



MINUTES

Ordinary Council Meeting

16 December 2025

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED by Council as the official record for the Shire of Gingin's Ordinary Council Meeting held on 16 December 2025.

Councillor L Balcombe
SHIRE PRESIDENT

Date of Confirmation: _____

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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.

ACKNOWLEDGEMENT OF COUNTRY



The Shire of Gingin acknowledges the Yued people, the traditional owners of Yued Boodja. The Shire pays respect to Yued Elders past and present, and acknowledges emerging Yued leaders. We extend this respect to all Aboriginal people. The Shire recognises the living, dynamic culture of the Yued people and the unique contribution they make to the Gingin region on Yued Boodja.

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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 3:05 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – L Balcombe, C Hyne, R Kestel, F Peczka, L Stewart, A Vis, J Weeks, D Wilkie and N Woods

Staff – S Wildgoose (Chief Executive Officer), R Wright (Executive Manager Corporate Services), J Bayliss (Executive Manager Regulatory and Development Services), R March (Executive Manager Operations and Assets), L Burt (Coordinator Governance) and Y Moorby (Governance Support Officer/Minute Officer)

Gallery – There were 11 members of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Cr Andrea Vis

Item: 14.1 Application for Amended Development Approval - Extractive Industry on Lot 3 Ioppolo Road, Breera
Interest: Impartiality
Reason: She owns a sand mining business.

Mr Scott Wildgoose

Item: 19.4 Annual CEO Contract Review
Interest: Financial Interest
Reason: Motion is relating to the CEO contract.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

The following questions were unable to be asked during the Ordinary Council Meeting on 18 November 2025 and were provided in writing by the questioner to be taken on notice in accordance with Council's protocols for Public Question Time.

5.2.1 Megan Kolbe - Gabbadah

Installation of Furniture at Gabbadah Park

Q1. Why has the installation of four x tables and seating installed in Gabbadah Park where there is no access or view to the tourist attractions of the river, ocean, sunset etc. been prioritised over Guilderton foreshore which has been in the planning stage for over eight years? Other locations are in more need of the furniture as the park has extensive limestone walls that can be used for seating.

Response by Presiding Member

In early 2025 a local resident raised the idea of picnic benches in Gabbadah Park to improve its general amenity for local families and visitors. In response, the Shire undertook an independent review of the park amenities and found that they were of a lower standard than other similar facilities in the Shire. Gabbadah Park was the only location across the 12 Shire barbecue facilities that had no accompanying picnic bench amenities.

Noting that the park is well-utilised throughout the year for general gatherings and events such as market days and Music in the Park, the administration proposed the installation of picnic benches to accompany the barbeque, playground and toilet facilities in the area, as well as a shade sail to better protect the playground and its users. Council supported the installation of these basic amenities within the central park space as part of the 2025/2026 Annual Budget. The Shire hopes both visitors and local residents utilise and gain benefit from these local amenity improvements.

The Guilderton Foreshore redevelopment is a different project and the addition of minor amenities to an existing park space at a relatively low cost can't really be compared to a significant redesign of the foreshore precinct.

Destruction of Mature Tuart Trees

Q2. What was wrong with the tree for it to be removed? There are many more tuart trees in the same state in Guilderton.

Response by Presiding Member

The tree showed signs of decay and termite activity. The assessment undertaken also noted the location (close to a park near children's play equipment with a high amount of foot traffic), the size of the limbs that had previously failed (10 metres in length) and the lack of pruning options available (the tree was heavily weighted on one side after the failures), making removal the most appropriate course of action.

It is reiterated that tree removal is not the Shire's preferred course of action but the Shire will take appropriate action if park trees pose a public safety risk.

Water Quality in Moore River

Q3. *With the Moore River being shut down for nearly two months during the tourist season, what can the Shire do to prevent farm animals from defecating on the high-water mark on the river?*

Response by Presiding Member

The Shire currently has no plan to restrict livestock from accessing water courses. Notwithstanding this, the Shire intends to seek advice as to whether any statutory powers are actually available to local governments that can mandate the fencing of water courses from livestock, noting that landowners may have riparian rights for the watering of stock.

The Shire understands that the Department of Water and Environmental Regulation (DWER) in partnership with the Department of Primary Industries and Regional Development (DPIRD) created a Healthy Estuaries WA initiative that included stock exclusion fencing and revegetation programs throughout the south-west of the state. The Shire will make enquiries as to whether this initiative may be extended to incorporate water courses within the Shire of Gingin.

5.2.3 Kerry Butler – Gingin

Early Ratepayers' Incentive Function

Q1. *Does any money come from the Shire?*

Response by Presiding Member

The Early Rates Incentive Scheme costs the Shire approximately \$3,000 to \$3,500 in cash expenses each year, as well as \$400 to \$600 worth of staff time. This represents less than 0.05% of rates income.

4.2 PUBLIC QUESTIONS

4.2.1 Brendan Leahy - Neergabby

Old Junction Bridge

Q1. Can the Council please advise the Association how the Shire's investigations into restoration of The Old Junction Bridge is progressing?

Response by Presiding Member

The Shire is not investigating restoration of the bridge only removal of the superstructure to make it safe at this stage.

Q2. Can the Council please advise the Association how the necessary repair work will be paid for?

Response by Presiding Member

There are no financial provisions for repairs at this time.

4.2.2 Martin Aldridge – Gingin

Gingin Medical Centre

Q1. I refer to the answers provided to me at the OCM of 18 November 2025 and I ask what is the budgeted cost attributable to the Gingin Medical Centre for this financial year?

Response by Presiding Member

The specifics of the financial arrangement between the medical provider and the Shire are confidential (Commercial in Confidence). As stated in November, the Medical Centre costs \$65,000 - \$100,000 per annum for a variety of things. Refer to the November Council meeting minutes.

Q2. Noting the Presidents response to my earlier question that Council had authorised a lease renewal at its meeting of 16 September 2025, has the terms of the lease renewal increased or decreased the burden on ratepayers and what is the new lease expiry date?

Response by Presiding Member

A new term was exercised under the existing lease, following the request by the tenant in accordance with their rights under the agreement. The current lease provides for two five-year options, which may be exercised by the tenant at each expiry. The tenant has since exercised their first further term under these provisions with one term remaining. The lease subsidy has significantly decreased this financial year from previous years.

Q3. Assuming that the lease requires the Shire of Gingin to cover utility expenses for the Gingin Medical Centre, does this extend to the charging of privately owned electric vehicles and is this expressly authorised in the lease?

Response by Presiding Member

The lease specifies that the tenant is responsible for payment of electricity and other outgoings, other than water as this is primarily used for the garden. The lease does not make any reference to electric vehicle charging.

4.2.3 Kerry Enright – Guilderton

Guilderton Store Lease

Q1. The computer that Aaron Cook used was it his or Shire's?

Response by Presiding Member

The Shire's.

Q2. Do all emails that come into the Shire and staff is it recorded? Can you go back and get information off of records?

Response by Presiding Member

All emails which are forwarded to mail@gingin.wa.gov.au are recorded and other email interactions may be recorded as per Council Policy 1.23 Record Keeping which is available from the Shire's website as are all adopted Council Policies.

Q3. If it was Shire's computer, who has it now?

Response by CEO

The previous CEO's laptop is now used by me, it stayed with the role but has a different user profile. From what I could see, Belgravia submitted one copy of the tender by courier/post, and one electronically. Given Mr Cook is not available to ask I am assuming the tender that was received by post/courier was what was placed on the top of the box. Essentially, for the receipt of tenders it is either someone comes and places it in or they can post it in as long as it is received by the date and the time at which the tender box is opened.

Q4. *Shouldn't it have gone in the box before he brought it out?*

Response by CEO

It is possible he was walking out and someone had handed it to him. Without being present I am unable to answer this question.

4.2.4 Annette Howard – Wannamal

Trucks and Road Trains on Wannamal West and Wannamal South Roads

Q1. *Who is responsible for the regular maintenance of the Wannamal South Road?*

Response by Presiding Member

The Shire is responsible for road maintenance on this road. Maintenance was currently being undertaken but had to be abandoned due to the recent fires. This will recommence when it is safe to do.

Q2. *Can the speed limit for RAV vehicles travelling on the Wannamal West and Wannamal South Road be reduced?*

Response by Presiding Member

The speed limit for RAVs using this road is already reduced to 60km/h. RAV vehicle conditions are managed and enforced by Main Roads WA Heavy Vehicle Services.

Q3. *Can we have new larger school bus signs that state this is turn around and to slow down?*

Response by Presiding Member

The Operations and Assets division will investigate alternative signs.

4.2.5 Kelly Sinclair – Lennard Brook

Coleman Way

Q1. *Does the Shire of Gingin recognise that the current issues on Coleman Way – including access restriction, fencing alignment, gate installation and surveillance – are not a private a neighbour dispute, but arise from the planning, classification and management of a gazetted public road reserve, for which the Shire holds statutory responsibility?*

Response by Presiding Member

Coleman Way is an unmaintained, unmade road vested to the Shire of Gingin that provides access to private land. Local governments have power to control, manage and regulate their roads

Q2. Does the Shire consider a locked or closed gate on the sole access route to multiple properties to be compatible with its obligations for emergency access and public safety, particularly during declared Total Fire Ban conditions?

Response by Presiding Member

While each matter is considered on its own merit, generally gated access would not align with the Shire's preferred approach to risk mitigation relating to emergency and public access considerations. In this instance, the Shire has taken compliance action to have the gate removed and fencing installed.

Q3. Under what lawful authority has the gate at the Ashby Road / Coleman Way intersection been permitted to remain in place on a gazetted public road reserve, and has Council formally approved this obstruction in accordance with the Local Government Act 1995?

Response by Presiding Member

The Shire has not located any approval issued for the gate, noting anecdotal evidence suggests it has been in place for 20+ years. Since being made aware of the situation, the Shire issued a notice under the *Local Government Act 1995* to have the matter resolved. The Shire advises that the gate has recently been removed as the rectification period under the notice recently expired.

The CEO left the meeting at 3.21pm.

4.2.6 Kerry Enright – Guilderton

Guilderton Store Lease

Q1. Has Chris Young got approval for sub leasing the takeaway and café?

Response by Presiding Member

Under the terms of the lease, the tenant is permitted to sublease the premises, subject to meeting the conditions outlined in their agreement.

4.2.7 Kerry Butler – Gingin

Gingin Outdoor Play Area

Q1. Can the Shire look at some soap/sanitiser at the Gingin Outdoor play area?

Response by Presiding Member

Taken on Notice.

Q2. Can the Shire think about putting some speed signs in Honeycomb Estate?

Response by Presiding Member

Taken on notice.

The CEO returned to the meeting at 3.27pm.

Q3. Guilderton Caravan Park Lot 90 - caravan is getting damaged by balls in the play area. Can the Shire consider installing protective netting?

Response by Presiding Member

Noted.

4.2.8 Megan Kolbe - Gabbadah

Moore River

Q1. Illegal digging out of sand bar at the Moore River Estuary. Who can the community contact to enforce policing of sand bar interference?

Response by Presiding Member

Taken on notice.

Q2. Could the Shire investigate a solar powered security camera on the walkway or the lookout on the Guilderton foreshore to secure evidence for prosecution?

Response by Presiding Member

Taken on notice.

5 PUBLIC STATEMENT TIME

Unlike Public Question Time, Public Statement Time is not a requirement under the *Local Government Act 1995* and is not listed in the Order of Business as set out in the Shire of Gingin Meeting Procedures Local Law 2014.

Public Statement Time was introduced at the Ordinary Council Meeting (OCM) on 20 February 2024 on a trial basis to provide an additional opportunity for the public to address Council. At its OCM on 15 October 2024 Council resolved that statements made during Public Question Time must relate to matters listed on the agenda for the meeting, and that practice has continued. No final decision has been made as to whether Public Statement Time will become a permanent part of Council's meeting procedures.

As part of ongoing local government reform measures, the State has previously flagged that model meeting procedures will be drafted which every local government in Western Australia will be required to adopt. There is currently no indication as to what the model procedures will require, and therefore there is no benefit to be gained by undertaking a formal amendment of the Shire's Meeting Procedures Local Law to include Public Statement Time as part of the Order of Business. In the interim, Council will continue to agree to include Public Statement Time at each council meeting.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis

SECONDED: Councillor Weeks

That Council resolve to amend the order of business for the meeting to include Public Statement Time.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Nil*

5.1 Martin Aldridge – Gingin

Mr Aldridge made a statement in reference to Item 12.1 Bush Fire Advisory Committee – Terms of Reference in relation to the frequency of the Bush Fire Advisory Committee (BFAC) meeting regularity and a concern regarding the amendment to the Aims and Functions.

6 PETITIONS

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Hyne **SECONDED:** Councillor Peczka

That Council confirm the Minutes of the Ordinary Council Meeting held on 18 November 2025 as a true and accurate record.

CARRIED UNANIMOUSLY
9 / 0

FOR: *Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Nil*

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Christmas Message

As we approach the festive season, I want to take a moment to reflect on the year that has been and extend my heartfelt thanks to everyone who has contributed to our community.

This year has brought its share of challenges, and I am incredibly proud of how we have worked together to overcome them. To our dedicated staff and fellow Councillors, thank you for your commitment and hard work in serving the Shire and its residents. Your efforts ensure that our community continues to thrive.

I would also like to acknowledge and thank our outgoing Councillors for their service and the valuable contributions they have made during their time on Council. At the same time, I welcome our newly elected Councillors and look forward to working together to build a strong and vibrant future for the Shire.

A very special thank you goes to our incredible volunteers, particularly those who have stepped up as first responders during fires, accidents and emergency situations. Your dedication, courage and selfless acts to protect our community in times of need are truly inspiring. We are deeply grateful for everything you do.

As we celebrate this Christmas season, let us also pause to reflect on the recent tragic events in Bondi. Our thoughts and heartfelt condolences go out to all those affected. In times like these, we are reminded of the importance of compassion, unity and resilience. May we continue to support one another and work together to create a safer and more caring society.

The festive season can be a joyful time, but it can also be difficult for some. I encourage everyone to look out for those in our community who may need a little extra compassion and assistance. A simple act of kindness can make a world of difference.

On behalf of the Shire, I wish you all a safe, joyful and peaceful Christmas and a hopeful, prosperous New Year.

Deputations

The President advised that prior to the commencement of the meeting, Council had received one deputation as follows;

Speaker: Maria Agnew
Topic: 14.2 Application for Development Approval - Recreation Private
(Botanical Garden and Aviary Tours) On Lot 552 (92) Ferguson Road,
Neergabby

10 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

11 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

11.1 Cr L Stewart

Local Government Election

11.1 During the 2025 election, there is some confusion and miscommunication surrounding the employment of the Returns Officer who was responsible for running the 2025 Local Government election for the shire of Gingin. Was the RO employed by, and paid by the shire of Gingin or was she employed by and paid by the WAEC.

Response by EMCS

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The Shire employed the Western Australian Electoral Commission (WAEC), and the Returning Officer was appointed, employed and paid by the WAEC, not by the Shire.

12 REPORTS - OFFICE OF THE CEO

12.1 BUSH FIRE ADVISORY COMMITTEE - TERMS OF REFERENCE

File	EMS/22
Author	Caitlin Skewes - Administration Support Officer
Reporting Officer	Scott Wildgoose - Chief Executive Officer
Refer	OCM 18 November 2025 - Item 13.2
Appendices	1. Bush Fire Advisory Committee TOR [12.1.1 - 4 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To review the Terms of Reference (TOR) for the Bush Fire Advisory Committee (BFAC).

BACKGROUND

Council last undertook a review of the TOR for the BFAC in August 2021. At the September 2025 and December 2025 BFAC meetings, BFAC endorsed changes to the TOR, to update department titles and better reflect how BFAC currently operates in practice.

COMMENT

A copy of the proposed amended Terms of Reference is provided for Council's information (**see appendix**).

1. Role / Purpose

- a. Amended to better reflect how the BFAC currently operates in practice.

2. Aims & Functions

- a. Removed cl. 1 to align with current procedure for Fire Control Officer (FCO) appointment.
- b. Cl. 2 reworded to new cl. 3, to better outline scope of responsibilities.
- c. Cl. 3 reworded to new cl. 1 and cl. 2, which better clarifies this function.
- d. Added cl. 4, 5 and 6.

3. Membership

- a. Cl. 1 Updated voting and non-voting members. Removed President and changed to “Council nominated representative”. Added Fire Control Officers to voting. Added Bush Fire Risk Mitigation Coordinator to non-voting. Amended “Department of Parks and Wildlife” to “Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Service)”. Amended “Department of Agriculture and Food” to “Department of Primary Industries and Regional Development”.
- b. Amended cl. 3a to be consistent with other changes – replaced “Council representative” with “Council nominated representative” and added “Fire Control Officer”.
- c. Amended cl. 4, replaced “appointed” with “nominated” to align with previous wording.
- d. Removed “re-appointed” from cl. 5.

4. Operating Procedures

- a. Replaced “Presiding Member” with “Chairperson” cl. 1
- b. Amended cl. 1a to clarify election process for Chairperson.

This amendment is proposed to recognise that s.67(2) of the *Bush Fires Act 1954* specifies that whilst the membership of a BFAC must include a Councillor nominated by the local government for that purpose, the election of the BFAC Chairperson should be undertaken by the BFAC itself.

- c. Replaced “both the President and Council’s nominated deputy representative” with “the Chairperson” in cl. 1b.
- d. Replaced “Presiding Member” with “the Chair” in cl. 1c.
- e. Amended cl. 2a to reduce minimum meeting requirement to two meetings per year as many operational and funding decisions no longer require Council endorsement due to the role of Emergency Services Levy (ESL) funding.
- f. Replaced the following section of cl. 2d “within 7 working days of the Committee meeting” with “as soon as is practicable after the meeting”.
- g. Added cl. 2f to outline voting process in meetings.
- h. Moved cl. 4b to cl. 1g.
- i. Removed cl. 4, as clauses are addressed in cl. 2d and cl. 2g.

5. Delegated Authority

- a. Amended cl. 1 to clarify expenditure of monies
- b. Added cl. 2.

The BFAC meetings formerly held in March and September will be replaced with Executive Leadership Operational Meetings which will focus on:

- Reviewing outcomes from the previous season;
- Identifying lessons learned; and
- Discussing operational improvements and strategic planning.

RISK IMPLICATIONS

Nil

STATUTORY/LOCAL LAW IMPLICATIONS

Bush Fires Act 1954
Part V – Miscellaneous
Section 67 – Advisory committees

Local Government Act 1995
Part 5 – Administration
Subdivision 2 – Committees and their meetings

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	2. Connections & Wellbeing - Grow and Nurture Community Connectedness and Wellbeing
Strategic Objective	2.1 Community Safety & Support - Provide support and advocacy to residents and visitors so that they feel safe and secure at home and in the outdoor environment.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel **SECONDED:** Councillor Hyne

That Council adopt the amended Bush Fire Advisory Committee Terms of Reference, which have been endorsed by the Bush Fire Advisory Committee.

CARRIED UNANIMOUSLY
9 / 0

FOR: *Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Nil*

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Attachment_12.1.1

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Attachment_12.1.1 page 4

12.2 SHIRE OF GINGIN 2024-25 ANNUAL REPORT, ANNUAL FINANCIAL REPORT AND 2025/2026 ANNUAL GENERAL MEETING OF ELECTORS

File	COR/33
Author	Matilda Agnew - Communications & Marketing Support Officer
Reporting Officer	Scott Wildgoose - Chief Executive Officer
Refer	Nil
Appendices	1. Annual Report 2024-2025 [12.2.1 - 72 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider and accept the Shire of Gingin 2024/2025 Annual Report, including the Annual Financial Report and Independent Auditor's Report for the year ended 30 June 2025 and to consider setting a date for the 2025/2026 Annual General Meeting of Electors (AGM).

BACKGROUND

Council's Audit Committee held an exit meeting for the 2024/2025 audit with representatives of the contract auditor (Dry Kirkness) and the Office of the Auditor General on 18 November 2025 to discuss the audit findings. The Audit Committee meeting which was held on 2 December 2025 has recommended that Council accept the Annual Financial Report and Independent Auditor's Report on the audit of the Annual Financial Report for the year ended 30 June 2025.

The Annual Financial Report and Independent Auditor's Report form part of the 2024/2025 Annual Report which is attached for Council's information (**see appendix**).

Section 5.27 of the *Local Government Act 1995* (the Act) requires each local government to conduct a general meeting of electors of the district once in each financial year, not more than 56 days after the local government accepts the annual report for the previous financial year.

Regulation 15 of the *Local Government (Administration) Regulations 1996* specifies that the matters to be discussed at a general electors' meeting are firstly the contents of the annual report for the previous financial year, and then any other general business.

COMMENT

Annual Financial Report and Independent Auditor's Report

It is pleasing to report that the Shire of Gingin has once again received an unqualified Audit Report, consistent with the 2024/2025 Financial Statements comprising a fair representation of the financial position of the Shire.

It is recommended that Council receive the Financial Report and Independent Auditor's Report for the year ended 30 June 2025.

2024/2025 Annual Report

The Act treats the Annual Report as a key accountability document.

The Shire of Gingin 2024/2025 Annual Report meets the reporting requirements of the Act.

In the event that the 2024/2025 Annual Report is accepted by Council, then the CEO will give local public notice of its availability and publish the document on the Shire's official website in accordance with the requirements of s.5.55 and s.5.55A of the Act.

2025/2026 Annual Meeting of Electors

The meeting cannot be held more than 56 days after acceptance by Council of the Annual Report, and a minimum of 14 days' public notice of the meeting date must be given prior to the meeting taking place.

On the assumption that the Annual Report is accepted by Council (either as presented or with minor modification), it is proposed that the Annual General Meeting of Electors of the Shire of Gingin for the 2025/2026 financial year be held on Tuesday, 3 February 2026 at 6.00pm at the Granville Civic Centre.

RISK IMPLICATIONS

No risks are associated with accepting the Annual Report 2024/2025. Not accepting the Annual Report will risk non-compliance with the *Local Government Act 1995*.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 – Administration

Division 5 – Annual reports and planning

Subdivision 4 – Electors' meetings

Section 5.27 – Electors' general meetings

Section 5.29 – Convening electors' meetings

Section 5.53 – Annual reports

Section 5.53 of the *Local Government Act 1995* (the Act) requires all local governments to prepare an Annual Report for each financial year, which must contain the following elements:

- a. A report from the President;
- b. A report from the CEO;
- c. An overview of the plan for the future of the district made in accordance with s.5.56 of the Act, including major initiatives that are proposed to commence or to continue in the next financial year;
- d. The financial report for the financial year;
- e. The auditor's report for the financial year;
- f. Any matter on which a report must be made under s.29(2) of the *Disability Services Act 1993*;
- g. Details of entries made under s.5.121 of the Act in the register of complaints;
- h. Such information as may be prescribed in relation to payments made to employees; and
- i. Such other information as may be prescribed (see requirements of Regulation 19B following).

Section 5.54 – Acceptance of annual reports

Under s.5.54 of the Act, Council is required to accept the Annual Report by 31 December. In the event that this deadline cannot be met due to unavailability of the auditor's report, then the Annual Report must be accepted by the local government no later than two months after the auditor's report becomes available.

Section 5.55 – Notice of annual reports

Section 5.55A – Publication of annual reports

Part 6 – Financial Management

Division 3 – Reporting on activities and finance.

Part 7 – Audit

Division 1A – Audit Committee

Division 3 – Conduct of Audit

Division 3A – Financial Audit

Division 4 – General

Local Government (Administration) Regulations 1996

Part 5 – Annual reports and planning

Part 3 – Electors’ meetings

Division 1 – Preliminary

Regulation 15 – Matters to be discussed at general meeting (Act s. 5.27(3))

Regulation 19B – Information to be included in annual report (Act s. 5.53(2)(g) and (i))

In addition, Regulation 19B of the *Local Government (Administration) Regulations 1996* also requires the inclusion of the following in Annual Reports for financial years beginning on or after 1 July 2020:

- a. The number of employees of the local government entitled to an annual salary of \$130,000 or more;
- b. The number of employees of the local government entitled to an annual salary that falls within each band of \$10,000 over \$130,000;
- c. Any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;
- d. Any amount ordered under s. 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under s. 5.107(1), s. 5.109(1) or s. 5.114(1) to the local government during the financial year;
- e. The remuneration paid or provided to the CEO during the financial year;
- f. The number of council and committee meetings attended by each council member during the financial year;
- g. If available, the gender, linguistic background and country of birth of council members;
- h. If available, the number of council members who are aged:
 - i. between 18 years and 24 years;
 - ii. between 25 years and 34 years;
 - iii. between 35 years and 44 years;
 - iv. between 45 years and 54 years;
 - v. between 55 years and 64 years; and

- vi. over the age of 64 years;
- a. If available, the number of council members who identify as Aboriginal or Torres Strait Islander;
- b. Details of any modification made to a local government's strategic community plan during the financial year; and
- c. Details of any significant modification made to a local government's corporate business plan during the financial year.

Local Government (Audit) Regulations 1996

Reg. 9 – Performance of Audit

Reg. 10 – Report by auditor

Reg. 16. Functions of audit committee

Local Government (Financial Management) Regulations 1996

Regs. 36-50 – Annual financial report, content of

Reg. 51 – Annual Financial Report to be signed etc, by CEO and given to Department of Local Government

Australian Accounting Standards Board Standards

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.2 Effective Governance - Apply systems of compliance which assists Council to make informed decisions within a transparent, accountable, and principled environment.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka

SECONDED: Councillor Kestel

That Council:

1. Accept the Shire of Gingin 2024/2025 Annual Report, including the Financial Report and Independent Auditor's Report, for the year ended 30 June 2025.
2. Set the Shire of Gingin's Annual General Meeting of Electors to be held at 6.00pm on 3 February 2026 at the Granville Civic Centre, Weld Street, Gingin.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

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12.3 REVIEW OF COUNCIL ADVISORY/WORKING GROUPS

File	GOV/33
Author	Scott Wildgoose - Chief Executive Officer
Reporting Officer	Scott Wildgoose - Chief Executive Officer
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Coastal Erosion Advisory Group TOR [12.3.1 - 3 pages] 2. Aged Housing & Care Service Provision Advisory Group TOR [12.3.2 - 3 pages] 3. Guilderton Caravan Park & Foreshore Development Advisory Group TOR [12.3.3 - 3 pages] 4. Current GU Foreshore Development Working Group TOR [12.3.4 - 3 pages] 5. Current Medical Facilities Advisory Group TOR [12.3.5 - 3 pages] 6. Current Plant Advisory Group TOR [12.3.6 - 3 pages] 7. Current Waste Management Advisory Group TOR [12.3.7 - 3 pages] 8. Current Upper Coastal Sporting Facilities Working Group TOR [12.3.8 - 3 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to review its Advisory and Working Groups, membership and value proposition, and consider an alternative way forward.

BACKGROUND

The Shire of Gingin currently has nine advisory and working groups providing inputs on a variety of topics.

Group Name	Established	Purpose	Membership
Aged Housing and Care Services Advisory Group	June 2022	Identify options for progressing aged housing and care services in the Shire.	Three Councillors and a maximum of six community representatives
Coastal Erosion Advisory Group	October 2019	Assist in addressing coastal erosion issues.	Four Councillors

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Group Name	Established	Purpose	Membership
Guilderton Caravan Park and Foreshore Development Advisory Group	July 2022	Assist Council with progressing improvements and developments to the Caravan Park and Foreshore in Guilderton	Four Councillors
Guilderton Foreshore Development Working Group	July 2022	To assist the Guilderton Caravan Park and Foreshore Development Advisory Group with respect to identifying options for the future development of the Guilderton Foreshore Precinct.	Four Councillors (appointed to the Guilderton Caravan Park and Foreshore Development Advisory Group) and a maximum of five community representatives
Medical Facilities Advisory Group	2023	Advise Council in relation to medical service needs in the Shire and oversee the viable operation of medical centres in Gingin and Lancelin.	Four Councillors
Plant Advisory Group	Existed in some format since pre-1990.	Oversee the preparation of and advise Council about the Plant Replacement Program.	Five Councillors
Reconciliation Action Plan Working Group	May 2012	To develop and review the RAP.	One Councillor, representatives from Yued Corporation or their appointed representatives, CEO, CDO, and an external facilitator.
Waste Management Advisory Group	November 2019	Have oversight of and provide advice to council in relation to waste management.	Three Councillors
Upper Coastal Sporting Facilities Working Group	September 2022	Reviewing the Upper Coastal Sporting Facilities Masterplan	Three Councillors, one representative from each member sporting club of the Lancelin Community Sporting

Group Name	Established	Purpose	Membership
			Complex, one representative from each member sporting club of the Ledge Point Country Club, one representative from the Lancelin Community and Sporting Club Inc, one representative from the Ledge Point Country Club Inc.

COMMENT

Whilst Council would normally review the membership of its advisory and working groups after each election, the administration believed this period posed an opportune time to review the purpose and value of, and outcomes from, each group recognising that the administration of nine groups is somewhat administratively burdensome if they aren't delivering valuable outputs.

In 2023 Council correctly determined that none of the groups should be deemed committees as they don't perform a statutory function of Council as outlined in legislation. The groups are in fact aimed at informing and contributing towards improved decision-making and discussion.

The 2025 resident perception survey scored the performance of the Shire quite low and whilst recommending the Shire as a place to live was marginally higher scoring it was still quite a low score given the beauty and amenity of the district. When looking at the relative importance areas, the two highest scoring areas were opportunities for the community to be consulted and provide feedback about local issues, and the quality, frequency and accessibility of Shire information. Relative importance is important as strong performance in these areas can have the biggest impact on overall performance and perception. This is particularly true in coastal areas of the Shire that feel disconnected from the main administration and decision-making.

The administration believes that the Shire could gain more value from its advisory group mechanisms by re-orientating them to provide a broader capacity for consultation and place-orientated engagement.

When looking at the existing groups and topics, the administration believes there is scope for more community discussion in most areas, especially if applying a place-making lens to broader decision making.

The author is of the belief that the Plant Advisory Group is not a relevant group in modern local government operations. Procurement and asset management are operational functions wholly under the remit of the CEO and the administration. Council should be adopting policy parameters and approving asset management/replacement programs as part of the Long-Term Financial Plan and Corporate Business Planning processes, with the ultimate decision around asset renewal being aligned to a whole-of-Council decision during the budget process.

The CEO is cognisant that some of these processes and the related policy positions don't currently exist, thus creating a sense that the Plant Advisory Group has a role to play. To overcome this situation, it is recommended that Council appoint representatives to the Plant Advisory Group at this meeting with the understanding that the group will disband once Council adopts a Council policy providing governance oversight to plant renewal planning.

The Reconciliation Action Plan (RAP) Working Group was formed to adopt the initial RAP and then be part of its annual review process. The Shire needs to reinvigorate and renew its RAP and relationship with the Yued Corporation, and it will be expected that a Council Member is part of the Working Group once it becomes active again. As such, it is recommended that Council appoint a member and proxy to this group.

The author believes that all other groups should be disbanded as they either have fulfilled their original purpose, confuse the governance role of Council with a perception of influencing operational areas, or generally aren't delivering strong value for the time involved with administering them. Project or plan-orientated community working groups should be managed by operational functions, which aligns to project management and stakeholder engagement practices that fall within normal operational service delivery parameters as opposed to contributing an advisory function towards Council decision making.

The author recommends that Council establish three new Advisory Groups to foster inclusive, place-based community engagement. The new groups suggested would be:

1. Gingin and Inland Areas Advisory Group – all communities not adjacent to Indian Ocean Drive.
2. Upper Coastal Advisory Group – communities adjacent to Indian Ocean Drive north of the Greenwood Coast Road/McCormick Road/Indian Ocean Drive intersection.
3. Lower Coastal Advisory Group - communities adjacent to Indian Ocean Drive south of the Greenwood Coast Road/McCormick Road/Indian Ocean Drive intersection.

These groups represent a relatively even split of the Shire's population and aligns communities with similar interests and amenity needs to enhance place-based planning and decision making.

Community values and focus areas differ significantly by geography. Place-based advisory groups capture these local variations and foster realistic, community-informed advocacy. The Shire is often criticised for not undertaking enough place-based and face to face communication and engagement with the community. A collection of broad focussed advisory groups recognises the geographical nuances of the Shire and provides for sub-district discussions and ideas to be shared.

Each group will combine discussions of service access, health, project delivery, ageing and community wellbeing within broader place-based agendas, promoting efficiency and consistent representation across dispersed townsites.

It is envisaged that each group would have a similar spectrum of topic areas but with an area-specific lens such as:

- Facilities
 - Sporting;
 - Community; and
 - Medical.
- Services
 - Waste;
 - Seniors; and
 - Youth.
- Community Groups and Events
 - Inputs from local groups; and
 - Events in the area.
- Projects
 - Planned;
 - Needed; and
 - Desired.
- Advocacy and Local Issues
 - Tourism;
 - Coastal Erosion;
 - Water Carting/Licencing;
 - Fire Mitigation;
 - Utilities; and
 - Environmental Protection.

The groups would generally discuss topics and provide broad insights; they wouldn't necessarily vote or make recommendations, but would provide a consultative mechanism that has been lacking in the Shire.

It is envisaged that each group would be allocated three Council members, with one Councillor appointed to Chair the meetings to ensure they run in an orderly manner.

Shire employees will receive discussion items from group members and present discussion papers that the Shire is seeking input on and participate in discussions and debate as needed to provide technical inputs.

It is suggested that each group have no more than 13 members (plus Shire staff), with the non-Council members to be drawn from existing non-topic/facility specific community organisations in the areas and a broad area Expression of Interest process (EOI) with subsequent Council appointments.

At a minimum the groups should meet twice a year in the periods August-October and February-April.

If Council resolves to support this approach, then the administration will develop appropriate terms of reference for each group to be formally adopted at the January meeting, to enable the first meetings to occur in the February to April 2026 period. It is recommended that Council at least appoint Council members to the groups so the administration can liaise with relevant members when drafting the terms of reference and proposed membership.

It is the author's opinion that Council and the Shire don't really have anything to lose by making the suggested change given the community's perception of the Shire and its performance has been declining over the last decade. The CEO was set a KPI for the 2025/2026 financial year to develop a strategic community and stakeholder engagement framework, and this strategic goal has been a key driver when making this recommendation.

If Council does not wish to entertain a new approach, then an alternative motion will need to be put to allocate members to the existing groups under their existing terms of reference (**see appendices**).

RISK IMPLICATIONS

Given Council retains governance oversight over service delivery, it is not envisaged that the proposed change would impact operational effectiveness or service delivery in any way.

The biggest risk to the Shire is reputational if the removal of some of these groups is seen by the community as a dampening of input into key topics. However, the counter argument could be made that by establishing the new groups the Shire is broadening community engagement and involvement in decision making processes which could enhance its reputation.

STATUTORY/LOCAL LAW IMPLICATIONS

The *Local Government Act 1995* (the Act) establishes a clear division of roles: under section 2.7, the Council governs the local government's affairs and determines its policies, and under section 5.41, the CEO manages day-to-day operations and implements Council's decisions.

Section 2.7. Role of council

- (1) *The council governs the local government's affairs and, as the local government's governing body, is responsible for the performance of the local government's functions.*
- (2) *The council's governing role includes the following —*
 - (a) *overseeing the allocation of the local government's finances and resources;*
 - (b) *determining the local government's policies;*
 - (c) *planning strategically for the future of the district;*
 - (d) *determining the services and facilities to be provided by the local government in the district;*
 - (e) *selecting the CEO and reviewing the CEO's performance;*
 - (f) *providing strategic direction to the CEO.*
- (3) *For the purpose of ensuring proper governance of the local government's affairs, the council must have regard to the following principles —*
 - (a) *the council's governing role is separate from the CEO's executive role as described in section 5.41;*
 - (b) *it is important that the council respects that separation.*

Committees, as established under section 5.8, are formal governance mechanisms to assist the Council with its legislative powers and duties.

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council.*

** Absolute majority required.*

Note for this section: A local government may delegate powers and duties to a committee under section 5.16.

They operate under statutory rules for membership, quorum and meetings, and may exercise delegated authority under sections 5.16–5.17. Essentially, the legislative intent is that committees assist Council with performing its functions as outlined in Section 2.7 of the Act. The Act does not intend to provide the power for Council to form committees for administrative or operational matters. This legislative design intentionally prevents elected members from encroaching on the CEO's management functions.

The Department of Local Government's *Guide to Council and Committee Meetings* (2025) reinforces that committees should be used only where formal decision-making or statutory governance oversight is required. Informal advisory, reference or working groups are the recommended alternative to ensure flexibility and community engagement without invoking the full compliance burden of the Act.

POLICY IMPLICATIONS

The suggested approach aligns with Council Policy 1.41 - Community and Stakeholder Engagement. The approach seeks to harness local knowledge of local issues and needs.

BUDGET IMPLICATIONS

The change from nine to five groups may save the Shire administration time and resources in administering the groups, but otherwise the change is not envisaged to impact upon the budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.4 Community Engagement - Facilitate community engagement for residents/ratepayers to provide input into shaping our future.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

1. In relation to the Plant Advisory Group:
 - a. Appoint Cr Kestel, Cr Peczka, Cr Vis and Cr Weeks to the Group;
 - b. Appoint Cr _____ and Cr _____ as proxy members of the Group;

- c. Direct the CEO to develop a Council policy in relation to the future management of plant; and
 - d. Agree to disband the Plant Advisory Group once a suitable policy position has been adopted by Council.
2. In relation to the Reconciliation Action Plan Working Group:
 - a. Appoint Cr _____ to the Group as its representative; and
 - b. Appoint Cr _____ to the Group as proxy representative.
3. Resolve to disband the Aged Housing and Care Services Advisory Group, Coastal Erosion Advisory Group, Guilderton Caravan Park and Foreshore Development Advisory Group and its associated working group, Medical Facilities Advisory Group, Waste Management Advisory Group and Upper Coastal Sporting Facilities Working Group.
4. Resolve to:
 - a. Establish the Gingin and Inland Areas Advisory Group, Upper Coastal Advisory Group and Lower Coastal Advisory Group, and direct the CEO to develop draft terms of reference for each new advisory group for adoption by Council at the January 2026 Ordinary Council meeting;
 - b. Appoint Cr _____, Cr _____ and Cr _____ to the Gingin and Inland Advisory Group, with Cr _____ appointed as Chair;
 - c. Appoint Cr _____, Cr _____ and Cr _____ to the Upper Coastal Advisory Group, with Cr _____ appointed as Chair; and
 - d. Appoint Cr _____, Cr _____ and Cr _____ to the Lower Coastal Advisory Group with Cr _____ appointed as Chair.

PROCEDURAL MOTION/COUNCIL RESOLUTION

MOVED: Councillor Kestel

SECONDED: Councillor Peczka

That the matter be deferred to the February 2026 Council meeting.

**CARRIED
6 / 3**

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FOR: *Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Councillor Balcombe, Councillor Hyne and Councillor Vis*

Reason for Deferment

To enable further discussion by Council as to what has been presented will give the best outcome for the Shire of Gingin.

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13 REPORTS - CORPORATE SERVICES

13.1 GINGIN AQUATIC CENTRE - NAMING RIGHTS EXPRESSION OF INTEREST

File	REC/4
Author	Rachael Wright - Executive Manager Corporate Services
Reporting Officer	Rachael Wright - Executive Manager Corporate Services
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider accepting an unfunded operating shortfall for the Gingin Aquatic Centre (GAC), being that no Naming Rights applicants were received with reference to income for the 2025/2026 financial year.

BACKGROUND

In August 2025, the Shire's Administration commenced an Expression of Interest (EOI) process for the exclusive naming rights for the GAC.

The EOI was advertised on the Shire's website and social media channels, as well as circulated emails and directly approaching local businesses and larger organisations including regional mining companies and suppliers. The GAC naming rights have historically been offered every 10 years for a term of 5 – 10 years, with flexible payment options available including upfront contributions, annual payments or staged instalments.

COMMENT

To date, Administration has not received any responses to the EOI for the naming rights for the GAC despite repeated attempts. As a result, the sponsorship income budgeted for the 2025/2026 financial year will not be realised, creating an unfunded operating variance shortfall of \$10,000. It is proposed that Council notes this budget shortfall.

Administration may consider conducting a new EOI for the Aquatic Centre naming rights prior to the preparation of the 2026/2027 Budget. Given the current financial climate, Administration intends to review the sponsorship process, including a focus on advertising rights rather than naming rights or other income models, which include consideration of shorter agreements with a lower financial contribution requirements.

This approach aims to provide greater flexibility and increase the likelihood of attracting local businesses to participate in sponsorship or investment opportunities.

Administration aims to monitor business activity across the Shire, and should any sponsorship opportunities arise in the future, this project may be revisited in communication with Council.

RISK IMPLICATIONS

Minor risks include both reputational and financial, as in previous years the GAC has managed to secure sponsorship funding at approximately \$10,000 per year.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 6 – Financial Management
Division 4 – General financial provisions

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Council is required to note the shortfall in this financial year of \$10,000 due to the unsuccessful sponsorship program this financial year. This budget adjustment will be made at mid-year review,

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.4 Strategic & Sustainable Financial Planning - Undertake long-term resource planning and allocation in accordance with the Integrated Planning and Reporting Framework.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Weeks

SECONDED: Councillor Wilkie

That Council:

1. Note that the sponsorship income included in the 2024/2025 Budget for the Gingin Aquatic Centre will not be realised;
2. Note the shortfall of \$10,000 this financial year will be documented at mid-year financial review; and
3. Note Administration will continue to monitor sponsorship opportunities in future for this asset.

CARRIED UNANIMOUSLY

9 / 0

FOR: *Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Nil*

13.2 SHIRE OF GINGIN CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT LOCAL LAW 2026

File	LAW/1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Rachael Wright - Executive Manager Corporate Services
Refer	OCM 16 April 2024 - Item 12.1
Appendices	1. Control of Vehicles (Off-road Areas) Amendment Local Law 2026 [13.2.1 - 3 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the final adoption of the Shire of Gingin Control of Vehicles (Off-road Areas) Amendment Local Law 2026 in accordance with s.3.12(4) of the *Local Government Act 1995*.

BACKGROUND

The Shire of Gingin Control of Vehicles (Off-road Areas) Amendment Local Law (**see appendix**) was adopted by Council at its Ordinary Meeting on 16 April 2024 for the purpose of advertising the proposed local law for public comment.

Local public notice advising of Council's intention and of the purpose and effect of the local law was given in accordance with s.3.12 of the *Local Government Act 1995* (the Act), with the required public submission period closing on 22 November 2024. As required by the *Local Government (Administration) Regulations 1996*, four methods of giving public notice were utilised as follows:

- Publication on the Shire's website on 2 October 2024;
- Publication on the Shire's Facebook page on 2 October 2024;
- Publication under Local Government Notices in The West Australian newspaper on 2 October 2024; and
- Display on official Shire of Gingin noticeboards from 2 October 2024.

A copy of the proposed local law was provided to the then Department of Local Government, Sport and Cultural Industries for comment on 2 October 2024.

COMMENT

No public submissions were received by the close of the submission period on 22 November 2024. On 9 October 2025 the Department of Local Government, Industry Regulation and Safety confirmed that it had not identified any major issues with the local law requiring attention.

In the event that Council resolves to make the local law as presented, then the following sequence of events will commence:

1. The adopted local law will be published in the Government Gazette and a further copy provided to the Minister for Local Government. The local law will come into effect two weeks after gazettal.
2. After gazettal, local public notice will be given stating the title of the local law, its purpose and effect (including the date it will come into operation) and advising where copies of the local law may be inspected or obtained.
3. A copy of the local law, together with the accompanying explanatory memorandum, will then be submitted to the Joint Standing Committee on Delegated Legislation (JSCDL) for scrutiny.

RISK IMPLICATIONS

It is possible that, after reviewing the local law, the JSCDL may make a recommendation to Parliament that the local law be amended or disallowed. If a particular amendment is not considered to be critical then Council may be required to give an undertaking that the amendment will be attended to in the future (usually when the local law is next reviewed).

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 3 – Functions of local governments

Division 2 – Legislative functions of local governments

Section 3.5 – Legislative power of local governments

Section 3.10 – Creating offences and prescribing penalties;

Section 3.12 – Procedure for making local laws;

Section 3.13 – Significant changes after public comment period require recommencement of proposal;

Section 3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal;

Section 3.15 – Local public notice of the final adoption/making of a local law to be given.

Control of Vehicles (Off-road Areas) Act 1978

Section 45 – Local laws, local government may make

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

There are adequate funds within GL 121402400 – ADMIN – Advertising and Promotion to publish the proposed local law in the Government Gazette.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.2 Effective Governance - Apply systems of compliance which assists Council to make informed decisions within a transparent, accountable, and principled environment.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe

SECONDED: Councillor Stewart

That Council:

- 1. Adopt the Shire of Gingin Control of Vehicles (Off-road Areas) Amendment Local Law 2026 (as appendiced); and**
- 2. Authorise the affixing of the Common Seal to the adopted local law.**

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

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13.3 LIST OF PAID ACCOUNTS NOVEMBER 2025

File	FIN/25
Author	Emma Edwards – Accounts Payable Officer
Reporting Officer	Rachael Wright – Executive Manager Corporate Services
Refer	Nil
Appendices	1. Voucher List November 2025 [13.3.1 - 11 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in November 2025.

BACKGROUND

Council has delegated authority to the Chief Executive Officer (CEO) to exercise the power to make payments from the Municipal Fund (Delegation 1.1.13 Payments from the Municipal or Trust Funds). The CEO is required to present a list to Council of those payments made since the last list was submitted.

COMMENT

Accounts totalling \$1,216,871.20 were paid during the month of November 2025.

A payment schedule is included as **an appendix** to this report.

The schedule details:

- Municipal Fund electronic funds transfers (EFT) \$951,490.30
- Municipal Fund cheques \$0.00
- Municipal Fund direct debits \$265,380.90

TOTAL MUNICIPAL EXPENDITURE \$1,216,871.20

TOTAL EXPENDITURE \$1,216,871.20

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

RISK IMPLICATIONS

Nil

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
Reg. 13A – Payments by employees via purchasing cards

Shire of Gingin Delegation Register – Delegation 1.1.13 Payments from the Municipal or Trust Funds

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.4 Strategic & Sustainable Financial Planning - Undertake long-term resource planning and allocation in accordance with the Integrated Planning and Reporting Framework

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Hyne

That Council note all payments made by the Chief Executive Officer under Delegation 1.1.13 for November 2025 totalling \$1,216,871.20 as detailed in the appendices to this report, comprising:

- | | |
|---|--------------|
| • Municipal Fund electronic funds transfers (EFT) | \$951,490.30 |
| • Municipal Fund cheques | \$0.00 |
| • Municipal Fund direct debits | \$265,380.90 |

CARRIED UNANIMOUSLY
9 / 0

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

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13.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 NOVEMBER 2025

File	FIN/25
Author	Karina Leonhardt - Manager Corporate Services
Reporting Officer	Rachael Wright - Executive Manager Corporate Services
Refer	Nil
Appendices	1. Monthly Financial Report November 2025 [13.4.1 - 23 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Financial Report for the period ending 30 November 2025.

BACKGROUND

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

COMMENT

The Monthly Financial Report for the period ending 30 November 2025 presents the financial performance of the Shire for the 2025/2026 financial year and compares year-to-date expenditure and revenue against the current budget.

A break-up of the **\$2,763,290** variance in the Monthly Financial Report for the period ending 30 November 2025 is summarised across operations, investing and financing below, with a detailed explanation of variations within each area contained within the **Appendix 13.4.1**

Under Budget

Opening Funding Surplus/Deficit	\$763,103
Operating Expenditure	\$1,292,813
Investing Activities – Expenditure	\$415,929

Over Budget

Operating Revenue	\$211,122
Investing Activities – Revenue	\$81,367

Financing Activities – Expenditure

\$(1,043)

An explanation outlining a summary of the variances across each of the above areas is provided in Note 3, and those specific to capital works are provided within the supplementary information on page 12.

Investments

As required by Council Policy 3.2 Investments, details of Council's investments are provided within the supplementary information on page 10.

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 1.1.10 Power to Invest and Manage Investments

RISK IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Policy 3.2 – Investments

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.2 Effective Governance - Apply systems of compliance which assists Council to make informed decisions within a transparent, accountable and principled environment

VOTING REQUIREMENTS – SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka

SECONDED: Councillor Balcombe

That Council endorse the Monthly Financial Report for the period ending 30 November 2025.

CARRIED UNANIMOUSLY
9 / 0

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

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14 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

14.1 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL - EXTRACTIVE INDUSTRY ON LOT 3 IOPPOLO ROAD, BREERA

File	BLD/3260
Applicant	Rowe Group
Location	Lot 3 Ioppolo Road, Breera
Owner	MQ Resources Pty Ltd
Zoning	General Rural
WAPC No	NA
Author	James Bayliss - Executive Manager Regulatory and Development Services
Reporting Officer	James Bayliss - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location Plan [14.1.1 - 1 page] 2. Aerial Plan [14.1.2 - 1 page] 3. Applicant's Proposal [14.1.3 - 40 pages] 4. Schedule of Submissions and Applicant's Responses [14.1.4 - 4 pages] 5. Schedule of Submissions and Recommended Officer Responses [14.1.5 - 4 pages]

DISCLOSURES OF INTEREST

Cr Andrea Vis disclosed an impartiality interest in Item 14.1 as she owns a sand mining business.

PURPOSE

To consider an Application for Amended Development Approval for an Extractive Industry (Sand) on Lot 3 Ioppolo Road, Breera.

BACKGROUND

Before outlining the lengthy approval history related to this development, the conditions of the most recent development approval (dated 22 June 2015) are outlined below (pertinent conditions are emphasized in bold):

1. *The land use and development shall be undertaken in accordance with approved plans;*
2. *This Planning Approval is valid for ten years;*

3. ***The land use and development shall be substantially commenced before 29 September 2016, or the approval will be invalid beyond this date;***
4. *Prior to issue of an Extractive Industry Licence, a written confirmation shall be provided from Main Roads Western Australia certifying that the intersection of Brand Highway and Breera Road has been upgraded to a standard capable of accommodating the proposed vehicle combinations and movements;*
5. *Prior to issue of an Extractive Industry Licence, a written confirmation shall be provided from Brookfield Rail certifying that sufficient safety devices have been installed at the railway crossing on Breera Road;*
6. *Prior to issue of an Extractive Industry Licence, Breera Road shall be upgraded to the satisfaction of the Shire's Chief Executive Officer;*
7. *Prior to issue of an Extractive Industry Licence, the crossover on Breera Road and crossovers entering and exiting the unmade road reserve (from Lot 98) shall be constructed to the satisfaction of the Shire's Chief Executive Officer;*
8. *Prior to issue of an Extractive Industry Licence, construction of the unmade road reserve between Lot 98 Breera Road and Lot 3 Ioppolo Road shall be to the satisfaction of the Shire's Chief Executive Officer;*
9. *Prior to commencement of works, a dust management plan shall be submitted to the Shire's Chief Executive Officer for approval;*
10. *The footprint of the Extractive Industry operation shall be no more than five hectares at any one time;*
11. *Any gravel to be used in road construction is to be certified dieback free with a copy of the Certificate to be supplied to the Shire of Gingin, and all machinery shall be cleaned thoroughly to remove any soil prior to movement onsite;*
12. *Prior to road construction, populations of Chamelaucium lullfutzii (Gingin Wax) and any other Declared Rare Flora are to be fenced off and the fencing maintained by the proponent on the subject lot; and*
13. *Extraction shall be limited to a depth of 25m.*

It is important to understand the distinction between Conditions 2 and 3.

Condition 2 restricts the term of the development approval until 22 June 2025. This amendment relates to a two year extension of Condition 2 only.

Condition 3 relates to 'substantial commencement', which is defined under the *Planning and Development (Local Planning Schemes) Regulations 2015* as follows:

means that work or use begun under a development approval is of such a nature that it can be said to be a substantial part of the development.

If development does not reach 'substantial commencement' within a two year period, the approval lapses and has no further effect. In this instance, the development satisfied 'substantial commencement' in 2018 by the construction of a haulage access road, which equated to ~\$1.8 million of works, \$600,000 of which was related to upgrading an unconstructed portion of the Shire's road network.

It should be noted that the development has not fulfilled the broader suite of planning conditions, and sand has therefore not been extracted from the site.

The approval history is outlined below:

- Council, at its Ordinary Meeting (OCM) on 6 May 2008, refused an Application for Development Approval for an Extractive Industry and Inert Landfill due to Council having previously resolved to prohibit landfill sites in all areas throughout the Shire.
- Council, at its OCM on 21 September 2010, first approved this extractive industry subject to the proponent obtaining an approval from the then Department of Environment and Conservation (DEC) for clearing, an approval from the Shire of Chittering for road design to Ioppollo Road and an approval for a Rehabilitation Plan and Bond to be held by the Shire of Gingin.
- Council, at its OCM on 18 January 2011, approved an extension of 240 days (to 15 September 2011) to submit the abovementioned documents/approvals.
- Council, at its OCM on 20 September 2011, approved another extension to submit the required documents by 29 September 2012.
- All required documents referenced above were presented to Council at its OCM on 16 October 2012. Council resolved to support an extension to the substantial commencement period until 29 September 2014. However, Council confirmed that an Extractive Industry License (EIL) would not be issued until road upgrades to Ioppollo Road had been completed to the satisfaction of the Shire of Chittering and intersection upgrades with the Brand Highway to the satisfaction of Main Roads Western Australia (MRWA).
- The proponent was unable to progress the development given the financial cost of upgrading Ioppollo Road to a sealed standard, and the cost of intersection works with the Brand Highway. The proponent subsequently purchased Lot 98 Breera Road, Breera to provide an alternate access to the development area.

- Council, at its OCM on 20 January 2015 resolved to extend the substantial commencement period by a further two years, to enable the proponent to investigate the feasibility of alternate site access.
- Council, at its OCM on 16 June 2015, approved another extension to the substantial commencement period and considered an alternate access route via Breera Road, Lot 98 Breera Road, and a section of an unconstructed road reserve under the care and control of the Shire of Gingin which connects to the development area on Lot 3 Ippolo Road, Breera.
- Council at its OCM on 16 August 2016 considered and approved another request to extend the substantial commencement period for a further two years.
- The proponent commenced site works and installed the access road within Lot 98 and upgraded the unconstructed road reserve to a sealed standard.
- On 2 August 2018, the Shire confirmed that the development had 'substantially commenced' as a result of the haulage road being installed and, as such, condition 3 of the development approval had been satisfied.

While the development has substantially commenced, there are still significant upfront works that must be undertaken prior to resource extraction occurring (refer to Conditions 4, 5, 6 and 7 referenced above).

The officer notes that the development approval relates to Lot 3 Ippolo Road, Breera. This is the property that the sand is intended to be extracted from. Lot 98 Breera Road is fundamentally linked to the extractive industry as it provides haulage access, however it is not referenced as forming part of the earlier approvals issued. The officer is of the view that Lot 98 should form part of any future determination on this matter.

The subject land is 278 hectares (ha) in area and has been partially cleared historically. The total resource area is 36.93ha.

The resource (sand) is used in the construction industry for bulk filling, building and processing and as washed sand for plastering work. The initial application forecast a 20 year staged extraction lifespan.

It should be noted that the planning framework has changed somewhat since the original development approval was issued. Extensions to development approvals should not be viewed as a fait accompli. While the application relates to Condition 2 in the narrow sense, if anomalies with the development are identified then the amendment can be refused and the merits of the operation continuing considered afresh.

A location plan and aerial photograph are provided (**see appendices**).

The applicant's proposal is provided (**see appendices**).

COMMENT

Stakeholder Consultation

The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. This included advertising to surrounding landowners within a one-kilometre radius of the development area, a development sign being placed on the verge of the Creighton Road/Cockram Road intersection and a notification on the Shire's website, all for a period of 28 days.

The Shire received one submission from a ratepayer objecting to the development.

The application was also advertised to the following agencies for a period of 42 days in accordance with clause 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015*:

- Shire of Chittering;
- Department of Water and Environmental Regulation (DWER);
- Department of Environment and Conservation (DEC); and
- Main Roads Western Australia (MRWA).

DWER confirms that Clearing Permit CPS 3435/1 previously granted over the site has expired and, as such, a new permit to clear native vegetation will be required. MRWA has reaffirmed that intersection upgrades between Breera Road and Brand Highway are required, which are to be funded by the landowner.

A copy of the Schedule of Submissions and Applicant's Responses is provided (**see appendices**).

A copy of the Schedule of Submissions and Recommended Officer Responses is provided (**see appendices**).

PLANNING FRAMEWORK

Local Planning Strategy 2012 (the Strategy)

The Strategy notes the significance of the Shire's contribution to basic raw materials which service development within the region and to the metropolitan region.

Section 2.5.4 of the Strategy states the following:

The Shire of Gingin is under increasing pressure for extractive industry development as the resource base lessens in the metropolitan area and the urban development front moves northwards.

The availability of basic raw materials for extraction, particularly in areas adjacent to the coast, is enhanced by the containment of urban nodes and limitation on further rural residential development in proximity to the coastal margin. Protection and management of these resources should be in line with WAPC Statement of Planning Policy No 2.4 Basic Raw Materials.

This basic raw material deposit is not expressly identified under the Strategy.

Local Planning Scheme No. 9 (LPS 9) Planning Assessment

The subject lot is zoned “General Rural (GR)” under LPS 9. The objectives of the GR zone are outlined below, with officer comments given various submissions assert that the development does not in fact satisfy these objectives:

- a) *manage land use changes so that the specific local rural character of the zone is maintained or enhanced;*
- b) *encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;*
- c) *maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and*
- d) *provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.*

The locality consists of rural land with a graduation of lot sizes to the east, the Breera Road Nature Reserve abutting the northern lot boundary and an equine training centre abutting the western boundary. The haulage route extends ~650m along the equine facility’s northern boundary before entering Lot 98 Breera Road.

Clearing of vegetation in the manner and location proposed could be viewed as being inconsistent with objective c) of the GR zone. The officer is mindful that the State’s primary environmental regulator, DWER, will consider a new clearing permit proposal in the context that an earlier permit has expired. If the clearing permit is refused, any subsequent development approval would be redundant.

An Extractive Industry is an “A” use within the GR zone, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions.

It should also be noted that an extractive industry is regulated under an Extractive Industry Licence (EIL) that is issued in accordance with the Shire of Gingin’s *Extractive Industries Local Law 2025*, which sets out further operational requirements.

Setbacks

In accordance with Table 2 – Site Requirements of LPS 9, all development shall be set back a minimum 20 metres from all lot boundaries. The proposed extraction area is set back from all lot boundaries adequately, however separation distances do apply which are addressed below.

4.8.10 Extractive Industries

- 4.8.10.1 *Local government may consider applications for extractive industries in the General Rural zone where the sites have not been identified within an SCA under clause 5.4.*
- 4.8.10.2 *In considering applications for extractive industries, local government will have regard for the zone objectives.*
- 4.8.10.3 *Local government will also consider the potential impact of the extractive industry in regard to surrounding land uses (both existing and future) and may apply conditions to manage the potential impacts, such as noise, dust, odour and amenity.*

Comment:

The above provision outlines that resources not identified under the Strategy are still able to be utilised, subject to a planning assessment. The relevant considerations outlined under clause 4.8.10.3 above are duplicated under the Deemed Provisions.

Planning and Development (Local Planning Scheme) Regulations 2015 (Deemed Provisions)

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

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

- (c) *Any approved state planning policy;*
- (d) *Any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (f) *Any policy of the state;*
- (m) *The compatibility of the development with its setting, including –*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
 - (ii) *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;*
- (n) *The amenity of the locality including the following:*
 - (i) *Environmental impacts of the development;*
 - (ii) *The character of the locality;*
- (o) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (r) *The suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *The adequacy of -*
 - (i) *The proposed means of access to and egress from the site; and*
 - (ii) *Arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (w) *The history of the site where the development is to be located;*
- (za) *The comments or submissions received from any authority consulted under clause 66;*

Various state planning policies and guidance statements are applicable to the development assessment as referenced below:

- State Planning Policy 2.5 - Rural Planning (SPP 2.5) - 2016;
- State Planning Policy 2.4 - Basic Raw Materials (SPP 2.4) - 2021;
- State Planning Policy 2.4 - Planning for Basic Raw Materials Guidelines (SPP 2.4 Guidelines); and
- Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No 3 (EPA Guidance Statement).

Rather than address each consideration referenced above separately, section 4 of SPP 2.4 – Guidelines has been referenced below with corresponding officer comments, which subsequently address the suite of applicable planning considerations/ documents referenced above.

- (a) *the avoidance or mitigation of conflicts and detrimental effects on existing and future sensitive land uses and agricultural land in the surrounding areas (that is, noise, dust, vibration, blasting and vehicular traffic);*

Officer comment:

Appendix 1 of the EPA Guidance Statement provides the separation distances for Extractive Industries – Sand and outlines a buffer distance of between 300-500 metres depending on size and scale of the operation and 1000m if crushing/screening activities is included.

Sensitive land uses are defined as follows:

... land uses applied to places where people live or regularly spend time and which are therefore sensitive to emissions from industry. They include residences, hospitals and nursing homes, short stay accommodation, schools, child care facilities, shopping centres, playgrounds, and some public buildings. Some commercial and institutional land uses which require high levels of amenity or are sensitive to particular emissions may also be considered sensitive land uses.

The submissions note that the adjoining land located within the buffer area is used for the training of horses, and that extraction activities present a safety risk to jockeys. The officer is of the view that this form of activity may require a higher level of amenity.

Notwithstanding the above, the existing separation distance between the proposed development and surrounding land uses was previously viewed as adequate.

- (b) *having an effective consultation process with appropriate stakeholder engagement, including advertising as required;*

Officer comment:

The officer notes that no state agency has objected to an extension to the development approval being issued. The officer anticipates that DWER will undertake a thorough environmental assessment to determine if a fresh clearing permit (CP 2701/5) is appropriate in the context of the applicable environmental regime.

- (c) *prioritisation of proposals within SGS areas aligned with DMIRS GeoVIEW.WA mapping in Perth and Peel;*
- (d) *if the resource is identified as a SGS area and/or local basic raw material demand;*
- (e) *the quantity and quality of resource and scale and duration of extraction;*

Officer comment:

The resource is not mapped as a significant geological supply of sand. To enable sequential or transitional planning to occur, approvals should be finite to allow for this. If approval is forthcoming, it is suggested a five= year time limit be applied. This is viewed as a more realistic timeframe to establish whether the outstanding conditions of approval are capable of being satisfied. If the development conditions have not been satisfied and extraction is occurring by this period, the merits of any further approval should be closely scrutinised at the relevant time.

- (g) *the site's potential for sequential land use and the ability to rehabilitate the land in a manner compatible with its long-term use as defined by the local planning scheme;*

Officer comment:

The sequential land use will involve revegetation of the land to its natural state (pre-excavation) to enable the environmental attributes of the landscape and the landscape amenity of the locality to return. It is anticipated that the balance of the subject land will be used for grazing purposes.

- (j) *the availability and suitability of road access;*

Officer comment:

This has previously been addressed at length, with intersection upgrades between Breera Road and the Brand Highway requiring remedial works to suitably accommodate the vehicle volumes and types proposed.

Shire of Gingin - Extractive Industries Local Law 2025

The Local Law guides the formal licensing of extractive industries throughout the Shire to monitor ongoing operational aspects of the use. The officer is of the view that, once

conditions of development approval have been satisfied, an EIL is capable of approval. It is a superfluous exercise to consider an EIL in the context of the outstanding development conditions that apply in this instance.

Management plans would generally include dust, staging, noise, rehabilitation and traffic management. These components can be conveniently captured in a single Site Management Plan (SMP) for ease of reference.

Summary

This amendment is confined to Condition 2 of the earlier approval, and whether further time ought to be granted for the development approval to remain valid.

The officer is of the view that the planning framework has changed since the original approval was issued, and the development would benefit from a modernised management regime and conditions of approval.

The applicant's request for a further two year period seems inadequate, as it will take at least this length of time to undertake works to the intersection between Breera Road and Brand Highway. The Shire will simply face another extension request in 18 months' time.

The officer therefore suggests that a five year extension be provided, which will enable the substantial intersection upgrades to be completed and an EIL to be obtained with modern management plans in place. At the conclusion of the five year time period, the landowner/proponent should be on notice that the planning framework has evolved since the initial approval was issued, and required to submit a fresh application with accompanying management plans upfront.

RISK IMPLICATIONS

Nil

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

Planning and Development (Local Planning Scheme) Regulations 2015

Extractive Industries Local Law 2025 (as amended)

Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 2.4 – Basic Raw Materials

State Planning Policy 2.5 – Rural Planning

Environmental Protection Authority's (EPA) Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses (Guidance Statement)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.3 Planning and Land Use - Plan the use of the land to meet future requirements, incorporating economic development objectives and community amenity.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Hyne

That Council:

1. Amend development approval dated 22 June 2015 (P1214) for an Extractive Industry (sand) on Lot 3 Ippolo Road, Breera, by including Lot 98 Breera Road as part of the determination notice and altering condition 2 as follows:
 2. *This Planning Approval is valid for a period of 5 years, expiring on 16 December 2030;*
2. Advise the landowner as follows:
 - a. That all other conditions of development approval dated 22 June 2015 (P1214) remain applicable.
 - b. That any further amendments seeking an extension to the approval timeframe are to be accompanied by a fresh suite of technical reports, development plans and industry best practice management plans.
 - c. The Shire will not accept or process an Extractive Industry License (EIL) proposal until road and intersection upgrades required by conditions of development approval (P1214) have been completed.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Nil*

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14.2 APPLICATION FOR DEVELOPMENT APPROVAL - RECREATION PRIVATE (BOTANICAL GARDEN AND AVIARY TOURS) ON LOT 552 (92) FERGUSON ROAD, NEERGABBY

File	BLD/5686
Applicant	Michael and Maria Agnew
Location	Lot 552 (92) Ferguson Road, Beermullah
Owner	Michael and Maria Agnew
Zoning	General Rural
WAPC No	N/A
Author	James Bayliss - Executive Manager Regulatory and Development Services
Reporting Officer	James Bayliss - Executive Manager Regulatory and Development Services
Refer	19 September 2023 - Item 13.3
Appendices	<ol style="list-style-type: none"> 1. Location Plan [14.2.1 - 1 page] 2. Aerial Plan [14.2.2 - 1 page] 3. Applicant's Proposal [14.2.3 - 7 pages] 4. Schedule of Submissions and Recommended Responses [14.2.4 - 8 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the following:

1. An amendment to the opening hours that apply to the existing Botanical Garden and Aviary Tours on Lot 552 (92) Ferguson Road, Beermullah (subject land).
2. An application for temporary Development Approval Proposed for outdoor cinemas on the subject land.

BACKGROUND

The subject property is 16.5 hectares in area with the southern lot boundary abutting the Gingin Brook. The land currently accommodates a single house, associated sheds and an approved Recreation – Private (Botanical Garden and Aviary Tours) use.

Council considered the Botanical Garden and Aviary Tours at its meeting on 17 August 2021 and a subsequent amendment on 19 September 2023. Conditions 2 and 6 of the current approval are outlined below:

2. *This development approval is granted for a limited period and shall expire on 30 June 2028;*
3. Prior to the commencement of the approved use, an Emergency Evacuation Plan (EEP), prepared in accordance with the Department of Planning Lands and Heritage Guidelines, shall be submitted to and approved by the Shire of Gingin;
- ...
6. *The approved development can only operate between the following hours:*

Monday – Sunday: 8.00am to 6.30pm.

This proposal comprises of two parts as outlined below:

Outdoor Cinema Trial

- Conduct a trial outdoor cinema as an ancillary activity to the existing garden and aviary tours.
- The outdoor cinema will operate during summer and autumn months (January – April 2026) for up to eight events, likely on Saturday evenings.
- Each event will include optional garden and aviary tours followed by light acoustic or string music before screening a movie.
- The cinema will be held within a natural grassed hollow at the rear of the property adjacent to the Gingin Brook.
- The cinema consists of a portable screen and seating, with no clearing or permanent structures proposed.
- All activities will utilise existing access tracks and grassed areas, with no modification to natural vegetation.
- Outdoor cinema nights will close by 11.30pm.

Amended Opening Hours

- Monday – Sunday 6.00am – 9.45pm.
- The purpose of the change is to accommodate morning yoga/pilates classes and evening café and pizza service.

A copy of the location plan and aerial photograph are provided (**see appendices**).

A copy of the applicant's proposal is provided (**see appendices**).

COMMENT

Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 28 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Shire received five comments, three in support and two opposed.

The following table provides an overview of concerns raised during the consultation process and the officer's comments in response.

Issue Raised	Officer's comments
Amenity Impacts <ul style="list-style-type: none"> - Zoning - Noise 	<p>Noted.</p> <ol style="list-style-type: none"> 1. The officer is mindful that the land is zoned General Rural and that submitters suggest that the likely impacts by way of noise, intensification of the land and additional vehicle movements are not aligned with the tranquil lifestyle currently enjoyed within the locality. The officer generally concurs with the comments raised. However, the scope of the proposal is relatively narrow and represents a temporary trial period to essentially test whether unreasonable amenity impacts arise. If they do, the temporary approval may not be extended. If impacts do not arise, then this would indicate that the use can coexist in the locality. 2. It is generally accepted that land uses that will cause noise impacts on adjoining properties that exceed the maximum noise permitted by the <i>Environmental Protection (Noise) Regulations 1997</i> are not acceptable in the context of development control. This application involves the use of audio equipment where the volume is regulated by the applicant and able to be varied accordingly.
Road <ul style="list-style-type: none"> - Dust - Safety - Standard 	<ol style="list-style-type: none"> 3. The vehicle movements will not be so significant that the current road configuration is inappropriate or unsafe. The condition of the road is likely to degrade more rapidly with increased traffic which subsequently requires increased maintenance. It is common for commercial operations to contribute to an increase in annual maintenance as a result of their development. It is probable that a contribution regime

Issue Raised	Officer's comments
	would be considered as part of a future application to increase the approval period, if forthcoming. To reduce the impact of dust during the trial period, the officer suggests that the landowner engage a water cart to be used along the relevant length of Ferguson Road to mitigate dust.

A copy of the Schedule of Submissions and Recommended Responses is provided (**see appendices**).

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9) Planning Assessment

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

- a) *manage land use changes so that the specific local rural character of the zone is maintained or enhanced;*
- b) *encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;*
- c) *maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and*
- d) *provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone*

Objective a) above is of particular relevance and will be addressed in the report below.

Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)

In accordance with Schedule 2, Part 9, Clause 67(2) 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 which is the subject of the application. In this instance, the following matters are considered to be relevant to the proposal.

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (m) *the compatibility of the development with its setting, including –*
 - (i) *the compatibility of the development with the desired future character of its setting; and*
- (n) *the amenity of the locality including the following –*
 - (ii) *the character of the locality;*
 - (iii) *social impacts of the development;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*

The officer is of the view that it is also pertinent to outline objective a) of LPS 9 of the General Rural zone as it is complementary to the above considerations:

- (a) *manage land uses so that the specific local rural character of the zone is maintained or enhanced.*

Officer comment

The relevant objective requires the **specific local rural character** of the locality to be maintained or enhanced.

The existing locality is defined as commencing from the intersection of Ferguson Road and extending three lots east of the subject land (being Lot 1240 Ferguson Road) and three adjoining lots to the rear (opposite the Gingin Brook). It is also relevant to outline that the Willowbrook Caravan Park is located ~600 metres to the south-west of the subject land.

The locality consists generally of rural small holdings, with land to the north transitioning to larger broadacre farm operations. The majority of surrounding properties contain a dwelling with no other associated use or intensification of the land.

Rural small holdings typically offer an idyllic rural lifestyle opportunity which is a drawcard for this form of land holding.

The specific local rural character therefore comprises predominantly of rural lifestyle properties with limited commercial uses. There is the presence of a nearby tourism-based use (Willowbrook Caravan Park), however generally the surrounding properties are used for residential purposes and those along Ferguson Road have limited exposure to traffic and intensified commercial land uses.

Given the character of the locality mentioned, the officer notes that the presence of a commercial/tourism development of this nature challenges the existing character/amenity of the area with the potential to create adverse impacts that detract and depart from the specific local rural character of the locality.

Amenity is defined under the Deemed Provisions as:

All those factors which combine to form the character of an area and include the present and likely future amenity.

The existing character and amenity of the locality are described above and the operation of the development until 11:30pm could arguably be inconsistent with the existing and future amenity expected within a rural small holding environment.

The outdoor cinema may create social impacts arising from increased vehicle and pedestrian activity generated by those departing the property at closing. Whether this eventuates would be established at the end of the trial period. This could also apply to the increased opening hours of the temporary approval relating to the botanical garden and aviary tours, which expires in 2028.

Noise

Noise impacts can also be described as amenity impacts.

The regulatory regime relating to noise control and management in Western Australia is established by the *Environmental Protection Act 1986* (EP Act) and, in particular, the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations).

The Noise Regulations set out the maximum permissible noise levels for land uses based on levels, frequency and matters such as impulsiveness and tonality. It is generally accepted that exceeding the maximum noise levels permitted by the Noise Regulations is not acceptable in the context of development control. There are also some examples where adherence to the Noise Regulations does not adequately ameliorate noise amenity impacts in a land use planning sense.

The proximity of the proposed development to surrounding properties, in the context of the rural lifestyle character of the area, requires the Council as decision-maker to have a high level of confidence that the development will not create adverse impacts.

The officer would expect to see a detailed submission in relation to noise management for any subsequent proposal should the trial period be successful and an extension sought. This is typically through lodgment of an acoustic report, similar to other tourism establishments that have sought to operate within the General Rural zone.

Local Planning Policy 3.1 – Tourist Development in Rural Areas (LPP 3.1)

LPP 3.1 applies to General Rural zoned land within the Shire. The objective of LPP 3.1 is stated below:

- *To provide guidelines for the development of tourist facilities in General Rural areas to strengthen the economic base while enhancing the rural character of the area.*

LPP 3.1 separates development into two categories of high impact development, which requires a scheme amendment, and low impact development which may be permitted at Council's discretion. Both categories are outlined below:

- (a) *High impact proposals involving significant capital investment or having the potential to conflict with surrounding land uses; and*
- (b) *Low impact proposals not involving significant capital investment and unlikely to conflict with adjoining land uses.*

Consideration of eight outdoor cinemas during a trial period is viewed as low impact.

Road Maintenance

As noted above, the site is serviced via Ferguson Road. The onsite vehicle maneuvering and car parking area has ample room to cater for the number of vehicles.

Submitters raised concerns that the road condition has deteriorated because of this operation. The officer is of the view that the appropriate time to consider an ongoing maintenance regime (if required) is in 2028 when the broader consideration is whether the recreation private use is appropriate to continue on a permanent basis.

State Planning Policy 3.7 - Bushfire (SPP 3.7)

SPP 3.7 designates tourism based development as a 'vulnerable land use' which is defined as follows:

a land use which:

- *is designed to accommodate people who are less physically or mentally able and likely to present evacuation challenges; and/or*
- *due to the building design or use, or the number of people accommodated, likely to present evacuation challenges; and/or*
- *involves visitors who are unfamiliar with the surroundings.*

The Planning for Bushfire Guidelines that accompany SPP 3.7 outline that contingency bushfire risk management measures should be used to improve the resilience of vulnerable land uses. Such measures include the closure of vulnerable land use in response to a pre-determined fire danger rating and/or the issue of a total fire ban on any given day.

Closure requires adoption of a trigger point. DFES generally recommends leaving an area when the fire danger rating is 'extreme' or 'catastrophic', or alternatively when the fire behaviour index is 75 or above or through an alternative control as deemed appropriate by the decision maker.

A facility may also choose to close during the bushfire season. However, this is not the landowner's intention for the outdoor cinema given the summer period is the most attractive time for this form of development.

The Planning for Bushfire Guidelines outline that closure of a vulnerable land use should be identified within the Bushfire Management Plan (BMP) and enforced through a condition of the development approval. Condition 3 of the earlier approval was imposed to ensure that SPP 3.7 was addressed prior to the use commencing. The Shire did receive the required documents, however they were not prepared by a suitably qualified consultant as would normally be the case for development of this nature. Again, the matter was not pressed given the temporary nature of the development approval.

The Shire has been pragmatic in how SPP 3.7 and the accompanying guidelines have been applied. The Shire has balanced the need for risk-based decision making with the financial reality of small start up tourism developments in rural areas that may or may not be viable. This is partly the reason for a time limited approval. This approach does however come with some level of risk. For there to be any prospect of an approval beyond the eight events being sought for the outdoor cinemas or for extension of the botanical garden and aviary tour approval time period, a BMP and EEP prepared by a bushfire consultant must be provided at the relevant time.

Wastewater

The outdoor cinema location is generally isolated from the existing botanical garden infrastructure. On that basis, this component of the development will be serviced by portable toilets on a per events basis.

General Comment

The officer notes that the applicant opposes condition d) which suggests closure during a total fire ban. The officer is not comfortable to remove this condition as a recommendation, however it is open for Council to do so.

The challenge facing the Shire is balancing a relaxed and pragmatic approach to development assessments to encourage tourism and economic development in the regions (an aspiration of the Strategic Community Plan) with the statutory planning framework that is somewhat rigid and risk averse.

The officer is of the view that taking a pragmatic approach to an initial trial period is satisfactory in the circumstances, however any permanent proposal must be accompanied by the suite of management plans and operating strategies upfront.

The incremental increase to the café component of the development, which was initially assessed as incidental to the botanical garden and aviary tours, is likely to result in the development being classified as a 'restaurant' use under LPS 9. This level of assessment will be reserved for the continuation of the use at the time the approval expires.

Summary

The officer supports both components of the proposal, largely in the context that the approvals are temporary in nature. Should adverse amenity impacts arise during the trial period, they can either be addressed by the applicant or will mean that an extension approval is unlikely to be forthcoming.

RISK IMPLICATIONS

Given the temporary nature of the recommended approval, the risk of creating lasting amenity impacts is limited. The same applies to the Shire asset (Ferguson Road), with any requested extension or permanence of the use likely requiring an ongoing maintenance regime to be negotiated with the landowner.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015
Schedule 2 Deemed provisions for local planning schemes
Part 9 Procedure for dealing with applications for development approval
Clause 67 Consideration of application by local government

State Planning Policy 3.7 Bushfire

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Local Planning Policy 3.1 – Tourist Development in Rural Areas

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.3 Planning and Land Use - Plan the use of the land to meet future requirements, incorporating economic development objectives and community amenity.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Weeks

SECONDED: Councillor Stewart

That Council:

1. Amend development approval dated 27 September 2023 (P2548) to the existing Recreation – Private (Botanical Garden and Aviary Tours) on Lot 552 (92) Ferguson Road, Beermullah, by altering condition 6 and including advice note 9 as follows:
 6. The approved opening hours are as follows:

Monday – Sunday: 6.00am to 9.45pm

Note 9: The Shire acknowledges the inclusion of yoga/pilates as an incidental component of the recreation private use class.
2. Grant development approval for Recreation – Private (Outdoor Cinemas) on Lot 552 (92) Ferguson Road, Beermullah, subject to the following conditions:
 - a. The land use shall be undertaken in accordance with the approved plans and specifications, including any directions written in red ink by the Shire, unless otherwise conditioned in this Approval.
 - b. This approval is limited to a maximum of eight events only and expires on 1 May 2027, whichever occurs first.
 - c. The operating hours are restricted to 9:00am – 11:30pm only.
 - d. Hosting an event during a total fire ban is prohibited.
 - e. Prior to the first event, an Emergency Evacuation Plan (EEP) shall be submitted to and approved by the Shire of Gingin.

- f. Parking is to be made available within the designated parking area free of goods and materials during opening hours, to the satisfaction of the Shire of Gingin.
- g. Each event must be serviced by portable toilets proportionate to the number of patrons, in accordance with the Department of Health Guidelines for Concerts, Events and Organised Gatherings (2022), to the satisfaction of the Shire of Gingin.
- h. This approval does not authorise the hosting of overnight caravan accommodation and/or camping by guests.
- i. The landowner is required to provide the Shire with written notice of an event a minimum of 7 days prior to the event taking place.
- j. The landowner is required to implement dust mitigation measures along Ferguson Road in consultation with and to the satisfaction of the Shire of Gingin, immediately prior to guests arriving/departing (if required).
- k. The landowner is required to keep up to date records of events and patron numbers, with a copy of such records being provided to the Shire of Gingin within 14 days upon written request.

ADVICE NOTES:

Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.

Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

Note 3: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*;

Note 4: The land use is required to operate in accordance with the [Guidelines for concerts, events and organised gatherings 2022](#).

Note 5: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.

Note 6: It is suggested that noise modelling and acoustic assessment be undertaken over the temporary approval period to inform any future proposal to extend the land use.

AMENDMENT MOTION

MOVED: Councillor Kestel

SECONDED: Councillor Hyne

That Council amend Condition 2(d) by deleting the existing wording and replacing it with "Prior to the first event a bush fire management plan be submitted to and approved by the Shire of Gingin."

**CARRIED
7 / 2**

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Stewart, Councillor Vis, Councillor Wilkie and Councillor Woods

AGAINST: Councillor Peczka and Councillor Weeks

Reason for Amendment

To ensure there is a bush fire management plan in place that satisfies the Shire's guidelines, prior to the first event.

AMENDMENT MOTION

MOVED: Councillor Stewart

SECONDED: Councillor Weeks

That Council add an additional Condition 2(l) "Prior to the first event a noise management plan be submitted to and approved by the Shire of Gingin."

**CARRIED UNANIMOUSLY
9 / 0**

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

Reason for Amendment

To provide guidelines to ensure that there won't be any negative noise impacts to the surrounding neighbours.

The amendments were incorporated into the Substantive Motion, which was then put to the vote.

COUNCIL RESOLUTION

MOVED: Councillor Weeks

SECONDED: Councillor Stewart

That Council:

1. Amend development approval dated 27 September 2023 (P2548) to the existing Recreation – Private (Botanical Garden and Aviary Tours) on Lot 552 (92) Ferguson Road, Beermullah, by altering condition 6 and including advice note 9 as follows:
 6. The approved opening hours are as follows:

Monday – Sunday: 6.00am to 9.45pm

Note 9: The Shire acknowledges the inclusion of yoga/pilates as an incidental component of the recreation private use class.
2. Grant development approval for Recreation – Private (Outdoor Cinemas) on Lot 552 (92) Ferguson Road, Beermullah, subject to the following conditions:
 - a. The land use shall be undertaken in accordance with the approved plans and specifications, including any directions written in red ink by the Shire, unless otherwise conditioned in this Approval.
 - b. This approval is limited to a maximum of eight events only and expires on 1 May 2027, whichever occurs first.
 - c. The operating hours are restricted to 9:00am – 11:30pm only.
 - d. Prior to the first event a bush fire management plan be submitted to and approved by the Shire of Gingin.
 - e. Prior to the first event, an Emergency Evacuation Plan (EEP) shall be submitted to and approved by the Shire of Gingin.
 - f. Parking is to be made available within the designated parking area free of goods and materials during opening hours, to the satisfaction of the Shire of Gingin.
 - g. Each event must be serviced by portable toilets proportionate to the number of patrons, in accordance with the Department of Health Guidelines for Concerts, Events and Organised Gatherings (2022), to the satisfaction of the Shire of Gingin.

- h. This approval does not authorise the hosting of overnight caravan accommodation and/or camping by guests.
- i. The landowner is required to provide the Shire with written notice of an event a minimum of 7 days prior to the event taking place.
- j. The landowner is required to implement dust mitigation measures along Ferguson Road in consultation with and to the satisfaction of the Shire of Gingin, immediately prior to guests arriving/departing (if required).
- k. The landowner is required to keep up to date records of events and patron numbers, with a copy of such records being provided to the Shire of Gingin within 14 days upon written request.
- l. Prior to the first event a noise management plan be submitted to and approved by the Shire of Gingin.

ADVICE NOTES:

Note 1: If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.

Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

Note 3: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*;

Note 4: The land use is required to operate in accordance with the [Guidelines for concerts, events and organised gatherings 2022](#).

Note 5: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.

Note 6: It is suggested that noise modelling and acoustic assessment be undertaken over the temporary approval period to inform any future proposal to extend the land use.

CARRIED
8 / 1

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Stewart,
Councillor Vis, Councillor Wilkie and Councillor Woods
AGAINST: Councillor Weeks

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Attachment_14.2.3

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Attachment_14.2.4

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14.3 ROAD NAMING - LANCELIN SOUTH ESTATE STAGES 3 & 4

File	LND/137
Applicant	Veris
Location	Lot 9001 Lancelin Road, Lancelin (Lancelin South)
Owner	VIMG WA Pty Ltd
Zoning	Urban Development
WAPC No	164479
Author	Riaan Stassen – Planning Officer
Reporting Officer	James Bayliss - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location Plan [14.3.1 - 1 page] 2. Aerial Map [14.3.2 - 1 page] 3. Applicant's Proposal [14.3.3 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider road names for Stages 3 and 4 of the Lancelin South Estate (Lot 9001 Lancelin Road, Lancelin).

BACKGROUND

Subdivision approval for Stages 3 and 4 was issued by the Western Australian Planning Commission (WAPC) on 16 January 2024. Road names are endorsed by the Minister for Lands through the Geographic Names Committee (GNC).

The proposed road names are outlined in the table below:

Name	Meaning
Marlin Road	<i>Marlins are large, long-nosed marine fish which includes several species like the blue, black, striped, and white marlins. Some marlin species, particularly the blue marlin and white marlin are considered endangered. Marlin fish are local to Western Australia.</i>
Cockatoo Close	<i>Western Australian cockatoos, particularly the Carnaby's Black Cockatoo, are a significant part of the region's biodiversity and a Commonwealth endangered species.</i>

Name	Meaning
Anglers Way (Peregrine Drive)	<i>Extension of Peregrine Drive</i>
Nathan Way	<i>No connection to local area</i>
Philip Road	
Jason Street	
Cavin Boulevard	
Polites Crescent	
Trimboli Drive	
Nicholas Way	
Predebon Way	
Engelen Way	

Table 1 - Proposed Road Names – Stages 3 and 4

The applicant advises that two of the proposed road names are theme-based to align with Stages 1 and 2 and represent a native bird (Cockatoo Close) and Lancelin's fishing heritage (Marlin Road). The remaining names are general terms selected by the developer.

The applicant also proposes the extension of Peregrine Drive as 'Angler's Way'. During the road naming process for Stage 2, Landgate approved a section of road as Peregrine Drive. The approved subdivision for Stages 3 and 4 shows Peregrine Drive extending to form part of these stages. Given that Stages 3 and 4 are extensions of Stages 1 and 2, roads that connect with the existing estate should generally assume the existing road names to eliminate confusion for road users.

It is noted that Council considered road names within the Lancelin South Development on 6 December 2011 (Stage 1) and on 21 May 2024 (Stage 2). The Stage 1 resolution outlined the following pertinent to this application:

3. *Seek support from the Minister for Lands through the Department of Land's Geographic Names Committee to name the new roads in Lancelin South Development as listed below:*

- Prescott;
- Saunders;
- Bentley;
- Baudin;
- **Hamelin;**
- Sheehan;
- Penn;
- **Wheeler;**
- **Arcus Davis;**
- Green;

- Revilo;
 - Kingfisher.
4. Authorise Staff to investigate the following street names/themes and liaise with the Developer to include those names in the Lancelin South Street Names List:
- Matthews;
 - Kramer;
 - Nagel;
 - Boat Names.

REASON FOR VARIATION TO RECOMMENDATION

COUNCILLORS WERE OF THE VIEW THAT NAMES THAT ALREADY EXIST WITHIN THE DISTRICT SHOULD NOT BE USED. PREFERENCE SHOULD BE FOR NAMES OF ORIGINAL PIONEERING FISHING FAMILIES.

As a result (except for Hamelin which relates to the captain of a French scientific expedition), the existing names for Stage 1 now represent a nautical theme, being the owners of fishing boats. The road names approved for Stage 2 however relate to native birds.

The current road names proposal for Stages 3 and 4 do not seem to have a clear theme.

The applicant's proposal is provided (see appendices).

COMMENT

In Western Australia the practice of officially naming features, localities and roads is covered under Sections 26 and 26A of the *Land Administration Act 1997*. The legislation is supported by policies and processes which provide guidance on the naming of roads. In this instance *Policies and Standards for Geographical Naming in Western Australia* applies, which outlines how the GNC approves names and what principles guide the Committee's decisions.

The above-mentioned policy is rather extensive, however suitable names are generally those that are not duplicated, discriminatory or contentious and that relate to a theme relevant to the local area. It is relevant to outline Section 1.4.2 Use of personal names which states:

Landgate will not accept a commemorative naming proposal of a person whilst they are still alive for a road or locality.

Requests to approve names that commemorate, or that may be construed to commemorate living persons, will also not be accepted.

The approval of a name to commemorate an individual will only be considered;

- *posthumously*
- *permission from the immediate family must be obtained. Where the person has been deceased for more than 10 years and contact with the immediate family could not be established appropriate consultation must be carried out*
- *based on a demonstrated record of achievement*
- *having had a direct and long-term association with the location and made a significant contribution to the area*
- *the proposal commemorating an individual with an outstanding national or international reputation has had a direct association with the area in which it is to be located*
- *such application is in the public interest*
- *there is evidence of broad community support for the proposal.*

The following will not be considered as appropriate grounds for a commemorative naming request:

- *current or past ownership of the land is not considered sufficient grounds*
- *precedence of existing names*
- *past or ongoing public service within all levels of government*
- *names will not be supported after a person who has sponsored the development of the area or was a commercial developer.*

Officer Comment:

Considering the lack of proper research into the use of personal names and/or any justification for the names provided by the applicant, it is evident that most of the road name proposals do not meet the principles and guidelines of *Policies and Standards for Geographical Naming in Western Australia*.

Only two of the proposed road names, 'Marlin Road' and 'Cockatoo Close', relate to local themes. The remaining ten names are general terms proposed by the developer with no linkage or continuance of a strong local theme.

Summary

In view of the above, it is considered appropriate to request the applicant to:

1. Continue the name 'Peregrine Drive' for the extension of this road as part of Stages 3 and 4; and
2. Except for 'Marlin Road' and 'Cockatoo Close', submit a revised list of road names representative of the local area or a continuance of themes already established.

STATUTORY/LOCAL LAW IMPLICATIONS

Land Administration Act 1997
Part 2 – General Administration
Division 3 – General
S.26 – Land districts and townsites, constitution etc. of
S.26a – Names of roads and areas in new subdivision

POLICY IMPLICATIONS

Landgate – Policies and standards for geographical naming in Western Australia

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.3 Planning and Land Use - Plan the use of the land to meet future requirements, incorporating economic development objectives and community amenity.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Weeks

SECONDED: Councillor Peczka

That Council advise the applicant as follows in relation to road names for Stages 3 and 4 of the Lancelin South Estate:

1. That the name Peregrine Drive must be retained for the extension thereof and the name Angler's Way is not supported.
2. That proposed road names Marlin Road and Cockatoo Close are supported as they are in line with an established theme.
3. That the remainder of the road names proposed are not supported as they do not align with *Policies and Standards for Geographical Naming in Western Australia*.

4. That the Shire of Gingin will not lodge a naming application with Landgate until the above matters have been addressed and resubmitted for Council's consideration.

CARRIED UNANIMOUSLY
9 / 0

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

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Attachment_14.3.3

14.4 DRAFT LOCAL PLANNING POLICY - RURAL LIVING OUTBUILDINGS

File	LND/7
Author	James Bayliss - Executive Manager Regulatory and Development Services
Reporting Officer	James Bayliss - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Council Initiation LPP 2.2 Rural Living Outbuildings Copy [14.4.1 - 6 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider initiating draft Local Planning Policy 2.2 – Rural Living Outbuildings (LPP 2.2) for public advertising.

BACKGROUND

The local planning framework consists of three key components: a local planning strategy, a local planning scheme and a suite of local planning policies (LPPs) that guide local government discretion in decision-making.

Council, at its Ordinary Meeting on 23 November 2023, resolved to support a Report of Review (RoR) of Local Planning Scheme No. 9, which is a health check for the local planning framework that is required to be carried out every five years. The RoR outlined, amongst other things, that the Shire's local planning policy framework would benefit from modernisation.

The Shire contains eight Rural Living Estates and has not previously had a policy guiding outbuilding development in these areas, representing a gap in the Shire's local planning framework in comparison to other local governments with similar attributes to the Shire.

Draft LPP 2.2 closely aligns with the manner and form of Local Planning Policy 2.1 – Residential Outbuildings, which was endorsed by Council on 21 February 2023.

Draft LPP 2.2 was circulated to Council on 2 July 2025 for consideration and subsequently formed part of the Strategic Workshop held on 5 August 2025.

COMMENT

A local planning policy should only be prepared where it serves a valid planning purpose, is based on sound town planning principles, sets clear expectations for all policy users and assists decision-makers in assessing a planning proposal or carrying out an operational process relating to a planning matter.

The Department of Planning, Lands and Heritage (DPLH) suggests the following criteria should be considered when preparing a local planning policy, with corresponding officer comments.

Need and nexus	<i>Is there a clear need and rationale for the policy from a planning perspective (such as a gap in the existing local planning framework or an emerging/recurrent issue specific to the local area), supported by evidence such as relevant facts, data, trends and analysis?</i>
	<p>Officer Comment</p> <p>The Shire contains eight rural living estates, which represents a large number in comparison to other local governments and generates many development proposals related to outbuildings. The Shire has never adopted a policy to guide the construction of outbuildings, notwithstanding many proposals for large structures have been presented to Council for consideration.</p> <p>LPP 2.2 therefore fills a gap in the existing framework.</p>
Consistency in decision-making	<i>Making - would the policy provide clarity and consistency on how a decision-maker will exercise its discretion and apply its judgement on planning matters?</i>
	<p>Officer Comment</p> <p>The policy provides much needed guidance to officers in assessing proposals and providing advice to proponents. The policy ensures the Shire's position and expectation is clear and easily available to the public, and ensures a transparent approach to assessment criteria.</p>
Achieving strategic goals	<i>Would the policy assist with implementing the established strategic vision and goals of the State and local planning framework, such as the local planning strategy or a particular State planning policy?</i>
	Officer Comment

	The Policy sets standards to protect the amenity of the Rural Living zone by aligning with the objectives of the zone. The State's planning framework is largely silent on this form of development and is heavily aligned with urban development contexts.
Legal considerations	<i>Would the policy be consistent with the scheme?</i>
	<p>Officer Comment</p> <p>The policy is consistent with LPS 9 and ensures the Shire's framework remains up to date with contemporary planning expectations. The creation of LPP 2.2 ensures planning decisions reflect orderly and proper planning principles and are based on policy framework that has undergone an engagement process.</p>
Ability to implement	<i>Would the policy be able to be effectively implemented and monitored?</i>
	<p>Officer Comment</p> <p>LPP 2.2 will be implemented (if endorsed) through the planning assessment process, resulting in clear parameters for assessing officers.</p>
Engagement with key stakeholders	<i>Has sufficient preliminary consultation with key stakeholders occurred to provide insights as to how desired outcomes may be best realised to ensure that the policy will be responsive to these outcomes, would provide for efficient and effective decision making and would not result in any unintended consequences, such as unreasonable cost implications?</i>
	<p>Officer Comment</p> <p>LPP 2.2 closely aligns with LPP 2.1. The development standards are generous in comparison with other local governments' policies, which reflects previous decisions of Council. This report seeks support to advertise with key stakeholders, being the community.</p>

STAKEHOLDER CONSULTATION

The *Planning and Development (Local Planning Schemes) Regulations 2015* outline procedures (Schedule 2, cl.4) for making a local planning policy which are outlined below.

- (1) *If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows –*
 - (a) *publish in accordance with clause 87 the proposed policy and a notice giving details of –*
 - i) *the subject and nature of the proposed policy; and*
 - ii) *the objectives of the proposed policy; and*
 - iii) *how the proposed policy is made available to the public in accordance with clause 87; and*
 - iv) *the manner and form in which submissions may be made; and*
 - v) *the period for making submissions and the last day of that period;*
 - (b) *if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;*
 - (c) *give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.*
- (2) *The period for making submissions specified in a notice under subclause (1)(a)(v) must not be less than the period of 21 days after the day on which the notice is first published under subclause (1)(a).*
- (3) *After the expiry of the period within which submissions may be made, the local government must –*
 - (a) *review the proposed policy in the light of any submissions made; and*
 - (b) *resolve to –*
 - (i) *proceed with the policy without modification; or*
 - (ii) *proceed with the policy with modification;*
 - (iii) *or not to proceed with the policy.*

Officer Comment:

The stakeholder consultation process to satisfy the above is outlined below:

1. Provide a letter to landowners within each rural living estate in accordance with 1 a) above.
2. Place a hard copy of draft LPP 2.1 at the Shire's Gingin and Lancelin Administration offices for physical inspection.
3. Provide an electronic version of LPP 2.2 to the community associations representing each rural living estate, if the estate has such a community group.

4. Display a public notice on the Shire's website which includes the local planning policy.
5. Post a public notice on the Shire's social media platform.

The suite of methods outlined above ensures that should an existing occupant/landowner within a rural living estate not receive a letter, the other mechanisms ensures that there are multiple ways stakeholders can be notified.

RISK IMPLICATIONS

If the Shire continues to remain without a policy, it is probable that the lack of development standards will result in industrial sized sheds being developed within rural living estates, adversely impacting the rural amenity and the gradual introduction of pseudo commercial uses.

It should be noted that submitters' names (not addresses) will be made public in the schedule of submissions, which differs from the development referral process.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

Schedule 7 - Matters which may be dealt with by planning schemes.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 - Deemed provisions for local planning schemes

POLICY IMPLICATIONS

Local Planning Policy 2.2 - Outbuildings (Rural Living)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.3 Planning & Land Use - Plan the use of the land to meet future requirements, incorporating economic development objectives and community amenity.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Peczka

That Council initiate Local Planning Policy 2.2 – Rural Living Outbuildings for the purpose of public advertising, in accordance with Schedule 2, Clauses 5 and 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

CARRIED UNANIMOUSLY
9 / 0

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

**MINUTES
ORDINARY COUNCIL MEETING
16 DECEMBER 2025**



Attachment_14.4.1

**MINUTES
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**MINUTES
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15 REPORTS - OPERATIONS AND ASSETS

Nil

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17 COUNCILLORS' OFFICIAL REPORTS

17.2 CR VIS

On Saturday I attended Ocean Farm Community Association Christmas party for about 70 people.

17.3 CR HYNE

I attended the Lancelin Chamber of Commerce end of year function. I also attended the Gingin community Christmas tree lighting event.

17.4 CR WILKIE

I undertook four days of training at WALGA. I also attended the lighting of the Christmas tree which was a wonderful event.

17.5 CR BALCOMBE

On 18 November I was interviewed by ABC Midwest re Film Friendly accreditation.

On 18 November I was interviewed by ABC Midwest re Glyphosate agenda item.

On 21 November I attended the Avon Zone meeting as deputy delegate, lots of new delegates after the election with Cr Stewart appointed Deputy Zone President and Deputy State Council member. Cr Chris Altonio was voted in as President of the Zone and State Council Member. We had Minister Sabine Winton join via Zoom, the Powering WA team and Western Power gave a presentation mainly on renewable energy which was interesting. Our request for advocacy from WALGA on road safety was carried.

On 28 November I attended the KAB Tidy Towns Sustainable Communities awards at Optus Stadium with the CEO and the Community Development Coordinator. It was a great day seeing some very exciting initiatives in our state, we were a finalist for our Youth Expo we didn't win the award but it was great to be a finalist.

On 5 December I attended the Gingin Christmas tree event held by the Christmas Angels and the volunteer movie put on by the Shire and the Department of Communities for our volunteers, it was a fantastic evening and the community really got involved even if there was a bit of Police presence due to a naughty Grinch, but he was taken away in the Police van. Everyone had a good night and great to see the holiday spirit alive and well in our Shire with lots of events held over December.

On 8 December the Marketing Officer and I attended the ABC studios in Perth to take part in a special on coastal erosion where I was asked to be on a panel with famed coastal engineer from over east Angus Gordon, journalist Danielle Kutcher and radio presenter/producer Sinead Mangan from Australia Wide. It was such an informative session with Angus talking about the changing currents and winds which has been affecting the erosion of our coast.

On 8 Dec the CEO, Cr Hyne, Cr Weeks, Cr Peczka and myself attended the Lancelin Chamber of Commerce Christmas sundowner, it was a great opportunity to get to chat to local business owners.

On 10 December the CEO and myself attended the WALGA WRAP at the WA Art Gallery which was well attended by Mayors and Shire Presidents from throughout the state, including stakeholders such as the Minister and opposition Ministers. It was a nice way to say thanks to the outgoing WALGA President Karen Chappel who will step down in March 2026.

On 12 December I attended the Gingin CRC Christmas function and it was a lovely evening behind the CRC with a good catch up and a chance to say thank you to those who have provided great services in our community.

On 13 December I attended the Carols in the Park in Gingin which was well attended by locals and other Councillors.

On 15 December I spoke with ABC Midwest in regards to fires and power and telecommunication issues and the danger that this causes to our first responders with not receiving texts for call outs.

17.6 CR PECZKA

I attended the Lancelin Chamber of Commerce Christmas gathering. I also Chaired the Bush Fire Advisory Committee meeting on 10 December in the President's absence.

17.7 CR KESTEL

I acted as Father Christmas for two community events.

17.8 CR WOODS

I attended the Christmas Tree lighting and the Gingin District High School Board meeting on 27 November.

17.9 CR STEWART

I attended the Christmas tree lighting, the Avon Midland zone meeting and WALGA State Council meeting. I also attended the State Council induction.

18 NEW BUSINESS OF AN URGENT NATURE

Nil

19 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Weeks

SECONDED: Councillor Stewart

That Council move into a Confidential Session to discuss Item 19.1, 19.2, 19.3 and 19.4.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Nil*

At 4.43pm the meeting was closed to the public. All members of the public present in the gallery left Council Chambers and the public recording was paused.

The Executive Manager Regulatory and Development Services left the meeting at 4.43pm and did not return.

The Executive Manager Operations and Assets left the meeting at 4.44pm.

19.1 REQUEST FOR TENDER 02-2025 SUPPLY OF GRAVEL

File	COR/40-022024
Author	Danica Todd – Technical Officer Assets & Procurement
Reporting Officer	Ruth March - Executive Manager Operations and Assets
Refer	Nil
Appendices	Evaluation Matrix

Reasons for Confidentiality

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

- 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;

DISCLOSURES OF INTEREST

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Wilkie **SECONDED:** Councillor Hyne

That Council:

1. Accept the tender submitted by B & J Catalano in response to RFT02/2025 Gravel Supply; and
2. Authorise the CEO to finalise and execute the required contract documents.

CARRIED UNANIMOUSLY
9 / 0

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

The Executive Manager Operations and Assets returned to the meeting at 4.45pm.

19.2 REQUEST FOR TENDER – C07/2025 RECONSTRUCTION WORKS – COWALLA ROAD

File	COR/40-072025
Author	Danica Todd – Technical Officer Assets & Procurement
Reporting Officer	Ruth March - Executive Manager Operations and Assets
Refer	Nil
Appendices	Evaluation Matrix

Reasons for Confidentiality

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

- 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;

DISCLOSURES OF INTEREST

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Wilkie **SECONDED:** Councillor Kestel

That Council:

1. Agree to accept the tender submitted by Fulton Hogan of \$1,009,641.15 (exc. GST) in response to RFT C07/2025 “Cowalla Road Re-construction SLK 27.75 – 29.95” as outlined in the report; and
2. Authorise the CEO to finalise and execute the necessary contract documents for Fulton Hogan, including finalisation of key minor elements identified in the report.

CARRIED UNANIMOUSLY
9 / 0

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

19.3 LANDFILL OPERATIONS SERVICES

File	WST/3
Author	Ruth March - Executive Manager Operations and Assets
Reporting Officer	Ruth March - Executive Manager Operations and Assets
Refer	OCM 18 November 2025 - Item 20.2il
Appendices	1. Landfill Operation Services In-house options [19.3.1 - 20 pages]

Reasons for Confidentiality

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

- 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;

DISCLOSURES OF INTEREST

Nil

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Stewart SECONDED: Councillor Wilkie

That Council:

1. Note that Landfill Operations Services are currently being delivered in-house.
2. Endorses an increase of 1FTE in the Operations and Assets Division to enable landfill operations to continue to be undertaken in-house without adversely affecting the divisions level of service.
3. Amends the 2025/26 budget in accordance with the following table:

Account	Project	Description	Current Budget	Revised Budget	Surplus /Deficit
2100117		SAN - General Tip Maintenance	789,408	619,408	(170,000)
4120330	PNEW	Purchase of used loader	0	35,000	35,000
4120330	PNEW	Purchase of used loader	0	35,000	35,000

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4120330	PNEW	Purchase of used track loader	0	100,000	100,000
4100765		COM AMEN - Infrastructure Landfills (Capital)	500,000	590,000	90,000
5100181		Transfer from Tip Rationalisation Reserve	(598,390)	(688,390)	(90,000)
			691,018.00	691,018.00	0

FOR: *Councillor Balcombe, Councillor Hyne, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

AGAINST: *Nil*

AMENDMENT MOTION

MOVED: Councillor Kestel

SECONDED: Councillor Peczka

That Council amend the motion by:

1. In Account 4120330 Purchase of used track loader deleting the word "track" and under Revised Budget replacing the amount of \$100,000 with \$35,000.
2. In Account 5100181 under Revised Budget by deleting (\$688,390) and replacing it with (\$633,390) and in Surplus/Deficit by deleting the figure (\$90,000) and inserting (\$35,000).

**LOST
2/ 7**

FOR: *Councillor Kestel and Councillor Peczka*

AGAINST: *Councillor Balcombe, Councillor Hyne, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Stewart

SECONDED: Councillor Wilkie

That Council:

1. Note that Landfill Operations Services are currently being delivered in-house.

2. Endorses an increase of 1FTE in the Operations and Assets Division to enable landfill operations to continue to be undertaken in-house without adversely affecting the divisions level of service.

3. Amends the 2025/26 budget in accordance with the following table:

Account	Project	Description	Current Budget	Revised Budget	Surplus /Deficit
2100117		SAN - General Tip Maintenance	789,408	619,408	(170,000)
4120330	PNEW	Purchase of used loader	0	35,000	35,000
4120330	PNEW	Purchase of used loader	0	35,000	35,000
4120330	PNEW	Purchase of used track loader	0	100,000	100,000
4100765		COM AMEN - Infrastructure Landfills (Capital)	500,000	590,000	90,000
5100181		Transfer from Tip Rationalisation Reserve	(598,390)	(688,390)	(90,000)
			691,018.00	691,018.00	0

CARRIED BY ABSOLUTE MAJORITY

7 / 2

FOR: Councillor Balcombe, Councillor Hyne, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Councillor Kestel and Councillor Peczka

19.4 ANNUAL CEO CONTRACT REVIEW

File	PER/432
Reporting Officer	Cr Linda Balcombe - President
Refer	Nil
Appendices	Nil

Reasons for Confidentiality

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

- a. a matter affecting an employee or employees;

DISCLOSURES OF INTEREST

The CEO disclosed a Financial Interest in Item 19.4 as the motion relates to the CEO's contract of employment. The CEO and all other staff with the exception of the Executive Manager Corporate Services left the meeting at 5.13pm. The Governance Support Officer did not return to the meeting.

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCILLOR MOTION

Moved: Cr Balcombe

Seconded: Cr Stewart

That Council:

1. Pursuant to Clause 7 (Annual Review of Total Benefits Package) of the CEO's employment contract, resolve to increase the CEO's Total Benefit Package by 5% back dated to the anniversary of the commencement date, being 21 October 2025;
2. Amend Clause 6.1.2 of the CEO's employment contract such that Council authorises the President to approve any individual component amount variations provided that the Total Benefit Package remains the same; and
3. Agree to undertake a further review of the CEO's Total Benefit Package at the conclusion of the CEO's Annual Performance Review process, expected to be completed in June 2026.

AMENDMENT MOTION

Moved: Cr Stewart

Seconded: Cr Weeks

That Council amend the motion by:

1. In Part 1, deleting “5%” and replacing it with “4%” in accordance with the adopted 2025/26 Budget”.
2. Deleting Part 2 in its entirety.

**CARRIED
5 / 4**

FOR: Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Weeks and Councillor Wilkie

AGAINST: Councillor Balcombe, Councillor Hyne, Councillor Vis and Councillor Woods

COUNCIL RESOLUTION

That Council:

1. Pursuant to Clause 7 (Annual Review of Total Benefits Package) of the CEO’s employment contract, resolve to increase the CEO’s Total Benefit Package by 4% in accordance with the adopted 2025/26 budget and back dated to the anniversary of the commencement date, being 21 October 2025;
2. Agree to undertake a further review of the CEO’s Total Benefit Package at the conclusion of the CEO’s Annual Performance Review process, expected to be completed in June 2026.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Stewart

SECONDED: Councillor Weeks

That the meeting be re-opened to the public.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: Councillor Balcombe, Councillor Hyne, Councillor Kestel, Councillor Peczka, Councillor Stewart, Councillor Vis, Councillor Weeks, Councillor Wilkie and Councillor Woods

AGAINST: Nil

The meeting re-opened to the public at 5:49pm No members of the public returned to the gallery. The CEO, Executive Manager Operations and Assets and Coordinator Governance returned to the meeting and the public recording was recommenced.

20 CLOSURE

There being no further business, the President declared the meeting closed at 5:52pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 20 January 2026, commencing at 6:00pm.