

MINUTES

ORDINARY MEETING

OF COUNCIL

18 AUGUST 2020



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ORDINARY MEETING OF COUNCIL TO BE HELD ON 18 AUGUST 2020

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SHIRE OF GINGIN

MINUTES FOR THE ORDINARY MEETING OF THE SHIRE OF GINGIN TO BE HELD IN THE COUNCIL CHAMBER ON TUESDAY, 18 AUGUST 2020, COMMENCING AT 3.00 PM

DISCLAIMER

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

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

ORDER OF BUSINESS

1. DECLARATION OF OPENING

The Shire President declared the meeting open at 3.00pm 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 J Johnson, F J Peczka, J E Morton and A R Vis.

<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), L Burt (Governance Officer), M Wallace (Communications and Marketing Officer), A Martinovich (PA Regulatory and Development Services) and G Koorasingh (Governance Support Officer)

Gallery – There were 15 members of the public present in the Gallery.

2.2 APOLOGIES

Councillor J C Lobb.

2.3 LEAVE OF ABSENCE

Nil

3. DISCLOSURES OF INTEREST

3.1 Councillor Morton

Item 11.2.3 Upper Coastal Sporting Facilities Master Plan

Councillor Morton disclosed an Impartiality Interest in relation to this matter as a fee-paying member of the Ledge Point Golf Club and Country Club.

3.2 Councillor Peczka

Item 11.2.3 Upper Coastal Sporting Facilities Master Plan

Councillor Peczka disclosed an Impartiality Interest in relation to this matter as a fee-paying member of the Lancelin Bowling Club.

3.3 Councillor Rule

Item 11.2.3 Upper Coastal Sporting Facilities Master Plan

Councillor Rule disclosed a Proximity Interest in relation to this matter as a Part Owner of Lime Tenement M70/57, located on the southern boundary of Recreation Reserve 28303.

4. PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

4.2.1 M Byrne

Item 11.4.1 Request To Enter Into An Agreement With Piacentini And Son Pty Ltd To Use Beermullah Airstrip, Lot 7 Brand Highway, Boonanarring.

- Q1. Did the officer request and receive CASA input in relation to the suitability of the airstrip for use for aircraft under MTOW 2000KG and MTOW 57000Kg and if so can he please provide that information to the applicants of both requests being Top Fun and Piacentini and Sons?
- Q2. Why does the information contained in the email from the CASA aerodrome expert differ completely in its content to the officer's report?
- Q3. Did the officer seek comment from Main Roads WA in relation to the LGIS risk assessment about distracted drivers?
- Q4. In light of the new information received from CASA would Council allow a review of the Top Fun application?

Responses by the Chief Executive Officer

- A1. No.
- A2. Taken on notice.
- A3. Yes.
- A4. Topfun Aviation can lodge a new application if it wishes, provided that it has information for consideration that was not included in its initial application. However, no consideration will be given to a new application unless the application from Piacentini and Sons is approved.

5. PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 PETITIONS

5.1.1 Item 11.2.3 Upper Coastal Sporting Facilities Master Plan

Two Petitions were received in relation to Item 11.2.3. Neither petition was in the format required by the Shire of Gingin Meeting Procedures Local Law 2014 and therefore Council could not formally accept them. However, the Shire President advised that their submission would be noted in the Minutes of the meeting.

5.2	DEPL	JTATI	ONS
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Nil

5.3 PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Morton SECONDED: Councillor Balcombe

That the Minutes of the Ordinary Council meeting held on 21 July 2020 and the Special Meeting held on 28 July 2020 be confirmed as a true and accurate record.

CARRIED UNANIMOUSLY

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Nil

9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

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

11. REPORTS

11.1. OFFICE OF THE CEO

11.1.1 EDWARD ISLAND POINT TRACK, LANCELIN

File:	ENV/17	
Reporting Officer:	Aaron Cook – Chief Executive Officer	
Report Date:	18 August 2020	
Refer:	Nil	
Appendices:	Nil	

DISCLOSURES OF INTEREST

Nil

PURPOSE

To determine the future level of access to Edward Island Point track by vehicles.

BACKGROUND

During the recent significant storm event the Edward Island Point Track was significantly eroded to the point that the track again has to be closed to public access. It will require significant works to re-establish.

When the track is open it provides, predominantly, access to 4x4 vehicles to the Point for people to walk their dogs, facilitate kite surfing, wind surfing, swimming and other recreational activities.

Access has been provided for a considerable number of years and this alone is expected to create a level of angst if removed. Historically this track was not an issue when Grace Darling Park was substantially greater and extended into what is now the ocean by some 50 metres. The dune structure that has now been lost provided a significant buffer; as such, the landscape of this area is not what it was and the issue of access to Edward Island Point should be reconsidered.

COMMENT

This agenda item was presented to the Coastal Erosion Advisory Committee on 10 August 2020 at 10:30 am at the Wangaree Centre in Lancelin.

The item was discussed with the Stakeholder Working Group prior to the meeting and although there was significant discussion and the potential for another access to be created, the negative impact of vehicles in the area was seen as the biggest issue and all parties involved agreed with the resolution presented.

Due to the erosion being experienced and the increase in storm activity and height of tide and storm surges, the area from Grace Darling Park through to Edward Island Point is now a serious breach point for sea water into the Caravan Park and townsite.

A significant portion of the track has now been eroded away. Replacement of the track would, in essence, remove the remaining dune/coastal vegetation between the caravan park and the water line. From an Officer's point of view this would be disastrous, and would create an even larger breach point in an area that already needs serious protection measures.

The draft Inundation Plan highlights the breach points in Lancelin and makes a clear statement that, in order to protect against water breaching, there needs to be a minimum of 100 cubic metres of sand dune per lineal metre of beach line. This particular area has very little protection, estimated to be approximately 10% of what is required due to the low lying nature of the track area that has been created to allow vehicle access.

When considering options, the Committee and Council should note that the Officer has measured, using Council's mapping program, the distance from Hopkins Street to the Point being 380 metres and from the carpark at Grace Darling Park to the Point being 270 metres. The Officer has also taken the time to look at other locations via Google Earth and, for the purposes of comparison, the following separation distances between popular beaches and public parking are provided:

- Scarborough in excess of 200 metres in parts;
- Peasholm Dog Beach estimated 240 metres;
- City Beach 300+ metres in parts;
- Woodman Point and Coogee Beach 200+ metres;
- Bunbury 200 metres;
- Jurien Bay 150+ metres in parts; and
- Geraldton 200+ metres in parts.

When considering this issue the Committee needs to consider the long term safety of the Lancelin townsite, its residents, tourists and the Caravan Park. The Officer is obligated to consider the matters from many different perspectives, and as such has provided a list of positives and negatives for the two options available to Council:

RE-OPEN TRACK

POSITIVES	NEGATIVES
Easy access to Point	Reduction of natural dune
Tourism advantage?	Creation of larger breach point
Stated safety of kite surfers	Reduced protection of Caravan Park
More accessible to mobility hampered	Reduced tourism to Park
	Increased negativity re housing security
	Potential insurance issues for Caravan Park
	Potential insurance issues for residents

CLOSE TRACK AND RE-DUNE

POSITIVES	NEGATIVES
Increased fore dune environment	Reduced access to point
Increased protection to Caravan Park	Tourist negativity
Increased sense of protection for tourists	Less accessible to mobility hampered
Long term protection to townsite	Community negativity/publicity
No vehicle impact on dunes	Water sport enthusiasts' negativity.
No vehicle impact on the Point	
Increased pedestrian safety on Point	
Community engagement	
Create Environmental Zone?	
"Different" tourist friendly	
Area more family friendly	
Increased insurance security	

Potential Costs

Whilst there are costs for both options, it is acknowledged that the cheaper option is to rebuild the track as a one-off exercise. However, this is seen as a false economy as the erosion to the track will occur again leading to further rebuilding costs. In addition, the potential for environmental damage increases by bringing in the materials to create the track and this has the potential to cost Council in both financial and reputational terms.

The cost of re-duning the area by utilising sand renourishment, matting and planting can be assisted by installing sand traps. Whilst there is not a cost provided currently, it is expected the largest cost would be the sand renourishment to close off the breach points and this is estimated to be \$40,000. This is not a complete rebuild of the dunes but rather to make safe the breach points and provide protection to start rebuilding the dunes.

There are many great examples of dune restoration and sand trapping which needs to be encouraged and facilitated with local community members so that a strong ownership can be gained. However, Council needs to allocate funding for this, which it has, through the levy funds that have been obtained over the last two years and this upcoming budget.

The Officer cannot avoid adding to the discussion the desire from some community members to have a hard wall constructed to protect this area and Grace Darling Park. Whilst this option would initially solve the problem, I feel that Council has moved on from considering the hard option due to the large number of negative impacts that this would create, including the loss of the beach, huge financial cost to Council and ongoing risk of overtopping and increased erosion in other areas. In addition to this, the financial impact on Council is massive just to have an outcome of allowing vehicles to access the Point.

It is proposed that the track be closed and the area and vehicle access points closed and re-duned. Should the Committee agree with this action then it is suggested that a report be presented to Council recommending that Council seek public submissions on the proposed closure. Council can then proceed to make an informed decision on the matter at a future Council meeting.

There has previously been significant angst expressed in relation to the potential closure of the access track, as kite surfers wish to set up safely near their vehicles. Whilst this may be true, the number of kite surfers who utilise this area under safe conditions is nothing like the number of kite surfers that access the Perth coastline without this safety measure. In the event that the access track is closed, participants of kite surfing or wind surfing will still be able to utilise the area but they will have to walk their equipment to the location and set up the same way as at Perth beaches.

Whilst there are many other users of the Point most are there to exercise their dog, walk, or enjoy the sun and surf. These activities are not being taken away, but the users will need to access the location on foot rather than by vehicle.

It is expected that consultation with the community on its own will cause a high level of angst due to both the perceived loss of accessibility and to the fact that the Inundation Study will also need to be advertised. Therefore, Councillors and other stakeholders will need to be prepared to receive phone calls and emails and give due consideration to the viewpoints of passionate people, taking into account what happens in many other coastal communities.

This motion was presented to the Coastal Erosion Advisory Committee and was resolved as follows:

COMMITTEE RECOMMENDATION

Moved: Councillor Court Seconded: Councillor Peczka

That the Committee recommend that Council seek public submissions with respect to the proposed closure of the Edward Island Point 4x4 vehicle access track for the purpose of recreating dunes, re-establishing vegetation and increasing natural protection for the Lancelin Caravan Park and Lancelin townsite.

Carried 4/0

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

As mentioned above, whilst there is not a cost provided currently, it is expected the largest cost would be the sand renourishment to close off the breach points and this is estimated to be \$40,000.

The funding for these works is proposed to be taken from the Coastal Erosion Levy Reserve that has been created for purposes such as this.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment	
Objective	2. To develop the Shire's capacity to support the conservation of natural	
	assets and undertake sustainable resource management	
Outcome	2.1 Conservation – The Shire's ecological services and natural assets	
	are respected and enhanced	
Key Service	Conservation & Environmental Management	
Areas		
Priorities	Develop a Coastal Management Policy and implement a Coastal	
	Management Plan to protect and enhance our coast	

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Court

That Council seek public submissions with respect to the proposed closure of the Edward Island Point 4x4 vehicle access track for the purpose of re-creating dunes, re-establishing vegetation and increasing natural protection for the Lancelin Caravan Park and Lancelin townsite.

CARRIED UNANIMOUSLY

11.1.2 CREATION OF ADDITIONAL VEHICLE PROHIBITED AREA BETWEEN HOPKINS STREET AND BACK BEACH, LANCELIN

File:	ENV/17		
Reporting Officer:	Aaron Cook – Chief Executive Officer		
Report Date:	18 August 2020		
Refer:	Nil		
Appendices:	Location Plan – Proposed Vehicle Prohibited Area		

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider prohibiting all vehicle access to Edward Island Point, Lancelin.

BACKGROUND

With the proposed closure of the Edward Island Point access track, consideration needs to be given to joining the two existing vehicle prohibited areas to make one large area from south of Cunliffe Street to the Back Beach vehicle prohibited area (see Appendix 1).

The closure of the Edward Island Point Track essentially results in the banning of vehicles as there will be no way to access the Point. However, as some people can be determined and will attempt to access this area, it is proposed to extend the prohibited areas so that the Rangers can take action to control the area and issue infringements as necessary.

COMMENT

This matter was discussed at the Coastal Erosion Advisory Committee meeting held in Lancelin on 10 August 2020. It was discussed with the Stakeholder Working Group prior to the meeting and although there was significant discussion in relation to the impacts on tourism, the negative impact of vehicles in the area was seen as the biggest issue and all parties involved agreed with the resolution presented.

The creation of this greater "no go zone" will increase the ability of people to safely access the Point and immediate beaches, on foot, without the risk of vehicles etc.

If Council wishes to allow access to the Point, then this will need to be facilitated from the Back Beach access and the Vehicle Prohibited Area on the Back Beach will need to be removed. This would increase the damage to the beach and dunes in this area and potentially increase erosion. As such, it is the Officer's recommendation to not allow access at all to the Point.

Combining the two prohibited areas into one will create an estimated 1450m of Vehicle Prohibited Area within Lancelin. As the areas in question are those most affected by coastal erosion, this action is seen as being appropriate to increase protection to Lancelin. As has been stated in the Shire's Coastal Inundation Study (the Study) the density of the sand dunes is a critical measurement of protection for Lancelin. It has been proven that 4x4 vehicle access to beaches dramatically affects the protection of the dunes and, as such, positive dune regrowth (also aided by Council) will increase the level of protection for Lancelin.

As also mentioned in the Study, there has previously been significant angst expressed in relation to the potential closure of the access track as kite surfers wish to set up safely near their vehicles. Whilst this may be true, the number of kite surfers who utilise this area under safe conditions is nothing like the number of kite surfers that access the Perth coastline without this safety measure. In the event that the access track is closed, participants of kite surfing or wind surfing will still be able to utilise the area but they will have to walk their equipment to the location and set up the same way as at Perth beaches.

Whilst there are many other users of the Point, most are there to exercise their dog, walk, or enjoy the sun and surf. These activities are not being taken away but the users will need to access the location on foot rather than by vehicle

There will be a requirement to review the existing signage prohibiting vehicles into the area and it would be beneficial to potentially establish a camera overlooking the area to capture number plates of vehicles ignoring the prohibited area.

Whilst accessing the beaches has been a long standing tradition in Lancelin, this will not be removed for other areas. Therefore, locals and visitors will be able to access beaches to the north and south of the townsite (other than the boat launching area in the middle of the bay) by 4x4. The Shire needs to be proactive when it comes to the environmental effects of vehicles on the coastline and dunes and although not currently required, Council may need to consider further restrictions in the longer term future to add protection to Lancelin.

The area of beach identified for the new Vehicle Prohibited Area is located on Reserve 32037, which is vested in the Shire of Gingin for the purpose of "Recreation and purposes incidental thereto". As such, Reserve 32037 is considered to be local government property, and is subject to the requirements of the Shire of Gingin Local Government Property Local Law 2004 (the Local Law).

Cl. 2.8(1)(c) of the Local Law specifies that taking, riding or driving a vehicle on the property or a particular class of vehicle is an activity which may be prohibited on specified local government property by way of a determination of Council. Cl. 2.2 of the Local Law sets out the procedure that must be followed to effect such a determination.

After discussion, the Committee resolved as follows:

COMMITTEE RECOMMENDATION

Moved Councillor Court

Seconded Councillor Peczka

That the Committee recommend that Council:

1. Agree in principle to the creation of an additional Vehicle Prohibited Area over that area of beach between the existing Hopkins Street and Back Beach Vehicle Prohibited Areas for the purpose of giving local public notice of its intent to make a Determination in this regard.

2. Pursuant to Cl. 2.2 of the Shire of Gingin Local Government Property Local Law 2004, give local public notice of its intention to make a Determination with the following Purpose and Effect:

Purpose: To close that portion of Reserve 32037 between the southern boundary of the existing Hopkins Street Vehicle Prohibited Area and the northern

boundary of the existing Back Beach Vehicle Prohibited Area to vehicular

traffic.

Effect: To prevent vehicles from accessing and driving on the beach between

Hopkins Street and the Back Beach car park.

Carried 4/0

STATUTORY/LOCAL LAW IMPLICATIONS

Shire of Gingin Local Government Property Local Law 2004

Cl. 2.1 – Determinations as to use of local government property

Cl. 2.2 – Procedure for making a determination

Cl. 2.8 – Activities which may be prohibited on specified local government property

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Whilst there may be the requirement to purchase some signage this is not considered to be significant and would be contained within Council's adopted budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment	
Objective	2. To develop the Shire's capacity to support the conservation of natural	
	assets and undertake sustainable resource management	
Outcome	2.1 Conservation – The Shire's ecological services and natural assets	
	are respected and enhanced	
Key Service	e Conservation & Environmental Management	
Areas		
Priorities	Develop a Coastal Management Policy and implement a Coastal	
	Management Plan to protect and enhance our coast	

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis SECONDED: Councillor Court

That Council:

1. Agree in principle to the creation of an additional Vehicle Prohibited Area over that area of beach between the existing Hopkins Street and Back Beach Vehicle Prohibited Areas for the purpose of giving local public notice of its intent to make a Determination in this regard.

2. Pursuant to Cl. 2.2 of the Shire of Gingin Local Government Property Local Law 2004, give local public notice of its intention to make a Determination with the following Purpose and Effect:

Purpose: To close that portion of Reserve 32037 between the southern

boundary of the existing Hopkins Street Vehicle Prohibited Area and the northern boundary of the existing Back Beach Vehicle

Prohibited Area to vehicular traffic.

Effect: To prevent vehicles from accessing and driving on the beach

between Hopkins Street and the Back Beach car park.

CARRIED UNANIMOUSLY

APPENDIX 1



11.1.3 SHIRE OF GINGIN COASTAL INUNDATION STUDY

File:	ENV/17	
Reporting Officer:	Aaron Cook – Chief Executive Officer	
Report Date:	18 August 2020	
Refer:	Nil	
Appendices:	Nil	

DISCLOSURES OF INTEREST

Nil

PURPOSE

SHIRE OF GINGIN

To consider advertising the Gingin Coastal Inundation Study (the Study) for public information.

BACKGROUND

The completion of the Study has been long awaited as a result of delays due to COVID-19.

Given that the report is a technical study which has been proofed by the Shire and the Department of Transport with changes having been facilitated, for the purpose of advertising is not to seek public comment and input, but rather to make the public aware of the information contained in the document.

COMMENT

This matter was discussed by the Coastal Erosion Advisory Committee on 10 August 2020.

The item was discussed with the Stakeholder Working Group prior to the meeting and although there was significant discussion it was reiterated that this report will create a large amount of community interest both negative and positive. Being a scientific report it is not open for community consultation.

The consultation will be conducted when this information is incorporated into the Shire's Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) as there will be recommendations within this document that will affect how building and planning applications are dealt with in the future.

All parties at the Stakeholder Group meeting prior agreed that the implications of the mapping of inundation that has been provided was significant and needs to be seriously considered.

The Study has provided some significantly concerning data which shows that the Lancelin community is under significant threat from inundation in the immediate, near and long term future. The threat is not localised to just a few residences, but rather affects significant portions of Lancelin's residential areas.

These effects of inundation, should it occur, will have significant potential to damage private residences, create health issues within the community due to failure of septic tanks and leach drains, create accessibility issues to inundated areas, affect insurance coverage and result in changes to planning and building requirements.

The information contained in the Study needs to now be included in the Shire of Gingin CHRMAP in order for Council to set guidelines that will enable staff to regulate the future development of Lancelin to ensure that the risks outlined above are minimised.

As previously mentioned, the public advertising process will not provide any opportunity for changes to be made to the Study. However, the public will have the opportunity to provide input when the CHRMAP is reviewed and up-dated to include the information contained within the Inundation Study, and subsequently recommendations are made as to how to deal with the implications for planning and building approvals.

It has been suggested that it may be beneficial for separate meetings to be held in the Lower Coastal and Upper Coastal areas, and potentially even in Gingin to explain to members of the public the implications of the Study and what Council is to do with the information in the future. If this level of consultation is required and the Committee's intent is to request Council to close the Edward Island Point track and merge the two Prohibited Vehicle Areas as recommended elsewhere in this agenda, then these proposals would be included in the consultation sessions.

This motion was presented to the Coastal Erosion Advisory Committee and was resolved as follows with point three as an amendment included:

COMMITTEE RECOMMENDATION

Moved Councillor Peczka

Seconded Councillor Court

OFFICER RECOMMENDATION

That the Committee recommend that Council:

- 1. Advertise the availability of the Gingin Coastal Inundation Study for perusal by the general public for a period of four weeks; and
- 2. Note that the Study is not open for public submissions or comment.
- 3. The Inundation Study be incorporated into the Shire of Gingin Coastal Hazard Risk Management Adaptation Plan when funding is received.

Carried 4/0

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Funds have been allocated in the 2020-21 budget subject to grant funding being received.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment	
Objective 2. To develop the Shire's capacity to support the conservation		
	assets and undertake sustainable resource management	
Outcome 2.1 Conservation – The Shire's ecological services and na		
	are respected and enhanced	
Key Service	rice Conservation & Environmental Management	
Areas		
Priorities	Develop a Coastal Management Policy and implement a Coastal	
	Management Plan to protect and enhance our coast	

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Vis

That Council:

- 1. Advertise the availability of the Gingin Coastal Inundation Study for perusal by the general public for a period of four weeks; and
- 2. Note that the Study is not open for public submissions or comment.
- 3. The Inundation Study be incorporated into the Shire of Gingin Coastal Hazard Risk Management Adaptation Plan when funding is received.

CARRIED UNANIMOUSLY

11.1.4 AMENDMENT OF CODE OF CONDUCT FOR COUNCILLORS, COMMITTEE MEMBERS AND EMPLOYEES

File:	GOV/10	
Author:	Lee-Anne Burt – Governance Officer	
Reporting Officer:	Aaron Cook – Chief Executive Officer	
Report Date:	18 August 2020	
Refer:	20 September 2016 Item 11.1.3	
	16 July 2019 Item 11.1.1	
Appendices:	Shire of Gingin Code of Conduct for Councillors,	
	Committee Members and Employees	

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the Shire of Gingin Code of Conduct for Councillors, Committee Members and Employees.

BACKGROUND

In October 2019, the Local Government Act 1995 (the Act), the Local Government (Administration) Regulations 1996 and the Local Government (Rules of Conduct) Regulations 2007 were amended to enact a new gifts framework intended to simplify the gift disclosure requirements for elected members and officers with delegated decision-making powers.

As part of the same raft of legislative changes, the *Local Government Legislation Amendment Act 2019* also introduced the concept of a mandatory code of conduct for council members, committee members and candidates. This aspect of the legislation has not yet come into effect, and the Department of Local Government, Sport and Cultural Industries is still working on a model code of conduct that all local governments will be required to adopt. It is not clear at this point whether the mandatory code of conduct will replace the existing requirement for every local government to prepare or adopt a code of conduct to be observed by council members, committee members and employees, or whether it will be an additional requirement.

In common with many other local governments across the State, the Shire of Gingin delayed amending its existing Code of Conduct to reflect the changes to gift disclosure requirements in the expectation of the model code of conduct being finalised and released. However, this has not yet eventuated.

It is considered appropriate, therefore, for Council to now amend its existing Code to ensure that the current gift disclosure obligations for elected members, committee members and officers are accurately reflected and clear to all.

It should be noted that there is currently no obligation to include gift disclosure requirements relating to Councillors and the CEO in a local government's code of conduct because these are set out in the Act. However, in the absence of similar legislation relating to local government employees, the *Local Government (Administration) Regulations 1996* specify that a local government's code of conduct must include particular requirements relating to the acceptance and disclosure of gifts by employees.

Notwithstanding, in the interests of transparency and accountability, most local governments do include the gift disclosure requirements applicable to Councillors in their codes of conduct.

COMMENT

The following amendments to the Shire of Gingin Code of Conduct for Councillors, Committee Members and Employees are proposed (a copy of the amended Code of Conduct is provided as **Appendix 1**):

Code of Conduct Specific to Councillors

- 1. Personal Benefit: Clause 4 Gifts (Code of Conduct Pg 7)
 - a. The reference to "Contributions to Travel" previously included in the clause heading has been deleted. Travel contributions are no longer recognised separately and are included in the definition of a "gift".
 - All of the existing Clause 4 under the Personal Benefit section has been deleted and replaced.

Previously, under s.5.82 of the Act Councillors were required to disclose all gifts with a value of more than \$200, regardless of the context in which the gift was given. Unless the gift giver was a relative as defined by a very specific list, then gifts given in a private capacity and not associated with the Councillor's local government role had to be disclosed. With respect to Councillors, s.5.82 has been repealed and replaced by s.5.87A and 5.87B

The new gift disclosure requirements for Councillors under s.5.87A of the Act specify that Councillors must disclose any gift or gifts received in their capacity as an elected member with a single value of more than \$300 or, where more than one gift is received from the same donor within a period of 12 months, with a cumulative value of more than \$300.

- c. The disclosure requirements relating to contributions to travel have been deleted.
- d. The gift disclosure requirements under Regulation 12 of the *Local Government* (Code of Conduct) Regulations 2007, which mirrored the prohibited and notifiable gift provisions applicable to local government employees, have been deleted as Regulation 12 has also been repealed.

2. Conduct: Clause 2 Honesty and Integrity (Code of Conduct Pg 8)

Clause 2b has been amended to simplify the protocols for reporting dishonesty and to make them consistent with the reporting of other breaches of the Code of Conduct and of the *Local Government (Rules of Conduct) Regulations 2007*.

Any reference to reporting of breaches to the Shire President has been removed, and all breaches are to be reported to either the CEO (for breaches by the Shire President, Councillors, committee members who aren't Councillors and employees other than the CEO) or the Executive Manager Corporate and Community Services (for breaches by the CEO).

Code of Conduct Specific to Committee Members

Although the Act requires that the Shire have a Code of Conduct for Committee Members, there is no direction as to what that Code should contain. The Code relates to members of Council committees other than elected members, and therefore it isn't appropriate to simply duplicate the Code produced for Councillors.

That being the case, and given that none of the Shire of Gingin's committees have any delegated decision-making powers, the Code of Conduct Specific to Committee Members contains the same gift disclosure requirements that are applied to Shire employees, addressing prohibited and notifiable gifts.

- 1. Personal Benefit: Clause 5 Gifts (Code of Conduct Pg 16)
 - a. The new definition of "gift" as contained within s.5.57 of the Act has been inserted.
 - b. Existing requirements for committee members relating to prohibited and notifiable gifts have been retained, with greater emphasis on the very specific limitations imposed by the Act with respect to the term "relative".
- 2. Conduct: Clause 3 Honesty and Integrity (Code of Conduct Pg 19)

Clause 3b has been amended to simplify the protocols for reporting dishonesty and to make them consistent with the reporting of other breaches of the Code of Conduct.

Any reference to reporting of breaches to the Shire President has been removed, and all breaches are to be reported to either the CEO (for breaches by the Shire President, Councillors, committee members who are not Councillors and employees other than the CEO) or the Executive Manager Corporate and Community Services (for breaches by the CEO).

Code of Conduct Specific to Employees

- 1. Personal Benefit: Clause 5 Gifts (Code of Conduct Pg 26)
 - a. The reference to "Contributions to Travel" previously included in the clause heading has been deleted. Travel contributions are no longer recognised separately and are included in the definition of a "gift".

- b. The new definition of "gift" as contained within s.5.57 of the Act has been inserted.
- c. Existing requirements for employees relating to prohibited and notifiable gifts have been retained, with greater emphasis on the very specific limitations imposed by the Act with respect to the term "relative".
- d. The requirement for employees to obtain approval from either the CEO or an Executive Manager, as appropriate, before accepting any act of hospitality has been deleted.
- e. Former Clause 5.2 Gift Disclosures Required Under s.5.82 of the *Local Government Act 1995* (Designated Employees) has been deleted.

Previously, under s.5.82 of the Act Designated Employees (ie, employees with delegated decision-making powers) were subject to the same gift disclosure requirements as Councillors, in that they were required to disclose all gifts with a value of more than \$200, regardless of the context in which the gift was given. Unless the gift giver was a relative as defined by a very specific list, then gifts given in a private capacity and not associated with the Councillor's local government role had to be disclosed.

However, as previously referenced, s.5.82 has been repealed and Designated Employees (with the exception of the CEO) are now subject to the same prohibited and notifiable gift requirements as all other local government employees.

- f. A new Clause 5.2 Gift Disclosures (CEO) has been inserted to acknowledge that, under s.5.87B of the Act, the CEO is now subject to the same gift disclosure requirements as Councillors.
- 2. Conduct: Clause 2 Honesty and Integrity (Code of Conduct Pg 29)

Clause 3b has been amended to simplify the protocols for reporting dishonesty and to make them consistent with the reporting of other breaches of the Code of Conduct.

Any reference to reporting of breaches to the Shire President has been removed, and all breaches are to be reported to either the CEO (for breaches by the Shire President, Councillors, committee members who are not Councillors and employees other than the CEO) or the Executive Manager Corporate and Community Services (for breaches by the CEO).

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 5 – Administration
Division 6 – Disclosure of financial interests and gifts

Local Government (Administration) Regulations 1996 Part 6 – Disclosure of financial interests and gifts

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Morton SECONDED: Councillor Balcombe

That Council adopt the amended Shire of Gingin Code of Conduct for Councillors, Committee Members and Employees as shown at Appendix 1.

CARRIED UNANIMOUSLY

APPENDIX 1



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

Introduction

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

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

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

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

Statutory Environment

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

Rules of Conduct

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

Code of Conduct Specific to Councillors

Roles

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

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

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

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

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

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

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

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

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

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

2. Council

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

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

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

3. Relationships between Councillors and Employees

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

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

Councillors shall observe the protocol of directing all enquiries to the CEO or relevant Executive Manager, unless the CEO has specifically identified that an alternative employee may be contacted.

Conflict and Disclosure of Interest

- 1. Conflict of Interest
 - Councillors will ensure that there is no actual (or perceived) conflict of interest between their personal interests and the impartial fulfilment of their professional duties.
 - Councillors will lodge written notice with the CEO describing an intention to undertake a
 dealing in land within the local government district or which may otherwise be in conflict
 with the Council's functions (other than purchasing the principal place of residence).

c. Councillors who exercise a recruitment or other discretionary function will make disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.

2. Interests

2.1 Financial and Proximity Interests

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

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

2.1.1 Financial Interests

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

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

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

2.1.2 Proximity Interests

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

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

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

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

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

2.2 Impartiality Interests

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

2.2.1 Meaning of "impartiality interest"

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

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

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

2.2.2 Requirement to disclose

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

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

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

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

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

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

2.2.3 Notice and Recording

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

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

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

Briefing Sessions

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

Annual Meetings of Electors

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

Community Meetings

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

Personal Benefit

Use of Confidential Information

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

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

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

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

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

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

2. Improper Use of Information

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

Improper or Undue Influence

Councillors will not take advantage of their position to:

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

4. Gifts

Section 5.57 of the Local Government Act 1995 defines a gift as:

- a conferral of a financial benefit (including a disposition of property) made by one person
 in favour of another person unless adequate consideration in money or money's worth
 passes from the person in whose favour the conferral is made to the person who makes
 the conferral; or
- a travel contribution (including accommodation).
- 4.1 In accordance with s.5.87A of the Local Government Act 1995 and r.20A of the Local Government (Administration) Regulations 1996, Councillors are required to disclose any gift or gifts received in their capacity as an elected member that:
 - a. has a value of over \$300; or
 - cumulatively have a value exceeding \$300 where the gifts are received from the same donor within a period of 12 months.
- 4.2 Councillors must disclose any such gift in writing to the CEO within 10 days of receipt of the gift. The disclosure must include:
 - a. a description of the gift;
 - the name and address of the person who made the gift;
 - the date on which the gift was received;
 - d. the estimated value of the gift at the time it was made;
 - the nature of the relationship between the person who made the gift and the person who received the gift; and
 - f. in the case of a travel contribution:
 - i. a description of the travel; and
 - ii. the date of the travel.
- 4.3 The CEO must keep a register of all gift disclosures made under s.5.87A. The register must be updated with details of a disclosure within 10 days of the disclosure being made, and the up-to-date register must then be published on the Shire's website for public information.

Conduct

1. Personal Behaviour

Councillors will:

- act, and be seen to act, properly and in accordance with the requirements of the law and Shire of Gingin policies and procedures, including this Code.
- perform their duties impartially and in the best interests of the Shire not influenced by fear or favour.
- act in good faith (ie, honestly, for the proper purpose, and without exceeding their powers) in the interests of the Shire and the community.
- d. make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment.

- treat others with respect, courtesy, honesty and fairness, having regard for their interests, rights, safety and welfare.
- f. be open and accountable to the public.
- g. not harass or intimidate others in the conduct of the Shire's functions, duties or business.
- h. make decisions that are based on relevant and factually correct information.
- always act in accordance with their obligation of fidelity to the Shire of Gingin and not publicly reflect adversely upon any decision of Council or employees.
- j. represent and promote the interests of the Shire of Gingin.
- be fit for any duties required of them that are associated with the office of Councillor of the Shire of Gingin.

2. Honesty and Integrity

Councillors will:

- observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b. bring any dishonesty or possible dishonesty:
 - on the part of the Shire President, another Councillor, a Committee Member who is not a Councillor or an employee to the attention of the CEO; or
 - ii. on the part of the CEO to the attention of the Executive Manager Corporate and Community Services; and
- be frank and honest in their official dealings with other Councillors, Committee Members and employees.

3. Quasi-judicial Role and Principles

3.1 Role

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

3.2 Principles

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

 All Councillors are to have equal access to relevant information and the opportunity to participate effectively throughout the decision making process.

3.3 Non-Compliance

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

3.4 Procedures for Councillors

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

Where so requested, the 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.

4. Smoking

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

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

Drugs and Alcohol

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

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

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

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

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

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

6. Social Media

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

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

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

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

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

Performance of Duties

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

Compliance with Lawful Orders

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

2. Administrative and Management Practices

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

Corporate Obligations

a. Standard of Dress

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

Communication and Public Relations

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

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

c. Requirement for Police Clearance

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

4. Appointments to External Committees

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

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

Dealing with Council Property

Use of Local Government Resources

Councillors will:

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

Travelling and Sustenance Expenses

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

Access to Information

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

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

Reporting Breaches of the Code by Councillors

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

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

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

Code of Conduct Specific to Committee Members

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

Conflict and Disclosure of Interest

Conflict of Interest

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

2. Disclosures of Interest

2.1 Financial and Proximity Interests

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

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

2.1.1 Financial Interests

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

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

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

2.1.2 Proximity Interests

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

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

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

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

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

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

2.2 Impartiality Interests

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

2.2.1 Meaning of "impartiality interest"

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

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

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

2.2.2 Requirement to disclose

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

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

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

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

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

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

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

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

2.2.3 Notice and Recording

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

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

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

Personal Benefit

Use of Confidential Information

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

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

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

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

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

2. Improper Use of Information

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

3. Intellectual Property

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

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

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

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

4. Improper or Undue Influence

Committee members will not take advantage of their position to:

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

5. Gifts

Section 5.57 of the Local Government Act 1995 defines a gift as:

- a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- b. a travel contribution.
- 5.1 It is the Shire's position that committee members should not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire

However, it is acknowledged that there may be instances when receiving a gift is unavoidable or when refusal of a gift may be inappropriate. In these circumstances, committee members must comply with the provisions of this section.

The following gifts are exempt from the requirements of this section:

- a gift from the following persons (relatives as defined in s.5.74 of the Local Government Act 1995) s:
 - Spouse or de facto spouse
 - ii. Parent;
 - iii. Grandparent;
 - iv. Brother:
 - v. Sister;
 - vi. Uncle;
 - vii. Aunt;
 - viii. Nephew;
 - ix. Niece;
 - x. Lineal descendant of the committee member or their spouse or de facto partner; or
 - xi The spouse or de facto partner of any person identified above.

It should be noted that the above list does not include cousins, in-laws, foster children etc. If a relationship is not specifically included in the list, then the person is not recognised as a "relative" for the purposes of the *Local Government Act 1995* and gifts from that person are not exempt from the disclosure requirements of this Code of Conduct.

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

5.2 Gift Disclosures

5.2.1 Prohibited Gifts

Prohibited Gifts are:

- a gift worth \$300 or more; or
- a gift that is one of two or more gifts given to the committee member by the same person or organisation within a period of six months that, in total, are worth \$300 or more; and
- c. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - ii. it is reasonable to believe is intending to undertake an activity involving a local government discretion.

Committee members must not accept a prohibited gift, and any gift valued at \$300 or more should be politely declined. If it is considered inappropriate to reject a gift worth \$300 or more (such as a gift from a dignitary), then the gift should be accepted on behalf of the Shire and provided to the CEO at the first possible opportunity. Council will be formally advised of any gifts of this nature at the next ordinary Council meeting, with the gift then being displayed in an appropriate position within the Shire's Administration Centre, or otherwise stored as deemed appropriate by the CEO.

In any circumstance where it is believed that the value of a gift may approach \$300, then the precise value of the gift should be determined before acceptance to ensure compliance with this Code. It is also important to ensure that the full value of the gift is taken into account, including all hidden costs associated with acts of hospitality.

5.2.2 Notifiable Gifts

Notifiable Gifts are:

- a. worth between \$50 and \$300; or
- b. one of two or more gifts given to the employee by the same person or organisation within a period of six months that are in total worth between \$50 and \$300; and
- c. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or
 - it is reasonable to believe is intending to undertake an activity involving a local government discretion.

Notifiable gifts must be disclosed to the CEO, in writing, within 10 days of acceptance of the gift. The disclosure must include:

- a. The name of the person who gave the gift;
- b. The date on which the gift was accepted;
- c. A description, and the estimated value, of the gift;
- The nature of the relationship between the person who is an employee and the person who gave the gift; and
- e. If the gift is a notifiable gift because it is one of two or more gifts given to the employee by the same person within a period of six months that are in total worth between \$50 and \$300:
 - i. a description;
 - ii. the estimated value; and
 - iii. the date of acceptance,

of each other gift accepted within the six month period.

5.2.3 The CEO is required to maintain a register of notifiable gifts and record in it details of notifications given in accordance with the notifiable gift provisions of the Local Government (Administration) Regulations 1996. An up-to-date version of the register must be published on the Shire of Gingin's website for public information.

Conduct

Personal Behaviour

Committee members will:

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

Social Media

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

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

Honesty and Integrity

Committee members will:

- observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b. bring any dishonesty or possible dishonesty;
 - on the part of another committee member, the Shire President or another Councillor or an employee to the attention of the CEO; or
 - on the part of the CEO to the attention of the Executive Manager Corporate and Community Services; and
- be frank and honest in their official dealings with other committee members, Councillors and employees.

4. Smoking

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

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

5. Drugs and Alcohol

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

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

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

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

Performance of Duties

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

Compliance with Lawful Orders

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

2. Administrative and Management Practices

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

3. Corporate Obligations

3.1 Standard of Dress

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

3.2 Communication and Public Relations

Committee members should acknowledge that:

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

4. Relationships between Committee Members and Employees

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

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

Dealing with Council Property

Use of Local Government Resources

Committee members will:

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

Reporting Breaches of the Code by Committee Members

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

Code of Conduct Specific to Employees

Roles

Role of Employees

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

The CEO's functions are to -

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

2. Principles Affecting Employment by the Shire

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

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

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

Conflict and Disclosure of Interest

Conflict of Interest

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

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

Interest

2.1 Financial and Proximity Interests

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

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

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

2.1.1 Financial Interests

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

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

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

2.1.2 Proximity Interests

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

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

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

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

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

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

2.3 Impartiality Interests

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

2.3.1 Meaning of "impartiality interest"

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

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

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

2.3.2 Requirement to disclose

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

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

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

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

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

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

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

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

2.3.3 Notice and Recording

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

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

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

2.3.4 Disclosure requirements outside of Council and Committee meetings

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

Personal Benefit

1. Use of Confidential Information

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

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

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

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

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

2. Improper Use of Information

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

3. Intellectual Property

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

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

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

Improper or Undue Influence

Employees will not take advantage of their position to:

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

Gifts

Section 5.57 of the Local Government Act 1995 defines a gift as:

- a conferral of a financial benefit (including a disposition of property) made by one person in favour of another person unless adequate consideration in money or money's worth passes from the person in whose favour the conferral is made to the person who makes the conferral; or
- b. a travel contribution.

It is the Shire's position that an employee should not seek or accept (either directly or indirectly) any immediate or future gift (including any financial benefit, reward, donation or hospitality) for themselves, or for any other person or body, as a result of their role with the Shire.

However, it is acknowledged that there may be instances when receiving a gift is unavoidable or when refusal of a gift may be inappropriate. In these circumstances, employees must comply with the provisions of this section.

The following gifts are exempt from the requirements of this section:

- a gift from the following persons (relatives as defined in s.5.74 of the Local Government Act 1995):
 - i. Spouse or de facto spouse
 - ii. Parent;
 - iii. Grandparent;
 - iv. Brother;
 - v. Sister;
 - vi. Uncle;
 - vii. Aunt;
 - viii. Nephew;
 - ix. Niece;
 - x. Lineal descendant of you or your spouse or de facto partner; or
 - xi The spouse or de facto partner of any person identified above.

It should be noted that the above list does not include cousins, in-laws, foster children etc. If a relationship is not specifically included in the list, then the person is not recognised as a "relative" for the purposes of the *Local Government Act 1995* and gifts from that person are not exempt from the disclosure requirements of this Code of Conduct.

- a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997;
- a gift from a statutory authority, government instrumentality or non-profit association for professional training; or
- d. a gift from the Western Australian Local Government Association (WALGA), the Australian Local Government Association (ALGA), or Local Government Professionals WA
- 5.1 Gift Disclosures (All Employees Other Than the CEO)
 - 5.1.1 Prohibited Gifts

Prohibited Gifts are:

- a. a gift worth \$300 or more; or
- a gift that is one of two or more gifts given to the employee by the same person or organisation within a period of six months that, in total, are worth \$300 or more; and
- c. the person or organisation offering the gift:
 - i. is undertaking or seeking to undertake an activity involving a local government discretion; or
 - it is reasonable to believe is intending to undertake an activity involving a local government discretion.

Employees must not accept a prohibited gift and any gift valued at \$300 or more should be politely declined. If it is considered inappropriate to reject a gift worth \$300 or more (such as a gift from a dignitary), then the gift should be accepted on behalf of the Shire and provided to the CEO at the first possible opportunity. Council will be formally advised of any gifts of this nature at the next ordinary Council meeting, with the gift then being displayed in an appropriate position within the Shire's Administration Centre, or otherwise stored as deemed appropriate by the CEO.

In any circumstance where it is believed that the value of a gift may approach \$300, then the precise value of the gift should be determined before acceptance to ensure compliance with this Code. It is also important to ensure that the full value of the gift is taken into account, including all hidden costs associated with acts of hospitality.

5.1.2 Notifiable Gifts

Notifiable Gifts are:

- a. worth between \$50 and \$300; or
- one of two or more gifts given to the employee by the same person or organisation within a period of six months that are in total worth between \$50 and \$300; and
- c. the person or organisation offering the gift:
 - is undertaking or seeking to undertake an activity involving a local government discretion; or

 ii. it is reasonable to believe is intending to undertake an activity involving a local government discretion.

Notifiable gifts must be disclosed to the CEO, in writing, within 10 days of acceptance of the gift. The disclosure must include:

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

of each other gift accepted within the six month period.

5.1.3 The CEO is required to maintain a register of notifiable gifts and record in it details of notifications given in accordance with the notifiable gift provisions of the Local Government (Administration) Regulations 1996. An up-to-date version of the register must be published on the Shire of Gingin's website for public information.

5.2 Gift Disclosures (CEO)

In accordance with s.5.87B of the Local Government Act 1995 and r.20A of the Local Government (Administration) Regulations 1996, the CEO is required to disclose any gift or gifts received in their capacity as CEO that:

- a. has a value of over \$300; or
- cumulatively have a value exceeding \$300 where the gifts are received from the same donor within a period of 12 months.

The CEO must disclose any such gift in writing to the Shire President within 10 days of receipt of the gift. The disclosure must include:

- a. a description of the gift;
- b. the name and address of the person who made the gift;
- c. the date on which the gift was received;
- d. the estimated value of the gift at the time it was made;
- the nature of the relationship between the person who made the gift and the person who
 received the gift; and
- f. in the case of a travel contribution:
 - i. a description of the travel; and
 - ii. the date of the travel.

5.3 The CEO must keep a register of all gift disclosures made under s.5.87B. The register must be updated with details of a disclosure within 10 days of the disclosure being made, and the up-to-date register must then be published on the Shire's website for public information.

Conduct

Personal Behaviour

Employees will:

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

2. Honesty and Integrity

Employees will:

- observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b. bring any dishonesty or possible dishonesty:
 - on the part of another employee (other than the CEO), the Shire President or another Councillor, or a committee member who is not a Councillor to the attention of the CEO; or
 - ii. on the part of the CEO to the attention of the Executive Manager Corporate and Community Services; and
- be frank and honest in their official dealings with other employees, Councillors and committee members.

Smoking

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

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

4. Drugs and Alcohol

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

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

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

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

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

5. Illness and Attendance at Work

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

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

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

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

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

6. Social Media

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

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

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

Performance of Duties

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

1. Compliance with Lawful Orders

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

2. Administrative and Management Practices

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

3. Corporate Obligations

3.1 Standard of Dress

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

3.2 Communication and Public Relations

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

3.3 Requirement for Police Clearance

All employees are required to provide a current Police Clearance at their own expense prior to commencement of employment, and thereafter when required or requested to do so by the CEO.

4. Relationships between Employees and Councillors

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

Dealing with Council Property

Use of Local Government Resources

Employees will:

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

2. Travelling and Sustenance Expenses

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

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

3. Access to Information

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

Reporting Breaches of the Code by Employees

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

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

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

GOVERNANCE REFERENCES

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

ADMINISTRATION

Review Cycle	2 years	Next Review	2021	
Department	Office of the CEC)		

Version	Decision Reference	Synopsis	W.
1.	21/11/1996 - Item 5.2.3.2	Adopted	
2.	16/01/2001 - Item 10.7	Amended	
3.	01/11/2005 - Item 11.1.4	Amended	
4.	15/01/2008 - Item11.1.1	Amended	
5.	20/09/2016 - Item 11.1.3	Amended	
6.	16/07/2019 - Item 11.1.1	Amended	

11.2. CORPORATE AND COMMUNITY SERVICES

11.2.1 MONTHLY FINANCIAL STATEMENT FOR THE PERIOD ENDING 31 JULY 2020

File:	FIN/25						
Author:	Karina Leonhardt – Coordinator Corporate Services						
Reporting Officer:	Les Crichton – Executive Manager Corporate and						
	Community Services						
Report Date:	18 August 2020						
Refer:	Nil						
Appendices:	Statement of Financial Activity for the period ending						
	31 July 2020						
	2. Term Investments						

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Statement of Financial Activity for the period ending 31 July 2020.

BACKGROUND

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

COMMENT

The Financial Statements for the month ending 31 July 2020 present the financial performance of the Shire for the 2019/20 financial year, and compare year to date expenditure and revenue against the corresponding year-to-date budget.

The later adoption of Council's 2020/21 Budget (28 July) restricted the start of the major capital works and non-standard operating programs which has contributed to the \$909,522 variance comprising:

<u>Under budget</u>

Operating Expenditure \$641,600 Investing Activities – Revenue (\$948,918) Investing Activities – Expenditure \$1,364,308 Financing Activities – Revenue (\$137,106) Financing Activities – Expenditure \$4,543 Operating Revenue (\$189,835)

Over budget

Opening Fund Surplus/Deficit \$174,931

A detailed explanation of the cause of the variations within each area is contained within **Appendix 1**.

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 – Financial 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 and Business values are demonstrated in all that we
	do
Key Service	Financial Management
Areas	
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Morton

That Council endorse the Statement of Financial Activity for the period ending 31 July 2020.

CARRIED UNANIMOUSLY

APPENDIX 1





MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2020 TO 31 JULY 2020

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: 07/08/2020



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	2,193,221	174,931	8.67% 19/20 audit processes still to be completed
REVENUE FROM OPERATING ACTIVITIES					
GENERAL PURPOSE FUNDING	1,134,514	94,542	126,051	31,509	33.33% Timing of instalment interest, penalty fees and recovery of debt collection costs; timing of operating grants; timing of interest received.
GENERAL PURPOSE FUNDING - RATES	8,366,400	8,469,982	8,362,327	(107,655)	(1.27%) Timing of concessions for intensive rated properties.
GOVERNANCE	2,000	166	0	(166)	(100.00%)
LAW ORDER PUBLIC SAFETY	708,280	59,015	30,317	(28,698)	(48.63%) Timing of fines and penalties; timing of firebreak installation reimbursements; timing of cat and dog registrations; timing of parking fines income and fees from parking meters due to non-peak season.
EDUCATION & WELFARE	108,787	9,062	9,078	16	7.400-40000
HEALTH	723,500	60,290	38,022	(22,268)	(36,94%) Timing of billing of licenses – eg trading in public places and food registration fees
HOUSING	12,000	1,000	1,331	331	33.07% Timing of rental payments for staff housing.
COMMUNITY AMENITIES	1,916,080	159,663	173,009	13,346	8.36% Voluntary Coastal Erosion Levy billed with rates; higher than expected planning services fees for July; higher than expected cemetery charges for July.
RECREATION & CULTURE	257,668	21,428	137	(21,291)	(99.36%) Timing of operating grants, timing of hall hire income; timing of aquatic centre income;
TRANSPORT	207,514	17,291	70	(17,221)	(99.60%) Timing of sale of plant;
ECONOMIC SERVICES	1,428,651	119,043	81,961	(37,082)	(31.15%) Timing of Guilderton Caravan Park income; timing of lease income.
OTHER PROPERTY & SERVICES	223,100	18,587	17,933	(654)	(3.52%)
TOTAL REVENUE	15,088,494	9,030,070	8,840,235	(189,835)	(2.10%)



	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. % Comments
EXPENDITURE FROM OPERATING ACTIVITIES		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
GENERAL PURPOSE FUNDING	(474,767)	(39,558)	(23,241)	16,317	41.25% Timing of GRV Revaluation; timing of legal costs for debt collection;
GOVERNANCE	(1,160,411)	(96,678)	(88,266)	8,412	8.70%
LAW ORDER PUBLIC SAFETY	(1,794,849)	(156,577)	(79,725)	76,852	49.08% Timing of MAF and other fire season related expenditure;
EDUCATION & WELFARE	(226,486)	(18,851)	(5,894)	12,957	68.73% Depreciation; Timing of projects;
HEALTH	(1,001,925)	(87,078)	(57,762)	29,316	33.67% Timing of medical centre building maintenance; timing of Lancelin doctor service costs; timing of health allocation to waste and timing of seasonal fly control.
HOUSING	(41,645)	(3,455)	(1,518)	1,937	56.06% Timing of works and maintenance of staff housing.
COMMUNITY AMENITIES	(3,177,843)	(263,947)	(73,613)	190,334	72.11% Timing of billing for domestic and commercial bin removals; timing of maintenance of public conveniences; timing of Coastal Risk Management inundation Integration Study; timing of Coastal Groyne Analysis; timing of coastal monitoring activities including seawall maintenance: timing of CMPAP – Lancelin Planning Forward; timing of Town Planning Scheme Review;
RECREATION & CULTURE	(3,841,596)	(315,229)	(78,114)	237,115	75.22% Depreciation; timing of beach/foreshore maintenance works; timing of LORVA boundary fence relocation; timing of playground repairs/maintenance and development of a Playground Strategic Plan; timing of inspections of POS (public open space) trees; timing of Shire suite of events; timing of maintenance to community buildings;
TRANSPORT	(4,060,147)	(338,314)	(103,806)	234,508	69.32% Timing of road and bridge maintenance; year-end depreciation process for roads and bridges; timing of sale of assets
economic services	(1,272,492)	(104,805)	(23,933)	80,872	77.16% Depreciation; Timing of noxious weed spraying; timing of billing of Guilderton Caravan Park management contract; timing of community grants; timing of completion of BEN signs project; timing of transfer of wages to waste;
OTHER PROPERTY & SERVICES	(729,643)	(157,149)	6,096	163,245	103.88% Timing of private works; timing of training/conferences; timing of computer purchases and license renewals; timing of insurance payments;
TOTAL EXPENSES	(17,781,804)	(1,581,641)	(529,776)	1,051,865	66.50%

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. % Comments
OPERATING ACTIVITIES EXCLUDED FROM					
BUDGET					
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	0	0	0	0	0.00% Timing of asset sales
NON-CASH ADJUSTMENT	0	0	(41)	(41)	0.00% Right of Use Asset (leases) adjustment required
ADD BACK DEPRECIATION	4,922,878	410,224	0	(410,224)	(100.00%) Processed after 19/20 audit processes competed.
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	2,229,568	7,858,653	8,310,418	451,806	(5.75%)
INVESTING ACTIVITIES					
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	12,774,739	1,064,552	136,761	(927,791)	(87.15%) 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)	(295,244)	(52,663)	242,581	82.16% Timing of capital purchases
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(9,643,214)	(803,582)	(136,761)	666,821	82.98% Timing of capital purchases
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(2,204,390)	(183,028)	0	183,028	100.00% Timing of capital purchases
PURCHASE OTHER INFRASTRUCTURE	(10,000)	(833)	0	833	100.00% Timing of capital purchases
PURCHASE FOOTPATHS	(105,063)	(8,755)	0	8,755	100.00% Timing of capital purchases
PURCHASE INFRASTRUCTURE SEWERAGE	(100,000)	(8,333)	0	8,333	100.00% Timing – loan not established yet
PURCHASE PLANT AND EQUIPMENT	(2,938,183)	(245,508)	0	245,508	100,00% Timing of capital purchases
PURCHASE FURNITURE AND EQUIPMENT	(101,400)	(8,449)	0	8,449	100.00% Timing of capital purchases
PROCEEDS FROM DISPOSAL OF ASSETS	253,545	21,127	0	(21,127)	(100.00%) Timing of sale of plant
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(5,617,051)	(468,053)	(52,663)	415,390	(88.75%)
FINANCING ACTIVITIES					
PROCEEDS FROM NEW DEBENTURES	527,000	43,916	0	(43,916)	(100.00%) Loans not yet established – Gingin Outdoor Activity Space (GOAS), Guilderton Waste Water Cuncliffe Street Redevelopment
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(47,013)	(3,911)	0	3,911	100.00% End of year process.

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var.% Comments
RANSFERS FROM RESERVES (RESTRICTED	564,701	47,055	0	(47,055)	(100.00%) End of year process
REPAYMENT OF DEBENTURES	(222,197)	(24,942)	(24,942)	0	0.00%
SELF-SUPPORTING LOAN PRICIPAL INCOME	13,505	0	0	0	0.00% Loan 015 Guilderton Bowling Club Advance – deferment of loan repayment as per Council Resolution.
PAYMENT OF PRINCIPAL PORTION OF LEASE LIABILITIES	(7,580)	(632)	0	632	100.00%
RESTRICTED CASH	540,777	46,135	0	(46,135)	100.00% Timing of restricted cash movements.
MOUNT ATTRIBUTABLE TO FINANCING	1,369,193	107,621	(24,942)	(132,563)	(123.18%)
CLOSING FUNDING SURPLUS(DEFICIT)	0	9,516,511	10,426,033	909,522	9.56%

Statement of Financial Activity by Nature & Type

	Current Budget	Current YTD Budget	YTD Actuals	Var \$	Var %
OPENING FUNDING SURPLUS (DEFICIT)	2,018,290	2,018,290	2,193,221	174,931	8.67%
REVENUE FROM OPERATING ACTIVITIES					
RATES	8,366,400	8,469,982	8,479,400	9,418	0.11%
GRANTS & SUBSIDIES (OPERATING)	2,220,668	185,006	17,322	(167,684)	(90.64%)
FEES & CHARGES	4,191,433	349,253	185,491	(163,762)	(46.89%)
INTEREST EARNINGS	201,000	16,748	719	(16,029)	(95.71%)
THER REVENUE	108,993	9,081	157,303	148,222	1632.23%
PROFIT ON SALE OF ASSETS	0	0	0	0	0
TOTAL REVENUE	15,088,494	9,030,070	8,840,235	(189,835)	(2.10%)
EXPENDITURE FROM OPERATING ACTIVITIES					
EMPLOYEE COSTS	(6,178,914)	(493,276)	(362,869)	130,407	26.44%
MATERIALS & CONTRACTS	(5,247,321)	(435,010)	(112,913)	322,097	74.04%
UTILITIES (GAS WATER ETC)	(432,884)	(36,051)	(26,372)	9,679	26.85%
INSURANCES	(467,076)	(164,354)	0	164,354	100.00%
DEPRECIATION OF ASSETS	(4,922,878)	(410,224)	0	410,224	100.00%
INTEREST EXPENSES	(110,075)	(6,092)	18,743	24,835	407.66%
OTHER EXPENDITURE	(422,656)	(36,634)	(46,365)	(9,731)	(26.56%)
LOSS ON SALE OF ASSETS	0	0	0	0	0
TOTAL EXPENSES	(17,781,804)	(1,581,641)	(529,776)	1,051,865	66.50%
OPERATING ACTIVITIES EXCLUDED FROM					
BUDGET	4.022.070	410.224	0	(410.334)	(100.00%)
ADJUST BACK DEPRECIATION	4,922,878	410,224		(410,224)	(100.00%)
NON CASH ADJUSTMENT	0	0	(41)	(41)	0
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	0	0	0	0	0
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	2,229,568	7,858,653	8,310,418	451,765	5.75%
INVESTING ACTIVITIES					
NON-OPERATING GRANTS, SUBSIDIES AND	12,774,739	1,064,552	136,761	(927,791)	(87.15%)
CONTRIBUTIONS PROCEEDS FROM DISPOSAL OF ASSETS	253,545	21,127	0	(21,127)	(100.00%)
PURCHASE LAND AND BUILDINGS	(3,543,085)	(295,244)	(52,663)	242,581	82.16%
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(9,643,214)	(803,582)	(136,761)	666,821	82.98%
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(2,204,390)	(183,028)	0	183,028	100.00%
PURCHASE PLANT AND EQUIPMENT	(2,938,183)	(245,508)	0	245,507	100.00%



Statement of Financial Activity by Nature & Type

	Current Budget	Current YTD Budget	YTD Actuals	Var \$	Var %
PURCHASE FURNITURE AND EQUIPMENT	(101,400)	(8,449)	0	8,449	100.00%
PURCHASE FOOTPATHS	(105,063)	(8,755)	0	8,755	100.00%
PURCHASE OTHER INFRASTRUCTURE	(10,000)	(833)	0	833	100.00%
PURCHASE INFRASTRUCTURE SEWERAGE	(100,000)	(8,333)	0	8,333	100.00%
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(5,617,051)	(468,053)	(52,664)	415,389	(88.75%)
FINANCING ACTIVITIES					
PROCEEDS FROM NEW DEBENTURES	527,000	43,916	o	(43,916)	(100.0
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(47,013)	(3,911)	o	3,911	100.00%
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	564,701	47,055	0	(47,055)	(100.00%)
REPAYMENT OF DEBENTURES	(222,197)	(24,942)	(24,942)	0	0.00%
SELF-SUPPORTING LOAN PRICIPAL INCOME	13,505	0	O	0	0.00%
PAYMENT OF PRINCIPAL PORTION OF LEASE LIABILITIES	(7,580)	(632)	0	632	100.00%
RESTRICTED CASH	540,777	46,135	0	(46,135)	80.22%
AMOUNT ATTRIBUTABLE TO FINANCING	1,369,193	107,621	(24,942)	(132,563)	(123.18%)
CLOSING FUNDING SURPLUS(DEFICIT)	0	9,516,511	10,426,033	909,522	9.56%



Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 20/21	Capital Expenditure Annua Budget 20/21
GENERAL PURPOSE FUNDING	0	43,613
LAW ORDER PUBLIC SAFETY	52,223	4,051,500
EDUCATION & WELFARE	0	32,000
HEALTH	14,602	79,686
COMMUNITY AMENITIES	10,340	125,631
RECREATION & CULTURE	0	2,988,194
TRANSPORT	136,761	10,939,960
ECONOMIC SERVICES	0	231,204
OTHER PROPERTY & SERVICES	1,180	430,337
TOTAL	215,106	18,922,125

By Nature & Type

	Capital Expenditure Actual 20/21	Capital Expenditure Annual Budget 20/21
ACCRUED LONG SERVICE LEAVE	740	0
LOAN LIABILITY - SHIRE	24,942	222,197
RIGHT OF USE ASSETS - LEASE LIABILITY	0	7,580
FIXED ASSETS-LAND	0	15,000
FIXED ASSETS-BUILDINGS	52,663	3,528,085
FIXED ASSETS-FURNITURE\FITTING	0	101,400
FIXED ASSETS-PLANT & EQUIPMENT	0	2,946,183
NFRASTRUCTURE ASSETS - ROADS	136,761	9,643,214
NFRASTRUCTURE ASSETS - PARKS	0	2,196,390
NFRASTRUCTURE OTHER	0	10,000
NFRASTRUCTURE - FOOTPATHS	0	105,063
NFRASTRUCTURE - SEWERAGE	0	100,000
ACCUMULATED SURPLUS	0	47,013
TOTAL	215,106	18,922,125



Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
IO COMMUNITY AMENITIES		0
SALE OF ASSETS		0
10618115 Sale Of Assets - 4GG/GG046	15,000	0
Total SALE OF ASSETS	15,000	0
Total 10 COMMUNITY AMENITIES	15,000	0
12 TRANSPORT		0
SALE OF ASSETS		0
12318205 Sale of assets VMB Trailer GG6015	1,000	0
12318902 Sale of Utility GG009	14,545	0
12318921 Sale Works Utility GG020	15,000	0
12318924 Sale of John Deere Grader GG004	115,000	0
2318928 Sale of Mercedes Tip Truck GG028	20,000	0
12318930 Sale Of Front End Loader (Case) GG006	30,000	0
12318956 Sale of 1995 Nissan Tip Truck GG086	28,000	0
12318965 Sale of Isuzu D-Max Utility GG068	15,000	0
Total SALE OF ASSETS	238,545	0
Total 12 TRANSPORT	238,545	0
TOTAL	253,545	0



Information on Borrowings

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	3.5	131,259	0	14,602	14,602	116,657	116,657	4,272	4,272
111 Wannamal West Road	20	15/08/2006	6.5	435,112	0	0	0	435,112	435,112	0	0
114 Guilderton Country Club (Hall) Extensions	20	20/05/2008	8	370,175	0	0	0	370,175	370,175	0	0
120 Regional Hardcourt Facility	20	19/06/2009	9	264,331	0	0	0	264,331	264,331	0	0
123 Lot 44 Weld St	20	16/04/2008	8	169,628	0	0	0	169,628	169,628	0	0
124A Regional Hardcourt Facility	16	4/06/2014	10	254,467	0	0	0	254,467	254,467	0	0
126 Gingin Aquatic Centre Tiling	10	3/02/2016	6	95,470	0	0	0	95,470	95,470	0	0
127 Seabird Seawall Extension	10	27/07/2016	6	145,019	0	10,340	10,340	134,680	134,679	1,820	1820
128 Lancelin Caravan Park Assets	5	16/08/2017	2,5	103,130	0	0	0	103,130	103,130	0	0
130 Ledge Point Country Club Cool Room	10	22/05/2019	9	21,435		0	0	21,435	21,435	0	D
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	24,942	24,942	1,965,084	1,965,084	6,092	6,092



RESERVES CASH-BACKED

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest	Amended Budget Transfers-In	Actual Transfers-In	Amended Budget Transfers-Out		Amended Budget Closing	Actual YTD Closing Balance
	TO THE STATE OF		Earned	(+)	(+)	(-)	(-)	Balance	
01 LSL; Annual; Sick Leave and Staff	428,450	2,912						431,362	428,450
Contingency									
02 Office Equipment Reserve	2,936	69						3,005	2,936
03 Plant and Equipment Reserve	1,832,540	8,985				157,638		1,683,887	1,832,540
04 Lancelin Lookout Reserve									
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	1,102,486	7,621		17,013		10,000		1,117,120	1,102,486
11 Lancelin Community Sport and	79,513	425						79,938	79,513
Recreation Reserve									
12 Old Junction Hotel Reserve									
13 Community Infrastructure	2,125	15						2,140	2,125
14 Staff Housing Reserve	33,464	231						33,695	33,464
15 Future Infrastructure Reserve	589,137	3,507				209,103		383,541	589,137
16 Guilderton Country Club Reserve	14,494	63						14,557	14,494
TOTAL	5,362,029	30,000		17,013	A SHOW	564,701	Market	4,844,341	5,362,029



Net Current Assets

Charles to the state of the	Actual YTD (20/21)	Balance Forwarded
CURRENT ASSETS		
Cash - Unrestricted	1,422,651	2,336,716
Cash - Restricted Reserves	5,362,029	5,362,029
Cash - Restricted General	1,725,761	1,725,761
Rates - Current	11,301,606	1,500,631
Sundry Debtors	320,921	516,117
Inventories	52,633	30,607
Total Current Assets:	20,185,602	11,471,861
LESS: CURRENT LIABILITIES		
Payables	(87,402)	(871,009)
Employee Provisions	(868,860)	(869,600)
Contract Liability	(2,907,056)	(1,619,425)
Accrued Interest on Loans	0	(24,835)
Long Term Borrowings (Current)	(197,255)	(222,197)
Bonds and Deposits	(534,222)	(531,742)
Total Current Liabilities:	(4,594,794)	(4,138,808)
Total	15,590,807	7,333,053
Less: Cash - Restricted Reserves	(5,362,029)	(5,362,029)
Add: Current Portion of Debentures	197,255	222,197
NET CURRENT ASSET POSITION	10,426,033	2,193,221



Rating Information

Rating In	formation	Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites	8.7511			2,281,779			CONTRACTOR OF THE PROPERTY OF		2,281,779
03010006 Grv - Other	8.7511			1,302,836					1,302,836
03010010 Uv - Rural	0.4965			1,314,917					1,314,917
03010015 Uv - Other	0.4965			9,294					9,294
03010018 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
03010038 Uv - Intensive	@ \$2548				272,636				272,636
				5,578,154	2,901,246				8,479,400
TOTAL				5,578,154	2,901,246		Texas and the second		8,479,400



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	0	13,113
OTHER BONDS/TRUSTS	4,546	49	0	4,595
PUBLIC OPEN SPACE	46,218	11,250	0	57,468
TOTAL	77,918	11,299	0	89,217

APPENDIX 2



Investments

FUND	ON SHEET AND SHEET AND ASSESSMENT OF THE PARTY OF THE PAR			
Reserve	\$ 0.00	\$ 0.00	\$ 0.00	
Municipal				

11.2.2 LIST OF PAID ACCOUNTS FOR THE PERIOD ENDING 31 JULY 2020

File:	FIN/25
Author:	Connie Walker – Accounts Payable Officer
Reporting Officer:	Les Crichton – Executive Manager Corporate and
	Community Services
Report Date:	18 August 2020
Refer:	Nil
Appendices:	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in July 2020.

BACKGROUND

Council has delegated authority to the Chief Executive Officer (CEO) to exercise its 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

Accounts totalling \$1,594,443.07 were paid during the month of July 2020.

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:

		\$1,200,113.82
•	Municipal Fund direct debits	\$143,999.53
•	Municipal Fund cheques	\$9,114.61
•	Municipal Fund electronic funds transfers (EFT)	\$1,052,999.68

Bank Statement

 Bank fees and charges 	\$2,599.62
 Wages and salaries 	\$301,083.30
Police licensing	\$90,002.95
Office rent	\$643.38
	\$394,329.25

Trust Fund \$0

Total Expenditure \$1,594,443.07

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 and advocacy
	on behalf of the community
Outcome	5.1 Values
	Our Organisational and Business Values are demonstrated in all
	that we do
Key Service Areas	Financial Management
Priorities	N/A

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe SECONDED: Councillor Peczka

That Council note all payments made by the Chief Executive Officer under Delegation 2.1 for July 2020 totalling \$1,594,443.07, as detailed in the schedule provided to

Councillors comprising:

•	Municipal Fund electronic funds transfers (EFT)	\$1,052,999.68
•	Municipal Fund cheques	\$3,114.61
•	Municipal Fund direct debits	\$143,999.53

Bank Statement

Bank fees and charges \$2,599.62
Wages and salaries \$301,083.30
Police licensing \$90,002.95

• Office rent \$643.38

Trust Fund \$0

CARRIED UNANIMOUSLY

Note: The Executive Manager Corporate and Community Services advised that the figure of \$9,114.61 shown in the Agenda for Municipal Fund Cheques was incorrect due to a typographical error. The correct figure of \$3,114.61 would be shown in the minutes.

11.2.3 UPPER COASTAL SPORTING FACILITIES MASTER PLAN

File:	CSV/43
Reporting Officer:	Les Crichton – Executive Manager Corporate and
	Community Services
Report Date:	18 August 2020
Refer:	Nil
Appendices:	Draft Master Plan and Report

DISCLOSURES OF INTEREST

Councillor Morton disclosed an Impartiality Interest in relation to this matter as a fee-paying member of the Ledge Point Golf Club and Country Club.

Councillor Peczka disclosed an Impartiality Interest in relation to this matter as a fee-paying member of the Lancelin Bowling Club.

Councillor Rule disclosed a Proximity Interest in relation to this matter as a Part Owner of Lime Tenement M70/57, located on the southern boundary of Recreation Reserve 28303 and left Council Chambers at 3:20pm

PURPOSE

SHIRE OF GINGIN

To receive the Upper Coastal Sporting Facilities Master Plan and Business Case Report, confirm Council's position in relation to the non-duplication of facilities, and seek public comment.

BACKGROUND

The Consultants for the Upper Coastal Sporting Facilities project recently presented the Draft Master Plan and associated rationale to both the Upper Coastal Sporting Facilities Working Group and Council.

The Consultants have undertaken an independent assessment (which included community engagement) and, based on this rationale and the project objectives, have provided a draft Master Plan and Report (refer Appendix 1). This report explains the rationale behind the design, including Ledge Point as the hub for passive sports and recreation (including bowling and golf facilities) and Lancelin as the hub for active sports and recreation (removal of bowling and golf facilities and provision of additional netball/basketball court, hockey field and relocation of Gun Club due to its current location proximity to housing)

The overarching project objective is "The Upper Coastal region has appropriate sporting and recreation facilities that are sustainable for both the Shire and for the community over the long-term".

Following the presentation, several Working Group members provided feedback which was then collated and provided to Councillors together with other project information for their review.

Aware that the contract with the Consultants is almost complete, Council's direction as to the next steps is sought, with a number of options presented at the Council Briefing Session on 7 July.

The first area of clarification required is Council's appetite for duplicated facilities, (i.e. supporting the golf facilities and bowling facilities at both Upper Coastal locations [Lancelin and Ledge Point] as is currently in place or only one location as recommended by the report). If one location is sought, it is understood that the location of facilities will be based on the Consultant's recommendation and rationale (i.e. located at Ledge Point Country Club only).

Rationalisation and sustainability of facilities (including the viability of duplicated facilities) has been in discussion from the commencement of the project with the Working Group and associated public consultation sessions. For purposes of addressing additional sporting/recreational facility needs (including ongoing costs), an independent assessment was required to analyse current facilities, unmet needs and justification for proposed recommendations. This is particularly relevant to the Strategic Community Plan Priority "3.2.1 Develop and plan community infrastructure to improve use and financial sustainability".

The other critical discussion factor throughout the project was the eligibility for grant funding, given that while the project has an indicative value of \$5 million, two thirds of this is subject to successful grant funding being secured. The competition for available funding is keen, and duplication is very unlikely to be supported unless a strong business case/cost benefit analysis can indicate substantial benefit to the community (i.e. metro based clubs may be considered where membership numbers and usage are proven to be high). Taking into account the cost and resourcing associated with grant submissions, the Shire of Gingin must ensure that the proposed project has a strong argument (evidenced through its business case/cost benefit analysis) in its favour.

COMMENT

SHIRE OF GINGIN

The challenging factor with regards to any decision made to reduce facilities is the impact on current users and stakeholders. There are four existing clubs (two bowling clubs and two golf clubs) that are each very passionate and committed to their current club's location based on a sense of ownership, connections, a history and other sporting dynamics (e.g. fixtures etc.). It is recognised that there are concerns with respect to the potential closure of existing club facilities at Lancelin and the possible impact of these closures on the ongoing operational sustainability of the Lancelin Community and Sporting Club Inc.

With this in mind, Council's final decision will ideally factor in the sensitivity and support required to adapt to any changes, together with review of operational sustainability.

Taking to account the above, and in confirming its position in relation to the ongoing sustainability of facilities servicing the Upper Coastal region, it is recommended that Council:

- Receive the draft Master Plan;
- 2. Agree that continued duplication of facilities will not be supported;

- 3. Authorise the Upper Coastal Sporting Facilities Working Group to consult with the Lancelin and Ledge Point Bowling Clubs and Lancelin and Ledge Point Golf Clubs on minor design changes and staging priorities; and
- 4. Receive feedback from the groups prior to endorsement of the final Master Plan 4.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

SHIRE OF GINGIN

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The 2020 - 21 Municipal Budget has an allocation of \$50,000 (GST excl.) for the multi-court design specifications however as the project is yet to be confirmed (along with the associated staging timeline) it is proposed that a portion of these funds be used to undertake the option requirements, if and as required. Quotes will be sought for the design specifications once at that stage and may seek an unbudgeted expenditure request if required.

Account	Description	Current
		Budget
11359255	Lancelin - Lancelin Sporting Complex - Reconstruction - 20/21 Master Plan Design Specifications 21/22 2 multi	50,000
	court construction	

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	3. To effectively manage growth and provide for community through the
	delivery of community infrastructure in a financially responsible manner.
Outcome	3.2 The Shire provides fit for purpose community infrastructure in a
	financially responsible manner.
Priority	3.2.1 Develop and plan community infrastructure to improve use and
	financial sustainability
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	3.2The Shire provides fit for purpose community infrastructure in a
	financially responsible manner.
Priority	3.2.1 Develop and plan community infrastructure to improve use and
	financial sustainability

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

- Receive the Draft Master Plan and Report;
- 2. Agree that the duplication of facilities is not negotiable and the Shire will only support one location for the Bowling facility and Golf facility in the Upper Coastal sub-region;
- Authorise the Upper Coastal Sporting Facilities Working Group to consult with the Lancelin and Ledge Point Bowling Clubs and the Lancelin and Ledge Point Golf Clubs on any minor changes to the design and staging; and
- 4. Receive any feedback from all groups prior to the final Master Plan design being presented for formal endorsement.

COUNCIL RESOLUTION/ALTERNATIVE MOTION

MOVED: Councillor Morton SECONDED: Councillor Vis

That Council:

- 1. Receive the Draft Upper Coastal Sporting Facilities Master Plan
- 2. Authorise the Upper Coastal Sporting Facilities Working Group to consult with relevant clubs on any modification to the Master Plan
- 3. Request that the Upper Coastal sporting groups (comprising the Lancelin and Ledge Point sporting clubs) consult together to determine the timing of any sporting facility changes in accordance with the Masterplan. These proposals are to then be referred to the Upper Coastal Sporting Facility Working Group for consideration prior to being submitted to Council
- 4. Agree that the Shire cannot financially support the duplication of facilities within close proximity to each other
- 5. Agree that all sporting clubs can remain as part of the Upper Coastal Sporting Facilities as long as they are sustainable/viable.

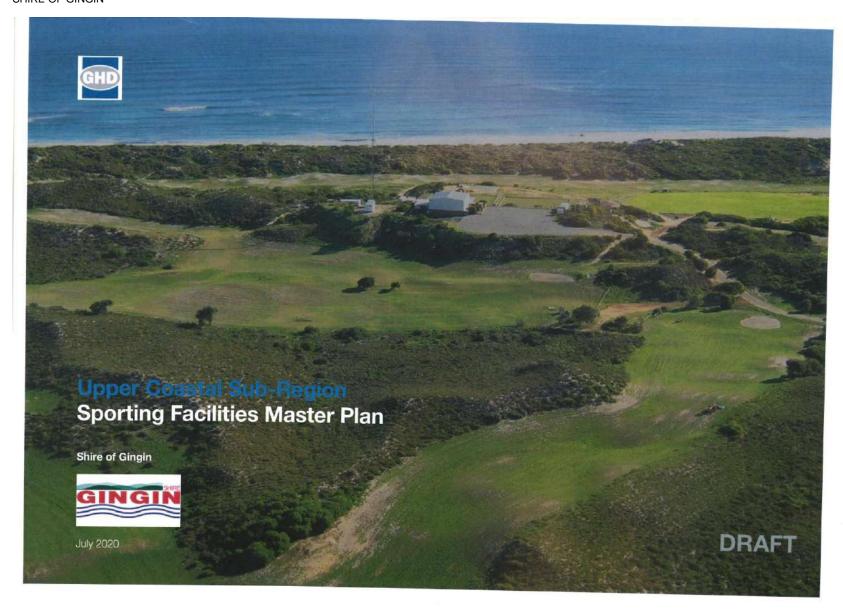
CARRIED UNANIMOUSLY

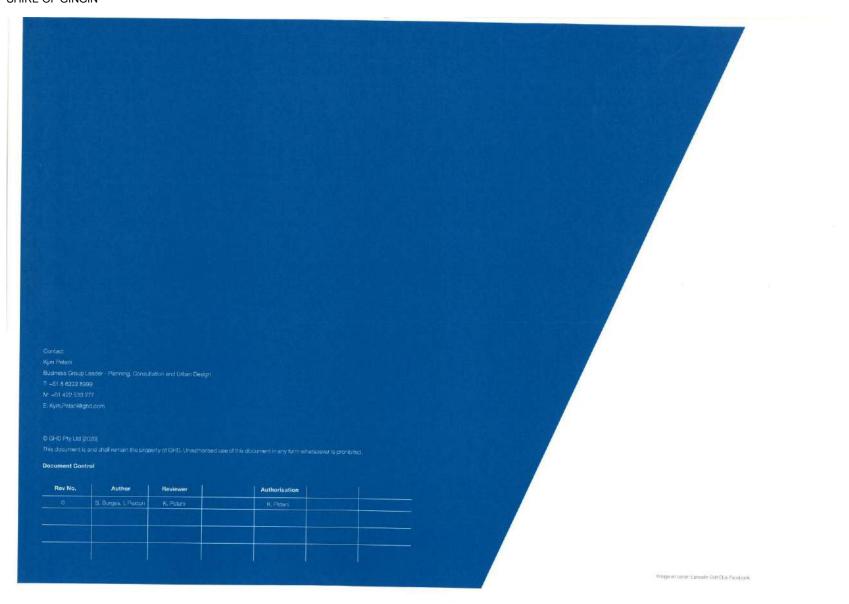
Reason for Alternative Motion

Council was of the view that the officer's recommendation did not provide sufficient detail with respect to the actual process to be followed.

Councillor Rule returned to the meeting at 3.31pm and was advised of Council's decision by the Shire President.

APPENDIX 1

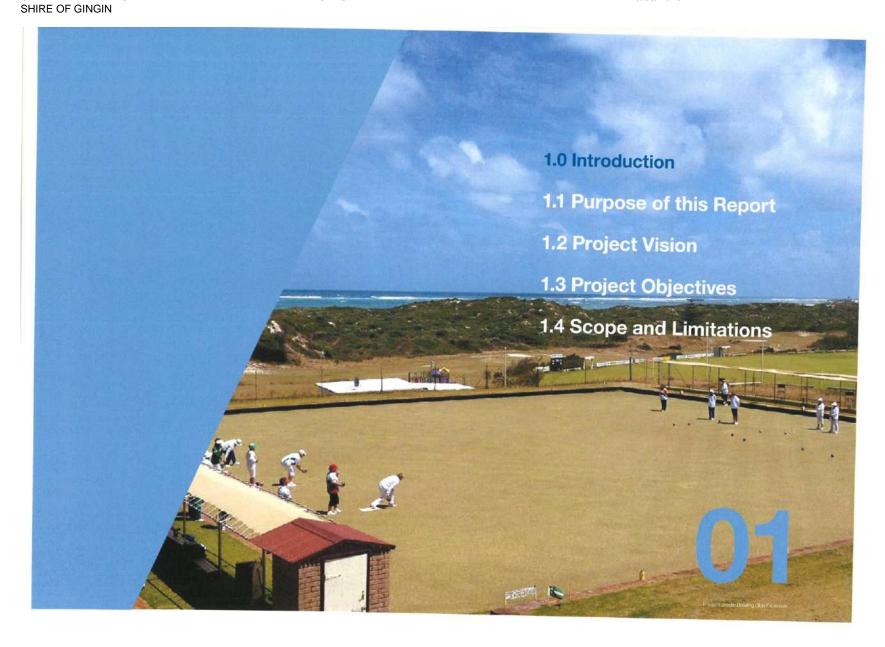




ORDINARY MEETING MINUTES 18/08/2020 SHIRE OF GINGIN

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QS Report - Option 2	



1.0 Introduction

The Master Plan Report draws and investigations through a

Process including Needs Analysis, Collaborative Planning, Investment Prioritisation and Implementation.

together previous studies

four-stage Master Planning

1.1 Purpose of this Report

To support growth, liveability and sustainability in the Upper Coastal Sub-region, the Shire of Gingin Is keen to understand the existing and future sporting facilities requirements across the four Upper Coastal settlements of Ocean Farm, Seaview Park and in particular Lancelin and Ledge Point.

This Upper Coastal Sporting Facilities Master Plan Report (Master Plan Report) presents the activities and analysis undertaken to establish the design rationale for the proposed Upper Coastal Sporting Facilities Master Plan (Master Plan) for the Shire of Gingin.

The Master Plan Report draws together previous studies and investigations through a four-stage Master Planning Process including Needs Analysis, Collaborative Planning, Investment Prioritisation and Implementation. It is a strategic document that will guide the evolution of sporting facilities in the Upper Coastal Sub-region over the next 10 - 20 years. The Master Plan will inform the development of detailed designs and assist in the Shire to attract and allocate funding for implementation.

1.2 Project Vision

MINUTES

The Shire of Gingin Council adopted purpose of the Master Plan is to develop a strategic vision for sporting facilities in the Upper Coastal Sub-region:

"The Upper Coastal Sub-region has appropriate sporting and recreation facilities that are sustainable for both the Shire and the community over the long-term"

1.3 Project Objectives

The Shire of Gingin understands that there is a need to review current sporting facilities and future priorities, including how it can better capitalise on existing infrastructure and have development needs assessed based on rationalisation and evidence. To reinforce this vision an Upper Coastal Sporting Facilities Working Group (Working Group) was established to represent the local community.

The Working Group defined the objectives of the Upper Coastal Sporting Facilities Master Plan as

- 1. Financially affordable and sustainable considering implementation, operational and whole of life costs:
- 2. Capitalise on and support maximising usage of pre-existing facilities;
- 3. Engaging community and stakeholders to determine priorities and needs:
- 4. Respond to rationalised evidence-based needs versus wants/wish list:
- 5. Multi-purpose facilities that accommodate a range of sports and also connects clubs:
- 6. Attractive, appealing and modern facilities for all
- ages (communities and visitors);

"The Upper Coastal Sub-region has appropriate sporting and recreation facilities that are sustainable for both the Shire and the community over the long-term."











- Vibrant community (central) hub/s that engages both the sporting and non-sporting community;
- Bringing Upper Coastal communities together
 fair and equitable outcomes for all (supports connectivity between towns and communities);
- Facilities that can grow with the community -Design accommodates capacity for facilities to grow as future needs change;
- Identifies what is important about the Upper Coastal area, community and sporting facilities and how its character and quality can be conserved, improved and enhanced;
- Explore income opportunities in facilities design; and
- Includes assessment of proposed Ledge Point to Lancelin road (construction of Old Ledge Point Road)

1.4 Scope and Limitations

This report: has been prepared by GHD for Shire of Gingin and may only be used and relied on by Shire of Gingin for the purpose agreed between GHD and the Shire of Gingin as set out in section 1.1 of this report.

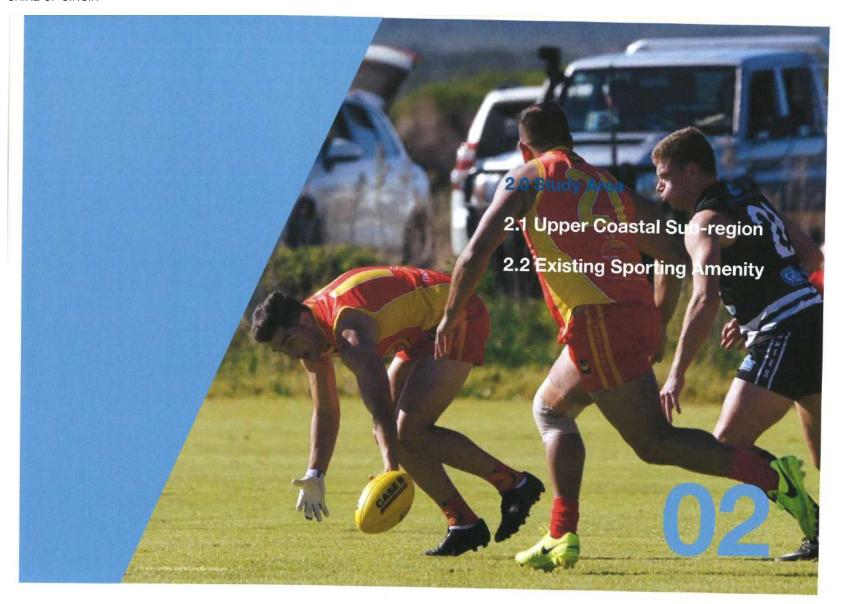
GIHD otherwise disclaims responsibility to any person other than Shire of Gingin arising in connection with this report. GIHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on concilions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by Gi-ID described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

GHD has prepared this report on the basis of information provided by Shire of Gingin and others who provided information to GHD (including Government authorities), which GHD has not independently writted or checked beyond the agreed scope of work, GHD does not accept liability in connection with such unverified information, including errors and omissions in the report which were caused by errors or omissions in that information



2.0 Study Area

The Shire of Gingin is experiencing growth as a result of its lifestyle, the environment and proximity to Perth.

2.1 Upper Coastal Sub-region

The Shire of Gingin is located approximately 85 kilometres north of Perth in the Wheatbelt region of Western Australia. The Shire is one of the State's fastest growing rural areas with a population of 5217 residents as calculated to the 2016 Census and a growth forecast of 16.384% increase in the next 25 years (WA Tomorrow, DPLH). The Shire covers an area of approximately 3208.4 square kilometres and consists of three sub-regions including Rural Gingin, Lower Coastal and Upper Coastal.

The Shire of Gingin is experiencing growth as a result of its lifestyle, the environment and proxinity to Perth. The local government are offers both a coastal and a semi-rural lifestyle, appealing to sea changers, tree changers and refitnees. Upgrades to major transport routes such as inclian Ocean Drive and NorthLink are expected to further reduce travel times and result in more visitors and tourists to the region.

The Upper Coastal Sub-region is located to the North-West of the Gingin Town Centre with a population of 1470 across (ABS Census 2016) four localities including Lancelin (60% of population), Karakin (18%), Ledge Point (16%), and Nilgen (16%). The area consists of mostly flat, sandy soil with residents mainly living in stand-alone housing, small acreage or broad acre farms. The Upper Coastal area's permanent population is predicted to grow around 18% from 2016 to 2026 (Forecast.

"The Shire is one of the State's fastest growing rural areas with a population of 5217 residents as calculated to the 2016 Census and a growth forecast of 16.384% increase in the next 25 years.

(WA Tomorrow, DPLH)

Figure 1.0 on the right identifies the location of the Upper Coastal Sub-region in relation to the greater

Legend

Local Government

Metropolitan Region

Scheme boundary

boundary

Sub-Region boundary State of Moore

Share of Moore

Date of Moore

State of Moore

Figure 1.5 - Location of the Upper Coastal Sub-region, Gingly

SHIRE OF GINGIN

2.2 Existing Sporting Amenity

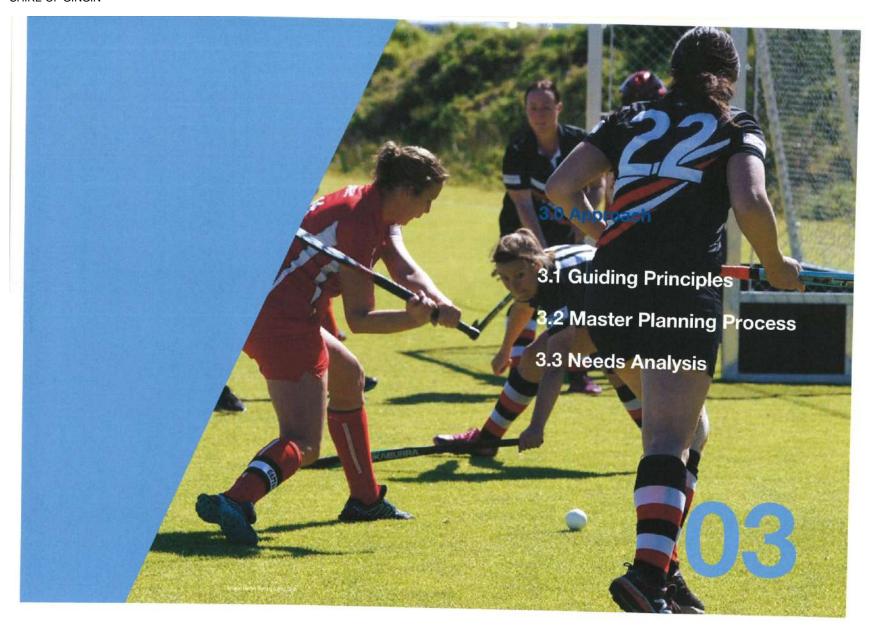
A summary of the current provision of sporting and recreation facilities in the Upper Coastal Subregion is detailed in Table 1.0 and illustrated in Figure 2.0.

Location	Facilities	Observations
Obean Farm	2 x multi-purpose courts	Fair condition, no upgrade required,
Lancelin Sporting Complex	Golf and Bowls Clubhouse	Fair condition, some concrete cancer requiring rectification. Includes par, function space, toilets and change rooms.
	Indoor basketball, multi- purpose area.	% basketnell court. Fair condition but unable to be used for basketnell competition.
	18-hale galf course	Fair condition. Nine holes reticulated and nine holes unreliquiated. Large ongoing maintenance commitment.
	2 x natural grass bowling greens	Good condition. Large origing maintenance commitment.
	2 x putdoor netball courts	Good condition. Sports lighting requires upgrading.
	Football Club changing rooms	Good condition. No upgrades required
	Football Club bar and klosk	Good condition. No upgrades required
	Football oval	Good condition. Sports lighting for training purposes is required.
	Children's Playground	Good condition. No upgrades required:
	Recreational Sheeting Club	Existing range location may pose a safety risk to memby housing developments. Requires relocation.
	Internal roads	Unssaled, Some realignment required,
	Cerparking	Sealed and unsealed. Some upgrades and formalisation of parking spaces required.
Ledge Point	Ledge Point Country Olub - Olubhouse	Fair condition, includes bottle shop, bar, restaurant, large function apage, toilets and changerooms.
	18-hole golf course (9 fairways)	Fully reticulated, good condition. Large ongoing maintenance commitment.
	2 x synthetic grass bowling greens	Soud condition. Reduced ongoing maintenance commitment, high replacement cost
	3 x tenns hardcourts	Poor condition, Resurfacing and upgrades to sports lighting required.
	Cricket eval	Good condition. No upgrades required.
eaview Park	NI	NA .





Figure 2.0 - Einsting Upper Coastal Sporting Facilities



3.0 Approach

The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

3.1 Guiding Principles

The Shire of Gingin previously contracted a consultant to develop a Community Infrastructure Plan along with a Gingin Recreation Grounds Master Plan and a Lancelin Sporting Complex Master Plan. However, as no parameters were established, the Lancelin Sporting Complex Masterplan (2016) provided a wishilst that was not financially viable for the Shore of Gingin or for the Sporting Association lessees (Shire of Gingin).

Upon review of the 2016 Master Plan subject to the Shire and the community, the Shire has proposed a St million budget for investment in sporting facilities within the Upper Coastal Sub-region, of which 66% subject to attracting successful grant funding. Further direction in relation to the management and development of community infrastructure has been provided through the Shire of Gingin Strategic Community Plan 2019-2029.

Shire of Gingin Strategic Community Plan 2019-2029

Infrastructure and Development:

Objective 3. To effectively manage growth and provide for community through the delivery of community intrastructure in a financially responsible manner.

Priorities:

- 3.2.1 Develop and plan community infrastructure to improve use and financial sustainability
- 3.2.3 Rationalise and consolidate older community infrastructure

*Includes Community & Civic Buildings, Gingin Aquatic Centre, Parks and Reserves, Roads and Paths, Sport and Recreation Facilities

Community Sporting and Recreation Facilities Fund (CSRFF) Guidelines Due to the implementation of the Master Plan being dependent on successfully attracting external funding, it is vital that the Master Plan be developed in accordance with funding eligibility criteria, in particular the State Government's Community Sporting and Recreation Facilities Fund (CSRFF) Guidelines. The purpose of the program is to provide financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities.

Priority consideration for CSRFF funding will be given to:

- new or upgraded facilities which will maintain or increase physical activity, or result in a more rational use of facilities;
- projects that lead to facility sharing and rationalisation;
 and
- multi-purpose facilities that reduce the infrastructure required to meet similar needs and increase sustainability.

The funding program is not designed to provide facilities to meet a club's ambitions to compete in a higher grade and infrastructure life cycle costs must be considered.

3.2 Master Planning Process

This study adopts an integrated, evidence-based and community focused approach to fully understand and prioritise the needs of sporting facilities throughout the Upper Coastal Sub-region to inform a sustainable Sporting Facilities Master Plan for the Shire of Ginglin and community.

The process undertaken to develop the Upper Coastal Sporting Facilities Master Plan is summarised in Figure 3.0.



"To effectively manage growth and provide for community through the delivery of community infrastructure in a financially

responsible manner.

ORDINARY MEETING SHIRE OF GINGIN MINUTES

18/08/2020

3.3 Needs Analysis

A comprehensive needs analysis was undertaken to identify the gap between existing conditions of the current and future needs of the community. The following types of need were identified:

- Normative Need:
- Identified Need.
- Comparative Need; and
- Evidence-based practice requirements.

Normative Need

Normative need is about understanding the people and place, considering the requirements for various facilities based on the participate profile of the community. The population of the Upper Coastal Sub-region is relatively small, being home to a total of 1,451 persons with the majority of residents being over 40 years of age, in regard to the settlements themselves, Lancolin is home to the greatest number of persons in absolute total and for each cohort (Table 2.0). While small, this population size is significant for the sub-region as it is three times greater than the next largest settlement, Karakin (Table 2.0).

As a general rule, sporting activities can be separated into two main categories' active and organised sports and 'whole-of-life' sports. Active and organised sports, can be defined as activities that are more physically intensive, including basketball, hockey and AFL. Whole-of-life sports consist of more socially-oriented activities, such as golf, lawn bowls and tennis.

Active and organised sports are typically common with younger age groups and family orientated adult's (ages 0-29) while whole-of-life sports are often played by older age groups (40+). Ages in between the groups (30-39), generally follow a transition period between the two typologies,

Furthermore, across the sub region there are 361 families, with Lancelin being the settlement where family demand is centred (Table 3.0)

The key finding from the normative needs analysis is for active sports to be located in Lancelin to accommodate demand from families.

Cohort/ Settlement	Lancelin	Ledge Point	Karakin	Nilgen – Ocean Farm	Total Numbers
0-14	12.6% (93)	12.9% (31)	12.7% (34)	11.3% (26)	12.7% (184)
15-19	3.8% (38)	3.3% (8)	7.1% (19)	2.6% (6)	4.9% (71)
20-24	4.5% (33)	2.9% (7)	1.1% (3)	1.3% (3)	3.2% (46)
25-29	8.0% (59)	4.2% (10)	0.0% (0)	1.3% (3)	5.0% (72)
30-39	9.5% (70)	8.4% (19)	10.4% (28)	6.1% (14)	9% (131)
40+	61.8% (457)	68.1% (163)	63.8% (156)	77.4% (192)	67% (968)
Total Population	740	240	241	230	1,451

Table (L1) - Consultated Demographic Data (Construct End Settlement), Source 485 (X)16 Census

	Settlement				
	Lancelin	Ledge Point	Karakin	Nilgen- Ocean Farms	
Number of families	165	57	72	67	

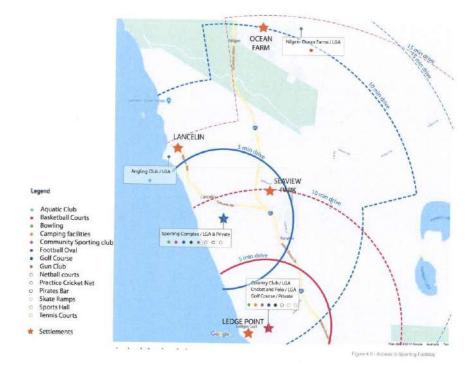
Table 3.0 - Families by Settlemo

Comparative Need

Comparative need compares existing facilities against information about the community to determine to what extent needs are being mot. The accessibility of existing sporting facilities in the Upper Coastal Sub-region is illustrated in Figure 4.0.

Access to sporting facilities in the sub region by car from each settlement) is generally good, with rips ranging from 1 minutes to a movimum of 19 minutes (Table 4.0). The average driving time across the Upper Coastal region from settlement to sporting facility is approximately 11 minutes.

An online survey was also conducted as part of the comparative needs assessment and full results are detailed in Appendix A. The survey found that the majority of respondents would be willing to travel at least 10 to 15 minutes to participate in organised sports (Figure 5.0).



ORDINARY MEETING MINUTES 18/08/2020 SHIRE OF GINGIN

Identified Need

Identified Need involves consultation with key stakeholders and community to understand what people feel is needed.

To inform the master planning process, GHD conducted the following stakeholder engagement in order to better understand the current situation and capture the opportunities and priorities of the Upper Coastal community:

110 responses to the Online Sporting Participation Survey

Approximately 12 x face to face and phone meetings with sporting club representatives

Membership and participation data from clubs

Workshop 1 (Nov 2019) - Key Opportunities and Challenges (approximately 70 participants)

Workshop 2 (Feb 2020) - Long list of Scenario Options (approximately 60 participants)

Workshop 3 (Mar 2020) - Investment Prioritisation (approximately 80 participants)

Note: the majority of participants attended all three workshops.

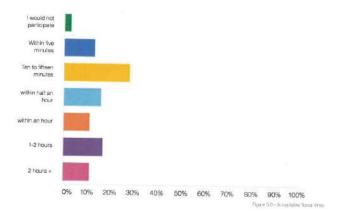
Full details of the aims and key outcomes of the stakeholder engagement are provided in Appendix B.

Evidence Based Practice Requirements

Evidence based practice requirements or benchmarking, relates to published standards for sporting facilities. A review of Australian guidelines enables high-level benchmarking for the provision of community sporting and recreation facilities. In general, the relatively small population of the Upper Coastal Sub-rejoin means that the sports don't reach the typical thresholds. For golf and bowls, the current provision exceeds the identified need, whereas for netball, basketball, tennis and hockey there is a shortfall of reclities to meet demand.

Location/ Facility	Lancelin	Ledge Point	Karakin	Nilgen – Ocean Farm
Lancelin Community Sporting Complex	5 mins	13 mins	7 mins	12 mins
Lancelin Town Facilities	1 min	15 mins	12 mins	17 mins
Ledge Point Country Club	15 mins	1 min	13 mins	18 mins
Nilgen Basket Ball Court	15 mins	19 mins	11 mins	5 mins

Table 4.0 - Transl Termby car



100



4.0 Master Planning Proposed Sporting Amenity

4.1 Sporting Amenity

The master planning process has resulted in a possible relocation of sporting amenity between Lancelin and Ledge Point. The strategy is to concentrate active sports in Lancelin and more passive sports in Ledge Point. This strategy is based around the Shire's wish to create a more sustainable sporting community that maximises the existing amenity and takes into consideration the future demands and uses.



ORDINARY MEETING MINUTES 18/08/2020 SHIRE OF GINGIN

4.2 Lancelin Sporting Complex Master Plan - Option One

Legend

- Proposed Multi-court Court
- Proposed Formalised Car Park
- O Proposed Overflow car park
- Proposed Improved Nature Play Ground
- Existing Change Rooms
- Toilet Block and Game Canteen
- Proposed Pedestrian Stair Access
- Proposed Synthetic Hockey
 Pitch
- Proposed Team Bunkers
- Proposed Viewing Terrace
- Proposed Disabled Access
 Ramo
- Existing Lancelin Sporting Club
- Proposed Nature Play and Turf Viewing area
- Proposed Road Sealing
- (b) Pegasus Sports Shooting Club Possible Primary Shooting and Event Amenity Location
- Proposed Pedestrian crossovers
- Existing oval with proposed new lights

Possible Future works

- Possible Existing Basketball Court Extended to Full Size
- Possible Future Fitness club



4.3 Lancelin Sporting Complex Master Plan - Indicative Staging

MINUTES

Staging strategy

Produced in coordination with the Shire the indicative staging strategy breaks the Lancelin Sporting Complex proposed master plan into buildable stages. These stages are indicative only and the master plan can be implemented in a number of ways that best suit the Shire's requirements.

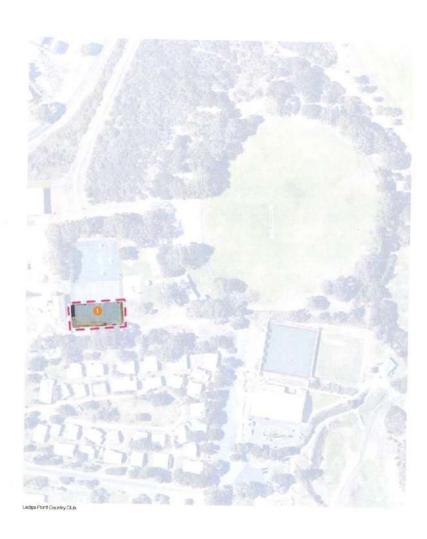
- Stage 1 Access road, car park, multicourts, footpaths and public amenity.
- 2 Stage 2 Synthetic hockey pitch, relocation of Pegasus Shooting dub, car park upgrade, access footpaths and public amenity.
- Potential Stage 3 Existing baskeball court extension and fittness club (Not factored intocurrent budget)



4.4 Ledge Point Country Club Master Plan

Legend

Upgraded existing tennis court. With resurfacing and lights to three existing courts



ORDINARY MEETING MINUTES 18/08/2020

SHIRE OF GINGIN

4.5 Lancelin Sporting Complex Master Plan Option Two

The Lancelin Sporting Complex master plan option two has been designed to offer for consideration as an alternate arangement that has a lower indicative budget. This arrangment also sees the hockey and multi use courts swapped.

Legend

- Proposed Multi-court Courts x 2 (2 further multi courts included as possible future works)
- Proposed Formalised Car Park
- Proposed Overflow car park
- Proposed Improved Nature Play Ground
- Existing Change Rooms
- Toilet Block and Game Canteen
- Proposed Pedestrian Stair Access
- Opposed Synthetic Hockey Pitch (Cut and fill by 2 meters from existing multi-court level)
- Proposed Hockey Team Bunkers
- Proposed Viewing Terrace
- Proposed Disabled Access Ramp
- Existing Lancelin Sporting Club
- Proposed Nature Play and Turf Viewing area
- Proposed Road Sealing
- Pegasus Sports Shooting Club Possible Primary Shooting and Event Amenity Location
- Proposed Pedestrian crossovers
- We non sealed access road to maintenance sheds
- New football training light towers

Possible Future works

- (9) Possible Existing Basketball Court Extended to Full
- 20 Possible Future Fitness club



Lancelin Sporting Complex Masterplan - Option (22)



5.1 Cost Estimates

The quantity surveyors opinion of probable cost for the construction of option one and option two are summarised below and the detailed costings provided by Ashton Associates can be found in Appendix C.

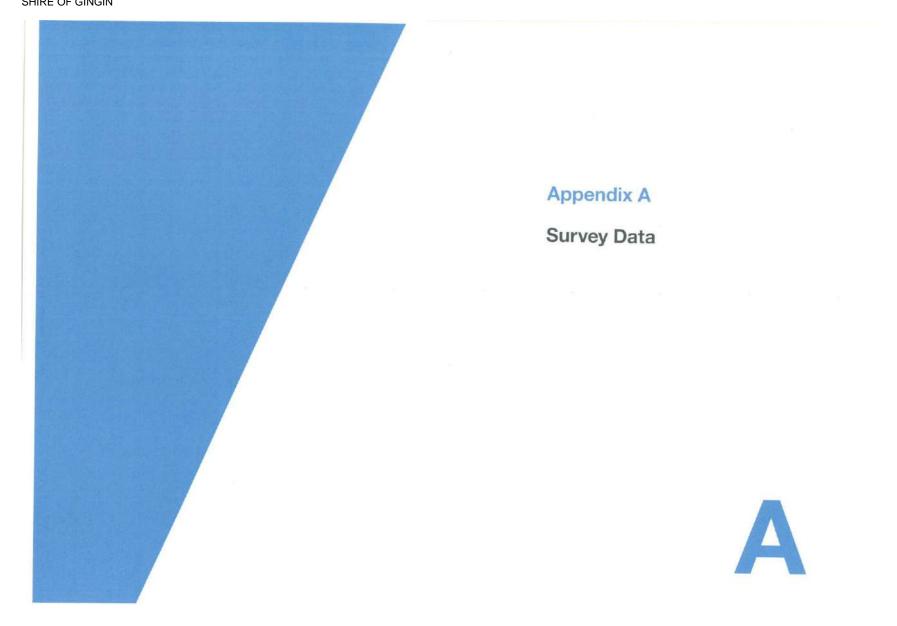
Option One:		
Ledge Point tennis court upgrades	\$200,000.00 to \$240,000.00 (excl GST)	
Lancelin Sporting Complex Master Plan	\$6,300,000,00 to \$7,100.00 (excl GST)	

Option Two:		
Ledge Point tennis court upgrades	\$200,000.00 to \$240,000.00 (excl GST)	
Lancelin Sporting Complex Master Plan	\$6,100,000.00 to \$6,900.00 (excl GST)	





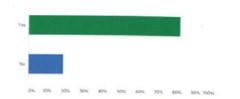




Shire of Gingin - Upper Coastal Sporting Facilities Master Plan Survey

Tuesday 21 January 2020 110 Total Responses 107 Complete Responses Q1: Do you currently participate in organised sports within the Upper Coastal area (i.e. Lancelin, Ledge Point, Seaview Park and Ocean Farm)?

Answered: 107 Skipped: 3



Q2: How often do you participate in the following organised sports?

Answered 106 Skipped 4

	AT LEAST ONCE PER WEEK (DURING SEASON)	AT LEAST ONCE PER MONTH (DURING SEASON)	AT LEAST ONCE PER YEAR (OCCASIONAL GAMES AND EVENTS)	NEVER	TOTAL
textball.	14.29%	1.79%	237%	80.36%	14
Baskethull	18.97%	1 12%	5.17%	74,54%	14
Serves	7.92%	3.51%	22.81%	46.47%	
Cricket	11.32%	9.00%	5,66%	81.02%	51
AV.	16.97%	6.90%	5.17%	48.97%	14
Incoer	0.00%	2.64%	8.00%	87.96%	-
COF	27,14%	11.43%	25.71%	35.71%	
Hockey	72.50%	0.00%	3.36%	82.14%	14
Lawn Streit	29.77%	5.48%	27.40%	38.36%	
Recreational Strouting	3.00%	35.78%	12.51%	49.23%	
ATMetica	4.50%	0.00%	2.50%	94.00%	
Other	19.51%	14.63%	12 20%	53.66%	1,000

Q3: To what extent would you be likely to increase your level of participation in the following organised sports if there were dedicated and/or improved facilities in the Upper Coastal area?

Answered: 106 Skipped: 4		DEFINITELY	POSSIBLY	UNLIKELY	VERY	TOTAL
	Netball	18.18%	9.09%	16 18%	54.55%	
	Basketball	23.64%	10.91%	30.91%	54.55%	
	Tecnna	28.33%	28.33%	8.33%	35.00%	
	Crxxet	13.73%	13.73%	19.61%	52.94%	
	AFL.	20.75%	7.55%	16.98%	54.72%	17
	Soccer	9.62%	11.54%	19.23%	59 62%	30
	Golf	32.43%	23.78%	13.51%	20.27%	110
	Hockey	11.32%	16 99%	13:21%	58,49%	
	Lawn Bowls	58 03%	29.58%	11.27%	71.13%	
	Recreational Shooting	39.44%	28.17%	9.86%	22.54%	
	Athletics	7.69%	15.36%	15.38%	61.54%	
	Other	32.61%	19.57%	6.52%	41.30%	-

Q4: How do you typically access organised sports in the Upper Coastal area?

ANSWER CHOICES	RESPONSES	
Walk	2.83%	- 3
Cycle	3.77%	4
Drive (alone or with passengers)	93.40%	39
TOTAL		106

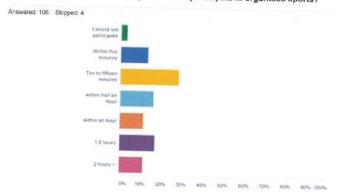
Answered 106 Skipped 4

Q5: How do you prefer to access organised sports in the Upper Coastal area?

Answered 105 Skipped 5

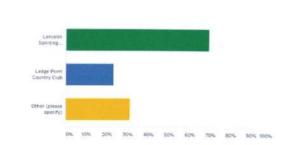
ANSWER CHOICES	RESPONSES	
Walk	9.52%	10
Cycle	16.19%	17
Drive (including as passenger)	74.29%	78
TOTAL		105

Q6: How far would you be willing to travel to participate in organised sports?

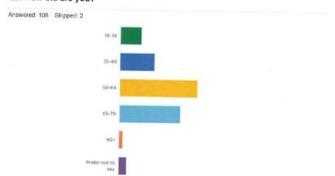






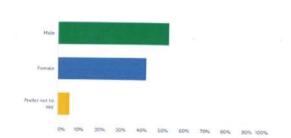


Q8: How old are you?



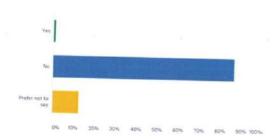
Q9: What gender are you?

Answered: 105 Skipped 5



Q10: Are you Aboriginal or a Torres Strait Islander?

Answered 103 Skipped 7





Appendix B

Stakeholder Engagement Summary

B

Upper Coastal Sporting Facilities Master Plan Shire of Gingin

Stakeholder Engagement Summary

1 Project Vision

"The Upper Coastal Sub-region has appropriate sporting and recreation facilities that are sustainable for both the Shire and the community over the long-term"

Procedure

The process undertaken to develop the Upper Coastal Sporting Facilities Master Plan is summarised below.

Master Planning Process



To inform the master planning process, GHD conducted the following stakeholder engagement in order to better understand the current situation and capture the opportunities and priorities of the Upper Coastal community:

- 110 responses to the Online Sporting Participation Survey
- Approximately 12 x face to face and phone meetings with sporting club representatives
- Membership and participation data from clubs
- Workshop 1 (Nov 2019) Key Opportunities and Challenges (approximately 70 participants)
- Workshop 2 (Feb 2020) Long list of Scenario Options (approximately 60 participants)
- Workshop 3 (Mar 2020) Investment Prioritisation (approximately 60 participants)

Note: the majority of participants attended all three workshops.

1.1 Meetings with sporting club representatives

Aim: To identify the current and future needs of individual sporting clubs in the Sub-region

Key Outcomes:

- For those sports with existing facilities, relatively low memberships numbers mean that clubs need to look for innovate ways to increase participation and utilisation
- Growing demand for netball, basketball and hockey facilities
- Opportunity to review the existing facility management models
- · Desire to reduce maintenance costs and burden on volunteers
- Reluctance from clubs to move to another facility due to the time, effort and money invested by club members and volunteers over many years. Fear of losing history and identity of club.
- Non sport-specific facilities such as a gym and hydro pool are desired and currently lacking in the area

1.2 Online Sporting Participation Survey

Alm: To understand the "Identified Need" through consultation with key stakeholders and the community



Key Outcomes:

- Survey participants (approximately 7% of population.¹) were generally reflective of the Upper Coastal Sub-region's age profile
- 93.4% of respondents currently travel by car to participate in sporting activities
- Over 80% of respondents indicated that at least 10-15 minutes by car was an acceptable amount of time to travel to sporting facilities
- All key sporting facilities within the Upper Coastal Sub-region are accessible by car within 15 minutes
- There is more demand than supply for hockey, basketball and netball facilities
- There is more supply than demand for golf and bowls facilities.

1.3 Workshop 1: Opportunities and Challenges - December 2019

Aim: Identify the key opportunities and challenges facing the Upper Coastal Sub-region in the provision of sustainable sport and recreation facilities

Context:

- Needs Analysis identified a gap in the provision of facilities to meet current and forecast demand for basketball, netball and hockey. Relatively low golf and bowls membership and participation rates make it difficult to sustain separate facilities at Lancelin and Ledge Point.
- Shire has limited financial resources and therefore any proposed infrastructure upgrades must be eligible for an external funding contribution

Key Outcomes:

Opportunities:	Challenges:
Involve local kids to boost membership, participation and utilisation Marketing Great facilities already exist Attract users 7 days a week Inclusive for all abilities and ages Social use of facilities Potential for involvement of commercial operators to help manage aging volunteer base Better access for pedestrians and cyclists Tourism – Ledge Point Marina is an enabler, promotion packages, business links	Low population Low participation and membership rates Ongoing funding and costs Management models and responsibility for facility maintenance Resistance to existing clubs co-locating Aging local population Different priorities amongst the community Need action

1.4 Workshop 2: Scenario Options - February 2020

Aim: Develop and evaluate a 'long list' of scenario options for sporting facilities in the Upper Coastal Sub-region against the following objectives:

- 1. Co-location of multiple sports or multiple clubs (funding requirement)
- Financial sustainability including not investing in duplicated facilities. \$5 million total project budget, including two thirds external funding (funding and community requirement)
- Accessible for everyone in the Upper Coastal Sub-region ease of getting there, travel time (funding and community requirement)
- Facilities meet competition standards for community level sport and recreation (community requirement)
- Reuse and adapt existing facilities where possible and appropriate (community requirement)
- 6. Support tourism and economic development (community requirement)
- 7. Provision of community and social spaces (community requirement)

Key Outcomes:

Lo	ng List of scenario options	Community feedback
1	Status quo, no upgrade of existing facilities	Unmet demand for basketball, hockey
2	Minor upgrades	Adding gym / hydro pool is desirable
3	Identified hubs for active and whole of life sports	Preference to keep what they have with no upgrades, rather than co-locate golf and bowls
4	Identified hubs for active, indoor and whole of life sports	Preference to keep what they have with no upgrades, rather than co-locate golf and bowls
5	Utilise an independent review of condition and quality to determine which duplicated facilities are preferred. Repurpose and upgrade to facilitate additional sports.	Preference to keep what they have with no upgrades, rather than co-locate golf and bowls

6	Upgrades without removal of facilities	Multiple variations proposed, not financially sustainable
7	Consolidated hub at Lancelin sporting complex only	Not supported
8	Consolidated hub at Ledge Point Country Club only	Not supported
9	Utilise broader district facilities, removal of all sporting facilities upon deterioration without replacement	Not supported
10	Additional options proposed by the community	Generally showed variations of Options 2 and 6

- Workshop participants were not generally supportive of co-locating the existing golf and bowls clubs at this point in time (Options 3,4 & 5)
- The participants expressed a preference to keep what they have with no upgrades, rather than co-locate golf and bowls
- Options 2 and 6 were generally preferred by the participants
- Options 7, 8 and 9 were not generally supported by the participants
- The Option 10 scenarios generally showed variations of Options 2 and 6
- A community gym and hydro pool was generally supported by the participants
- The participants generally acknowledged the need for additional basketball, netball and hockey facilities located in Lancelin

1.5 Workshop 3: Investment Prioritisation and Staging

Aim: Using the Community Sporting and Recreation Facilities Fund (CSRFF) eligibility criteria as a guide, prioritise the investment in sporting infrastructure through a staged approach to the Master Plan

Master Plan Challenges	Turning Challenges into Parameters
Meet the sporting needs of the community	Focus on facility upgrades to meet demand that is not currently met (basketball, netball and hockey)
Meet eligibility criteria of external funding agencies	Prioritise sporting facilities for sports/clubs that are not duplicated across the Sub-region (i.e. no upgrades where there is duplication)
Consider the needs and expectations of the Upper Coastal community as a whole	Ensure flexibility in the nature and timing of any facilities investment

Based on community feedback received during Workshops 1 and 2, the following Stage Master Plan approach was proposed:

Stage 1:

- Includes capital upgrades to meet unmet sporting demand (e.g. basketball, netball, tennis and hockey)
- Continue to maintain existing facilities that are not eligible for external funding (e.g. bowls and golf) without upgrades

Stage 2:

- Stage 2 could occur if co-location is desirable to access upgraded, higher quality facilities, or becomes necessary if declining club membership and volunteer numbers cannot sustain the maintenance of existing facilities
- There would be a minimum timeframe for the Shire to then commence the planning and
 resourcing of funds for the Stage 2 upgrades prior to commencement of capital works. This
 includes applying for funding through external grant programs, and will be influenced by any
 other priority high cost projects and associated funds already scheduled in future capital
 works plans.

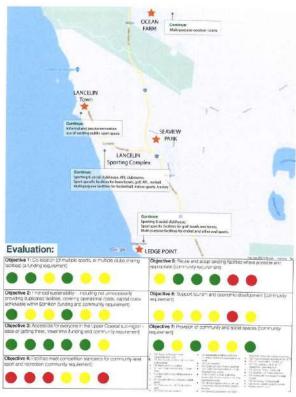
Upgrades associated with either stage of the Master Plan will have criteria associated with the
operational sustainability of the clubs using or leasing those facilities as the clubs may incur
extra maintenance costs and/or require additional volunteers to maintain them

Key Outcomes:

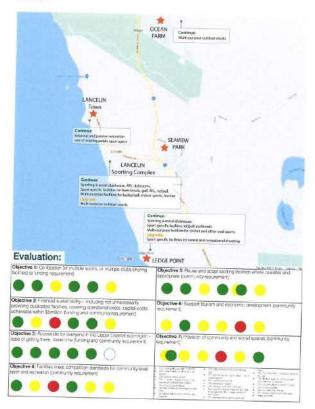
The participants were asked to review the Staged Master Plan in small groups and the following investment was supported:

- Resurface 3 x tennis hardcourts at Ledge Point
- · Additional multi-purpose court in Lancelin
- Upgrade floodlighting to tennis courts at Ledge Point and multi-purpose courts in Lancelin
- Provision of hockey and basketball facilities for training and competition in Lancelin

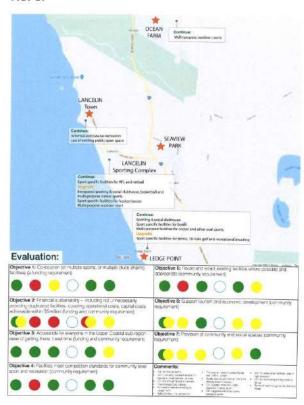
Scenario Status quo; no upgrade of existing facilities. No. 1:



Scenario Minor upgrades No. 2:



Scenario Identified hubs for active, and whole of life sports. No. 3:



Scenario Identified hubs for active, indoor and whole of life No. 4:

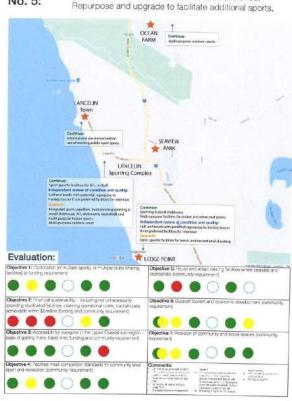


Scenario

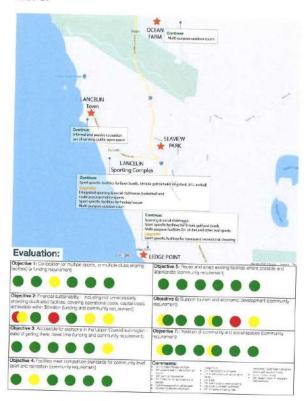
No. 5:

Utilise an Independant review of condition and quality to determine which duplicated facilities are preferred.

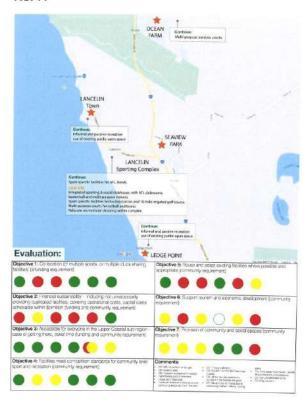
Repurpose and ungreded to facilities are preferred.



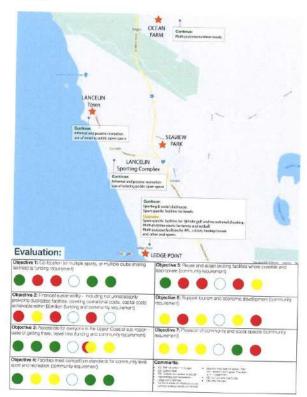
Scenario Upgrades without removal of facilities No. 6:

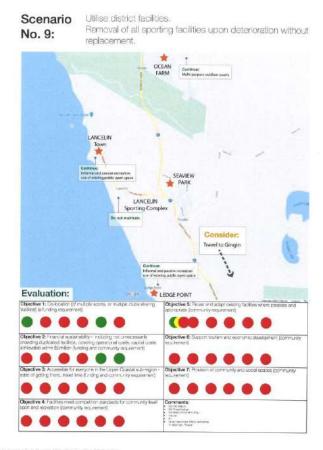


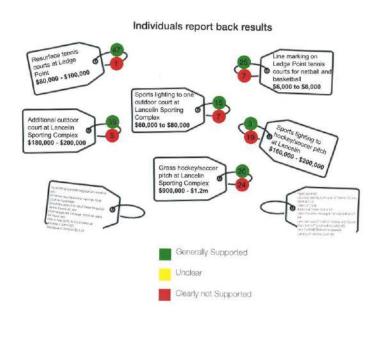
Scenario Consolidated hub at Lancelin Sporting Complex. No. 7:

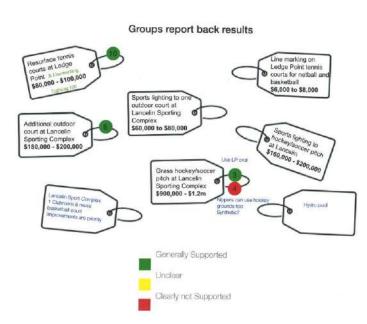


Scenario Consolidated hub at Ledge Point. No. 8:











Appendix C

QS Report



ORDINARY MEETING MINUTES
SHIRE OF GINGIN

C. QS report - Option 1



Obstitute Surveying Description Cost Management Propert find of management

State 2A, 183 Camming Highway, CAST EREMANTLE, INA., 6256 Telephone: 108 Vatri 1230 EMBIT: Admin-6 Ayritmension lines com ac-

18/08/2020

Struan Burges GHD 999 Hay Street PERTH WA 6000

10" June 2020

Dear Strugg

RE: SHIRE OF GINGIN UPPER COASTAL REGION
SPORTING FACILITIES MASTERPLAN
QUANTITY SURVEYORS OPINION OF CONSTRUCTION COST REPORT 1A

Please find enclosed our 'opinion of construction cost estimate' for the above masterplan options based on the GHD drawings received 28/05/20, 29/05/20 and email 09/06/20.

The appinion of construction cost estimate indicates a construction cost range of:

- 1. Lancelin Masterplan = \$6,300,000 to \$7,100,000 excluding GST
- Ledge Point Masterplan = \$200,000 to \$240,000 excluding GST

A summary is included on pages 3 & 4 and exclusions for which no allowances have been made are kisted on page 5. The exclusions should be considered carefully to establish if any additional allowances may be required. Please note that the costs exclude any allowances for rock excavation and to upgrade power supply, water & sever services to the sites. These costs may be regulificant and should be investigated by appropriate constitutions.

A 5% contingency allowance is included.

The eventual cost will be dependent on the final scope of work, level of specification, clarification of currently unknown elements, and the nature and time of tendening.

The estimate excludes any allowance for construction cost establishments and June 2020. The construction cost will be subject to future merket conditions and should be reviewed on a regular basis as part of the cost planning process.

This opinion is an order of tost estimate using 'broad construction type rates' without a detailed calculation and as such provides himled accuracy. It should be considered as indicative to be used as a guide to assist in the cost management of the project. We recommend that a more detailed 'cost plan' be prepared and updated on a regular basis to assist with the cost management of the project.

This estimate is an opinion of construction cost only and is not a quote or definitive cost of the proposed work. The estimate has been prepared from limited information without a full scope, specification or engineering input and as such should be considered as indicative to be used as a guide to assist in the cost management of the project. Estimates of this nature provide limited accuracy and actual costs with be influenced by the design and accope of work, existing infrastructure, documentation and specification, tendering procedure, market conditions, evaluability, and workload of builders, subcontractors, trade and materials. The report should not be used for final determinations and we recommend that the report be updated as information becomes available to assist with the cost management of the project. Asknown associates are not reaportable for design and are not liable is the design is not approved, or is unachievable.

Flease do not hesitate to contact me if you require any clarification or additional information.

ASHTON ASSOCIATES

Mark Ashtor

Mark Ashton ARCS AAIQS BSc Ashton Associates Pty Ltd (ACN 393 782 895) as Trustee for the M & 6 Ashton Family Trust ABY 51 357 389 213



Suite 2A, 163 Canning Highway, EAST FREMANTLE WA 6158

QUANTITY SURVEYORS OPINION OF CONSTRUCTION COST REPORT 1A

SHIRE OF GINGIN

GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN

10th JUNE 2020

PREPARED FOR	Shire of Gingin & GHD
	Struan Burges
CONTACT PERSON	GHD
	999 Hay Street
	PERTH WA 6000
DIRECTOR SIGN OFF	M3/2/ 10/08/2020
	Mark Ashton, Ashton Associates Pty Ltd
ASHTON ASSOCIATES REFERENCE	3567

SHIRE OF GINGIN

GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN OPINION OF CONSTRUCTION COST ESTIMATE NO 1A

Ref: 3567 10/06/2020

REPORT CONTENTS & SCOPE

Contents:

1 Report Contents & Scope	Page 2
2 Cost Summary - Lancelin	Page 3
3 Cost Summary - Ledge Point	Page 4
4 Schedule of Exclusions	Page 5

Building Works comprise:

Proposed additions & alterations to the Lancelin & Ledge Point Sporting Complexes Associated external works GHD email 09/06/2020

The estimate has been based on:

GHD master plan drawings dated 28/05/2020 received 29/05/2020 Medium Specification

Estimate Notes:

This opinion is an order of cost estimate using 'broad construction type rates' without a detailed calculation and as such provides limited accuracy. It should be considered as indicative to be used as a guide to assist in the cost management of the project. We recommend that a more detailed 'cost plan' be prepared and updated on a regular basis to assist with the cost

management of the project

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This report has been based on small scale conceptual drawings (1:500 and 1:1000) and measurement tolerances will need to be far higher than normal. This will provide limited accuracy and Ashton Associates accept no liability for inaccuracies caused by the scale and nature of the documentation.

Clients and Owners should check that the correct interpretation has been accounted for and that allowances and exclusions are in accordance with expectations.

Ashton Associates are not responsible for design and are not liable is the design is not approved, or is unachievable

> Ashton Associates Quantity Surveyors, Construction Cost Consultants, Project Managers

A:3567 - Opinion of Construction Cost 1A

Page 2

SHIRE OF GINGIN GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN **OPINION OF CONSTRUCTION COST ESTIMATE NO 1A**

Ref: 3567

10/06/2020

OPINION OF CONSTRUCTION COST - LANCELIN MASTERPLAN

Refer to pages 1 to 5 of this report for the basis of the opinion of cost.

All costs are exclusive of GST unless noted otherwise

A:3567 - Opinion of Construction Cost 1A

This report is an opinion of construction cost based on limited information, and should be considered as indicative only. Estimates of this nature provide limited accuracy and the estimate should not be used for final determinations. We recommend that a more detailed 'cost plan' be prepared to more accurately define the construction costs and be updated on a regular basis through the design process to assist with the cost management of the project.

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JUNE 2020 COSTS		Total Cost Range				
BUDGET ALLOWANCES (Subject to review	ew of full design implications)					
1a New outdoor multipurpose court (e	excludes lighting)	\$220,000 - \$250,000				
3b Additional line marking to existing	\$8,000 - \$10,000					
1c Sports lighting to outdoor courts (s		\$80,000 - \$100,000				
2a Car park - courts (excludes kerbs, d		\$380,000 - \$420,000				
26 Car park - hockey (resurface only, e	excludes kerbs, drainage & lighting)	\$320,000 - \$350,000				
3 Overflow car park		Excluded				
4 Nature play ground		\$60,000 - \$70,000				
5 Existing change rooms		Excluded				
6 Toilet block & canteen		Excluded				
7 Stair access - included in paving		included				
8a New synthetic hockey pitch (include	es earthworks, retaining & fencing)	\$2,400,000 - \$2,600,000				
86 Sports lighting to hockey (subject to	o power source)	\$200,000 - \$220,000				
9 Team bunkers	All Asias Comments	\$30,000 - \$40,000				
10 Viewing terrace		\$200,000 - \$300,000				
11 Disable access - included in paving		Included				
12 Existing sporting club		Excluded				
18 Nature play & viewing area		\$60,000 - \$70,000				
14 Seal existing access road (excludes	kerbs, drainage & lighting)	\$340,000 - \$380,000				
15 Shooting club (simple structure with	h no range)	\$300,000 - \$350,000				
16 Paving - includes stairs (item 7) & d	isable access (item 11)	\$500,000 - \$550,000				
Lighting to football oval - 3 No (subj	ject to power source)	\$240,000 - \$260,000				
		\$100,000 - \$150,000				
ESTIMATED CONSTRUCTION COST - (Ju	ne 2020)*	\$5,438,000 - \$6,120,000				
Allowance for escalation		Excluded				
Allowance for design consultant fee	25	\$562,000 - \$640,000				
Allowance for contingency (5%)		\$300,000 - \$340,000				
ESTIMATED CONSTRUCTION COST - (June 2020)* Excl. GST GST allowance (10%) ESTIMATED PROJECT COST (June 2020) - (Incl. GST)*		\$6,300,000 - \$7,100,000 \$630,000 - \$710,000 \$6,930,000 - \$7,810,000				
				* Refer to Schedule of Exclusions		
				OPTIONS (Subject to review of full design	en implications)	
17 Basketball court extension	Including GST	\$ 990,000 \$ 1,100,000				
18 Future fitness club	Including GST					

Ashton Associates Quantity Surveying, Project Management, Construction Cost Management

A:3567 - Opinion of Construction Cost 1A

Ashton Associates Quantity Surveying, Project Management. Construction Cost Management

SHIRE OF GINGIN GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN OPINION OF CONSTRUCTION COST ESTIMATE NO 1A

Ref: 3567 10/06/2020

OPINION OF CONSTRUCTION COST - LEDGE POINT MASTERPLAN

Refer to pages 1 to 5 of this report for the basis of the opinion of cost

All costs are exclusive of GST unless noted otherwise.

Another are excusive or use a smeath owner commente.

The following immany is a theoretical analysis of the construction costs. Refer to the detailed adminish of cost for further details.

This report is an opinion of construction cost hased on immed information, and should be considered as indicative only. Estimates of this nature provide limited accuracy and the estimate should not be used for final decorminations. We recommend that a more detailed 'cost plan' be prepared to more accurately define the construction costs and be updated on a regular basis through the design process to assist with the cost management of

This estimate is an opinion of construction cost only and is not a quote or definitive cost of the proposed works. The estimate has been prepared from minimal information without a full scope, specification or engineering input and as such should be considered as indicative to be used as a guide to assist in the cost management of the project, estimates of this neture provide limited accuracy and actual costs will be influenced by the design and To assist in the cost immagnishment or one project, statistics of this nature provide immedia occurry and activist costs will be immension by the people immediately individual professions and apportication, benefining procedure, marked conditions, validability and workhold of builders, substantizations, trades and materials. The report should not be used for final octaminations and we recommend that the report should not be used for final octaminations and we recommend that the report should not be used for final octaminations and we recommend that the report should not be used for final octaminations. information becomes available to assist with the cost management of the project.

JUNE 2020 COSTS	Total Cost Range
BUDGET ALLOWANCES (Subject to review of full design implications)	65
1a Resurface existing courts - 3 No (excludes fencing)	\$80,000 - \$100,000
16 Lighting to tennis courts - 3 No (subject to power source)	\$100,000 - \$120,000
ESTIMATED CONSTRUCTION COST - (June 2020)*	\$180,000 - \$220,000
Allowance for escalation	Excluded - Excluded
Allowance for design consultant fees	\$20,000 - \$20,000
Allowance for contingency	\$0 - \$0
ESTIMATED CONSTRUCTION COST - (June 2020)* Excl. GST	\$200,000 - \$240,000
GST allowance (10%)	\$20,000 - \$24,000
ESTIMATED PROJECT COST (June 2020) - Incl. GST*	\$220,000 - \$264,000
* Rafar to Schadula of Evolutions	

Page 4

Refer to Schedule of Exclusions

ORDINARY MEETING SHIRE OF GINGIN

MINUTES

SHIRE OF GINGIN GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN OPINION OF CONSTRUCTION COST ESTIMATE NO 1A

9 All other items noted as excluded

A 3567 - Opinion of Construction Cost 1A

Ref: 3567

10/06/2020

SCHEDULE OF EXCLUSIONS

1	Land cost and legal fees
2	Finance costs and interest charges
3	Council rates, land taxes and holding costs
4	Development approvals & Building Permit
5	Compliance with planning approval conditions not on drawings
6	Compliance with building permit conditions not on drawings
7	Council fees, levies & bonds
8	Water Corporation headworks fees
9	Western Power headworks fees
10	Gas supply fees
11	Telstra fees
12	Escalation beyond this report date
13	Legal fees and disbursements
14	Work outside the boundary
35	Removal of hazardous materials (asbestos etc.)
16	Demolition & ground decontamination
17	Unknown ground conditions, rock excavation, ground improvement, piling & dewatering
	Subsoil drainage
19	Working around, replacing and re-routing any existing service mains
20	Upgrading services to the site (power supply, water supply, sewer extensions etc.)
21	Equipment and associated building works
22	Fitout, window treatments, loose furniture, furnishings, equipment, white goods
23	Corporate signage
24	Potential costs associated with EBA agreements
25	Delay costs
26	Staging the project
27	Relocation Costs
28	Public Art
010	ject Specific Exclusions
1	Land resumption costs, approvals, consultants fees
	Overflow car park
3	Work to existing change rooms
	Work to toilet block & canteen
5	Work to existing sporting club
6	Work to unsealed loading area
7	Alternative power systems (solar etc)
8	Sewer treatment plant and upgrades

Ashton Associates Quantity Surveying, Project Management. Construction Cost Management

18/08/2020



Suite 2A, 163 Canning Highway, EAST FREMANTLE WA 6158

Telephone (DR) 9319 1230 EMail: Admin@Ashtonassociates.com.au Ref: 3557-08

Struan Burges 999 Hay Street PERTH WA 5000

8 July 2020

Dear Struan

SHIRE OF GINGIN UPPER COASTAL REGION SPORTING FACILITIES MASTERPLAN OPTION 2 QUANTITY SURVEYORS OPINION OF CONSTRUCTION COST REPORT 2A

Please find enclosed our 'opinion of construction cost estimate' for the above masterplan options based on the GHD drawings and emails 02/07/20 and 07/07/20.

The 'opinion of construction cost' estimate indicates a construction cost range of:

- 1. Lancelin Masterplan = \$6,100,000 to \$6,900,000 excluding GST
- 2. Ledge Point Masterplan = \$200,000 to \$240,000 excluding GST

A summary is included on pages 3 & 4 and exclusions for which no allowances have been made are listed on page 5. The A suffixing a microsec on pages 3 or a varied encusions for which no anowances nave been made are listed on page 3, in exclusions should be considered carefully to stabilish if any additional allowances may be required. Please note that the costs exclude any allowances for rock excavation and to upgrade power supply, water its sewer services to the sites. These costs may be significant and should be investigated by appropriate consultants.

A 5% contingency allowance is included.

The eventual cost will be dependent on the final scope of work, level of specification, clarification of currently unknown elements, and the nature and time of tendering.

The estimate excludes any allowance for construction cost escalation beyond June 2020. The construction cost will be subject to future market conditions and should be reviewed on a regular basis as part of the cost planning process.

This opinion is an order of cost estimate using 'broad construction type rates' without a detailed calculation and as such provides limited accuracy. It should be considered as indicative to be used as a guide to assist in the cost management of the project. We recommend that a more detailed 'cost plan' be prepared and updated on a regular basis to assist with the cost management of the project.

This estimate is an 'opinion of construction cost' only and is not a quote or definitive cost of the proposed work. The estimate has been prepared from limited information without a full scope, specification or engineering input and as such should be considered as indicative to be used as a guide to assist in the cost management of the project. Estimates of this nature provide limited accuracy and actual costs will be influenced by the design and scope of work , existing infrastructure, documentation and specification, tendering procedure, market conditions, availability and workload of builders, subcontractors, trades and materials. The report should not be used for final determinations and we recommend that the report be updated as information becomes available to assist with the cost management of the project. Ashton Associates are not responsible for design and are not liable is the design is not approved, or is unachievable

> Mark Ashton ARICS AAIQS BSc Ashton Associates Pty Ltd (ACN 691 782 889) as Trustee for the M & E Ashton Family Trust ASN 51 357 399 113

C. QS report - Option 2



Suite 2A, 163 Canning Highway, EAST FREMANTLE WA 6158

QUANTITY SURVEYORS OPINION OF CONSTRUCTION COST REPORT

SHIRE OF GINGIN

GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN - OPTION 2

8 JULY 2020

PREPARED FOR	Shire of Gingin & GHD
CONTACT PERSON	Struan Burges
	GHD
	999 Hay Street
	PERTH WA 6000
DIRECTOR SIGN OFF	M3/4 08/07/2020
	Mark Ashton, Ashton Associates Pty Ltd
ASHTON ASSOCIATES REFERENCE	3567

Please do not hesitate to contact me if you require any devil cation or additional information.

Yours sincerely ASHTON ASSOCIATES

Mark Ashton ARICS AAIQS BSc ociates Pty Ltd (ACN 091.132.839) as Trustee for the M & E Ashton Pamily Trust. ABN 51.357.389.115 SHIRE OF GINGIN

GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN - OPTION 2

OPINION OF CONSTRUCTION COST ESTIMATE NO 2A

Ref: 3567

8/07/2020

REPORT CONTENTS & SCOPE

Contents:

1 Report Contents & Scope 2 Cost Summary - Lancelin Page 3 3 Cost Summary - Ledge Point Page 4 4 Schedule of Exclusions Page 5

Scope:

Building Works comprise:

Proposed additions & alterations to the Lancelin & Ledge Point Sporting Complexes Associated external works GHD email 02/07/2020 & 07/07/2020

The estimate has been based on:

GHD master plan option 2 drawings dated 02/07/2020 Medium Specification

Estimate Notes:

This opinion is an order of cost estimate using "broad construction type rates" without a detailed calculation and as such provides limited accuracy. It should be considered as indicative to be used as a guide to assist in the cost management of the project. We recommend that a more detailed 'cost plan' be prepared and updated on a regular basis to assist with the cost management of the project

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> Ashton Associates Quantity Surveyors, Construction Cost Consultants,

Project Managers

A:3567 - Opinion of Construction Cost 2-2A

SHIRE OF GINGIN

GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN - OPTION 2 OPINION OF CONSTRUCTION COST ESTIMATE NO 2A

Ref: 3567

8/07/2020

OPINION OF CONSTRUCTION COST - LANCELIN MASTERPLAN

Refer to pages 1 to 5 of this report for the basis of the opinion of cost.

All costs are exclusive of GST unless noted otherwise.

20 Future fitness club

A:3567 - Opinion of Construction Cost 2-2A.

The following summary is a theoretical analysis of the construction costs subject to further review.
This report is an 'opinion of construction cost' based on limited information, and should be considered as indicative only. Estimates of this nature. provide limited accuracy and the estimate should not be used for final determinations. We recommend that a more detailed 'cost plan' be prepared to more occurately define the construction costs and be updated on a regular basis through the dosign process to assist with the cost management of

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JUNE 2020 COSTS			Total Cost Range	
BUDGET ALLOWANCES (Subject to re				
19 Two new outdoor multipurpose			\$400,000	- \$450,000
1c Sports lighting to outdoor courts			\$80,000	- \$100,000
2a Car park - Hockey (excludes kerb			\$380,000	- \$420,000
26 Car park upgrade - Courts (exclusion	des resurface, kerbs, drainage & li	ghting)	\$120,000	- \$150,000
3 Overflow car park	704 NO. 908 EST		Exc	luded
4 Nature play ground			\$60,000	- \$70,000
5 Existing change rooms			Exc	luded
6 Toilet block & canteen			Exc	luded
7 Stair access - included in paving			Inc	luded
86 New synthetic hockey pitch (incli			\$2,200,000	\$2,400,000
80 Sports lighting to hockey pitch (s	ubject to power source)		\$250,000	\$280,000
9 Team bunkers			\$30,000	- \$40,000
10 Viewing terrace			\$200,000	5300,000
11 Disable access - included in pavin	ng .		Inc	uded
12 Existing sporting club			Excluded	
13 Nature play & viewing area			\$60,000	\$70,000
14 Seal existing access road (excludes kerbs, drainage & lighting)			\$340,000	\$380,000
15 Shooting club (simple structure with no range)		\$300,000	\$350,000	
16 Paving - includes stairs (item 7) &	disable access (item 11)		\$500,000 -	
18 Lighting to football oval - 3 No (su	ubject to power source)		\$240,000	\$250,000
General soft landscaping			\$100,000 -	
ESTIMATED CONSTRUCTION COST - (June 2020)*		\$5,260,000	\$5,970,000
Allowance for escalation				uded
Allowance for design consultant f	ces		\$540,000 -	\$600,000
Allowance for contingency (5%)		\$300,000 -		
ESTIMATED CONSTRUCTION COST - (June 2020)* Excl. GST		\$6,100,000 -	400000000	
GST allowance (10%)		\$610,000		
ESTIMATED PROJECT COST (June 202	0) - (Incl. GST)*		\$6,710,000 -	\$7,590,000
Refer to Schedule of Exclusions				
OPTIONS (Subject to review of full de	sign implications)			
1b Two new outdoor multipurpose of		Incl GST	\$610,000 -	\$700.000
as Saving for Turf hockey pitch (adju		incl GST	-\$1,000,000 -	
17 Road to maintenance (excludes ki	erbs, drainage & lighting)	Incl GST	\$530,000 -	
19 Basketball court extension	including GST	incl GST	\$990,000 -	

including GST

Ashton Associates Quantity Surveying,

\$440,000 - \$495,000

Incl GST

Project Management, Construction Cost Management

SHIRE OF GINGIN GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN - OPTION 2 OPINION OF CONSTRUCTION COST ESTIMATE NO 2A

Ref: 3567

8/07/2020

OPINION OF CONSTRUCTION COST - LEDGE POINT MASTERPLAN

Refer to pages 1 to 5 of this report for the basis of the opinion of cost

All costs are exclusive of GST unless noted otherwise.

This report is an opinion of construction cost based on limited information, and should be considered as indicatine only failured to this nature provide limited accuracy and the estimates should not be used for final determinations. We recommend that a more detailed 'cost plan' has prepared to more accurately define the construction costs and be updated on a regular basis through the design process to assist with the cost management of the project.

This estimate is an "opinion of construction cost" only and is not a quote or definitive cost of the proposed works. The estimate has been prepared from minimal information without a full scope, specification or engineering input and as such should be considered as indicative to be used as a guide to assist in the cost management of the project. Estimates of this nature provide limited accuracy and actual costs will be influenced by the design and scope of work, misting infrastructure, documentation and specification, translering procedure, market conditions, evaluability and workshood for builders, aubcontractors, trades and meterials. The report should not be used for final determinations and we recommend that the report be updated as information becomes available to assist with the cost management of the project.

JUNE 2020 COSTS	Total Cost Range
BUDGET ALLOWANCES (Subject to review of full design implications)	and the grant
10 Resurface existing courts - 3 No (excludes fencing)	\$80,000 - \$100,000
to Lighting to tennis courts - 3 No (subject to power source)	\$100,000 - \$120,000
ESTIMATED CONSTRUCTION COST - (June 2020)*	\$180,000 - \$220,000
Allowance for escalation	Excluded - Excluded
Allowance for design consultant fees	\$20,000 - \$20,000
Allowance for contingency	\$0 - \$0
ESTIMATED CONSTRUCTION COST - (June 2020)* Excl. GST	\$200,000 - \$240,000
GST allowance (10%)	520,000 - \$24,000
ESTIMATED PROJECT COST (June 2020) - Incl. GST*	\$220,000 - \$264,000
Refer to Schedule of Evolutions	

Refer to Schedule of Exclusions

Ashton Associates Quantity Surveying. Project Management, Construction Cost Management SHIRE OF GINGIN

GINGIN UPPER COASTAL REGION - SPORTING FACILITIES MASTERPLAN - OPTION 2 OPINION OF CONSTRUCTION COST ESTIMATE NO 2A

Ref: 3567

8/07/2020

SCHEDULE OF EXCLUSIONS

	is Estimate excludes the cost of the following items:
1	Land cost and legal fees
2	Finance costs and interest charges
4	Development approvals & Building Permit
5	Compliance with planning approval conditions not on drawings
6	Compliance with building permit conditions not on drawings
7	Council fees, levies & bonds
8	Water Corporation headworks fees
9	Western Power headworks fees
10	Gas supply fees
11	Telstra fees
12	Escalation beyond this report date
13	Legal fees and disbursements
14	Work outside the boundary
15	Removal of hazardous materials (asbestos etc.)
16	Demolition & ground decontamination
17	Unknown ground conditions, rock excavation, ground improvement, piling & dewatering
	Subsoil drainage
19	Working around, replacing and re-routing any existing service mains
20	Upgrading services to the site (power supply, water supply, sewer extensions etc.)
	Equipment and associated building works
22	Fitout, window treatments, loose furniture, furnishings, equipment, white goods
	Corporate signage
24	Potential costs associated with EBA agreements
25	Delay costs
26	Staging the project
27	Relocation Costs
28	Public Art
Pro	ject Specific Exclusions
1	Land resumption costs, approvals, consultants fees
2	Overflow car park
3	Work to existing change rooms
4	Work to toilet block & canteen
5	Work to existing sporting club
6	Work to unsealed loading area
7	Alternative power systems (solar etc)
	Sewer treatment plant and upgrades
9	All other items noted as excluded

Ashton Associates Quantity Surveying, Project Management, Construction Cost Management

A:3567 - Opinion of Construction Cost 2-2A

Page 5



11.3. REGULATORY AND DEVELOPMENT SERVICES

11.3.1 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED OVER HEIGHT AND OVERSIZE OUTBUILDING AND RETAINING WALL ON LOT 351 (5) GEORGE STREET, LANCELIN

File:	BLD/7148	
Applicant:	Elite Drafting	
Location:	Lot 351 (5) George Street, Lancelin	
Owner:	Aaron Watson	
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:	18 August 2020	
Refer:	Nil	
Appendices:	Location Plan and Applicant's Proposal	

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed over height and oversize outbuilding and retaining wall on Lot 351 (5) George Street, Lancelin.

BACKGROUND

The Shire has received an Application for Development Approval for a proposed outbuilding and retaining wall on the subject lot, which is 1429.6m² in area. The property currently contains an existing single house and a dilapidated outbuilding which is to be demolished.

The proposal seeks approval for an outbuilding 11 metres in length and 11 metres in width, equating to an area of $121m^2$. The proposed wall height is 4 metres tapering to a ridge height of 5.07 metres. The outbuilding is located at the rear of the subject lot, and is set back 1 metre from the side (eastern) and rear (northern) boundaries.

The proposed retaining wall has a nil setback along the length of the side (western) boundary up to 0.9 metres in height (along the northern portion of the property) tapering to 0.1 metres in height along the southern portion of the property.

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 wall height, ridge height and overall area of the outbuilding. The proposal also seeks a variation to Local Planning Policy 2.1 – Residential Outbuildings (LPP 2.1) with respect to the proposed wall height, ridge height and overall area of the outbuilding.

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. The Shire received no comments during the consultation period.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

The subject land is zoned Residential R12.5/20 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 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 outbuilding is deemed to be of a scale which may not maintain or enhance the residential character of the Lancelin locality. The size of the outbuilding, particularly with respect to the proposed wall height, is not consistent with the maximum provisions stipulated in the planning framework. Complying with these provisions is viewed as a significant measure towards achieving this planning objective. It is not considered that a 400mm variation to the wall height will enhance residential character as the proposed outbuilding is likely to adversely affect the visual amenity of adjoining landowners and the locality by way of visual bulk, particularly if outbuildings of this nature become common place within the Residential zone.

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 do not exceed $60m^2$, 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 4 metres, an overall height of 5.07 metres and an area of $121m^2$. 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 front lot boundary, which does assist in alleviating adverse visual impacts on the existing streetscape. This notwithstanding, the wall height is likely to detract from the visual amenity of neighbouring properties by way of building bulk.

The proposed retaining wall is greater than 0.5 metres in height and is located up to the lot boundary. As such, this requires consideration against the design principle of clause 5.3.8 of the R-codes which states:

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

The proposed retaining wall is not of a significant scale and responds to the contours of the site (i.e. tapers down as it extends towards the front boundary). The resultant land, being levelled, will be used more effectively by the landowner and it is not anticipated that the retaining wall will create an adverse impact on the adjoining property.

<u>Local Planning Policy 2.1 – Residential Outbuildings</u>

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	Area	120m ²	121m ² - non-compliant
(1001m ² - 4000m ²)	Wall Height	3.6m	4.0m - non-compliant
	Overall Height	5.0m	5.07m - non-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 development seeks a variation to all three standards. The variations to the area (1m²) and ridge height (70mm) are minor and the officer is not concerned with these components. However as outlined above, the 400mm variation to the wall height is relatively significant.

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 matter is considered to be relevant:

Consideration has been given to the following matters outlined in the deemed provisions with officer comments:

(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;

Comment:

As indicated above, the proposed development is not deemed to satisfy objective (b) of the Residential zone under LPS 9.

(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 wall height contributes to adverse impacts on residents on adjoining land and to a lesser extent the visual impact on the existing streetscape.

Conclusion

In summary, the proposed outbuilding seeks a variation to 'Local Planning Policy 2.1 – Residential Outbuildings' and the R-Codes. Two of the variations sought are minor in nature, however the wall height variation is viewed as excessive. For this reason the outbuilding component is recommended for refusal.

The proposed retaining wall is considered to be acceptable and is supported subject to conditions.

STATUTORY ENVIRONMENT

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	Infrastructure and Development
Objective 3. To effectively manage growth and provide for community through	
	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 Court SECONDED: Councillor Johnson

That Council:

- 1. Refuse Development Approval for a proposed over height and oversize outbuilding on Lot 351 (5) George Street, Lancelin in accordance with clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - a. The scale and setback of the outbuilding do not demonstrate compliance with the Design Principles of Clause 5.4.3 of State Planning Policy 3.1 Residential Design Codes of Western Australia;
 - b. The scale of the outbuilding does not satisfy the objectives of the Residential zone under Local Planning Scheme No. 9 nor does it satisfy Local Planning Policy 2.1 Residential Outbuildings; and
 - c. The scale and setback of the outbuilding do not satisfy Clause 67 (m) of the Deemed Provisions.

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*.

- 2. Grant Development Approval for a proposed retaining wall on Lot 351 (5) George Street, Lancelin subject to the following conditions:
 - a. 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; and
 - b. The approved retaining wall and footings abutting the western lot boundary must be constructed wholly within the subject allotment. The external surfaces of the retaining wall shall be finished to a professional standard, 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 two years, the approval shall lapse and have no further effect;
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained;
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, 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*; and
- 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 7/1

For: Councillors Fewster, Rule, Balcombe, Court, Johnson, Morton and Vis

Against: Councillor Peczka



ORDINARY MEETING MINUTES SHIRE OF GINGIN

18/08/2020



Planning Services Shire of Gingin

09-07-2020

Dear Sir/Madam

RE: Lot 351, 5 George St, Lancelin - Shed

I refer to the above mentioned property and note the following.

Please Note:

- 1.0m 4.198m setback off rear (north) boundary
- 1.0m setback off side (east) boundary
- Shed = 11.0m long x 11.0m wide x 4.0m high eaves
- All materials are non-combustible
- Shed is to be used for storage/workshop
- The 4.0m height requirement is for a 10.4m long x 4.4m high boat, tractor, car, racking and vehicle hoist.
- The 121m2 floor area is required to house all the equipment and machinery the owner has.
 Also to provide a workable area around the machinery.
- With the addition of the shed, the development is below the open space requirement.

Included in application:

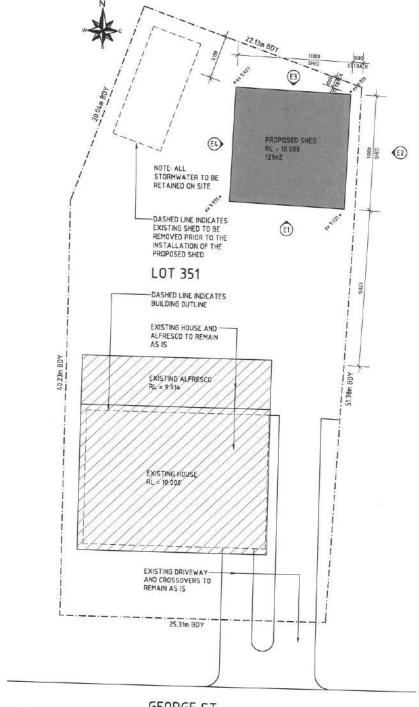
- Signed DA form
- Completed DA checklist
- Certificate of title
- Proposed site survey plan
- Shed layout plan and elevations

Please contact me directly for payment of DA fees.

If you have any questions, please contact me.

Kind regards

Tracy Marshall Elite Drafting 0434-850-522 Applicant



GEORGE ST

PROPOSED SITE PLAN

SCALE 1:200 @ A3 SIZE

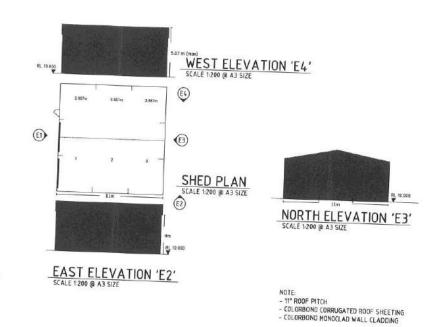
LOT 351, 5 GEORGE ST, LANCELIN SITE AREA 1429m2



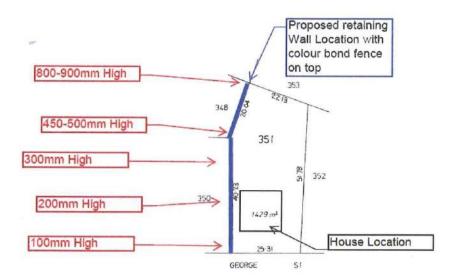
SHED PLAN AND ELEVATIONS SCALE 1:200 @ A3 SIZE

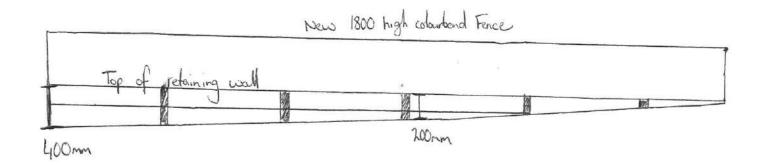
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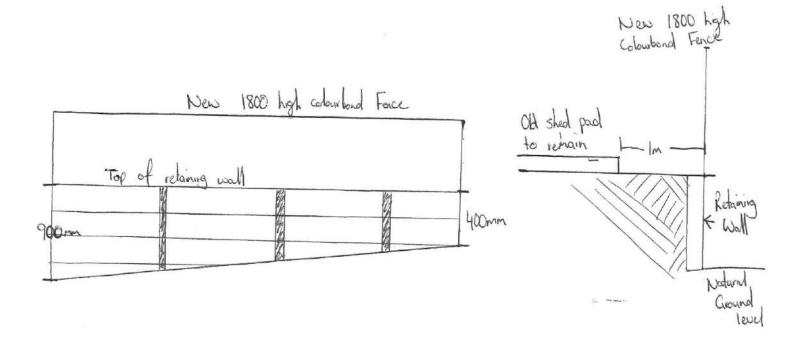
LOT 351, 5 GEORGE ST, LANCELIN SITE AREA 1429m2



5 George street Lancelin WA 6044







11.3.2 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL - PROPOSED OVERSIZE CARETAKER'S DWELLING ON LOT 864 (12) KENDALL ROAD, LANCELIN

File:	BLD/6318
Applicant:	Delich Constructions
Location:	Lot 864 (12) Kendall Road, Lancelin
Owner:	Delich Constructions
Zoning:	Industrial
WAPC No:	N/A
Author:	James Bayliss - Statutory Planning Officer
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and
	Development Services
Report Date:	18 August 2020
Refer:	21 January 2020 Item 11.3.4
	21 April 2020 Item 11.3.5
Appendices:	1. Location Plan
	2. Approved Plans
	3. Applicant's amendment request

DISCLOSURES OF INTEREST

Nil

PURPOSE

SHIRE OF GINGIN

To consider an Application for Amended Development Approval for a proposed Caretaker's Dwelling on Lot 864 (12) Kendall Road, Lancelin.

BACKGROUND

At the Ordinary Council Meeting on 21 January 2020 Council conditionally approved the development of a Caretakers Dwelling on Lot 864 (12) Kendall Road, Lancelin. The development was then referred back to Council's Ordinary Meetings on 17 March 2020 and 21 April 2020 for reconsideration of various conditions imposed of the approval. Council reaffirmed its earlier position and resolved to refuse any amendments to the conditions of approval.

The applicant sought review proceedings in the State Administrative Tribunal (SAT) with respect to those conditions, which was ultimately withdrawn after the initial directions hearing proved futile.

The amendments sought as part of this application relate to the usage of rooms delineated on the approved floor plan, with the changes as follows:

- The 'fragile building products' has been relabelled to 'family room';
- The 'office' has been relabelled to 'master suite';
- The 'store' has been relabelled to 'walk-in-robe' (WIR); and
- The 'Bedroom 2' has been relabelled to 'office'.

A location plan is provided as Appendix 1.

A copy of the approved development plans is provided as **Appendix 2**.

A copy of the applicant's proposal to amend the floor plan is provided as **Appendix 3**.

COMMENT

Community Consultation

No community consultation was undertaken with respect to the amended development application.

PLANNING ASSESSMENT

Planning and Development (Local Planning Scheme) Regulations 2015 (the Regs)

Schedule 2, Part 10 a, clause 77(1) (c) of the Regs enables local government to consider amending an aspect of the development approval, which if amended would not substantially change the approved development. The relevant clause is outlined below:

"77. Amending or cancelling development approval

- (1) An owner of land in respect of which development approval has been granted by the local government may make an application to the local government requesting the local government to do any or all of the following
 - (a) to amend the approval so as to extend the period within which any development approved must be substantially commenced;
 - (b) to amend or delete any condition to which the approval is subject;
 - (c) to amend an aspect of the development approved which, if amended, would not substantially change the development approved;
 - (d) to cancel the approval."

The officer anticipated the applicant would not in fact formalise these components of the development and that the notations on the submitted plan was an attempt to reduce the overall floor area assigned to the Caretakers Dwelling as part of the officer's assessment.

The proposed amendments do not substantially change the approved development and the officer is of the view that it is appropriate to formalise the amended floor plan.

Conclusion

In view of the above report, the proposed amendments are considered to be acceptable. It should be noted that the conditions imposed on the original determination remain valid, and this amendment simply replaces the approved floor plan.

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

4.8.9 Caretakers Dwellings

Western Australian Planning Commission Planning Bulletin No. 70 – Caretakers Dwellings

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

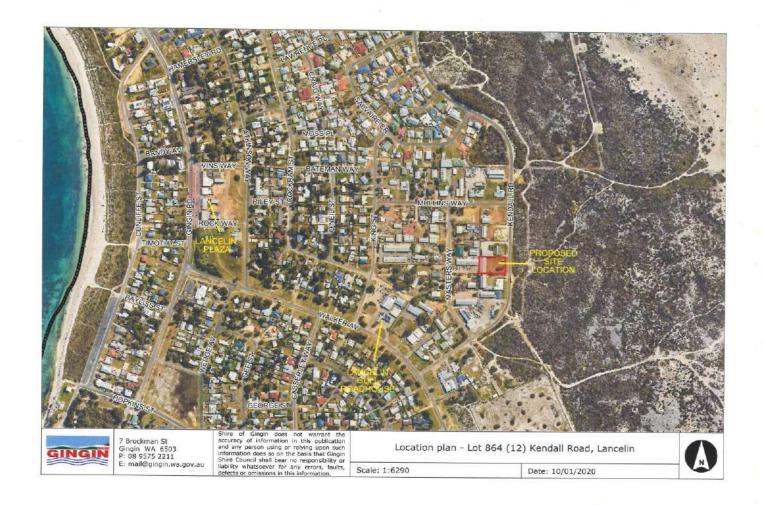
That Council grant Amended Development Approval for an oversized Caretakers Dwelling on Lot 864 (12) Kendall Road, Lancelin subject to the following conditions:

- 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 an amended floor plan only.

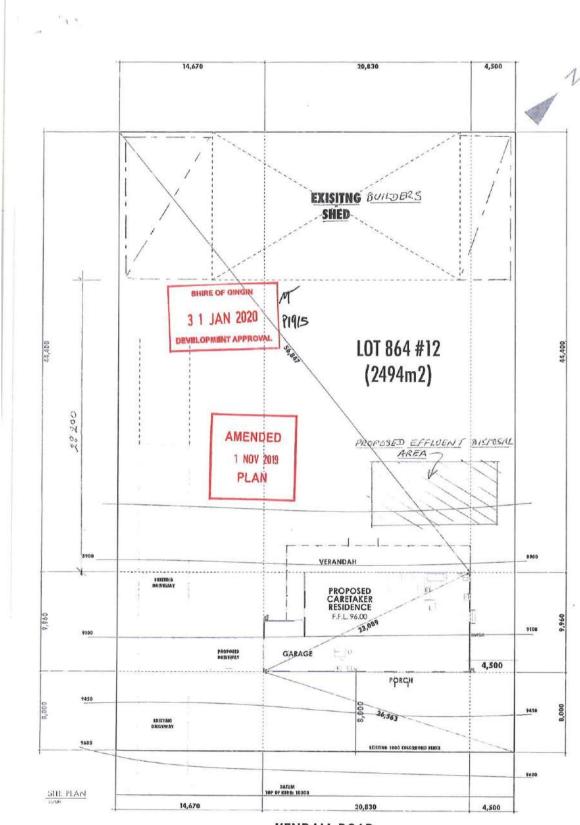
Advice Notes:

- Note 1: If you are aggrieved by this determination 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: This amended development approval does not seek to supersede the determination notice dated 31 January 2020 for the oversized caretakers dwelling. All conditions forming part of that approval remain valid. This approval simply replaces the approved floor plan.

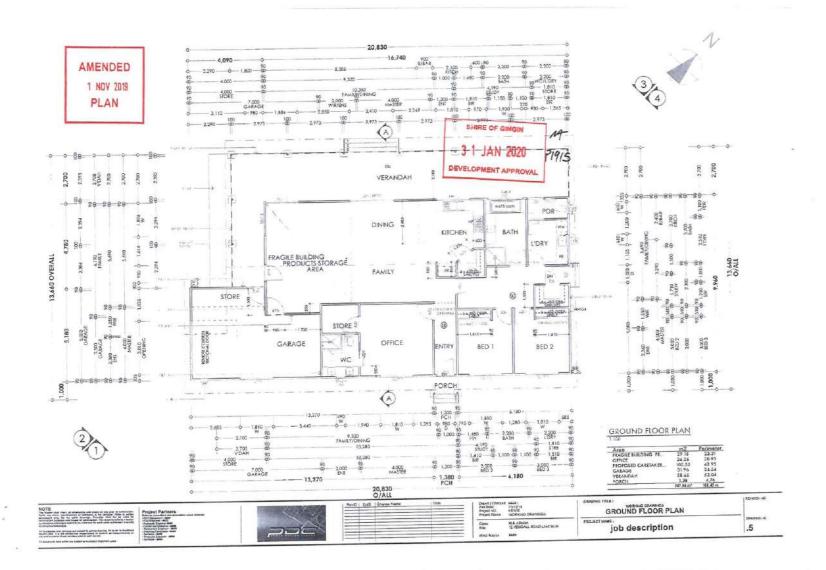
CARRIED UNANIMOUSLY

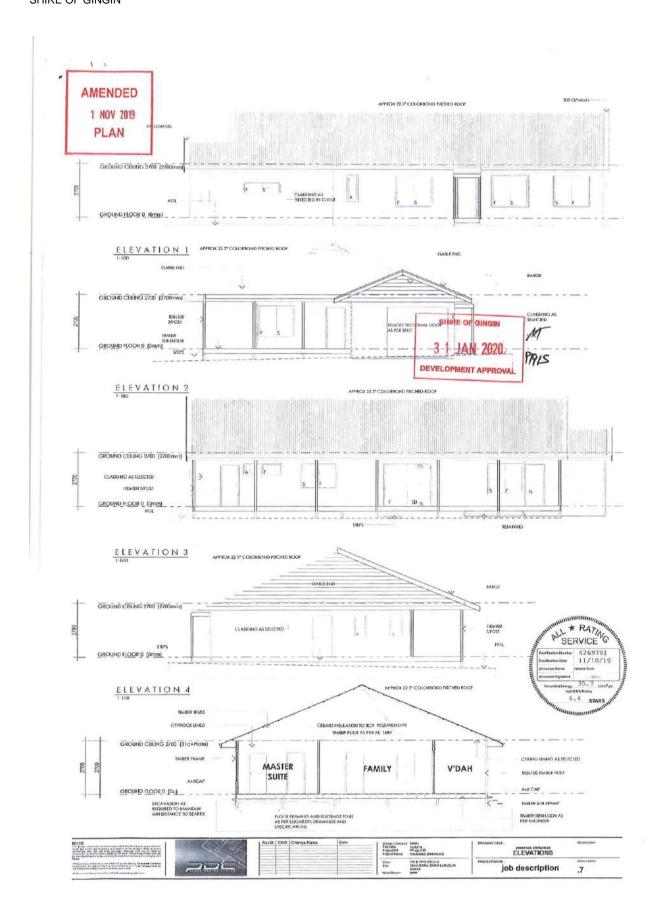






KENDALL ROAD





DELICH CONSTRUCTIONS PTY LTD

ABN: 11 090 886 329

PO Box 201, Lancelin W.A. 5044

Phone: (08) 9655 2262 Fax: (08) 9655 2263 Mobile: 0418 915 168 0428 915 168

jeni@delichconstructions.com.au mick@delichconstructions.com.au

22nd July 2020

Mathew Tallon, Statutory Planning Officer, Shire of Gingin, 7 Brockman Street, GINGIN. W.A. 6503

RE:

ICP 213205 – AMMENDED FLOOR PLAN 12 KENDALL ROAD LANCELIN.

Hi Mathew,

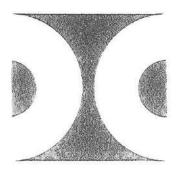
We have moved the fragile storage area shown on your original stamped plans back into the existing shed as it appears to have presented a huge construction nightmare to retain it alongside residential use.

Also as we are downsizing our business we have no need for the office to be as large as originally shown, so it will now be in B3.

Please contact me if you require any further information.

Yours Sincerely,

MICK DELICH

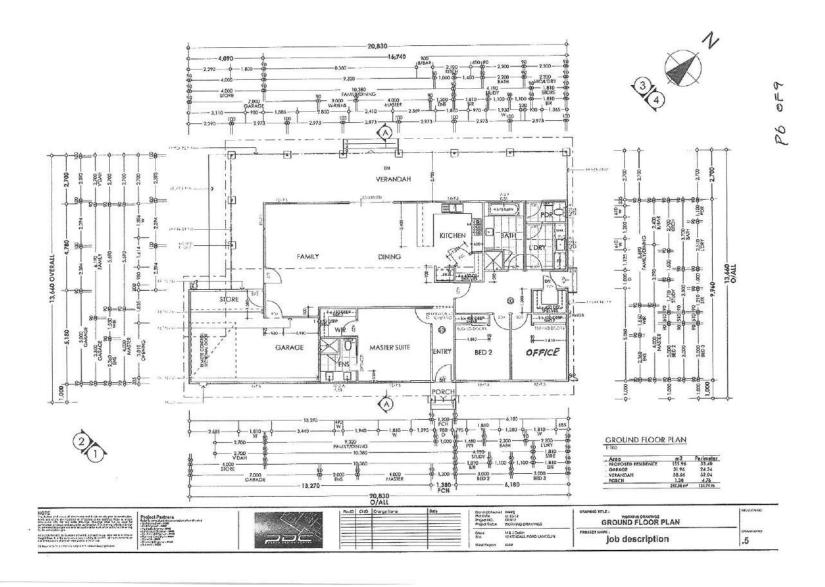


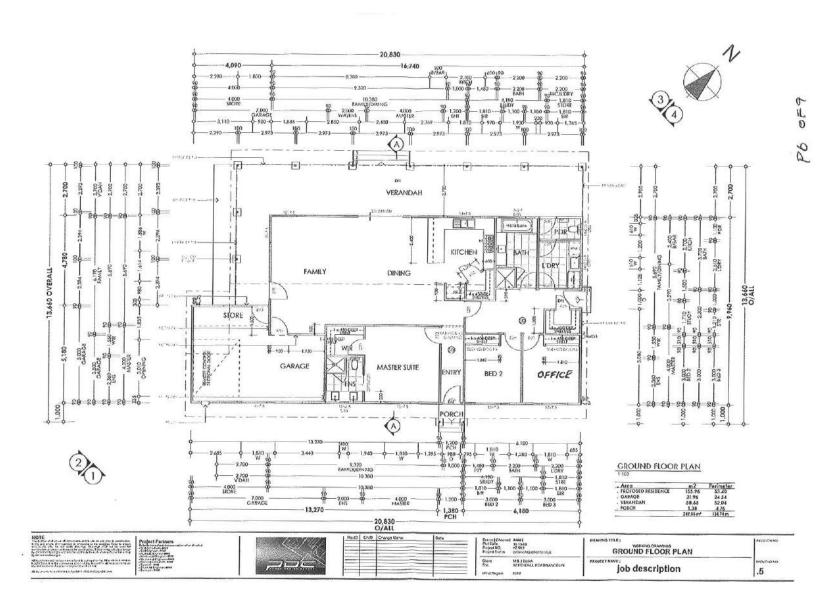






SUPERVISED BY M. DELICH Registration No. 6366





11.3.3 APPLICATION FOR DEVELOPMENT APPROVAL FOR PROPOSED AGRICULTURE INTENSIVE (TWO HOLDING DAMS) AND RETROSPECTIVE DEVELOPMENT APPROVAL FOR AN EXISTING AGRICULTURE INTENSIVE (PERENNIAL HORTICULTURE) ON LOT 15 (174) WOWRA DRIVE, LENNARD BROOK

File:	BLD/4267
Applicant:	Alan Blight
Location:	Lot 15 (174) Wowra Drive, Lennard Brook
Owner:	Washer Investments Pty Ltd
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:	18 August 2020
Refer:	Nil
Appendices:	Location Plan and Applicant's Proposal
	2. Schedule of Submissions and Recommended
	Responses

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for proposed Agriculture Intensive (Two Holding Dams) and Retrospective Development Approval for an existing Agriculture Intensive (Perennial Horticulture) on Lot 15 (174) Wowra Drive, Lennard Brook.

BACKGROUND

The subject lot consists of a total area of 147 hectares with an existing Agriculture Intensive (Perennial Horticulture) area planted by the previous landowner/farm operator.

The orchard currently has a nil lot boundary setback to the rear (southern) lot boundary created by the previous owner. This application seeks to provide a suitable setback.

The matter was raised following the lodgement of a development application for a settling dam and a storage dam on the subject lot, at which time the assessing officer noted there were no existing approvals for the Agriculture Intensive land use on file which the development could be classed as incidental to.

The site plan indicates the retention of a planting area limited to a maximum of 46.3 hectares, the retention of native vegetation, minimum 30-35m lot boundary setbacks, existing screening, the continued use of an established internal access way through the subject lot and the proposed two holding dams.

A location plan and the applicant's proposal aerial image is attached as **Appendix 1.**

COMMENT

SHIRE OF GINGIN

Community Consultation

The application was advertised to adjoining landowners for a period of 14 days in accordance with Clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* The Shire received three submissions objecting and one providing a general comment to the proposal during the consultation timeframe.

The Schedule of Submissions and Recommended Responses is attached as Appendix 2.

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;
- 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 zone. 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".

Local Planning Scheme No 9 Setbacks

The planting area is required to be set back a minimum of 20m from the lot boundaries, unless a greater setback is required (i.e. buffer/separation distances to sensitive land uses or wetlands). The submitted plans indicate the removal of portions of the existing orchard to achieve a 30m lot boundary setback to the southern lot boundary and 35m from the western lot boundary (adjoining a sensitive land use).

The adjoining lots to the east and west contain single houses abutting those lot boundaries. The eastern adjoining single house is screened within the development site as seen on the site plan, and the western adjoining lot is screened with existing mature eucalypts. Comments in relation to setbacks and buffers are outlined in further detail below.

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

LPP 1.6 defines 'Perennial Horticulture' as follows

"Perennial Horticulture" refers to the commercial production of all varieties of long-lived fruit, vine and nut species, generally deep rooting, where the land is only cultivated deeply at the initial planting stage, but may be regularly fertilised."

The applicable standard under the policy for Perennial Horticulture is as follows:

All perennial horticulture shall achieve a minimum set back of 50 metres from the highest known level of a waterway (riverine environments).

This is achieved as the nearest waterway (Lennard Brook) is approximately 400m from the nearest portion of the orchard(s).

The proposal is defined as Perennial Horticulture as per LPP 1.6. 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:

Noted. An appropriate advice note will reflect the potential need to obtain the relevant water licensing modifications. DWER will be notified of the land use approval on the lot for their records.

3.1.3 Where it is intended to clear "remnant vegetation" as defined under the Soil and Land Conservation Act, for the proposed development, the application should be accompanied by a letter of non-objection to the clearing (a clearing permit) from the Commissioner for Soil and Land Conservation.

Officer Comment:

No clearing of remnant vegetation is proposed under the development application, rather the applicant has identified.

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 applicant has noted the presence of native vegetation onsite for conservation. The nearest waterway is the Lennard Brook which abuts the lot to the south, but which is located ~400m from the existing orchard.

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 submitted a farm management statement with comments attributed to waste and stable fly management as follows:

"Avowest will not be using any manures. When planting trees, Avowest does use compost. It is not anticipated that this will cause any problems as we lay plastic over the rows which will prevent larvae escaping if they were present.

It is not expected that the mulched avocado wood will be a potential source of stable fly. The mulch is very coarse and woody. It is unlikely to be a food source for stable fly (picture – Mulching)"

The above comments are accepted and deemed sufficient for the purposes of this development standard.

3.1.6 Horticultural waste to be trashed for soil improvement shall be turned into soil within two days of the removal of the crop or portion of the crop to Council's satisfaction.

Officer Comment:

In addition to the comments under section 3.1.5 the applicant has noted the following in relation to horticultural waste:

"Where possible the existing citrus and mango orchards will be uprooted and mulched. Avowest has a forestry mulcher that we will use for this. The wood chip created will be a valuable addition to the soil for replanting."

The officer is of the view that this is an acceptable approach under the above section of the policy.

3.1.7 Clearing of riparian vegetation is prohibited. In the case that a foreshore area adjacent to an intensive horticulture activity has been cleared, it should be revegetated with species endemic to the area.

Officer Comment:

Not applicable.

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:

As noted above, there are two single houses adjacent to the subject site to the east and west lot boundaries. As noted, there is a substantial display of screening of mature eucalypts to either lot boundary. The applicant has also noted the spray methods under their certifications with Chem Cert and AusChem.

The applicant has noted that the farm does not spray chemicals when winds are stronger than 10km/h. As the Farm Management Statement is to be stamped as part of this approval (should Council resolve to approve the application), the approval holder will be bound to this requirements. Accordingly, the officer sees no potential issues relating to spray drift.

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:

Not applicable.

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:

Noted, refer to comments made under Clause 3.1.8.

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 'perennial horticulture' for the purpose of calculating the recommended buffer distance using the abovementioned policies. The recommended buffer distance is 300m from the nearest sensitive land use (i.e. single house). The distance outlined is not intended to be an absolute distance, rather a guide to avoid conflicts between land uses (namely spray drift).

The closest sensitive land use is located approximately 40m west of the development area on Lot 769 (283) Lennards Road, Lennard Brook. The other sensitive land use within the buffer distance is the single house on the eastern adjoining lot, which is approximately 320m from the existing orchard.

There is a substantial amount of vegetative screening to the existing planted areas as seen on the site plan. It is also recognised that the spraying program strictly prevents spray drift to adjoining sensitive land uses. For future consolidation however, it is recommended that should the screening be removed, it be upgraded as per a Landscaping Plan prepared by the applicant and to the satisfaction of the Shire of Gingin.

Access and Egress

The property has access/egress from Wowra Drive, which is currently unsealed adjacent to the subject lot. During a site visit to the development site, it was noted that the existing crossover is to a good standard. However, given the scale of the horticultural operation, the Shire's Operations Department has advised that the crossover should be upgraded to a sealed standard.

Car Parking

All loading/unloading of vehicles is able to be accommodated within the subject property.

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 2016.* 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.

However, the Shire is still required to be satisfied that the horticulture activity manages waste appropriately on the site. In the event Council approves the application, a condition of the planning approval will require the proposal to comply with the submitted Farm Management statements. In this instance the management statements in relation to Stable Fly are acceptable.

Bushfire Planning

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) provides a foundation for land use planning to address bushfire risk management. The subject lot is partially designated as being bushfire prone. Given the nature of the proposal (perennial horticulture) consisting of orchards across the site, the application is exempt from the need to submit a Bushfire Attack Level (BAL) report.

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

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

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

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

Conclusion

In considering the above assessment, Administration is of the view that the site is capable of accommodating the proposed two holding dams and the retrospective Agriculture Intensive (Perennial Horticulture) subject to the development being undertaken in accordance with appropriate conditions of development approval.

STATUTORY ENVIRONMENT

Local Planning Scheme No 9

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

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

Local Planning Policy 1.6 Agriculture Intensive

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
Key Service	N/A
Areas	
Priorities	N/A

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Vis

That Council:

- 1. Grant Development Approval for Agriculture Intensive (Two Holding Dams) and on Lot 15 (174) Wowra Drive, Lennard Brook subject to the following conditions:
 - 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 (Two Holding Dams) only as indicated on the approved plans; and
 - c. Dust suppression measures shall be implemented to minimise offsite dust and emission at all times 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 two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997.*
- Note 6: 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 7: The development may trigger the need to amend the existing water licence details. It will be necessary to contact the Department of Water and Environmental Regulation (DWER) to obtain the necessary Approvals.

- Note 8: The dam should be constructed in line with the recommendations in Water Quality Protection Note 53: Dam Construction and Operation in Rural Areas (DWER 2018).
- Note 9: For detailed advice about the legal responsibilities of dam owners (including liability for flooding and dam safety), a qualified and experienced legal practitioner should be consulted. Dam safety is the responsibility of the dam owner.
- Note 10: 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.
- 2. That Council grant Retrospective Development Approval for an Agriculture Intensive (Perennial Horticulture) use on Lot 15 (174) Wowra Drive, Lennard Brook subject to the following conditions:
 - The land use and development shall be undertaken in accordance with the approved plans and specifications (including any amendments marked in RED) unless otherwise conditioned by this approval;
 - b. This approval is for an Agriculture Intensive (Perennial Horticulture) use only as indicated on the approved plan;
 - c. The development area subject to this approval shall be limited to a maximum of 46.3 hectares and shall at all times be setback a minimum of 20 metres from all lot boundaries to the satisfaction of the Shire of Gingin;
 - d. The approved use shall at all times comply with the submitted Farm Management Statement lodged as part of the submission as stamped as part of this approval (including any amendments marked in RED), to the satisfaction of the Shire of Gingin;
 - e. In the event that the applicant/landowner seeks to remove any existing screening, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. Upon removal, the Landscaping Plan shall be installed and thereafter maintained to the satisfaction of the Shire of Gingin;
 - f. The existing crossover servicing lot 15 is required to be upgraded to a sealed standard at the applicants/landowners cost to the satisfaction of the Shire of Gingin;
 - g. The area shall immediately be rehabilitated to pasture cover at the cessation of the approved use;
 - h. 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

MINUTES 18/08/2020

enable the activity to recommence, to the satisfaction of the Shire of Gingin;

i. In the event dust is disseminating beyond the property boundary from any bare earth cultivation area as a result of weather conditions, dust suppression shall be implemented to minimise offsite dust and emission at all times to the satisfaction of the Shire of Gingin.

Advice Notes

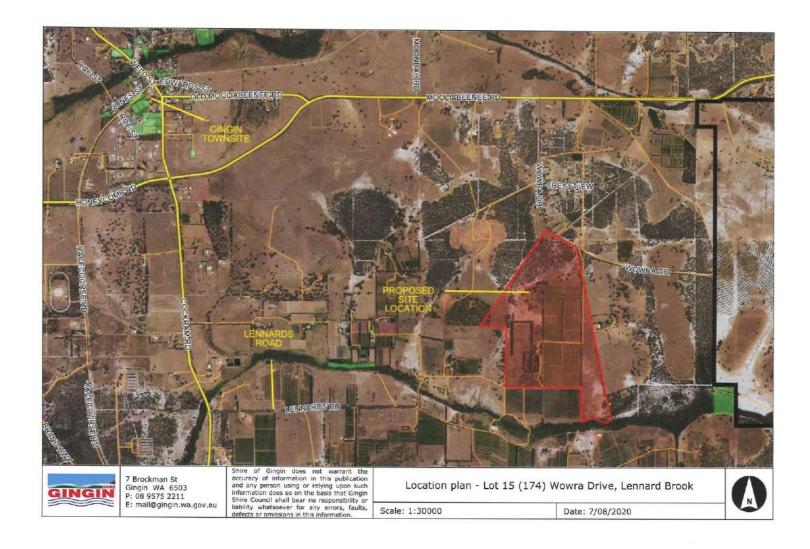
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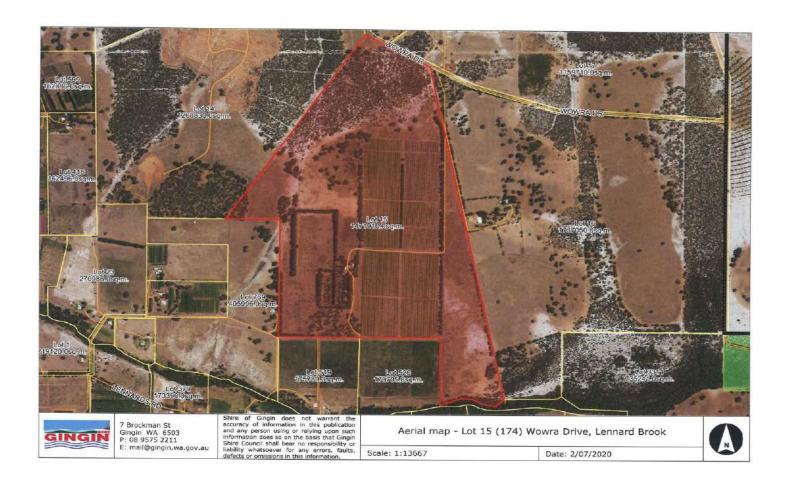
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- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5: It is advised that the proposal should at all times comply with the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2013 in order to minimise the effects of stable flies on the community.
- Note 6: All noise from the operation and associated equipment is required to comply with the Environmental Protection (Noise) Regulations 1997.
- Note 7: 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 8: The development may trigger the need to amend the existing water licence details. It will be necessary to contact the Department of Water and Environmental Regulation (DWER) to obtain the necessary Approvals.
- Note 9: 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 10: In respect of condition 2f, the applicant/landowner is advised to contact the Shire's Operations Department for the crossover specifications.

CARRIED UNANIMOUSLY

APPENDIX 1









85 Carabooda Rd Carabooda Western Australia, 6033 Mobile: 041 717 9127 avowest@bigpond.com

ABN: 53 344 338 493

17th July 2020

Site plan and orchard management at 174 Wowra Drive, Gingin.

Washer Investments acquired property at 174 Wowra Drive in December 2019. This property will be run by Avowest Avocados who have a proven track record in managing avocado orchards for over 30 years. I was not aware when the property was purchased it only had shire approval for 4 Ha of orchard as there was about 40 Ha planted. Avowest have long term plans to redevelop up to 47 Ha of orchard at this site.

In discussions with representatives from the Shire of Gingin there appears to be three main areas Avowest needs to address:

- 1. Waste management
- 2. Stable Fly
- 3. Chemical drift

Other issues regarding a lack of planning at this site by previous owner (s) will also be addressed.

Waste Management

Where possible the existing citrus and mango orchards will be uprooted and mulched. Avowest has a forestry mulcher (picture 1) that we will use for this. The wood chip created will be a valuable addition to the soil for replanting.

Any pruning waste generated by the avocado trees will be mulched on site to improve the soil. This is an important component of Avowest's environmental action plan. CO₂ removed from the atmosphere by our trees is planned to be sequestered in the soil either through the plant roots or by addition of mulched prunings.

It is not anticipated that there will be any fruit waste as the avocados produced will be packed at Avowest's facilities in Carabooda.

Chemical drums will be triple rinsed and disposed at the Gingin recycling facility on Cockram Rd.

Stable fly

Avowest will not be using any manures. When planting trees, Avowest does use compost. It is not anticipated that this will cause any problems as we lay plastic over the rows which will prevent larvae escaping if they were present (picture 2).

It is not expected that the mulched avocado wood will be a potential source of stable fly. The mulch is very coarse and woody. It is unlikely to be a food source for stable fly (picture – Mulching)

Chemical drift

Avowest records all chemicals used and the conditions in which they were sprayed as part of our Freshcare and HARPS commitments. This is audited annually. All of our operators have certification with either Chem Cert or AusChem.

Avowest will be using pesticides that are applied with fan blast sprayers. There is a risk of chemical drift into neighboring properties either from prevailing winds or inversion conditions. Avowest has a weather station in Gingin that advises on suitability for spraying (Picture 3). Chemical will not be applied where there is a risk of spray drift. Chemical is not applied when there are winds stronger than 10 km/h. In lighter wind conditions, chemical will be applied to carry chemical away from the closest neighbor. For example, if an avocado block on the west side of the property needs spraying it would only be sprayed if there were light prevailing winds from the west.

Avowest will be building a chemical storage shed on site. It will meet the necessary regulations for bunding, ventilation, chemical spill control etc.

Orchard setbacks

Avowest will not be planting any orchard closer than 20m to boundaries. There is currently abandoned citrus orchard closer than 20m but this is to be removed. The block is much larger than the size of the proposed avocado orchard and it is not an issue for Avowest to allow a boundary of at least 20m. On the west boundary with John Marten the avocado orchard will be set in at least 30m from the fenceline. There are Eucalyptus grandis trees close to the west boundary that are highly competitive with other plants and there is no point in Avowest trying to establish avocados closer than 30m to these trees. It is unfortunate that native trees were not planted on this boundary, but they will nonetheless provide a useful screen between the properties.

Entrance and Driveway

The current driveway is on the boundary and Avowest notes the potential lack of screening with Northover's block to the east. We plan to recess the gate to make it safer for vehicles, so they do not need to park on Wowra drive to open the gate. We also believe the gate can be relocated 10m westwards, away from the east boundary. To move the gate further than this will require the removal of native vegetation. Avowest is reluctant to do this given that there are no residences on the east boundary that are close to our drive. There is a residence on Northover's block that is accessed by a driveway which for the most part also has no screening. Avowest has no problem with this.

The north-west area of 174 Wowra drive is uncleared and is relatively pristine banksia forest. Avowest plans to fence this area off as a conservation area.

Water use and orchard area

There is a 396ML Leederville water licence attached to 174 Wowra Drive and a 50ML Surficial water licence has just been approved. This will be enough water for approximately 25Ha of avocado orchard.

Avowest is applying to the Shire of Gingin for 47Ha of orchard. This is obviously much larger than our current water licence allows. Avowest may seek to purchase more Leederville water if it becomes available. Avowest also wishes to have the option to try other horticultural crops that use less water, such as pomegranates. This would allow a greater area to be planted.

The area that Avowest is seeking to use for horticulture is no greater than this block has been used for horticulture in the past.

Traffic

In the establishment phase, Avowest will rely largely on local contractors to build dams, install irrigation, fencing etc. It is anticipated that ultimately a permanent workface of around 3 people will be required. Casual labour will need to access the property during peak times, such as harvest. This could be another 6-8 people. As the property produces fruit this will need to be transported away in trucks. The peak harvest period will be July to September so it is not expected that there will be issues with dust at this time.

Avowest will not be packing avocados on site so no labor will be required for this.

Overall

Avowest has a strong history of pursuing sustainable practices and is an ethical employer. Avowest has a proud history of collaborating with the Department of Agriculture, Perth NRM, CSIRO and different universities in West Australia. I am happy to work with the Shire of Gingin and welcome requests you have should further information be required.

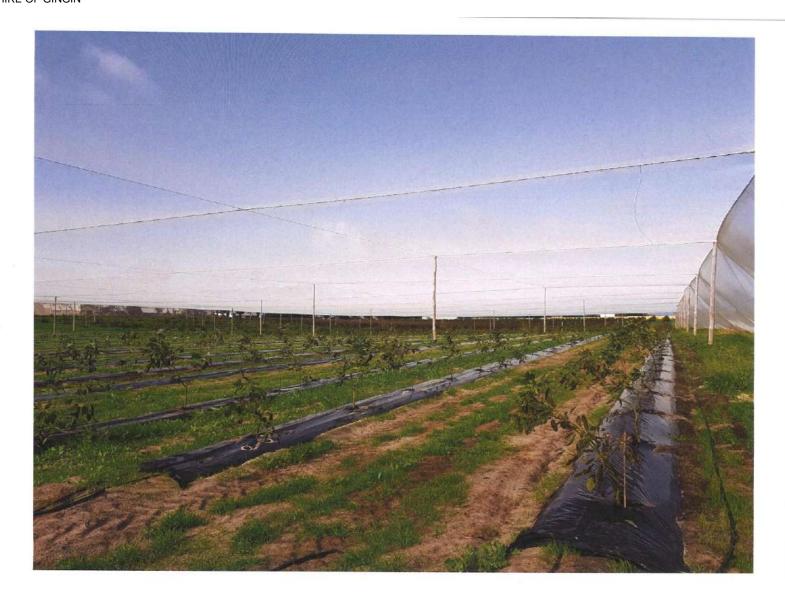
Alan Blight

Manager Avowest

Appendix

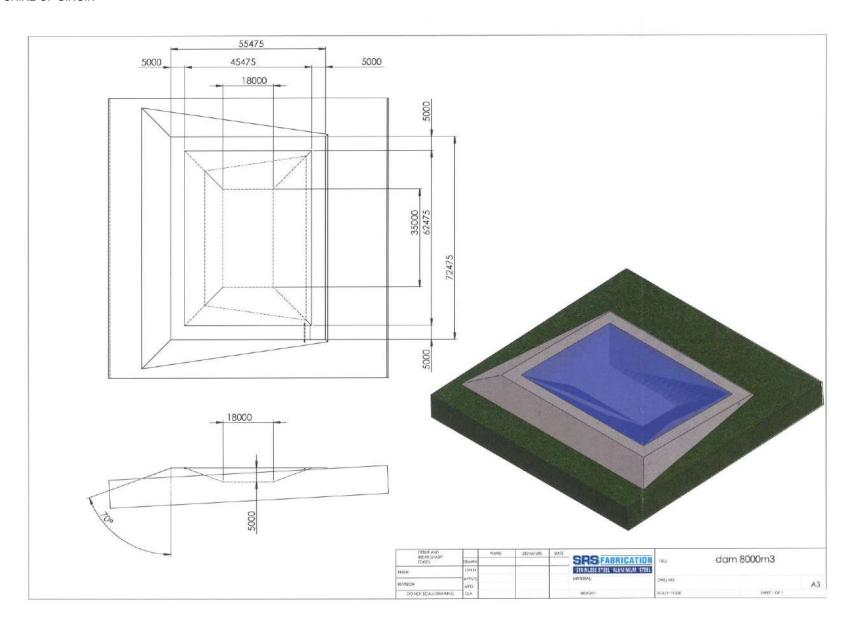












APPENDIX 2

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED RETROSPECTIVE DEVELOPMENT APPLICATION - PRPOSED AGRICULTURE INTENSIVE (PERENNIAL HORTICULTURE - ORCHARD) - AT LOT 15 (174) WOWRA DRIVE, LENNARD BROOK

No.	Submitter	Submission Detail	Recommended Response
1.	Submitter	The submitter does not support the proposal and makes the following general comment:	Water Extraction
		"We thank you for the opportunity to comment on the abovementioned application. We do not have any issues with the proposed orchard adjoining our eastern boundary. The 35 metre setback is acceptable and we are relieved to see that they intend to leave the large eucalyptus screening trees along our shared boundary as they are over 30 years old and were planted prior to the previous owners purchasing the property.	Noted, however underground water extraction is governed by water licensing process by the Department of Water and Environmental Regulation (DWER, over which the Shire has no jurisdiction.
		We do however strongly object to an "additional 50ML surficial water license "in the stream that enters our property from our shared boundary.	nas no junisticitori.
		We wrote to the Department of Water & Environmental Regulation on the 20 July 2020 expressing our extreme concern on a water application from this site.	
		We received a reply on the 21 July 2020 from Mr. Tim Walker stating that "this property has not received an additional groundwater license and is currently only licensed to undertake exploratory drilling." (This was reconfirmed on the 5 August 2020 after receiving your information.) Our letter is on file for consideration at the appropriate time.	
		We have drawn water from this source since 1986. Although once reliable and significant, since licenses were given to truck water out further above our property this main Lennard Brook feeder has not run. This stream was once a permanent	

		wetland all year round. It used to run on the surface and pool out as natural soaks. It annually ran to the Lennard Brook. It is now 1mtr below the surface. Purposing a bore at this site for any horticulture use would also significantly affect the domestic water supply to my 3 lots (769, 205 and 133 Lennards Road). This is our only source of drinking water. We have recently tried to put down new bores on the other 2 blocks but they were both salty and not fit even for stock at 900pppm. As we stated to DWER, our main concern is that the fragile water system is already put under enormous pressure from both our changing climate and existing licenses. Any further commercial application from this site would ultimately destroy the remaining wetland on our property and significantly affect our domestic water supply. We are aware that the above mentioned property has a 396ML commercial water license from a bore on the other side of this property suitably equipped for horticulture purposes. We would like to ensure that both we and our new neighbour have domestic/riparian access to good clean water for foreseeable future."	
2.	Submitter	The submitter does not support the proposal and makes the following general comment:	Water Extraction Noted, however underground
		"Water – when was 50ML water license approved and why considering the outgoing levels of water in this area already we oppose further purchases of more Leederville water this 50ML has already been granted.	water extraction is governed by water licensing process by the Department of Water and Environmental Regulation

		Chemicals – we are concerned about any chemicals used especially in aerial spraying and drift could be detrimental to health. Traffic & Rubbish – In our 8 ½ years we have notified a substantial increase in both. This is a built up area and yet it is 110km zone we would like this amended accordingly and respectively. Keep rubbish in your own vehicles."	(DWER, over which the Shire has no jurisdiction. Spray Drift The Applicant has submitted a spray management plan which forms part of their submitted farm management plan, the operator must comply with at all times. Furthermore, in the event Council approves the application, planning conditions have been imposed to minimise off site impacts regarding spray drift, including screening buffers. Traffic & Rubbish This does not relate to the development application.
3.	Submitter	The submitter makes the following general comment: "Thank you for the opportunity to provide commentMy comments are confined to the impact on my property. I generally support the proposal and have spoken with Alan Blight this morning to clarify certain aspects. This has included as I understand a commitment to provide screening on their southern boundary within the 30 metre setback which would consist of native shrubs to 4-5 metres in height. This is an area where large established eucalypts were recently cleared, most likely due to their proximity to the fence line. I do not imagine that the orchard will be visually displeasing, however the screening would minimise any impact from operations.	Noted.

Thank you for the opportunity to make comment."	

4. Submitter The submitter does not support the proposal and makes the following general comment:

Proposed Development Lot 15 (174) Wowra Drive Lennard Brook - Objection

The letter is in response to the proposed development at Lot 15 (174) Wowra Drive Lennard Brook. Please find this objection to the proposed development for 47 ha of orchard from the current approved 4 ha. We object to this proposal due to the risks to water quality associated with:

- · Spray drift/nutrients
- Abstraction

Lot 16 (184) Wowra Road Lennard Brook supports a family-run pristine spring water supply business that has operated since 2000 (20 years). There has been significant investment on the property with the knowledge and understanding water quality is protected in this rural setting and the farm is run on the principles of organic farming practices (no chemicals).

A development of this scale cannot ensure water quality is protected from spray. Relying on wind speed and direction is not acceptable to avoid nearest neighbours (to the west) as this then sends the spray to us (to the west) or to alternatively to conservation category wetlands (CCW), to the south. The impact on neighbouring properties from spray drift is well documented in proceedings and cannot be 100 percent guaranteed.

Spray Drift

The Applicant has submitted a spray management plan which forms part of their submitted farm management plan, the operator must comply with at all times. Furthermore, in the event Council approves the application, planning conditions have been imposed to minimise off site impacts regarding spray drift, including screening buffers.

Water Extraction

Noted, however underground water extraction is governed by water licensing process by the Department of Water and Environmental Regulation (DWER, over which the Shire has no jurisdiction.

Nutrient management from the site is not described. This change of land use poses an unacceptable risks (real or perceived) on water quality protection and therefore our water contracts.

Abstraction

The Lot 15 (174) Wowra Drive Lennard Brook proposed development falls within the groundwater area of Lot 16 (184) Wowra Road Lennard Brook, Gingin where four bores (located to the east of the development) abstract water. There are unacceptable risks (real or perceived) posed by this development on water quality protection and therefore our water contracts. The risks extend to the groundwater, Lennard Brook and the conservation category wetlands (CCW).

The submission has not been presented accurately from what we can see. The submission describes approval to abstract:

- · 396ML from the Leederville
- . 50ML from the Surficial aquifer.

Leederville

This property sits along the Lennard Brook and downstream businesses rely on this water resource which must be protected. Lennard Brook and its tributaries are fed by groundwater. There is no

discussion on monitoring water levels and risk from leakage between the Leederville and Surficial causing further lowering of water levels and therefore managing the risks and potential impacts upon both the environment, the conservation category wetlands (CCW), other users and neighbours.

Surficial

Currently Lot 15 Wowra Dr Lennard Brook has a licence to undertake exploratory drilling for the 50ML surficial water and it is understood the Department of Water and Environmental Regulation (DWER) has not approved a licence to take water from the Surficial aquifer on this property. Potential impacts upon both the environment and other users must be part of this assessment. New surficial bores must be 400m back from existing watercourse and or conservation category wetlands (CCW). The current surficial bore on the property is not an approved bore which restricts drilling locations for surficial abstraction to limited areas (refer Figure 1).



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Figure 1: 400m buffer zone from existing watercourse and conservation category wetland (Lennard Brook)	
The property has calthrop present and weed management is not described. Under the Local Government Act 1995 it is a prescribed pest plant and requires management.	
Feel free to contact u to discuss this further.	

11.3.4 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - AGRICULTURE EXTENSIVE RURAL LIVING ON LOT 9003 NILGEN ROAD, NILGEN

File:	BLD/7142	
Applicant:	Hendrik De Beer	
Location:	Lot 9003 Nilgen Road, Nilgen	
Owner:	Kalahari Holdings Pty Ltd	
Zoning: Rural Living		
WAPC No: NA		
Author: Matthew Tallon – Statutory Planning Officer		
Reporting Officer:	Bob Kelly - Executive Manager of Regulatory and	
	Development Services	
Report Date:	18 August 2020	
Refer:	Nil	
Appendices	Location Plan and Applicant's Proposal	
	2. Schedule of Submissions – Applicants Response	
	3. Schedule of Submissions – Officers Response	

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for the use of two unsubdivided Rural Living lots (consisting of two parcels) for Agriculture Extensive (livestock grazing) at Lot 9003 Nilgen Road, Nilgen (Ocean Farm Estate)

BACKGROUND

The Shire has received an application for development approval to use Lot 9003 Nilgen Road, which is zoned Rural Living and consists of the final stages of the Ocean Farm Estate subdivision to keep 30 cattle, and to erect an outbuilding with an area of $122m^2$ and a wall height of 4.5m to an overall height of 5.29m. Although the lot area is 186 hectares, development approval is required given the current Rural Living zoning over the land.

The applicant acknowledges that they are not interested in completing the final stages of subdivision in the near future. Accordingly they are requesting the proposed land use in the interim. Currently much of the rural living estate surrounding the subject lot is undeveloped notably adjoining the northern parcel, however the southern parcel adjoins five developed lots.

The proposal consists of the keeping of 30 head of cattle across the two lots. The applicant has noted their intent to erect boundary fencing at their own cost as is required for containing all cattle on the subject allotment.

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 Scheme) Regulations 2015.* The Shire received one submission objecting to the proposal during the advertising period.

The Schedule of Submissions with applicants response are attached as **Appendix 2**.

The Schedule of Submissions with officers response are attached as **Appendix 3**.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

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

- a) protect the rural environment and landscape;
- b) accommodate single dwellings at very low densities on individual allotments beyond the urban areas;
- restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;
- d) prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;
- e) avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and
- f) provide for a suitable level of physical and community infrastructure.

The lot arrangement in this instance is unusual as the structure plan's scheme amendment resulted in the entire area being zoned Rural Living anticipating the creation of the titles. As such the lot area is the equivalent of what would generally be available under a General Rural zoned lot.

While much of the lot is cleared of native vegetation there is some remnant vegetation on the southern portion which could be retained.

With specific reference to objective d) the proposal for 30 cattle on an area of 186 hectares is only likely to affect adjoining landowners should the cattle graze in proximity to or along the common boundaries. The nearest dwelling is located ~66m from the relevant common lot boundary. In considering the proposal; the concerns of amenity with regard to noise, odour and dust are critical.

Zone Specific Development Standards

Clause 4.8 of LPS 9 relates to zone specific development standards, with clause 4.8.5 relating to the 'Rural Living' zone. The applicable clauses are provided below:

4.8.5.3 Where land zoned Rural Living adjoins rural uses with buffer requirements, dwellings shall be setback a minimum of 100m from the relevant boundary(s) nearby to the adjoining rural uses, or such other setback distance as may be specified on an adopted Structure Plan.

Officer comment

In anticipating any land use conflict with rural uses and residential uses, the use of rural land takes precedence over the residential use when discussing buffers. However, with Agriculture Intensive uses for instance, buffers and screening are mediums that are frequently used to ease land use conflict. In this instance the rural use is proposed within an established rural living estate rather than on an adjoining rural lot.

In considering the noise levels emitted by a cow or heifer and the odour from the waste in proximity/within a rural living estate, there is potential for amenity impacts to arise. As such, it is appropriate to require a farm management plan addressing the mitigation of those impacts as a condition of approval.

4.8.5.5 Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fencings except in the immediate vicinity of the residence will only be permitted with the approval of local government.

The proposed outbuilding is located on the south-western portion of the lot and is not of a scale that represents anything other than a rural character/built form. The dimensions of the outbuilding as noted in the background of this report represent a scale that is regularly developed in the Rural Living zone.

However, the site plan does not accurately illustrate the future lot boundaries of the final subdivision stages. Development conflict may therefore arise in the future, requiring the outbuilding to be removed from site in order for the necessary titles to be created. To prevent this from occurring, the officer is of the view that the applicant may engage a suitably qualified surveyor/drafts person to overlay the structure plan on the development site ensuring the outbuilding can be contained within a Rural Living lot boundary should the subdivision go ahead.

In order to achieve this, the officer has recommended that Council authorise the Chief Executive Officer to endorse an updated site plan illustrating the outbuilding within future Rural Living lot boundaries.

<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. Consideration has been given to the following matters outlined in the deemed provisions with officer comments:

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 locality consists of established Rural Living lots with minimal development, as noted in the Background. The subject lots consist of the two final stages of the structure plan and therefore may appear as rural lots bordered by rural living which is notably not the case.

The land use can only be considered given the size of the lots, and would generally therefore not be acceptable under normal circumstances.

However, the Rural Living estate is surrounded by rural uses and reserved land which enhances the rural lifestyle character of the locality. With appropriate measures to reduce noise, odour and dust (in summer months from soil disturbance), the keeping of 30 cattle across the two parcels depicted as Lot 9003 Nilgen Road may enhance the rural lifestyle character of the locality and serve as an appropriate use of the land until such time as the final stages of the estate structure plan are subdivided.

- 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

In considering the keeping of livestock on rural small holdings, reference is made to the Department of Agriculture Stocking Rate Guidelines for Rural Small Holdings. The stocking rate capacity of the subject lot when considering soil type Spearwood System has a stocking rate of 6 Dry Sheep Equivalent (DSE) per hectare. Across the 186 hectares this equates to a total stocking rate capacity of 1116 DSE. 30 cattle would equate to 300 DSE. Accordingly, the lot area is more than capable of containing 30 cattle on this soil type.

As outlined in the preceding sections of the report, the land use within an established Rural Living estate is not an ordinary and anticipated use for landowners when investing and living in the locality. As the applicant has noted that pregnant heifers will be onsite and subsequently calves will be weaned from their mothers, it is likely that this will create excessive noise from disturbed heifers and calves from time to time. This can have detrimental impacts on the amenity of a locality expected to display low density residential living.

Conclusion

As outlined above, the land use proposal is unusual for a Rural Living zone and is only proposed given the size of the lots, which are of a scale more usually seen in the General Rural zone. While the anticipated use of the zone is for low density residential living with scope for rural pursuits, the proposal to keep 30 head of cattle across the two parcels within the Rural Living estate may be suitable subject to management. Generally an outbuilding is incidental to the residential development onsite, however in this instance the outbuilding ties into the Agriculture Extensive use class.

Given the amenity concerns raised, and in seeking to uphold the amenity of the locality to that of a Rural Living standard, a Farm Management Plan should be arranged to mitigate noise and other impacts on adjoining rural living lots. In monitoring the suitability of the use, the officer is of the view that, given the uncertainty of the potential impacts, a time limited approval (with the provision to extend indefinitely) is deemed to be appropriate in this instance.

The officer is therefore of the view that the proposal should be supported subject to the above considerations.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed Provisions for Local Planning Schemes

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
	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 Vis SECONDED: Councillor Balcombe

That Council:

- 1. Grant development approval for the proposed Agriculture Extensive (keeping of cattle) on Lot 9003 Nilgen Road, Nilgen subject to the following conditions:
 - a. The land use and development shall be undertaken in accordance with the approved plans unless conditioned indicated otherwise in this Approval;
 - b. This development approval is granted for a limited period and shall expire after 2 years from the date of this approval.
 - c. This approval is for the keeping of a maximum of thirty (30) cattle on 186 hectares only;
 - d. Prior to the commencement of the use the applicant/landowner shall prepare and implement a Farm Management Plan to the satisfaction of the Shire of Gingin;
- 2. Authorise the Chief Executive Officer to endorse an updated site plan illustrating the outbuilding within future Rural Living lot boundaries and including the following additional conditions:
 - a. The outbuilding shall not be used for permanent human habitation and its use is to remain incidental to the Agriculture Extensive use until otherwise stated under an amended approval.
 - b. The finished floor level of the Outbuilding shall be set at the existing average natural ground level to the satisfaction of the Shire of Gingin.

c. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

Advice Notes

SHIRE OF GINGIN

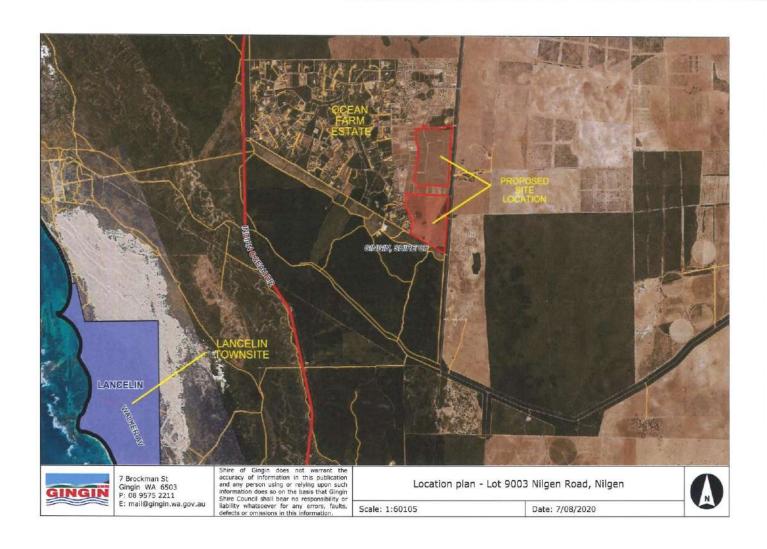
- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5: It is advised that the proposal should at all times comply with the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2013 in order to minimise the effects of stable flies on the community.
- Note 6: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997.*
- Note 7: In relation to Condition 4, the applicant may apply to extend the term of the approval so as to permit the development to remain for an extended or unlimited period subject to approval making note of the Shire's records in relation to registered amenity impacts of the development on surrounding sensitive land uses.

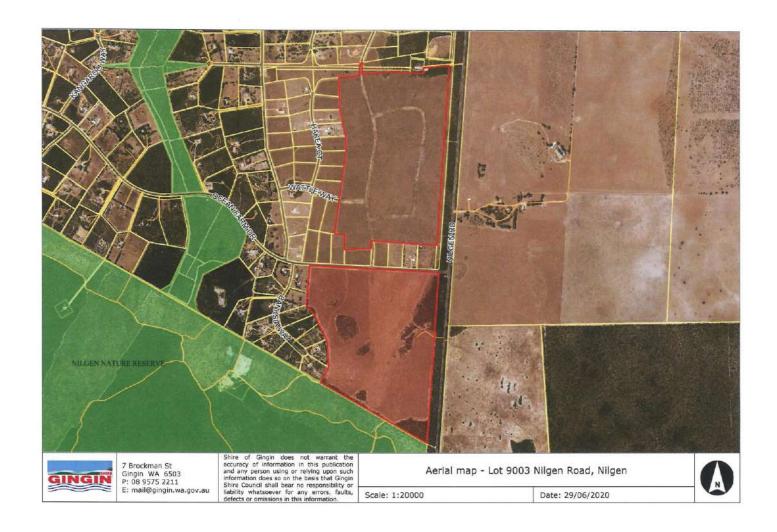
CARRIED UNANIMOUSLY

APPENDIX 1

ORDINARY MEETING

SHIRE OF GINGIN





APPENDIX 2

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED RURAL PURSUIT - AT LOT 9003 NILGEN ROAD, NILGEN

No.	Submitter	Submission Detail	Recommended Response
1.	Submitter	The submitter does not support the proposal and makes the following general comment:	We will erect Rural ring lock fencing on all boundaries where there currently is
		"We did not buy and build here to have a cattle farm dumped on our boundary. Fence line it would be an infringement and annoyance to our lifestyle and pleasure.	no fencing, and happy to replace any fencing that is inadequate/rusted away with rural ring lock fencing. At no cost to
		Our regidential fances are not stock proof	any of the neighbouring properties.
		Our residential fences are not stock proof.	Water points will be located well away
		Concerns:	from residents. Towards the Nilgen rd
		Stable fly infestations.	Boundary.
		We already suffer from these pests from an existing property one kilometre distance.	The block is 186 hectares (over 450 acres) therefore cattle will have ample
		We don't need the noise pollution and probable smell.	space to move around, and for the most part will not be near boundary fences
		Would he be allowed bull/ bulls for breeding purposes?	that are close to residents or neighbours.
		Would water points be located well away from residents?	There is livestock on the property on the other side of Nilgen road, and when we
		Would the proposed be legally required to erect substantial stock fencing adjacent to all residential land and houses?	
		We suggest and request a 100m buffer zone of fencing."	located towards the Nilgen Road boundary that will further mitigate this concern.

The property had horses on it for the past 15 years, up until we purchased it, as well as the cattle on the other side of Nilgen Road, with no compelling evidence of a stable fly infestation. We assume the submission came from a neighbour of the northern portion of the block, as we have already spoken to all the neighbours on the southern portion. None of these neighbours have any problems or concerns with what we are proposing to do and in fact were just happy to hear that we will be erecting new fencing between the properties as almost all the fences of the southern portion of the block are very old and have completely rusted away. We will only have a bull on the property for 6-8 weeks each year, in which case we will endeavour to keep it away from the Northern portion of the block, as the neighbours on the Southern portion of the block have no issues with the cattle. Based on the above-mentioned information and remedies, we believe we have adequately responded to mitigate the concerns of the resident, and therefore to not believe a "100m buffer" is fair. There were horses on the lot for

ORDINARY MEETING
SHIRE OF GINGIN

MINUTES

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	the past 15 years, probably without approval, and possibly with no complaints to the shire.

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APPENDIX 3

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES PROPOSED RURAL PURSUIT - AT LOT 9003 NILGEN ROAD, NILGEN

MINUTES

No.	Submitter	Submission Detail	Recommended Response
1.	Submitter	The submitter does not support the proposal and makes the following general comment:	Support.
		"We did not buy and build here to have a cattle farm dumped on our boundary. Fence line it would be an infringement and annoyance to our lifestyle and pleasure. Our residential fences are not stock proof.	The submitter raises genuine concerns in relation to amenity within an established Rural Living estate. Although the estate is not developed to its capacity it is set aside for residential uses.
		Concerns: Stable fly infestations. We already suffer from these pests from an existing property one kilometre distance.	The officer is of the view however that via farm management of the use and stock management the use can be undertaken while upholding the aenity of the locality.
		We don't need the noise pollution and probable smell.	The assessing officer has also recommended a time limit to the approval
		Would he be allowed bull/ bulls for breeding purposes?	subject to future extensions making note of any recorded land use conflict at the
		Would water points be located well away from residents?	time of future assessment. This provision is seen to be appropriate given the
		Would the proposed be legally required to erect substantial stock fencing adjacent to all residential land and houses?	unusual nature of the development and lot size within the Rural Living zone.
		We suggest and request a 100m buffer zone of fencing."	

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11.4. OPERATIONS

SHIRE OF GINGIN

11.4.1 REQUEST TO ENTER INTO AN AGREEMENT WITH PIACENTINI AND SON PTY LTD TO USE BEERMULLAH AIRSTRIP, LOT 7 BRAND HIGHWAY, BOONANARRING

Location:	Lot 7 Brand Highway, Boonanarring	
Applicant:	Piacentini and Son Pty Ltd	
File:	A5631	
Reporting Officer:	Allister Butcher – Executive Manager Operations	
Report Date:	18 August 2020	
Appendices:	1. Location Plan	

This item was withdrawn at the applicant's request.

11.4.2 RESTRICTED ACCESS VEHICLE APPLICATION - (NETWORK 6 USE ON WANNAMAL ROAD WEST TO MINDARRA FARMS (13KM EAST OF BRAND HIGHWAY) FOR MAIN ROADS WESTERN AUSTRALIA HEAVY VEHICLE SERVICES

Location:	Wannamal Road West	
Applicant:	Main Roads Western Australia – Heavy Vehicle Services	
File:	RDS/10	
Reporting Officer:	Allister Butcher - Executive Manager Operations	
Report Date:	21 July 2020	
Refer:	NIL	
Appendices:	1 Location Plan	
	2 Prime Mover Trailer Combinations Vehicle Categories.	

DISCLOSURES OF INTEREST

Nil

PURPOSE

SHIRE OF GINGIN

To consider an application from Main Roads Western Australia – Heavy Vehicle Services (HVS) regarding the use of Restricted Access Vehicles (RAV) - Network 6 on Wannamal Road West to Mindarra Farms (13km east of Brand Highway).

BACKGROUND

A RAV Application has been received from HVS seeking approval to use Network 6 on Wannamal Road West to Mindarra Farms (13km east of Brand Highway). A locality plan is attached as **Appendix 1.**

Council Policy 7.6 Road Transport Road Transport Restricted Access Vehicles (RAV), particularly Part 1 (e), relates to the approval of RAV Applications for RAV Network 3 and 4 applications and states:

Pocket Road Trains (Restricted Access Vehicle Network 3/4) Where RAV Network 3/4 configurations are utilised to deliver to and/or collect from primary producers and intensive agriculture and/or horticulture within the Shire of Gingin, the Chief Executive Officer can provide approval or otherwise upon receipt of a formal application for same subject to a route assessment.

As this application is not for a RAV Network 3 or 4 and is therefore outside of Council's policy position, it is required to be brought to Council for consideration.

The application has been received as HVS has been undertaking assessments on RAV Networks across the State to see if they can increase RAV access on roads that are already approved for similar types of RAV's.

Currently Wannamal Road West is approved for RAV Network 5 with the following conditions:

- Maximum speed of 60km/h; and
- All operators must carry written approval from the road asset owner permitting use of the road.

A RAV Network 5 heavy vehicle combination is a truck and trailer combination between 27.5m and 36.5m in length and not exceeding 84 tonnes in gross mass. A RAV Network 6 heavy vehicle combination is a truck and trailer combination between 27.5m and 36.5m in length and not exceeding 87.5 tonnes in gross mass. The diagrammatic combinations are attached as **Appendix 2.**

RAV Network 6 combinations are:

- Prime mover, semi-trailer towing a six axle dog trailer;
- Prime mover towing a b-triple combination; and
- Prime mover, semi-trailer towing a six axle trailer and converter dolly.

The only difference between RAV Network 5 and RAV Network 6 is that on all RAV Network 6 combinations there is one axle group that has three axles (not two as per RAV Network 5), which equates to an additional 3.5 tonnes gross mass between the two Networks. For that reason, HVS is of the view that if the Shire has already approved a road for RAV Network 5 then it may be willing to consider approving the same road for RAV Network 6 which uses the same combinations of truck and trailers but with the addition of an extra axle.

The Applicant wishes to use Wannamal Road Weest to access the piggery at Mindarra Farms (13km east of Brand Highway). The application doesn't stipulate how many vehicle movements will be involved.

Wannamal Road West is currently to a sealed standard for a length of approximately 10km from Brand Highway. The remaining section of road to Mindarra Farm is unsealed to a gravel standard. Over the last five financial years (2013/14 to 2018/19), the annual maintenance cost for the unsealed section of Wannamal Road West has been \$2,462 per kilometre per annum (fifth highest cost) and in that same period the annual maintenance cost for the sealed section of Wannamal Road West has been \$317 per kilometre per annum (all excluding GST), which is about middle of the field.

COMMENT

The main issue for the Shire to consider is the extra wear on and deterioration of the road pavement due to the additional axle per combination (over and above a normal RAV Network 5 combination). The additional axle passing over the unsealed road will decrease the pavement life per vehicle, as for unsealed roads the weight of a heavy vehicle is not the primary concern. Rather it is the number of axles going over the road creating dust and thus causing a loss of material. RAV Network 6 combinations will not have a significantly increased effect on sealed pavements.

The change from RAV Network 5 to RAV Network 6 will not adversely impact swept paths at intersections or crossovers as there is no increase in vehicle width or addition or reduction in axle groupings.

The Shire may impose conditions on an approval for RAV Network 6 operation similar to those applied to RAV Network 5.

As the Shire of Gingin has an annual renewal process for RAV permit applications, the 'CA07' condition (a letter from the local government must be carried on the vehicle at all times and be presented on request) gives the Shire a control mechanism whereby if the pavements deteriorate at a rate that is deemed to be too rapid by Shire Officers, the approval can be removed by not approving the permit application the following year. All RAV permit approvals expire on 30 June annually with pavements being assessed at the time of renewal.

One way to slow the deterioration of the unsealed road pavement is to reduce the speed of the heavy vehicles which in turn reduces the amount of dust generated and therefore reduces the amount of gravel material lost from the road surface. Driving on the unsealed road when visibly wet with a heavy vehicle combination also greatly damages the unsealed pavement.

Therefore, in the event that Council wishes to approve this application it is recommended that the following conditions be applied to the approval:

- 1. A current written approval from the local government, permitting use of the road, must be carried and produced on demand.
- 2. RAV's shall not exceed 60km/h on the unsealed section of road.
- 3. Unsealed roads may not be used by RAV's when visibly wet.
- 4. Permit operators must maintain a close liaison with the Shire of Gingin, specifically in relation to prevailing weather conditions and adverse road conditions which may occur. If operators fail to comply and damage a road, the Shire will seek restitution to repair the road.
- 5. Any permit holder who fails to comply with these conditions may have their permit withdrawn, such withdrawal to affect all local government authority permits. No reinstatement will be contemplated unless the complaining local government authority is satisfied that the permit holder will adhere to the conditions.
- 6. RAV Approvals issued by the Shire of Gingin shall expire annually at 30 June.

Due to the minor nature of the difference between a RAV Network 5 and RAV Network 6 (one axle and 3.5 tonnes increase in mass), it is the Officer's view that approval of this change (to RAV Network 6) would not adversely affect the Shire's road asset network with the appropriate conditions imposed.

STATUTORY/LOCAL LAW IMPLICATIONS

Road Traffic (Vehicles) Act 2012
Part 4 – Mass, dimension and loading requirements

POLICY IMPLICATIONS

Council Policy 7.6 - Road Transport Restricted Access Vehicles (RAV)

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	3.3 Connectivity and Accessibility		
	The Shire's community infrastructure supports connectivity and		
	accessibility.		
Key Service	Community Infrastructure		
Areas			
Priorities	N/A		

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Morton

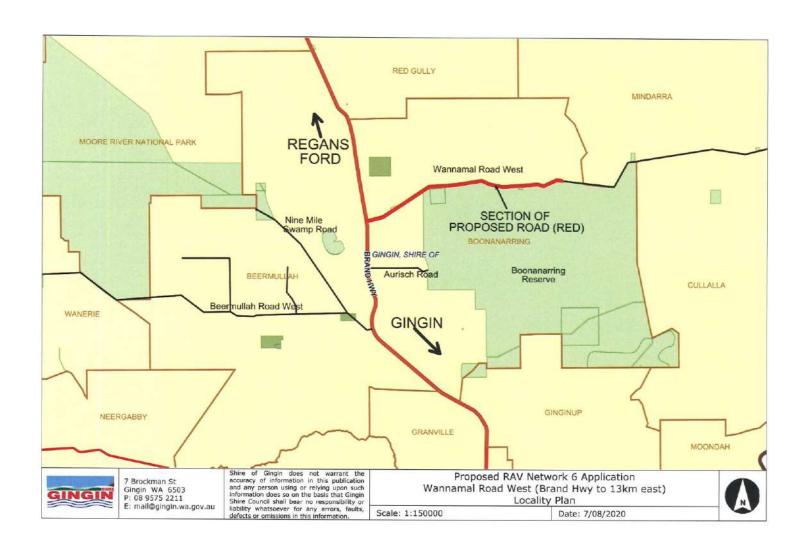
That Council approve the Restricted Access Vehicle application from Main Roads Western Australia Heavy Vehicle Services for Wannamal Road West to Mindarra Farms (13km east of Brand Highway) with the following conditions:

- 1. A current written approval from the local government, permitting use of the road, must be carried and produced on demand.
- 2. RAV's shall not exceed 60km/h on the unsealed section of road.
- 3. Unsealed roads may not be used by RAV's when visibly wet.
- 4. Permit operators must maintain a close liaison with the Shire of Gingin, specifically in relation to prevailing weather conditions and adverse road conditions which may occur. If operators fail to comply and damage a road, the Shire will seek restitution to repair the road.

- 5. Any permit holder who fails to comply with these conditions may have their permit withdrawn, such withdrawal to affect all local government authority permits. No reinstatement will be contemplated unless the complaining local government authority is satisfied that the permit holder will adhere to the conditions.
- 6. RAV Approvals issued by the Shire of Gingin shall expire annually at 30 June.

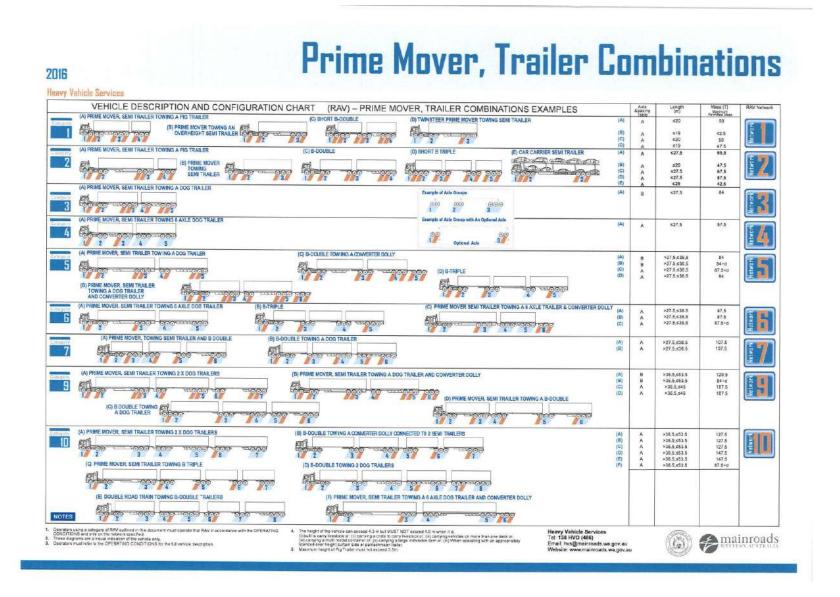
CARRIED UNANIMOUSLY

APPENDIX 1



ORDINARY MEETING

SHIRE OF GINGIN



12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. COUNCILLORS' OFFICIAL REPORTS

13.1 REDFIELD PARK COMMUNITY ASSOCIATION ANNUAL GENERAL MEETING - 16 AUGUST 2020

File:	GOV/20-1
Councillor:	Johnson
Report Date:	18 August 2020

Councillor Johnson advised that he attended the Redfield Park Community/Progress Association Annual GM on Sunday 16 August 2020 some community requests which arose during the meeting have been passes on to the Chief Executive Officer Gingin.

13.2 CONTROL OF VEHICLES (OFF ROAD AREAS) - 29 JULY 2020

File:	GOV/20-1
Councillor:	Court
Report Date:	18 August 2020

Councillor Court advised that she attended a teleconference meeting of the Control of Vehicles (Off-Road Areas) Advisory Committee on 29 July 2020. Amongst other things the Committee is investigating opportunities for the creation of new Off Road Vehicle areas in the South of Perth division.

Councillor Court also advised that funding is also available for Off Road Vehicle Area facilities and suggested that the Shire of Gingin should submit an application in this regard.

13.3 GINGIN DISTRICT HIGH SCHOOL COUNCIL MEETING

File:	GOV/20-1
Councillor:	Rule
Report Date:	18 August 2020

Councillor Rule advised that he had attended a meeting of the Gingin District High School Council. He congratulated Councillor Balcombe on her appointment as Chairperson.

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 Peczka

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

CARRIED UNANIMOUSLY

The meeting was closed to the public at 3:51pm. All members of the public present in the Gallery and the Manager Statutory Planning, Communications and Marketing Officer and PA Regulatory and Development Services left Council Chambers and did not return to the meeting.

15.1 RFT 01/2020 MANAGEMENT OF GUILDERTON CARAVAN PARK

File:	BLD/795; CPT/5		
Location:	Guilderton Lot 1 (Reserve 25007) Dewar Street; Lot 2 (Reserve		
	36048) Dewar Street; Lot 97 (Reserve 25751) Gordon Street; Lot		
	370 (Reserve 31353) Gordon Street; Lot 426 (Reserve 21473)		
	Whitfield Street; Lot 12 (Reserve 25009) Dewar Street; Lot 96		
	(Reserve 25006) Edwards Street		
Author:	Alana Martinovich - Personal Assistant Regulatory and		
	Development Services		
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and Development		
	Services		
Report Date:	18 August 2020		
Refer:	16 July 2013	Item 11.4.2	
	18 April 2017	Item 5.2	
	18 July 2017	Item 5.2	
	15 August 2017	Item 5.2	
	28 November 2017	Item 7.1	
	19 December 2017	Item 5.1	
	16 January 2018	Item 5.1	
	04 September 2018	Item 5.1	
	14 February 2019	Item 5.1	
	17 September 2019	Item 5.1	
	11 August 2020	Item 5.1	
Appendices:	Evaluation Report		

Reason for Confidentiality

This report is Confidential in accordance with Section 5.23 (2) of the *Local Government Act* 1995 and Regulation 4A of the *Local Government (Administration) Regulations* 1996, which permits the meeting to be closed to the public for business relating to the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

- (e) a matter that if disclosed, would reveal
 - (ii) information that has a commercial value to a person
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

DISCLOSURES OF INTEREST

Nil

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/COMMITTEE RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Court

That Council:

- 1. Accept the tender submitted by Belgravia PRO Pty Ltd for management of the Guilderton Caravan Park, on a contract management basis, for a period of 5 years with a further term of 5 years.
- 2. For the purposes of this contract, delegate to the Chief Executive Officer the power under r.21A r20 of the Local Government (Functions and General) Regulations to determine whether any variation that may be proposed is a minor variation, and to negotiate such minor variations with the successful tenderer before entering into a contract.
- 3. Authorise the Shire President and Chief Executive Officer to execute the resulting contract document, including affixing of the Common Seal of the Shire of Gingin.

CARRIED UNANIMOUSLY

Correction as per Council Resolution Item 7. 15.09.2020

Shire President.

COUNCIL RESOLUTION

MOVED: Councillor Johnson SECONDED: Councillor Court

That the meeting be re-opened to the public.

The meeting was reopened to the public at 3:56 pm.

16. CLOSURE

There being no further business, the Shire President declared the Meeting closed at 3:56 pm.

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, 15 September 2020 commencing at 3.00 pm.

These Minutes are confirmed as the official record of the Ordinary Meeting of the Gingin Shire Council held on 18 August 2020.

Councillor C W Fewster Shire President 15 September 2020