

In order to ensure that all Councillors have equal access to relevant information, if a Councillor believes that a site visit would be beneficial, or if they have been contacted by an applicant or an affected person to visit a site, then the Councillor should contact the CEO so that, if appropriate, a site visit can be arranged for all Councillors with at least one Shire employee in attendance.

Similarly, if a Councillor receives information from an applicant or affected person that is relevant to the decision making process, then that information must be communicated to all other Councillors and the CEO prior to the meeting at which a decision on that matter will be made.

If a Councillor believes that additional information is required to enable an informed decision to be made, then they should make a written request to the CEO or seek a Council resolution accordingly. The CEO can then consider whether the additional information is relevant to the decision and determine whether the information should be provided.

2. Code of Conduct Specific to Committee Members

This section of the Code relates to Committee members who are not Councillors, and many of the requirements that are imposed on elected members are not relevant. However, additional information has been provided in relation to conflicts of interest, disclosures of interest, use of confidential information, improper or undue influence, gifts and personal behaviour.

A new section has also been added under Conduct dealing with use of social media.

3. Code of Conduct Specific to Employees

As is the case for Committee Members, many of the conduct requirements appropriate for Councillors do not apply to employees. However, the Code of Conduct Specific to Employees has been amended to include much of the additional information provided for Councillors in relation to conflicts and disclosures of interest, use of confidential information and gift disclosures.

The Code of Conduct for Employees has also been amended to include requirements for employees to make decisions that are based on relevant and factually correct information, and to not publicly reflect adversely upon any decision of Council or other employees.

In addition to reviewing the information contained within the Code of Conduct for Committee Members and Employees, it is suggested that Policy 1.11 Code of Conduct for Councillors, Committee Members and Employees be repealed.

Currently, the Shire of Gingin Code of Conduct is contained within Council's Policy Manual as Policy 1.11. In the past, it was common practice for local governments to include their Codes of Conduct as a policy in their Policy Manual. However, a Code of Conduct has greater weight than a policy – policies are positions adopted by Council from time to time that Council can choose not to comply with if it wishes, whereas a Code of Conduct is something that all local governments are required to have in place under the *Local Government Act 1995*. In recent times, an increasing number of local governments are removing their Code of Conduct from the Policy Manual and making it available on their websites as a stand-alone public document, in recognition of its importance.

STATUTORY ENVIRONMENT

Local Government Act 1995
Part 5 – Administration
Division 9 – Conduct of certain officials
Section 5.103 – Codes of conduct

Local Government (Administration) Regulations 1996 Part 9 – Codes of conduct

POLICY IMPLICATIONS

The Shire of Gingin Code of Conduct for Councillors, Committee Members and Employees is currently incorporated into Council's Policy Manual as Policy 1.11.

In the event that Council is supportive of the Officer's recommendation, then the Policy Manual will be updated accordingly.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019

Focus Area	Governance
Objective	5. To demonstrate effective leadership, governance and advocacy on
	behalf of community.
Outcome	5.1 Values
	Our Organisational/Business Values are demonstrated in all that we do.
Key Service	Elected Member Services
Areas	
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Elgin

That Council:

- 1. Adopt the Shire of Gingin Code of Conduct for Councillors, Committee Members and Employees 2019 as shown in Appendix 1.
- 2. Repeal Policy 1.11 Code of Conduct for Councillors, Committee Members and Employees.

CARRIED UNANIMOUSLY

APPENDIX 1



Shire of Gingin Code of Conduct for Councillors, Committee Members and Employees

Introduction

This Code of Conduct ("the Code") provides **Councillors, Committee Members and Employees** in local government with consistent guidelines for an acceptable standard of professional conduct. The Code addresses, in a concise manner, the broader issue of ethical responsibility and encourages greater transparency and accountability in individual local governments.

The Code is complementary to the principles adopted in the *Local Government Act 1995* and Regulations which incorporate the following fundamental aims:

- a. better decision making by local governments;
- b. greater community participation in the decisions and affairs of local governments;
- greater accountability of local governments to their communities; and
- more efficient and effective local government.

The Code provides a guide and a basis of expectations for Councillors, Committee Members and employees. It encourages a commitment to ethical and professional behaviour, and outlines principles in which individual and collective local government responsibilities may be based.

Statutory Environment

The Code of Conduct observes statutory requirements of the *Local Government Act* 1995 (s. 5.103 – Codes of Conduct) and the *Local Government (Administration) Regulations* 1996 (Regs 34B and 34C).

Rules of Conduct

Councillors acknowledge that their activities, behaviour and statutory compliance obligations may be scrutinised in accordance with prescribed rules of conduct as described in the *Local Government Act* 1995 and the *Local Government (Rules of Conduct) Regulations 2007.*

Code of Conduct Specific to Employees

Roles

1. Role of Employees

The role of employees is determined by the functions of the CEO as set out in s. 5.41 of the *Local Government Act 1995:*

The CEO's functions are to -

- (a) advise the council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the council so that informed decisions can be made:
- (c) cause council decisions to be implemented;
- (d) manage the day to day operations of the local government;
- (e) liaise with the president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the president agrees;
- be responsible for the employment, management supervision, direction and dismissal of other employees (subject to s. 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

2. Principles Affecting the Employment of Employees by the Shire

The following principles, set out in s. 5.40 of the Act, apply to the employment of the Shire's employees:

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by the Shire on a ground referred to in the Equal Opportunity Act 1984 or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the Occupational Safety and Health Act 1984; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

For the purposes of this Code, "employee" includes a person who is under contract for services with the local government.

Conflict and Disclosure of Interest

Conflict of Interest

- Employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties. An example of this could include, but is not limited to, secondary employment, contract work, etc.
- b. Employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.

- c. Employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d. Employees who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends, and will disqualify themselves from dealing with those persons.
- e. Employees will refrain from partisan political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity. An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognised that such convictions cannot be a basis for discrimination and this is supported by anti-discriminatory legislation.

2. Interest

2.1 Financial and Proximity Interests

Employees must comply with the laws governing financial and proximity interests, including the disclosure of such interests, set out in the *Local Government Act 1995*.

The onus is on employees to identify possible financial interests and other interests (such as proximity interests and non-financial interests) in order to determine whether an interest exists, what disclosure is required by this Code or applicable laws, and whether any statutory exemption applies.

Section 5.70 of the Act specifies that an employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the council or a committee must disclose the nature of the interest when giving the advice or report. If required to do so by the council or committee, then the employee must also disclose the extent of the interest.

2.1.1 Financial Interests

Section 5.60A of the Act states that a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government (or by an employee, councillor, Council or committee of the local government) n a particular way, result in a financial gain, loss, benefit or detriment for the person.

A financial interest may be direct or indirect. An indirect financial interest includes where a financial relationship exists between a relevant person and another person or body requiring a local government decision in relation to a particular matter.

An employee is also required to disclose (unless the matter is exempt), if a closely associated person as defined by s. 5.62 of the Act has a financial interest in a matter.

2.1.2 Proximity Interests

Section 5.60B of the *Local Government Act 1995* states that an employee has a proximity interest in a matter if the matter concerns:

- a proposed change to a planning scheme affecting land that adjoins the person's land; or
- b. a proposed change to the zoning or use of land that adjoins the person's land; or
- a proposed development (as defined in s. 5.63(5) of the Act) of land that adjoins the person's land.

Land is considered to adjoin a person's land if:

a. it has a common boundary with the person's land; or

b. any part of the land is directly across a thoroughfare from the person's land.

The term "land" includes any land owned by the person or in which the person has any estate or interest.

2.2 Impartiality Interests

Employees must comply with the impartiality interest provisions set out in this Code.

2.2.1 Meaning of "impartiality interest"

For the purposes of this Code, "impartiality interest" means:

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association. (See Regulation 34(c)(1) of the Local Government (Administration) Regulations 1996 and Regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007.)

An "impartiality interest" does not include a "financial interest" that is subject to the requirements of the *Local Government Act 1995*.

2.2.2 Requirement to disclose

An employee who has an impartiality interest in any matter to be discussed at a council or committee meeting attended by that person must disclose the nature of the impartiality interest:

- a. in a written notice given to the CEO before the meeting; or
- b. at the meeting immediately before the matter is discussed.

In addition, an employee who has given, or will give, advice in respect of any matter to be discussed at a committee meeting not attended by the employee must disclose the nature of any impartiality interest he or she has in the matter either:

- a. if the employee is the author of a report in the agenda for a meeting, as part of that report; or
- b. in a written notice given to the CEO before the meeting; or
- b. at the time the advice is given.

An employee is excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

- a. did not know that he or she had an impartiality interest in the matter; or
- b. did not know the matter in which he or she had an impartiality interest would be discussed at the meeting and the person then disclosed the nature of the impartiality interest as soon as possible after becoming aware of the discussion of that matter.

The disclosure of an impartiality interest does not necessarily affect the ability of the employee to discuss or vote on the matter.

Where a verbal disclosure is made at a meeting without a prior written disclosure being made, a written disclosure form must be completed in relation to the impartiality interest as soon as practicable following the meeting.

2.2.3 Notice and Recording

Where an impartiality interest is disclosed in a written notice given to the CEO before a meeting, then:

- a. before the meeting the CEO is to ensure that the notice is given to the person who
 is to preside at the meeting; and
- at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matter to which the disclosure relates is discussed.

Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the impartiality interest must be recorded in the minutes of the meeting.

2.2.3 Disclosure requirements outside of Council and Committee meetings

Employees shall disclose, at any Concept Forum, Annual Meeting of Electors or community meeting, any interest or conflict which may arise on any matter in which they would ordinarily disclose an interest, if that same matter were to arise during the course of a Council or Committee meeting.

Personal Benefit

1. Use of Confidential Information

Employees must not disclose to another person, unless it is required for the performance of their duties at the Shire, written or oral information that is provided to them or obtained by them in confidence, or is identified by the CEO as confidential.

Employees may not allow any unauthorised person to have access to places where confidential information is displayed, reproduced or stored.

Employees must take whatever measures are reasonably necessary to preserve confidential information, including complying with all secure measures established to safeguard confidential information from unauthorised access or use.

Nothing in this section prevents an employee from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- b. if the disclosure is permitted by law.

2. Improper Use of Information

Employees must not make improper use of any information acquired in the performance of their functions under the *Local Government Act 1995* or any other written law. Employees shall use discretion with information, and avoid improperly causing harm or detriment to any person, organization or the Shire.

3. Intellectual Property

The Shire owns rights, titles and interests in any intellectual capital or property developed during the employee's service with the Shire.

'Intellectual Property' is defined as all present and future rights to each of the following used by or on behalf of the Shire, or developed in connection with the business or operations of the Shire, before, during or after the employment:

- a. know-how;
- b. trade marks, whether registered or unregistered;
- c. inventions and improvements;
- d. domain or business names;
- c. confidential information;
- e. concepts, ideas and information;
- processes, data and formula;
- g. copyright, moral rights, inventions, patents, patent applications, designs, and
- any other intellectual property.

4. Improper or Undue Influence

Employees will not take advantage of their position to:

- improperly influence other employees, Councillors or committee members in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body; Or
- improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body; or
- c. improperly disadvantage or cause detriment to the Shire of Gingin or any other person.

5. Gifts and Contributions to Travel

5.1 In general, an employee must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire. In particular, an employee must not accept any act of hospitality without prior approval of the CEO or an Executive Manager, as appropriate.

Despite the general prohibition against seeking or accepting gifts or acts of hospitality, an employee may accept some types of gifts which are excluded from this Code's coverage.

Employees should carefully consider whether the Act, regulations or this Code require disclosure of a gift, or prohibit acceptance.

Nothing in this Code prevents the acceptance of a gift on behalf of the Shire in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, disclosed as a gift and used or retained exclusively for the benefit of the Shire.

- 5.2 Gift Disclosures Required Under s. 5.82 of the *Local Government Act 1995* (Designated Employees)
 - 5.2.1 For the purposes of this clause, gift means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.

5.2.2 Designated employee means:

- a. the CEO;
- an employee other than the CEO who has been granted delegated powers by Council or the CEO:
- an employee who is a member of a committee comprising Councillors and employees; or
- d. an employee nominated by the Shire to be a designated employee.

- 5.2.3 Designated employees must disclose all gifts valued at over \$200 unless given by a relative, defined as follows:
 - a. Parent;
 - b. Grandparent;
 - c. Brother;
 - d. Sister;
 - e. Uncle;
 - f. Aunt:
 - g. Nephew;
 - h. Niece;
 - Lineal descendant of the relevant person or of the relevant person's spouse or de facto partner; or a
 - Spouse or de facto partner or the spouse or de factor partner of any of the relatives listed above.
- 5.2.4 Disclosure must be made in writing to the CEO within 10 days of receipt. The disclosure must include:
 - a. a description of the gift;
 - b. the name and address of the person who made the gift;
 - c. the date on which the gift was received;
 - d. the estimated value of the gift at the time it was made; and
 - the nature of the relationship between the relevant person and the person who made the gift.
- 5.2.5 In the event that two or more gifts are received from the same person or organisation within a 12 month period, and collectively the value of the gifts exceeds \$200, then all gifts received from that person or organisation during the period must be disclosed.
- 5.3 Contributions to Travel to be Disclosed Under s. 5.83 of the *Local Government Act* 1995 (Designated Employees)
 - 5.3.1 Designated employee has the meaning as given in clause 5.2.2.
 - 5.3.2 Designated employees must disclose any financial or other contribution with a value exceeding \$200 made towards any travel unless:
 - a. the contribution is made from Commonwealth, State or local government funds;
 - b. the contribution is made by a relative;
 - the contribution is made in the ordinary course of an occupation that is not related to the person's duties as an employee of the Shire of Gingin; or
 - d. the contribution is made by a political party of which the designated employee is a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.
 - 5.3.3 In the event that two or more contributions to travel are received from the same person or organisation within a 12 month period, and collectively the value of the contributions exceeds \$200, then all contributions received from that person or organisation during the period must be disclosed.
- 5.4 Register of Gift and Travel Disclosures Under s. 5.82 and s. 5.83 of the *Local Government Act* 1995

The CEO is required to keep a register of all gift and travel disclosures made under s. 5.82 and s. 5.83 of the *Local Government Act 1995*. The register must be made available for public inspection, and must be published on the Shire's official website.

- 5.5 Gift Disclosures (All Employees)
 - 5.5.1 For the purposes of this clause, **gift** has the meaning given in clause 5.2.1, but does not include:

- a. a gift from a relative as defined in clause 5.2.3;
- a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997:
- a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- d. a gift from the Western Australian Local Government Association (WALGA), the Australian Local Government Association (ALGA), or Local Government Professionals WA.

5.5.2 Activity involving local government discretion is an activity that:

- cannot be undertaken without an authorisation from the Shire; or
- involves a commercial dealing with the Shire.

5.5.3 Prohibited Gifts

a. Prohibited Gifts are:

- a gift worth \$300 or more; or
- a gift that is one of two or more gifts given to the employee by the same person or organisation within a period of six months that, in total, are worth \$300 or more; and
- iii. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b. Any gift in this category valued at \$300 or more should be politely declined. If it is considered inappropriate to reject the gift (such as in the case of a gift of memorabilia from a dignitary), then the gift may be accepted on behalf of the Shire and provided to the CEO at the first possible opportunity. Council will be formally advised of any gifts of this nature at the next ordinary Council meeting, with the gift then being displayed in an appropriate position within the Shire or otherwise stored as deemed appropriate by the CEO.

5.5.4 Notifiable Gifts

a. Notifiable Gifts are:

- i. worth between \$50 and \$300; or
- ii. one of two or more gifts given to the employee by the same person or organisation within a period of six months that are in total worth between \$50 and \$300; and
- iii. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b. Notifiable gifts must be disclosed to the CEO, in writing, within 10 days of acceptance of the gift. The disclosure must include:
 - i. The name of the person who gave the gift;
 - The date on which the gift was accepted;
 - iii. A description, and the estimated value, of the gift;
 - iv. The nature of the relationship between the person who is an employee and the person who gave the gift; and
 - If the gift is a notifiable gift because it is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth between \$50 and \$300:

- a description;
- the estimated value; and
- the date of acceptance,

of each other gift accepted within the six month period.

- 5.5.5 The CEO is required to maintain a register of notifiable gifts and record in it details of notifications given in accordance with the notifiable gift provisions of the *Local Government (Administration) Regulations 1996.*
- 5.5.6 The value of a gift can be estimated if it is believed to be low. However, if it is believed that the value approaches \$300, then the precise value of the gift should be checked before acceptance to ensure compliance with this Code.

It is important to ensure that the full value of the gift is taken into account.

Conduct

Personal Behaviour

Employees will:

- Act, and be seen to act, properly and in accordance with the requirements of the law and Shire of Gingin policies and procedures, including this Code.
- Perform their duties impartially and in the best interests of the Shire not influenced by fear or favour.
- c. Act in good faith (i.e, honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community.
- d. Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment.
- Treat others with respect, courtesy, honesty and fairness, having regard for their interests, rights, safety and welfare.
- f. Be open and accountable to the public.
- g. Not harass or intimidate others in the conduct of the Shire's functions, duties or business.
- h. Make decisions that are based on relevant and factually correct information.
- Always act in accordance with their obligation of fidelity to the Shire of Gingin and not publicly reflect adversely upon any decision of Council or employees.
- Be fit for work or any other duties associated with the role of employee of the Shire of Gingin.

Honesty and Integrity

Employees will:

- a. observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b. bring any dishonesty or possible dishonesty:

- on the part of another employee or the Shire President to the attention of the Chief Executive Officer; or
- on the part of a Councillor or the Chief Executive Officer to the attention of the Shire President; and
- be frank and honest in their official dealings with other employees, Councillors and committee members.

3. Smoking

The Shire of Gingin is committed to providing workers with a healthy smoke free environment. Smoking is prohibited in areas or circumstances where there are clear safety considerations.

All employees who smoke during their designated lunch break are to consider other people. When out of doors and the smoke is affecting a person in the vicinity, the smoker is to move far enough away that the smoke will not come into contact with others. If a smoker is asked to extinguish a cigarette or move away from an area, they will comply with the request.

4. Drugs and Alcohol

Employees must take all reasonable care not to endanger the safety of themselves or others (including customers) in the workplace. Alcohol and drug usage becomes an occupational safety and health issue if an employee's ability to exercise judgment, coordination, motor control, concentration and alertness at the workplace is impaired.

The consumption of alcohol and/or drugs while at work is unacceptable, except in relation to any authorised and responsible use of alcohol at workplace social functions. Employees are required to present themselves for work and remain, while at work, capable of performing their work duties safely. An employee who is under the influence of, or impaired by alcohol and/or drugs at the workplace, may face disciplinary action.

Employees are not permitted to buy, take or sell drugs on Shire of Gingin premises. "Drugs" means a chemical or natural substance, whether legal or illegal, which has the ability to impair an employee's physical or mental capacity. This includes drugs of an illicit nature.

Employees who have been prescribed medication by a medical practitioner, or who purchase over the counter medication that could interfere with their ability to safely carry out their role, or cause other employees to be impaired, must inform their Manager or the Human Resources Officer as soon as possible and disclose any side effects that the medication they are taking may cause.

The consumption of alcohol on Shire premises is not permitted, and all employees who undertake work on Shire premises, must have a blood alcohol concentration of not more than 0.000%. The exception to this requirement is the reasonable consumption of alcohol permitted by the Shire at pre-approved work functions.

5. Illness and Attendance at Work

An employee must provide the Shire with notice of the need to take personal/carer's leave before their shift commences, or if this is not possible, as soon as practicable. The employee must also advise the Shire of the period or expected period of leave.

The Shire may request evidence that would satisfy a reasonable person of the need to take personal/carer's leave, which includes a medical certificate from a medical practitioner.

The Shire will allow employees to take five (5) single (non-consecutive) working days of personal/carer's leave per calendar year without requesting a medical certificate, provided the leave does not fall on either side of a standard weekend, long weekend or other periods of leave such as annual or long service leave. If an employee is absent for two or more continuous working days or more than five single (non-consecutive) working days in a calendar year, the Shire requires the employee to provide a medical certificate.

Medical certificates must be provided to the employee's supervisor immediately on return to work and must not be left attached to timesheets.

If an employee is unwell with an infectious illness (eg, influenza virus, viral gastroenteritis, etc) the Shire advocates staying home to recover and prevent the illness being spread to colleagues.

6. Social Media

Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media have the potential to be made public, whether intended or not.

Employees must not, unless undertaking a duty in accordance with their employment, disclose information, make comments or engage in communication activities about or on behalf of the Shire of Gingin, Councillors, Shire employees or contractors which breach this Code of Conduct.

Employee comments which become public and breach the Code of Conduct, or any other operational policy or procedure may constitute a disciplinary matter and may also be determined as misconduct and be notified in accordance with the *Corruption, Crime and Misconduct Act 2003*.

Performance of Duties

While on duty, employees will give substantially their whole time and attention to the Shire's business and ensure their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire.

1. Compliance with Lawful Orders

- a. Employees will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- Employees will give effect to the lawful policies of the Shire, whether or not they agree with or approve of them.

2. Administrative and Management Practices

Employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

Corporate Obligations

3.1 Standard of Dress

- Employees are expected to comply with neat and responsible dress standards, which
 includes wearing the Shire's corporate uniform and/or personal protective clothing (where
 applicable).
- b. The Shire allows employees to dress casually on Fridays in return for a gold coin donation, which is an initiative to fundraise for local causes and charities. It is however a requirement that employees present to work in 'smart casual' attire which is appropriate to the work undertaken, and is clean, tidy and presentable. For example, items not considered to be appropriate are: short dresses, skirts or shorts; beach, sporting or exercise wear; low cut or strappy tops/shirt; rubber thongs; and items of clothing with wording which may be considered inappropriate, e.g. personal, business, political, racial or sexual references.

 Management reserves the right to adopt policies relating to corporate dress and to raise the issue of dress with individual employees.

3.2 Communication and Public Relations

- a. All aspects of communication by employees (including verbal, written or personal), involving the Shire's activities should reflect the status and objectives of the Shire. Communications should be accurate, polite and professional.
- Information of a confidential nature will not be communicated until it is no longer treated as confidential;
- Information relating to decisions of the Shire on approvals, permits and so on, may only be communicated in an official capacity by a designated officer of the Shire;
- Information concerning adopted policies, procedures and decisions of the Shire is to be conveyed accurately.

3.3 Requirement for Police Clearance

All employees are required to provide a current Police Clearance prior to commencement of employment, and thereafter when required or requested to do so by the Chief Executive Officer.

Relationships between Employees and Councillors

An effective employee will work as part of the Shire team, which includes the Chief Executive Officer, Executive Managers, Colleagues and Councillors. That teamwork will only occur if employees and Councillors have a mutual respect and co-operate with each other to achieve the Shire's corporate goals and implement the Shire's strategies.

Dealing with Council Property

1. Use of Local Government Resources

Employees will:

- Be scrupulously honest in their use of the Shire's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- b. Use Shire resources entrusted to them effectively and economically in the course of their
- c. Not use the Shire's resources for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

2. Travelling and Sustenance Expenses

Employees will only claim or accept travelling and sustenance expenses arising out of travelrelated matters which have a direct bearing on the services, policies or business of the Shire in accordance with Council policy and the provision of the *Local Government Act* 1995.

Employees must make every endeavour to arrange for use of a Shire vehicle when attending Shire-related events, including training, conferences, meetings and social functions. If a pool vehicle is not available, then employees should arrange the availability of another Shire vehicle through their Executive Manager. Use of private vehicles for Shire-related travel is not permitted unless prior approval is granted by an Executive Manager.

Access to Information

Employees will ensure that Councillors are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Councillors.

Reporting Breaches of the Code by Employees

Any person who has reason to believe that an employee has breached the standards of conduct set out in the Code may refer the matter to the CEO, who will consider the matter and deal with it in accordance with the management protocols, procedures and/or practices of the Shire and any applicable law concerning employees.

Any person who has reason to believe that the CEO has breached the standards of conduct set out in the Code may refer the matter to the Executive Manager Corporate and Community Services, who will consider the matter and deal with it in accordance with the management protocols, procedures and practices of the Shire and any applicable law.

Every report of a breach is to be dealt with quickly and fairly in accordance with the principles of procedural fairness.

Code of Conduct Specific to Councillors

Roles

- Individual Councillors
- 1.1 A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the local government will be the focus of the Councillor's public life.

The Local Government Act 1995 (s. 2.10) specifies that the role of a Councillor is to:

- a. represent the interests of electors, ratepayers and residents of the district;
- b. provide leadership and guidance to the community in the district;
- c. facilitate communication between the community and the council;
- d. participate in the local government's decision-making processes at Council and committee meetings; and
- e. perform such other functions as are given to a Councillor by the *Local Government Act* 1995 or any other written law.

A Councillor is part of a team in which the community has placed its trust to make decisions on its behalf. The community is therefore entitled to expect high standards of conduct from its elected representatives. In fulfilling their various roles, Councillors will focus their activities on:

- Achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- Achieving sound financial management and accountability in relation to the Shire's finances;
- Ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- d. Working with other spheres of government and organisations to achieve benefits for the community at both a local and regional level;
- Having an awareness of the statutory obligations imposed on Councillors and on Local Governments; and
- f. Compliance with the Local Government Act (Rules of Conduct) Regulations 2007.

1.2 Fidelity and Fiduciary Obligations

When a person makes their declaration of office following election to Council, they declare that they will duly, faithfully, honestly and with integrity fulfil the duties of the office for the people in the Shire of Gingin district to the best of their judgement and ability, and that they will abide by the Rules of Conduct Regulations.

As a result of making this declaration, every Councillor voluntarily:

- takes on an obligation of fidelity, or faithfulness, to the Council and the ratepayers, electors and residents of the district to unfailingly and strictly adhere to the terms of the declaration; and
- enters into a fiduciary relationship with the ratepayers, electors and residents of the district, in which they agree to exercise power on behalf of, and in the best interests of, those parties.

Fidelity and fiduciary obligations are the paramount obligations of a Councillor as representatives of their community, elected by and from that community. Councillors must accept that these obligations have primacy over personal opinions as to the appropriateness of any decision of the Council, the determination of policy or setting of the Shire's strategic direction. Personal viewpoints cannot be brought to bear in such a way as to denigrate the Shire's duty to make decisions on behalf of the people of the district, nor can they take precedence over a Councillor's overriding obligations:

- a. of fidelity to the Council; and
- to subordinate their own interests to the interests of the ratepayers, electors and residents of the Shire of Gingin.

2. Council

The role of the Council is identified by s. 2.7 of the Local Government Act 1995, as follows:

- (1) The council -
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to -
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

In carrying out its functions, the Council will use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

3. Relationships between Councillors and Employees

An effective Councillor will work as part of a team consisting of other Councillors, the Chief Executive Officer and other executive employees. That teamwork will only occur if Councillors and employees have a mutual respect and co-operate with each other to achieve the Shire's corporate goals and implement the Shire's strategies. To achieve that position Councillors need to:

- a. Accept that their role is a leadership, not a management or administrative one;
- Acknowledge that they have no capacity to individually direct employees to carry out particular functions; and
- Refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

Conflict and Disclosure of Interest

1. Conflict of Interest

- Councillors will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
- b. Councillors will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- c. Councillors who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

Interests

2.1 Financial and Proximity Interests

Councillors must comply with the laws governing financial and proximity interests, including the disclosure of such interests, set out in the Local Government Act 1995.

The onus is on Councillors to identify possible financial interests and other interests (such as proximity interests and non-financial interests) in order to determine whether an interest exists, what disclosure is required by this Code or applicable laws, and whether any statutory exemption applies.

2.1.1 Financial Interests

Section 5.60A of the Act states that a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government (or by an employee, councillor, Council or committee of the local government) n a particular way, result in a financial gain, loss, benefit or detriment for the person.

A financial interest may be direct or indirect. An indirect financial interest includes where a financial relationship exists between a relevant person and another person or body requiring a local government decision in relation to a particular matter.

A Councillor is also required to disclose (unless the matter is exempt), if a closely associated person as defined by s. 5.62 of the Act has a financial interest in a matter.

2.1.2 Proximity Interests

Section 5.60B of the *Local Government Act 1995* states that a Councillor has a proximity interest in a matter if the matter concerns:

- a proposed change to a planning scheme affecting land that adjoins the person's land; or
- b. a proposed change to the zoning or use of land that adjoins the person's land; or
- a proposed development (as defined in s. 5.63(5) of the Act) of land that adjoins the person's land.

Land is considered to adjoin a person's land if:

- a. it has a common boundary with the person's land; or
- b. any part of the land is directly across a thoroughfare from the person's land.

The term "land" includes any land owned by the person or in which the person has any estate or interest.

2.2 Impartiality Interests

Councillors are bound by the impartiality provisions of the *Local Government (Rules of Conduct)* Regulations 2007. This Code is intended to accurately reflect those provisions and Councillors must also comply with the impartiality interest provisions contained within the Code.

2.2.1 Meaning of "impartiality interest"

For the purposes of this Code, an impartiality interest means:

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association. (See Regulation 34(c)(1) of the Local Government (Administration) Regulations 1996 and Regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007.)

An "impartiality interest" does not include a "financial interest" that is subject to the requirements of the Local Government Act 1995.

2.2.2 Requirement to disclose

A Councillor who has an impartiality interest in any matter to be discussed at a council or committee meeting attended by that person must disclose the nature of the impartiality interest:

- a. in a written notice given to the CEO before the meeting; or
- at the meeting immediately before the matter is discussed.

A Councillor is excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

- a. did not know that he or she had an impartiality interest in the matter; or
- b. did not know the matter in which he or she had an impartiality interest would be discussed at the meeting and the person then disclosed the nature of the impartiality interest as soon as possible after becoming aware of the discussion of that matter.

The disclosure of an impartiality interest does not necessarily affect the ability of the Councillor to discuss or vote on the matter.

Where a verbal disclosure is made at a meeting without a prior written disclosure being made, a written disclosure form must be completed in relation to the impartiality interest as soon as practicable following the meeting.

3.2.3 Notice and Recording

Where an impartiality interest is disclosed in a written notice given to the CEO before a meeting, then:

- before the meeting the CEO is to ensure that the notice is given to the person who
 is to preside at the meeting; and
- at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matter to which the disclosure relates is discussed.

Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the impartiality interest must be recorded in the minutes of the meeting.

Concept Forums

Councillors shall disclose their financial interests and other prescribed interests in matters to be discussed at Concept Forums.

Annual Meetings of Electors

Councillors will verbally disclose at Annual Meetings of Electors any interest or conflict which may arise on any matter in which they would ordinarily disclose an interest, if that same matter were to arise during the course of an Ordinary Council or Committee Meeting. All disclosures will be recorded in the Minutes of the meeting.

Community Meetings

Councillors will, at any Community/Progress Association or similar meeting, verbally declare any interest or conflict which may arise on any matter in which they would ordinarily disclose an interest if that same matter were to arise during the course of an Ordinary Council or Committee meeting.

Personal Benefit

Use of Confidential Information

Councillors must not disclose to another person, unless it is required for the performance of their duties at the Shire, written or oral information that is provided to them or obtained by them in confidence, or is identified by the CEO as confidential.

Councillors may not allow any unauthorised person to have access to places where confidential information is displayed, reproduced or stored.

Councillors must take whatever measures are reasonably necessary to preserve confidential information, including complying with all secure measures established to safeguard confidential information from unauthorised access or use.

Nothing in this section prevents a Councillor from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- b. if the disclosure is permitted by law.

Regulation 6 of the *Local Government (Rules of Conduct) Regulations 2007* also prohibits Councillors from disclosing confidential information, or information acquired at a meeting or portion of a meeting that is closed to the public.

2. Improper Use of Information

Councillors must not make improper use of any information acquired in the performance by the person of any of his or her functions under the *Local Government Act 1995* or any other written law. Councillors shall use discretion with information, and avoid improperly causing harm or detriment to any person, organization or the Shire.

3. Improper or Undue Influence

Councillors will not take advantage of their position to:

- improperly influence other Councillors, employees or committee members in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body; or
- improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body; or
- c. improperly disadvantage or cause detriment to the Shire of Gingin or any other person.

4. Gifts and Contributions to Travel

In general, Councillors must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire.

Despite the general prohibition against seeking or accepting gifts or acts of hospitality, a Councillor may accept some types of gifts which are excluded from this Code's coverage.

Councillors should carefully consider whether the Act, regulations or this Code requires disclosure of a gift, or prohibits acceptance.

Nothing in this Code prevents the acceptance of a gift on behalf of the Shire in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, disclosed as a gift and used or retained exclusively for the benefit of the Shire.

- 4.1 Gifts to be Disclosed Under s. 5.82 of the Local Government Act 1995
 - 4.1.1 For the purposes of this clause, gift means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include any financial or other contribution to travel.
 - 4.1.2 Councillors must disclose all gifts valued at over \$200 unless the gift is given by a:
 - a. Parent:
 - b. Grandparent;
 - c. Brother;
 - d. Sister;
 - e. Uncle;
 - f. Aunt;
 - g. Nephew;
 - h. Niece;
 - Lineal descendant of the relevant person or of the relevant person's spouse or de facto partner; or a
 - Spouse or de facto partner or the spouse or de factor partner of any of the relatives listed above.
 - 4.1.3 Disclosure must be made in writing to the CEO within 10 days of receipt. The disclosure must include:
 - a. a description of the gift;
 - b. the name and address of the person who made the gift;
 - c. the date on which the gift was received;
 - d. the estimated value of the gift at the time it was made, and
 - e. the nature of the relationship between the relevant person and the person who made the gift.
 - 4.1.4 In the event that two or more gifts are received from the same person or organisation within a 12 month period, and collectively the value of the gifts exceeds \$200, then all gifts received from that person or organisation during the period must be disclosed.
- 4.2 Contributions to Travel to be Disclosed Under s. 5.83 of the Local Government Act 1995
 - 4.2.1 Councillors must disclose any financial or other contribution with a value exceeding \$200 made towards any travel unless:
 - a. the contribution is made from Commonwealth, State or local government funds;
 - b. the contribution is made by a relative;
 - the contribution is made in the ordinary course of an occupation that is not related to the person's duties as a Councillor of the Shire of Gingin; or

- d. the contribution is made by a political party of which the Councillor is a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.
- 4.2.2 In the event that two or more contributions to travel are received from the same person or organisation within a 12 month period, and collectively the value of the contributions to travel exceeds \$200, then all contributions to travel received from that person or organisation during the period must be disclosed.
- 4.3 Register of Gift and Travel Disclosures

The CEO is required to keep a register of all gift and travel disclosures made under s. 5.82 and s. 5.83 of the *Local Government Act 1995*. The register must be made available for public inspection, and must be published on the Shire's official website.

- 4.4 Gifts to be Disclosed Under Reg. 12 of the Local Government (Code of Conduct) Regulations
 - 4.4.1 For the purposes of this clause, **gift** has the meaning given in clause 3.1.1 (above), but does not include:
 - a. gift from a relative as defined in s. 5.74(1) of the Act; or
 - a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or
 - a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - d. a gift from the Western Australian Local Government Association (WALGA), the Australian Local Government Association (ALGA) or Local Government Professionals WA.
 - 4.4.2 Activity involving local government discretion is an activity that:
 - cannot be undertaken without an authorisation from the Shire; or
 - b. involves a commercial dealing with the Shire.

4.4.3 Prohibited Gifts

- a. Prohibited Gifts are:
 - i. a gift worth \$300 or more; or
 - ii. a gift that is one of two or more gifts given to the employee by the same person or organisation within a period of six months that, in total, are worth \$300 or more: and
 - iii. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b. Any gift in this category valued at \$300 or more should be politely declined. If it is considered inappropriate to reject the gift (such as in the case of a gift of memorabilia from a dignitary), then the gift may be accepted on behalf of the Shire and provided to the CEO at the first possible opportunity. Council will be formally advised of any gifts of this nature at the next ordinary Council meeting, with the gift then being displayed in an appropriate position within the Shire or otherwise stored as deemed appropriate by the CEO.

4.4.4 Notifiable Gifts

a. Notifiable Gifts are:

- i. worth between \$50 and \$300; or
- one of two or more gifts given to the employee by the same person or organisation within a period of six months that are in total worth between \$50 and \$300; and
- iii. offered by a person whothe person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- b. Notifiable gifts must be disclosed to the CEO, in writing, within 10 days of acceptance of the gift. The disclosure must include:
 - The name of the person who gave the gift;
 - The date on which the gift was accepted;
 - iii. A description, and the estimated value, of the gift;
 - The nature of the relationship between the person who is an employee and the person who gave the gift; and
 - V. If the gift is a notifiable gift because it is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth between \$50 and \$300:
 - a description;
 - the estimated value; and
 - the date of acceptance,

of each other gift accepted within the six month period.

- d. The CEO is required to maintain a register of notifiable gifts and record in it details of notifications given in accordance with the notifiable gift provisions of the *Local Government (Administration) Regulations* 1996.
- e. The value of a gift can be estimated if it is believed to be low. However, if it is believed that the value approaches \$300, then the precise value of the gift should be checked before acceptance to ensure compliance with Regulation 12.

Conduct

1. Personal Behaviour

Councillors will:

- Act, and be seen to act, properly and in accordance with the requirements of the law and Shire of Gingin policies and procedures, including this Code.
- Perform their duties impartially and in the best interests of the Shire not influenced by fear or favour.
- Act in good faith (ie, honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community.
- d. Make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment.
- Treat others with respect, courtesy, honesty and fairness, having regard for their interests, rights, safety and welfare.
- f. be open and accountable to the public.

- g. not harass or intimidate others in the conduct of the Shire's functions, duties or business.
- h. Make decisions that are based on relevant and factually correct information.
- Always act in accordance with their obligation of fidelity to the Shire of Gingin and not publicly reflect adversely upon any decision of Council or employees.
- Represent and promote the interests of the Shire of Gingin.
- k. Be fit for any duties required of them that are associated with the office of Councillor of the Shire of Gingin.

2. Honesty and Integrity

Councillors will:

- observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b. bring any dishonesty or possible dishonesty:
 - on the part of an employee or the Shire President to the attention of the Chief Executive Officer; or
 - (ii) on the part of another Councillor or the Chief Executive Officer to the attention of the Shire President; and
- be frank and honest in their official dealings with other Councillors, Committee Members and employees.

3. Quasi-judicial Role and Principles

3.1 Role

Quasi-judicial functions are those which involve the making of a decision by the Council in the exercise of a discretionary power. The Shire performs quasi-judicial functions when deciding to approval or refuse applications for planning approval and for other approvals, licences, consents and permits.

3.2 Principles

- a. The community expects Councillors to act in a quasi-judicial manner when exercising discretionary power. To act in a quasi-judicial manner, a Councillor must apply the principles of natural justice and, without bias or conflict of interest, make decisions in a judicial manner based on:
 - i. the law and Council policies as they exist; and
 - ii. the facts and the merits of the case.
- Applicants submitting approval documents may attempt to persuade individual Councillors to support their proposals. A Councillor must remain objective and deal with applicants or affected persons impartially.
- Decisions must be based on sound legislative rationales, rather than the opinions of particular interest groups that do not represent the wider community.
- All Councillors are to have equal access to relevant information and the opportunity to participate effectively throughout the decision making process.

3.3 Non-Compliance

Non-compliance with quasi-judicial principles could result in Council decisions being invalidated. A Councillor who acts in a biased manner, without disclosing an interest affecting impartiality, may breach Regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007*.

3.4 Procedures for Councillors

- When acting in a quasi-judicial role, a Councillor must not actively gather information independent of the official process by canvassing, liaising or initiating site visits with an applicant or an affected person.
- b. If contacted by an affected person, a Councillor will:
 - listen and endeavour to understand the reason for the applicant or affected person making contact;
 - ii. advise the applicant or affected person of the role and principles of a Councillor as a quasi-judicial decision maker (refer to clauses 4.1 and 4.2 above);
 - iii. encourage the applicant or affected person to make their views known through the relevant formal Shire and statutory processes, such as through public submission periods, contacting the Shire's administration, a deputation to Council or Public Question Time at a Council meeting; and
 - iv. ensure that they do not commit their vote, or give an impression that they have committed their vote, to the matter. Councillors may offer support or otherwise, but are obliged to consider all relevant facts and have regard to debate at the Council meeting at which a matter is considered, prior to making their decision.
- c. A Councillor will contact the Chief Executive Officer if they believe a site visit would be beneficial, or if they have been requested by an applicant or an affected person to visit a site. Where appropriate and if circumstances permit, a site visit will be arranged to provide an opportunity for all Councillors and at least one employee of the Shire to attend.
- d. Where an applicant or affected person provides information to a Councillor that is relevant to the decision making process, the Councillor must communicate that information to all other Councillors and the Chief Executive Officer prior to the meeting where a decision is proposed on the matter.
- e. If a Councillor believes that additional information is required to make an informed decision, such information must be sought in a written request or obtained by resolution of Council.

Where so requested, the Chief Executive Officer will consider requests for additional information in light of its relevancy to the decision and determine whether or not the information should be provided.

Smoking

The Shire of Gingin is committed to providing workers with a healthy smoke free environment. Smoking is prohibited in areas or circumstances where there are clear safety considerations.

Councillors who smoke during designated breaks are to consider other people. When out of doors and the smoke is affecting a person in the vicinity, the smoker is to move far enough away that the smoke will not come into contact with others. If a smoker is asked to extinguish a cigarette or move away from an area, they will comply with the request.

5. Drugs and Alcohol

"Drugs" means a chemical or natural substance, whether legal or illegal, which has the ability to impair a Councillor's physical or mental capacity. This includes drugs of an illicit nature.

Councillors must take all reasonable care not to endanger the safety of themselves or others (including customers) on Shire premises. Alcohol and drug usage becomes an occupational safety and health issue if a Councillor's ability to exercise judgment, coordination, motor control, concentration and alertness is impaired.

The consumption of alcohol and/or drugs whilst representing the Shire is unacceptable, except in relation to any authorised and responsible use of alcohol at social functions. Councillors are required to present themselves for civic and Council duties capable of performing their function safely. A Councillor who is under the influence of, or impaired by alcohol and/or drugs at functions may face consequences for such actions.

Councillors are not permitted to buy, take or sell drugs on Shire of Gingin premises.

Councillors who have been prescribed medication by a medical practitioner, or who purchase over the counter medication that could interfere with their ability to safely carry out their role, or cause other Councillors to be impaired, must inform the Shire President or Chief Executive Officer as soon as possible and disclose any side effects that the medication they are taking may cause.

The consumption of alcohol by Councillors on Shire premises is not permitted unless authorised. Councillors who attend specific functions on behalf of the Shire must have a blood alcohol concentration of not more than 0.000%. The exception to this requirement is the reasonable consumption of alcohol permitted at the said function.

Social Media

Councillors do not have to obtain authorisation to contribute to the Shire of Gingin's social media platform – though contributions are not encouraged – and they can only 'comment', 'like' or 'share' existing content, provided they disclose they are a Councillor, and the views expressed are their own.

Councillors cannot post any new content onto the Shire of Gingin's social media platform. Councillors shall not post any material on the social media platform concerning a Council decision unless the Shire of Gingin has released the information on the social media platform, or to the media or the public, or the official Minutes have been made public.

Councillors may establish personal social media accounts at their own discretion to engage with the community, however, the Shire of Gingin will not provide administration or moderation support for these accounts. Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media have the potential to be made public, whether intended or not.

Councillor comments which become public and breach the *Local Government (Rules of Conduct) Regulations 2007* may constitute a breach of the *Local Government Act 1995* and may be referred for investigation.

The Shire of Gingin will not be held liable for any loss or damage, however caused, which Councillors or others suffer in connection with the use of the Councillors' social media accounts.

Performance of Duties

Councillors will, at all times, exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Councillors will be as informed as possible about the functions of the Shire, and treat all members of the community honestly and fairly.

1. Compliance with Lawful Orders

- a. Councillors will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- Councillors will give effect to the lawful policies of the Shire, whether or not they agree with or approve of them.

2. Administrative and Management Practices

Councillors will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

Corporate Obligations

Standard of Dress

Councillors are expected to comply with neat and responsible dress standards at all times. Councillors will dress in a manner appropriate to their position, in particular when attending meetings or representing the Shire in an official capacity.

b. Communication and Public Relations

As representatives of the community, Councillors need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Shire. In doing so Councillors should acknowledge that:

- As a member of Council there will be respect for the decision making processes of Council which are based on a decision of the majority of Council;
- Information of a confidential nature will not be communicated until it is no longer treated as confidential;
- Information relating to decisions of the Shire on approvals, permits and so on may only be communicated in an official capacity by a designated officer of the Shire;
 and
- Information concerning adopted policies, procedures and decisions of the Shire is to be conveyed accurately.
- v. Public statements on behalf of the Shire may only be made in an official capacity by the Shire President (or their representative) or, with the agreement of the Shire President, by the Chief Executive Officer (or their representative).

c. Requirement for Police Clearance

All Councillors are required to provide a current Police Clearance within one month of being elected, and thereafter when required or requested to do so by the Shire President or Chief Executive Officer throughout their term of office.

4. Appointments to External Committees

As part of their representative role Councillors are often asked to represent the Shire on external organisations. It is important that Councillors:

- a. Clearly understand the basis of their appointment; and
- b. Provide regular reports on the activities of the organisation.

Dealing with Council Property

1. Use of Local Government Resources

Councillors will:

- Be scrupulously honest in their use of Council's resources and shall not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- Use Council resources entrusted to them effectively and economically in the course of their duties.
- c. Not use Council's resources (including the services of Shire employees) for private purposes unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

2. Travelling and Sustenance Expenses

Councillors will only claim or accept travelling and sustenance expenses arising out of travelrelated matters which have a direct bearing on the services, policies or business of the Shire in accordance with Council policy and the provision of the *Local Government Act* 1995.

3. Access to Information

Councillors will be given access to all information necessary for them to properly perform their functions and comply with their responsibilities as Councillors.

Councillors will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

Reporting Breaches of the Code by Councillors

Any person who has reason to believe that a Councillor has breached the standards of conduct set out in the Code, other than those matters set out in the *Local Government (Rules of Conduct) Regulations* 2007, may refer the matter to the CEO who will consider the matter and deal with it as they see fit.

The CEO may, in appropriate cases, refer a breach of the Code relating to values or behaviour (other than any alleged breach of the law) by a Councillor to an independent mediator who will attempt to resolve the matter via a mediation process. If a matter is referred to mediation, each party is to engage in the process in good faith.

A breach by an Elected Member of the *Local Government (Rules of Conduct) Regulations 2007* may be reported to the Shire's Complaints Officer (the CEO) in accordance with the prescribed Complaint Form as determined from time to time. Such complaints will be dealt with under Division 9 of Part 5 of the *Local Government Act 1995*.

Code of Conduct Specific to Committee Members

This Code of Conduct applies to all members of Shire of Gingin committees who are not Councillors or employees.

Conflict and Disclosure of Interest

Conflict of Interest

- Committee members will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their committee-related duties.
- b. Committee Members will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the local government district or which may otherwise be in conflict with the business of the committee or committees on which they serve (other than purchasing the principal place of residence).
- c. Committee members who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

2. Disclosures of Interest

2.1 Financial and Proximity Interests

Committee members must comply with the laws governing financial interests, including the disclosure of financial interests, set out in the *Local Government Act 1995*. Committee members must also comply with the rules governing the disclosure of impartiality interests, as set out in this Code, which are consistent with Part 6 of the *Local Government (Administration) Regulations 1996*.

The onus is on committee members to identify possible financial interests and other interests (such as proximity interests and non-financial interests) in order to determine whether an interest exists, what disclosure is required by this Code or applicable laws, and whether any statutory exemption applies.

2.1.1 Financial Interests

Section 5.60A of the Act states that a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government (or by an employee, councillor, Council or committee of the local government) in a particular way, result in a financial gain, loss, benefit or detriment for the person.

A financial interest may be direct or indirect. An indirect financial interest includes where a financial relationship exists between a relevant person and another person or body requiring a local government decision in relation to a particular matter.

A relevant person is also required to disclose (unless the matter is exempt), if a closely associated person as defined by s. 5.62 of the Act has either a financial or proximity interest in a matter.

2.1.2 Proximity Interests

In accordance with s. 5.60B of the *Local Government Act 1995*, a committee member has a proximity interest in a matter if the matter concerns:

- a proposed change to a planning scheme affecting land that adjoins the person's land; or
- b. a proposed change to the zoning or use of land that adjoins the person's land; or

 a proposed development (as defined in s. 5.63(5) of the Act) of land that adjoins the person's land.

Land is considered to adjoin a person's land if:

- a. it has a common boundary with the person's land; or
- b. any part of the land is directly across a thoroughfare from the person's land.

The term "land" includes any land owned by the person or in which the person has any estate or interest.

2.2 Impartiality Interests

Committee members must comply with the impartiality provisions set out in this Code.

2.2.1 Meaning of "impartiality interest"

For the purposes of this Code, "impartiality interest" means:

An interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association. (See Regulation 34(c)(1) of the Local Government (Administration) Regulations 1996 and Regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007.)

An "impartiality interest" does not include a "financial interest" that is subject to the requirements of the *Local Government Act 1995*.

2.2.2 Requirement to disclose

A committee member who has an impartiality interest in any matter to be discussed at a committee meeting attended by that person must disclose the nature of the impartiality interest:

- a. in a written notice given to the CEO before the meeting; or
- b. at the meeting immediately before the matter is discussed.

In addition, a committee member who has given, or will give, advice in respect of any matter to be discussed at a committee meeting not attended by the committee member must disclose the nature of any impartiality interest he or she has in the matter either:

- if the committee member is the author of a report in the agenda for a meeting, as part of that report; or
- b. in a written notice given to the CEO before the meeting; or
- b. at the time the advice is given.

A committee member is excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:

- a. did not know that he or she had an impartiality interest in the matter; or
- b. did not know the matter in which he or she had an mpartiality interest would be discussed at the meeting and the person then disclosed the nature of the impartiality interest as soon as possible after becoming aware of the discussion of that matter.

The disclosure of an impartiality interest does not necessarily affect the ability of the committee member to discuss or vote on the matter.

Where a verbal disclosure is made at a meeting without a prior written disclosure being made, a written disclosure form must be completed in relation to the impartiality interest as soon as practicable following the meeting.

3.2.3 Notice and Recording

Where an impartiality interest is disclosed in a written notice given to the CEO before a meeting, then:

- a. before the meeting the CEO is to ensure that the notice is given to the person who
 is to preside at the meeting; and
- at the meeting, the person presiding is to bring the notice and its contents to the attention of the persons present immediately before the matter to which the disclosure relates is discussed.

Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the impartiality interest must be recorded in the minutes of the meeting.

Personal Benefit

1. Use of Confidential Information

Committee members must not disclose to another person, unless it is required for the performance of their duties at the Shire, written or oral information that is provided to them or obtained by them in confidence, or is identified by the CEO as confidential.

Committee members may not allow any unauthorised person to have access to places where confidential information is displayed, reproduced or stored.

Committee members must take whatever measures are reasonably necessary to preserve confidential information, including complying with all secure measures established to safeguard confidential information from unauthorised access or use.

Nothing in this section prevents a committee member from disclosing confidential information:

- a. to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

2. Improper Use of Information

Committee members must not make improper use of any information acquired in the performance by the person of any of his or her functions under the *Local Government Act 1995* or any other written law. Committee members shall use discretion with information, and avoid improperly causing harm or detriment to any person, organization or the Shire.

2. Intellectual Property

The Shire owns rights, titles and interests in any intellectual capital or property developed during the Committee member's term of appointment.

'Intellectual Property' is defined as all present and future rights to each of the following used by or on behalf of the Shire, or developed in connection with the business or operations of the Shire, before, during or after the term of appointment:

- a. know-how;
- b. trade marks, whether registered or unregistered;
- c. inventions and improvements;

- d. domain or business names;
- e. confidential information;
- f. concepts, ideas and information;
- g. processes, data and formula;
- h. copyright, moral rights, inventions, patents, patent applications, designs, and
- any other intellectual property.

3. Improper or Undue Influence

Committee members will not take advantage of their position to:

- improperly influence other committee members, Councillors or employees in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body; or
- improperly influence any other person in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body; or
- c. improperly disadvantage or cause detriment to the Shire of Gingin or any other person.

4. Gifts

4.1 In general, a Committee Member must not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire.

Despite the general prohibition against seeking or accepting gifts or acts of hospitality, a Committee Member may accept some types of gifts which are excluded from this Code's coverage.

Committee Members should carefully consider whether the Act, regulations or this Code requires disclosure of a gift, or prohibits acceptance.

Nothing in this Code prevents the acceptance of a gift on behalf of the Shire in the course of performing professional or ceremonial duties in circumstances where the gift is presented in whole to the CEO, disclosed as a gift and used or retained exclusively for the benefit of the Shire.

- 4.2 Gift means any disposition of property, or the conferral of any other financial benefit, made by one person in favour of another otherwise than by will (whether with or without an instrument in writing), without consideration in money or money's worth passing from the person in whose favour it is made to the other, or with such consideration so passing if the consideration is not fully adequate, but does not include:
 - a. any financial or other contribution to travel;
 - b. a gift from a relative as defined in clause 4.3;
 - a gift that must be disclosed under regulation 30B of the Local Government (Elections)
 Regulations 1997;
 - d. a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
 - e. a gift from the Western Australian Local Government Association (WALGA), the Australian Local Government Association (ALGA) or Local Government Professionals WA.
- 4.3 Relative means any of the following:
 - a. Parent;
 - b. Grandparent;
 - c. Brother;
 - d. Sister;
 - e. Uncle;
 - f. Aunt;

- g. Nephew;
- h. Niece;
- Lineal descendant of the relevant person or of the relevant person's spouse or de facto partner; or a
- Spouse or de facto partner or the spouse or de facto partner of any of the relatives listed above.

4.4 Activity involving a local government discretion is an activity that:

- cannot be undertaken without an authorisation from the Shire; or
- b. involves a commercial dealing with the Shire.

4.5 Prohibited Gifts

4.5.1 Prohibited Gifts are:

- a. a gift worth \$300 or more; or
- a gift that is one of two or more gifts given to the Committee Member by the same person or organisation within a period of six months that, in total, are worth \$300 or more; and
- c. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii. it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- 4.5.2 Any gift valued at \$300 or more should be politely declined. If it is considered inappropriate to reject the gift (such as in the case of a gift of memorabilia from a dignitary), then the gift may be accepted on behalf of the Shire and provided to the CEO at the first possible opportunity. Council will be formally advised of any gifts of this nature at the next ordinary Council meeting, with the gift then being displayed in an appropriate position within the Shire or otherwise stored as deemed appropriate by the CEO.

4.6 Notifiable Gifts

4.6.1 Notifiable Gifts are:

- a. worth between \$50 and \$300; or
- one of two or more gifts given to the Committee Member by the same person or organisation within a period of six months that are in total worth between \$50 and \$300; and
- c. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii. it is reasonable to believe is *intending* to undertake an activity involving a local government discretion.
- 4.6.2 Notifiable gifts must be disclosed to the CEO, in writing, within 10 days of acceptance of the gift. The disclosure must include:
 - a. The name of the person who gave the gift;
 - b. The date on which the gift was accepted;
 - c. A description, and the estimated value, of the gift;

- d. The nature of the relationship between the person who is a Committee Member and the person who gave the gift; and
- e. If the gift is a notifiable gift because it is one of two or more gifts given to the Committee Member by the same person within a period of six months that are in total worth between \$50 and \$300:
 - a description;
 - ii. the estimated value; and
 - iii. the date of acceptance,

of each other gift accepted within the six month period.

- 4.7 The CEO is required to maintain a register of notifiable gifts and record in it details of notifications given in accordance with the notifiable gift provisions of the *Local Government* (Administration) Regulations 1996.
- 4.8 The value of a gift can be estimated if it is believed to be low. However, if it is believed that the value approaches \$300, then the precise value of the gift should be checked before acceptance to ensure compliance with this Code.

It is important to ensure that the full value of the gift is taken into account.

Conduct

Personal Behaviour

Committee members will:

- Act, and be seen to act, properly and in accordance with the requirements of the law and Shire of Gingin policies and procedures, including this Code.
- Perform their duties impartially and in the best interests of the Shire not influenced by fear or favour
- Act in good faith (ie, honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community.
- d. Make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment.
- Treat others with respect, courtesy, honesty and fairness, having regard for their interests, rights, safety and welfare.
- be open and accountable to the public.
- Q. Not harass or intimidate others in the conduct of the Shire's functions, duties or business.
- h. Make decisions that are based on relevant and factually correct information.
- Always act in accordance with their obligation of fidelity to the Shire of Gingin and not publicly reflect adversely upon any decision of Council or employees.
- By fit for any duties required of them that are associated with the role of Committee Member for the Shire of Gingin.

Social Media

Personal communications and statements made privately in conversation, written, recorded, emailed or posted in personal social media have the potential to be made public, whether intended or not.

Committee members must not disclose information, make comments or engage in communication activities about or on behalf of the Shire of Gingin, its Councillors, employees, contractors or other Committee Members which breach this Code of Conduct.

3. Honesty and Integrity

Committee members will:

- a. observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b. bring any dishonesty or possible dishonesty:
 - on the part of an employee, another Committee Member or the Shire President to the attention of the Chief Executive Officer; or
 - ii. on the part of a Councillor or the Chief Executive Officer to the attention of the President; and
- be frank and honest in their official dealings with other Committee members, Councillors and employees.

Smoking

The Shire of Gingin is committed to providing workers with a healthy smoke free environment. Smoking is prohibited in areas or circumstances where there are clear safety considerations.

Committee members who smoke during designated breaks are to consider other people. When out of doors and the smoke is affecting a person in the vicinity, the smoker is to move far enough away that the smoke will not come into contact with others. If a smoker is asked to extinguish a cigarette or move away from an area, they will comply with the request.

4. Drugs and Alcohol

Committee members must take all reasonable care not to endanger the safety of themselves or others (including customers) on Shire premises. Alcohol and drug usage becomes an occupational safety and health issue if a Committee member's ability to exercise judgment, coordination, motor control, concentration and alertness is impaired.

Committee members are not permitted to buy, take or sell drugs on Shire of Gingin premises. "Drugs" means a chemical or natural substance, whether legal or illegal, which has the ability to impair a Committee member's physical or mental capacity. This includes drugs of an illicit nature.

Committee members who have been prescribed medication by a medical practitioner, or who purchase over the counter medication that could interfere with their ability to safely carry out their role, or cause other Committee members to be impaired, must inform the Shire President or Chief Executive Officer as soon as possible and disclose any side effects that the medication they are taking may cause.

The consumption of alcohol by Committee members on Shire premises is not permitted unless authorised.

Performance of Duties

Committee members will, at all times, exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Committee members will be as informed as possible about the functions of the committee, and treat all members of the community honestly and fairly.

1. Compliance with Lawful Orders

- a. Committee members will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- Committee members will give effect to the lawful policies of the Shire, whether or not they
 agree with or approve of them.

2. Administrative and Management Practices

Committee members will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.

3. Corporate Obligations

3.1 Standard of Dress

Committee members are expected to comply with neat and responsible dress standards at all times. Accordingly, Committee members will dress in a manner appropriate to their position, in particular when attending meetings.

3.2 Communication and Public Relations

Committee members should acknowledge that:

- As a Committee member, there will be respect for the decision making processes of the Shire, which are based on a decision of the majority of the Council or committee;
- Information relating to decisions of the Shire on approvals, permits and so may only be communicated in an official capacity by a designated officer of the Shire;
- Information concerning adopted policies, procedures and decisions of the Shire must be conveyed accurately; and
- d. Public statements on behalf of the Shire may only be made in an official capacity by the Shire President (or their representative) or, with the agreement of the Shire President, by the Chief Executive Officer (or their representative).
- e. It is their responsibility to observe any direction the Shire may adopt in terms of advancing and promoting the objectives of the committee to which they have been appointed.

Relationships between Committee Members and Employees

An effective Committee member will work as part of a team consisting of other committee members, the Chief Executive Officer and other employees. That teamwork will only occur if Committee members and employees have a mutual respect and co-operate with each other to achieve the Shire's corporate goals and implement the Shire's strategies. To achieve that position Committee members need to:

 Acknowledge that they have no capacity to individually direct employees to carry out particular functions; and Refrain from publicly criticising employees in a way that casts aspersions on their professional competence and credibility.

Dealing with Council Property

Use of Local Government Resources

Committee members will:

- Be scrupulously honest in their use of Council's resources and not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- Use Council resources entrusted to them effectively and economically in the course of their duties.
- c. Not use Council's resources (including the services of Shire employees) for private purposes unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).

Reporting Breaches of the Code by Committee Members

Any person who has reason to believe that a Committee Member has breached the standards of conduct set out in the Code may refer the matter to the CEO, who will consider the matter and deal with it as they see fit.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government Act 1995 – s. 5.103 Local Government (Administration) Regulations 1996 – Part 9	
Industry Compliance	N/A	
Organisational Compliance	Policy No. 1.29 – Councillors' Entitlements	

POLICY ADMINISTRATION

Review Cycle	With Policy Manual	Next Review	2021	
Department	Office of the CEO			

Version	Decision Reference	Synopsis
1.	21/11/1996 - Item 5.2.3.2	Policy adopted
2.	16/01/2001 - Item 10.7	Policy amended
3.	01/11/2005 - Item 11.1.4	Policy amended
4.	15/01/2008 - Item11.1.1	Policy amended
5.	20/09/2016 - Item 11.1.3	Policy amended
6.	16/07/2019 – Item	Code amended

11.1.2 EROSION MITIGATION - GRACE DARLING PARK

File:	A4340; ENV/17
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	16 July 2019
Refer:	Nil
Appendices:	MP Rogers Report – Grace Darling Park
	Emergency Protection
	2. Minutes – Coastal Erosion Working Group Meeting
	2 July 2019

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a recommendation from the Coastal Erosion Working Group to progress with protection works at Grace Darling Park.

BACKGROUND

Council's Coastal Erosion Working Group (not including the additional stakeholders) met on 2 July 2019 to discuss and consider the immediate impact of the erosion at Grace Darling Park, and a report from MP Rogers commissioned by the Shire to provide an emergency solution and various options to limit/cease the erosion in the short term.

Several Councillors who are not members of the Working Group also attended the meeting as observers.

Options for immediate protection works considered in the MP Rogers report included rock, geo textile bag, defence cell geo textile bag solutions and concrete mattress protection methods. The report is attached as **Appendix 1** for Council's information.

The minutes of the meeting are also attached (Appendix 2) for reference as to the points of discussion and correspondence from an engineer based in Geraldton.

COMMENT

In essence the report was prepared to consider works that can be undertaken to put a stop to the erosion at Grace Darling Park as a matter of urgency. Preparation of the report was funded from the Volunteer Rates Levy for Coastal Erosion that was facilitated in the 2018/19 financial year.

The report is provided for review; however, the comparison of options provided clearly shows that the rock revetment and geo textile bag revetment options would offer the best results in terms of protection and would also be more readily available. As such, Working Group discussions centred around these options.

One of the most significant negative aspects of the rock revetment option is that this has been attempted in the Lancelin Bay previously and resulted in large rocks being scattered throughout the Bay which became a significant hazard. Removal of the rocks, if necessary, would be problematic and costly.

As such, consideration then turned to the "softer" option being the larger geo textile bags. This option can be purchased quickly, the filling equipment can be hired and the filled bags weigh approximately a tonne and as such can be moved by Shire Plant and equipment if required in the future. In the event the bags need to be removed, then this can be done by undoing the stitching at one end and removing the sand. The bags can then be reused with the sand left as renourishment.

The cost of the geo textile bags is higher than the rock solution; however, the degree of increased flexibility provided by the bags and the potential for locals to contribute to the project with plant and materials resulted in this option emerging as the preferred solution.

Due to the recent erosion on site, the scale of the works has now increased from 140 metres (as referenced in the previous MP Rogers report) to approximately 300 metres in total length. As such, the cost is significantly higher than that previously proposed. Based on the costing provided by MP Rogers it is calculated that the length of the required works could potentially cost an estimated \$650,000.

In addition to the increased direct costs, the funding request presented to DFES to assist by contributing to protect the Sea Search and Rescue Building has been rejected, with the Department advising that Emergency Service Levy funds cannot be used to protect building assets. Following receipt of this advice and public statements in the media by Minister for Emergency Services, the Hon. Fran Logan MLA, it was then proposed to apply for Disaster Relief Funding. However, initial enquiries made it clear that the project could not meed the criteria for this Federal funding source.

Currently there is still an outstanding meeting request with Minister Logan, and a call for a meeting with the Premier will occur over the next few days.

Council is still waiting on advice with respect to a grant application submitted earlier in the year for these works for the amount of \$120,000.

At the conclusion of its discussions, the Working Group formulated the following recommendation for Council's consideration:

That Council:

- 1. Undertake the construction of the "Soft" Wall protection, option 2 of the MP Rogers report, installing Geo Textile Bag protection for approximately 250 to 300 metres commencing from the Edward Island Point end, heading north stopping prior to the Sea Search and Rescue Building until State funds are forthcoming.
- 2. Continue to advocate and pursue Disaster Relief Funding for the construction of the protection wall.

- 3. Agree to consider the raising of a loan to fund the construction project as part of Council's 2019/20 Budget deliberations.
- 4. Continue to explore other options for the long term protection of the Lancelin Bay.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

This solution is not currently included in the draft 2019/20 Budget which will be presented to Council for adoption later in the month. However, it can be included with minimal effort and the Acting Executive Manager Corporate and Community Services can provide Council with information in this regard at the meeting if required.

The Working Group has recommended that the cost of works should to be met by way of a loan, to be repaid using funds raised through the voluntary levy and/or the implementation of a differential rate. A loan would be required for \$650,000.00 (based on the officer's estimated costing). It is expected would be repaid over a period of 10 years.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment	
Objective	2. To develop the Shire's capacity to support the conservation of natural	
	assets and undertake sustainable resource management	
Outcome	2.1 Conservation	
	The Shire's ecological services and natural assets are respected and	
	enhanced	
Key Service	Conservation and Environmental Management	
Areas		
Priorities	N/A	
Outcome	2.2 Sustainable Resource Management	
	The Shire practices sustainable resource management within its	
	operations and supports the community to do the same.	
Key Service	Community Infrastructure	
Areas		
Priorities	N/A	

VOTING REQUIREMENTS – SIMPLE MAJORITY

MOTION/COMMITTEE RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Rule

That Council:

- 1. Undertake the construction of the "soft" wall protection Option 2 of the MP Rogers report, installing geo textile bag protection for approximately 250 to 300 metres commencing from the Edward Island Point end, heading north stopping prior to the Sea Search and Rescue Building until State funds are forthcoming.
- 2. Continue to advocate and pursue Disaster Relief Funding for the construction of the protection wall.
- 3. Agree to consider the raising of a loan to fund the construction project as part of Council's 2019/20 Budget deliberations.
- 4. Continue to explore other options for the long term protection of the Lancelin Bay.

AMENDMENT

MOVED: Councillor Fewster SECONDED: Councillor Rule

That the motion be amended as follows:

1. Amend Part 1 to read as follows:

Undertake the commencement of a tender process for the "soft" wall protection Option 2 of the MP Rogers report, installing geo textile bag protection for a length of approximately 250 to 300 metres.

- 2. Amend Part 2 by inserting the words "(State/Federal)".
- 3. Add Part 5 as follows:

Require any tenders received to be submitted to Council for determination.

CARRIED UNANIMOUSLY

THE AMENDMENT WAS INCORPORATED INTO THE SUBSTANTIVE MOTION

COUNCIL RESOLUTION

MOVED: Councillor Court SECONDED: Councillor Rule

That Council:

1. Undertake the commencement of a tender process for the "soft" wall protection Option 2 of the MP Rogers report, installing geo textile bag protection for a length of approximately 250 to 300 metres.

- 2. Continue to advocate and pursue Disaster Relief Funding (State/Federal) for the construction of the protection wall.
- 3. Agree to consider the raising of a loan to fund the construction project as part of Council's 2019/20 Budget deliberations.
- 4. Continue to explore other options for the long term protection of the Lancelin Bay.
- 5. Require any tenders received to be submitted to Council for determination.

CARRIED UNANIMOUSLY

REASON FOR AMENDMENT

It was considered that:

- 1. The inclusion of a specific commencement point for the proposed works would not provide sufficient flexibility to progress the matter should a more suitable location be identified as part of the tender process.
- 2. Clarification was required to ensure that Disaster Relief Funding will be pursued from both tiers of government.
- 3. The selection of a successful tender (if any) for this this project should be made by Council, even if the tender price falls within the delegated authority of the Chief Executive Officer.

Revoked by resolution of Council 15 October 2019 Item 11.1.4

Shire President

APPENDIX 1

m p rogers & associates pl ABN 14 062 681 252 creating better coasts and ports R1235 Rev 1 **July 2019 Shire of Gingin Grace Darling Park Emergency Protection** www.coastsandports.com.au

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K1676, Report R1235 Rev 1 **Record of Document Revisions**

Rev	Purpose of Document	Prepared	Reviewed	Approved	Date
Α	Draft for MRA review	T Hunt	P Doust	T Hunt	28/06/2019
0	Issued for Client use	T Hunt	P Doust	T Hunt	30/06/2019
1	Extent updated and re-issued for Client use	T Hunt	P Doust	7mtfut T Hunt	1/07/2019

Form 035 18/06/2013

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1. Introduction

The shoreline adjacent to Grace Darling Park, Lancelin, has experienced continued recession in recent years. The continued erosion poses a risk to the park and the associated infrastructure contained in the park. The infrastructure at threat includes car parking bays, the Volunteer Sea Rescue building, a toilet block, as well as buried services and leach drains. The location of the site is shown in the following aerial photograph.



Location of Site Figure 1.1

The Shire of Gingin (Shire) has been concerned about the ongoing erosion for some time and has been investigating long term adaptation options for the site (Shore Coastal 2015, MRA 2016, MRA 2018, Cardno 2018) as well as placing sand nourishment on the shoreline. The Shire continues to seek funding for the long-term adaptation options for the site.

Following a storm event in early June 2019, further erosion has placed infrastructure in the park at higher risk and the Shire has requested an assessment of short-term emergency protection options. This report presents a summary of options and recommendation for the Shire.

2. Current Site Conditions

The history of erosion and changes to the site were summarised in MRA (2018). Further erosion to the site in June 2019 has reduced buffer to infrastructure. Photographs indicating the extent of erosion at key locations are presented below.





Volunteer Sea Rescue Building (June 2019) Figure 2.1

At the Volunteer Sea Rescue building there is an erosion scarp of approximately 1.5 to 2 m high, with building rubble being exposed in the scarp. There is approximately 7 m buffer to the building at its narrowest point.

The access road alongside the Volunteer Sea Rescue building now has a scarp at the end, limiting access to the beach. This will need some active management to maintain its functionality.





Figure 2.2 Gazebo (June 2019)

At the concrete pad in front of the gazebo there is approximately 4 m buffer to the top of the erosion scarp. There is less buffer to the showers and soakwells in front of the toilet block, which appear at risk from any future erosion.



Trees at Southern End of Site (June 2019)

The trees at the southern end of the site are being undermined and lost. While the root mass is assisting in reducing erosion locally, they are likely to be lost with further erosion.

While on site to inspect the erosion, several other key items were noted:

- Even under the reasonably mild conditions at the time of the inspection, the water level was at the toe of the dunes. This indicates that with even a modest storm surge and waves, further erosion would be experienced.
- The erosion scarp was near vertical along most of the park. Even without further erosion of the dune, this would be expected to slump to a natural angle of repose, further reducing the buffer to infrastructure.

This indicates the risk to infrastructure, with further storm events likely to reduce the buffer to critical levels.

3. Emergency Protection

At the request of the Shire, MRA has investigated and considered emergency protection works for the park. The basis of these works are outlined below:

- The emergency protection works are to be temporary only.
- The temporary works are considered on the basis of being in place for 2 years.
- The temporary works are to protect the park to a similar extent to the long-term protection outlined in MRA (2018) - approximately 120 m.
- The works are to be assessed on practicality, effectiveness and value for money.

While other long-term adaptation pathways are possible (for example planned retreat of facilities or ongoing sand nourishment) for the emergency works the Shire has requested a seawall protection solution and only these options have been considered in these works. The Shire's current preferred long-term adaptation option is a GSC revetment to protect the park.

While these works are considered temporary only, MRA are aware that the works will be highly visible to the community. It is therefore critical that they are effective and shown to be effective.

3.1 Protection Options

3.2 Extent of Protection Works

The extent of the protection works have been worked on a similar basis to that of the short term protection option in MRA (2018). This protects the park from the access road to the car park and is approximately 120 m. The indicative layout of this protection is presented in Figure 3.1. Concept sketches are presented in Appendix A.



Indicative Protection Extents

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In conversations with Shire CEO Aaron Cook, Mr Cook suggested the protection may be required up to 280 m. it is unclear where this extends to, but for the purposes of the assessment all of the options can be scaled up relatively for that length.

MRA (2018) determined the following crest heights and toe depths to appropriately protect from coastal erosion:

- Crest height = 2.6 mAHD.
- Toe depth = -0.5 mAHD.

This would appropriately protect the site for the coming 5 to 10 years. For the emergency works a lower level of protection has been accepted, with levels typically in the order of the following:

- Crest height = 2.0 mAHD.
- Toe depth = 0.0 mAHD.

Higher levels of maintenance and damage need to be accepted for these works. Concepts and comparison have been assessed on this basis.

3.2.1 Rock Revetment

Traditional revetments on the Western Australian coastline have been constructed using locally available rock, often limestone. This is typically the lowest cost construction method. Examples of limestone rock structures are prevalent on the Shire coastline, including groynes at Ledge Point and the recently constructed seawall in Seabird. An example of a rock revetment is presented in Figure 3.2.



Example Rock Revetment (Seabird) Figure 3.2

Functionally, a limestone rock seawall would be able to be constructed to provide adequate protection to the Volunteer Sea Rescue Building.

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A rock revetment would provide a low risk and effective protection option. However, even with good construction control it is likely to result in a spreading of rock along the shoreline over time, affecting the amenity of the adjacent beaches. It would also be a more permanent hard protection option. On this basis it was not favoured previously when considering short term concept options (MRA 2018) and this is still considered to be the case.

Several contractors were contacted for availability and pricing for completing a rock revetment at short notice. WA Limestone confirmed that there is rock available nearby and provided indicative pricing. They confirmed they would be available to complete the works as soon as instructed. MMM (WA) Contractors confirmed they would also be able to complete the works on short notice. Both estimated that they could complete the works within approximately 2 weeks on site.

MRA estimated the total cost for a rock revetment to be in the order of \$210,000 plus GST. For the purposes of this comparison, all prices are based on an experienced Contractor completing the works and include a 20% contingency to allow for unknowns, as no detailed design has been completed. A breakdown of the estimated concept cost estimates are presented in Appendix B.

It is noted that Shire staff and plant may be used to complete some tasks such as earthmoving and rock placement. This is the case for all options and for the sake of a like for like comparison, this has not been allowed for in costs.

In summary, the pros and cons of a rock revetment are outlined in Table 3.1.

Table 3.1 Pros & Cons of Rock Revetment

Pros	Cons
Low risk of failure – would provide protection	Visual amenity impact – not "natural"
Known construction product	"Hard" protection option
Readily available and low lead time	Likely to lead to rock spreading along the shoreline
Durable and could provide long term protection	More difficult to completely remove
Material can be re-used following removal	

3.2.2 Geosynthetic Sand Container Revetment

Geosynthetic Sand Containers (GSCs) have been developed as an engineered "sandbag" as an alternative to rock or concrete protection options. They are typically considered a "softer" option, with less visual and social impact and are easier to remove completely than other products.

A photograph of an example GSC protection structure is presented in Figure 3.3.



Example GSC Protection Structures Figure 3.3

MRA (2018) investigated a GSC revetment protection option for the park. Two options were considered:

- Protection of only the Volunteer Sea Rescue Building.
- Protection of the entire park, including the toilet block and gazebo.

The option which was developed to only protect the Volunteer Sea Rescue Building is therefore still appropriate for consideration for the Emergency Works.

MMM provided advice on their ability and availability to complete the works on short notice and estimated that they could complete the works as soon as required. They noted that to fill the GSC bags, hire of specialised equipment is required. Geofabrics Australia confirmed that the filling frame and jib are currently available. There would be approximately a 3 week lead time to get the appropriate GSCs to site. Alternative suppliers may have additional stock available.

MRA (2018) provided estimated costs for protection of the Sea Rescue Building. These have been reduced slightly to provide a smaller footprint for emergency works and a like for like comparison with other options. MRA estimate the cost of the GSC option to be approximately \$260,000. Use of Shire staff for earthmoving and filling GSCs may reduce these costs.

The pros and cons of a GSC revetment are outlined in Table 3.2.

Table 3.2 Pros & Cons of GSC Revetment

Pros	Cons
Low risk of failure – would provide protection	Three week lead time required for GSCs
Known construction product	Require specialised construction equipment (but is available)
"Softer" option than rock and can be used to provide easier pedestrian access than rock	Require import of fill or use of existing beach sand material
Durable and would provide short to medium term protection	
Can be easily removed and fill can be re-used as nourishment	
Currently the preferred long term protection option	

3.2.3 Concrete Scour Mats

There are several concrete or grout mats on the market which are typically used for scour protection. Examples of these include Flexmat and Coast Matt. There are several typical forms of these products:

- Concrete blocks, connected to a geogrid or polypropylene mat. Examples include Coast
- Grout filled flexible mattresses. Examples include Flexmat.

An example of a concrete scour mat product which was installed for emergency protection at Seabird is presented in Figure 3.4.



Figure 3.4 Example Concrete Scour Protection - Seabird

These scour protection mats are more commonly used at the base of structures, around sub-sea installations or to provide bank protection in less dynamic conditions than are experienced at Grace Darling Park. The installed mats at Seabird shown in Figure 3.3 failed within several months. However, it is believed that with some improved design and installation they could be effective for slightly longer.

MRA contacted Subcon, who manufacture and install Coast Matt. A summary of their advice is provided below.

- Concrete mats could be manufactured at short notice anytime in the next 2 months.
- From receipt of delivery it would take approximately 2 weeks to manufacture and transport the mats to site. It is estimated installation would take approximately 3-4 weeks.
- Subcon would require the site to be earthworked (bank regraded) for placement of the mats. There may be an opportunity for Shire staff to complete these works.
- Subcon believe design and installation could be altered to reduce risk of similar failure to units at Seabird.

Subcon provided some indicative pricing for installation of concrete scour protection mats at Lancelin. MRA have estimated that the total cost of the works is approximately \$270,000 plus

The pros and cons of the concrete mats are presented below in Table 3.3.

Table 3.3 Pros & Cons of Concrete Mats

Pros	Cons
Reasonably short lead time and easy installation	Not specifically appropriate for intended function – higher risk of failure
Lower cost than more durable products	Careful design and installation required to reduce risk of failure such as Seabird
Easier to remove than rock revetments	Less redundancy in system if units fail
Potential to re-use mats, with careful removal	Require careful removal to allow re-use

MRA has some concerns that a concrete mat system would require significant maintenance, additional works or replacement within the 2 year period to provide ongoing erosion protection. Indicatively, this may add another 50% to the total cost of the works in the period.

3.2.4 Defencell Barriers

The Shire provided MRA with details and contacts for Defencell, a product which has been developed for military barrier applications but has been used in other locations for flood protection. Photographs of typical installations of Defencell barriers are shown below.



Figure 3.5 **Defencell Barriers for Flood Applications**

Defencell barriers have been installed in Port Broughton, South Australia to act as flood defence and are being considered in Mt Remarkable, South Australia. Contacts from these local authorities were contacted and the product and application was discussed with them. It was noted that neither of these cases were as exposed to wave conditions as Grace Darling Park.

Several important things should be noted with respect to the Defencell barriers and their potential application:

- They do not appear to have been used in a comparable case, with wave action on the barriers and the potential for scour in front and overtopping behind.
- Loss of material or scour below the units could cause a complete failure of the units, with the structure likely to stop protecting the shoreline. This may require significant additional works or replacement.

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- They are not enclosed barriers and are open at the top. This means that in order to prevent loss of the fill material they need to be filled with appropriate material (eg rock) or completely covered. Mt Remarkable have designed a system to wrap the units with geotextile and place rock on top for additional protection.
- No details have been provided with respect to the strength or durability of the geotextile product they are made from.

Due to these limitations, we believe there is significant additional risk in the use of Defencell

In order to attempt to reduce the risk of failure of the units and make them comparable to other solutions (eg GSCs), the following are recommended.

- Geotextile layers are used to completely wrap the Defencell units. In order to prevent loss of material following potential movement of barriers, they are likely to require sewing onto the barriers to close.
- The Defencell units are to be stacked on a slope, two deep and to full height. This is comparable with the GSC and rock protection options. All options could be reduced in height and volume, but would present additional risk to the protection of the site.
- The Defencell barriers will need to be founded at an appropriate depth and stacked carefully to improve their effectiveness.

Spearpoint supply the Defencell product in Australia and provided advice on the appropriate product, cost and lead time to get the product to Lancelin. They recommended their T2 barrier, which would provide a more stable product and assist in defencing against wave action. They agreed with MRA's recommendation of using them 2 units wide and stacking 4 high.

Spearpoint noted there is not sufficient product available in Australia and additional supply would be from India or the UK. There would be additional lead time associated with this. They were unable to confirm availability and timing prior to finalising this report. However, the best case scenario would be product availability in India, air freighted to Perth and transported to site. Should there not be sufficient supply in India, additional product would require manufacture and transport from the UK, significantly increasing the lead time.

Spearpoint provided some indicative pricing for supply of the Defencell barriers at Lancelin. MRA have estimated that the total cost of the works is approximately \$220,000 plus GST.

Considering this, the pros and cons of the Defencell product are outlined in Table 3.4.

Table 3.4 Pros & Cons of Defencell

Pros	Cons		
Reasonably easy construction	Risk of failure – lack of demonstrated use and experience in this environment		
Easier to remove than rock revetments	Careful design and installation required to reduce risk of failure		
Potential to re-use barriers, with careful removal	Likely to require lead time for supply from UK for large numbers		
	Require import of fill or use of existing beach sand material		
	Less redundancy in system if units fail		
	Require careful removal to allow re-use		

MRA has some concerns that the Defencell barrier system would require significant maintenance, additional works or replacement within the 2 year period to provide ongoing erosion protection. Indicatively, this may add another 50 to 100% to the total cost of the works in the period.

4. Summary & Recommendation

4.1 Indicative Sketches

Indicative sketches of the rock revetment, GSC revetment and Defencell barriers are presented in Appendix A. This is the basis of the assessment.

4.2 Assessment of Options

A summary comparison of the options is presented below in Table 4.1.

Table 4.1 Summary Comparison of Options

	Rock Revetment	GSC Revetment	Concrete Mat	Defencell
Demonstrated Success in Similar Conditions?	Yes	Yes	No	No
Risk of Failure	Low	Low	Medium	Medium
Lead Time	1 week	3 weeks	2 weeks	3 weeks ¹
Construction Time	2 weeks	4 weeks	3-4 weeks	3-4 weeks
Cost (inc 20% contingency)	\$210,000	\$260,000	\$270,000	\$220,000
Ability for Shire staff to complete some work?	Yes: Earthworks, placing rock	Yes: Earthworks, filling and placing GSCs	Yes: Earthworks	Yes: Earthworks, filling and placing barriers
Maintenance	Minimal over 2 year period	Minimal over 2 year period	Allow for significant repair of replacement to 50%	Allow for significant repair of replacement to 50 - 100%
Other issues	Contamination of the beach with rock, difficult to completely remove	Specialist filling equipment required, but is currently available	Appropriateness for the condition, would require careful design and construction	Appropriateness for the condition, would require careful design and construction

Note: 1: Lead time estimated, best case. To be confirmed, could be significantly longer if product not available.

The capabilities and capacity of the Shire staff would need confirmation, but it is understood the Shire has earthworks capacity. It is therefore believed that there would be an opportunity to save costs for each of the options with the use of Shire staff and plant. It is not clear that there is any additional benefit in using Shire staff for one option over another.

On the basis of the above assessment and on a like for like comparison, MRA recommend that a GSC revetment provides the most appropriate emergency protection option for the site. We note that GSCs are also the currently preferred long-term option and there is an opportunity to re-use or add to the emergency works to provide the long-term protection option.

m p rogers & associates pl Shire of Gingin, Grace Darling Park Emergency Protection K1676, Report R1235 Rev 1, Page 16 We note that the above is on the basis of protection of 120 m of the park. To protect up to 280 m, relative cost and timeframes would be increased comparatively.

All of the options could also be reduced in crest height and extent by accepting a higher level of risk, but this would not change the relative comparison.

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5. References

- Cardno 2018. Draft Coastal Hazard Risk Management and Adaptation Plan. Prepared for the Shire of Gingin.
- MRA 2016. Coastal Erosion Hazard Assessment Ledge Point, Lancelin & Cervantes, R721 Rev 2. Prepared for the Shires of Gingin & Dandaragan.
- MRA 2018. Grace Darling Park Erosion Protection, R1083 Rev 1. Prepared for the Shire of
- Seashore Engineering 2015. Grace Darling Park, Lancelin Geotextile Sand Container Revetment Concept Designs. Prepared for the Shire of Gingin.

6. Appendices

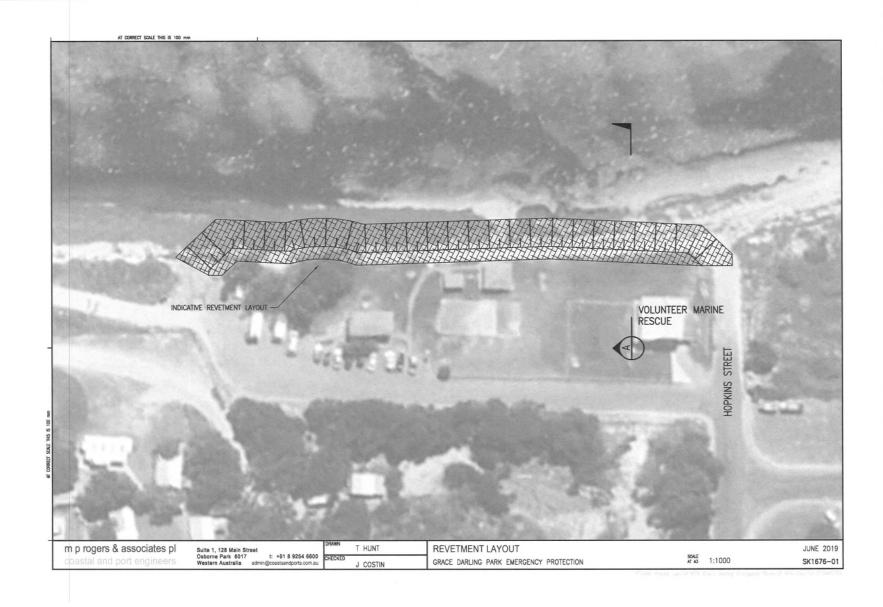
Appendix A **Sketches**

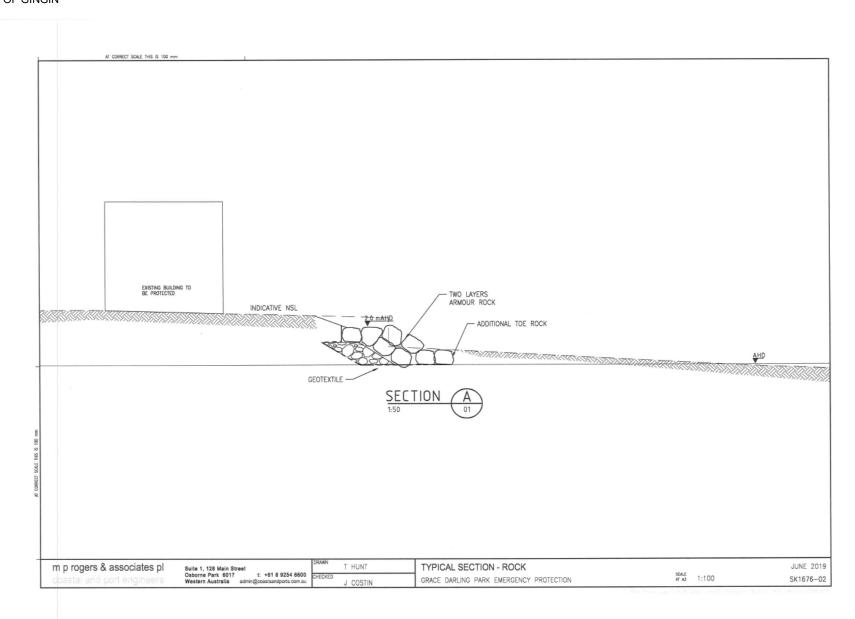
Concept Cost Estimates Appendix B

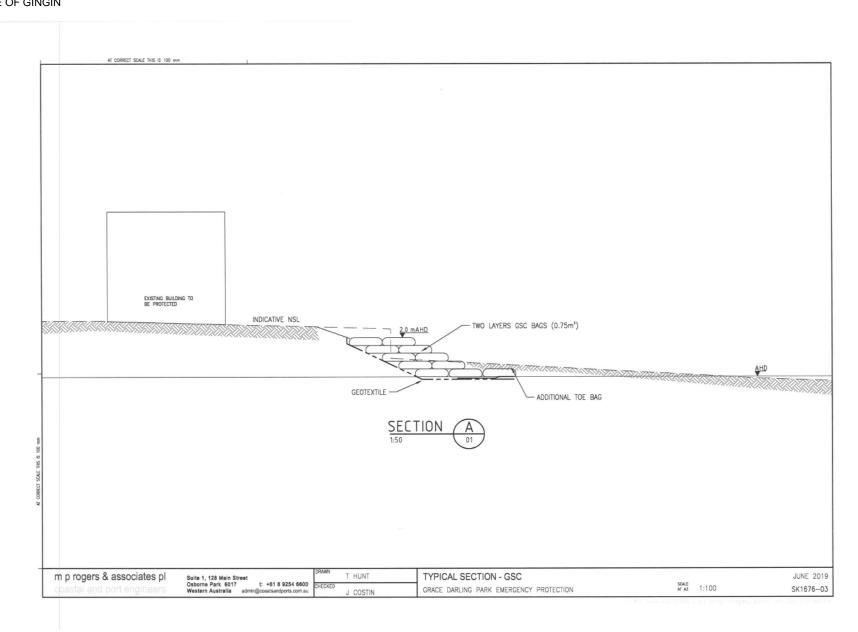
m p rogers & associates pl Shire of Gingin, Grace Darling Park Emergency Protection K1676, Report R1235 Rev 1, Page 19

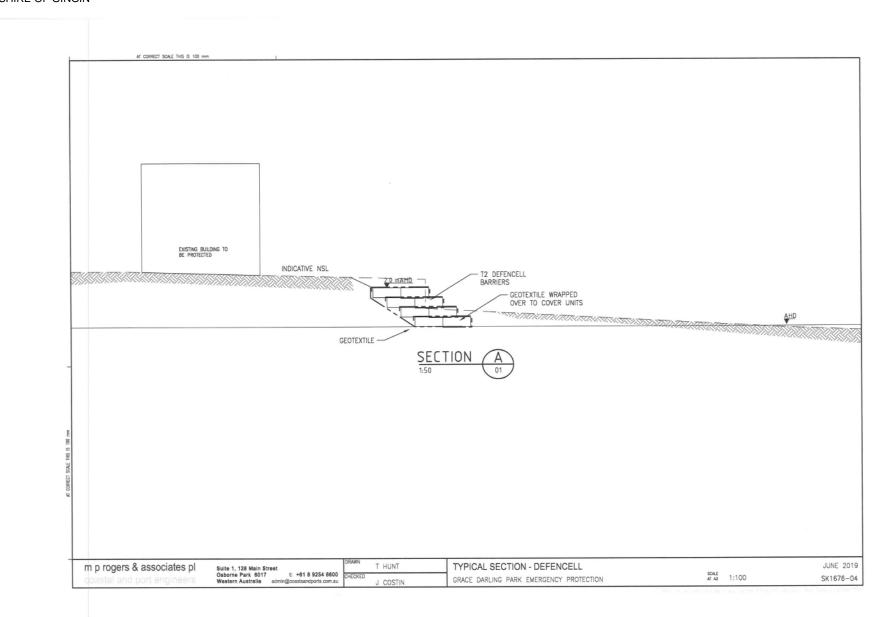
Appendix A Sketches

m p rogers & associates pl Shire of Gingin, Grace Darling Park Emergency Protection K1676, Report R1235 Rev 1, Page 20









Appendix B Concept Cost Estimates

m p rogers & associates pl Shire of Gingin, Grace Darling Park Emergency Protection
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K1676 SoG - Grace Darling Park Erosion

Rock Protection

Prepa	red by: T Hunt	Checked by: J Costin				Date: 30 June 2019				
Item	Activity	Quantity	Units	Ur	Unit Rate		Subtotal		Total for Item	
									45.000	
1	Preliminaries		Item	S	5,000	\$	5.000	\$	15,000	
1.1	Insurances & Management Plans Mobilisation & Site Establishment	1	Item	\$		\$	5,000			
1.3	Demobilisation & Site Clean Up		Item	S	5,000		5,000			
1.3	Demobilisation & Site Clean Up		nem	9	5,000	Φ	5,000			
2	Clearing & Earthworks			100				\$	15,000	
2.1	Clearing & excavation to allow construction of revetmen	1,500	m ³	\$	10	5	15,000			
3	Rock Revetment	RINGS		188				\$	142,754	
3.1	Supply and place geotextile	960	m2	\$	10	\$	9,600			
3.2	Supply and place core	240	m ³	\$	50	\$	12,000			
3.3	Supply and place rock armour	953	t	\$	60	\$	57,154			
3.4	Plant and operators - excavator, loader, labour etc	10	days	\$	6,400	\$	64,000			
	Subtotal 1	Designation of the last of the				\$	172,754	\$	172,754	
	Contingencies	20	%			\$	34,551	\$	34,551	
	Subtotal 2					\$	207,304	\$	207,304	
	Goods & Services Tax					\$	20,730	\$	20,730	
	Total Estimated Cost					\$	228,035	\$	228,035	

K1676 SoG - Grace Darling Park Erosion **GSC Protection**

ORDINARY MEETING

SHIRE OF GINGIN

Prepared by: T Hunt		Checked by: J Costin				Date: 30 June 2019				
Item	Activity	Quantity	Units	Un	Unit Rate		Subtotal		Total for Item	
	Preliminaries	Mark Spirit						S	15,000	
1.1	Insurances & Management Plans	1	Item	\$	5,000	S	5.000		10,000	
1.2	Mobilisation & Site Establishment		Item	\$	5,000	S	5,000			
1.3	Demobilisation & Site Clean Up	1	Item	\$	5,000	7	5,000			
2	Clearing & Earthworks	STREET, STREET,		150				\$	15,000	
2.1	Clearing & excavation to allow construction of revetmen	1,500	m ³	\$	10	\$	15,000			
3	GSC Revetment	DOTESTICAL PROPERTY.						\$	186,800	
3.1	Supply double vandal sided 0.75 m3 GSC (STD, SFL & SFS)	734	Item	\$	150	\$	110,100			
3.2	Import sand for filling GSCs and stockpile	550	m ³	\$	6	\$	3,300			
3.3	Fill & Place GSC	734	Item	\$	100	\$	73,400			
	Subtotal 1					\$	216,800	\$	216,800	
	Contingencies	20	%			\$	43,360	\$	43,360	
	Subtotal 2					\$	260,160	\$	260,160	
	Goods & Services Tax					\$	26,016	\$	26,016	
	Total Estimated Cost					\$	286,176	\$	286,176	

K1676 SoG - Grace Darling Park Erosion

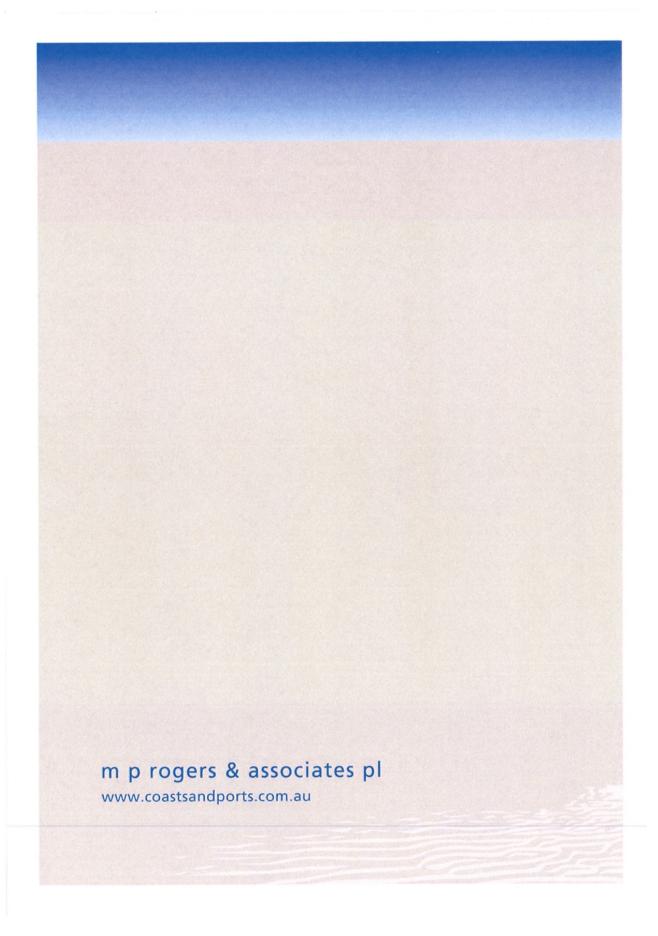
Flexmat Protection

Prepa	red by: T Hunt	Checked by: J Costin			Date: 30 June 2019					
Item	Activity	Quantity	Units	Unit Rate		Subtotal		Total for Ite		
	Park and the second				acres en			e	15,000	
1.1	Preliminaries Insurances & Management Plans	1	Item	S	5,000	S	5.000		15,000	
1.2	Mobilisation & Site Establishment	1	Item	5	5,000	S	5.000			
1.3	Demobilisation & Site Clean Up	1	Item	\$	5,000	\$	5,000			
2	Clearing & Earthworks	SECURITY .						\$	20,000	
2.1	Clearing & excavation to allow construction of revetmen	1,500	m ³	\$	10	\$	15,000			
2.2	Allow for additional earthworks as required	1	item	\$	5,000	\$	5,000			
3	Flexmats	ESPONS		15				\$	192,000	
3.1	Manufacture and supply flexmats to Lancelin	1	item	\$	96,000		96,000			
3.2	Place flexmats and tie in to site appropriately	1	item	\$	96,000	\$	96,000			
	Subtotal 1		STATE OF			\$	227,000	\$	227,000	
	Contingencies	20	%			\$	45,400	\$	45,400	
	Subtotal 2					\$	272,400	\$	272,400	
	Goods & Services Tax					\$	27,240	\$	27,240	
310	Total Estimated Cost			16		\$	299,640	\$	299,640	

K1676 SoG - Grace Darling Park Erosion

Defencell Protection

repa	red by: T Hunt	Checked by: J Costin			Date: 30 June 2019					
Item	Activity	Quantity Units		Ur	nit Rate		Subtotal		Total for Item	
4	Preliminaries	-		180				S	15,000	
1.1	Insurances & Management Plans	1	Item	S	5,000	S	5.000		10,000	
1.2	Mobilisation & Site Establishment	1	Item	\$	5,000	\$	5,000			
1.3	Demobilisation & Site Clean Up	1	Item	\$	5,000	\$	5,000			
2	Clearing & Earthworks			100				\$	20,000	
2.1	Clearing & excavation to allow construction of revetmen	1,500	m ³	\$	10	\$	15,000			
2.2	Allow for additional earthworks as required	1	item	\$	5,000	\$	5,000			
3	Defencell	MARK		100		ri.		\$	150,640	
3.1	Manufacture T2 Defencells to Lancelin	192	unit	\$	270	\$	51,840			
3.2	Transport T2 Defencells to Lancelin (air freight)	1	item	\$	30,000	\$	30,000			
3.3	Place and fill Defencells at site	1	item	\$	40,000	1.7	40,000			
3.4	Supply and place geotextile underlayer and cover	1,920	m ²	\$	15	\$	28,800			
	Subtotal 1			M		\$	185,640	\$	185,640	
	Contingencies	20	%			\$	37,128	\$	37,128	
	Subtotal 2					\$	222,768	\$	222,768	
	Goods & Services Tax					\$	22,277	\$	22,277	
	Total Estimated Cost					\$	245,045	\$	245,045	



APPENDIX 2



MINUTES OF THE MEETING OF THE SHIRE OF GINGIN COASTAL EROSION WORKING GROUP HELD AT 10.00 AM IN THE COMMITTEE ROOM ON 2 JULY 2019

1. DECLARATION OF OPENING

The Chief Executive Officer declared the meeting open at 10.00am and welcomed those in attendance.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors:

Jan Court, Frank Johnson, Jacqui Lobb and Wayne Fewster

Officers:

Aaron Cook(Chief Executive Officer), Allister Butcher (Executive

Manager Operations)

Observers:

Councillor Sam Collard (Shire President), Councillor John Elgin

(Deputy Shire President), Councillor Kim Rule

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3. <u>DISCLOSURES OF INTEREST</u>

Nil

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4. ITEMS FOR DISCUSSION

4.1 DEPARTMENT OF FIRE AND EMERGENCY SERVICES – LANCELIN VOLUNTEER MARINE RESCUE BUILDING

Discuss the determination from the Department of Fire and Emergency Services (DFES) and Minister's refusal to allow Emergency Services Levy (ESL) funding to be used.

Request a meeting with Minister Fran Logan (Emergency Services; Corrective Services) to discuss relevant funding available to be applied for. The meeting has been requested to be facilitated in Lancelin and included in the meeting will be local Stakeholders. It is also an expectation that DFES will also attend to push for protection measures.

After discussing the Grace Darling Park Erosion with LGIS they also confirmed that other Councils are seeking disaster assistance from the State. As such we are contacting the City of Fremantle about their potential claim for Port Beach and any other Council that may be taking action.

The discrepancy as to where the line of responsibility starts and ends is still in constant discussion with no Government agency taking a stance in case of requirement to fund works. The dilemma is clear that local government does not have jurisdiction over the ocean, we do over the land, however, the line of the ocean and land is constantly changing and as such the erosion. Simple as it is, as there is no responsible government department we are left holding the issue. I have informed LGIS of the issue as it will come back to our insurers as, in our case and many others, existing infrastructure is at immediate risk. As such where does the insurance sit with required works to protect?

4.2 GRACE DARLING PARK CONSIDERATION OF MP ROGERS EMERGENCY WORKS REPORT

At the time of preparing this agenda the report has not been provided. As such the report will be emailed out to the members once we receive so that all members can review prior to the meeting.

Attached for information is a report from Lester Smith – Blacktop Consulting Engineers.

4.3 ACTION FOR COUNCIL TO TAKE

There are several actions that need to be undertaken and without the report the Officer cannot make recommendations at this stage. However, the following is recommended:

- 1. That Council strongly advocate to the State Government to assist and fund the Shire in emergency works to Grace Darling Park.
- 2. That Council strongly advocate to the State Government to assist and fund the Shire in a long term solution for infrastructure at Grace Darling Park.

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- 3. That Council strongly advocate to the State and Federal Governments that a Government coordinated action group be established to work through coastal erosion affected areas to determine action that should be taken and that experts in the field be appointed to this Working Group. The Working Group to be appropriately funded to investigate, recommend and provide funding to resolve coastal erosion.
- Staff continue to investigate ways of renourishing the Grace Darling Park area without bringing sand in from external sources.
- 5. Depending on the actions resolved in Point 2 above, recommend to Council that a Coastal Erosion Working Group with the Stakeholders be called to advise the outcome, direction and works to be undertaken. This meeting to also be used to call together the community for action in works and supply of material.
- 6. That Council undertake
- 7. That the works recommended in point 4.3(6) be funded through

WORKING GROUP RESOLUTION

MOVED: Councillor Fewster

SECONDED: Councillor Court

That the Working Group recommend that Council:

- 1. Undertake the construction of the "Soft" Wall protection, option 2 of the MP Rogers report, installing Geo Textile Bag protection for approximately 250 to 300 metres commencing from the Edward Island Point end, heading north stopping prior to the Sea Search and Rescue Building until State funds are forthcoming.
- 2. Continue to advocate and pursue Disaster Relief Funding for the construction of the protection wall.
- 3. Agree that the construction project is to be funded by a loan of Council and repaid via the Coastal Erosion Voluntary Levy or a differential rate.
- 4. Continue to explore other options for the long term protection of the Lancelin Bay.

CARRIED UNANIMOUSLY

5. GENERAL BUSINESS

Nil

6. CLOSE

The meeting was closed at 11:20am

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BLACKTOP CONSULTING ENGINEERS

ACN: 150 023 868 ABN: 84 683 812 614 PO Box 918 Geraldton WA 6531 PHONE: (08) 9964 5459 Email: Lester.blacktop@westnet.com.au

23 June 2019

Department of Primary Industries and Regional Development 69-75 Connell Rd, Geraldton WA 6530 Ref No: Your ref: 19BCE788

Attention: Mr Mick Kelly

Dear Mick

Grace Darling Park Lancelin Erosion Report

Executive Summary

The erosion of Grace Darling Park in Lancelin is currently threatening the Sea Rescue building, park, public toilets and the caravan park. Last year the Shire's Steering Committee voted to build a sea wall and the Shire moved the motion. It is the author's impression that the Steering Committee majority dismissed the importance of understanding the cause of the erosion in preference for what they perceive will be a quick fix to the urgent problem of saving the Sea Rescue building by constructing a sea wall.

The author is concerned that the Shire and Steering Committee have not been given a proper understanding by the appointed consultants of the cause of the erosion and how the sea wall construction will impact the Lancelin Bay shoreline upstream and downstream of the sea wall in the long term.

This report provides photographs of the site prior to the start of the erosion and explains the cause of the erosion. The report explains that because Lancelin Bay processes the rare natural prerequisites of a stable bay formed by the two islands and the outer reef and a plentiful longshore sand supply, it will be possible with well-designed engineering intervention to reinstate the former shallow seabed bathometry offshore of Grace Darling Park and prevent the shoreline eroding back and threatening the as built environment.

This report warns that the adoption of a sea wall as the only course of action, as is currently being proposed, has the potential to create an ongoing erosion legacy.

Whilst this occurs the government will be forced to spend a lot of money to relocate infrastructure and services. The amenity of the town will be affected and people may leave, or not visit, which may create economic hardship for others.

The object of the author is to raise awareness of the issue with the Minister who it is hoped will make the necessary funding available for the Shire to undertake a proper

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study of due diligence. The author would like a brief audience with the Minister to discuss this matter.

What is the current situation?

The beach in front of Grace Darling Park is eroding. The erosion has only been occurring for the past 20 years (since about 1999). The erosion from the first fierce winter storm of 2019 (last week) has removed more park than previous storm events. The rate of erosion from this storm suggests that the Sea Rescue building will be lost to erosion this winter.

The erosion is now attacking much higher up the beach (or closer to the Sea Rescue building) with much more energy. Photograph monitoring has been undertaken since 2015 from the same vantage point in front of Grace Darling Park. Photographs of the erosion taken in 2015 and 2019 are shown in Figures 1 & 2 below.



Figure 1: Erosion losses of shoreline in front of Grace Darling Park on 17 May 2015.

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Figure 2: Erosion losses of shoreline in front of Grace Darling Park at 22 June 2019 (Notice the gazebo has been relocated back alongside the toilets, two panels of copper log fencing in the 2015 foreground have gone, you can see the shoreline advancement towards the link mesh fence of the Sea Rescue building in both photos).

The erosion is also extending further south as can be seen in the photograph shown below in Figure 3. The Edwards Island track is no longer and there is no dune of any consequence south of Grace Darling Park to Edwards Island track entrance to the beach.



Figure 3: Erosion losses of shoreline south of Grace Darling Park at 22 June 2019.

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What was the situation before the erosion started?

A substantially different shoreline existed up until the 1990s in front of Grace Darling Park. A large sand spit formed a high wide beach. The beach was a popular recreational spot for local and international windsurfers who parked directly on the beach (several cars deep) in summer. A photograph of the beach when occupied by windsurfers and their vehicles, taken directly in front of the Sea Rescue building location in the 1990s is provided in Figure 4 below. The popularity of the beach contributed to the decision by the Shire to clear an area of dune behind the beach and construct Grace Darling Park, the public toilets and barbeque facilities around this time. As can be seen from Figure 4 an erosion problem at this site did not exist in the early 1990s.



Figure 4: Shoreline in front of Grace Darling Park in 1990s

Why was there a wide beach in front of Grace Darling Park in the 1990s?

The reason that there was a wide beach in front of Grace Darling Park in the 1990s is because seagrass banks used to exist offshore directly in front of the beach. The large banks of seagrass can be seen in the photograph provided in Figure 5 below. The seagrass banks made the water quite shallow for quite a long way out to sea. The seagrass contributed to the spots popularity with windsurfers who found that they could water start much easier if they could touch the bottom when they fell off out to sea.

The seagrass banks no longer exist in front of Grace Darling Park. All that exists now is a sandy bottom. The water depth is also much deeper.

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Figure 5: Shallow offshore seagrass beds in front of Grace Darling Park in 1990s.

Why was there no erosion when we had the seagrass banks?

The reason that the beach was getting wider in front of Grace Darling Park up until the 1990s and not eroding is explained in terms of the effect that the shallow banks of seagrass had in calming the wave energy before the wave energy hit the shore. In summary an explanation of how wave energy is created and dispelled when waves break is as follows:

- Waves are formed by wind. Channels in the outer perimeter reefs allow waves to enter Lancelin Bay. The waves carry energy.
- At some point in the wave's progress towards the shore into shallow water, the wave crest topples forward and the wave breaks. This happens when the water depth equals about 1.3 times the wave height. So a 3-foot wave will break when the water depth reaches roughly 4 feet (3.9 feet). When a wave breaks it releases energy.

The seagrass reduced the water depth in front of Grace Darling Park. This caused the waves to break far offshore on the seagrass banks and the wave energy was dispelled out to sea. Small waves could often be seen breaking over the shallow banks of seagrass in front of the beach. Often two rows of waves broke, one further out and one close to shore. The waves were popular with the windsurfers who used the waves to launch jumps. Unfortunately the photograph shown in Figure 5 above does not show any waves breaking over the seagrass banks. The wave activity on the outer reefs can be seen as low in the photograph this day suggesting that there was not much swell that day.

The water above the seagrass banks was shallow. On low tides the seagrass banks were exposed. It was difficult for boats larger than dinghies to travel south in the narrow channel between the seagrass banks and the shore in front of Grace Darling Park due to very shallow water.

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How is the situation different now?

The seagrass banks no longer exist in front of Grace Darling Park. With the seagrass bank structures gone the water is now much deeper in front of Grace Darling Park than it used to be. Where once a person could stand waist high in water out on the seagrass banks at high tide the water level is now well over head height in most places.

The deep water is letting larger waves through which hit the beach with more energy as they no longer break offshore. The high energy waves are breaking directly on the beach and eroding the shore by transporting the sand away in turbulent water. With more erosion, the water is getting deeper each storm, larger waves are attacking the shore and the rate of erosion with each storm is increasing.

Why have the seagrass banks disappeared?

Something has caused the seagrass banks which formerly existed in front of Grace Darling Park to die. It is the author's opinion that the loss of seagrass banks has been caused by the seagrass coming into contact with groundwater polluted with ammonia. The source of the ammonia is from effluent produced from the nearby Grace Darling Park public toilet septic system, nearby Caravan Park toilets and local houses. It is interesting that the seagrass shown in photographs in Figures 4 & 5 was flourishing about the time that the Grace Darling Park public toilet septic system was installed. The septic system is so close to the shore that the toilets were recently closed because the septic system was exposed by erosion. Tidally induced groundwater flow is the mechanism responsible for the transport of the ammonia offshore.

It is well recognised in research literature that one of the most serious indirect impacts of coastal developments is a decline in water quality. Polluted effluents are often the most common source of adverse effects on coastal and marine ecosystems. Unfortunately Lancelin has very limited infill sewerage. Much of the Lancelin town site relies on buried septic systems for wastewater disposal. Effluent contains contaminants such as nitrates, ammonium, phosphates, chlorides, sulphides and compounds related to home chemical use. One adult human excretes around 3.5kg of nitrogen per year. The mechanism of tidally induced groundwater flow transport process from the ground water table aquifer to the ocean has been proven in research studies. The toxicity of ammonium to seagrass has also been proven in research studies.

Is there any way to test if ammonium toxicity in sewerage contaminated groundwater is really affecting the seagrass?

To test if groundwater near the Lancelin shore in contaminated by sewerage and contains toxic levels of ammonia the author sampled groundwater from shallow private reticulation bores situated at 51 & 57 Cunliffe St. Research suggests that ammonia becomes poisonous to seagrass at ammonium concentrations of 0.43 parts per million (ppm). Levels measured from the bore at 57 Cunliffe St exceed 0.43ppm reported in research to be toxic to seagrass. The water sampled is undoubtedly transported by tidal processes as the water levels in the bores were found to rise and fall with the tide. Please refer to Appendix B for laboratory test results for groundwater sampling.

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57 Cunliffe St is occupied permanently by 2 persons. The Grace Darling Park public toilets, whose leach drains exist very close to the beach and seagrass beds, is used by hundreds of people weekly. It would be expected that higher levels of ammonia would be being released to groundwater by the Grace Darling Park public toilets.

How does understanding what killed the seagrass help us with the erosion problem?

Understanding what killed the seagrass does not really help us solve the threatening erosion problem. Beyond the current problem it should motivate the Minister to bring on infill sewerage programs in coastal towns situated on sand dunes with high water tables that have exposure to seagrass or coral as soon as possible. If effluent contamination is also killing seagrass colonies in other areas of the bay, the potential for a vastly different near shore wave climate exists as the bay becomes deeper. As the effects have been seen at Grace Darling Park, deepening of the near shore profile which allows a higher level of wave energy to attack the beach will be disastrous for the Lancelin Bay or other shorelines.

How can natural processes be used to solve the erosion problem?

The Lancelin shoreline is in a fortunate position of having a plentiful natural nourishing longshore sand supply which remains uninterrupted by either natural phenomenon or human development. There are currently thousands of tons of dune sand passing from south to north through the bay due to natural longshore drift processes.

At the moment you can see the huge pulse of sand accumulation at the shore near Edward Island. This sand has travelled northwards from Back Beach and will now travel through the bay in the next few months. Here lies the solution to the erosion problem. The water in front of Grace Darling Park needs to be calmed so that this sand is deposited (and widens the beach in front of Grace Darling park just like it used to be), and is not washed away through the bay and away by turbulent wave energy.

Massive long-term accumulation of wide beaches along the Lancelin shoreline is nothing new. Please refer to Appendix A which shows historical shoreline position of Lancelin Bay since mapping in 1942 provided by the Department of Transport. The author understands that it was not until the 1940s that the town became a holiday destination with a few shacks beside the ocean. Around 1947 the town became the base for a local cray fishing industry. Lancelin was gazetted as a town in 1954. At least since the time that mapping began in 1942, the beach width along the entire bay shoreline, up until 1999, increased in width.

The reason that up until 1999 the sand has been retained and able to widen the beaches in Lancelin Bay is because of a natural phenomenon in coastal engineering known as stable bays. The Lancelin and Edward Islands and the connecting outer perimeter reef provide the natural prerequisite fixed headlands required for stable bay formation. These headlands allow the sheltered town shoreline to form stable bay formations shown in the aerial photograph of the townsite provided in Figure 6 below.

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Figure 6: Aerial photograph of Lancelin townsite.

It's clear that if the plentiful natural nourishing longshore sand supply is allowed to accumulate the Lancelin town shoreline will accrete. The sand accumulation then provides a buffer to protect built assets from coastal hazards.

Why not just let the bay just return to its pre 1942 eroded position less beach width?

If the shoreline was markedly different in the past it is because the natural sand transport processes in the bay responded to the shape and water depth of Lancelin Bay at that time. Prior to the seagrass banks forming off Grace Darling Park 80 years ago we can't be sure what the water depth was in this area.

The problem with accepting the position that the coastline is only returning to its former position of many years ago before the town was established is that we risk losing the front street of the town and the beach. As mentioned earlier, if this occurs the Government may have to spend a lot of money to relocate infrastructure and services.

For better or worse the town infrastructure has been set up based on the situation at the time of settlement when the shoreline extended much further west in front of Grace Darling Park. One option is to relocate the town, and there are places in the world where this would be the most feasible solution.

In Lancelin however, granted the seagrass banks are gone now, but we still have other important rare natural prerequisites such as the stable bay shape formed by the two islands and the outer reef and a plentiful longshore sand supply as tools to combat the erosion process now occurring. By understanding the erosion process and with some well-designed engineering intervention it will be possible to reinstate the former shallow seabed bathometry offshore of Grace Darling Park and prevent the shoreline eroding back and threatening the as built environment.

What environmentally friendly options do we have to address the Grace Darling Park erosion?

The objective of engineering intervention would be to dissipate wave energy offshore before it reached the shore in front of Grace Darling Park. The engineering

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intervention would be designed to emulate the former shallow seagrass bank bathometry. By lowering the wave energy at the shoreline the plentiful natural nourishing longshore sand supply will deposit and reform the wide cuspate spit of beach which previously formed at the Grace Darling Park beach and extended seaward to the sea grass banks. The deposited sand will protect Grace Darling Park as well as the upstream and downstream bay shoreline as it has done in the

Possible environmentally friendly options which experts in the field could be approached to develop include:

1. A submerged artificial reef, such as a bank or reef of submerged sand filled

In June this year the ABC news reported about a 'world-first' inflatable surf reef to be in June this year the AbC news reported about a 'world-first' inflatable surf reef to be installed at beach in Western Australia. A link to the topic is https://www.abc.net.au/news/2019-06-13/world-first-artificial-surf-reef-to-be-installed-at-bunbury/11204280. An illustration of the concept is provided in Figure 7 below.

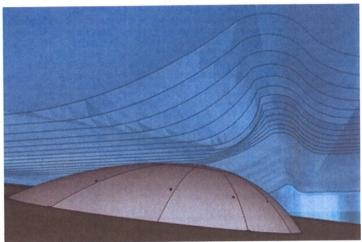


PHOTO: The Airwave device builds on the natural swell of the ocean and uses air to create bigger

Figure 7: Concept of inflatable artificial reef.

The intention of the inventors was not for erosion mitigation but the idea could be used to create safe shallows offshore. Several devices could be arranged in a configuration which wave tank modelling suggests will provide an effective means to lowering the energy from various swell directions. The devices could be deployed as a soft trial. If the trial was successful it could be adopted as a longer-term solution, possibly constructed from sand filled geotextile bags sown into a similar shape. If the design was unsuccessful the temporary devices could be easily removed. We are not talking about an aggressive wave environment offshore from Grace Darling are not talking about an aggressive wave environment offshore from Grace Darling

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Park so anchoring the devices would not be as challenging for the designers as doing so in a surf break to which they are accustomed.

Mooring out a large floating porous wave energy absorbing sponge / mattress structure over the seagrass beds.

Some research may suggest innovative solutions that have successfully been used in other parts of the world in similar applications.

What is the concern if we fail to recognise the cause of the erosion and natural processes driving the erosion and build a sea wall?

The Shire's response to the erosion has been to appoint an engineering consultant to provide a design for a sea wall and appoint a Steering Committee of concerned residents to vote on a preferred course of action. Following the vote last year by the Steering Committee to build a sea wall the project has stalled whilst the Shire seeks State Government funding.

The author is concerned that due to limited funding (and limited engineering consultant study scope) the necessary attention has not been given to understanding the cause of the erosion and how the current preferred option of sea wall construction will impact the Lancelin Bay shoreline upstream and downstream of the sea wall in the long term. The consultants were not appointed to, and neither did they provide, any explanation to the Shire or Steering Committee as to why or how long the erosion had been occurring which indicates that they do not have a complete understanding of the problem and hence have not provided a well-considered solution.

During the Steering Committee meeting which the author attended concerned residents were asking for guarantees from the Shire that if the sea wall is found to increase erosion then it will be removed quickly. Due to funding uncertainty the Shire could not provide this assurance to be able to protect the bay should the sea wall not have the desired effect.

As it has been mentioned previously in this report, the erosion problem is being caused by the water depth getting much deeper in front of Grace Darling park area than it used to be. The deep water is letting in larger storm waves and more energy is attacking and eroding the beach.

If the Shire opt to build a sea wall, waves will regularly be hitting the sea wall and reflecting back to sea. The resulting turbulence is going to cause scour and further deepening of the sea floor in front of the sea wall. As the water gets deeper, larger waves will attack the shore. Beach either side of the sea wall is going to be affected and therefore likely the Shire will opt to provide a sea wall the entire length of the bay to protect Cunliffe Street's road and infrastructure. The beach will be lost and possibly the sea wall undermined.

What is the point of this report?

The point of this report is to raise awareness of the issue with the Minister who it is hoped will make the necessary funding available for a comprehensive study by an organisation suitably qualified in coastal engineering. The study will include an evaluation of available options of shoreline protection discussed in this report with

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the objective of providing a cost effective, environmentally friendly, sustainable and long-term method of shoreline protection to Lancelin Bay. If successful, the cost will be returned many times over by the ongoing prosperity of the town as a holiday destination.

The author has tried unsuccessfully to raise awareness with the Shire and the Steering Committee. The Shire is vested in the Steering Committee and the Steering Committee's priority is the immediate protection of the Sea Rescue building and Grace Darling Park by armouring with a sea wall. It is the author's impression that the Steering Committee majority dismiss the importance of understanding the cause of the erosion in preference for what they perceive will be a relatively quick solution to the problem by constructing a sea wall.

The author would like a brief audience with the Minister to discuss this matter and offer pro bono project management services. The author will accept any opportunity to be involved in the process of finding a solution to the problem.

Who is the author?

I am a practicing registered Consulting Engineer in the fields of Structural, Civil and Geotechnical engineering. I manage a three-person engineering consultancy office in Geraldton which I established in 2005. I am also a director of a NATA accredited materials testing laboratory based in Geraldton which employs around 15 technicians. I completed a combined degree in Civil Engineering and Commerce in 1996 at UWA. My honours thesis was concerned with an evaluation of the effectiveness of methods of coastal protection under supervision from Dr John Hsu who is an accomplished Coastal Engineer. My parents have had a house at the south end of Cunliffe St since I was 2 years old. I am also a Lancelin rate payer. I am well acquainted with the bay directly west of Grace Darling Park having spent much time there diving and in boats throughout my life. I am active in promoting other efforts directed towards coastal conservation along the WA coast.

Should you have any queries please do not hesitate to contact me on 9964 5459 or by email at lester.blacktop@westnet.com.au.

Yours faithfully

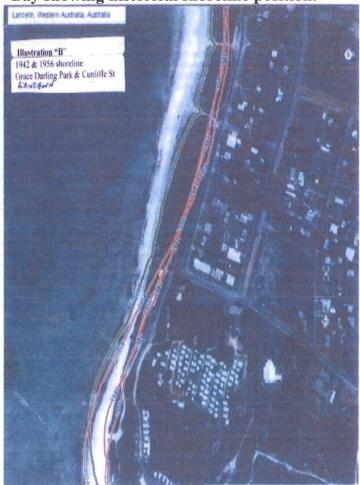
Lester Smith Engineering Manager Attached: Appendix A and B.

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Appendix A: Aerial photograph of Lancelin Bay showing historical shoreline position.



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RIGHT SOLUTIONS | RIGHT PARTNER

Appendix B: Laboratory Test Results Groundwater Sampling.

for

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2 of 4 EP1807138 BLACKTOP CONSULTING ENGINEERS



The analytical procedures used by the Environmental Division have been developed from established internationally ecognized procedures such as those published by the USEPA, APHA, AS and NEPM. In house developed procedures are employed in the absence of documented standards or by direct request.

Where moisture determination has been performed, results are reported on a dry weight basis.

Where a reported less than (<) result is higher than the LOR, this may be due to primary sample extractidigestate dilution and/or neufficient sample for analysis.

Where the LDR of a reported result differs from standard LDR, this may be due to high mosture content, insufficient sample (reduced weight employed) or matrix interference.

When sampling time information is not provided by the client, sampling dates are shown without a time component. In these instances, the time component has been assumed by the liaboratory for processing

Where a result is required to meet compliance limits the associated uncertainty must be considered. Refer to the ALS Contact for details.

CAS Number = CAS registry number from database maintained by Chemical Abstracts Services. The Chemical Abstracts Service is a division of the American Chemical Society

Torric balances were calculated using major anions - chloride, alkalinity and suffate, and major cations - calcium, magnesium, potassium and sodium.

Sodium Adsorption Ratio (where exponent). Where results for Na. Co or Mg are <-COR, a concentration at half the reposed COR is incorporated into the SAR odoubtion. This represents a conservative approach for Na relative to the assumption that <-COR - zero concentration and a conservative approach for Ca 5 Mg relative to the assumption that <-COR is equivalent to the LOR concentration.

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ORDINARY MEETING SHIRE OF GINGIN

MINUTES

COASTAL EROSION WORKING GROUP

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16/07/2019

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e k Ontser	3 of 4 EP1807138							
Client BLACKTOP CONSULTING ENGINEERS								
roject	LANCEL IN BORE WATER MONITORI	NG						(ALS)
Analytical Result	s							
Sub-Matrix: WATER		CH	ent sample ID	51 CUNLIFFE ST	57 CUNLIFFE ST			
(Matrix: WATER)				AD 1 - AD18 47 AD	00 1 2010 1700		_	-
			ng date / time	02-Jun-2018 17:30	02-Jun-2018 17:30			
Compound	CAS Number	LOR	Unit	EP1807138-001	EP1807138-002	****		
		TENER DE		Result	Result	Marie Control of the	AND DESCRIPTION OF THE PARTY NAMED IN COLUMN	
EA005P: pH by PC Tit		0.04		7.58	7.43	THE RESIDENCE OF THE PARTY OF T	CONTRACTOR OF THE PARTY OF THE	
pH Value	AND DESCRIPTION OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED	0.01	pH Unit	7.56	7.43	ENGINEERING CONTRACTOR OF THE PARTY OF THE P	SECTION AND ADDRESS OF THE PARTY OF THE PART	-
EA065: Total Hardnes		-194	Sharp Friday	The state of the s			MENTAL STATE OF THE PARTY OF TH	
Total Hardness as Cal		1	mg/L	1250	450		and the second s	
ED037P: Alkalinity by					PART NAMED IN STREET			
Hydroxide Alkalinity a		1	mg/L.	<1	<1	180	-	***
Carbonate Alkalinity a		1	mg/L	<1	<1			
Bicarbonate Alkalinity		1	mg/L	50-4	312		nie .	
Total Alkalinity as Cal		1	mg/L	504	312	-		
	bidimetric) as SO4 2- by DA	1000	THE PARTY OF					
Sulfate as SO4 - Turbi	dimetric 14808-79-8	1	mg/L	334	77			
ED045G: Chloride by	Discrete Analyser							
Chloride	16887-00-6	1	mg/L	2290	487			
ED093F: Dimolved M	ajor Cations							
Calcium	7440-70-2	1	mg/L.	131	91			
Magnesium	7439-95-4	1	mg/L	22.5	54			
Sodium	7440-23-5	1	mg/L	1070	230			***
Potassium	7440-09-7	1	mg/L	84	17			
EG020T: Total Metals	by ICP-MS							
Aluminium	7429-90-5	0.01	mg/L	<0.01	<0.01		***	
Arsenic	7440-38-2	0.001	mg/L	800.0	800,0			***
Ca dmium	7440-43-9	0.0001	mg/L	<0.0001	<0.0001			100
Copper	7440-50-8	0,001	mg/L	<0.001	0.019			
Lead	7439-92-1	0.001	mg/L	<0.001	<0.001			
Nickel	7440-02-0	0.001	mg/L	0.004	0.002			
Zinc	7440-66-6	0.005	mg/L	<0.005	0.030			
Iron	7439-89-6	0.05	mg/L	0.13	<0.05			
EK055G: Ammonia a	s N by Discrete Analyser							
Ammonia as N	7664-41-7	0.01	mg/L	0.40	0.77			-
EK057G: Nitrite as N	by Discrete Analyser							
Nitrite as N	14797-65-0	0.01	mg/L.	<0.01	0.10	101	***	
EK058G: Nitrate as N	by Discrete Analyser							
Nitrate as N	14797-55-8	0.01	mg/L	<0.01	0.68		-	

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ORDINARY MEETING
SHIRE OF GINGIN

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COASTAL EROSION WORKING GROUP

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						,		ALS
Analytical Results								
Sub-Matrix: WATER (Matrix: WATER)		CH	ent sample ID	51 CUNLIFFE ST	57 CUNLIFFE ST		-	
-	CI	ent sample	ing date / time	02-Jun-2018 17:30	02-Jun-2018 17:30			
Compound	CAS Number	LOR	Unit	EP1807138-001	EP 1807138-002			
				Result	Result			
EK059G: Nitrite plus Nitrate a	s N (NOx) by Discrete Ana	lyser-Co	retinued					
Nitrite + Nitrate as N	-	0.01	mg/L	<0.01	0.78			
EN055: Ionic Balance								
Total Anions	-	0.01	.Tpem	81.6	21.6			
Total Cations		0.01	Topon.	73.7	19.4			
Ionic Balance		0.01	%	5.07	5.24			-

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11.2. CORPORATE AND COMMUNITY SERVICES

11.2.1 MONTHLY FINANCIAL STATEMENT AND LIST OF PAID ACCOUNTS

File:	FIN/25					
Reporting Officer:	Ziggy Edwards – Acting Executive Manager Corporate and Community Services					
Report Date:	16 July 2019					
Refer:	Nil					
Appendices:	 Statement of Financial Position for the Period to 31 May 2019 Statement of Financial Position for the Period to 30 June 2019 					

DISCLOSURES OF INTEREST

Nil

COMMENT

The following are presented for Council's consideration:

- 1. Statement of Financial Position for the period to 31 May 2019.
- 2. Statement of Financial Position for the period to 30 June 2019.
- 3. List of Paid Accounts for the period to 30 June 2019 in accordance with the following summary of activity:

PAYMENT TYPE	\$
Municipal	
EFT	986,566.13
Cheque	67,748.03
Direct Debit	170,230.77
Total (Municipal)	1,224,544.93
Trust	0.00
Bank Statement	
Bank Fees and Charges	2,512.36
Wages and Salaries	274,710.31
Police Licensing	72,391.95
LA Office Rent	643.38
Total (Bank Statement)	350,258.00
TOTAL EXPENDITURE	1,574,802.93

A detailed payment schedule has been provided to Councillors and can be made available to the public for viewing at the Shire's Gingin Administration Centre and Lancelin Office upon request.

STATUTORY ENVIRONMENT

Local Government Act 1995
Part 6 – Financial management
Division 3 – Reporting on activities and finance
Section 6.4 – Financial report

Local Government (Financial Management) Regulations 1996
Part 4 – Financial reports – s.6.4
Regulation 34 – Financial activity statement required each month (Act s.6.4)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Governance
Objective	5. To demonstrate effective leadership, governance and advocacy on
	behalf of community
Outcome	5.1 Values
	Our Organisational and Business Values are demonstrated in all that we
	do
Key Service	Financial Management
Areas	
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Court

That Council:

- 1. Endorse the Statement of Financial Position for the period to 31 May 2019;
- 2. Endorse the Statement of Financial Position for the period to 30 June 2019; and
- 3. Endorse the List of Paid Accounts for the period ending 30 June 2019.

CARRIED UNANIMOUSLY

APPENDIX 1





MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2018 TO 31 May 2019

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Acquisition of Assets & Other Non-Capital Expenditure by Nature & Type	9
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Net Current Assets	14
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Key Information

Report Purpose:

This report is prepared to meet the requirements of Local Government (Financial Management) Regulations 1996, Regulation 34.

Items of Significance:

The material variance adopted by the Shire of Gingin for the 2018/19 year is \$10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

Note: The Statements are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

Prepared by: Karina Leonhardt Reviewed by: Ziggy Edwards Date Prepared: 24/06/2019

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	H	Comments
OPENING FUNDING SURPLUS (DEFICIT)	1,105,430	1,105,430	1,264,406	158,976	14.38%	<u>_</u>	Variance relates to adjustment for Leave Liability not included in Budget Calculation
REVENUE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	1,351,921	1,239,227	1,271,461	32,234	2.60%		
GENERAL PURPOSE FUNDING - RATES	7,937,015	7,275,510	7,897,358	621,848	8.55%		
GOVERNANCE	1,307	1,188	1,257	69	5.78%		
LAW ORDER PUBLIC SAFETY	636,257	587,387	619,024	31,638	5.39%		
EDUCATION & WELFARE	93,000	85,239	86,699	1,460	1.71%		
HEALTH	358,367	328,460	353,667	25,207	7.67%		
HOUSING	20,700	18,964	21,099	2,135	11.26%	4	Rental and reimbursement income 3 Fewster St
COMMUNITY AMENITIES	1,644,813	1,507,649	1,759,796	252,147	16.72%	A	Includes Coastal Erosion Voluntary Levy that will vary. Greater than anticipated income received at the Lancelin and Gingin refuse sites to dates. Higher than anticipated planning fees received.
RECREATION & CULTURE	240,716	220,550	173,064	(47,486)	(21.53)%	•	RBFS Grant funding received – Boat Launching Facility
TRANSPORT	260,550	238,821	282,785	43,964	18.41%	•	Greater than expected fees from parking meters.
ECONOMIC SERVICES	1,702,138	1,560,218	1,407,178	(153,040)	(9.81)%		
OTHER PROPERTY & SERVICES	383,130	351,120	386,297	35,177	10.02%		Greater than anticipated insurance reimbursements received to date. Long Service Leave contribution from Shire of Gnowangerup.
CASH - RESTRICTED USE	0	0	16,136				
TOTAL REVENUE	14,629,912	13,414,333	14,275,821	861,488			
EXPENDITURE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	(615,592)	(564,234)	(492,031)	72,203	12.80%	V	Less than expected valuation expenses. Less than expected legal costs.
GOVERNANCE	(1,106,508)	(1,014,145)	(948,381)	65,764	6.48%		
LAW ORDER PUBLIC SAFETY	(1,714,012)	(1,574,147)	(1,466,702)	107,445	6.83%		
EDUCATION & WELFARE	(216,539)	(197,514)	(176,694)	20,820	10.54%	V	Less than expected Youth Services salaries. Less expenditure on Gingin Seniors units.
HEALTH	(942,646)	(862,251)	(800,258)	61,993	7.19%		
HOUSING	(32,410)	(29,303)	(19,967)	9,336	31.86%	-	Less than anticipated maintenance works and utility expenses required for Council houses to date.

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %		Comments
COMMUNITY AMENITIES	(2,677,933)	(2,453,113)	(1,998,021)	455,092	18.55%		Journal required at end of year to recognise waste management salaries and wage allocation. Green waste kerbside mulching not completed. Reduced salaries and wages due to movement of staff.
RECREATION & CULTURE	(3,293,148)	(3,018,568)	(3,226,065)	(207,497)	(6.87)%		
TRANSPORT	(4,484,418)	(4,111,144)	(2,217,133)	1,894,011	46.07%	-	Timing of roads maintenance works. Roads depreciation recognised at end of year
ECONOMIC SERVICES	(1,519,864)	(1,392,648)	(1,137,421)	255,227	18.33%	•	Depreciation. Wages to be transferred to waste. Timing of Fringe Benefit Tax quarterly payment. Less than budgeted maintenance expenditure for Guilderton Caravan Park. Nil expenditure on Agri Precinct site identification.
OTHER PROPERTY & SERVICES	(495,996)	(460,874)	(920,120)	(459,246)	(99.65)%		Depreciation. Higher than expected Guilderton Store maintenance. Timing of Store system reconciliation.
CASH - RESTRICTED USE	0	0	(818)				
OTAL EXPENSES	(17,099,065)	(15,677,941)	(13,403,610)	2,274,331			
PENING ACTIVITIES EXCLUDED FROM BUDGET							
DJUST BACK DEPRECIATION	4,338,167	3,976,831	2,583,568	(1,393,263)	(35.03)%		Variation in depreciation to date – end of year allocations required.
DJUST (PROFIT)/LOSS ON ASSET DISPOSALS	121,144	114,062	35,672	(78,389)	(68.73)%		Timing of asset disposals.
DJUST PROVISIONS AND ACCRUALS	(69,909)	(64,064)	0	16,361	25.54%		Leave provision year end adjustment required.
MOUNT ATTRIBUTABLE TO OPERATING	1,920,249	1,763,221	3,491,452	(1,728,231)			
NVESTING ACTIVITIES							
ION-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	5,006,278	4,589,046	1,917,727	(2,671,319)	(58.21)%	•	Timing of grant income received.
ROCEEDS FROM DISPOSAL OF ASSETS	251,729	236,541	178,738	(57,803)	(24.44)%	7	Timing of plant replacement.
URCHASE LAND AND BUILDINGS	(1,036,301)	(949,905)	(344,569)	605,336	63.73%	-	Timing of works – Fire Shed (Gingin Colocation)
URCHASE INFRASTRUCTURE ASSETS - ROADS	(5,379,597)	(4,855,415)	(1,958,682)	2,896,733	59.66%	7	Timing in line with roads program.
URCHASE INFRASTRUCTURE ASSETS - PARKS	(767,176)	(703,153)	(413,751)	289,402	41.16%	-	Lancelin Back Beach Carpark and Regional Playground - works not yet commence
URCHASE PLANT AND EQUIPMENT	(1,441,106)	(1,325,216)	(411,914)	913,302	68.92%	•	Refer to plant replacement program.
PURCHASE FURNITURE AND EQUIPMENT	(115,980)	(106,293)	(64,048)	42,245	39.74%	*	Timing of purchases.
PURCHASE FOOTPATHS	(165,009)	(151,250)	(150,472)	778	0.51%		Timing of works

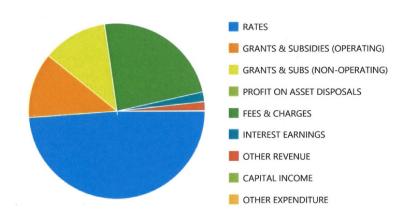
	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
PURCHASE OTHER INFRASTRUCTURE	(52,969)	(48,543)	(63,791)	(15,248)	(31.41)%	Timing - Construction of Redfield Park Bus Shelter.
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(366,663)	0	366,663	100.00%	Guilderton Caravan Park Waste Water project not yet underway.
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(4,100,130)	(3,680,851)	(1,310,762)	2,370,089		
PROCEEDS FROM NEW DEBENTURES	455,740	417,747	21,428	(396,319)	(94.87)%	Loan for Gingin Campdraft Power Supply and Guilderton Caravan Park Waste Water have not been progressed.
PROCEEDS FROM SELF-SUPPORTING LOANS	6,353	5,819	0	(5,819)	(100.00)%	Gingin Sale Yards - invoice raised at end of year.
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(263,158)	(241,153)	(71,629)	169,524	70.30%	End of financial year process.
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	816,786	752,613	0	(752,613)	(100.00)%	End of financial year process.
REPAYMENT OF DEBENTURES	(205,446)	(188,276)	(185,737)	2,539	1.35%	
SELF-SUPPORTING LOANS RAISED	(55,740)	(51,084)	0	51,084	100.00%	Ledge Point Country Club Cool Room completed – timing of completion. Gingin Campdraft Club Power Supply – not yet progressed.
PROCEEDS FROM ADVANCES	11,986	10,978	11,986	1,008	9.18%	
RESTRICTED CASH	307,928	282,238		(266,920)	(94.57)%	End of financial year process.
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	1,074,449	988,882	(223,953)	(1,197,517)	(121.10)%	
CLOSING FUNDING SURPLUS(DEFICIT)	(0)	176,682	3,221,143	3,044,461		

Statement of Financial Activity by Nature & Type

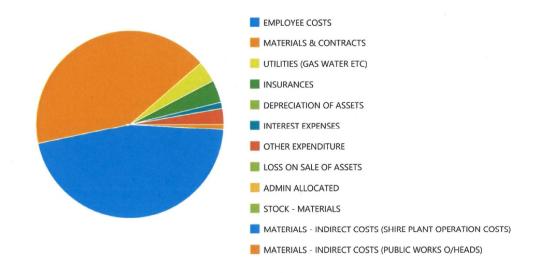
STATEMENT OF FINANCIAL ACTIVITY by Nature & Type	Current	Current YTD	YTD Actual	Var \$	Var %
2 Emeri of This internet Perivit by Nature & Type	Budget	Budget	- D / Ctdai	va. 4	var /u
OPENING FUNDING SURPLUS (DEFICIT)	1,105,430	1,105,430	1,264,406	158,976	14.38%
REVENUE FROM OPERATING ACTIVITIES					
RATES	7,937,015	7,275,510	7,897,358	621,848	8.55%
GRANTS & SUBSIDIES (OPERATING)	2,140,716	1,966,413	1,943,391	(23,021)	(1.17)%
Profit on asset disposals	33,603	30,800	33,603	2,803	9.10%
FEES & CHARGES	4,105,012	3,762,583	3,835,011	72,428	1.92%
INTEREST EARNINGS	262,168	240,295	290,460	50,165	20.88%
OTHER REVENUE	151,399	138,732	260,212	121,480	87.56%
OTHER EXPENDITURE			(350)	(350)	
TOTAL REVENUE	14,629,912	13,414,333	14,259,685	845,352	
EXPENDITURE FROM OPERATING ACTIVITIES					
EMPLOYEE COSTS	(5,474,244)	(5,015,902)	(5,023,379)	(7,477)	(0.15)%
MATERIALS & CONTRACTS	(5,415,086)	(4,966,824)	(4,448,192)	518,632	10.44%
UTILITIES (GAS WATER ETC)	(449,270)	(407,337)	(390,438)	16,899	4.15%
NSURANCES	(364,108)	(339,696)	(417,961)	(78,265)	(23.04)%
DEPRECIATION OF ASSETS	(4,338,167)	(3,976,831)	(2,583,568)	1,393,263	35.03%
NTEREST EXPENSES	(100,938)	(91,266)	(115,047)	(23,781)	(26.06)%
OTHER EXPENDITURE	(744,297)	(682,033)	(352,392)	329,641	48.33%
OSS ON SALE OF ASSETS	(154,747)	(144,812)	(69,275)	75,537	52.16%
ADMIN ALLOCATED	(58,208)	(53,240)	(2,000)	51,240	96.24%
STOCK - MATERIALS	(50,200)	(33,240)	(540)	(540)	50,2470
oss on Revaluation of Assets			(540)	(540)	
TOTAL EXPENSES	(17,099,065)	(15,677,941)	(13,402,792)	2,275,149	
DPENING ACTIVITIES EXCLUDED FROM BUDGET	(11,033,003)	(13,011,341)	(15,402,152)	2,213,143	
ADJUST BACK DEPRECIATION	4,338,167	3,976,831	2,583,568	(1,393,263)	(35.03)%
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	121,144	114,062	35,672	(78,389)	(68.73)%
ADJUST PROVISIONS AND ACCRUALS	(69,909)	(64,064)	0	16,361	25.54%
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	1,920,249	1,763,221	3,476,133	1,712,913	23.3476
NVESTING ACTIVITIES	1,520,245	1,703,221	3,470,133	1,712,913	
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	5,006,278	4,589,046	1,917,727	(2,671,319)	(58.21)%
PROCEEDS FROM DISPOSAL OF ASSETS	251,729	236,541	178,738	(57,803)	(24.44)%
PURCHASE LAND HELD FOR RESALE	231,729	230,341	170,730	(57,003)	(24.44)70
PURCHASE LAND AND BUILDINGS	(1.026.201)	(040,005)	(244 EGO)	60F 226	62 720/
	(1,036,301)	(949,905)	(344,569)	605,336	63.73%
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(5,379,597)	(4,855,415)	(1,958,682)	2,896,733	59.66%
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(767,176)	(703,153)	(413,751)	289,402	41.16%
PURCHASE PLANT AND EQUIPMENT	(1,441,106)	(1,325,216)	(411,914)	913,302	68.92%
PURCHASE FURNITURE AND EQUIPMENT	(115,980)	(106,293)	(64,048)	42,245	39.74%
PURCHASE FOOTPATHS	(165,009)	(151,250)	(150,472)	778	0.51%
PURCHASE OTHER INFRASTRUCTURE	(52,969)	(48,543)	(63,791)	(15,248)	(31.41)%
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(366,663)	0	366,663	100.00%
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(4,100,130)	(3,680,851)	(1,310,762)	2,370,089	
INANCING ACTIVITIES					
ROCEEDS FROM NEW DEBENTURES	455,740	417,747	21,428	(396,319)	(94.87)%
ROCEEDS FROM ADVANCES	11,986	10,978	11,986	1,008	9.18%
ROCEEDS FROM SELF-SUPPORTING LOANS	6,353	5,819	0	(5,819)	(100.00)%
RANSFERS TO RESERVES (RESTRICTED ASSETS)	(263,158)	(241,153)	(71,629)	169,524	70.30%
RANSFERS FROM RESERVES (RESTRICTED ASSETS)	816,786	752,613	0	(752,613)	(100.00)%
EPAYMENT OF DEBENTURES	(205,446)	(188,276)	(185,737)	2,539	1.35%
ELF-SUPPORTING LOANS RAISED	(55,740)	(51,084)	0	51,084	100.00%
RESTRICTED CASH	307,928	282,238	15,318	(266,920)	(94.57)%
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	1,074,449	988,882	(208,635)	(1,197,517)	
CLOSING FUNDING SURPLUS(DEFICIT)	(0)	176,682	3,221,143	3,044,461	



Operating Revenue



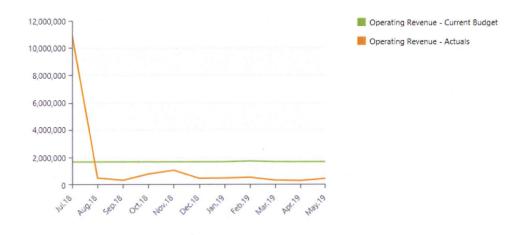
Operating Expenditure



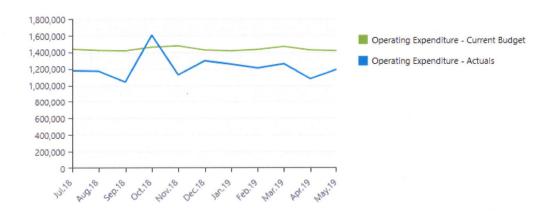


Shire of Gingin Financial Statement of Activity 1 July 2018 to 31 May 2019

Operating Revenue - Budget V Actual



Operating Expenditure - Budget V Actual

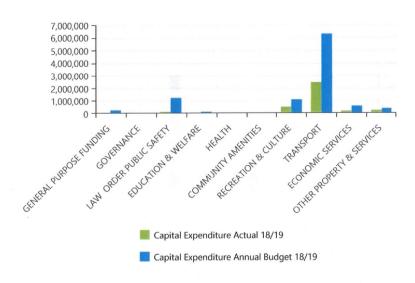




Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budget 18/19
GENERAL PURPOSE FUNDING	71,629	163,990
GOVERNANCE	1,291	2,500
LAW ORDER PUBLIC SAFETY	133,906	1,205,400
EDUCATION & WELFARE	0	105,000
HEALTH	26,066	28,066
COMMUNITY AMENITIES	66,895	74,362
RECREATION & CULTURE	545,223	936,580
TRANSPORT	2,433,130	5,718,286
ECONOMIC SERVICES	161,499	571,610
OTHER PROPERTY & SERVICES	272,658	109,007
TOTAL	3,712,297	8,914,801



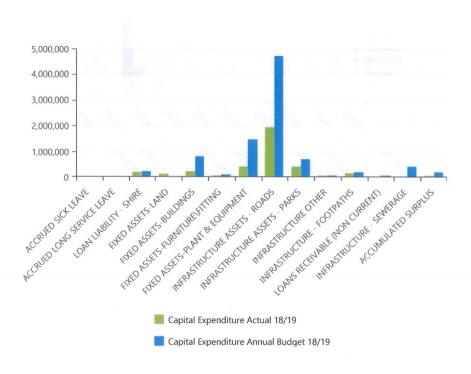


Shire of Gingin Financial Statement of Activity 1 July 2018 to 31 May 2019

Acquisition of Assets & Other Non-Capital Expenditure (cont.)

By Nature & Type

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budget 18/19
ACCRUED SICK LEAVE	3,641	0
ACCRUED LONG SERVICE LEAVE	44,063	0
LOAN LIABILITY - SHIRE	185,737	205,446
FIXED ASSETS-LAND	130,970	40,000
FIXED ASSETS-BUILDINGS	213,599	817,307
FIXED ASSETS-FURNITURE\FITTING	64,048	106,880
FIXED ASSETS-PLANT & EQUIPMENT	411,914	1,479,675
NFRASTRUCTURE ASSETS - ROADS	1,958,682	4,705,611
NFRASTRUCTURE ASSETS - PARKS	413,751	676,540
NFRASTRUCTURE OTHER	63,791	54,000
NFRASTRUCTURE - FOOTPATHS	150,472	200,000
LOANS RECEIVABLE (NON CURRENT)	0	55,740
NFRASTRUCTURE - SEWERAGE	0	400,000
ACCUMULATED SURPLUS	71,629	173,602
TOTAL	3,712,297	8,914,801





Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
05 LAW ORDER PUBLIC SAFETY		
SALE OF ASSETS		
05118010 Sale Of Vehicles (Fire)	35,000	35,000
05318015 Sale Of Ranger's D/Cab Utility 4wd GG073	15,455	15,455
05318020 Sale Of Ranger's D/Cab Utility 4wd GG074	19,091	19,091
Total SALE OF ASSETS	69,545	69,545
LOSS ON SALE OF ASSETS		
05107400 Loss On Sale Of Assets	-35,615	-35,615
05307400 Loss On Sale Of Assets	-26,798	-13,750
Total LOSS ON SALE OF ASSETS	-62,413	-49,364
Total LAW ORDER PUBLIC SAFETY	7,133	20,181
11 RECREATION & CULTURE		
LOSS ON SALE OF ASSETS		
11307400 Loss On Sale Of Assets		-6,590
Total 290 LOSS ON SALE OF ASSETS		-6,590
Total RECREATION & CULTURE		-6,590
12 TRANSPORT		
SALE OF ASSETS		
12318203 Sale of Husqvana Mower Mower GG095	10,000	6,600
12318341 Sale of Trailer GG025	500	
12318918 Sale of Mitsubishi Bobtail GG060	25,455	25,455
12318929 Sale of Kanga GG040	4,400	4,400
12318945 Sale GG061 - Ford Utility	3,182	3,182
12318954 Sale of Mitsubishi Canter Truck GG048	29,091	
12318960 Sale of Bomag Roller GG029	40,000	
Total SALE OF ASSETS	112,628	39,636
PROFIT ON SALE OF ASSETS		
12317500 Profit On Sale Of Assets	1,092	1,092
Total PROFIT ON SALE OF ASSETS	1,092	1,092
LOSS ON SALE OF ASSETS		
12307400 Loss On Sale Of Assets	-92,334	-13,320
Total LOSS ON SALE OF ASSETS	-92,334	-13,320
Total 12 TRANSPORT	21,386	27,408
14 OTHER PROPERTY & SERVICES		
SALE OF ASSETS		
14218115 Sale Of Vehicle 0GG Chief Executive Officer	69,556	69,556
Total SALE OF ASSETS	69,556	69,556
PROFIT ON SALE OF ASSETS		(\$100 to \$100
14217500 Profit On Sale Of Assets	32,511	32,511
Total PROFIT ON SALE OF ASSETS	32,511	32,511
Total OTHER PROPERTY & SERVICES	102,067	102,067
TOTAL	130,585	143,066

Information on Borrowings

Loan	Opening Balance	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
100 GG Medical Centre	185,140	0	26,066	26,066	159,074	159,074	11,635	11,635
103 GG Sale Yards	6,353	0	6,353	6,353	0	0	284	288
111 Wannamal West Road	469,333	0	16,565	16,565	452,768	452,768	30,195	30,195
114 Guilderton Country Club (Hall) Extensions	434,546	0	31,056	31,057	403,489	403,489	30,482	15,241
120 Regional Hardcourt Facility	304,695	0	9,599	9,760	295,096	294,936	10,177	10,017
123 Lot 44 Weld St	199,400	0	14,376	14,377	185,023	185,023	13,632	13,632
124A Regional Hardcourt Facility	294,026	0	9,589	9,688	284,438	284,339	6,072	5,973
126 Loan 126 Gingin Aquatic Centre Tiling	123,573	0	13,835	13,836	109,738	109,737	3,724	3,724
127 Seabird Seawall Extension	185,113	0	19,797	19,797	165.316	165,316	4,523	4,523
128 Lancelin Caravan Park Assets	181,108	0	38,501	38,501	142,607	142,607	4,323	4,321
129 Gingin Horseman's Club Campdraft Facility Power Supply	0	30,740	0	0	0	30,740	0	0
130 Ledge Point Country Club Cool Room	0	25,000	0	0	23570	25,000	0	0
131 Guilderton Caravan Park Waste Water	0	400,000	0	0	0	400,000	0	0
TOTAL	2,383,287	455,740	185,737	185,999	2,221,120	2,653,028	115,047	99,549

Cash-Backed Reserves

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+) T	Actual ransfers-In (+)	Amended Budget Transfers-Out (-)	Transfers-Out	Amended Budget Closing Balance	Actual YTD Closing Balance
Plant & Equipment	99.115		F1.50	A. Ann. portion					
Land and Building									
LSL; Annual; Sick Leave and Staff Contingency	457,923	10,015	9,351					467,938	467,274
Office Equipment Reserve	2,841	342	58					3,183	2,899
Plant and Equipment Reserve	623,669	2,989	12,736	169,556		47,216		748,998	636,405
Lancelin Lookout Reserve									
Land and Buildings Reserve	858,805	17,852	17,538	8,600		152,900		732,357	876,342
Guilderton Caravan Park Reserve	137,226	1,198	2,802			115,000		23,424	140,028
Shire Recreation Development Reserve	69,861	23,989	1,427			27,302		66,548	71,288
Redfield Park Reserve	30,366	581	620					30,947	30,986
Ocean Farm Recreation Reserve	30,068	714	614			7,635		23,147	30,682
Tip Rationalisation Reserve	625,112	13,608	12,765			52,000		586,720	637,878
Lancelin Community Sport and Recreation Reserve	53,292	956	1,088			10,960		43,288	54,380
Old Junction Hotel Reserve									
Community Infrastructure	89,201	1,707	1,822			89,061		1,847	91,022
Staff Housing Reserve	32,383	620	661					33,003	33,044
Future Infrastructure Reserve	491,055	10,375	10,028					501,430	501,083
Guilderton Country Club Reserve	5,846	56	119					5,902	5,966
TOTAL	3,507,648	85,002	71,629	178,156		502,074		3,268,732	3,579,277

ORDINARY MEETING MINUTES 16/07/2019 SHIRE OF GINGIN Shire of Gingin Statement of Financial Activity 1 July 2018 to 31 May 2019 Year-to-date Reserve Balances Amended Budget Closing Balance Actual YTD Closing Balance Ocean Farm Recreation Redfield Park Shire Recreation Guilderton Caravan Park Land and Building Lancelin Lookout Plant & Equipment Office Equipment Guilderton Country Club Future Infrastructure Reserve Staff Housing Community Infrastructure Old Junction Hotel Restoration LA Community & Sport Tip Rationalisation LSL; Annual; Sick Leave Not Available 100,000 200,000 300,000 400,000 500,000 600,000 700,000 800,000 900,000 1,000,000



Net Current Assets

	Actual YTD (18/19)	Balance Forwarded
CURRENT ASSETS	0	
Cash - Unrestricted	1,741,380	87,251
Cash - Restricted Reserves	3,579,277	3,507,648
Cash - Restricted General	760,906	760,906
Rates - Current	1,548,785	1,098,376
Sundry Debtors	161,084	805,936
Inventories	61,029	30,494
Total Current Assets:	7,852,461	6,290,611
LESS: CURRENT LIABILITIES	0	
Payables	(233,276)	(652,090)
Employee Provisions	(788,924)	(836,627)
Accrued Interest on Loans	(29,840)	(29,840)
Long Term Borrowings (Current)	(19,706)	(205,444)
Total Current Liabilities:	(1,071,747)	(1,724,001)
Total	6,780,714	4,566,611
Less: Cash - Restricted Reserves	(3,579,277)	(3,507,648)
Less: Loans Receivable (Current)	0	
Less: Cash - Restricted unspent grants	0	
Less: Loans Advances	0	*
Add: Current Portion of Debentures	19,706	205,444
Add: Current Liabilities not expected to be cleared at end of year	0	
Add: Cash back portion of LSL Provision	0	
NET CURRENT ASSET POSITION	3,221,143	1,264,406



Rating Information

Rating Information		Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites	8.5169	1,761	28,789,481	2,451,971					2,451,971
03010006 Grv - Other	8.5169	957	15,379,672	1,309,871					1,309,871
03010010 Uv - Rural	0.4960	454	272,021,000	1,349,224					1,349,224
03010015 Uv - Other	0.4960	1	2,800,000	13,888					13,888
03010018 Uv - Intensive	0.8821	123	63,980,000	564,368					564,368
03010025 Grv - Townsites	@ \$1017	870	6,627,132		884,790				884,790
03010026 Grv - Other	@ \$1017	718	3,971,566		730,206				730,206
03010030 Uv - Rural	@ \$1285	377	68,663,490		458,745				458,745
03010035 Uv - Other	@ \$1285	3	653,000		29,555				29,555
03010038 Uv - Intensive	@ \$2285	93	15,279,185		212,505				212,505
03010045 Interim Rates						-2,392			-2,392
03010046 Interims - Back F	Rates					-21,359			-21,359
03010060 Uv - Ex Gratia Ra	ates						4,892		4,892
03010078 Concession - Int	ensive							-88,906	-88,906
		5,357	478,164,526	5,689,322	2,315,801	-23,751	4,892	-88,906	7,897,358
TOTAL		5,357	478,164,526	5,689,322	2,315,801	-23,751	4,892	-88,906	7,897,358



Trust Funds

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
CAR PARKING CASH IN LIEU	13,013.71			13,013.71
BOND	12,487.04		(5,000.00)	7,487.04
COMMUNITY GROUPS TRUST	4,292.94			4,292.94
DOROTHY WEDGE TRUST	6,326.70			6,326.70
EXCAVATION BONDS	26,095.92			26,095.92
FOOTPATH/CROSSOVER BONDS	5,981.80			5,981.80
LANDSCAPING BOND	49,767.08			49,767.08
OLD JUNCTION HOTEL TRUST	1,742.94			1,742.94
OTHER BONDS/TRUSTS	21,117.04	1,552.55	(728.91)	21,940.68
PUBLIC OPEN SPACE	45,715.17			45,715.17
REHABILITATION BONDS	85,831.51	64.88		85,896.39
SUBDIVISION BONDS	207,138.50			207,138.50
SECOND HAND DWELLINGS BONDS	47,638.50	5,000.00	(10,000.00)	42,638.50
STAFF TRUST	22,655.23	50,226.00	(62,568.00)	10,313.23
TRUST INTEREST	3,749.90	2,977.44	(114.89)	6,612.45
TREE PLANTING BONDS	5,456.22			5,456.22
TOTAL	559,010.20	59,820.87	(78,411.80)	540,419.27

APPENDIX 2





MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2018 TO 30 JUNE 2019

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Key Information

Report Purpose:

This report is prepared to meet the requirements of Local Government (Financial Management) Regulations 1996, Regulation 34.

Items of Significance:

The material variance adopted by the Shire of Gingin for the 2018/19 year is \$10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

Note: The Statements are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

Prepared by: Karina Leonhardt Reviewed by: Ziggy Edwards Date Prepared: 24/06/2019

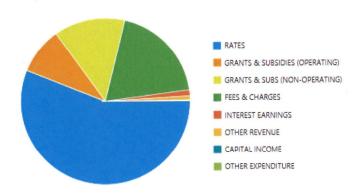
Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %		Comments
OPENING FUNDING SURPLUS (DEFICIT)	1,105,430	1,105,430	1,264,406	158,976	14.38%	A	Variance relates to adjustment for Leave Liability not included in Budget Calculation
REVENUE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	1,351,921	1,239,227	1,271,461	32,234	2.60%		
GENERAL PURPOSE FUNDING - RATES	7,937,015	7,275,510	7,897,358	621,848	8.55%		
GOVERNANCE	1,307	1,188	1,257	69	5.78%		
LAW ORDER PUBLIC SAFETY	636,257	587,387	619,024	31,638	5.39%		
EDUCATION & WELFARE	93,000	85,239	86,699	1,460	1.71%		
HEALTH	358,367	328,460	353,667	25,207	7.67%		
HOUSING	20,700	18,964	21,099	2,135	11.26%		Rental and reimbursement income 3 Fewster St
COMMUNITY AMENITIES	1,644,813	1,507,649	1,759,796	252,147	16.72%	4	Includes Coastal Erosion Voluntary Levy that will vary. Greater than anticipated
							income received at the Lancelin and Gingin refuse sites to dates. Higher than anticipated planning fees received.
RECREATION & CULTURE	240,716	220,550	173,064	(47,486)	(21.53)%	V	RBFS Grant funding received – Boat Launching Facility
TRANSPORT	260,550	238,821	282,785	43,964	18.41%	4	Greater than expected fees from parking meters.
ECONOMIC SERVICES	1,702,138	1,560,218	1,407,178	(153,040)	(9.81)%		
OTHER PROPERTY & SERVICES	383,130	351,120	386,297	35,177	10.02%		Greater than anticipated insurance reimbursements received to date. Long Service Leave contribution from Shire of Gnowangerup.
CASH - RESTRICTED USE	0	0	16,136				
TOTAL REVENUE	14,629,912	13,414,333	14,275,821	861,488			
EXPENDITURE FROM OPERATING ACTIVITIES							
GENERAL PURPOSE FUNDING	(615,592)	(564,234)	(492,031)	72,203	12.80%	V	Less than expected valuation expenses. Less than expected legal costs.
GOVERNANCE	(1,106,508)	(1,014,145)	(948,381)	65,764	6.48%		
LAW ORDER PUBLIC SAFETY	(1,714,012)	(1,574,147)	(1,466,702)	107,445	6.83%		
EDUCATION & WELFARE	(216,539)	(197,514)	(176,694)	20,820	10.54%	V	Less than expected Youth Services salaries. Less expenditure on Gingin Seniors units.
HEALTH	(942,646)	(862,251)	(800,258)	61,993	7.19%		
HOUSING	(32,410)	(29,303)	(19,967)	9,336	31.86%	-	Less than anticipated maintenance works and utility expenses required for Council houses to date.

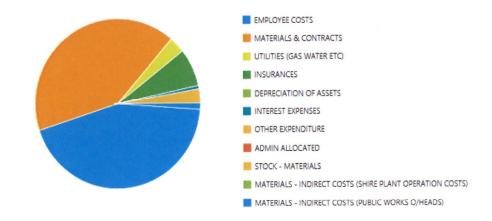
INCHES IN COLUMN	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %		Comments
COMMUNITY AMENITIES	(2,677,933)	(2,453,113)	(1,998,021)	455,092	18.55%		Journal required at end of year to recognise waste management salaries and wage allocation. Green waste kerbside mulching not completed. Reduced salaries and wages due to movement of staff.
RECREATION & CULTURE	(3,293,148)	(3,018,568)	(3,226,065)	(207,497)	(6.87)%		
TRANSPORT	(4,484,418)	(4,111,144)	(2,217,133)	1,894,011	46.07%	V	Timing of roads maintenance works. Roads depreciation recognised at end of year
ECONOMIC SERVICES	(1,519,864)	(1,392,648)	(1,137,421)	255,227	18.33%		Depreciation. Wages to be transferred to waste. Timing of Fringe Benefit Tax quarterly payment. Less than budgeted maintenance expenditure for Guilderton Caravan Park. Nil expenditure on Agri Precinct site identification.
OTHER PROPERTY & SERVICES	(495,996)	(460,874)	(920,120)	(459,246)	(99.65)%		Depreciation. Higher than expected Guilderton Store maintenance. Timing of Stoc system reconciliation.
CASH - RESTRICTED USE	0	0	(818)				
TOTAL EXPENSES	(17,099,065)	(15,677,941)	(13,403,610)	2,274,331			
PENING ACTIVITIES EXCLUDED FROM BUDGET	•						
ADJUST BACK DEPRECIATION	4,338,167	3,976,831	2,583,568	(1,393,263)	(35.03)%		Variation in depreciation to date – end of year allocations required.
DJUST (PROFIT)/LOSS ON ASSET DISPOSALS	121,144	114,062	35,672	(78,389)	(68.73)%		Timing of asset disposals.
DJUST PROVISIONS AND ACCRUALS	(69,909)	(64,064)	0	16,361	25.54%		Leave provision year end adjustment required.
AMOUNT ATTRIBUTABLE TO OPERATING	1,920,249	1,763,221	3,491,452	(1,728,231)			
NVESTING ACTIVITIES							
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	5,006,278	4,589,046	1,917,727	(2,671,319)	(58.21)%	•	Timing of grant income received.
PROCEEDS FROM DISPOSAL OF ASSETS	251,729	236,541	178,738	(57,803)	(24.44)%	7	Timing of plant replacement.
PURCHASE LAND AND BUILDINGS	(1,036,301)	(949,905)	(344,569)	605,336	63.73%	4	Timing of works – Fire Shed (Gingin Colocation)
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(5,379,597)	(4,855,415)	(1,958,682)	2,896,733	59.66%	T	Timing in line with roads program.
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(767,176)	(703,153)	(413,751)	289,402	41.16%	T	Lancelin Back Beach Carpark and Regional Playground - works not yet commenced
PURCHASE PLANT AND EQUIPMENT	(1,441,106)	(1,325,216)	(411,914)	913,302	68.92%	W	Refer to plant replacement program.
PURCHASE FURNITURE AND EQUIPMENT	(115,980)	(106,293)	(64,048)	42,245	39.74%	•	Timing of purchases.
PURCHASE FOOTPATHS	(165,009)	(151,250)	(150,472)	778	0.51%		Timing of works



Operating Revenue



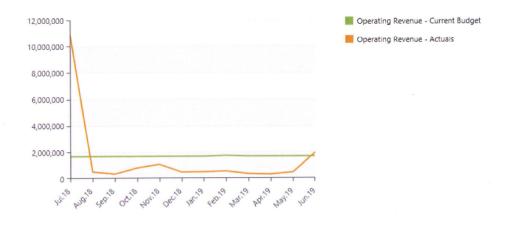
Operating Expenditure





Shire of Gingin Financial Statement of Activity 1 July 2018 to 30 June 2019

Operating Revenue - Budget V Actual



Operating Expenditure - Budget V Actual

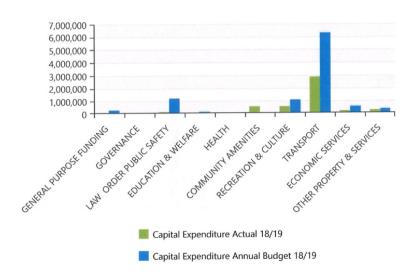


Shire of Gingin Financial Statement of Activity 1 July 2018 to 30 June 2019

Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budge 18/19
GENERAL PURPOSE FUNDING	76,947	163,990
GOVERNANCE	0	2,500
LAW ORDER PUBLIC SAFETY	133,906	1,205,400
EDUCATION & WELFARE	0	105,000
HEALTH	26,066	28,066
COMMUNITY AMENITIES	557,545	74,362
RECREATION & CULTURE	586,414	936,580
TRANSPORT	2,878,384	5,718,286
ECONOMIC SERVICES	175,461	571,610
OTHER PROPERTY & SERVICES	263,574	109,007
TOTAL	4,698,298	8,914,801

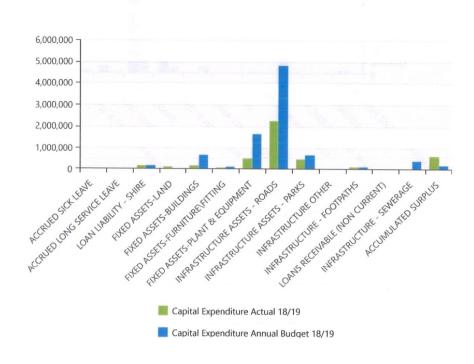


Shire of Gingin Financial Statement of Activity 1 July 2018 to 30 June 2019

Acquisition of Assets & Other Non-Capital Expenditure (cont.)

By Nature & Type

	Capital Expenditure Actual 18/19	Capital Expenditure Annual Budget 18/19
ACCRUED SICK LEAVE	3,641	0
ACCRUED LONG SERVICE LEAVE	44,318	0
LOAN LIABILITY - SHIRE	205,444	205,446
FIXED ASSETS-LAND	130,970	40,000
FIXED ASSETS-BUILDINGS	200,009	665,085
FIXED ASSETS-FURNITURE\FITTING	58,450	106,880
FIXED ASSETS-PLANT & EQUIPMENT	520,967	1,631,897
INFRASTRUCTURE ASSETS - ROADS	2,251,930	4,805,611
INFRASTRUCTURE ASSETS - PARKS	495,929	676,540
INFRASTRUCTURE OTHER	51,866	54,000
INFRASTRUCTURE - FOOTPATHS	106,690	100,000
LOANS RECEIVABLE (NON CURRENT)	0	55,740
INFRASTRUCTURE - SEWERAGE	0	400,000
ACCUMULATED SURPLUS	628,085	173,602
TOTAL	4,698,298	8.914.801





Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
5 LAW ORDER PUBLIC SAFETY		
ALE OF ASSETS		
05118010 Sale Of Vehicles (Fire)	35,000	35,000
05318015 Sale Of Ranger's D/Cab Utility 4wd GG073	15,455	15,455
05318020 Sale Of Ranger's D/Cab Utility 4wd GG074	19,091	19,091
Total SALE OF ASSETS	69,545	69,545
OSS ON SALE OF ASSETS		
05107400 Loss On Sale Of Assets	-35,615	-35,615
05307400 Loss On Sale Of Assets	-26,798	-13,750
Total LOSS ON SALE OF ASSETS	-62,413	-49,364
Total 05 LAW ORDER PUBLIC SAFETY	7,133	20,181
1 RECREATION & CULTURE		
OSS ON SALE OF ASSETS		
1307400 Loss On Sale Of Assets	0	-6,590
Total LOSS ON SALE OF ASSETS	0	-6,590
Total 11 RECREATION & CULTURE	0	-6,590
2 TRANSPORT		
SALE OF ASSETS		
2318203 Sale of Husqvana Mower Mower GG095	10,000	6,600
2318341 Sale of Trailer GG025	500	0
2318918 Sale of Mitsubishi Bobtail GG060	25,455	25,455
2318929 Sale of Kanga GG040	4,400	4,400
12318945 Sale GG061 - Ford Utility	3,182	3,182
12318954 Sale of Mitsubishi Canter Truck GG048	29,091	29,091
12318960 Sale of Bomag Roller GG029	40,000	0
Total SALE OF ASSETS	112,628	68,727
41 PROFIT ON SALE OF ASSETS		EL HILLIAM RE
2317500 Profit On Sale Of Assets	1,092	1,092
Total PROFIT ON SALE OF ASSETS	1,092	1,092
290 LOSS ON SALE OF ASSETS		OR DESCRIPTION
12207400 Loss On Sale Of Assets	0	-1,446
12307400 Loss On Sale Of Assets	-92,334	-26,856
Total LOSS ON SALE OF ASSETS	-92,334	-28,302
Total 12 TRANSPORT	21,386	41,517
14 OTHER PROPERTY & SERVICES		
SALE OF ASSETS		
14218115 Sale Of Vehicle 0GG Chief Executive Officer	69,556	69,556
14718128 Sale Of Land	0	500,000
Total SALE OF ASSETS	69,556	569,556
PROFIT ON SALE OF ASSETS		
14217500 Profit On Sale Of Assets	32,511	32,511
Total PROFIT ON SALE OF ASSETS	32,511	32,511
Total 14 OTHER PROPERTY & SERVICES	102,067	602,067
TOTAL	130,585	657,175

Information on Borrowings

Loan	Opening Balance	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
100 GG Medical Centre	185,140	0	26,066	26,066	159,074	159,074	11,635	11,635
103 GG Sale Yards	6,353	0	6,353	6,353	0	0	284	288
111 Wannamal West Road	469,333	0	16,565	16,565	452,768	452,768	30,195	30,195
114 Guilderton Country Club (Hall) Extensions	434,546	0	31,056	31,057	403,490	403,489	30,482	30482
120 Regional Hardcourt Facility	304,695	0	19,519	19,519	285,176	285,176	20,033	20033
123 Lot 44 Weld St	199,400	0	14,376	14,377	185,024	185,023	13,632	13,632
124A Regional Hardcourt Facility	294,026	0	19,375	19,375	274,651	274,651	11,945	11945
126 Gingin Aquatic Centre Tiling	123,573	0	13,835	13,836	109,738	109,737	3,724	3,724
127 Seabird Seawall Extension	185,113	0	19,797	19,797	165,316	165,316	4,523	4,523
128 Lancelin Caravan Park Assets	181,108	0	38,501	38,501	142,607	142,607	4,323	4,321
129 Gingin Horseman's Club Campdraft Facility Power Supply	0	30,740	0	0	0	30,740	0	0
130 Ledge Point Country Club Cool Room	0	25,000	0	0	23,570	25,000	0	0
131 Guilderton Caravan Park Waste Water	0	400,000	0	0	0	400,000	0	0
TOTAL	2,383,287	455,740	205,443	205,446	2,201,414	2,633,581	130,776	130,778

Cash-Backed Reserves

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers-In (+)	Amended Budget Transfers-Out (-)	Actual Transfers-Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
01 LSL; Annual; Sick Leave and Staff Contingency	457,923	10,015	10,045	0	0	0	0	467,938	467,968
02 Office Equipment Reserve	2,841	342	62	0	0	0	0	3,183	2,903
03 Plant and Equipment Reserve	623,669	2,989	13,681	169,556	0	47,216	0	748,998	637,351
04 Lancelin Lookout Reserve	0	0	0	0	0	0	0	0	0
05 Land and Buildings Reserve	858,805	17,852	18,840	8,600	17,176	152,900	182,959	732,357	711,861
06 Guilderton Caravan Park Reserve	137,226	1,198	3,010	0	0	115,000	105,050	23,424	35,187
07 Shire Recreation Development Reserve	69,861	23,989	1,533	0	20,000	27,302	17,302	66,548	74,092
08 Redfield Park Reserve	30,366	581	666	0	0	0	0	30,947	31,032
09 Ocean Farm Recreation Reserve	30,068	714	660	0	0	7,635	0	23,147	30,728
10 Tip Rationalisation Reserve	625,112	13,608	13,713	0	500,000	52,000	48,534	586,720	1,090,292
11 Lancelin Community Sport and Recreation Reserve	53,292	956	1,169	0	13,962	10,960	10,960	43,288	57,463
12 Old Junction Hotel Reserve	0	0	0	0	0	0	0	0	0
13 Community Infrastructure	89,201	1,707	1,957	0	0	89,061	89,061	1,847	2,096
14 Staff Housing Reserve	32,383	620	710	0	0	0	0	33,003	33,093
15 Future Infrastructure Reserve	491,055	10,375	10,772	0	0	0	0	501,430	501,828
16 Guilderton Country Club Reserve	5,846	56	128	0	0	0	0	5,902	5,975
TOTAL	3,507,648	85,002	76,947	178,156	551,138	502,074	453,866	3,268,732	3,681,868

16/07/2019

MINUTES

ORDINARY MEETING



Current Assets	Actual YTD (18/19)	Balance Forwarded
CURRENT ASSETS		
Cash - Unrestricted	2,505,745	87,251
Cash - Restricted Reserves	3,681,868	3,507,648
Cash - Restricted General	603,187	760,906
Rates - Current	1,486,049	1,098,376
Sundry Debtors	382,952	805,936
Inventories	30,494	30,494
Total Current Assets:	8,690,293	6,290,611
LESS: CURRENT LIABILITIES		
Payables	(428,400)	(652,090)
Employee Provisions	(788,669)	(836,627)
Accrued Interest on Loans	(27,374)	(29,840)
Long Term Borrowings (Current)	0	(205,444)
Total Current Liabilities:	(1,244,443)	(1,724,001)
Total	7,445,850	4,566,611
Less: Cash - Restricted Reserves	(3,681,868)	(3,507,648)
Add: Current Portion of Debentures	0	205,444
NET CURRENT ASSET POSITION	3,763,982	1,264,406

Rating Information

Rating Informa	tion	Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites	8.5169	1,761	28,789,481	2,451,971					2,451,971
03010006 Grv - Other	8.5169	957	15,379,672	1,309,871					1,309,871
03010010 Uv - Rural	0.4960	454	272,021,000	1,349,224					1,349,224
03010015 Uv - Other	0.4960	1	2,800,000	13,888					13,888
03010018 Uv - Intensive	0.8821	123	63,980,000	564,368					564,368
03010025 Grv - Townsites	@ \$1017	870	6,627,132		884,790				884,790
03010026 Grv - Other	@ \$1017	718	3,971,566		730,206				730,206
03010030 Uv - Rural	@ \$1285	377	68,663,490		458,745				458,745
03010035 Uv - Other	@ \$1285	3	653,000		29,555				29,555
03010038 Uv - Intensive	@ \$2285	93	15,279,185		212,505				212,505
03010045 Interim Rates						-4,968			-4,968
03010046 Interims - Back R	Rates					-21,359			-21,359
03010060 Uv - Ex Gratia Ra	ites						4,892		4,892
03010078 Concession - Inte	ensive							-88,906	-88,906
TOTAL		5,357	478,164,526	5,689,322	2,315,801	-26,328	4,892	-88,906	7,894,781



Trust Funds

Trust Type	Opening Balance	e Amount Received	Amount Paid	Closing Balance
CAR PARKING CASH IN LIEU	13,014	157		13,171
BOND	12,487	2,934	(5,025)	10,396
COMMUNITY GROUPS TRUST	4,293	52		4,345
DOROTHY WEDGE TRUST	6,327	76		6,403
EXCAVATION BONDS	26,096	315		26,411
FOOTPATH/CROSSOVER BONDS	5,982	72		6,054
LANDSCAPING BOND	49,767	600		50,367
OLD JUNCTION HOTEL TRUST	1,743	21		1,764
OTHER BONDS/TRUSTS	21,117	17,729	(729)	38,117
PUBLIC OPEN SPACE	45,715	488		46,204
REHABILITATION BONDS	85,832	1,079		86,910
SUBDIVISION BONDS	207,139	2,498		209,637
SECOND HAND DWELLINGS BONDS	47,639	5,514	(10,010)	43,142
STAFF TRUST	22,655	52,761	(62,568)	12,848
TRUST INTEREST	3,750	3,288	(6,727)	311
TREE PLANTING BONDS	5,456	66		5,522
TOTAL	559,010	87,651	(85,059)	561,602

11.3. PLANNING AND DEVELOPMENT

11.3.1 APPLICATION FOR SUBDIVISION APPROVAL - PROPOSED TWO LOT SUBDIVISION ON LOT 23 (249) LENNARDS ROAD, LENNARD BROOK

File:	LND/688				
Applicant:	Western Australian Planning Commission				
Location:	Lot 23 (249) Lennards Road, Lennard Brook				
Owner:	Lindsay Ryan and Jane Ryan				
Zoning:	General Rural 30				
WAPC No:	158103				
Author:	James Bayliss - Statutory Planning Officer				
Reporting Officer:	Bob Kelly - Executive Manager Regulatory and				
	Development Services				
Report Date:	16 July 2019				
Refer:	N/A				
Appendices	Location Plan and Aerial Image				
	2. Applicants Proposal				

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a proposal to create two lots from Lot 23 (249) Lennards Road, Lennard Brook.

BACKGROUND

The Western Australian Planning Commission (WAPC) is the responsible authority for subdivision approvals in Western Australia. Subdivision applications are registered by the Department of Planning, Lands and Heritage (DPLH), then referred to relevant State Government agencies and the relevant local government for comment. As such, this subdivision proposal has been referred to the Shire of Gingin for comment.

The subject lot is 27 hectares in area and currently accommodates two dwellings. The site is traversed by an existing unsealed road which is the continuation of Spratton Road. This roadway forms part of an easement which was placed on the land title in June 1978 for the purpose of road access to landlocked properties east of the property.

The proposed subdivision seeks approval to create two green title lots, resulting in Lot 230 being 25.98 hectares in area and Lot 231 being 1.19 hectares in area. The proposed lot boundaries align with the existing road easement.

A location plan and aerial image are attached as **Appendix 1**.

A copy of the applicant's proposal and accompanying plans is attached as **Appendix 2**.

COMMENT

Community Consultation

Not applicable.

Local Planning Scheme No. 9 (LPS 9)

The subject land is zoned General Rural 30 (GR 30) under LPS 9. The relevant zone specific development standards are outlined below with officer comments:

4.8.6.1 In the General Rural zone lot sizes shall comply with the following standards:

Code	Minimum Lot Size
GR10	10 Hectare
GR 20	10 Hectare
GR 30	10 Hectare
GR 40	10 Hectare
Uncoded	Further subdivision will not

Uncoded Further subdivision will not be supported unless it meets the exceptional

circumstance requirements for subdivision under WAPC Development

Control Policy 3.4.

Comment:

Based on the above clause and given that the coding of GR 30 applies, a minimum lot size of 30 hectares is required. The proposed subdivision results in two lots being less than the minimum 30 hectare requirement (proposed Lot 230 is 25.98ha and proposed Lot 231 is 1.19ha) and is therefore in contravention of LPS 9.

4.8.6.3 The presence of more than one dwelling unit on a lot in the General Rural zone shall not be considered by itself to be sufficient grounds for subdivision.

Comment:

The existing lot contains two dwellings. The presence of a dwelling on each proposed lot, in addition to an existing easement traversing the property, is the basis for the proposed subdivision design. The officer is of the view that the presence of these two components (dwelling and easement) is not sufficient grounds to depart from the minimum lot size. The proposal is deemed to be in contravention of the above clause.

- 4.8.6.10 Prior to any subdivision and development of GR coded land, a structure plan may be required to address issues including:
 - (i) Access;
 - (ii) Building exclusion zones;
 - (iii) Bushfire management;
 - (iv) Servicing; and
 - (v) Environmental features and buffers.
- 4.8.6.11 Notwithstanding clause 4.8.6.10, a structure plan may not be required in support of proposals on GR coded land where identified issues may be addressed through the provision of technical information.

Comment:

Given the scale of the proposed subdivision, the requirement to prepare a structure plan is deemed to be unnecessary as the above matters are able to be demonstrated appropriately.

Part 3 – Zones and Use of the Land

The proponent asserts that the variation to the minimum lot size should be considered against the objectives of the zone and has provided relevant explanatory comments which can be found within their submission (**Appendix 2**). The officer has also addressed the applicable objectives below.

 Manage land use changes so that the specific local rural character of the zone is maintained or enhanced;

Comment:

While there is no land use change proposed as part of the subdivision process, it is noted that proposed Lot 231 will be 1.19 ha and unable to operate a rural land use. The resultant lot size is more aligned to a 'rural living' zone, which is considered a residential land use and not a rural land use.

b) Encourage and protect broad acre agricultural activities such as grazing and more intensive agriculture 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;

Comment:

It is noted that proposed Lot 230 will generally function as is, however the submission has been unable to demonstrate how Lot 231 will cater for a primary or secondary agricultural pursuit. The land will still be zoned general rural, with the intent being that land is used for agricultural purposes.

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

Comment:

The creation of a lot boundary does not result in any alteration of the existing vegetation, nor does it damage the Lennard Brook. Any future development would be required to satisfy the relevant buffer distance to the existing watercourse.

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.

Comment:

The creation of two lots does enable future landowners to exercise their development rights, which includes the provision of an 'ancillary dwelling' on each stand-alone lot. The proposed subdivision does therefore result in the potential introduction of sensitive land uses within the general rural zone, contrary to the above objective.

Development Control Policy 3.4 - Subdivision of Rural Land (WAPC)

Development Control Policy 3.4 - Subdivision of Rural Land (DCP 3.4) sets out the principles used by the WAPC in determining applications for the subdivision of rural land. Part 6 of DCP 3.4 sets out 'circumstances under which rural subdivision may be considered' and is divided into six sub categories which are outlined below:

- 6.1 Significant physical divisions
- 6.2 Subdivision for other purposes
- 6.3 Property rationalisation to improve land management
- 6.4 Conservation of heritage buildings and places
- 6.5 Conservation of biodiversity and natural heritage
- 6.6 Homestead lots

The officer is of the view that the proposed subdivision does not fall under any of the abovementioned circumstances or any other exceptional circumstance. It is also noted that the proponent has not addressed this policy.

Further Comment

The officer is of the view that the submission does not adequately demonstrate that proposed Lot 231 will be able to accommodate an agricultural pursuit in accordance with the applicable zoning. It is noted that the overall site will generally function as it currently does, however general rural land is set aside for agricultural purposes and minimum lot sizes are imposed to protect existing and future agricultural land uses to be able to operate within the zoning.

Summary

Based on the above assessment, the officer is of the view that the proposed subdivision contravenes LPS 9 and does not satisfy DCP 3.4 as outlined in the preceding report.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9

Part 3 – Zones and the Use of Land 3.2 Objectives of the Zones

Part 4 – General Development Requirements 4.7 General Development Standards 4.8.6 – General Rural Zones Development Control Policy 3.4 - Subdivision of Rural Land (WAPC)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	N/A
Objective	N/A
Outcome	N/A
Key Service	N/A
Areas	
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

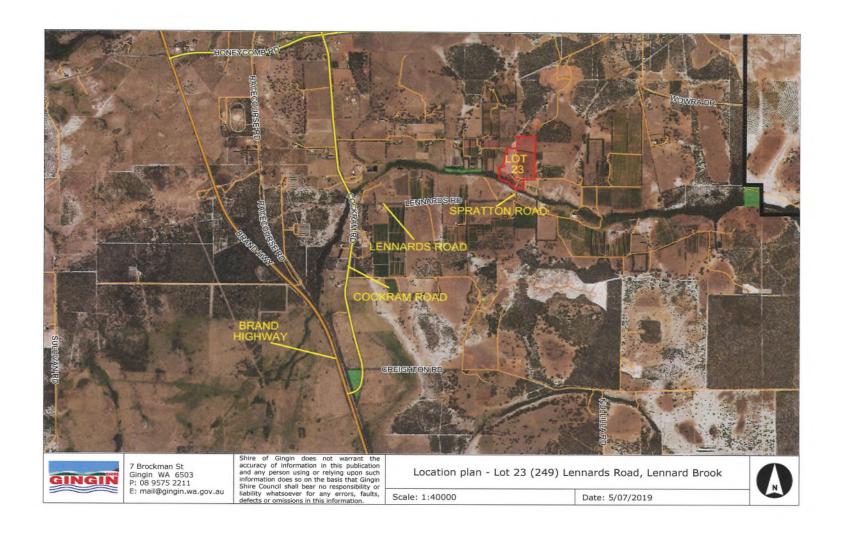
MOVED: Councillor Peczka SECONDED: Councillor Elgin

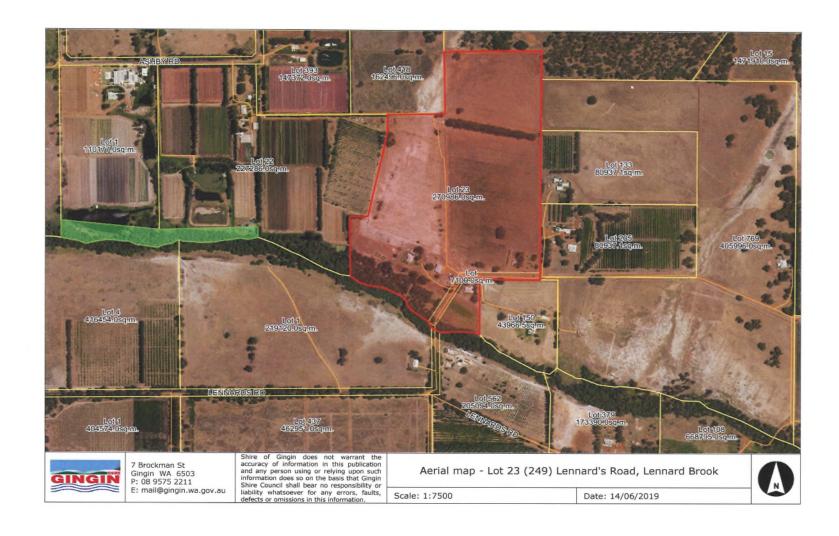
That Council advise the Western Australian Planning Commission that the proposed two lot subdivision of Lot 23 (249) Lennards Road, Lennard Brook is not supported for the following reasons:

- 1. The proposal does not comply with clause 5.8.6 of Local Planning Scheme No. 9; and
- 2. The proposal does not demonstrate compliance with Development Control Policy 3.4 Subdivision of Rural Land.

CARRIED UNANIMOUSLY

APPENDIX 1





APPENDIX 2



5 June 2019

Department Planning, Lands, and Heritage 140 William Street Perth WA 6000



Dear Sir/Madam,

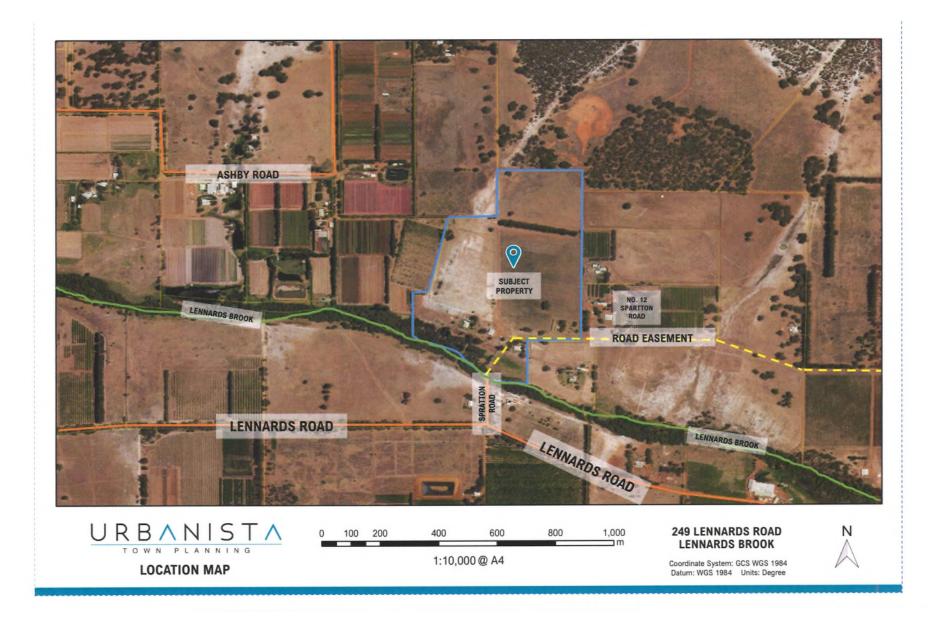
NO. 249 (LOT 23) LENNARDS ROAD, LENNARDS BROOK PROPOSED TWO LOT GREEN TITLE SUBDIVISION

Urbanista Town Planning has been engaged by the landowners of the subject property to prepare a submission for subdivision approval for a two-lot subdivision for the property at No. 249 Lennards Road, Lennards Brook.

PROPERTY DESCRIPTION

The subject site is located at No. 249 (Lot 23) Lennards Road, Lennards Brook. The lot is located approximately 5km from Gingin town centre and has a total area of 27ha. The lot was formerly agricultural (wheat and grazing) land, and now functions as a rural small holding.

The lot is bisected by an unsealed road which is a continuation of Spratton Road and is located to the north of Lennard Brook. The lot currently contains two separate dwellings and various outbuildings within the southern portion of the site.

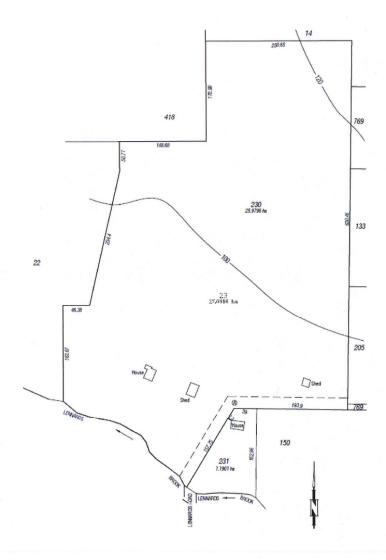




THE PROPOSAL

The subject application proposes the subdivision of the subject lot into two green title lots being lot 230 (25.98ha) and lot 231 (1.19ha). As indicated in the subdivision plan below, the proposed boundary between the two lots is at the point where the existing road easement is positioned. As indicated on the certificate of title, the easement was first lodged on 13 June 1978 for the purposes of road access for the adjoining lots to the east.

Currently the road easement is unsealed, however is used by various surrounding landowners to access the landlocked properties. The two dwellings that currently occupy the lot are separated by the existing easement.

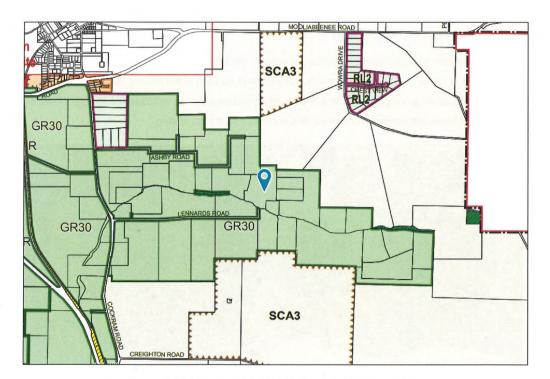


PLANNING FRAMEWORK

STATUTORY PLANNING FRAMEWORK

Shire of Gingin Town Planning Scheme No. 9

The Shire of Gingin Town Planning Scheme No. 9 (TPS No. 9) is a statutory Scheme that provides requirements for the development and use of land and buildings in the Shire. The lot is zoned "General Rural (GR30)" under LPS No.9. The following figure shows the current Scheme Map. As per the Shire's LPS9, GR30 zoned land requires minimum lot sizes of 30ha (30,000m²)



Shire of Gingin Local Planning Scheme No. 9 Map 7 of 13. Source WAPC.

STRATEGIC PLANNING FRAMEWORK

Shire of Gingin Local Planning Strategy

The Shire of Gingin Local Planning Strategy sets out the desired form, function, and direction for use of land in the Shire going into the future. The strategy identifies that there is a general presumption against the subdivision of rural land, given the importance of rural land in serving its primary function in agricultural activities. The strategy also identifies concerns relating to more intensive rural land uses and their impact upon the land and environmental systems.

PLANNING ASSESSMENT

Shire of Gingin Local Planning Strategy

The proposed subdivision achieves the objectives and intent of the Shire's Local Planning Strategy. The subdivision will not alter how the land is used, or the intensity of the usage of the land, as the dwelling located on proposed lot 231 currently functions as a separate dwelling. The remaining land on proposed lot 230 will be 25.98ha in area and remain a suitable size and dimension to continue to function as a rural small holding.



Subject Lot Existing Dwelling

General Rural Zone Requirements

Reference	Requirement	Proposed	Complies / Comment			
4.8.6	Town Planning Scheme No. 9 General Rural Zone Requi	Planning Scheme No. 9 General Rural Zone Requirements				
4.8.6.1	Minimum lot size 30,000m²	Parent Lot 27,098.6m ² Proposed Lot 230 25,979.6m ² Proposed Lot 231 1,190.1m ²	Spratton Road) which services			
4.8.6.2 No more than one single dwelling house shall be erected on a lot zoned General Rural unless the Local Government is satisfied that an additional house is necessary or desirable for the continuation of a bona fide agricultural activity, and is satisfied that the land can be adequately serviced, surrounding amenity is not adversely impacted on or any other consideration it considers relevant.		N/A	All are existing structures. Not applicable.			
4.8.6.3 The presence of more than one dwelling unit on a lot in the General Rural zone shall not be considered by itself to be sufficient grounds for subdivision. There is more than one dwelling on the proposed parent lot.		Noted.				
to a reticulated water supply or the local government is satisfied that there is an adequate potable water supply consisting of a roof water tank of not less than 90,000 requir		No development proposed. Development will be the subject of a separate planning approval application or building permit as required. All are existing structures (inclusive of fences).				
Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fencings except in the immediate vicinity of the residence will only be permitted with the approval of local government.		All are existing structures (inclusive of fences). Any fencing if constructed will conform to the standard of rural fencing in the district, and be the subject of a separate planning approval application or building permit as required.				
4.8.6.6	No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence.	N/A No vegetation to be removed.	No development proposed. Development will be the subject of a separate planning approval application or building permit as required. All are existing structures (inclusive of fences).			
4.8.6.7	The siting and design of any buildings on any lot should not significantly impact on the natural vegetation or visual landscape amenity of the site.	N/A Existing.	No development proposed. Development will be the subject of a separate planning approval application or building permit as			

Reference	Requirement	Proposed	Complies / Comment
			required. All are existing structures (inclusive of fences).
4.8.6.8	The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.		Noted.
4.8.6.9			N/A
4.8.6.10	Prior to any subdivision and development of GR coded land, a structure plan may be required to address issues including: (i) access; (ii) building exclusion zones; (iii) bushfire management; (iv) servicing; and (v) environmental features and buffers.	No development proposed. Does not proposed subdivision and development.	The proposed subdivision provides an adequate degree of access, bushfire management and servicing. The site is not serviced by reticulated sewerage, however nonetheless it satisfies the requirements of the <i>Draft Country Sewerage</i> Policy (2016). There is not expected to be any increase in intensity of usage of the land in association with this subdivision approval application As no development is proposed building exclusion zones are not applicable, while the same may be said regarding environmental features and buffers, in relation to the existing development. The applicant welcomes the support of the decision maker and the conditioning of the subdivision approval application should this enable its approval.
4.8.6.11	Notwithstanding clause 4.8.6.10, a structure plan may not be required in support of proposals on GR coded land where identified issues may be addressed through the provision of technical information.		Noted.
Schedule 10	Town Planning Scheme No. 9 General Rural (Coded) Zones		
Prior to any subdivision, the following is to be addressed: • the lot layout is to respond to significant environmental responds to the figure on the contained for the lot contained from vectorial from westlands (and existing use of category Wet		It should be noted as per the figure on the following page that the lot contains a Conservation Category Wetland which bisects both of the proposed lots.	

Reference	Requirement	Proposed	Complies / Comment
	where a proposal contains a Conservation Category Wetland, property boundaries should be setback a minimum of 50 metres from the extent of the wetland.	right of way easement.	Without altering the parent lot, it is not possible to setback the lot boundaries 50m, as this would bisect existing buildings on the lot.
2	Where land adjoins or includes a watercourse, development should be setback a minimum of 30 metres from the top of the bank of the watercourse.	N/A	No development proposed. Existing setback of dwelling to proposed lot 231 is greater than 30m.



Location of Geomorphic Wetlands on the Swan Coastal Plain. Green indicates Conservation Category Wetlands.

Source Department of Biodiversity, Conservation and Attractions 2019.

General Rural Zone Objectives

Where an application for subdivision approval does not meet the requirements of a zone, it is to address the relevant planning framework objectives, including those as set out in the Local Planning Scheme. The following table sets out these objectives and provides a response accordingly.

Reference	Objective	Response	
3.2.7	Town Planning Scheme No. 9 General Rural Zone Objectives		
3.2.7a	Manage land use changes so that the specific local rural character of the zone is maintained or enhanced; No land use change proposed. This objective is not applicable		
3.2.7b	Encourage and protect broad acre 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;	There will be no functional change of the use of the land in association with the proposed subdivision. There is no development (including structures) proposed, or a change of use proposed. The subdivision will simply formally establish the existing land uses as proposed lots as under separate titles, whether this be Survey Strata or Green Title, subject to the decision of the property owner and as indicated on the enclosed subdivision plans. As a result of this subdivision approval application being approval the land will not be functionally fragmented. The lot to the north (lot 230) will be large in area and still able to be functionally used for broad acreagricultural activities.	
3.2.7c	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	No development is proposed, and the subdivision of these lots will not alter how the land is functionally used. While it is acknowledged that there are dwellings located within the setback and separation areas from Lennard's Brook and the associated wetland areas, an adequate degree of separation cannot be easily achieved given the current built form. The applicant welcomes the conditioning of the subdivision to the satisfaction of the decision-making authority should it enable its approval.	
3.2.7d	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.	No land use change proposed. This objective is not applicable.	

CONCLUSION

This proposed subdivision formally establishes and separates existing land uses and land use functions through the creation of separate lots, which are functionally divided by the continuation of Spratton Road and the existing road easement. While it is acknowledged that the proposal does not achieve the minimum size requirements GR30 zone, given the specific site constraints and unique situation of the current parent lot being bisected by a right of way easement, in this instance the support of the relevant decision maker would be welcomed.

As demonstrated the proposed application is considered appropriate given that there is no development, change of use, or increase in intensity of land use proposed, as well as how the proposed subdivision responds to the specific site constraints.

Urbanista Town Planning on behalf of the landowners respectfully requests the subdivision be approved subject to appropriate conditions.

Should you have any question in relation to the details provided in this submission, please contact Daniella Mrdja on 6441 9171 or daniella@urbanistaplanning.com.au.

Yours sincerely,

Daniella Mrdja | Director

URBANISTA TOWN PLANNING

11.3.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED AGRICULTURE INTENSIVE (INCIDENTAL DEVELOPMENT - DAM AND ASSOCIATED STRUCTURES) ON LOT 101 COWALLA ROAD, COWALLA

File:	BLD/4235		
Applicant:	Richard Lovegrove		
Location:	Lot 101 Cowalla Road, Cowalla		
Owner:	Richard Lovegrove and Anne Lovegrove		
Zoning:	General Rural		
WAPC No:	N/A		
Author:	James Bayliss - Statutory Planning Officer		
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and		
	Development Services		
Report Date:	16 July 2019		
Refer:	7 November 2006 Item 11.3.5		
Appendices	Location Plan and Applicant's Proposal		

DISCLOSURES OF INTEREST

Nil

PURPOSE

SHIRE OF GINGIN

To consider an Application for Development Approval for a proposed Agriculture Intensive (incidental development - dam and associated structures) on Lot 101 Cowalla Road, Cowalla.

BACKGROUND

The subject lot consists of a total area of 86 hectares and currently accommodates an agriculture intensive (turf farm) operation. The following development approvals have previously been issued for the property:

- Irrigated Horticulture (Turf Farm) issued on 28 October 2005;
- Irrigated Horticulture (Shed) issued on 28 October 2005;
- Irrigated Horticulture (Manager's Residence, Single Men's Quarters and Worker's Cottage) – issued on 1 May 2006;
- Irrigated Horticulture (Turf Farm Expansion) issued on 20 July 2008;
- Temporary Caravan Park for Onsite Employees issued 8 November 2006;

This overall development as part of this proposal consists of the following components:

Cairn

The cairn is 16 metres in width and of a hexagonal shape with a height of 6 metres above ground level. The water sourced from the ground bore is discharged on top of the cairn, where it filters down the aeration channel.

Aeration Channel

The aeration channel is constructed of limestone and is 60 metres in length and 12 metres in width, with a total fall of 6 metres.

Settling Dam

The settling dam is 20 metres in length and 10 metres in width. The purpose of the aeration channel and the settling dam is to remove unwanted minerals, mainly iron, from the ground water. The water will then flow through a spillway into the holding dam.

Holding Dam

The holding dam is 40 metres in length and width and approximately 6 metres in depth. The water from the holding dam is pumped to the intensive agriculture development.

The cairn is located approximately 100 metres from the nearest (northern) lot boundary and the remaining components of the development extend south, away from the property boundary.

A location plan and a copy of the applicant's proposal are attached as **Appendix 1.**

COMMENT

Community Consultation

The application was not advertised to surrounding landowners. In accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the local government may waive a requirement for an application to be advertised if the local government is satisfied that the departure from the scheme is of a minor nature.

In this instance, development approval is required due to the development being associated with the agriculture intensive operation which is a 'discretionary use'. The development itself is set back sufficiently from the property boundaries. As such, the officer is of the view that consultation is not necessary.

PLANNING FRAMEWORK

Local Planning Scheme No 9 (LPS 9)

The subject lot is zoned General Rural under LPS 9, the objectives of which are to:

- a) Manage land use changes so that the specific local rural character of the zone is maintained or enhanced;
- b) Encourage and protect broad acre 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.

Agriculture Intensive is identified as a "D" – Discretionary land use within the general rural coding. Agriculture Intensive is considered to be a primary use and as such should be encouraged as per the objectives above.

The land use 'Agriculture Intensive' is defined as follows:

"Agriculture – Intensive means, premises used for 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 construction of the dam is incidental to the Agriculture Intensive (turf farm) use and does not impact upon the objectives of the General Rural zone.

Local Planning Scheme No 9 Setbacks

The proposed dam infrastructure complies with Table 2 – Site Requirements of LPS 9, which stipulates a setback of 20 metres for land zoned general rural. The dam is to be set back approximately 100 metres from the side (northern) boundary. As a result of the substantial setback, it is not anticipated that there will be any significant visual amenity impacts on adjoining landowners.

There are no further development standards outlined within LPS 9 that would be applicable to the proposed development.

State Planning Policy No. 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being partially bushfire prone, with the development being located within the identified area. Planning Bulletin 111/16 prepared by the Western Australian Planning Commission (WAPC) outlines exemptions from the requirements of SPP 3.7 should be applied pragmatically.

The bulletin goes on to outline that exemptions may apply to infrastructure including dams, and as such there is no need to submit a BAL report or accompanying management plans.

Water Quality Protection Note 53: Dam Construction and Operation in Rural Areas

The abovementioned water quality protection note applies to private water supply dams constructed on rural properties and was prepared by the Department of Water and Environmental Regulation (DWER) in June 2018. This note does not address technical aspects of dam construction.

Given dam construction does not require a building permit, it is recommended that the landowner seek information from qualified persons with expert geotechnical and engineering knowledge before beginning construction.

Further, dam safety is the responsibility of the dam owner. As such, the development approval does not seek to establish the structural integrity of the dam, with the onus falling on the landowner in accordance with the above-mentioned water quality protection note.

Conclusion

In view of the above assessment, the proposed dam is consistent with the General Rural objectives of LPS9 and is an incidental use to the Agriculture Intensive – Irrigated Horticulture (Market Garden), and is conditionally supported.

STATUTORY ENVIRONMENT

Local Planning Scheme No 9

Part 3 – Zones and the Use of Land 3.2 Objectives of the Zones

Part 4 – General Development Requirements 4.7 General Development Standards 4.8.6 General Rural Zones

Local Planning Policy 1.6 Agriculture Intensive

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development		
Objective	3. To effectively manage growth and provide for community through the		
	delivery of community infrastructure in a financially responsible manner		
Outcome	3.1 Development - New and existing developments meet the Shire's		
	Strategic Objectives and Outcomes.		
Key Service	rice Building & Planning Permits		
Areas			
Priorities	N/A		

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka SECONDED: Councillor Johnson

That Council grant Development Approval for an Agriculture Intensive (incidental development - dam and associated structures) on Lot 101 Cowalla Road, Cowalla subject to the following conditions:

- 1. The land use and development shall be in accordance with the approved plans and specifications (including any amendments marked in RED) unless otherwise conditioned by this approval;
- 2. This approval is for Agriculture Intensive (Irrigation Dam) only;
- 3. Dust suppression measures shall be implemented to minimise dust and emission at all times.

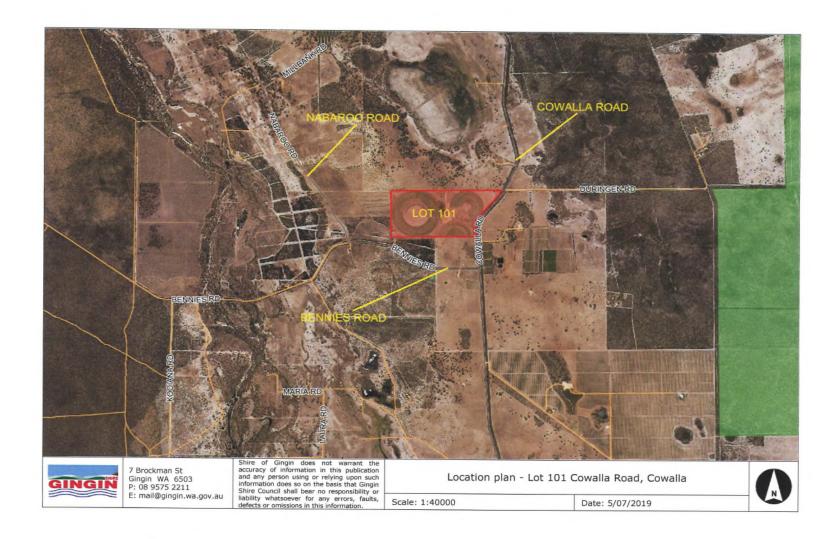
Advice Notes

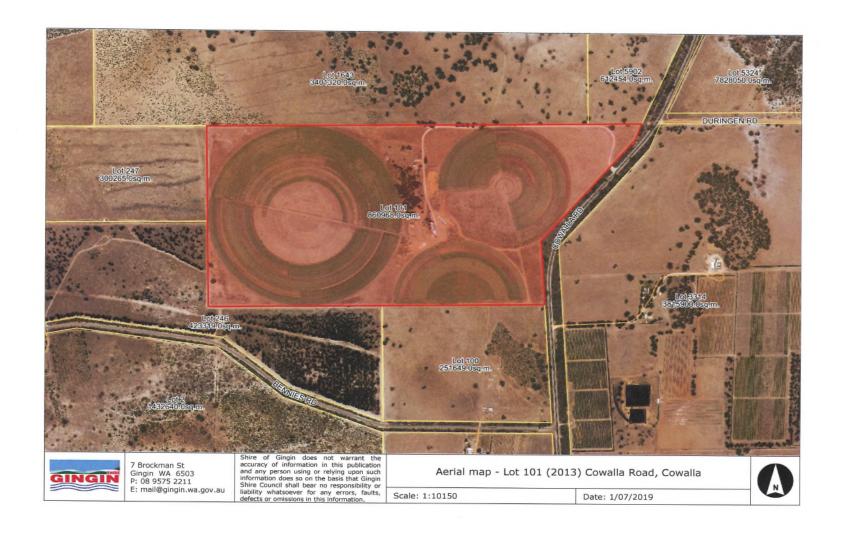
- Note 1: If you are aggrieved with the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the Planning and Development Act 2005.
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

- Note 5: The dam should be constructed in line with the recommendations in Water Quality Protection Note 53: Dam Construction and Operation in Rural Areas (DWER 2018)
- Note 6: For detailed advice about the legal responsibilities of dam owners (including liability for flooding and dam safety), a qualified and experienced legal practitioner should be consulted. Dam safety is the responsibility of the dam owner.
- Note 7: The development may trigger a need to amend the existing water license details. It will be necessary to contact the Department of Water and Environmental Regulation (DWER) to obtain the necessary approvals.
- Note 8: Please be advised that the property may attract Differential Rating for Intensive Agriculture.

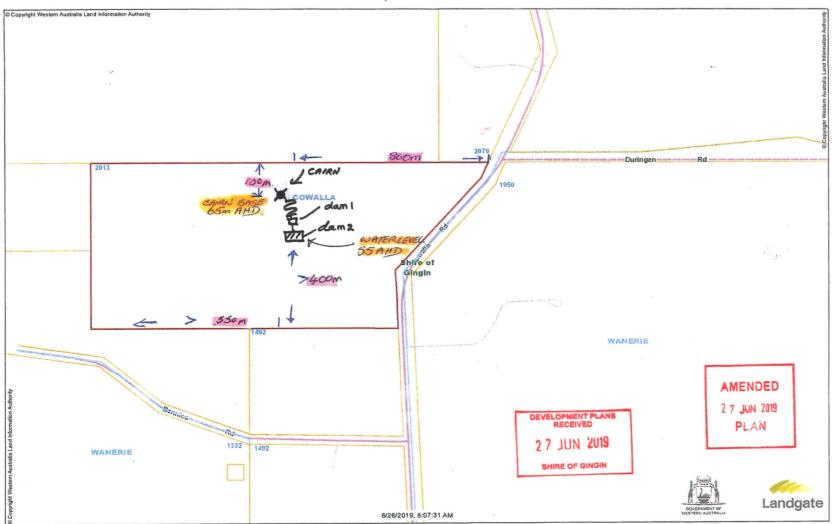
CARRIED UNANIMOUSLY

APPENDIX 1



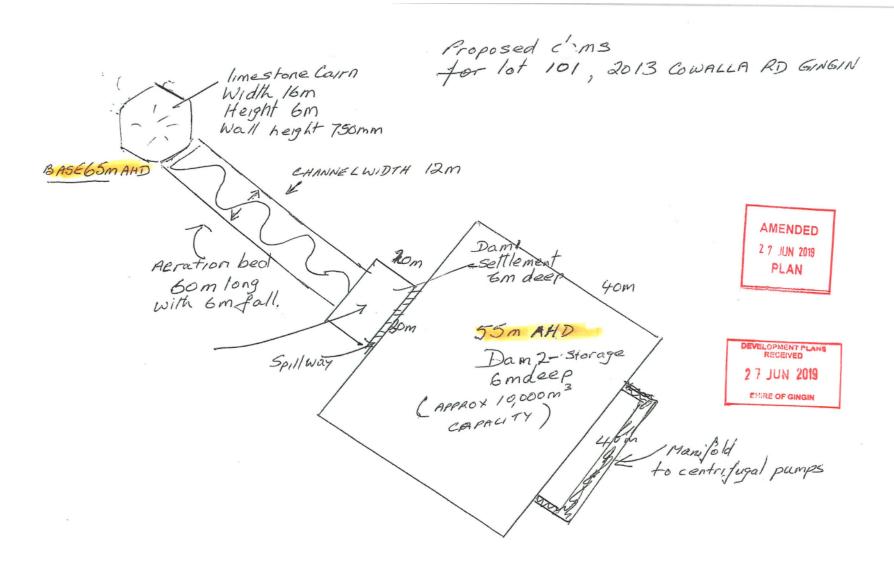


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11.3.3 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED SINGLE HOUSE ON LOT 20 (NO.8) BRANDIS STREET, GINGIN

File:	BLD/7043		
Applicant:	Redink Homes		
Location:	Lot 20 (No.8) Brandis Street, Gingin		
Owner:	Carrie & Larry Edwards		
Zoning:	R10		
WAPC No:	NA		
Author:	Kylie Bacon - Manager Statutory Planning		
Reporting Officer: Bob Kelly – Executive Manager Regulatory			
	Development Services		
Report Date:	16 July 2019		
Refer:	N/A		
Appendices:	1. Location Plan, Aerial Image, Applicant's Proposal and		
	Site Photos		

DISCLOSURES OF INTEREST

Nil

PURPOSE

SHIRE OF GINGIN

To consider an Application for Development Approval for a proposed single dwelling on Lot 20 (No.8) Brandis Street, Gingin.

BACKGROUND

The Shire has received a development application for a proposed single house on the subject lot. The subject lot is a primarily vacant site with an existing outbuilding and is zoned Residential R10 under the Shire of Gingin's Local Planning Scheme No. 9 (LPS 9).

PROPOSAL

The Applicant is proposing to construct a single house on the subject lot. The subject lot is zoned Residential R10 under LPS 9 and the site area consists of 1184m².

After an initial assessment, the proposal is seeking the following variations under the Residential Design Codes (R Codes).

Clause 5.1.3 Lot Boundary Setback

Clause 5.3.7 Site Works; and

Clause 5.3.8 Retaining Walls;

A location plan, a copy of the applicant's proposal and site photos are provided as **Appendix 1**.

Community Consultation

SHIRE OF GINGIN

The proposal was advertised by means of neighbour referral for a period of 14 days to the eastern and western neighbours. No submissions were received.

Planning Assessment

Local Planning Scheme No. 9

The subject lot is zoned Residential (R10) under Local Planning Scheme No.9 (LPS 9), the objectives of which are:

- a) To provide for a range of housing types and encourage a high standard of residential development;
- b) To maintain and enhance the residential character and amenity of the zone;
- c) To limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity; and
- d) To ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors.

Clause 4.2.2 states:

Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes is to conform to the provisions of those Codes.

Compliance with the R Codes

Element 5.1.3 Lot Boundary Setback

The proposed retaining wall on the western lot boundary is seeking a setback variation to the deemed to comply requirements of Element 5.1.3 Lot Boundary Setback, Table (2a) of the R Codes. The table below outlines the setback variation being sought.

Elevation	Height (m)	Opening	Proposed Setback (m)	Required Setback (m)	Variation (m)
Western	0.6 - 1.5	Non-Major	Nil	1.5	1.5

As the proposal does not comply with the deemed to comply requirements of the R Codes, the proposed variation has been assessed under the design principles which state:

P3.1 Buildings setback from lot boundaries so as to:

SHIRE OF GINGIN

- Reduce impacts of building bulk on adjoining properties;
- Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

The proposed setback variation from the western boundary is considered to meet the design principles for the following reasons:

- The scaling height of the retaining wall, which ranges from 0.6m to 1.5m, reduces the impacts of bulk and scale on the adjoining neighbour. Furthermore, the dwelling is single storey and has a compliant setback of 1.5m from the western boundary.
- The retaining wall which facilitates the proposed dwelling maximises northern light and ventilation to the dwelling and open spaces without compromising the northern light and ventilation to open spaces and habitable rooms of the western adjoining neighbour. This is achieved by limiting the fill being used in order to achieve a level pad as it responds to the natural ground level. Limiting the fill across the site reduces the impacts of building bulk/scale on adjoining neighbours, including not impacting upon the adjoining neighbour's access to northern light and ventilation.
- No southern neighbours are affected by overshadowing.
- The increase in the natural ground level because of the retaining wall does not create overlooking issues onto adjoining properties as the dwelling is set back in accordance with the deemed to comply provisions of the R Codes Clause 5.4.1 Visual Privacy.

Element 5.3.7 Site Works

The subject lot has approximately a 2.0 metre gradient fall from front to rear. The finished sand pad level of the development is 9.5 AHD and the Finish Floor Level (FFL) of the dwelling is 9.6.

The development requires approximately 1.5m of fill at its maximum, primarily to level the rear of the sand pad with the front streetscape. As the development does not fully comply with the deemed to comply requirements of Element 5.3.7 Site Works, clause C7.3 because some parts of the site exceed 500mm of fill, the proposed variations have been assessed against the design principles which state:

- P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.
- P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.

The site works variations are considered to meet the design principles for the following reasons. The amount of fill that is required is only for the rear portion of the sand pad to level it will the streetscape. When taking into consideration the extent of fill across the whole site, it is considered to be minimal as it has followed and responded to the natural ground contours of the site particularly when view from the streetscape.

Element 5.3.8 Retaining Walls

SHIRE OF GINGIN

The development is proposing a 15 metre retaining wall along a portion of the western boundary. The height ranges from 0.6m to 1.5m above natural ground level (measuring from front to rear).

As the development does not comply with the deemed to comply requirements of Element 5.3.8 Retaining Walls, clause C8 of the R Codes, the proposed variation has been assessed under the design principles which state:

"Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1."

As already addressed above under the heading Element 5.1.3 Lot Boundary Setback, the retaining wall is proposing a nil setback in lieu of the required 1.5m. Furthermore, 2.5m of the retaining wall is forward of the 7.5m primary street setback.

The retaining wall variations are considered to meet the design principle for the reasons that have already been outlined above under heading Element 5.1.3 Lot Boundary Setback.

<u>Summary</u>

In view of the above assessment, it is considered that the site is capable of accommodating the proposed single house.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9
Part 3 – Zones and Use of Land
3.2 Objectives of the Zones

State Planning Policy 3.1 - Residential Design Codes of Western Australia

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development	
Objective	3. To effectively manage growth and provide for community through the	
-	delivery of community infrastructure in a financially responsible manner	
Outcome	3.1 Development - New and existing developments meet the Shire's	
	Strategic Objectives and Outcomes.	
Key Service	Building And Planning Permits	
Areas		
Priorities	N/A	

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Elgin SECONDED: Councillor Johnson

That Council grant Development Approval for proposed Single House on Lot 20 (No. 8) Brandis Street, Gingin subject to the following conditions:

- All development shall be undertaken in accordance with the approved plans and specifications (including any modifications marked in RED) unless conditioned otherwise in this approval;
- 2. The approved footings for the retaining wall abutting the western property boundary must be constructed wholly within the subject allotment;
- 3. All stormwater generated on site shall be retained on site. No stormwater shall be permitted to enter the Shire's stormwater drainage system unless otherwise approved;
- 4. The existing crossover servicing the lot is to be upgraded to the satisfaction of the Shire of Gingin;
- 5. This Approval is for a Single House only; and
- 6. The use (Single House), when established, shall at all times comply with the definition of "Single House" as contained in the Residential Design Codes as follows:

"Single House" – A Dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property".

Advice Notes

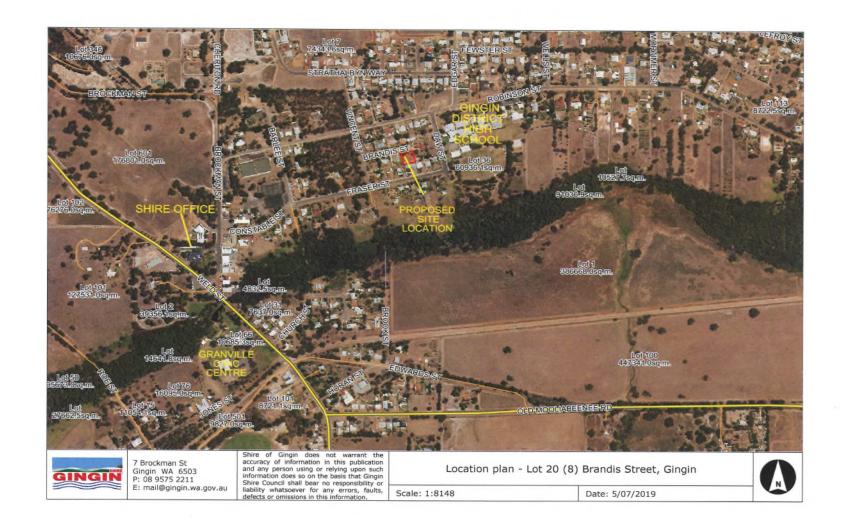
- Note 1: If you are aggrieved with the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the Planning and Development Act 2005;
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect;
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained;
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Public Health Act 2016*, which are to be approved by the Shire of Gingin;
- Note 5: This planning approval shall not be construed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land;
- Note 6: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property;
- Note 7: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment; and
- Note 8: It is recommended that the applicant/landowner liaise with the Shire's Operations Department with respect to Condition 4.

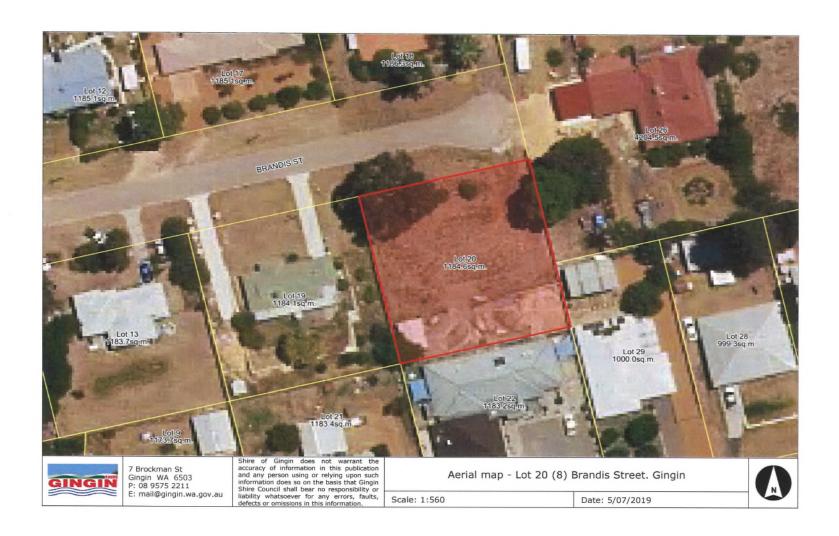
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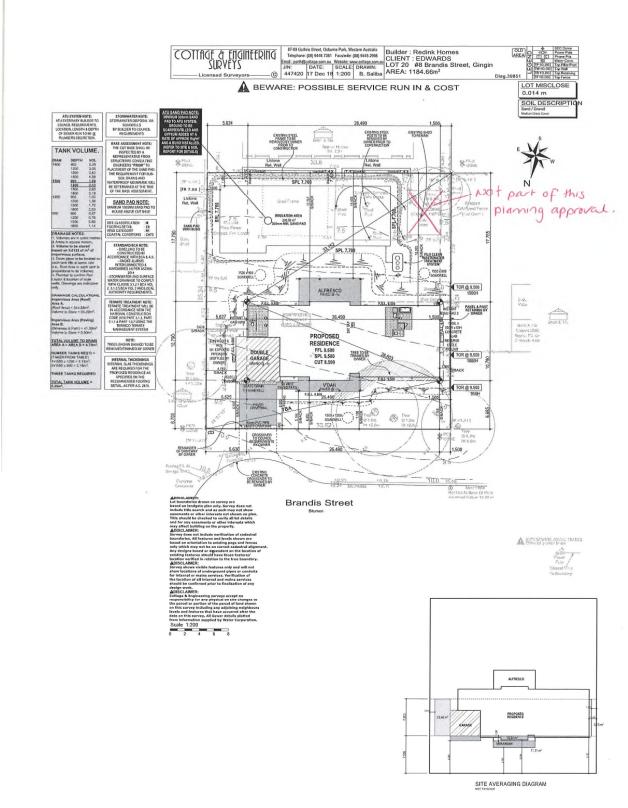
APPENDIX 1

ORDINARY MEETING

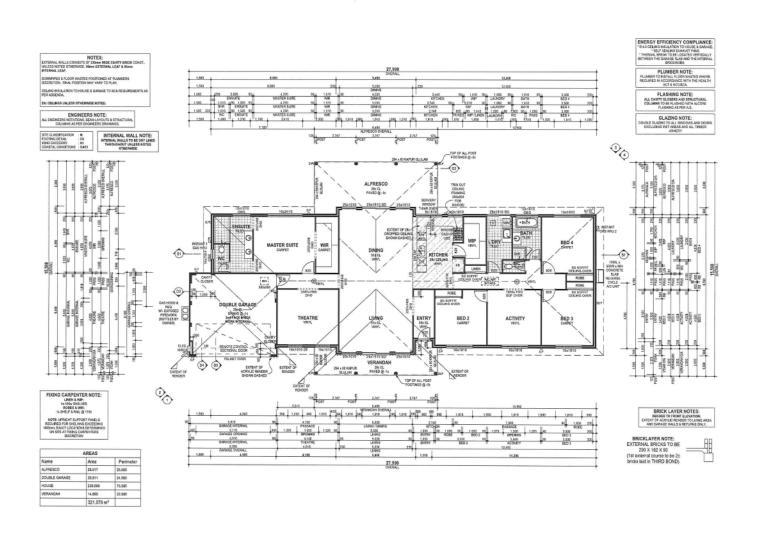
SHIRE OF GINGIN



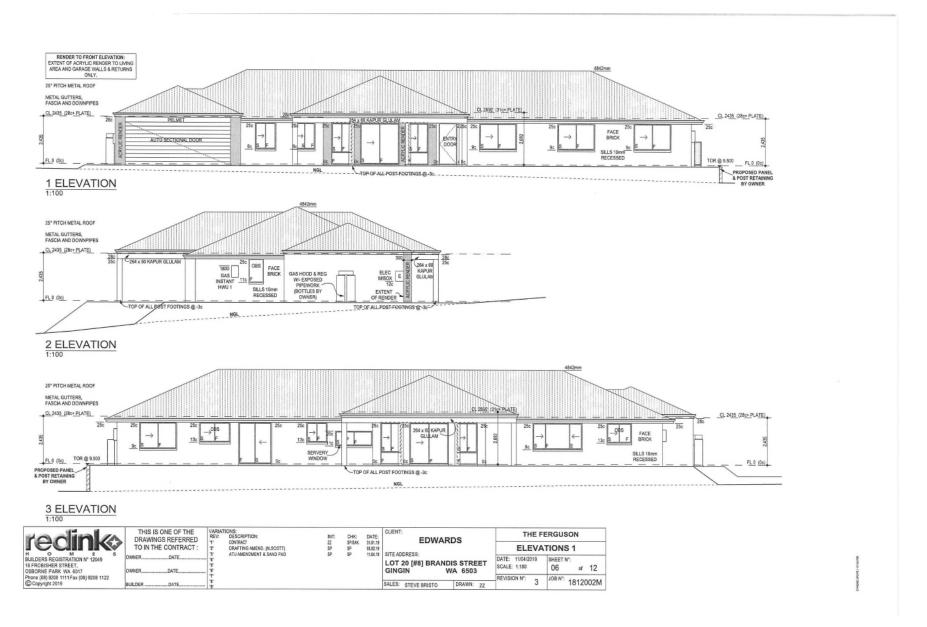


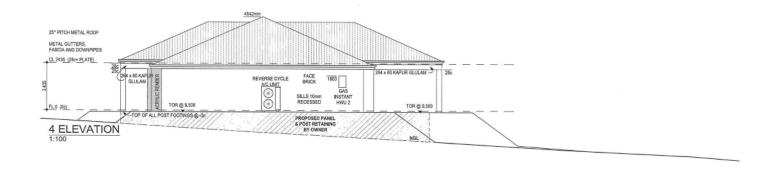


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OSBORNE PARK WA 8017 Phone (03) 9208 1111 Fax (03) 9208 1122 Copyright 2016	BUILDER DATE	7 7 7 7				SALES: STEVE BRISTO DRAWN ZZ	REVISION N': 3	JOS N': 1812002M











S1 HOUSE SECTION

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11.4. OPERATIONS

11.4.1 GINGIN OUTDOOR ACTIVITY SPACE - TECHNICAL WORKING GROUP

File:	FIN/46 - 1920		
Author:	Jodie Mortadza – Coordinator Community Development		
	and Services		
Reporting Officer:	Allister Butcher – Executive Manager Operations		
Report Date:	16 July 2019		
Refer:	20 June 2019 Item 11.4.3		
Appendices:	1 Terms of Reference		

DISCLOSURES OF INTEREST

J Bayliss (Acting Manager Statutory Planning) declared an Impartiality Interest in Item 11.4.1 due to the fact that he is a member of the community working group "Gingin Interactive Space".

PURPOSE

To consider the formation of a Technical Working Group to progress the development of the Gingin Outdoor Activity Space (GOAS).

BACKGROUND

In March 2018 a group of Gingin residents formed the Gingin Interactive Space 'Group' (a community led working group) to encourage the development of a new outdoor activity space within the Gingin town site.

The Working Group, together with the Shire, determined the below project goals:

- is a safe and inviting environment, encouraging community usage, enjoyment and connectivity;
- provides fun for children and grows their creative play;
- is accessible and inclusive, fostering social interaction of all ages;
- celebrates the history, diversity and identity of the Gingin community and local region;
- preserves and promotes the natural environment;
- contributes to economic development through tourism and visitor interest (patronage);
- promotes physical activity and community well-being; and
- is financially sustainable.

The Working Group, with support from the Shire, developed an initial survey to identify the level of importance of various features and potential inclusions (predominately rating-based, i.e. not important to extremely important). This was open for the month February 2019 and received 223 responses. The survey highlighted that the top three features were shade structure, toilet facilities and activity space for children 5-9 years. The top three items of playground equipment were climbing, balancing and a place to ride bikes/scooters.

During development of the community design process, an opportunity arose to apply for funding. Advice was received through the Office of Christian Porter MP, Member for Pearce, that Federal funding to a total of \$234,000 had been committed to the project subject to the provision of project information by early July demonstrating a tender stage, and completion of the project by 30 June 2026. In order to comply with these conditions, the project had to be significantly pushed forward, resulting in a tight succession of various steps including Contracting a Concept Design, Community Consultation, Review of feedback and updates to Concept Design, attain indicative costings for the project, and submission of Request for Information for Federal Funding mentioned above.

The community consultation activities received 101 written responses, with 190 responses from a student feedback activity coordinated by the Gingin District High School. Overall the project received numerous positive comments with regards to the design, theme, interactive space for all groups, specific features and the location. Suggested changes mainly related to the inclusion of additional features/facilities and the site location.

The site for the project is the grassed area adjacent (north) of the Granville Civic Centre entry on the corner of Weld and Jones Streets. A meeting with Robert Brodie-Hall, Gingin CRC (key stakeholders and organisers of British Car Day), three Shire Councillors, Shire officers and the working group discussed the site location for the project, aware of the impacts on the British Car Day event. The Shire, in conjunction with the British Car Day organisers and the working group, is collectively exploring additional and/or alternative locations to determine a suitable site for car club exhibits and activities at future events.

The Working Group, two Councillors and Shire officers met to collectively review the consultation results and determine the features of the final Concept-Design. A report and the Concept Design was presented to the 20 June 2019 Council Meeting where it was endorsed by Council.

COMMENT

The GOAS project is now at the next stage of development which includes four key steps as follows:

- a. Detailed specifications (including final design);
- b. Securing funding for implementation;
- c. Tender process; and
- d. Construction.

As stages a, c and d will require logistical and technical considerations in which the Shire will need to play a key role, it is suggested that a Technical Working Group be formed with the following membership:

- Two Councillors:
- Up to five members of the GOAS Community Working Group.

A Shire Officer would also be in attendance to provide technical advice, guidance and prepare meeting minutes. A draft Terms of Reference is provided as **Appendix 1**.

It is anticipated that the primary aims of the Technical Working Group will be to:

- 1. Oversee and support the design specifications process and determine the final design.
- 2. Liaise with the consultant during the design specifications preparation process.
- 3. Oversee preparation by Shire officers of the tender documents.
- 4. Provide advice during the construction of the facilities should there be any changes/amendments to the tender scope of works.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-29

Focus Area	Community Wellbeing
Objective	To support the Shire of Gingin community to be inclusive, vibrant and healthy
	through the Shire's service delivery.
Outcome	1.1 Inclusive Community: Our community has access to a range of
	community programs, services and initiatives that support wellbeing and
	inclusion.
	1.2 Vibrant: Our community can participate in a range of activities and events
	that celebrate and promote our unique lifestyle and heritage
	1.3 Healthy & Safe: Our community has access to quality health and
	community safety programs, services and initiatives that promote resilience
Priorities	1.1.1 Support aging in place through the implementation and monitoring of
	the Age Friendly Community Plan.
	1.1.2 Encourage programs and facilities that engage and support children
	and young people to stay in the Shire.
	1.1.4 Implement the Disability Action and Inclusion Plan
Focus Area	Natural Environment
Objective	To develop the Shire's capacity to support the conservation of natural assets
	and undertake sustainable resource management.
Outcome	2.1 Conservation: The Shire's ecological services and natural assets are
	respected and enhanced
Focus Area	Infrastructure and Development
Objective	To effectively manage growth and provide for community through the delivery
	of community infrastructure in a financially responsible manner.
Outcome	3.2 Community Infrastructure: The Shire provides fit for purpose community
	infrastructure in a financially responsible manner

Priority	3.2.1 Develop and plan community infrastructure to improve use and financial responsibility.
	3.2.2 Improve the provision of age-friendly infrastructure for all, including
	Disability Access and Inclusion Planning.
Focus Area	Economic Development
Objective	To support economic development through the Shire's service delivery
Outcome	4.1 Tourist Playground: An internationally acclaimed tourist playground
Priority	4.1.3 Support funding for the Gingin Regional Children's playground
Focus Area	Governance
Objective	To demonstrate effective leadership, governance ad advocacy on behalf of
	community
Outcome	5.3 Partner: The Shire works productively with a range of partners to deliver
	better outcomes for community

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Elgin SECONDED: Councillor Court

That Council:

- 1. Agree to form a Gingin Outdoor Activity Space Technical Working Group in accordance with the Terms of Reference provided as Appendix 1.
- 2. Appoint Councillors Rule and Morton as Council's representatives on the Technical Working Group.

CARRIED UNANIMOUSLY

APPENDIX 1



TERMS OF REFERENCE

GINGIN OUTDOOR ACTIVITY SPACE TECHNICAL WORKING GROUP

16 July 2019

Name:	Gingin Outdoor Activity Space (GOAS) Technical Working Group
Role/Purpose:	To progress the development of the Gingin Outdoor Activity Space Stage 1, located at the corner of Weld and Jones St, and adjacent to the Granville Centre car park.
Aims & Functions:	 To oversee and support the Design Specifications process and to determine the final design. Liaise with the consultant during the Design Specifications preparation process. Oversee Shire Officers preparation of the Tender documents Provide advice during the construction of the facilities should there be any changes to/amendments to the tender scope.
Membership:	 The Technical Working Group shall consist of the following representation: two Councillors; up to five members of the GOAS Community Working Group. An (appointed) Shire Officer will attend each meeting to provide technical advice and guidance to the Technical Working Group (i.e. Coordinator Community Development and Services, Executive Manager Operations and/or Coordinator Assets/Projects.) Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to renominate. Technical Working Group membership shall be appointed or removed by consensus of Council. Members must comply with the Shire's Code of Conduct.
Operating	6. The Technical Working Group has authority to second external individuals, on a voluntary basis, for their expert advice.7. Membership will be disbanded upon completion of the construction of GOAS and the building fault period has closed.
Operating procedures:	 1. Presiding Member: a) The members of the Technical Working Group are to appoint a presiding member from amongst themselves at the first meeting of the Technical Working Group.

	b) The Presiding Member must be a Councillor
	 In the absence of the Presiding Member a person is to be appointed by the Technical Working Group members present to lead the meeting.
	 d) The Presiding Member is responsible for the proper conduct of the Technical Working Group.
	2. Meetings:
	a) The Technical Working Group shall meet as required.
	b) Technical Working Group members will be given at least 72 hours' notice of a proposed meeting where possible. However, if convenient and necessary, impromptu meetings may be held on occasions when all Technical Working Group members are present for other purposes if time permits.
	 The Presiding Member shall ensure that notes of all meetings are kept and shall provide the Technical Working Group members with a copy of such notes.
	 d) The Shire Officer appointed will prepare agendas and draft minutes of the meeting for the Presiding Member to review and authorise distribution.
	3. Quorum:
	The quorum for a meeting shall be at least 50% of the number of endorsed members.
	4. Reporting:
	Any Technical Working Group outcomes requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting.
Appointing legislation:	N/A
Delegated Authority:	The Technical Working Group has no delegated power and has no authority to implement its recommendations without approval of Council.

Version	Decision Reference	Synopsis

11.4.2 PERFORMANCE BASED STANDARD SCHEME APPLICATION FOR WANNAMAL ROAD WEST, BOONANARRING

Location:	Wannamal Road West			
Applicant:	Main Roads WA Heavy Vehicle Services			
File:	RDS/10			
Reporting Officer:	Allister Butcher - Executive Manager Operations			
Report Date:	16 July 2019			
Refer:	18 December 2018 Item 11.4.1			
Appendices:	Nil			

DISCLOSURES OF INTEREST

Councillor Collard declared an Impartiality Interest in Item 11.4.2 due to the fact that his sonin-law works at the mineral sands mine operated by Image Resources on Wannamal Road West.

Councillor Collard left Council Chambers at 3.44pm and Councillor Elgin (Deputy Shire President) assumed the Chair.

PURPOSE

To determine the level of support for an application received from Main Roads WA Heavy Vehicle Services (HVS) for a Performance Based Standard (PBS) Scheme heavy vehicle combination, being a 31.5m A Double combination with Accredited Mass Management Scheme (AMMS) Level 3, on Wannamal Road West from Brand Highway to the Image Resources entrance (380m).

BACKGROUND

HVS has received a 31.5m (in length) 'A Double' PBS with AMMS Level 3 Mass (23.5t for tri-axle groups and 28.5t for quad axle groups) Vehicle Access Approval application, requesting for Wannamal Road West from Brand Highway to the Image Resources entrance. Only a short section of Wannamal Road West is impacted, given that the entrance to the Image Resources facility is just 380m east of Brand Highway.

Council Policy 7.6 Road Transport Heavy Vehicle Combinations relates to the approval of Restricted Access Vehicles (RAV) up to Network 4 (up to 27.5m in length). This application is for a vehicle length in excess of that covered by Policy 7.6, and therefore must be considered by Council.

The PBS scheme offers potential for heavy vehicle operators to achieve higher productivity and improved safety through innovative vehicle designs. There are many benefits in providing access for PBS vehicles. Some of these benefits include:

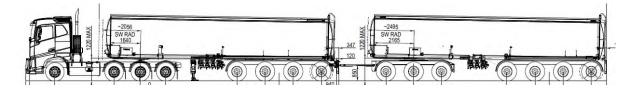
- Braking capability and vehicle stability is improved with a mandatory requirement in WA for Electronic Braking Systems (EBS) and Rollover Stability Systems (RSS), which is not a requirement on conventional road trains.
- PBS vehicles are often height restricted, which is determined by the PBS assessment and further reduces the rollover risk and improves overall stability.

• PBS vehicles are subject to stringent axle spacing requirements, reducing the impact on the road infrastructure.

• PBS vehicles reduce the number of vehicle movements compared to conventional heavy vehicles, which overall reduces congestion and crash risk exposure.

Approval enables the proposed vehicle to operate on specific roads throughout Western Australia, subject to passing a PBS assessment. Once the vehicle is built, certified and ready for operation, Main Roads will issue a PBS Permit. It is up to the affected local government to assess whether it will allow the proposed PBS to operate on its roads.

The configuration of the proposed PBS (denoted as a PBS 2B by HVS) is in accordance with the diagram below.



The proposed PBS utilises a quad axle for the trailers in lieu of a tri- axle (three axles) for the trailers. This allows an additional 16 tonnes to be carried over what would be possible with a similar traditional RAV Network 4 (prime mover, tri-axle semi-trailer and six axle dog trailer combination) with AMMS Level 3. The gross mass for the PBS combination (with AMMS Level 3) is 111 tonnes. The additional 16 tonne payload for the PBS will essentially equate to reduced heavy vehicle movements on the affected roads, there will however be additional wear on the road pavement due to the AMMS extra weight.

Image Resources, as part of the mineral sand mine development on Lot 5550 Brand Highway, Boonanarring, has upgraded the intersection of Wannamal Road West and Brand Highway and the crossover (including asphalting Wannamal Road West at the crossover) for the mine on Wannamal Road West at its own cost. Image Resources has also paid to recondition the unsealed shoulders and reseal Wannamal Road West from Brand Highway to the mine access. The employment opportunities that Image Resources has provided for local residents are evidenced by the fact that 50% of the workforce resides in the Shire of Gingin and surrounding districts.

The pavement of the affected section of Wannamal Road West was installed in 1997 and has an estimated remaining useful life of 19 years. The existing sealed surface is 7m wide and as stated above has just been resealed and 1.5m of the unsealed shoulders (on each side) have been reconditioned at Image Resources' expense.

COMMENT

Administration initially had concerns regarding the extra weight being carried across the Shire road asset of Wannamal Road West and the deterioration of the pavement with the use of the proposed combinations. Administration has met with Image Resources regarding ongoing maintenance of the section of road concerned, and Image Resources has advised that it is willing to look at repairs and/or contributions to repairs to Wannamal Road West, dependant on the cause of damage (i.e. normal deterioration of the road asset or damage caused specifically by Image Resources).

The Officer supports approval of this application, given that Image Resources has an extremely good track record of responsible operation and interaction with the Shire, and has proven itself to be a good corporate citizen.

STATUTORY ENVIRONMENT

Nil

SHIRE OF GINGIN

POLICY IMPLICATIONS

Council Policy 7.6 Road Transport Heavy Vehicle Combinations

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	3. To effectively manage growth and provide for community through
	the delivery of community infrastructure in a financially responsible
	manner
Outcome	3.2 Community Infrastructure
	The Shire provides fit for purpose community infrastructure in a
	financially responsible manner
Key Service	Community Infrastructure
Areas	
Priorities	N/A
Focus Area	Economic Development
Objective	4. To support economic development through the Shire's service
	delivery
Outcome	N/A
Key Service	N/A
Areas	
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Fewster SECONDED: Councillor Johnson

That Council approve the use by Image Resources of a 31.5m length 'A Triple' Performance Based Standard PBS Scheme Vehicle with AMMS Level 3 for Wannamal Road West from Brand Highway to the Image Resources Mine Access (380m from Brand Highway).

CARRIED UNANIMOUSLY

Councillor Collard returned to Council Chambers at 3.51pm and resumed the Chair. He was informed of Council's resolution by Councillor Elgin.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. COUNCILLORS' OFFICIAL REPORTS

13.1 OFFICIAL OPENING OF LANCELIN BIG BEACH CHAIR - 12 JULY 2019

Location:	Lancelin
File:	GOV/20-1
Councillor:	Jan Court
Report Date:	16 July 2019

Councillor Court thanked Councillors Collard, Lobb and Peczka and the CEO for their attendance at the DADAA exhibition "There's a Chair in There" and the official opening of the Lancelin Big Beach Chair held in Lancelin on 12 July 2019. There were approximately 70 people in attendance.

Councillor Court also thanked the Shire for its support for the event.

13.2 WOODRIDGE COMMUNITY ASSOCIATION ANNUAL GENERAL MEETING

Location:	Woodridge
File:	GOV/20-1
Councillor:	Frank Johnson
Report Date:	16 July 2019

Councillor Johnson advised that he attended the Woodridge Community Association's Annual General Meeting on 10 July 2019.

It was pleasing to be able to report that all office-bearer positions were filled.

14. <u>NEW BUSINESS OF AN URGENT NATURE</u>

COUNCIL RESOLUTION

MOVED: Councillor Fewster SECONDED: Councillor Peczka

That Item 14.1 be received as New Business of an Urgent Nature.

CARRIED UNANIMOUSLY

14.1 INQUIRY BY JOINT STANDING COMMITTEE ON PUBLIC ADMINISTRATION INTO PRIVATE PROPERTY RIGHTS

File:	ENV/32
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	16 July 2019
Refer:	Nil
Appendices:	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider Council's position with respect to a submission from the Gingin Private Property Rights Group (Inc) to the Joint Standing Committee on Public Administration with respect to the Committee's current Inquiry into Private Property Rights.

BACKGROUND

A submission presented to the Joint Standing Committee on Public Administration by Mr Murray Nixon on behalf of the Gingin Private Property Rights Group (Inc) in relation to the Inquiry into Private Property Rights was discussed by Councillors at the Concept Forum immediately preceding the Council meeting.

COMMENT

Councillors were of the opinion that this matter was of sufficient importance to warrant formal Council consideration.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Governance	
Objective	5. To demonstrate effective leadership, governance and advocacy on	
	behalf of community	
Outcome	Nil	
Key Service	Nil	
Areas		
Priorities	Nil	

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION

MOVED: Councillor Fewster SECONDED: Councillor Peczka

That:

- 1. Council formally support the submission presented to the Joint Standing Committee on Public Administration prepared by the Gingin Private Property Rights Group (Inc) for the Inquiry into Private Property Rights and, should there be the opportunity to support the Oral Hearing of the Gingin Private Property Rights Group to the Joint Standing Committee, provide a delegate to attend the Hearing.
- 2. Members of Parliament and neighbouring local governments be advised of Council's position in this regard.

CARRIED UNANIMOUSLY

15. MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

COUNCIL RESOLUTION

MOVED: Councillor Johnson SECONDED: Councillor Court

That Council move into a Confidential Session to discuss Item 15.1.

CARRIED UNANIMOUSLY

The meeting was closed to the public and all members of the public present in the Gallery and staff, with the exception of the Governance/Minute Officer, left Council Chambers at 4.00pm.

15.1 ANNUAL PERFORMANCE REVIEW - CHIEF EXECUTIVE OFFICER AARON COOK

File:	PER/313
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	16 July 2019
Refer:	Nil
Appendices:	Nil

Reason for Confidentiality

This Report is **CONFIDENTIAL** in accordance with Section 5.23 (2) of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person;

DISCLOSURES OF INTEREST

A Cook (Chief Executive Officer) declared a Financial Interest in Item 15.1 due to the fact that the item deals with the Chief Executive Officer's contract position.

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/AUDIT AND GOVERNANCE COMMITTEE RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Peczka

That Council:

1. Consider the completed 2019 Performance Review for the CEO to Council and accept the findings of the Review.

- 2. Agree to the following Key Performance Indicators for the CEO over the ensuing 12 months:
 - a. Facilitate the advancement of the Gingin Medical Practice to a sustainable position and/or other Medical Provider take over the practice.
 - b. Significantly advance the Grace Darling Park Erosion resolution and continue community involvement.
 - c. Continue to advance Coastal Preparedness across the Shire.
 - d. Investigate the ability to increase sustainable rate revenue across the Shire, in line with neighbouring Local Governments to ensure that the heavy users of Council infrastructure are contributing in an appropriate manner.
 - e. Progress Waste Treatment Plan and Master Plan for Guilderton Caravan Park.
 - f. Progress production of appropriate engineering reports and applications for funding for Seabird and Guilderton groynes.
 - g. Complete Orange Springs Road project in 2019/2020.
 - h. Progress Master Plan for Lancelin Recreation Centre via the Upper Coastal Sporting Facilities Working Group.

CARRIED UNANIMOUSLY

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

COUNCIL RESOLUTION/AUDIT AND GOVERNANCE COMMITTEE RECOMMENDATION

MOVED: Councillor Lobb SECONDED: Councillor Court

That Council amend the current Contract of Employment between the Shire of Gingin and Aaron Cook by including a two year contract extension and an increase in remuneration of \$3,000 per annum.

CARRIED BY ABSOLUTE MAJORITY

9-0

COUNCIL RESOLUTION

MOVED: Councillor Peczka SECONDED: Councillor Johnson

That the meeting be re-opened to the public.

CARRIED UNANIMOUSLY

The meeting re-opened to the public at 4.03pm and Councillors Johnson and Peczka left Council Chambers.. Councillor Johnson and the Chief Executive Offiver returned to the meeting at 4.04pm. No members of the public returned to the meeting.

The Shire President informed the Chief Executive Officer of Council's resolutions.

16. CLOSURE

There being no further business, the Shire President declared the meeting closed at 4.05pm.

The next Ordinary Meeting of Council will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on Tuesday, 20 August 2019 commencing at 3.00 pm.

These Minutes are confirmed as the official record of the Ordinary Meeting of the Gingin Shire Council held on 16 July 2019

Councillor I B Collard Shire President 20 August 2019