



# MINUTES

**Ordinary Council Meeting** 

15 June 2021



### **CONFIRMATION OF MINUTES**

These Minutes have been CONFIRMED as the official record for the Shire of Gingin's Ordinary Council Meeting held on 15 June 2021.

<b>Councillor C W Fewste</b>	r	
SHIRE PRESIDENT		
Date of Confirmation:		

### **DISCLAIMER**

Members of the public are advised that Council agendas, recommendations, minutes and resolutions are subject to confirmation by Council and therefore, prior to relying on them, one should refer to the subsequent meeting of Council with respect to their accuracy.

No responsibility whatsoever is implied or accepted by the Shire of Gingin for any act, omission or statement or intimation occurring during Council meetings or during formal/informal conversations with staff.

The Shire of Gingin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

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 would like to acknowledge the Yued people who are the traditional custodians of this land. The Shire would like to pay respect to the Elders past, present and emerging of the Yued Nation and extend this respect to all Aboriginal people. The Shire also recognises the living culture of the Yued people and the unique contribution they have made to the Gingin region.



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### **ORDER OF BUSINESS**

#### 1 DECLARATION OF OPENING

The Shire President declared the meeting open at 03:10 pm and welcomed all in attendance.

#### 2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

#### 2.1 ATTENDANCE

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

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

Gallery - There were eight members of the public present in the Gallery.

#### 2.2 APOLOGIES

Nil

#### 2.3 LEAVE OF ABSENCE

Nil

#### 3 DISCLOSURES OF INTEREST

Nil

#### 4 PUBLIC QUESTION TIME

#### 4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

### 4.2 PUBLIC QUESTIONS

Nil





#### 5 PETITIONS

Nil

### 6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

#### 7 CONFIRMATION OF MINUTES

#### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Morton

That Council confirm the Minutes of of:

- 1. The Ordinary Council Meeting held on 18 May 2021; and
- 2. The Special Council Meeting held on 1 June 2021,

as a true and accurate record.

**CARRIED UNANIMOUSLY** 

9/0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: ///

### 8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

I take great pleasure in announcing that Cr Frank Johnson has recently completed the Diploma in Local Government (Elected Member) offered through WALGA. The Diploma is a nationally-recognised qualification which consists of 10 separate modules covering the following topics:

- 1. Roles & responsibilities of an elected member;
- 2. Statutory environment relating to declarations of interest:
- 3. Meeting procedures and high level debating techniques;
- 4. Understanding financial forecasting and the impacts of key decision making;
- 5. Behaviours required as leaders of Council and prominent leaders in the community;
- 6. Integrated planning and reporting framework and long term strategic planning requirements;





- 7. Effective policy development and ensuing consultative processes;
- 8. Purpose and process of town planning in local government;
- 9. Importance of long-term asset infrastructure management; and
- 10. Managing the performance of a Chief Executive Officer.

Cr Johnson is the first elected member for the Shire of Gingin to obtain a formal qualification, and on behalf of his fellow Councillors I congratulate him on this achievement.

Cr Johnson will be formally presented with his Diploma at the 2021 WALGA Local Government Convention.

#### 9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

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

Nil



### 11 REPORTS - OFFICE OF THE CEO

### 11.1 2020/21 REVIEW OF DELEGATED AUTHORITY REGISTER

File	GOV/15
Author	Lee-Anne Burt - Governance Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Delegation 1.1 Variations & Extensions to Tenders & Contracts [11.1.1 - 1 page]  Delegation 2.0 Accepting or Rejecting Tenders [11.1.2]
	<ol> <li>Delegation 2.9 Accepting or Rejecting Tenders [11.1.2 - 1 page]</li> </ol>
	3. Delegation 2.11 Selecting the Next Most Appropriate Tender [11.1.3 - 1 page]
	<ol> <li>New Delegation 1.22 Tenders for Goods and Services - Accepting &amp; Rejecting Tenders; Varying Contract; Exercising Contract Extension Options [11.1.4 - 3 pages]</li> </ol>
	5. Delegation 1.2 Donations [11.1.5 - 1 page]
	6. Amended Delegation 2.15 Payments from the Municipal or Trust Funds [11.1.6 - 1 page]
	7. Delegation 1.9 Collection of Vegetation, Seeds and Firewood on Land Under the Control of the Shire of Gingin [11.1.7 - 1 page]
	8. Delegation 2.7 Inviting Tenders [11.1.8 - 1 page]
	9. Delegation 2.8 Developing Tender Documentation [11.1.9 - 1 page]
	10. New Delegation 1.21 Tenders for Goods & Services - Call Tenders [11.1.10 - 2 pages]
	11. Delegation 3.1 Bush Fires Act 1954 - Variation of Prohibited and Restricted Burning Times [ <b>11.1.11</b> - 1 page]
	12. Amended Delegation 3.1 Prohibited Burning Times - Vary & Control Activities [11.1.12 - 2 pages]
	13. New Delegation 3.1 A Restricted Burning Times - Vary & Control Activities [11.1.13 - 3 pages]
	14. Delegation 3.4 A Bush Fires Act 1954 - Appointment of Bush Fire Control Officers [11.1.14 - 1 page]
	15. Amended Delegation 3.4 A Appoint Bush Fire Control
	Officer(s) & Fire Weather Officer(s) [ <b>11.1.15</b> - 2 pages]  16. Delegation 3.4 B Bush Fires Act 1954 - Approval and Issue of Firebreak Order [ <b>11.1.16</b> - 1 page]
	17. Amended Delegation 3.4 B Firebreaks [11.1.17 - 1 page]
	18. New Delegation 3.5 Burning Garden Refuse & Open Air Fires [11.1.18 - 2 pages]



- 19. New Delegation 3.6 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954 [11.1.19 1 page]
- 20. New Delegation 3.7 Prohibit or Postpone the Lighting of Fires [11.1.20 1 page]
- 21. New Delegation 3.8 Control of Operations Likely to Create Bush Fire Danger [11.1.21 1 page]
- 22. New Delegation 3.9 Make Request to FES Commissioner Control of Fire [11.1.22 1 page]
- 23. Delegation 3.17 Appointment of Authorised Persons [11.1.23 1 page]
- 24. Delegation 5.1 Applications for Operation of B Doubles & Road Trains [11.1.24 1 page]
- 25. Reviewed Delegations 1.10-1.20; 2.2-2.6; 2.14; 3.11-3.16; 4.3-4.10; 5.2-9.2 [11.1.25 55 pages]

#### **DISCLOSURES OF INTEREST**

Nil

#### **PURPOSE**

To undertake an annual review of the Shire of Gingin Delegated Authority Register in accordance with the requirements of s.5.46 of the *Local Government Act 1995* (the Act).

#### **BACKGROUND**

Under s.5.46(1) of the Act, the Chief Executive Officer is required to keep a register of all delegations made to the Chief Executive Officer and to other employees.

At least once every financial year, delegations are to be reviewed by the delegator. The last review of the Shire of Gingin Delegated Authority Register was undertaken by Council at its meeting on 16 June 2020.

#### **COMMENT**

In accordance with usual practice, Administration has undertaken a review of the Delegated Authority Register. In addition to the general review, particular focus has been placed this year on delegations relating to fire control.

Whilst Council's existing delegations have served their purpose, they are certainly due for an update to more clearly set out the powers that are subject to delegation and to reflect current legislative terminology.





In addition, there are many other powers under the *Bush Fires Act 1954* and the *Bush Fires Regulations 1954* that can be delegated, generally to the CEO, but occasionally to the Chief Bush Fire Control Officer and/or the Shire President and these should be considered in the interests of not only enabling a more efficient response to fire control, but perhaps more importantly decreasing the possibility of powers being exercised inappropriately.

The following amendments are put forward for Council's consideration:

1. Delegation 1.1 Variations and Extensions to Tenders and Contracts (Appendix 11.1.1)

Delegation 2.9 Accepting or Rejecting Tenders (Appendix 11.1.2)

Delegation 2.11 Selecting the Next Most Appropriate Tender (Appendix 11.1.3)

New Delegation 1.22 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (Appendix 11.1.4)

Currently, delegable powers relating to tender processes are dealt within under five separate instruments of delegation:

- a. Delegation 1.1 Variations and Extensions to Tenders and Contracts;
- b. Delegation 2.7 Inviting Tenders;
- c. Delegation 2.8 Developing Tender Documentation;
- d. Delegation 2.9 Accepting or Rejecting Tenders; and
- e. Delegation 2.11 Selecting the Next Most Appropriate Tender.

A reduction in the number of instruments of delegation will provide clarity with respect to the delegated powers relating to statutory tender processes.

This item deals with the repeal and amalgamation of current Delegations 1.1, 2.9 and 2.11. Delegations 2.7 and 2.8 are dealt with separately at Item 4 (below).

Currently, Delegation 1.1 delegates power to the CEO to determine whether a variation is minor, to approve minor variations to accepted tenders prior to a contract being entered into, and to accept minor variations and/or extensions to existing contracts entered into by the Shire.

The delegation of power is subject to funds required to meet the cost of any variation being contained within the amount set aside in the adopted Budget. In addition, the extension of an existing contract can only be contemplated where the original agreement includes an option to extend, and where the extension is on the same terms and conditions as the last year of the original term.

Delegation 2.9 empowers the CEO to accept or reject tenders with a value not exceeding \$250,000. The decision to accept or reject tenders with a value exceeding \$250,000 must be made by Council.





Delegation 2.11 also relates to tender variations and allows the CEO to select the next most appropriate tender if the chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement, or if agreement cannot be reached between the Shire and the chosen tenderer on any other variation to be included in the contract as a result of the varied requirement.

It is not proposed to extend or delete any of the existing delegated powers or conditions placed on those powers. However a new Delegation 1.22 has been drafted which covers all of the powers currently addressed by the three separate instruments of delegation, and has been worded to more closely reflect the individual powers as contained in legislation.

It is recommended that Delegations 1.1, 2.9 and 2.11 be repealed and replaced with new Delegation 1.22, which is provided as **Appendix 11.1.4** for consideration.

2. Delegation 1.2 Donations (Appendix 11.1.5)

Delegation 2.15 Payments from the Municipal or Trust Funds (Appendix 11.1.6)

Delegation 1.2 delegates power to the CEO to determine requests for donations of monies up to the value of \$1,000 where the request meets certain criteria.

There is no express power described in the LG Act with respect to the granting of requests for donations, and therefore this is not a power or duty that is capable of being delegated.

Council's Delegation No. 2.15 Payments from the Municipal or Trust Funds empowers the CEO to make payments from the Municipal Fund or Trust Funds subject to annual Budget limitations. It is recommended that Delegation 1.2 be repealed, and that the criteria which must be used by the CEO to approve a request for donation, and the current value limit of \$1,000, be added as to Delegation 2.15 as conditions of delegation.

An amended version of Delegation 2.15 is provided as **Appendix 11.1.6** for consideration.

3. Delegation 1.9 Collection of Vegetation, Seeds and Firewood on Land Under the Control of the Shire of Gingin (Appendix 11.1.7)

Delegation 1.9 was adopted in 1999 and delegates power to the CEO to determine all applications for the picking of wildflowers or other plants, and the collection of wildflower or other seed or firewood on any land owned, controlled or managed by the Shire of Gingin.

The Shire of Gingin Local Government Property Local Law 2004 specifies, in cl.4.2, that:





(2) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.

Cl. 4.2 also defines "detrimental to the property" as including the removal of anything from the local government property such as a rock, a plant or a seat provided for the use of any person.

Council has delegated power to the CEO to exercise all the powers and discharge all the duties of the Shire of Gingin so as to administer the Local Laws made by the Shire (Delegation 1.14 Administering the Shire's Local Laws).

Delegation 1.9 is therefore superfluous and it is recommended that it be repealed.

Delegation 2.7 Inviting Tenders (Appendix 11.1.8)
 Delegation 2.8 Developing Tender Documentation (Appendix 11.1.9)
 New Delegation 1.21 Tenders for Goods and Services – Call Tenders (Appendix 11.1.10)

As referenced in Item 1 (above), it is proposed to rationalise the delegation of powers relating to tender processes by reducing the existing five separate instruments of delegation to two. As a part of that process, it is proposed to repeal Delegation 2.7 and Delegation 2.8 Developing Tender Documentation and incorporate the provisions contained therein into a new Delegation 2.16 Tenders for Goods and Services – Call Tenders.

Delegation 2.7 was first adopted in 1999 and empowers the CEO to invite tenders for the supply of goods and services as identified in the adopted annual budget, or as separately approved by Council.

Delegation 2.8 empowers the CEO to determine tender assessment criteria, the information that is to be provided to prospective tenderers and any variations to that information, and whether or not the Shire will submit a tender.

It is not proposed to extend or delete any of the existing delegated powers or conditions placed on those powers. However a new Delegation 1.22 has been drafted which covers all of the powers currently addressed by the two separate instruments of delegation, and has been worded to more closely reflect the individual powers that can be delegated as contained in legislation.

It is recommended that Delegations 2.7 and 2.8 be repealed and replaced with new Delegation 1.21, which is provided as **Appendix 11.1.10** for consideration.





5. Delegation 3.1 Variation of Prohibited and Restricted Burning Times (Appendix 11.1.11)

Amended Delegation 3.1 Prohibited Burning Times – Vary and Control Activities (Appendix 11.1.12)

Delegation 3.1 is made under the *Bush Fires Act 1954*. Whilst the *Local Government Act 1995* requires that Council delegate powers to the CEO (unless the Act specifies otherwise), and contains a provision enabling the CEO to then subdelegate to other employees as they see fit, the Bush Fires Act does not contain any power of subdelegation. Therefore, when making delegations under this Act, Council must delegate directly to the CEO (or in some cases the Chief Bush Fire Control Officer and/or the Mayor/President as is applicable).

Currently, Delegation 3.1 empowers the Shire's Community Emergency Services Manager/Chief Bush Fire Control Officer and the Shire President to jointly exercise the Shire's powers and duties under s.17(7), 17(8) and 18(5) of the *Bush Fires Act* 1954 with respect to varying prohibited and restricted burning times.

Amendment of the delegation is required as follows:

- a. Section 17(1) of the Act specifically states that the delegation of sections 17(7) and (8), which deal with the variation of prohibited burning times as declared by the Minister, can only be made jointly to a local government's Mayor/President and Chief Bush Fire Control Officer.
  - The powers addressed by s.18(5) relate to the variation of restricted burning times as declared by the Fire and Emergency Services Commissioner, and can only be delegated to a local government's CEO. It is recommended that any reference to s.18(5) and relevant powers be dealt with as a separate delegation, and this is dealt with as Item 6 (below).
- b. The Express Power to Delegate referenced in the current delegation (s.17(1) of the *Bush Fires Act 1954*) is incorrect and should be amended to s.17(10) (for variations relating to prohibited burning times).

In addition, the *Bush Fires Act 1954* and *Bush Fires Regulations 1954* contain a number of other powers relating to prohibited burning times which can only be exercised by a local government, and which the local government can only delegate to its CEO. These powers include the following:

a. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained.



- b. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared.
- c. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane.
- d. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Prohibited Burning Time.
- e. Authority to recover the cost of measures taken by the Shire or a Bush Fire Control Officer to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy, including authority to recover expenses in any court of competent jurisdiction.
- f. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer.

Currently Council has not delegated these powers, which means that any decision must be made by resolution of Council. Obviously this is not practical when dealing with changing fire conditions, and it is recommended that an appropriate delegation be put in place.

A draft amended Delegation 3.1 that has been re-titled Prohibited Burning Times – Vary and Control Activities and which addresses the above points is provided as **Appendix 11.1.12** for consideration.

6. New Delegation 3.1A Restricted Burning times – Vary and Control Activities (Appendix 11.1.13)

As referenced in the above item, delegation of the power to vary restricted burning times has previously been dealt with under the same instrument of delegation as the variation of prohibited burning times. However, given that the legislative environment applicable to prohibited and restricted burning times is different, it is more appropriate for separate instruments of delegation to be in place.

As with prohibited burning times, there are a number of other powers within the *Bush Fires Act 1954* and *Bush Fires Regulations 1954* relating to restricted burning times which can only be exercised by a local government, and which the local government can only delegate to its CEO. These powers include the following:



- a. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of, or extinguishing, an out of control permitted burn.
- b. Authority to determine to prohibit burning during restricted burning times on Sundays or specified days that are public holidays.
- c. Authority to determine permits to burn during restricted burning times that have previously been refused by a Bush Fire Control Officer.
- d. Authority to arrange with the occupier of exempt land, the occupier of land adjoining exempt land and a Bush Fire Brigade to cooperate in burning firebreaks, and to require the occupier of adjoining land to provide, by the date of the burning, ploughed or cleared firebreaks parallel to the common boundary.
- e. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during a restricted burning time is prohibited, unless written consent of a Bush Fire Control Officer is obtained.
- f. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared.
- g. Authority to issue directions, during a restricted burning time, to a Bush Fire Control Officer regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane.
- h. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a restricted burning time, and to give permission for use of same during the restricted burning time subject to compliance with requirements specified in a notice.
- i. Authority to recover the cost of measures taken by the Shire or a Bush Fire Control Officer to extinguish a fire burning during a restricted burning time, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy, including authority to recover expenses in any court of competent jurisdiction.

Currently Council has not delegated these powers, which means that any decision must be made by resolution of Council. Obviously this is not practical when dealing with changing fire conditions, and it is recommended that an appropriate delegation be put in place.



A new Delegation 3.1A which addresses the above points is provided as **Appendix 11.1.13** for consideration.

7. Delegation 3.4A Appointment of Bush Fire Control Officers (Appendix 11.1.14)
Amended Delegation 3.4A Appointment of Bush Fire Control Officer/s and Fire Weather Officer/s (Appendix 11.1.15)

Delegation 3.4A empowers the CEO to appoint Bush Fire Control Officers, including the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officers and the Fire Weather Officer, subject to a number of conditions.

Whilst Delegation 3.4A deals adequately with the appointment of Bush Fire Control Officers, there are a number of other delegable powers within s.38 of the *Bush Fires Act 1958* which are not currently addressed, as follows:

- a. The power to determine seniority of Bush Fire Control Officers apart from the Chief Bush Fire Control Officer and a Deputy Chief Bush Fire Control Officer.
- b. The power to issue directions to a Bush Fire Control Officer or an officer of a bush fire brigade to burn bush on, or at the margins of, a road reserve under the care, control and management of the local government.
- c. Where more than one Fire Weather Officer is appointed, the power to define which part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17).
- d. The power to appoint deputy Fire Weather Officer/s as necessary.

It is recommended that Delegation 3.4A be amended to provide greater detail with respect to existing delegated powers, and to include the currently non-delegated powers listed above.

An amended Delegation 3.4A which addresses the above points is provided as **Appendix 11.1.15** for consideration.

8. Delegation 3.4B Approval and Issue of Firebreak Order (Appendix 11.1.16)
Amended Delegation 3.4B Firebreaks (Appendix 11.1.17)

Delegation 3.4B empowers the CEO to approve the format and content, and to authorise the issue of, the annual Shire of Gingin Firebreak Order.

Section 33 of the *Bush Fires Act 1954* sets out the circumstances under which a local government can issue a notice requiring a landowner or landowners to plough or clear firebreaks and to take action to address any other thing on the land which is likely to be conducive to the outbreak or the spread or extension of a bush fire.





Section 33 also empowers a local government to direct officers with respect to carrying out the requirements of a firebreak notice in instances where the landowner has failed to comply, and to recover the costs of doing so from the landowner.

In its current form, Delegation 3.4B broadly delegates power to the CEO to issue firebreak notices (commonly referred to as a firebreak order) subject to input from Council's Bush Fire Advisory Committee. However, it does not address the other matters mentioned above.

It is recommended that Delegation 3.4B be amended as follows:

- a. Delegation to be retitled as Delegation 3.4B Firebreaks;
- b. Functions expanded to clarify the powers delegated with respect to firebreak notices, and to include the delegation of powers to direct officers with respect to carrying out the requirements of a firebreak notice in instances where the landowner has failed to comply, and to recover the costs of doing so from the landowner.

An amended Delegation 3.4B which addresses the above points is provided as **Appendix 11.1.17** for consideration.

9. New Delegation 3.5 Burning Garden Refuse/Open Air Fires (Appendix 11.1.18)

There are a number of powers contained within the *Bush Fires Act 1954* and *Bush Fires Regulations 1954* relating to the burning of garden refuse and proclaimed plants, the use of incinerators and the lighting of campfires etc which can only be exercised by a local government, and which the local government can only delegate to its CEO. These powers include the following:

- a. Authority to give written permission, during prohibited and restricted burning times, for an incinerator located within two metres of a building or fence to be used to burn garden refuse. Permission can only be considered where the local government is satisfied that the incinerator is not likely to create a fire hazard.
- b. Authority to issue directions to an authorised officer as to the manner in which, or the conditions under which, permits to burn plants or plant refuse shall be issued in the District.
- c. Authority to object to the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District.
- d. Authority to provide written approval, during prohibited and restricted burning times, for fire to be lit for the purposes of:
  - i. camping or cooking; and





- ii. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer.
- e. Authority to prohibit the lighting of fires in the open air for the purposes of camping or cooking for such period during a prohibited burning time as specified in a notice published in the Government Gazette and a newspaper circulating in the District, and authority to vary such notice.
- f. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in the open air, prohibiting that person from lighting a fire, and to determine conditions on the notice.

Currently Council has not delegated these powers, which means that any decision must be made by resolution of Council. As with many other fire-related issues, this is not a practical solution when dealing with changing fire conditions, and it is recommended that an appropriate delegation be put in place.

A new Delegation 3.5 which addresses the above points is provided as **Appendix 11.1.18** for consideration.

10. New Delegation 3.6 Recovery of Expenses Incurred Through Contraventions of the *Bush Fires Act 1954* (Appendix 11.1.19)

Section 58 of the *Bush Fires Act 1954* empowers local governments to recover expenses incurred by the local government or by someone acting on behalf of the local government as a result of an offence against the Act.

Council currently has no delegation in place in this regard.

A new Delegation 3.6 is provided as **Appendix 11.1.19** for consideration.

11. New Delegation 3.7 Prohibit or Postpone the Lighting of Fires (Appendix 11.1.20)

Section 46 of the *Bush Fires Act 1954* empowers a Bush Fire Control Officer or a local government to prohibit or postpone the lighting of any fire if, in their opinion, the fire would be a source of danger by escaping from the land on which it is proposed to be lit. The Bush Fire Control Officer or the local government can also direct that the owner or occupier of the land take steps to extinguish or prevent a fire from spreading if it is in danger of escaping from the land.





In addition, s.46 states that an authorised CALM Act officer may exercise the same powers where it is proposed to light a fire within three kilometres of a boundary of forest land. However, if an authorised CALM Act officer fails to exercise the powers then a Bush Fire Control Officer or local government may do so.

At the present time Council has no delegation to the CEO in place with respect to s.46, and therefore within the Shire of Gingin the lighting of fires can only be prohibited or postponed by Bush Fire Control Officers or by a decision of Council. It is recommended that Council delegate its powers in this instance to the CEO.

A new Delegation 3.7 is provided as **Appendix 11.1.20** for consideration.

12. New Delegation 3.8 Control of Operations Likely to Create Bush Fire Danger (Appendix 11.1.21)

Section 27D of the *Bush Fires Act 1954* and Regulations 39C, 39CA, 39D and 39E of the *Bush Fires Regulations 1954*, a local government may:

- a. Give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:
  - i. operation of a bee smoker device during a prescribed period;
  - ii. operation of welding apparatus or a power operated abrasive cutting disc;
  - iii. use of explosives; and
  - iv. use of fireworks; and
- b. Determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse and any other combustible material that is burning).

It is noted that legislation prescribes that this power can also be exercised by a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer by virtue of their position.

Council does not currently have a delegation in place with respect to these powers, and to date they have been exercised by the Shire's Bush Fire Control Officers. It is recommended, however, that Council delegate its powers under s.27D and r.39C, 39CA, 39D and 39E to the CEO so that they can be exercised by that officer if necessary.

A new Delegation 3.8 is provided as **Appendix 11.1.21** for consideration.





### 13. New Delegation 3.9 Make Request to FES Commissioner – Control of Fire (Appendix 11.1.22)

Under s.12(2) of the *Bush Fires Act 1954*, the Fire and Emergency Services Commissioner (the FES Commissioner) may appoint one or more departmental officers as Bush Fire Liaison Officers.

Section 13 of the *Bush Fires Act 1954* deals with the duties and powers of Bush Fire Liaison Officers and, in s.13(4), specifies that the FES Commissioner may authorise a Bush Fire Liaison Officer or another person to take control of all operations in relation to a fire if requested to do so by the local government in whose District the fire is burning, or if, because of the nature or extent of the fire, the Commissioner considers that it is appropriate to do so.

Currently Council has not delegated the power to make such a request. It is recommended that the power be delegated to the CEO, as although it is expected that it would only need to be exercised rarely (if at all), there would be no benefit to the Shire if a decision of Council was required before a request to the Commissioner could be made.

A new Delegation 3.9 is provided as **Appendix 11.1.22** for consideration.

14. Delegation 3.17 Appointment of Authorised Persons (Appendix 11.1.23)

Currently, Delegation 3.17 delegates power to the CEO to appoint persons or classes of person as authorised persons for the purposes of:

- a. The *Local Government Act 1995* and its subsidiary legislation (including local laws);
- b. Section 9.16 of the *Local Government Act 1995* as a pre-condition for appointment as authorised officers in accordance with r.70(2) of the *Building Regulations 2012* and s.6(b) of the *Criminal Procedures Act 2004*; and
- c. Section 15 of the *Graffiti Vandalism Act 2016*.

In November 2020 s.9.10 of the *Local Government Act 1995* was amended to give the CEO of a local government the power, by virtue of their position, to appoint authorised persons for specified pieces of legislation, including:

- a. the Local Government Act 1995;
- b. the Caravan Parks and Camping Grounds Act 1995;
- c. the Cat Act 2011;



- d. the Cemeteries Act 1986;
- e. the Control of Vehicles (Off-road Areas) Act 1978,
- f. the *Dog Act 1976*;
- g. subsidiary legislation made under any of the above Acts; and
- f. any written law prescribed for the purposes of s.9.10.

As a result of this change in legislation, there is no longer a requirement for Council to delegate the power of authorisation for any of these Acts to the CEO.

It is therefore recommended that Delegation 3.17 be repealed.

15. Delegation 5.1 Applications for Operation of "B" Doubles and Road Trains (Appendix 11.1.24)

Delegation 5.1 empowers the CEO to approve applications to use RAV Network 2, 3 and 4 combinations on all local roads considered suitable for usage by that combination, provided that such usage is for the purpose of servicing an established enterprise operating from within the Shire of Gingin.

During review of this delegation, it has become evident that there is no express power or duty relating to this matter within legislation. Effectively, this means that no power exists that can be delegated.

Council's Policy 7.6 Restricted Access Vehicles sets out the Shire of Gingin's position with respect to the movement of Restricted Access Vehicle combinations on roads under its control and management.

It is recommended that Delegation 5.1 be repealed.

The remainder of Council's delegations have also been reviewed, with no amendments being proposed at this point in time (Appendix 11.1.25).

#### STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 - Administration

Division 2 - Council meetings, committees and their meetings and electors' meetings

Section 5.16 - Delegation of some powers and duties to certain committees

Section 5.18 - Register of delegations to committees





Division 4 - Local government employees

Section 5.42 - Delegation of some powers and duties to CEO

Section 5.46 - Register of, and records relevant to, delegations to CEO and employees

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Nil

#### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

### **VOTING REQUIREMENTS - ABSOLUTE MAJORITY**

### MOTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Vis

#### That Council:

- 1. Repeal Delegation 1.1 Variations and Extensions to Tenders and Contracts as shown at Appendix 11.1.1.
- 2. Repeal Delegation 2.9 Accepting or Rejecting Tenders as shown at Appendix 11.1.2.
- 3. Repeal Delegation 2.11 Selecting the Next Most Appropriate Tender as shown at Appendix 11.1.3.



- 4. Adopt Delegation 1.22 Tenders for Goods and Services Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options as shown at Appendix 11.1.4.
- 5. Repeal Delegation 1.2 Donations as shown at Appendix 11.1.5.
- 6. Adopt amended Delegation 2.15 Payments from the Municipal or Trust Funds as shown at Appendix 11.1.6.
- 7. Repeal Delegation 1.9 Collection of Vegetation, Seeds and Firewood on Land Under the Control of the Shire of Gingin as shown at Appendix 11.1.7.
- 8. Repeal Delegation 2.7 Inviting Tenders as shown at Appendix 11.1.8.
- 9. Repeal Delegation 2.8 Developing Tender Documentation as shown at Appendix 11.1.9.
- 10. Adopt Delegation 1.21 Tenders for Goods and Services Call Tenders as shown at Appendix 11.1.10.
- 11. Adopt amended Delegation 3.1 Prohibited Burning Times Vary and Control Activities as shown at Appendix 11.1.12.
- 12. Adopt Delegation 3.1A Restricted Burning Times Vary and Control Activities as shown at Appendix 11.1.13.
- 13. Adopt amended Delegation 3.4A Appoint Bush Fire Control Officer/s and Fire Weather Officer/s as shown at Appendix 11.1.15.
- 14. Adopt amended Delegation 3.4B Firebreaks as shown at Appendix 11.1.17.
- 15. Adopt Delegation 3.5 Burning Garden Refuse/Open Air Fires as shown at Appendix 11.1.18.
- 16. Adopt Delegation 3.6 Recovery of Expenses Incurred Through Contraventions of the *Bush Fires Act 1954* as shown at Appendix 11.1.19.
- 17. Adopt Delegation 3.7 Prohibit or Postpone the Lighting of Fires as shown at Appendix 11.1.20.
- 18. Adopt Delegation 3.8 Control of Operations Likely to Create Bush Fire Danger as shown at Appendix 11.1.21.
- 19. Adopt Delegation 3.9 Make Request to FES Commissioner Control of Fire as shown at Appendix 11.1.22.



- 20. Repeal Delegation 3.17 Appointment of Authorised Persons as shown at Appendix 11.1.23.
- 21. Repeal Delegation 5.1 Applications for Operation of "B" Doubles and Road Trains as shown at Appendix 11.1.24.
- 22. Adopt without amendment the reviewed delegations as shown at Appendix 11.1.25.

#### AMENDMENT MOTION

MOVED: Councillor Morton SECONDED: Councillor Johnson

That Council amend the motion by:

- 1. Amending Part 6 to read as follows:
  - 6. Adopt amended Delegation 2.15 Payments from the Municipal or Trust Funds as shown as Appendix 11.1.6 with the inclusion of the following condition:
    - 3. Details of all donations approved under delegated authority, including justification of the decision, are to be provided to Council on a monthly basis.
- 2. Amending Part 22 to read as follows:
  - 22. Adopt without amendment the reviewed delegations as shown at Appendix 11.2.25, with the exception of Delegation 1.16 Appointment of Acting CEO and Delegation 2.3 Transfer Money Held in the Trust Fund for More than 10 Years.
- 3. Adding a new Part 23 as follows:
  - 23. Amend Delegation 1.16 Appointment of Acting CEO, as shown at Appendix 11.1.25, by adding the following condition:
    - 4. The CEO must appoint an Acting CEO for any planned or unplanned leave periods of more than 5 working days.



### 4. Adding a new Part 24 as follows:

24. Repeal Delegation 2.3 Transfer of Money Held in Trust for More Than 10 Years, as shown at Appendix 11.1.25.

**CARRIED UNANIMOUSLY** 

9/0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: //i/

#### AMENDMENT MOTION

MOVED: Councillor Peczka SECONDED: Councillor Lobb

That Council amend Part 4 of the substantive motion to read as follows:

- 4. Adopt Delegation 1.22 Tenders for Goods and Services Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options as shown at Appendix 11.1.4, with the inclusion of the following condition:
  - 6. Variations to tenders and contracts with a value exceeding 10% of the total contract value must be progressed in consultation with the Shire President and Deputy Shire President.

CARRIED 8/1

FOR: Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson,

Councillor Lobb, Councillor Morton, Councillor Peczka, Councillor Vis

AGAINST: Councillor Fewster

#### **COUNCIL RESOLUTION**

MOVED: Councillor Rule SECONDED: Councillor Vis

### **That Council:**

- 1. Repeal Delegation 1.1 Variations and Extensions to Tenders and Contracts as shown at Appendix 11.1.1.
- 2. Repeal Delegation 2.9 Accepting or Rejecting Tenders as shown at Appendix 11.1.2.



- 3. Repeal Delegation 2.11 Selecting the Next Most Appropriate Tender as shown at Appendix 11.1.3.
- 4. Adopt Delegation 1.22 Tenders for Goods and Services Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options as shown at Appendix 11.1.4, with the inclusion of the following condition:
  - 6. Variations to tenders and contracts with a value exceeding 10% of the total contract value must be progressed in consultation with the Shire President and Deputy Shire President.
- 5. Repeal Delegation 1.2 Donations as shown at Appendix 11.1.5.
- 6. Adopt amended Delegation 2.15 Payments from the Municipal or Trust Funds as shown at Appendix 11.1.6 with the inclusion of the following condition:
  - 3. Details of all donations approved under delegated authority, including justification of the decision, are to be provided to Council on a monthly basis.
- 7. Repeal Delegation 1.9 Collection of Vegetation, Seeds and Firewood on Land Under the Control of the Shire of Gingin as shown at Appendix 11.1.7.
- 8. Repeal Delegation 2.7 Inviting Tenders as shown at Appendix 11.1.8.
- 9. Repeal Delegation 2.8 Developing Tender Documentation as shown at Appendix 11.1.9.
- 10. Adopt Delegation 1.21 Tenders for Goods and Services Call Tenders as shown at Appendix 11.1.10.
- 11. Adopt amended Delegation 3.1 Prohibited Burning Times Vary and Control Activities as shown at Appendix 11.1.12.
- 12. Adopt Delegation 3.1A Restricted Burning Times Vary and Control Activities as shown at Appendix 11.1.13.
- 13. Adopt amended Delegation 3.4A Appoint Bush Fire Control Officer/s and Fire Weather Officer/s as shown at Appendix 11.1.15.
- 14. Adopt amended Delegation 3.4B Firebreaks as shown at Appendix 11.1.17.
- 15. Adopt Delegation 3.5 Burning Garden Refuse/Open Air Fires as shown at Appendix 11.1.18.



- 16. Adopt Delegation 3.6 Recovery of Expenses Incurred Through Contraventions of the *Bush Fires Act 1954* as shown at Appendix 11.1.19.
- 17. Adopt Delegation 3.7 Prohibit or Postpone the Lighting of Fires as shown at Appendix 11.1.20.
- 18. Adopt Delegation 3.8 Control of Operations Likely to Create Bush Fire Danger as shown at Appendix 11.1.21.
- 19. Adopt Delegation 3.9 Make Request to FES Commissioner Control of Fire as shown at Appendix 11.1.22.
- 20. Repeal Delegation 3.17 Appointment of Authorised Persons as shown at Appendix 11.1.23.
- 21. Repeal Delegation 5.1 Applications for Operation of "B" Doubles and Road Trains as shown at Appendix 11.1.24.
- 22. Adopt without amendment the reviewed delegations as shown at Appendix 11.1.25, with the exception of Delegation 1.16 Appointment of Acting CEO and Delegation 2.3 Transfer Money Held in the Trust Fund for More than 10 Years.
- 23. Amend Delegation 1.16 Appointment of Acting CEO, as shown at Appendix 11.1.25, by adding the following condition:
  - 4. The CEO must appoint an Acting CEO for any planned or unplanned leave periods of more than five working days.
- 24. Repeal Delegation 2.3 Transfer of Money Held in Trust for More Than 10 Years, as shown at Appendix 11.1.25.

CARRIED BY ABSOLUTE MAJORITY 9 / 0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka, Councillor Vis

AGAINST: ///





#### REASON FOR AMENDMENT

- 1. The additional condition to Delegation 2.15 Payments from the Municipal or Trust Funds is considered to be necessary because Council should be made aware of the circumstances under which donations are made to groups or individuals. It is understood that details may need to be treated confidentially.
- 2. Delegations 1.16 Appointment of Acting CEO and 2.3 Transfer Money Held in the Trust Fund for More Than 10 Years were removed from the 'en bloc' approval to be dealt with separately.
- 3. The additional condition to Delegation 1.16 Appointment of Acting CEO is considered to be necessary because Councillors, staff and the community need a point of contact who can deal with issues that may arise at any time. Some of the delegations dealing with powers under the *Bush Fires Act 1954* dealt with in this item are a case in point.
- 4. Delegation 2.3 Transfer of Money Held in Trust for More Than 10 Years was repealed because delegation of this power to the CEO was not considered to be appropriate. The original history and intent of a Trust Fund can be forgotten over time and there is the potential for funds to be transferred to the Municipal Fund without the CEO having full knowledge of why the Trust was originally established.
- 5. The additional condition to Delegation 1.22 Tenders for Goods and Services -Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options was added to ensure that the Shire President and Deputy Shire President are consulted and made aware of any proposed variations exceeding the specified value.

Administrative Note: Appendix numbers as displayed in the Officer Report and Recommendation in the Agenda were incorrect due to administrative error. They were corrected prior to the Council Meeting, and Council's decisions reflect the correct numbering.

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Shire of Gingin

### **DELEGATIONS**

Delegation	1.1 Variations and Extensions to Tenders and Contracts
Category	Administration
Delegator	Council
Express power or duty delegated	To determine whether a variation is minor in accordance with Local Government (Functions and General) Regulations – Reg. 20(3).     To approve:         a. minor variations to accepted tenders prior to a contract being entered into; and b. variations and/or extensions to existing contracts entered into by the Shire.
Delegates	CEO
Conditions	1. Funds required to meet the cost of any variation must be contained within the amount set aside in the adopted Budget.  2. An option to extend must be specified in the original tender and contract documents.  3. Any extension must be on the same terms and conditions as the last year of the original term (allowing for price increases in line with the contract provision for price, if any).
Statutory framework	Legislative Authority to Delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government Act 1995 - s. 3.18 Local Government (Functions and General) Regulations 1996 - Reg. 20
Policy	Policy 3.10 - Purchasing
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.9 Accepting or Rejecting Tenders
Category	Finance
Delegator	Council
Express power or duty delegated	To accept or reject tenders with a value not exceeding \$250,000.
Delegates	CEO
Conditions	Tenders with a value greater than \$250,000 must be referred to Council for determination. This delegation applies only to expenditure which is identified in Council's adopted Annual Budget.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42  Power exercised or duty delegated: Local Government Act 1995 - s. 3.57 Local Government (Functions and General) Regulations 1996 - Reg. 18
Policy	Policy 3.9 - Purchasing and Ordering of Goods Policy 3.10 - Purchasing
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.11 Selecting the Next Most Appropriate Tender
Category	Finance
Delegator	Council
Express power or duty delegated	To select the next most appropriate tender if:  1. The chosen tenderer is unable or unwilling to enter into a contract to supply the varied requirement; or  2. Agreement cannot be reached between the Shire and the chosen tenderer on any other variation to be included in the contract as a result of the varied requirement.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government (Functions and General) Regulations 1996 - Reg. 20(2)
Policy	Nil
Date adopted	5 June 2008
Adoption references	Minute Item 11.2.2
Last reviewed	16 June 2020

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	1.22 Tenders for Goods and Services - Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (DRAFT)
Category	Administration
Delegator	Council
Express power to delegate	<ul> <li>Local Government Act 1995</li> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
Express power or duty delegated	• s.3.57 Tenders for providing goods or services  Local Government (Functions and General) Regulations 1995  • r.11(2)(i) Exercising contract extension options  • r.18(2), (4), (4a), (5), (6) and (7) Rejecting and accepting tenders  • r.20(1), (2), (3) Variation of requirements before entry into contract  • r.21A Varying a contract for the supply of goods or services



### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Conditions	1. In accordance with s.5.43(b), tenders may only be accepted under this delegation where:
	a. The total consideration under the resulting contract is \$250,000 or less; and
	b. The expense is included in the adopted Annual Budget.
	2. A decision to vary a tendered contract <u>before</u> entry into the contract can only be made under this delegation where the variation is minor in comparison to the total goods or services that tenderers were invited to supply.
	3. A decision to vary a tendered contract <u>after</u> entry into the contract can only be made under this delegation if the variation is necessary for the goods and/or services to be supplied, and does not change the scope of the contract.
	4. A decision to vary any contract can only be made under this delegation if the cost of the variation can be met from funds set aside for the contract in the adopted Budget.
	5. A decision to renew or extend a contract can only be made under this delegation if:
	a. The original contract contained an option to renew or extend its term as per f.11(2)(j); and
	b. The contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term; and
	c. The extension is either on the same terms and conditions as the last year of the original term (allowing for price increases in line with the contract provision for price, if any), or is subject to a variation that is deemed to be a minor variation.
Policy	Policy 3.10 Purchasing
Record keeping	Details of each exercise of delegated power must be captured within the Shire's electronic records management system in accordance with s.5.46 of the <i>Local Government Act 1995</i> and r.19 of the <i>Local Government (Administration) Regulations 1996</i> .

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	1.2 Donations
Category	Administration
Delegator	Council
Express power or duty delegated	To determine requests for donation of monies up to the value of \$1,000 where a group or individual can demonstrate:
	Significant direct benefit to the local community;
	2. That the group is a community group or not for profit organisation, or is running a not for profit activity;
	3. That the group's financial status is such as to justify a donation from the Shire;
	4. That special circumstances or needs exist in the opinion of the Chief Executive Officer to warrant a donation (eg support of needy groups and individuals who bring credit to the municipality by achieving State or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses); and
	5. That available funding exists in the Shire's adopted budget.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44
	Power exercised or duty delegated: Local Government Act 1995 - s. 6.7(2)
Policy	Policy 3.3 - Donations
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.15 Payments from the Municipal or Trust Funds (DRAFT)
Category	Finance
Delegator	Council
Express power to delegate	Local Government Act 1995:  • s.5.42 Delegation of some powers and duties to CEO  • s.5.43 Limits on delegations to CEO
Express power or duty delegated	Local Government (Financial Management) Regulations 1996:  • r.12(1) Payments from municipal fund or trust fund, restrictions on making
Function	To make payments from the Municipal Fund or Trust Fund.
Delegates	CEO
Conditions	<ol> <li>Authority to make payments is subject to annual budget limitations.</li> <li>Requests for donations can be determined under this delegation where the individual value of the donation sought is \$1,000 or less and sufficient funds are available in the current adopted budget, subject to the following criteria:         <ol> <li>it can be demonstrated that the donation will be of significant benefit to the local community;</li> <li>The request is made by a community group or not for profit organization, or from a person or group who is running a not for profit activity;</li> <li>The group's financial status is such as to justify a donation from the Shire;</li> <li>Special circumstances or needs existing,, in the opinion of the CEO, to warrant a donation (eg support of needy groups or individuals who bring credit to the municipality by achieving State or national representation or awards, which sees them requiring financial assistance for travelling, accommodation or other incidental expenses).</li> </ol> </li> </ol>
Statutory framework	Local Government Act 1995  Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.  Local Government (Audit) Regulations 1996  Department of Local Government, Sport and Cultural Industries' Operational Guideline No. 11 - Use of Corporate Credit Cards  Department of Local Government, Sport and Cultural Industries' Accounting Manual

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	1.9 Collection of Vegetation, Seeds and Firewood on Land Under the Control of the Shire of Gingin
Category	Administration
Delegator	Council
Express power or duty delegated	To determine all applications for the picking of wildflowers or other plants and collection of wildflower or other seed or firewood on any land owned, controlled or managed by the Shire of Gingin.
Delegates	CEO
Conditions	Delegation does not apply to land located within townsites.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44
	Power exercised or duty delegated: Local Government Act 1995 - s. 3.54
Policy	Policy 7.3 - Removal of Flora, Firewood etc
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.7 Inviting Tenders
Category	Finance
Delegator	Council
Express power or duty delegated	To publicly invite tenders for the supply of goods and services as identified in the adopted Annual Budget, or as separately approved by Council.
Delegates	CEO
Conditions	The calling of tenders is to be undertaken in accordance with Council's Policy 3.10 (Purchasing) and any other relevant policies.  In calling for tenders, the Chief Executive Officer shall have regard to Part 4 of the Local Government (Functions and General) Regulations 1996.  Acceptance of the most advantageous tender is subject to the Regulations and Council's Delegation 2.9 (Accepting or Rejecting Tenders/Quotations).
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42  Power exercised or duty delegated: Local Government Act 1995 - s. 3.57) Local Government (Functions and General) Regulations 1996 - Reg. 11
Policy	Policy 3.10 - Purchasing
Date adopted	7 December 1999
Adoption references	Minute Item 10.7
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.7 Inviting Tenders
Category	Finance
Delegator	Council
Express power or duty delegated	To publicly invite tenders for the supply of goods and services as identified in the adopted Annual Budget, or as separately approved by Council.
Delegates	CEO
Conditions	The calling of tenders is to be undertaken in accordance with Council's Policy 3.10 (Purchasing) and any other relevant policies.  In calling for tenders, the Chief Executive Officer shall have regard to Part 4 of the Local Government (Functions and General) Regulations 1996.  Acceptance of the most advantageous tender is subject to the Regulations and Council's Delegation 2.9 (Accepting or Rejecting Tenders/Quotations).
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42  Power exercised or duty delegated: Local Government Act 1995 - s. 3.57) Local Government (Functions and General) Regulations 1996 - Reg. 11
Policy	Policy 3.10 - Purchasing
Date adopted	7 December 1999
Adoption references	Minute Item 10.7
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	1.21 Tenders for Goods and Services - Call Tenders (DRAFT)
Category	Administration
Delegator	Council
Express power to delegate	<ul> <li>Local Government Act 1995</li> <li>s.5.42 Delegation of some powers or duties to the CEO</li> <li>s.5.43 Limitations on delegations to the CEO</li> </ul>
Express power or duty delegated	<ul> <li>Local Government Act 1995</li> <li>s.3.57 Tenders for providing goods or services</li> <li>Local Government (Functions and General) Regulations 1996</li> <li>r.11(1) and (2) when tenders have to be publicly invited</li> <li>r.13 Requirements when local government invites tenders though not required to do so</li> <li>r.14 Publicly inviting tenders, requirements for</li> </ul>
Function	<ol> <li>Authority to call tenders [r.11(1)].</li> <li>Authority to invite tenders although not required to do so [r.13].</li> <li>Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [r.14(2a)].</li> <li>Authority to determine the information that is to be disclosed to those interested in submitting a tender [r.14(4)(a)].</li> <li>Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided with notice of the variation [r.14(5)].</li> </ol>
Delegates	CEO
Conditions	1. Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new annual budget where:  a. the proposed goods or services are required to fulfil a routine contract related to the day to day operations of the local government; r  b. a current supply contract expiry is imminent; and  c. the value of the proposed new contract has been included in the draft annual budget proposed for adoption; and  d. The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by Council.
Statutory framework	Nil
Policy	Policy 3.10 Purchasing

Delegated Authority Register 16 June 2020

Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration)</i> Regulations 1996 r.19.



## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	3.1 Bush Fires Act 1954 - Variation of Prohibited and Restricted Burning Times
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To jointly exercise the Shire's powers and duties under Section 17(7), 17(8) and Section 18(5) f the Bush Fires Act 1954 in respect to varying prohibited and restricted burning times.
Delegates	Community Emergency Services Manager/Chief Bush Fire Control Officer President
Conditions	The Shire President and Chief Bush Fire Control Officer are to consult with an authorised CALM Act officer before exercising this delegated authority.
Statutory framework	Legislative authority to delegate:  Bush Fires Act 1954 - s. 17(1)
	Power exercised or duty delegated:  Bush Fires Act 1954 - s. 17(7), 17(8) and 18(5)
Policy	Nil
Date adopted	17 December 1999
Adoption references	Minute Item 10.7
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	3.1 Prohibited Burning Times - Vary and Control Activities (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	<ul> <li>s.48 Delegation by local government</li> <li>s.17(10) Prohibited burning times may be declared by Minister (power of delegation to Mayor or President and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8)</li> </ul>
Express power or duty delegated	<ul> <li>s.17(7) Prohibited burning times may be declared by Minister</li> <li>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</li> <li>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</li> <li>Bush Fires Regulations 1954</li> <li>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</li> <li>r.15C Local government may prohibit burning on certain days</li> <li>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</li> <li>r39B Crop dusters etc., use of in restricted or prohibited burning times</li> </ul>
Function	<ol> <li>Authority, where seasonal conditions warrant it, to determine a variation of prohibited burning times after consultation with an authorized CALM Act officer [s.17(7)].</li> <li>Authority to determine permits to burn during a Prohibited Burning Time that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of Sunday or public holiday in the whole or a specified part of the District during a Prohibited Burning Time is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer regarding matters necessary for the prevention of fire on lan used as a landing ground for an aeroplane [r.39B(3)].</li> <li>Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Prohibited Burning Time, and to give permission for use of same during a Prohibited Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>Authority to recover the cost of measures taken by the Shire of Gingin or a Bush Fire Control Officer to extinguish a fire burning during a Prohibited Burning Time where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>

Delegated Authority Register 16 June 2020

Delegates	CEO Community Emergency Services Manager/Chief Bush Fire Control Officer President
Conditions	<ol> <li>Delegation of power to the President and the Community Emergency Services Manager/Chief Bush Fire Control Officer relates to Function 1 only. Decisions must be undertaken jointly and must comply with the procedural requirements of s.17(7B) and (8).</li> <li>Delegation of power to the CEO relates to Functions 2-6 only.</li> <li>The delegation of power under Function 2 is only to be exercised where:         <ol> <li>The Chief Bush Fire Control Officer is unable or unwilling to make a determination in this regard; or</li> <li>The determination relates to a decision made by the Chief Bush Fire Control Officer.</li> </ol> </li> </ol>
Record keeping	Any exercise of delegation must be captured in the Shire's electronic records management system in accordance with the requirements of <i>Local Government Act 1995</i> s.5.46 and the <i>Local Government (Administration) Regulations 1996</i> r.19.



Delegated Authority Register 16 June 2020

Delegation	3.1A Restricted Burning Times - Vary and Control Activities (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to	Bush Fires Act 1954
delegate	• s.48 Delegation by local government
Express power or duty delegated	<ul> <li>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</li> <li>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</li> <li>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</li> <li>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</li> <li>Bush Fires Regulations 1954</li> <li>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</li> <li>r.15C Local government may prohibit burning on certain days</li> <li>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</li> <li>r.39B Crop dusters etc., use of in restricted or prohibited burning times</li> </ul>

Delegated Authority Register 16 June 2020

Function	Authority, where seasonal conditions warrant it, and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18 (5)].
	2. Authority to determine to prohibit burning during a Restricted Burning Time on Sundays or specified days that are public holidays in the District [r.15C].
	3. Authority, where a permitted burn fire escapes or is out of control in the opinion of a Bush Fire Control Officer or an officer of a Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].
	4. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].
	5. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and a Bush Fire Brigade to cooperate in burning firebreaks, and require the occupier of adjoining land to provide, by the date of the burning, ploughed or cleared firebreaks parallel to the common boundary [s.22(6) and (7)].
	6. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during a Restricted Burning Time is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].
	7. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].
	8. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].
	9. Authority to prohibit the use of tractors, engines or self-propelled harvesters during a Restricted Burning Time, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].
	10. Authority to recover the cost of measures taken by the Shire of Gingin or a Bush Fire Control Officer to extinguish a fire burning during a Restricted Burning Time, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire on the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].
Delegates	CEO
Conditions	The delegation of power granted under Function 4 is only to be exercised where:
	a. The Chief Bush Fire Control Officer is unable or unwilling to make a determination in this regard; or
	b. The decision to refuse a permit to burn has been made by the Chief Bush Fire Control Officer.
Statutory framework	Nil
Policy	Nil

Delegated Authority Register 16 June 2020

Record keeping  Each exercise of delegated power must be captured in the Shire's electronic records management system as required by Local Government Act 1995 s.5.46 and Local Government (Administration) Regulations 1996 r.19.	ent
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Delegated Authority Register 16 June 2020

Delegation	3.4A Bush Fires Act 1954 - Appointment of Bush Fire Control Officers
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954 S. 48 Delegation by local governments
Express power or duty delegated	Bush Fires Act 1954 s. 38 Local government may appoint bush fire control officer
Function	To appoint Bush Fire Control Officers, including the Chief Bush Fire Control Officer, Deputy Chief Bush Fire Control Officer/s and Fire Weather Officer.
Delegates	CEO
Conditions	<ol> <li>Chief Bush Fire Control Officer is to be the Shire's Community Emergency Services Manager (or equivalent position). Any other proposed appointment must be presented to Council for consideration.</li> <li>Appointments to the position of Deputy Chief Bush Fire Control Officer must result from a recommendation of the Shire's Bush Fire Advisory Committee.</li> <li>Appointments to the position of Bush Fire Control Office must result from a recommendation of the Shire's Bush Fire Advisory Committee.         Condition 3 does not apply to the appointment of Shire Rangers as Bush Fire Control Officers for the Shire in its entirety.     </li> </ol>
Statutory framework	Shire of Gingin Bush Fire Brigades Local Law 2004
Policy	Policy 4.2 - Bush Fire Control
Record keeping	Records of bush fire control officers and bush fire brigade officers appointed by or holding office under the local government to be maintained in accordance with:  Bush Fires Act 1954  s. 50 Records to be maintained by local government
	In addition, records of the exercise of all delegations are to be kept in accordance with:
	Local Government Act 1995 s. 5.46 Register of, and records relevant to, delegations to CEO and employees
	Local Government (Administration) Regulations 1996 Reg. 19 Delegates to keep certain records (Act s. 5.46(3))
Date adopted	15 July 2014
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	3.4A Appoint Bush Fire Control Officer/s and Fire Weather Officer/s (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954 S. 48 Delegation by local governments
Express power or duty delegated	Bush Fires Act 1954 s. 38 Local government may appoint bush fire control officer
Function	1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and
	a. Of those Officers, to appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and
	b. To determine the respective seniority of the other Bush Fire Control Officers so appointed [s.38(1)].
	2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Gingin [s.38(5A)].
	3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and, where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]
	4. Authority to appoint Deputy Fire Weather Officer/s as considered necessary and, where two or more deputies are appointed, to determine seniority [s.38(10)].
Delegates	CEO
Conditions	Chief Bush Fire Control Officer is to be the Shire's Community Emergency Services Manager (or equivalent position). Any other proposed appointment must be presented to Council for consideration.
	2. Appointments to the position of Deputy Chief Bush Fire Control Officer must result from a recommendation of the Shire's Bush Fire Advisory Committee.
	3. Appointments to the position of Bush Fire Control Office must result from a recommendation of the Shire's Bush Fire Advisory Committee.
	Condition 3 does not apply to the appointment of Shire Rangers as Bush Fire Control Officers for the Shire in its entirety.
Statutory framework	Shire of Gingin Bush Fire Brigades Local Law 2004
Policy	Policy 4.2 - Bush Fire Control

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Record keeping	Records of bush fire control officers and bush fire brigade officers appointed by or holding office under the local government to be maintained in accordance with:
	Bush Fires Act 1954 s. 50 Records to be maintained by local government
	In addition, records of the exercise of all delegations are to be kept in accordance with:
	Local Government Act 1995 s. 5.46 Register of, and records relevant to, delegations to CEO and employees
	Local Government (Administration) Regulations 1996 Reg. 19 Delegates to keep certain records (Act s. 5.46(3))



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Delegation	3.4B Bush Fires Act 1954 - Approval and Issue of Firebreak Order
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To approve the format and content, and authorise the issue, of the annual Shire of Gingin Firebreak Order.
Delegates	CEO
Conditions	The draft Firebreak Order shall be submitted to the Shire's Bush Fire Advisory Committee for consideration prior to submission to the Chief Executive Officer for approval.
Statutory framework	Legislative Authority to Delegate:  Bush Fires Act 1954 - s. 48
	Power Exercised or Duty Delegated:  Bush Fires Act 1954 - s. 33(1)
Policy	N/A
Date adopted	19 July 2016
Adoption references	Item 11.1.2
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	3.4B Firebreaks (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to	Bush Fires Act 1954
delegate	• s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954
delegated	s.33 Local government may require occupier of land to plough or clear firebreaks
Function	Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District requiring them, to the satisfaction of the Shire of Gingin:
	a. to clear firebreaks as determined necessary and as specified in the notice; and
	b. to act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and
	c. as a separate or coordinated action with any other person, to carry out similar actions [s.33 (1)].
	2. Authority to direct a Bush Fire Control Officer or any other employee to enter into the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].
	3. Authority to recover any costs an expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice ([s.33(5)].
	4. Authority to, at the request of an owner or occupier of land within the District, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger and, if necessary, recover the expense of undertaking such works from the owner or occupier in a court of competent jurisdiction.
Delegates	CEO
Conditions	The draft firebreak notice shall be submitted to the Shire's Bush Fire Advisory Committee for consideration prior to submission to the Chief Executive Officer for approval.
Statutory framework	Nil
Policy	N/A
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.

Delegated Authority Register 16 June 2020

Delegation	3.5 Burning Garden Refuse/Open Air Fires (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954  • s.48 Delegation by local government
Express power or duty delegated	<ul> <li>s.24F Burning garden refuse during limited burning times</li> <li>s.24G Minister or local government may further restrict burning of garden refuse</li> <li>s.25 No fire to be lit in open air unless certain precautions taken</li> <li>s.25A Power of Minister to exempt from provisions of section 25</li> </ul> Bush Fires Regulations 1954 <ul> <li>r.27(3) Permit, issue of</li> </ul>
Function	<ol> <li>Authority to give written permission, during Prohibited and Restricted Burning Times, for an incinerator located within two metres of a building or fence, to be used for the burning of garden refuse [s.24F(2)(b)(ii) and (4)].</li> <li>Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].</li> <li>Authority to issue directions to an authorised officer as to the manner in which, or the conditions under which, permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [r.34].</li> <li>Authority to provide written approval, during Prohibited and Restricted Burning Times, for fires to be lit for the purposes of:         <ol> <li>camping or cooking [s.25(1)(a)]; and</li> <li>conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> <li>Authority to prohibit the lighting of fires in the open air for the purposes of camping or cooking for such period during a Prohibited Burning Time as is specified in a notice published in the Government Gazette and a newspaper circulating in the District, and authority to vary such notice [s.25(1a) and (1b)].</li> </ol> </li> <li>Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in the open air, prohibiting that person from lighting a fire, and to determine conditions on the notice [s.25A(5)].</li> </ol>
Delegates	CEO
Conditions	Function 1 is only to be exercised where the CEO can be satisfied that approval is not likely to create a fire hazard.

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.



## **15 JUNE 2021**

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Delegation	3.6 Recovery of Expenses Incurred Through Contraventions of the Bush Fires Act 1954 ( DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954
delegate	• s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954
ucicgutcu	s.58 General penalty and recovery of expenses incurred
Function	Authority to recover expenses incurred as a result of an offence against the <i>Bush Fires Act 1954</i> , being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Gingin or those acting on behalf of the Shire of Gingin to do [2.58].
Delegates	CEO
Conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1954</i> s.5.46 and <i>Local Government (Administration) Regulations 1956</i> r.19.

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	3.7 Prohibit or Postpone the Lighting of Fires (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954
delegate	• s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954 s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	<ol> <li>Authority to prohibit or postpone the lighting of a fire, including where a permit has been issued, where in the opinion of the Delegate the lighting of a fire would be, or would become, a source of danger by escaping from the land on which it is proposed to be lit.</li> <li>Authority to direct, where a fire is burning on land and the Delegate is of the opinion that the fire is in danger of escaping from that land, that the owner or occupier of the land take all reasonable steps to extinguish the fire or to prevent the fire from spreading.</li> <li>Authority to exercise the powers contained within Functions 1 and 2 with respect to fires on land within three kilometres of the boundary of forest land, where an authorised CALM Act Officer is not available or has failed to exercise those powers.</li> </ol>
Delegates	CEO
Conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1996</i> r.19.

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Delegation	3.8 Control of Operations Likely to Create Bush Fire Danger (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954  • s.48 Delegation by local government
Express power or duty delegated	• s.27D Requirements for carriage and deposit of incendiary material  Bush Fires Regulations 1954  • r.39C Welding and cutting apparatus, use of in open air • r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. • r.39D Explosives, use of • r.39E Fireworks, use of
Function	<ol> <li>Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from:         <ul> <li>a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>b a person operating welding apparatus or a power operated abrasive cutting disc [r.39C(3)].</li> <li>c a person using explosives [r.39D(2)].</li> <li>d a person using fireworks [r.39E(3)].</li> </ul> </li> <li>Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse or any other combustible matter that is burning) [s.27D].</li> </ol>
Delegates	CEO
Conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's electronic records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration) Regulations 1954</i> r.19.

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Delegation	3.9 Make Request to FES Commissioner - Control of Fire (DRAFT)
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954
delegate	• s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954
uelegateu	• s.13(4) Duties and powers of bush fire liaison officers
Function	Authority to request on behalf of the Shire of Gingin that the FES Commissioner authorise a Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
Delegates	CEO
Conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegated power must be captured in the Shire's records management system as required by <i>Local Government Act 1995</i> s.5.46 and <i>Local Government (Administration)</i> Regulations 1996 r.19

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Delegation	3.17 Appointment of Authorised Persons
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Local Government Act 1995:  • s.5.42 Delegation of some powers or duties to the CEO  • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995:  • s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 - Certain provisions about land]  • s.9.10 Appointment of authorised persons
Function	<ol> <li>Authority to appoint persons or classes of persons as authorised persons for the purpose of fulfilling prescribed functions within the Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and local laws made under the Local Government Act [s.3.24 and s.9.10].</li> <li>Authority to appoint "authorised persons" for the purposes of s.9.16 of the Local Government Act 1995 as a pre-condition for appointment as authorised officers in accordance with r.70(2) of the Building Regulations 2012 and s.6(b) of the Criminal Procedures Act 2004.</li> <li>Authority to appoint authorised persons for the purposes of s.15 of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power.</li> </ol>
Delegates	CEO
Conditions	A register of Authorised Persons is to be maintained as a local government record.     Only persons who are appropriately qualified and trained may be appointed as Authorised Persons.
Policy	Nil
Record keeping	A record of each exercise of delegation is to be captured in the Shire's records management system.  Copies of instruments or certificates of authorisation are to be retained on the Authorised Person's personnel file.  A record of each authorisation is to be retained in the register of Authorised Persons.
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	5.1 Applications for Operation of "B" Doubles and Road Trains
Category	Engineering
Delegator	Council
Express power or duty delegated	The Chief Executive Officer is authorised to approve applications to use RAV Network 2, 3 and 4 combinations on all local roads considered suitable for usage by that combination, provided that such usage is for the purpose of servicing an established enterprise operating from within the Municipality.
	Any roads, other than those approved by Main Roads in consultation with Council, which will be related to direct farm or business activity access, will be dealt with on their merits and will include road conditions if appropriate.
Delegates	CEO
Conditions	The Chief Executive Officer in exercising this delegation shall have regard to Council Policy 7.6.
Statutory framework	Legislative authority to delegate: Local Government Act 1995- s. 5.42 and 5.44
	Power exercised or duty delegated:  To approve the use of local roads deemed as suitable by the Chief Executive Officer for the operation of "B" double road trains and pocket road trains (Restricted Access Vehicle (RAV) Network 2, 3 and 4 combinations).
Policy	Policy 7.6 - Road Transport - Restricted Access Vehicles (RAV)
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	1.10 Serving of Notices Requiring Certain Things to be Done by Owner or Occupier of Land
Category	Administration
Delegator	Council
Express power to delegate	<ul> <li>Local Government Act 1995:</li> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
Express power or duty delegated	<ul> <li>Local Government Act 1995:</li> <li>• s.3.25 Notices requiring certain things to be done by owner or occupier of land</li> <li>• s.3.26 Additional powers when notices given</li> </ul>
Function	<ol> <li>To issue notices requiring the owner or, unless indicated otherwise by Schedule 3.1, the occupier of land to do anything:         <ul> <li>specified in Schedule 3.1, Division 1; or</li> <li>that is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.1, Division 1.</li> </ul> </li> <li>If the notice recipient fails to comply with the notice, to do anything that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.</li> <li>To recover the cost of anything done under 2. above from the person who fails to comply with the notice.</li> </ol>
Delegates	CEO
Conditions	Nil
Statutory framework	Local Government Act 1995:  • Sch. 3.1 Powers under notices to owners or occupiers of land
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	1.12 Doing Any of the Things Prescribed in Schedule 3.2 on Land That is Not Shire Property
Category	Administration
Delegator	Council
Express power to delegate	<ul> <li>Local Government Act 1995:</li> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
Express power or duty delegated	Local Government Act 1995:  • s.3.27 Particular things local governments can do on land that is not local government property
Function	To do any of the things prescribed in Schedule 3.2 even though the land on which the thing is to be done is not Shire property and the Shire does not have consent to do it.
Delegates	CEO
Conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Each exercise of delegation to be captured in the Shire's records management system.
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	1.14 Administering the Shire's Local Laws
Category	Administration
Delegator	Council
Express power to delegate	Local Government Act 1995 s. 5.42 Delegation of some powers and duties to the CEO
Express power or duty delegated	Local Government Act 1995 s. 3.18 Performing executive functions
Function	To exercise all the powers and discharge all the duties of the Shire of Gingin so as to administer the Local Laws made by the Shire.
Delegates	CEO
Conditions	Nil
Statutory framework	Shire of Gingin Local Laws
	<ul> <li>Activities in Thoroughfares and Public Places and Trading Local Law 2004</li> <li>Bee Keeping Local Law 2004</li> <li>Bush Fire Brigades Local Law 2004</li> <li>Cemeteries Local Law 2014</li> <li>Dogs Local Law 2004</li> <li>Extractive Industries Local Law 2004</li> <li>Fencing Local Law 2016</li> <li>Health Local Law 2017</li> <li>Keeping and Control of Cats Local Law 2016</li> <li>Local Government Property Local Law 2004</li> <li>Meeting Procedures Local Law 2014</li> <li>Parking and Parking Facilities Local Law 2004</li> <li>Pest Plants Local Law 2015</li> <li>By-laws Relating to Signs and Bill Posting 1982</li> <li>Waste Local Law 2016</li> </ul>
Policy	Nil
Record keeping	Records of the exercise of all delegations are to be kept in accordance with:  Local Government Act 1995 s. 5.46 Register of, and records relevant to, delegations to CEO and employees  Local Government (Administration) Regulations 1996 Reg. 19 Delegates to keep certain records (Act s. 5.46(3))
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	1.16 Appointment of Acting Chief Executive Officer (For Periods of 35 Days or Less)
Category	Administration
Delegator	Council
Express power or duty delegated	To make appointments to the position of Acting Chief Executive Officer.
Delegates	CEO
Conditions	<ol> <li>The position of Acting Chief Executive Officer can only be conferred on an employee of the Shire of Gingin who holds the position of Executive Manager and is designated as a "Senior Employee" in accordance with Section 5.37 of the Local Government Act 1995.</li> <li>Delegated authority is only granted for appointments to the position of Acting Chief Executive Officer covering a period of 35 days or less. In instances where an appointment is required for a period exceeding 35 days, then that proposed appointment must be presented to Council for determination prior to the appointment taking effect.</li> <li>The Chief Executive Officer must advise Councillors of any appointments to the position of Acting Chief Executive Officer made under delegated authority, prior to the appointment taking effect. In instances where it is necessary for an appointment to be made at short notice, then Councillors are to be advised of that appointment as soon as possible.</li> </ol>
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42  Power exercised or duty delegated: Local Government Act 1995 - s. 5.36(1)(a)
Policy	Nil
Date adopted	21 January 2014
Adoption references	Minute Item 11.1.4
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	1.19 Powers of Entry
Category	Administration
Delegator	Council
Express power to delegate	Local Government Act 1995:  • s.5.42 Delegation of some powers or duties to the CEO  • s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	<ul> <li>Local Government Act 1995:</li> <li>s.3.28 When this Subdivision applies</li> <li>s.3.32 Notice of entry</li> <li>s.3.33 Entry under warrant</li> <li>s.3.34 Entry in an emergency</li> <li>s.3.36 Opening fences</li> </ul>
Function	<ol> <li>Authority to exercise powers of entry to enter onto land to perform any of the local government's functions under the <i>Local Government Act 1995</i>, other than entry under a local law [s.3.28].</li> <li>Authority to give notice of entry [s.3.32].</li> <li>Authority to seek and execute an entry under warrant [s.3.33].</li> <li>Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
Delegates	CEO
Conditions	Nil
Statutory framework	Local Government Act 1995: s.9.10 Appointment of authorised persons - refer also s.3.32(2) Part 3, Division 3 - prescribes statutory processes for Powers of Entry
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

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Delegated Authority Register 16 June 2020

Delegation	1.20 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates)
Category	Administration
Delegator	Council
Express power to delegate	<ul> <li>Local Government Act 1995</li> <li>• s.5.42 Delegation of some powers or duties to the CEO</li> <li>• s.5.43 Limitations on delegations to the CEO</li> </ul>
Express power or duty delegated	Local Government (Model Code of Conduct) Regulations 2021 Schedule 1 Model code of conduct  • cl.11(2)(a) and (b) and 11(3) Complaint about alleged breach
Function	Approve the form in which complaints relating to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates must be submitted.      Appoint authorised persons to receive complaints and withdrawals of complaints in relation to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates.
Delegates	CEO
Conditions	Nil
Statutory framework	Nil
Policy	Code of Conduct for Council Members, Committee Members and Candidates
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	16 February 2021
Adoption references	Minute Item 11.1.3

Delegated Authority Register 16 June 2020

Delegation	2.2 Waive or Grant Concessions on Money Owed to the Shire
Category	Finance
Delegator	Council
Express power to delegate	<ul> <li>Local Government Act 1995:</li> <li>• s.5.42 Delegation of some powers and duties to CEO</li> <li>• s.5.43 Limits on delegations to CEO</li> </ul>
Express power or duty delegated	Local Government Act 1995:  • s.6.12(10(b) & (c) Power to defer, grant discounts, waive or write off debts
Function	To:  1. Waive or grant concessions in relation, or write off, any amount of money which is owed to the Shire; and  2. Determine any conditions that may be applicable to the granting of a concession under subsection 6.12(1)(b).
Delegates	CEO
Conditions	<ol> <li>The maximum amount to be written off under this delegation is \$1,000.00.</li> <li>This delegation extends only to monies owed to the Shire under the provisions of the Local Government Act 1995.</li> <li>Fees levied under the Planning and Development Act 2005 and the Building Act 2011 are addressed by Council's Policy 3.19 - Fees Relating to Planning and Building Matters.</li> <li>This delegation does not apply to the writing off or waiving of rates or service charges in accordance with s.6.12(2) of the Local Government Act 1995.</li> </ol>
Statutory framework	Nil
Policy	Council Policy 3.19 - Fees Relating to Planning and Building Matters
Record keeping	Each exercise of delegation must be recorded in the Shire's Records Management System.
Date adopted	23 June 2020
Adoption references	NM17408

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.3 Transfer Money Held in the Trust Fund for More Than 10 Years
Category	Finance
Delegator	Council
Express power or duty delegated	To determine whether money held in the Trust Fund for more than 10 years will be transferred to the Municipal Fund.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government Act 1995 - s. 6.9(4)
Policy	Nil
Date adopted	7 January 2020
Adoption references	NM16428
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.4 Investing Money Not Required for the Time Being
Category	Finance
Delegator	Council
Express power or duty delegated	To determine whether money held in the Municipal, Reserve or Trust Funds, that is not required for the time being will be invested.
	The authority to establish and document internal control procedures to be followed by employees to ensure control over investments, enabling the identification of the nature and location of all investments and the transactions related to each investment.
Delegates	CEO
Conditions	Investment is to be in accordance with Council Investment Policy 3.2.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44
	Power exercised or duty delegated:
	Local Government Act 1995 - s. 6.14(1)
	Local Government (Financial Management) Regulations 1996 - Reg. 19
Policy	Policy 3.2 - Investments
Date adopted	5 June 2008
Adoption references	Minute Item 11.2.2
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	2.6 Rate Book
Category	Finance
Delegator	Council
Express power or duty delegated	To undertake the performance of the following functions of the Council: a. The discharge of the obligations specified in s.6.39(2) of the Local Government Act 1995. b. To determine the time allowed for the payment of a rate before it is deemed to be in arrears, in accordance with s.6.50(1) of the Local Government Act 1995. c. The powers conferred in s.6.40 of the Local Government Act 1995. d. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book in accordance with s.6.76(4) of the Local Government Act 1995. e. To consider any objection and either disallow it or allow it, wholly or in part, in accordance with s.6.76(5) of the Local Government Act 1995. f. After making a decision on an objection, to promptly serve upon the person by whom the objection was made written notice of the decision on the objection and a statement of the reason/s for that decision in accordance with s.6.76(6) of the Local Government Act 1995. f. The recovery of rates by complaint or action pursuant to the provisions of s.6.56(1) of the Local Government Act 1995. g. Entering into an agreement in accordance with s.6.49 of the Local Government Act 1995. h. Requiring a lessee to pay rent to the Council in satisfaction of rates or service charges due and payable in accordance with s.6.60(2) of the Local Government Act 1995.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government Act 1995 - s. 6.39(2), 6.40, 6.49, 6.50(2), 6.56(1), 6.60(2) and 6.76(4)
Policy	Nil
Date adopted	21 August 1997
Adoption references	Minute Item 5.1.3
Last reviewed	16 June 2020

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Delegated Authority Register 16 June 2020

Delegation	2.14 Disposition of Assets Other Than Land
Category	Finance
Delegator	Council
Express power or duty delegated	To dispose of any Shire-owned asset (other than land) with a value not exceeding \$50,000.
Delegates	CEO
Conditions	Assets with a value not exceeding \$20,000 can be disposed of regardless of whether such disposal has been identified in Council's adopted Budget.
	Assets with a value of between \$20,001 and \$50,000 cannot be disposed of unless such disposal has been identified in Council's adopted Budget.
	Disposal of assets to be undertaken in accordance with Policy 3.18 (Disposition of Assets).
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44
	Power exercised or duty delegated: Local Government Act 1995 - s. 3.58 Local Government (Functions and General) Regulations 1996 - Reg. 30
Policy	Policy 3.18 - Disposition of Assets
Date adopted	20 August 2013
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	2.15 Payments from the Municipal or Trust Funds
Category	Finance
Delegator	Council
Express power to delegate	Local Government Act 1995:  • s.5.42 Delegation of some powers and duties to CEO • s.5.43 Limits on delegations to CEO
Express power or duty delegated	Local Government (Financial Management) Regulations 1996:  • r.12(1) Payments from municipal fund or trust fund, restrictions on making
Function	to make payments from the Municipal Fund or Trust Fund.
Delegates	CEO
Conditions	Authority to make payments is subject to annual budget limitations.
Statutory framework	Local Government Act 1995
	Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
	Local Government (Audit) Regulations 1996
	Department of Local Government, Sport and Cultural Industries' Operational Guideline No. 11 - Use of Corporate Credit Cards
	Department of Local Government, Sport and Cultural Industries' Accounting Manual
Policy	Council Policy 3.2 Investments Council Policy 3.9 Purchasing and Ordering of Goods Council Policy 3.10 Purchasing
Record keeping	Each exercise of delegation is to be recorded in the Shire's records management system.
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	3.2 Bush Fires Act 1954 - Prosecution of Offences
Category	Law, Order and Public Safety
Delegator	Council
Express power to delegate	Bush Fires Act 1954 s.48 Delegation by local government
Express power or duty delegated	Bush Fires Act 1954 s.59 Prosecution of offences s.59A Alternative procedure - infringement notices
Function	Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].
	2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)] (as determined by conditions of delegation).
	3. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)] (as determined by conditions of delegation).
Delegates	CEO Community Emergency Services Manager/Chief Bush Fire Control Officer Executive Manager Regulatory and Development Services Manager Ranger Services Ranger Senior Ranger
Conditions	CEO With respect to s.59A, delegation excludes the power to issue infringements.
	Executive Manager Regulatory and Development Services With respect to s.59A, delegation excludes the power to issue infringements.
	Community Emergency Services Manager/Chief Bush Fire Control Officer With respect to s.59A, delegation excludes the power to withdraw infringements.
	Manager Ranger Services With respect to s.59A, delegation excludes the power to withdraw infringements.
	Senior Ranger With respect to s.59A, delegation excludes the power to withdraw infringements.
	<b>Ranger</b> With respect to s.59A, delegation excludes the power to withdraw infringements.
Statutory framework	Nil
Policy	Nil
Record keeping	Exercise of delegation to be recorded in the Shire's Records Management System.
Date adopted	15 December 2020

MINUTES APPENDIX 11.1.25

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Delegated Authority Register 16 June 2020

Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	3.11 Declaring an Impounded Vehicle to be an Abandoned Wreck
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To declare a vehicle to be an abandoned vehicle wreck if —  (a) After 7 days from the removal of the vehicle under Section 3.40A(1)of the Local Government Act 1995, the owner of the vehicle has not been identified; or  (b) After 7 days from being given notice under Section 3.40A(2) of the Local Government Act 1995, the owner of the vehicle has not collected it.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government Act 1995 - s. 3.40A(4)
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	3.12 Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To dispose of any vehicles, animals or goods that have been impounded/seized/confiscated under the provisions of Section 3.47 of the Local Government Act 1995.
Delegates	CEO
Conditions	The Chief Executive Officer may dispose of the above only after calling public tenders in accordance with Part 4 of the Local Government (Functions and General) Regulations.  The Chief Executive Officer is authorised pursuant to Section 5.43 (b) of the Local Government Act 1995, to accept any tender up to the value of \$5,000. Tenders for amounts exceeding \$5,000 shall be referred to the Council for consideration.  Conditions and Exceptions to Sub-Delegation  In accordance with primary delegation.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government Act 1995 - s. 3.47
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

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Delegated Authority Register 16 June 2020

Delegation	3.12A Destruction and Disposal of Sick or Injured Impounded Animals
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To determine that any impounded animal that is ill or injured to such an extent that treating it is not practicable shall be humanely destroyed and the carcass disposed of.
Delegates	CEO
Conditions	Destruction and disposal of impounded animals will only be carried out by the Rangers. In disposing of animal carcasses, Officers will have regard to any requirements of clause 5.2.6 of the Shire of Gingin Health Local Law 2004.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44
	Power exercised or duty delegated: Local Government Act 1995 - s. 3.47A
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	3.15A Cat Act 2011
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To fulfil, carry out, undertake or enforce any power or duty of the local government under the Cat Act 2011 and its subsidiary legislation.
	The CEO has elected to sub-delegate the following:
	Executive Manager Planning and Development Services
	Cat Act 2011 - s. 13     On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision.
	2. Cat Act 2011 - s. 26 Issue a cat control notice.
	3. Cat Act 2011 - s. 37(1) and 37(2) Cat Regulations 2012 - Reg. 22 Grant, refuse to grant, renew or refuse to renew an application to breed cats.
	4. Cat Act 2011 - s. 37(3) and 37(4) Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to verify the information by statutory declaration.
	5. Cat Act 2011 - s. 38 Cancel an approval to breed.
	6. Cat Act 2011 - s. 39 Issue a certificate to an approved breeder.
	7. Cat Act 2011 - s. 40  Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.
	8. Cat Act 2011 - s. 49(3) Recover costs associated with the destruction of a cat in a court of competent jurisdiction.
	Senior Ranger
	Cat Act 2011 - s. 13     On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision.
	2. Cat Act 2011 - s. 26 Issue a cat control notice.
	3. Cat Act 2011 - s. 37(1) and 37(2) Cat Regulations 2012 - Reg. 22 Grant, refuse to grant, renew or refuse to renew an application to breed cats.
	4. Cat Act 2011 - s. 37(3) and 37(4) Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to

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Shire of Gingin

verify the information by statutory declaration.

5. Cat Act 2011 - s. 38 Cancel an approval to breed.

6. Cat Act 2011 - s. 39
Issue a certificate to an approved breeder.

7. Cat Act 2011 - s. 40

Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.

8. Cat Act 2011 - s. 49(3)
Recover costs associated with the destruction of a cat in a court of competent jurisdiction.

#### Ranger

1. Cat Act 2011 - s. 13

On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision.

2. Cat Act 2011 - s. 26 Issue a cat control notice.

Cat Act 2011 - s. 37(1) and 37(2)
 Cat Regulations 2012 - Reg. 22
 Grant, refuse to grant, renew or refuse to renew an application to breed cats.

4. Cat Act 2011 - s. 37(3) and 37(4)

Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to verify the information by statutory declaration.

5. Cat Act 2011 - s. 38 Cancel an approval to breed.

6. Cat Act 2011 - s. 39 Issue a certificate to an approved breeder.

7. Cat Act 2011 - s. 40

Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.

8. Cat Act 2011 - s. 49(3)
Recover costs associated with the destruction of a cat in a court of competent jurisdiction.

### Manager Ranger Services

1. Cat Act 2011 - s. 13

On refusal to grant or renew a registration of a cat or decision to cancel a registration of a cat, notify the owner within seven days of making the decision.

2. Cat Act 2011 - s. 26 Issue a cat control notice.

3. Cat Act 2011 - s. 37(1) and 37(2)
Cat Regulations 2012 - Reg. 22
Grant, refuse to grant, renew or refuse to renew an application to breed cats.

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	<ol> <li>Cat Act 2011 - s. 37(3) and 37(4) Require an applicant to provide documents or information within a specified time of not more than 21 days, in order to determine a breeder application, or require the applicant to verify the information by statutory declaration.</li> <li>Cat Act 2011 - s. 38         <ul> <li>Cancel an approval to breed.</li> </ul> </li> <li>Cat Act 2011 - s. 39         <ul> <li>Issue a certificate to an approved breeder.</li> </ul> </li> <li>Cat Act 2011 - s. 40         <ul> <li>Notify the applicant of a decision to approve or decline a registration, or approve or decline a breeder's application in writing within seven days of making a decision.</li> </ul> </li> <li>Cat Act 2011 - s. 49(3)         <ul> <li>Recover costs associated with the destruction of a cat in a court of competent jurisdiction.</li> </ul> </li> </ol>
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Cat Act 2011 - s. 44  Power exercised or duty delegated: All powers and duties of the local government under the Cat Act 2011 and subsidiary legislation
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	3.16 Dog Act 1976
Category	Law, Order and Public Safety
Delegator	Council
Express power or duty delegated	To fulfil, carry out, undertake or enforce any power or duty of the local government under the Dog Act 1976 and its subsidiary legislation. The Chief Executive Officer is expressly authorised by Council to further delegate the power or duty. (s.10AA(3))  Subdelegations to Executive Manager Regulatory and Development Services, Manager Ranger Services and Rangers:  1. Dog Act 1976 - s. 10A Pay and direct a vet to sterilise a dog owned by an eligible person.  2. Dog Act 1976- s. 16(3) Direct a Registration Officer to refuse to effect or renew the registration of a dog, or to cancel the registration of a dog in circumstances prescribed by s. 16(3).  3. Dog Act 1976 - s. 17A Where no application for registration has been made, give written notice to an owner that a dog cannot be registered for any of the prescribed reasons and inform the owner of their right of review.  4. Dog Act 1976 - s. 33H Revoke a declaration as a dangerous dog or proposal to destroy.
Delegates	CEO
Conditions	Nil.
Statutory framework	Legislative authority to delegate:  Dog Act 1976 - s. 10AA(1)  Power exercised or duty delegated:  All powers and duties of the local government under the Dog Act 1976 and subsidiary legislation
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

**MINUTES** 

Delegated Authority Register 16 June 2020

Delegation	4.3 Food Act 2008 - Appointment of Authorised Officers
Category	Health
Delegator	Council
Express power or duty delegated	To appoint officers as Authorised Officers in accordance with section 122 of the Food Act 2008.
Delegates	CEO
Conditions	A list of authorised officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008.
Statutory framework	Legislative authority to delegate: Food Act 2008 - s. 118(2)  Power exercised or duty delegated: Food Act 2008 - s. 122(1)
Policy	Nil
Date adopted	18 June 2013
Adoption references	Minute Item 11.1.3
Last reviewed	16 June 2020

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Delegated Authority Register 16 June 2020

Delegation	4.4 Food Act 2008 - Appointment of Designated Officers
Category	Health
Delegator	Council
Express power or duty delegated	To appoint Authorised Officers as Designated Officers to issue, extend or withdraw infringements for offences against the Food Act 2008.
Delegates	CEO
Conditions	<ol> <li>A person who is a designated officer for the purposes of issuing infringements cannot be a designated officer for the purposes of extending or withdrawing infringements.</li> <li>A list of designated officers must be prepared and maintained in accordance with s.122(3) of the Food Act 2008.</li> </ol>
Statutory framework	Legislative power to delegate: Food Act 2008 - s. 118(2)  Power exercised or duty delegated: Food Act 2008 - s. 126(13)
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

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Delegated Authority Register 16 June 2020

Delegation	4.5 Food Act 2008 - Prohibition Orders
Category	Health
Delegator	Council
Express power or duty delegated	<ol> <li>To serve a prohibition order on the proprietor of a food business in accordance with Part 6 of the Food Act 2008.</li> <li>To give a certificate of clearance with respect to a prohibition order served in accordance with Part 6 of the Food Act 2008.</li> <li>To give written notification to the proprietor of a food business on whom a prohibition order has been served of any decision not to give a certificate of clearance after an inspection under s.66 or 67.</li> </ol>
Delegates	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
Conditions	Nil
Statutory framework	Legislative authority to delegate: Food Act 2008 - s. 118(2)  Power exercised or duty delegated: Food Act 2008 - s. 65, 66 and 67(4)
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

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Delegated Authority Register 16 June 2020

Delegation	4.6 Food Act 2008 - Registration of Food Businesses
Category	Health
Delegator	Council
Express power or duty delegated	To grant, apply conditions to, refuse, vary or cancel registration of a food business.
Delegates	Executive Manager Regulatory and Development Services Principal Environmental Health Officer
Conditions	Nil
Statutory framework	Legislative authority to delegate: Food Act 2008 - s. 118(2)
	Power exercised or duty delegated: Food Act 2008 - s. 110 and 112
Policy	Nil
Date adopted	17 June 2014
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

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Delegation	4.7 Public Health Act 2016 - Designation of Authorised Officers
Category	Health
Delegator	Council
Express power or duty delegated	<ol> <li>To designate a person or a class of persons as authorised officers for the purposes of:         <ul> <li>a. the Public Health Act 2016 or another specified act; or</li> <li>b. the specified provisions of the Public Health Act 2016 or another specified act; or</li> <li>c. the provisions of the Public Health Act 2016 or another specified act other than the specified provisions of that act.</li> </ul> </li> <li>To designate, under s. 24(1):         <ul> <li>a. an environmental health officer or environmental health officers as a class; or</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers; or</li> <li>c. a mixture of the two.</li> </ul> </li> <li>To act jointly with other local governments in the designation of persons or classes of persons as authorised officers.</li> </ol>
Delegates	CEO
Conditions	The Health Act 2016 does not contain a power of further delegation.
Statutory framework	Legislative Authority to Delegate: Public Health Act 2016 s. 21
	Power Exercised or Duty Delegated: Public Health Act 2016 s. 24(1), (3) and (4)
Policy	Nil
Date adopted	21 February 2017
Adoption references	Item 11.1.1
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	4.8 Public Health Act 2016 - Certificates of Authority
Category	Health
Delegator	Council
Express power or duty delegated	To sign Certificates of Authority issued to authorised officers appointed under the <i>Public Health Act 2016</i> .
Delegates	CEO
Conditions	The Public Health Act 2016 does not contain a power of further delegation.
Statutory framework	Legislative Authority to Delegate: Public Health Act 2016 s. 21
	Power Exercised or Duty Delegated: Public Health Act 2016 s. 30
Policy	Nil
Date adopted	21 February 2017
Adoption references	Item 11.1.1
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	4.9 Food Act 2008 - Determine Compensation
Category	Health
Delegator	Council
Express power or duty	In respect to applications for compensation under s. 70, to determine:
delegated	whether there were insufficient grounds for making a prohibition order; and
	2. where compensation is to be paid, the compensation to the application that is just and reasonable.
Delegates	CEO
Conditions	The level of compensation to be paid in respect of any single claim is not to exceed a maximum of \$5,000.
Statutory framework	Legislative Authority to Delegate: Food Act 2008 - s. 118(2)(b)
	Power Exercised or Duty Delegated: Food Act 2008 - s. 70(2) and 70(3)
Policy	Nil
Date adopted	20 June 2017
Adoption references	Minute Item 11.1.1
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	4.10 Health (Asbestos) Regulations 1992 - Appointment of Authorised and Approved Officers
Category	Health
Delegator	Council
Express power or duty delegated	Appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Health (Asbestos) Regulations 1992 - r. 15D(7)
	Power exercised or duty delegated: Health (Asbestos) Regulations 1992 - r. 15D(5)
Policy	Nil
Date adopted	16 October 2018
Adoption references	Item 11.1.2
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	5.2 Registered Gates
Category	Engineering
Delegator	Council
Express power or duty delegated	To approve applications for permits to erect gates across road reserves subject to the <i>Local Government Act 1995</i> .
Delegates	CEO
Conditions	a. That the road be of a minor nature with a low traffic density. b. That the gate be a heavy duty swing type. c. That the gate be unlocked at all times. d. That all landowners adjoining the road or using the road for access to supply written approval of the proposal.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government (Uniform Local Provisions) Regulations 1996 - Reg. 9 and 10
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	5.4 Temporary Closure of Thoroughfares
Category	Engineering
Delegator	Council
Express power or duty delegated	To approve the temporary closure, either wholly or partially, of any thoroughfare managed by the Shire of Gingin.
Delegates	CEO
Conditions	Delegation only relates to circumstances where there is an alternative route available to traffic which might otherwise use the section of road to be closed, or the closure is intended to be of such short duration that no great inconvenience will be suffered.      Elected Members to be advised of any road closure likely to be in effect for more than five working days.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government Act 1995 - s. 3.50
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	5.5 Partial Closure of Thoroughfares for Repairs or Maintenance
Category	Engineering
Delegator	Council
Express power or duty delegated	To partially and temporarily close a thoroughfare without giving local public notice, if the closure –
	(a) is for the purpose of carrying out repairs or maintenance; and (b) is unlikely to have a significant adverse effect on users of the thoroughfare.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44
	Power exercised or duty delegated: Local Government Act 1995 - s. 3.50A
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	5.6 Revocation of Road Closure Order
Category	Engineering
Delegator	Council
Express power or duty delegated	To revoke an order to temporarily close a thoroughfare under the management of the Shire of Gingin.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42 and 5.44  Power exercised or duty delegated: Local Government Act 1995 - s. 3.50(6)
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	5.7 Temporary Closure of Thoroughfares - Events
Category	Engineering
Delegator	Council
Express power or duty delegated	To determine applications for the temporary closure of roads for the purpose of conducting events in accordance with the Road Traffic (Events on Roads) Regulations 1991.
Delegates	CEO
Conditions	The Chief Executive Officer shall have regard to s.3.50 of the Local Government Act 1995.
Statutory framework	Legislative authority to delegate: Local Government Act 1995 - s. 5.42
	Power exercised or duty delegated: Local Government Act 1995 - s. 3.50
Policy	Nil
Date adopted	11 May 2021
Adoption references	Administrative amendment by Governance Officer
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	6.1 Approve or Refuse a Building Permit
Category	Building
Delegator	Council
Express power to delegate	Building Act 2011:     • s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<ul> <li>s.20 Grant of building permit</li> <li>s.22 Further grounds for not granting an application</li> <li>s.27 Conditions imposed by permit authority</li> </ul>
Function	<ol> <li>To approve or refuse to approve an application for the grant of a building permit.</li> <li>To impose any conditions on the grant of a building permit in addition to those provided for in the Building Act 2011 and Building Regulations 2012.</li> <li>To add, vary or revoke conditions imposed before the building work is complete.</li> </ol>
Delegates	CEO
Conditions	Consideration of an application for the grant of a building permit must have regard for the following adopted policies of Council:  8.1 (Building Control Disclaimer); 8.3 (Building Licence – Deposit for Footpaths/ Cycleway); 8.4 (Sign Applications); 8.5 (Amalgamation of Lots for Building Sites); 8.6 (Roof Drainage); 8.7 (Roof Guttering on Outbuildings); 8.8 (Temporary Accommodation); 8.9 (Retaining Walls);  Retaining Walls  8.10 (Retaining Walls – Cut and Fill of Lots); and 8.11 (Oversized Outbuildings).  This delegation applies to retaining walls between 1 metre and 1.8 metres in height. Plans showing height, length and location and accompanied by certification of structural adequacy prepared by a Professional (Structural) Engineer* must be submitted.  *Professional Engineer as defined in the Building Code of Australia.  Plans submitted for retaining walls with a height exceeding 1.8 metres must be referred to Council for determination.  The CEO is to exercise discretion in issuing a building licence for earthworks and retaining walls, prior to issuing a building licence for a dwelling on the subject lot.

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Statutory framework	Building Act 2011:
	<ul> <li>s.119 Building and demolition permits – application for review by SAT</li> <li>s.23 Time for deciding application for building or demolition permit</li> <li>s.17 Uncertified application to be considered by building surveyor</li> </ul>
	Building Regulations 2012:
	<ul> <li>r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3))</li> <li>reviewable by SAT</li> </ul>
	Building Services(Registration Act) 2011:
	s.7 Carrying our prescribed building service when not registered
	Home Building Contracts Act1991:
	• Part 3A, Division 2 – Part 7, Division 2
	Building and ConstructionIndustry Training Levy Act 1990
	Heritage Act 2018
Policy	Policy 8.1 (Building Control Disclaimer) Policy 8.3 (Building Licence - Deposit for Footpaths/Cycleways) Policy 8.4 (Sign Applications) Policy 8.5 (Amalgamation of Lots for Building Sites) Policy 8.6 (Roof Drainage) Policy 8.7 (Roof Guttering on Outbuildings) Policy 8.8 (Temporary Accommodation) Policy 8.9 (Retaining Walls) Policy 8.10 (Retaining Walls - Cut and Fill of Lots) Policy 8.11 (Oversized Outbuildings)
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	16 June 2020
Adoption references	Minute Item 11.1.2

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	6.3 Issue an Occupancy Permit and a Building Approval Certificate
Category	Building
Delegator	Council
Express power to delegate	Building Act 2011:
	s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	Building Act 2011:
	s.58 Grant of occupancy permit, building approval certificate
Function	To issue an occupancy permit and a building approval certificate in accordance with section 58 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Statutory framework	Building Act 2011:
	<ul> <li>s.59 time for granting occupancy permit or building approval certificate</li> <li>s.60 Notice of decision not to grant occupancy permit or grant building approval certificate</li> <li>s.121 Occupancy permits and building approval certificates – application for review by SAT</li> </ul>
	Building Services (ComplaintResolution and Administration) Act 2011:
	• Part 7, Division 2
	Building and ConstructionIndustry Training Levy Act 1990
	Heritage Act 2018
Policy	Nil
Record keeping	Each exercise of delegation to be captured in the Shire's records management system.
Date adopted	16 June 2020
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	6.5 Extension of Occupancy Permit or Building Approval Certificate
Category	Building
Delegator	Council
Express power to delegate	Building Act 2011:
	s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	Building Act 2011:
	s.65 Extension of period of duration
Function	To extend the period of duration of an Occupancy Permit or a Building Approval Certificate in accordance with section 65 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Statutory framework	Building Act 2011:
	<ul> <li>s.59 time for granting occupancy permit or building approval certificate</li> <li>s.60 Notice of decision not to grant occupancy permit or grant building approval certificate</li> <li>s.121 Occupancy permits and building approval certificates – application for review by SAT</li> </ul>
	Building Services (ComplaintResolution and Administration) Act 2011:
	• Part 7, Division 2
	Building and ConstructionIndustry Training Levy Act 1990
	Heritage Act 2018
Policy	Nil
Record keeping	Each exercise of delegation to be captured in the Shire's records management system.
Date adopted	23 June 2020
Adoption references	NM17408
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	6.6 Issue Building Orders
Category	Building
Delegator	Council
Express power or duty delegated	To issue Building Orders in accordance with section 110 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate:  Building Act 2011 - s. 127
	Power exercised or duty delegated:  Building Act 2011 - s. 110
Policy	Nil
Date adopted	20 March 2012
Adoption references	Minute Item 11.4.1
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	6.7 Revoke Building Orders
Category	Building
Delegator	Council
Express power or duty delegated	To revoke Building Orders in accordance with section 117 of the Building Act 2011.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate:  Building Act 2011 - s. 127  Power exercised or duty delegated:
	Building Act 2011 - s. 117
Policy	Nil
Date adopted	20 March 2012
Adoption references	Minute Item 11.4.1
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	6.8 Approve or Refuse a Demolition Permit
Category	Building
Delegator	Council
Express power to delegate	Building Act 2011:     • s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	Building Act 2011:  • s.21 Grant of demolition permit
Function	To approve or refuse a demolition licence to take down a building or part of a building. Licence may be subject to such conditions as are considered necessary for the safe and proper execution of the work.
Delegates	CEO
Conditions	Nil
Statutory framework	<ul> <li>Building Act 2011:</li> <li>• s.119 Building and demolition permits – application for review by SAT</li> <li>• s.23 Time for deciding application for building or demolition permit</li> <li>Building Services (ComplaintResolution and Administration) Act 2011:</li> <li>• Part 7, Division 2</li> <li>Building and ConstructionIndustry Training Levy Act 1990</li> <li>Heritage Act 2018</li> </ul>
Policy	Nil
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.
Date adopted	23 June 2020
Adoption references	NM17408

Delegated Authority Register 16 June 2020

Delegation	6.9 Building Act 2011 - Appointment of Authorised Persons
Category	Building
Delegator	Council
Express power to delegate	Building Act 2011 s.127 Delegation: special permit authorities and local governments
Express power or duty delegated	<ul> <li>s.96(3) Authorised persons</li> <li>s. 99(3) Limitations on powers to authorise person</li> </ul>
Function	1. Authority to designate an employee as an authorised person [s.96(3)].
	2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Delegates	CEO
Conditions	Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.
Statutory framework	Building Act 2011
	<ul> <li>s.97 requires each person designated as an authorised person must have an identity card.</li> <li>r.5A Authorised persons (s.3) – definition</li> </ul>
Policy	Nil
Record keeping	Record of exercise of delegation to be retained in the Shire's records management system.
Date adopted	21 April 2020
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	6.10 Building Act 2011 - Appointment of Approved Officers and Authorised Officers
Category	Building
Delegator	Council
Express power to delegate	Building Act 2011 s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012 r.70 Approved officers and authorised officers
Function	<ol> <li>Authority to appoint an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with r.70(1) and 70(1A).  Note: Only employees delegated under s.5.44(1) of the Local Government Act 1995 with power under s.9.19 or 9.20 of that Act may be appointed as "approved officers".</li> <li>Authority to appoint an authorised officer for the purposes of s.6(b) of the Criminal Procedure Act 2004, in accordance with r.70(2).  Note: Only employees appointed under s.9.10 of the Local Government Act 1995 and authorized for the purpose of performing functions under s.9.16 of that Act may be appointed as "authorised officers".</li> </ol>
Delegates	CEO
Statutory framework	Building Regulations 2012 r.70(3) each authorised officer must be issued a certificate of appointment
Record keeping	Each exercise of delegation to be recorded in the Shire's records management system.
Date adopted	21 April 2020
Adoption references	Minute Item 11.1.2
Last reviewed	16 June 2020

Delegated Authority Register 16 June 2020

Delegation	7.1 Town Planning Powers
Category	Planning
Delegator	Council
Express power or duty delegated	Subdivision/Amalgamation  To provide advice on and grant clearance for the following subdivisions and amalgamations of
	land referred to Council by the Western Australian Planning Commission:  (a) All subdivisions for 50 lots or less that conform with Council's Local Planning Scheme No 9  (as amended).  NOTE: Subdivisions for more than 50 lots must be referred to Council for determination.
	(b) All subdivisions/amalgamations that comply with the subdivision detail depicted on a Structure Plan/Detailed Area Plan or Outline Development Plan adopted by Council.
	Permitted Uses
	То:
	(a) Approve all applications for planning approval where the proposed use is a 'P' use in the zoning table of Local Planning Scheme No. 9.
	(b) Approve all applications for planning approval where the proposed use is incidental under the Local Planning Scheme No. 9, subject to:
	(i) Application of standard tests of dominance and subservience, in accordance with appropriate and accepted town planning practice;
	(ii) Compliance with any requirements of Council established by earlier relevant Council decisions in respect of such uses, which are considered relevant to the application.
	Residential Development - Residential Design Codes of Western Australia (as amended)
	To approve all development applications for a single house (including outbuildings) and grouped or multiple dwelling development to a maximum of six (6) dwelling units where:
	(a) The permissibility is designated a 'P', 'D' or 'A' use in Table 1: Zoning Table of the Shire of Gingin Local Planning Scheme No. 9 (as amended);
	(b) No objection or concern has been raised by an adjoining landowner or residents (if required to be advertised); and
	(c) The application complies with Scheme provisions and any relevant Local Planning Policy standards and requirements recept for the extent of variation.
	NOTE: Notwithstanding the above, any application may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.
	Other Use and Development
	То:
	(a) Approve all development applications for the discretionary use class under designated zones subject to no objection received during advertising in accordance with the details below:

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Shire of Gingin

#### · Land Use Development: Aquaculture

Delegated Zones: General Rural/Rural Living/General Industry/Rural Industry Specific Delegation Criteria: N/A

#### Land Use Development: Ancillary Accommodation

Delegated Zones: Residential/Rural Industry/Rural Living Specific Delegation Criteria: Approval for applications that comply with Scheme requirements, Residential Design Codes and relevant Local Planning Policy.

#### · Land Use Development: Bed and Breakfast

Delegated Zones: Rural Living

Specific Delegation Criteria: Approval for:

- · Applications that comply with Scheme requirements; and
- Applications where no adverse public submissions have been received.

#### · Land Use Development: Caretaker's Dwelling

Delegated Zones: Mixed Business/Rural Industry/General Rural/Tourism/Conservation Specific Delegation Criteria: Subject to compliance with Clause 5.10.9 of LPS No. 9.

#### · Land Use Development: Child Care Premises

Delegated Zones: Rural Living

Specific Delegation Criteria: Approval for:

- · Applications that comply with Scheme requirements; and
- Applications where no adverse public submissions have been received.

#### · Land Use Development: Home Occupation

Delegated Zones: Residential/Tourism/General Rural/Rural Industry/Rural Living Specific Delegation Criteria: Approval for:

- Applications that comply with Scheme requirements; and
- Applications where no adverse public submissions have been received.

#### • Land Use Development: Agriculture Intensive - Irrigated Horticulture

Delegated Zones: General Rural

Specific Delegation Criteria: Approval for:

- Proposals greater than 300m from any sensitive land use (ie single dwelling);
- Proposals that are able to comply with the standard approval conditions relative to Agriculture – Intensive; and
- Minor Development Incidental to Agriculture Intensive (eg storage sheds, silos, water tanks, bushfire mitigation infrastructure and solar panels).

### · Land Use Development: Industry - Light

Delegated Zones: Rural Industry Specific Delegation Criteria: N/A

#### · Land Use Development: Market

Delegated Zones: Tourism/Town Centre/General Industry/General Rural Specific Delegation Criteria: Approval for applications that comply with Scheme provisions.

#### Land Use Development - Restaurant

Delegated Zones: Tourism/Town Centre Specific Delegation Criteria: N/A

#### · Land Use Development: Industry - Rural

Delegated Zones: General Industry/Rural Industry Specific Delegation Criteria: N/A

### Land Use Development: Industry - Service

Delegated Zones: Town Centre/Mixed Business/Rural Industry

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	Specific Delegation Criteria: N/A
	Land Use Development: Shop
	Delegated Zones: Tourism
	Specific Delegation Criteria: N/A
	Land Use Development: Trade Display
	Delegated Zones: Town Centre/General Industry/Rural Industry
	Specific Delegation Criteria: N/A
	Land Use Development: Transportable Dwellings
	Delegated Zones: All zones
	Specific Delegation Criteria: Approval for applications that:
	<ul> <li>Comply with Council's Policy Statement 1.7 - Transportable Dwellings; and</li> </ul>
	• Are designated 'P' or 'D' in the Policy Statement Table.
	Land Use Development: Vehicle Repairs
	Delegated Zones: Rural Industry
	Specific Delegation Criteria: N/A
	Land Use Development: Vehicle Sales and Hire
	Delegated Zones: Town Centre
	Specific Delegation Criteria: N/A
	Land Use Development - Warehouse  Delegated Zones: Mixed Business / Busi
	Delegated Zones: Mixed Business/Rural Industry
	Specific Delegation Criteria: N/A
	(b) Approve an amendment or relocation of designated building envelopes on "Rural Living"
	and "General Rural" zoned properties where no objection is raised from adjoining landowners
	and the proposal will not result in removal of significant vegetation.
	NOTE: Notwithstanding the above, any application may be referred to Council for consideration
	where, in the opinion of the delegated officer, it is considered appropriate.
	(c) Approve all development applications for Use Not Listed - Signs, subject to no objection
	being received during advertising, in accordance with the following criteria:
	Land Use Development - Advertisement
	Delegated Zones: All Zones
	Specific Delegation Criteria: Approval for applications that fully comply with the Shire's
	local law/s relating to signage.
Delegates	CEO

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Conditions	<ol> <li>The delegations given to the Chief Executive Officer hereunder only permit that Officer to approve applications. Applications that the Chief Executive Officer is not prepared to approve shall be referred to Council for determination.</li> <li>The Chief Executive Officer, when exercising a power delegated by Council in this section, shall only make such decisions after ensuring that the approval complies with the provisions of the Local Planning Scheme and is consistent with other decisions of Council in respect of such uses.</li> <li>All subdivision proposals in the "General Rural" zone intended to accommodate service infrastructure. Council's support for such proposals to include the following condition:         <ul> <li>A Restrictive Covenant being placed on the land, at the subdivider's cost, under a legal agreement that ensures:</li> <li>i) Use of the subdivided portion of land shall be limited to service infrastructure; and ii) If the infrastructure is no longer required, the subdivided portion of land could not be sold, but would be amalgamated with the adjoining land.</li> </ul> </li> </ol>
Statutory framework	Legislative authority to delegate: Planning and Development (Local Planning Schemes) Regulations 2015 - Reg. 82  Power exercised or duty delegated: In accordance with Details of Delegated Powers or Duties
Policy	Shire of Gingin By-Laws Relating to Signs and Bill Posting
Date adopted	5 August 2003
Adoption references	Minute Item 10.1.2
Last reviewed	16 June 2020

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	7.2 Restrictive Covenants
Category	Planning
Delegator	Council
Express power or duty delegated	To deal with all future applications pertaining to the placing of Restrictive Covenants on freehold land within the Shire of Gingin under s.129BA of the Transfer of Land Act 1893.
Delegates	CEO
Conditions	Nil
Statutory framework	Legislative authority to delegate: Shire of Gingin Local Planning Scheme No. 9 (as amended) - Cl. 11.3  Power exercised or duty delegated: Transfer of Land Act 1893 - s. 129A
Policy	Nil
Date adopted	4 June 2002
Adoption references	Minute Item 10.3
Last reviewed	16 June 2020

## **MINUTES**

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	7.3 Advertising			
Category	Planning			
Delegator	Council			
Express power or duty delegated	To initiate advertising of an application for a 'P', 'D' or 'A' use in Table 1: Zoning Table pursuant to the provisions under Clause 64 of the "deemed provisions" within the Planning and Development (Local Planning Schemes) Regulations 2015 and in accordance with Local Planning Policy.			
Delegates	CEO			
Conditions	Nil			
Statutory framework	Legislative authority to delegate: Planning and Development (Local Planning Schemes) Regulations 2015 "Deemed Provisions" - Reg. 83			
	Power exercised or duty delegated: Planning and Development (Local Planning Schemes) Regulations 2015 "Deemed provisions" - cl. 64			
Policy	Nil			
Date adopted	15 March 2011			
Adoption references	Minute Item 11.1.4			
Last reviewed	16 June 2020			

## **MINUTES**

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	7.4 Non-Statutory Delegations			
Category	Planning			
Delegator	Council			
Express power or duty delegated	To respond to requests, applications or referrals received by the Shire on the following matters:  • Sale or lease of land by State or Federal Government departments;  • Land clearing applications from State or Commonwealth agencies; and  • Mining Tenement and Exploration Licence referrals from Department of Mines, Industry Regulation and Safety			
Delegates	CEO			
Conditions	Nil			
Statutory framework	Legislative authority to delegate: Shire of Gingin Local Planning Scheme No. 9 (as amended) - Cl. 11.3			
Policy	Nil			
Date adopted	26 June 2019			
Adoption references	CEO - NM15482			
Last reviewed	16 June 2020			

### **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	7.5 Miscellaneous			
Category	Planning			
Delegator	Council			
Express power or duty delegated	To:  a) Address all matters which arise out of the imposition of conditions on a development approval and provide clarification where required;  b) Determine Council's position in consultation with the Shire President (or Deputy Shire President in the absence of the Shire President) with respect to any mediation process resulting from an appeal lodged with the State Administrative Tribunal;  c) Serve notices on property owners who are deemed to be in breach of the Shire's Local Planning Scheme No. 9 (as amended). This may relate to unlawful land use or development, non-compliance with a condition/s of development approval or contravention of a direction set by the Scheme or a Local Planning Policy;  d) Obtain legal advice in relation to a planning matter within the designated budget allocation;  e) Entertain initial discussions and provide direction to applicants on development proposals in line with state planning policy and current planning instruments including strategy documents endorsed/adopted by Council; and  f) To engage an independent planning consulting service at the State Administrative Tribunal should Council's Resolution differ from Shire Officer's Recommendation resulting in the Review			
Delegates	CEO			
Conditions	<ul> <li>All development applications or subdivision referrals where the Chief Executive Officer or other delegated officers recommend refusal/objection of the application shall be presented to Council for consideration and a decision; and</li> <li>The instigation of legal action in relation to a breach of development approval or an offence committed against one or more of the provisions of the Shire's Local Planning Scheme No. 9 (as amended) shall be subject to a resolution of Council.</li> </ul>			
Statutory framework	Legislative authority to delegate: Planning and Development (Local Planning Schemes) Regulations 2015 - cl. 82			
Policy	Nil			
Date adopted	26 June 2019			
Adoption references	CEO - NM15482			
Last reviewed	16 June 2020			

## **MINUTES**

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	7.7 Sea Containers		
Category	Planning		
Delegator	Council		
Express power or duty delegated	To process and approve Planning Applications for Sea Containers		
Delegates	CEO		
Conditions	Subject to full compliance with Local Planning Policy 1.9 – Sea Containers.		
Statutory framework	Legislative authority to delegate: Planning and Development (Local Planning Schemes) Regulations 2015 - Reg. 82 Delegations by local government		
	Power exercised or duty delegated: Shire of Gingin Local Planning Scheme No. 9 - cl. 4.4.2 (applicable to sea containers only)		
Policy	Local Planning Policy 1.9 - Sea Containers		
Date adopted	26 June 2019		
Adoption references	CEO - NM15482		
Last reviewed	16 June 2020		

## **MINUTES**

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	7.8 Planning and Development Act 2005 - Enforcement and Legal Proceedings for Unauthorised Use or Built Development			
Category	Planning			
Delegator	Council			
Express power or duty delegated	The power to issue Direction Notices and prosecute under Part 13 of the <i>Planning and Development Act 2005</i> with respect to unauthorised use or built development which contravenes the Shire's Local Planning Scheme.			
Delegates	CEO			
Conditions	<ol> <li>Where the matter relates to an unauthorised use, a Direction Notice may be given to the owner or alleged offender seeking the cessation of the use within a specified time period. The specified time period will depend on the nature of the offence and its effect on the public interest.</li> <li>Where the matter relates to an unauthorised built development, a Direction Notice may be given to the owner or alleged offender seeking them to remove, pull down, take up, or alter the development, and restore the land as nearly as practicable to its condition immediately before the development started.</li> <li>Where a Direction Notice has been issued for unauthorised built development, a minimum of 60 days from the date of the issue of the Direction Notice will be allowed for the owner or alleged offender to comply.</li> </ol>			
Statutory framework  Legislative Authority to Delegate: Planning and Development (Local Planning Scheme Regulations 2015 - cl. 82  Legislative authority to sub-delegate: Planning and Development (Local Planning Scheme Regulations 2015 - cl. 83  Power exercised or duty delegated: Planning and Development Act 2005 - Part 13 Eland Legal Proceedings				
Policy	Nil			
Date adopted	19 December 2017			
Adoption references	Item 11.3.3			
Last reviewed	16 June 2020			

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	9.1 Determination of Minor Variation to Tender - RFT 01/2020 Management of Guilderton Caravan Park			
Category	Specific Purpose Delegations			
Delegator	Council			
Express power to delegate	Local Government Act 1995:			
delegate	<ul> <li>s.5.42 Delegation of some powers or duties to the CEO</li> <li>s.5.43 Limitations on delegations to the CEO</li> </ul>			
Express power or duty delegated	Local Government (Functions and General) Regulations 1996:			
uelegateu	r.20 Variation of requirements before entry into contract			
Function	Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, and to negotiate minor variations with the successful tenderer before entering into a contract.			
Delegates	CEO			
Conditions	Nil			
Statutory framework	Nil			
Policy	Nil			
Record keeping	Records of the exercise of all delegations are to be kept in accordance with:			
	Local Government Act 1995:			
	s.5.46 Register of, and records relevant to, delegations to CEO and employees			
	Local Government (Administration) Regulations 1996:			
	• r.19 Delegates to keep certain records (Act s.46(3))			
Date adopted	18 August 2020			
Adoption references	Council Minute Item 15.1			

## **MINUTES**

## **15 JUNE 2021**

Delegated Authority Register 16 June 2020

Delegation	9.2 Determination of Minor Amendments - Development Approval for Proposed Oversize Caretaker's Dwelling on Lot 864 (12) Kendall Road, Lancelin			
Category	Specific Purpose Delegations			
Delegator	Council			
Express power to delegate	Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 - Deemed provisions for local planning schemes  • s.82 Delegations by local government			
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 - Deemed provisions for local planning schemes  • s.77(4) Amending or cancelling development approval			
Function	To determine an application to amend an aspect of the development approved which, if amended, would not substantially change the development approved.			
Delegates	CEO			
Conditions	Amendments entailing an extension to the capacity of the dwelling via increased rooms or floor area, or alterations to the conditions applied to the substantive approval are not covered by this delegation. Such amendments will require submission to Council for consideration.			
Record keeping	Each exercise of delegation is to be captured in the Shire's records management system.			
Date adopted	17 December 2020			
Adoption references	Council Minutes 17 November 2020 - Item 11.3.5			
Last reviewed	16 June 2020			



#### 12 REPORTS - CORPORATE AND COMMUNITY SERVICES

### 12.1 RESERVE TRANSFERS - GUILDERTON PARKING REVENUE

File	RDS/44
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Various
Appendices	Nil

#### **DISCLOSURES OF INTEREST**

Nil

#### **PURPOSE**

To clarify Council's direction on the treatment of revenue collected from the parking meters located at the Guilderton foreshore car park.

### **BACKGROUND**

Following completion of the 2020/21 Budget Review, further clarification was sought on treatment of revenue raised through the Guilderton parking meters which were both installed and made operational in March 2018.

Initial discussions on the use of parking meters to manage the parking congestion at this popular area, particularly during the peak summer periods and public holiday weekends, commenced in 2014.

The concept was discussed at three Concept Forums (18 November 2014, 8 April 2015, and 6 October 2015) during which estimates on installation, management and revenue were provided on both the installation of the meters and implementation of residential parking permits allowing residents to park for free. At the 16 October 2015 Forum, Council was advised that a community information and consultation process including mail outs and community meetings, had been developed to advise Guilderton residents of the proposal in preparation for the installation.

At its meeting of 20 September 2016, Council agreed to advertise its intention to make a determination to declare the Guilderton foreshore parking area as a Parking Station for the purposes of Part 3 of the Shire of Gingin Parking and Parking Facilities Local Law 2004.

This is a requirement to provide legislative power to control parking. In advertising this intent, submissions are invited which Council was to consider prior to making the determination.





At its meeting of 20 December 2016, Council determined to declare the Guilderton foreshore parking area as a Parking Station, with the report advising that no public submissions on the proposal were received. While this report includes the first discussion of revenues being restricted for future expenditure on maintenance and upgrade works on the foreshore, this was not included within Council's resolution.

The report also updated Council on progress of the significant upgrade to the car park including a finger jetty, and re-design and surfacing of the car park. Part of this work was funded through the Department of Transport's Recreational Boating Facilities Scheme Grant which stipulated any revenue derived from the upgrade work to the parking area funded by the grant (boat parking) was to be retained for ongoing maintenance to that area. The boat parking area comprises 24 (19.2%) of the 125 parking bays.

At the Annual Meeting of Electors held on 22 December 2016, a resolution from the floor requested that Council reconsider its position on paid parking at its January 2017 meeting.

At its 17 January 2017 meeting Council requested that Administration prepare and present a report to Council addressing implications of the Annual Electors Meeting resolution by no later than 16 May 2017. It also agreed to defer implementation of the paid parking pending consideration of the above report.

At its Concept Forum held on 7 March 2017, Council was updated on improvements made to the Guilderton foreshore area including the fixed deck area and floating jetty, swimming pontoon, extension of the boat ramp and upgrade of the car parking area totalling approximately \$1.35M. Annual maintenance costs for the foreshore area were also provided and the concept of retaining parking meter revenue for future foreshore maintenance and upgrade work was included. Seven options on how parking might be managed at the site were provided including no parking controls, timed parking and ticketing parking with and without residential parking permits. A further community consultation process was also presented outlining an engagement/education phase, survey, survey analysis and then sharing of the results.

Council, at its 16 May 2017 meeting, agreed to undertake a community survey on options to introduce paid parking at the Guilderton parking area and to receive results at its 18 July 2017 meeting.

At its 18 July 2017 meeting, Council agreed to implement paid parking at the Guilderton foreshore parking area in accordance with the 20 December 2016 resolution. This was based on 101 of the 171 respondents to the survey being in favour of paid parking, 29 in favour of free parking, with the remainder in favour of free parking with either increased rates or a Special Area Rate.

While there was comment about recovering some of the Guilderton foreshore operating/maintenance costs through paid parking in the report, the transfer of gross or net parking meter revenue to restricted cash or reserves was not included either in the report or Council's resolution.



The parking meters were installed and commenced operation at the start of the Easter long weekend on 30 March 2018.

At its 17 July 2018 meeting, Council confirmed its intent that implementation of paid parking be on a 12-month trial basis finishing on 22 April 2019, with a report to be presented to Council at its May 2019 meeting.

A report was presented to the 21 May 2019 meeting at which time Council agreed to continue the paid parking management of the Guilderton foreshore car park with all current existing arrangements.

While the report detailed the implementation costs, operating costs, meter revenue and infringement revenue for the trial period, it incorrectly stated all meter revenue generated had been set aside for the Guilderton foreshore and not used to date.

#### COMMENT

As detailed above, while discussions were held around setting aside revenue from the parking meters for exclusive use on the Guilderton foreshore area, this was not actioned. Irrespective of the understanding at the time by Councillors and, in all probability the community, in the absence of a formal directive by Council through a resolution, such intent could not have been actioned.

Equally, however contrary to this requirement, the movement of 19.2% of parking meter revenue for the period 1 July 2018 to 31 March 2020 was undertaken without a Council resolution. This was initiated to satisfy the conditions of the Recreational Boating Facilities Scheme Grant requiring monies gained through fees generated from the upgraded boat trailer parking area be quarantined for use on that area only.

To clarify and formalise Council's intent, it is proposed that a Guilderton Foreshore Reserve and Guilderton Boat Trailer Parking Reserve be established with an agreed value of parking meter revenue to be transferred to each at the end of each year.

As detailed in Table 1 below, it is proposed that revenue generated from the Guilderton parking meters be allocated on the following basis:

1. 7.2% be allocated to a Guilderton Trailer Parking Reserve (GTPR) to satisfy the conditions of the Recreational Boating Facilities Scheme Grant. The grant funding for the Guilderton Foreshore Trailer Parking upgrade of \$53,844 represented 37.5% of the total upgrade budget of \$143,690. The trailer parking represents 19.2% (24 of 125) of the parking bays metered. The proportion of funds to be retained for maintenance work for the trailer parking from the metered bays is therefore 37.5% of the 19.2% (or 7.2%) earnt from the meters;





- 2. Operating costs relating to the ongoing maintenance and servicing of the meters together with capital (renewal) costs be funded from the revenue; and
- 3. The balance remaining after Allocations 1 and 2 be allocated to the Guilderton Foreshore Reserve (GFR). This methodology, however, assumes Council's intent is that current costs associated with maintaining the Guilderton foreshore are to be funded from the Municipal Fund, i.e. included and funded from the annual budget. The average annual cost to maintain and operate the Guilderton foreshore area since 2014/15 has been \$73,551.

Table 1 – Guilderton Parking Revenue Allocation

Period	Revenue	To Guilderton Trailer Parking Reserve <sup>1</sup> (GTPR)	Parking Meters operating / capital costs	To Guilderton Foreshore Reserve (GFR)	Transferred to GFR <sup>3</sup>	Balance to transfer to GFR
30/3/18- 30/6/18	14,195.53	1,022.08	22,195.492	(9,022.04)	\$0	(9,022.04)
1/7/18- 30/6/19	86,509.02	6,228.65	23,042.97	57,237.40	16,609.73 <sup>3</sup>	40,627.67
1/7/19- 30/6/20	72,528.28	5,222.03	19,967.48	47,338.77	13,200.984	34,137.79
Total	173,232.83	12,472.76	65,205.94	95,554.13	29,810.71	65,743.42

<sup>&</sup>lt;sup>1</sup> Calculated at 7.2% of revenue.

On this basis, of the \$173,232.83 generated from the meters to 30 June 2020, \$12,472.76 is to be transferred to a new GTPR and \$95,743.42 to the GFR. With \$29,810.71 previously transferred to this reserve, a balance of \$65,743.42 is still needed to be transferred. This proposal assumes the \$65,205.94 capital and operating costs directly relating to the meters is funded from revenue. This method is recommended and recognises the direct costs associated with generation of this income source. However, should Council wish all revenue, irrespective of operating/capital costs, to be transferred to reserves, the \$65,205.94 will need to be transferred to the GFR.

It should be noted the increase in indirect costs, including signage and Ranger time in managing the parking area since inception of paid parking, is offset to some extent through fines revenue which has increased to between \$15,000 - \$20,000 each year.

Whichever allocation method Council adopts can then be applied to revenue collected to the end of the 2020/21 year (30 June 2021). Based on current receipts, meter revenue for the year is projected to reach around \$125,000 which will provide \$9,000 to the GTPR and cover \$10,000 in operating/servicing costs specific to the meters, with the balance of \$106,000 to be allocated to the GFR.

<sup>&</sup>lt;sup>2</sup> Primarily meter acquisition costs

<sup>&</sup>lt;sup>3</sup> Transfer made to restricted/reserves based on 19.2% of revenue collected for full year

<sup>&</sup>lt;sup>4</sup> Transfer made to restricted/reserves based on 19.2% of revenue collected to 31 March 2020.



### STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial management

Division 4 – General financial provisions

s. 611 – Reserve accounts

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management – s.6.10
Reg 17 – Reserve accounts, titles

Shire of Gingin Parking and Parking Facilities Local Law 2004 (as amended)

### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Should Council wish to progress the treatment of the Guilderton parking revenue as proposed, it is recommended that:

- Given past budgets, including the current 2020/21 year, have made no provision for the transfers, those relating to the 2017/18 to 2020/21 years be staged over the next four budget years; and
- Allocation of revenue relating to the 2021/22 year and each year thereafter be provisioned in their respective annual budgets.

With the \$78,216 (\$65,743 GFR /\$12,473 GTPR) still required to be transferred for the 2017/18 to 2019/20 years together with the projected \$106,000 for the 2020/21 year, the staging will require approximately \$45,000 to be budgeted for transfer each of the next four years. This will be in addition to the transfers relating to those years' parking revenue.





### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure & Development	
Objective	To effectively manage growth and provide for the community through delivery of community infrastructure in a financially responsible manner	
Outcome	Community Infrastructure	
Key Service Area	Community Infrastructure	
Priorities	Develop and plan community infrastructure to improve use and financial sustainability	

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Balcombe

### **That Council:**

- 1. Establish a Guilderton Trailer Parking Reserve for the purpose of receiving revenue generated from the parking meters controlling the trailer parking within the Guilderton Parking Station;
- 2. Include for budget consideration in the 2021/22 and subsequent annual budgets, distribution of annual revenue generated from the Guilderton Parking Station parking meters as follows:
  - a. Transfer 7.2% of total revenue to the Guilderton Trailer Parking Reserve;
  - b. Fund all operating and renewal expenditure directly related to the operation of the parking meters; and
  - c. Transfer the balance to the Guilderton Foreshore Reserve; and
- 3. Include for budget consideration in the 2021/22 year and next three annual budgets, transfer to reserves of one quarter of the net annual revenue generated from the Guilderton Parking Station meters for the financial years 2017/18 to 2020/21 inclusive (less the \$29,810.71 already transferred) in the same manner as described in Part 2.

CARRIED UNANIMOUSLY

9/0





FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: //i/



### 12.2 LIST OF PAID ACCOUNTS FOR THE PERIOD ENDING 31 MAY 2021

File	FIN/25			
Author	Karina Leonhardt - Coordinator Corporate Services			
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services			
Refer	Nil			
Appendices	Nil			

### **DISCLOSURES OF INTEREST**

Nil

### **PURPOSE**

For Council to note the payments made in May 2021.

### **BACKGROUND**

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

### **COMMENT**

Accounts totalling \$1,786,223.16 were paid during the month of May 2021.

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

•	Municipal Fund electronic funds transfers (EFT)	\$1,299,435.18
•	Municipal Fund cheques	\$30.95
•	Municipal Fund direct debits	\$112,404.47
	·	\$1,411,870.60





### **Bank Statement**

<ul> <li>Bank fees and charges</li> </ul>	\$4,016.53
<ul> <li>Wages and salaries</li> </ul>	\$282,432.70
Police licensing	\$87,858.75
	\$374,307.98
Total Municipal Expenditure	\$1,786,178.58
Total Trust Fund Expenditure	\$44.58
Total Expenditure	\$1,786,223.16

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

### STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 s.6.4 – Financial Report

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

Shire of Gingin Delegation Register - Delegation 2.1 Payment of Creditors

### **POLICY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

Resource requirements are in accordance with existing budgetary allocations.



### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis SECONDED: Councillor Johnson

That Council note all payments made by the Chief Executive Officer under Delegation 2.1 for May 2021 totalling \$1,786,223.16, as detailed in the schedule provided to Councillors comprising:

•	Municipal Fund electronic funds transfers (EFT)	\$ 1,299,435.18
•	Municipal Fund cheques	\$30.95
•	Municipal Fund direct debits	\$112,404.47

### **Bank Statement**

•	Bank fees and charges	\$4,016.53
•	Wages and salaries	\$282,432.70
•	Police licensing	\$ 87,858.75

Trust Fund \$44.58

CARRIED UNANIMOUSLY

9/0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: //i/





### 12.3 MONTHLY FINANCIAL STATEMENT FOR THE PERIOD ENDING 31 MAY 2021

File	FIN/25
Author	Karina Leonhardt - Coordinator Corporate Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	Nil

### **DISCLOSURES OF INTEREST**

Nil

### **PURPOSE**

To present for Council endorsement the Monthly Statement of Financial Activity for the period ending 31 May 2021.

### **BACKGROUND**

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

### COMMENT

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

The later adoption of Council's 2020/21 Budget (28 July) restricted the start of the major capital works and non-standard operating programs which has contributed to the \$9,325 variance comprising:

### Under budget

Operating Fund Surplus/Deficit	N/A
Operating Expenditure	\$1,059,361
Investing Activities – Expenditure	\$6,069,195
Financing Activities – Revenue	(\$3,126,706)
Investing Activities – Revenue	(\$4.774.620)

Over budget

Operating Revenue \$2,541,074



Financing Activities – Expenditure (\$1,758,979)

A detailed explanation of the cause of the variations within each area is contained within **Appendix 12.5.1**.

### **Investments**

As required by Council Policy 3.2 Investments, details of Council's investments are provided within **Appendix 12.5.2**.

### STATUTORY/LOCAL LAW IMPLICATIONS

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

Local Government (Financial Management) Regulations 1996
Part 4 – Financial Reports
Reg 34 – Financial activity statement required each month

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

### **POLICY IMPLICATIONS**

Shire of Gingin Policy 3.2 - Investments

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

### **BUDGET IMPLICATIONS**

Nil



### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Balcombe

That Council endorse the Statement of Financial Activity for the period ending 31 May 2021.

CARRIED UNANIMOUSLY 9 / 0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: ///

### **15 JUNE 2021**





## **MONTHLY FINANCIAL REPORT**

(Containing the Statement of Financial Activity)

## FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

#### **LOCAL GOVERNMENT ACT 1995**

### LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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### **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

### **Key Information**

#### Report Purpose:

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

#### Items of Significance:

The material variance adopted by the Shire of Gingin for the 2020/21 year is \$20,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Karina Leonhardt Reviewed by: Ziggy Edwards Date Prepared: 11/06/21

### **15 JUNE 2021**

Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

#### Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. % Comments
OPENING FUNDING SURPLUS (DEFICIT)	1,612,520	1,612,520	1,612,520	0	0%
Revenue from operating activities					
General Purpose Funding	1,117,810	1,024,645	1,005,087	(19,558)	(2%) Timing of recognition of reserve fund interest due 15/06/21.
General Purpose Funding - Rates	8,346,400	7,650,863	8,402,430	751,567	10% Timing of rates billings - profile adjusted through Altus implementation
Governance	2,545	2,321	16,225	13,904	599% Volunteer Week grants received
Law, Order, Public Safety	853,598	782,518	624,137	(158,381)	(20%) Income recognition of MAF and BRPC grants delayed due to Altus implementation - refer to Contract Liability.
Health	315,391	289,069	375,222	86,153	30% Recognition of prior year income (previously restricted) upon transfer to reserve for Gingin and Lancelin Ambulances; timing of health regulatory licenses raised.
Education and Welfare	23,163	21,230	171,883	150,653	710% Recognition of prior year income (previously restricted) upon transfer to reserve for annual community bus replacement contribution 06/07 to 13/14; Youth Week grants received; Recognition of prior year income (previously restricted) upon transfer to reserve for Youth Services Website.
Housing	121,530	111,375	182,609	71,234	64% Recognition of prior year income (previously restricted) upon transfer to reserve for LA Aged Accommodation Long Term Maintenance (1% replacement cost Lancelin Aged Units as per agreement with Homeswest.)
Community Amenities	1,898,066	1,739,859	1,755,994	16,135	1%
Recreation and Culture	140,799	129,019	394,522	265,503	206% Incorrect COA mapping of GOAS project income corrected in actuals; budget amendment pending; Dept of Local Government, Sport and Cultural Industries grant for lancelin Off Road Area signage (invoice raised with payment pending); Recognition of prior year income (previously restricted) upon transfer to reserve for BEN signs 19/20 Grant.; higher than expected Gingin Aquatic Centre Kiosk Income; Higher than expected hall hire income and other grants not yet received.
Transport	491,472	450,530	1,507,360	1,056,830	235% Recognition of prior year income (previously restricted) upon transfer to reserve for balance of Muni Funds (18/19 and 19/20 balance of road budget muni funds primarily due to Orange Springs Road project 18/19 \$116,959, 19/20 \$840,425)
Economic Services	1,445,560	1,325,070	1,613,983	288,913	22% Higher than expected building licenses and fees income; timing of Guilderton Holiday Park income
Other Property and Services	252,591	231,517	299,602	68,085	29% Higher than expected administrative fees and charges income, unbudgeted grant funding for Standard Chart of Accounts restructure; refund of supperannuation administration fees, and higher than expected general reimbursements income.
	15,008,926	13,758,016	16,349,055	2,591,039	19%
Expenditure from operating activities					
General Purpose Funding	(473,710)	(434,203)	(379,375)	54,828	(13%) Timing of legal costs associated with debt collection; timing of costs associated with postage.
Governance	(1,850,822)	(1,696,486)	(1,586,559)	109,927	(6%) Timing of: administration costs allocated, donations to community groups, member sitting fees/travel and accommodation, training and development, and refreshments and receptions;

### **15 JUNE 2021**

Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

#### Statement of Financial Activity by Program

Name and Address of the Owner, where the	Current Annual	Current YTD			
	Budget	Budget	YTD Actual	Var. \$	Var. % Comments
Law, Order, Public Safety	(2,145,556)	(1,966,514)	(1,877,229)	89,285	(5%) Timing of: Bushfire brigade maintanace of land and buildings, depreciation, administration costs allocated, and other CESM and BRMP expenditure.
Health	(953,744)	(874,137)	(856,735)	17,402	(2%) Timing of: administration costs allocated, Medical Centre building maintenance and operational costs and doctor's subsidy payments.
Education and Welfare	(198,602)	(181,885)	(216,492)	(34,607)	19% Timing of: seniors housing building maintenance and operational costs; higher than expected Youth Week expenditure.
Housing	(136,065)	(124,597)	(34,303)	90,294	(72%) Timing of staff housing building maintenance, and nil contributions to date towards Lancelin Doctors's accommodation.
Community Amenities	(2,893,652)	(2,652,177)	(2,056,335)	595,842	(22%) Timing of: administration costs allocated, cemetery maintenance/operations, public conveniences operations, depreciation, town planning scheme amendments and payments for general tip maintenance and waste collections.
Recreation & Culture	(2,375,386)	(2,176,515)	(1,978,583)	197,932	(9%) Timing of: administration costs allocated, depreciation, town halls and public buildings operation costs; recreational clubs/grounds, swim areas and parks/gardens maintenance/operations costs.
Transport	(4,084,800)	(3,744,224)	(2,228,255)	1,515,969	(40%) Timing of road and bridge maintenance; year end depreciation process for roads and bridges.
Economic Services	(2,993,684)	(2,743,906)	(2,376,953)	366,953	(13%) Timing of: administration costs allocated, depreciation, tourism grants, and scenic lookout/entry statement
					maintenance.
Other Property and Services	(90,034)	(82,313)	(46,984)	35,329	(43%) Timing of administration costs allocated; Underallocation of PWO to be corrected.
	(18,196,055)	(16,676,957)	(13,637,803)	3,039,154	(18%)
Operating activities excluded from budget					
(Profit)/Loss on Asset Disposals	0	0	(49,983)	(49,983)	
Depreciation on Assets	4,922,878	4,512,574	2,532,781	(1,979,793)	(44%) Year end process for roads and bridges.
Non cash Adjustment	(2)	0	18	18	Budget adjustment due to rounding and unidentified error due to COA mapping.
Amount attributable to operating activities	1,735,746	1,593,633	5,194,067	3,600,435	226%
Investing Activities					
Non operating grants, subsidies & contributions	12,688,131	11,630,806	6,841,457	(4,789,349)	(41%) Timing of grants and contributions, and grants transferred from contract liability in line with performance obligations - as per AASB15 Revenue from contracts with customers.
Purchase Land Held for Resale	0	0	0	0	
Purchase Land and Buildings	(3,269,517)	(2,984,146)	(736,863)	2,247,283	(75%) Timing of capital purchases.
Purchase Infrastructure Assets - Roads	(9,590,655)	(8,791,255)	(8,040,977)	750,278	(9%) Timing of capital purchases.
Purchase Infrastructure Assets - Parks	(2,035,060)	(1,865,424)	(776,078)	1,089,346	(58%) Timing of capital purchases.
Purchase Infrastructure Assets - Other	0	0	(7,350)	(7,350)	Timing of capital purchases.
Purchase Infrastructure Assets - Footpaths	(105,063)	(96,305)	(8,450)	87,855	(91%) Timing of capital purchases.
Purchase Infrastructure Assets - Sewerage	0	0	0	0	Timing of capital purchases.
Purchase Plant and Equipment	(2,793,636)	(2,560,723)	(658,940)	1,901,783	(74%) Timing of capital purchases.
Proceeds from Disposal of Assets	237,727	217,910	232,819	14,909	7% Timing of sale of plant.
Self-Supporting Loan Principal Income	13,164	12,247	12,068	(179)	(1%) Timing of loan repayments and corresponding income.
	(4,854,909)	(4,436,890)	(3,142,315)	1,294,575	(29%)

### **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

Statement of Financial Activity by Program

WASHINGTON PRO	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. % Comments
Financing Activities					
Repayment of Debentures	(222,197)	(203,632)	(200,263)	3,369	(2%) Timing of loan repayments.
Proceeds from New Debentures	584,743	536,019	0	(536,019)	(100%) Loans for Gingin Outdoor Activity Space and Altus Financials platform implementation approved but not yet drawn.
Proceeds from New Self-Supporting Loans	0	0	0	0	
Payment of Principal Portion of Lease Liabilities	(9,369)	(8,591)	(21,212)	(12,621)	147% New leases for photocopier and IT server refresh not included in 20/21 budget
Transfers to Reserves - Cash Backed Reserves	(1,659,549)	(1,521,190)	(1,614,864)	(93,674)	6% End of year process.
Transfers from Reserves - Cash Backed Reserves	2,840,212	2,590,687	0	(2,590,687)	(100%) End of year process.
Transfers from Restricted Cash	(14,800)	(13,563)	(1,669,616)	(1,656,053)	12210% Former restricted cash transfers made to reserve as per Council resolution.
	1,519,040	1,379,730	(3,505,955)	(4,885,685)	(354%)
Net Current Assets Year to Date	12,398	148,993	158,318	9,325	6%

This statement is to be read in conjunction with the accompanying notes.

## **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

Statement of Financial Activity by Nature & Type

	Current Annual	Current YTD			
	Budget	Budget	YTD Actual	Var. \$	Var. %
OPENING FUNDING SURPLUS (DEFICIT)	1,612,520	1,612,520	1,612,520	0	0%
Revenue from operating activities					
Rates	8,346,400	7,650,863	8,402,430	751,567	10%
Grants & Subsidies (Operating)	2,280,185	2,090,132	2,432,458	342,326	16%
Fees & Charges	3,760,625	3,447,130	3,662,988	215,858	6%
Interest Earnings	164,979	151,195	117,454	(33,741)	(22%)
Other Revenue	331,648	304,032	1,660,019	1,355,987	446%
Profit on Sale of Assets	125,088	114,664	73,706	(40,958)	(36%)
	15,008,926	13,758,016	16,349,055	2,591,039	19%
Expenditure from operating activities	,		,,	_,552,005	23/0
Employee On Costs	(5,683,803)	(5,209,215)	(5,219,054)	(9,839)	0%
Materials & Contracts	(6,032,070)	(5,527,995)	(4,678,210)	849,785	(15%)
Utilities (Gas, Water etc)	(433,353)	(397,078)	(379,703)	17,375	(4%)
Insurances	(490,178)	(449,284)	(450,686)	(1,402)	0%
Depreciation of Assets	(4,922,878)	(4,512,574)	(2,532,781)	1,979,793	(44%)
Interest Expenses	(110,075)	(100,903)	(72,667)	28,236	(28%)
Other Expenditure	(512,792)	(469,920)	(280,978)	188,942	(40%)
Loss on Sale of Assets	(10,906)	(9,988)	(23,723)	(13,735)	138%
	(18,196,055)	(16,676,957)	(13,637,803)	3,039,154	(18%)
Operating activities excluded from budget	, , , ,		, ,,,	-,,	,
· -					
Adjust Profit/Loss on asset disposals	0	0	(49,983)	(49,983)	
Depreciation on Assets	4,922,878	4,512,574	2,532,781	(1,979,793)	(44%)
Non cash Adjustment	(2)	0	18	18	
Amount attributable to operating activities	1,735,746	1,593,633	5,194,067	3,600,435	226%
Imposition Ballulation					
Investing Activities					
Non operating grants, subsidies & contributions	12,688,131	11,630,806	6,841,457	(4,789,349)	(41%)
	12,688,131 0	11,630,806 0	6,841,457 0	(4,789,349) 0	(41%)
Non operating grants, subsidies & contributions					(41%) (75%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale	0	0	0	0	, ,
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings	0 (3,269,517)	0 (2,984,146)	0 (736,863)	0 2,247,283	(75%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads	0 (3,269,517) (9,590,655)	0 (2,984,146) (8,791,255)	0 (736,863) (8,040,977)	0 2,247,283 750,278	(75%) (9%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks	0 (3,269,517) (9,590,655) (2,035,060)	0 (2,984,146) (8,791,255) (1,865,424)	0 (736,863) (8,040,977) (776,078)	0 2,247,283 750,278 1,089,346	(75%) (9%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other	0 (3,269,517) (9,590,655) (2,035,060) 0	0 (2,984,146) (8,791,255) (1,865,424) 0	0 (736,863) (8,040,977) (776,078) (7,350)	0 2,247,283 750,278 1,089,346 (7,350)	(75%) (9%) (58%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450)	0 2,247,283 750,278 1,089,346 (7,350) 87,855	(75%) (9%) (58%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450)	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0	(75%) (9%) (58%) (91%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940)	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783	(75%) (9%) (58%) (91%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909	(75%) (9%) (58%) (91%) (74%) 7%
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179)	(75%) (9%) (58%) (91%) (74%) 7% (1%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179)	(75%) (9%) (58%) (91%) (74%) 7% (1%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Sewerage Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164 (4,854,909)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315)	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179)	(75%) (9%) (58%) (91%) (74%) 7% (1%) (29%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income  Financing Activities Repayment of Debentures	0 (3,269,517) (9,590,655) (2,035,060) (0 (105,063) (0 (2,793,636) 237,727 13,164 (4,854,909) (222,197)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315)	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179) 1,294,575	(75%) (9%) (58%) (91%) (74%) 7% (1%) (29%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income  Financing Activities Repayment of Debentures Proceeds from New Debentures	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164 (4,854,909) (222,197) 584,743	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890) (203,632) 536,019	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315) (200,263)	2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179) 1,294,575 3,369 (536,019)	(75%) (9%) (58%) (91%) (74%) 7% (1%) (29%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income  Financing Activities Repayment of Debentures Proceeds from New Debentures Proceeds from New Self-Supporting Loans	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164 (4,854,909) (222,197) 584,743 0	0 (2,984,146) (3,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890) (203,632) 536,019	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315) (200,263) 0	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179) 1,294,575 3,369 (536,019) 0	(75%) (9%) (58%) (91%) (74%) 7% (1%) (29%) (2%) (100%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income  Financing Activities Repayment of Debentures Proceeds from New Debentures Proceeds from New Self-Supporting Loans Payment of Principal Portion of Lease Liabilities	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164 (4,854,909) (222,197) 584,743 0 (9,369)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890) (203,632) 536,019 0 (8,591)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315) (200,263) 0 0 (21,212)	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179) 1,294,575 3,369 (536,019) 0 (12,621)	(75%) (9%) (58%) (91%) (74%) 7% (11%) (29%) (29%) (100%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Sewerage Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income  Financing Activities Repayment of Debentures Proceeds from New Debentures Proceeds from New Self-Supporting Loans Payment of Principal Portion of Lease Liabilities Transfers to Reserves - Cash Backed Reserves	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164 (4,854,909) (222,197) 584,743 0 (9,369) (1,659,549)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890) (203,632) 536,019 0 (8,591) (1,521,190)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315) (200,263) 0 0 (21,212) (1,614,864)	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179) 1,294,575 3,369 (536,019) 0 (12,621) (93,674)	(75%) (9%) (58%) (91%) (74%) 7% (1%) (29%) (2%) (100%) 147% 6%
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income  Financing Activities Repayment of Debentures Proceeds from New Self-Supporting Loans Payment of Principal Portion of Lease Liabilities Transfers to Reserves - Cash Backed Reserves Transfers from Reserves - Cash Backed Reserves	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164 (4,854,909) (222,197) 584,743 0 (9,369) (1,659,549) 2,840,212	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890) (203,632) 536,019 0 (8,591) (1,521,190) 2,590,687	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315) (200,263) 0 0 (21,212) (1,614,864)	2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179) 1,294,575 3,369 (536,019) 0 (12,621) (93,674) (2,590,687)	(75%) (9%) (58%) (91%) (74%) 7% (1%) (29%) (2%) (100%)
Non operating grants, subsidies & contributions Purchase Land Held for Resale Purchase Land and Buildings Purchase Infrastructure Assets - Roads Purchase Infrastructure Assets - Parks Purchase Infrastructure Assets - Other Purchase Infrastructure Assets - Footpaths Purchase Infrastructure Assets - Sewerage Purchase Plant and Equipment Proceeds from Disposal of Assets Self-Supporting Loan Principal Income  Financing Activities Repayment of Debentures Proceeds from New Self-Supporting Loans Payment of Principal Portion of Lease Liabilities Transfers to Reserves - Cash Backed Reserves Transfers from Reserves - Cash Backed Reserves	0 (3,269,517) (9,590,655) (2,035,060) 0 (105,063) 0 (2,793,636) 237,727 13,164 (4,854,909) (222,197) 584,743 0 (9,369) (1,659,549) 2,840,212 (14,800)	0 (2,984,146) (8,791,255) (1,865,424) 0 (96,305) 0 (2,560,723) 217,910 12,247 (4,436,890) (203,632) 536,019 0 (8,591) (1,521,190) 2,590,687 (13,563)	0 (736,863) (8,040,977) (776,078) (7,350) (8,450) 0 (658,940) 232,819 12,068 (3,142,315) (200,263) 0 0 (21,212) (1,614,864) 0 (1,669,616)	0 2,247,283 750,278 1,089,346 (7,350) 87,855 0 1,901,783 14,909 (179) 1,294,575 3,369 (536,019) 0 (12,621) (93,674) (2,590,687) (1,656,053)	(75%) (9%) (58%) (91%) (74%) 7% (1%) (29%) (100%) 147% 6% (100%) 12210%

This statement is to be read in conjunction with the accompanying notes.

## **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

### Acquistition of Assets & Other Non-Capital Expenditure By Program

	Capital Expenditure Actual 20/21	Capital Expenditure Annual Budget 20/21
GENERAL PURPOSE FUNDING	*	*
LAW ORDER PUBLIC SAFETY	327,257	4,035,368
EDUCATION & WELFARE	16,035	36,000
HEALTH	92,081	114,586
COMMUNITY AMENITIES	258,515	282,551
RECREATION & CULTURE	2,179,284	3,733,641
TRANSPORT	8,802,109	10,913,925
ECONOMIC SERVICES	93,795	154,385
GOVERNANCE	150	57,147
HOUSING	80,957	80,957
OTHER PROPERTY & SERVICES	214,815	276,486
TOTAL	12,064,997	19,685,046

### By Account Type

	Capital Expenditure Actual 20/21	Capital Expenditure Annual Budget 20/21
LOAN LIABILITY - SHIRE	200,263	222,197
RIGHT OF USE ASSETS - LEASE LIABILITY	21,212	9,369
LAND - FREEHOLD	25,000	25,000
BUILDINGS - NON SPECIALISED	711,863	3,244,517
INFRASTRUCTURE - BRIDGES	¥	₽
INFRASTRUCTURE - FOOTPATHS AND CYCLEWAYS	8,450	105,063
INFRASTRUCTURE - SEWERAGE	≅:	달
INFRASTRUCTURE - PARKS & OVALS	776,078	2,035,060
INFRASTRUCTURE - ROADS	8,020,765	9,556,317
INFRASTRUCTURE - OTHER	7,350	₩
INFRASTRUCTURE - DRAINAGE	20,212	34,338
INFRASTRUCTURE - AIRPORTS	ke .	ë
PLANT & EQUIPMENT	658,940	2,793,636
ACCUMULATED SURPLUS	1,614,864	1,659,549
TOTAL	12,064,997	19,685,046

## **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

### Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
Community Amenities		
121006910 PLAN - Loss on Disposal of Assets MUN	(2,543)	(2,543)
151006500 PLAN - Proceeds on Disposal of Assets MUN	20,455	20,455
151006510 PLAN - Realisation on Disposal of Assets MUN	0	(20,455)
Total Sale of Assets	20,455	20,455
Other Property and Services		
131402010 ADMIN - Reimbursements MUN	51,491	50,801
131402900 ADMIN - Profit on Disposal of Assets MUN	0	109
151402500 ADMIN - Proceeds on Disposal of Assets MUN	0	109
151402510 ADMIN - Realisation on Disposal of Assets MUN	0	(109)
Total Sale of Assets	51,491	50,910
Transport		The state of
121203910 PLANT - Loss on Disposal of Assets MUN	(8,363)	(21,180)
131203900 PLANT - Profit on Disposal of Assets MUN	73,597	73,597
151203500 PLANT - Proceeds on Disposal of Assets MUN	217,272	161,455
151203510 PLANT - Realisation on Disposal of Assets MUN	0	(212,255)
Total Sale of Assets	217,272	161,455
TOTAL SALE OF ASSETS	237,727	232,819
TOTAL PROFIT ON SALE OF ASSETS	125,088	73,706
TOTAL LOSS OF SALE OF ASSETS	(10,906)	(23,723)
	í	
Community Amerities 151006500 GG046 Isuzu D-Max Utility		20,455
	) <del></del>	20,455
Other Property and Services		
131402010 5GG Insurance Reimbursement		50,801
151402500 FURN314 IPAD	S <del></del>	109
Transport	r.	50,910
151203500 GG004 John Deere 670 D Grader		115,000
151203500 GG068 Isuzu D-Max 4X4 Space Cab SX Utility		21,636
151203500 GG000 Isuzu D-Max Utility		16,636
151203500 GG009 VW Transporter Van		8,182
131203300 GG003 VVV Hallsporter Vall	-	161,455
Total Proceeds on Disposal of Assets	\$	232,819

### **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

Information on Borrowings

Loan	Loan Term (Yrs)	Start Date	(Yrs)	Opening Balance Altus	New Loan	Principal (Actuals)	Principal (Current Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Current Budget)
LN-100 GG Medical Centre	20	30/07/04	3	131,258		29,686	29,686	101,572	101,572	4,478	8,070
LN-111 Wannamal West Road	20	15/02/07	6	435,111		18,822	18,822	416,289	416,289	17,310	27,938
LN-114 Guilderton Country Club (Hall) Extensions	20	20/11/08	7	370,176		35,734	35,734	334,442	334,442	22,787	25,804
LN-120 Regional Hardcourt Facility	20	21/12/09	9	264,332		10,947	22,260	253,385	242,072	8,250	17,292
LN-123 Lot 44 Weld St	20	16/10/08	7	169,628		16,485	16,485	153,143	153,143	9,073	11,524
LN-124A Regional Hardcourt Facility	16	4/12/14	9	254,468		10,405	21,026	244,063	233,442	4,479	10,295
LN-126 Gingin Aquatic Centre Tiling	10	3/08/16	5	95,470		14,714	14,714	80,756	80,756	1,635	2,846
LN-127 Seabird Seawall Extension	10	27/01/17	6	145,019		20,809	20,809	124,210	124,210	1,950	3,510
LN-128 Lancelin Caravan Park Assets	5	16/02/18	2	103,129		40,479	40,479	62,650	62,650	1,374	2,345
LN-130 Ledge Point Country Club Coolroom	10	22/11/19	8	21,435		2,182	2,182	19,253	19,253	401	451
New Loan - Upgrade of Financial Systems Platform to Altus Financials	Proposed			i.	157,743						
New Loan - Gingin Outdoor Activity Space	Proposed				177,000						
TOTAL				1,990,026	334,743	200,263	222,197	1,789,763	1,767,829	71,738	110,075

### **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

Reserves Cash-Backed

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers - In (+)	Amended Budget Transfers-Out (-)	Actual Transfers- Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
1 LSL Annual Sick Leave and Staff Contingency	428,450	1,985	<u></u>	-		34,685	25.5	395,750	428,450
2 Office Equipment Reserve	2,936	48		-	*	2,984		- 0	2,936
3 Plant and Equipment Reserve	1,832,540	6,125	32/	141,076	141,076	707,369	59.5	1,272,372	1,973,616
4 Lancelin Lookout Reserve									
5 Land and Buildings Reserve	1,103,924	3,392		-	(8)	680,967	(#1)	426,349	1,103,924
6 Guilderton Caravan Park Reserve	35,587	168	3.50	-	5-0.	36,670	(9)	- 915	35,587
7 Shire Recreation Development Reserve	74,922	353		-	500	50,000	(9)	25,275	74,922
8 Redfield Park Reserve	31,379	148			-		90	31,527	31,379
9 Ocean Farm Recreation Reserve	31,072	147	252		197	*	191	31,219	31,072
10 Tip Rationalisation Reserve	1,293,667	5,195	192	17,013		10,000	363	1,305,875	1,293,667
11 Lancelin Community Sport and Recreation Reserve	79,513	290	126			57,017		22,786	79,513
13 Community Infrastructure	2,125	10	(37)	112,801	90,951	10,479	187	104,457	93,076
14 Staff Housing Reserve	33,464	157	(30)		G#0		343	33,621	33,464
15 Future Infrastructure Reserve	589,137	2,391	(#)	38,020	38,020	209.103	(*)	420,445	627,157
16 Guilderton Country Club Reserve	14,494	43	(*)				(4)	14,537	14,494
17 Coastal Management Reserve - Coastal Inundation			(90	146,460	146,460	21,710	543	124,750	146,460
18 Guilderton Foreshore Reserve	(8)	*	(8)	29,811	29,811	-	34.5	29,811	29,811
19 Unspent Grants Reserve		*	7.41	13,674	13,674	5,000	141	8,674	13,674
21 Seniors Housing Reserve		*	(m)	80,957	80,957	2,000	(2)	80,957	80,957
22 Gingin Railway Station Reserve			( <b>3</b> )	5,731	5,731		ia.	5,731	5,731
23 Subdivisions Reserve		-	14.5	32,170	46,800	40.844		- 8,674	46,800
24 Contributions to Roads Reserve		2:	31	1,021,384	1,021,384	973,384	-	48,000	1,021,384
	5,553,210	20,452		1,639,097	1,614,864	2,840,212	-	4,372,547	7,168,074

## **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

#### **Net Current Assets**

	Actual YTD	Balance Forwarded
CURRENT ASSETS:		
Cash - Unrestricted	2,149,861	2,251,921
Cash - Restricted Reserves	7,168,074	5,553,210
Cash - Restricted General	0	1,669,661
Rates - Current	1,236,116	1,496,464
Sundry Debtors	385,093	516,483
Inventories	31,223	30,607
Total Current Assets	10,970,368	11,518,346
LESS: CURRENT LIABILITIES		
Payables	(604,055)	(872,707)
Employee Provisions	(950,200)	(981,546)
Contract Liability	(1,564,953)	(1,950,161)
Accrued interest	0	(24,835)
Right of Use Assets - Lease Liability	(2,852)	(2,331)
Long Term Borrowings (Current)	(21,933)	(222,197)
Bonds & Deposits	(524,768)	(523,366)
Total Current Liabilities	(3,668,761)	(4,577,143)
Total Net Assets	7,301,607	6,941,204
Less: Cash - restricted reserves	(7,168,074)	(5,553,210)
Add: Long Term Borrowings (Current)	21,933	222,197
Add: Lease Liability	2,852	2,331
NET CURRENT ASSET POSITION	158,318	1,612,520

### **15 JUNE 2021**



### Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

Rating Information		Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
02010005 6 7 1	90.00								
	7511			2,281,779					2,281,779
03010006 Grv - Other 8.7	7511			1,302,836					1,302,836
03010010 Uv - Rural 0.4	965			1,314,917					1,314,917
03010015 Uv - Other 0.4	1965			9,294					9,294
03010018 Uv - Intensive 0.	9245			669,329					669,329
03010025 Grv - Townsites @	\$1110				1,201,020				1,201,020
03010026 Grv - Other @	\$1110				853,590				853,590
03010030 Uv - Rural @ 🤉	\$1400				529,200				529,200
03010035 Uv - Other @	\$1400				44,800				44,800
03010038 Uv - Intensive @ 9	\$2548				272,636				272,636
03010045 Interim Rates						54,098			54,098
03010046 Interims - Back Rates	;					763			763
03010078 Concession - Intensiv	/e							(137,029)	(\$137,029)
				5,578,155	2,901,246	54,861	0	(137,029)	8,397,233
TOTAL			4.34 1973	5,578,155	2,901,246	54,861		- 137,029.00	8,397,233
								Ex Gratia Rates	5,197
								d	8 403 430

\$ 8,402,430

## **15 JUNE 2021**



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

#### Trust Funds

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
Bond	6,067			6,067
Community Groups Trust	1,569			1,569
Dorothy Wedge Trust	6,405			6,405
Landscaping Bond	13,113		(6,419)	6,694
Other Bonds/Trusts	4,546	274	(271)	4,549
Public Open Space	46,218	26,050	(34,892)	37,376
TOTAL	77,918	26,324	(41,582)	62,660

**15 JUNE 2021** 

## Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2020 to 31 MAY 2021

### Investments

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



### 12.4 COASTAL EROSION LEVY

File	ENV/17
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	N/A
Appendices	Nil

#### **DISCLOSURES OF INTEREST**

Nil

### **PURPOSE**

To consider treatment of funds collected through the Voluntary Coastal Erosion Levy.

#### **BACKGROUND**

Council first included provision of a \$25 Voluntary Coastal Erosion Levy (levy) when it adopted its 2018/19 Budget at a Special Meeting of Council held on 17 July 2018. The funds raised from the levy as detailed in the report 'will be used to fund coastal erosion protection/projects'.

The levy was applied to every rateable property and, as the name suggests, owners had the option to pay it or not. If an owner elected not to pay the levy, staff manually reversed it from their rate record. The levy has now been raised for the past three years from 2018/19 through to the 2020/21 (current) financial year.

For the 2018/19 and 2019/20 years, the funds were used to offset coastal erosion protection/projects during the respective years with the balance held within Council's Restricted Cash account.

As part of Council's decision at its 17 November 2020 meeting to move Restricted Cash accounts to Reserve accounts, these funds were transferred to a newly created Coastal Management Reserve for the purpose of funding coastal erosion mitigation and inundation works.

A breakdown of the levy raised, works off-set and balance moved to the Coastal Management Reserve is detailed in the below table.





Table 1 – Voluntary Coastal Erosion Levy 2018/19 & 2019/20

Year	Revenue – Levy Raised	Expenditure - Erosion protect	Balance held in Coastal Erosion Reserve.	
2018/19	\$101,960.98	Contribution to CHRMP Plan	(\$21,475.76)	\$80,485.22
2019/20	\$106,192.42	Sand renourishment Contribution to Inundation Study	(\$37,172.25) (\$20,421.50)	
		Contribution to Coastal Monitoring project	(\$4,333.74)	\$44,264.93
Total	\$208,153.40		(\$83,403.25)	\$124,750.15

Of the 5372 properties (\$134,300) levied in the 2020/21 (current) year, 906 (\$22,650) to date have elected not to pay which provides a projected levy revenue of \$111,650 for the 2020/21 year.

While Council has several coastal management projects included in the 2020/21 Budget, none currently require or rely on funding from this year's levy or the Coastal Erosion Reserve. Equally however, while a provision of \$110,000 in levy revenue has been included in the budget, there is no provision for the application of this funding, either in off-setting coastal erosion work or transfer to reserves.

In addition to determining treatment of the current year's levy, Council will need to determine if it wishes to continue to levy and quarantine funds specifically for coastal erosion, and if so how.

### COMMENT

With no provision for the application of the levy raised included in the 2020/21 Budget, it is proposed that the outcome be achieved through reallocation of Council's contribution to the Revision Lancelin project, together with off-setting expenditure relating to sand renourishment works undertaken during the year.

Council at its meeting held on 18 May 2021 agreed to terminate the Revision Lancelin project due to the significant scope, cost and regional/national application of the outcome sought.

In doing so and returning the \$69,865 in Coastal Management Plan Assistance Program grant funds, Council also set aside \$73,000 of its contribution for this project towards development of a Coastal Management Strategy. A grant application has been submitted under the same CMPAP program and an outcome is expected in August 2021.





In recognising that Council's contribution towards the Revision Lancelin project represents 'coastal erosion protection/projects' as set out in Council's 2018 decision when it first imposed the levy, it is appropriate and recommended that the \$73,000 be directed to the Coastal Management Reserve. Should the Coastal Management Strategy application be successful. Council may then fund its contribution from the reserve if it chooses.

In addition, \$50,000 has been allocated for sand renourishment work which has not been spent. Again, as this represents coastal erosion protection/projects, it is recommended that \$38,650 of this be transferred to the Coastal Management Reserve for future coastal protection/projects work. Should the balance of this allocation not be utilised in the remainder of the year, it could also be moved to the Reserve.

Table 2 - Voluntary Coastal Erosion Levy 2020/21

Year	, ,, ,		Balance held in Coastal Erosion Reserve.
2020/21	Revision Lancelin Project		\$73,000
	Sand renourishment		\$38,650
Total			\$111,650

If agreed, together with the current funds held, the Coastal Erosion Reserve will have a projected balance at year-end of \$236,400.

Council will need to determine if it wishes to continue to raise and quarantine funds for the purpose of managing coastal erosion into the future, and if so, to what level and how.

Given that the challenges of coastal erosion and inundation are unlikely to be resolved into the foreseeable future, and that any action, once determined, is likely to involve considerable cost, it would seem prudent to make provision for such work above normal maintenance/reactionary costs. Continuing to raise a provision is therefore recommended.

In terms of what level of provision to make each year, the current voluntary levy method, to which ratepayers are now accustomed, has raised between \$100,000 to \$111,000 each year over the past three years to which ratepayers are now accustomed. It is therefore recommended this level of funds raised be maintained.

Should Council wish to continue to raise funds from property owners, it can do so through several ways as follows:



1. Continue to include a Voluntary Coastal Erosion Levy as part of its annual rating process.

As detailed in Tables 1 and 2, the take up of the levy on a voluntary basis has been relatively strong, growing from 75% in the  $1^{st}$  year to 82% this year. Administratively, however, it is a very labour intensive process with upwards of 900 refunds having to be processed, all in accordance with financial controls.

While a detailed analysis of those paying and those not has not been undertaken, anecdotal evidence suggests a reluctance to pay is voiced more from inland properties.

2. Apply a Specified Area Rate.

Council may impose a specified area rate on rateable land within a portion of its Shire for the purpose of meeting the cost of the provision by it of a specific work, service, or facility if Council considers that the ratepayers or residents with that area:

- a. Have benefitted or will benefit from; or
- b. Have access to or will have access to, or
- c. Have contributed to or will contribute to the need for that work, service of facility.

This option assumes the extent of ratepayers/residents expected to benefit from the coastal erosion protection/project works are readily identifiable and this (expected smaller) number of residents has the capacity to fund the total.

3. Include an amount as a dedicated transfer to the Coastal Erosion Reserve in its annual budget. This is then required to be included in the annual budget consideration.

This option effectively has all property owners within the Shire contributing to the coastal erosion challenge irrespective of where they live. This option is recommended at a level of \$100,000 per year which represents approximately 1.3% in rates.

#### STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 - Financial Management

Division 4 - General financial provisions

Section 6.8 - Expenditure from municipal fund not included in annual budget

Division 6 - Rates and service charges

Section 6.37 - Specified area rates





#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Should Council agree to the proposed treatment of the 2020/21 Voluntary Coastal Erosion Levy raised, movement of the funds will be:

Account	Description	Current	Revised	Surplus /
		Budget	Budget	Deficit
2100556	Revision Lancelin	(73,000)	0	73,000
EP10551	Coastal Hazard Management -	(50,000)	(11,350)	38,650
	Sand Renourishment			
141005810	Environment - Transfer to	(124,750)	(236,400	(111,650)
	Reserves			
	Total	(247,750)	(247,750)	0

#### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment
Objective	To develop the Shire's capacity to support the conservation of natural assets and undertake sustainable resource management.
Outcome	2.1 Conservation: The Shire's ecological services and natural assets are respected and enhanced
Key Service Area	Conservation & Environmental Management
Priorities	2.1.1 Develop Coastal Management Policy and implement a Coastal Management Plan to protect and enhance our coast

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**





### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Vis

#### **That Council:**

- 1. Note the application of the Voluntary Coastal Erosion Levy for the 2018/19 and 2019/20 financial years; and
- 2. Agree to include in each annual budget for Council consideration, provision for a \$100,000 transfer to the Coastal Erosion Reserve.

CARRIED UNANIMOUSLY 9 / 0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: Ni/



# 12.5 ESTABLISHMENT OF NEW RESERVE ACCOUNT FOR THE PURPOSE OF FUTURE USE OF FUNDS

File	FIN/15
Author	Karina Leonhardt - Coordinator Corporate Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	N/A
Appendices	Nil

#### DISCLOSURES OF INTEREST

Nil

#### **PURPOSE**

To seek Council's approval to establish a Public Open Space Reserve with the purpose of funding development of public open space, and to authorise the unbudgeted transfer of \$26,050 from the Shire of Gingin Trust Fund to the Public Open Space Reserve.

#### **BACKGROUND**

An amendment effective on 7 July 2020 to the *Planning and Development Act 2005* and specifically Section 154 (below) has necessitated the removal of cash in lieu of public open space contributions from Trust and their subsequent transfer to Reserve.

#### 154. Money paid in lieu of open space, application of

(1) All money received by a local government under section 153 is to be paid into a separate reserve account established and maintained under the Local Government Act 1995 section 6.11 for the purpose set out in subsection (2)(a) to (d).

#### COMMENT

In relation to the amendment above, communication from the Office of the Auditor General indicates that only current (from 1 July 2020) cash in lieu of public open space contributions are required to be transferred to a reserve account.

As a consequence, two contributions have been identified that will require transfer to a reserve account in the 2020/21 financial year. The first are funds previously held as restricted funds for Lancelin public open space in the amount of \$14,800, and the second is a new developer contribution for the Mallee Lane subdivision of \$11,250. Both were transferred to the Trust Fund in July 2020 and are therefore now required to be transferred to a reserve account.





### STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Division 4 General financial provisions
Section 6.11 Reserve accounts

Local Government (Financial Management) Regulations 1996
Part 2 General financial management – s.6.10
Regulation 17 Reserve accounts, title of etc.

#### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

Acct No.	Description	Current Budget	Revised Budget	Surplus/Deficit
Trust 111	Transfer from POS funds held in Trust	\$0	-\$11,250	-\$11,250
Trust 162	Transfer from POS funds held in Trust	\$0	-\$14,800	-\$14,800
New				
Reserve	Public Open Space Reserve	\$0	\$26,050	\$26,050
			Net Effect	NIL

#### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure & Development
Objective	3. To effectively manage growth and provide for the community through the delivery of community infrastructure in a financially responsible manner
Outcome	3.2 Community Infrastructure
Key Service Area	Community Infrastructure
Priorities	3.2.1 Develop and plan community infrastructure to improve use and financial sustainability

#### **VOTING REQUIREMENTS - ABSOLUTE MAJORITY**



#### OFFICER RECOMMENDATION

### That Council approve:

- 1. The establishment of a Public Open Space Reserve for the purpose of funding development of public open space; and
- 2. The unbudgeted transfer of \$26,050 from the Shire of Gingin Trust Fund to the Public Open Space Reserve in accordance with the following table:

Acct No.	Description	Current Budget	Revised Budget	Surplus/Deficit
Trust 111	Transfer from POS funds held in Trust	{resolution}	-\$11,250	-\$11,250
Trust 162	Transfer from POS funds held in Trust	{resolution}	-\$14,800	-\$14,800
New	Public Open Space			
Reserve	Reserve	{resolution}	\$26,050	\$26,050
			Net Effect	NIL



#### SUBSTANTIVE MOTION WITH AMENDMENT

Amend Part 2 by adding the words "relevant to the development area" between the words "Reserve" and "in".

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

#### That Council approve:

- 1. The establishment of a Public Open Space Reserve for the purpose of funding development of public open space; and
- 2. The unbudgeted transfer of \$26,050 from the Shire of Gingin Trust Fund to the Public Open Space Reserve relevant to the development area in accordance with the following table:

Acct No.	Description	Current Budget	Revised Budget	Surplus/Deficit
Trust 111	Transfer from POS funds held in Trust	0.00	-\$11,250	-\$11,250
Trust 162	Transfer from POS funds held in Trust	0.00	-\$14,800	-\$14,800
New	Public Open Space			
Reserve	Reserve	0.00	\$26,050	\$26,050
			Net Effect	NIL

CARRIED BY ABSOLUTE MAJORITY 9 / 0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: Ni/

#### **REASON FOR AMENDMENT**

The additional wording was included to ensure that funds are expended in the subdivision area for which they were originally intended.



#### 13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

# 13.1 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED SINGLE HOUSE ON LOT 305 PINDARI PLACE, KARAKIN

File	BLD/7004	
Applicant	Action Sheds	
Location	Lot 305 Pindari Place, Karakin	
Owner	Michael McCabe	
Zoning	Rural Living	
WAPC No	N/A	
Author	James Bayliss – Statutory Planning Officer	
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development	
	Services	
Refer	18 February 2020 - Item 11.3.3	
Appendices	<ol> <li>Site Photographs - During Remedial Works [13.1.1 - 6 pages]</li> </ol>	
	2. Site Photographs - Post remedial works [13.1.2 - 4 pages]	
	<ul><li>3. Bushfire Attack Level Assessment [13.1.3 - 10 pages]</li><li>4. Development Plans [13.1.4 - 5 pages]</li></ul>	

#### **DISCLOSURES OF INTEREST**

Nil

#### **PURPOSE**

To consider an Application for Retrospective Development Approval for existing site works (fill) and Development Approval for a Single House on Lot 305 Pindari Place, Karakin.

#### **BACKGROUND**

Council at its ordinary meeting on 18 February 2020 resolved to refuse to grant retrospective development approval for site works (fill) on the property. The material placed onsite consisted of construction and demolition waste which constituted 'landfill' under Local Planning Scheme No. 9 (LPS 9).

The landowner subsequently lodged an appeal to the State Administrative Tribunal (SAT) to review the decision. During mediation, the landowner acknowledged that the landfill material requires screening and removal. On that basis the officer assured the applicant that no legal proceedings would be instigated by the Shire for a period of 12 months to enable remedial works to occur, after which time the Shire may review its position. The applicant was granted leave by the SAT to withdraw the proceeding, which occurred on 20 June 2020.





The landowner has since undertaken remedial works involving the removal of 30 cubic metres of construction waste, which was transported to a waste facility in Neerabup. The landowner also removed an additional 230 cubic metres of material which was transported to a property in Gnangara. The remaining material, consisting predominantly of screened sand, was returned to the development area and forms part of the retrospective component of this application.

The site works were undertaken to accommodate a single house which forms part of the proposed component of this application. The dwelling is set back 25 metres from the side (northern) lot boundary and is generally compliant with the planning framework.

A copy of site photographs taken during remedial works is provided as Appendix 13.1.1.

A copy of site photographs taken at the completion of remedial works is provided as **Appendix 13.1.2.** 

A copy of the applicant's proposal is provided as **Appendix 13.1.3.** 

#### COMMENT

#### Stakeholder Consultation

The initial application presented to Council on 18 February 2020 was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* The Shire received no written submissions. On that basis no further consultation was undertaken regarding this reconsideration.

#### PLANNING FRAMEWORK

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

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

- a) protect the rural environment and landscape;
- b) accommodate single dwellings at very low densities on individual allotments beyond the urban areas;
- c) restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;
- d) prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;





- e) avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and
- f) provide for a suitable level of physical and community infrastructure.

LPS 9 does not define a 'single house' and therefore the definition outlined under State Planning Policy 7.3 - Residential Design Codes of Western Australia (R-Codes) is applied, which states:

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

A single house is a 'P - Permitted' use within the Rural Living zone.

#### **Development Standards**

The development standards outlined under 'Clause 4.8.5 – Rural Living Zone' of LPS 9 are provided below with offer comments:

LPS No. 9	Officer Comments
Part 4 - General Development	
Requirements	
4.8.5.2 No more than one dwelling will be	No more than one dwelling is proposed.
permitted on a lot zoned Rural Living.	
4.8.5.3 Where land zoned Rural Living	N/A
adjoins rural uses with buffer	
requirements, dwellings shall be set back	
a minimum of 100m from the relevant	
boundary(s) nearby to the adjoining rural	
uses, or such other setback distance as	
may be specified on an adopted Structure	
Plan.	
4.8.5.4 No dwelling shall be erected unless	The property is connected to a reticulated
the lot is connected to a reticulated water	water supply.
supply or the local government is satisfied	
that there is an adequate potable water	
supply consisting of a roof water tank of	
not less than 90,000 litres, a bore, well,	
spring, soak or dam.	



4.8.5.5 Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fencings except in the immediate vicinity of the residence will only be permitted with the approval of local government.	No additional fencing is proposed.
4.8.5.6 No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence.	Existing vegetation is proposed to be removed to achieve a reduced BAL 19 rating. The officer is of the view that removal of the shrubbery is acceptable to increase the asset protection zone and is consistent with this development standard.
4.8.5.7 The siting and design of any buildings on any lot should not significantly impact on the natural vegetation or visual landscape amenity of the site.	The dwelling is adequately set back from the property boundary. The only variation relates to earthworks, which although do raise the natural ground level, have minimal impact from a visual bulk perspective given the modest scale of the dwelling.
4.8.5.8 The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.	Noted. No rural pursuit is proposed.
4.8.5.9 Notwithstanding clause 4.8.5.8, within the Sovereign Hill Estate a maximum of two dry sheep equivalents per hectare can be applied in respect of domestic use, to avoid soil degradation.	Noted. The proposed development is not located within the Sovereign Hill Estate.
4.8.5.10 Subdivision and development of land, including fencing and firebreaks are to accord with an approved structure plan.	Noted.
4.8.5.11 No further subdivision is permitted in the Rural Living zone unless provided for in an approved structure plan.	Noted.

#### State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

The subject land is identified as being bushfire prone by the Department of Fire and Emergency Services (DFES) online mapping and therefore SPP 3.7 is applicable. The applicant submitted a Bushfire Attack Level (BAL) assessment which classified the development area as being subject to a Flame Zone (FZ) rating.



The bushfire practitioner subsequently advised that a reduced BAL-19 rating is achievable if all vegetation within 15 metres of the dwelling is removed. The officer is of the view that this is acceptable and relevant conditions have been recommended to this affect.

#### Summary

The proposed single house and associated site works (retrospective) are not anticipated to have an adverse effect on the amenity of adjoining properties. The fill material is no longer viewed as constituting landfill and on that basis is able to be supported. The officer recommends conditional support for the development.

#### STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Local Planning Scheme No. 9

#### **POLICY IMPLICATIONS**

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

#### **BUDGET IMPLICATIONS**

#### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

#### **VOTING REQUIREMENTS - SIMPLE MAJORITY**





#### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Morton

That Council grant Retrospective Development Approval for site works (fill) and Development Approval for a Single House on Lot 305 Pindari Place, Karakin subject to the following conditions:

- 1. The land use and development 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;
- 2. Prior to occupation of the development, the Applicant/Owner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers as follows:
  - Bushfire Prone Area This lot is located in a bushfire prone area. Additional planning and building requirements may apply to development on this land.
- 3. Prior to occupation of the development, an Asset Protection Zone (APZ) shall be implemented around the single house in accordance with the advice provided by Constructive Building Consultants dated 26 May 2021 to achieve a BAL 19 rating; and
- 4. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

#### **ADVICE NOTES:**

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005.*
- Note 2: Where an approval has lapsed, no development must be carried out without further approval of the local government having first been sought and obtained.
- Note 3: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 4: This planning approval shall not be construed as an approval or support of any kind for any other planning related application on the subject land.



Note 5: It is recommended that cadastral lot boundaries be established by a suitably

qualified land surveyor to ensure that all development is carried out within

the subject allotment.

Note 6: This approval does not authorise any interference with dividing fences, nor

entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property

owner. Please refer to the Dividing Fences Act 1961.

**CARRIED UNANIMOUSLY** 

9/0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: //i/









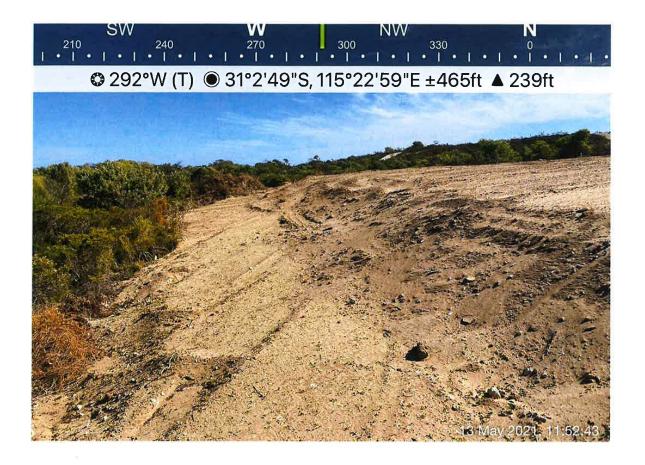












#### **15 JUNE 2021**





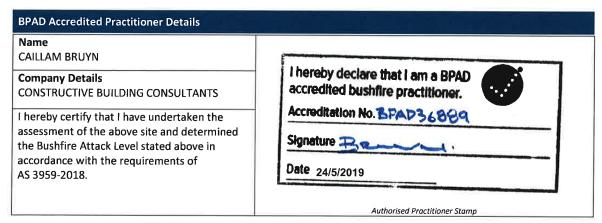
# **Bushfire Attack Level (BAL) Certificate**

Determined in accordance with AS 3959-2018

This Certificate has been issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme. The certificate details the conclusions of the full Bushfire Attack Level Assessment Report (full report) prepared by the Accredited Practitioner.

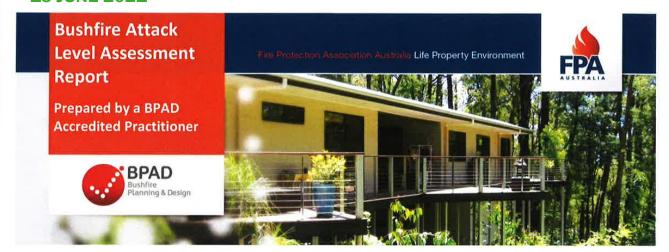
Property Details and	d Description	on of Works						
Address Details	Unit no	Street no	Lot no	Street name / Plan Reference				
Address Details			305	PINDARI PLACE				
	Suburb State Postcod							
	KARAKIN	KARAKIN WA 6044						
Local government	SHIRE OF	SHIRE OF GINGIN						
area	Silike Of	Olivoliv						
Main BCA class of	Class 1a	Use(s)	of the	RESIDENTIAL				
the building	Class 1a	Class 1a building RESIDENTIAL						
Description of the	NEW CIN	NEW SINGLE STOREY DWELLING						
building or works	INCAA SIIA	JLL STORET L	VVLLLING					

Determination of Highest Bushfire Attack Level							
AS 3959 Assessment Procedure	Vegetation Classification	Effective Slope	Separation Distance	BAL			
Method 1	Class C Shrubland	Upslope	<7	BAL – FZ			



Reliance on the assessment and determination of the Bushfire Attack Level contained in this certificate should not extend beyond a period of 12 months from the date of issue of the certificate. If this certificate was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated certificate issued.

#### 15 JUNE 2021

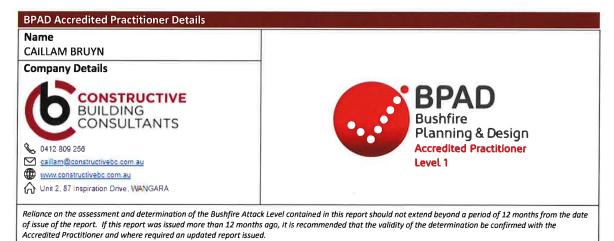


# **AS 3959 BAL Assessment Report**

This report has been prepared by an Accredited BPAD Practitioner using the Simplified Procedure (Method 1) as detailed in Section 2 of AS 3959 – 2009 (Incorporating Amendment Nos 1, 2 and 3). FPA Australia makes no warranties as to the accuracy of the information provided in the report. All enquiries related to the information and conclusions presented in this report must be made to the BPAD Accredited Practitioner.

Property Details and	d Description	on of W	/orks					
Address Details	Unit no	Street	t no	Lot no	Street name / Plan Reference			
Address Details				305	PINDARI PLACE			
	Suburb				St	tate	Postcode	
	KARAKIN					6044		
Local government	SHIDE OF	SHIRE OF GINGIN						
area	SHIKE OF	GINGIN	ν					
Main BCA class of	Class 1a	ι	Use(s) o	of the	DECIDENTIAL			
the building	Class 1a	Class 1a   RESIDENTIAL   Building   RESIDENTIAL						
Description of the building or works	NEW SING	GLE STC	DREY DV	WELLING				

Report Details			
Report / Job Number	Report Version	Assessment Date	Report Date
C01079	1	18 May 2019	24 May 2019





### **15 JUNE 2021**

**BAL Assessment Report** 

Fire Protection Association Australia Life Property Environment

#### Site Assessment & Site Plans

The assessment of this site / development was undertaken on 18 May 2019 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959 - 2009 Simplified Procedure (Method 1).



100M	$\bigcirc$
SITE LOCATION	THE PARTY OF
BUILDING LOCATION	
VEGETATION PLOT	PLOT X
PHOTO LOCATION + DIRECTION	$\Rightarrow$
DISTANCE TO VEGETATION	

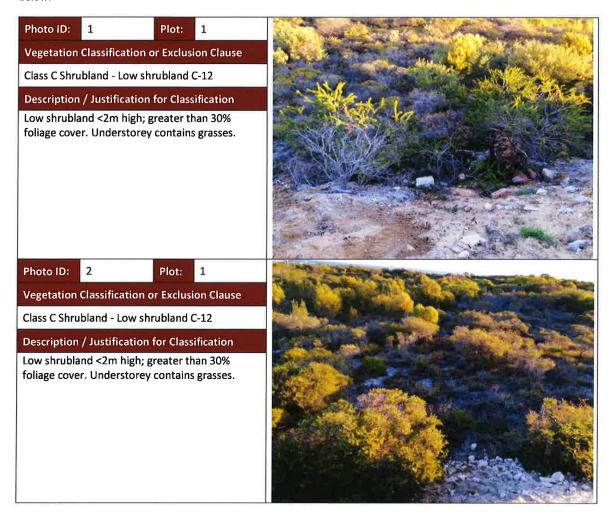
#### **15 JUNE 2021**

### **BAL Assessment Report**

Fire Protection Association Australia Life Property Environment

#### **Vegetation Classification**

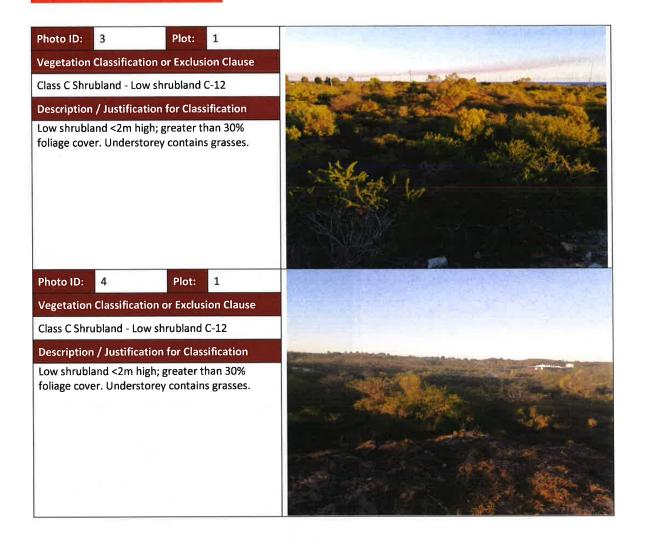
All vegetation within 100m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2009. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.



#### **15 JUNE 2021**

## **BAL Assessment Report**

Fire Protection Association Australia Life Property Environment



#### **15 JUNE 2021**

### **BAL Assessment Report**

Fre Protection Association Australia Life Property Environment

#### **Relevant Fire Danger Index**

The fire danger index for this site has been determined in accordance with Table 2.1 or otherwise determined in accordance with a jurisdictional variation applicable to the site.

Fire Danger Index			
FDI 40 🗌	FDI 50 🗌	FDI 80 🔀	FDI 100 🗌
Table 2.4.5	Table 2.4.4	Table 2.4.3	Table 2.4.2

#### **Potential Bushfire Impacts**

The potential bushfire impact to the site / proposed development from each of the identified vegetation plots are identified below.

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Class C Shrubland	Upslope	<7	BAL – FZ

Table 1: BAL Analysis

#### **Determined Bushfire Attack Level (BAL)**

The Determined Bushfire Attack Level (highest BAL) for the site / proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2009 using the above analysis.

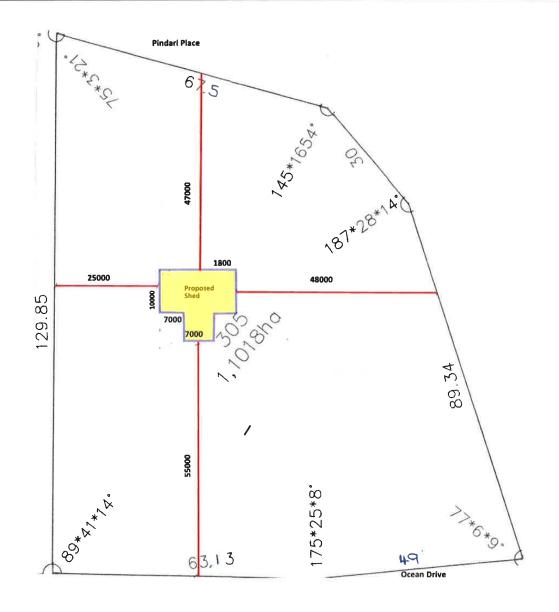
Determined Bushfire Attack Level	BAL – FZ

### **15 JUNE 2021**

**BAL Assessment Report** 

Fire Protection Association Australia Life Property Environment

Appendix 1: Plans and Dra	awings						
Plans and drawings relied on to determine the bushfire attack level							
	Drawing / Plan Description: Site Plan & Location of proposed dwelling						
Job Number C01079	Revision N/A	Date of Revision 24/5/2019					



### **15 JUNE 2021**

#### **BAL Assessment Report**

Fire Protection Association Australia Life Property Environment

Include in this section any additional comments or notes that support the BAL Assessment made in this report including unique circumstances related to the site.

Where advice in relation to the application of the construction provisions detailed in AS 3959-2009 are included in this Appendix, they must only be of an advisory nature. A clear statement must also be included identifying that the advice is advisory only.

Bushfire Attack Level (BAL)	Classified vegetation within 100m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	Construction sections (within AS 3959-2009)
BAL-LOW	See Clause 2.2.3.2	There is insufficient risk to warrant construction requirements	4
BAL-12.5	< 12.5kW/m2	Ember attack	3 + 5
BAL-19	≥ 12.5kW m2 to ≤ 19kW m2	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3+6
BAL-29	≥ 12.5kW m2 to ≤ 29kW m2	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux	3+7
BAL-40	≥29kW m2 to ≤40kW m2	Increasing levels of ember attack and burning debris ignited by windborne embers together with increasing heat flux with the increased likelihood of exposure to flames	3+8
BAL-FZ	> 40kW m2	Direct exposure to flames from fire front in addition to heat flux and ember attack	3+9



26 May 2021

Our Project Number: C01079 Your Project Number: -

То:	Action Sheds
Attention:	Cassi Griffiths
Project Address:	Lot 305 Pindari Place, Karakin WA 6044
RE;	Indicative BAL Rating

As per your request, I can confirm that a reduced BAL Rating of BAL-19 may be achievable if all vegetation is cleared 15m around the perimeter of the proposed dwelling. Please refer to Appendix 1 for clarification.

Regards,

Caillam Bruyn.

Managing Director,



26 May 2021

Our Project Number: C01079

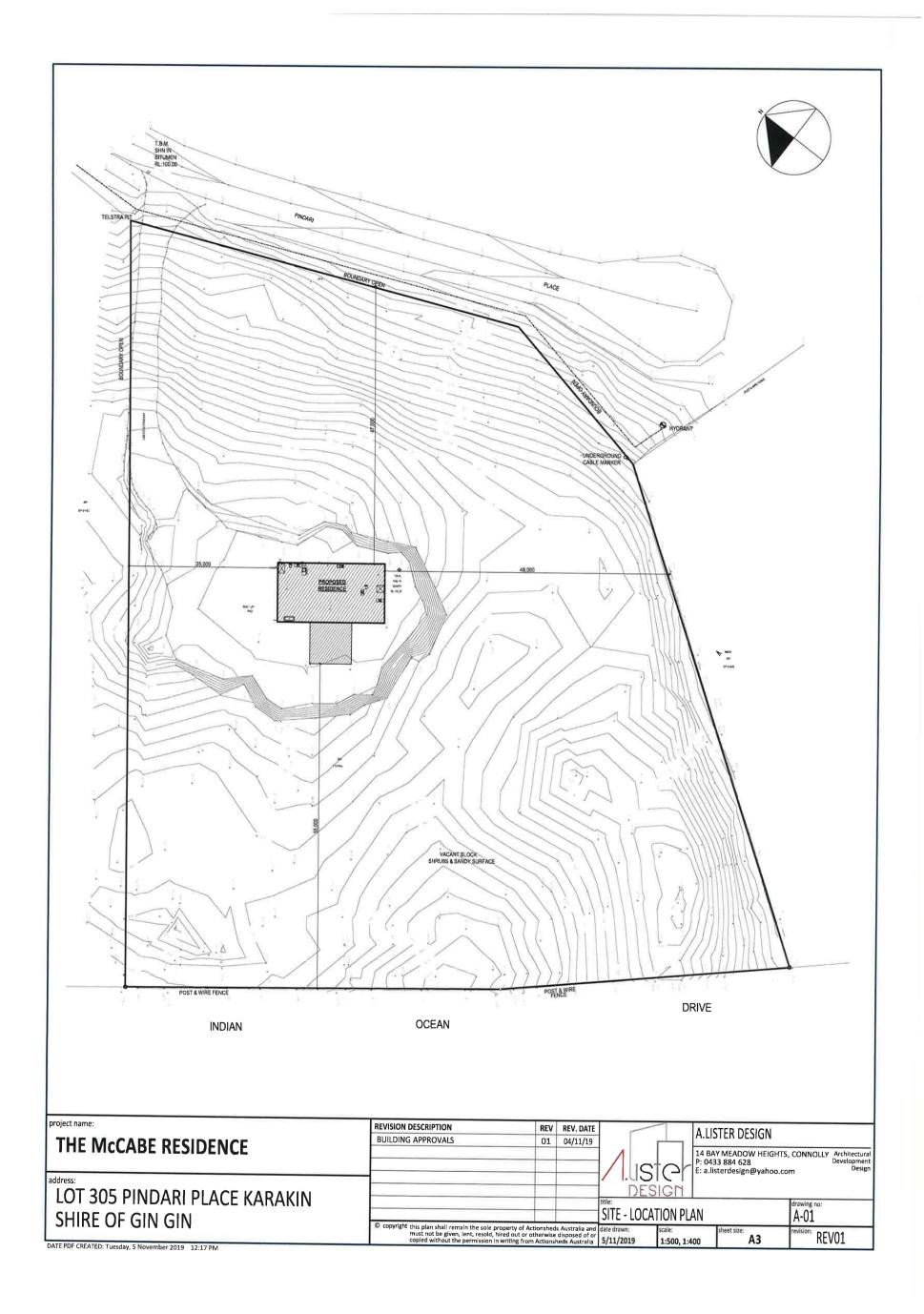
Your Project Number: -

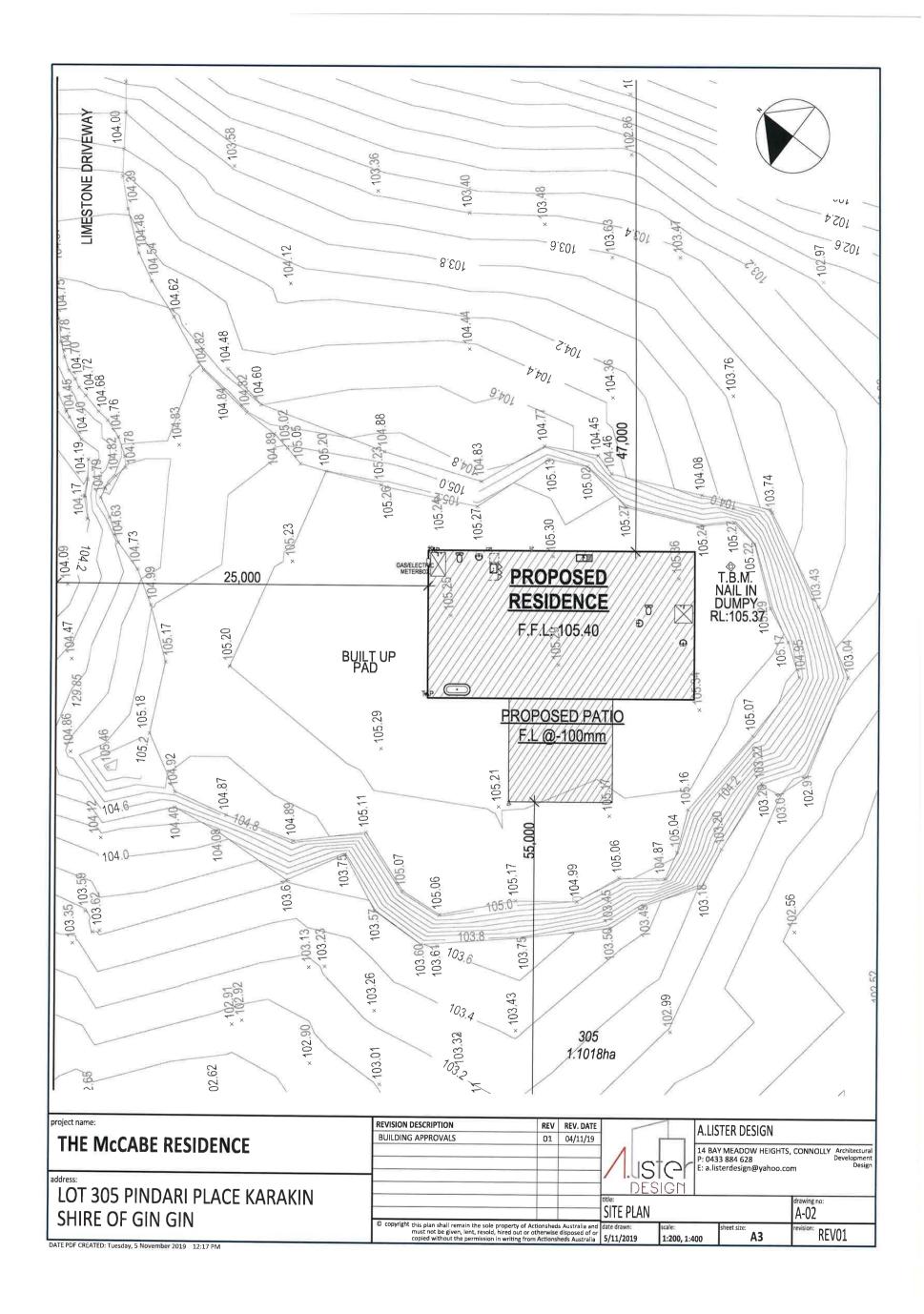
#### Appendix 1

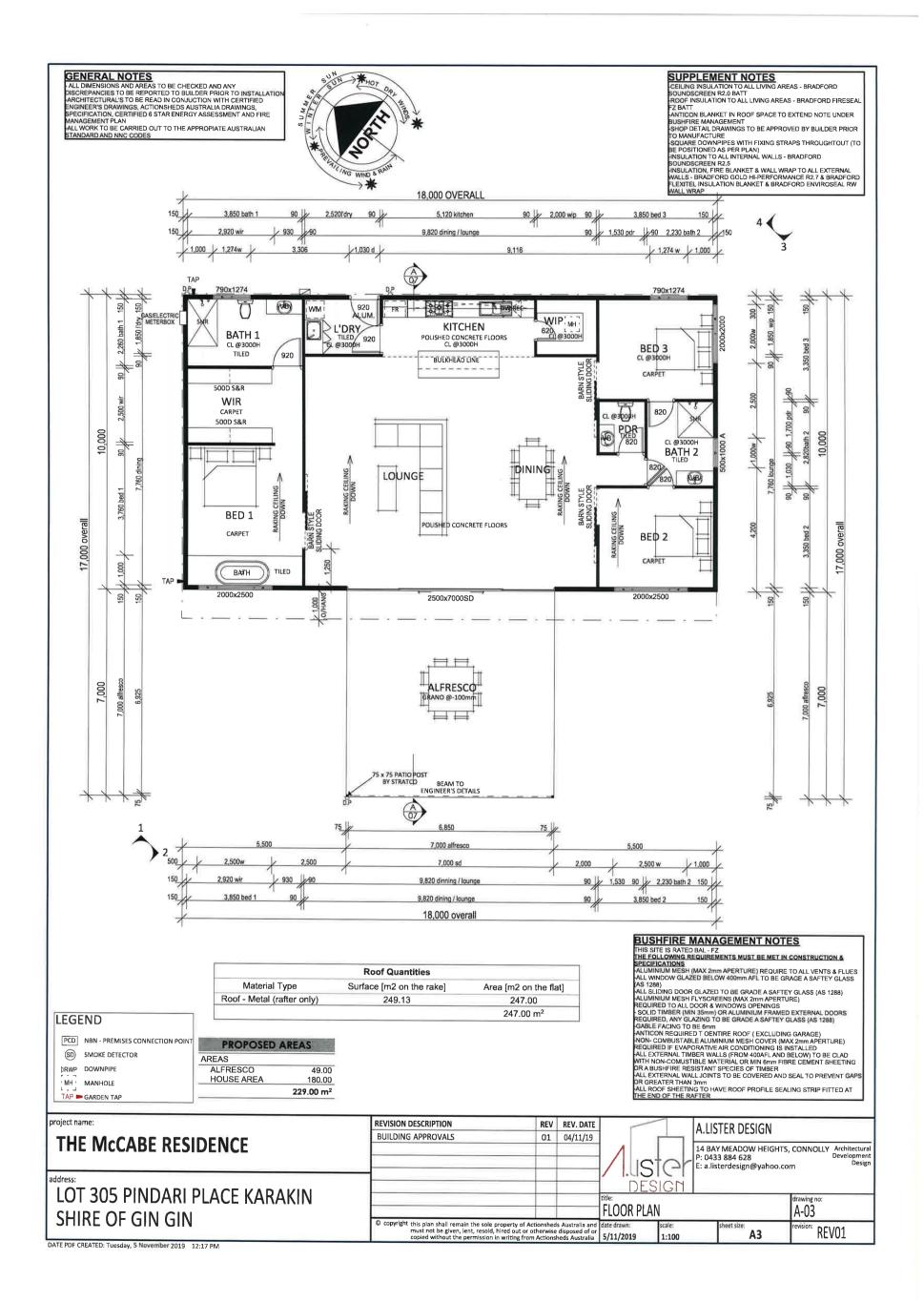
TABLE 2.5
DETERMINATION OF BUSHFIRE ATTACK LEVEL (BAL)—FDI 80 (1090 K)

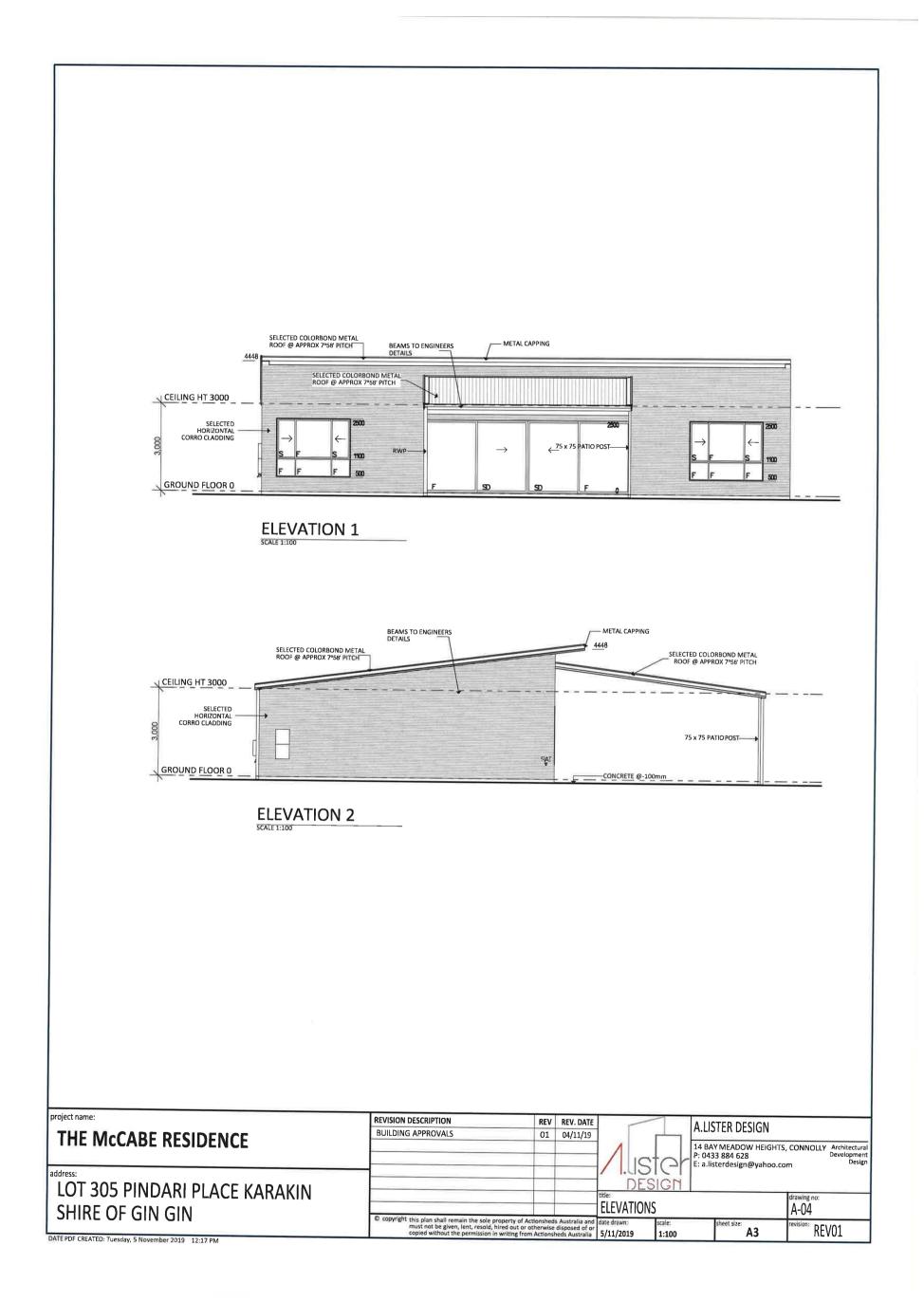
			BALs				
Vegetation	BAL-FZ	BAL—40	BAL-29	BAL-19	BAL-12.5		
classification	Distance (m) of the site from the predominant vegetation class						
		All upslo	es and flat land (	0 degrees)			
A. Forest	<16	16-<21	21-<31	31-<42	42-<100		
B. Woodland	<10	10-<14	14-<20	20-<29	29-<100		
C. Shrubland	<1	7-<9	9-<13	13-<19	19-<100		
D. Scrub	<10	10-<13	13-<19	19-<27	27-<100		
E. Mallee/Mulga	<6	6-<8	8-<12	12-<17	17-<100		
F. Rainforest	<6	6-<9	9-<13	13-<19	19-<100		
G. Grassland	<6	6~<8	8-<12	12-<17	17-<50		
		Dow	nslope >0 to 5 deg	rees			
A. Forest	<20	20-<27	27-<37	37-<50	50-<100		
B. Woodland	<13	13-<17	17-<25	25-<35	35-<100		
C. Shrubland	<7	<b>7</b> -<10	10-<15	15-<22	22-<100		
D. Scrub	<11	11-<15	15-<22	22-<31	31-<100		
E. Mailee/Mulga	<7	7-<9	9-<13	13-<20	20-<100		
F. Rainforest	<8	8-<11	11-<17	17-<24	24-<100		
G. Grassland	<7	7-<9	9-<14	14-<20	20-<50		
		Don	nstope >5 to 10 de	grees			
A. Forest	<26	26-<33	33-<46	46-<61	61-<100		
B. Woodland	<16	16-<22	22-<31	31-<43	43-<100		
C. Shrubland	<8	8-<11	11-<17	17-<25	25-<100		
D. Scrub	<12	12-<17	17-<24	24-<35	35-<100		
E. Mallee/Mulga	<7	7-<10	10-<15	15-<23	23-<100		
F. Rainforest	<11	11-<15	15-<22	22-<31	31-<100		
G. Grassland	<8	8-<10	10-<16	16-<23	23-<50		
	Downslope >10 to 15 degrees						
A. Forest	<33	33-<42	42-<56	56-<73	73-<100		
B. Woodland	<21	21-<28	28-<39	39-<53	53-<100		
C. Shrubland	<9	9-<13	13-<19	19-<28	28-<100		
D. Scrub	<14	14-<19	19-<28	28-<39	39-<100		
E. Mallee/Mulga	<8	8-<11	11-<18	18-<26	26-<100		
F. Rainforest	<14	14-<19	19-<28	28-<39	39-<100		
G. Grassland	<9	9-<12	12-<18	18-<26	26-<50		
		Dow	aslope >15 to 20 d	egrees			
A. Forest	<42	42-<52	52-<68	68-<87	87-<100		
B. Woodland	<27	27-<35	35-<48	48-<64	64~<100		
C. Shrubland	<10	10-<15	15-<22	22-<31	31-<100		
D. Scrub	<15	15-<21	21-<31	31-<43	43-<100		
E. Mallee/Mulga	<9	9-<13	13-<20	20-<29	29-<100		
F. Rainforest	<18	18-<25	25-<36	36-<48	48-<100		
G. Grassland	<10	10-<14	14-<21	21-<30	30-<50		

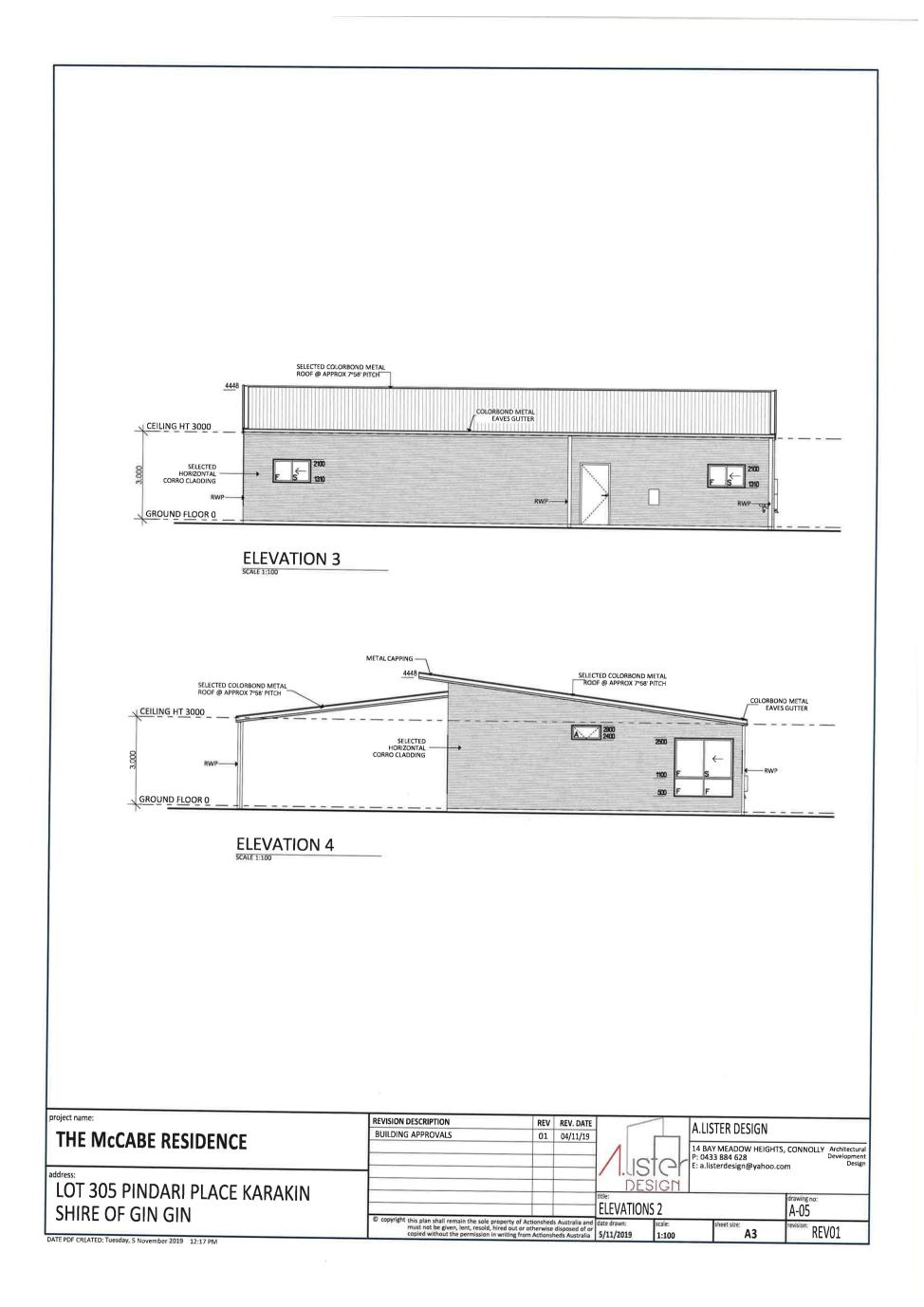
Unit 4 #5 Supreme Loop, Gnangara WA 6077 I Phone: (08) 6146 6290 I info@constructivebc.com.au I www.constructivebc.com.au













#### 13.2 OUTBUILDING ON LOT 225 CALLISTEMON LOOP, NILGEN

File	BLD/7288		
Applicant	Heritage Construction Company		
Location	Lot 225 Callistemon Loop, Nilgen		
Owner	Steven Wake and Shelley Wake		
Zoning	Rural Living 2		
WAPC No	N/A		
Author	James Bayliss – Statutory Planning Officer		
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services		
Refer	Nil		
Appendices	1. Location Map - Lot 225 Callistemon Loop, Nilgen [13.2.1 - 1 page]		
	2. Applicant's proposal [13.2.2 - 3 pages]		

#### DISCLOSURES OF INTEREST

Nil

#### **PURPOSE**

To consider an Application for Development Approval for a proposed Use Not Listed (Outbuilding) on Lot 225 Callistemon Loop, Nilgen.

#### **BACKGROUND**

The subject lot is 22,286m<sup>2</sup> in area and is currently vacant. The landowners have advised that their intention for the property is to construct a single house and outbuilding in conjunction with one another, however the dwelling component is exempt from the need to obtain development approval and lodgement of a building permit is imminent.

It should be noted that in order for the proposed structure to be considered as a traditional outbuilding, it must be associated with a dwelling. An outbuilding is not permitted as a stand-alone structure on an otherwise vacant lot. As such, given the subject site does not yet contain a dwelling nor is there any current building permit for a dwelling to be erected on the property, the officer is unable to approve the proposed structure under delegation.

The proposed Use Not Listed (Outbuilding) is 18 metres in length and 15 metres in width, equating to an area of 270m². The proposed wall height is 4 metres tapering to an overall height of 5.46 metres. The overall structure includes a 4 metre long open patio structure connected to the outbuilding, which equates to an additional 60m² in covered area. The outbuilding is set back 35 metres from the side (southern) lot boundary and 25 metres from the rear (eastern) lot boundary and is therefore compliant from a setback perspective.



A location plan is provided as **Appendix 13.2.1**.

A copy of the applicant's proposal is provided as **Appendix 13.2.2**.

#### COMMENT

#### Stakeholder Consultation

The application was advertised to nearby landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations* 2015. No submissions were received.

#### PLANNING FRAMEWORK

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

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

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

Clause 3.4.2 of LPS 9 outlines the process in dealing with uses not listed in the Zoning Table:

- 3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may
  - a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;





- b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of the clause 9.4 in considering an application for planning approval; or
- c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

The proposal is deemed to be consistent with the objectives of the Rural Living zone and is therefore permitted, subject to relevant conditions.

Given whether or not the proposal is able to satisfy LPS 9 is reliant upon a dwelling being constructed, it is recommended that an appropriate condition be imposed to ensure that the landowners follow through on their commitment to build a dwelling in conjunction with the outbuilding and requiring, if this does not occur, that the structure is to be removed.

Given the large scale of the outbuilding, it is pertinent to address the zone-specific development standard referenced below:

4.8.5.7 - The siting and design of any buildings on any lot should not significantly impact on the natural vegetation or visual landscape amenity of the site.

The subject site is located in the north-east portion of the Nilgen Estate and contains pockets of well-established vegetation which provide a natural buffer to adjoining properties. As such, the outbuilding will present minor visual bulk to adjoining properties and the streetscape and is deemed to be acceptable given the favourable site characteristics.

### **Setbacks**

Development is required to be set back 20 metres from all lot boundaries in accordance with 'Table 2 – Site Requirements' under LPS 9. The proposed outbuilding is set back in excess of 20 metres and is therefore compliant.

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

The Regulations are subsidiary legislation created under the *Planning and Development Act 2005* that include 'Deemed Provisions' which apply to every local planning scheme throughout the State.

In accordance with Schedule 2, Part 9, Clause 72 of the Deemed Provisions, the local government may impose conditions limiting the period of time for which development approval is granted.

Note: A temporary development approval is where the local government grants approval for a limited period. It does not have any effect on the period within which the development must commence.



The above clause permits time limited approvals to be imposed. The rationale behind the time limited condition has been outlined above.

### Summary

In summary, the proposed Use Not Listed (Outbuilding) can be appropriately regulated via conditions of approval. On that basis the officer recommends conditional support for the development.

### STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 – Deemed Provisions for Local Planning Schemes

Local Planning Scheme No. 9
Part 3 – Zones and the Use of Land
3.2 Objectives of the Zones
3.2.6 Rural Living Zone
3.4.2 Interpretation of the Zoning Table (Use Not Listed)

### **POLICY IMPLICATIONS**

Nil

#### **BUDGET IMPLICATIONS**

### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**





### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Morton SECONDED: Councillor Peczka

That Council grant Development Approval for a Use Not Listed (Outbuilding) on Lot 225 Callistemon Loop, Nilgen subject to the following conditions:

- 1. The land use and development 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;
- 2. This approval is for a Use Not Listed (Outbuilding) only as indicated on the approved plans;
- 3. This approval is valid for a period of two years expiring on 15 June 2023, at which time the Use Not Listed (Outbuilding) is to be removed from the property unless the construction of a single house has been completed;
- 4. The finished floor level of the outbuilding must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin;
- 5. The outbuilding is not to be used for human habitation or any other industrial or any commercial use; and
- 6. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

#### Advice Notes

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016* which are to be approved by the Shire of Gingin.
- Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.



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

Note 6: Should the single house be constructed within the two year approval period, the structure will be classified under the planning framework as an 'outbuilding' and therefore will be subject to an exemption from the need to obtain further development approval under Schedule A, Clause 61 (m) of Local Planning Scheme No. 9.

CARRIED UNANIMOUSLY 9 / 0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: //i/

MINUTES APPENDIX 13.2.1

### **15 JUNE 2021**



MINUTES APPENDIX 13.2.2

## **15 JUNE 2021**



17th May 2021

Dear James,

#### **RE: LOT 225 CALLISTEMON LOOP NILGEN**

I am writing this letter on behalf of Steve and Shelley Wake regarding the proposed freestanding shed on Lot 225 Callistemon Loop, Nilgen, that we intend on submitting for development approval.

The total floor area of the proposed shed is 330m2. The wall height if possible will be 4.2m. The overall ridge height will be 5.4m.

The owners are proposing such a large shed as he has a very large trailer and boat, a large caravan, tractor and multiple vintage cars that he has acquired over his working career. As well as farming and gardening machinery used to maintain the property's upkeep.

They would like to keep all of this machinery and leisure equipment out of visual sight for their own and their neighbours benefit. They also wish to maintain the cleanliness of their property and not have disorder and untidiness within their property boundaries.

We sincerely hope that the council and you will consider this proposal and feel it to a reasonable request.

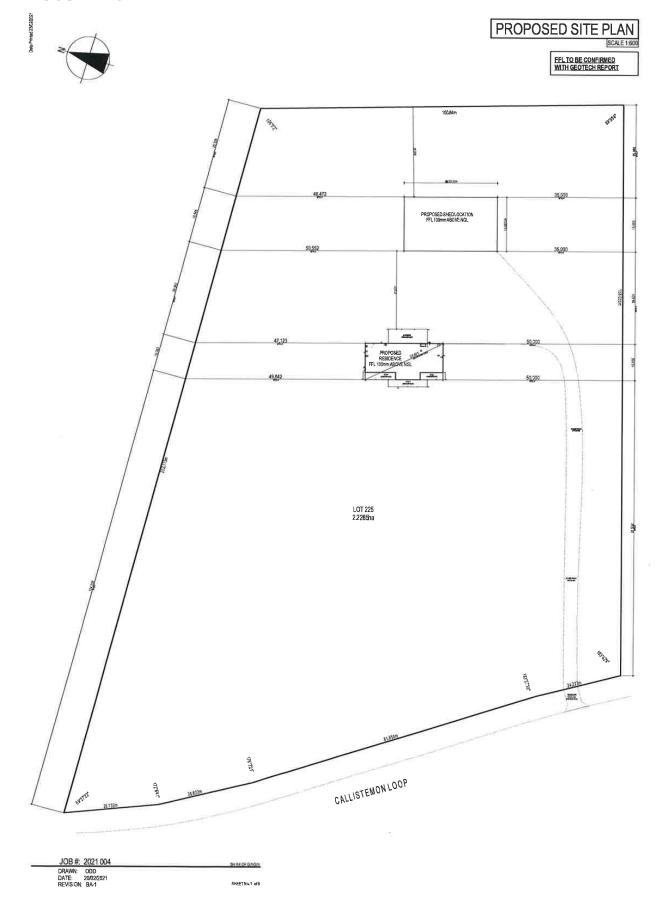
Thank you.

Best regards,

Allan Ewen

HERITAGE CONSTRUCTION

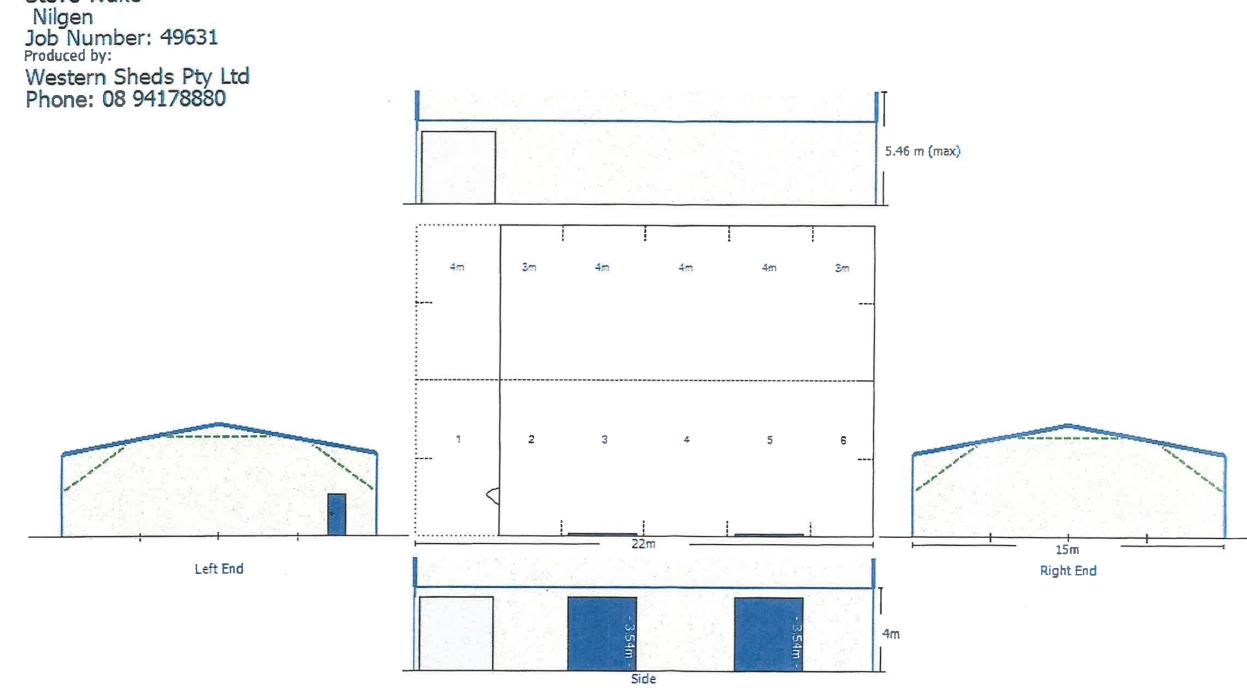
## **15 JUNE 2021**



MINUTES APPENDIX 13.2.2

## **15 JUNE 2021**

Building For: Steve Wake Nilgen



The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds' products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.



# 13.3 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL – EXPANSION OF THE EXISTING EXTRACTIVE INDUSTRY ON LOT 1001 (51) BOOBABBIE ROAD, CARABAN

File	BLD/3018		
Applicant	Gregory Murray (Moore Sands)		
Location	Lot 1001 (51) Boobabbie Road, Caraban		
Owner	Gregory Murray		
Zoning	General Rural		
WAPC No	N/A		
Author	Matthew Tallon - Statutory Planning Officer		
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development		
	Services		
Refer	24 January 2003 - Item 10.3.3		
	18 March 2014 - Item 11.1.4		
	19 May 2020 - Item 11.3.3		
	17 November 2020 - Item 11.3.7		
Appendices	1. Location Plan & Aerial Imagery [13.3.1 - 2 pages]		
	2. Applicant's Proposal [13.3.2 - 2 pages]		

### **DISCLOSURES OF INTEREST**

Nil

#### **PURPOSE**

To consider an Application for Amended Development Approval for the expansion of the existing Extractive Industry on Lot 1001 (51) Boobabbie Road, Caraban.

### **BACKGROUND**

The amendment request consists of two options relating to conditions 6, 7 and 8 which require upgrade works to Guilderton Road and the associated crossover. The applicant has presented these options as they believe they are more achievable for the business with the view of financial concerns again raised, the two options are summarised below:

- 1. Moore Sands responsible for maintaining a section of Guilderton Road by undertaking 'patch works' until such a time as the Shire upgrades the road.
- 2. With reference to Council's ordinary meeting dated 17 December 2013 determining to approve a retrospective expansion to the Extractive Industry to the subject lot:



a. As Moore Sands have already contributed to a crossover upgrade at this location as approved (Boobabbie Road), for the Shire to please provide advice in relation to the option of Moore Sands returning to their approved (as upraded) access location at 'Diamond Island Road' (Boobabbie Road and Diamond Island Road intersection with Guilderton Road).

These options/queries are addressed in the report below.

Council, at its meeting on 19 May 2020, resolved to grant conditional development approval for an expansion to the existing Extractive Industry on the subject land. The previous report presented to Council (Item 11.3.3) provides a comprehensive overview of the expansion. It is not intended to duplicate that assessment in this report, but to simply address the proposed amendments to various conditions of approval with a brief overview of the planning framework.

Following the granting of conditional approval, an application was received to amend the development approval by extending the timeframes for completed actions and works for a further 12 months. Council, at its ordinary meeting dated 17 November 2020, determined to amend conditions 6, 9, 10 and 12 for a further 6 months (expiring 25 May 2021) and conditions 7, 8 and 13 for 12 months (expiring 25 November 2021). The decision reads as follows:

- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
- 2. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;
- 3. The approved development area is limited to 26.74 hectares as highlighted on the approved plans;
- 4. The working extraction pit shall be limited to a combined area of 3 hectares at any one time to the satisfaction of the Shire of Gingin;
- 5. Extraction shall be limited to 15 metres below the corresponding datum points along Boobabbie Road as outlined on the amended site survey in AHD to the satisfaction of the Shire of Gingin;
- 6. By 25 May 2021, the applicant/operator shall enter into a deed of agreement for the upgrade of the intersection of Guilderton Road and the internal access road to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the preparation of the deed (including all drafts). The applicant/operator shall be responsible for all costs related to the road and intersection upgrades and any associated works;



- 7. By 25 November 2021, the applicant/operator shall undertake all works specified within the deed of agreement to the satisfaction of the Shire of Gingin;
- 8. By 25 November 2021, the applicant/operator shall upgrade the crossover from Guilderton Road to a sealed standard to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the crossover upgrade;
- 9. By 25 May 2021, a Staging Plan shall be submitted to and approved by the Shire of Gingin. The Staging Plan is to outline ongoing extraction stages;
- 10. By 25 May 2021, a Rehabilitation Plan shall be submitted to and approved by the Shire of Gingin. The Rehabilitation Plan is to outline ongoing rehabilitation works that are to be consistent with the approved staging plan;
- 11. At the completion of each extraction stage, the land shall be re-contoured and rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the Shire of Gingin;
- 12. By 25 May 2021, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to provide screening along portions of the western boundary of the approved development area;
- 13. By 25 November 2021, the landscaping as detailed in the Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin;
- 14. The submitted Environmental Management Plan (as amended) shall be implemented to the satisfaction of the Shire of Gingin for the life of the development.
- 15. In the event dust is disseminating beyond the property boundary as a result of the development being undertaken, the activity shall cease forthwith until such time as either favourable weather conditions enable the activity to recommence, or dust suppression measures are implemented to the satisfaction of the Shire of Gingin; and
- 16. The approved development can only operate between the following hours:

Monday - Saturday: 6:00am to 5:00pm

The primary reason for the initial extension request was claimed to be a result of the financial impacts that the COVID-19 pandemic has caused on the business with the applicant claiming a significant decrease in demand for the resource being extracted. As a consequence, adherence to these conditions in the short term was financially unviable for the operator.





While financial matters are not outlined as a planning consideration under the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2 Deemed Provisions, it is acknowledged that the State Government and local governments have exercised their discretion to ease financial obligations on the community. In the circumstances of this application, the officer notes that the Shire has previously taken a sympathetic approach notwithstanding the issue of compliance and the operator continuing to operate in the meantime.

The officer notes that the current extended timeframes offered a maximum extent to which the land use may reasonably continue to operate while preparing the relevant documentation and subsequent works in order to clear the conditions of the Retrospective Development Approval issued in May 2020.

Consent to extend the period of time for compliance should not be interpreted as the Shire reconsidering the validity or importance of the conditions imposed on the development. These conditions are required to ensure that the development is appropriately managed to ensure no detrimental impacts occur to the locality as a result of the operation.

The subject property is 343 hectares (ha) in area and is located on the corner of Guilderton Road and Indian Ocean Drive. The majority of the land is cleared, with an expanse of native vegetation located along the eastern portion of the subject property.

The Extractive Industry received two previous development approvals to operate from the subject lot with a total extraction area of 11.85 ha, located on the south-west portion of the lot. The proponent commenced the extraction of sand in 2003 after gaining initial approval for 3.73ha. The operation was then retrospectively approved in 2014 to expand to an additional 8.73ha of crushed limestone and sand extraction.

Over time, as parts of the licenced sand extraction area have been exhausted of material, the operator has simply continued to expand their licenced area without obtaining the relevant approval. This was identified upon review of the pit survey while processing the annual extractive industry license (EIL) renewal. In response, an application for retrospective approval was lodged and subsequently approved by Council in 2020. As noted in the conditions referenced above, this approval increased the overall extraction area to 26.74ha.

The current amended development approval has not been enacted by the approval holder, and the officer notes that minimal effort from the approval holder in progressing clearance of the conditions has been observed, although the business is still in operation.

A copy of the Location Plan and Aerial Imagery are attached as Appendix 13.3.1.

A copy of the Applicant's request to amend planning conditions is attached as **Appendix 13.3.2.** 





#### COMMENT

#### Stakeholder Consultation

The previous application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* The comments received were addressed at the time. The officer is of the view that the proposed amendments do not require any further consultation with relevant stakeholders.

#### PLANNING FRAMEWORK

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

### Local Planning Strategy 2012

The Local Planning 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."

The protection of the known basic raw material areas is achieved via the dedication of a Special Control Area over a known deposit. The subject lot is in proximity to Special Control Area 3 – Basic Raw Materials Areas (SCA 3), however is not located within it. While the dedication of a SCA over a portion of the lot would protect the continued use from any future land use conflict, the likelihood of future residential development encroaching into the buffer area is low.

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

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.

An Extractive Industry is an "A" use within the General Rural 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 subject to Extractive Industry Licences (EIL) issued by the Shire under the *Shire of Gingin Extractive Industry Local Law 2004 (as amended)* which sets out further operational obligations.

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

In accordance with Schedule 2, Part 9, Clause 67 of the Deemed Provisions, the local government is to have due regard to a range of matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. Item 11.3.7 of the Minutes of the Ordinary Council Meeting held on 17 November 2020 should be referred to for a detailed overview of the assessment undertaken.

Existing temporary access arrangements via Indian Ocean Drive (IOD) and timeframes for closure

Upon receipt of this application for amended development approval Shire officers sought advice from Main Roads Western Australia (MRWA). MRWA provided comments on the initial development application, stating that the closure of the IOD crossover was imminent upon completion of the Guilderton Road and IOD intersection, which was subsequently finalised in October 2020.

As such, the Shire again requested advice as to when this process would be taking place given the approval holder's reluctance to formalise the Guilderton Road access with the ongoing enjoyment of the IOD access.





MRWA advised of their intent to direct the landowner/operator to close the access in line with the current timeframes for completed upgrade works and a crossover to Guilderton Road as approved by Council at its Ordinary Meeting dated 17 November 2020.

Subsequently, MRWA issued a letter to the landowner dated 24 May 2021 ordering the closure of the access and requiring remedial works to be undertaken to the shoulder/verge by 1 December 2021. It is not known whether MRWA will offer an extension to this deadline to accord with Shire approval timeframes in the event that Council resolves to extend these.

### Applicant's proposal, Option 1: Maintenance (patch) works to Guilderton Road

The suggested upgrade works to Guilderton Road are not listed in the Shire's capital works program and as such are not foreseen to be undertaken in a timeframe suitable to the prompt action required for the legal operation of the Extractive Industry at the subject lot. Ongoing patch works to the road where vehicles access and egress the site would also not preclude the requirement for a sealed crossover to Guilderton Road, nor would it be a practical and operatable solution in maintaining Guilderton Road. As such, and at the recommendation of the Operations and Assets Department; this is not considered to be an appropriate solution and should not be supported by Council.

# Applicant's proposal, Option 2: Advice regarding re-use of Boobabbie Road/Diamond Island Road intersection with Guilderton Road

The current access arrangements are unsatisfactory, and the access/egress to the site via Boobabbie Road would require upgrade works not only to that road, but also to the intersection with, and adjacent part of, Guilderton Road. This would be at a greater cost than what is currently required. As such this proposal is not supported given the suitable access arrangements already approved.

Any further major changes to the development approval would further burden the Shire with respect to the ongoing lack of action in aligning the operation with the regulatory requirements. Regardless, neither of the options proposed by the applicant are feasible or appropriate.

### **Further comments**

The original development approval was determined 13 months from the date of this report with the extended completion timeframes being lenient extending conditions to 12 months and 18 months overall from the date of the initial approval. To date, the approval holder has made no progress in clearing any conditions of the retrospective development approval and the subsequent amended approval to operate in accordance with the State/Local Planning Framework and the Shire of Gingin Extractive Industries Local Law 2004.





At the same time, the approval holder has continued to operate the business whilst claiming an inability to pay fees and costs of undertaking works as a result of the economic impact that the COVID-19 pandemic has imposed on the business.

Regardless of the claimed economic impact to the approval holder, Council's previous extension to the timeframes was agreed to 'in good faith' to advocate for the support of local business within the Shire of Gingin. However, the Planning Approval and Extractive Industry Licence requirements are clear, and if an operator is unable to operate within the parameters of an approval, then they should not be operating.

MRWA, being the regulatory body controlling Indian Ocean Drive, has taken a firm position with respect to timeframes for the temporary access (which services the heavy vehicle movements) to be closed. If, for instance, the Guilderton Road access is not complete when this occurs, then the business will be inoperable.

Given the above considerations, lack of planning justification and practical commitments proposed by the approval holder, Administration is of the view that the application should not be supported. With respect to the amended development approval dated 17 November 2020, the approval holder is now in contravention of the timeframes of the approval. As the approval holder has been relying on a favourable outcome in majorly amending conditions 6, 7 and 8, the officer recommends that a minor extension to conditions 6, 7, 8, 9, 10, 12 and 13 is appropriate and equitable. Administration does not recommend any further extensions given the extent of the offence and current timeframes which have not been enacted to date.

#### **Summary**

As noted in the Background of the report, conditions 6, 9, 10 and 12 of this approval expired on 25 May 2021 and conditions 7, 8 and 13 are due to expire on 25 November 2021. The officer therefore notes that following this Council meeting, the operator will be in direct contravention of a development approval requiring compliance action unless extended otherwise.

As such, Administration accepts that an absolute maximum extended timeframe of three months for the approval holder to clear conditions 6, 7, 8, 9, 10, 12 and 13 is appropriate and equitable.

The officer therefore recommends that Council resolve to refuse to approve the amendment proposed to conditions 6, 7 and 8 of the amended development approval dated 17 November 2020.

The officer also recommends that Council resolve to amend the development approval dated 17 November 2020 to provide a further 3 months for the required actions and works to be completed. The officer's recommendation uses numbering consistent with the current amended development approval.





Following adherence to these conditions the operator will be able to obtain a valid Extractive Industry Licence Should this not eventuate, then compliance action will be undertaken, to cease the operation with prosecution under the *Planning and Development Act 2005* being a potential outcome.

### STATUTORY/LOCAL LAW IMPLICATIONS

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

Local Planning Scheme No. 9
Part 4 – Zones and the Use of Land
3.2 - Objectives of the Zones
3.2.7 - General Rural

Shire of Gingin Extractive Industries Local Law 2004 (as amended)

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)

#### **POLICY IMPLICATIONS**

Nil

### **BUDGET IMPLICATIONS**

Nil

#### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.
Outcome	3.1 Development new and existing developments meet the Shire's Strategic Objectives and Outcomes.
Key Service Area	Building and Planning Permits
Priorities	3.1.1 Support strategies that facilitate commercial development.

#### **VOTING REQUIREMENTS - SIMPLE MAJORITY**





### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Lobb

1. That Council refuse to grant Amended Development Approval to conditions 6, 7 and 8 of Amended Development Approval P2184 for an expansion of the existing Extractive Industry on Lot 1001 (51) Boobabbie Road, Guilderton for the following reason:

The application is inconsistent with the *Planning and Development (Local Planning Schemes) Regulations 2015 'Deemed Provisions'* specifically having due regard to clause 67(2)(s)(i): *'The adequacy of the proposed means of access to and egress from the site.'* 

#### **Advice Notes:**

- Note 1: If you are aggrieved with the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*;
- 2. That Council grant Amended Development Approval for an expansion of the existing Extractive Industry on Lot 1001 (51) Boobabbie Road, Guilderton subject to the following amended conditions:
  - 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
  - 2. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;
  - 3. The approved development area is limited to 26.74 hectares as highlighted on the approved plans;
  - 4. The working extraction pit shall be limited to a combined area of 3 hectares at any one time to the satisfaction of the Shire of Gingin;
  - 5. Extraction shall be limited to 15 metres below the corresponding datum points along Boobabbie Road as outlined on the amended site survey in AHD to the satisfaction of the Shire of Gingin;



- 6. By 25 August 2021, the applicant/operator shall enter into a deed of agreement for the upgrade of the intersection of Guilderton Road and the internal access road to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the preparation of the deed (including all drafts). The applicant/operator shall be responsible for all costs related to the road and intersection upgrades and any associated works;
- 7. By 25 February 2022, the applicant/operator shall undertake all works specified within the deed of agreement to the satisfaction of the Shire of Gingin;
- 8. By 25 February 2022, the applicant/operator shall upgrade the crossover from Guilderton Road to a sealed standard to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the crossover upgrade;
- 9. By 25 August 2021, a Staging Plan shall be submitted to and approved by the Shire of Gingin. The Staging Plan is to outline ongoing extraction stages;
- 10. By 25 August 2021, a Rehabilitation Plan shall be submitted to and approved by the Shire of Gingin. The Rehabilitation Plan is to outline ongoing rehabilitation works that are to be consistent with the approved staging plan;
- 11. At the completion of each extraction stage, the land shall be re-contoured and rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the Shire of Gingin;
- 12. By 25 August 2021, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to provide screening along portions of the western boundary of the approved development area;
- 13. By 25 February 2022, the landscaping as detailed in the Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin;
- 14. The submitted Environmental Management Plan (as amended) shall be implemented to the satisfaction of the Shire of Gingin for the life of the development.
- 15. In the event dust is disseminating beyond the property boundary as a result of the development being undertaken, the activity shall cease forthwith until



such time as either favourable weather conditions enable the activity to recommence, or dust suppression measures are implemented to the satisfaction of the Shire of Gingin; and

16. The approved development can only operate between the following hours:

Monday - Saturday: 6:00am to 5:00pm

#### **Advice Notes:**

- Note 1: If you are aggrieved with the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005.*
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: It is advised that the species 'Banksia Woodland of the Swan Coastal Plain', is listed as an endangered threatened ecological community under the *Commonwealth Environment Protection and Biodiversity Conservation Act* 1999. The removal of any vegetation may require referral to the Australian Government Department of the Environment and Energy for permission to do so.
- Note 5: This planning approval shall not be construed as an approval or support of any kind for any other planning-related application (including subdivision) on the subject land.
- Note 6: The operation will be required to comply with the *Environmental Protection* (Noise) Regulations 1997.
- Note 7: In relation to the crossover upgrade, a 'Vehicle Crossover Application' is required to be submitted and approved by the Shire of Gingin prior to the installation of the crossover.
- Note 8: In relation to the Staging Plan, this at a minimum is to outline the staged extraction throughout the proposed expansion area and is to reflect the 3 hectare limit on the working extraction pit.



- Note 9: In relation to the Rehabilitation Plan, this at a minimum is to outline the land re-contouring and rehabilitation works at the conclusion of each stage of extraction. This is to also include decommissioning works should the extraction pits/approved development be mothballed for a period of 12 months or longer and/or decommissioned.
- Note 10: In relation to the Landscaping Plan, this at a minimum is to outline the extent of the landscape buffer area, the location and spacing of trees and shrubs, a list of tree and shrub species and how the buffer area is to be maintained, having regard for the provisions of the Shire of Gingin Firebreak Notice.
- Note 11: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.
- Note 12: Please be advised that the Shire of Gingin will not issue an Extractive Industry License should the annual (or as required) survey plan be inconsistent with the approved plans, accompanying documentation forming part of this approval or rehabilitation works are incomplete.
- Note 13: Please be advised that extraction is unable to occur without an extractive industry license being issued by the Shire of Gingin in accordance with the Extractive Industry Local Law 2004 (as amended).
- Note 14: Please be advised that a breach of Local Planning Scheme No. 9 constitutes an offence under the *Planning and Development Act 2005*. An offence under the *Planning and Development Act 2005* can result in a maximum penalty of \$200,000 and a daily penalty of \$25,000 for a continuing offence with increase penalties for business entities.
- Note 15: Backfilling the excavation pits with landfill is prohibited.
- Note 16: This amended development approval relates only to conditions 6, 7, 8, 9, 10, 12 and 13 of the previous determination notice dated 17 November 2020 (P2184 refers).

CARRIED UNANIMOUSLY 9 / 0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

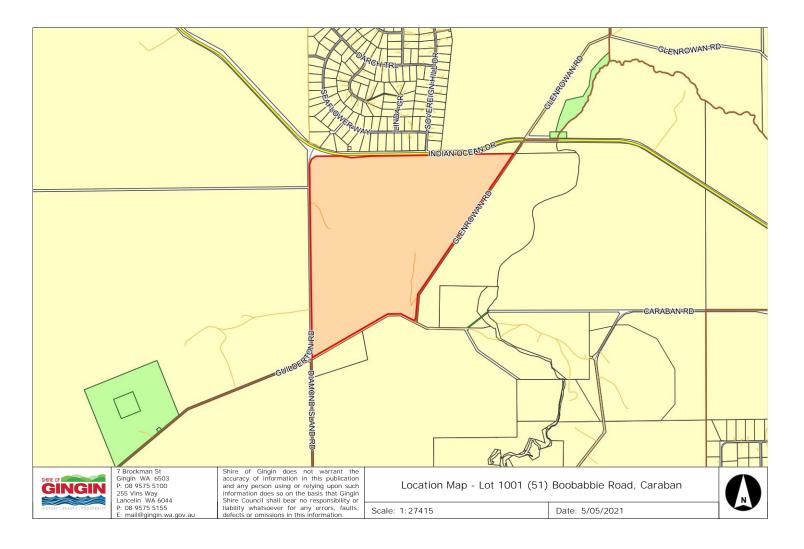
Councillor Vis

AGAINST: ///



MINUTES APPENDIX 13.3.1

### **15 JUNE 2021**



MINUTES APPENDIX 13.3.1

### **15 JUNE 2021**



### **15 JUNE 2021**



PO Box 2094 Clarkson WA 6030

Email: greg@mooresands.com.au

Mobile: 0428955966 ABN: 77 117 087 215

3<sup>rd</sup> May 2021

Gingin Shire Council Shire of Gingin 7 Brockman Street GINGIN WA 6053

Dear Council,

RE: APPLICATION FOR AMENDED DEVELOPMENT APPROVAL: AMENDED CONDITIONS (EXPANSION OF EXISTING EXTRACTIVE INDUSTRY)
ADRESS: LOT 1001 (51) BOOBABBIE ROAD, CARABAN

I refer to the amended development approval for Expansion of Extractive industry which was discussed at a council meeting on 17<sup>th</sup> May 2020.

In writing this letter I am appealing again to council to consider assisting our small local business to survive during these uncertain times. Though we applied for 12 months, at that meeting we were only given 6 months to complete the relevant conditions. We want to work with council on this, but we have been severely impacted by the financial downturn since the pandemic began and have not yet been able to recover. By amending conditions 6. 7. and 8.9.12.13 which form part of the approval, council will be able to assist us in this recovery.

# OPTIONS FOR COUNCIL CONSIDERATION: OPTION 1:

In relation to Guilderton Rd. It has been acknowledged by the works Manager that the seal is in poor condition and the Bitumen is breaking off the base. This has also been confirmed by companies we have asked to price the works we are requested to complete as part of our conditions relating to crossover upgrades. As there is an issue with this seal, they are not prepared to guarantee the asphalt overlay as the seal is breaking up and this means the asphalt overlay may fail. I have recently had negotiations with the Water Corporation, and they have informed me that the Shire has plans to upgrade Guilderton Road soon. As this is going to happen, I would like to recommend that Moore Sands continue to maintain this section of crossover by patching holes on Guilderton Road adjacent to the crossover as they appear, by keeping the surface in its existing trafficable condition. This has proven successful for us in the past with this section of road and has also been the way other quarries in the area have operated for many years on other shire roads and with shire approval. Recently, the Shire used this section crossover for their trucks to exit our quarry on to Guilderton Road for a large quantity of Limestone and water required during the upgrade works on Mortimer

### **15 JUNE 2021**

Road, Guilderton. As a follow up there was some minor patch up works completed by the shire on this section of road.

I appreciate that council are concerned about the potential damage that trucks accessing Moore Sands may cause. I also appreciate as was confirmed by Councils Operations Manager that the crossover upgrades are requested on this basis, and not on the basis there may be increased tourist traffic activity utilizing Guilderton Rd. Therefore, given this a relevant point to for council to consider and to note is that our previous approvals for the use of this road and crossover was for an annual average of 5-10 RAV movements per day 6 days a week. In this application we are not seeking any addition to the previously approved vehicle movements in or out of our quarry. This remains the same. I therefore consider it could be a reasonable option for council assist us by amending conditions and deed. The requirement for Moore sands to maintain this section of crossover until upgrade works commence, and to include a requirement in the deed for Moore Sands to contribute to the future upgrade works on Guilderton Rd. This could be in the form of an agreed quantity of construction materials or some other contribution for this project.

#### **OPTION 2:**

As another option, Please refer to Shire Minutes 17/12/2023. Item 11.4.2.

As we have already contributed and constructed this crossover upgrade at this location, and it was subsequently approved by council's operation manager at the time. Can you please provide advice in relation to the option of Moore Sands returning to our approved as upgraded access location at Diamond Island Rd.

In the interim I again seek an extension of time in relation to these relevant conditions as per my extension of time application for 12 months which was submitted to council in November 2019.

Please be assured I want to work with council on this, and in coming to an affordable solution to move forward in these uncertain times.

Thank you for your kind consideration in these matters and I look forward to hearing from you soon.

Yours sincerely

GREG MURRAY DIRECTOR

MOORE SANDS RESOURCES



# 13.4 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED SITE WORKS AND RETAINING WALLS AT LOT 66 AND 67 PRINCE STREET, LEDGE POINT

File	BLD/5205
Applicant	MNB Residential
Location	Lot 66 (6) Prince Street, Ledge Point
	Lot 67 (4) Prince Street, Ledge Point
Owner	Mark and Susan Cramer
Zoning	Residential R12.5/20
WAPC No	N/A
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development
	Services
Refer	Nil
Appendices	

#### **DISCLOSURES OF INTEREST**

Nil

#### **PURPOSE**

To consider an Application for Development Approval for proposed site works and retaining walls at Lot 66 and Lot 67 Prince Street, Ledge Point.

#### **BACKGROUND**

The development across two lots is being assessed concurrently as they are under the same tenure and were proposed for development via a single development application.

The following background is noted for the two lots:

### Lot 66 (6) Prince Street:

- Is zoned Residential R12.5/20 and consists of a lot area of 1070m<sup>2</sup> containing a duplex grouped dwelling (two dwellings).
- The lot slopes heavily toward the rear lot boundary with the most extreme contours within 4m of that boundary.
- The proposal consists of site works (fill) and retaining walls increasing the natural ground level (NGL) by 3m at the highest portion (north-eastern corner) and 1.5m at the lowest portion (south-eastern corner).





 The retaining is proposed in a stepped design commencing on the lot boundary working towards the middle of the lot.

### Lot 67 (4) Prince Street:

- Is zoned Residential R12.5/20 and consists of a lot area of 1093m<sup>2</sup> containing a Single House.
- The lot slopes towards the rear lot boundary to much lower levels than those on Lot 66. The levels drop 5m across a distance of approximately 7m.
- The proposal consists of site works (fill) and retaining walls increasing the NGL by 5m at the highest portion (north-eastern corner) and 3.5m at the lowest portion (south-eastern corner).
- The retaining walls are proposed in a stepped design forming 4 walls at 1.2m to 1.5m high each.

The site works and retaining are intended to create more usable space from the lot area for the landowner/tenants as the current contours restrict access to and enjoyment of that area.

The drop in site levels is reciprocated with a steep slope up to Ammon Avenue, resulting in the rear lot boundaries of lots fronting both Prince Street and Ammon Avenue sitting within an undulating dune-like setting. Given this, the lots within the area are not fenced on the rear boundaries and currently enjoy an informal access/laneway via Ledge Point Road.

Consideration by Council is required as the proposal seeks two variations to the Residential Design Codes of Western Australia (R-Codes) and Administration is of the view that the proposal (specifically in relation to Lot 67) is on the cusp of the maximum extent of fill that may be supported.

Administration has expressed concern with regard to the amount of fill causing potential design difficulties and inconsistencies with the design principles of the R-Codes, which are critical to applying discretion on the application. As such the application is presented to Council for determination.

A location plan and copy of the applicant's proposal are provided as **Appendix 13.4.1**.

Site photographs are provided as **Appendix 13.4.2**.





#### COMMENT

#### Stakeholder Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme)* Regulations 2015.

The Shire received two general comment submissions to the proposal noting the informal access arrangements enjoyed by residents along Ammon Avenue. This access arrangement consists of an informal crossover and track from Ledge Point Road which traverses Reserve No. 37834 (vested in the Shire of Gingin for the purpose of Access and Park) and the rear of lots fronting Prince Street and Ammon Avenue providing rear access to these lots. This is an informal arrangement between landowners and should not be misconstrued as a gazetted road/laneway.

#### PLANNING FRAMEWORK

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

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

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

The subject lots are zoned Residential R12.5/20. Clause 4.3.2 of LPS 9 requires land with a dual coding to be assessed at the lower density (R12.5) unless the property is connected to reticulated sewerage. In this instance the lot is serviced by deep sewer and is accordingly assessed at the R20 density rating.



### State Planning Policy 7.3 - Residential Design Codes of Western Australia (R-Codes)

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When a development proposal does not comply with the deemed-to-comply provisions, the application is assessed against the associated design principles to determine whether the variation is acceptable. Clause 5.3.7 – Site Works and Clause 5.3.8 - Retaining Walls are applicable in this instance.

The above clauses provide for excavation or filling within a site and behind a street setback line to be limited by compliance with building height and building setback requirements. The deemed to comply provisions also state that excavation or filling behind a street setback line and within 1m of a lot boundary is not to exceed more than 0.5m above the natural ground level. Furthermore, retaining walls are to be set back from lot boundaries in accordance with the setback provisions of Table 1 of the R-Codes.

The following Table 1, outlines the deemed-to-comply provisions of Clause 5.3.7 and 5.3.8 and the variations being sought.

Deemed to comply	Proposed Lot 66	Proposed Lot 67
Clause 5.3.7 site works		
C7.1 Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.	Does not comply - Filling in excess of 0.5m on the rear lot boundary.	Does not comply - Filling in excess of 0.5m on the rear lot boundary.
C7.2 Excavation or filling within a site and behind a street setback line limited by compliance with building height limits and building setback requirements.	Site works and retaining on the lot boundary and terraced toward the rear of the dwelling onsite.	Site works and retaining on the lot boundary and terraced toward the rear of the dwelling onsite.
C7.3 Subject to subclause C7.2 above, all excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the	Does not comply - As noted above for C7.1.	Does not comply - As noted above for C7.1.



lot boundary except where otherwise stated in the scheme, local planning policy, structure plan or local development plan.		
Clause 5.3.8 Retaining Walls  C8 Retaining walls greater than 0.5m in height set back from lot boundaries in accordance with the setback provisions of Table 1. Retaining walls 0.5m or	Does not comply - Retaining wall greater than 0.5m (1.2m) in height on the lot boundary.	Does not comply - Retaining wall greater than 0.5m (1.2m) in height on the lot boundary.
less in height may be located up to the lot boundary		

The R-Codes have undergone an interim review, resulting in an amended policy to be operational by 2 July 2021. The officer is of the view that the policy should be taken into consideration given its imminent amended inclusion in the planning framework. The interim R-Codes have altered clauses 5.3.7 and 5.3.8 to group the two matters under the one clause providing heights and setbacks via the deemed-to-comply pathway and maintaining the same design principles. This proposal does not meet the deemed-to-comply provisions of the interim R-Codes as noted in Table 2.

Deemed to comply	Proposed Lot 66	Proposed Lot 67
Clause 5.3.7		
C7.1 Retaining walls, fill and excavation between the street boundary and the street setback, not more than 0.5m above or below the natural ground level, except where necessary to provide for pedestrian, universal and/or vehicle access, drainage works or natural light to a dwelling.	·	N/A - Not in street setback area.
C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4.		



Table 4 - Setback of site works and		
retaining walls		
Required		
minimum		
setback		
0m		
1m		
1.5m		
2m		
2.5m		
3m		

Does not comply -Overall retaining height of 3.6m across terraced design set back 3m from rear lot boundary. Does not comply – Overall retaining height of 5m across terraced design set back 4m from rear lot boundary.

C7.3 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

Does not comply - While the retaining walls are proposing to effectively use the land for the benefit of the residents, it does not however comply with above clause 5.3.7 C7.2 for the reasons already outlined.

Does not comply - While the retaining walls are proposing to effectively use the land for the benefit of the residents, it does not however comply with above clause 5.3.7 C7.2 for the reasons already outlined.

Table 3 below outlines the relevant Design Principles of the current R-Codes and provides comments in relation to those principles for the proposal at **Lot 66 (6) Prince Street.** 

Design Principles	Officer Comments
5.3.7 Site Works	
P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.	P7.1 – The site works proposed fill only to the rear of the lot in order to level the site to the levels viewed at the more western portion where the single house is developed. However the fill is modest in scale and therefore considered to be minimal with the overall outcome not out of line with the existing levels onsite.
P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.	P7.2 – The finished levels remain a maximum of 1.2m raised above the existing natural ground levels. The stepped design correlates to the angle of the slope. As such the retaining works subject to the fill respects the natural ground level/slope.



### 5.3.8 Retaining Walls

P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

P8 – The retaining walls that contain the raised site levels as per the fill proposed match the site levels of the developed dwelling, making more usable space for a backyard area. The overall built form and scale establishes a tiered raised ground level with three 1.2m high retaining walls. Given the landscape and tiered design there is no additional building bulk and scale imposed on the adjoining rear lot.

### Comment

The officer is of the view that the proposed site works and retaining meet the design principles of the relevant clauses and create a good design outcome whilst enhancing the capacity of the subject lot to be enjoyed by the owner/occupant.

Table 4 below outlines the relevant Design Principles and provides comments in relation to those principles for the proposal at **Lot 67 (4) Prince Street.** 

Design Principles	Officer Comments
5.3.7 Site Works	
P7.1 Development that considers and responds to the natural features of the site and requires minimal excavation/fill.	P7.1 – This proposal consists of site levels being increased to a maximum of 5m above NGL. This is not reciprocated with any excavation and is therefore not minimal fill. The site works greatly alter the site levels of the lot however via the stepped retaining design seek to respond to the slope while easing the visual impact of a large wall.
P7.2 Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.	P7.2 – The finished level is raised 5m within 3m of the rear lot boundary. By way of the stepped retaining wall design, the proponent is seeking to minimise the impact of the site works on adjoining rear lots while conceding area at the rear of the block to accommodate this trade off in design and site levels.  The levels are consistent with the levels of the site
	toward the western (primary street) boundary.



### 5.3.8 Retaining Walls

P8 Retaining walls that result in land which can effectively used for the benefit of residents and do detrimentally not affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.

P8 – The intention of the retaining walls and site works is to create a level area to the rear of the Single House. There is however potential for future subdivision or the development of an Outbuilding/Ancillary Dwelling for instance.

The applicant was not accommodating in lowering the proposed levels to the site works, however was accommodating in attempting to lessen the heights of retaining walls via stepped design.

### Comment

The overall site works consist only of fill with no excavation. However, the applicant has proposed a stepped design seeking an amenable outcome via the design principles assessment. The stepped retaining wall design replicates the overall slope to the site over a distance of 4m as opposed to the existing 10m. The built form is not unforeseen in the locality, with a lot in proximity displaying a 5m high retaining wall. The proposal under consideration displays a much better design outcome when considering bulk and scale.

### **Summary**

#### Lot 66 Prince Street

Considering the above assessment, Administration is of the view that the proposal demonstrates compliance with the relevant Design Principles of the R-Codes. It is therefore recommended that the proposal for Lot 66 Prince Street be approved subject to appropriate conditions.

### Lot 67 Prince Street

Considering the above assessment, Administration is of the view that the proposal demonstrates compliance with the design principles of the R-Codes by way of forming a terraced design to alleviate any potential impact by way of bulk and scale on the adjoining side and rear lots. It is therefore recommended that the proposal for Lot 67 Prince Street, Ledge Point be approved subject to appropriate conditions.

### STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No. 9. State Planning Policy 7.3 - Residential Design Codes





**POLICY IMPLICATIONS** 

Nil

**BUDGET IMPLICATIONS** 

Nil

#### STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Rule

- 1. That Council grant Development Approval for proposed site works and retaining walls at Lot 66 (6) Prince Street, Ledge Point in accordance with the approved plans, subject to the following conditions:
  - a. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
  - b. This approval is for retaining walls and associated fill only as indicated on the approved plans;



- c. The landowner is to install a privacy screen at least 1.6 metres in height from the top of wall (TOW) level along the length of the retaining wall as indicated on the approved plans in RED INK which shall be; at least 75% obscure, permanently fixed and made of durable material, and shall restrict views in the direction of overlooking into any adjoining property (as per Clause 5.4.1, subclause C1.2 of the Residential Design Codes);
- d. The approved retaining wall and footings abutting relevant boundaries must be constructed wholly within the subject allotment. The external surfaces of the retaining wall shall be finished to a professional standard, to the satisfaction of the Shire of Gingin;
- e. The finished levels must be kept to 100mm below the top of wall height where relevant within the subject lot; and
- f. The terraced areas shall be landscaped and maintained to the satisfaction of the Shire of Gingin.
- 2. That Council grant Development Approval for proposed site works and retaining walls at Lot 67 (4) Prince Street, Ledge Point in accordance with the approved plans, subject to the following conditions:
  - a. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
  - b. This approval is for retaining walls and associated fill only as indicated on the approved plans;
  - c. The landowner is to install a privacy screen at least 1.6 metres in height from the top of wall (TOW) level along the length of the retaining wall as indicated on the approved plans in RED INK which shall be; at least 75% obscure, permanently fixed and made of durable material, and shall restrict views in the direction of overlooking into any adjoining property (as per Clause 5.4.1, subclause C1.2 of the Residential Design Codes);
  - d. The approved retaining wall and footings abutting relevant boundaries must be constructed wholly within the subject allotment. The external surfaces of the retaining wall shall be finished to a professional standard, to the satisfaction of the Shire of Gingin;
  - e. The finished levels must be kept to 100mm below the top of wall height where relevant within the subject lot; and



f. The terraced areas shall be landscaped and maintained to the satisfaction of the Shire of Gingin.

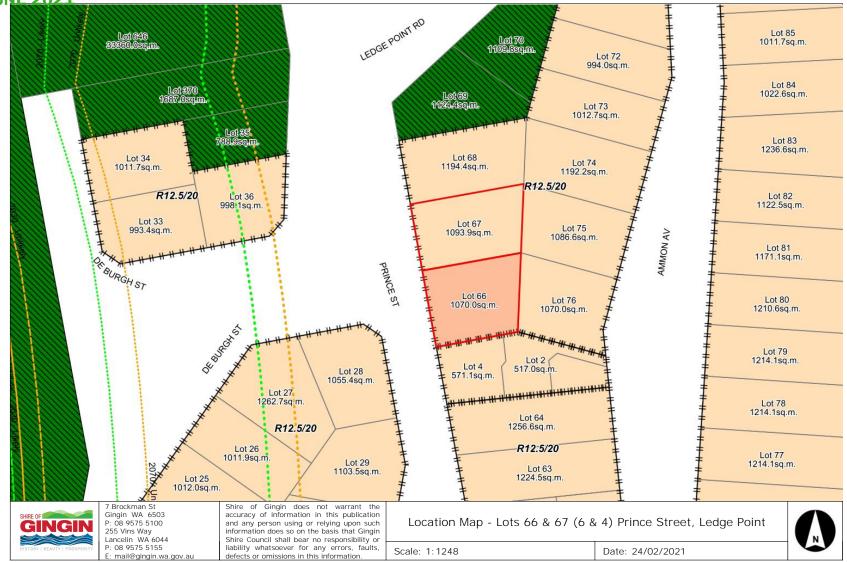
CARRIED UNANIMOUSLY 9 / 0

FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

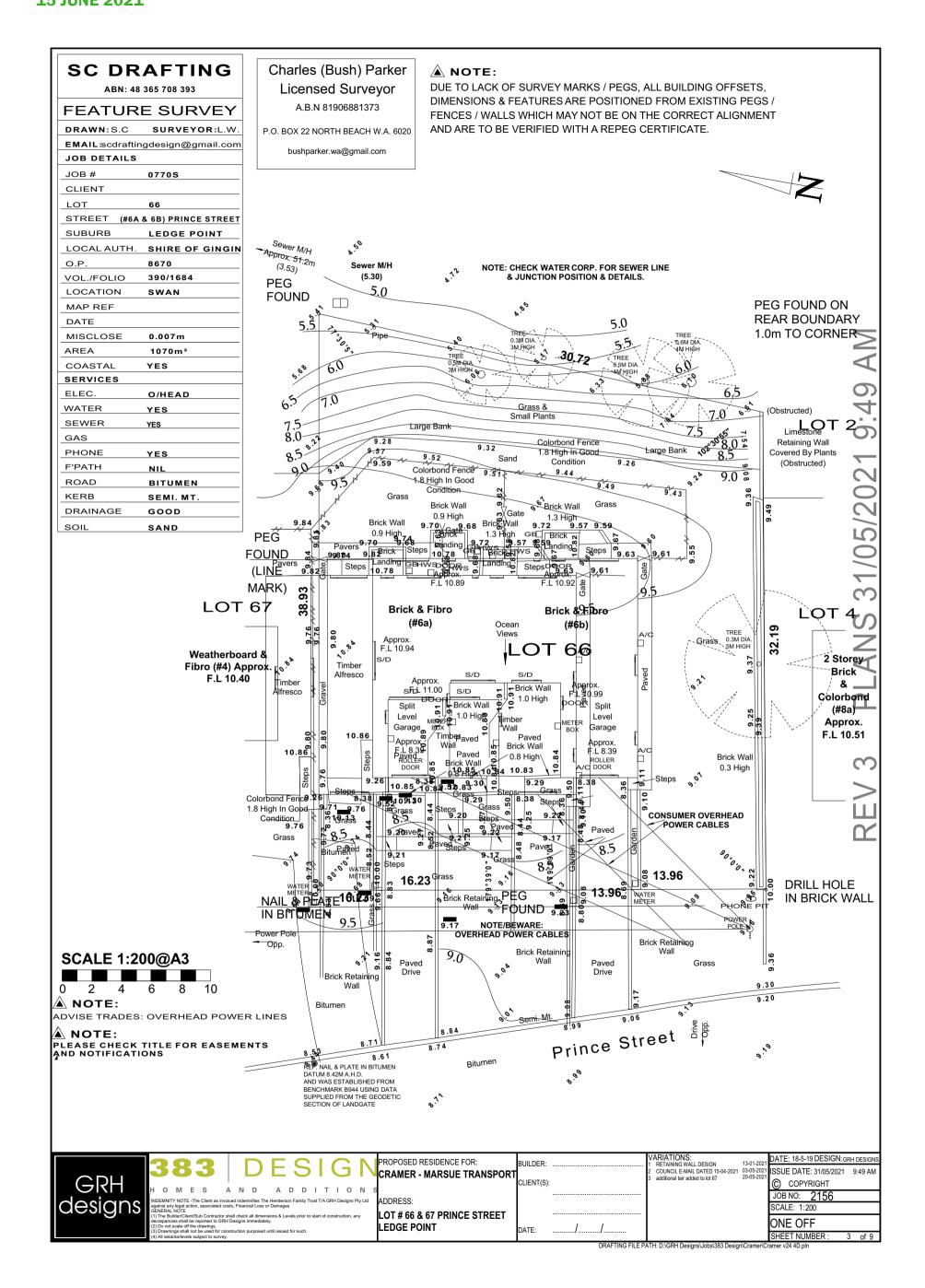
Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

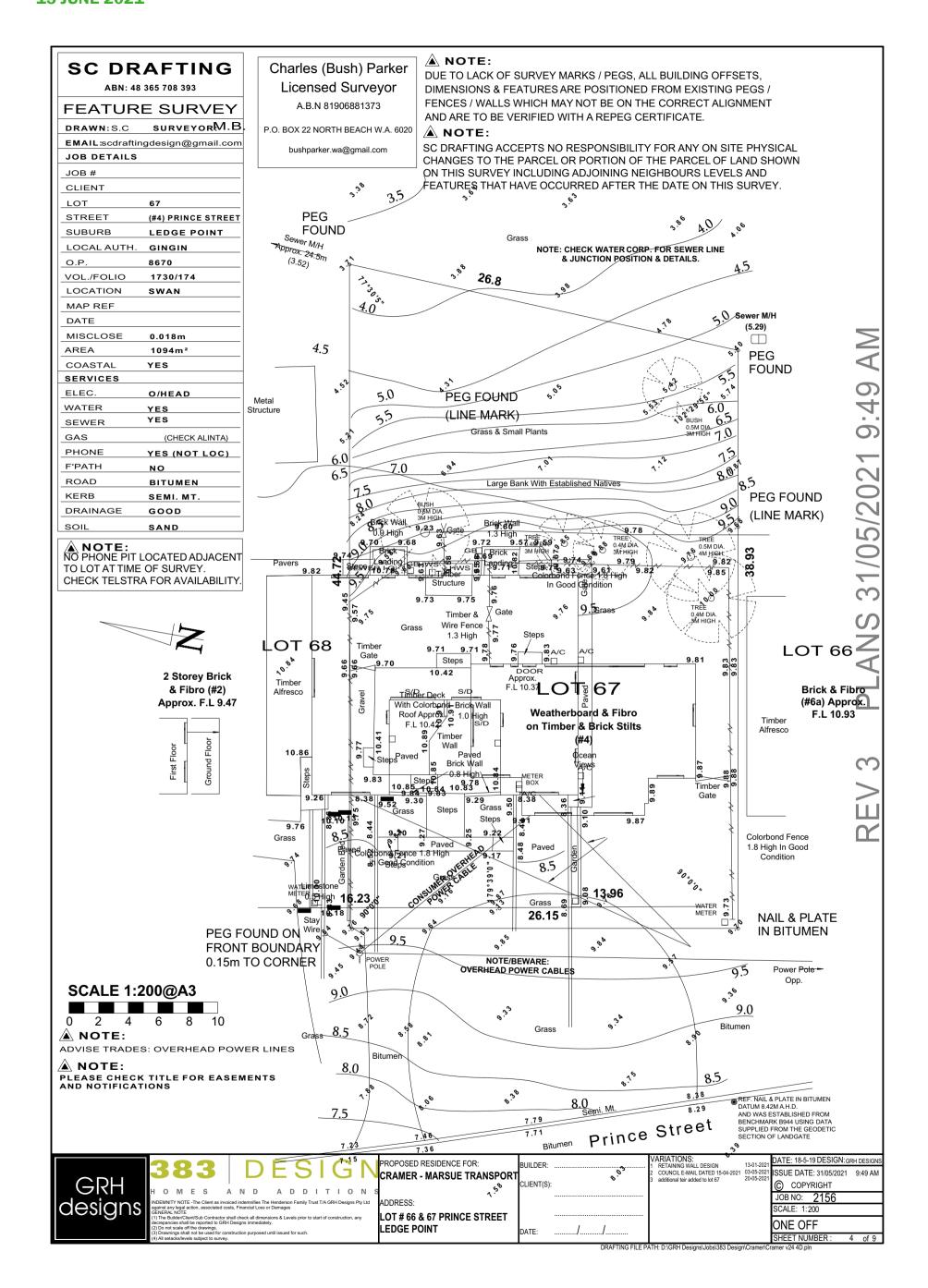
Councillor Vis

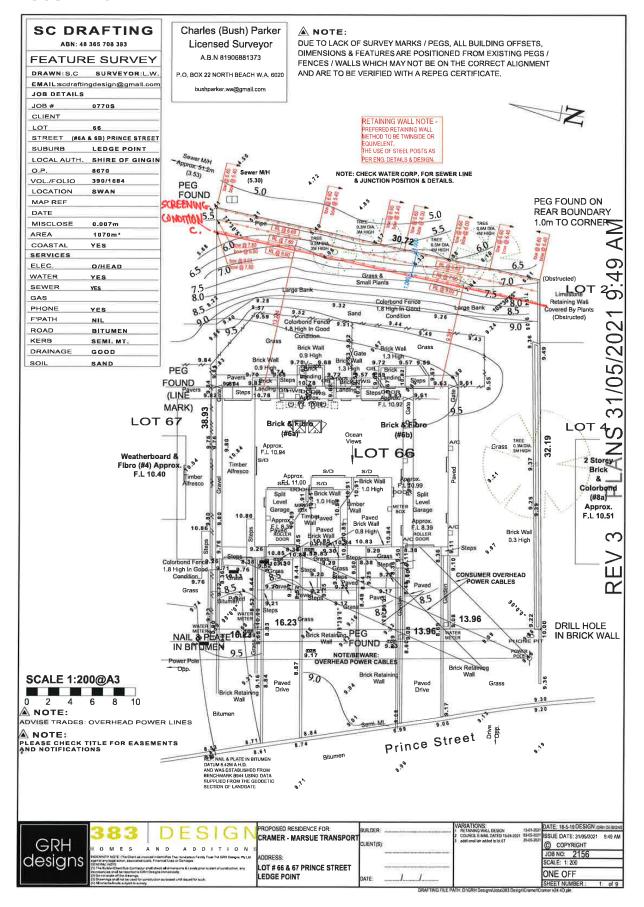
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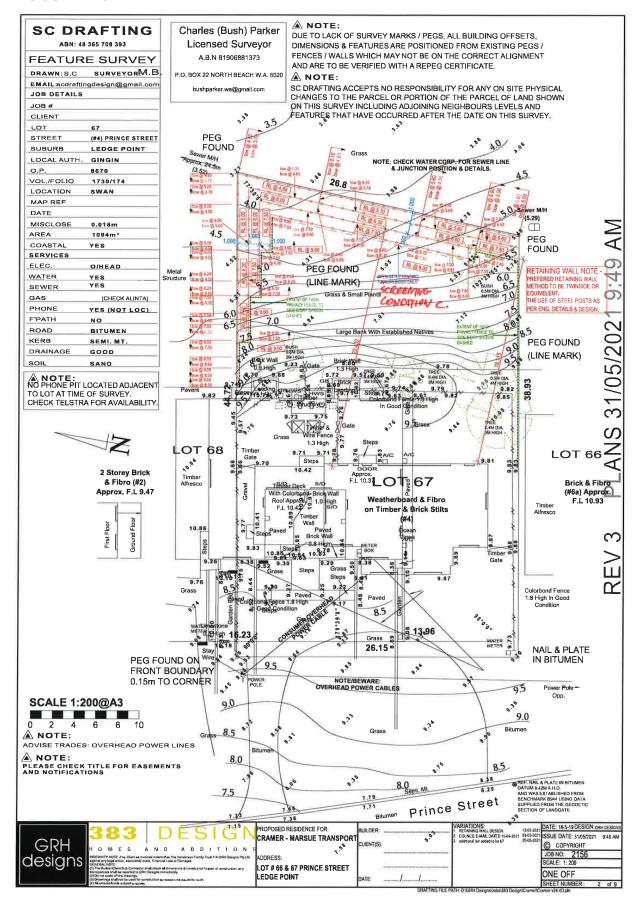


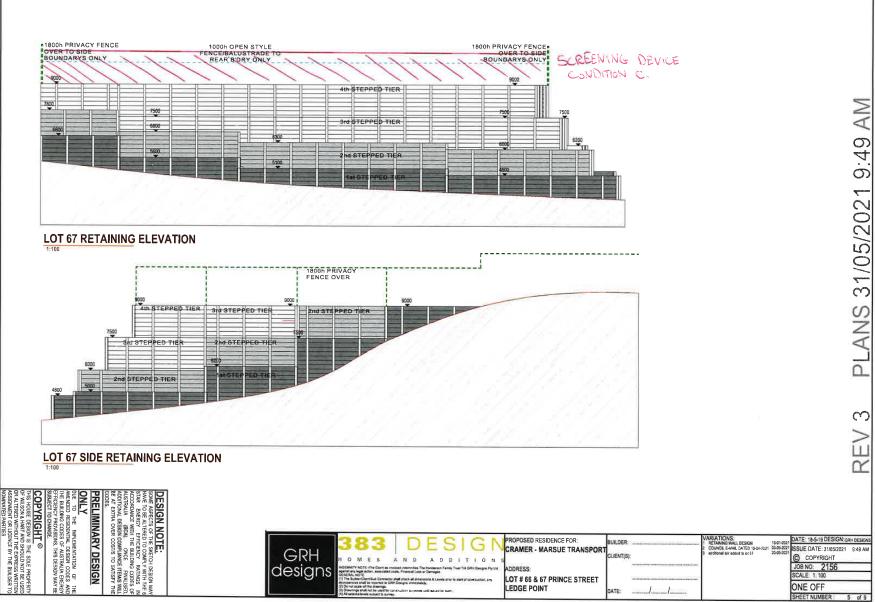
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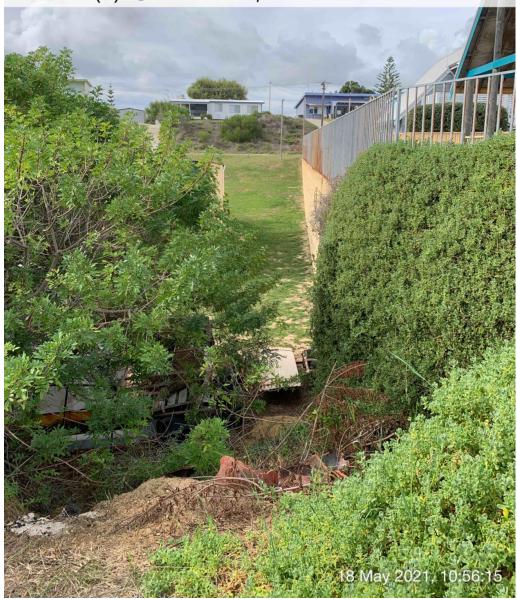


### **15 JUNE 2021**

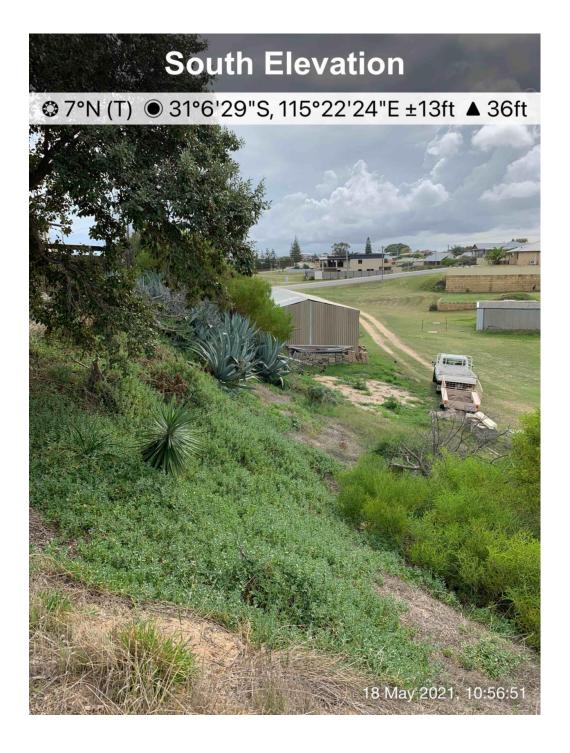
Lot 66 and 67 Prince Street, Ledge Point

## **West Elevation**

© 106°E (T) ● 31°6'30"S, 115°22'24"E ±16ft ▲ 37ft

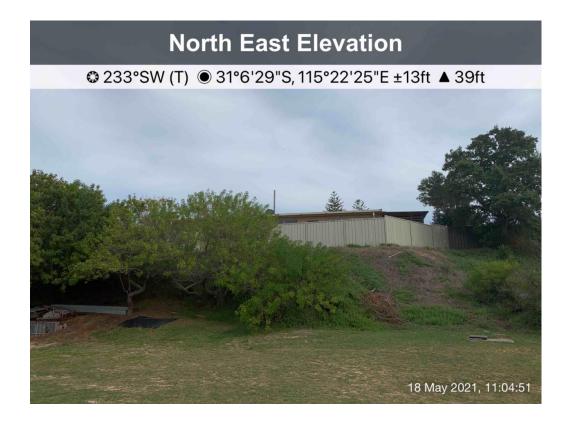






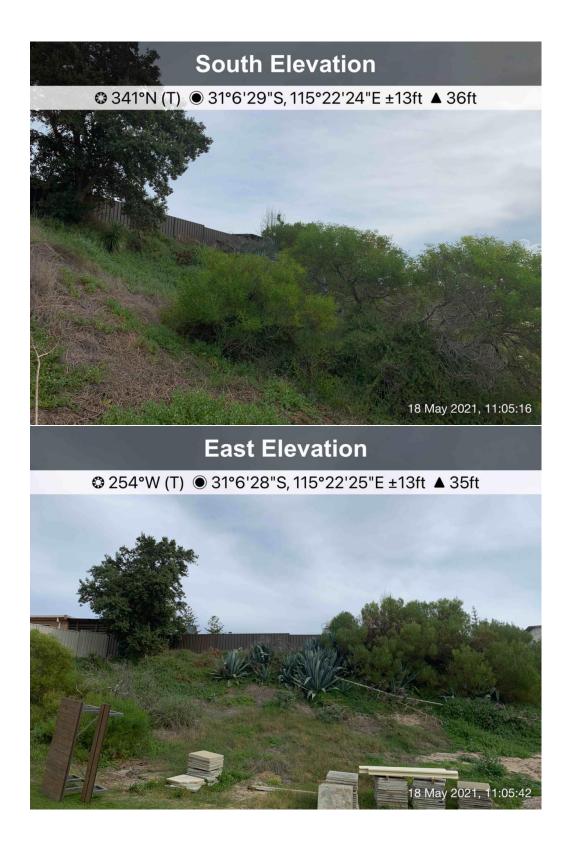


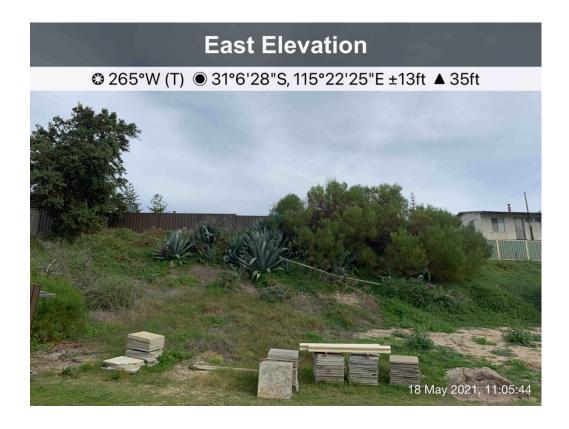




## **North Elevation**







## **East Elevation**



## **North East Elevation**

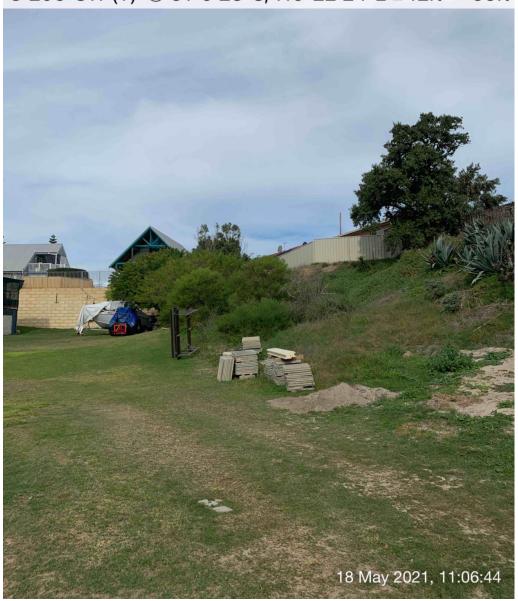


## **East Elevation**



### **15 JUNE 2021**

## **North East Elevation**





### 14 REPORTS - OPERATIONS AND ASSETS

## 14.1 RESTRICTED ACCESS VEHICLE APPLICATION - (NETWORK 4, ACCREDITED MASS MANAGEMENT SCHEME LEVEL 3) USE ON GINGIN BROOK ROAD, COONABIDGEE TRANSPORT TO ACCESS WCS CONCRETE PTY LTD

File	RDS/10
Author	Danica Todd - Operations Support Officer
Reporting Officer	Mikel Haramboure – Executive Manager Operations and Assets
Refer	Nil
Appendices	1. Location Plan [14.1.1 - 1 page]

### **DISCLOSURES OF INTEREST**

Nil

#### **PURPOSE**

To consider an application from WCS Concrete Pty Ltd for the use of Restricted Access Vehicles (RAV) - Network 4 with an Accredited Mass Management Scheme (AMMS) of Level 3 on Gingin Brook Road (300m west of Brand Highway).

### **BACKGROUND**

A Network 4, AMMS Level 3 RAV is a heavy vehicle combination consisting of a prime mover and a semi-trailer towing a dog trailer. This combination is permissible up to a length of 27.5m and a gross weight of not more than 94 tonnes (differing from a maximum gross weight of 87.5 tonnes for a RAV Network 4 without AMMS).

Council Policy 7.6 Road Transport Heavy Vehicle Combinations, particularly Part 2, relates to the approval of Concessional Loading (AMMS) applications and states:

2. Concessional Loading (Accredited Mass Management Scheme)

All Concessional Loading applications through the HVS Accredited Mass Management Scheme (AMMS) shall be assessed and taken to Council for consideration.

It is a requirement of RAV operators that, first and foremost, approval must be gained from the local government before applying to Main Roads WA Heavy Vehicle Services (HVS) for a permit.

A location plan showing the proposed route is attached as **Appendix 14.1.1**.



The Applicant is utilising this road to access WCS Concrete Pty Ltd (300m west of Brand Highway) and has stipulated on the application that they will be doing a maximum of 2 trips per day Monday to Friday for 12 months.

All roads applied for are currently to a sealed standard.

### **COMMENT**

There are no issues with any of the roads regarding stacking distances (distance from railway crossings to intersections not being sufficient to stop a RAV combination), horizontal curves, vertical curves or sight distances.

The main issue for the Shire to consider is the extra wear on, and deterioration of, the road pavement due to the additional six tonnes per combination (over a normal RAV Network 4 combination). The additional weight per axle will affect the pavement life per vehicle.

The Shire may impose conditions on the AMMS application should it be approved, and HVS recommends that a 'CAO7' condition (a letter from the local government must be carried on the vehicle at all times and be presented on request) be imposed on all AMMS approvals. As the Shire of Gingin has an annual renewal process for RAV (and AMMS) applications, this gives the Shire a control mechanism whereby if the pavements deteriorate at a rate that is deemed to be too rapid by by the Shire of Gingin, then the AMMS can be removed by not approving the AMMS application the following year. All RAV and AMMS approvals expire on 30 June annually, with pavements being assessed at the time of renewal.

The Shire of Gingin does not receive any additional grant funding to deal with AMMS approvals or any resulting increased pavement wear on local government assets.

### STATUTORY/LOCAL LAW IMPLICATIONS

Road Traffic (Vehicles) Act 2012
Part 4 – Mass, dimension and loading requirements

### **POLICY IMPLICATIONS**

Council Policy 7.6 - Road Transport Heavy Vehicle Combinations

#### **BUDGET IMPLICATIONS**

Nil

### STRATEGIC IMPLICATIONS

Nil





### **VOTING REQUIREMENTS - SIMPLE MAJORITY**

### COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Balcombe

### **That Council:**

- 1. Approve the Restricted Access Vehicle Application (Network 4, Accredited Mass Management Scheme Level 3) use on Gingin Brook Road, Coonabidgee to access WCS Concrete Pty Ltd with the following conditions:
  - a. A current written approval from the Shire of Gingin permitting use of the road/s must be carried and produced on demand;
  - b. All permit vehicles operating within the Shire of Gingin shall not exceed 80kph on sealed roads;
  - c. RAV Approvals by the Shire shall expire annually at 30 June.
- 2. Advise the applicant accordingly.

CARRIED UNANIMOUSLY

9/0

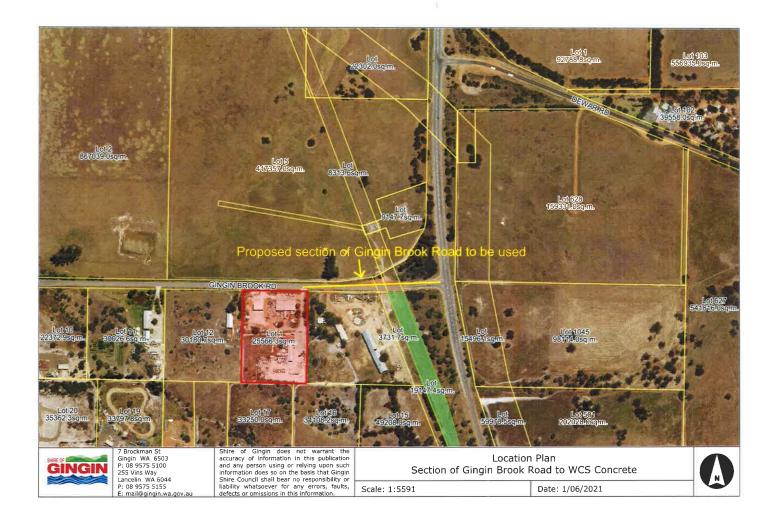
FOR: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,

Councillor Johnson, Councillor Lobb, Councillor Morton, Councillor Peczka,

Councillor Vis

AGAINST: //i/







### 15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

### 16 COUNCILLORS' OFFICIAL REPORTS

#### 16.1 WALGA STATE COUNCIL MEETING - 2 JUNE 2021

File:	GRL/6; GOV/6
Councillor:	Jan Court
Report Date:	15 June 2021

I attended the WALGA State Council Meeting on 2 June 2021, at which the WALGA 2021/22 Budget was adopted. Much discussion centred around the cost of travel by the WALGA Executive. Conference attendances are now to be conducted via Zoom wherever possible, with business class travel to be restricted.

The issue of representation for agricultural and rural areas in State Parliament was also discussed, particularly with respect to the importance of ensuring that representation for these areas is not depleted.

### 16.2 FOGO TOUR - 8 JUNE 2021

File:	WST/4; GOV/6
Councillor:	Frank Johnson
Report Date:	15 June 2021

On 8 June 2021 I accompanied the Shire's Principal Environmental Health Officer on a FOGO (Food Organics, Garden Organics) tour which included visits to the South Metropolitan Regional Council waste facility and Go Organics, which is a composting facility located in Boonanarring in the Shire of Gingin. At its meeting on 15 December 2020, Council approved an application by Go Organics for an additional hardstand area and leachate dam which are now in place, allowing Go Organics to process an additional 50,000 tonnes (approximately) of FOGO waste per annum.

#### 16.3 PREMIER'S VISIT TO GINGIN - 9 JUNE 2021

File:	GOV/6
Councillor:	Wayne Fewster
Report Date:	15 June 2021

On 9 June 2021 I met with Premier Mark McGowan during his visit to Gingin. The visit marked the State Government's contribution of \$50,000 towards the Gingin Weir project.





### 16.4 IT VISION SUNDOWNER - 10 JUNE 2021

File:	INF/16
Councillor:	Wayne Fewster
Report Date:	15 June 2021

On 10 June 2021 I joined representatives of IT Vision, the CEO and other Shire employees for a sundowner at CU@Park to mark the implementation of IT Vision's Altus Financials Suite. As Council is aware, the Shire of Gingin was invited to collaborate with IT Vision as the first local government to adopt Altus as its financial management system.

IT Vision expressed their appreciation for the high level of assistance provided by the Shire's Corporate Services staff over a significant period of time, and the Shire also thanked It Vision for the opportunity to participate in the roll-out of what is an exciting new tool for local government.

### 17 NEW BUSINESS OF AN URGENT NATURE

Nil

### 18 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

Nil

### 19 CLOSURE

There being no further business, the Shire President declared the meeting closed at 04:06 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 20 July 2021, commencing at 3:00pm.

