

MINUTES

ORDINARY MEETING

OF COUNCIL

20 APRIL 2021



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SHIRE OF GINGIN

MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF GINGIN HELD IN THE COUNCIL CHAMBER ON TUESDAY, 20 APRIL 2021, AT 3.03 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 of Gingin would like to acknowledge the Yued people who are the traditional custodians of this land. The Shire would like to pay respect to the Elders past, present and emerging of the Yued Nation and extend this respect to all Aboriginal people. The Shire also recognises the living culture of the Yued people and the unique contribution they have made to the Gingin region.

The Shire President declared the meeting open at 3.03 pm and welcomed those in attendance.

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

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

<u>Staff</u> – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), A Butcher (Executive Manager Operations), R Kelly (Executive Manager Regulatory and Development Services), K Bacon (Manager Statutory Planning), J Bayliss (Statutory Planning Officer) and L Burt (Governance/Minute Officer).

Gallery – There were five members of the public present in the Gallery.

2.2 APOLOGIES

2.3 LEAVE OF ABSENCE

Councillor Vis

3. DISCLOSURES OF INTEREST

3.1 Aaron Cook - Chief Executive Officer

Item 11.1.2 Adoption of Model Standards for CEO Recruitment, Performance and Termination

Aaron Cook (CEO) disclosed a Financial Interest in this item as it relates to the recruitment, selection, performance review and termination of employment of local government CEOs and imposes a requirement for the position of CEO to be advertised after 10 or more years of consecutive employment.

3.2 Councillor Morton

Item 11.3.9 Proposed Permanent Partial Road Closure Of Telephone Road Reserve To Be Amalgamated With Lot 53 (203) Wanerie Road, Wanerie

Councillor Morton disclosed a Proximity Interest in relation to this matter as Lot 53 Telephone Road, Wanerie directly adjoins his property (Lot 52 Telephone Road).

3.3 Councillor Fewster

Item 15.2 Reconsideration Of Application For Development Approval - Proposed Agriculture Intensive (Annual And Perennial Horticulture) And Application For Retrospective Development Approval - Agriculture Intensive (Annual Horticulture) And Associated Structures On Lot 1 (115) Rig Road, Red Gully

Councillor Fewster disclosed an Impartiality Interest in relation to this matter as he assists the Gingin Recreation Group who lease property to the south and advises them on farming practices and lease agreements.

4. PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

4.2.1 Michael Byrne – Aldwick Loop, Swan View Beermullah Airstrip

Q1. Mr CEO the airfield sits in the Beermullah defence area and it is currently listed in the RAAF operation manual for use as was presented to shire in our recent applications for use of the airfield, can the CEO state why the military are able to use the airstrip as part of their operations but general aviation users are prohibited from using the airstrip?

Response by CEO

ORDINARY MEETING

SHIRE OF GINGIN

- A1: We are not aware of the RAAF having the Beermullah airstrip listed for use. I have commenced making contact with the RAAF Pearce and CASA over this matter and the notification listed on the Airstrip.
- Q2. Mr CEO can you please present to council the details of or a copy of the permit issued to the military for their use of the airstrip for flying operations?

Response by CEO

- A2: The Shire is currently unaware of any permit.
- Q3. Mr CEO As the shire has accepted the LGIS report stating that there is a risk of a distracted driver being injured whilst the airfield is being used by a civil aircraft landing or taking off from Beermullah airstrip, is it not exactly the same for a military aircraft, and if so what measures has the Shire undertaken to minimise litigation of a potential distracted driver?

Response by CEO

- A3. Please refer to responses in question 1 and 2.
- Q4. Mr CEO during our recent application to use Beermullah airstrip, the Shire stated that there was no litigation risk to the Shire if the airstrip was not in use. If the RAAF is permitted use of the airstrip as stated in its operating procedures, how is the shire able to make this statement when there is clearly a risk of distraction to motorists by military aircraft?

Response by CEO

- A4. Please refer to responses in question 1 and 2.
- Q5. Mr CEO Does the shire aware of, or have a certificate of currency for any insurance policy held by the military for the use of the airstrip?

Response by CEO

- A5. Please refer to responses in question 1 and 2.
- Q6. Mr CEO has the shire done a recent risk assessment relation to military use of the airstrip? If so what was the result of that risk assessment and has the Shire actioned a response to the risks identified?

Response by CEO

A6. Please refer to responses in question 1 and 2.

Q7. Mr CEO how does any insurance cover provided by the military cover the shire for any liability that may be directed at the Shire due to a driver being distracted whilst a military aircraft is in the vicinity of the airfield or taking of or landing or doing a low pass at the airfield?

Response by CEO

- A7. Please refer to responses in question 1 and 2.
- Q8. Mr CEO if the military provide insurance cover to the shire, through CommInsure for public liability why is it any different to the public liability insurance offered through Recreational Aviation Australia (RAAus), that specifically states and provides cover to the landowner for recreational aviation activity and why has the shire chosen to accept the military's indemnity policy but rejected our policy covers the shire for exactly the same liability?

Response by CEO

- A8. Please refer to responses in question 1 and 2.
- Q9. Mr CEO in the recently presented applications to use Beermullah Airstrip, a copy of our insurance policy was presented to council in the GRFC and Top Fun applications. Can the CEO please explain how those policies do not cover the shire for liability for any incident or accident whilst the aircraft is in the vicinity of the airfield or taking of or landing or doing a low pass at the airfield when the policy clearly states in item 1.3 that our cover includes legal liability to the land owners of the property being used by the insured RAAus members? extract below:

Section 1 - The Cover

1. We will indemnify you for all sums which you shall become legally liable to pay, and shall pay, as compensatory damages (including costs and interest awarded against you) up to but not exceeding the amount specified in the Schedule in respect of accidental bodily injury and accidental loss of or damage to the property of others, caused by an Accident occurring during the period of insurance stated on the Schedule and arising out of a Recreational Aviation Australia Limited, activity.

The cover includes:

- 1.1 The legal liability of the Member whilst flying or otherwise operating the Aircraft;
- 1.2 The legal liability of the Insured to another Member of Recreational Aviation Australia Limited.;
- 1.3 Legal Liability to the land owners of the property or land being used by the Insured in the course of the Insured's business:
- 1.4 Legal Liability as the Organisers of events being held under the auspices of the Insured but excluding Liability as the Organiser of an Air Show or Air Display unless specifically agreed by Underwriters;
- 1.5 The legal liability of the Member arising out of storage of the Aircraft and / or whilst the Aircraft is parked



Response by CEO

A9. The Shire may be covered by the insurance policy to a level, however in a claim situation the litigation is often also passed on to the landowner or the largest policy holder. Equally, should the claim be more than the amount specified in your cover (line 2 of point 1) the claimant may lodge a claim against the Shire as the owner/lessor.

Q10. Mr CEO Can you please explain how the military using their jets in proximity of Beermullah and/or conducting a forced landing simulation do not pose an increased risk to the shire, yet a civil aircraft that is ½ the size and can barely be seen from the road poses such a risk to the council that it warrants closing the airstrip to civil aircraft?

Response by CEO

- A10. Please refer to responses in guestion 1 and 2.
- Q11. Mr CEO if the airstrip is now deemed closed and will not be maintained, what measures is the shire undertaking to formally close the airstrip and prevent aircraft using the airfield in any way?

Response by CEO

- A11. The airstrip has not been maintained for many years and its general condition is, as has been stated, one of the major reasons for not utilising the strip. In regard to the closure of the airstrip I have been making contact to CASA and the RAAF and will undertake the required actions.
- Q12. Mr CEO is the Shire aware that any aircraft can still do a relatively low pass over the airfield or practise forced landings onto Beermullah airstrip as long as they do not land, and can the CEO please explain how closing the airfield will prevent the risk of a driver being injured due to distraction by an aircraft?

Response by CEO

- A12. Closing the strip resolves the potential for an aircraft operator to practice forced landings, or undertake low passes, thereby reducing the risk of driver distraction.
- Q13. Can the CEO state if it is the intention of the Shire to comply with CASA guidelines in closing the airstrip?

Response by Shire President

- A13. The Shire will do whatever is necessary.
- Q14. My estimate to undertake this exercise is approximately \$2 million. How will the Shire fund this?

Response by Shire President

A14. If that proves to be the case then the Shire will consider other avenues.

5. PETITIONS

6. <u>APPLICATIONS FOR LEAVE OF ABSENCE</u>

An Application for Leave of Absence has been submitted by Councillor Vis for today's meeting.

COUNCIL RESOLUTION

MOVED: Councillor Peczka SECONDED: Councillor Morton

That Council grant Leave of Absence to Councillor Vis for the Ordinary Council Meeting on 20 April 2021.

CARRIED UNANIMOUSLY

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That the Minutes of the Ordinary Council meeting held on 16 March 2021 and the Special Council meeting held on 6 April 2021 be confirmed as a true and accurate record.

CARRIED UNANIMOUSLY

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER

One deputation was heard by Council prior to the commencement of the Council meeting, the details of which were as follows:

Item 11.3.4 Application for Development – Proposed Agriculture Intensive (Turf Farm) on Lot 5257 (2800) Cowalla Road, Cowalla

Speaker/s: Adrian Pitsikas

Peter Pitsikas Ryan Kelly

The deputation was in support of the Officer's recommendation.

9. <u>UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS</u>

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

11.1. OFFICE OF THE CEO

11.1.1 ADOPTION OF MODEL CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

File:	GOV/10
Author:	Lee-Anne Burt – Governance Officer
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	20 April 2021
Refer:	16 March 2021 Item 11.1.3
Appendices:	Shire of Gingin Code of Conduct for Council
	Members, Committee Members and Candidates

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider and adopt the Shire of Gingin Code of Conduct for Council Members, Committee Members and Candidates.

BACKGROUND

The Local Government (Model Code of Conduct) Regulations 2021 (the Model Code of Conduct) took effect on 3 February 2021. The Model Code of Conduct repeals and replaces the Local Government (Rules of Conduct) Regulations 2007 (the Rules of Conduct Regulations) and also replaces any previous Codes of Conduct formulated by local governments for elected members and committee members.

All local governments are required to adopt the Model Code of Conduct as their Code of Conduct by 3 May 2021. In the interim, the Model Code of Conduct is taken to be the local government's adopted Code of Conduct and its standards apply.

The Shire of Gingin Code of Conduct for Council Members, Committee Members and Candidates is provided for Council's deliberation as **Appendix 1**. Once adopted, the Code of Conduct will be uploaded to the Shire's website for public information.

As part of the preparation for adopting the Model Code of Conduct, at its meeting on 16 February 2021 Council adopted Delegation 1.20 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates). Delegation 1.20 empowers the Chief Executive Officer (CEO) to appoint an Authorised Person to receive complaints and withdrawals of complaint with respect to breaches of the Code of Conduct, and to approve the form to be used to submit such complaints.

In accordance with Delegation 1.20, the CEO has currently appointed himself as the person authorised to receive complaints and withdrawals of complaint. A complaints form has been approved by the CEO and is available to the public on the Shire of Gingin website.

COMMENT

The Model Code incorporates general principles and behaviours to be observed by all elected members, together with redrafted versions of the rules of conduct contained within the former Rules of Conduct Regulations. Whilst local governments cannot amend Division 2 (Principles) or Division 4 (Rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government, such as specific dress standards or other behaviour requirements that are not addressed by the Model Code.

In general, the conduct standards encompassed by the Model Code do not differ significantly from the general principles contained within the former Rules of Conduct Regulations and the Shire of Gingin's previous Code of Conduct for Councillors and Committee Members. The most significant changes introduced by the Model Code are:

- 1. The procedure for dealing with complaints alleging breaches of the Code;
- 2. The expansion of the Code to address conduct by candidates;
- 3. The inclusion of rules of conduct for which alleged breaches (minor breaches) are to be referred to the Local Government Standards Panel.

Some aspects of the former Code of Conduct for Councillors and Committee Members (such as the section dealing with gifts) are already dealt with under existing legislation and therefore inclusion in a Code of Conduct is unnecessary.

A number of issues addressed in the previous Code that are not addressed by the Model Code have been incorporated into Division 3 as Clauses 16 through to 25. Councillors must be aware that any of the principles set out in Division 3 can be the subject of a behavioural complaint that will need to be dealt with by the local government in accordance with the process that is eventually agreed upon by Council.

Dealing with Complaints

The Model Code requires that complaints alleging a breach of Division 3 of the Code of Conduct be dealt with by the local government.

The Shire's previous Code of Conduct for Councillors and Committee Members specified that complaints with respect to breaches of the Code were to be determined by the CEO. However, the Model Code of Conduct leaves it open to individual local governments to determine the most appropriate and effective process for how complaints will be dealt with.

Possible options include:

1. All complaints received being considered by Council. A report would need to be prepared for Council deliberation, either by the person authorised to receive complaints or by an independent/external consultant appointed by Council to review complaints.

The Department of Local Government, Sport and Cultural Industries' Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates suggests that, if the report is prepared by the person authorised to receive complaints then it may be more appropriate for no recommendation to be provided.

- 2. Establishing a committee of Council to consider complaints.
- 3. Delegating the power to consider complaints to the CEO.

Regardless of the process ultimately agreed to by Council with respect to complaints relating to Division 3, breaches of Division 4 are considered to be Minor Breaches and should be dealt with in accordance with the requirements of s.5.107 of the *Local Government Act 1995*.

It is envisaged that Council will need to either adopt a stand-alone Complaints Policy or, if appropriate, amend its existing Policy 1.34 Dealing with Complaints, to set out how complaints with respect to breaches of Division 3 of the Code of Conduct will be dealt with. The Western Australian Local Government Association has very recently provided a framework for the complaints handling process to assist local governments in this regard, and work will now proceed as a matter of priority on drafting policy wording for Council's consideration.

If any complaints are received alleging breaches of Division 3 in the interim, then it is recommended that the complainant be advised that the complaint will not be progressed until an appropriate process has been put in place.

Application of Code of Conduct to Candidates

The Code of Conduct will apply to candidates once their nomination for election is accepted by a Returning Officer. However, any alleged breach of the Code can only be addressed if and when the individual is elected as a Council member.

Division 4 Rules of Conduct

The rules of conduct are those previously set out in the *Local Government (Rules of Conduct) Regulations 2007*, plus an additional Rule of Conduct to address situations where a Council member does not undertake the actions required by the Council following a breach of the Code.

Alleged breaches of any of the clauses contained in Division 4 are deemed to be Minor Breaches which must be dealt with by the Local Government Standards Panel.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 - Administration

Division 9 - Conduct

Section 5.103 Model code of conduct for council members, committee members and candidates

Section 5.104 Adoption of model code of conduct

Section 5.105 Breaches by council members

Local Government (Model Code of Conduct) Regulations 2021

POLICY IMPLICATIONS

Council will need to either adopt a stand-alone Complaints Policy or, if appropriate, amend its existing Policy 1.34 Dealing with Complaints, to set out how complaints with respect to breaches of the Code of Conduct will be dealt with.

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	Our Organisational/Business Values are demonstrated in all that we do
Key Service	Elected Member Services
Areas	
Priorities	N/A

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Rule

That Council:

- 1. Adopt the Shire of Gingin Code of Conduct for Council Members, Committee Members and Candidates as presented in Appendix 1.
- 2. Agree that, if a complaint alleging breaches of Division 3 of the Shire of Gingin Code of Conduct for Council Members, Committee Members and Candidates is received prior to the adoption of a policy position establishing how such complaints are to be dealt with, then the following process will apply:
 - a. The Complaints Officer will acknowledge and accept the complaint.
 - b. The complainant will be advised by the Complaints Officer that the complaint will not be progressed until an appropriate policy position has been adopted by Council, and informed of a reasonable timeframe within which this will occur.

by Council.

CARRIED BY ABSOLUTE MAJORITY

8/0

APPENDIX 1

SHIRE OF GINGIN CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

Division 1 — Preliminary provisions

1. Citation

This is the Shire of Gingin Code of Conduct for Council Members, Committee Members and Candidates.

2. Terms used

(1) In this code —

Act means the Local Government Act 1995;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal Integrity

- (1) A council member, committee member or candidate should
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the local government.
- (2) A council member or committee member should -
 - act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner;and

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- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- read all agenda papers given to them in relation to council or committee meetings;
 and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 - Behaviour

7. Overview of Division

This Division sets out -

- requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- A council member, committee member or candidate
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member –

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate -

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- must not use offensive or derogatory language when referring to another person;
 and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate -

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made -

- (a) in writing in the form approved by the local government; and
- (b) to a person authorised under subclause (3); and
- (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred its decision under subclause (4).

13. Dismissal of complaint

- The local government must dismiss a complaint if it is satisfied that
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either -
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

16. Dress standards

- (1) When attending Council meetings, council members are required to wear appropriate business attire.
- (2) When representing the local government on other occasions, council members will dress in a manner that is appropriate to the occasion.

17. Police clearance

Council members are required to provide a current Police Clearance within 1 month of being elected, and thereafter throughout their term of office if required or requested to so by the President or the CEO.

18. Administrative enquiries

Council members shall direct all enquiries to the CEO or relevant Executive Manager, unless the CEO has specifically identified that an alternative employee may be contacted.

19. Disclosure of interests at Briefing Sessions and Annual Meetings of Electors

Council members shall disclose at a Briefing Session or Annual Meeting of Electors any Financial Interest (direct or indirect), Proximity Interest or Impartiality Interest 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.

20. Communicating decisions of the council

- (1) Council members will respect the decision-making processes of council and will not publicly reflect adversely on any decision of the council or the local government's employees.
- (2) Information relating to decisions of the local government on approvals, permits and so on may only be communicated in an official capacity by a designated officer of the local government.

21. Quasi-judicial role and principles

(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.

(2) Principles

- (a) The community expects council members to act in a quasi-judicial manner when exercising discretionary power. To act in a quasi-judicial manner, a council member 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.
- (b) Applicants submitting approval documents may attempt to persuade individual council member to support their proposals. A council member must remain objective and deal with applicants or affected persons impartially.
- (c) Decisions must be based on sound legislative rationales, rather than the opinions of particular interest groups that do not represent the wider community.
- (d) All council members are to have equal access to relevant information and the opportunity to participate effectively throughout the decision-making process.

(3) Procedures for council members

- (a) When acting in a quasi-judicial role, a council member 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 council member 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 council member as a quasi-judicial decision maker (refer to clauses 3.1 and 3.2 above);
 - (iii) encourage the applicant or affected person to make their views known through the relevant formal local government and statutory processes, such as through public submission periods, contacting the local government'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 the impression that they have committed their vote to the matter. Council members may offer support or not, 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 council member will contact the CEO 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 council members and at least one employee of the local government to attend.
- (d) Where an applicant or affected person provides information to a council member that is relevant to the decision-making process, the council member must communicate that information to all other council members and the CEO prior to the meeting where a decision is proposed on the matter.
- € If a council member 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 CEO will consider requests for additional information in light of its relevancy to the decision and determine whether or not the information should be provided.

22. Medication with potential side effects

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

23. Social media

(1) Council members do not have to obtain authorisation to contribute to the local government's social media platform, although contributions are not encouraged.

- (2) Councillors cannot post any new content onto the Shire of Gingin's social media platform. Council members can only 'comment', 'like' or 'share' existing content, and must disclose that they are a council member, and that the views expressed are their own.
- (3) Council members cannot post any material on the social media platform concerning a council decision unless the local government has previously released the information on the social media platform or to the media or the public in some other format, or the official Minutes have been made public.
- (4) Council members may establish personal social media accounts at their own discretion to engage with the community, but the local government will not provide administration or moderation support for these accounts. Council members must bear in mind that 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.
- (5) Council member comments which become public and breach Division 4 of this Code will be considered to be a Minor Breach and may be referred to a standards panel for investigation.
- (6) The local government will not be held liable for any loss or damage, however caused, suffered by council members or others in connection with the use of a council member's personal social media accounts.

24. Appointments to external committees

When appointed to represent the local government on external bodies, council members must:

- (a) clearly understand the basis of their appointment; and
- (b) provide regular reports on the activities of the external body.

25. Dealing with council property

Council members will:

- (a) be scrupulously honest in their use of local government property and shall not misuse it or permit its misuse by any other person or body.
- (b) use local government property entrusted to them effectively and economically in the course of their duties.
- (c) not use local government resources (including the services of the local government's employees) for private purposes unless properly authorized to do so, and where appropriate payments have been made as determined by the CEO.

Division 4 - Rules of conduct

Notes for this Division:

- Under section 5.105(1) of the Act a council member commits a minor breach if the council
 member contravenes a rule of conduct. This extends to the contravention of a rule of conduct
 that occurred when the council member was a candidate.
- 2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

(1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act* 1907 or the *Commonwealth Electoral Act* 1918;

resources of a local government includes -

- (a) local government property; and
- (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task. (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

(1) In this clause —

local government employee means a person -

- (a) employed by a local government under section 5.36(1) of the Act; or
- (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not
 - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means
 - make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under The Criminal Code Chapter XXXV.

21. Disclosure of information

(1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a nonconfidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

(1) In this clause —

Interest -

- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
- (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —

- (a) that they had an interest in the matter; or
- (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

11.1.2 ADOPTION OF MODEL STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

File:	COR/25
Author:	Lee-Anne Burt – Governance Officer
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	20 April 2021
Refer:	Nil
Appendices:	1. Shire of Gingin Standards for CEO Recruitment,
	Performance and Termination

DISCLOSURES OF INTEREST

Aaron Cook (CEO) has disclosed a Financial Interest in this item as it relates to the recruitment, selection, performance review and termination of employment of local government CEOs and imposes a requirement for the position of CEO to be advertised after 10 or more years of consecutive employment.

The CEO left the meeting at 3.18pm.

PURPOSE

To consider and adopt the Shire of Gingin Standards for CEO Recruitment, Performance and Termination.

BACKGROUND

On 3 February 2021, the Local Government (Administration) Amendment Regulations 2021 (CEO Standards) introduced mandatory minimum standards for the recruitment, selection, performance review and termination of employment in relation to local government Chief Executive Officers (CEOs). The aim of the CEO Standards is to provide local government with a consistent and equitable process for CEO recruitment, performance review and termination across all local governments, in accordance with the principles of merit, equity and transparency.

It is a requirement that local governments prepare and adopt the CEO Standards within three months of the CEO Standards coming into operation (by 3 May 2021). Until such time as a local government prepares and adopts its own CEO Standards, the model CEO Standards in regulations apply.

In accordance with legislative requirements, the Shire of Gingin Standards for CEO Recruitment, Performance and Termination have been prepared for Council's consideration (Appendix 1).

COMMENT

In addition to prescribing minimum requirements for the recruitment, selection, performance review and termination of employment of local government CEOs, the CEO Standards also require that a local government advertise the position of CEO at the conclusion of a current contract if the incumbent CEO has held the position for a period of 10 or more consecutive years and a recruitment process has not been carried out during that period. The incumbent CEO must apply for the position if they are seeking further tenure.

Each local government is required to review the incumbent CEO's current contract expiry date to determine whether the CEO will have provided 10 or more consecutive years of service upon expiry of the contract. The current CEO commenced employment with the Shire of Gingin on 5 June 2018 and his contract will expire on 4 June 2023. This means that, at the contract expiry, less than 10 years will have elapsed since the last recruitment process being undertaken and therefore it will not be necessary to advertise the position unless Council is actively seeking a new CEO at that point.

It will be necessary for all local governments to review their current procedure for undertaking the CEO's annual performance review to ensure that it meets the requirements of the CEO Standards, and this process will be worked through in coming months (prior to the next CEO performance review due in August 2021.

Local governments can elect to include additional standards that reflect the specific needs of the local government, provided that any additions are consistent with the Model. No additional standards are proposed for the Shire of Gingin at this point in time.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 5 – Administration
Division 4 – Local government employees
Section 5.39B - Adoption of model standards

Local Government (Administration) Regulations 1996
Part 4 – Local government employees
Regulation 18FA – Model standards for CEO recruitment, performance and termination
Schedule 2 – Model standards for CEO recruitment, performance and termination

POLICY IMPLICATIONS

The CEO Standards have amended the *Local Government Act 1995* to require that local governments adopt a policy setting out the process to be followed when employing a CEO or appointing an employee as acting CEO for a period not exceeding one year.

The Western Australian Local Government Association has requested that the Department of Local Government, Sport and Cultural Industries develop a template policy for local governments to satisfy this requirement, but this has not eventuated to date.

Council has currently delegated power to the CEO to appoint an employee to the position of acting CEO for periods of 35 days or less (Delegation 1.16 Appointment of Acting Chief Executive Officer (for Periods of 35 Days or Less). In the absence of a template policy, consideration will be given to the drafting of a policy to meet the Shire of Gingin's obligations in this regard.

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	Our Organisational/Business Values are demonstrated in all that we do
Key Service	N/A
Areas	
Priorities	N/A

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Court

That Council adopt the Shire of Gingin Standards for CEO Recruitment, Performance and Termination as presented in Appendix 1.

CARRIED BY ABSOLUTE MAJORITY 8/0

The CEO returned to the meeting at 3.19pm and was advised of Council's decision by the Shire President.

20/04/2021

APPENDIX 1

Shire of Gingin Standards for CEO Recruitment, Performance and Termination

Division 1 - Preliminary provisions

1. Citation

These are the Shire of Gingin Standards for CEO Recruitment, Performance and Termination.

2. Terms used

(1) In these standards —

Act means the Local Government Act 1995;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the Shire of Gingin;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 - Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply -
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations* 1996 regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations* 1996 regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must -

- (a) inform the person of the website address referred to in the *Local Government* (Administration) Regulations 1996 regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address —
 - (i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

In this clause —

independent person means a person other than any of the following -

- (a) a council member;
- (b) an employee of the local government;
- (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
- (3) The selection panel must comprise
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3)
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.

- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —
 - (a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the **negotiated contract**) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

(1) In this clause —

commencement day means the day on which the Local Government (Administration) Amendment Regulations 2021 regulation 6 comes into operation.

- (2) This clause applies if -
 - upon the expiry of the contract of employment of the person (the *incumbent* CEO) who holds the position of CEO
 - (i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and
 - (b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.
- (3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.
- (4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 - Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

- (1) The local government and the CEO must agree on
 - (a) the process by which the CEO's performance will be reviewed; and

- (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must
 - collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner, and
 - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO how the local government proposes to address and manage those issues.

Division 4 - Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —

- (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
- (b) notifying the CEO of any allegations against the CEO; and
- (c) giving the CEO a reasonable opportunity to respond to the allegations; and
- (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has
 - in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the **performance issues**) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

11.1.3 TURF MAINTENANCE CONTRACT - GRO-TURF PTY LTD

Location:	Shire of Gingin	
File:	COR/40	
Reporting Officer:	Aaron Cook - Chief Executive	e Officer
Report Date:	20 April 2021	
Refer:	16 February 2016	Item 11.4.1
	16 April 2019	Item 15.1

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider approving a proposed extension of the current turf maintenance contract between the Shire of Gingin and Gro-turf Pty Ltd for a period of six months.

BACKGROUND

For the last five years (2016 to 2021) the Shire has contracted Gro-turf Pty Ltd to provide turf and garden maintenance for public open space (POS) areas across the Shire. Prior to that, Gro-turf provided similar services to the Shire between 2012 and 2016. In 2016 the Shire underwent a public tender process (Tender 01/2016 Shire of Gingin Turf Maintenance 2016-2019). Gro-turf was deemed to provide best comparative value for money and was awarded the contract in accordance with Council's resolution made at the Ordinary Council meeting on 16 February 2016.

At Council's meeting held on 19 April 2019, Council considered an extension to the contract and resolved to extend the existing turf maintenance contract 2016-2019 with variations for a further period of two years expiring on 31 March 2021.

COMMENT

It is intended to test the current marketplace through an Expression of Interest process in order to assess whether contracting the works out is delivering value for money compared to the cost of the works being carried out utilising the Shire's own personnel.

This information will then be presented back to Council to make a final determination as to whether it wishes to facilitate the engagement of additional staff and plant to undertake the works internally, or to conduct a closed tender process based on Expressions of Interest received to appoint a contractor.

The Expressions of Interest process is being undertaken and is expected to close prior to the end of April. All contractors contacted have been provided with a copy of the existing contract requirements to base their Expressions of Interest on. Given that the current contract expired at the end of March, it is necessary to make arrangements for turf maintenance services to continue to be provided until such time as Council determines its preferred direction and appropriate arrangements have been made to effect that decision.

Discussions in this regard were entered into with the existing contractor prior to the contract expiry, who confirmed that they would be prepared to continue providing turf maintenance services under the existing conditions of contract for a further period of six months. The Shire President and Deputy Shire President were advised of these arrangements.

Delegation 1.1 Variations and Extensions to Tenders and Contracts only empowers the CEO to approve variations and/or extensions to existing contracts entered into by the Shire if an option to extend is specified in the original tender and contract documents. In this instance, the contract only provided for one two year extension, which was the extension to 31 March 2021. Council approval is therefore sought for the continued engagement of Gro-turf Pty Ltd for a further period of six months under the same Conditions of Contract.

STATUTORY ENVIRONMENT

There is no requirement for a tender to be called when extending an existing contract, with the same conditions for a period of time. As such, there is no statutory requirement affecting this item.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

As the budget item was allowed for a full twelve month period there is no additional implication for the remaining 20/21 financial budget. Staff will make an allocation within the 2021/22 Budget relative to the commitment for the first three months and the ongoing commitment for the remainder of the year.

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Morton

That Council:

1. Agree to engage Gro-turf Pty Ltd for the provision of turf maintenance services to the Shire of Gingin for a further period of six months, terminating on 30 September 2021, under the same Conditions of Contract applicable to the contract agreement terminating on 31 March 2021.

2. Endorse the actions of the CEO in entering into an arrangement to this effect, given that such action was necessary to ensure the provision of uninterrupted turf maintenance services to the Shire of Gingin.

CARRIED UNANIMOUSLY

11.2. CORPORATE AND COMMUNITY SERVICES

11.2.1 MONTHLY FINANCIAL STATEMENT FOR THE PERIODS ENDING 28 FEBRUARY 2021 AND 31 MARCH 2021

File:	FIN/25						
Author:	Ziggy Edwards – Manager Corporate Services						
Reporting Officer:	Les Crichton – Executive Manager Corporate and						
	Community Services						
Report Date:	20 April 2021						
Refer:	Nil						
Appendices:	1. Monthly Financial Statements for the periods ending						
	28 February 2021 and 31 March 2021						
	2. Term Investments						

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Statement of Financial Activity for the periods ending 28 February 2021 and 31 March 2021.

BACKGROUND

The financial statements are presented to Council in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

COMMENT

Under budget

The Financial Statements for the months ending 28 February 2021 and 31 March 2021 present the financial performance of the Shire for the 2020/21 financial year and compare year to date expenditure and revenue against the corresponding year-to-date budget.

The (\$158,831) variance as at 31 March 2021 comprises:

<u> </u>	
Operating Fund Surplus/Deficit	\$0
Operating Expenditure	\$1,061,568
Investing Activities – Expenditure	\$4,419,439
Financing Activities – Revenue	(\$2,558,217)
Investing Activities – Revenue	(\$3,172,856)
-	•

Over budget	
Operating Revenue	\$2,125,580
Financing Activities – Expenditure	(\$2,034,345)
-	(\$158,831)

While a detailed explanation of the cause of the variations is provided within each of the monthly statement periods (**Appendix 1**), it should be noted the March 2021 Statement reflects the Revised 2020/21 Budget. In addition to the amendments approved throughout the year, Council completed a comprehensive budget review which was adopted at its Special Meeting held 6 April 2021. This review considered progress on all accounts to 18 March 2021 and amended, where necessary, those required to more accurately reflect Council's anticipated closing position at year end. The Original Budget (as shown in the February 2021 Statement) has been updated to include the budget review and prior amendments to for the Revised Budget.

This reflects an overall variance significantly reduced from previous reporting periods, made up predominantly of timing differences (operating expenditure), completing budget review transactions (reserve transfers), the 28 July adoption of Council's budget (Investing and Financing), and Chart of Account (COA) re-mapping.

As part of the Altus Financial upgrade, the Chart of Accounts has been standardised to better align Councils operations with local government reporting requirements. While the budgets have not changed as a result, some have been moved to other program areas. An example is seniors housing previously reported within the 'Education and Welfare' program given its contribution to community welfare, has been moved to the 'Housing' program given its primary housing function. While movement is now captured within our actual figures, the corresponding budgets need to be moved and on completion will be presented to Council for ratification.

Investments

As required by Council Policy 3.2 Investments, details of Council's investments are provided within **Appendix 2**.

STATUTORY/LOCAL LAW IMPLICATIONS

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 Reg 34 – Financials activity statement required each month

Shire of Gingin Delegation Register – Delegation 2.4 Investing Money Not Required for the Time Being

POLICY IMPLICATIONS

Shire of Gingin Policy 3.2 – Investments

A monthly report will be provided to Council detailing the investments portfolio in terms of performance, percentage exposure, maturity date and changes in market value.

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 the community
Outcome	5.1 Values
	Our Organisational & 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 Balcombe

That Council endorse the Statement of Financial Activity for the periods ending 28 February 2021 and 31 March 2021.

CARRIED UNANIMOUSLY

APPENDIX 1





MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2020 TO 28 FEBRUARY 2021

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 2020/21 year is \$20,000 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: Les Crichton Date Prepared: 15/04/21

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
OPENING FUNDING SURPLUS (DEFICIT)	2,018,290	2,018,290	1,612,520	(405,770)	(20.10%)	Lower than expected carried forward after 19/20 audit. Awaiting budget review finalisation.
REVENUE FROM OPERATING ACTIVITIES						
GENERAL PURPOSE FUNDING	1,134,514	756,343	770,674	14,332	1.89%	
GENERAL PURPOSE FUNDING - RATES	8,366,400	8,366,400	8,399,555	33,154	0.40%	Interim rates charged on Country Heights Estate Stage 1 properties;
GOVERNANCE	2,000	1,333	545	(788)	(59.09%)	Nil legal expenses recovered to date.
LAW ORDER PUBLIC SAFETY	708,280	472,187	415,800	(56,387)	(11.94%)	Lower than expected fines and penalties, and fire related reimbursements to date. Income recognition for MAF and BRPC as per AASB15 held as contract liability until spent.
HEALTH	723,500	482,333	342,835	(139,499)	(28.92%)	Medical Centre income restrained by single doctor service.
EDUCATION & WELFARE	108,787	72,525	163,739	91,215		Return of Community Funding by Lancelin Primary School for Canberra Camp due to cancellation. Recognition of prior year income (previously restricted) upon transfer to reserve: Annual replacement Contributions 06-07 – 13/14 for Community Bus.
HOUSING	12,000	8,000	156,120	148,120	1851.50%	Remapping of senior's housing through Chart Of Account (COA) restructure from Program: Education and Welfare to Housing not reflected in budget.
COMMUNITY AMENITIES	1,916,080	1,277,387	1,426,430	149,044	11.67%	Recognition of prior year income (previously restricted) upon transfer to reserve: Coastal inundation (unspent portion of voluntary coastal erosion levy) and reserve: Subdivisions (for various sub-division funds). Coastal Erosion Voluntary Levy raised with rates in July 2020. Higher than forecast planning application fees received.
RECREATION & CULTURE	257,668	171,779	193,302	21,523	12.53%	Recognition of prior year income (previously restricted) upon transfer to reserve: 19/20 BEN Signs grant and Granville Park contribution to works.
TRANSPORT	207,514	138,343	1,455,917	1,317,574	952.40%	Recognition of prior year income (previously restricted) upon transfer to reserve: unspent roads and footpaths income, and parking meter income; Wheatbelt Region Main Roads WA Direct Grant Claim for 2020/21 (Regional Road Group) received in August 2020. Higher than expected fees from parking meters; Profit on sale of vehicles changed over in December 2020 not included in original budget.
ECONOMIC SERVICES	1,428,651	952,434	1,188,668	236,234	24.80%	Agri Precinct Site Identification project funding balance recognised 20/21; timing of Guilderton Caravan Park income; higher than expected building licenses and fees income;
OTHER PROPERTY & SERVICES	274,665	183,110	242,140	59,030	32.24%	Timing of insurance reimbursement for vehicle 5GG and lighting tower; higher than expected vehicle licensing commission YTD; higher than expected information fee income; unbudgeted grant funding for Standard Chart of Accounts restructure; refund of Superannuation administration fees; higher than expected general reimbursement income.
TOTAL REVENUE	15,140,059	12,882,173	14,755,726	1,873,553	14.54%	

。 在在此的新生民	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
EXPENDITURE FROM OPERATING ACTIVITIES						
GENERAL PURPOSE FUNDING	(474,767)	(316,511)	(279,898)	36,613	(11.57%)	Timing of audit fee expenditure; lower than budgeted Councillor's training expenditure.
SOVERNANCE	(1,160,411)	(773,607)	(1,089,628)	(316,021)	40.85%	Remapping of Other Governance Salaries & Wages through Chart Of Account (COA) restructure from Program: Other Property and Services to Governance not reflected in budget.
LAW ORDER PUBLIC SAFETY	(1,794,849)	(1,196,566)	(1,060,956)	135,610	(11.33%)	Administration allocations still to be processed for February 2021. COA mapping: impact to program actuals:
HEALTH	(1,001,925)	(667,950)	(652,503)	15,447	(2.31%)	
EDUCATION & WELFARE	(228,486)	(152,324)	(152,997)	(673)	0.44%	
HOUSING	(41,645)	(27,763)	(21,464)	6,299	(22.69%)	Timing of works and maintenance of staff housing.
COMMUNITY AMENITIES	(3,177,843)	(2,118,562)	(1,409,344)	709,218	(33.48%) Timing of completion of waste management plan; timing of Coastal Hazard Risk Management plan; timing of Inundation Integration Study; timing of Coastal Groyne Analysis; timing of coastal monitoring activities including seawall assessment and maintenance; timing of CMPAP – Lancelin Planning Forward; timing of Ellen Brockman Integrated Catchment Environmental allocation;	
RECREATION & CULTURE	(3,839,596)	(2,559,731)	(1,288,425)	1,271,305	(49.67%)	Timing of town halls and public buildings operations and maintenance, and parks and gardens maintenance; timing of LORVA boundary fence relocation; timing of playground repairs/maintenance and development of a Playground Strategic Plan; timing of Shire suite of events;
TRANSPORT	(4,060,147)	(2,706,765)	(1,293,697)	1,413,068	(52.21%)	Timing of road and bridge maintenance; year-end depreciation process for roads and bridges.
ECONOMIC SERVICES	(1,272,492)	(848,328)	(1,757,910)	(909,582)	107.22%	Timing of Guilderton Caravan Park management contract billing; timing of community capacity building training and other community engagement expenditure; Timing of noxious weed spraying; timing of pool compliance inspections; timing of transfer of wages to waste; timing of expenses associated with commercial leases. Remapping of depreciation through Chart Of Account (COA) restructure still to be shared
						through other programs.
OTHER PROPERTY & SERVICES	(729,643)	(486,429)	(414,842)	71,587	(14.72%)	Timing of computer support and maintenance;
TOTAL EXPENSES	(17,781,804)	(11,854,536)	(9,421,663)	2,432,873	(20.52%)	

EXCEPTION OF THE PROPERTY.	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
OPERATING ACTIVITIES EXCLUDED FROM BUDGET						
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	0	0	(62,691)	(62,691)		Original budget did not include provision for profit / loss on sale of assets.
ADD BACK DEPRECIATION	4,922,878	3,281,919	2,014,405	(1,267,513)	(38.62%)	Variation due to year-end depreciation process for roads and bridges
NON-CASH ADJUSTMENT	0	0	(18,200)	(18,200)		Remapping of leave accruals through Chart Of Account (COA) restructure – non-current sick leave transferred to current.
AMOUNT ATTRIBUTABLE TO OPERATING	2,281,133	4,309,556	7,267,577	2,958,021	68.64%	
INVESTING ACTIVITIES						
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	12,774,739	8,516,493	6,272,746	(2,243,747)	(26.35%)	Timing of grants and contributions transferred from contract liability in line with performance obligations – as per AASB15 Revenue from contracts with customers
PURCHASE OF LAND & BUILDINGS	(3,543,085)	(2,362,057)	(264,654)	2,097,402	(88.80%)	Timing of capital purchases
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(9,643,214)	(6,428,809)	(7,153,287)	(724,478)	11,27%	Timing of capital road expenditure
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(2,196,390)	(1,464,260)	(74,827)	1,389,433	(94.89%)	Timing of capital purchases
PURCHASE OTHER INFRASTRUCTURE	(10,000)	(6,667)	0	6,667	(100.00%)	Timing of capital purchases
PURCHASE FOOTPATHS	(105,063)	(70,042)	0	70,042	(100.00%)	Timing of capital purchases
PURCHASE INFRASTRUCTURE SEWERAGE	(100,000)	(66,667)	Ó	66,667	(100.00%)	Timing – loan not established yet
PURCHASE PLANT AND EQUIPMENT	(2,997,748)	(1,998,499)	(590,680)	1,407,819	(70.44%)	Timing of capital purchases
PURCHASE FURNITURE AND EQUIPMENT	(101,400)	(67,600)	0	67,600	(100.00%)	Timing of capital purchases
PROCEEDS FROM DISPOSAL OF ASSETS	253,545	169,030	224,528	55,498	32.83%	Timing of sale of plant
SELF-SUPPORTING LOAN PRINCIPAL INCOME	13,505	9,003	12,068	3,064	34.04%	Timing of loan repayments
AMOUNT ATTRIBUTABLE TO INVESTING	(5,655,111)	(3,770,074)	(1,574,107)	2,195,967	(58.25%)	

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
INANCING ACTIVITIES						
PROCEEDS FROM NEW DEBENTURES	527,000	351,333	0	(351,333)	(100.00%)	Loans not yet established – Gingin Outdoor Activity Space (GOAS), Guilderton Waste Water, Cuncliffe Street Redevelopment
RANSFERS TO RESERVES (RESTRICTED ASSETS)	(47,013)	(31,342)	(1,614,714)	(1,583,372)	5051.92%	Former restricted cash transfers made to reserve as per Council resolution.
RANSFERS FROM RESERVES (RESTRICTED ASSETS)	564,701	376,467	0	(376,467)	(100.00%)	End of year process.
EPAYMENT OF DEBENTURES	(222,197)	(148,131)	(172,603)	(24,471)	16.52%	Timing of loan repayments
AYMENT OF PRINCIPAL PORTION OF LEASE ABILITIES	(7,580)	(5,053)	(6,084)	(1,031)	20.40%	
RESTRICTED CASH	540,777	360,518	(1,669,616)	(2,030,134)	(563.12%)	Former restricted cash transfers made to reserve as per Council resolution.
MOUNT ATTRIBUTABLE TO FINANCING	1,355,688	903,792	(3,463,016)	(4,366,808)	(483.17%)	
CLOSING FUNDING SURPLUS(DEFICIT)	0	3,461,564	3,842,973	381,409	11.02%	

Shire of Gingin Financial Statement of Activity 1 July 2020 to 28 February 2021

Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 20/21	Capital Expenditure Annual Budget 20/21
GOVERNANCE	0	43,613
LAW ORDER PUBLIC SAFETY	120,497	4,051,500
HEALTH	84,586	79,686
EDUCATION & WELFARE	16,035	32,000
STAFF HOUSING	120,588	0
COMMUNITY AMENITIES	218,884	125,631
RECREATION & CULTURE	1,191,679	2,988,194
TRANSPORT	7,837,708	10,939,960
ECONOMIC SERVICES	93,794	231,204
OTHER PROPERTY & SERVICES	179,709	430,337
TOTAL	9,863,480	18,922,125

By Nature & Type

	Capital Expenditure Actual 20/21	Capital Expenditure Annual Budget 20/21
LOAN LIABILITY - SHIRE	172,603	222,197
RIGHT OF USE ASSETS - LEASE LIABILITY	6,084	7,580
STOCK MOVEMENT	(13,368)	0
FIXED ASSETS-LAND	25,000	15,000
FIXED ASSETS-BUILDINGS	239,654	3,528,085
FIXED ASSETS-PLANT & EQUIPMENT	590,680	3,047,583
NFRASTRUCTURE ASSETS - ROADS	7,153,286	9,643,214
NFRASTRUCTURE ASSETS - PARKS	74,827	2,196,390
NFRASTRUCTURE OTHER	0	10,000
NFRASTRUCTURE - FOOTPATHS	0	105,063
NFRASTRUCTURE - SEWERAGE	0	100,000
ACCUMULATED SURPLUS	1,614,714	47,013
TOTAL	9,863,480	18,922,125



Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
10 COMMUNITY AMENITIES		Marie Colonia
SALE OF ASSETS	THE RESERVE OF THE PARTY OF THE	
151006500 Sale Of Assets - GG046	15,000	20,455
Total 140 SALE OF ASSETS	15,000	20,455
LOSS ON SALE OF ASSETS		
121006910 Loss On Sale Of Assets-1006	0	(2543)
Total LOSS ON SALE OF ASSETS	0	(2,543)
Total COMMUNITY AMENITIES	15,000	17,912
12 TRANSPORT		
SALE OF ASSETS		
051203500 Sale of assets VMB Trailer GG6015	1,000	0
051203500 Sale of Utility GG009	14,545	0
051203500 Sale Works Utility GG020	15,000	16,636
051203500 Sale of John Deere Grader GG004	115,000	115,000
051203500 Sale of Mercedes Tip Truck GG028	20,000	0
051203500 Sale Of Front End Loader (Case) GG006	30,000	0
051203500 Sale of 1995 Nissan Tip Truck GG086	28,000	0
051203500 Sale of Isuzu D-Max Utility GG068	15,000	21,636
Total SALE OF ASSETS	238,545	153,272
PROFIT ON SALE OF ASSETS	SERVER STATE OF THE STATE OF TH	
131203900 Profit On Sale Of Assets-1203	0	73,597
Total PROFIT ON SALE OF ASSETS	0	73,597
LOSS ON SALE OF ASSETS		
121203910 Loss On Sale Of Assets-1203	0	(8,363)
Total LOSS ON SALE OF ASSETS	0	(8,363)
Total TRANSPORT	238,545	218,506
14 OTHER PROPERTY & SERVICES		
SALE OF ASSETS		
131402010 Insurance Reimbursements 5GG	0	50,801
Total SALE OF ASSETS	0	50,801
Total OTHER PROPERTY & SERVICES	0	50,801
TOTAL	253,545	287,219
TOTAL SALE OF ASSETS	253,545	224,528
TOTAL PROFIT ON SALE OF ASSETS	0	73,597
TOTAL LOSS ON SALE OF ASSETS	0	(10,906)



20/04/2021

Information on Barrowings

Loan	Loan Term (Yrs)	Start date	Remaining Term (Yrs)	Opening Balance	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
100 GG Medical Centre	20	30/01/2004	3	131,258	0	29,686	29,686	116,656	116,656	8,069	8,069
111 Wannamal West Road	20	15/08/2006	5.5	435,111	0	18,822	18,822	425,850	425,850	27,938	27,938
114 Guilderton Country Club (Hall) Extensions	20	20/05/2008	7.5	370,176	0	17,554	17,554	352,622	352,622	13,215	13,215
120 Regional Hardcourt Facility	20	19/06/2009	8.5	264,332	0	10,947	10,947	253,385	253,385	8,829	8,829
123 Lot 44 Weld St	20	16/04/2008	7.5	169,628	0	8,102	8,102	161,526	161,526	5,903	5,903
124A Regional Hardcourt Facility	16	4/06/2014	9.5	254,468	0	10,405	10,406	244,063	244,062	5,255	5,255
126 Gingin Aquatic Centre Tiling	10	3/02/2016	5	95,470	0	14,713	14,713	88,170	88,170	2,846	2,846
127 Seabird Seawall Extension	10	27/07/2016	6	145,019	0	20,809	20,809	124,210	124,210	3,510	3,510
128 Lancelin Caravan Park Assets	5	16/08/2017	1.5	103,129	0	40,479	40,479	83,017	83,015	2,345	2,345
130 Ledge Point Country Club Cool Room	10	22/05/2019	8.5	21,435	0	1,085	1,085	20,350	20,350	232	231
New Loan – Cunliffe Street Redevelopment	Proposed				250,000						
New Loan 131 Guilderton Caravan Park Waste Water	Proposed				100,000						
New Loan – Gingin Outdoor Activity Space	Proposed				177,000						
TOTAL				1,990,026	527,000	172,603	172,603	1,817,424	1,817,424	78,142	78,141

RESERVES CASH-BACKED

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers-In (+)	Amended Budget Transfers-Out (-)	Actual Amended Transfers-Out Budget Closing (-) Balance	Actual YTD Closing Balance
01 LSL; Annual; Sick Leave and Staff Contingency	428,450	2,912					424,362	428,450
02 Office Equipment Reserve	2,936	69					10,005	2,936
03 Plant and Equipment Reserve	1,832,540	8,985			141,076	157,638	1,683,887	1,973,616
04 Lancelin Lookout Reserve	0	0					0	0
05 Land and Buildings Reserve	1,103,924	4,976				137,960	970,940	1,103,924
06 Guilderton Caravan Park Reserve	35,587	246					35,833	35,587
07 Shire Recreation Development Reserve	74,922	518				50,000	25,440	74,922
08 Redfield Park Reserve	31,379	217					31,596	31,379
09 Ocean Farm Recreation Reserve	31,072	215					31,287	31,072
10 Tip Rationalisation Reserve	1,293,667	7,621		17,013		10,000	1,117,120	1,293,667
11 Lancelin Community Sport and Recreation Reserve	79,513	425					79,938	79,513
12 Old Junction Hotel Reserve	0	0					0	0
13 Community Infrastructure	2,125	15			90,801		2,140	92,926
14 Staff Housing Reserve	33,464	231					33,695	33,464
15 Future Infrastructure Reserve	589,137	3,507			38,020	209,103	383,541	627,157
16 Guilderton Country Club Reserve	14,494	63					14,557	14,494
17 Coastal Management Reserve	0	0			146,460	i e	0	146,460
18 Guilderton Foreshore Reserve	0	0			29,811		0	29,811
19 Unspent Grants Reserve	0	0			13,674		.0	13,674
20 Senior's Housing Reserve	0	0			80,957	1	0	80,957
21 Gingin Railway Station Reserve	0	0			5,731		0	5,731
22 Subdivisions Reserve	0	0			46,800		0	46,800
23 Contributions to Roads Reserve	0	0			1,021,384		0	1,021,384
TOTAL	5,553,210	30,000		17,013	1,614,714	564,701	4,844,341	7,167,924



Net Current Assets

医原性性 计数据 经产品的	Actual YTD 20/21	Balance Forwarded 19/20
CURRENT ASSETS		- 10-400-5-
Cash - Unrestricted	2,940,678	2,251,921
Cash - Restricted Reserves	7,167,924	5,553,210
Cash - Restricted General	0	1,669,661
Rates - Current	2,066,730	1,496,464
Sundry Debtors	2,542,114	516,483
Inventories	17,238	30,607
Total Current Assets:	14,734,684	11,518,346
LESS: CURRENT LIABILITIES		
Payables	(451,798)	(872,707)
Employee Provisions	(968,401)	(981,546)
Contract Liability	(1,748,049)	(1,950,161)
Accrued Interest on Loans	0	(24,835)
Right of Use Assets – Lease Liability (Current)	(3,108)	(2,330)
Long Term Borrowings (Current)	(49,594)	(222, 197)
Bonds and Deposits	(555,539)	(523, 366)
Total Current Liabilities:	(3,776,489)	(4,577,143)
Total	10,958,195	6,941,204
Less: Cash - Restricted Reserves	(7,167,924)	(5,553,210)
Add: Current Portion of Debentures	49,594	222,197
Add: Lease Liability	3,108	2,330
NET CURRENT ASSET POSITION	3,842,973	1,612,520



Rating Information

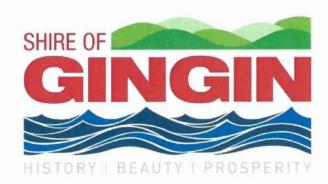
Rating Infor	mation	Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
3010005 Grv - Townsites	8.7511		ALL LEGIL O	2,281,779			والإسلامة		2,281,779
3010006 Grv - Other	8.7511			1,302,836					1,302,836
3010010 Uv - Rural	0.4965			1,314,917					1,314,917
3010015 Uv - Other	0.4965			9,294					9,294
3010018 Uv - Intensive	0.9245			669,329					669,329
3010025 Grv - Townsites	@ \$1110				1,201,020				1,201,020
3010026 Grv - Other	@ \$1110				853,590				853,590
3010030 Uv - Rural	@ \$1400				529,200				529,200
3010035 Uv - Other	@ \$1400				44,800				44,800
3010038 Uv - Intensive	@ \$2548				272,636				272,636
3010045 Interim Rates						56,460			56,460
3010046 Interims - Back F	lates					763			763
3010078 Concession - Inte	ensive							-137,029	-137,029
				5,578,155	2,901,246	57,223		-137,029	8,399,595
OTAL			THE RESERVE OF THE PARTY OF THE	5.578,155	2,901,246	57,223		-137,029	8,399,595



Trust Funds

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
BOND	6,067	0	0	6,067
COMMUNITY GROUPS TRUST	1,569	0	0	1,569
DOROTHY WEDGE TRUST	6,405	0	0	6,405
LANDSCAPING BOND	13,113	0	(6,419)	6,694
OTHER BONDS/TRUSTS	4,546	248	(245)	4,549
PUBLIC OPEN SPACE	46,218	26,050	(34,892)	37,376
TOTAL	77,918	26,298	(41,556)	62,660





MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2020 TO 31 MARCH 2021

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 2020/21 year is \$20,000 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: Les Crichton Date Prepared: 15/04/21

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. % Comments
OPENING FUNDING SURPLUS (DEFICIT)	1,612,520	1,612,520	1,612,520	0,	0.00%
REVENUE FROM OPERATING ACTIVITIES					
GENERAL PURPOSE FUNDING	1,117,810	838,358	787,069	(51,288)	(6.12%) Timing of interest received on investments; timing of financial assistance grants.
GENERAL PURPOSE FUNDING - RATES	8,346,400	8,346,400	8,404,350	57,950	0.69% Interim rates charged on Country Heights Estate Stage 1 and other properties.
GOVERNANCE	2,545	1,909	545	(1,363)	(71.42%) Nil legal expenses recovered to date.
LAW ORDER PUBLIC SAFETY	998,398	748,799	519,496	(229,303)	(30.62%) Lower than expected fines and penalties, and fire related reimbursements to date. Income recognition for MAF and BRPC as per AASB15 held as contract liability until spent.
HEALTH	315,391	236,543	370,233	133,690	56.52% Timing of health regulatory licenses raised;
EDUCATION & WELFARE	123,288	92,466	168,948	76,482	82.71% Return of Community Funding by Lancelin Primary School for Canberra Camp due to cancellation Recognition of prior year income (previously restricted) upon transfer to reserve: Annual replacement Contributions 06-07 – 13/14 for Community Bus.
HOUSING	18,197	13,648	165,539	151,891	1112.94% Remapping of senior's housing through Chart Of Account (COA) restructure from Program: Education and Welfare to Housing not reflected in budget.
COMMUNITY AMENITIES	1,895,485	1,421,614	1,568,640	147,026	10.34% Recognition of prior year income (previously restricted) upon transfer to reserve: Coastal inundation (unspent portion of voluntary coastal erosion levy) and reserve: Subdivisions (for various sub-division funds). Coastal Erosion Voluntary Levy raised with rates in July 2020. Higher than forecast planning application fees received.
RECREATION & CULTURE	156,952	117,714	236,121	118,407	100.59% Recognition of prior year income (previously restricted) upon transfer to reserve: 19/20 BEN Signs grant and Granville Park contribution to works.
TRANSPORT	289,472	217,104	1,477,698	1,260,594	580.64% Recognition of prior year income (previously restricted) upon transfer to reserve: unspent roads and footpaths income, and parking meter income; Wheatbelt Region Main Roads WA Direct Grant Claim for 2020/21 (Regional Road Group) received in August 2020. Higher than expected fees from parking meters; Profit on sale of vehicles changed over in December 2020 not included in budget.
ECONOMIC SERVICES	1,427,188	1,070,391	1,364,505	294,114	27.48% Agri Precinct Site Identification project funding balance recognised 20/21; timing of Guilderton Caravan Park income; higher than expected building licenses and fees income;
OTHER PROPERTY & SERVICES	317,799	238,349	486,501	248,152	104.11% Timing of insurance reimbursement for vehicle 5GG and lighting tower, higher than expected vehicle licensing commission YTD; higher than expected information fee income; unbudgeted grant funding for Standard Chart of Accounts restructure; refund of Superannuation administration fees; higher than expected general reimbursement income.
TOTAL REVENUE	15,008,924	13,343,294	15,549,646	2,206,352	16.54%

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. % Comments
EXPENDITURE FROM OPERATING ACTIVITIES					
GENERAL PURPOSE FUNDING	(473,710)	(355,283)	(289,086)	66,196	(18.63%) Timing of legal costs associated with debt collection; timing of allocation of administration co
GOVERNANCE	(1,180,411)	(885,308)	(1,204,080)	(318,771)	36.01% Remapping of Other Governance Salaries & Wages through Chart Of Account (COA) restruct from Program: Other Property and Services to Governance not reflected in budget.
AW ORDER PUBLIC SAFETY	(2,156,040)	(1,617,030)	(1,441,543)	175,487	(10.85%) Timing of allocation of administration costs; timing of annual leave taken.
HEALTH	(973,877)	(730,408)	(737,585)	(7,177)	0.98%
DUCATION & WELFARE	(246,235)	(184,676)	(171,025)	13,652	(7.39%)
HOUSING	(41,843)	(31,382)	(27,962)	3,420	(10.90%)
COMMUNITY AMENITIES	(3,044,107)	(2,283,080)	(1,675,934)	607,146	(26.59%) Timing of completion of waste management plan; timing of Coastal Hazard Risk Management plan; timing of Inundation Integration Study; timing of Coastal Groyne Analysis; timing of coat monitoring activities including seawall assessment and maintenance; timing of CMPAP – Land Planning Forward; timing of Ellen Brockman Integrated Catchment Environmental allocation;
RECREATION & CULTURE	(3,918,766)	(2,939,075)	(1,581,201)	1,357,873	(46.20%) Timing of town halls and public buildings operations and maintenance, and parks and garder maintenance; timing of LORVA boundary fence relocation; timing of playground repairs/maintenance and development of a Playground Strategic Plan; timing of Shire suite of events;
TRANSPORT	(4,101,039)	(3,075,779)	(1,761,680)	1,314,099	(42.72%) Timing of road and bridge maintenance; year-end depreciation process for roads and bridge
ECONOMIC SERVICES	(1,308,281)	(981,211)	(2,023,351)	(1,042,140)	106.21% Remapping of depreciation through Chart Of Account (COA) restructure still to be shared through other programs.
OTHER PROPERTY & SERVICES	(751,745)	(563,809)	(255,166)	308,643	(54.74%) Timing of computer support and maintenance; Remapping of Other Governance Salaries & Wages through Chart Of Account (COA) restruct from Program; Other Property and Services to Governance not reflected in budget.
TOTAL EXPENSES	(18,196,055)	(13,647,041)	(11,168,612)	2,478,429	(18.16%)
DPERATING ACTIVITIES EXCLUDED FROM BUDGET					
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	0	0	(62,800)	(62,800)	Original budget did not include provision for profit / loss on sale of assets.
ADD BACK DEPRECIATION	4,922,878	3,692,159	2,275,298	(1,416,861)	(38.37%) Variation due to year-end depreciation process for roads and bridges
NON-CASH ADJUSTMENT	0	0	(18,081)	(18,081)	Includes remapping of leave accruals through Chart Of Account (COA) restructure – non-curr sick leave transferred to current
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	1,735,747	3,388,412	6,575,451	3,187,039	94.06%

CHERON TO STATE	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
VESTING ACTIVITIES						
DN-OPERATING GRANTS, SUBSIDIES AND	12,688,131	9,516,098	6,294,815	(3,221,284)	(33.85%)	Timing of grants and contributions, and grants transferred from contract liability in line with performance obligations – as per AASB15 Revenue from contracts with customers
RCHASE OF LAND & BUILDINGS	(3,260,518)	(2,445,389)	(507,209)	1,938,180	(79.26%)	Timing of capital purchases
IRCHASE INFRASTRUCTURE ASSETS - ROADS	(9,590,655)	(7,192,991)	(7,592,945)	(399,954)	5.56%	Timing of capital road expenditure
RCHASE INFRASTRUCTURE ASSETS - PARKS	(2,020,060)	(1,515,045)	(210,381)	1,304,664	(86.11%)	Timing of capital purchases
IRCHASE OTHER INFRASTRUCTURE	(10,000)	(7,500)	(7,350)	150	(2.00%)	Timing of capital purchases
IRCHASE FOOTPATHS	(105,063)	(78,797)	0	78,797	(100.00%)	Timing of capital purchases
RCHASE INFRASTRUCTURE SEWERAGE	0	0	0	0	0	
RCHASE PLANT AND EQUIPMENT	(2,787,631)	(2,090,723)	(597,626)	1,493,098	(71.42%)	Timing of capital purchases
RCHASE FURNITURE AND EQUIPMENT	(6,005)	(4,504)	0	4,504	(100.00%)	Timing of capital purchases
OCEEDS FROM DISPOSAL OF ASSETS	237,727	178,295	224,637	46,342	25.99%	Timing of sale of plant
LF-SUPPORTING LOAN PRINCIPAL INCOME	13,164	9,873	12,068	2,195	22.23%	Timing of loan repayments
MOUNT ATTRIBUTABLE TO INVESTING	(4,840,910)	(3,630,683)	(2,383,991)	1,246,692	(34.34%)	
NANCING ACTIVITIES						
OCEEDS FROM NEW DEBENTURES	584,743	438,557	0	(438,557)	(100.00%	Loans not yet established – Gingin Outdoor Activity Space (GOAS), Guilderton Waste Water, Cuncliffe Street Redevelopment
ANSFERS TO RESERVES (RESTRICTED ASSETS)	(1,659,549)	(1,244,662)	(1,614,714)	(370,052)	29.73%	Former restricted cash transfers made to reserve as per Council resolution.
ANSFERS FROM RESERVES (RESTRICTED ASSETS)	2,826,213	2,119,660	0	(2,119,660)	(100.00%	End of year process.
PAYMENT OF DEBENTURES	(222,197)	(166,648)	(172,603)	(5,955)	3.57%	Timing of loan repayments
YMENT OF PRINCIPAL PORTION OF LEASE ABILITIES	(9,369)	(7,027)	(6,849)	177	(2.52%	

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
TRANSFER TO/FROM RESTRICTED CASH	(14,800)	(11,100)	(1,669,616)	(1,658,516)	14941.58%	Former restricted cash transfers made to reserve as per Council resolution.
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	1,505,041	1,128,781	(3,463,781)	(4,592,562)	(406.86%)	
CLOSING FUNDING SURPLUS(DEFICIT)	12,398	2,499,030	2,340,199	(158,831)	(6.36%)	

Shire of Gingin Financial Statement of Activity 1 July 2020 to 31 March 2021

Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 20/21	Capital Expenditure Annual Budget 20/21
GOVERNANCE	0	43,613
LAW ORDER PUBLIC SAFETY	134,349	4,051,500
HEALTH	84,586	79,686
EDUCATION & WELFARE	16,035	32,000
STAFF HOUSING	120,588	O
COMMUNITY AMENITIES	218,884	125,631
RECREATION & CULTURE	1,556,674	2,988,194
TRANSPORT	8,284,312	10,939,960
ECONOMIC SERVICES	93,795	231,204
OTHER PROPERTY & SERVICES	205,303	430,337
TOTAL	10,714,526	18,922,125

By Nature & Type

	Capital Expenditure Actual 20/21	Capital Expenditure Annual Budget 20/21
LOAN LIABILITY - SHIRE	172,603	222,197
RIGHT OF USE ASSETS - LEASE LIABILITY	6,849	7,580
STOCK MOVEMENT	4,851	0
FIXED ASSETS-LAND	25,000	15,000
FIXED ASSETS-BUILDINGS	482,209	3,528,085
FIXED ASSETS-PLANT & EQUIPMENT	597,625	3,047,583
NFRASTRUCTURE ASSETS - ROADS	7,592,944	9,643,214
NFRASTRUCTURE ASSETS - PARKS	210,381	2,196,390
NFRASTRUCTURE OTHER	7,350	10,000
NFRASTRUCTURE - FOOTPATHS	0	105,063
NFRASTRUCTURE - SEWERAGE	0	100,000
ACCUMULATED SURPLUS	1,614,714	47,013
TOTAL	10,714,526	18,922,125



Disposal of Assets

Disposal of Assets	Annual Budget	Actuals	
10 COMMUNITY AMENITIES		As Incomplete	
SALE OF ASSETS			
151006500 Sale Of Assets - GG046	15,000	20,455	
Total 140 SALE OF ASSETS	15,000	20,455	
LOSS ON SALE OF ASSETS			
121006910 Loss On Sale Of Assets-1006	0	(2543	
Total LOSS ON SALE OF ASSETS	0	(2,543	
Total COMMUNITY AMENITIES	15,000	17,91	
12 TRANSPORT			
SALE OF ASSETS			
051203500 Sale of assets VMB Trailer GG6015	1,000	(
051203500 Sale of Utility GG009	14,545	(
051203500 Sale Works Utility GG020	15,000	16,63	
051203500 Sale of John Deere Grader GG004	115,000	115,000	
051203500 Sale of Mercedes Tip Truck GG028	20,000		
051203500 Sale Of Front End Loader (Case) GG006	30,000		
051203500 Sale of 1995 Nissan Tip Truck GG086	28,000		
051203500 Sale of Isuzu D-Max Utility GG068	15,000	21,63	
Total SALE OF ASSETS	238,545	153,27	
PROFIT ON SALE OF ASSETS			
131203900 Profit On Sale Of Assets-1203	0	73,59	
Total PROFIT ON SALE OF ASSETS	0	73,59	
LOSS ON SALE OF ASSETS			
121203910 Loss On Sale Of Assets-1203	0	(8,363	
Total LOSS ON SALE OF ASSETS	0	(8,363	
Total TRANSPORT	238,545	218,50	
14 OTHER PROPERTY & SERVICES			
SALE OF ASSETS			
131402010 Insurance Reimbursements 5GG	0	50,80	
151402500 Sale of Laptop FURN314	0	10	
Total SALE OF ASSETS	0	50,01	
PROFIT ON SALE OF ASSETS			
131402900 Profit On Sale Of Assets-1402	0	10	
Total PROFIT ON SALE OF ASSETS	0	10	
Total OTHER PROPERTY & SERVICES	0	51,01	
TOTAL	253,545	287,43	
TOTAL SALE OF ASSETS	253,545	224,63	
TOTAL PROFIT ON SALE OF ASSETS	0	73,70	
TOTAL LOSS ON SALE OF ASSETS	0	(10,906	

Information on Barrowings

Loan	Loan Term (Yrs)	Start date	Remaining Term (Yrs)	Opening Balance	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
100 GG Medical Centre	20	30/01/2004	3	131,258	0	29,686	29,686	116,656	116,656	8,069	8,069
111 Wannamal West Road	20	15/08/2006	5.5	435,111	0	18,822	18,822	425,850	425,850	27,938	27,938
114 Guilderton Country Club (Hall) Extensions	20	20/05/2008	7.5	370,176	0	17,554	17,554	352,622	352,622	13,215	13,215
120 Regional Hardcourt Facility	20	19/06/2009	8.5	264,332	0	10,947	10,947	253,385	253,385	8,829	8,829
123 Lot 44 Weld St	20	16/04/2008	7.5	169,628	0	8,102	8,102	161,526	161,526	5,903	5,903
124A Regional Hardcourt Facility	16	4/06/2014	9.5	254,468	0	10,405	10,406	244,063	244,062	5,255	5,255
126 Gingin Aquatic Centre Tiling	10	3/02/2016	5	95,470	0	14,713	14,713	88,170	88,170	2,846	2,846
127 Seabird Seawall Extension	10	27/07/2016	6	145,019	0	20,809	20,809	124,210	124,210	3,510	3,510
128 Lancelin Caravan Park Assets	5	16/08/2017	1.5	103,129	0	40,479	40,479	83,017	83,015	2,345	2,345
130 Ledge Point Country Club Cool Room	10	22/05/2019	8.5	21,435	0	1,085	1,085	20,350	20,350	232	231
New Loan – Cunliffe Street Redevelopment	Proposed				250,000						
New Loan 131 Guilderton Caravan Park Waste Water	Proposed				100,000						
New Loan – Gingin Outdoor Activity Space	Proposed				177,000						
TOTAL				1,990,026	527,000	172,603	172,603	1,817,424	1,817,424	78,142	78,141



RESERVES CASH-BACKED

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers-In (+)	Amended Budget Transfers-Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
01 LSL; Annual; Sick Leave and Staff Contingency	428,450	2,912		1	· · · · · · · · · · · · · · · · · · ·		424,362	428,450
02 Office Equipment Reserve	2,936	69					10,005	2,936
03 Plant and Equipment Reserve	1,832,540	8,985			141,076	157,638	1,683,887	1,973,616
04 Lancelin Lookout Reserve	0	0					0	0
05 Land and Buildings Reserve	1,103,924	4,976				137,960	970,940	1,103,924
06 Guilderton Caravan Park Reserve	35,587	246					35,833	35,587
07 Shire Recreation Development Reserve	74,922	518				50,000	25,440	74,922
08 Redfield Park Reserve	31,379	217					31,596	31,379
09 Ocean Farm Recreation Reserve	31,072	215					31,287	31,072
10 Tip Rationalisation Reserve	1,293,667	7,621		17,013		10,000	1,117,120	1,293,667
11 Lancelin Community Sport and Recreation Reserve	79,513	425					79,938	79,513
12 Old Junction Hotel Reserve	0	0					0	0
13 Community Infrastructure	2,125	15			90,801		2,140	92,926
14 Staff Housing Reserve	33,464	231					33,695	33,464
15 Future Infrastructure Reserve	589,137	3,507			38,020	209,103	383,541	627,157
16 Guilderton Country Club Reserve	14,494	63					14,557	14,494
17 Coastal Management Reserve	0	0			146,460	V.	0	146,460
18 Guilderton Foreshore Reserve	0	0			29,811		0	29,811
19 Unspent Grants Reserve	.0	0			13,674		0	13,674
20 Senior's Housing Reserve	0	0			80,957		0	80,957
21 Gingin Railway Station Reserve	0	0			5,731		0	5,731
22 Subdivisions Reserve	0	0			46,800	Ę	0	46,800
23 Contributions to Roads Reserve	0	0			1,021,384		0	1,021,384
TOTAL	5,553,210	30,000		17,013	1,614,714	564,701	4,844,341	7,167,924

Net Current Assets

	Actual YTD 20/21	Balance Forwarded 19/20
CURRENT ASSETS		
Cash - Unrestricted	3,670,686	2,251,921
Cash - Restricted Reserves	7,167,924	5,553,210
Cash - Restricted General	0	1,669,661
Rates - Current	1,522,941	1,496,464
Sundry Debtors	355,007	516,483
Inventories	35,458	30,607
Total Current Assets:	12,752,016	11,518,346
LESS: CURRENT LIABILITIES		
Payables	(252,709)	(872,707)
Employee Provisions	(968,401)	(981,546)
Contract Liability	(1,505,166)	(1,950,161)
Accrued Interest on Loans	0	(24,835)
Right of Use Assets – Lease Liability (Current)	(2,344)	(2,330)
Long Term Borrowings (Current)	(49,594)	(222, 197)
Bonds and Deposits	(517,617)	(523, 366)
Total Current Liabilities:	(3,295,831)	(4,577,143)
Total	9,456,185	6,941,204
Less: Cash - Restricted Reserves	(7,167,924)	(5,553,210)
Add: Current Portion of Debentures	49,594	222,197
Add: Lease Liability	2,344	2,330
NET CURRENT ASSET POSITION	2,340,199	1,612,520



Trust Funds

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance	
BOND	6,067	0	0	6,067	
COMMUNITY GROUPS TRUST	1,569	0	0	1,569	
DOROTHY WEDGE TRUST	6,405	0	0	6,405	
LANDSCAPING BOND	13,113	0	(6,419)	6,694	
OTHER BONDS/TRUSTS	4,546	248	(245)	4,549	
PUBLIC OPEN SPACE	46,218	26,050	(34,892)	37,376	
TOTAL	77,918	26,298	(41,556)	62,660	

APPENDIX 2



Shire of Gingin Statement of Financial Activity 1 July 2020 to 28 February 2021 20/04/2021

Investments

FUND	% OF TOTAL	DEAL DATE	DATE MATURE	BANK	ANNUAL YIELD	\$ PERIOD START	\$ CHANGE IN VALUE	\$ PERIOD END	REFERENCE
Reserve	100%	14/10/2020	15/06/2021	BENDIGO	0.55%	\$ 5,553,200.00	\$ 20,417.52	\$ 5,573,617.52	3490725
						\$ 5.553.200.00	\$ 20,417.52	\$ 5 573 617 52	



Shire of Gingin Statement of Financial Activity 1 July 2020 to 31 March 2021

Investments

FUND	% OF TOTAL	DEAL DATE	DATE MATURE	BANK	ANNUAL YIELD	S PERIOD START	\$ CHANGE IN VALUE	\$ PERIOD END	REFERENCE
Reserve	100%	14/10/2020	15/06/2021	BENDIGO	0.55%	\$ 5,553,200.00	\$ 20,417.52	\$ 5,573,617.52	3490725
						\$ 5,553,200.00	\$ 20,417.52	\$ 5,573,617.52	

11.2.2 LIST OF PAID ACCOUNTS FOR THE PERIOD ENDING 31 MARCH 2021

File:	FIN/25
Author:	Tania Ladner – Accounts Payable Officer
Reporting Officer:	Les Crichton – Executive Manager Corporate and
	Community Services
Report Date:	20 March 2021
Refer:	Nil
Appendices:	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in March 2021.

Municipal Fund electronic funds transfers (EFT)

BACKGROUND

Council has delegated authority to the Chief Executive Officer (CEO) to exercise his power to make payments from the Municipal Fund. The CEO is required to present a list to Council of those payments made since the last list was submitted.

COMMENT

Total Expenditure

Accounts totalling \$2,839,416.84 were paid during the month of March 2021.

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. The schedule covers:

\$2,145,050.60

\$2,839,416.84

Municipal Fund chequesMunicipal Fund directs debits Bank Statement	\$997.40 \$157,081.79 \$2,303,129.79
 Bank fees and charges Wages and salaries Police licensing Office rent Messages on Hold 	\$3,487.99 \$439,308.73 \$92,266.75 \$650 \$573.58 \$536,287.05
Trust Fund	\$0

All invoices have been verified, and all payments have been duly authorised in accordance with Council's procedures.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 s.6.4 – Financial Report

Local Government (Financial Management) Regulations 1996 Reg. 13 – Payments from municipal fund or trust by CEO

Shire of Gingin Delegation Register – Delegation 2.1 Payment of Creditors

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Governance
Objective	5. To demonstrate effective leadership, governance & advocacy on behalf
	of the community
Outcome	5.1 Values
	Our Organisational & 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 Court SECONDED: Councillor Lobb

That Council note all payments made by the Chief Executive Officer under Delegation 2.1 for March 2021 totalling \$2,839,416.84, as detailed in the schedule provided to Councillors comprising:

Municipal Fund electronic funds transfers (EFT) \$2,145,050.60
 Municipal Fund cheques \$997.40

Municipal Fund directs debits \$157,081.79

Bank Statement

Bank fees and charges \$3,487.99
 Wages and salaries \$439,308.73
 Police licensing \$92,266.75
 Office rent \$650
 Messages on Hold \$573.58

Trust Fund \$0

CARRIED UNANIMOUSLY

11.2.3 LEASE BETWEEN SHIRE OF GINGIN AND OCEAN FARM VOLUNTEER BUSHFIRE BRIGADE - LOT 4021 ON RESERVE 53272

Location:	Lot 4021 On Reserve 53272
Applicant:	Ocean Farm Volunteer Bush Fire Brigade
File:	CPT/25
Reporting Officer:	Les Crichton – Executive Manager Corporate and
	Community Services
Report Date:	20 April 2021
Refer:	Nil
Appendices:	Draft Lease Agreement between Shire of Gingin and
	Ocean Farm Volunteer Bush Fire Brigade

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a request from the Ocean Farm Volunteer Bush Fire Brigade to lease the old Ocean Farm Fire Shed on Lot 4021, Reserve 53272.

BACKGROUND

In 2016, DFES funded the construction of a new fire shed on Lot 4021 on (then) Reserve 35092 to replace the existing fire shed within the same location. The tender was awarded in April of that year with the new shed officially opened on 20 November 2016.

Subsequent to the construction of the new shed, in July 2017 the Shire sought expressions of interest from local volunteer groups for the future use of the old fire shed.

Three responses were received, one from the Ocean Farm Volunteer Bush Fire Brigade (OFVBFB) offering to take responsibility for the shed, including insurance and ongoing maintenance. They supported use of the shed for emergency service and other OFVBFB related activities and any other community activities. The second was from St John Ambulance Lancelin & Coastal District Sub-Centre who wished to retain the use of the dual use facility to house the Ocean Farm branch ambulance and if necessary, take responsibility for the shed. The Ocean Farm Community and Recreation Association has registered an interest in leasing the shed for storage.

To accommodate the potential to lease the shed at the time, discussions commenced with the Department of Planning, Lands & Heritage to change the purpose of the reserve from 'Public Recreation' to 'Community Purposes' with a Management Order to issue to the Shire with power to lease provisions for up to 21 years.

While it appears the EOI relating to the old fire shed did not progress, a separate dealing continued to enable the Shire to lease the hall and tennis courts to the Ocean Farm Community and Recreation Association.

This excised Lot 4021 of Reserve 35092 to create a separate Reserve 53272 with a 'Community Purpose' purpose and Management Order to the Shire with power to lease. This lease was approved by Council in December 2018 for a two year term and was renewed under its option in December 2020 for a further two year term. The old fire shed sits within Reserve 53272 which allows Council, should it wish, to lease it to a third party, with Minister's approval, for community purposes.

The old fire shed is currently being used by the OFVBFB and St John Ambulance for storage however no written agreement is in place formalising this arrangement.

Request

The OFVBFB have recently contacted the Shire asking to lease the old fire shed to use for storage of fire equipment and house a high needs vehicle if need be during the fire season.

The request is for storage only, with all other operational requirements (including training/meetings) to be conducted from the new fire shed. The OFVBFB also acknowledges that while the space and amenities provided to house the Ocean Farm ambulance is currently not being used, it will be preserved for this use, should it be required in the future.

COMMENT

While replacement of the old fire shed in 2016 effectively represents the end of its 'useful life' in terms of maintaining a level of service in a financially sustainable manner, it does provide opportunity for an alternative use by the Shire or others at a lessor standard. Given Council's significant asset base and associated maintenance and renewal obligations, it is recommended an alternative use by the Shire not be pursued and the shed be offered to a local community group to take responsibility and use of the shed.

At its Briefing Session of 2 March 2021, Council agreed upon the following course of action:

- 1. Seek fresh Expressions of Interest from local community groups who may wish to lease the old fire shed subject to:
 - a. space and amenities to house the Ocean Farm ambulance be preserved for this use if required.
 - b. applicants to be responsible for all costs associated with operating and maintaining the shed.
 - c. Council will not upgrade or replace the shed beyond its current useful life.
 - d. Ministerial approval granted by the Minister for Lands

In March 2021, officers undertook the Expressions of Interest process in which community groups were invited to submit their interest in leasing the old Ocean Farm Fire Shed. The following submissions/comments were received.

Community Group	Comment
OFVBFB	Expression of Interest received (original request).
Ocean Farm Community	The group is supportive of OFVBFB's request and did not
and Recreation Association	submit an EOI.
St John Ambulance WA	The group no longer use the building. It has been decommissioned as an ambulance depot and all equipment
	has been taken out of it.

The draft lease, as depicted in **Appendix 1**, has been forwarded to the OFVBFB for their review.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 3 – Functions of local governments
Division 3 – Executive functions of local governments
Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996 Part 6 – Miscellaneous Clause 30 – Dispositions of property excluded from Act s. 3.58

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure & Development		
Objective	To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.		
Outcome	The Shire provides fit for purpose community infrastructure in a financially responsible manner.		
Key Service Areas	Rationalise and consolidate older community infrastructure		
Priorities	Infrastructure & Development		

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Morton

That Council:

1. Agree to enter into a lease agreement with the Ocean Farm Volunteer Bush Fire Brigade for Lot 4021 (Reserve 53272), for a period of 5 years with a further 5 year option in accordance with the lease document shown as Appendix 1, subject to the Minister's approval.

2. Authorise the Chief Executive Officer to progress execution of the lease and to sign the lease document on Council's behalf.

CARRIED UNANIMOUSLY

APPENDIX 1



LEASE AGREEMENT

SHIRE OF GINGIN

AND

OCEAN FARM VOLUNTEER BUSH FIRE BRIGADE

ONDITIONS	
Parties	
Use	
Premises	
Term	
Holding Over	
Provision of Information	
Variation of Lease	
ENT AND OTHER PAYMENTS	***************************************
Rent	
Outgoings	
Keys and Access	
Key Bond	
Building Bond	
Insurance	
EFAULTS	***************************************
Events of Default	
Lessor may remedy breach	
ERMINATION	
Restore Premises	
Property Inspections	
ESSEE'S RESPONSIBILITIES.	
Inclusive Membership	
Report to Council	
Alterations	
Securing the Premises	
Lessor's Right of Reasonable Entry	
Maintenance and Cleaning	
•	
Repair	
Defibrillator and Automated External Defibrillator (AED)	
Work within Premises	
Maintain surroundings	
Pest control	
Drains	
Electrical / Solar	
Erosion	
Behaviour	
Hiring of the Premises	
Subletting and Assignment	
Smoking on Premises	
Fire Mitigation	
Comply with Legislation, Acts and Statutory Obligations	
IDEMNITY	1
Indemnity	

Obligatio	Obligations Continuing				
Release	Release				
Limit of	Lessor's liability	13			
DISPUTES		13			
Referral	of Dispute: Phase 1 (a)	13			
Referral	of Dispute: Phase 2 (b)	13			
Appoint	ment of Arbitrator: Phase 3 (c)	14			
Paymen	t of Amounts Payable to Date of Award (d)	14			
SCHEDULE		15			
ITEM 1:	LAND	15			
ITEM 2:	TERM	15			
ITEM 3:	FURTHER TERM	15			
ITEM 4:	COMMENCEMENT DATE	15			
ITEM 5:	RENT	15			
ITEM 6:	USE	15			
ITEM 7:	PUBLIC LIABILITY INSURANCE	15			
ITEM 8:	ADDITIONAL TERMS AND CONDITIONS	15			
Annexure 1	- Plan of Premises	18			
Annexure 2	Annexure 2 ~ Maintenance and Cleaning19				
Lessee I	Lessee Responsibilities				
Lessor F	Lessor Responsibilities Error! Bookmark not defined.				
Annexure 3	Annexure 3 – Asbestos Hazard Report				
Annexure 4	Annexure 4 – Minister for Lands Consent				

CONDITIONS

Parties

Shire of Gingin - "The Lessor"

AND

Ocean Farm Volunteer Bush Fire Brigade - "The Lessee"

Use

The Lessor has care, control and management of the Land pursuant to a Management Order.

The premises is not to be used for any purpose other than that specified in **Item 6** of the Schedule.

The use of the premises must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988*, *Food Act 2008*, *Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Premises

That area of land and buildings located at Lot 4021 (Reserve 53272) Ocean Farm Drive, Nilgen as depicted on the plan included as **Annexure 1**.

Term

The term of the lease is set out at **Item 2** of the Schedule. The Lessee may request the Lessor to grant a renewal of this Agreement for the further term set out at **Item 3** of the Schedule by giving written notice at least one month prior to the expiry of the initial term.

Holding Over

If the Lessor consents to the Lessee continuing to occupy the Leased Area after the expiry date, after the end of any extended term or during a lease renewal negotiation period, the Lessee is a monthly Lessee of the Leased Area and

- the monthly tenancy may be terminated by either party giving to the other at least one month's notice which may expire on any day;
- (b) the rent is the same rent payable immediately before the expiry date or after the end of any extended term; and
- (c) all the other provisions of this Lease apply to the monthly tenancy except any option to extend this Lease.

Provision of Information

The Lessee agrees to provide to the Lessor:

- (a) a copy of the Lessee's audited annual statement of accounts for each year;
- (b) a copy of the Certificate of Currency or renewal certificate to be provided to the Lessor on an annual basis for each insurance policy, including Public Liability and Contents Insurance:
- (c) written advise of any changes in its office holders or its rules of Association during the Term; and
- (d) any information reasonably required by the Lessor.

Variation of Lease

If there is a variation of this lease the lease continues and the variation does not constitute a surrender of this lease. Any variation will be supplementary to the original lease document.

Parties can only vary a lease by mutual written agreement.

RENT AND OTHER PAYMENTS

Rent

As specified in **Item 5** of the Schedule. Rent will be increased by the amount of the Goods and Services Tax (GST), if any, which the Lessee is required under the *A New Tax System* (Goods and Services Tax) Act 1999 and associated Acts and subsidiary legislation, to pay on any Supply made under this Lease.

Outgoings

Electricity, water and refuse collection charges are the responsibility of the Lessee. Gas and other consumable charges are the responsibility of the Lessee.

Keys and Access

The Lessor will provide the Lessee with 2 set of keys to access the premises, and if applicable all rooms therein.

The Lessee may request additional sets of access keys from the Lessor, if approved the Lessee is responsible for the cost of the additional access keys.

The Lessee is to maintain a record of who is assigned any and all keys.

The Lessee must notify the Lessor of any lost keys within seven days. Any replacement keys will be issued by the Lessor at the Lessee's cost.

Key Bond

On request, the Lessee will pay a bond of \$200.00 for a set of access keys to the premises prior to access being granted. If required, the bond may be withheld by the Lessor in the event that replacement of keys is required at the time of the Lessee vacating the premises.

Building Bond

On request, the Lessee will pay a building bond of \$400.00 prior to gaining access to the premises. If required, the bond may be withheld by the Lessor to make good any repairs or minor maintenance that may be necessary at the time of the Lessee vacating the premises.

Insurance

The Lessee shall effect and keep effected building insurance to the full insurable value on a replacement or reinstatement value basis of the Premises against damage arising from fire, tempest, storm, earthquake, explosion, aircraft, or other aerial device including items dropped from any device, riot, commotion, flood, lightning, act of God, fusion, smoke, rainwater, leakage, impact by vehicle, machinery breakdown and malicious acts or omissions and other standard insurable risks.

Public liability insurance in accordance with **Item 7** of the Schedule shall be maintained by the Lessee. The Lessee shall also maintain adequate and sufficient contents insurance. A copy of the certificate of currency is to be provided to the Lessor upon commencement of the lease, illustrating the full term of cover.

All cover is to be renewed annually, with a certificate of currency or renewal certificate to be provided to the Lessor on an annual basis.

Insurance for personal property is the Lessee's responsibility. All policy and certificate details are to be made available on request.

Arrangement of and payment for all public liability insurance is the responsibility of the Lessee.

The Lessee must not do or omit to do any act or thing or bring or keep anything on the Premises which might invalidate or:

- (a) render any insurance effected under this clause on the Premises, or any adjoining premises, void or voidable; or
- (b) cause the rate of a premium to be increased for the Premises or any adjoining premises (except insofar as an approved development may lead to an increased premium).

DEFAULTS

Events of Default

A default occurs if:

- (a) any Amounts Payable remain unpaid for 21 days after a Notice has been given to the Lessee that an amount is outstanding;
- (b) the Lessee alters, adds to, improves or demolishes any part of the Premises without prior written consent from the Lessor;
- (c) the Lessee commits a breach of its obligations under this agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor;

- (d) where the Lessee is an association which is incorporated under the Associations Incorporation Act 2015, the association is wound up whether voluntarily or otherwise;
- (e) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 2015*, the Lessee passes a special resolution under the *Associations Incorporation Act 2015* altering its rules of association in a way that makes its objects or purposes inconsistent with the use permitted by this Lease:
- (f) the Lessee is unable to pay all its debts when they become due, it fails to comply with a statutory demand under section 459F of the *Corporations Act 2001*, or it is deemed to be unable to pay its debts under section 585 of the *Corporations Act 2001*;
- (g) the Premises are vacated, or otherwise not used, in the Lessor's reasonable opinion, for the Permitted Purpose for a six-month period; or
- (h) a person other than the Lessee is in occupation or possession of the Premises or in receipt of a rent and profits.

Lessor may remedy breach

After the Lessor has given the Lessee notice of the breach and the Lessee has failed to rectify the breach within a reasonable time, the Lessor may without affecting any right, remedy or power arising from that default remedying each breach or default. The Lessor will be entitled to recover costs from the Lessee associated with remedy of breach or breaches.

TERMINATION

The Lessor may terminate this agreement by providing three months' written notice to the Lessee if at any time the building is not being used in accordance with the requirements of **Item 6** of the Schedule, or maintained to the Lessor's requirements, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Under exceptional circumstances the Lessor may ask the Lessee to vacate the premises immediately.

The Lessor reserves the right to terminate the agreement in the event that the Lessee commits a breach of its obligations under the agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor.

The Lessor will not have right of re-entry or forfeiture unless and until—

- (a) the Lessor serves on the Lessee a notice specifying the particular breach complained of, and, if the breach is capable of remedy, requiring the Lessee to remedy the breach, and in any case requiring the Lessee to make compensation in money for the breach; and
- (b) the Lessee fails within a reasonable time thereafter to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money to the satisfaction of the lessor for the breach.

The Lessor will be entitled to re-enter the Premises or forfeit the lease in the event of the Lessee failing to comply with such notice within a reasonable time.

Restore Premises

Before or within 14 days after termination of this agreement the Lessee must, at its expense, restore the premises to a condition satisfactory to the Lessor.

The Lessor will undertake an assessment and provide a checklist of items to be restored.

Property Inspections

The Lessor may conduct property inspections of the premises on an annual basis to ensure the appearance and the condition of the building is being maintained to the satisfaction of the Lessor and the *Health (Public Buildings) Regulations 1992*.

LESSEE'S RESPONSIBILITIES

Inclusive Membership

The Lessee must at all times employ an inclusive membership policy.

Report to Council

The Lessee must report all vandalism, defects, damage and pollution to the Lessor within 24 hours of any such occurrence being identified.

To report any issues please email mail@gingin.wa.gov.au or send via post to PO Box 510, GINGIN WA 6503. If urgent please telephone 9575 5100 during office hours.

Alterations

The Lessee shall not make any alterations, additions or improvements to or demolish any part of the Premises without the prior written consent from the Lessor. **Note**: Building Permits may be required.

Alterations, additions or improvements to the premises may result in a Lease Variation as project costs, including ongoing maintenance and full life costs, may be the responsibility of the Lessee.

There is a requirement under the Land Administration Act 1997, Section 18 (Crown land transactions that need Minister's approval) for the consent of the Minister for Lands for any alterations or further negotiations on this lease document.

Securing the Premises

The Lessee is to ensure the Premises, including Lessor's and Lessee's fixtures and fittings, are appropriately secured at all times. Where an alarm is present the alarm should be activated and the Lessor supplied with access codes.

Lessor's Right of Reasonable Entry

The Lessee must permit the Lessor or its authorised representative/s to enter the premises for the following purposes:

- (a) in the event of an emergency;
- (b) to undertake property inspections to ensure compliance with the terms of this Agreement;
- (c) to carry out routine repairs or other work necessary to maintain the premises in good condition; and
- (d) to carry out Capital Project works.

The Lessor will liaise with the Lessee to gain entry as required.

Maintenance and Cleaning

The Lessee agrees during the Term and for so long as the Lessee remains in possession or occupation of the Premises to maintain, clean and keep the Premises (which includes the Lessor's fixtures and fittings) in good repair having regard to the age of the Premises at the Commencement Date.

The Lessee shall comply with the *Maintenance and Cleaning Schedule* appended as **Annexure 2**.

The Lessee must at all times keep the Premises clean, tidy, unobstructed and free from dirt, rubbish and vermin, including bird/animal droppings.

In executing the obligations imposed on the Lessee under this clause, the Lessee shall keep clear and/or clean:

- (a) any electrical fittings and fixtures;
- (b) any plumbing;
- (c) any air-conditioning fittings and fixtures; and
- (d) any gas fittings and fixtures

in or on the Premises, use only licensed tradespersons, or such tradespersons as may be approved by the Lessor.

Repair

The Lessee is responsible for fair wear and tear repairs. Where the Lessee is responsible for any damage to the premises, inclusive of damage arising from not undertaking regular maintenance and cleaning, such damage is to be promptly repaired or damaged item replaced, at the Lessee's expense, to the satisfaction of the Lessor.

Fair wear and tear means damage that happens through the ordinary day-to-day use of a Premises by a Lessee and the ordinary cause from natural forces (sunlight, rain).

Defibrillator and Automated External Defibrillator (AED)

This Premises may have had a defibrillator fitted on request from the Lessee, funded by a third party.

The Lessee is responsible for all costs associated with the device, including being included in the Lessee Contents Insurance policy.

All AEDs perform self-maintenance checks on a daily, weekly and monthly basis to ensure that they are ready for use. In the event that the machine fails part of the test, the machine will beep to alert that there is a fault with the machine. St John Ambulance Australia recommends a weekly inspection be performed on the machine to ensure the machine has not failed a self-check.

Work within Premises

The Lessee must carry out works in accordance with Work Safe (WA) practices, being mindful of the risk to health and fire hazards.

Any works must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

Lessor's Fixtures and Fittings

The Lessee covenants and agrees that the Lessor's Fixtures and Fittings will remain the property of the Lessor and must not be removed from the Premises at any time.

Maintain surroundings

The Lessee must regularly inspect and maintain in good condition any part of the Premises which surrounds any buildings, including but not limited to any flora, gardens, lawns, shrubs, hedges, trees, playground equipment and benches.

Playgrounds within the leased area must be raked or swept on a regular basis to ensure sharps are not present.

The Lessee agrees that any pruning of trees must be undertaken by a qualified tree surgeon. If any flora, trees or lawn dies the Lessee must replace the flora, trees or lawn at its own expense.

The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor, except where necessary for urgent safety reasons.

Replacement and expansion of reticulation is the responsibility of the Lessor. Maintenance, inclusive of replacing sprinklers, nozzles, valves and drip lines, as well as repairs to leaking reticulation lines, pipes, and the like are the responsibility of the Lessee.

Pest control

The Lessee must keep the Premises free of any pests and vermin. The cost of annual treatment for termites and spiders will be borne by the Lessor.

Drains

The Lessee must keep and maintain the waste pipes, drains and conduits originating in the Premises or connected thereto in a clean clear and free flowing condition, and must pay to the Lessor upon demand the cost to the Lessor of clearing any blockage which may occur in such waste pipes, drains and conduits between the external boundaries of the Premises and the point of entry thereof into any trunk drain unless such blockage has been caused without neglect or default on the part of the Lessee.

Any plumbing works must be undertaken by a qualified plumber/tradesperson.

The Lessee must not permit the drains, toilets, grease traps (if any) and other sanitary appliances on the Premises to be used for any purpose other than that for which they were constructed and must not allow any foreign matter or substance to be thrown therein.

Electrical / Solar

The Lessee shall not install any electrical equipment on the Premises that may overload the cables, switchboards or sub-boards. Any electrical works must be undertaken by a qualified electrician.

The Lessor shall not fund the installation, maintenance, replacement, removal or any ongoing costs of solar panels (together with any lines, wires, conduits, inverters, racking, solar battery storage units or related improvements installed in connection therewith, are referred to collectively as the "solar panels"). If the Lessee, after gaining prior approval from the Lessor, installs solar panels, the solar panels shall remain the property of Lessee during the Term.

The Lessee shall, at its sole cost and expense, remove the solar panels at expiration of this lease agreement, in accordance with the requirements of **Item 2** and **Item 3** of the Schedule, unless the Lessor and Lessee mutually agree that the solar panels are to remain in place and become the sole property of Lessor. The Lessee shall repair any damage to the premises caused by the installation, maintenance, replacement, use or removal of the solar panels.

Erosion

The Lessee must take such reasonable action as is necessary to prevent and rectify the effects of erosion, drift or movement of sand, soil, dust or water on or from the Premises, if it has occurred as a result of the Lessee's use of the Premises.

Behaviour

The Lessee is not to allow any anti-social behaviour in or around the premises including but not limited to loud music, foul language, drunken behaviour, uncontrollable parties, fighting, acts of physical violence and unwanted entry onto neighbouring properties.

Noise Restrictions apply from 7pm to 7am.

Hiring of the Premises

The Lessor acknowledges that the Lessee manages the hiring out of the premises to third parties. Hire fees be set as part of the Schedule of Fees and Charges in the Lessor's annual budget.

Records of all use, including own use, must be kept and provided to the Lessor on a quarterly basis. Records will be used to provide quarterly provision of consumables.

Records of all income derived from hire charges shall be forwarded to the Lessor on a quarterly basis. Said income can be retained by the Lessee as a management fee, less the Goods and Services Tax (GST) which is payable to the Lessor.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988, Health (Food Hygiene)* Regulations 1993, Liquor Licensing Regulations 1989 and any other relevant written laws that may be in force from time to time.

Subletting and Assignment

The Lessee must not assign, sublet, part with possession or dispose of the Premises or any part of the Premises without the prior written consent of the Minister for Lands and the Lessor and any other persons whose consent is required under the terms of this Lease or at law.

Smoking on Premises

The Lessee must not smoke or permit a person to smoke within the leased premises.

Fire Mitigation

- (a) Fire Prevention Without limiting any other provision of this Lease, the Lessee must in relation to the Leased Area promptly comply with:
 - the Bush Fires Act 1954 and any other laws relating to the prevention and control of fires; and
 - ii. all proper directions concerning fire prevention and control given to the Lessee by the Lessor or any Authority.
- (b) Fire Control The Lessee must immediately:
 - i. notify the Lessor as soon as a fire is detected on the Leased Area; and
 - ii. take all reasonable and safe action which the Lessee is able to take to try to extinguish any unauthorised or uncontrolled fire on the Leased Area
- (c) Authorised Fires The Lessee must not do anything which causes or may cause a fire on the Leased Area unless the fire is:
 - i. not prohibited by law or by a direction of the Lessor or an Authority; and
 - the fire is not dangerous and is properly controlled so that it cannot become dangerous.
- (d) Liability for Fires The Lessee is responsible for and must pay or reimburse the Lessor for all Liabilities as a result of any fire which starts on the Leased Area unless the Lessee can prove to the reasonable satisfaction of the Lessor that the fire:
 - i. was not caused by the Lessee's negligent or unlawful act or omission or the Lessee's default under this Lease; or
 - ii. was started by a cause beyond the Lessee's reasonable control.

- (e) Risk Management Plan Due to the nature of activities of the Lessee a Risk Management Plan may be required for certain activities and/or events undertaken within the leased premises. This may be an additional condition of this lease agreement as specified in accordance with Item 8.
- (f) Failure to comply can lead to immediate termination of this lease, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Comply with Legislation, Acts and Statutory Obligations

The Lessee must promptly comply with all Acts, statutes and local laws from time to time in force relating to the premises.

The Lessee must apply for, obtain and maintain in force all consents, approvals, authorities, licenses and permits required under any statute for the use of the premises.

The Lessee must not allow a person to carry out any harmful, offensive or illegal act within or around the premises.

INDEMNITY

Indemnity

The Lessee indemnifies, and shall keep indemnified, the Minister for Lands and the Lessor from and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the Lessor or brought, maintained or made against the Lessor in respect of:

- (a) any loss whatsoever (including loss of use);
- (b) injury or damage of, or to, any kind of property or thing; and
- (c) the death of, or injury suffered by, any person,

except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

- (a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.
- (b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Release

- (1) The Lessee:
 - (a) agrees to occupy and use the Premises at the risk of the Lessee; and
 - (b) releases to the full extent permitted by law, the Lessor from:
 - (i) any liability which may arise in respect of any accident or damage to property, the death of any person, injury to any person, or illness suffered by any person, occurring on the Premises or arising from the Lessee's use or occupation of the Premises by; and
 - (ii) loss of or damage to the Premises or personal property of the Lessee;

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The release by the Lessee continues after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Limit of Lessor's liability

- (1) The Lessor will not be liable for loss, damage or injury to any person or property in or about the Premises however occurring, except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.
- (2) The Lessor will not be liable for any failure to perform and observe any of the Lessor's Covenants due to any cause beyond the Lessor's control.

DISPUTES

Referral of Dispute: Phase 1 (a)

Except as otherwise provided any dispute arising out of this Lease is to be referred in the first instance in writing to the Lessor's Representative as nominated in writing by the Lessor from time to time (the Lessor's Representative) who shall convene a meeting within 15 days of receipt of such notice from the Lessee or such other period of time as is agreed to by the parties between the Lessor and a nominated representative of the Lessee for the purpose of resolving the dispute (the Original Meeting).

Referral of Dispute: Phase 2 (b)

In the event the dispute is not resolved in accordance with **Disputes - clause A** of this Lease then the dispute shall be referred in writing to the Chief Executive Officer (CEO) of the Lessor who shall convene a meeting within 15 days of the Original Meeting or such other date as is agreed to by the parties between the CEO and the President of the Lessee for the purpose of resolving the dispute.

Appointment of Arbitrator: Phase 3 (c)

In the event the dispute is not resolved in accordance with **Disputes - clause B** of this Lease then the dispute shall be determined by an independent arbitrator as agreed to by both parties, and the Lessor and the Lessee may each be represented by a legal practitioner, or otherwise as each party determines appropriate.

Payment of Amounts Payable to Date of Award (d)

The Lessee must pay the Amounts Payable without deduction to the date of the award of the Arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Lessee is not required to be paid within the terms of the award of the Arbitrator or by agreement between the Lessor and the Lessee then the Lessor will refund to the Lessee the monies paid.

SCHEDULE

ITEM 1: LAND

Part Reserve 53272 - Lot 4021 on Deposited Plan 12036 being the land in Certificate of Crown Title Volume 3143 Folio 696

PREMISES

The land and buildings contained within the area shown in **Annexure 1**.

Asbestos Hazard Report, included as Annexure 3.

ITEM 2: TERM

Five years

ITEM 3: FURTHER TERM

Five years

ITEM 4: COMMENCEMENT DATE

1 May 2021

ITEM 5: RENT

One dollar (peppercorn) per annum.

ITEM 6: USE

Storage activities of the Ocean Farm Volunteer Bushfire Brigade and all uses reasonably ancillary to that purpose.

The *Building Code of Australia* classification of the building located on the premises is 10A and use must comply with this classification.

ITEM 7: PUBLIC LIABILITY INSURANCE

\$20,000,000.00

ITEM 8: ADDITIONAL TERMS AND CONDITIONS

8.1 Maintaining the surrounds of the buildings is the Lessees responsibility

8.2 Redecorating

The Lessee is responsible to redecorate as required.

8.2 Internal Painting

Paint and decorate interval will be every seven years and in any event within three months of Termination.

The Lessee must on or before each repainting date paint with at least 2 coats of paint those parts of the Premises usually painted internally.

All painting carried out on the Premises must be carried out by a registered painting contractor and the registered painting contractor or other person engaged by the Lessee to paint the Premises must:

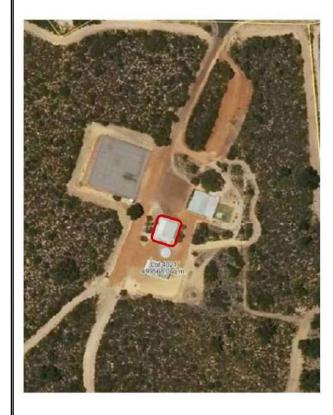
- (a) do so in a proper manner using good quality materials;
- (b) have the colour and quality of the materials approved in writing by the Lessor before the work commences;
- (c) comply will all reasonable directions given or requests made by the Lessor;
 and
- (d) be finished in a proper and workmanlike manner.

8.3 External Painting

Paint interval will be every ten years and in any event within three months of Termination.

It is acknowledged that the Shire of Gingin and the Ocean Farm Volunteer Bush Fire Brigade agree on the above conditions and responsibilities.			
Signed on behalf of the Shire of Gingin:			
AARON COOK CHIEF EXECUTIVE OFFICER	DATE		
Signed on behalf of the	:		
SIGNATURE	DATE		
PRINT NAME	OFFICE HELD		
MINISTER FOR LANDS CONSENT:			
Consent under section 18 of the Land Aincluded as Annexure 4 .	Administration Act 1997 as per appro	val correspondence	
			17

Annexure 1 – Plan of Premises





Leased Area

Annexure 2 - Maintenance and Cleaning

The following outlines the cleaning, maintenance and repair obligations of the Lessee for buildings that are leased under this Lease Agreement. This is to be read and adhered to in conjunction with the Lease Agreement.

The Lessor's expectation is that the Lessee is responsible for the cleaning, maintenance and repair of damage as a result of the use of the leased area.

Lessee Responsibilities

INTERNAL

The interior of the building is to be maintained in a clean and tidy condition at all times and within the terms of the Lease, is to be kept free of dirty marks, cobwebs and vermin. Rooms to be adequately aired to combat mould or mildew forming.

Internal	Lessee Responsibilities
Windows	To be kept clean, free from any marks and cobwebs. To be lockable and operable.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. NOTE: Locks are not to be changed without the prior approval of the Lessor. New locks must be keyed to Lessor's Master Key System.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Ceilings	To be kept clean, free of cobwebs and cleaned of any temporary decoration. Penetrations for appliances such as air conditioning vents shall be kept clean and in good working order. NOTE: Any water damage or sagging to be reported to the Lessor without delay.
Floors	To be kept clean and regularly maintained in accordance with the requirements of the type of surface i.e. carpets to be vacuumed regularly and steam cleaned annually, hard floors to be swept and mopped. Hard floors to be stripped back and resealed as required by the lessor. In kitchen areas, relevant Health requirements should be strictly complied with.
Cupboards	To be regularly cleaned with all doors, latches, drawers and shelves being in good working order. To be free from any marks or food residue.
Built in Joinery: (benches, cabinets)	To be regularly cleaned and free of debris. Any damage, including water damage, is to be reported to the Lessor without delay.
Electrical Fittings	All electrical fittings such as power points, light switches and light fittings to be kept clean and in good working order. Any Lessee installed item is the responsibility of the Lessee. All items installed by the Lessee are to be tested and tagged by a licensed provided in accordance with AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment. Replace light globes and fluorescent light tubes which may fail.

To ensure Fire Fighting Equipment is not tampered with or removed from designated area. Lessee is responsible for costs incurred for replacement, mis-use, tampered or lost Fire Fighting Equipment.
A clear path or access should be maintained with no obstruction within 1 metre of firefighting equipment.
The Lessee is responsible for notifying the Lessor if the Fire Evacuation Exit Signs are not in good working order.
All rubbish is to be placed in the outside Rubbish Bins in the designated bin areas / enclosures.
The Lessee to pay all costs associated with the installation and ongoing monitoring of the security system.
To be maintained in accordance with the supplier's instructions.
Provide evidence of regular annual maintenance (maintenance Report) by a licensed provider.
All Telecommunications and any other fees are to be met by the Lessee.
Lessee to provide Access Keys and alarm codes to the Lessor.
To be maintained in a clean and operable condition. Rectification of non-fair and wear damage, including grease poured down the drains, will be charged to the Lessee.
To be kept in a clean and operable condition at all times. Rectification of non-fair and wear damage, including items forced down the drains, will be charged to the Lessee.
Toilet and cleaning consumables to be provided by the Lessee.
All walls and floor surfaces to be kept cleaned and undamaged.
All to be kept clean and operated in accordance with the manufacture's requirements.
Any Lessee installed item is the responsibility of the Lessee. All Lessee installed items to be tested and tagged by a licensed provided in accordance with AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.
To be kept clean and operated in accordance with the manufacture's requirements.

EXTERNAL

The whole of the exterior of the building is to be kept in a clean and tidy condition free from cobwebs, bird/animal droppings, leaves and debris/litter.

In particular, the following items must be given attention:

External	Lessee Responsibilities
Windows	To be kept clean, operable and lockable at all times.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order.
	NOTE: Locks are not to be changed or altered. Locks may be keyed to Lessor's Master Key System. Lessee is responsible for the costs of lost keys and associated replacement.
Security Screens	To be kept clean and firmly fixed. Any cobwebs to be regularly removed.
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Walls	To be kept clean, free from any marks, damage and cobwebs.
Verandah	To be kept clean and free from cobwebs. To be kept clean, tidy and free from litter, rubbish, leaves, debris and all bird/animal droppings.
Eaves	To be kept clean and free from cobwebs.
Pathways	To be kept clear of rubbish and to be swept regularly. Vegetation surrounding the building not to be damaged or removed.
Light Fittings	To be kept clean and free from cobwebs. Replace all light globes which may fail.
Signs	Any signs installed by the Lessee, located on the building are to be regularly maintained and kept in a safe condition. Signs that may become damaged are to be replaced immediately.
	Any approvals or licenses for signs are to be kept current.
Outdoor	To be maintained to not less than the standard outlined above.
Sponsorship Signs	Sponsorship Signs require approval of the Lessor before being installed.
Surrounds, including garden beds	To be kept clean, tidy and free from litter, rubbish, leaves, weeds and debris.
	Rubbish bins are to be kept neat and clean. To be placed in the designated areas.
Rubbish Bins	Bin enclosures to be kept clear of all rubbish and secured.
TARREST PHIC	Written request to be submitted to the Lessor for additional rubbish bins (general waste, recycling or other).
Gutter Cleaning	To maintain and clean guttering of natural product, including leaves, twigs and soil.
Fire Protection Equipment	To service and replace fire equipment as required.
Building Structural Repairs	To maintain and repair the building structure from wear and tear.
External Drainage	To repair external drainage infrastructure failure.
Air conditioning	The annual service and maintenance report is to be undertaken by a licensed provider.
Stove, Fans, Refrigerators, Heaters, & other	All items installed by the Lessor/ee to be tested and tagged by a licensed provided in accordance with AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.
White Goods	Any Lessee installed item is the responsibility of the Lessee.
Sinks, Basins, Pedestal Pans & Cisterns	Replacement and repair of fittings due to fair wear and tear.
Toilets & Showers	Replacement and repair of fittings due to fair wear and tear, such as taps, roll dispensers and coat hooks.
	Toilet and cleaning consumables to be provided by the Lessee.
Gas fittings and fixtures	Clearing of all blockages and repairs to fittings and fixtures due to fair wear and tear.
	I

Electrical	Undertake testing of Residual Current Devices in accordance with AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment. All Lessor installed items to be tested and tagged by a licensed provided in accordance with AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment. All Lessee installed items are the responsibility of the Lessee.
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Annexure 3 – Asbestos Hazard Report	
	23

Annexure 4 – Minister for Lands Consent	
	24
	24

11.2.4 PRE EMERGENCY EVACUATION PLANNING DOCUMENTS

Location:	Shire of Gingin
File:	EMS/21
Author:	Cher Groves – Recovery and Leasing Officer
Reporting Officer:	Les Crichton – Executive Manager Corporate and
	Community Services
Report Date:	20 April 2021
Refer:	Nil
Appendices:	1 Plans

DISCLOSURES OF INTEREST

Nil

PURPOSE

To endorse the Shire of Gingin's Pre-Emergency Evacuation Plans.

BACKGROUND

At a meeting of the Local Emergency Management Committee (LEMC) held on 24 February 2021 the progression of the Shire of Gingin's pre-emergency evacuation planning was discussed.

Following is an excerpt from the document State Emergency Management: May 2016 Version No.02.00.

Western Australian communities regularly face the threat of the impacts of numerous hazards. The evacuation of people and/or animals from an area affected by a hazard is one of the strategies for protective action that may be employed by emergency management agencies to mitigate the potential loss of, or harm to, life. This is consistent with the State's core objective to "protect the lives and wellbeing of persons".

The overall responsibility for a community evacuation rests with the Controlling Agency. This encompasses the risk assessment and decision making that evacuating a community represents the best option available for community safety and ensuring that appropriate action is taken across all phases to meet the evacuees' needs.

Pre-emergency evacuation planning is an integral part of the emergency management planning process and should be considered by Local Emergency Management Committees (LEMCs) and included in their Local Emergency Management Arrangements (LEMAs).

Local Government Evacuation Planning

A comprehensive Evacuation Plan for a local government area is of considerable value to all agencies with a potential role in an evacuation and needs to be easily available to the Controlling Agency in an emergency to support informed decisions in a timely manner.

In considering the scope for evacuation planning, LEMCs should consider the hazards which have been identified through the risk assessment process as relevant for their local government area and identify, as far as practicable, places most vulnerable to those hazards. They should also consider:

- community demographics;
- geography;
- location;
- distance from a regional centre and/or large town; and
- organisational capacity of member agencies.

The Evacuation Plan within the LEMAs should:

- be applicable to different hazards, e.g. fire, flood, tsunami, cyclone;
- identify agency responsibilities for each phase of an evacuation;
- identify the resources and services needed and how they are to be obtained in an emergency, including mobility and communication aids for at-risk persons;
- be accessible to the Controlling Agency in a timely manner, 24 hours per day, 7 days per week; and
- develop arrangements and systems for each of the five stages of evacuation (Decision, Warning, Withdrawal, Shelter and Return).

As far as practicable, options for each phase and processes to facilitate their use in an emergency should be identified in each LEMC Evacuation Plan. Controlling Agencies should remember that the impact of a hazard may not reflect local government boundaries and therefore an adjoining Local Government's Plan may offer the most suitable options for some emergencies.

The Evacuation Plan should include:

- details of suitable access/egress routes for the expected type/volume of traffic, including alternatives by water or air when suitable roads are inaccessible, insufficient or inappropriate;
- possible locations for vehicle control points to assist with traffic management (i.e. where traffic can be easily re-routed and where communications should be reliable);
- effective warning methods appropriate to the communities that may be affected (including a consideration of at risk persons and the demographics of the community, as far as practicable);
- centres that could be used as evacuation centres for evacuees;
- facilities where people with animals may go to in an emergency; and
- transport options for those without access to private vehicles.

Special Arrangements

As far as practicable, the Evacuation Plan should include details of specific arrangements that may be in place for any groups of at risk persons, such as unaccompanied children, tourists and temporary residents, schools, aged care facilities, hospitals, caravan and holiday parks, persons with disabilities and culturally and linguistically diverse communities.

In preparation for the introduction of a comprehensive Evacuation Plan, the Shire's preemergency evacuation planning has commenced using a recommended five-step approach.

The Planning Process

The planning process will allow agreements to be reached between local government and key hazard management agencies in order to meet community evacuation needs during emergencies.

The pre-emergency evacuation planning process can be divided into five key steps. In summary the steps are:

- **Step 1** Establish a pre-emergency evacuation planning working group consisting of LEMC representative from DFES, WA Police, CPFS, local government and others as required.
- **Step 2** Collectively identify human settlements that may be exposed to high level of emergency risk within the local government district.
- **Step 3** Gather and analyse evacuation planning data for each human settlement identified in Step 2.
- **Step 4** Prepare and distribute the pre-emergency evacuation planning data for each identified human settlement to the LEMC for comments and amendments.
- **Step 5** Table the pre-emergency evacuation plan at a LEMC meeting for endorsement and distribution.

Undertaking pre-emergency evacuation planning will assist local governments and emergency management partners in the development of pre-emergency evacuation planning data. The availability of pre-emergency evacuation planning data could assist the Hazard Management Agency (HMA) to plan an evacuation during emergencies.

The Local Recovery Coordinator was tasked with commencing pre-emergency evacuation planning on behalf of the LEMC and to provide documentation for consideration by the LEMC.

Ten human settlements in nine localities were identified within the Shire of Gingin.

Human Settlement - Shire of Gingin	Estimated	Estimated Peak
	Population*	Period Population
Gabbadah - Redfield Park / Sovereign Hill	672	
Gingin	852	
Guilderton	172	3,000
Karakin - Seaview Park	241	
Lancelin	714	7,000
Ledge Point	240	3,650
Nilgen - Ocean Farm	230	
Seabird	78	
Woodridge	645	

^{*} Data courtesy 2016 Census, Australian Bureau of Statistics and settlements are listed alphabetically.

To ensure consistency with location and locality names across all agencies we have used the location names referred to in the Swan Emergency Services Directory 2018.

In collecting data that would be of most benefit to the final document and noting that there are quite a few non-English speaking homes within our Shire*, we have referenced those in the planning data.

Identified Special Needs groups and local schools have been contacted and they have provided numbers of students/children, staff and copies of their emergency plan or policy.

All caravan parks within the Shire have also been contacted to source the following information:

- Maximum number of camping and caravan bays;
- Minimum number of employees at the premises when open;
- Emergency contact mobile telephone number;
- A copy of the park's emergency evacuation plan, including muster points; and
- Whether the park has transport to assist in the event of an evacuation?

COMMENT

The draft Pre-Emergency Evacuation Plans were presented to the 18 November 2020 LEMC meeting. Additional information was requested and sourced regarding the impact of holiday rentals on the populations of Lancelin, Guilderton and Ledge Point. No other human settlement would be significantly impacted by an influx of overnight stays.

A sub-committee consisting of representatives from the Shire of Gingin (Cr Wayne Fewster (Shire President), Allister Butcher (Executive Manager Operations), Phil Barrett (Community Emergency Services Manager/Chief Bush Fire Control Officer) and Cher Groves (Recovery and Leasing Officer)), Department of Fire and Emergency Services (Shaun Champ) and WA Police (Michael Patterson), with other LEMC members as required, was established to discuss key roads and single point of failure/choke points that need to be identified within the Shire's Pre-Emergency Evacuation Plan. However, due to local and regional emergency incidents, this sub-committee has not met.

The information in the draft Plans was used during the Red Gully fire (2 January 2021 – 11 January 2021) and was an important component in the evacuations of Ocean Farm and Seaview Park Estates.

After considering the draft Plans, the LEMA resolved to recommend that Council:

- 1. Endorse the Pre-Emergency Evacuation Planning documents for the human settlements within the Shire of Gingin; and
- 2. Agree to add the aforementioned Pre-Emergency Evacuation Planning documents to the 'Evacuation' section of the Local Emergency Management Arrangements.

The updated Pre-Emergency Evacuation Planning documents, as formatted to suit the LEMA, are attached as **Appendix 1**.

STATUTORY/LOCAL LAW IMPLICATIONS

Emergency Management Act 2005

Part 3 – Local arrangements

Division 2 – Emergency management arrangements for local governments

Section 4 – Emergency management arrangements in local government district

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Community Wellbeing
Objective	To support the Shire of Gingin to be inclusive, vibrant, healthy and safe
	through the Shire's service delivery
Outcome	1.3 Healthy & Safe
	Our community has access to quality health and community safety
	programs, services and initiatives that promote resilience.
Key Service	Local Emergency Services
Areas	
Priorities	Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

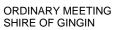
MOVED: Councillor Johnson SECONDED: Councillor Morton

That Council:

- 1. Endorse the Shire of Gingin Pre-Emergency Evacuation Plans as shown at Appendix 1 for the human settlements within the Shire of Gingin; and
- 2. Agree to add the Plans to the 'Evacuation' section of the Shire of Gingin Local Emergency Management Arrangements.

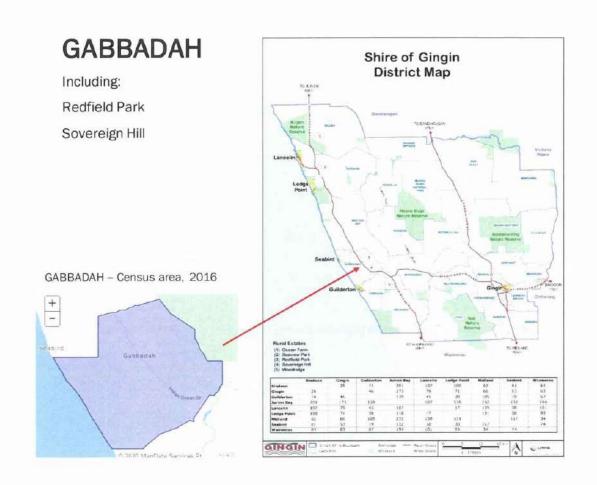
CARRIED UNANIMOUSLY

APPENDIX 1





Shire of Gingin Pre-Emergency Evacuation Plan November 2020



GABBADAH

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc: Redfield Park, Sovereign Hill

Demographics*

672	PLUS Estimated Caravan Parks in Peak periods	0
	672	672 PLUS Estimated Caravan Parks in Peak periods

 Males
 356

 Females
 314

 Median Age
 50

 Families
 202

 Ave. Children/family
 2

 Under 14 years of age
 128

 Over 70 years of age
 66

Dwellings*

Private Dwellings 357

Ave. People/household 2.4

Ave. Vehicles/household 2.5

Non-English Speaking Households*

 German
 7

 Romanian
 5

 Dutch
 3

 Greek
 3

 Afrikaans
 3

*Information collected from 2016 Census (Locality)

Caravan Parks Address Phone Max. Patrons

N/A

 Evacuation Centres
 Predetermined as per Local Welfare Plan

 Name
 Address
 Direction
 Kms

 Local
 N/A

 Lancelin Sporting Complex
 Lancelin Rd, Lancelin
 North
 32

 Yanchep (Metro)
 South
 45

Yanchep (Metro) South 45
Granville Civic Centre Lot 326 Jones Street, Gingin East 43.5
Guilderton Community Hall Wedge St, Guilderton West 9

Special Needs Group / Vulnerable

Address

Adults / Children 📻

amp :

None identified

Major Events

Name Date Est. People

None identified

Key Contacts

Agency Name Phone

Shire 9575 5100

Shire CEO emergency Aaron Cook 0436 688 417
Shire CESM emergency Phil Barrett 0408 943 576
Shire LRC emergency Cher Groves 0429 951 131
Guilderton Bush Fire Brigade 0427 921 453

Lancelin Police 9650 1100

Transport

Key Roads Indian Ocean Dr, Tuart Rise, Tamarisk Dr

Indian Ocean Dr., Sovereign Hill Dr., Seaflower Way

Air Strip / location suitable Helipad / location suitable

Bridges

Beach / river access points

Single point of failure Tuart Rise/IOD intersection, Tuart Rise/Tamarisk Dr

Sovereign Hill Dr/IOD intersection, Sovereign Hill Dr/Seaflower Way intersection

Est. number of people require transport

Available transport resources

Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

Facebook

Website

GABBADAH

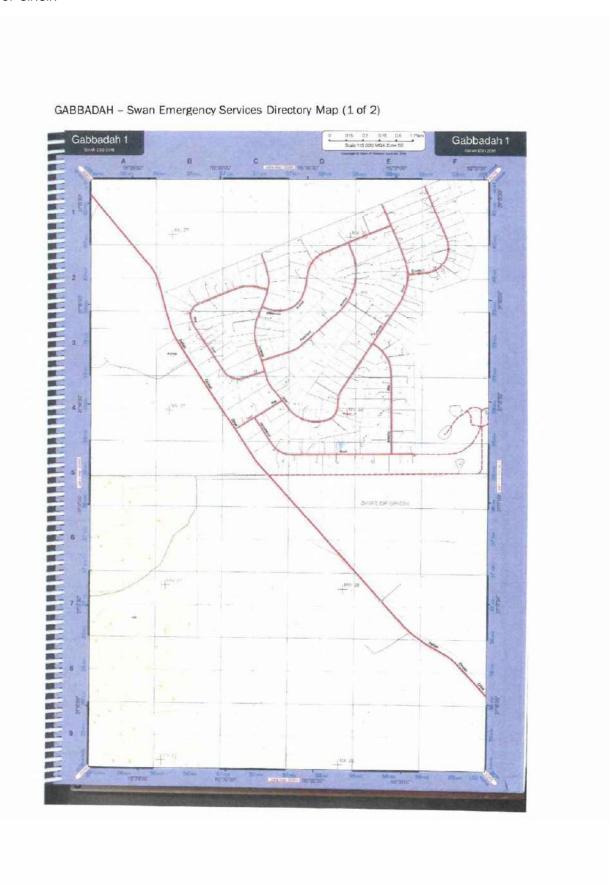
Redfield Park (D3)

Sovereign Hill (D4)





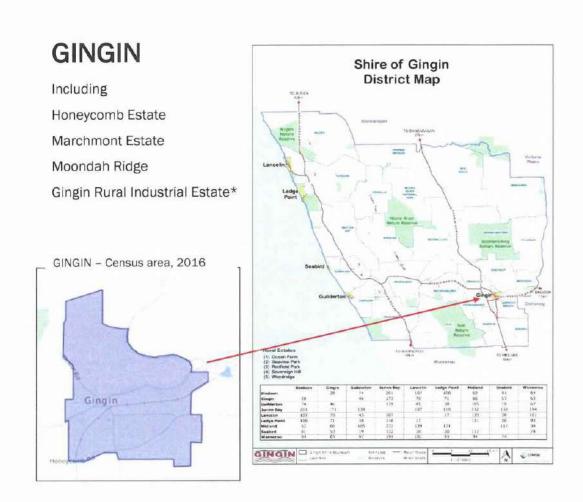








Shire of Gingin Pre-Emergency Evacuation Plan November 2020



GINGIN

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc: Marchmont Estate, Honeycomb Estate, Moondah Ridge

Demographics*

Population	852	PLUS Estimated Caravan Parks in Peak periods	334
Males	407		
Females	443		
Median Age	39		
Families	228		
Ave. Children/family	1.9		
Under 14 years of age	203		
Over 70 years of age	103		

Dwellings*

Private Dwellings 376

Ave. People/household 2.6

Ave. Vehicles/household 2.1

Non-English Speaking Households*

 Filipino
 32

 Tagalog
 24

* Information collected from 2016 Census (SSC)

Caravan Parks Address Phone Max. Patrons

Gingin Roadhouse and Tourist Park 55 Dewar Road, Gingin 9575 2258 250

Powered Sites 20
Unpowered Sites 12
On-Site Caravans/Cabins 6
Single On-site cabins 11

Motel Rooms 11

Emergency Contact: 0424 307 940 (personal mobile)

Address Phone Max. Patrons

Moondah Brook Caravan Park Lot 112 Mooliabeenee Rd, 9575 2074 6

Gingin

Powered Sites 2
Unpowered Sites 0
On-Site Caravans/Cabins 0

Lancelin Sporting Complex

Emergency Contact: Brad 0427 794 761

Evacuation Centres Predetermined as per Local Welfare Plan

Name Address Direction Kms
Granville Civic Centre Lot 326 Jones St, Gingin Local 0

Moora Recreation Centre Roberts St, between Beasley

and Stafford Sts North-East 91

Lancelin Rd, Lancelin North-West 75

Metro South

Bindoon East 22
Guilderton Hall Wedge St, Guilderton West 40

Special Needs Group / Vulnerable Address Adults / Children

Aged Accommodation (Shire premises) 4 units, 14 Barlee St, Gingin 5 / 0

Child Care 18 Fraser St, Gingin 6 / 26

Gingin District High School 1 Daw St, Gingin 38 / 273

Major Events

 Name
 Date
 Est. People

 Gingin Triathlon
 March
 500

 British Car Day
 3rd Sun in May
 5,000

Key Contacts

Phone Agency Name 9575 5100 Shire Shire CEO emergency Aaron Cook 0436 688 417 Phil Barrett 0408 943 576 Shire CESM emergency Cher Groves 0429 951 131 Shire LRC emergency LOCAL Bush Fire Brigade 9575 3021 LOCAL Fire & Rescue 0429 152 129 Gingin Police 9575 5600 9575 5300 School School emergency Kevin Brady 0428 727 533 9575 3360 Child Care 0431 311 268 Child Care emergency

Transport

Key Roads Dewar Road, Cockram Road, Mooliabeenee Road,

Air Strip / location suitable

Helipad / location suitable Rec centre oval, school oval

Bridges Weld Street

Single point of failure Weld Street bridge (choke point)

Est. number of people require transport

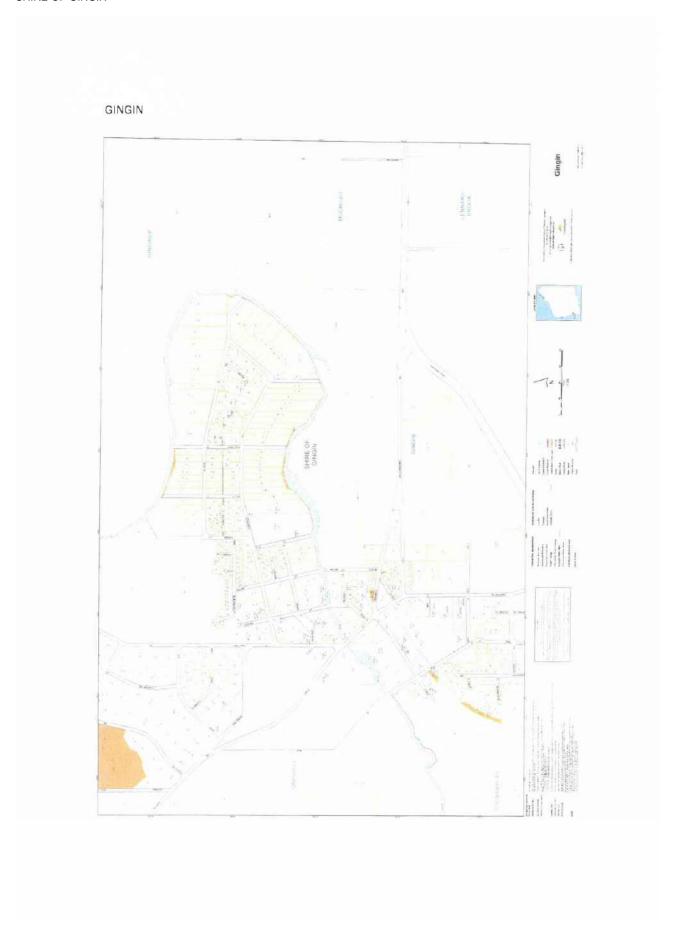
Available transport resources Kim Rule, School bus provider

Railroads Arc Infrastructure

Communications

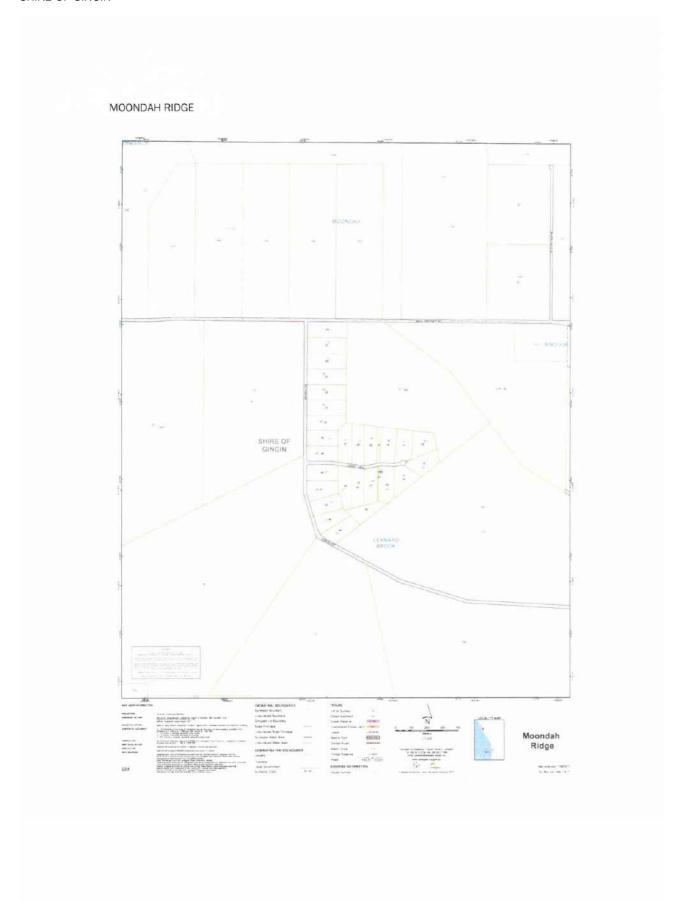
SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

Facebook Website

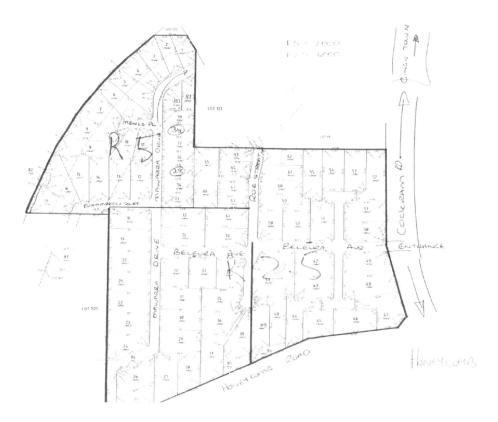


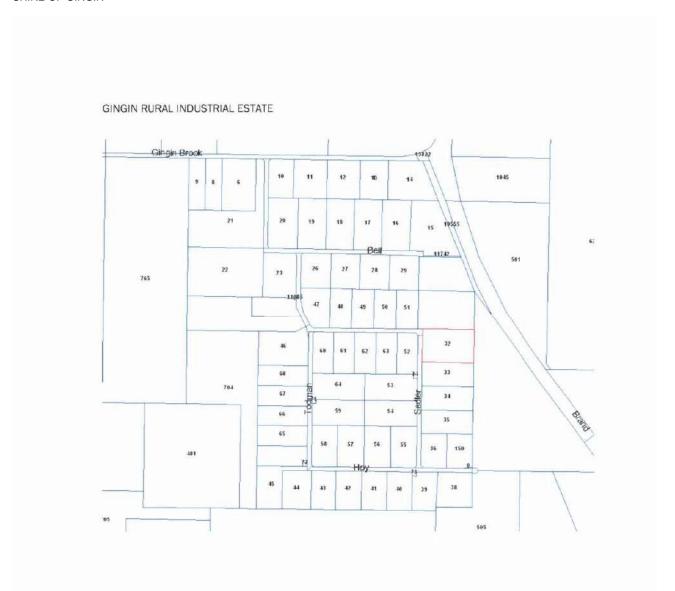
MARCHMONT ESTATE





HONEYCOMB ESTATE



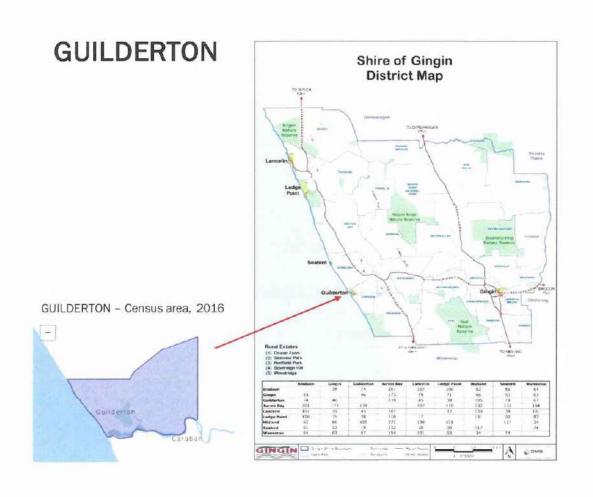


GINGIN - Swan Emergency Services Directory Map Gingin Gingin

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Shire of Gingin Pre-Emergency Evacuation Plan November 2020



GUILDERTON

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc:

Demographics*

Population	172	PLUS Estimated Caravan Parks in Peak periods	784
Males	88		
Females	90		
Median Age	59		
Families	37		
Ave. Children/family	1.6		
Under 14 years of age	19		
Over 70 years of age	38		

Dwellings*

Private Dwellings	419
Ave. People/household	1.8
Ave. Vehicles/household	1.6

Non-English Speaking Households*

Mandarin 4

*Information collected from 2016 Census (SSC)

Peak Seasons - Overnight Population / 6 persons per property (not including Caravan Parks)

Summer School Holidays,

2,514

March Long Weekend, Easter Period

Caravan Parks

Address

Phone

Max. Patrons

Guilderton Holiday Park

Edwards St, Guilderton

9577 1021 784

Powered Sites

103

Unpowered Sites 11 On-Site Caravans/Cabins 10

Emergency Contact: 0437814414

Evacuation Centres Predetermined as per Local Welfare Plan

Name Address Direction Kms Guilderton Community Hall Wedge St, Guilderton Local 0 Lancelin Sporting Complex Lancelin Rd, Lancelin North 41 South 46.5 Yanchep (Metro) Granville Civic Centre Lot 326 Jones St, Gingin East 45

West N/A

Special Needs Group / Vulnerable

Address

Adults/Children 🚍

None identified

Major Events

Name Date Est. People

None identified

Key Contacts

Name Phone Agency

9575 5100 Shire

Aaron Cook 0436688417 Shire CEO emergency Phil Barrett 0408943576 Shire CESM emergency Shire LRC emergency Cher Groves 0429951131 0427 921 453 LOCAL Bush Fire Brigade 9650 1100 Lancelin Police

Transport

Mortimer Rd, Guilderton Rd, Moore River Dr, IOD Key Roads

Air Strip / location suitable Helipad / location suitable

Bridges

Beach / river access points

Single point of failure Mortimer Rd/Guilderton Rd Intersection, Moore River

Dr/Guilderton Rd Intersection

Est. number of people require transport

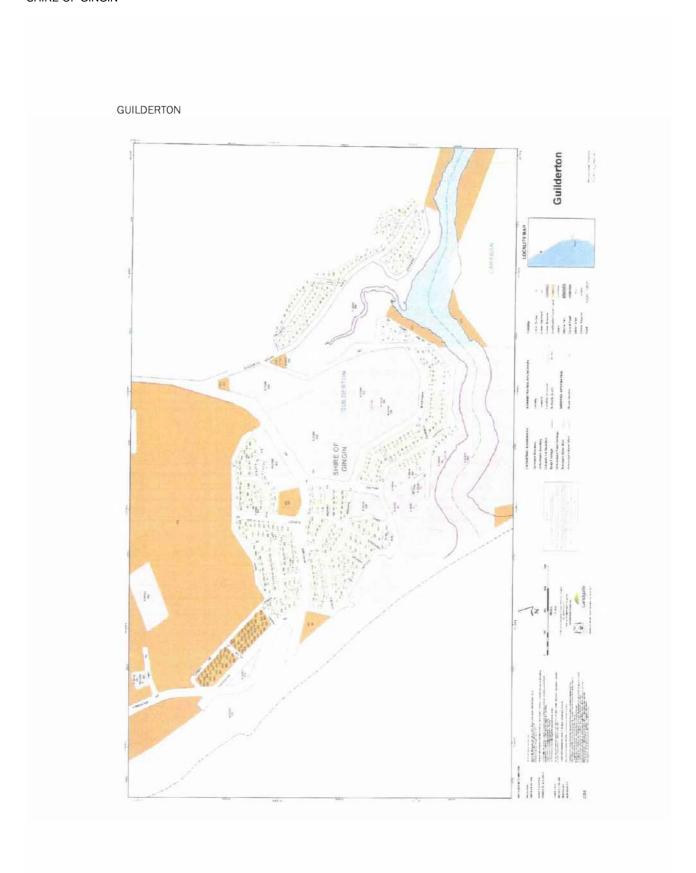
Available transport resources

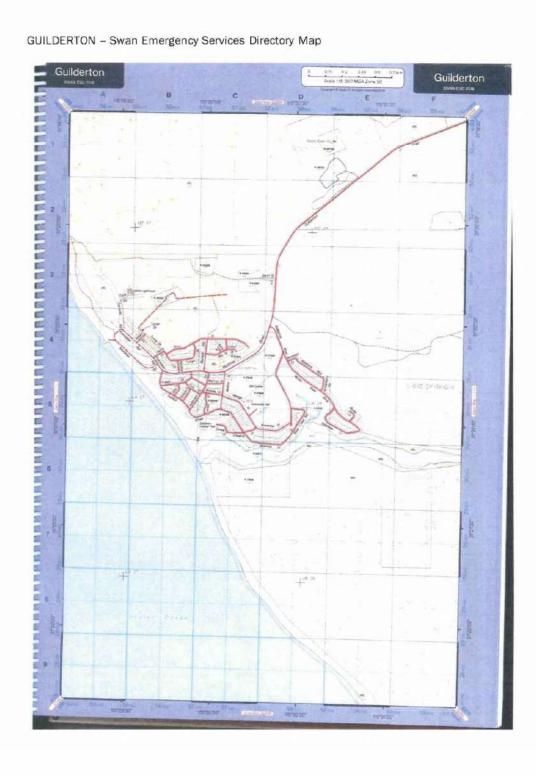
Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

Facebook

Website

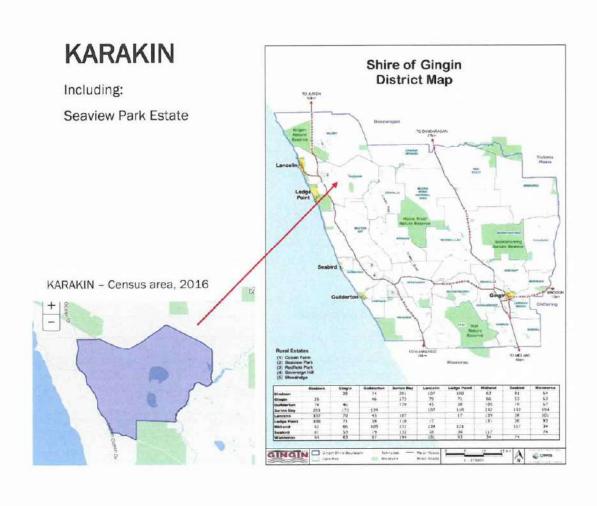




138



Shire of Gingin Pre-Emergency Evacuation Plan November 2020



KARAKIN

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc: Seaview Park Estate

Demographics*

Population	241	PLUS Estimated Caravan Parks in Peak periods	0
Males	144		
Females	104		
Median Age	54		
Families	72		
Ave. Children/family	1.6		
Under 14 years of age	34		
Over 70 years of age	26		

Dwellings*

Private Dwellings 138

Ave. People/household 2.4

Ave. Vehicles/household 2.6

Non-English Speaking Households*

 Vietnamese
 6

 Dutch
 3

 Afrikaans
 3

 Polish
 3

* Information collected from 2016 Census (SSC)

Caravan Parks Address Phone Max. Patrons

N/A

Evacuation Centres	Predetermined as per Local Welfare Plan		
Name	Address	Direction	Kms
Local	N/A		
Cervantes		North	81
Granville Civic Centre	Lot 326 Jones Street, Gingin	South	71
Dandaragan		East	75
Lancelin Sporting Complex	Lancelin Rd, Lancelin	West	5.5

Special Needs Group / Vulnerable Address Adults / Children

None identified

Major Events

Name Date Est. People

None identified

Key Contacts

Name Phone Agency 9575 5100 Shire Shire CEO emergency Aaron Cook 0436 688 417 Phil Barrett 0408 943 576 Shire CESM emergency Shire LRC emergency Cher Groves 0429 951 131 Lancelin Bush Fire Brigade 0438 943 156 0427 998 681 Nilgen Bush Fire Brigade 9650 1100 Lancelin Police

Transport

Key Roads KW Road, Seaview Drive, Indian Ocean Drive

Air Strip / location suitable Helipad / location suitable

Bridges

Beach / river access points

Single point of failure Seaview Dr/KW Rd intersection; Seaview Dr/IOD intersection

Est. number of people require transport

Available transport resources Nil

Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

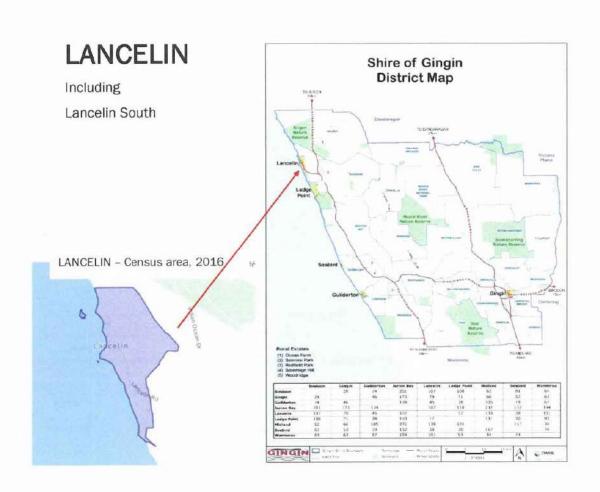
Facebook

Website



KARAKIN - Swan Emergency Services Directory Map Karakin +MG 20





LANCELIN

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc: Lancelin South

Demographics*

Population	714	PLUS Estimated Caravan Parks in Peak periods	1,448
Males	355		
Females	358		
Median Age	51		
Families	164		
Ave. Children/family	1.6		
Under 14 years of age	88		
Over 70 years of age	131		

Dwellings*

Private Dwellings 902

Ave. People/household 2.1

Ave. Vehicles/household 1.8

Non-English Speaking Households*

Mandarin 54
Ukrainian 9
Portuguese 3
Thai 3

* Information collected from 2016 Census (SSC)

Peak Seasons - Overnight Population / 6 persons per property (not including Caravan Parks)

Summer School Holidays, 5,412

March Long Weekend, Easter Period

Caravan Parks Address Phone Max. Patrons

Experience Holiday Parks Lancelin 4 Hopkins St, Lancelin 9655 1046 1,014

Powered Sites/ Unpowered Sites 127
On-Site Caravans/ Cabins 42

Emergency Contact: 0416 500 552 Chris Sialtsis (Owner/Manager)

0456 984 675 Joe Donohoe (Groundsman)

Address Phone Max. Patrons

North End Caravan Park 28 Bootoo St, Lancelin 9655 1115 434

Powered Sites 54
Unpowered Sites 17
On-Site Caravans/Cabins 2

Emergency Contact: not provided

Evacuation Centres Predetermined as per Local Welfare Plan

Address Direction Kms Name 0 Lancelin Sporting Complex Lancelin Rd, Lancelin Local North 82 Cervantes South 41 Guilderton Community Hall Wedge St, Guilderton East 75 Dandaragan

N/A West

 Special Needs Group / Vulnerable
 Address
 Adults / Children
 ➡

 Aged Accommodation (Shire premises)
 11 units, 2 Atkinson Way,
 Lancelin
 15 / 0
 N

 Wangaree Community Centre (DADAA)
 cnr Walker Ave & Gingin Rd
 20 / 0
 Y

 Lancelin Primary School
 53 Gingin Rd, Lancelin
 17 / 84
 Y

Major Events

 Name
 Date
 Est. People

 Colour Blast
 March Long w/e
 900

Key Contacts

Agency Name Phone Shire 9575 5100 Shire CEO emergency Aaron Cook 0436688417 0408943576 Shire CESM emergency Phil Barrett Cher Groves 0429951131 Shire LRC emergency LOCAL Bush Fire Brigade 0438 943 156

LOCAL Bush Fire Brigade

 Lancelin Police
 9650 1100

 School
 9655 1077

 School emergency
 0423 465 770

 Wangaree Comm. Centre
 9655 2808

 Wangaree Comm. Centre emergency
 0400 108 194

Transport

Key Roads Walker Ave/Lancelin Rd, Indian Ocean Dr

Air Strip / location suitable

Helipad / location suitable School oval

Bridges

Beach / river access points

Single point of failure Walker Ave/Lancelin Rd, Indian Ocean Dr intersection

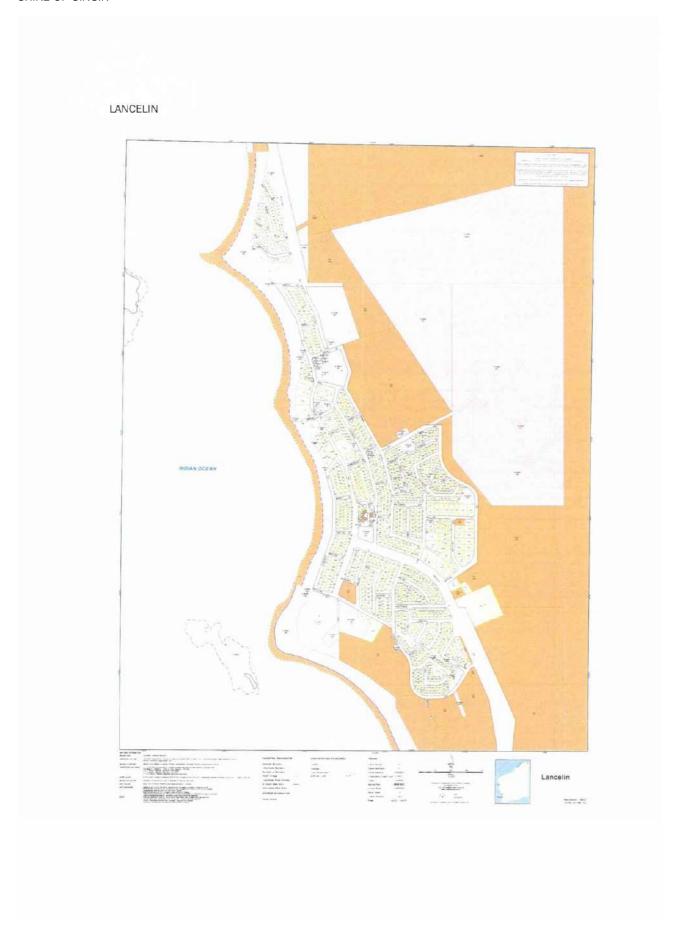
Est. number of people require transport

Available transport resources

Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

Facebook Website

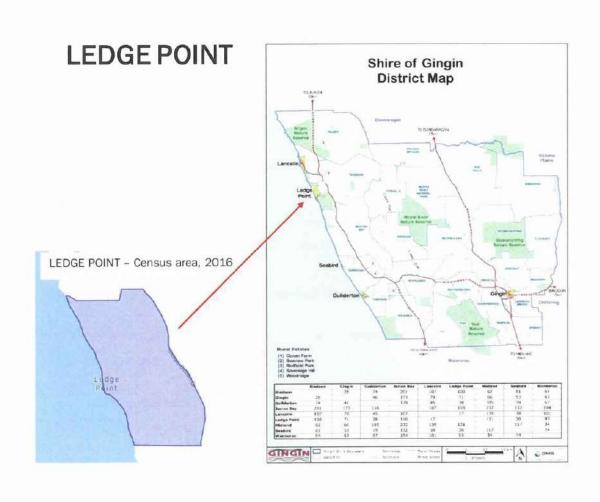


LANCELIN SOUTH - only a portion of this subdivision is constructed as at February 2021



LANCELIN - Swan Emergency Services Directory Map Lancelin





LEDGE POINT

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc:

Demographics*

Population	240	PLUS Estimated Caravan Parks in Peak periods	1,000
Males	130		
Females	112		
Median Age	53		
Families	57		
Ave. Children/family	1.7		
Under 14 years of age	31		
Over 70 years of age	42		

Dwellings*

Private Dwellings 441

Ave. People/household 2.1

Ave. Vehicles/household 1.9

Non-English Speaking Households*

Ethnicity Not Stipulated 8

* Information collected from 2016 Census (SSC)

Peak Seasons - Overnight Population / 6 persons per property (not including Caravan Parks)

Summer School Holidays, 2,646

March Long Weekend, Easter Period

Caravan ParksAddressPhoneMax. PatronsLedge Point Holiday Park Big 4Lot 742 Ledge Point Rd9655 28701,000

Powered Sites/ Unpowered Sites 134

On-Site Caravans/Cabins

Emergency Contact: Park Mobile: 0448 960 288 Wayne: 0401 366 600

Evacuation Centres	Predetermined as per Local Welfare Plan
--------------------	---

Name Address Direction Kms

Local

Lancelin Sporting Complex Lancelin Rd, Lancelin North 12.5 Guilderton Community Hall Wedge St, Guilderton South 37 East 82 Dandaragan

West N/A

Special Needs Group / Vulnerable

Address

9650 1100

Adults / Children

None identified

Major Events

Date Est. People Name

350 Sandcastle Competition Australia Day

Key Contacts

Name Phone Agency

Shire 9575 5100

Shire CEO emergency Aaron Cook 0436688417 Phil Barrett 0408943576 Shire CESM emergency

Shire LRC emergency Cher Groves 0429951131

0410 540 190 LOCAL Bush Fire Brigade

Transport

Lancelin Police

Key Roads Ledge Point Dr, Indian Ocean Dr,

Air Strip / location suitable

Ledge Point Oval Helipad / location suitable

Bridges

Beach / river access points

Single point of failure LP Rd/IOD intersection

Est. number of people require transport

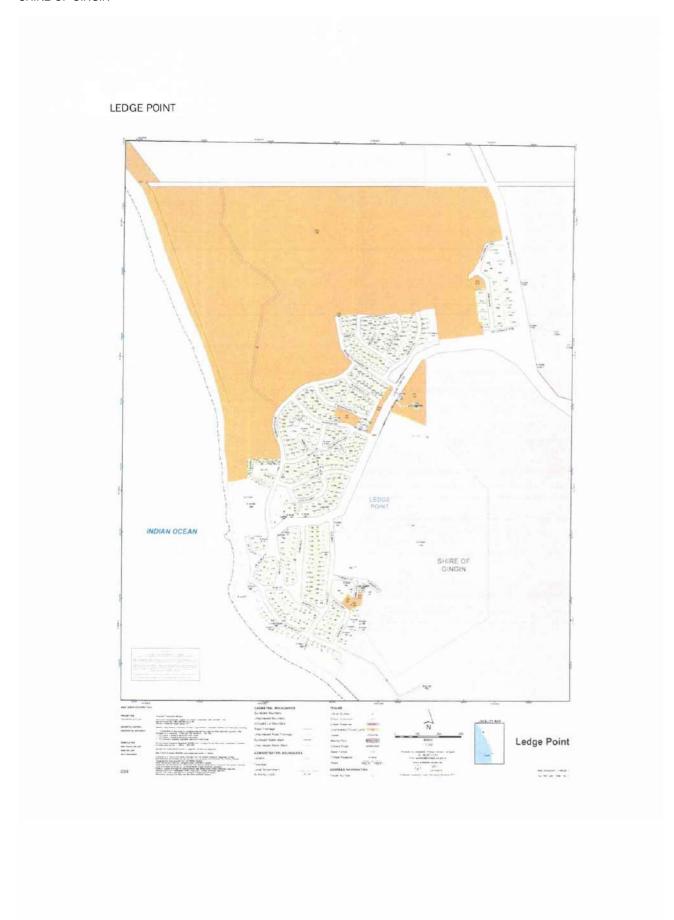
Available transport resources

Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

Facebook

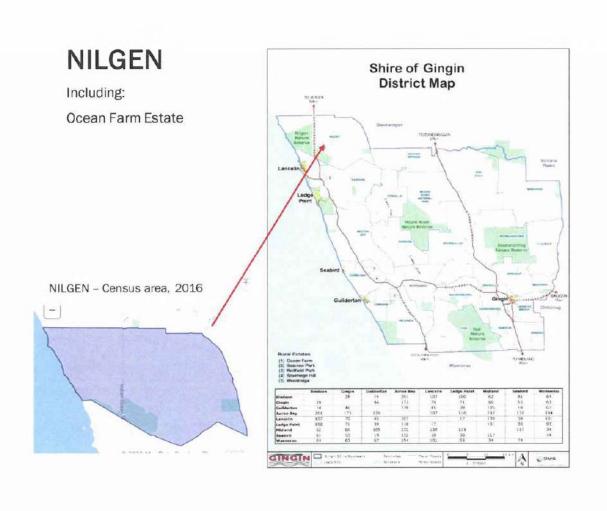
Website



Ledge Point Ledge Point

LEDGE POINT - Swan Emergency Services Directory Map





NILGEN

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc: Ocean Farm

Demographics*

Population	230	PLUS Estimated Caravan Parks in Peak periods	0
Males	128		
Females	99		
Median Age	54		
Families	67		
Ave. Children/family	1.7		
Under 14 years of ag	ge 26		
Over 70 years of age	42		

Dwellings*

Private Dwellings 166

Ave. People/household 2

Ave. Vehicles/household 2.2

Non-English Speaking Households*

German 5
Afrikaans 4
Dutch 3
Danish 3

* Information collected from 2016 Census (SSC)

N/A

Caravan Parks

Address

Phone

Max. Patrons

Evacuation Centres Predetermined as per Local Welfare Plan

Name Address Direction Kms

Local N/A

Cervantes North 70
Guilderton Community Hall Wedge St, Guilderton South 47.5
Dandaragan East 63

Lancelin Sporting Complex Lancelin Rd, Lancelin West 12

Special Needs Group / Vulnerable Address Adults / Children

None identified

Major Events

Name Date Est. People

None identified

Key Contacts

Agency Name Phone

Shire 9575 5100

Shire CEO emergency Aaron Cook 0436 688 417
Shire CESM emergency Phil Barrett 0408 943 576
Shire LRC emergency Cher Groves 0429 951 131
Ocean Farm Bush Fire Brigade 0415 314 835

 Nilgen Bush Fire Brigade
 0427 998 681

 Lancelin Police
 9650 1100

Transport

Key Roads Ocean Pl, Indian Ocean Dr, Ocean Farm Dr

Air Strip / location suitable

Helipad / location suitable

Bridges

Beach / river access points

Single point of failure Ocean Place/IOD intersection

Est. number of people require transport

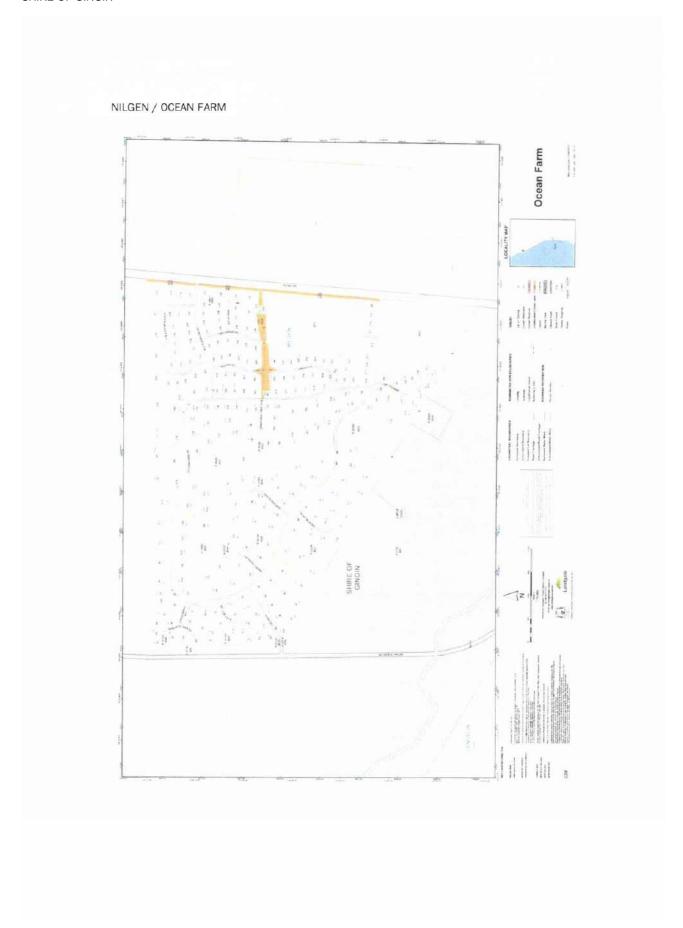
Available transport resources

Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

Facebook

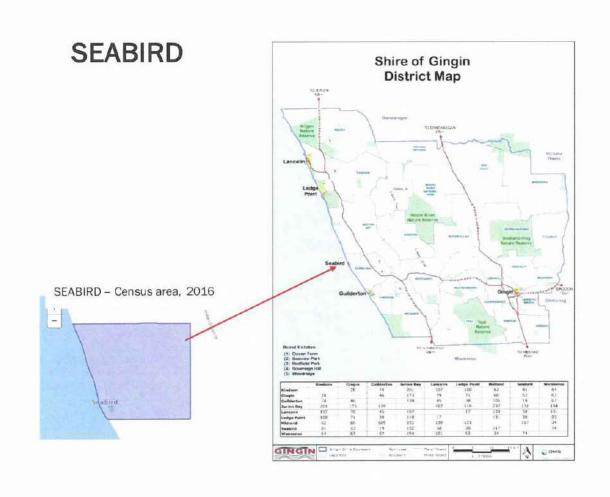
Website



NILGEN - Swan Emergency Services Directory Map (1 of 2) Nilgen 1 Nilgen 1

NILGEN - Swan Emergency Services Directory Map (2 of 2) Nilgen 2 Nilgen 2





SEABIRD

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc:

Demographics*

Population	78	PLUS Estimated Caravan Parks in Peak periods	1,296
Males	41		
Females	37		
Median Age	64		
Families	16		
Ave. Children/family	1		

Under 14 years of age No Information Provided

Over 70 years of age No Information Provided

Dwellings*

Private Dwellings 84

Ave. People/household 1.7

Ave. Vehicles/household 2.2

Non-English Speaking Households*

No Information Provided

Information collected from 2016 Census (SSC)

Caravan ParksAddressPhoneMax. PatronsSeabird Caravan Park (Strata)Lot 1 Williams Way, Seabird9382 77001,080

Powered Sites 0
Unpowered Sites 0
On-Site Caravans/Cabins 180

Emergency Contact: 0419 903 980 / 0419 939 629

Address Phone Max. Patrons

Seabird Tavem and Caravan Park 44 McCormick St, Seabird 9577 1010 216

Powered Sites 36
Unpowered Sites 0
On-Site Caravans/Cabins 0

Emergency Contact: Not Provided

Evacuation Centres	Predetermined as per l	ocal Welfare Plan
Evacuation Centres	riedetellillilled as per t	Dual Meliaic Flair

Name	Address	Direction	MINS
Local	N/A		
Lancelin Sporting Complex	Lancelin Rd, Lancelin	North	31
Guilderton Community Hall	Wedge St, Guilderton	South	19
Granville Civic Centre	Lot 326 Jones St, Gingin	East	53
N/A		West	

Special Needs Group / Vulnerable Adults / Children

No groups identified

Major Events

Name Date Est. People

None identified

Key Contacts

Agency	Name	Phone
Shire		9575 5100
Shire CEO emergency	Aaron Cook	0436688417
Shire CESM emergency	Phil Barrett	0408943576
Shire LRC emergency	Cher Groves	0429951131
LOCAL Bush Fire Brigade		0409 700 751
LOCAL Bush Fire Brigade		
Lancelin Police		9650 1100

Transport

Key Roads McCormick St/Seabird Rd, Indian Ocean Dr

Air Strip / location suitable Helipad / location suitable

Bridges

Beach / river access points

Single point of failure Seabird Rd/IOD intersection

Est. number of people require transport

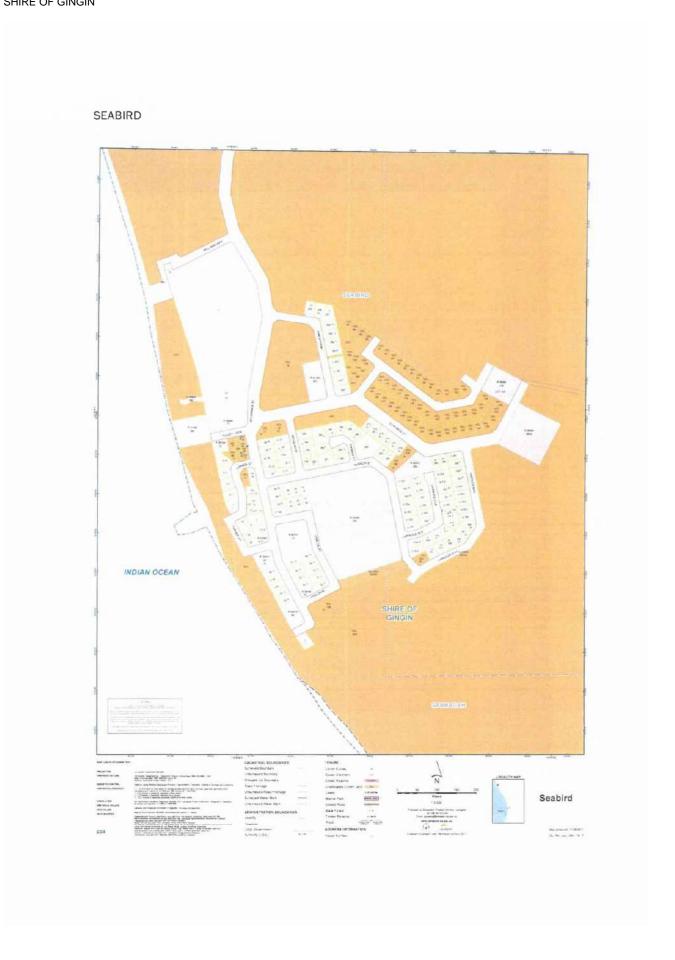
Available transport resources

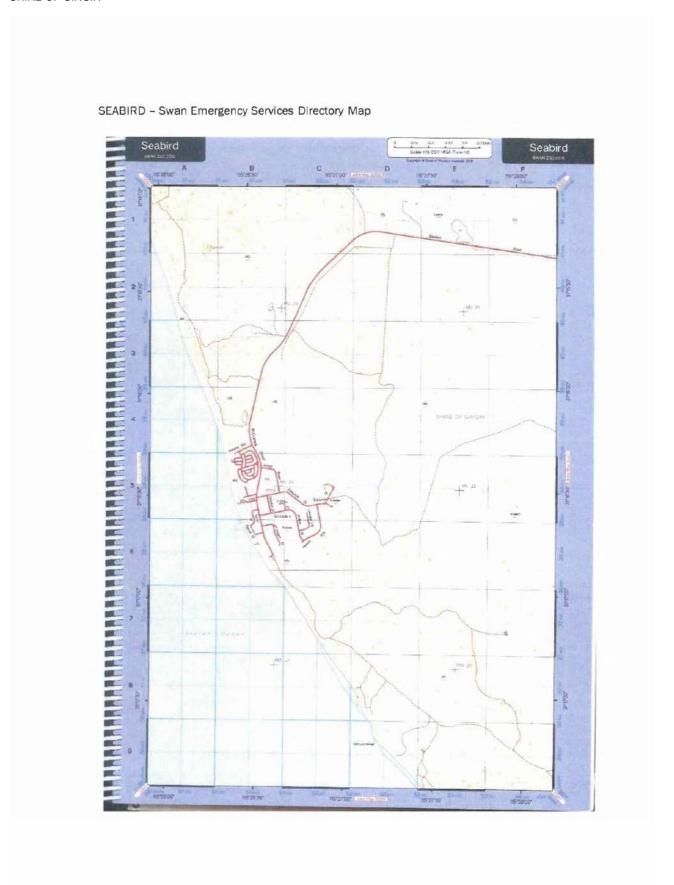
Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

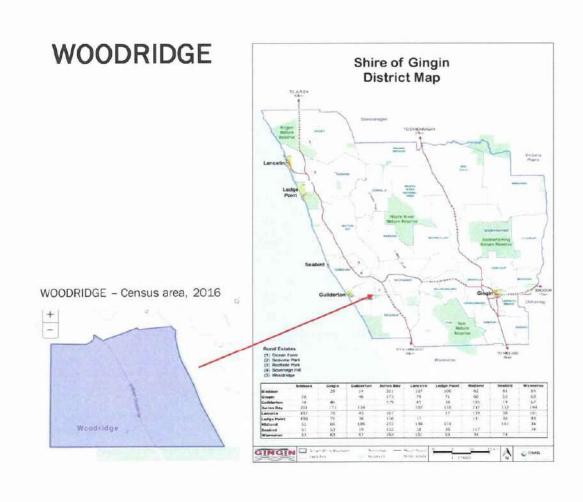
Facebook

Website









WOODRIDGE

Shire of Gingin Pre-Emergency Evacuation Planning Data

Including Estates/Other/etc:

Demographics*

Population	645	PLUS Estimated Caravan Parks in Peak periods	0
Males	315		
Females	329		
Median Age	44		
Families	175		
Ave. Children/family	1.9		
Under 14 years of age	132		
Over 70 years of age	87		

Dwellings*

Private Dwellings 281

Ave. People/household 2.7

Ave. Vehicles/household 2.4

Non-English Speaking Households*

 Cantonese
 8

 German
 5

 Italian
 5

 Mandarin
 4

 French
 3

* Information collected from 2016 Census (SSC)

Caravan Parks Address Phone Max. Patrons

N/A

Adults / Children

Evacuation Centres Predetermined as per Local Welfare Plan

Name Address Direction Kms

Local N/A

Guilderton Community Hall Wedge St, Guilderton North 14

Yanchep (Metro) South 33

Granville Civic Centre Lot 326 Jones Street, Gingln East 36.5

N/A West

Special Needs Group / Vulnerable Address

None identified

Major Events

Name Date Est. People

None identified

Key Contacts

Agency Name Phone

Shire 9575 5100

Shire CEO emergency Aaron Cook 0436 688 417
Shire CESM emergency Phil Barrett 0408 943 576
Shire LRC emergency Cher Groves 0429 951 131
Gingin West Bush Fire Brigade 0427 141 078

Lancelin Police 9650 1100

Transport

Key Roads Indian Ocean Drive

Air Strip / location suitable Helipad / location suitable

Bridges Nil

Beach / river access points

Single point of failure IOD/King Street intersection

Est. number of people require transport

Available transport resources

Communications

SMS Alerts - subscription list Harvest/Hot Works/Vehicle Movement Ban

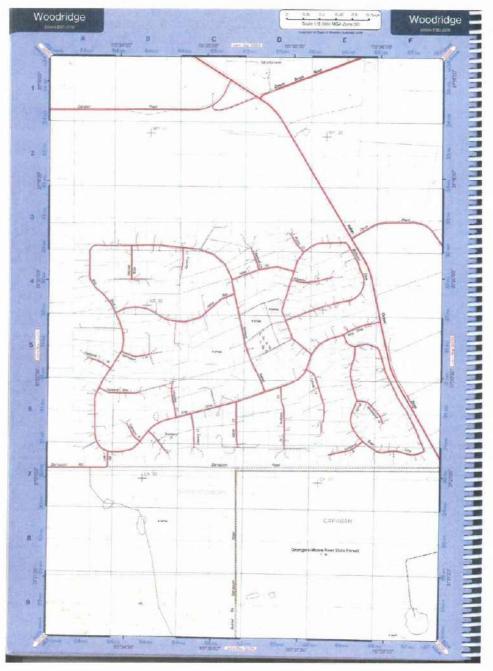
Nil

Facebook

Website



WOODRIDGE - Swan Emergency Services Directory Map



11.2.5 REQUEST TO CONSIDER REFUND OF CHARGES

Location:	Lot 497 (15) Turner Street, Ledge Point		
File:	A3788		
Author:	Andre Lake-Gow – Senior Rates Officer		
Reporting Officer:	Les Crichton – Executive Manager Corporate and		
	Community Services		
Report Date:	20 March 2021		
Refer:	Nil		
Appendices:	1. Location Map		

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider refunding rates charges paid by Mr Malcolm Harrington, with respect a duplication of a rates assessment for land situated at Lot 497 (15) Turner Street, Ledge Point.

BACKGROUND

Lot 497 (15) Turner Street, Ledge Point was originally Crown Land that had four assessments covering the same Lot 497 as they were under separate Crown leases. Two of the leases were held by Mr Malcolm Harrington with the other two held by Kailis

During the 2011/12 financial year the Kailis leases were discontinued, therefore becoming non-rateable, which left the two leases held by Mr Malcolm Harrington. In March 2012, Mr Malcolm Harrington purchased Lot 497 (15) Turner Street, Ledge Point from the Crown.

COMMENT

From 1 April 2012 only one rates assessment should have been issued to the single owner of the whole of Lot 497 (15) Turner Street, Ledge Point, however this was not effected and two separate rates notices continued to be issued to Mr Harrington. While the matter was identified in 2016 on receipt of the last GRV general revaluation, it appears no action was taken to remove the duplicated rate record

Below is a list of all rates charges levied against the additional rates assessment after the purchase of land in March 2012.

Year	Rates Charges	Total Paid	Total Refund
2011/2012 pro rata	\$803.23	\$1066.18	\$262.95 ¹
2012/2013	\$1,126.74	\$1,126.74	\$1,126.74
2013/2014	\$1,194.37	\$1,194.37	\$1,194.37
2014/2015	\$1,267.82	\$1,267.82	\$1,267.82
2015/2016	\$1,336.84	\$1,336.84	\$1,336.84
2016/2017	\$1,359.00	\$1,359.00	\$1,359.00
2017/2018	\$1,412.48	\$1,412.48	\$1,412.48
2018/2019	\$1,458.00	\$1,458.00	\$1,458.00
2019/2020	\$1,559.00	\$1,559.00	\$1,559.00
2020/2021	\$1,559.00	\$1,559.00	\$1,559.00
		Total	\$12,536.20

¹Rates charges for 2011/2012 should be pro rata as rates would have remained charged for two assessments until the sale of land, then one rates assessment should have become non-rateable from 1 April 2012.

Section 6.39(2)(b) of the *Local Government Act 1995* (the Act) provides Council with the ability to amend the rate record for the five years preceding the current financial year. Notwithstanding, section 6.12 of the Act empowers Council to grant concessions or write off any amount of money that is owed to the local government.

Accordingly, Council may wish to give consideration to a refund on the following basis:

Option 1

In accordance with s.6.40, refund all years overcharged as in the table below:

Year	Rates Charges	Total Paid	Total Refund
2011/2012 pro rata	\$803.23	\$1066.18	\$262.95
2012/2013	\$1,126.74	\$1,126.74	\$1,126.74
2013/2014	\$1,194.37	\$1,194.37	\$1,194.37
2014/2015	\$1,267.82	\$1,267.82	\$1,267.82
2015/2016	\$1,336.84	\$1,336.84	\$1,336.84
2016/2017	\$1,359.00	\$1,359.00	\$1,359.00
2017/2018	\$1,412.48	\$1,412.48	\$1,412.48
2018/2019	\$1,458.00	\$1,458.00	\$1,458.00
2019/2020	\$1,559.00	\$1,559.00	\$1,559.00
2020/2021	\$1,559.00	\$1,559.00	\$1,559.00
		Total	\$12,536.20

Option 2

In accordance with s.6.39(2)(b), refund the previous 5 years of charges only as follows:

Year	Rates Charges	Total Paid	Total Refund
2016/2017	\$1,359.00	\$1,359.00	\$1,359.00
2017/2018	\$1,412.48	\$1,412.48	\$1,412.48
2018/2019	\$1,458.00	\$1,458.00	\$1,458.00
2019/2020	\$1,559.00	\$1,559.00	\$1,559.00
2020/2021	\$1,559.00	\$1,559.00	\$1,559.00
		Total	\$7,347.48

Given the error is not the result of a change in rateable value, rateability or rate imposed, it is recommended the refund be applied in full.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial management

Division 4 – General financial provisions

Section 6.12 – Power to defer, grant discounts, waive or write off debts

Division 6 – Rates and service charges

Section 6.39 - Rate record

Section 6.40 – Effect of amendment of rate record

Council Delegation Register

2.2 Waive or Grant Concessions on Money Owed to the Shire empowers the Chief Executive Officer to write off amounts up to a maximum of \$1,000. This power however does not extend to the write off of rates or service charges therefore, in this instance a Council determination is required.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

If Council agrees with the officer recommendation, and given no budget has been set aside for such a refund, Council may choose to apply the refund as a credit against future liabilities for rates and service charges in respect of the land (i.e. the correct assessment A3789).

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/business values are demonstrated in all that we do.
Key Service	Financial Management
Areas	

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

- Agree to refund the amount of \$12,536.20, being rates charges paid against to duplicated Rates Assessment A3788 in respect to Lot 497 (15) Turner Street, Ledge Point for the financial years 2011/2012 to 2020/2021, to Mr Malcolm Harrington.
- 2. Apply the refund as a credit against future liabilities for rates or service charges in respect of the land, specifically described within Rate Assessment A3789.

SUBSTANTIVE MOTION WITH AMENDMENT

MOVED: Councillor Rule SECONDED: Councillor Morton

In Part 1 of the Officer Recommendation, add the words "in the 2021/22 financial year" after the word "Harrington". Delete Part 2 of the Officer Recommendation.

That Council agree to refund the amount of \$12,536.20, being rates charges paid against duplicated Rates Assessment A3788 in respect to Lot 497 (15) Turner Street, Ledge Point for the financial years 2011/2012 to 2020/2021, to Mr Malcolm Harrington in the 2021/22 financial year.

CARRIED BY ABSOLUTE MAJORITY 8/0

Reason for Amendment

Council was of the view that Part 2 of the Officer Recommendation was unnecessarily restrictive with respect to the manner in which the refund could be made.

Note: Although the Voting Requirements in the Officer Report were identified as Simple Majority, the amended motion required an Absolute Majority decision as it potentially commits Council to expenditure in the 2021/22 financial year.

APPENDIX 1

Location and Ariel Map of Lot 497 (15) Turner Street, Ledge Point.

Source: Landgate



11.3. REGULATORY AND DEVELOPMENT SERVICES

11.3.1 APPLICATION FOR LIQUOR LICENSE - PROPOSED RESTAURANT, MICRO-BREWERY AND CHALETS ON LOT 421 (558) CARABAN ROAD, CARABAN

File:	BLD/7018
Applicant:	Neil King and Cindy King
Location:	Lot 421 (558) Caraban Road, Caraban
Owner:	Neil King and Cindy King
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:	20 April 2021
Refer:	18 February 2020 Item 11.3.2
Appendices:	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a liquor licensing application made to the Department of Racing, Gaming and Liquor (Liquor Licensing) to issue a tavern licence for the approved restaurant and microbrewery development on Lot 421 Caraban Road, Caraban.

BACKGROUND

Council at its Ordinary Meeting on 18 February 2020 resolved to approve a Restaurant, Micro-Brewery and Chalets on the subject land. The applicant seeks to obtain a tavern licence for the approved restaurant/microbrewery.

The Restaurant and Micro Brewery facility was approved to accommodate up to 200 persons at any one time and on the basis that the development provides seating for 200 patrons both within the building, dining and tasting areas, as well as the alfresco/veranda area. It is anticipated that the surrounding gardens and outdoor facilities would be generally occupied by families and other users utilising the restaurant.

The applicant has recently lodged an amendment to the approved Restaurant and Micro Brewery development which is currently being assessed by the Shire's Planning department. The amendments relate more to the orientation/location of the facility as opposed to any substantial change to its function and operation. This amendment will be presented to Council for consideration shortly and will likely include additional conditions that restrict the usage to ensure the facility does not operate as a traditional "pub type" stand-up drinking facility.

It should be noted that development approval issued by Council is separate from the liquor licence approval issued by Liquor Licensing. The development approval takes into account the predominant use of the land, being a restaurant/microbrewery.

The liquor licence takes into account how liquor is produced, sold and/or distributed, by way of with or without a meal, tastings and sale of packaged liquor.

Applications made to Liquor Licensing are accompanied by a certificate (called a Section 40 notice) which is provided by the local government to Liquor Licensing advising that the premises will comply with the relevant planning laws.

The *Liquor Control Act 1988* (the Act) provides for 11 different types of liquor licence in Western Australia. Each licence category varies in permitted trading hours and the manner in which liquor can be sold and supplied to the community.

The applicant seeks to obtain a 'tavern' licence. Of the 11 classes of licence available under the Act, the tavern class of licence enables the applicant to operate in the manner intended as a restaurant/microbrewery, with the ability to provide over the counter liquor sales of the produce brewed onsite and flexibility with serving patrons within the restaurant, alfresco and tasting area. The applicant does not intend to operate as a traditional "pub type" stand-up drinking facility, nor does the development approval permit this to occur.

It should be noted that facilities of this nature may be capable of holding a tavern licence for liquor licensing purposes, but are not classified under the planning framework as a 'Tavern'. As stated previously, development approval takes into account the predominant use of the land whereas liquor licensing takes into account how liquor is produced, sold and/or distributed.

COMMENT

Community Consultation

Community consultation is not required for the Shire to consider endorsing a particular category of licence under the Act. It should be noted that the development approval for the restaurant/microbrewery was subject to stakeholder consultation.

PLANNING FRAMEWORK

Local Planning Scheme No 9 (LPS 9)

The development does not need to undergo a detailed assessment against the planning framework for the purpose of this report, given it received development approval in February 2020 and relevant Council minutes are attached for perusal.

Notwithstanding the above, the various use classes within LPS 9 and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) are outlined below:

The use class 'Restaurant' is an 'A' use within the general rural zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions. The use class 'Restaurant' is defined under LPS 9 as follows:

"means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the Liquor Licensing Act 1988"

The use class 'Restaurant' is defined under the Regs as follows:

"means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided including premises that are licenced under the Liquor Control Act 1988"

The use class of a Tavern is an 'X – not permitted' use within the general rural zone, meaning that the use is not permitted. The use class 'Tavern' is defined under LPS 9 as follows:

"Tavern - means premises licensed as a tavern under the Liquor Licensing Act 1988 and used to sell liquor for consumption on the premises"

The use class 'Brewery' is defined under the Regs as follows:

"Brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the Liquor Control Act 1988"

Regardless of the type of liquor licence issued by Liquor Licensing, in considering the overall manner in which the development seeks to operate, the facility may be appropriately classified under the planning frameworks as a restaurant given the predominant function accords with that definition. This is due to the facility being used primarily for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided. The facility provides seating for 200 persons within the restaurant, brewing and alfresco area as indicated on the approved floor plan.

To identify the facility as a restaurant and micro-brewery as opposed to a traditional tavern, the officer notes that other local governments have imposed restrictions that regulate packaged liquor sales to products that are brewed by the corporation or to boutique alcohol produced by other recognised breweries. This is viewed as distinguishing the facility from traditional pub-type taverns which provide mainstream beer produced by large national and international organisations, provide TAB facilities, pool tables, bottle shop etc. Development of this nature would be classified as a Tavern under LPS 9 and would not be permitted within the zone. The approved facility does not operate in that manner regardless of holding the same type of liquor licence. If it were revealed to operate in that manner in the future, then the development would be viewed as operating in contravention of the development approval and appropriate compliance action would be instigated.

It should also be noted that the development is required to operate in accordance with conditions imposed on the development approval. The issuing of a tavern licence under separate legislation does not prevail over conditions of development approval should there be a conflict.

For example, the development is required to adhere to operating hours stipulated as a condition of development approval regardless of a tavern licence generally enabling facilities to remain open for set periods of time on specific days.

Conclusion

In view of the above assessment, it may be open for Council to endorse the issue of a 'Tavern Licence' by the Department of Racing, Gaming and Liquor and provide a Section 40 notice to this effect. This is on the understanding that the facility is appropriately classified as a restaurant/microbrewery under the planning framework and will operate in accordance with the development approval issued on 26 February 2020.

The officer is of the view that the section 40 notice should recommend that Liquor Licensing impose a condition that all packaged liquor being sold off premises through cellar door sales is to be from the Moore River Brewing Co process. This condition may also be imposed on the amended development approval which will be presented to Council in the coming months to provide certainty that the development approval issued under LPS 9 does not relate to the tayern land use.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No 9

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 of 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 Johnson SECONDED: Councillor Court

That Council:

- 1. Support the issue by the Department of Racing, Gaming and Liquor of a Tavern licence for the approved restaurant and micro-brewery development on Lot 421 Caraban Road, Caraban under the *Liquor Control Act 1988*; and
- 2. Recommend to the Department of Racing, Gaming and Liquor that the following condition be imposed on the licence:

All packaged liquor being sold off premises through cellar door sales is to be from the Moore River Brewing Co. process.

CARRIED UNANIMOUSLY

11.3.2 DEPROCLAMATION OF LANCELIN ROAD (M034) AND PROCLAIM INDIAN OCEAN DRIVE (M045)

File:	RDS/25
Applicant:	Main Roads Western Australia
Location:	Redundant Lancelin Road
Owner:	Crown
Zoning:	N/A
WAPC No:	N/A
Author	James Bayliss - Statutory Planning Officer
Reporting Officer:	Bob Kelly - Executive Manager Regulatory and Development
	Services
Report Date:	20 April 2021
Refer	Nil
Appendices	1. MRWA correspondence
	2. Site photographs

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider support for the proposed de-proclamation of a portion of Lancelin Road (M034) and proclamation of a portion of Indian Ocean Drive (IOD) (M045).

BACKGROUND

The Shire has received advice from MRWA that, following realignment works to Lancelin Road just south of Bennies Road in the 1990s, a small portion of the redundant road was omitted from de-proclamation formalities at that time. This omission was recently discovered by MRWA, which is now seeking to rectify the error. As such, MRWA has requested Council's endorsement of the de-proclamation prior to referral to the Minister for Transport for ratification.

Should the portion of road be de-proclaimed, the land contained therein will become part of the local road network under the care and control of the Shire of Gingin.

While MRWA intends to de-proclaim the whole realigned section of road (M034), the only portion of road intended to be handed to the Shire is the portion of dedicated road that provides access to Lot 1 (~ 600m in length). This portion of road will be utilised by heavy haulage vehicles carting lime sand, which are associated with an extractive industry approved by Council at its Ordinary Meeting on 17 November 2020.

Initially MRWA sought to de-proclaim the road and return it to the Shire in its current condition, which is poor and not fit for purpose. After ongoing negotiations MRWA has agreed to undertake remedial works to upgrade the road to its original condition as part of its works program.

A copy of MRWA's correspondence is attached as **Appendix 1**.

COMMENT

SHIRE OF GINGIN

Main Roads Act 1930

Section 13A of the *Main Roads Act 1930* sets out consultation requirements between the Commissioner and the affected local government as outlined below:

13A. Local government to be consulted on matters to do with highways and main roads

- (1) The Commissioner shall cause the local government of each district in which the road is situated to be notified in writing of the details of any proposed permanent improvements to any highway or main road before commencing the improvements.
- (2) Before making any recommendation to the Governor
 - (a) that any road be declared to be a highway or main road; or
 - (b) that the plans of any proposed new highway or main road or deviation from an existing highway or main road be approved,
 - the Commissioner shall cause a notification to be given in writing to the local government of each district in which the road so to be declared is situated or the new road or deviation is proposed to be made of his intention to make the recommendation and shall inform the local government of a date, being not less than 30 days from the date of the notification, before which any objections by that local government may be made, and any such objection shall be considered by the Commissioner and responded to by him before making his recommendation.
- (3) Any local government which feels aggrieved by any recommendation may, within 30 days after notification of the response of the Commissioner following his consideration of that local government's objections, appeal to the Minister, who may vary or disallow the proposed recommendation.

Officer comment:

It is clear that the redundant road subject to this request is no longer part of the MRWA network and the basis for closure appears logical. However, the land subject to this request has been unmanaged for between 25 and 30 years. The road is currently in a poor condition, as outlined in the site photographs attached as **Appendix 2**.

The officer, in consultation with the Executive Manager Operations, is of the view that MRWA should undertake remedial works at its expense to ensure the road is handed over in a fit for purpose condition. Remedial works include:

- Remove vegetation to extent of clear zone (including on the road surface) inclusive of any clearing application/s;
- Remove all obstructions within the clear zone;
- Upgrade the intersection of the road and IOD (inclusive of unsealed section at intersection); and
- Two coat reseal of existing sealed road.

ORDINARY MEETING MINUTES 20/04/2021

MRWA has agreed to reseal/return this portion of road to its original condition as part of its works program, but has advised that remedial works are unable to occur within the current financial year. MRWA would prefer that works occur sometime within the next two financial years to assist with budgeting.

This request is viewed as being acceptable, subject to a handover agreement being entered into to ensure works are undertaken as agreed.

Conclusion

The officer is supportive of the de-proclamation request subject to MRWA entering into a handover agreement which stipulates the required remedial works to be undertaken at the expense of MRWA.

STATUTORY/LOCAL LAW IMPLICATIONS

Main Roads Act 1930

Part 4 – Highways and main roads

Section 13 – Proclamation of highways and main roads

Section 13A – Local government to be consulted on matters to do with highways and main roads

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	3.1.1 Support strategies that facilitate commercial development.

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Balcombe

That Council support the de-proclamation of a portion of Lancelin Road (M034) and proclamation of a portion of Indian Ocean Drive (M045) as shown on drawings 200921-0197-02 and 202021-0004-00 (Appendix 1) subject to the following condition:

1. Prior to de-proclamation, Main Roads Western Australia shall enter into a handover agreement which stipulates remedial works to be undertaken over the portion of M034 being transferred to the Shire of Gingin. Remedial works are to be undertaken to the satisfaction of the Shire of Gingin at the expense of Main Roads Western Australia.

CARRIED UNANIMOUSLY

APPENDIX 1



Enquiries: Nicole Coaker on (08) 9323 6370

Our Ref: 20/2604 (D20#1160095)

Your Ref: N/A

4 January 2021

Mr Aaron Cook Chief Executive Officer Shire of Gingin PO Box 510 Gingin WA 6503 Shire of Gingan Records

Doc No: File: Date: Officer: Disposal:

ICP217277 RDS/25;ECO/6 06 JAN 2021 ABU;KO

Email: ceo@gingin.wa.gov.au

Dear Mr Cook,

Deproclamation of a small section of Lancelin Road omitted in original proclamation actions and Deproclaim Yanchep Lancelin Road (M034) and Proclaim Indian Ocean Road (M045).

Following realignment works to Lancelin Road just south of Bennies Road in the late 1990's a small portion of Lancelin Road was omitted from the deproclamation formalities. Main Roads Mid West Gascoyne Region recently identified this omission; therefore, this action seeks to rectify the error.

In accordance with Section 13 of the Main Roads Act, the Commissioner of Main Roads intends to make a recommendation to the Hon. Minister of Transport, to deproclaim this portion of road as shown on Drawings 200921-0197-02 and 202021-0004-00 to cease to be a 'main road'.

As part of this process Main Roads intends to utilise this opportunity to formally deproclaim road number M034 (Yanchep Lancelin Road) along the Indian Ocean Drive (M045) alignment. This deproclamation was also omitted from previous actions. This action is purely administrative only and will have no effect on the Indian Ocean Drive (M045) road alignments.

Before making the recommendation to the Minister, the Commissioner requires endorsement by Council of the enclosed proclamation drawings. Subject to Council's agreement, please endorse the drawings with details of the Council's resolution number and date of meeting in support of the proposal including the CEO's signature.

Please note endorsement without council resolution is acceptable, provided the CEO has adequate delegated authority.

Please find two copies of the proclamation plans provided for Councils endorsement. Please return one set of the original signed drawings and retain the other set for the Council's interim records, pending formal proclamation. Following proclamation, a copy of the final drawings showing the gazettal details will be returned for the Shire's records.

In the event that Council does not support the changes, Section 13A (2) of the Main Roads Act makes the provision for Council to lodge an objection with the Commissioner of Main Roads. Any objection to this proclamation must be lodged with Main Roads by **28 February 2021.**

Main Roads Western Australia
Don Aitken Centre, Waterloo Crescent, East Perth WA 6004
PO Box 6202, East Perth WA 6892

mainroads.wa.gov.au enquiries@mainroads.wa.gov.au 138 138



Please direct any enquiries relating to management of the road and delineation of responsibility between Main Roads and your Council to the Regional Manager, Mid West Gascoyne Region on (08) 9956 1200.

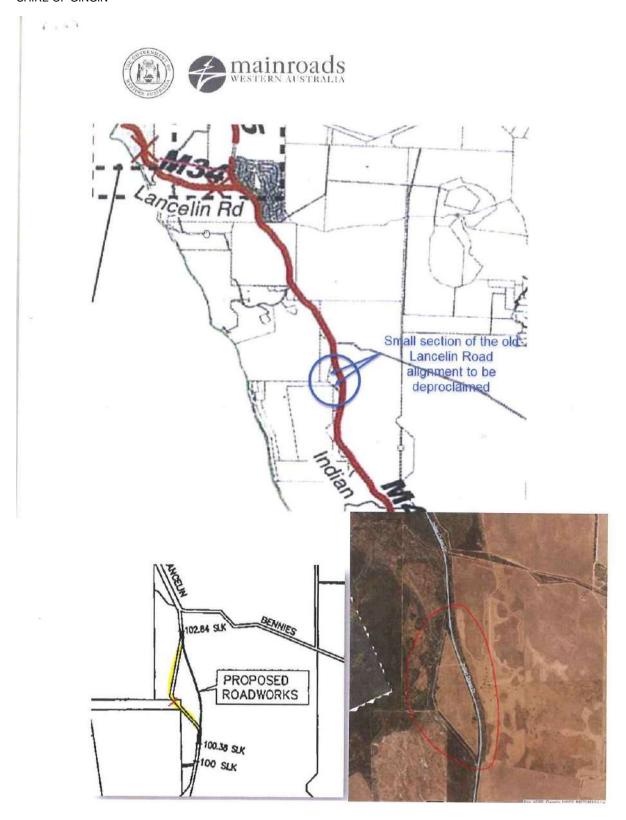
Should you require any further information regarding this proclamation action, please contact Nicole Coaker on 9323 6370 or Joanne Cammack on 9323 4718.

Yours sincerely

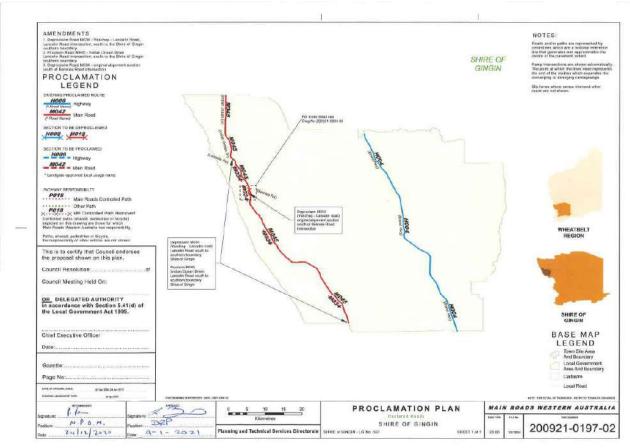
Lindsay Broadhurst Director Road Planning

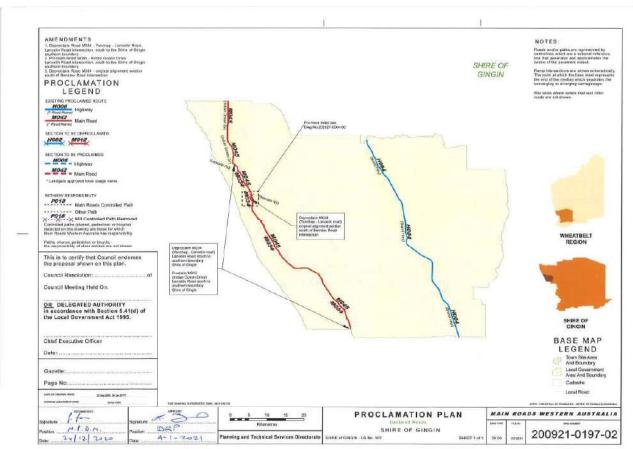
Planning and Technical Services Directorate

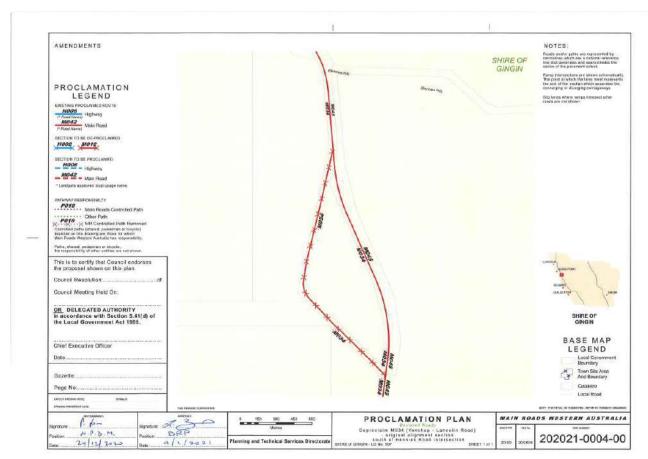
Encl: Main Roads proclamation plans numbered: 200921-0197-02 and 202021-0004-00 Map of proclaimed road to be deproclaimed.

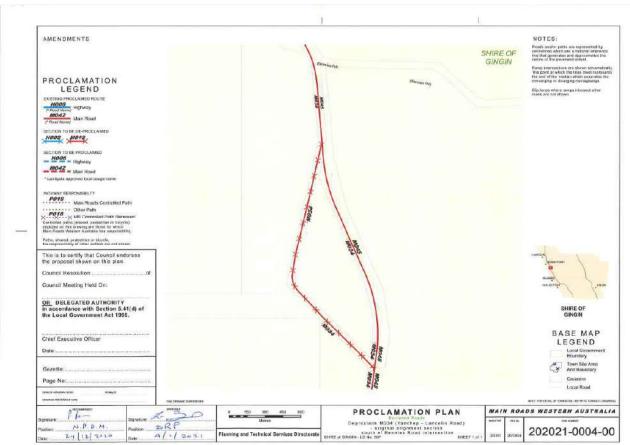


Main Roads Western Australia Don Altken Centre, Waterloo Crescent, East Perth WA 6004 PO Box 6202, East Perth WA 6892 mainroads.wa.gov.au enquiries@mainroads.wa.gov.au 138 138

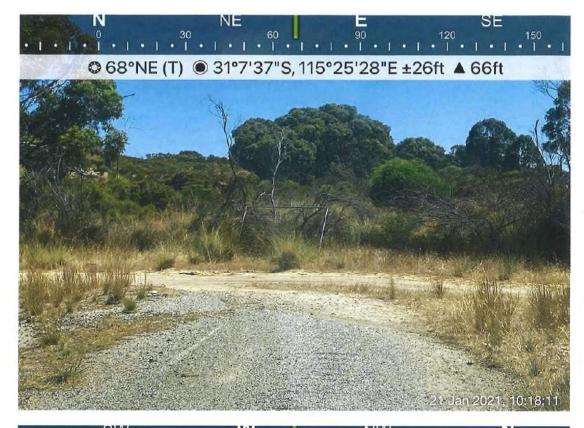


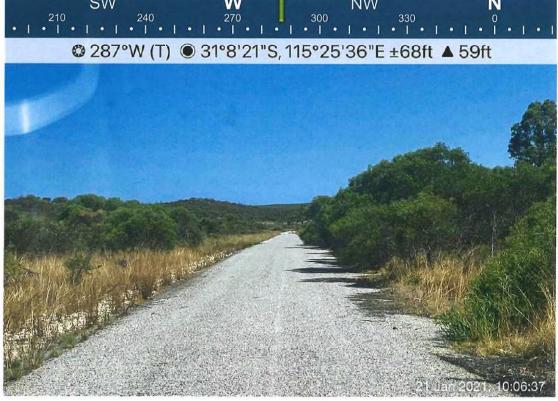


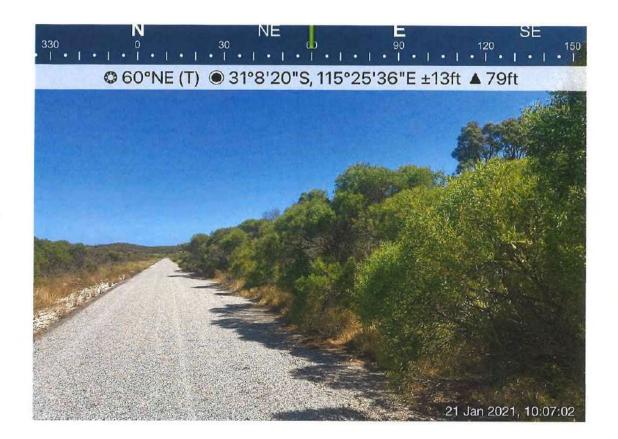




APPENDIX 2







11.3.3 SUBDIVISION REFERRAL - PROPOSED TWO LOT SURVEY STRATA SUBDIVISION ON LOT 67 (43) GINGIN ROAD, LANCELIN

File:	LND/693
Applicant:	Surveying Solutions
Location:	Lot 67 (43) Gingin Road, Lancelin
Owner:	Joel McCauley and Louise McCauley
Zoning:	Residential 12.5 / 20
WAPC No:	N/A
Author:	James Bayliss – Statutory Planning Officer
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and
_	Development Services
Report Date:	16 June 2020
Refer:	Nil
Appendices	Location Plan and Applicant's Proposal
	2. Site Photographs
	3. Lancelin Township North Coastal Hazard Mapping

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a subdivision referral from the Western Australian Planning Commission (WAPC) to create two survey strata lots from Lot 67 (43) Gingin Road, Lancelin.

BACKGROUND

The 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 agencies and the local government for comment.

The subject land is 993.4m² in area and is located on the corner of Gingin Road and Sidney Street, Lancelin. The property currently contains an existing single house and two outbuildings.

The property is identified within the Shire's Coastal Hazard Risk Management and Adaption Plan 2019 (CHRMAP) as being impacted by coastal processes between the 2070 and 2110 hazard lines.

The proposal seeks to retain an existing outbuilding on Lot 2, which would be a standalone structure on an otherwise vacant property.

A location plan and a copy of the Subdivision Plan are provided as **Appendix 1**.

Site photographs of the property are provided as **Appendix 2**.

COMMENT

SHIRE OF GINGIN

Stakeholder Consultation

Not applicable.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

The subject land is zoned Residential 12.5/20 under LPS 9, the objectives of which are to:

- a) Provide for a range of housing types and encourage a high standard of residential development;
- b) Maintain and enhance the residential character and amenity of the zone;
- c) 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) 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. Residential Design Codes' of LPS 9 states:
 - 4.2.2. 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 with the provisions of those Codes.
- 'Clause 4.3. Special Application of Residential Design Codes' states:
 - 4.3.2 Within areas that are dual coded on the Scheme Map, development and subdivision in accordance with the higher code shall only be supported where reticulated sewerage is available.

In this instance the lot is proposed to be connected to deep sewer and therefore the higher density of R20 is applicable.

Coastal Development

'Clause 4.7.4 – Coastal Development' of LPS 9 is applicable in this instance and states:

- "4.7.4.1 All coastal development is to comply with the provisions of State Planning Policy 2.6 Coastal Planning Policy'.
- 4.7.4.2 In accordance with section 77 (1) (b) of the Planning and Development Act 2005, the provisions of State Planning Policy 2.6 State Coastal Planning shall apply as if they were part of this scheme."

State Planning Policy No. 2.6 - State Coastal Planning Policy

The purpose of SPP 2.6 is to provide guidance for decision-making within the coastal zone including managing development and land use change. A key objective of SPP 2.6 is to ensure that development takes into account coastal processes and coastal hazards. This is implemented by the preparation of a CHRMAP to provide a long-term view of the potential coastal processes (erosion and storm surge inundation) for affected areas and recommend measures to reduce risk.

Clause 5.5 (ii) states:

Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for subdivision and/or development current and/or future lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate on title.

VULNERABLE COASTAL AREA –This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.

Shire of Gingin Coastal Hazard Risk Management and Adaption Plan 2019

Council adopted the CHRMAP at the Ordinary Meeting held on 16 April 2019. The CHRMAP identifies the property as being located within 'LA3 - Lancelin Township North', with key outcomes concluding:

- "Residential properties have high vulnerability ratings by 2030 and very high vulnerability ratings by 2070;
- The beach and coastal dunes / vegetation have high vulnerability ratings by 2070 and very high vulnerability ratings by 2110."

It is predicted that between 50 - 90 years will elapse before coastal hazards affect the site. It is also noted that the hazard line partially dissects the property.

The LA3 Hazard Map is provided as **Appendix 3**.

'H4.3 – Subdivision' applies which states:

"Undeveloped parcels of zoned or reserved land lying seaward of the 2110 hazard line should not be permitted to be further subdivided. Subdivision includes strata titling. Time limited leasehold might be acceptable in situations where an appropriate temporary development necessitates a smaller parcel of land for management purposes, however this should be carefully considered and only contemplated where there are demonstrable benefits of the proposed development for the community. A lease has a defined expiry date and does not result in permanent fragmentation of the landholding."

The CHRMAP therefore recommends that the proposed subdivision be refused given the proposal represents subdivision of zoned land seaward of the 2110 hazard line.

The officer notes that forecasts suggest between 50 - 90 years will lapse before coastal processes impact the site. It may not be practical to refuse the subdivision on the basis of the land being partially within the coastal hazard area considering the predicted period of time before coastal processes may be realised, and any new development created as a result of subdivision will occur on the eastern portion of the site.

The provision of notifications on title alerting prospective purchasers of the risk seems to be the most pragmatic approach and is consistent with the Shire's current approach when assessing development applications.

Operational Policy 1.1 Subdivision of Land – General Principles

This policy sets out the general principles that are used by the WAPC in determining applications for the subdivision of land. The below objectives are viewed as being relevant to the proposed subdivision:

- To ensure constructed vehicle access from the gazetted public road system to each new lot.
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.
- To secure utility services to each new lot appropriate for the intended use of the lot.

'Clause 3.7 - Lawful Development' states:

The WAPC will also ensure that, by creating a new lot, it does not render an existing lot or development upon that lot illegal in terms of statutory requirements. Such matters may include lot sizes, parking, setbacks or the provision of services.

In this instance, the applicant notates on the plans that the existing outbuilding on future Lot 2 is to be retained. Retention of this structure would render that development unlawful by way of an outbuilding being a standalone structure on an otherwise vacant lot, which is not permitted on residential zoned land. As such, a recommended condition to the WAPC is for that structure to be removed should the application be approved.

Furthermore, in order for the existing single house on future Lot 1 to be compliant with Operational Policy 1.1 and clause 5.3.5 of the R-Codes, a crossover is required to be installed.

State Planning Policy 7.3 – Residential Design Codes Volume 1 (R-Codes)

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When considering subdivision, existing development should be compliant with the R-Codes and future lots able to accommodate compliant development.

The resultant lot sizes comply with the minimum and average site area for R20 zoned land.

Access

The current access arrangement to the property is unclear given no formal crossover is evident onsite, however it is assumed access is gained via Sidney street based on observation during a site inspection of the property.

When subdivision occurs, both lots are required to comply with the R-Codes which provide for vehicular access via clause 5.3.5. This also outlines minimum distances a crossover must be from an intersection for safety reasons, which is applicable in this instance. For the existing lot to be compliant as outlined above, a crossover is required to be formalised and is suggested as a condition of approval.

The officer is of the view that an appropriate crossover location for future Lot 2 can be captured as part of the approvals process for future development, given the dwelling design/positioning on this lot may influence where the crossover should be located.

Summary

In summary, the Shire's CHRMAP does suggest that subdivision seaward of the 2110 hazard line should not be permitted. However, given the substantial timeframe between the present time and predicted coastal impacts in conjunction with the land being partially located within the coastal hazard area, the officer is of the view that it is reasonable for Council to exercise its discretion and recommend conditional support for the application.

Various conditions are suggested to ensure that the existing development and future lots adhere to the applicable planning framework.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No. 9 Clause 4.7.4 – Coastal Development

POLICY IMPLICATIONS

Operational Policy 1.1 Subdivision of Land – General Principles

State Planning Policy 7.3 – Residential Design Codes

State Planning Policy No. 2.6 – State Coastal Planning Policy

Shire of Gingin Coastal Hazard Risk Management and Adaption Plan 2019

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 Areas	Building And Planning Permits
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Morton

That Council support the proposed two lot survey strata subdivision of Lot 67 (43) Gingin road, Lancelin subject to the following conditions:

- 1. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificates of Title for proposed Lots 1 and 2. Notice of this notification is to be placed on the diagram or plan of survey (deposited plan). The notification is to state as follows:
 - "VULNERABLE COASTAL AREA This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years. Additional planning and building requirements may apply to development on this land".;
- 2. The existing structures, including those shown for retention on proposed Lot 2, are to be demolished and materials removed from the lot prior to subdivision clearance;
- 3. Suitable arrangements are to be made with the local government for the provision of vehicular crossover(s) to service the lots shown on the approved plan of subdivision; and
- 4. Arrangements are to be made for the provision of a sewerage service to each lot shown on the approved plan of subdivision.

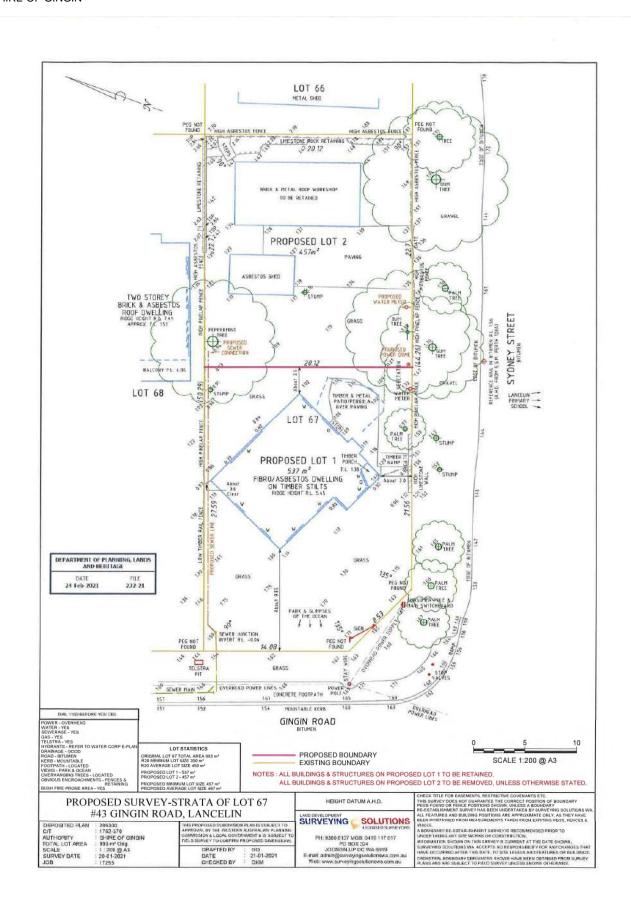
Advice Notes:

Note 1: In regards to removal of existing structures on Lot 2, a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.

- Note 2: In relation to the installation of vehicle crossovers, please be advised that a crossover application is required to be submitted to the local government prior to installation of the crossover.
- Note 3: Should the land be affected by coastal hazards in the future, the landowners may be responsible for relocating/removing the development and all costs associated. The local government is under no obligation to assist or protect structures from coastal erosion/inundation threats and accepts no liability and will pay no costs associated with any protection from or damages caused by coastal processes.

CARRIED UNANIMOUSLY

APPENDIX 1





PH: 9300 8137 MOB: 0419 117 617 PO BOX 324 JOONDALUP DC WA 6919 admin@surveyingsolutionswa.com.au

23rd February 2021

Western Australian Planning Commission 140 William Street PERTH WA 6000

RE: Survey-Strata Subdivision Application

Lot 67 #43 Gingin Road, Lancelin – Bush Fire Prone Area – BAL LOW

Dear Sir / Madam

We are submitting an application for a 2 lot survey-strata subdivision for the abovementioned property. The subject lot is within a bush fire prone area, as can been seen on the below images.

The scrub land to the east is about 80m from the subject property and the scrub land to the west is about 60m from the property.

Due to the separation the BAL rating for the subject lot will be BAL Low.







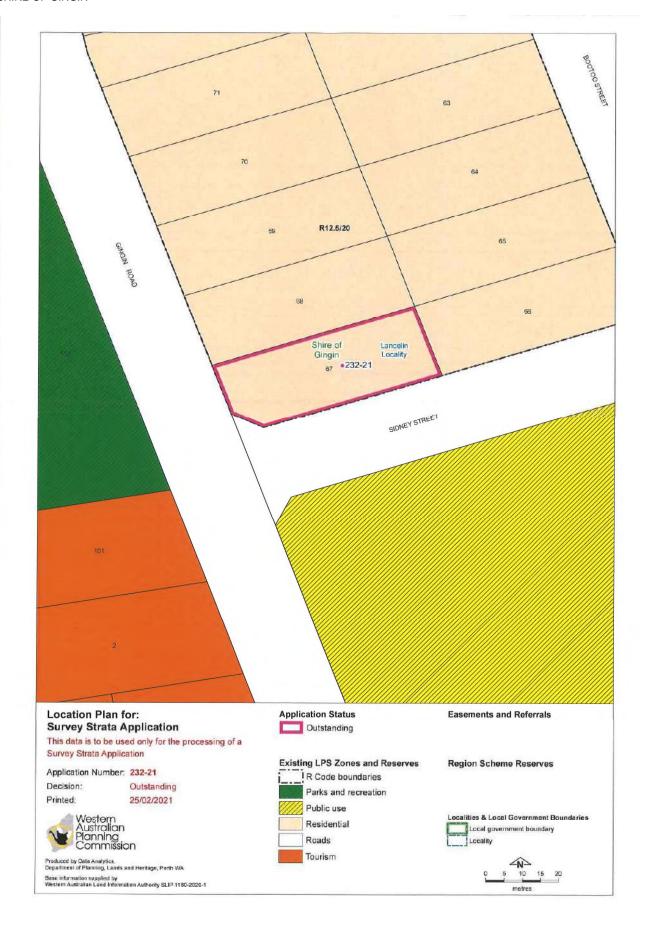
Please contact our office should you wish to discuss further or require an official BAL report.

Thank you

Regards

Dion McAliece Licensed Surveyor

Partner



APPENDIX 2















APPENDIX 3



11.3.4 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED AGRICULTURE INTENSIVE (TURF FARM) ON LOT 5257 (2800) COWALLA ROAD, COWALLA

File:	BLD/4003
Applicant:	GTG Investments Pty Ltd (Greenacres Turf Group)
Location:	Lot 5257 (2800) Cowalla Road, Cowalla.
Owner:	GTG Investments Pty Ltd
Zoning:	General Rural
WAPC No:	N/A
Author:	Kylie Bacon – Manager Statutory Planning
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and
	Development Services
Report Date:	20 April 2021
Refer:	Nil
Appendices	1. Location Plan and Applicant's Proposal

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed Agriculture Intensive (Turf Farm) on Lot 5257 (2800) Cowalla Road, Cowalla.

The applicant proposes to develop an approximately 90 hectare (ha) turf farm consisting of five pivots totalling 72 ha and three additional irrigation areas known as research and development nurseries consisting of 18 ha in total.

BACKGROUND

The subject lot consists of 123 ha and currently contains two dwellings and outbuildings, with the land been primarily used for grazing purposes.

The pivots and irrigation nurseries will be set back 20m from all lot boundaries complying with the General Rural setback provisions outlined in the Shire of Gingin's Local Planning Scheme No. 9 (LPS 9).

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

COMMENT

Community Consultation

The application was advertised to the surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015.* Notice of the application was also provided to the Department of Water and Environmental Regulation (DWER), the Department of Planning, Lands and Heritage (DPLH) and the Department of Biodiversity, Conservation and Attractions (DBCA). No objections to the proposal were received from any of these agencies.

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 in the zone 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".

Furthermore, the activity is defined as Turf Farm under the Shire of Gingin's Local Planning Policy 1.6 – Agriculture Intensive. This will be discussed in more detail below.

Local Planning Scheme No 9 Setbacks

The irrigation areas are required to be set back a minimum of 20m from lot boundaries, unless a greater setback is required (i.e. buffer/separation distances to sensitive land uses or wetlands). The submitted plans indicate a 20 metre setback is being provided to all lot boundaries.

<u>Local Planning Policy 1.6 – Agriculture Intensive (LPP 1.6)</u>

LPP 1.6 does not directly provide a definition for a 'turf farm' but the policy is still applicable as a guide to setback buffers. Only the relevant provisions have been addressed below.

The 'General Standards' outlined within LPP 1.6 are outlined below with officer comments provided:

3.1.2 Council will process development applications for Irrigated Horticulture purely on land use planning grounds, without regard for viability considerations, such as Water Licensing. All Planning Approvals will be copied to the Department of Water for its records in dealing with Water Licensing.

Officer Comment:

Notwithstanding the above, the proponent has a Groundwater Licence 203789 with an allocation of 1450000 KL.

3.1.4 All applicants shall clearly indicate areas of vegetation, wetlands and any other physical characteristics on the plans accompanying an application.

Officer Comment:

The subject lot has no Resources Enhancement (REW) or Conservation Category Wetlands (CCW) onsite that warrant protection. Furthermore, the application was referred to the DBCA, which did not object to the proposal.

3.1.5 Waste material generated from the horticultural activity shall not be stored on the property in a manner that facilitates fly breeding or odour emissions, but shall be either buried, treated or removed off-site to Council's satisfaction.

Officer Comment:

The applicant has advised that "turf production with professional management generates little waste. Grass clippings are recycled onto existing production areas and mowed weekly. Due to the high frequency of mowing which is matched to the growth rate of the turf plant, the grass clippings is easily dispersed onto the turf surface. The added benefit there is very little propensity for any type of fly (stable) or insect breeding cycle due to the mower regime which is shorter than most breeding cycles".

Furthermore, stable fly generally does not pose an issue for turf farms compared to the waste management required to be undertaken for a market garden.

3.1.8 Proposals for Irrigated Horticulture located within 500 metres of an identified existing or future Residential or Rural Residential area shall only be considered where it can be demonstrated that effective vegetation buffers and other measures will satisfactorily minimise or avoid potential land use conflict.

Officer Comment:

There are no existing or future planned Residential or Rural Residential areas within 500m of the subject site.

3.1.9 All horticulture activity (excluding tree farms) shall have a minimum distance of 200 metres, or a distance satisfactory to Council, from any Conservation Category Wetland, as defined and identified in the Water and Rivers Commission's Geomorphic Wetland Database, or defined through other means acceptable to Council. Included within this minimum distance there shall be a dense native vegetation buffer of not less than 20 metres in width, to be established prior to the commencement of development and maintained for the duration of the development.

Officer Comment:

Please refer to comment for clause 3.1.4 above.

3.1.10 Where a lesser setback to waterways (as specified in this Policy Statement) is proposed, a Drainage, Nutrient and Irrigation Management Plan shall be prepared and be to the satisfaction of the Water and Rivers Commission and Council.

Officer Comment:

Not applicable.

3.1.11 All irrigated horticulture activity shall be set back 500 metres from any Rural Living, Residential, Tourist, Commercial or Urban Development zones. Applications for reduced setbacks shall be accompanied by comprehensive data and evidence that supports the proposed reduction.

Officer Comment:

Please refer to comment for clause 3.1.8 above.

Environmental Impact/Separation from Sensitive Land Uses

The following external guidelines provide guidance in relation to buffer/separation distances for local government when considering applications for irrigated horticulture and sensitive uses (i.e. dwellings).

- State Planning Policy 2.5 Rural Planning;
- Department of Health (DOH) Guidelines for Separation of Agricultural and Residential Land Uses (August 2012) (DOH Guidelines); and
- Environmental Protection Authority Guidance for the Assessment of Environmental Factors; Separation Distances between Industrial and Sensitive Land Uses (June 2005).

The proposal falls under the definition of a 'turf farm' for the purpose of calculating the recommended buffer distance using the abovementioned policies. The recommended buffer distance is 500m to the closest sensitive land use (i.e. single dwelling).

The distance outlined is not intended to be an absolute distance, but rather is a guide to avoid conflicts between land uses (i.e. noise, dust, and odour).

Notwithstanding the above, the closest sensitive land use is located approximately 160m west of the development area. This is habitable accommodation (farm house) infrequently occupied but nonetheless still habitable and considered to be a sensitive land use.

The farmhouse is separated from the proposal by a 60m road reserve with dense vegetation and farm sheds. While the vegetation within the road reserve cannot be used as a form of vegetated screening (as it could be removed in the event the road was to be widened), it is however not envisaged that Cowalla Road will be widened in the near future. Until such time as removal does occur, this vegetated buffer will contribute as a screen until the one on the subject lot is established.

The applicant has already commenced landscaping (in the form of a vegetation screen) along the western boundary of Lot 5257 and while the survival rate has been low, the operator is currently in the process of irrigating the area so that, when replanting occurs, there will be a higher survival rate. In the event that Council approves the application, conditions of the planning approval will require a vegetated buffer to be established and maintained along the western boundary that has been identified in red ink on the site plan. Furthermore, prior to the commencement of planting the vegetated buffer, a detailed landscaping plan is required to be submitted for approval to the satisfaction of the Shire of Gingin. At a minimum, this plan must address the extent of the buffer area, the location and spacing of trees and shrubs, a list of tree species and how the buffer area is to be maintained.

Access and Egress

The property has access/egress from Cowalla Road, which is currently sealed adjacent to the subject land. Once the production is up and running the general traffic movements for the operation will be as follows:

"A "normal day" based on a 105Ha farm at Serpentine involves five prime movers with semi trailers (but not road trains). There are also two heavy rigid trucks involved in the installation of turf projects.

Trucks are usually limited to a maximum of two deliveries per truck, per day – we have never had all five completing two deliveries.

Maximum output would involve subcontractors carting our produce and the subcontractor completing three deliveries in a day.

Summarising the above we are looking at ten truck movements per day".

Currently the crossover servicing the subject lot is to a gravel standard. The traffic being generated from the intensification of the Agricultural Intensive activity will require the applicant/operator to upgrade the crossover to a sealed standard at their expense. In the event the application is approved an appropriate planning condition has been imposed.

Car Parking

All loading/unloading bays and parking currently occurs within the property, which the property can accommodate.

<u>State Planning Policy 3.7 – Planning in a Bushfire Prone Area</u>

This Policy has a number of policy objectives aiming at reducing the risk of bushfire to people, property and infrastructure. Clause 6.2 of the policy specifies that development applications within designated bushfire prone areas with a BAL rating above low are to comply with the policy measures.

The West Australian Planning Commission (WAPC) released an updated version of Planning Bulletin 111/2016 Planning in Bushfire Prone Areas on 18 October 2016 to assist with the interpretation and implementation of the bushfire planning reforms. Exemptions from the requirements of SPP 3.7 and the Deemed Provisions should be applied pragmatically by the decision maker. If the proposal does not result in the intensification of development (or land use) or in an increase of residents or employees, or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practical reason to require a BAL Assessment.

The subject lot is very marginally bushfire prone on its perimeter boundaries which will either consist of the setback area or irrigated turf and doesn't necessitate the requirement for a BAL Assessment or its assessment under SPP 3.7. Furthermore, there is no significant increase to the number of employees onsite above what can already be accommodated in the existing infrastructure, which is located significantly outside the bushfire prone area. Employees commute on a daily basis with a caretaker being present onsite full time.

Stable Fly

Stable Fly is a declared pest under the *Biosecurity and Agriculture Management Act 2007* and is managed by the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019.* It is generally inappropriate to impose a planning condition for a regulatory aspect that is already covered under another Act of Parliament. Instead, an advice note has been added to the Development Approval with respect to Stable Fly.

The Shire is still required to be satisfied that the activity manages waste appropriately on the site which has been adequately addressed under clause 3.15 above in the report. Furthermore, Stable Fly generally does not pose an issue for turf farms compared to the waste management required to be undertaken for a market garden.

Summary

In view of the above assessment, the officer is of the view that the site is capable of accommodating the proposed Agriculture Intensive (Turf Farm) with the appropriate management controls in place.

STATUTORY/LOCAL LAW IMPLICATIONS

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

State Planning Policy 2.5 Rural Planning

Department of Health (DOH) Guidelines for Separation of Agriculture and Residential Land Uses (August 2012) (DOH Guidelines)

Environmental Protection Authority Guidance for the Assessment of Environmental Factors; Separation Distances between Industrial and Sensitive Land Uses (June 2005).

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Economic Development	
Objective	4. To support economic development through the Shire's service	
	delivery.	
Outcome	4.2 Food Bowl	
	A strategically significant agricultural hub to the Perth Metropolitan Area	

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka SECONDED: Councillor Johnson

That Council grant Development Approval for the proposed Agriculture Intensive (Turf Farm) on Lot 5257 (2800) Cowalla Road, Cowalla subject to the following conditions:

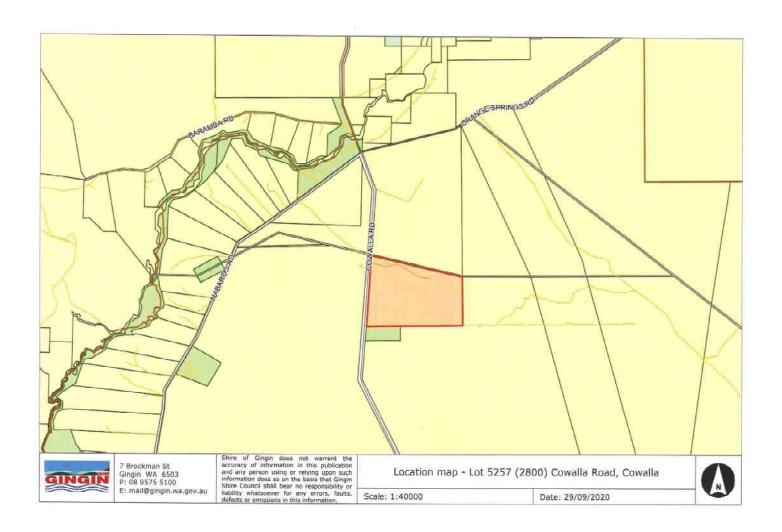
- 1. The land use and development shall be in accordance with the approved plans and specifications (including any amendments marked in red) unless otherwise conditioned by this approval;
- 2. This approval is for an Agriculture Intensive (Turf Farm) use only;
- 3. The development area shall be limited to a maximum of 90 hectares at any one time and shall at all times be set back a minimum of 20 metres from all lot boundaries to the satisfaction of the Shire of Gingin;
- 4. A vegetated buffer is required to be established and maintained along the portion of the western boundary as marked in red ink on the approved site plan to the satisfaction of the Shire of Gingin;
- 5. Prior to the commencement of planting the vegetated buffer that is required in Condition 4, a detailed landscaping plan is required to be submitted for approval to the satisfaction of the Shire of Gingin. The landscaping plan at a minimum must address the extent of the buffer area, the location and spacing of trees and shrubs, a list of tree species and how the buffer area is to be maintained:
- 6. The Agriculture Intensive (Turf Farm) shall comply at all times with the Farm Management Practices submitted in the application dated 24 September 2020 to the satisfaction of the Shire of Gingin;
- 7. Prior to site works, the installation of the new crossover servicing the lot (as identified in red ink on the site plan) is to be completed (at the proponent's cost) to a seal standard to the satisfaction of the Shire of Gingin;
- 8. The existing unsealed crossover servicing the lot is only to be used by light vehicles. All heavy rigid vehicles must use the sealed crossover;
- 9. The area shall immediately be rehabilitated to pasture cover at the end of the Agriculture Intensive development; and
- 10. In the event dust and/or spray drift is disseminating beyond the property boundary as a result of agricultural activity being undertaken, the activity shall cease forthwith until such time as favourable weather conditions enable the activity to recommence, to the satisfaction of the Shire of Gingin.

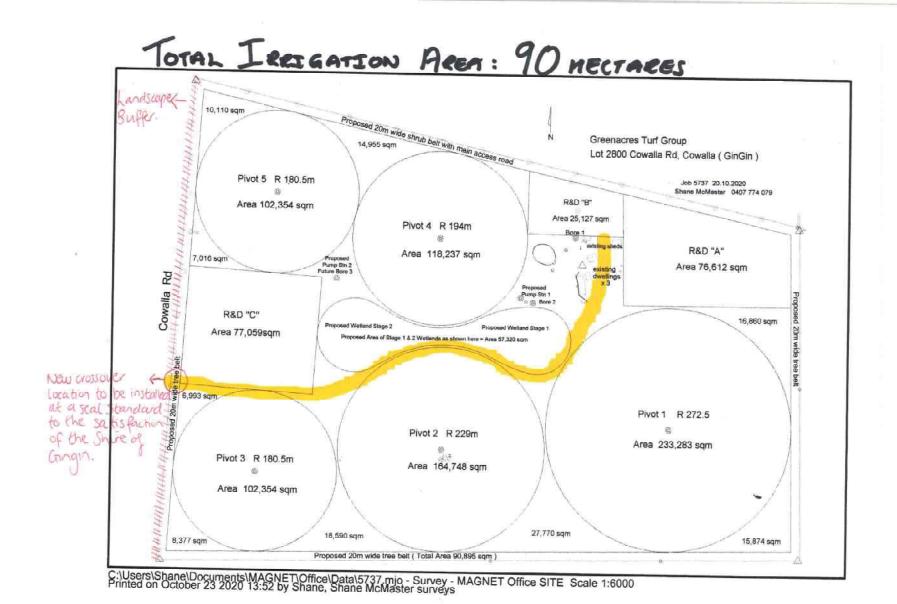
Advice Notes

- Note 1: If you are aggrieved by 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: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3: Premises are to comply with the requirements of the *Public Health Act 2016* and all relevant health legislation.
- Note 4: This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
- Note 5: Fire permits may be required at certain times of the year for onsite burning. Please contact the Shire of Gingin for further information.
- Note 6: The Applicant is reminded that this Development Approval is not to be interpreted as an approval to extract and use groundwater supplies, nor does it imply that the Shire of Gingin has knowledge in relation to availability of groundwater supplies.
- Note 7: It is advised that the proposal should at all times comply with the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019 in order to minimise the effects of stable flies on the community.
- Note 8: The operation will be required to comply with the *Environmental Protection* (Noise) Regulations 1997.
- Note 9: Where any native vegetation clearing is proposed, it will be necessary to contact the Department of Water and Environmental Regulation (DWER) to obtain necessary approvals.
- Note 10: Any proposed construction or upgrading of crossovers requires written approval by the Shire of Gingin's Operations Department prior to works commencing.
- Note 11: Please be advised that the property may attract Differential Rating for Intensive Agriculture.

CARRIED UNANIMOUSLY

APPENDIX 1





FARM MANAGEMENT PLAN

Subject: Lot 5257 Cowalla Road, Cowalla - Turf Farm proposal

SHIRE OF GINGIN

2 4 SEP 2020

RECEIVED

- Farm Management information (can be presented as a farm management plan or statement within a covering letter): Attached as covering letter.
 - b. Chemicals used to spray drift management Greenacres actively practices Integrated Pest Managements (IPM) physical and biological control and utilising cultural and nutritional practices. In the event of chemical spraying is required. The utilisation of the Automatic Weather Station provides up to date last minute spraying conditions to provide optimisation. Chemicals such as herbicides are selective for target weeds and are registered for turf use. New technologies enable low schedules to be used and typically schedule 4 & 5's. Esters that affect vineyard production have not been used in turf production for over 20 years, As far as risk it is in the lowest category as the same chemistry is used at schools and active parks. Another mitigation factor is the farm is in a unique position of being surrounded by Nature reserve to the East and the South, with the North Boundary neighbouring property Lot 803 Orange Springs Rd corner of Cowalla 247Ha was purchased by the GTF Directors Superfund GTF Super Fund No 2 on the 29th August
 - c. Any proposed vegetative screening GTG has an impressive record for implementation and planting of screening plants with use of localised plants as much as possible. This year already 2500 seedlings have been planted during the winter program. As pivots are built more planting will be carried out.
 - d. Any waste generated from the use and subsequent waste management: Turf Production with professional management generates little waste. Grass clippings are recycled onto existing production areas and mowed weekly. Due to the high frequency of mowing which is matched to the growth rate of the turf plant the grass clipping is easily dispersed onto the turf surface. The added benefit there is very little propensity for any type of fly (stable) or insect breeding cycle due to the mower regime which is shorter than most breeding cycles.
 - Vehicle movements (and type of vehicles) It is envisage due to the location and proximity to market, Gingin will be more of a wholesale production facility. Vehicle movements will be of minimum number,
 - with staff movements, start of the day and finishing. Truck movements for produce delivery will involve initially stage 1, Prime mover and semi-trailer. Stage2 another Prime Mover with trailers as well as possible Heavy Rigid trucks to handle specialised installations of turf such as our Jumbo roll technology.
 - f. Any clearing of remnant and native vegetation

Page 111 Figure 31 Stage 1 Zone of Moderate Risk for Terrestrial Vegetation (Groundwater drawdown 0.75-125M)

Page 112 Figure 32 Stage 1 Zone of Moderate Risk for Wetland Vegetation (Groundwater Drawdown 0.25 – 0.5M)

FARM MANAGEMENT PLANS

g. Staff numbers GTG will looking to employ locals and train them in all aspects of Turf Production and specialised installations. Current staffing levels within GTG are above 40 of which many have been trained through the TAFE system and Greenacres, as well as currently having 2 University students employed part time and a workshop heavy duty mechanic apprentice.
Gingin during stage 1 will have 3 – 5 staff members. Stage 2 depending on ramp up 10-15 staff with our installation / contract division.

5. Copy of water licence for reference

Page 50 Appendix A 3rd July 2017 Groundwater Allocation, application Ref No 014126 Page 54 Appendix B 27th September 2017 DWER issue of Water licence.

For your reference I attach the following you tube links to enable a quick reference of what has been created at Greenacres Serpentine.

The original farm was used for cattle grazing and lacked any trees and vegetation. The sandy soils also produce poor pasture, similar to the Gingin site. It also has video of our specialist installation team at Mandurah Foreshore.

Greenacres has been able to develop a niche market for local councils and more recently developers who want almost instant access to facilities, hence the Jumbo Roll Technology. We are able to offer this service and have streamlined our systems to become more competitive to standard rolls installations and as this has become more popular and now is specified by some local councils who see environmental benefits such as less watering and fertiliser to establish and theft rate is almost non-existent.

https://www.youtube.com/watch?v=6 xf15pG0B4&feature=emb logo

The 2nd link is the Industry Field and Training days we have at the Serpentine facility and showcase our environmental credentials such as water re-use, creation of wildlife corridors and shelter belts. The lakes or Wetlands created serve a dual purpose role. Firstly the environmental benefits of creating wild habitats for native birdlife and re-establishment of localised fauna species.

Furthermore the lake from a turf production point of view is to create a holding facility to enable pumping rates to match irrigation system requirements whilst the production bore maintains a sustainable yield linked to the modelling and stress test of the production bore.

https://www.youtube.com/watch?v=aPwqSc Qx-s&feature=youtu.be

The 3rd Link highlights some of the type of machinery used in a turf production farm, broad acre mowers and specialised cylinder reel mowers. Automatic Turf Harvesters coupled with our delivery system and showcasing a happy domestic customer. Take note of the Woman semi- driver and forklift operator, Janine has been with us for over 9 years.

https://www.youtube.com/watch?v=ws-C6pLvsT0



Matthew Tallon Statutory Planning Officer Shire of Gingin 7 Brockman Street, Gingin WA 6503 Tel: (08) 9575 5133 Fax: (08) 95752121

21st September 2020

Dear Mathew,

RE: Lot 5257 Cowalla Road - Turf Farm proposal.

Greenacres Turf Farm was established in 1990 and is now WA largest premium turf supplier and is dedicated to uncompromising standards of quality and customer service. Greenacres currently has 2 main sites with Serpentine currently over 105 Ha in production and Bunbury a smaller boutique farm of 15Ha using effluent water from the V&V Walsh meat processing plant.

With over 40 staff to ensure the day to day operations of a successful turf farm devoted to growing, harvesting, delivery and installation.

Greenacres are the sole and exclusive supplier to iconic turf venues such as Optus Stadium, WACA, Eagles and Dockers elite training facilities, as well as HBF stadium for elite rectangular sports such as soccer and rugby.

Suppliers and contractors to many of the States / Local Governments high profile sports precincts such as City of Armadale and Rockingham.

Many Golf Courses, Public open space for all Local Government uses have been supplied and installed over the years as well as developers.

Greenacres are the current winning tenderer for City of Bunbury, City of Rockingham, City of Mandurah, City of Fremantle, City of Kwinana, City of Swan, Town of Bassendean and completes project work with City of Armadale.

The Directors:

Greenacres Turf Group is owned and managed by Co-Directors Adrian and Peter Pitsikas. The brothers have been in the turf production industry for nearly 40 years. Adrian is former presidents of both the WA Turf Growers Association and the Australian Turf Producers Association. Adrian also holds and honorary position on the UWA Turf Research Steering Committee and actively promotes innovation in the industry. During Adrian's term as President he was instrumental into introducing "Western Australian Environmental Guidelines for the Establishment and Maintenance of Turf Grass areas 2001.

They currently own and produce turf from their Serpentine property (105Ha). In addition, they operate a 15-ha boutique turf production property in Bunbury which solely uses the effluent water from the neighbouring meat processing plant for irrigation.

Water use efficiency is a priority for GTG. The following water use efficiency strategies form an integral part of the new operation:

- installation of new centre pivot irrigation systems to meet industry best practice standards.
- · regular maintenance and auditing of irrigation systems.
- · installation of a central control system.
- · installation of site weather station.
- installation and real time monitoring of soil moisture probes.
- use of the soil amendment neutralised acid effluent an iron-rich by-product suitable for removing dissolved phosphorus and organic nitrogen from surface water.
- other soil amendments including compost and bentonite clay to assist in water and nutrient retention
- · staff training.

Their proven track record with GWLs 65234 and 65228 in the Serpentine groundwater area show that they are responsible water users of the public groundwater resource. They are committed to maintaining this reputation. They are also committed to improving the production of turf with minimising inputs for the betterment of not only the industry, but also the environment. Their innovation with new varieties requiring fewer inputs, mainly water, is testament to this. Their aim is to provide quality green open space with minimal environmental impact.

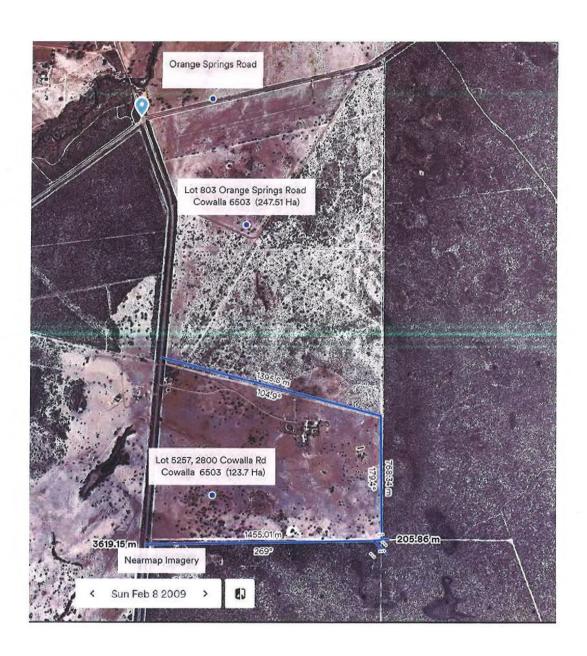
At their core, GTG operate with both environmental and social consciences and their proposed development in the Gingin groundwater area will aim to improve upon the processes learnt in Serpentine.

Figure 4 and Figure 5 illustrate the commitment GTG has made at their Serpentine property to revegetate previously cleared grazing land not currently used for turf production to provide wildlife refuges and improved wildlife corridors.

This philosophy will be implemented and improved upon at the Cowalla Rd property with revegetation aimed to replicate the CCWs and Banksia Woodland TECs species selection where possible.



Lot 5257 Cowalla Rd Development Application



Lot 503 Henderson Road, Serpentine WA 6125 Ph; (08) 9525 8800 Fax: (08) 9525 2469 Email: adrian@greenacresturfgroup.com.au

11.3.5 APPLICATION FOR SUBDIVISION APPROVAL REFERRAL - PROPOSED THREE LOT SUBDIVISION (BOUNDARY REALIGNMENT) FOR LOTS 113, 205 & 769 SPRATTON ROAD, LENNARD BROOK

File:	LND/692	
Applicant:	Scanlan Surveys Pty Ltd	
Location:	Lots 133, 205 and 769 Spratton Road, Lennard Brook	
Owner:	Zygmund John Marten	
Zoning:	General Rural GR30	
WAPC No:	160453	
Author:	Kylie Bacon – Manager Statutory Planning	
Reporting Officer:	Bob Kelly – Executive Manager of Regulatory and	
	Development Services	
Report Date:	20 April 2021	
Refer:	Nil	
Appendices	Location Plan and Aerial Image	
	2. Subdivision Plan	

DISCLOSURES OF INTEREST

Nil.

PURPOSE

To consider a proposal to subdivide/realign the lot boundaries of Lots 133, 205 and 769 Spratton Road, Lennard Brook to achieve improve land management practices. There is no increase in the number of lots.

BACKGROUND

The Western Australian Planning Commission (WAPC) is the responsible authority for subdivision approvals in Western Australia. As such, this subdivision/boundary realignment proposal has been referred to the Shire of Gingin for comment.

The area of the existing and proposed subject lots are as follows:

Lot No	Existing Area	Proposed Area
133	8 hectares	13.75 hectares
205	8 hectares	17.91 hectares
769	40 hectares	25.09 hectares

Lots 133 and 205 are used for irrigated horticulture and Lot 769 for general grazing. The purpose of the boundary realignment is to achieve improved environmental and land management practices for rural land use.

The two lots with a current area of 8ha do not conform to the GR30 coding under LPS 9. The boundary realignment will result in none of the lots conforming to the GR 30 coding, but will however bring the lot sizes closer to the required GR coding, thus providing better land management practices than what currently exists. The proposal will require consideration under Development Control Policy 3.4 (DCP 3.4).

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

A copy of the subdivision plan is attached as **Appendix 2**.

COMMENT

Community Consultation

Not applicable.

Local Planning Scheme No. 9 (LPS 9) & WAPC Development Control Policy 3.4 (DCP 3.4)

The subject land is zoned General Rural (GR30) under LPS 9. The objectives of the General Rural zone 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.

The rationalisation of the lots does not create any adverse impacts on the General Rural zoning and its objectives. The boundary realignment creates rural lot sizes that are better able to support not only the existing broad acre agricultural activity but also more intensive agriculture activities. It does not result in any increased lot yield.

The relevant zone-specific development standards are outlined below (only those applicable have been addressed):

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	20 Hectare
GR 30	30 Hectare
GR 40	40 Hectare
Uncoded	Further subdivision

Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4.

Comment:

ORDINARY MEETING

SHIRE OF GINGIN

Currently Lots 133 and 205 are 8 ha each, which is significantly under the GR 30 coding. Lot 769 is 40 ha which complies. Realignment of the lot boundaries, as explained above, results in three lots being under the applicable GR 30 coding. However, in accordance with DC Policy 3.4, *clause 6.3 Property rationalisation to improve land management*, multiple lots in one ownership may be rationalised provided that (only those points applicable have been listed):

- There is no increase in the number of lots;
- The new boundaries achieve improved practices and minimise adverse impacts on rural land use; and
- No new roads are created unless supported by the local government.

In this instance no new lots are being created, and the new boundaries improve the land practices for the existing uses by creating more land that is functional and can extend operations without creating adverse impacts on the environment or on adjoining rural properties. Furthermore, the rationalisation creates greater buffer setbacks between rural land uses and results in a greater number of lots achieving areas that are closer to the GR 30 coding.

- 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 boundary realignment, the requirement to prepare a structure plan is deemed to be unnecessary as the above matters are able to be demonstrated appropriately.

Summary

The rationalisation of the lots does not create any adverse impacts on the General Rural zoning, its objectives or the applicable GR 30 coding under LPS 9, and therefore unconditional support is recommended.

STATUTORY/LOCAL LAW IMPLICATIONS

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

WAPC Development Control Policy 3.4 - Subdivision of Rural Land

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 New and existing developments meet the Shire's Strategic Objectives and Outcomes.
Var. Camilaa	
Key Service	Building and Planning Permits
Areas	
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

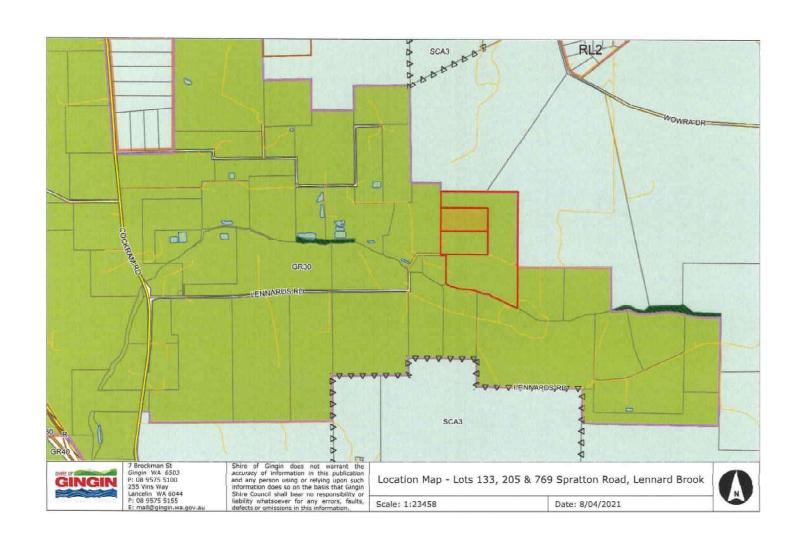
COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka SECONDED: Councillor Balcombe

That Council grant unconditional support for the proposed three lot boundary realignment/subdivision of Lots 133, 205 and 769 Spratton Road, Lennard Brook.

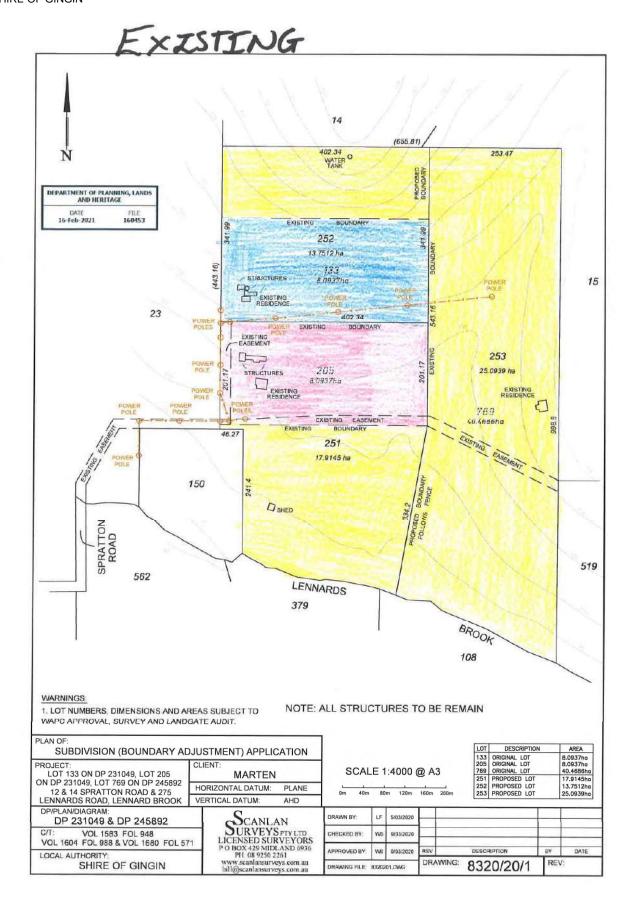
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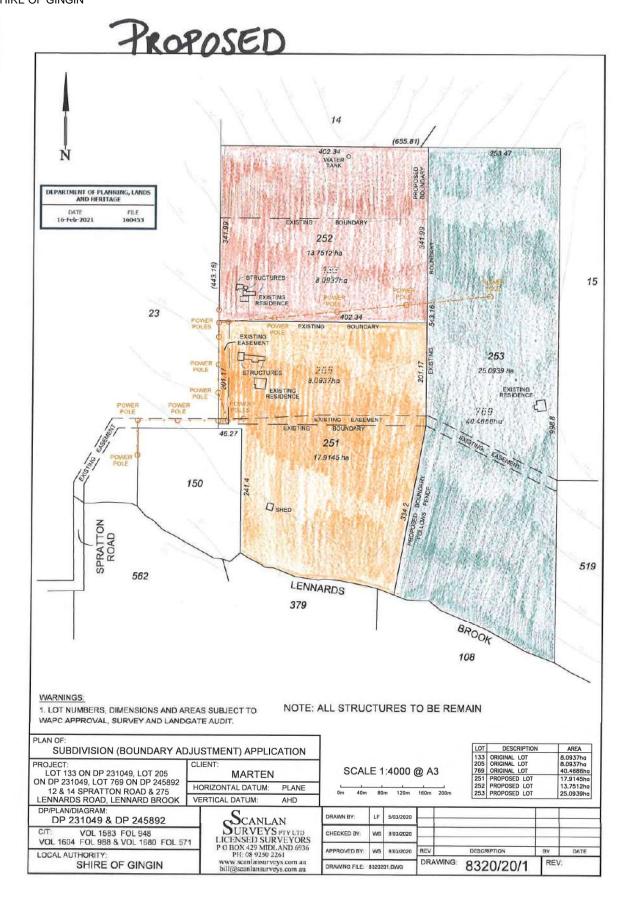
APPENDIX 1





APPENDIX 2





11.3.6 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - PROPOSED STAFF/WORKERS ACCOMMODATION AND AMENITIES (THREE TRANSPORTABLE BUILDINGS) ON LOT 88 GLENROWAN ROAD, CARABAN

File:	BLD/112
Applicant:	Saleeba Adams Architects
Location:	Lot 88 Glenrowan Road, Caraban
Owner:	Multiple Owners
Zoning:	General Rural
WAPC No:	N/A
Author:	Matthew Tallon – Statutory Planning Officer
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and
	Development Services
Report Date:	20 April 2021
Refer:	Nil
Appendices	Location Plan and Applicant's Proposal
	2. Site Photographs

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Retrospective Development Approval for Staff/Workers' Accommodation and Amenities (Three Transportable Buildings) on Lot 88 Glenrowan Road, Caraban.

BACKGROUND

The subject site contains an operating Agriculture Intensive (Annual Horticulture) land use as approved by the Shire of Gingin in July 2012. Since the date of approval the operator has provided Staff/Workers' Accommodation in order to house the associated workers onsite without receiving the relevant approvals. The operator has now applied for the facilities to be approved retrospectively.

The subject lot consists of a total area of 329 hectares with three pivot irrigation crops covering approximately 20ha each. It borders Sovereign Hill Rural Living Estate to the west, a large rural lot to the east (which contains the nearest sensitive receptor being a single house) and Indian Ocean Drive to the south, with the main access to the lot being via Glenrowan Road.

The Workers' Accommodation consists of two transportable buildings with five rooms in each (accommodation for ten workers in total) and one transportable building with staff amenities.

This matter is being presented to Council as Administration does not have delegated authority to approve an 'A' use.

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

ORDINARY MEETING SHIRE OF GINGIN

Site photographs are provided as **Appendix 2**.

COMMENT

Community Consultation

The application was advertised to the adjoining eastern landowner via direct mail and to the general public via a sign being placed on the verge of the property and a notice posted on the Shire's website for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (Deemed Provisions).

20/04/2021

The Rural Living lots are located further than 1km from the Workers, Accommodation. This provides a sufficient buffer, and therefore a direct mail out seeking comment was not undertaken.

The Shire did not receive any comments during the public submission period, and it is therefore considered that there are no objections to the proposal.

Local Planning Scheme No. 9 (LPS 9) Assessment

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

- a) Managed the land use changes so that the specific local rural character of the zone is maintained or enhanced;
- 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;
- 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 damaged; and
- d) Provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.

The use class applicable to this application under LPS 9 is 'Staff/Workers' Accommodation', which is defined as follows:

"Means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation of persons directly employed in an approved activity carried out on the Lot and does not include a Caretaker's Dwelling."

The use class 'Staff/Workers' Accommodation' is an "A" use under LPS 9 in the General Rural Zone, meaning the land use is not permitted unless local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 64 of the Deemed Provisions.

Any development (cl 4.1) is to comply with the provisions of the Scheme, including the minimum standards for development as specified in Table 2 – Site Requirements. As there are no particular requirements specified for staff/workers' accommodation, the development is to be considered having regard to the predominant use, objectives and development standards of the General Rural zone (cl 3.2.7 and cl 4.8.6 respectively) and clause 67 of the Deemed Provisions.

Zone Specific Development Standards

As noted above, LPS 9 does not prescribe any specific development standards for staff/workers' accommodation, however it is considered that the clauses below raise relevant considerations.

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.

Officer Comment

The above demonstrates that additional accommodation can be considered when it relates to the continuation of an agricultural use, given primary industry is encouraged within the General Rural zone. In this instance, the development services the workers associated with the existing agricultural use, which generates a need to accommodate the employees onsite. The substantial setback from Sovereign Hill Estate contributes to the view that no adverse impacts on the surrounding locality will arise as a result of the development.

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.

Officer Comment

The development area is collocated with the packing, storage and workshop sheds as seen on the site plan. The built form of the transportable buildings matches the existing built form array via colour and scale, and given the collocation with sheds does not impact on the natural vegetation or visual landscape amenity of the site.

Setbacks

In accordance with Table 2 of LPS 9, all structures shall be set back a minimum of 20 metres from lot boundaries within the General Rural zoning. The nearest building is set back 260m from the nearest (eastern) lot boundary and 1.2km from the nearest Rural Living lot boundary (to the west).

Access/Egress

The property has access/egress from Glenrowan Road to a sealed standard, albeit from an unsealed road.

This development seeks to reduce rather than increase vehicle movements as the workers reside on the property and therefore the current arrangement is considered adequate. The driveway forms a one way loop entrance/exit allowing service and staff vehicles to access and egress the site in forward gear.

Servicing

The site is already serviced with power and water. It is considered to be the applicant/landowner's responsibility to connect to the existing supply onsite.

The applicant has noted that the ablutions are connected to a septic and leach drain onsite wastewater disposal system. The viability and approval of the wastewater disposal system will be captured in the relevant health and building approvals.

Parking

There are no onsite parking requirements for the use class Staff/Workers' Accommodation under clause 4.7.2 of LPS 9. Clause 4.7.2.5 states:

"Where there is a use of land referred to in the Zoning Table (Table 1) for which no provision is made in respect of car parking spaces in Table 3, the car parking spaces required for that use of land shall be as determined by local government".

As the number of car parking spaces required is not explicit in the planning framework, the applicant was requested to allocate an area onsite dedicated to vehicle parking. Upon visiting the site, the officer noted three vehicles parked along the south facing transportable on a bitumen hardstand area. This area is indicated as the parking area on the site plan. The applicant asserts that there is a low percentage of employees owning a vehicle given the transient nature of employees, and currently carpooling is common. The provision of five bays is therefore deemed to be adequate. In the event an overflow area is required, ample room is available onsite.

Staff Amenities

The officer notes that the provision of one bathroom and a small kitchen alongside the dining area seems insufficient at face value. However, the Shire's Building Department advises that the provision of ablution facilities meets the requirements of the National Construction Code (NCC) with the exception that laundry facilities are required. As such, the officer has included a condition requiring the provision of laundry facilities to the required extent.

<u>Local Planning Policy 1.5 – Transportable Dwellings (LPP 1.5)</u>

LPP 1.5 provides guidelines for development of second hand relocated and transportable dwellings throughout the Shire and is applicable in this instance. LPP 1.5 designates second hand transportable dwellings as a 'P" permitted use within the General Rural zoning.

The amenity of transportable buildings is given particular consideration to ensure the structures are visually acceptable. In this instance, the transportable buildings are in good condition, with the two accommodation buildings being uniform in colour as seen in the photos and the amenities building being cladded in grey and navy colorbond.

Requiring the three to all be uniform in colour/cladding is impractical as they are of a suitable quality and are not visible from the road network and adjoining lots.

The impact the development will have on the existing streetscape is negligible as it cannot be seen from Glenrowan Road due to the development's collocation with the farm sheds. The built form and landscape amenity enjoyed by the adjoining landowners remains intact, with the topography and vegetation screening the development from view as noted above.

WAPC Position Statement: Dark Sky and Astrotourism

As the subject site is located within 20km of an observatory (the Gravity Discovery Centre) due regard must be given to this position statement. In applying the position statement local governments may force development to be consistent with the relevant Australian Standard 4282:2019 – Control of the Obtrusive Effects of Lighting.

The officer recognises that this is a relevant consideration given the general operating hours (early mornings) of market gardens and the substantial lighting required for a compound of this scale operating at those hours. As such, the officer has included a condition for the development to meet the relevant Australian Standard for lighting.

<u>Planning and Development (Local Planning Scheme) Regulations 2015 (Deemed Provisions)</u>

In accordance with Schedule 2, Part 9, Clause 67 of the Deemed Provisions, the local government is to have due regard to a range of matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

(m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

Officer Comment:

The development is considered to be compatible with the existing use operating onsite. It is noted that the homestead on the eastern adjoining lot is approximately 416m from the development area, and the development is not visible from this dwelling. The development is collocated with the structures associated with the market garden and has the capacity to accommodate ten workers which is unlikely to impose excessive levels of noise or activity.

- (n) The amenity of the locality including the following -
 - (i) Environmental impacts of the development;
 - (ii) The character of the locality;
 - (iii) Social impacts of the development;

Officer Comment:

The development is not considered to have any adverse environmental impacts. The character of the locality is not considered to be adversely impacted given the existing agriculture use has been operating for a considerable time and this development is incidental to that use.

It is also noted that the farm management practices will not alter. The social impacts are not considered to be significant given the development is contained entirely within the confines of the subject site with a considerable setback\buffer provided to the adjacent rural living estate and east adjoining dwelling.

Conclusion

In summary, the proposed Staff/Workers' Accommodation is considered to be an acceptable development in the "General Rural" zone particularly as the development provides a rural operation with a responsive solution that will encourage and protect the existing broad acre intensive agricultural activity as a primary use.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed provisions for local planning schemes

Local Planning Scheme No.9
Part 4 – Zones and the Use of Land
4.2 Objectives of the Zones
4.2.7 General Rural Zone

Part 5 – General Development Requirements

POLICY IMPLICATIONS

Local Planning Policy 1.5 Transportable Dwellings

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

SHIRE OF GINGIN

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 of 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 Court SECONDED: Councillor Peczka

That Council grant Retrospective Development Approval for Staff/Workers' Accommodation and Amenities (Three Transportable Buildings) on Lot 88 Glenrowan Road, Caraban subject to the following conditions:

- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
- 2. This approval is for Staff/Workers' Accommodation and Amenities (Three Transportable Buildings) only as indicated on the approved plans;
- 3. The landowner is required to ensure that the development satisfies the definition of Staff/Workers' Accommodation under Local Planning Scheme No. 9 (as amended) and relates only to employees associated with the intensive agricultural use at all times to the satisfaction of the Shire of Gingin;
- 4. The landowner/operator shall provide sufficient water and power to the amenities building for the life of the development to the satisfaction of the Shire of Gingin;
- 5. Within 60 days of the date of this determination, laundry facilities are to be provided onsite to the satisfaction of the Shire of Gingin; and
- 6. Any external lighting must be designed, baffled and located so as to comply with Australian Standard 4282:2019 'Control of the Obtrusive Effects of Outdoor Lighting'.

Advice Notes:

- Note 1: If you are aggrieved by 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: 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 3: In the event the actual setback varies from that indicated on the approved plans, the landowner may be required to undertake remedial works to comply with the approved plans.
- Note 4: Please be advised that the property may attract Differential Rating for Intensive Agriculture.
- Note 5: In the event the as constructed setbacks vary from those indicated on the approved plans, then the applicant/landowner may be held responsible for formalising the actual setback dimensions.
- Note 6: The operation will be required to comply with the *Environmental Protection* (Noise) Regulations 1997.
- Note 7: The definition of Staff/Workers' Accommodation under Local Planning Scheme No. 9 is: means shared self-contained living accommodation (separate to a single dwelling) used for the accommodation of persons directly employed in an approved activity carried out on the Lot and does not include a Caretakers Dwelling.

CARRIED UNANIMOUSLY

TAMMINEA CONSULTING

PO Box 299 BASSENDEAN WA 6954 M 0419 955 559

18 February 2021

Shire of Gingin PO Box 510 Gingin WA 6503

Attention: Planning Department, James Bayliss

Dear Sir.

RE: Application for Retrospective Planning Approval – Staff / Workers
Accommodation
Lot 88 Indian Ocean Drive, Caraban

Please find enclosed the following items relating to the existing workers accommodation transportable buildings located at the above property.

- DA Application Form
- Application fee, contact Vicki at Bogdanich Farms (9575 7741) for payment.
- Certificate of Title
- Two (2) copies of the following drawings
 - A01 Location Plan
 - A02 DFES Bushfire Prone Zone Plan
 - A03 Floor Plan A04 - Photos S1.01 - Structural

The property is owned by the Coufos family and part of the property is leased to Bogdanich Farms for vegetable growing and they constructed the transportable buildings some time ago. They are now aware that approvals are required and would like to undertake this process to bring them into compliance.

The workers accommodation consists of 3 transportable buildings being 2 x 5 bedroom buildings and 1 x Kitchen/Living/Ablution building. The three buildings are located around a central roofed courtyard area. The ablutions are connected to a septic tank and leach drain system which requires separate Health application and approval.

RSA Structural Engineers have inspected the transportable and have completed a certified structural drawing.

The buildings are not located in the pink DFES bushfire prone zone. In regard to setbacks the buildings are 250-275m from the nearest property boundaries to the south and east and are approx 1.3km from Sovereign Hills Estate to the west.

I trust the details are clear however should you have any queries or require further information please do not hesitate to contact me.

Yours faithfully,

Grant Adams

Director

ORDINARY MEETING MINUTES 20/04/2021 SHIRE OF GINGIN



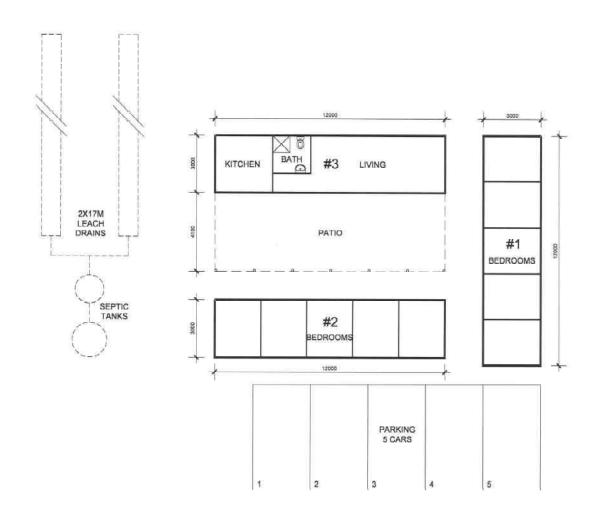


A01(Rev.A)
LOCATION PLAN

APRIL 2021 NOT TO SCALE

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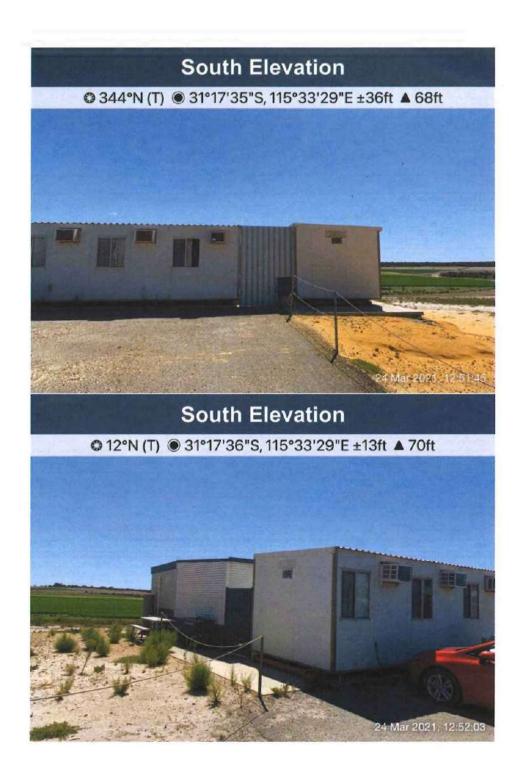
WORKERS ACCOMMODATION
LOT 88 INDIAN OCEAN DRIVE, CARABAN

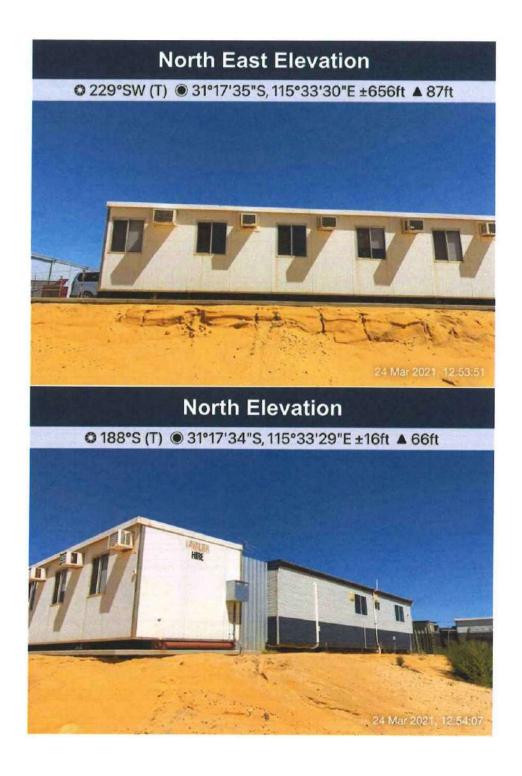


A03(Rev.A)



WORKERS ACCOMMODATION
LOT 88 INDIAN OCEAN DRIVE, CARABAN





11.3.7 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED AND RETROSPECTIVE WAREHOUSE/STORAGE EXTENSION AT LOT 614 (7) KING STREET, LANCELIN

File:	BLD/7261		
Applicant:	Delich Constructions		
Location:	Lot 614 (7) King Street, Lancelin		
Owner:	Troy Elari		
Zoning:	Mixed Business		
WAPC No:	N/A		
Author:	Matthew Tallon – Statutory Planning Officer		
Reporting Officer:	Bob Kelly - Executive Manager Regulatory and		
	Development Services		
Report Date:	20 April 2021		
Refer:	Nil		
Appendices	Location Plan and Applicant's Proposal		
	2. Schedule of Submissions		

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed and retrospective Storage Shed extension at Lot 614 (7) King Street, Lancelin.

BACKGROUND

The subject lot is 2395m² in area and currently accommodates a storage shed associated with a plumbing business operating from the site. The land is predominantly used for the storage related to the business with a caretaker's dwelling related to that use onsite.

The property is located within the 'Mixed Business' zone which contains various light industrial developments and historically contains several oversized caretaker's dwellings which are detrimental to the extent of industrial activities that may occur in the locality.

The existing outbuilding is approved to an area of $180m^2$ with a side setback of 5m and a rear setback of 8m. Since the date of approval there has been an unapproved extension to the side of the shed increasing the area by approximately $62m^2$. The current proposal seeks to extend the front and rear of the shed to a length of 6.3m and a width of 12.6m (matching the existing width) at either end with the rear portion set back 1m from the rear (eastern) lot boundary.

This report is being presented to Council as an adjoining landowner has raised an objection to the proposal which revokes the delegated authority afforded to officers as outlined in Delegation 7.1 (a).

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

20/04/2021

ORDINARY MEETING SHIRE OF GINGIN

COMMENT

Community Consultation

The application was advertised to the adjoining eastern landowner for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme)* Regulations 2015 (Deemed Provisions) given the variation to the rear lot boundary of 1m in lieu of 6m. The Shire received an objection from the adjoining owner.

The Schedule of Submissions and Recommended Responses is attached as **Appendix 2.**

ASSESSMENT

Local Planning Scheme No. 9 (LPS 9) Assessment

The subject land is zoned Mixed Business under LPS 9, the objectives of which are to:

- a) accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites;
- b) provide for a wide range of light and service industries, wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones;
- c) allow for commercial and light industrial uses that are compatible with nearby uses;
- d) provide for the efficient and safe movement and parking of vehicles;
- e) encourage new development that will enable future adaptation and re-use, and will enhance the visual amenity of the area; and
- f) ensure that where any development adjoins zoned or developed residential properties, such development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

The applicable use class, being 'Warehouse/Storage', is a 'P – Permitted' use within the Mixed Business zone.

The zone-specific development standards for the 'Mixed Business and General Industry' zones under LPS 9 are as follows:

- a) Lot sizes shall be a minimum of 1500 square metres.
- b) 4.8.3.2 Refuse Storage Areas
 - i. All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.

c) 4.8.3.3 Storage Yards

i. A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the local government.

d) 4.8.3.4 Factory Tenement Buildings

- i. Industrial buildings occupied or intended to be occupied by more than one separate business establishment, shall be constructed so that every occupancy:
 - i. has a floor area of at least 100 square metres and neither its width nor length is less than eight metres;
 - ii. has an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
 - iii. has an open yard with direct access to a service access road not less than 6 metres in width; and
 - iv. is separated from every other occupancy by a suitable distance or an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by local government.

e) 4.8.3.5 Fences

i. The minimum standard fence shall be a 1.8 metre link mesh security fence unless otherwise approved by the local government.

Clause 4.5 outlines the ability of the local government to allow variations to site and development standards and requirements via the following mechanisms:

- 4.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 4.5.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to
 - a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
 - b) have regard to any expressed views prior to making its determination to grant the variation.

As the proposal consists of a 5m rear lot boundary setback variation (being a 1m setback in lieu of 6m), the application was advertised to the adjoining owner sharing this lot boundary. Their objection is noted and comments are afforded from the officer in the Schedule of Submissions.

<u>Planning and Development (Local Planning Scheme) Regulations 2015 (Deemed Provisions)</u>

Any development (cl 4.1) is to comply with the provisions of the Scheme, including the minimum standards for development as specified in Table 2 – Site Requirements.

In accordance with Schedule 2, Part 9, Clause 67 of the Deemed Provisions, the local government is to have due regard to a range of matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application.

(m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

Officer Comment:

The development depicts a light industrial built form that is anticipated in the zone. The measures of bulk and scale are negligible in this setting as the zone does not afford built form standards listed under the Residential Design Codes with respect to overshadowing. The Caretakers' Dwelling on the adjoining lot is in situ accepting that it is located within a light industrial area and should expect the amenity anticipated in the zone accordingly. A large number of lots in the Mixed Business zone are developed in contravention of the 6m lot boundary setback, some of which back on to residential lots.

As noted, the impact of the variation in this circumstance is negligible.

- (n) the amenity of the locality including the following -
 - (i) environmental impacts of the development;
 - (ii) the character of the locality;
 - (iii) social impacts of the development

Officer Comment:

The development itself is consistent with the built form amenity of the area and the zone with respect to development standards.

(y) Any submissions received on the application;

Officer Comment:

The submission has been addressed via direct comments from the assessing officer in the Schedule of Submissions.

Landscaping

Table 2 of LPS 9 requires 5% of the area for landscaping along the street frontage. The front of the lot is landscaped via various trees planted on the lot boundary.

Access/Egress

The property is accessible via a 6m wide crossover from King Street and a 3m wide crossover from Mullins Way. Neither crossover is to a commercial standard. As such, the officer recommends that the King Street crossover be upgraded to the satisfaction of the Shire of Gingin.

Conclusion

The proposed storage shed extension is suitable in its setting and is not out of character with respect to the prevailing and anticipated built form in the locality. As such the officer recommends that the development application be approved subject to appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed provisions for local planning schemes

Local Planning Scheme No.9

Part 3 – Zones and the Use of Land 3.2 Objectives of the Zones 3.2.3 Mixed Business Zone

Part 4 – General Development Requirements 4.8.3 Mixed Business and General Industry Zones

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka SECONDED: Councillor Morton

That Council grant Development Approval for a proposed and retrospective Warehouse/Storage Shed extension on Lot 614 (7) King Street, Lancelin subject to the following conditions:

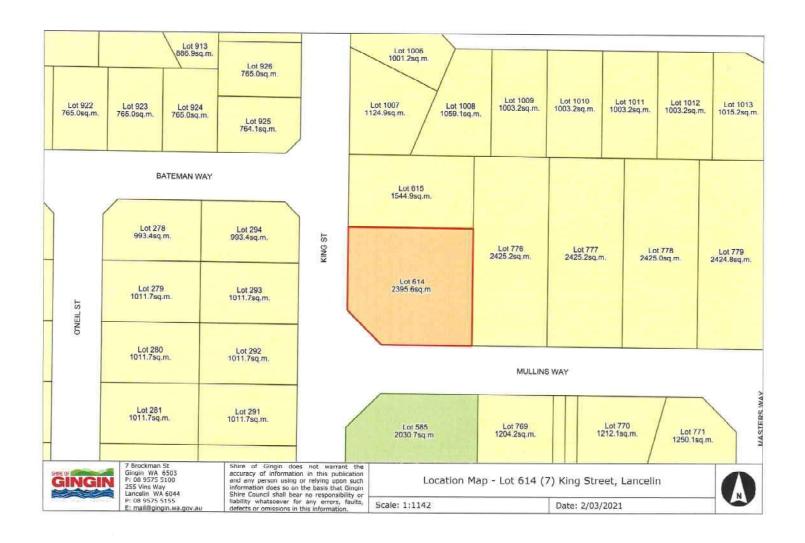
- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, unless otherwise conditioned in this Approval;
- 2. This approval is for a Storage Shed extension only as indicated on the approved plans;
- 3. The Storage Shed shall not be used for human habitation;
- 4. Prior to occupation of the development, the driveway shall be serviced by a new crossover from King Street which is to be designed and constructed to the satisfaction of the Shire of Gingin; and
- 5. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

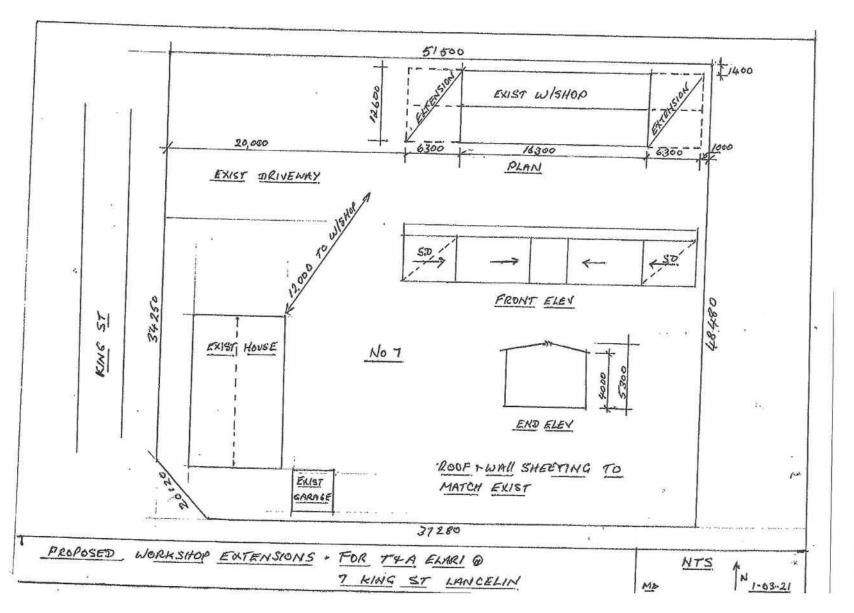
Advice Notes:

- Note 1: If you are aggrieved by 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 2 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* which is to be approved by the Shire of Gingin.
- Note 5: 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 6: In the event the as constructed setbacks vary from those indicated on the approved plans, then the applicant/landowner may be held responsible for formalising the actual setback dimensions.

- Note 7: With respect to the crossover condition, the crossover application process and form can be found on the Shires website at the following link: https://www.gingin.wa.gov.au/services/operations.aspx
- Note 8: The crossover shall be designed and constructed in accordance with the Shire of Gingin crossover specification SoG/STD-14.

CARRIED UNANIMOUSLY





SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: RETROSPECTIVE AND PROPOSED WAREHOUSE/STORAGE EXTENSIONS ON LOT 614 (7) KING STREET, LANCELIN

No.	Submitter	Submission details	Recommended response
1	Ratepayer	The submitter does not support the proposal and provides the following general comment: "We strongly object to the construction of a shed extension to the eastern side of the existing shed being constructed within the 1-meter setback of the eastern boundary. The proposed building would severely reduce the light and airflow to an already constructed residential building on Lot – Mullins Way. We do not approve the setback of the proposed building being reduced from 6 meters to 1 meter on the eastern boundary."	Not support – the shed extension is proposed to the west of the submitters lot, as such it still has access to northern sun. However the 'residential building' onsite is a caretakers dwelling which should not expect the built form amenity of the Residential zone. As noted in the report the built form is not out of character for the locality and is considered to be appropriate.

11.3.8 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED OUTBUILDING EXTENSION AT LOT 838 (45) AYRES CRESCENT, LANCELIN

File:	BLD/7085			
Applicant:	BDG Building			
Location:	Lot 838 (45) Ayres Crescent, Lancelin			
Owner:	Stephen Hunt			
Zoning:	Residential 15			
WAPC No:	N/A			
Author:	Matthew Tallon – Statutory Planning Officer			
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and			
	Development Services			
Report Date:	20 April 2021			
Refer:	Nil			
Appendices	Location Plan and Applicant's Proposal			
	2. Schedule of Submissions			

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed outbuilding extension on Lot 838 (45) Ayres Crescent, Lancelin.

BACKGROUND

The Shire has received an Application for Development Approval for a proposed outbuilding extension on the subject lot, which is 794m² in area. The property currently contains an existing single house and outbuilding.

The existing outbuilding is 36m² in area and is set back 2m from the side (western) boundary and 1m from the rear (southern) boundary.

The proposal seeks approval for an outbuilding extension up to 11.4 metres in length and 7.85 metres in width which follows the triangular angles of the lot boundaries, equating to an overall area of 77.9 m². The proposed wall height is 3.6 metres sloping up to a pitch of 4.2 metres. The outbuilding is located at the rear of the subject lot, set back 1 metre from the rear (southern) lot boundary with a nil setback to the side (western) boundary.

The proposal seeks variations to Clause 5.4.3 – Outbuildings of State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes) in regards to the rear and side lot boundary setbacks, wall height and overall area of the outbuilding.

The proposed outbuilding scale is, however, consistent with the provisions of Local Planning Policy 2.1 – Residential Outbuildings.

This report is being presented to Council as an adjoining landowner has raised an objection to the proposal, revoking Administration's delegated authority under Delegation 7.1 – Residential Development (c).

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

COMMENT

Community Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015.* During the advertising period one submission was received objecting to the proposal.

The Schedule of Submissions and Recommended Responses is attached as **Appendix 2**.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

The subject land is zoned Residential R15 under LPS 9, the objectives of which are to:

- "a) Provide for a range of housing types and encourage a high standard of residential development;
- b) Maintain and enhance the residential character and amenity of the zone;
- c) 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) 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 5.2.2 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 provision of those codes."

The relevant objective of the Residential zone under LPS 9 in this instance is outlined below:

"b) Maintain and enhance the residential character and amenity of the zone."

The proposed scale and height are not considered to be detrimental to the residential character of the area with respect to the existing built form and are consistent with the provisions of the Shire's Local Planning Policy for Residential Outbuildings.

State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes)

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When a development does not meet with the deemed-to-comply provisions, the application is assessed against the associated design principles to determine whether the variation is acceptable. The R-Codes define an 'Outbuilding' as:

"An enclosed non-habitable structure that is detached from any dwelling."

The deemed-to-comply provisions of the R-Codes relating to outbuildings stipulate, amongst other things, that the overall collective floor area cannot exceed $60m^2$, and that a wall height of 2.4 metres and an overall height of 4.2 metres are not to be exceeded. The proposed wall height is 3.6 metres, with an overall height of 4.2 metres and an overall outbuilding area of $77.9m^2$. The rear setback is required to be 1.5 metres as per Table 2a of the R-Codes, and therefore a 500mm variation is sought. The side setback is also required to be 1.5m, and therefore a 1.5m variation is sought given that the application proposes a nil (parapet wall) setback.

Given the proposal does not satisfy the deemed-to-comply provisions, the outbuilding is assessed against the associated 'Design Principle' which states:

"Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties."

The outbuilding is positioned at the rear of the lot. This provides a substantial setback from the primary street lot boundary, which assists in alleviating adverse visual impacts on the existing streetscape. The proposed parapet wall (nil lot boundary setback) abuts the outbuilding on the adjoining lot which is developed to approximately a 500mm lot boundary setback. As such the setback variation is consistent with the existing built form and does not impose any unanticipated built form by way of bulk and scale.

The setback variation of 1m in lieu of 1.5m to the rear (south) lot boundary is in keeping with the existing setback and when considering overshadowing meets the deemed-to-comply provisions.

Local Planning Policy 2.1 – Residential Outbuildings

The Shire adopted LPP 2.1 in January 2013 to complement the provisions of the R-Codes relating to outbuildings to better reflect community expectations.

'Clause 3.5 – Scale of Outbuilding Development' outlines the maximum allowable standards for outbuildings throughout the Shire based on lot size and location. The table below is applicable to the subject lot.

TOWNSITE	STANDARD	MAXIMUM	PROVIDED
Coastal (<1 000m ²)	Area	90m ²	Overall proposed: 77.9m ² Compliant
	Wall Height Overall Height	3.6m 5.0m	3.6m - compliant 4.2m - compliant

LPP 2.1 provides dimensions for the maximum allowable standards that are considered to be acceptable throughout the Shire as stated in Clause 3.5. The maximum standards were created to prevent unwanted built form and prescribe standards to prevent excessively large outbuildings being constructed.

The variation to the setbacks are suitable in the setting, with development to a higher density than most residential lots within the Shire. The scale of the outbuilding is consistent with the provisions of LPP 2.1 and is therefore acceptable.

Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)

The Regulations are subsidiary legislation created under the *Planning and Development 2005* that include 'Deemed Provisions' which apply to every local planning scheme throughout the State.

In accordance with Schedule 2, Part 9, Clause 67 of the Deemed Provisions, the local government is to have due regard to a range of matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. In this instance, the following matters are considered to be relevant:

(g) Any local planning policy for the Scheme area;

Comment:

As outlined above, the proposed development does not comply with Clause 3.5 - Scale of Outbuilding Development outlined in LPP 2.1.

(m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;

Comment:

The matters contained within the above clause have been addressed within the preceding report. In summary, the proposed setback variations are suitable with respect to the density and prevailing built form. The outbuilding extension as proposed does not overshadow the adjoining south dwelling beyond the deemed-to-comply provisions of the R-Codes.

(y) Any submissions received on the application;

Comment:

The objection provided from the adjoining south landowner is noted and responded to in the Schedule of Submissions.

Conclusion

In summary, the proposed outbuilding is consistent with the Design Principals of clause 5.4.3 of the R-Codes and the provisions of 'Local Planning Policy 2.1 – Residential Outbuildings'. It is therefore recommended that the development application be approved subject to appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed Provisions for Local Planning Schemes

Local Planning Scheme No. 9

Local Planning Policy 2.1 - Residential Outbuildings

State Planning Policy 7.3 - Residential Design Codes Volume 1

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	cus Area Infrastructure and Development	
Objective	<i>jective</i> 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 Peczka SECONDED: Councillor Lobb

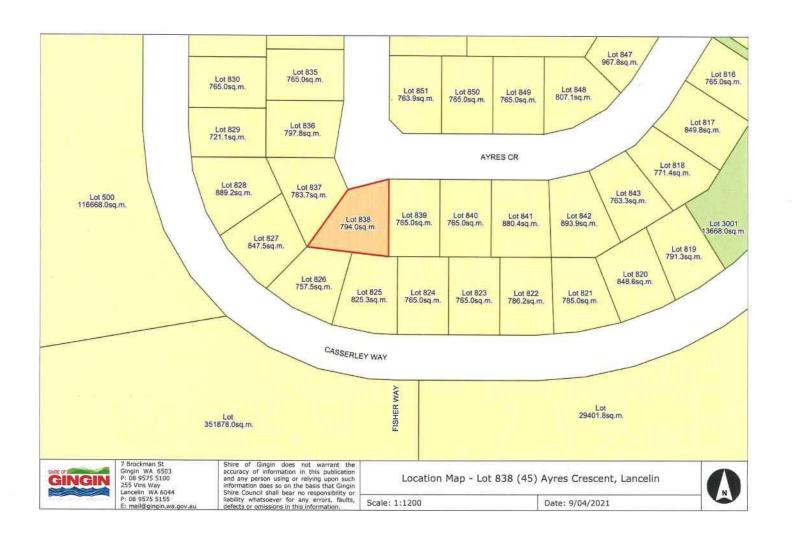
That Council grant Development Approval for an Outbuilding Extension on Lot 838 (45) Ayres Crescent, Lancelin in accordance with the approved plans, subject to the following conditions:

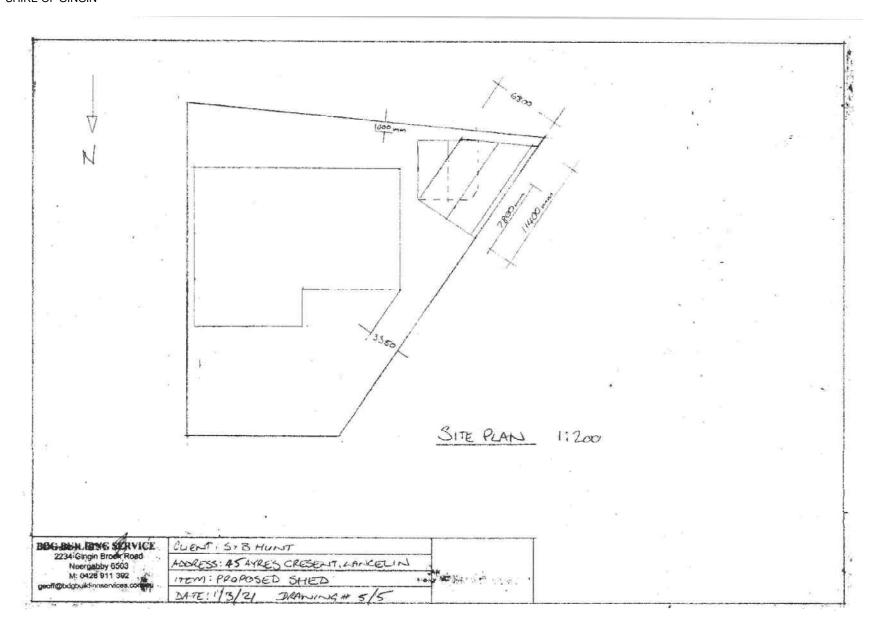
- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, unless otherwise conditioned in this Approval;
- 2. This approval is for an Outbuilding Extension only as indicated on the approved plans;
- 3. The Outbuilding Extension shall not be used for permanent human habitation or any industrial or commercial purposes;
- 4. The finished floor level (FFL) of the Outbuilding Extension shall be set at FFL of the existing outbuilding to the satisfaction of the Shire of Gingin;
- 5. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin; and
- 6. The colours, design and materials of the Outbuilding Extension shall complement those of the existing outbuilding where practicable.

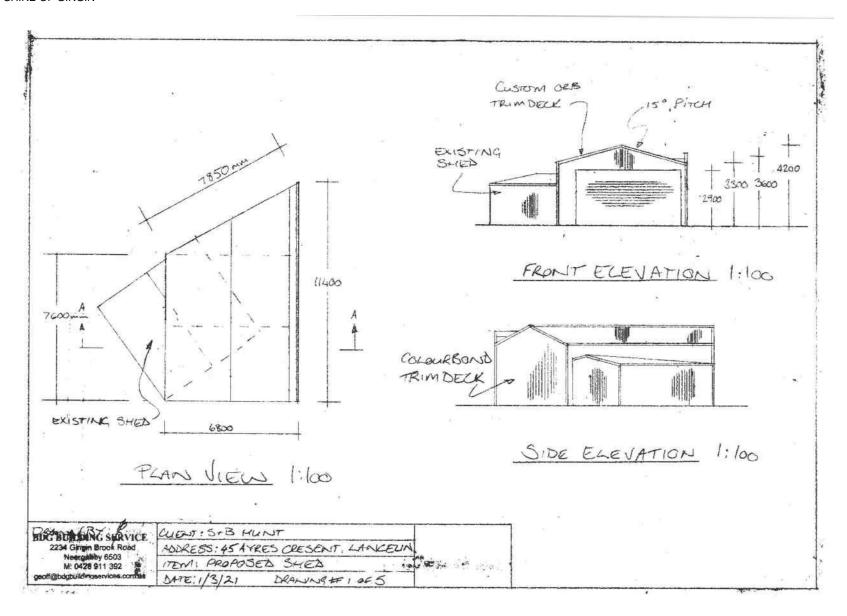
Advice Notes

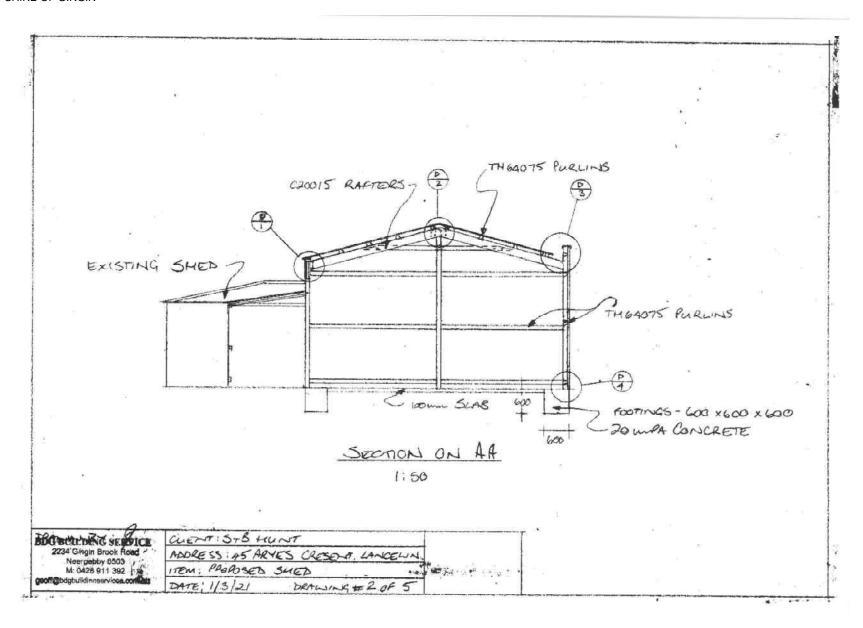
- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of 2 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, Building Regulations 2012* and *Health Act 1911*, which are to be approved by the Shire of Gingin.
- Note 5: This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
- Note 6: 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.

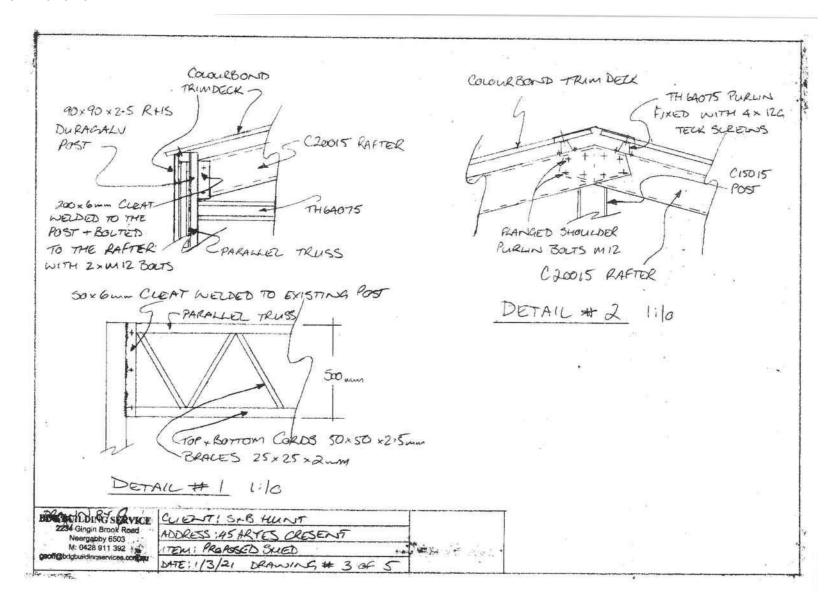
CARRIED UNANIMOUSLY

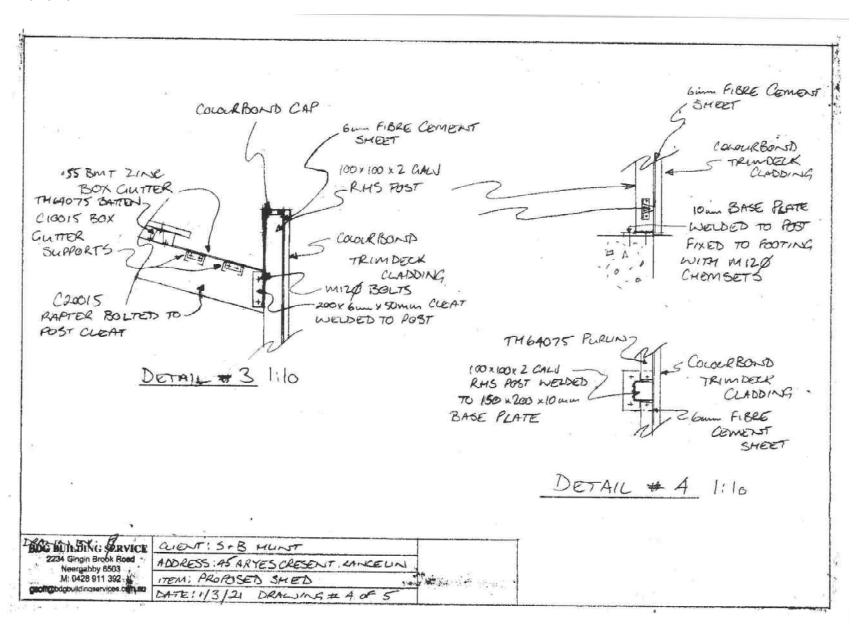












SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPSED OUTBUILDING EXTENSION ON LOT 838 (45) AYRES CRESENT, LANCELIN

No.	Submitter	Submission details	Recommended response
1	Ratepayer	The submitter does not support the proposal and provides the following general comment: "I support the wall height of 3.6m in lieu of 2.4m. I do not support the setback of 1m in lieu of 1.5m and as such will not support an area of 77.9m² in lieu of 60m². The loss of northern sun and negative visual impact of a very large boatshed needs a setback of 1.5m. Otherwise I support the building as long as a 1.5m setback is adhered to."	Noted. The officer has calculated the overshadowing to be 41.1m² to the south adjoining lot, this is well under the deemed-to-comply maximum of 25% of the adjoining site (in this instance 25% of the adjoining lot is 189.25m²). As discussed in the report the 500mm variation is not out of character when considering the prevailing built form, specifically with the higher density R15 lots. The scale of the Outbuilding also meets the provisions of Local Planning Policy 2.1 — Residential Outbuildings.
2	Ratepayer	The submitter does support the proposal and provides the following general comment: "We are in support of the development."	Noted.

11.3.9 PROPOSED PERMANENT PARTIAL ROAD CLOSURE OF TELEPHONE ROAD RESERVE TO BE AMALGAMATED WITH LOT 53 (203) WANERIE ROAD, WANERIE

	770//6
File:	RDS/12
Applicant:	Trader Lodge Grazing Pty Ltd
Location:	Telephone Road Reserve - Wanerie
Owner:	Department of Planning, Lands and Heritage
Zoning:	Road Reserve
Wapc No:	N/A
Author:	Matthew Tallon – Statutory Planning Officer
Reporting Officer:	Bob Kelly –Executive Manager Regulatory and
	Development Services
Report Date:	20 April 2021
Refer:	Nil
Appendices	1. Location Plan, Road Closure Plan and Applicant's
	Written Request
	2. Schedule of Submissions and Recommended
	Responses

DISCLOSURES OF INTEREST

Councillor Morton disclosed a Proximity Interest in relation to this matter as Lot 53 Telephone Road Wanerie directly adjoins his property (Lot 52 Telephone Road) and left the meeting at 3:45 pm.

PURPOSE

To consider a request for the permanent closure of portion of the Telephone Road road reserve, with the land to be amalgamated into Lot 53 Wanerie Road, Wanerie.

BACKGROUND

The Shire is in receipt of a request from the owners of Lot 53 Wanerie Road to consider the permanent closure of a portion of the Telephone Road road reserve adjoining their property. The road reserve in this location has a width of 40m, and the proposal would result in the reserve width being decreased from 40m to 20m consistent with the remainder of the road reserve. The proponent is seeking the road closure to consolidate their lot boundary which has been fenced incorrectly for several years and has subsequently had vegetative screening established within it following development approvals for an Agriculture Intensive (annual horticulture) land use.

Shire officers have dealt with the matter via compliance site visits and meetings and have suggested this procedure to the operator as an avenue to explore with Council in order to resolve their issues regarding screening.

The procedure to permanently close road reserves or part thereof is outlined under section 58 of the *Land Administration Act 1997* and subsequently under regulation 9 of the *Land Administration Regulations 1998.*

ORDINARY MEETING SHIRE OF GINGIN

The landowners have noted their willingness to purchase the closed portion of road reserve at its unimproved value should Council and then the State support the proposal. The decision-making authority for the permanent closure of roads sits with the Minister for Lands. In the event that Council supports the proposal, then the Shire must submit a request to the Minister for Lands for consideration.

20/04/2021

A location plan and a copy of the applicant's detailed request are provided as **Appendix 1**.

COMMENT

Community Consultation

The proposal was given public notice for a period of 35 days in accordance with the *Land Administration Act 1997*, including written notification to the adjoining landowners and a notification placed in The West Australian newspaper (13 January 2021).

Furthermore, the proposal was referred to the following public service utility providers and the relevant state agencies:

- Telstra;
- Western Power; and
- Water Corporation.

The Shire received two objections during the consultation process from adjoining landowners with access via Telephone Road. The Schedule of Submissions and Recommended Responses is provided as **Appendix 2**.

Internal consultation

Prior to suggesting the process to permanently close a portion of the Telephone Road reserve in order to rectify the compliance matter at hand, the officer sought the comments of the Shire's Executive Manager Operations. The Executive Manager Operations did not identify any technical issue with the proposal, provided that the road reserve maintains a minimum width of 20m.

Road Closure consideration

When considering an application for a permanent road closure, it is pertinent for Council to consider the following:

- Whether the road is, indeed, unused and whether future planning for the area may necessitate the retention of the road;
- The views of adjoining owners and whether or not they support the proposal and any other submissions made on the proposal during the 35 day consultation period;
- Whether adjoining owner(s) are prepared to purchase the land and it can be disposed
 of in its entirety; and

ORDINARY MEETING SHIRE OF GINGIN 20/04/2021

• The concerns of various service authorities who may have infrastructure contained within the road reserve.

Telephone Road status

The portion of Telephone Road related to this request is constructed to an unsealed standard with a shoulder to shoulder width of 6m. The road and physical boundary of Lot 53 Wanerie Road is delineated via fencing on either side of the road to a 20m wide road reserve as opposed to the actual 40m road reserve. It is understood that the fence line has been in situ for several years. The fencing and screening does not impede on the unsealed road. Given the prevailing road reserve width for the majority of Telephone Road is 20m, this portion of road reserve is somewhat dormant and akin to an unconstructed road reserve. Given the locality and existing road network, a 40m wide road reserve is unnecessary in order to service the adjoining north and south lots.

In order to address the matter, the landowner is seeking the support of Council and the State Government to reduce the road reserve width to match its current onsite appearance (20m) in order to retain and enhance the vegetative screening. As there is no assurance that this process may eventuate the landowners are not investing more money beyond their lot boundary.

Adjoining landowners

During the consultation period adjoining landowners were consulted via direct mail out. As previously noted, the Shire received two objections to the proposal with concerns over the overall amenity impacts from the Agriculture Intensive land use. The submissions are addressed in the Schedule of Submissions however the officer offers the following:

- The proposed partial road closure relates directly to the operation of an Agriculture Intensive land use as the owner is in a situation where they either remove all planted screening and relocate it or purchase a portion of closed road reserve (if supported by the State) to rationalize the screening and farming operation.
- The adjoining lots and all other lots in the locality are zoned General Rural. The objectives of the zone are clear in promoting agricultural land uses and limiting sensitive land uses. The two single houses developed up to the lot boundary on the rural lot with no agricultural activities definitively summarize why provisions to limit sensitive land uses in the zone are stipulated as development standards within LPS 9.
- Increasing the lot area via the part closure of the Telephone Road reserve and amalgamation of the land with Lot 53 Wanerie Road does not amend the setback requirements for the development. Given the sensitive receptors in proximity and the ongoing friction between the two uses, these setbacks are unlikely to be reduced via an amended development approval. As such the 40m setbacks required by the relevant development approval would appear as a 60m setback should the portion of road reserve be amalgamated with the subject lot.

Future tenure of the portion proposed to be permanently closed

As noted above, the operators of the farm at Lot 53 Wanerie Road are seeking to rationalise their lot boundaries to contain their screening within their lot boundary and align the road reserve with the south adjoining portion which is 20m wide.

The objections to the proposal clearly relate to the operation on site as opposed to the reduced width of the road reserve. The matters surrounding the amenity impacts to the two dwellings are foreseen when developing two dwellings on a rural lot without a focus on agricultural pursuits. At the time of development the Shire anticipated that there would likely be future land use conflict and noted that the development would likely not meet the levels of amenity expected in a residential area. It is for this reason that Local Planning Scheme No. 9 (LPS 9) seeks to prevent more than one dwelling on General Rural zoned land unless required for a bona fide agricultural development.

The officer is of the view that the matters of concern to the two dwellings on Telephone Road can be addressed and attenuated by the operators completing their vegetative screening measures to consolidate a screening buffer.

Infrastructure provider comments

During consultation with the relevant service providers it was acknowledged that there is existing Western Power infrastructure.

No other infrastructure was noted in the road reserve.

To ensure due diligence of the process, Shire officers also undertook a 'Dial before You Dig' enquiry to ensure no other infrastructure providers had been overlooked. The 'Dial before You Dig' account did not identify any further unknown infrastructure.

All of the Western Power infrastructure is located along the western side of Telephone Road. As such, the reduction of road reserve width from 40m to 20m will not impact on or require easements/relocation of the existing infrastructure.

Conclusion

The width of the road reserve is unnecessary for the locality, and it is noted that the majority of Telephone Road depicts a 20m wide road reserve. The officer is of the view that the proposed road closure would not reduce the capacity of the road to service the lots and land uses. The amalgamation of the land contained within the closed road reserve with the adjoining Lot 53 Wanerie Road also enables the agricultural operation to further establish vegetative screening to the extent required and continue to operate within the parameters of the relevant development approval(s).

It is therefore recommended that Council resolve to request that the Minster for Lands permanently close the eastern 20m section of Telephone Road Reserve along the boundary of Lot 53 Wanerie Road, thus reducing the road reserve width of that portion to a minimum width of 20m.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005 Section 58 of the Land Administration Act 1997 Regulation 9 of the Land Administration Regulations 1998

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 of 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 Johnson SECONDED: Councillor Rule

That Council:

- 1. Support the permanent closure of a 20m wide section of the Telephone Road road reserve directly abutting Lot 53 Wanerie Road, Wanerie, with the land contained therein to be amalgamated into Lot 53; and
- 2. Pursuant to Section 58 of the *Land Administration Act 1997* and Regulation 9 of the *Land Administration Regulations 1998*, submit a request to the Minister for Lands to effect the closure accordingly.

CARRIED UNANIMOUSLY

Councillor Morton returned to the meeting at 3:51 pm and was advised of Council's decision by the Shire President.

APPENDIX 1



Our Ref: 20415-20201203 - Shire of Gingin - QA: DM

3 December 2020

Chief Executive Officer Shire of Gingin 7 Brockman Street GINGIN WA 6503

Via email:

mail@gingin.wa.gov.au

ATTENTION: MATTHEW TALLON

Dear Sir/Madam

PROPOSED PART ROAD CLOSURE - TELEPHONE ROAD, WANERIE

Harley Dykstra has prepared this submission to the Shire of Gingin on behalf of our client, the landowner of Lot 53 Wanerie Road, Wanerie. The purpose of this submission is to request a portion of Telephone Road be closed to allow for its amalgamation with Lot 53. In support of this submission, the following is provided:

- Shire of Gingin Compliance Letter dated 18 November 2020; and
- Concept Plan of Amalgamation.

INTRODUCTION

This application is made in response to a compliance letter the landowner received from the Shire of Gingin on 18 November 2020 (see copy attached at Appendix A). The letter relates to non-compliance with conditions of Development Approval P1229 and P1400 with the following concern raised:

"Landscaping plan was required to commence following a Landscaping Plan being submitted to and approved by the Shire. No plan has been received to date, yet vegetation has been installed. It is noted that landscaping along the western boundary has been planted within Telephone Road reserve, as outlined on the attached aerial imagery sourced from Landgate.

The letter states that a solution to the above issue may be facilitated by the lodgement of an application to the Shire of Gingin for the closure of a portion of the Telephone Road reserve resulting in the landscaped portion of the road reserve being able to be amalgamated with Lot 53. Therefore, this submission seeks the Shire's support for a 20m portion of Telephone Road to be closed.

CONSISTENT WITH ROAD RESERVE WIDTH TO THE SOUTH

This proposal is entirely consistent with the width of the Telephone Road reserve immediately south of the subject land as evident from aerial imagery included at Figure 1. Therefore, it is anticipated the proposal to close a portion of the road identified on the concept amalgamation plan included at Appendix B can be supported by Council. We also note the Shire's planning team has offered preliminary support for this proposal by including it as a solution in the compliance letter dated 18 November 2020.

PERTH & FORRESTDALE

Level 1, 252 Fitzgerald Street, Perth 15/2 Hensbrook Loop, Forrestdale

T: 08 9228 9291 T: 08 9495 1947

PO Box 316, Kelmiscott WA 6991

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ABN 77 503 764 248

64 248

Albany

Bunbury

Busselton

Forrestdale

Perth

www.harleydykstra.com.au





FIGURE 1 - AERIAL PHOTOGRAPH

ROAD CLOSURE PROCESS

It is understood the process for a road closure is to seek councils support for the proposal who would then make a resolution to the Department of Lands for consideration by the Minister for Lands under Section 58 of the Land Administration Act 1997. If the Minister grants the request, formal actions are commenced by the Department of Lands to close the road reserve including providing the applicant with a cost to purchase the portion of road to be closed.

CONCLUSION

In order to resolve the landscaping issue raised by the Shire, support for the part road closure of Telephone Road is sought. This proposal is entirely consistent with the width of Telephone Road reserve immediately south of the subject land meaning that it will have no impact on the use of Telephone Road.

We will be in contact with the Shire shortly to discuss this request for a part road closure, however, please don't hesitate to contact the undersigned at this office should you have any initial queries.

Yours faithfully

David Maiorana Planning Director

HARLEY DYKSTRA PTY LTD E-mail: david@horleydykstra.com.au

PART CLOSURE OF TELEPHONE ROAD

Lot 53 Wanerie Road, Wanerie

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APPENDIX A | SHIRE OF GINGIN COMPLIANCE LETTER (18 NOVEMBER 2020)



ABN 85 679 704 946
7 Brockman Street (PO Box 510) Gingin WA 6503
T: 08 9575 2211 F: 08 9575 2121
E: mail@gingin.wa.gov.au
W: www.gingin.wa.gov.au

	W: www.gingin.wa.g
18 No	ovember 2020
	Via email:
Dear	Sir/Madam
	GED NON-COMPLIANCE WITH CONDITIONS OF DEVELOPMENT APPROVAL (P1229 P1400) ON LOT 53 WANERIE ROAD, WANERIE
need	to be resolved include:
•	
•	
•	Landscaping plan was required to commence following a Landscaping Plan being submitted to and approved by the Shire. No plan has been received to date, yet vegetation has been installed. It is noted that landscaping along the western boundary has been planted within the Telephone Road reserve, as outlined on the attached aerial imagery sourced from Landgate.
•	In relation to the Pivots approved under P1229, the cropping area appears to extend within the lot boundary setback with irrigation permeating beyond the property boundary and into the Shire road reserve. The officers observed this occurring while onsite, the Executive Manager Operations advised that this will cause damage to the Shire asset; Cowalla Road.
The fo	ollowing options may be available to you to resolve the issues identified:

PATRAS.			

 Lodge an application to close a portion of the Telephone Road reserve, reducing the road reserve width from 40m to 20m where required. This will resolve the landscaping issue having been installed on Shire land.

> Shire of Gingin History. Beauty. Prosperity.

You are encouraged to engage the services of a planning consultant to assist you in addressing the outstanding compliance issues. The Shire appreciates your cooperation on this matter.

If you have any queries in relation to the above information please contact the planning department on (08) 9575 5100 or email mail@gingin.wa.gov.au.

Yours sincerely,

MATTHEW TALEON STATUTORY PLANNING OFFICER

MT/AM

BLD/5923

Our ref: Encl:

Development Approval P1229 and P1400

APPENDIX B | CONCEPT AMALGAMATION PLAN

ORDINARY MEETING MINUTES 20/04/2021 SHIRE OF GINGIN



APPENDIX 2

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED PARTIAL PERMANENT CLOSURE OF TELEPHONE ROAD, WANERIE

No.	Submitter	Submission Detail	Recommended Response
1.	Ratepayer	The Submitter does not support the proposal and makes the following comments:	
		"We object to the permanent closure of portion of Telephone Road as has been outlined. It is our view that the Applicant should not be permitted to acquire the said 20 metres of Telephone Road Reserve land which he has already fenced off and partly vegetated. It should remain a road reserve as originally intended for the reasons following:	The reduction in the road reserve width does not hinder the ability of Telephone road to be upgraded in the future. For reference, the majority of Gingin Brook Road is contained within a 20m wide road reserve containing an 8m wide sealed road.
		 In the past few years the farming traffic along the Telephone Road section in question has increased considerably. Daily there are heavy cultivators, tractors and hay making machines, as well as huge loads of large hay bales moving backwards and forwards along Telephone Road, as well as many more cars, caravans, utilities, general work vehicles and sometimes a herd of cattle. The properties in Telephone Road opposite Lot 53 Wanerie Road's south-western side have restricted access to their farm gates making entry and turning in of cultivators for maintaining firebreaks extremely awkward on the existing narrow road. As noted in the Gingin Council correspondence of 16 January, a minimum of vegetation screening was planted on the Telephone Road Reserve land behind a "misplaced" fence erected by the present owner. We would recommend that all of the aforementioned be resited in its rightful place, 20 metres behind the Road Reserve in order to be in the correct vicinity of the original Lot 53 property pegs. 	While the officer cannot determine the daily traffic movements on the road, it is noted that the constructed Telephone Road ceases 1km south of Lot 53 Wanerie Road. As such, there are only seven lots currently using this portion of Telephone Road. There are no records or reports indicating that this portion of Telephone Road is under any strain. As noted above, a 20m wide road reserve does not mean that this road network cannot be upgraded in the future. It is currently only constructed to an unsealed standard at 6m wide. If there are current issues with the assets capacity this should be raised with the operations department.

This would be a much more satisfactory outcome in view of the | Wanerie Road which have and continue to be occupants of housing opposite, making the dense vegetation buffer, when planted, further from the occupied housing and wetlands existing on their property. It would also require that the most offensive of all, the vibrant diesel generator on a cement slab which operates the pivot and water pump day and night, should be removed to within the proper boundaries stipulated by the Council i.e. behind the properly placed dense vegetation buffer with perhaps a soundproof wall (not the present monstrosity as seen in enclosed photo) be erected.

followed up by the Shire's Planning division.

Western Power may wish to have some input on the subject as it is necessary from time to time for them to access the power poles, placed regularly along Telephone Road, for maintenance purposes - i.e. pole and cable replacements. For this work to be carried out some very large machines and equipment need to be manoeuvred on the presently narrow road."

Noted - Western Power were contacted for comment and Shire staff have located Western Power Assets. Should any assets be required to be relocated or have easements placed over them, this will be undertaken at the landowners (of lot 53) cost.

Additional comments received after advertising period:

"Having heard that the next Gingin Council Meeting is to take place mid April we take this opportunity to submit a "RECAP EMAIL" on the above subject, to which we would appreciate an acknowledgment.

> 1. First we would like to point out that the Email letter from Gingin Shire Council to the Property Owner of Lot 53 Wanerie Road, Wanerie, dated 18 November 2020 on the subject: ALLEGED NON-COMPLIANCE WITH CONDITIONS OF DEVELOPMENT APPROVAL (P1229 AND P1440) ON LOT 53 WANERIE ROAD, WANERIE would seem to have an error in the paragraph - "In relation to the Pivots approved under P1229etc" the final two words mentioned: i.e.

The letter correctly references non-compliance with the cropping setback to Cowalla Road and the potential damage to that asset from the pivot irrigation.

"Cowalla Road" should, we believe, read "Telephone Road". 2. The property owner of Lot 53 Wanerie Road assumed Noted. ownership of the Road Verge Land in question when, Officers will follow up the setback with the knowingly, his authority was given to the fencing landowner. contractor to construct a new fence 20 metres outside the authorised land boundary of 53 Wanerie Road, on the Telephone Road Verge. Noted - the setback onsite is 20m as opposed to 3. The above action was implemented by the fencing contractor, as directed by the Property Owner. It was the required 40m, this is being followed up by specifically carried out in order to be able to install Pivots Shire staff. Should the road closure eventuate the and Generator 20 metres closer to our front door than 40m setback as per the development approval will would actually be authorised a year later by the Gingin correlate to a 60m setback with the new lot Council Compliance Regulations (P1229 and P1440) for boundary. Lot 53 Wanerie Road, Wanerie. 4. Thus we are day and night, mostly seven days per week Officers will follow up the complaint(s). This is during cropping, subjected to noise pollution from the however not relevant to the proposed road large Generator installed almost opposite our front door; closure. PLUS a certain amount of overspray from 7 sections of Pivot; PLUS sand blasting from freshly ploughed earth during periods between cropping, especially during strong easterly winds which are those prevailing in this area. 5. NOTE: Our drinking water relies on collection of Officers will follow up the complaint(s). This is rainwater from our house and garage rooves into however not relevant to the proposed road rainwater tanks. It would not be surprising to find that it closure. is being polluted when huge quantities of fertiliser, which we have seen being emptied from trucks and/or tractors (as was observed at 8 a.m. on Easter Sunday after suffering the generator operating overnight from Saturday to Sunday), into a tank installed next to the

	Generator and Pump; in turn presumably being pumped through the seven Pivot system during the watering process. 6. Finally, there has been no attempt to install and maintain the stipulated high density vegetation screen on the Property Owner's land; i.e. ALL was up and running about a year prior to permission being granted by Gingin Council. Please be aware of all facts mentioned and again we thank you for the opportunity to submit our thoughts on the subject of the partial permanent road closure opposite our home."	Noted – screening planted is subpar, given the issues with the screening being in the road reserve and the landowners undergoing a request to close and purchase a portion of the road reserve may cause them delays. This will be continually followed up by Shire staff to have the matters attenuated promptly.
2. Ratepayer	The Submitter does not support the proposal and makes the following comments: "The existing road reserve of Telephone Road adjacent to Lot 53 is currently 18.3 metres between properties. Several years ago, Telephone Road was widened within its reserve, and has now become a busy road, servicing a number of farming properties in Wanerie. General traffic, as well as tractors, trucks, harvesters, large trailers and caravans, and the herding of cattle, are frequently using Telephone Road, Wanerie. In 2015, Gingin	The officer is unsure of the background of this comment as it is incorrect. The Road Reserve is currently 40m wide, as such the report to Council discusses the owners of Lot 53 Wanerie Road request to close and purchase a portion of the reserve. Noted – as per comments to submission #1 if the road requires upgrades, widening and turning areas this should be raised with the Operations Department. The officer will note these comments to the Operations Department.

20/04/2021

		Agriculture use, subject to certain conditions, and this meant that Telephone Road will experience even heavier traffic.	
		Our road carries the WPC power lines that service a number of properties in Wanerie. Western Power has two transformers and an isolator switch on this road near our property, and in the advent of any fault, storm or power pole damage, service vehicles have been observed experiencing difficulty turning around on this narrow road.	Noted – There is Western Power infrastructure along the western side of the Telephone Road Reserve. Refer to the above comments regarding the current capacity of the unsealed road.
		Lot 53 was illegally re-fenced, cleared and partially planted within the Telephone Road reserve, now bringing their horticultural area too close to existing housing. The vegetation on the road reserve, planted as a buffer (without Council permission) is patchy and is not maintained. The buffer zone does not work as intended.	Noted — With respect to the development approval, the officer is ensuring that the operator adheres to the required setbacks in the relevant approval (taking the measurement from the current lot boundary even if a portion of the road reserve is amalgamated with that lot.
		In addition, the misalignment of the western fence on Lot 53 has allowed the placement of a diesel generator close to the front door of the house opposite."	Noted – the above comments are still applicable. The officer notes that further compliance may be required.
3.	Ratepayer	The Submitter does not support the proposal and makes the following comments:	
		"The road was widened several years ago before the current owner bought the land. Now he wants it included into his land.	Noted.
		They have illegally cleared and planted and re-fenced on this porting of the road reserve. The fencing contractor acknowledged her had re-fenced the western boundary in the incorrect position but said "this was what he was instructed to do by the owner." Now that this error has been pointed out, the current owner wants to reclaim the section of the road.	Noted – The fence is incorrectly located within the Telephone Road Reserve however the comment regarding the contractor is here-say and irrelevant.
		If this is included into their property, this will then bring the irrigated horticulture area too close to the house on the western boundary,	Noted – As per the response to submissions #2 the setbacks for the Agriculture Intensive

making it some 60 metres from residences. The vegetation planted | development approval are to remain as approved regardless of the lot boundary location. For on the road reserve is not up to the requirements set out in their example, the 40m lot boundary setback on the permission for irrigated horticulture. It is very patchy, has not been plans correlates to a 60m lot boundary setback maintained even though it has been there for several years. should Lot 53 be amalgamated with a 20m wide portion of Telephone road reserve. The Shire of Gingin requires (3.1.8) a dense vegetation buffer of not | Noted - The landowner is awaiting the outcome of less than 20 metres to be established prior to the commencement of this process prior to further enhancing the vegetative screening for the development. Should development and maintained. This has not been done." this process be successfully finalised the landowner can continue to plant and consolidate a suitable screening buffer for the development in order to reduce land use friction with the two residential dwellings in proximity to the development.

11.4. OPERATIONS

11.4.1 SHIRE OF GINGIN - FIVE YEAR CAPITAL ROADWORKS PROGRAM 2021/22 TO 2025/26

File:	RDS/10
Reporting Officer:	Allister Butcher - Executive Manager Operations
Report Date:	20 April 2021
Refer:	Nil
Appendices:	1 Five Year Capital Roadworks Program

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the submitted Five Year Capital Roadworks Program 2021/22 to 2025/26.

BACKGROUND

As part of sound fiscal planning for the Shire of Gingin, it is prudent to have some direction with regards to where funds will be spent across the district to maintain the Shire's road assets. As part of this process staff have been working for many months on reviewing, collating and ground truthing data on the Shire's road assets to put together a fully costed five year program for Capital Roadworks across the Shire.

Funding Allocations

Generally, the Shire has an annual allocation of approximately \$3.4m for the renewal, upgrade and expansion of its road assets. However, in 2019/20 and 2020/21 the Shire received additional funding from the State and Federal Governments for works on Orange Springs Road. The Shire received \$5.2m of untied funding (no Shire contribution required) from the State Government which was used to complete the section of Orange Springs Road from Cowalla Road for 10.2km eastwards. The remaining section of Orange Springs Road to Brand Highway was completed using \$3.64m of both State and Federal Government funds from the Wheatbelt Secondary Freight Network (WSFN) Program. The WSFN funding required a Shire contribution of \$260,340 (6.7%), with the State Government contributing \$520,680 (13.3%) and the Federal Government contributing \$3,124,078 (80%). These works were delivered in addition to the normal capital roadworks allocation.

Apart from the exceptional funding referenced above, the Shire receives grant funding from the following areas/programs:

Direct Grants (State) \$215,630 (untied)

Regional Road Group (State) \$642,968 (2/3 State; 1/3 Shire contributions)

Roads to Recovery (Federal) \$582,112 (untied)

This means that the Shire's own source funding is approximately \$1.96m of the \$3.4m program. The Regional Road Group funding is based on a competitive priority ranked scoring method with a Multi Criteria Assessment (MCA) process where each project is given an objective score based on the works to be undertaken, and the projects are collated and ranked against the other projects submitted by the other Shires in the Moora Sub-Group (MSG) of the Wheatbelt North Regional Road Group. The Shires in the MSG are:

- Chittering;
- Dalwallinu;
- Dandaragan;
- Gingin;
- Moora;
- Victoria Plains; and
- Wongan-Ballidu.

Through the scoring and ranking process local governments are only able to gain a maximum 20% or minimum 5% of the available pool of grant funding dependent on the ranking of the projects. For the last six years the Shire of Gingin has gained the maximum 20% allocation each year.

The Direct Grant is able to be used on any road construction or maintenance project and is not required to be reported on individual projects.

The Roads to Recovery Grant Funding from the Federal Government requires each annual project to be identified and reported on in an online portal.

The Five Year Capital Roadworks Program deals only with the road assets themselves mainly being:

- Sealed surface (resealing);
- Pavement reconstruction (sealed pavements);
- Unsealed (gravel and paved) roads (resheeting); and
- Other projects (upgrade, verge mulching, expansion, etc).

The Shire currently has approximately 420 roads which are split in to 490.88km sealed roads and 436.91km of unsealed roads.

COMMENT

A structured process has been used to determine the requirements for the Five Year Capital Roadworks Program which is attached as **Appendix 1**.

The Five Year Capital Roadworks Program identifies that the Asset Renewal Annual Requirement is approximately \$9.2m. Currently the Shire only allocates \$3.4m, which is 37% of what is required to maintain its road assets in their current condition.

To deal with the shortfall the Shire should engage a structured approach to ensure that the available funds are allocated in a systematic and methodical manner to the correct areas of asset renewal.

<u>Methodology</u>

The methodology used to determine the prioritisation for allocated projects is based on the following areas of consideration:

- Age of asset;
- Condition of Asset and Assessment Criteria;
- Asset Renewal Requirements;
- Road Hierarchy level;
- Maintenance intervals and costs; and
- Predicted growth.

The areas of consideration are expanded on in **Appendix 1.**

With the increasing demands being placed on the Shire's road assets, it is prudent to consider those assets that may be upgraded (e.g. from unsealed to sealed roads) to reduce maintenance costs.

It is worth noting that the resheets for the 2024/25 and 2025/26 financial years are listed as various, as more work is required in this space to identify unsealed roads of need due to the rapid deterioration of these assets.

The split for funding for each asset renewal type (i.e. pavement reconstruction, reseal and resheeting) has been based on the percentage split of the Asset Renewal Requirement as per the table below:

Works Description	Amount of asset	Life of asset	Annual Renewal (km/yr)	Required Cost p.a.	% of spend	If annual udget \$3.4m en allocation on %
Reseal (km)	490.88	20	24.54	\$1,189,108	12.9%	\$ 439,404
Pavement						
Reconstruction						
(km)	490.88	50	9.82	\$ 4,812,195	52.3%	\$ 1,778,224
Resheeting						
(km)	436.91	20	21.85	\$3,199,710	34.8%	\$ 1,182,371
			TOTAL	\$ 9,201,013	100%	\$ 3,400,000

The allocation to each works description means that, although the annual Required Costs are not able to be obtained through funding constraints, the use of the available funding (\$3.4m) should be allocated to the individual work descriptions based on the amount of asset required to be renewed.

It should also be noted that the program will be required to be reviewed and updated annually to ensure the continued relevance of this program and structured maintenance and upgrade of the Shire's road assets.

The costs for each of the projects are based on unit rates which have been derived from the costs to undertake similar works on the Shire's roads over the last couple of years.

The costs for each project will vary as they get to their respective financial years and as the projects are drilled down to in to finer detail considering the specifics of each project (i.e. lead for materials, heavy vehicle access availability, etc).

There is an additional column at the end of the Program for Future Projects. These are projects that can be considered in the future or are of sufficient worth to be identified as part of an ongoing renewal/upgrade program or could be brought forward if Council so desired.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 s.6.2 – Budget Preparation

POLICY IMPLICATIONS

Council Policy 3.17 – Asset Management

BUDGET IMPLICATIONS

The Five Year Capital Roadworks Program will form the basis for the ensuing financial year's Capital Roadworks Budgets.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	5 – 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	3.2.1
	Develop and plan community infrastructure to improve use and financial
	sustainability

VOTING REQUIREMENTS – SIMPLE MAJORITY

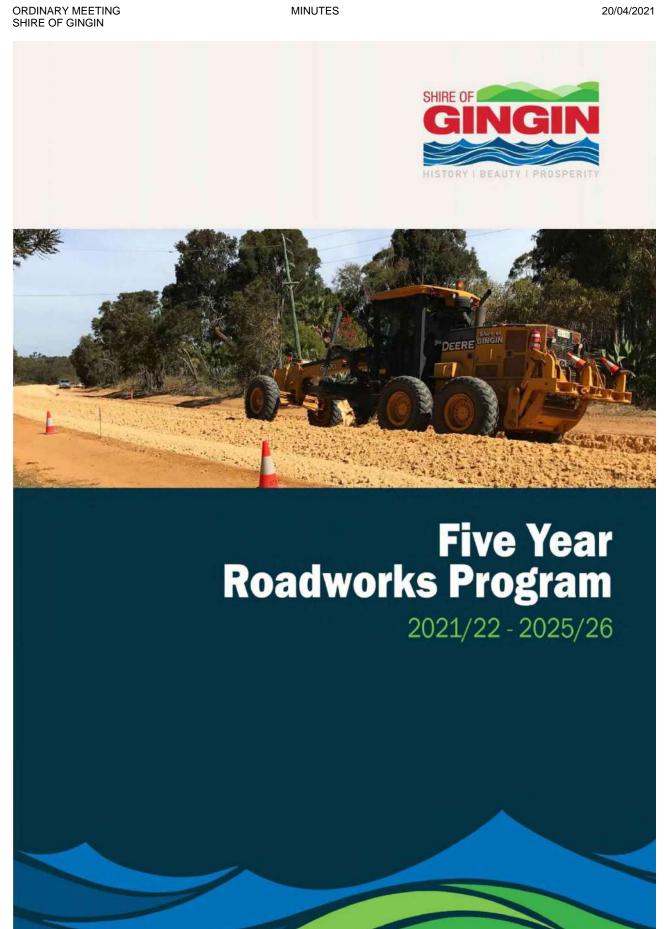
COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Balcombe

That Council endorse the Five Year Capital Roadworks Program 2021/22 to 2025/26 as per Appendix 1.

CARRIED UNANIMOUSLY

APPENDIX 1





Revision History

REVISION	DATE	NAME	DESCRIPTION
Original 1.0	April 2021	Allister Butcher	Initial document



1. Background

For a number of years, the Shire of Gingin has been working on an annual allocation of funding for Capital Roadworks of approximately \$3.4m with the works based on an annual inspection to determine the annual Roadworks Program. This methodology is driven by the amount of resources and time to deliver a proactive and predictive based roadworks plan for the future.

The asset renewal intervals for each road asset for the Shire of Gingin are:

Asset Type	Industry Best Practice Renewal Interval (years)	Shire of Gingin Renewal Interval (years)	
Sealed Pavement	40	50	
Unsealed Pavement	15	20	
Sealed Surface	15	20	

The Shire's Renewal Interval is slightly higher than the Industry Preferred Interval as historically the life of the asset within the Shire can be extended a little further than the preferred interval so as to stretch the asset's life as far as possible and therefore stretch the budget as far as practical without undertaking 'birthday' renewals (i.e. renewing the asset when they're due, whether the asset needs it or not).

The reason for the indeterminate Unsealed Road Asset Industry Preferred Interval is that the factors that affect the asset renewal interval are driven by such factors as quality of base course material (gravel), number of axles (traffic volumes) utilising the road, depth of base course and strength (CBR) of material below base course (sub grade). The quality (or lack of quality) of these materials and the traffic volumes will greatly determine the deterioration rate of the unsealed asset and therefore the Renewal Interval. The Shire's Renewal Interval is based on the historical Shire's asset renewal requirements for unsealed roads.

All Asset Renewal Intervals for the Shire are at the utter most limit for the renewal interval. However, they are reviewed and amended regularly and as conditions change, so too do priority levels.

Although the Shire has historically allocated approximately \$3.4m for road asset renewal and expansion, it is estimated that the required best case asset renewal allocation per annum should be in the vicinity of \$9m. This is an annual renewal deficit of \$5.6m between what should be allocated and what is actually allocated considering all resources and organisational commitments.

The Shire currently has 436.91km of unsealed road assets and 490.88km of sealed road asset (as per RAMM database January 2021).



2. Methodology

The methodology used to determine the prioritisation for the allocated projects is based on the following areas of consideration:

- Age of asset;
- Condition of asset;
- Road Heirarchy level;
- Maintenance intervals and costs; and
- Predicted growth.

a. Age of Asset

A desktop survey has been undertaken on all road asset classes (unsealed and sealed pavements) utilising the Shire's road asset management (RAMM) software database and compared the remaining useful life against the asset renewal intervals. In most instances, especially the sealed road assets, the renewal interval has been far exceeded where 49.78% of the sealed asset is greater than the 20 year renewal interval with the average age of the sealed asset being 23.4 years old. This directly correlates to increased road maintenance requirements as the road assets deteriorate. Unfortunately, the road maintenance requirements are increasing but the staffing and budget allocations generally are not. To prioritise the assets accordingly greater weighting has been given to those older assets.

b. Condition of Asset and Assessment Criteria

Due consideration has been given to the condition of the road assets. There are a number of considerations to be taken into account for each asset and these include but are not exclusive to the following:

Sealed Surface

- Stripping of aggregate;
- Cracking of bitumen (transverse and longitudinal);
- Liveliness of bitumen; and
- Extent of potholing (and repairs).

Sealed Pavement

- Rutting;
- Cracking of bitumen (transverse, longitudinal and crocodile cracking);
- Edge breaks of bitumen;

Unsealed Pavement

- Thickness of pavement;
- Pavement failures;
- Cost per kilometre per annum to maintain;

Verge Mulching

- Proximity of vegetation to travelled path;
- Likelihood of ability to progress vegetation clearing approvals to assist with prioritisation of projects;

Other Projects

- These are projects that are above and beyond asset renewal or those projects that are identified as asset expansion.
- These are also projects not identified as pavement reconstruction, sealed and unsealed renewal or verge mulching.



c. Asset Renewal Requirements

Asset management is based on renewing the asset in a timely manner so as to ensure that the asset renewal interval is undertaken so as to make sure that the asset life is extended between renewals as much as possible without pushing the asset too far and therefore incurring extensive works over and above a straight forward asset renewal cost. It is a balancing act based on best practice renewal intervals and considering local conditions and historical data.

The industry best practice renewal interval and Shire of Gingin actual renewal rates are identified below:

Asset Type	Industry Best Practice Renewal Interval (years)	Shire of Gingin Renewal Interval (years)	
Sealed Pavement	40	50	
Unsealed Pavement	15	20	
Sealed Surface	15	20	

Shire Officers are required to manage the assets to the extent of the asset renewal intervals so as to prolong the asset life between renewals and therefore improve the Shire's Asset Renewal Ratio (currently below the set benchmark) but just as importantly extend the funds available as much as practical for asset renewal relating to roads.

As the sealed surface assets exceed the Renewal Interval the risk is that the pavement below the sealed surface is compromised by the ingress of water which causes the pavement to fail (clearly evident by rutting and shoving of the pavement below the seal) before the Sealed Pavement asset is due for renewal (50 years). The cost to renew the sealed surface is currently \$38,800/km (for an 'A' and 'B' class road) while the sealed road pavement reconstruction/renewal costs are \$465,000/km and \$375,000/km for 'A' and 'B' class roads respectively. Therefore, by resealing the sealed surface asset in a timely manner (within the Renewal Interval) this will greatly improve the life of the sealed pavement and the requirement to incur the much larger cost (per kilometre) of reconstructing the sealed pavement before it's due because of pavement failure.



FIVE YEAR ROADWORKS PROGRAM Shire of Gingin



3. Asset Upgrades

An assessment has been undertaken on what the intervention cost may be for annual maintenance costs per kilometre per annum of the unsealed road asset where it becomes more economical to upgrade the unsealed road to a sealed road.

The annual renewal cost for the unsealed road asset (\$/km/yr) has been calculated at approximately \$3,600/km/yr. The annual cost to maintain a seal road including the upgrade cost (approximately \$180,000/km) and renewal costs (reseal) is \$5,150/km/yr. The annual renewal cost not including the upgrade cost (i.e. reseal only) is \$1,575/km/yr.

This equates to once the maintenance costs for any unsealed road asset exceed the annual renewal cost of \$3,600/km/yr it becomes more economical for the Shire to consider upgrading the unsealed road asset to a sealed road as the annual renewal cost once the asset is upgraded to sealed is a lot less than the asset renewal cost of the unsealed road asset. But until such time as the unsealed road asset exceeds the annual renewal cost it is more economically viable to retain the unsealed asset in its unsealed condition due to the initial large cost per kilometre to upgrade the asset to sealed and future sealed pavement reconstruction costs.

The five most expensive roads to maintain per kilometre per annum is as per the table below:

Road	Average \$/yr/km		
Beermullah Road West	\$4,375.78		
Dingo Road	\$3,710.73		
Forrester Road	\$3,637.66		
Bennies Rd	\$3,523.22		
Cullalla Road	\$3.321.85		

Forrester Road is a bit of an anomaly as it is anticipated that the maintenance costs will be greatly reduced after the Shire upgrades Mortimer Road (directly to the west of Forrester Road) to a sealed surface which is anticipated will take the vast majority of the traffic rather than drive on the unsealed Forrester Road.

The spreadsheet showing the Unsealed Roads Maintenance Expenditure per kilometre per annum as **APPENDIX 3.**



FIVE YEAR ROADWORKS PROGRAM Shire of Gingin



4. Asset Renewal Requirement

Based on the Asset Renewal Intervals and the amount of each sealed and unsealed asset the amount that should be spent on each type of renewal works is as per the table below:

Works Description	Amount of Asset	Life of Asset	Annual Renewal (km/yr)	Unit Cost (20/21 Budget)	Cost p.a.
Reseal (km)	490.88	20	24.54	\$48,448	\$1,189,108
Pavement Reconstruction (km)	490.88	50	9.82	\$490,158	\$4,812,195
Resheeting (km)	436.91	20	21.85	\$146,470	\$3,199,710
				TOTAL	\$9,201,013

This means that the Shire should be spending approximately \$9.2m per annum on road asset renewal if all resources are available. Currently the Shire allocates approximately \$3.4m which is only 37% of what is required to maintain the assets in the condition that they are now.



FIVE YEAR ROADWORKS PROGRAM Shire of Gingin



5. Five Year Capital Roadworks Program

Considering the Background, Methodology and requirements for Asset Upgrades a Five Year Capital Roadworks Program 2021/22 to 2025/26 has been developed. The Five Year Program is attached to this document as **APPENDIX 1.**

a. Unit Rates

The projects have been costed as per the Unit Rates which are attached as **APPENDIX 2.** The unit rates are based on average actual costs to undertake the works as encountered by the Shire of Gingin over the last one to two years. It needs to be noted that the unit rates are only averages and only a detailed estimate of project costs. As each budget comes up the individual projects will be individually costed to obtain a definitive cost for the project considering lead distances for material cartage, material costs, contract costs, site specific requirements, drainage works required, etc) and as such there will be some minor fluctuation in costs.

b. Allocations Between Asset Renewal Works

To determine the allocation for each asset works (Pavement Reconstruction, Resheeting and Reseal) a percentage allocation has been used based on the percentage split of the Asset Renewal Requirement as per the table below:

Works Description	Reseal (km)	Pavement Reconstruction (km)	Resheeting (km)
Amount of Asset	490.88	490.88	436.91
Life of Asset	20	50	20
Annual Renewal (km/yr)	24.54	9.82	21.85
Unit Cost (20/21 Budget)	\$48,448	\$490,158	\$146,470
Cost p.a.1	\$1,189,108	\$4,812,195	\$3,199,710
% of Spend ²	12.9%	52.3%	34.8%
If Annual Budget \$3.4m then allocation on %3	\$439,404	\$1,778,224	\$1,182,371

The spend on each asset renewal works type shows the variance from the proposed allocations above from the allocation based on percentage. Where possible the allocation has tried to be met.

2 - 100%

3-\$3,400,000

c. Verge Mulching & Other Projects

TOTALS:

While there is a requirement to renew the road assets in a timely manner there are also other aspects of works related to roads that need to be considered. These works relate to:

- · Verge mulching/ vegetation management;
- Road upgrades (from unsealed to sealed, intersectional upgrades, road widenings and drainage works); and
- Road expansion (e.g. Lancelin Plaza installation).

1-\$9,201,013

These works need to be identified in the Capital Roadworks and as such have been given their own allocations outside of the asset renewal works.



d. External/Additional Grant Funding

As with any Shire, Officers are always trying to source additional funding sources so as to complete more works while impacting the ratepayer as little as possible. One such funding source is the Wheatbelt Secondary Freight Network (WSFN). These works have been included in the Capital Roadworks Program are on top of the \$3.4m allocation. The reason for this is that the funding model is that 93.3% of the funding is State and Federal Government and the Shire needs to only contribute 6.7% of the project cost (i.e. minimal contribution comparatively).

Generally, additional funding for roads is available to upgrade the roads (reconstruction, widening, etc) to improve the safety of the roads and these have been identified in the Pavement Reconstruction area of the Program.

As additional funding becomes available projects could be brought forward in the program.

6. Conclusion

The main concern with the Shire's road assets is the large disparity between what is required to be spent to renew the assets and the actual expenditure. However, to close the gap on the disparity (\$5.8m) would equate to a 77% rate increase (based on a 1% rate increase equating to \$75,000 of income) which is not palatable.

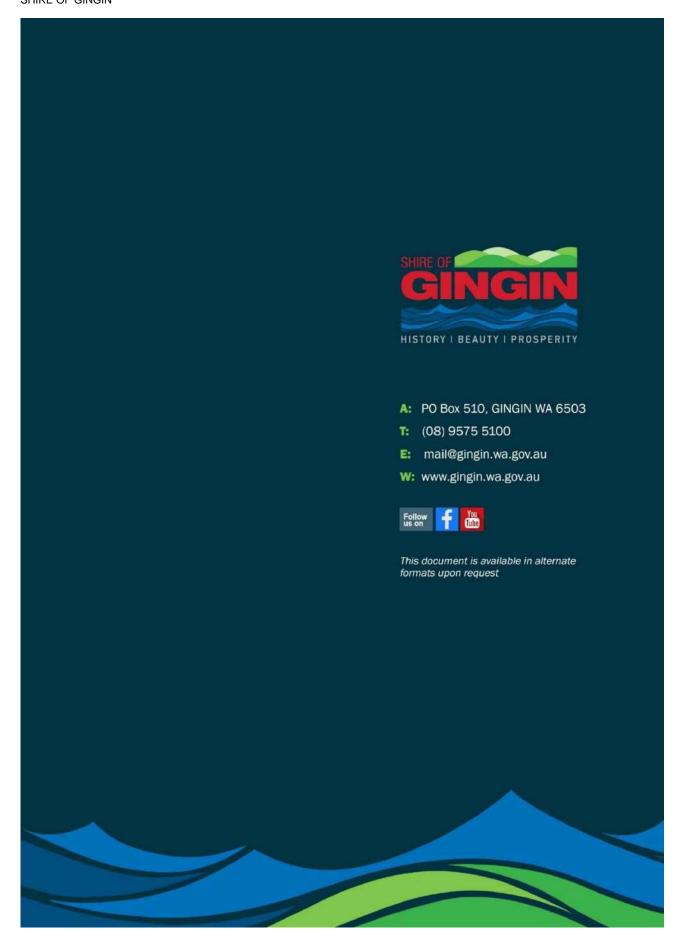
So, moving forward it's advisable that due to the age of the Shire's sealed road assets (i.e. approximately 50% of the asset over 20 years old) focus be put on resealing the sealed assets. The impact of not renewing the sealed asset surface in a timely manner is that it impacts the renewal interval for the sealed road pavement which is approximately 10 times the cost per kilometre to complete.

To ensure that the Shire's assets are not costing the Shire too much to maintain in to the future regular analysis should be undertaken on the Shire's unsealed road maintenance costs to identify any unsealed roads that are costing more than \$3,600/km/year to maintain and would then cost less to maintain as a sealed road for future generations.

There is a large gap between the asset renewal requirement (\$9.2m) and the actual expenditure (\$3.4m) and as such the Shire needs to utilise the funds available and also lobby State and Federal Government to increase funding opportunities to reduce the disparity. Although this takes some time it is possible as can be seen by the Shire obtaining \$5.2m of untied grant funding by lobbying the State Government for 5-6 years to upgrade Orange Springs Road (completed between 2019/20 and 2020/21).



FIVE YEAR ROADWORKS PROGRAM Shire of Gingin



12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. COUNCILLORS' OFFICIAL REPORTS

13.1 RURAL WATER COUNCIL

File:	GOV/20-1
Councillor:	Frank Johnson
Report Date:	20 April 2021

I attended a recent meeting of the Rural Water Council in Merredin. Topics of discussion included:

- 1. Various Shire reports;
- 2. Update on relevant State and Federal Schemes and Plans;
- 3. Various products to minimise evaporation of dams;
- 4. A desalination/smart dams project;
- 5. A small dams project, involving Shires taking over small dams from the Department;
- 6. Discussion relating to the 'On-Farm Infrastructure' Scheme;
- 7. Department of Water and Environmental Regulation (DWER) representative presented a report on the Department's upcoming programme and the National Water Grid Plan;
- 8. Request to DWER to advise Shires when they are doing upgrades to their tanks, to enable Shires to work in with them on possible projects; and
- 9. Presentation from DWER and the Department of Primary Industries and Regional Development (DPIRD) on the 'Water Smart Farms' project, seeking on-farm resilience. The presentation can be accessed on the DPIRD website.

13.2 WOODRIDGE COMMUNITY ASSOCIATION MEETING

File:	GOV/20-1	
Councillor:	Frank Johnson	
Report Date:	20 April 2021	

Councillor Vis and I attended the Woodridge Community Association meeting on Sunday, 18 April 2021.

The group is proactive, willing to work with the Shire and to contribute where they can. Apparently, they had a productive meeting with Mr. Crichton (Executive Manager Corporate and Community Services) and Mr. Butcher (Executive Manager Operations) about the possible revamp of the 'Community Space' surrounding the Woodridge Hall. The main issues they have revolve around the beginning of King Drive, particularly in relation to speed limits, wash-outs and turning vehicles.

The Association will send an email to the Shire setting out its concerns.

13.3 CONTROL OF VEHICLES (OFF-ROAD AREAS) COMMITTEE

File:	GOV/20-1
Councillor:	Jan Court
Report Date:	20 April 2021

I attended the Control of Vehicles (Off-road Areas) Committee meeting on 15 April 2021 with the CEO. Issues discussed included:

- 1. Purchase of the pine tree area at Pinjar for use as a dedicated off-road motorbike area.
- 2. The percentage of people buying off-road vehicles over the last 12 months has increased by 88%. The purchase of off-road bikes alone is up 57%.
- 3. Licensing of escooters and simplification of the off-road vehicle licensing process are being considered.
- 4. Consideration is being given to parcels of land in the Rockingham area for the creation of new off-road vehicle areas.

At every meeting, Shire of Gingin representatives have queried why an expansion of ORVAs is being considered when funds are unavailable to properly structure and control existing areas.

13.4 LANCELIN IMMERSE CREATIVE ARTS FESTIVAL

File:	GOV/20-1	
Councillor:	Jan Court	
Report Date:	20 April 2021	

I attended the Lancelin Immerse Creative Arts Festival on 10 April 2021, which was extremely successful. There were activities for every age group and the event was very well attended. Congratulations to all staff involved in making the event happen.

13.5 YOUTH WEEK 2021 ROADSHOW

File:	GOV/20-1	
Councillor:	Jan Court	
Report Date:	20 April 2021	

The Shire of Gingin Youth Week Roadshow ran from Wednesday, 14 April through to Friday, 16 April with events in Guilderton, Lancelin, the Gravity Discovery Centre on Military Road, and Gingin.

I attended the Lancelin event, which unfortunately had to be relocated from Wangaree Park due to the Park being too wet in the aftermath of Cyclone Seroja. Many thanks to the Lancelin Caravan Park, who made a grassed area available for the event.

The Lancelin event was co-funded by the Shire of Gingin and the Lancelin CRC, and this arrangement worked extremely well.

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

Nil

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

COUNCIL RESOLUTION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council move into a Confidential Session to discuss Items 15.1 and 15.2.

CARRIED UNANIMOUSLY

The meeting was closed to the public and all the members of the public present in the gallery, together with the Executive Manager Corporate and Community Services, Executive Manager Operations, Executive Manager Regulatory and Development Services, the Manager Statutory Planning and Statutory Planning Officer left the meeting at 4.09pm.

15.1 PROPOSAL TO EMPLOY SENIOR EMPLOYEE - EXECUTIVE MANAGER OPERATIONS AND ASSETS

File:	PER/8-104
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	20 April 2021
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;

DISCLOSURE OF INTEREST

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Lobb

That Council accept the CEO's recommendation that Mr Mikel Haramboure be appointed to the position of Executive Manager Operations and Assets.

CARRIED UNANIMOUSLY

Cr Morton left the meeting at 4.28pm and returned at 4.29pm.

The Executive Manager Corporate and Community Services, Executive Manager Operations, Executive Manager Regulatory and Development Services, Manager Statutory Planning and the Statutory Planning Officer returned to the meeting at 4.29pm and were advised of Council's decision by the Shire President.

15.2 RECONSIDERATION OF APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED AGRICULTURE INTENSIVE (ANNUAL AND PERENNIAL HORTICULTURE) AND APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - AGRICULTURE INTENSIVE (ANNUAL HORTICULTURE) AND ASSOCIATED STRUCTURES ON LOT 1 (115) RIG ROAD, RED GULLY

Γ	
File:	BLD/5054
Applicant:	Pacer Legal
Location:	Lot 1 (115) Rig Road, Red Gully
Owner:	Carl Britza and Matthew Britza
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:	20 April 2021
Refer:	Nil.
Appendices	1. 17 November 2020 Council Minutes
	2. Applicant's Amended Operating Strategy
	3. Shire's Letter Requesting Clarification From DWER
	DWER's Response
	4. McLeod's Position

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:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter discussed at the meeting.

DISCLOSURES OF INTEREST

Councillor Fewster disclosed an Impartiality Interest in relation to this matter as he assists the Gingin Recreation Group who lease property to the South and advises them on farming practices and lease agreements.

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Court

That Council grant Development Approval for proposed Agriculture Intensive (annual and perennial horticulture) and Retrospective Development Approval for existing Agriculture Intensive (annual horticulture) and associated structures on Lot 1 (115) Rig Road, Red Gully subject to the following conditions:

- a. The land use and development shall be in accordance with the approved plans (including any amendments marked in RED) and accompanying documentation unless otherwise conditioned by this approval;
- b. This approval is for an Agriculture Intensive (Annual and Perennial Horticulture) use and associated structures only as indicated on the approved plans;
- c. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;
- d. Within 12 months from the date of this approval, the applicant/operator shall enter into a deed of agreement to contribute to the upgrade of Rig Road to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the preparation of the deed (including all drafts);
- e. Within 18 months from the date of this approval, the applicant/operator shall undertake the work specified in the deed of agreement to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for a percentage costs associated with the works;
- f. The applicant/operator is required to implement the approved operating strategy dated 25 February 2021, including submitting annual water monitoring/data outlined in the approved operating strategy to the Shire of Gingin;
- g. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificate of Title of the proposed development lot advising that the Agriculture Intensive land use is not serviced by a water licence, but rather by an operating strategy. The notification is to state as follows:
 - "WATER EXTRACTION The agriculture intensive land use sources water from the Red Gully South waterway, which may be an unreliable water source. The land use is subject to conditions of development approval which include requirements to:
 - (a) comply with an Operating Strategy including the ongoing monitoring and reporting of waterway levels; and
 - (b) reduce or cease the use in some circumstances.

Further information may be obtained from the offices of the Shire of Gingin."

- h. Within 12 months from the date of this approval, the applicant/operator is required to submit an amended Farm Management Plan (FMP) to the Shire of Gingin for approval. The FMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;
- i. In the event the approved use ceases or is decommissioned for a period of 6 months or longer, the pivot irrigation area shall be immediately rehabilitated to pasture cover to the satisfaction of the Shire of Gingin;

- j. The transportable building (crib room) and transportable building (dwelling) shall not be used for human habitation; and
- k. The approved sea containers shall not be used for human habitation.

Advice Notes

- Note 1: If you are aggrieved by 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: 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 3: It is advised that the proposal should at all times comply with the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016* in order to minimise the effects of stable flies on the community.
- Note 4: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997.*
- Note 5: Where any native vegetation clearing is proposed, it will be necessary to contact the Department of Water and Environmental Regulation (DWER) to obtain the necessary approvals.
- Note 6: Please be advised that the property will attract Differential Rating for Intensive Agriculture in accordance with Council Policy 3.16 Rates Concession for Split Use Differential UV Intensive/UV General Properties.
- Note 7: Please be advised that an amended Farm Management Plan (FMP) is to include waste management procedures for the avocado orchard and updated vehicle movements at a minimum.
- Note 8: Please be advised that adjoining land (Lot 5382 Brand Highway, Red Gully) to the west and north of the site was certified as 'organic' in 2010. Consultation with the adjoining landowner in relation to use of chemical and spray drift management is recommended. This is to be included within the amended Farm Management Plan (FMP).
- Note 9: The property is located within an Aboriginal site or Aboriginal heritage place. Further approvals may be required under the *Aboriginal Heritage Act 1972*. It is recommended that you view the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines can be found on the DPLH website at the following link:

 https://vvww.dplh.wa.gov.au/information-and-services/aboriginal-heritage.
- Note 10: Once the final position of the transportable building (crib room) and transportable building (dwelling) has been decided, please note that additional planning, building and health approvals are required to be obtained prior to occupation of these structures.

Note 11: The development is likely to be affected by unreliable water extraction from the Red Gully South waterway in the future, placing the viability of the development at risk.

The local government is under no obligation to assist the landowners/operators should this eventuate and will pay no costs associated with any damages caused by cessation of the development.

- Note 12: Please be advised that an offence under the *Planning and Development Act 2005* can result in a maximum penalty of \$200,000 and a daily penalty of \$25,000 for a continuing offence, with increased penalties for business entities.
- Note 13: The upgrade to Rig Road involves undertaking verge vegetation control and the importation and lay out of gravel to a compacted depth of 100mm at a width of 7m for the length of the road at 1.13km. The estimate to undertake the road works are as follows:
 - The estimate to undertake the works if the gravel and water is sourced locally (potentially from Lot 1 Rig Road at the discretion of the Shire's Executive Manager Operations) is \$51,790 (excluding GST);
 - The estimate to undertake the works if the gravel and water is sourced from the Shire's Wannamal Road West block (Lot 5750) is \$74,330 (excluding GST);
 - It is proposed that the estimated costs provided above are the maximum costs for the works and if the actual costs of the works come in under the estimated costs, these savings would be passed on to the landowner/operator at the agreed contribution level; and
 - There are three lots that front Rig Road, those being Lot 1 Rig Road, Lot 5382 Brand Highway and Lot 501 Brand Highway. Based on an estimated 8 vehicle movements per non-developer lot, the contribution for the Applicant would be Applicant's traffic volume / 8 + 8 + Applicant's traffic volume %.

The CEO left the meeting at 4.34pm and returned at 4.36pm.

ORDINARY MEETING SHIRE OF GINGIN

AMENDMENT

MOVED: Councillor Fewster SECONDED: Councillor Peczka

That Council amend the motion by:

1. Inserting a new Condition d. as follows:

This development approval is granted for a limited period and shall expire on 17 November 2027;

and renumbering the remaining conditions accordingly.

- 2. Amending Condition h. by including the following wording in the notification on the Certificate of Title:
 - (c) limit the term of the approval to seven (7) years.

CARRIED UNANIMOUSLY

The amendment was incorporated into the Substantive Motion, which was then put.

COUNCIL RESOLUTION

MOVED: Councillor Rule SECONDED: Councillor Court

That Council grant Development Approval for proposed Agriculture Intensive (annual and perennial horticulture) and Retrospective Development Approval for existing Agriculture Intensive (annual horticulture) and associated structures on Lot 1 (115) Rig Road, Red Gully subject to the following conditions:

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- c. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;
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Further information may be obtained from the offices of the Shire of Gingin."

- i. Within 12 months from the date of this approval, the applicant/operator is required to submit an amended Farm Management Plan (FMP) to the Shire of Gingin for approval. The FMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;
- j. In the event the approved use ceases or is decommissioned for a period of 6 months or longer, the pivot irrigation area shall be immediately rehabilitated to pasture cover to the satisfaction of the Shire of Gingin;
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 - There are three lots that front Rig Road, those being Lot 1 Rig Road, Lot 5382 Brand Highway and Lot 501 Brand Highway. Based on an estimated 8 vehicle movements per non-developer lot, the contribution for the Applicant would be Applicant's traffic volume / 8 + 8 + Applicant's traffic volume %.

CARRIED UNANIMOUSLY

Reason for Amendment

SHIRE OF GINGIN

Further advice from DWER reaffirms the uncertainty associated with the daily discharge rate of 2Ml/d. DWER have acknowledged that no correlation between the south-west case study and the Red Gully South Creek was undertaken. DWER did not advise why a more conservative discharge rate of 3 ML/d was adopted. This highlights the uncertainty associated with the discharge figure that is being relied upon to establish that no adverse environmental impacts will occur downstream.

The drying trend of watercourses in the Red Gully locality is evident given the Beermullah Lake has recently dried for the first time with no record of that occurring in the last 60 years. A downstream property owner has lodged a complaint that the Red Gully Creek which terminates on their property has dried up earlier than ever before.

Local Planning Scheme No.9 highlights the need to maintain environmental qualities of the landscape, and to protect sensitive areas such as watercourse systems from damage.

Given the uncertainty in relation to the discharge figure and coincidental drying trends downstream of the proposed development, a conservative and cautious approach should be applied to limit the term of the approval so that water use can be evaluated after the initial 10 year period to ensure that this water course system is not damaged from water extraction associated with this development.

On that basis, the original determination which limits the approval term is supported, however changes to timeframes in relation to other conditions under review are accepted.

COUNCIL RESOLUTION

MOVED: Councillor Peczka SECONDED: Councillor Johnson

That the meeting be re-opened to the public.

CARRIED UNANIMOUSLY

The meeting was reopened to the public at 5.02 pm. No members of the public returned to the meeting.

16. CLOSURE

There being no further business, the Shire President declared the meeting closed at 5.03pm and thanked the outgoing Executive Manager Operations, Allister Butcher, for his contribution to the Shire of Gingin over his period of employment.

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, 18 May 2021 commencing at 3.00 pm.

These Minutes are confirmed as the official record of the Ordinary Meeting of the Gingin Shire Council held on 20 April 2021.

Councillor C W Fewster Shire President

18 May 2021