



MINUTES

Ordinary Council Meeting

21 December 2021

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED by Council as the official record for the Shire of Gingin's Ordinary Council Meeting held on 21 December 2021.



**Councillor C W Fewster
SHIRE PRESIDENT**

Date of Confirmation: 19 January 2022

DISCLAIMER

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

ACKNOWLEDGEMENT OF COUNTRY



The Shire of Gingin 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 03:04 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – C W Fewster (Shire President), J K Rule (Deputy Shire President), L Balcombe, J Court, F J Johnson, E Sorenson, R Kestel, F J Peczka, and A R Vis.

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), V Crispe (Executive Manager Operations & Assets), R Kelly (Executive Manager Regulatory and Development Services), James Bayliss (Coordinator Statutory Planning), M Tallon (Statutory Planning Officer), L Burt (Coordinator Governance), and E Mackey (Governance Support Officer/Minute Officer)

Gallery – There were 6 members of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Councillor Peczka

Item: 18.1 - 2022 Australia Day Community Citizen of the Year Awards
Interest: Impartiality
Reason: I am a member of the Lancelin Volunteer Fire and Rescue and the Lower Coastal Neighbourhood Watch

Councillor Sorensen

Item: 18.1 - 2022 Australia Day Community Citizen of the Year Awards
Interest: Impartiality
Reason: I am a member of the Lower Coastal Community Alliance

Councillor Johnson

Item: 18.1 - 2022 Australia Day Community Citizen of the Year Awards
Interest: Impartiality
Reason: I am a member of the Lower Coastal Neighbourhood Watch

Councillor Rule

Item: 18.1 - 2022 Australia Day Community Citizen of the Year Awards
Interest: Impartiality
Reason: I am a member of the Gingin Outdoor Activity Space Committee

Councillor Balcombe

Item: 18.1 - 2022 Australia Day Community Citizen of the Year Awards
Interest: Impartiality
Reason: I am a member of the Gingin Outdoor Activity Space Committee

Councillor Kestel

Item: 18.1 - 2022 Australia Day Community Citizen of the Year Awards
Interest: Impartiality
Reason: I am a member of the Gingin Outdoor Activity Space Committee

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

4.2.1 Malcolm Lobb

Declaration as a "Pro-Choice Shire" - State Government Vaccination Mandates

- Q1. Are you prepared to move a motion to call a Special Meeting of electors without further delay, to hear and discuss the concerns of the Gingin Community in respect to the detriment economic, business, Occupational Safety & Health, public liability, and lifestyle impact of the vaccination mandates specifically on members of the Shire of Gingin Community?

- Q2. At this Special Meeting are you prepared to reach a decision by way of a vote as to whether the Gingin Shire will declare itself to be that of a Pro Choice Shire?

Response by Shire President

- A1. Council won't call a public meeting without further discussion. We intend to bring it back to the next briefing session/council meeting.
- A2. Staff will be requested to prepare a report for consideration at the January Council Meeting.

4.2.2 Andrew Darbyshire

Declaration as a "Pro-Choice Shire" - State Government Vaccination Mandates

- Q1. We want to know if you will acknowledge that this matter of pro-choice on the mandates being introduced does fall within the scope of the Shire of Gingin's Councillor's responsibilities under the *Local Government Act 1995* which is to: a) represent the interests of electors, ratepayers and residents of the district; b) provide leadership and guidance to the community in the district; and c) facilitate communication between the community and the council?
- Q2. If you do call a Special Meeting of Elector's would you be open to listen to a presentation on Risk Assessment on Coronavirus/mRNA vaccines?
- Q3. Can you provide assurance to the community that the Shire of Gingin accepts the financial and public liability risks of adopting the vaccination mandates imposed by the WA State Government on Gingin residents, ratepayers and business owners?
- Q4. Will the Shire, if it is accepted that you are pro-choice, advise the Premier of Western Australia about the concerns of the Gingin Community and request he reconsiders any decision to introduce further restrictions for mRNA unvaccinated people?

Response by Shire President

- A1. Council do not control the Health Department and this will be debated when the item is presented to the Council Meeting.
- A2. Council is more than happy to receive a deputation prior to the January meeting.
- A3. We are confident the Shire has no liability for state directions.
- A4. That would follow a resolution from the January Council Meeting.

4.2.3 Jacqui Lobb

Declaration as a "Pro-Choice Shire" - State Government Vaccination Mandates

- Q1. In accordance with your responsibilities under the *Local Government Act 1995*, will you question and demand that the WA Chief Health Officer Dr Andrew Robertson, abide by his duties under the *WA Public Health Act 2016* to provide true and accurate information on the known risks of mRNA vaccine and ask him to provide you with accurate statistics of those who have suffered adverse reactions?
- Q2. Will you choose to best represent the interests of ALL members of your community by considering age stratified risk benefit analysis for vaccine recipients and refuse to be complicit in the promotion of discriminatory and alienating mandates?
- Q3. Can you please advise us on the number of signatures that are required on a petition needed, to be accepted by Council?

Response by Shire President

- A1. We will not write a letter to the minister until it is debated at Council and a resolution has arisen from that meeting.
- A2. This will depend on the outcome of debate at the January Council Meeting.
- A3. There is no minimum number of signatures. A petition must be submitted in the correct format and the signatures must be Electors to be accepted.

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Court

That Council confirm the Minutes of the Ordinary Council Meeting held on 16 November 2021 as a true and accurate record.

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Deputations

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

Item 13.1 **Application for Amended Development Approval - Canoe Hire Business on Lot 1 (558) Barragoon Road, Caraban**

Speaker/s: Stan Sykes

The deputation was in support to the Officer's Recommendation.

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 MEETING PROCEDURES AMENDMENT LOCAL LAW (NO. 2) 2021

File	LAW/1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	17 August 2021, Item 11.7
Appendices	1. Meeting Procedures Amendment Local Law (No. 2) 2021 [11.1.1 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider making the Shire of Gingin Meeting Procedures Amendment Local Law 2021 (No. 2) in accordance with s.3.12(4) of the *Local Government Act 1995* (the Act).

BACKGROUND

The Shire of Gingin Meeting Procedures Amendment Local Law (No. 2) 2021 (**Appendix 11.1.1**) was adopted by Council at its meeting on 17 August 2021 for the purpose of advertising the local law for public comment. The local law has been formulated in response to an undertaking given to the Joint Standing Committee on Delegated Legislation.

Local public notice advising of Council's intention and giving details of the purpose and effect of the proposed local law was duly given in accordance with s.3.12 of the Act. Public submissions were invited, with the submission period closing on 22 October 2021.

COMMENT

No public submissions were received in relation to the proposed Meeting Procedures (Amendment) Local Law 2021 (No. 2).

In accordance with the requirements of the Act, a copy of the proposed local law was submitted to the Minister for Local Government for consideration. The Department of Local Government, Sport and Cultural Industries subsequently provided the following comment:

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Clause	Department Recommendation	Action Taken
Cl.3	Amend to read <i>This local law amends the Shire of Gingin Meeting Procedures Local Law 2014 as published in the Government Gazette on 6 November 2014 and as amended in the Government Gazette on 1 April 2021.</i>	Supported. Clause has been amended accordingly.
Cl.4	<p>Cl. 4 of the proposed local law will delete cl. 5.9 of the principal local law.</p> <p>This deletion will mean that members of the public are now longer able to make deputizations to the council. This would involve the removal of an important mechanism which the community can use to bring matters to the council's attention.</p> <p>The <i>Local Government Act 1995</i> does not require standing orders to provide for deputizations. However, the deputization clause is a standard clause in the WALGA model and has been present in standing orders local laws for many years. As a result, it is possible the removal may raise concerns with the Parliament's Delegated Legislation Committee.</p>	<p>Noted. However, cl. 4 is giving effect to a requirement of the Standing Committee on Delegated Legislation, and therefore the Committee is unlikely to have any concerns in this regard.</p> <p>Further, members of the public still have the opportunity to make deputations to Council outside of the formal Council meeting environment.</p>

It is not considered that the amendments made have an effect on the intent of any part of the local law, and therefore are not of sufficient magnitude to require recommencement of the public submission process.

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

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

The local law will come into effect two weeks after gazettal.

Council should be aware that it is possible that, after reviewing the local law, the Joint Standing Committee may require certain amendments to be made. If this is the case, then the Shire will be required to recommence the process of advertising for public comment, resolving again to make the local law/s, gazettal and re-submission to the Committee for further consideration.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 3 – Functions of local governments

Division 2 – Legislative functions of local governments

Section 3.5 – Legislative power of local governments

Section 3.12 – Procedure for making local laws

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Johnson

That Council:

- 1. Adopt the Shire of Gingin Meeting Procedures Amendment Local Law (No. 2) 2021 as presented in Appendix 11.1.1; and**
- 2. Authorise affixing of the Common Seal to the document.**

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

LOCAL GOVERNMENT ACT 1995

SHIRE OF GINGIN

MEETING PROCEDURES AMENDMENT LOCAL LAW (NO. 2) 2021

Under the power conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on to make the following local law.

1. Title

This is the *Shire of Gingin Meeting Procedures Amendment Local Law 2021*.

2. Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

3. Principal Local Law

This local law amends the *Shire of Gingin Meeting Procedures Local Law 2014* as published in the *Government Gazette* on 6 November 2014 and as amended in the *Government Gazette* on 1 April 2021.

4. Clause 5.9 deleted

Clause 5.9 is deleted in its entirety.

Dated this of 202.....

The Common Seal of the Shire of Gingin)
was affixed by authority)
of a resolution of the Council in the)
presence of:)

C W FEWSTER
Shire President

A COOK
Chief Executive Officer

11.2 GINGIN DISTRICT HIGH SCHOOL BOARD - APPOINTMENT OF COUNCIL REPRESENTATIVES

File	GOV/33
Author	Ebony Mackey - Governance Support Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. GDHS Board Terms of Reference [11.2.1 - 11 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To appoint a new Council representative to the Gingin District High School Board.

BACKGROUND

At the request of the Gingin District High School (GDHS), since 2011 Council has appointed a Council representative to serve on the Gingin District High School Council. In late 2020, GDHS became an independent school with a Board. The Terms of Reference for the Board state that Board membership will include three members of “the general community”, but do not specify that one of those members must be a representative of the Shire of Gingin. However, the Board has confirmed that it would prefer that the Shire continue to be represented.

A copy of the Board’s Terms of Reference is attached as **Appendix 11.2.1**.

COMMENT

At its meeting on 19 October 2021. Council appointed Councillor Vis as representative and Councillor Rule as deputy representative to serve on the Board. However, Councillor Vis has subsequently advised that, as a Department of Education employee, she is unable to act as Council’s representative.

Clause 5.2 of the Board’s Terms of Reference states:

Staff who are also parents or community members will only serve on the Board in their capacity as a Department of Education employee. Such a person will only be on the Board in the category of staff membership.

As Councillor Vis is a staff member of Gingin District High School, she is not eligible to serve on the Board in her capacity as Shire of Gingin Councillor and a new representative will need to be appointed.

In the event that Councillor Rule is appointed as Council's representative, then it will be necessary to also appoint a new Deputy Representative.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 – Administration

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

Subdivision 2 – Committees and their meetings

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis

SECONDED: Councillor Johnson

That Council appoint the following as Council's representative and deputy representative on the Gingin District High School Board for a term of two years ending at the 2023 local government elections:

Representative	Deputy Representative
Councillor Johnson	Councillor Rule

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*



GINGIN DISTRICT HIGH SCHOOL BOARD TERMS OF REFERENCE

1 Name

The name of the Board is:

Gingin District High School Board.

The Board is established under the School Education Act 1999 (Sections 125 to 128) (SEA) and School Education Act Regulations (SER).

2 Purpose of Board

2.1

The Board is formed with the fundamental purpose of enabling parents and members of the community to engage in activities that are in the best interests of students and will enhance the education provided by the school.

3 Functions of the Board

3.1

The Board has the following functions:

To take part in:

- a) establishing and reviewing from time to time, the school's objectives, priorities and general policy directions;
- b) the planning of financial arrangements necessary to fund those objectives, priorities and directions;
- c) evaluating the school's performance in achieving them; and
- d) formulating codes of conduct for students at the school.

3.2

With the approval of the Director General to:

- a) take part in the selection of, but not the appointment of, the school principal or any other member of the teaching staff.

3.3

To approve:

- a) of a charge or contribution determined by the principal for the provision of certain materials, services and facilities;
- b) of the costs determined by the principal to be paid for participation in an extra cost optional component of the school's educational program;
- c) of the items determined by the principal to be supplied by a student for the student's personal use in the school's educational program; and
- d) of an agreement or arrangement for advertising or sponsorship in relation to a government school.

3.4

To determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school.

3.5

To provide advice to the principal of the school on:

- a) a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and
- b) allowing time for the special religious education of students in the school, but the total number of hours so allowed in a school year is not to exceed 40.

3.6

To promote the school in the community.

4 Limits of Functions

4.1

The Board cannot:

- a) intervene in the control or management of a school;
- b) intervene in the educational instruction of students;
- c) exercise authority over teaching staff or other persons employed at the school; or
- d) intervene in the management or operation of a school fund.

4.2

The Board is not permitted to borrow money, or obtain funds for the school.

4.3

The Director General may give directions in writing to a Board with respect to the performance of its functions, either generally or in relation to a particular matter, and the Board is to give effect to any such direction.

5 Qualifications for membership of the Board

5.1

Membership of the Board will be drawn from the following categories:

- a) parents of students at the school;
- b) members of the general community;
- c) staff of the school;
- d) the Principal is automatically a member of the Board; and
- e) students of the school where there is a perceived benefit for including.

5.2

Staff who are also parents or community members will only serve on the Board in their capacity as a Department of Education employee. Such a person will only be on the Board in the category of staff membership.

5.3

The number of members of the Board will be **8 members**.

5.4

The composition of the Board will be:

- i. **The school principal;**
- ii. **Three members of the general community;**

- iii. Two staff of the school in addition to the principal;
- iv. Two parents.

5.5

The Board may co-opt members of the local community to be members of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable him or her to make a contribution to the Board's functions.

5.5.1 The tenure for the co-opted member will be established by the Board at the time of the appointment.

5.6

The Board may co-opt a **student** as a member of the Board where there is a perceived benefit to the Board to do so. The student will be selected by the Board and will serve for the duration of time specified by the Board, not exceeding the time to the end of the school year.

6 Roles of Office Bearers

6.1

Chairperson

The role of the Chairperson is to:

- a) chair and convene Board meetings;
- b) provide leadership to the Board;
- c) manage the business of the Board;
- d) declare the result of decisions and motions;
- e) uphold Board decisions;
- f) work in partnership with the Principal;
- g) ensure the Board stays focused on supporting the school to achieve the best outcomes for students;
- h) prepare and present an annual report to members and the school community at annual public meetings;
- i) comply with any directions of the Board in relation to the venue and time of meeting and giving notice of the meeting;
- j) resolve disputes as required;
- k) facilitate mediation meetings as required and
- l) represent the school in the community and formal functions.

6.2

A member may at any reasonable time inspect the books, documents, records and securities of the Board. Members may make a copy of or take an extract, but have no right to remove the books, documents, records or registers of the Board.

7 Elections and appointment of members

7.1

Parent and Staff members of the Board are appointed for a term of three years. The appointment shall be from the commencement of the school year following the selection. Community members shall be appointed for a term specified by the Board.

7.2

Members may be reappointed for a further term once or more than once.

7.3

A casual vacancy means a vacancy that arises when a member resigns within the duration of their tenure.

7.4

Any member appointed or elected to a casual vacancy on the Board will hold office for the residual period of the predecessor's term of office.

7.5

The chairperson is elected by and from its membership annually at the first formal meeting of the year.

7.6

Where a vacancy arises, either through expiry of membership or retirement, the Principal of the school will invite nominations from all persons in each category to fill vacancies in the Board membership.

7.7

If there are more nominees than places available on the Board:

- a) the Principal will conduct an election to appoint parents and staff; and
- b) in the category 'community members' the choice of nominee will be decided by the Board rather than by election.

7.8

Only those people eligible for a position are eligible to vote for representatives for that position.

7.9

Parent members are to be elected from and by parents. Parents eligible to vote are:

- a) each parent whose name and address has been provided to the school on the enrolment register as a parent of a student; or
- b) if neither parent's name and address has been so provided in relation to a particular student, each person who is responsible for the student.

7.10

Staff members are to be elected from and by the staff of the school. Staff members who are eligible to vote are each person who is employed at the school under **SEA s.235(1)**, and whose usual place of work is at the school.

7.11

There will not be an election to appoint community members. The Board may appoint suitably qualified persons from the list of nominees by vote in a meeting, for a term specified by the Board, but not exceeding three years.

7.12

There will not be an election to appoint co-opted members. The Board will appoint persons of the local community having such skills, experience, or qualifications as would enable the person to make a contribution to the Board's functions for a specified time period, not exceeding three years.

7.13

A person will not vote in respect of more than one category of membership of the Board.

7.14

Voting in Board elections will be conducted in written form (as opposed to a show of hands).

7.15

The school Principal is responsible for the proper conduct of all elections.

7.16

A person who wishes to nominate to serve on the Board will notify the school principal in writing by the due date in order to be considered. The Principal will keep a record of nominations received.

7.17

Where no nominations for a particular category of membership are received by the closing date, the Board is able to appoint a suitable person from the people eligible under that category of membership.

7.18

Where a member is going to be unavoidably absent for up to three meetings, they may provide the Board in writing with a nomination for a proxy member for the term of their leave signed by the member and the proxy member. A proxy member cannot be a current member of the Board.

7.19

A proxy member must be endorsed by the Board, but after endorsement will have the same rights as the normal member for the duration of the proxy membership.

8 Board meetings and proceedings

8.1

The Board must meet together to undertake Board functions for not less than 5 ordinary meetings in each year.

8.2

The chairperson will give to the school community not less than 14 days formal notice of an ordinary meeting.

8.3

The Board will determine that medium for formal notice as the school newsletter, and/or the school website, and/or another appropriate form of notice.

8.4

Annual public meeting

- a) "Annual public meeting" is the meeting held once in every calendar year that is open to the public.
- b) An annual report will be presented at the meeting to advise the school community of the performance of the Board in relation to its functions since the previous annual public meeting.

8.5

The chairperson will give to all members and parents not less than 14 days formal notice of an annual public meeting.

8.6

A special meeting:

- a) Is a meeting called for by families of students at the school for a particular purpose.
- b) will be held by determination of the Board; or
- c) will be called for by:
 - i. at least 20 families of students at the school; and
 - ii. a formal notice to the chairperson, which will state the purpose for which the special meeting concerned is required; and be signed by the families who called for the special meeting.

8.7

The Chairperson is not to convene a special meeting if the purposes of the proposed meeting is not relevant to the Board's functions.

8.8

A special meeting is to deal only with matters relevant to the purposes set out in the notice received by the Chairperson.

8.9

The Chairperson will give to all members and the school community not less than **14 days formal notice of a special meeting**.

8.10

The Chairperson will convene the special meeting within 30 days of receiving the request in writing.

8.11

The Chairperson may, with the consent of a meeting at which a quorum is present, and must, if so directed by such a meeting, adjourn that meeting from time to time and from place to place.

8.12

No business will be transacted at an adjourned meeting other than business left unfinished or on the agenda at the time when the meeting was adjourned.

8.13

When a meeting is adjourned for a period of 30 days or more, the Chairperson will give formal notice of the adjourned meeting as if that meeting were a fresh meeting.

8.14

The Board will agree on the manner that the Secretary will communicate notice of ordinary, special and annual public meetings to members and the school community.

8.15

Meetings for the Board and the Parents and Citizens' Association are to be held separately.

8.16

Subject to this Terms of Reference, the Board will determine its own procedures.

8.17

The Board may establish sub-committees for any purpose relating to the Board's functions. These committees will be responsible to, and report back to the Board at regular intervals or until the sub-committee is dissolved.

9 Quorum at Board meetings

9.1

At a meeting *five* members present in person or by a conference call at a Board meeting constitute a quorum, provided the majority are Parent and Community members of the Board.

9.2

If within 30 minutes after the time specified for the holding of a meeting of which formal notice has been given a quorum is not present, the meeting lapses and will be rescheduled;

9.3

If within 30 minutes of the time for the resumption of adjourned meeting a quorum is not present, the members who are present in person may nevertheless proceed with the business of the meeting as if a quorum were present.

10 Motions at Board meetings

10.1

A motion may be moved by a member with full voting rights, and voted on by a member with full voting rights, at an ordinary meeting, special meeting, or annual public meeting.

10.2

The Board will agree on the manner that the School will communicate notice of motions to members and the school community.

11 Resolutions at Board meetings

11.1

Each Board member is entitled to one vote only.

11.2

Procedures for counting of votes will be by a show of hands.

11.3

Voting on issues will be recorded in the minutes.

11.4

A decision of the Board will not take effect unless it has been made by an absolute majority, that is, **five votes**, regardless of the number of members present.

11.5

A motion put to the vote:

- a) may be moved and voted on at an ordinary, special or annual public meeting;
and
- b) will be decided by an absolute majority of votes.

11.6

A motion which is passed will be declared by the Chairperson as a resolution. A declaration by the Chairperson is evidence of the fact.

12 Closing an ordinary Board meeting to the public

12.1

Meetings of the Board are generally to be open to the public.

12.2

The Board will not close to members of the public an annual public meeting or special meeting.

12.3

The Board may decide to close an ordinary meeting or part of an ordinary meeting if it deals with any of the following:

- a) a matter affecting a person who is employed at the school;
- b) the personal affairs of any person;
- c) a contract entered into, or which may be entered into, by the Board and which relates to a matter to be discussed at the meeting;
- d) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
- e) a matter that if disclosed, would reveal:
 - i. information that has a commercial value to a person and that is held by, or is about, a person other than the Board); or
 - ii. information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Board; and
- f) information which is the subject of a direction given under **PCA s.23(1)(a)**.

12.4

A decision to close an ordinary meeting or part of an ordinary meeting and the reason for the decision are to be recorded in the minutes of the meeting.

12.5

A student member of the Board, where selected, may be excluded by the Board at the discretion of the Board.

13 Disputes and Mediation

13.1

The grievance procedure set out in this rule applies to disputes under these rules between:

- a) a Board member and another member;
- b) a Board member and the Principal of the school;
- c) a Board member and the Chairperson; or
- d) a Board member and co-opted members.

13.2

The parties to the dispute should meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all parties.

13.3

If the parties are unable to resolve the dispute at the meeting, a meeting may be held in the presence of a mediator.

13.4

The mediator will be-

- a) a person chosen by agreement between the parties; or
- b) in the absence of agreement:
 - i. in the case of a dispute between a member and another member, a person appointed by the Chairperson of the Board;
 - ii. in the case of a dispute between a member or relevant non-member and the Board, a person who is a mediator appointed to, or employed with, a not for profit organisation.

13.5

A member of the Board can be a mediator.

13.6

The mediator cannot be a member who is a party to the dispute.

13.7

The mediator, in conducting the mediation, will-

- a) give the parties to the mediation process every opportunity to be heard;
- b) allow due consideration by all parties of any written statement submitted by any party; and
- c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

13.8

The mediator will not determine the dispute.

13.9

The mediation will be confidential and without prejudice.

13.10

If the mediation process does not result in the dispute being resolved, the parties may seek advice from the Regional Executive Director.

14 Cessation or termination of membership of the Board

14.1

The office of a member of the Board becomes a casual vacancy if the member:

- a) becomes ineligible to hold office as a member as a result of no longer being a member of the category for which they are a representative;
- b) resigns by written notice delivered to the Board; or
- c) is removed from office by the Director General.

14.2

The Board may remove a person as a member of the Board on the grounds that the person:

- a) has neglected his or her duty as a member;
- b) has misbehaved or is incompetent;
- c) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or

- d) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

14.3

The Board will not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.

14.4

A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not, of members of the Board.

ADDENDUM

In these rules, unless the contrary intention appears:

- “*Board*” means the Council of an Independent Public School. “*Council*” means the Council referred to in rule 1, established in **SEA s.125**.
- “*Director General*” means the chief executive officer of the Department of Education as defined in **SEA s.229**.
- “*Parent*” in relation to a child, means a person who at law has responsibility -
 - For the long term care, welfare and development of the child; or
 - For the day to day care, welfare and development of the child (**SEA s.4**).
- “*Student*” means a person who is enrolled at the school (**SEA s.4**).
- “*PCA*” means **Parliamentary Commissioner Act 1971**.
- “*Minister*” means a body corporate with the name “Minister for Education” (**SEA s.214(1)**).
- “*SEA*” means **School Education Act 1999**.
- “*SER*” means **School Education Regulations 2000**.
- “*Ordinary meeting*” means a meeting held by determination of the Board (**SER r.115(1)**).
- “*Annual public meeting*” is the annual meeting in which the Board presents to the school community an annual report based on the Board’s functions (**SER r.117**).
- “*Special meeting*” means a meeting of the Board called for by written notice to the chairperson by parents of students at the school for a specific purpose (**SER r.118**).
- “*Terms of Reference*” means these rules that will apply to the Board and members.

The following links provide access to legislation and other documents relevant to school governance.

School Education Act 1999 (SEA)

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_878_homepage.html

School Education Regulations 2000 (SER)

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2033_homepage.html

School Curriculum And Standards Act 1997

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_233_homepage.html

Public Sector Management Act 1994

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_233_homepage.html

Financial Management Act 2006

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_233_homepage.html

Department of Education Policies Website

<http://det.wa.edu.au/policies/detcms/portal/>

11.3 PROPOSED ELECTRIC VEHICLE CHARGING STATIONS (TESLA MOTORS AUSTRALIA AND SYNERGY) - ROCK WAY, LANCELIN

File	ECO/20; A4291
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	16 November 2021, Item 11.1
Appendices	<ol style="list-style-type: none">1. Location Plan [11.3.1 - 2 pages]2. Schedule of Submissions & Administration Comments [11.3.2 - 3 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider submissions received in relation to the proposed disposition of property to Tesla Motors Australia and Synergy to accommodate electric vehicle charging stations in Rock Way, Lancelin.

BACKGROUND

At its meeting on 16 November 2021, Council gave consideration to proposals from Tesla Motors Australia for the establishment of a Tesla Super Charging Station, and Synergy for the establishment of electric vehicle charging sites including a universal bay, in Lancelin.

Both proposals require close proximity to a Western Power transformer that is capable of supplying sufficient power to permit fast charging of vehicles, and after investigation it became evident that the only suitable site close to the Lancelin CBD was the existing parking bays located in Rock Way on the northern boundary of Wangaree Park (**Appendix 11.3.1**).

After considering the matter, Council ultimately resolved to approve the Rock Way locations and to undertake a disposition of property by way of lease to each provider, subject to local public notice of the proposed dispositions being given in accordance with s.3.58 of the *Local Government Act 1995*, with a further report being presented to Council in the event of submissions being received.

The proposed dispositions of property were advertised in The West Australian newspaper, the Shire's public website and Facebook page and official noticeboards at the Gingin Administration Centre, Lancelin Office/Public Library and Gingin Public Library on 20 November 2021.

Two submissions were received prior to the close of the submission period on 6 December 2021. These submissions are now presented for Council's consideration in accordance with s.3.58(3)(b).

COMMENT

A summary of submissions and administrative comments is provided as **Appendix 11.3.2**.

Importantly, both submissions are very supportive of the proposal for electric vehicle charging facilities in Lancelin, and neither objects to the proposed disposition of property.

It is therefore recommended that Council proceed with the disposition of property in accordance with the resolution made at its meeting on 16 November 2021.

In addition, further advice has been received from Synergy in relation to the proposed annual rental of \$750, as follows:

We have been advised that the in-kind value of the chargers being installed in the Shire of Gingin outweighs the administration fee that has been recommended. On that basis, we request that this is factored into the Shire of Gingin's valuation exercise and that we can agree to the License Fee of the original amount of \$5. This is the position that we will take with all LGAs included in the roll-out of this project and thus we would like to keep this fair and equitable.

The following observations are made for Council's consideration:

1. It is Synergy's opinion that the installation of its electric vehicle charging points in Lancelin will provide a benefit to the community that outweighs the proposed "administration fee".

As Council is aware, the independent market rental valuation of the land concerned recommended an annual rental figure of \$2,000. Ultimately, Council did recognise the benefit of the facility to the community and, for that reason, decided on a significantly reduced rental figure of \$750 per annum.

It should be recognised that increased usage of the area for charging of electric vehicles is likely to bring a corresponding increase in maintenance issues such as littering, which will incur a cost to the Shire of Gingin in terms of staff time to address.

2. The industry position is generally that within 10 years approximately 30% of all vehicles will be electric vehicles. It is therefore highly likely that other providers will be approaching the Shire of Gingin over time to establish more charging points, either in Lancelin or in other communities throughout the Shire.

Council should be mindful of the potential for creating a precedent for "peppercorn" type leases for this type of facility.

3. Although Synergy advises that it intends to propose a \$5 per annum rental figure to all local governments it approaches with respect to similar facilities, there is no indication at this point that other local governments will accept such a proposal.
4. Although not a primary deciding factor, if Council were to agree to an amended rental figure then it would be necessary to recommence the disposition of property process for the proposed rental to Synergy, thus incurring additional advertising costs. This would not affect the proposed agreement with Tesla Motors Australia.

Based on the above comments, it is recommended that Council proceed with the disposition of property to both Tesla Motors Australia and Synergy in accordance with the resolution made at its meeting on 16 November 2021.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 3 – Functions of local governments

Division 3 – Executive functions of local governments

Section 3.58 – Disposing of property

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment Economic Development
Objective	2 – To develop the Shire's capacity to support the conservation of natural assets and undertake sustainable resource management 4 – To support economic development through the Shire's service delivery
Outcome	2.2 Sustainable Resource Management The Shire practices sustainable resource management within its operations and supports the community to do the same 4.1 Tourist Playground An internationally acclaimed tourist playground 4.3 Innovation Innovation is the foundation of economic growth across the Shire
Key Service Area	Community Infrastructure Economic Development & Tourism Infrastructure
Priorities	N/A

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

1. Note the submissions received as detailed in Appendix 11.3.2.
2. Agree, subject if necessary to the amendment of the Vesting Order for Lot 323 (Reserve 44490) to include a power to lease and endorsement of any agreements by the Minister for Lands, to enter into:
 - a. A Supercharger Licence Agreement with Tesla Motors Australia for four parking bays in Rock Way, Lancelin and a transformer location to be negotiated by the CEO, for a term of five years with two further terms of five years, at a commencing rental of \$750 per annum (ex. GST).
 - b. A Supercharger Licence Agreement with Synergy for five parking bays in Rock Way, Lancelin and a transformer location to be negotiated by the CEO, for a term of five years with two further terms of five years, at a commencing rental of \$750 per annum (ex. GST).
3. Authorise application of the Common Seal of the Shire of Gingin to the resulting agreements.

AMENDMENT MOTION

MOVED: Councillor Kestel

SECONDED: Councillor Peczka

Add:

4. Agree that the Bays will be reserved for exclusive use by electric vehicles.

LOST
2 / 7

FOR: *Councillor Kestel and Councillor Peczka*

AGAINST: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Sorensen and Councillor Vis*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Rule

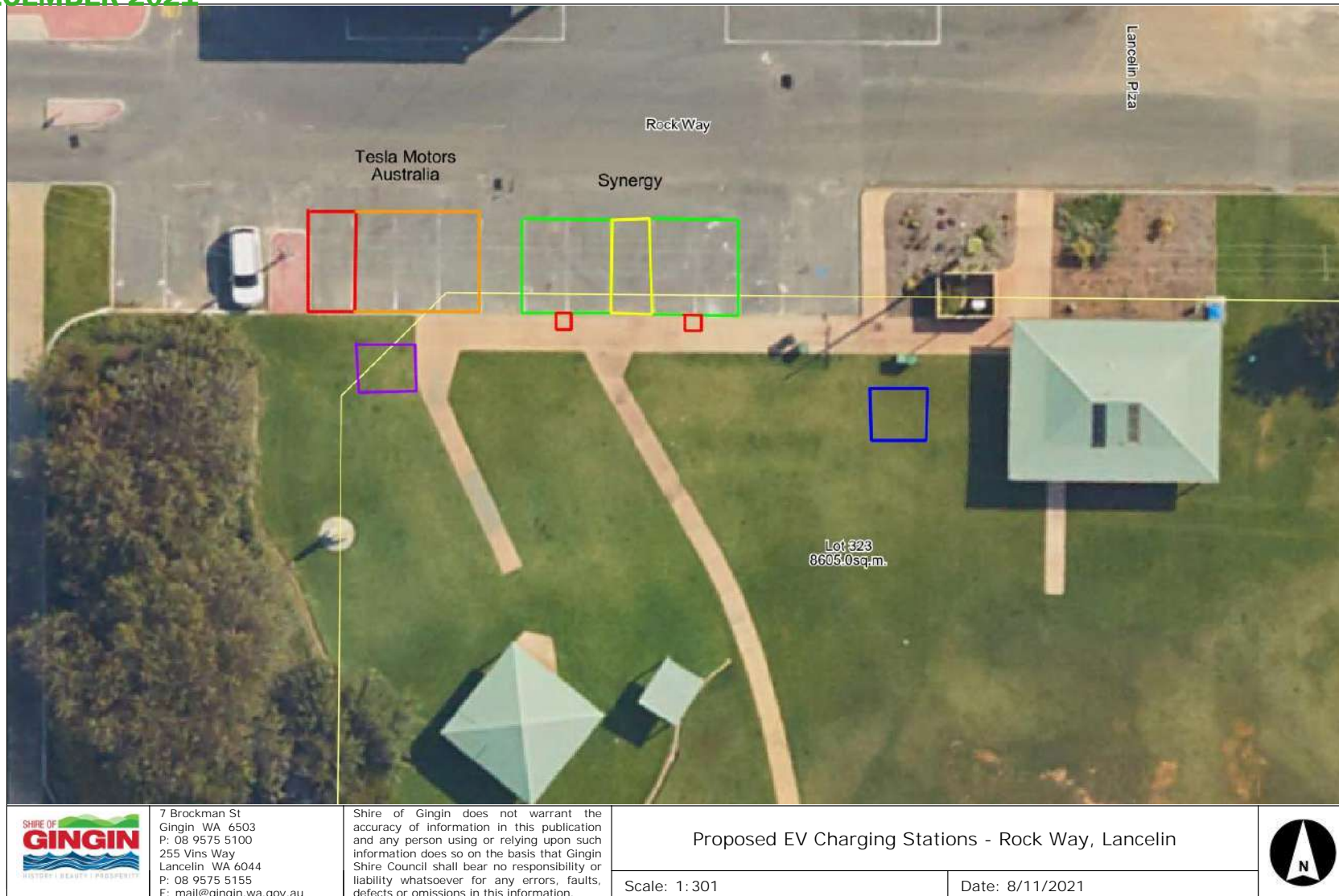
That Council:

1. Note the submissions received as detailed in Appendix 11.3.2.
2. Agree, subject if necessary to the amendment of the Vesting Order for Lot 323 (Reserve 44490) to include a power to lease and endorsement of any agreements by the Minister for Lands, to enter into:
 - a. A Supercharger Licence Agreement with Tesla Motors Australia for four parking bays in Rock Way, Lancelin and a transformer location to be negotiated by the CEO, for a term of five years with two further terms of five years, at a commencing rental of \$750 per annum (ex. GST).
 - b. A Supercharger Licence Agreement with Synergy for five parking bays in Rock Way, Lancelin and a transformer location to be negotiated by the CEO, for a term of five years with two further terms of five years, at a commencing rental of \$750 per annum (ex. GST).
3. Authorise application of the Common Seal of the Shire of Gingin to the resulting agreements.

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*





SCHEDULE OF SUBMISSIONS AND ADMINISTRATION COMMENTS

No.		Summary of Submission	Administration Comments
1.	a.	The naming needs to be changed as the Tesla charging network is called the Tesla Superchargers and is only for Teslas, everyone else uses Fast EV Chargers. This is small, but with EV owners it'll cause a lot of confusion if a non-Tesla Charger is called a Supercharger.	Noted. Appropriate signage for each facility will be provided by the relevant proponent.
	b.	The bays will need to be marked as people with 4x4s (lots in Lancelin because of the dunes) hate EVs as they think everyone who owns an EV is an environmentalist. Some 4x4 drivers hate EV's and often park in EV bays even when they are marked.	Noted. Bays will be marked as electric vehicle charging facilities, but it is not intended that Shire of Gingin staff will monitor usage of the bays or issue fines for incorrect usage.
	c.	I'd like to suggest adding more Tesla Superchargers, like 6 or 8 instead of 4 as there is heaps of Teslas, many many times more Teslas than all other EVs combined.	The number of Tesla charging bays is in accordance with the proposal put forward by Tesla Motors Australia.
2.	a.	As the State Govt and Police Force transition to EVs (for fleet and operational), chargers like these would likely also be utilised by those agencies (and more). WA Police have stations in Lancelin, Gingin etc and a charging marked Police Vehicle in these bays would be good for those Police Wheatbelt districts and residents.	Noted. There is no proposal to provide a dedicated bay for Police vehicles at this point in time.
	b.	The bays need to be clearly signed/marked as EV only, and there needs to be signage outlining improper use (by non-EVs) can have fines imposed. The same restrictions as on disabled parking bays. To not have restrictions on parking in the bays will encourage non-EVs to park in the bays, which will make the bays useless. EV owners will bypass Lancelin if the reputation (via social media) is that the EV bays in Lancelin are often occupied by non-EVs (it wouldn't be worth the risk of going there to use them if charging is essential...EV owners will plan a different route with more reliable access to EV chargers).	Noted. As advised in the CEO's previous report to Council, the proposed agreements with Tesla Motors Australia and Synergy will not give exclusive use of the bays to electric vehicles, or stop the parking of conventional vehicles. At the present time the RAC's EV Charging Stations Map does not show any alternative charging for EVs heading north of Lancelin before Cervantes, other than at Badgingarra on the Brand Highway.

	<p>c. It's a massive own goal if there were to be a free-for-all on the EV parking. There are already common issues with Internal Combustion Engine (ICE) owners parking in EV bays on purpose to stop EVs from charging. Not having a deterrent in place will exacerbate this issue/behaviour.</p> <p>There are options to make sure EV bays are not being ICE'd, which Tesla or Synergy may be willing to cooperate on with costs:</p> <ul style="list-style-type: none"> • Signs (clear and with penalties shown) • Cameras (you could add these cameras to the Police CCTV network and help WA Police Force with other investigations as well, as number plates can be automatically recognised...which may have been a tool used in the recent Cleo Smith case) • Parking inspectors <p>d. "Smart Poles" may be an option (if supported by Tesla or Synergy), or something for other locations in the future (and to generate revenue). Smart poles are multifunctional units that can include: energy-efficient, automated LED lighting technology, wi-fi (to a range of about 100m), CCTV, audio speakers for public announcements, projection, banner arms and electric vehicle charging stations. Smart poles have been installed at locations around Australia including the University of Wollongong, Darling Harbour in Sydney and Robina Shopping Centre, Gold Coast.</p> <p>Blacktown City Council finalised an agreement in 2018 with infrastructure group ENEHUB to install 10 smart poles with charging points on local streets as well as in car parks and shopping centres. EV drivers were able to charge their cars for free at the poles which also provide Wi-Fi and LED street lighting for three years, but then were asked to pay. The council paid a one-off contribution of \$30,000 (that's just \$3,000 per lighting/charging/wi-fi pole to the project and entered into a 15 year licence agreement with ENE-HUB.</p>	<p>Noted. See comments for 2b. Should this be an ongoing issue both Synergy and Tesla will need to consider funding a solution as Council staff members do not have the time to continually regulate the parking.</p> <p>Noted. At this point in time there is no proposal for the Shire of Gingin to independently provide further EV charging facilities or Smart Poles.</p>
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e.	A review of the parking and traffic regulations in your Shire would be needed to ensure that priorities offered to EVs can be enforced, ensuring only EVs park and charge in the allocated spaces.	Noted. See comments for 2b.
f.	<p>I wonder if the current bays planned for usage by Tesla and Synergy are blocking access to disabled parking and then wheelchairs for easy access to the pathways from the parking bays into the park.</p> <p>Perhaps you could consider moving the charging bays to the very left and right, so that the path/pathway section can be used by families with prams and disabled people (walkers/wheelchairs)?</p> <p>I would (if at all possible) locate all the Tesla/Synergy bays adjacent to each other so there are no standard ICE bays between them. This will make it much clearer as to which bays are EV and which are ICE. Having one or two bays between the EV bays would make it unclear for ICE drivers, I believe, and therefore increase the amount of ICE cars in EV bays.</p>	Noted. The dedication of the exact bays in Rock way are yet to be finalised and the best utilization of the bays will be facilitated.
g.	It may be useful to allocate one or two (slightly larger) bays to disabled EV drivers.	Noted. The allocation of ACROD parking has not been requested by Synergy or Tesla.
h.	I would hope that Tesla/Synergy would be able to pay for the facilitation of markings/modifications/signage so there is minimal cost to the Council. The Council can actually get some revenue from fines if people park ICE in the EV bays.	Noted. All road markings and signage are at the cost of the applicant not Council

12 REPORTS - CORPORATE AND COMMUNITY SERVICES

12.1 LANCELIN SPORTING COMPLEX - SOLAR PANEL FUNDING

File	CSV/14
Author	Bethwyn Innes - Executive Assistant to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	18 May 2021 OCM – Item 12.1
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the 2021/22 Budget to release funds from the Lancelin Community Sporting and Recreation Reserve Account and contribute these funds to the Lancelin Community and Sporting Club Inc for costs associated with the purchase and installation of a 15KW solar panel system at the Lancelin Sporting Complex.

BACKGROUND

At the Ordinary Council Meeting on 18 May 2021, Council resolved to approve the purchase and installation of a solar panel system at the Lancelin Sporting Complex, with the Lancelin Community Sporting Complex Reserve Account to fund the project.

The Lancelin Community Sporting Committee Inc. was advised of Council's resolution, however the purchase and installation of the solar system was not completed during the 2020/21 financial year. The delay was due to the time taken for the installer to submit for approval the Building Application required to install the system. The transfer of funds from the reserve was therefore also not undertaken. In addition, the associated carry forward was not included in the 2021/22 Budget. This item serves to remedy this.

COMMENT

A building permit application had not been received prior to the installation of the solar panels, however an application has since been received and retrospective building approval granted. With the project now complete, funding towards the purchase has now been requested in accordance with Council's May 2021 approval.

Funds from the Lancelin Sporting Complex Reserve are available specifically for the purpose of developing buildings and other associated infrastructure for the Lancelin Community Sporting Club Complex.

Optus and Telstra both have telecommunications towers located on Reserve 28308. Council has leases in place with both companies and receives lease revenue accordingly which is placed in the Lancelin Community Sporting Club Reserve Account.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act, 1995 Section 6.8

Part 6 – Financial management

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

POLICY IMPLICATIONS

Policy 1.4 Solar panels on Shire Owned or Managed Infrastructure or Assets.

As detailed within the LCSC's application and quotes received, the proposed solar system meets the standards as set out in Council Policy 1.4 Solar Panels on Shire Owned or Managed Infrastructure or Assets and the LCSC has accepted these requirements as conditions of approval.

BUDGET IMPLICATIONS

Council's adopted 2021/22 Budget does not contain a provision for this expenditure and therefore Council's approval is required for the unbudgeted expenditure and associated transfer of funds from the Lancelin Community Sporting Complex Reserve Account. Current funds in this Reserve account are \$98,639.78.

Should Council approve the use of the Reserve Account to fund the purchase, there will be no impact on the 2021/22 Closing Surplus.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis

SECONDED: Councillor Johnson

That Council:

1. Approve unbudgeted expenditure of \$13,999 for the purchase and installation of a 15kw solar panel system at the Lancelin Sporting Complex in accordance with the resolution made at its meeting on 18 May 2021 and on understanding the Lancelin Community Sporting Club Inc. has accepted conditions as set out in Policy 1.4 Solar Panels on Shire Owned or Managed Infrastructure or Assets ; and
2. Agree to amend the adopted 2021/22 Budget as follows:

Account	Description	21/22 Budget	Proposed Amended Budget	Variation
151103810	Transfer from Lancelin Sporting Complex Reserve	{resolution}	-\$13,999	-\$13,999
BM11391	LA Community Sporting Club purchase and installation of new solar panels	{resolution}	\$13,999	\$13,999
			Net Effect	0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

12.2 LIST OF PAID ACCOUNTS FOR THE PERIOD ENDING 30 NOVEMBER 2021

File	FIN/25
Author	Tania Ladner – Finance Support Officer
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 November 2021.

BACKGROUND

Council has delegated authority to the Chief Executive Officer (CEO) to exercise the power to make payments from the Municipal Fund (Delegation 2.15 Payments from the Municipal or Trust Funds). The CEO is required to present a list to Council of those payments made since the last list was submitted.

COMMENT

Accounts totalling \$1,323,381.30 were paid during the month of November 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) \$831,977.03
- Municipal Fund cheques \$5,853.86
- Municipal Fund direct debits \$485,550.41

Total Municipal Expenditure \$1,323,381.30

Total Trust Fund Expenditure \$0

Total Expenditure \$1,323,381.30

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

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

Shire of Gingin Delegation Register – Delegation 2.1 Payment of Creditors

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court

SECONDED: Councillor Vis

That Council note all payments made by the Chief Executive Officer under Delegation 2.15 for November 2021 totalling \$1,323,381.30 as detailed in the schedule provided to Councillors comprising:

• Municipal Fund electronic funds transfers (EFT)	\$831,977.03
• Municipal Fund cheques	\$5,853.86
• Municipal Fund direct debits	\$485,550.41
• Trust Fund	0.00
	CARRIED
	9 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

12.3 MONTHLY FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 NOVEMBER 2021

File	FIN/25
Author	Karina Leonhardt - Coordinator Corporate Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Monthly Financials Statements November 2021 [12.3.1 - 12 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Statements of Financial Activity for the period ending 30 November 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 30 November 2021 present the financial performance of the Shire for the 2021/22 financial year and compare year to date expenditure and revenue against the corresponding year-to-date budget.

A break-up of the \$1,472,741 variance is summarised across operations, investing and financing below with a detailed explanation of variations within each area contained within **Appendix 12.5.1**.

Under budget

Operating Fund Surplus / Deficit	\$(264,239)
Operating Expenditure	\$787,570
Investing Activities – Revenue	\$(1,484,408)
Investing Activities – Expenditure	\$2,331,932
Financing Activities – Revenue	\$0
Financing Activities – Expenditure	\$14,487

Over budget

Operating Revenue	\$87,399
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It should be noted that while the 2020/21 year-end processes have largely been finalised, further changes may be identified as part of the final audit and may affect the operating fund surplus/deficit.

Investments

As required by Council Policy 3.2 - at this time, there are no investments to report on.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial Management

Division 3 – Reporting on activities and finance

Section 6.4 – Financial Report

Local Government (Financial Management) Regulations 1996

Part 4 – Financial Reports

Reg 34 – Financial activity statement required each month

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

POLICY IMPLICATIONS

Shire of Gingin Policy 3.2 – Investments

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court

SECONDED: Councillor Rule

That Council endorse the Statements of Financial Activity for the period ending 30 November 2021.

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*



MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2021 TO 30 NOVEMBER 2021

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Cash-Backed Reserves	8
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Shire of Gingin Statement of Financial Activity
1 July 2021 to 30 November 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 2021/22 year is \$20,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Karina Leonhardt
Reviewed by: Les Crichton
Date Prepared: 15/12/2021

MINUTES ORDINARY COUNCIL MEETING 21 DECEMBER 2021

APPENDIX 12.3.1



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2021 to 30 NOVEMBER 2021

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	1,810,017	(264,239)	-13%	Adjustments to 20/21 Annual Financial statements at auditor's request.
Revenue from operating activities						
General Purpose Funding	1,162,804	558,124	541,508	(16,616)	(3%)	No comment required.
General Purpose Funding - Rates	8,876,855	8,890,355	8,870,658	(9,697)	0%	No comment required.
Governance	5,000	2,670	179	(2,491)	(93%)	Timing of reimbursements received.
Law, Order, Public Safety	701,850	230,555	467,834	237,279	103%	DFES Fire Mitigation reimbursement for completion of 2020/21 treatments received with no corresponding budget allocation.
Health	55,850	46,714	61,078	14,364	31%	Higher than expected health regulatory license billing.
Education and Welfare	9,500	2,710	699	(2,011)	(74%)	Timing of community bus bookings.
Housing	112,764	46,975	52,603	5,628	12%	Timing of seniors housing rental billing; unbudgeted rent received from staff house at 37A Leifroy Street.
Community Amenities	1,921,561	938,249	788,929	(149,320)	(16%)	1st payment of CMPAP funding received for Coastal Management Strategy transferred to contract liability as per AASB15 until spent. Other coastal/environmental grants not yet received.
Recreation and Culture	120,804	36,953	74,006	37,053	100%	Recognition of Stage 1 LRCI funding for GOAS project transferred from contract liability after acquittal completed, timing of swimming lesson income and admissions income from Gingin Aquatic Centre.
Transport	423,403	290,403	284,269	(6,134)	(2%)	No comment required.
Economic Services	1,664,432	655,714	614,024	(41,690)	(6%)	Guilderton Store Lease income billing awaiting finalisation of lease; seasonal timing of Guilderton Holiday Park income.
Other Property and Services	155,951	57,490	80,700	23,210	40%	Worker's compensation payments received; higher than expected general reimbursements and information fees.
	15,210,374	11,746,912	11,836,487	89,575	1%	
Expenditure from operating activities						
Governance	(1,547,686)	(277,899)	(902,085)	(624,186)	225%	Higher than expected SAT legal fees, Timing of subscriptions and memberships; administration costs allocated but not yet in budget - to be completed by administration staff; employee costs allocation to be amended at budget review.
General Purpose Funding	(536,863)	(111,455)	(182,826)	(71,371)	64%	Timing of postage for rates instalments; administration costs allocated but not yet in budget - to be completed by administration staff; higher than expected bank fees and charges.
Law, Order, Public Safety	(1,611,046)	(581,888)	(486,870)	95,019	(16%)	Depreciation not yet processed for 21/22; timing of fire related expenditure.
Health	(655,014)	(189,832)	(138,325)	51,507	(27%)	Depreciation not yet processed for 21/22; timing of Gingin Medical Centre maintenance and operations costs; timing of pest control programs.
Education and Welfare	(256,382)	(92,545)	(34,017)	58,528	(63%)	Depreciation not yet processed for 21/22; timing of maintenance to bus shelters; timing of community engagement activities.
Housing	(86,484)	(41,014)	(25,688)	15,326	(37%)	Depreciation not yet processed for 21/22; timing of maintenance and operational costs for seniors and staff housing.
Community Amenities	(3,149,681)	(1,104,677)	(750,202)	354,475	(32%)	Depreciation not yet processed for 21/22; timing of general tip maintenance; timing of completion of Coastal Risk Management Plan; timing of operational costs associated with public conveniences; Timing of Waste Collection charges; timing of operational costs of public conveniences.
Recreation & Culture	(3,997,105)	(1,567,383)	(828,386)	939,017	(60%)	Depreciation not yet processed for 21/22; timing of recreation ground and general parks maintenance/operations; timing of country clubs, halls and general building maintenance/operations; timing of trails and tracks maintenance/operations; timing of beaches and foreshore operations.
Transport	(4,030,718)	(1,680,965)	(800,451)	880,514	(52%)	Depreciation not yet processed for 21/22; drainage, footpaths and other road maintenance not yet completed; bridge work projects not completed.
Economic Services	(1,562,148)	(547,214)	(414,000)	133,214	(24%)	Depreciation not yet processed for 21/22; timing of payment to contract Building Surveyor and contract economic development consultants; Guilderton Holiday Park November 21/22 management fee yet to be paid; timing of Guilderton Holiday Park maintenance and operations.
Other Property and Services	(1,088,411)	(1,715,827)	(722,854)	992,973	(58%)	Depreciation not yet processed for 21/22; timing of administration building maintenance; timing of payments to consultants; timing of staff training and development; bulk fuel payments still to be processed
	(18,521,598)	(7,910,700)	(5,085,683)	2,825,016	(36%)	

MINUTES ORDINARY COUNCIL MEETING 21 DECEMBER 2021

APPENDIX 12.3.1



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2021 to 30 NOVEMBER 2021

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
Operating activities excluded from budget						
(Profit)/Loss on Asset Disposals	0	0	0	0	0%	
Depreciation on Assets	4,927,951	2,051,230	13,783	(2,037,447)	(99%)	Depreciation not yet processed for 21/22
Non cash Adjustment	0	0	(2,176)	(2,176)		
Amount attributable to operating activities	1,611,787	5,887,443	6,762,412	874,969	15%	
Investing Activities						
Non operating grants, subsidies & contributions	8,770,560	2,013,553	330,081	(1,483,472)	(74%)	Timing of recognition of LRCI Phase 1 funding currently in contract liabilities; LRCI Phase 2 projects not yet nominated or approved; timing of contribution for Gingin Football Club Lights contributions; timing of recognition and payment of capital grants relating to the Gingin Colocation Facility (ICC).
Purchase Land Held for Resale	0	0	0	0	0%	No comment required.
Purchase Land and Buildings	(2,782,477)	(2,239,207)	(546,164)	1,693,043	(76%)	Timing of capital purchases
Purchase Infrastructure Assets - Roads	(5,967,795)	(455,076)	(84,102)	370,974	(82%)	Timing of capital purchases
Purchase Infrastructure Assets - Parks	(719,499)	(299,790)	(109,090)	190,700	(64%)	Timing of capital purchases
Purchase Infrastructure Assets - Other	(150,000)	(20,835)	0	20,835	0%	No comment required.
Purchase Infrastructure Assets - Footpaths	(215,250)	(83,333)	(26,955)	56,380	(68%)	Timing of capital purchases
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%	No comment required.
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%	No comment required.
Proceeds from Disposal of Assets	164,000	0	0	0	0%	No comment required.
Self-Supporting Loan Principal Income	13,553	6,684	5,748	(936)	0%	No comment required.
	(3,831,733)	(1,078,006)	(230,482)	847,524	(79%)	
Financing Activities						
Repayment of Debentures	(259,386)	(93,988)	(92,820)	1,168	(1%)	No comment required.
Proceeds from New Debentures	350,000	0	0	0	0%	No comment required.
Proceeds from New Self-Supporting Loans	0	0	0	0	0%	No comment required.
Payment of Principal Portion of Lease Liabilities	(31,995)	(13,325)	(12,506)	819	-6%	No comment required.
Transfers to Reserves - Cash Backed Reserves	(870,083)	(12,300)	0	12,300	(100%)	End of year process
Transfers from Reserves - Cash Backed Reserves	957,154	0	0	0	0%	End of year process
	145,690	(119,813)	(105,326)	14,487	(12%)	
Net Current Assets Year to Date	0	5,763,880	8,236,620	1,472,741	22%	

MINUTES ORDINARY COUNCIL MEETING 21 DECEMBER 2021

APPENDIX 12.3.1



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2021 to 30 NOVEMBER 2021

Statement of Financial Activity by Nature & Type

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	1,810,017	(264,239)	(13%)
Revenue from operating activities					
Rates	8,882,052	8,880,355	8,870,658	(9,697)	0%
Grants & Subsidies (Operating)	2,291,791	1,303,068	1,199,263	(103,805)	(8%)
Fees & Charges	3,828,800	1,560,466	1,570,120	9,654	1%
Interest Earnings	137,444	57,313	44,810	(12,503)	(22%)
Other Revenue	70,287	(54,790)	151,636	205,926	(379%)
Profit on Sale of Assets	0	0	0	0	0%
	15,210,374	11,746,912	11,836,487	89,575	1%
Expenditure from operating activities					
Employee On Costs	(6,390,737)	(2,662,935)	(2,487,700)	175,235	(7%)
Materials & Contracts	(5,709,570)	(2,359,375)	(1,922,297)	437,078	(19%)
Utilities (Gas, Water etc)	(445,615)	(185,715)	(153,579)	32,136	(17%)
Insurances	(341,215)	(341,215)	(362,476)	(21,261)	6%
Depreciation of Assets	(4,922,951)	(2,051,230)	(13,783)	2,037,447	(99%)
Interest Expenses	(105,341)	(39,521)	(16,754)	22,766	(58%)
Other Expenditure	(606,109)	(270,709)	(129,093)	141,616	(52%)
Loss on Sale of Assets	0	0	0	0	0%
	(18,521,538)	(7,910,700)	(5,085,683)	2,825,016	(36%)
Operating activities excluded from budget					
Adjust Profit/Loss on asset disposals	0	0	0	0	0.00%
Depreciation on Assets	4,922,951	2,051,230	13,783	(2,037,447)	(99%)
Non cash Adjustment	0	0	(2,176)	(2,176)	0%
Amount attributable to operating activities	1,611,787	5,887,443	6,762,412	874,969	15%
Investing Activities					
Non operating grants, subsidies & contributions	8,770,560	2,013,553	530,081	(1,483,477)	(74%)
Purchase Land Held for Resale	0	0	0	0	0%
Purchase Land and Buildings	(2,782,477)	(2,239,207)	(546,164)	1,693,043	(76%)
Purchase Infrastructure Assets - Roads	(5,967,795)	(455,076)	(84,102)	370,974	(82%)
Purchase Infrastructure Assets - Parks	(719,499)	(299,790)	(109,090)	190,700	(64%)
Purchase Infrastructure Assets - Other	(150,000)	(20,835)	0	20,835	0%
Purchase Infrastructure Assets - Footpaths	(215,250)	(83,335)	(26,955)	56,380	(68%)
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%
Proceeds from Disposal of Assets	164,000	0	0	0	0%
Self-Supporting Loan Principal Income	13,553	6684	5748	(936)	0%
	(3,831,733)	(1,078,006)	(230,482)	847,524	(79%)
Financing Activities					
Repayment of Debentures	(259,386)	(93,988)	(92,820)	1,168	(1%)
Proceeds from New Debentures	350,000	0	0	0	0%
Proceeds from New Self-Supporting Loans	0	0	0	0	0%
Payment of Principal Portion of Lease Liabilities	(31,995)	(13,325)	(12,506)	819	(6%)
Transfers to Reserves - Cash Backed Reserves	(870,083)	(12,500)	0	12,500	(100%)
Transfers from Reserves - Cash Backed Reserves	957,154	0	0	0	0%
	145,690	(119,813)	(105,326)	14,487	(12%)
Net Current Assets Year to Date	0	6,763,880	8,236,620	1,472,741	22%

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



Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 to 30 NOVEMBER 2021

*Acquisition of Assets & Other Non-Capital Expenditure
By Program*

	Capital Expenditure Actual 21/22	Capital Expenditure Amended Budget 21/22
GENERAL PURPOSE FUNDING	0	0
LAW ORDER PUBLIC SAFETY	660,564	4,218,382
EDUCATION & WELFARE	6,700	22,370
HEALTH	15,583	55,681
COMMUNITY AMENITIES	20,472	378,020
RECREATION & CULTURE	154,729	1,739,463
TRANSPORT	111,057	6,579,870
ECONOMIC SERVICES	20,626	239,584
GOVERNANCE	0	0
HOUSING	0	558,585
OTHER PROPERTY & SERVICES	(118,094)	149,355
TOTAL	871,637	13,941,310

By Account Type

	Capital Expenditure Actual 21/22	Capital Expenditure Amended Budget 21/22
LOAN LIABILITY - SHIRE	92,820	259,386
RIGHT OF USE ASSETS - LEASE LIABILITY	12,506	31,995
LAND - FREEHOLD	0	0
BUILDINGS - SPECIALISED & NON SPECIALISED	546,164	2,782,477
INFRASTRUCTURE - BRIDGES	0	0
INFRASTRUCTURE - FOOTPATHS AND CYCLEWAYS	26,955	215,250
INFRASTRUCTURE - SEWERAGE	0	0
INFRASTRUCTURE - PARKS & OVALS	109,090	719,499
INFRASTRUCTURE - ROADS	84,102	5,887,795
INFRASTRUCTURE - OTHER	0	150,000
INFRASTRUCTURE - DRAINAGE	0	80,000
INFRASTRUCTURE - AIRPORTS	0	0
PLANT & EQUIPMENT	0	2,944,825
ACCUMULATED SURPLUS	0	870,083
TOTAL	871,637	13,941,310

Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 30 NOVEMBER 2021

Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
Law, Order & Public Safety		
150502500 - ANIMAL - Proceeds on Disposal of Assets	30,000	
Total Sale of Assets	30,000	0
Community Amenities		
151006500 PLAN - Proceeds on Disposal of Assets MUN	33,000	0
Total Sale of Assets	33,000	0
Recreation and Culture		
151103500 REC - Proceeds on Disposal of Assets MUN	39,000	
Total Sale of Assets	39,000	0
Other Property Services		
151402500 ADMIN - Proceeds on Disposal of Assets MUN	15,000	0
Total Sale of Assets	15,000	0
Transport		
151203500 PLANT - Proceeds on Disposal of Assets MUN	47,000	0
Total Sale of Assets	47,000	0
TOTAL SALE OF ASSETS	164,000	0
TOTAL PROFIT ON SALE OF ASSETS	0	0
TOTAL LOSS OF SALE OF ASSETS	0	0
Law, Order & Public Safety		
150502500 - GG070 - Isuzu D-Max Utility	15,000	0
150502500 - GG073 - Isuzu D-Max Utility	15,000	0
	30,000	0
Community Amenities		
151006500 4GG - Isuzu M-UX 4x4	18,000	0
151006500 8GG - Isuzu D-Max Utility	15,000	0
	33,000	0
Other Property and Services		
151402500 6GG - Isuzu M-UX 4x4	15,000	0
	15,000	0
Transport		
151203500 GG013 Isuzu D-Max Utility	15,000	0
151203500 GG049 Isuzu D-Max Utility	15,000	0
151203500 GG050 Isuzu D-Max Utility	16,000	0
151203500 GG6015 Variable Message Board Trailer	1,000	0
	47,000	0

Total Proceeds on Disposal of Assets

\$

-

**MINUTES
ORDINARY COUNCIL MEETING
21 DECEMBER 2021**

APPENDIX 12.3.1

Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 30 NOVEMBER 2021

Information on Borrowings

Loan	Loan Term (Yrs)	Start Date	Remaining Term (Yrs)	Opening Balance Altus	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
LN-100 GG Medical Centre	20	30/07/04	3	101,571		15,583	15,841	85,989	85,730	3,306	3,053
LN-111 Wannamal West Road	20	15/02/07	5	416,289		9,871	10,032	406,417	406,257	13,509	13,349
LN-114 Guilderton Country Club (Hall) Extensions	20	20/11/08	7	334,442		18,829	19,166	315,613	315,276	11,940	11,604
LN-120 Regional Hardcourt Facility	20	21/12/09	8	242,072		-	-	242,072	242,072	-	-
LN-123 Lot 44 Weld St	20	16/10/08	7	153,143		8,675	8,826	144,468	144,317	5,329	5,179
LN-124A Regional Hardcourt Facility	16	4/12/14	9	233,442		-	-	233,442	233,442	-	-
LN-126 Gingin Aquatic Centre Tiling	10	3/08/16	5	80,757		7,528	7,587	73,228	73,170	1,252	1,194
LN-127 Seabird Seawall Extension	10	27/01/17	5	124,210		10,601	10,668	113,609	113,542	1,559	1,493
LN-128 Lancelin Caravan Park Assets	5	16/02/18	1	62,651		20,623	20,753	42,028	41,898	789	660
LN-130 Ledge Point Country Club Coolroom	10	22/11/19	8	19,253		1,109	1,115	18,144	18,138	208	202
New Loan - Upgrade of Financial Systems Platform to Altus Financials	15	20/12/21	15	157,743				157,743	157,743	-	
New Loan - Gingin Outdoor Activity Space	10	20/12/21	10	177,000				177,000	177,000	-	
TOTAL				2,102,572	-	92,820	93,988	2,009,752	2,008,584	37,892	36,734

MINUTES ORDINARY COUNCIL MEETING 21 DECEMBER 2021

APPENDIX 12.3.1



Shire of Gingin Statement of Financial Activity FOR THE PERIOD 1 JULY 2021 - 30 NOVEMBER 2021

Reserves Cash-Backed

Reserve	Opening Balance	Original Budget Interest Earned	Actual Interest Earned	Original Budget Transfers In (+)	Actual Transfers In (+)	Original Budget Transfers-Out (-)	Actual Transfers Out (-)	Original Budget Closing Balance	Actual YTD Closing Balance
1 LSL Annual Sick Leave and Staff Contingency	429,670	1,998						431,668	429,670
2 Office Equipment Reserve	0							0	0
3 Plant and Equipment Reserve	1,593,152	7,408				87,530		1,513,030	1,593,152
4 Lancelin Lookout Reserve	-							-	-
5 Land and Buildings Reserve	916,407	4,261		25,602		477,400		468,870	916,407
6 Guilderton Caravan Park Reserve	34,019	158						34,177	34,019
7 Shire Recreation Development Reserve	75,135	349		418,644				494,129	75,135
8 Redfield Park Reserve	31,468	146						31,615	31,468
9 Ocean Farm Recreation Reserve	31,161	145						31,305	31,161
10 Tip Rationalisation Reserve	1,606,185	7,469				50,000		1,563,654	1,606,185
11 Lancelin Community Sport and Recreation Reserve	98,640	459		19,467				118,565	98,640
13 Community Infrastructure	104,083	484		127,357		-		231,924	104,083
14 Staff Housing Reserve	33,559	156						33,715	33,559
15 Future Infrastructure Reserve	567,840	2,640						570,481	567,840
16 Guilderton Country Club Reserve	19,157	89		8,080				27,326	19,157
17 Coastal Management Reserve - Coastal Inundation	192,391	895		100,000		53,000		240,286	192,391
18 Guilderton Foreshore Reserve	-			128,191				128,191	-
19 Unspent Grants Reserve	5,014	23						5,037	5,014
21 Seniors Housing Reserve	81,188	378						81,565	81,188
22 Gingin Railway Station Reserve	5,747	27						5,774	5,747
23 Subdivisions Reserve	59,800	278						60,078	59,800
24 Contributions to Roads Reserve	511,862	2,380				289,224		225,018	511,862
25 Public Open Space	26,050	121						26,171	26,050
26 Guilderton Trailer Parking Reserve	29,896	139		12,739				42,774	29,896
	6,452,425	30,003	-	840,080	-	957,154	-	6,365,354	6,452,425



Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 to 30 NOVEMBER 2021

Net Current Assets

	Actual YTD	Balance Forwarded
CURRENT ASSETS:		
Cash - Unrestricted	9,880,796	2,985,974
Cash - Restricted Reserves	6,452,425	6,452,425
Cash - Restricted General	0	0
Rates - Current	2,792,800	1,119,736
Sundry Debtors	1,482,312	1,734,979
Self-Supporting Loan Debtors	2230	7977
Inventories	109,126	34,392
Total Current Assets	20,719,689	12,335,483
LESS: CURRENT LIABILITIES		
Payables	(985,066)	(1,916,882)
Employee Provisions	(1,004,339)	(1,004,339)
Contract Liability	(3,393,394)	(530,704)
Accrued interest	0	(22,298)
Right of Use Assets - Lease Liability	(19,488)	(31,995)
Long Term Borrowings (Current)	(166,567)	(259,387)
Bonds & Deposits	(645,615)	(590,840)
Total Current Liabilities	(6,214,470)	(4,356,445)
Total Net Assets	14,505,219	7,979,038
Less: Cash - restricted reserves	(6,452,425)	(6,452,425)
Less: Self Supporting Loan Debtors	(2,230)	(7,977)
Add: Long Term Borrowings (Current)	166,567	259,387
Add: Lease Liability	19,488	31,995
NET CURRENT ASSET POSITION	8,236,620	1,810,017

**MINUTES
ORDINARY COUNCIL MEETING
21 DECEMBER 2021**

APPENDIX 12.3.1



Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 30 NOVEMBER 2021

Rating Information

Rating Information	Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites 9.1890	1561	26,362,422	2,422,365					2,422,365
03010006 Grv - Other 9.1890	918	15,040,562	1,382,032					1,382,032
03010010 Uv - Rural 0.5120	364	256,884,000	1,314,989					1,314,989
03010015 Uv - Other 0.5120	3	1,993,000	10,202					10,202
03010018 Uv - Intensive 0.7610	96	64,181,000	488,674					488,674
03010025 Grv - Townsites @ \$1,166	1068	9,170,092		1,245,288				1,245,288
03010026 Grv - Other @ \$1,166	759	4,741,360		884,994				884,994
03010030 Uv - Rural @ \$1,470	422	85,019,810		689,430				689,430
03010035 Uv - Other @ \$1,470	47	7,958,000		42,630				42,630
03010038 Uv - Intensive @ \$2,675	179	30,557,424		401,250				401,250
03010045 Interim Rates					(6,853)			(6,853)
03010046 Interims - Back Rates					(4,344)			(4,344)
TOTAL		501,907,670	5,618,263	3,263,592	(11,197)	0	0	8,870,658
							Ex Gratia Rates	0
								\$8,870,658



Trust Funds

Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 30 NOVEMBER 2021

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
Public Open Space	11,326	-	-	11,326
TOTAL	11,326	-	-	11,326

13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL - CANOE HIRE BUSINESS ON LOT 1 (558) BARRAGOON ROAD, CARABAN

File	BLD/6361
Applicant	Stan Sykes
Location	Lot 1 (558) Barragoon Road, Caraban
Owner	William Stanley Sykes
Zoning	General Rural
WAPC No	N/A
Author	James Bayliss – Coordinator Statutory Planning
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	17 February 2015 - Item 11.1.7
Appendices	<ol style="list-style-type: none">1. Aerial Map - Lot 1 (558) Barragoon Road, Caraban [13.1.1 - 1 page]2. Location Plan - Lot 1 (558) Barragoon Road, Caraban [13.1.2 - 1 page]3. Applicant's Proposal [13.1.3 - 3 pages]4. Schedule of Submissions and Recommended Responses [50RC] [13.1.4 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a Recreation – Private (Canoe Hire Business) on Lot 1 (558) Barragoon Road, Caraban.

BACKGROUND

The subject land is located on the corner of Barragoon Road and Goonmarra Road (unconstructed). Barragoon Road extends along the southern boundary of the property and terminates at the Moore River. The property enjoys direct frontage to the Moore River and has a total area of 2 hectares.

The land currently contains an approved single house, two outbuildings and an ablution facility, together with an unauthorised footbridge, patio and jetty where the site abuts the Moore River. These structures will be the subject of a separate retrospective application. The property is also used as a camping ground which will be the subject of a separate retrospective application (or scheme amendment).

This report outlines the various planning issues to assist Council in the exercise of discretion when considering the continuation, albeit as the result of a new and separate application, for the canoe hire business.

Council, at its Ordinary Meeting on 17 February 2015, resolved to grant conditional development approval for a Home Business (Canoe Hire and Sign Writing) on the property subject to the following conditions:

- a. *The land use and development shall be undertaken in accordance with the approved plans and specifications, unless conditioned otherwise in this Approval;*
- b. *The approved canoe hire land use shall only accept a maximum of 30 patrons at any one time;*
- c. *This approval is valid for five years from the date of this approval;*
- d. *The ablution facilities included in this approval shall be constructed and completed prior to the commencement of canoe hire land use;*
- e. *No overnight camping shall be permitted;*
- f. *The landowner shall ensure that the amenity of the locality is not adversely affected by this land use;*
- g. *This Approval only permits the use of light-weight canoes and shall not permit the use of land as a boat launching facility; and*
- h. *The approved land use shall only access the Moore River from Lot 1.*

The determination notice was subsequently issued on 23 February 2015. As a result of condition (c), the approval lapsed on 23 February 2020. This application seeks to formalise the previously approved use as it has continued operating irrespective of the limited term. It should be noted that this a new application that considers the merits of the development against the currently applicable planning framework.

The following background is necessary to set out, as it leads up to the making of this application and provides context to the officer's assessment and commentary in the report below, particularly with regard to the history of the land.

- On 4 December 2014 the landowner applied for a 'Home Business' to operate from the property. The nature of the business was ultimately described as 'Canoe Hire and Signwriting'. As part of the submission at that time, the applicant outlined the desire to facilitate camping on the property and noted that the requirement for an ablution facility to service the canoe hire business would conveniently enable casual camping to occur.

- On 17 February 2015 the application was presented to Council for determination and, as outlined above, the proposal was conditionally approved. Council's attention is drawn to Condition (e) which prohibited overnight camping. It is assumed this condition was imposed as the land use was viewed as being prohibited by Local Planning Scheme No. 9, however the officer's report does not offer any detailed commentary in this regard.
- On 23 February 2015 the determination notice for a 'Home Business (Canoe Hire and Signwriting)' was issued to the landowner.
- On 21 April 2015 the Shire received correspondence from the State Administrative Tribunal (SAT) that the landowner had lodged an appeal to Council's decision, specifically in relation to Condition (e). The grounds for appeal outlined, inter alia, that casual camping for family and friends should not be prohibited.
- On 6 May 2015 the matter was heard at a Directions Hearing. The Tribunal ordered that the Respondent (Shire of Gingin) provide written clarification regarding Condition (e).
- On 13 May 2015, as ordered by the SAT, the Shire clarified that Condition (e) related to clients associated with the 'Home Business' and did not apply to family, friends or relatives.
- On 21 May 2015 the proceeding was withdrawn, presumably given the applicant was satisfied with the clarification provided by the Shire on 13 May 2021.
- On 23 February 2020 the 'Home Business (Canoe Hire and Signwriting)' development approval lapsed and had no further effect.
- On 20 May 2021 the landowner applied for development approval for a renewal of the canoe hire business, retrospective approval for a patio, footbridge and jetty on the banks of the Moore River, and approval for a camping facility.
- On 3 June 2021 the Shire provided a memorandum to the landowner outlining comments and relevant information with respect to the overall application lodged, which indicated that further information was required.
- On 15 November 2021 Shire staff met with the landowner to discuss various matters, one being the status of the application given the deemed refusal period had lapsed. It should be noted that at this meeting, given the planning obstacles that apply to the retrospective structures and camping facility component of the overall development, it was agreed that the application would be confined to renewal of the canoe hire business. Shire staff then provided the landowner with an undertaking that the matter would be presented to Council at the next available meeting, being 21 December 2021.

An aerial photograph and location plan are provided as **Appendix 13.1.1** and **Appendix 13.1.2** respectively.

The applicant's proposal is provided as **Appendix 13.1.3**.

COMMENT

Stakeholder Consultation

The officer has not undertaken any advertising to the community in relation to this proposal.

Notwithstanding the above, the overall development (i.e. canoe hire business, retrospective patio, footbridge and jetty and camping facility) was referred to the Department of Water and Environmental Regulation (DWER) for a period of 42 days in accordance with clause 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

DWER objected to the overall development, largely due to the submission containing insufficient information.

A copy of the Schedule of Submissions and Recommended Responses is provided as **Appendix 13.1.4**.

PLANNING FRAMEWORK

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

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

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

The development was previously viewed as being consistent with the objectives of the zone and the officer concurs with this position. Objective (a) references the ‘specific local rural character’ of the zone. The locality generally consists of rural land that has been predominantly cleared of vegetation to facilitate the grazing of livestock. Smaller lots are located closer to the Moore River which is situated to the west of Caraban Road, with larger landholdings to the east. Land to the north is approved to be used as a restaurant/tourism-based land use, however the approval has not yet been implemented.

Land to the north-east is used for agriculture intensive (annual horticulture) purposes with an existing extractive industry (Caraban Limestone and Sand) operating further north along Caraban Road. Woodridge Estate, which is zoned ‘rural living’, is located further to the east and is used for low density residential purposes with properties typically being in the order of 2ha.

The character of the area therefore comprises an array of land uses (commercial and residential) of varying scales, within an area that has tourism-related opportunities given the close proximity to the Moore River.

The officer is of the view that the development does not contravene the objectives of the zone and is generally compatible with the local rural character of the area.

Use Classification

The canoe hire business was previously classified as a ‘Home Business’. The definition of a Home Business is as follows:

“Means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ more than 2 people not members of the occupier’s household;*
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- (c) does not occupy an area greater than 50 square metres;*
- (d) does not involve the retail sale, display or hire of goods of any nature;*
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone”*

The officer notes that point (d) above specifically references that a home business is not to include the ‘retail hire of goods of any nature’, which is the core service of this development. The definition must be interpreted in accordance with its terms, which require each element to be satisfied. As the existing/proposed use does not satisfy paragraph (d) it falls outside the scope of the use class as a home business. Land use

definitions are not capable of being varied under LPS 9 in the same way that a 'standard or requirement' can be.

The use class is more appropriately classified as 'Recreation – Private', which is defined as follows:

means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge

The officer is of the view that the development relates to outdoor leisure/recreation which is open to the public subject to a fee being paid.

'Recreation – Private' is a 'D – discretionary' 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

Setbacks

In accordance with 'Table 2 – Site Requirements' of LPS 9, all development shall be set back a minimum 20 metres from lot boundaries. This application relates only to the use, and therefore this provision is largely not relevant. However the structures associated with the use vary this setback and will be subject to a separate retrospective application, the merits of which will be considered at the time.

Parking and Access

'Table 3 – Parking Requirements' of LPS 9 outlines the parking ratio for a range of land uses, however no parking standard is prescribed for Recreation – Private. Clause 4.7.2.5 of LPS 9 states:

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

The proposal provides an area approximately 50 metres in length for the parking of vehicles. The large area of the property results in sufficient space for patrons to park without causing disruption to adjoining properties. The officer is of the view that the current parking arrangement has been operating without issue and on that basis the current arrangement is viewed as being adequate.

Local Planning Policy 1.4 – Foreshore Reserves along Water Courses (LPP 1.4)

LPP 1.4 provides guidance on the management and protection of foreshores and water courses within the Shire. Clause 3.1 is relevant, which stipulates that all development is to be set back a minimum of 50m from the top of the bank of the water course. This provision applies more so to the unauthorised structures, which will be the subject of a separate application.

Foreshore Management Plan

The proposed development is in close proximity to the Moore River and patrons interact with the foreshore banks (to some extent, noting that a footbridge is provided). On that basis, it is considered appropriate to request a Foreshore Management Plan (FMP) to ensure protection of the riverbank stability, prevent erosion, retain native vegetation and to ensure that appropriate management practices will protect the waterway from the development and its users.

DWER has advised that it is unable to determine the impacts of the development given the information provided is inadequate, and therefore is unable to support the proposal. Lodgement of a FMP should form part of the submission information and is generally a prerequisite to receive conditional support.

In this instance, given the use has been operating for many years and the built structures have been in existence for some time, it may be appropriate to require lodgement of a FMP as a condition of approval. Upon receipt of the FMP the appropriate state agencies (Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions) will be invited to comment on the details of the management plan.

Should those departments have concerns in relation to the built structures located on the river banks, then those issues will be addressed as part of the retrospective application for those structures.

The FMP should address, amongst other things, how and where the canoes are launched into the river.

The officer emphasises that the FMP must be prepared by an appropriately qualified environmental expert and considers 'Operational Policy 4.3: Identifying and Establishing Waterways Foreshore Areas' as per DWER's comments.

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is partially designated as being bushfire prone.

The applicant has not submitted a Bushfire Management Plan (BMP) or Emergency Evacuation Plan (EEP) which demonstrate compliance with SPP 3.7 and the associated Guidelines. Generally this is a prerequisite to receiving conditional support. In this instance, given the use has been operating for many years and the development does not include a habitable structure, it may be appropriate to require lodgment of a BMP as a condition of approval, assuming that SPP 3.7 can be satisfactorily addressed. The officer notes that this is generally not the preferred approach, however given the circumstances it may be acceptable in this instance.

The officer emphasises that the BMP and EEP must be undertaken by an appropriately qualified expert that considered SPP 3.7. Referral of the BMP and EEP to the Department of Fire and Emergency Services (DFES) will be undertaken once received.

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

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

- (o) *The likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*

Comment

The land is generally clear of remnant vegetation. The area is not identified as containing threatened and priority flora or fauna, or threatened and priority ecological communities. The development utilises existing tracks which avoids land clearing. The environmental impacts in this regard therefore appear to be minimal.

The environmental impact (if any) on the banks of the Moore River is unknown. The imposition of a condition requiring the lodgment of a FMP will largely address this consideration. Should the FMP indicate that an adverse impact on the environment will likely result, then that condition will not be fulfilled, and the development will not be able to proceed.

- (w) *The history of the site where the development is to be located;*

Planning assessments are required to have regard to the full history of the site and the existing situation on the property in the context of the development being assessed. In ordinary circumstances, site history is unlikely to be a particularly relevant factor. However in this instance the officer is of the view that the site history is one of the principle considerations.

The Shire is aware that the property is regularly used as a camping facility in contravention of conditions imposed on the original approval. The camping clientele, on admission from the landowner, is not confined to family and relatives. It includes members of a social club which supposedly leases a part of the land.

This camping activity has occurred irrespective of Condition (e) imposed on the approval dated 23 February 2015, and which was the subject of a SAT proceeding. Given the above, this breach may be viewed as flagrant, as the landowner must have been aware of the prohibition given they lodged an appeal to that specific condition. This inclines the officer to advise Council to reject any further extension of approval for the canoe hire business.

The landowner has operated over an extended period of time in contravention of the conditions of development approval. This raises questions with respect to the appropriateness of issuing a further extension to the approval. To do so may be viewed as sanctioning a prohibited use, as the history of the development suggests that the compliance issue will simply continue as it has historically. The officer is of the view that this may be a valid ground to refuse the application.

On the other hand, the canoe hire business itself, stripped of the history of non-compliance, is not particularly objectionable if the information lodged in support of the application was sufficient and the activity managed appropriately.

Council may take the view that a further extension is appropriate subject to similar conditions being imposed, and that, should there be any further non-compliance, enforcement action to remedy the non-compliance should be commenced to ensure that the development is operating lawfully.

(za) The comments or submissions received from any authority consulted under clause 66;

The comments from DWER are noted, however these were provided in the context of the overall development (canoe hire business, retrospective camping facility and retrospective structures) being referred for comment.

General Comments

As the above assessment indicates, this matter has not been a typical submission. The various developments on the property have largely been undertaken either without approval or in contravention of approval conditions. The canoe hire business is not a particularly contentious development, and therefore the officer has attempted to separate

the various issues related to the property to expedite the consideration of this component of the overall development.

Planning controls exist for the benefit of the community as a whole and their efficiency depends not only upon formal enforcement, but also upon a culture of general observance and respect for the underlying communal purpose. The landowner has demonstrated a lack of self-regulation or general observance of the approvals process and has repeatedly breached the *Planning and Development Act 2005*.

It should also be noted that applications should be accompanied by a level of information and detail proportionate to the scale and nature of the development. This is to enable Shire staff to undertake a detailed assessment of the application against the applicable planning framework. The burden of demonstrating compliance against that framework lies with applicants, not Shire staff. Shire staff undertake an objective assessment of the information lodged against the planning framework.

Some of the information that is required to be provided must be undertaken by a technical expert in a specific field of work (i.e. bushfire consultant, planning consultant, environmental consultant) which naturally attracts a cost for those services. The cost of this work is not a factor in a planning assessment. A commercial decision to progress the development needs to be made by the landowner, factoring in the costs of obtaining the required approvals to operate lawfully. If the development, which includes obtaining the required approvals, is cost prohibitive it would be assumed that the venture would be abandoned.

To date, the resistance to providing the required information prepared by various technical experts (i.e. BMP, EEP, FMP and Planning Report) for the overall development is jeopardising the level of assessment/assistance able to be undertaken/provided by staff, which generally results in an application being rejected. This is not necessarily due to the development being objectionable, but rather because a detailed assessment is unable to be undertaken.

Moving forward, the various developments on the property either require approval accompanied by satisfactory information, or the development/use is to be removed/cease operating. The approvals process is not negotiable, it is an obligation.

Summary

The application has been assessed and presented to Council based on the submitted information, being mindful that the development has previously received approval based largely on the information submitted in support of the application. As such, the officer recommends approving the development subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015
Schedule 2 – Deemed provisions for Local Planning Schemes
Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)
Local Planning Policy 1.4 – Foreshore Reserves along Water Courses (LPP 1.4)

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

OFFICER RECOMMENDATION

That Council grant Development Approval for a Recreation – Private (Canoe Hire Business) on Lot 1 (558) Barragoon Road, Caraban subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this approval;
2. This approval is for a 'Recreation - Private (Canoe Hire Business)' only as indicated on the approved plans. This does not include built structures associated with the use;
3. The approved use shall only accept a maximum of 30 patrons at any one time;
4. The approved use does not include camping for patrons. Overnight camping is prohibited;
5. This approval only permits the use of light-weight canoes and does not include the use of boats or use of the land as a boat launching facility;
6. Within 6 months from the date of this approval, a Foreshore Management Plan (FMP) (to be prepared by an appropriate qualified expert) shall be submitted to and approved by the Shire of Gingin and on advice from relevant state agencies. The FMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;
7. Within 6 months from the date of this approval, a Bushfire Management Plan (prepared by an appropriately qualified expert) shall be submitted to and approved by the Shire of Gingin and on advice from relevant state agencies;
8. Within 6 months from the date of this approval, an Emergency Evacuation Plan (prepared by an appropriately qualified expert) shall be submitted to and approved by the Shire of Gingin and on advice from relevant state agencies; and
9. Within 6 months from the date of this approval, 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 within a bushfire prone area and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.

Advice Notes

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3: The required Foreshore Management Plan is to ensure protection of the Moore River bank stability, prevent erosion and retain native vegetation, and to ensure that appropriate management practices will protect the waterway.
- Note 4: The Bushfire Management Plan and Emergency Evacuation Plan are required to address State Planning Policy 3.7 – Planning in Bushfire Prone Areas and the associated Guidelines.
- Note 5: Noise from the development is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 6: Please note that the development may require a separate approval from the Department of Transport in regards to the use of canoe hire on the Moore River.
- Note 7: Should any works be proposed to the banks of the Moore River, an approval under the *Rights In Water And Irrigation Act 1914* may be required from the Department of Water and Environmental Regulation.

AMENDMENT MOTION

MOVED: Councillor Peczka **SECONDED:** Councillor Court

That condition 7 be amended to read as follows:

7. Within 30 days from the date of this approval, a Bushfire Management Plan (prepared by an appropriately qualified expert) shall be submitted to and approved by the Shire of Gingin.

LOST
3 / 6

FOR: Councillor Court, Councillor Peczka and Councillor Sorensen

AGAINST: Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Johnson, Councillor Kestel and Councillor Vis

Reason for Amendment

The Shire is within the height of the bushfire season and given the increased risk of fire in the absence of a Bushfire Management Plan.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule

SECONDED: Councillor Sorensen

That Council grant Development Approval for a Recreation – Private (Canoe Hire Business) on Lot 1 (558) Barragoon Road, Caraban subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this approval;
2. This approval is for a 'Recreation - Private (Canoe Hire Business)' only as indicated on the approved plans. This does not include built structures associated with the use;
3. The approved use shall only accept a maximum of 30 patrons at any one time;
4. The approved use does not include camping for patrons. Overnight camping is prohibited;
5. This approval only permits the use of light-weight canoes and does not include the use of boats or use of the land as a boat launching facility;
6. Within 6 months from the date of this approval, a Foreshore Management Plan (FMP) (to be prepared by an appropriate qualified expert) shall be submitted to and approved by the Shire of Gingin and on advice from relevant state agencies. The FMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;
7. Within 6 months from the date of this approval, a Bushfire Management Plan (prepared by an appropriately qualified expert) shall be submitted to and approved by the Shire of Gingin and on advice from relevant state agencies;
8. Within 6 months from the date of this approval, an Emergency Evacuation Plan (prepared by an appropriately qualified expert) shall be submitted to and approved by the Shire of Gingin and on advice from relevant state agencies; and
9. Within 6 months from the date of this approval, 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 within a bushfire prone area and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.

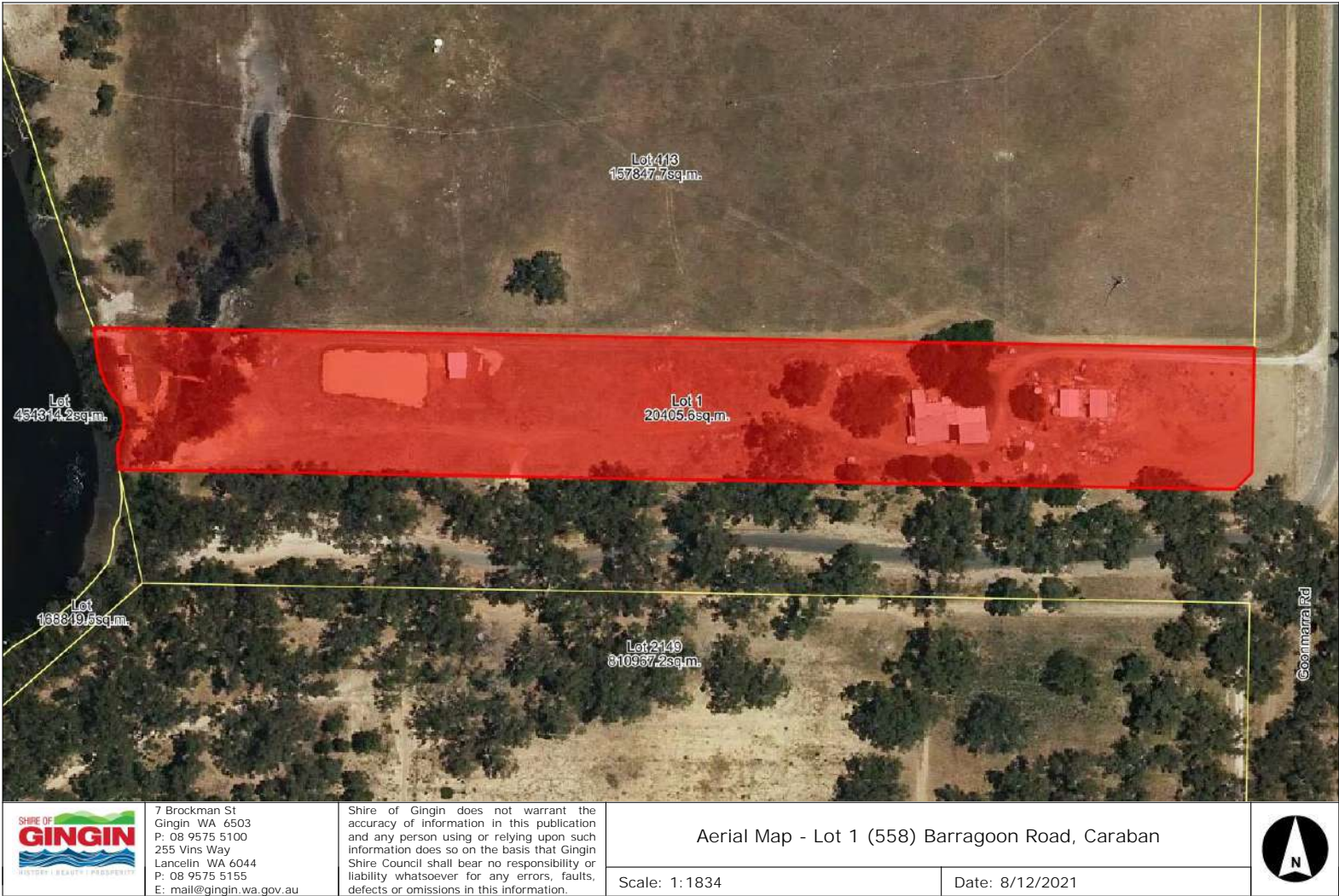
Advice Notes

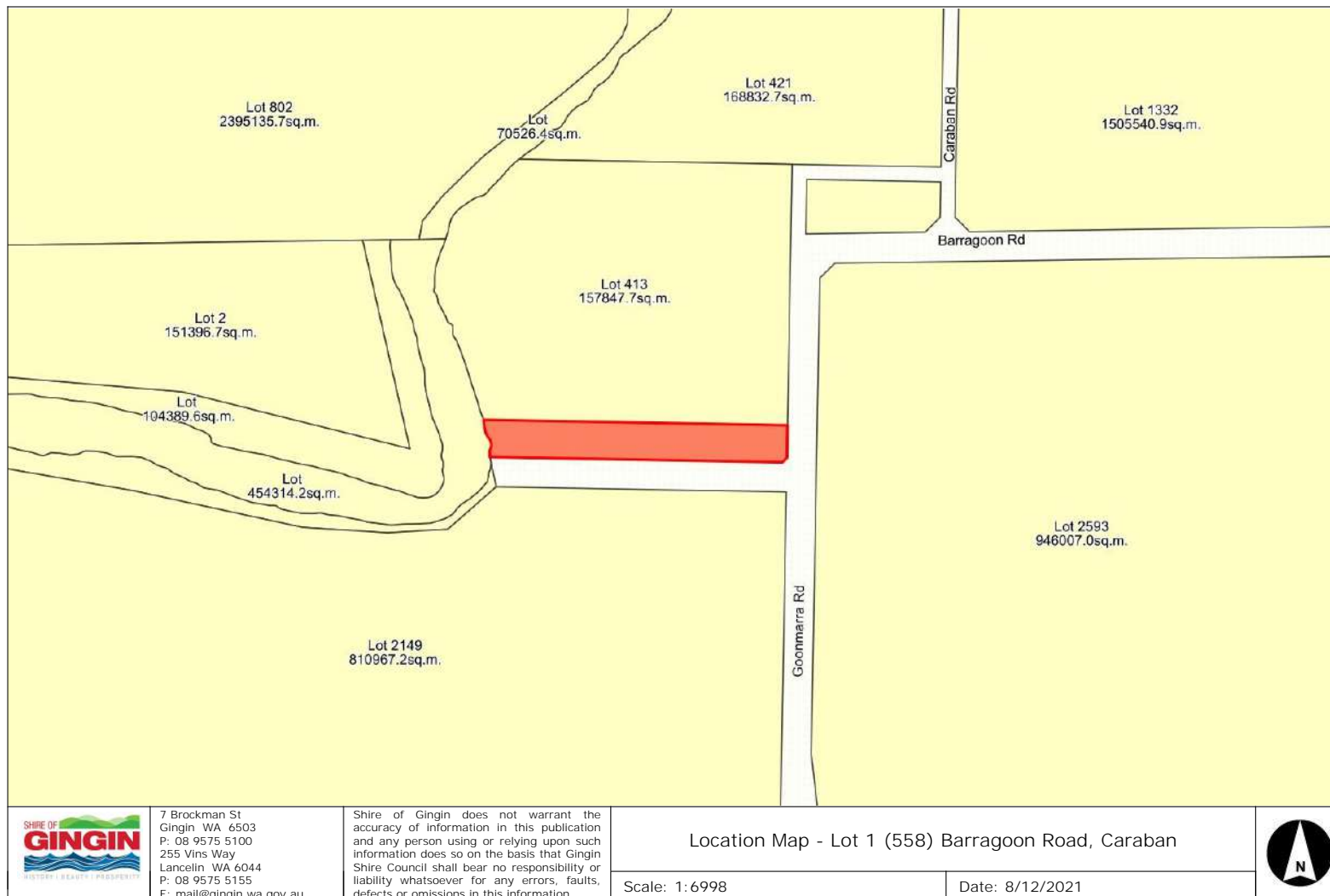
- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3: The required Foreshore Management Plan is to ensure protection of the Moore River bank stability, prevent erosion and retain native vegetation, and to ensure that appropriate management practices will protect the waterway.
- Note 4: The Bushfire Management Plan and Emergency Evacuation Plan are required to address State Planning Policy 3.7 – Planning in Bushfire Prone Areas and the associated Guidelines.
- Note 5: Noise from the development is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 6: Please note that the development may require a separate approval from the Department of Transport in regards to the use of canoe hire on the Moore River.
- Note 7: Should any works be proposed to the banks of the Moore River, an approval under the *Rights In Water And Irrigation Act 1914* may be required from the Department of Water and Environmental Regulation.

CARRIED
9 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*





RIVER FORESHORE MANAGEMENT PLAN

The river frontage of 558 Barragoon Road is 50 metres in length.

Until 6 years ago the river frontage was fenced off from the property.

The reason for this was that public accessing the river at the termination of Barragoon Road were constantly cutting/pushing over the southern boundary fence to access the river foreshore.

The property owner was not in a position to constantly repair the fence and stock used to graze the property were constantly wandering onto Barragoon Road.

In addition, the property was constantly being used by the public as an open-air toilet and human excrement and used toilet paper had to be routinely cleaned up. This still occurs spasmodically.

Degradation of the foreshore occurred.

Since the applicant moved to the property the boundary fence has been re-instated, but now requires replacement due to constant intrusion by individuals from the public access area.

A portion of the riverbank on the northern side of the property was used for stock to access the river for around 110 years. The neighbours to the north recently re-fenced the boundary and filled the ramp which the stock had been using. White sand was used, however marine traffic on the river was rapidly eroding the infill and collapse of the new fence was imminent. The applicant undertook work to barricade that section of river from erosion, using natural materials.

The foreshore has been stabilised and natural vegetation is not intruded upon by visitors to 558 Barragoon Road.

A small area previously part of the stock access has had turf laid to prevent further erosion and allow visitors pedestrian access to the river. Structures erected on the foreshore area prevent pedestrian access to the remaining vegetation.

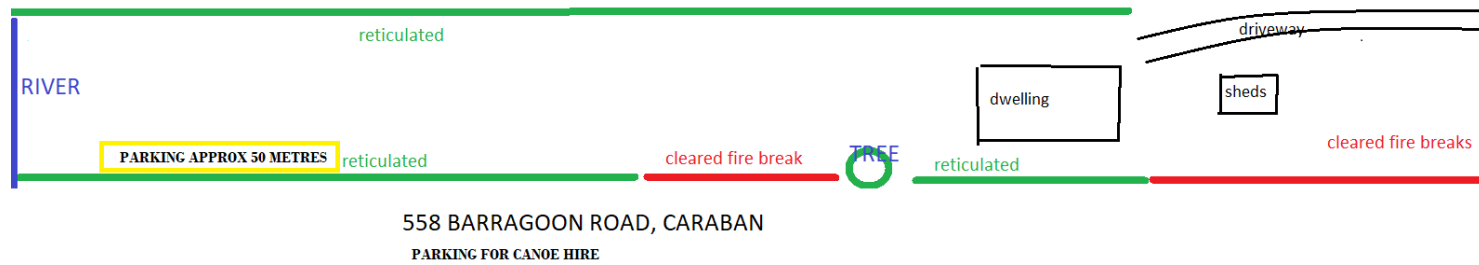
Reticulation is being extended to give ground cover to a strip of private property to the north of 558 Barragoon Road.

Intrusion onto the property still occurs by trespassers and the riparian vegetation on the southern edge of the property has been seriously damaged with a section dying.

Marine traffic on the river continuously affects the roots of riparian vegetation when the river level falls below the vegetation level. This serious issue has NEVER been addressed by the waterway authority and remains a significant cause of the degradation of riparian vegetation.

Intrusion by trespassers can only be managed by strategies to limit the affect on the foreshore vegetation.

The installation of security monitoring equipment is unlikely to diminish damage caused by the trespass of the public using Barragoon Road to access the river.



SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: RECREATION – PRIVATE (CANOE HIRE BUSINESS) ON LOT 1 (558) BARRAGOON ROAD, CARABAN

No.	Submitter	Submission details	Recommended response
1	DWER	<p>The submitter does not support the proposal and provides the following general comment:</p> <p><i>“The Department has identified that the proposal will impact on water values and management therefore the Department objects to the referral, and key issues and recommendations are provided below, and these matters must be addressed:</i></p> <p><i>The retrospective development of the site is within close proximity to the Moore River. Information has not been provided on the setbacks to the Moore River, foreshore management, stormwater management or wastewater management for the site.</i></p> <p><i>As such, the Department is unable to determine the impacts from the existing development and is unable to support the proposal. A foreshore management plan should be provided, to support the proposal, that addresses but is not limited to the above matters.</i></p> <p><i>The Foreshore Management Plan should be prepared in accordance with Operational policy 4.3: Identifying and establishing waterways foreshore areas (DWER, 2012), to determine a suitable foreshore area (buffer/setback to development) and to ensure that appropriate management and protection of the waterways has been considered (such as wastewater and stormwater management, treatment of hydrocarbons from carparks and nutrients from wastewater systems and turfed/landscaped areas, litter and weed management, restoration/revegetation, fencing, crossings etc.).</i></p> <p><i>In addition, Operational Policy 4.3: Identifying and establishing waterways foreshore areas (DWER, 2012) outlines how appropriate buffers to waterways should be determined. The Department recommends an adequate buffer is established and maintained to protect the Moore River.</i></p> <p><i>Once the above information has been received the Department will be able to undertake an assessment and provide further advice.”</i></p>	Noted.

**13.2 APPLICATION FOR DEVELOPMENT APPROVAL - AGRICULTURE INTENSIVE
INCIDENTAL DEVELOPMENT (PACKING SHED) AT LOT 51 (457) SAPPERS ROAD,
KARAKIN**

File	BLD/6030
Applicant	Wheatbelt Steel Services Pty Ltd
Location	Lot 51 (457) Sappers Road, Karakin
Owner	Monte and Sons
Zoning	General Rural
WAPC No	N/A
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. Location Plan and Aerial Imagery [13.2.1 - 2 pages] 2. Applicant's Proposal [13.2.2 - 5 pages] 3. Schedule of Submissions and Recommended Responses [JL4N] [13.2.3 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for an incidental development (general purpose shed) and an Application for Amended Development Approval for incidental development (workshop shed) at Lot 51 (457) Sappers Road, Karakin.

BACKGROUND

The subject lot is used for Agriculture Intensive (Annual Horticulture) purposes, with the majority of the lot area established with pivot-irrigated crops. The horticultural operation is of a substantial scale and has been operable for a significant period of time.

The subject lot consists of the following incidental developments:

- Two storage/machinery sheds;
- Two irrigation dams;
- Office;
- Lunch room and toilet block; and
- Workshop shed (not yet developed and subject to amended location via this proposal).

The operation previously worked contiguously with Lot 1 (401) Sappers Road, which contains a large incidental development of a similar scale to the proposal which was used for processing produce for transportation to a packing facility located in Yanchep. As the operator no longer owns Lot 1, it is proposed to establish similar infrastructure on Lot 51.

The proposed general purpose shed is set back 50 metres from the eastern lot boundary. The dimensions inclusive of the lean-to section on the north face are as follows:

Length	64 m		
Width	54 m	Wall height	8.1 m
Area	3,456m ²	Overall Height	9.6 m

There is no proposal to amend the scale of the workshop shed which received development approval on 28 October 2021. The amendment relates only to the location of the building, which is now to be collocated with the proposed general purpose shed. The workshop shed is proposed to be setback approximately 42 metres from the eastern lot boundary. As previously approved, the workshop shed will be used for general maintenance of farm machinery and equipment and consists of the following dimensions which are inclusive of the east facing lean-to:

Length	44 m		
Width	18 m	Wall height	8.1 m
Area	792m ²	Overall Height	9.6 m

The applicant has also noted (albeit not on the proposed plans) their intention to install a bitumen hardstand around the two sheds.

This proposal is being presented to Council as it is of a substantial size and has the potential to impose considerable bulk and scale on the landscape amenity, specifically with respect to the adjoining lot to the east.

A location plan and aerial imagery and the applicant's proposal are attached as **Appendix 13.2.1** and **Appendix 13.2.2** respectively.

COMMENT

Stakeholder Consultation

Given the scale of the building and the distance to the common (eastern) lot boundary, the proposal was advertised to the adjoining landowner for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The landowner provided a submission in support of the proposal.

The Schedule of Submissions and Recommended Responses is provided as **Appendix 13.2.3.**

PLANNING FRAMEWORK

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

The subject lot is zoned General Rural under LPS 9, of which the objectives 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.*

As noted in the Background, the subject land is used entirely for an agriculture intensive (annual horticulture) enterprise using pivot irrigation crops and associated development. The proposed shed is intended for general purpose use and packing which will service the equipment used and the produce grown onsite.

The operator has established a sealed internal access road connecting the established and proposed infrastructure onsite which has influenced the decision to locate the sheds in this location. Another factor in locating the development is the lack of available land due to the substantial area established with irrigated crops.

The following development standard for the General Rural zone is a relevant matter for consideration with respect to the built form amenity of the development in its locality and its situation onsite:

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

Officer comment

The proposed development is located in proximity to the adjoining eastern lot boundary which is a common lot boundary with another rural lot containing a smaller Agriculture Intensive (Perennial Horticulture) operation, incidental structures and a single house. The development will be prominently visible from the subject lot which has views overlooking the north adjoining lot (401 Sappers Road) which is dominated by large farm sheds.

The officer notes that the siting and design of the development will have an impact on the visual landscape amenity of the site, although only if viewed from the adjoining east lot. Given the circumstances, it is critical to ameliorate this impact on the landscape via suitable and practical means.

The planting of vegetative screening along the length of the development and the access road with a mature height equal to or in excess of the sheds (8m) will be sufficient to retain the landscape amenity. As such, should Council's support be forthcoming, it is recommended that a landscaping plan be prepared and approved prior to site works and that planting be completed prior to the commencement of the development (land use).

It is anticipated that lighting will be established around the general purpose shed and workshop shed which has not been referenced in this proposal. To mitigate the impact of light spillage to the adjoining land, the officer recommends that a condition be included to design, baffle and locate lighting so as to not be obtrusive to the adjoining land as is required via the 'Australian Standard for the control of the obtrusive effects of outdoor lighting (AS 4282:2019).'

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

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

- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*

Officer comment

The proposal seeks to establish an additional incidental development onsite which is required to efficiently run the business and service demand during the harvesting season which commences in April each year.

The officer notes that the development is incidental in nature and is of a scale required to service the Agriculture Intensive use onsite.

(m) the compatibility of the development with its setting, including –

- (i) the compatibility of the development with the desired future character of its setting; and*
- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*

Officer comment

The subject site is situated in a horticultural precinct with various other properties along Sappers Road containing large scale intensive agriculture developments. Generally, when incidental structures of this scale are proposed on these large landholdings they are centrally positioned in order to not be visible from either the road or adjoining land. Given the site parameters, the operator has outlined their inability to locate the development centrally within the lot.

The future character of the area is not anticipated to depart from the low density rural and intensive agriculture landscape displayed on site and in the locality. The scale of the development proposed is demonstrated onsite at Lot 1 (401) Sappers Road and therefore the proposal is consistent with the built form already present in the locality. The height, bulk and scale impact on the adjoining lot to the east has been discussed and can be ameliorated by the inclusion of vegetative screening.

(y) any submissions received on the application;

Officer comment

As noted under the ‘Stakeholder Submission’ section of this report. The adjoining landowner to the east provided a submission in support of the development. While the officer has concerns with respect to the overall scale of the development, discussions with the adjoining landowner have provided clarity with respect to the professionalism of the operator and their intention to minimise impacts on adjoining land. The sealed internal access road is notably a great example of the operator’s intention to invest in the land to provide a high quality farm while minimizing dust emissions to the adjoining land and to onsite crops.

While submissions in support of a proposal are not sufficient grounds to approve development applications, the information is beneficial to assist Council in understanding the onsite conditions and the compatibility of the proposal within its locality. The locality is known for large scale farming operations with a similar scale of development.

Summary

While the scale of the development is significant, it is commensurate with the existing operation onsite which remains the predominant use. The proposed new facility is intended to replace a previously accessible facility at 401 Sappers Road which is critical to the operation of the business and remains incidental thereto. The development does not entail any industrial or commercial component other than that associated with chilling and transporting produce.

The amendment to the development approval for the workshop, being to co-locate the structure with the general purpose shed, is reasonable from an operational standpoint. The overall development is suitable in its locality and it is therefore recommended that both the proposed general purpose shed and proposed amended location of the workshop shed be approved subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 9 (LPS 9)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Vis

1. That Council grant development approval for a proposed incidental development (general purpose shed) associated with the agriculture intensive (annual horticulture) use at Lot 51 (457) Sappers Road, Karakin 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 an incidental development (general purpose shed) to the existing agriculture intensive use only;
 - c. The approved general purpose shed shall not be used for human habitation or any other industrial use not associated with the onsite agriculture intensive use;
 - d. Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to provide screening along a portion of the eastern boundary to mitigate the visual prominence of the development;
 - e. Prior to the commencement of the approved use, the landscaping as detailed in the Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin; and
 - f. Any external lighting must be designed, baffled and located so as to comply with Australian Standard 4282:2019 'Control of the obtrusive effects of outdoor lighting'.

Advice notes:

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

Note 2: If the development subject to this approval is not substantially commenced within a period of 2 years, the approval shall lapse and have no further effect.

- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Public Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5: In the event the actual setback varies from that indicated on the approved plans, the landowner may be required to undertake remedial works to comply with the approved plans.
- Note 6: In the event the as constructed setbacks vary from those indicated on the approved plans, then the applicant/landowner may be held responsible for formalising the actual setback dimensions.
- Note 7: The operation will be required to comply with the *Environmental Protection (Noise) Regulations 1997*
2. That Council grant amended development approval (P2253) for a proposed incidental development (workshop shed) associated with the agriculture intensive (annual horticulture) use at Lot 51 (457) Sappers Road, Karakin subject to the following conditions:
- 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;
 - This approval is for a workshop shed only as indicated on the approved plans;
 - The workshop shed shall not be used to service or undertake mechanical repairs of vehicles or machinery unless directly related to the agriculture intensive use operating on the property;
 - The workshop shed shall not be used for human habitation; and
 - Any external lighting must be designed, baffled and located so as to comply with Australian Standard 4282:2019 'Control of the obtrusive effects of outdoor lighting'.

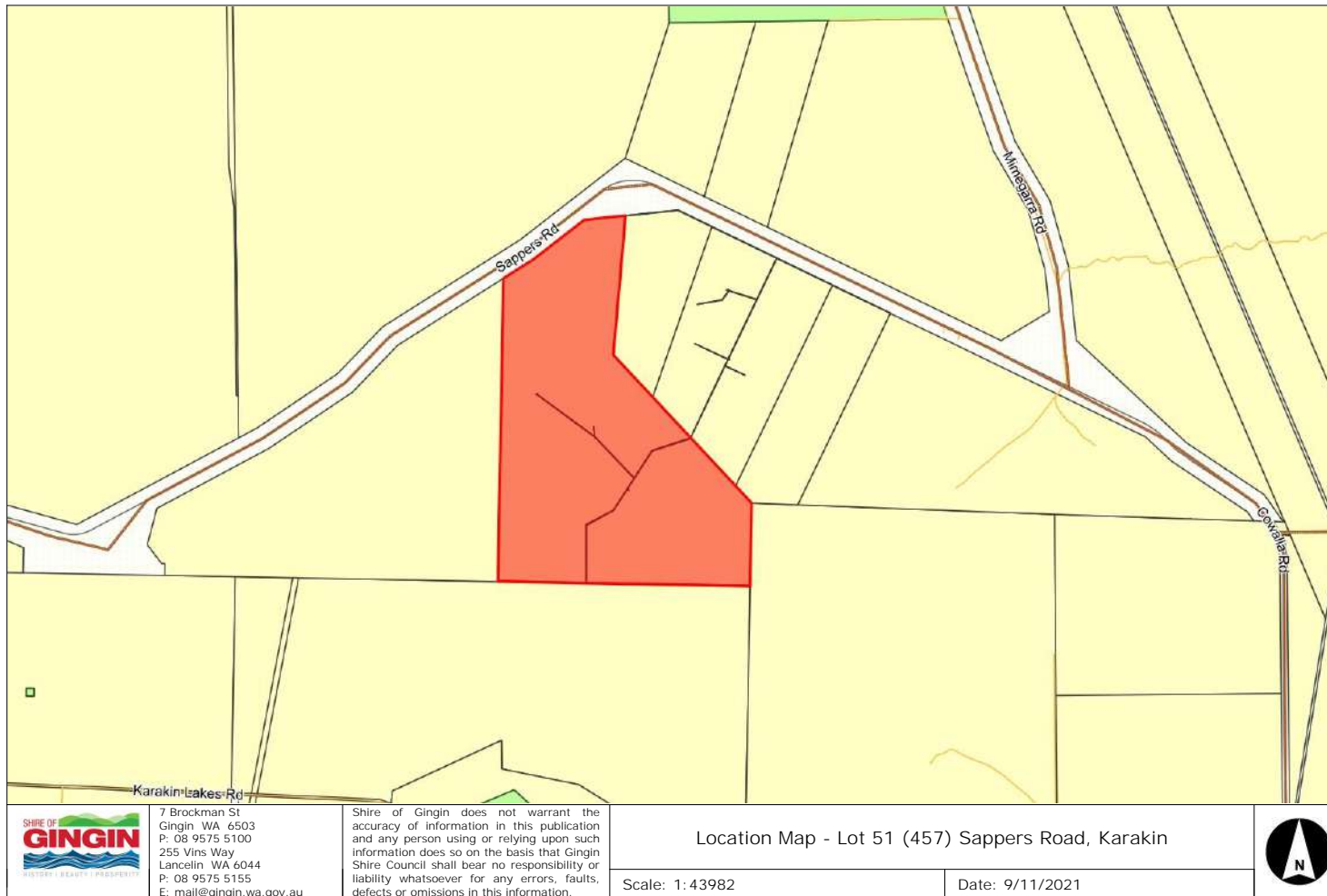
Advice notes:

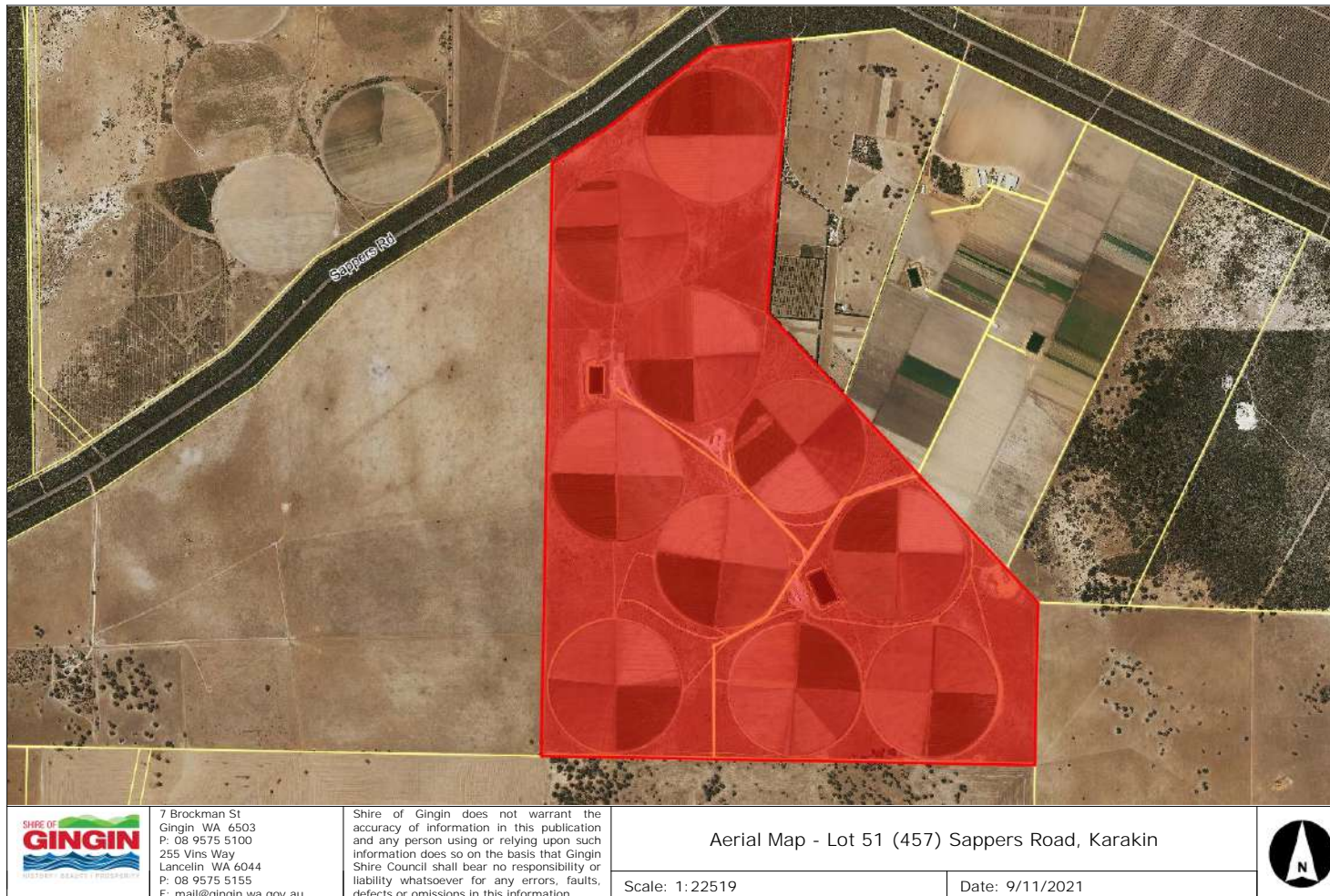
- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of 2 years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development must be carried out without further approval of the local government having first been sought and obtained.
- Note 4: Further to this approval, the applicant/landowner(s) may required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and the *Public Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5: In the event the actual setback varies from that indicated on the approved plans, the landowner may be required to undertake remedial works to comply with the approved plans.
- Note 6: In the event the as constructed setbacks vary from those indicated on the approved plans, then the applicant/landowner may be held responsible for formalising the actual setback dimensions.
- Note 7: The operation will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.

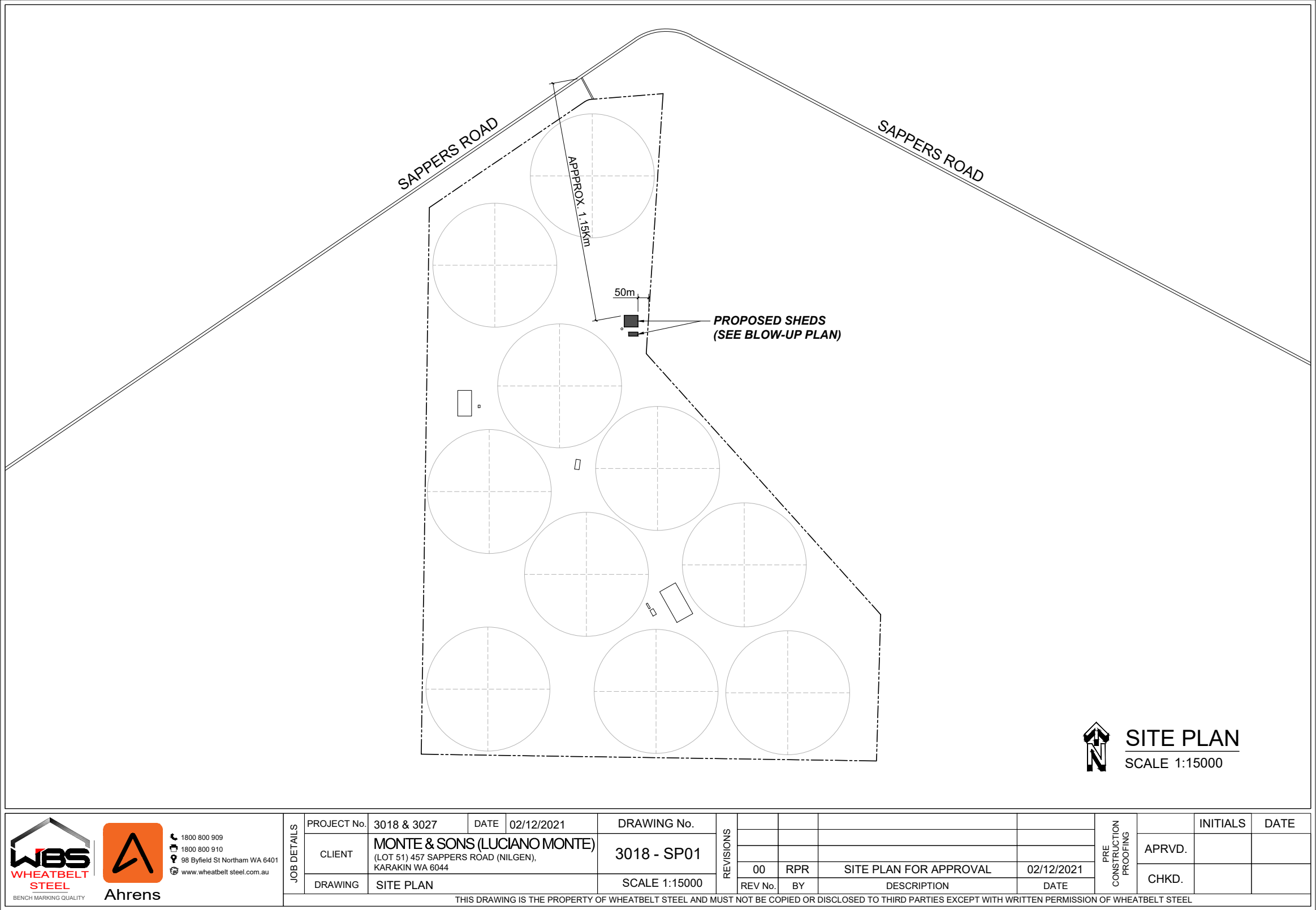
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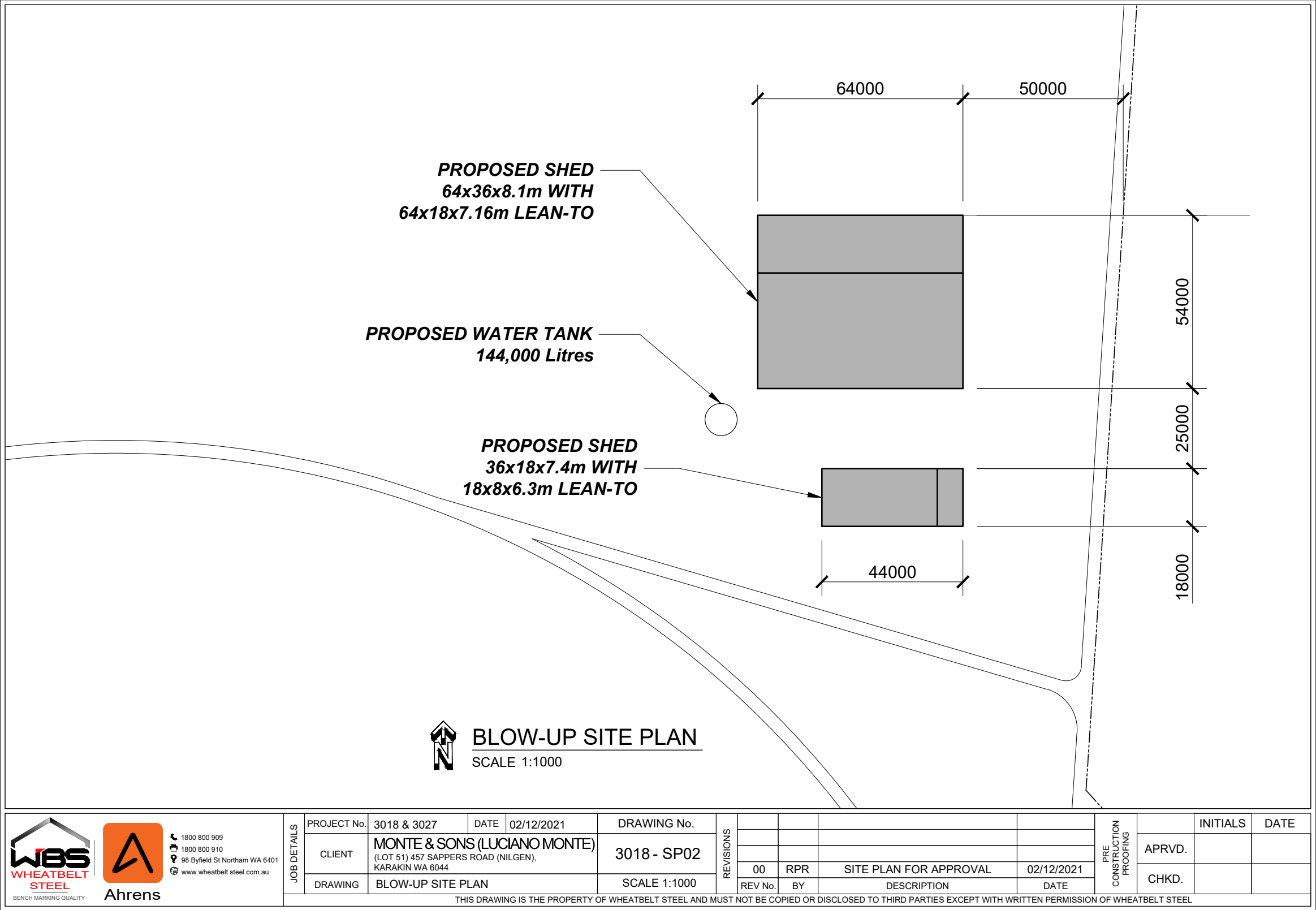
FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

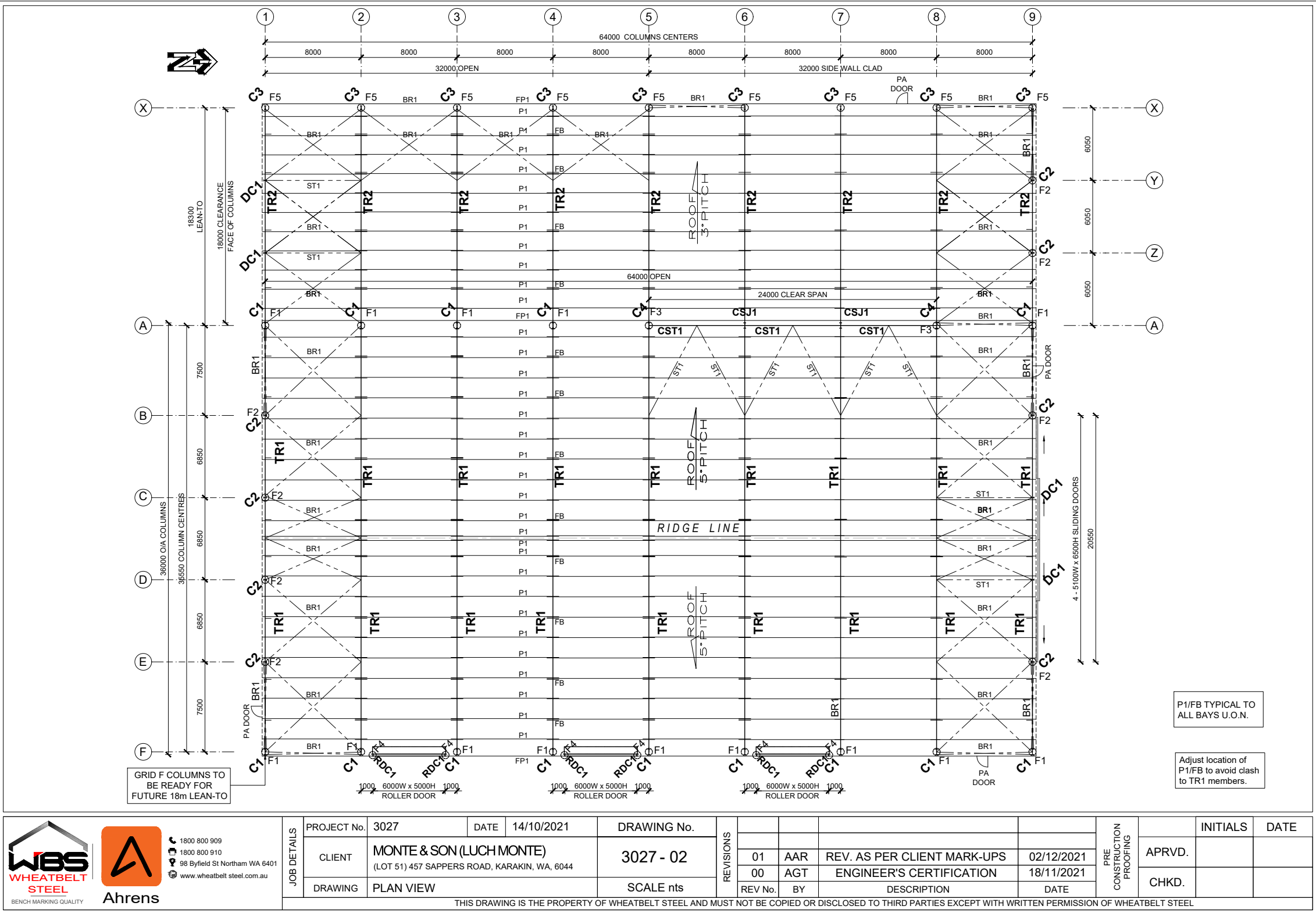
AGAINST: *Nil*

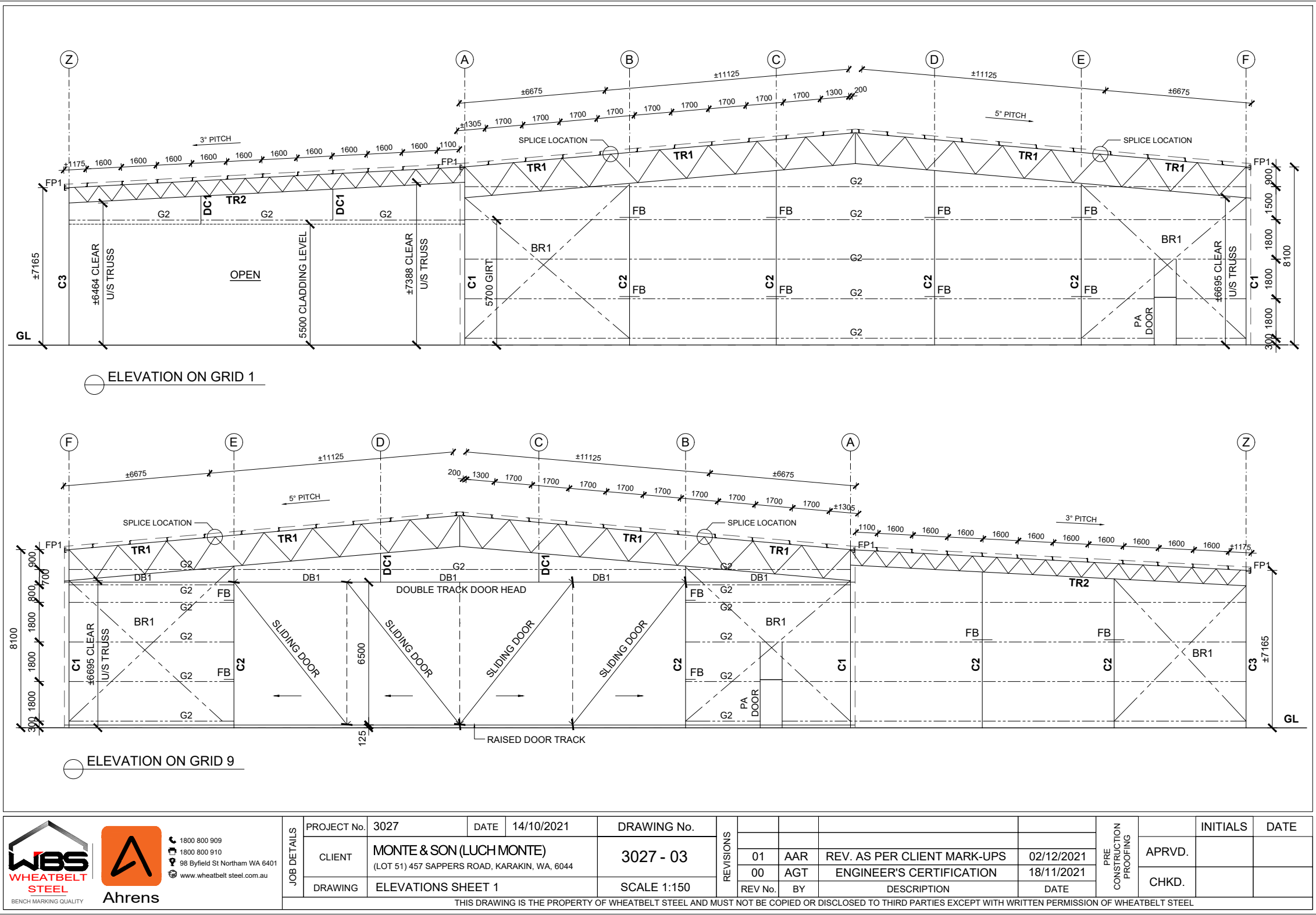














SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPOSED AGRICULTURE INTENSIVE INCIDENTAL DEVELOPMENT (PACKING SHED) ON LOT 51 (457) SAPPERS ROAD, KARAKIN

No.	Submitter	Submission details	Recommended response
1.	Ratepayer	<p>The submitter provides the following general comments:</p> <p><i>“Following your phone call regarding the development plan near our western boundary (P2265), this is to confirm that we have no objections to the proposed changes that you outlined verbally.”</i></p>	<p>Noted. The applicant has also outlined verbally during a phone call that the proposal is consistent with the scale of current incidental development (buildings) used for the same purpose on the recently sold adjoining land.</p>

13.3 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED ANCILLARY ACCOMMODATION AT LOT 169 (17) MURRAY STREET, GUILDERTON

File	BLD/7346
Applicant	Rocio De Campbell
Location	Lot 169 (17) Murray Street, Guilderton
Owner	Rocio De Campbell
Zoning	Residential R12.5 / 20
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Location Plan and Aerial Imagery [13.3.1 - 2 pages] 2. Applicant's Proposal [13.3.2 - 4 pages] 3. Schedule of Submissions and Recommended Responses [13.3.3 - 5 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed ancillary accommodation at Lot 169 (17) Murray Street, Guilderton.

BACKGROUND

The subject lot is 847m² in area and contains a single house painted white with a pitched roof, and an outbuilding. The proposed ancillary accommodation is a new transportable building which is grey in colour with a skillion roof design and consisting of two self-contained units.

The proposal seeks to vary the following provisions of State Planning Policy 7.3 - Residential Design Codes, Volume 1 (R-Codes):

- Clause 5.1.3 - Lot Boundary Setbacks; and
- Clause 5.5.1 - Ancillary Dwellings.

Council consideration is required due to:

1. An objection being received during the advertising period; and
2. The development consisting of two self-contained units, which is inconsistent with the definition of the Ancillary Accommodation land use.

The development may be supported subject to internal alterations being made to achieve a single self-contained dwelling.

A location plan with aerial imagery and the applicant's proposal are provided as **Appendix 13.3.1** and **13.3.2** respectively.

COMMENT

Stakeholder Consultation

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

During this period one submission was received objecting to the proposal.

A copy of the Schedule of Submissions and Recommended Responses is attached as **Appendix 13.3.3**.

PLANNING FRAMEWORK

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

The subject lot 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 lot is zoned R12.5/20 under LPS 9 zoning mapping. 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 sewer. In this instance the subject lot is not connected to a reticulated sewer network and as such is assessed at the lower coding of R12.5.

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

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When a development proposal does not satisfy the 'deemed-to-comply' provisions, the application is assessed against the associated 'design principles' to determine whether the variation is acceptable.

As noted above, the development seeks a variation to the rear setback as it proposes a setback of 1.5 metres in lieu of 6 metres. In addition, the proposed new building does not comply with the requirement for an ancillary dwelling to be compatible with the colour, roof pitch and materials of the single house on the same lot, The internal design of the ancillary accommodation is also inconsistent with the definition and therefore cannot be considered unless the internal layout of the transportable is modified.

LPS 9 does not define the land use *Ancillary Accommodation*, however LPP 1.7 defines the land use with reference to an Ancillary Dwelling as per the R-Codes as follows:

Self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.

The proposal consists of one transportable building for the purpose of providing accommodation incidental to the main dwelling (single house), but the building consisted of two self-contained units that each contain a:

- Bedroom/living area;
- Kitchenette; and
- Bathroom.

The ancillary accommodation does not include a laundry.

Clause 5.1.3 - Lot boundary Setbacks and 5.5.1 – Ancillary Dwellings are applicable in this instance. Table 1 below outlines the relevant Design Principles assessment:

Design Principles	Officer Comments
5.1.3 - Lot Boundary Setbacks	
P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:	P3.1 - The setback variation is substantial, however given the minor scale of the building and the low natural ground level,

<ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties. 	<p>the variation does not impose any bulk and scale on the north adjoining lot.</p>
<p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1; • does not have any adverse impact on the amenity of the adjoining property. 	<p>P3.2 – The building is located on this portion of the lot to retain a rear outdoor living area for the dwelling and to not interfere with the subsurface waste water disposal system (septics).</p> <p>The development therefore makes more effective use of space and does not compromise the built form amenity of the adjoining land.</p>
<p>5.5.1 - Ancillary Dwellings</p> <p>P1 Ancillary dwelling is of a small scale and designed to support people living independently or semi-dependently to the residents of the single house, sharing some site facilities and services.</p> <p>P2 Ancillary dwelling is to positively contribute to its setting, including the existing single house and, where visible from the street or adjoining properties, to the amenity of the streetscape and context.</p>	<p>P1 – The building is consistent with the overall plot ratio.</p> <p>P2 – The building is not consistent with the built form of the single house, however it is located to the rear of the dwelling (albeit visible from adjoining properties given the sloping levels across the various lots). Although the colour and roof pitch are different, the transportable matches the weatherboard exterior of the single house and may be painted a neutral colour to complement the existing built form.</p>

Local Planning Policy 1.5 – Transportable Dwellings (LPP 1.5)

LPP 1.5 sets out provisions for transportable dwellings within the Shire of Gingin. The development of transportable dwellings can pose undesirable built form and visual amenity outcomes specifically with respect to relocated and second-hand dwellings.

The objectives of LPP 1.5 are as follows:

- 1 To provide guidelines for the location and development of second-hand relocated and transportable dwellings.*
- 2 To ensure that the location and development of second-hand relocated and transportable dwellings within the Shire only occurs in a manner that is consistent with the objectives of the Local Planning Scheme and relevant zoning.*

Section 3.5 affords amenity controls with respect to transportable dwellings, which are as follows:

- 1 The building in its relocated position being rendered visually acceptable by the use of verandahs, screening or planting;*
- 2 The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be erected.*

Officer comment

The transportable is new and in good condition as viewed in the applicant's proposal it is presented in with a grey colour and black trim scheme with a skillion roof. In general, the transportable is visually acceptable and does not impose bulk and scale on the adjoining land or the locality. The applicant has verbally noted their plans to fence the property for security purposes, and once consolidated the visual prominence of the building will be noticeably reduced.

Local Planning Policy 1.7 – Ancillary Accommodation (LPP 1.7)

LPP 1.7 states that:

Ancillary Accommodation shall have the same meaning as “ancillary dwelling” as defined in Appendix 1 of the Residential Design Codes.

While provisions for ancillary dwellings are contained within the R-Codes, LPP 1.7 was created to provide for larger ancillary dwellings on larger residential and rural lots where grouped dwelling development is not possible.

The objectives of LPP 1.7 are:

1. *To provide for a range of criteria that will distinguish an ancillary accommodation from independent additional dwellings in the Shire of Gingin.*
2. *To provide for a form of housing that does not compromise the amenity and character of the locality.*

The provisions of LPP 1.7 relate to scale, use and design as follows:

- 2.1 *An ancillary accommodation shall be associated with a Single House, which either exists or will be developed concurrently on the property.*

Officer comment

The subject site contains an existing single house.

- 2.2 *The development will not result in more than one ancillary accommodation being constructed on the property.*

Officer comment

The development results in two self-contained units (ancillary accommodations) and therefore does not comply with the policy. In order to meet the provisions of the policy, the proposed building must be redesigned. As it has already been purchased, a redesign would need to be implemented via internal modifications prior to occupation.

- 2.3 *The plot ratio area of any ancillary accommodation shall not exceed 70m² except on lots greater than 4,000m² in area where the plot ratio area of any ancillary accommodation may be up to 100m².*

Officer comment

The proposal contains an overall habitable floor area of 60m². The subject lot is 847m², therefore the larger plot ratio cannot be applied. The floor area does however comply with the plot ratio provision (70m²) under clause 5.5.1 of the R-Codes (Ancillary Dwellings).

- 2.4 *An ancillary accommodation shall contain a bathroom, toilet, laundry and kitchen facility.*

Officer comment

Each dwelling contains a bathroom, toilet and kitchen but does not include a laundry facility. In many instances, ancillary accommodation shares a laundry with the single house (predominant use) located on the property.

Overall comment

The proposal is inconsistent with the general policy provisions and therefore requires amendment in order to be approved. The R-Codes require, via the deemed-to-comply provisions and the design principle for Ancillary Dwellings, that the dwelling is to be “compatible with the colour, roof pitch and materials of the single house on the same lot”. Should Council support the proposal, it is recommended that a condition be included to require the ancillary accommodation to be painted to match the single house.

As the proposal does not meet the provisions of the R-Codes and LPP 1.7, there is scope for Council to refuse the development. The alterations required to the transportable via development approval conditions are not minor and will significantly amend the proposal.

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

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

(y) Any submissions received on the application;

Options and amendments

Where a development does not meet the definition of a land use, that use class is not applicable. It is therefore noted that the overall proposal reflects a grouped dwelling proposal resulting in three dwellings. While in reality the development may provide self-contained accommodation to members of the landowner’s family, it may also be made available for rent to two separate third parties.

The officer is of the opinion that, as there is no authority under the R-Codes or LPS 9 for the development of an additional two self-contained dwellings on this R12.5 residential lot, the development as proposed warrants refusal.

However, the development may be supported subject to internal modifications being made to achieve a single self-contained dwelling. The officer notes that this may be offered as a condition of approval should Council’s support be forthcoming.

Summary

As outlined in the officer’s report, the development is inconsistent with the definition of Ancillary Accommodation and requires amendments to meet that definition.

The officer's recommended approach is to approve the development subject to modifications being made to the internal layout (which can be enforced via conditions). However, Council does have the option of refusing the application in its current form.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 7.3 – Residential Design Codes, Volume 1
Local Planning Policy 1.5 – Transportable Buildings
Local Planning Policy 1.7 – Ancillary Accommodation

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	N/A

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Balcombe

That Council grant Development Approval for a proposed ancillary accommodation at Lot 167 (17) Murray Street, Guilderton subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans unless conditioned otherwise in this approval;
2. Prior to the commencement of site works, the applicant/landowner is to provide an amended floor plan illustrating a single self-contained dwelling to the satisfaction of the Shire of Gingin;
3. Prior to the occupation of the development, the approved amended floor plan is to be implemented via works to the internal layout of the transportable building to the satisfaction of the Shire of Gingin;
4. The colours, design and materials of the ancillary accommodation shall complement those of the existing single house where practicable; and
5. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

Advice Notes:

- Note 1. If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2. If the development subject to this approval is not substantially commenced within a period of 2 years, the approval shall lapse and have no further effect.
- Note 3. Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4. Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5. It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

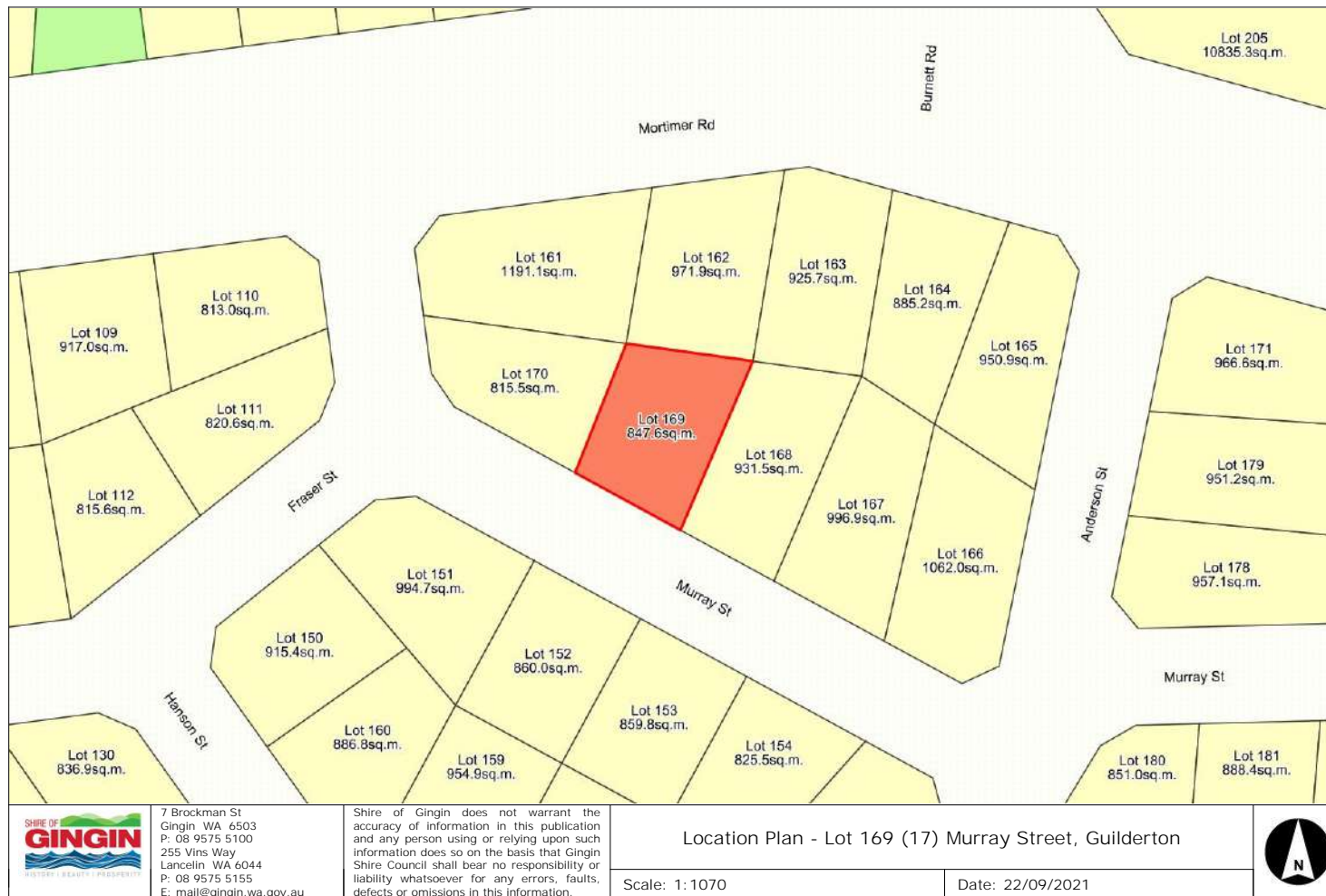
Note 6. With respect to the condition relating to design/colour, it is noted that repainting the ancillary accommodation to complement/match the single house will generally suffice. It is recommended that the Shire's Planning Department be consulted prior to making commitments to clear this condition.

Note 7. In the event the as constructed setbacks vary from those indicated on the approved plans, then the applicant/landowner may be held responsible for formalising the actual setback dimensions.

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*



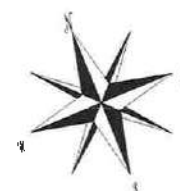


1. All dimensions are to be checked on site by relevant contractor before commencement of any work.
2. Any discrepancies are to be brought to the attention of the builder.
3. Do not scale from drawings.



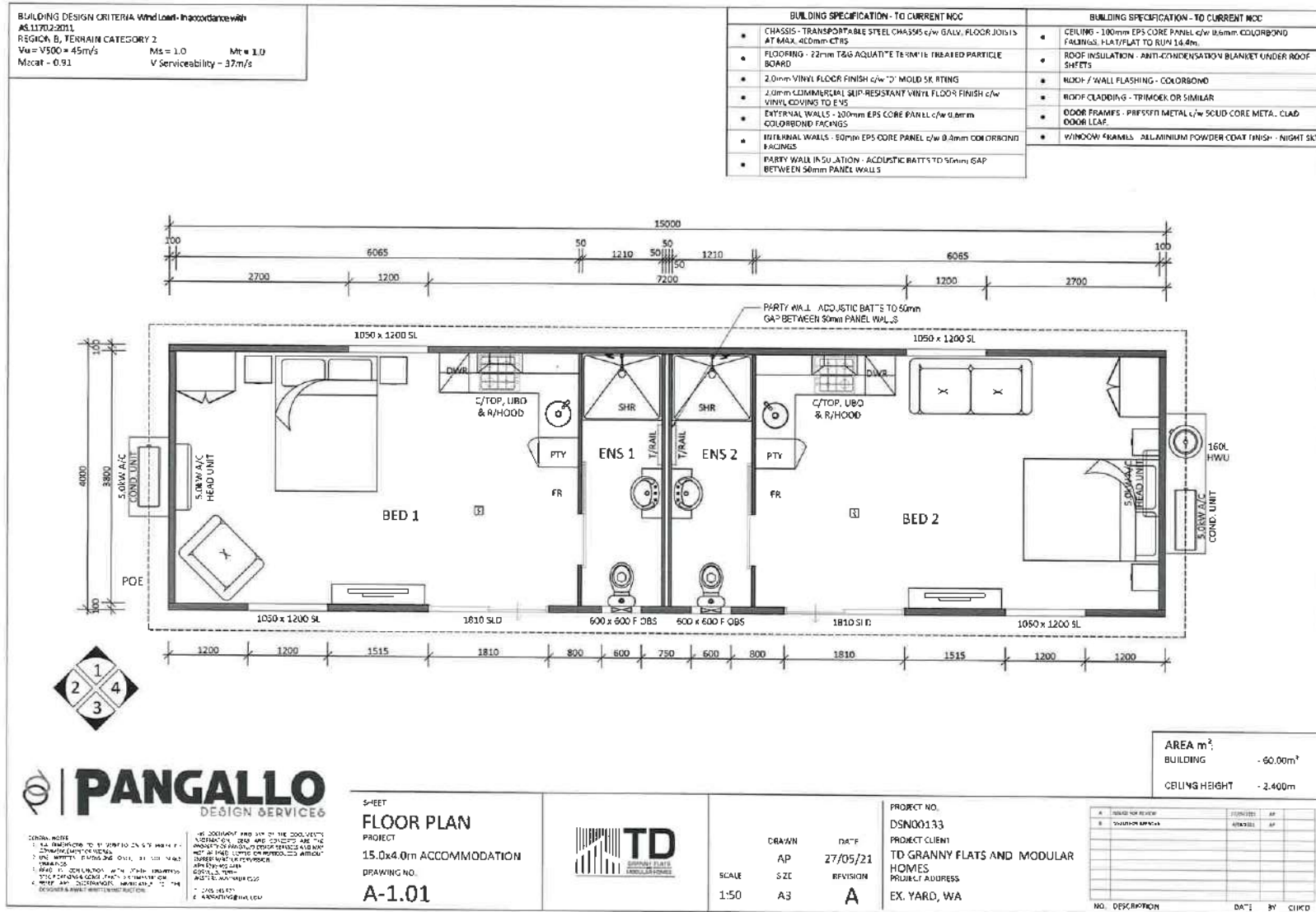
THIS DRAWING TO FORM PART OF DRAWINGS
SUPPLIED BY ANCILLARY ACCOMMODATION MANUFACTURER

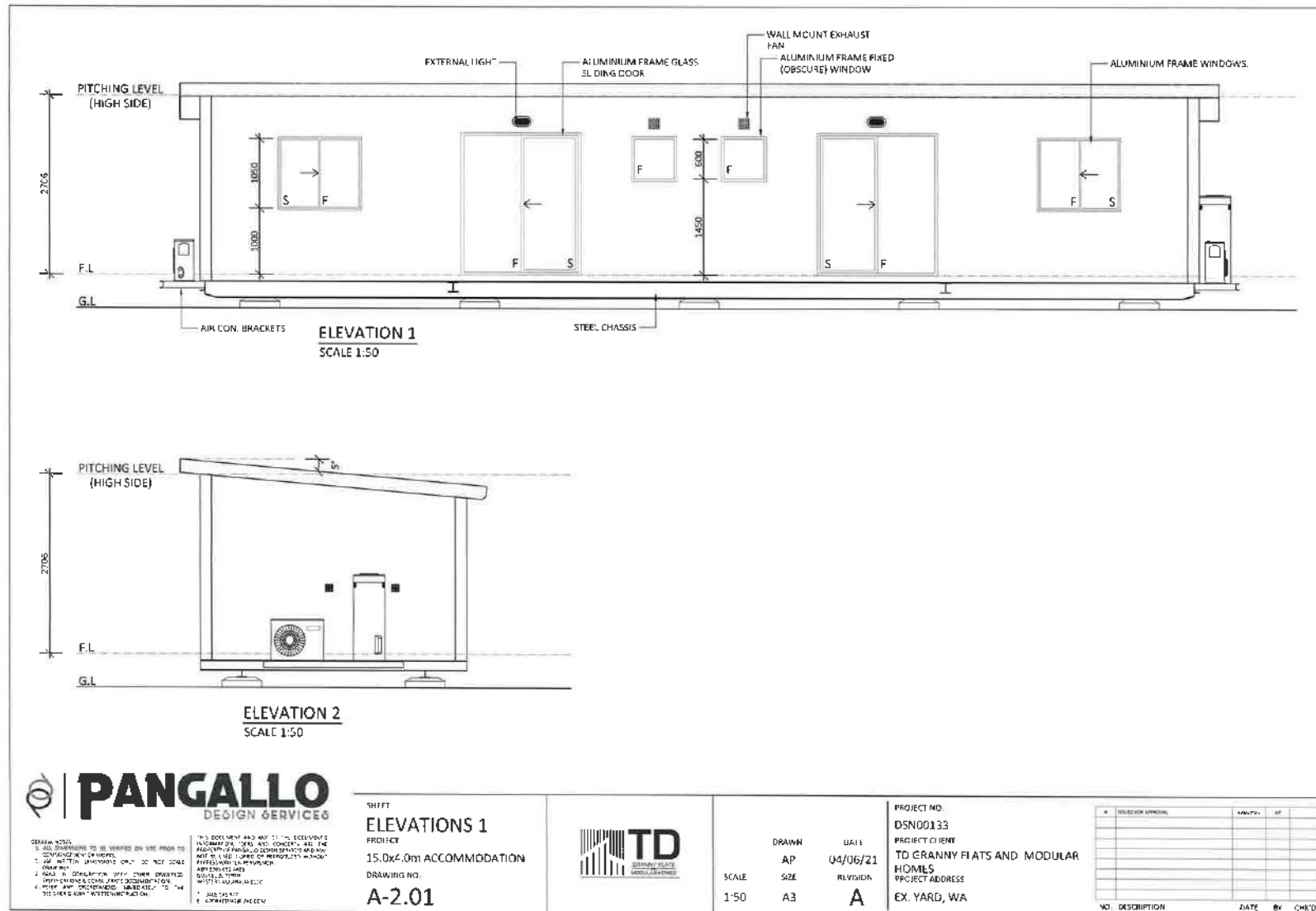
PROPOSED ANCILLARY ACCOMMODATION FOR	
CLIENT: Ms R. Miranda Durand de Campbell ADDRESS: Lot 169 # 17 Murray St, Guilderton.	Drawn: Stan Wiebecke Date: 25/10/2021 Scale: 1:100 on A3 File: Campbell100 <hr/> Sheet N° ?? of ??



MINUTES ORDINARY COUNCIL MEETING 21 DECEMBER 2021

APPENDIX 13.3.2







SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES


**DEVELOPMENT APPLICATION: PROPOSED ANCILLARY DWELLING ON LOT 169 (17) MURRAY STREET,
GUILDERTON**

No.	Submitter	Submission details	Recommended response
1.	Ratepayer	<p>The submitter does not support the proposal and provides the following general comments:</p> <p><i>"The owners are opposed to the proposed development for the following reasons: -</i></p> <p>A. <i>The proposal is seen to be 'two' rather than only one ancillary accommodation dwelling.</i></p> <p><i>"Ancillary Dwelling" is defined in the R-Codes as: - 'a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house.'</i></p> <p><i>The provisions of the Shire of Gingin Local Planning Policy 1.7 – Ancillary Accommodation provides that: -</i></p> <p><i>'The development will not result in more than one ancillary accommodation being constructed on the property'.</i></p> <p><i>It is contended that the proposed development consists in fact of <u>two additional</u> dwellings each with identical facilities including separate entrances, bath and kitchen facilities. It is noted that a party wall with insulation exists between the units but no connection between them is provided. In this regard the proposal conflicts with the definition of ancillary accommodation in the R Codes Policy 1.7 as it will result in more than one additional accommodation unit.</i></p> <p><i>In addition, Local Planning Policy 1.7 - provides that.</i></p>	<p>Support – the proposal is inconsistent with the definition of an Ancillary Dwelling as it represents two self-contained units rather than one.</p>

		<p><i>2.4 An ancillary accommodation shall contain a bathroom, toilet, laundry and kitchen facility.</i></p> <p><i>It appears that no laundry is provided in the ancillary accommodation so that it is therefore also in conflict with the Council policy on this form of accommodation.</i></p> <p><i>B. Proposal is not in accordance with the provisions of the R Codes due to its impacts on existing character and amenity.</i></p> <p><i>The proposed ancillary accommodation is shown as only being set back 1.5m from the rear boundary in lieu of 6 metres of the deemed to comply provisions of the R Codes. The applicant is seeking to use the design principles of the R Codes in order to allow for the reduction of the 'deemed to comply' setback.</i></p> <p><i>Based on information provided by Council, no justification seems to have been provided by the applicant in terms of the compliance with the required R Code design principles.</i></p> <p><i>Design principle P2 states that: - Ancillary dwellings to positively contribute to its setting, including the existing single house and, where visible from the street or adjoining properties, to the amenity of the streetscape and context.</i></p> <p><i>In terms of setbacks, Principle P3.1 at section 5.3.1 of the R Codes states that buildings are to be to set back from lot boundaries to: - Reduce impacts of building bulk on adjoining properties</i></p> <p><i>In addition to the provisions of the R Codes the Shire of Gingin Local Planning Policy 1.7 -</i></p>	<p>Noted, generally it is suitable for an ancillary dwelling to share 'some' facilities with a Single House; in many instances a laundry is shared.</p>
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		<p><i>Ancillary Accommodation has the following objective: - To provide for a form of housing that does not compromise the amenity and character of the locality.</i></p> <p><i>The ancillary accommodation proposal put forward by the applicant will compromise the amenity and character of the locality.</i></p> <p><i>The proposed ancillary accommodation is set back from the rear boundary of Lot 162 by a mere 1.5m and the building is 15 metres long and will be over 3 metres in height (allowing for the fact that it sits up off the ground).</i></p> <p><i>The appearance of the building is that of a 'donga' style transportable. No rear elevation of the building has been provided and it can only be assumed that the two windows shown in the plan are the only relief shown in the elevation.</i></p> <p><i>The dwelling itself is very much a long 'box like' structure with little visual relief or aesthetic interest. It does not settle itself into the landscape being elevated off the ground and will be extremely visually intrusive.</i></p> <p><i>This form of transportable development is not considered to be in keeping with the type of residences that exist in the locality. It is out of keeping with the relaxed country cottage style character of the area and will compromise local amenity.</i></p>	<p>Noted, the setback variation is provided for single houses and is generally applied to ancillary dwellings albeit not referenced in the deemed-to-comply provisions. The overall setback does not impose any bulk and scale to the adjoining north lot given the buildings minor dimensions with respect to area/wall length and height. The ancillary dwelling is also proposed at a lower ground level with respect to the single house onsite and those adjoining.</p> <p>The building is a brand new transportable as viewed in the proposal documentation which was incorrectly excluded from the advertisement notice. The design and built form is acceptable.</p> <p>The site levels are sloped with the rear common boundary being the lowest point of the two lots. The site works are required to achieve a level sand pad to accommodate the development and is not to an unreasonable extent.</p> <p>Conditions relating to the building complementing the single house onsite are contemplated.</p>
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		<p><i>The presentation of the proposed development on blocks helps give it a cheap and temporary look. The outside cladding is core panel Colourbond, of an unknown colour. No attempt has been made to help fit the development into its context. Their seems, for example, to be no attempt to match the colour and form of development to the existing dwelling. It gives the impression of something being 'forced' onto the site rather than being designed to fit in.</i></p> <p><i>On the matter of car parking, it would seem from the site plan that no provision has been made for additional onsite car parking associated with the two ancillary accommodation units. If this is the case the cars might end up being parked on the street creating additional negative amenity impacts.</i></p> <p><i>From the perspective of the owners of Lot 162 they will lose a great deal of visual amenity. As shown in the attached photo which shows the site location of the proposed ancillary dwellings and so in the form of the proposed dwelling, they will be very visible when viewed from the residence on lot 162 because of the elevated nature of the land and the development being situated in a valley.</i></p> <p><i>The owners of lot 162 will be looking down onto a long box like structure with little by way of redeeming features. It will take up much of the back boundary of the property so that the existing open and green look with breathing spaces between dwellings will be totally lost.</i></p> <p><i>The only way that some form of development might be made acceptable is for its form to be modified and its location set back 6 metres on the site from the boundary. A more suitable physical form of development would need to be created in</i></p>	<p>Noted, the building is prefabricated offsite and will require some measures to complement the existing single house however the overall design and built form is acceptable.</p> <p>There is sufficient access and space to accommodate vehicular access and parking for an additional vehicle.</p> <p>The built form is acceptable, the planning framework does not include provisions requiring better architectural designs, the building is required to meet the National Construction Code requirements in addition to the R-Codes. The</p>
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		<p><i>keeping with the nature of the existing dwelling onsite including features like a veranda.</i></p> <p><i>The application of the 6-metre deemed to comply setback would also allow for suitable landscaping to be introduced to screen the development and help it settle into the landscape.</i></p> <p><i>The development would also need of course to be limited to one rather than two ancillary accommodation dwellings.</i></p>  <p><i>Photo from the house on Lot 162 looking down onto the proposed dwelling site."</i></p>	<p>transportable is new and does not represent a second hand or deteriorated built form.</p> <p>Screening is unnecessary as the built form is acceptable.</p> <p>Noted.</p>
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13.4 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL - PROPOSED WAREHOUSE ON LOT 41 (30) HOY ROAD, COONABIDGEE

File	BLD/2961
Applicant	Cosimo D'Agostino
Location	Lot 41 (30) Hoy Road, Coonabidgee
Owner	Cosimo D'Agostino & Jacqueline Moore
Zoning	Rural Industry
WAPC No	N/A
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	21 July 2020, Item 11.3.3
Appendices	1. Location Plan [13.4.1 - 1 page] 2. Applicant's Proposal [13.4.2 - 8 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Amended Development Approval for a Warehouse at Lot 41 (30) Hoy Road, Coonabidgee.

BACKGROUND

Council at its Ordinary Meeting dated 21 July 2020 resolved to grant Development Approval for a warehouse associated with a fitness equipment business. As the landowner is seeking to develop the building as an 'owner builder', this restricts the building licence to projects with a floor area of no more than 500m². Therefore, the approved and proposed amended dimensions of the warehouse are as follows:

Approved dimensions			
Length:	48.17m		
Width:	20m	Area:	963m ²
Wall Height:	7m	Overall Height:	7.8m
Proposed amended dimensions			
Length:	24.15m		
Width:	20.25m	Area:	489m ²
Wall Height:	7m	Overall Height:	7.8m

Council's consideration is required as Administration does not have delegated authority to amend a decision of Council.

A location plan and copy of the applicant's proposal are provided as **Appendix 13.4.1** and **Appendix 13.4.2** respectively.

COMMENT

Stakeholder Consultation

The original development application was advertised to the surrounding landowners for a period of 14 days, with no submissions being received. Given the previous lack of interest and the fact that the scale of the development is now being significantly reduced, the officer was of the opinion that further public notice was not warranted in this instance.

PLANNING FRAMEWORK

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

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

- a) Provide for a range of industrial land uses on rural-living sized lots where people can work and live on the same property.*

As noted above Warehouse/Storage is an 'A' – Discretionary' use within the Rural Industry zoning.

The land use 'Warehouse/Storage' is defined as follows:

premises including indoor or outdoor facilities used for –

- (a) the storage of goods, equipment, plant or materials;*
- (b) the display or sale by wholesale of goods.*

The development assessment provided for the original proposal has been revised based on the amended dimensions for the project.

The proposal seeks approval to use the warehouse for the purpose of storing, assembling and dispatching equipment associated with the landowner's fitness equipment business. An extract of the applicable development standards outlined in *Table 2 – Site Requirements* for Rural Industry zoned land is provided below, with the proposed dimensions indicated:

Table 2 – Site Requirements						
Zone	Minimum Setback			Maximum Plot Ratio	Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear			
Rural Industry	Permitted: 20m	Permitted: 20m	Permitted: 20m	Permitted: 0.5	Permitted: 50%	5% of site area – screening of non-residential uses from street is required. Provided: Nil Condition to require screening
	Provided: 66.75m	Provided: 25m	Provided: >20m	Provided: <0.5	Provided: <50%	
	Complies	Complies	Complies	Complies	Complies	

The application complies with the above requirements with the exception of screening provisions to the street. Clause 4.8.4.4 of LPS 9 states:

A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the local government.

The proposal of a warehouse of this scale suggests that there is no proposed open storage, therefore screening is not considered to be necessary at this stage.

Parking

As noted in the original report, the proposal complies with the car parking provisions. Five bays are required, with 10 being provided.

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

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

- s) *the adequacy of –*
 - (i) *the proposed means of access to and egress from the site;*

Officer comment:

The subject site is serviced by an existing unsealed crossover. For industrial land uses, sealed 6m wide crossovers should be established to maintain the shoulder of the road accessing the site. Accordingly, the current access and egress to the site, while sufficient in area, is not constructed to a satisfactory standard. A condition requiring the upgrade of the crossover to a sealed standard is recommended.

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being bushfire prone. Given the land use proposed is a habitable building under the Deemed Provisions as it will house staff, a Bushfire Attack Level (BAL) assessment was undertaken. The BAL assessment indicated a BAL-FZ (Flame Zone) rating given the existing vegetation on site and on the adjoining rear lot.

Accordingly, a Bushfire Management Statement (BMS) was prepared to address the relevant SPP 3.7 guidelines and to provide a sufficient Asset Protection Zone (APZ).

The BMS and APZ address the guidelines to achieve and maintain a BAL-19 rating, which is acceptable. This document was prepared with respect to the originally proposed 963m² warehouse, however the revised proposal does not affect the setback to bushfire prone vegetation. The condition relating to the submission of a BAL-19 as per the commitments of the BMS still apply and is included as a condition of approval.

Summary

The amendment seeks to substantially reduce the overall scale of the warehouse, and if the initial proposal was to this scale it would likely have been approved under delegated authority. The proposal does not vary any of the already approved development and site requirements for a warehouse in the Rural Industry zone.

It is recommended that the proposed amended development approval be supported subject to the existing conditions relevant to the amended plans.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015
Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

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 Johnson

SECONDED: Councillor Peczka

That Council grant Amended Development Approval for a proposed Warehouse at lot 41 (30) Hoy Road, Coonabidgee subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
2. The Bushfire Management Statement (BMS) prepared by C & F Building Approvals date stamped 9 June 2020 is to be implemented and maintained thereafter to the satisfaction of the Shire of Gingin. The removal of vegetation is permitted in order to satisfy the required Asset Protection Zone (APZ) and to enable the target BAL 19 rating to be achieved;
3. Prior to occupation of the land use 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 and is subject to a Bushfire Management Statement. Additional planning and building requirements may apply to development on this land.

4. Stormwater from all roofed and hardstand areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;
5. The finished floor level of the Warehouse must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin;
6. The Warehouse shall not be used for human habitation; and

7. Prior to occupation of the development, the driveway shall be serviced by a new crossover from Hoy Road which is to be designed and constructed to the satisfaction of the Shire of Gingin at the landowner's cost.

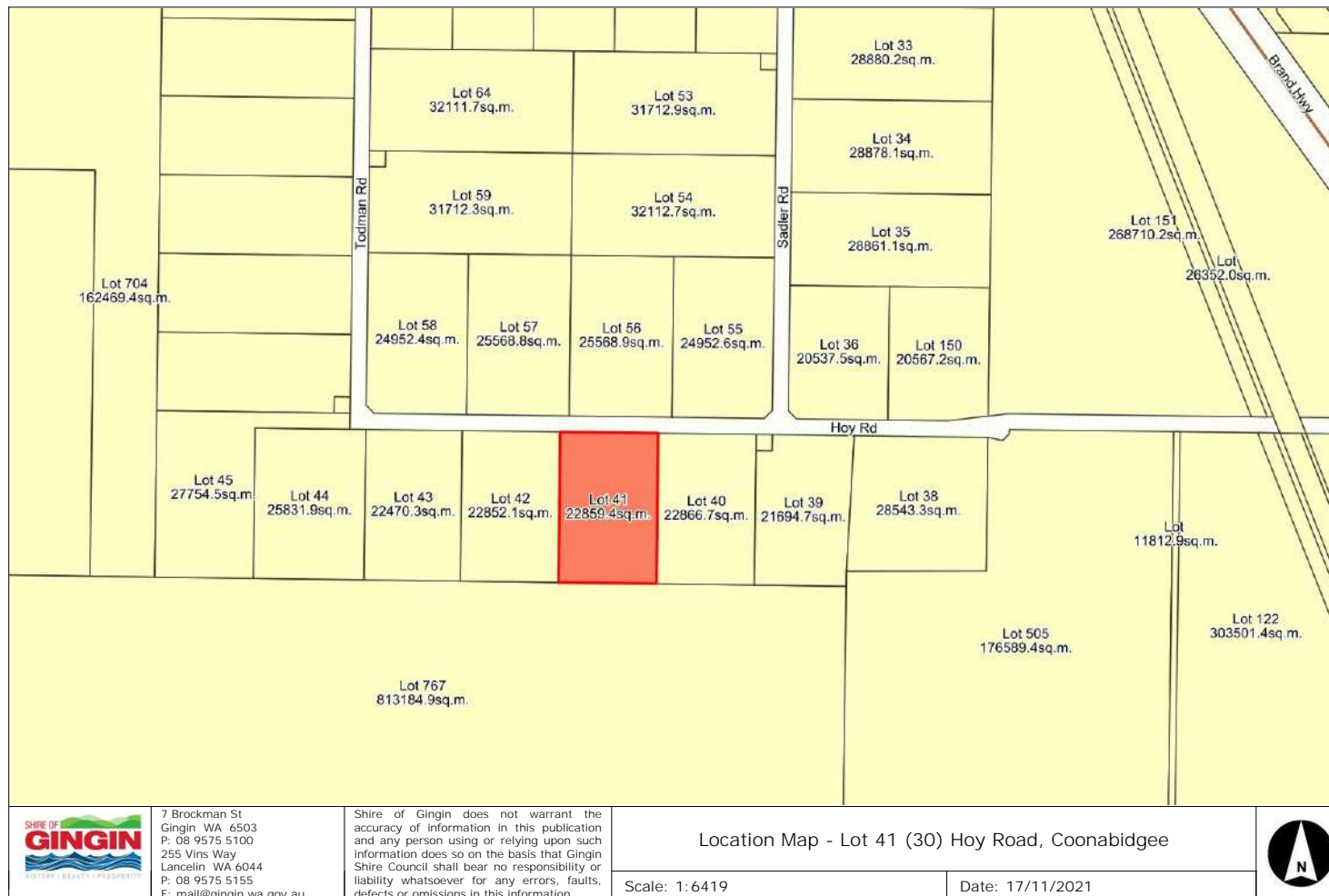
Advice Notes

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5: The existing vegetation on the property may be associated with a Conservation Category Wetland. Please contact the Department of Water and Environmental Regulation (DWER) prior to the removal of any vegetation.
- Note 6: 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 7: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.
- Note 8: 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 9: Any required upgrades to the existing crossover are subject to the approval of the Shire of Gingin. A "Vehicle Crossover Application" is required to be submitted and approved prior to the commencement of any remedial works to the crossover.

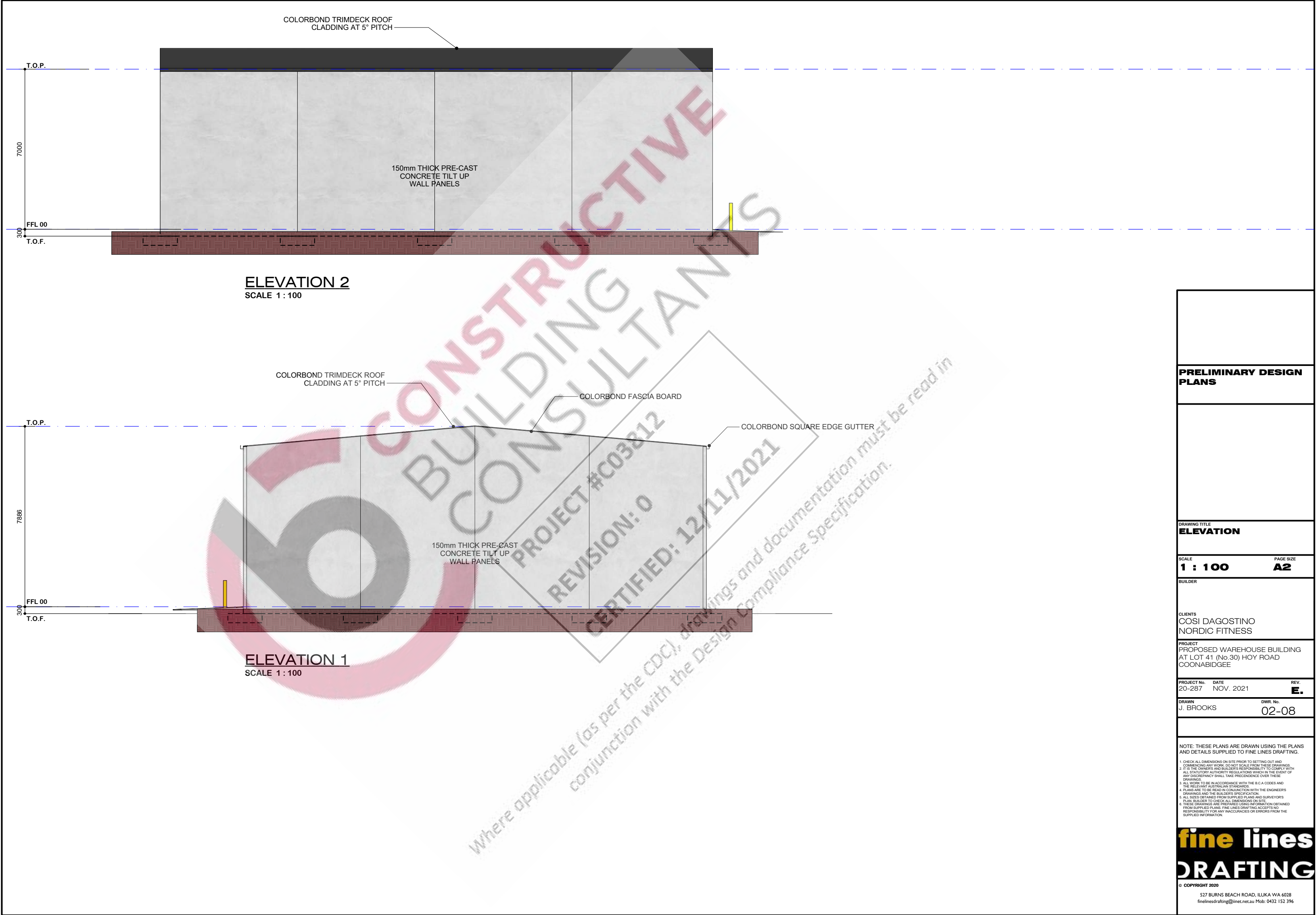
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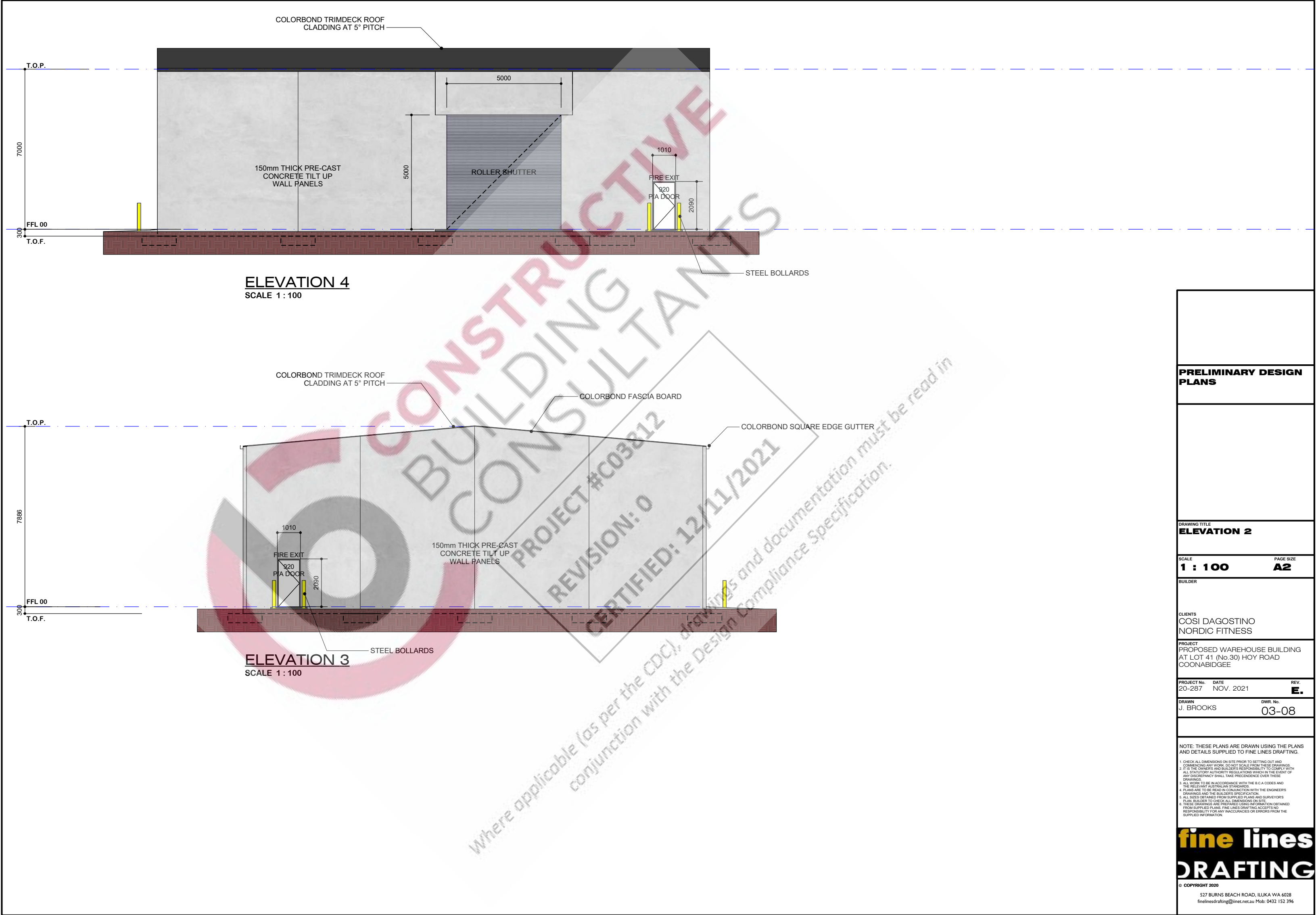
FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

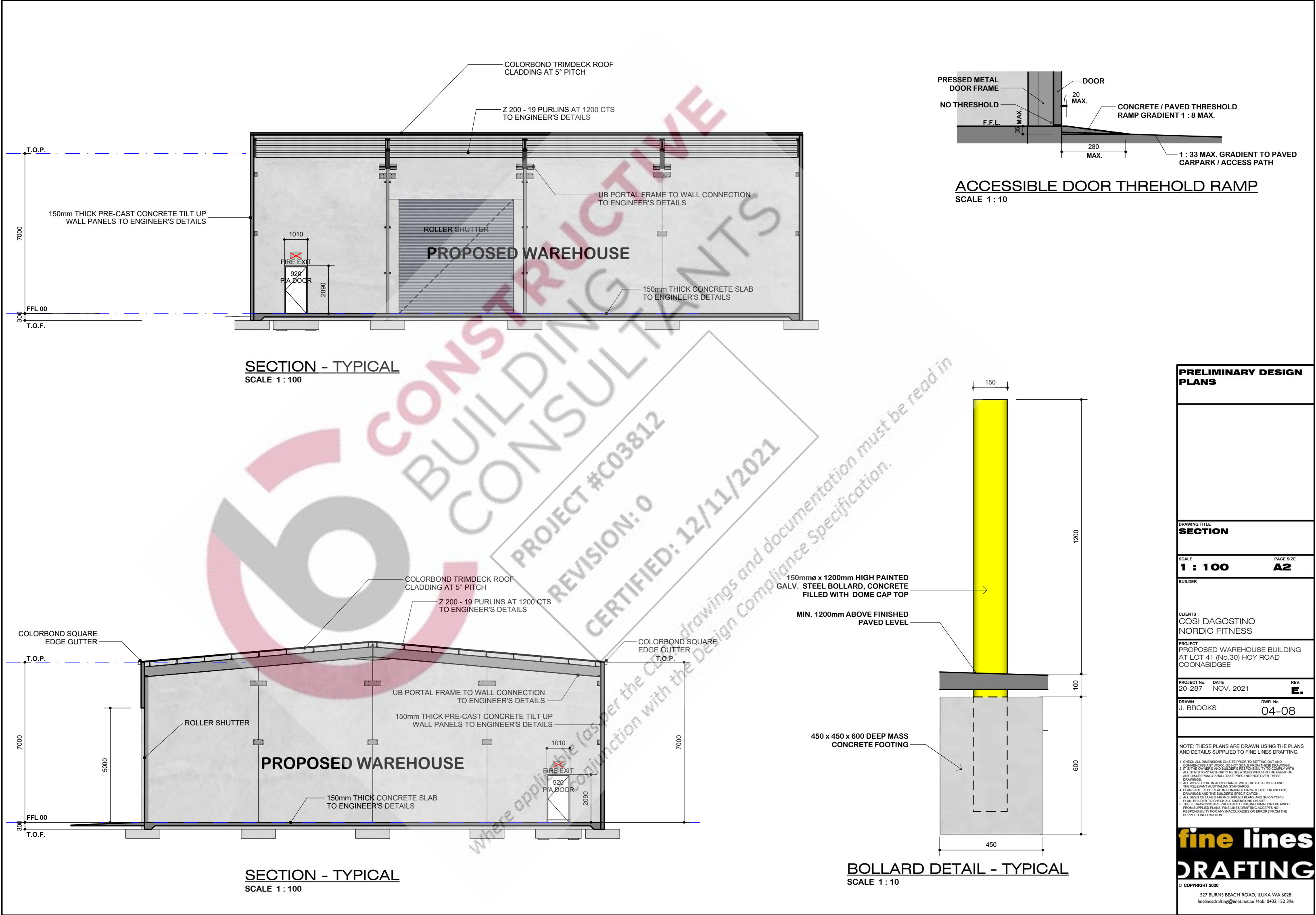
AGAINST: *Nil*



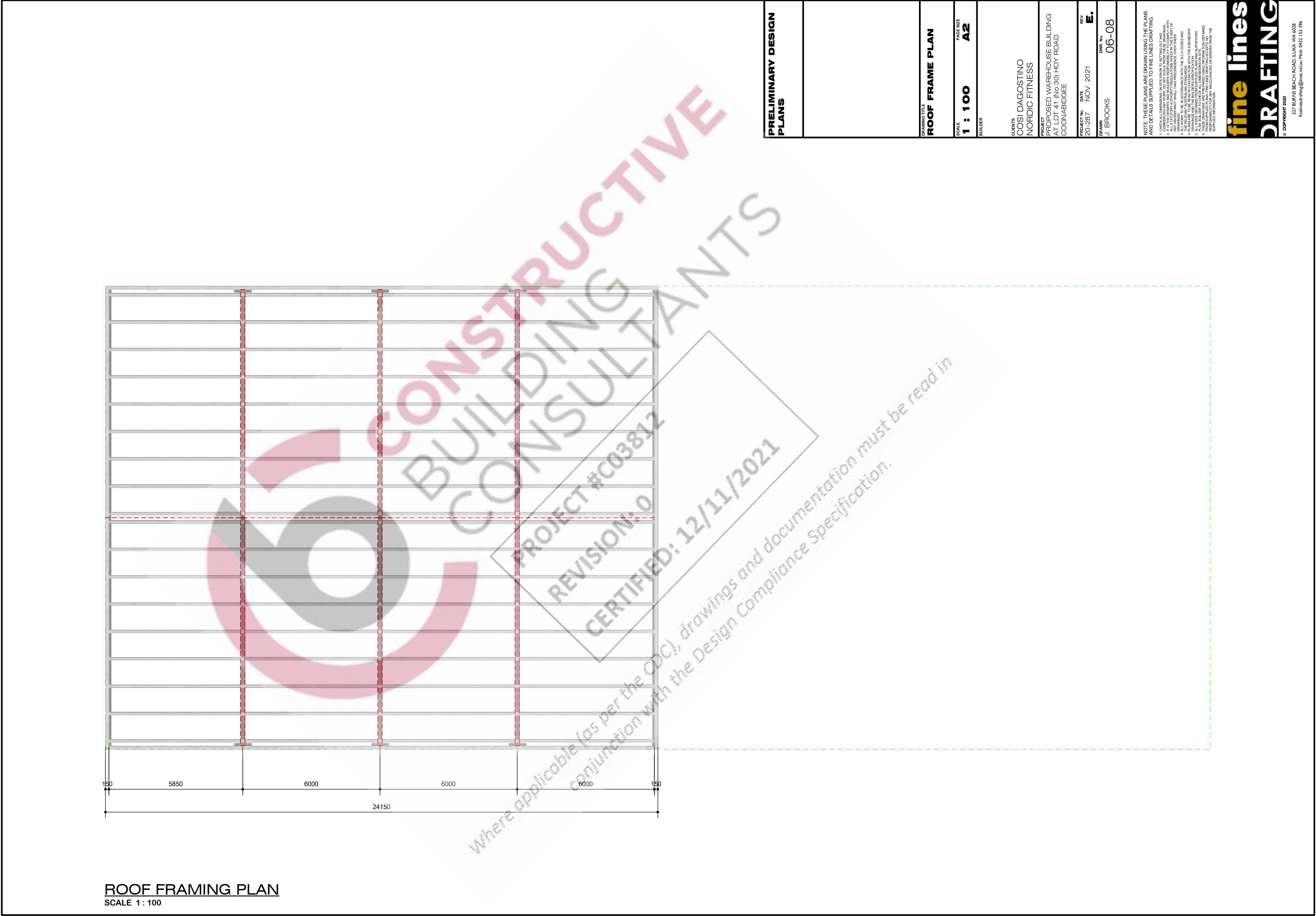












ELECTRICAL LEGEND	
	SINGLE GPO (NOMINATED HEIGHT)
	DOUBLE GPO (NOMINATED HEIGHT)
	WATERPROOF SINGLE GPO (NOMINATED HEIGHT)
	WATERPROOF DOUBLE GPO (NOMINATED HEIGHT)
	ELECTRICAL SWITCHBOARD
	EXIT SIGN (ILLUMINATED WITH BATTERY BACKUP) TO AUSTRALIAN STANDARDS REQUIREMENTS
	EMERGENCY LIGHT
	EXTERNAL LED SECURITY WALL LIGHT W/ SENSOR
	LED HIGHBAY 120 W SUSPENDED LIGHT
	2 LED WALL MOUNTED EMERGENCY FLOODLIGHT

NOTE :
NOMINAL POSITIONS SHOWN ONLY. THE
ELECTRICIAN IS TO LOCATE FITTINGS TO
AUSTRALIAN STANDARD REQUIREMENTS

NOTE :
ARTIFICIAL LIGHTING AROUND THE
PERIMETER OF THE BUILDING MUST
HAVE AN AVERAGE LIGHT SOURCE
EFFICACY OF NOT LESS THAN 40
LUMENS/WATT.

NOTE :
NEW STRUCTURE'S ELECTRICAL SUPPLY
IS TO BE RUN FROM SWITCH BOARD IN
EXISTING ADJACENT AMENITIES BUILDING.

ELECTRICAL PLAN
SCALE 1 : 100

PRELIMINARY DESIGN
PLANS

PROJECT TITLE	ELECTRICAL PLAN		
SCALE	1 : 100	PAGE SIZE	A2
BUILDER			
CLIENT	COSI DAGOSTINO NORDIC FITNESS		
PROJECT	PROPOSED WAREHOUSE BUILDING AT LOT 41 (N630) HOY ROAD COONABIDGEE		
PROJECT No.	20-287	DATE	NOV. 2021
DRAWN	J. BROOKS	CHECKED	E.
DATE	07-08		
NOTE: THESE PLANS ARE DRAWN USING THE PLANS AND DETAILS SUPPLIED TO FINE LINES DRAFTING. 1. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 2. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 3. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 4. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 5. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 6. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 7. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 8. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 9. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM. 10. CONSULTANT'S WORK IS LIMITED TO THE DESIGN OF THE ELECTRICAL SYSTEM AND DOES NOT INCLUDE THE INSTALLATION OF THE SYSTEM.			

fine lines
DRAFTING

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13.5 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED OVER-HEIGHT OUTBUILDING AT LOT 223 (9) MAWARRA DRIVE, GINGIN

File	BLD/7389
Applicant	Parascevi (Frindar) Scarvaci
Location	Lot 223 (9) Mawarra Drive, Gingin
Owner	C & P Scarvaci
Zoning	Residential (R2.5)
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. Location plan and aerial imagery [13.5.1 - 2 pages] 2. Applicant's Proposal [13.5.2 - 3 pages] 3. Schedule of Submissions and Recommended Responses [13.5.3 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed over height outbuilding on Lot 223 (9) Mawarra Drive, Gingin.

BACKGROUND

The Shire is in receipt of an Application for Development Approval for a proposed outbuilding on the subject lot, which is 4,009m² in area and contains an existing single house.

The proposed outbuilding is 9 metres in length and 8 metres in width (72m²) with a wall height of 3.5 metres and an overall height of 4.7 metres.

The outbuilding is proposed to be located 9 metres from the side (northern) lot boundary, and 15 metres from the street (eastern) lot boundary. The proposal does not reference any site works.

The proposal seeks variations to clause 5.4.3 – Outbuildings of State Planning Policy 7.3 - Residential Design Codes, Volume 1 (R-Codes) with respect to area, wall height and overall height. The proposal also seeks a variation to Local Planning Policy 2.1 - Residential Outbuildings (LPP 2.1) with respect to the overall height, being 4.7 metres in lieu of 4.2 metres.

A location plan and aerial imagery are provided as **Appendix 13.5.1** and the applicant's proposal is provided as **Appendix 13.5.2**.

COMMENT

Stakeholder Consultation

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

The Shire received one submission during this period objecting to the proposal.

The Schedule of Submissions and Recommended Responses is provided as **Appendix 13.5.3**.

PLANNING FRAMEWORK

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

The subject lot is zoned Residential R2.5 under LPS 9.

The objectives of the Residential zone listed under LPS 9 are as follows:

- 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 State and Local Planning Policy framework provides standards for outbuildings in residential areas that seek to maintain the residential character and high levels of amenity in the zone. The Local Planning Policy increases the scale at which outbuildings can be approved relative to the size of the subject lot. In this instance the proposed outbuilding is generally consistent with LPP2.1, with the exception of the overall height.

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

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When a development does not meet the deemed-to-comply provisions, the application is assessed against the associated design principles to determine whether the variation is acceptable. The R-Codes define an 'Outbuilding' as:

An enclosed non-habitable structure that is detached from any dwelling.

The deemed-to-comply provisions of the R-Codes relating to outbuildings stipulate, that the overall collective area must not exceed 60m², and that a wall height of 2.4 metres and an overall height of 4.2 metres are not to be exceeded. The proposed wall height is 3.5 metres, with an overall height of 4.7 metres and an area of 72m². Given the proposal does not satisfy the deemed-to-comply provisions, the outbuilding is assessed against the associated 'Design Principle' which states:

Design Principle	Officer Comments
P1 - Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.	P1 - The proposed outbuilding is located in line with the existing single house which is at the primary street setback line of 15 metres. The outbuilding is of a scale that requires a minor variation to the R-Codes deemed-to-comply provisions, with the exception of height. The low-density residential locality is comprised of various large single storey dwellings and associated outbuildings of up to 140m ² in area with heights similar to those proposed in this application.

The overall impact on the streetscape and visual amenity of the site is therefore negligible.

Local Planning Policy 2.1 - Residential Outbuildings

The Shire adopted LPP 2.1 in January 2013 to complement and enhance the provisions of the R-Codes to better reflect community expectations.

Clause 3.5 - Scale of Outbuilding Development outlines the maximum allowable standards for outbuildings throughout the Shire, dependent on lot size and locality. The table below outlines the standards applied to the subject lot.

TOWNSITE	STANDARD	MAXIMUM DIMENSIONS	PROPOSED
Gingin >4,000m ²	Area Wall Height Overall Height	140m ² 3.6m 4.2m	72m ² - compliant 3.5m - compliant 4.7m - variation

LPP 2.1 provides dimensions for the maximum allowable standards that at the time of creating the policy were acceptable throughout coastal areas and the Gingin townsite respectively. The officer notes that the policy affords a maximum allowable overall height of 5m for outbuildings located in coastal townsites. The variation in overall height of 500mm is minor, and the officer notes that the major contributor to bulk and scale is the wall height which is compliant in this instance.

Summary

In summary, the proposed outbuilding seeks a variation to LPP 2.1 - Residential Outbuildings and the R-Codes. The proposed cutting to the rear of the subject outbuilding area reduces the overall height of the outbuilding above natural ground level. It is therefore recommended that the application be approved subject to appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015
Schedule 2 – deemed provisions
Shire of Gingin Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 7.3 - Residential Design Codes
Local Planning Policy 2.1 - Residential Outbuildings

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	N/A

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka

SECONDED: Councillor Vis

That Council grant Development Approval for an outbuilding on Lot 223 (9) Mawarra Drive, Gingin 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 an outbuilding only as indicated on the approved plans;
3. 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;
4. The outbuilding is not to be used for human habitation or any other industrial or commercial use; and
5. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.

Advice Notes:

- Note 1:** If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3:** 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.

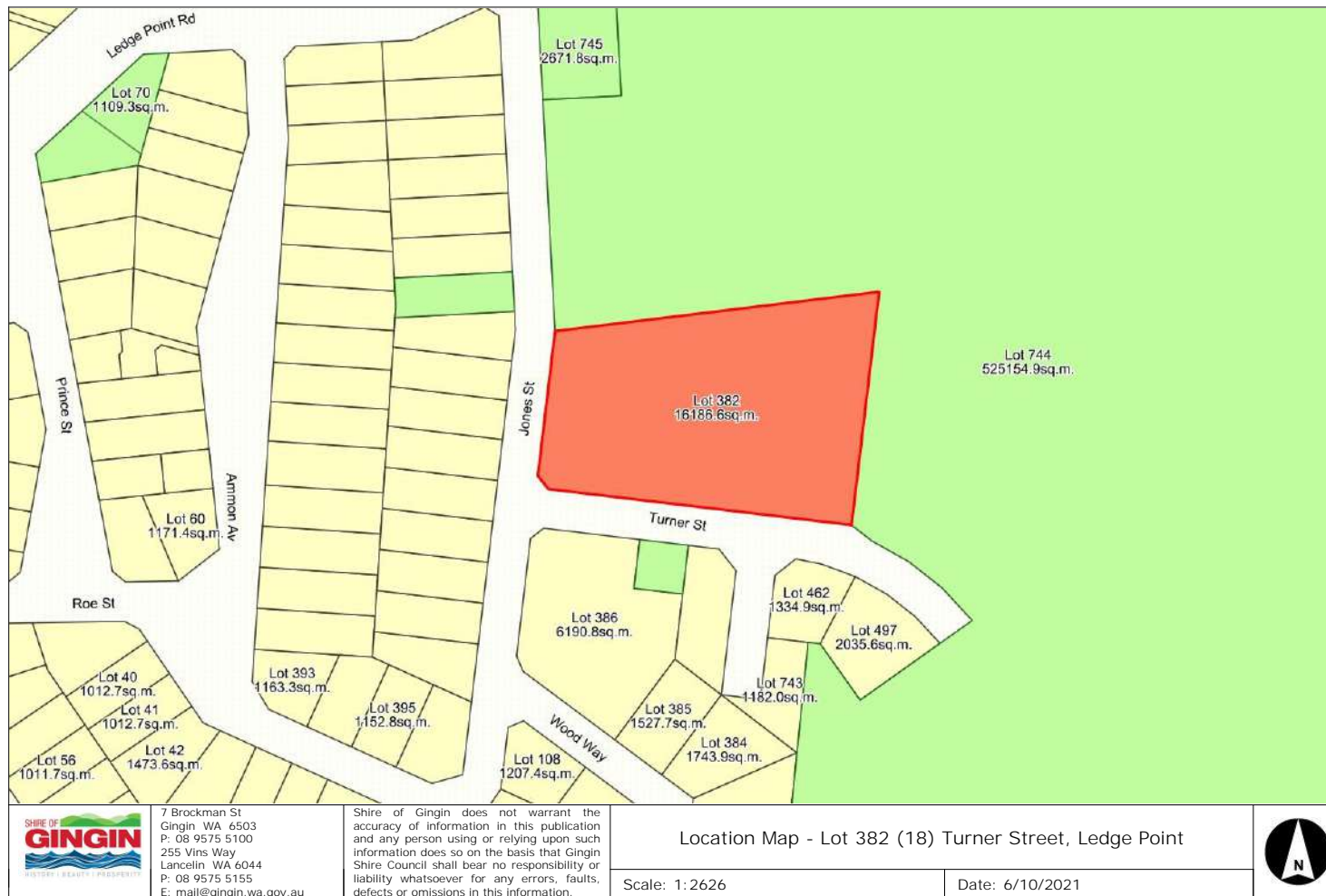
**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

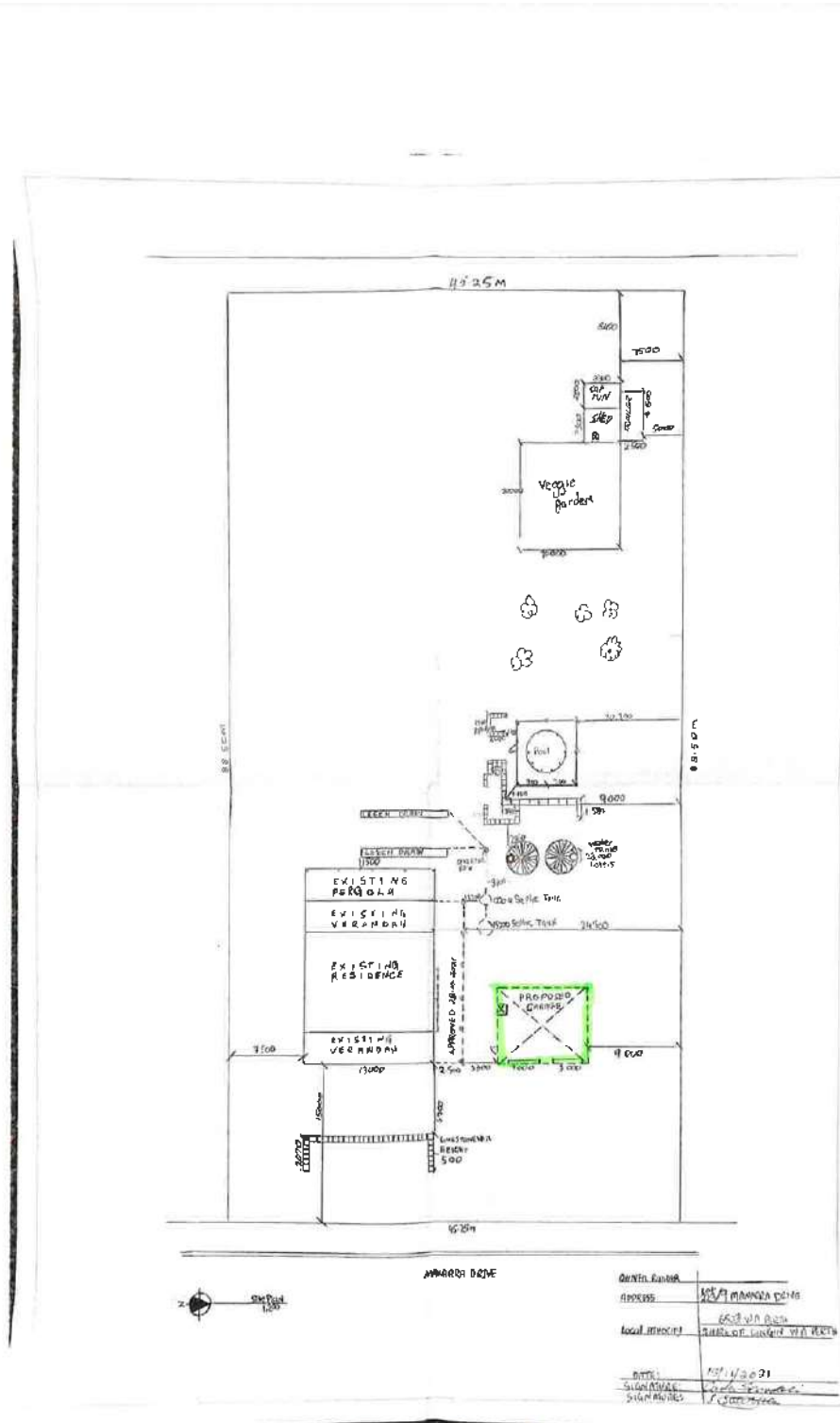
AGAINST: *Nil*

Matthew Tallon and Les Crichton left the meeting at 4:02pm.

Les Crichton returned to the meeting at 4:03pm.

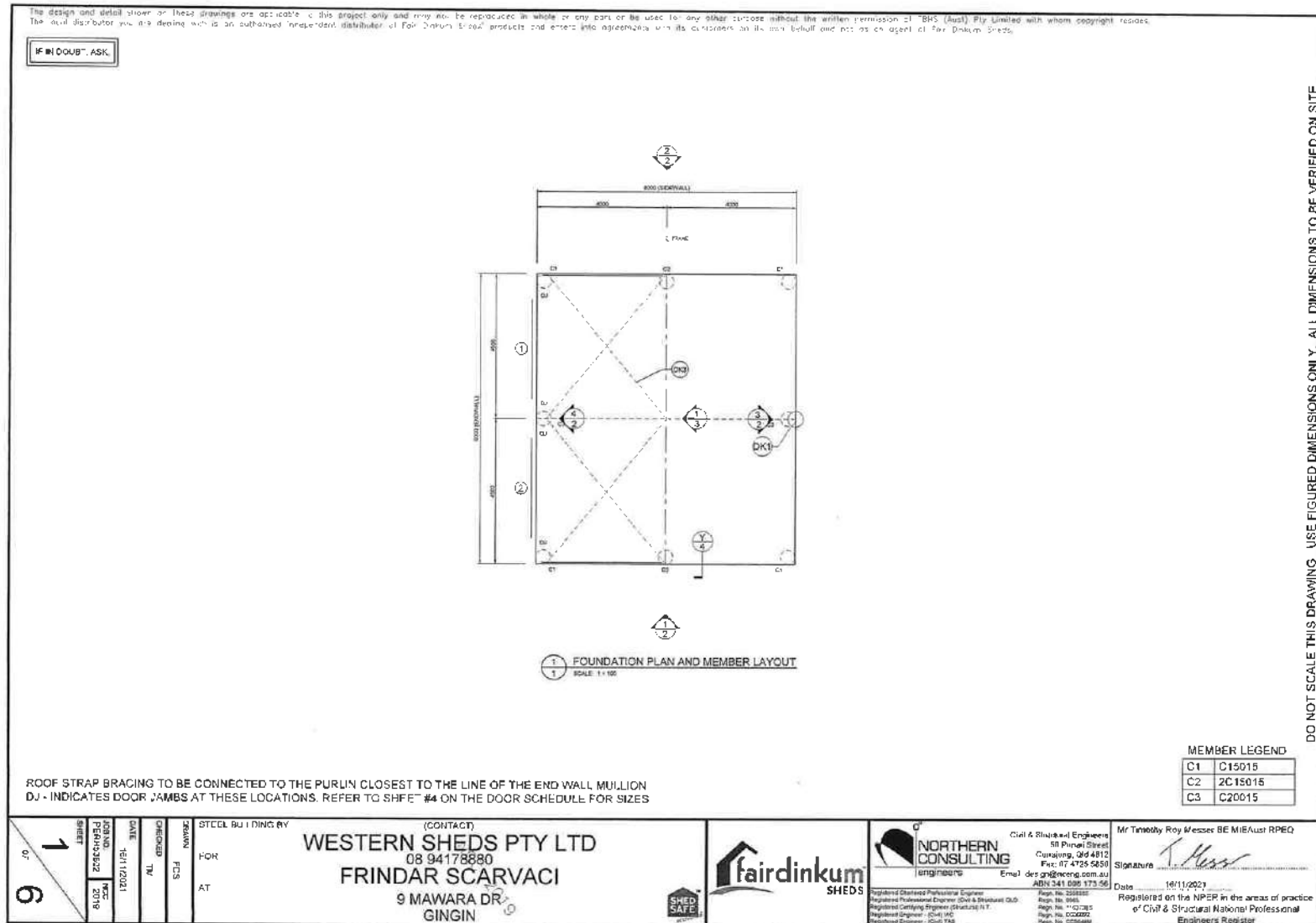






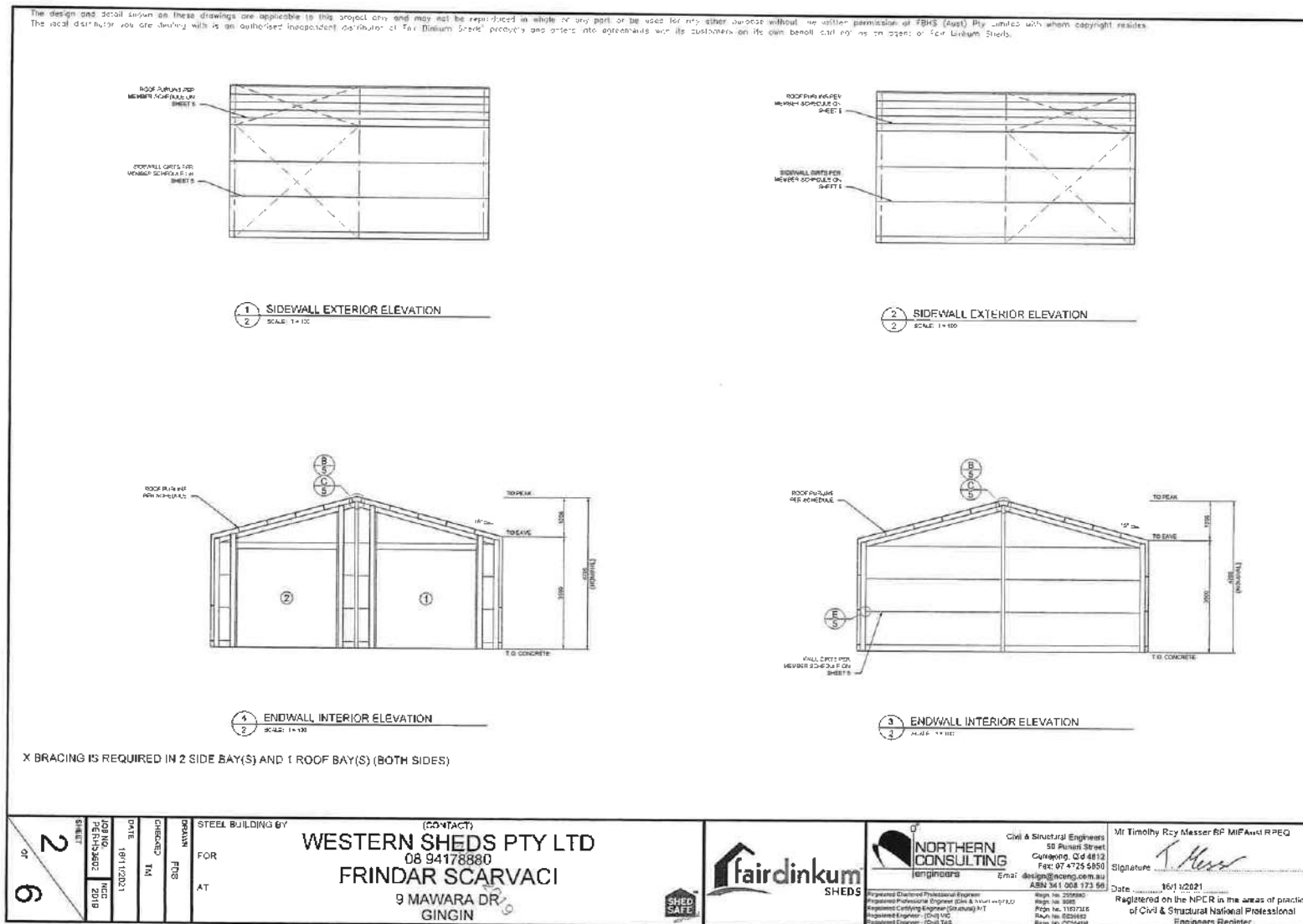
**MINUTES
ORDINARY COUNCIL MEETING
21 DECEMBER 2021**

APPENDIX 13.5.2



MINUTES ORDINARY COUNCIL MEETING 21 DECEMBER 2021

APPENDIX 13.5.2



SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPOSED OUTBUILDING ON LOT 223 (9) MAWARRA DRIVE, GINGIN

No.	Submitter	Submission details	Recommended response
1	Ratepayer	<p>The submitter provides the following general comment:</p> <p><i>“With reference to your notice of the above dated 24 November 2021, I make the following submission of my concerns regarding the proposed outbuilding at 9 Mawarra Drive, Gingin.</i></p> <p><i>Have inspected the documents/plans and comment as follows:</i></p> <ul style="list-style-type: none"> <i>That the outbuilding overall height exceeds:</i> <ul style="list-style-type: none"> <i>The requirements of the ‘R’ codes – Ridge height of 4.2m (4.7m proposed)</i> <i>The Shire’s Local Planning Policy 2.1 – Residential Outbuildings of overall height of 4.2m (4.7m proposed)</i> <i>The excess height will have a detrimental aspect to the area, as the proposed outbuilding is only to be set back 15m from the primary street (eastern) lot boundary</i> <i>I have discussed my concerns with the applicant at 9 Mawarra Drive and it appears that there is no valid reason for the increase in height of the outbuilding, only that they would ‘like it</i> <p><i>I would request that the Shire adheres to the requirements of the ‘R’ codes, the Shire’s Local Planning Policy 2.1 and restricts the height of the proposed outbuilding to the required 4.2m.”</i></p>	<p>Not support, the variation is minor and is sought to compliment the design and pitch of the single house. The overall variation is not compounded with bulk and scale. The officer has therefore recommended approval consistent with previous recommendations and approvals.</p>

14 REPORTS - OPERATIONS AND ASSETS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 COUNCILLORS' OFFICIAL REPORTS

16.1 NEIGHBOURHOOD WATCH MEETING

File:	GOV/6
Councillor:	Frank Johnson
Report Date:	21 December 2021

A well-attended meeting at Guilderton Community Hall, where the question of CCTV cameras being installed at various points within the Shire was discussed. It was agreed to send a letter to the Shire seeking the establishment of a committee to look into the feasibility of the idea.

Sergeant Patterson presented his report of current issues the police are handling and touched on the assistance CCTV would provide in their work, particularly with recent cases.

Double demerit points are in place 24 December 2021 to 9 January 2022. Extra police resources have been implemented for New Years Eve in Lancelin, for the Darren Reid Concert, and for Australia Day.

It was mentioned that holders of the Senior's Card can be eligible for up to \$400.00 towards the cost of safety items such as locks and CCTV for homes. Additional information I understand is available from the relevant State Government Department.

Next Meeting will be held at Ledge Point on 9 February 2022 at 7.00pm.

17 NEW BUSINESS OF AN URGENT NATURE

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Vis

That Council accept Item 17.1 as New Business of an Urgent Nature on the grounds that, if not dealt with at this meeting, there may be insufficient time for the project to be completed within the terms of the approved funding received from the Department of Fire and Emergency Services.

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

17.1 AMENDMENT OF 2021/22 BUDGET - BUSHFIRE MITIGATION WORKS PROGRAM WOODRIDGE

File	COR/40-01/2022
Author	David Wilson – Bushfire Risk Mitigation Coordinator
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	{attachment-list}

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the adopted 2021/22 Budget to make provision for funding from the Department of Fire and Emergency Services (DFES) Mitigation Activity Fund to undertake limestone capping of the firebreak located along the southern boundary of the Woodridge Rural Residential Estate.

BACKGROUND

As Council may be aware, the Shire of Gingin Bushfire Risk Management Plan identifies Woodridge as an area of extreme risk with respect to the potential loss of life and/or assets during a wildfire. During 2021 the Shire undertook five prescription burns on reserves in the area under its control and management as a means of reducing this risk.

As part of its overall mitigation strategy for the Woodridge area, the Shire sought funding of \$350,000 from the DFES 2021-22 Mitigation Activity Fund, which was subsequently approved, to undertake limestone capping of the firebreak on the southern boundary of the Woodridge Estate. This work has been identified in consultation with the Shire's emergency response personnel, Bush Fire Advisory Committee and the DFES North Coastal Regional Office as being critical/strategic for the following reasons:

1. Currently the firebreak is difficult for firefighting appliances to navigate due to the deep sandy terrain. The nature of the track presents a threat to firefighter safety should a vehicle become bogged and impacted by a burnover. During the recent Yanchep fire which reached the edge of Woodridge, a number of appliances refused to enter the firebreak citing safety concerns.
2. Once capped with limestone, the firebreak will present firefighting appliances with the ability to safely implement a back burn in an effort to stop fire entering Woodridge and subsequently spreading to other estates/townsites to the north/northeast. The track would also enable firefighting resources to more effectively defend residential properties adjacent to the firebreak.
3. Once capped, the firebreak would also provide incident management personnel with the ability to evacuate the public (under the guidance of firefighting resources) in the event of a fire from the north/northeast/east, where King Drive may be cut off.

COMMENT

Unfortunately, the timing of the grant application process meant that no provision was included in the adopted 2021/22 Budget for this project. Although the project will be fully funded by the DFES grant, it is currently considered to be unbudgeted expenditure and must be recognised in the Budget in terms of incoming and outgoing funds.

That being the case, it is necessary for Council to agree to amend the adopted Budget accordingly. This will also allow the CEO to call for tenders for the project, as Delegation 1.21 Tenders for Goods and Services – Call Tenders empowers the CEO to call tenders only where there is an adopted budget for the proposed goods or services.

Council is advised that Delegation 1.22 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options only empowers the CEO to accept tenders where the total consideration under the resulting contract is \$250,000 or less. Therefore, it will be necessary to seek a further resolution of Council in order to accept the preferred tender at the conclusion of the tender process.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

s.5.43 Limits on delegations to CEO

s. 6.8 Expenditure from municipal fund not included in annual budget

Shire of Gingin Delegated Authority Register

Delegation 1.21 Tenders for Goods and Services – Call Tenders

Delegation 1.22 Tenders for Goods and Services – Accepting and Rejecting Tenders;
Varying Contracts; Exercising Contract Extension Options

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Council's adopted 2021/22 Budget does not contain any provision for this project, and therefore will need to be amended to address both the incoming grant funding and outgoing expenditure in accordance with the following table.

Account	Description	21/22 Budget	Proposed Amended Budget	Variation
GI5101	Bushfire Mitigation Works Program Woodridge	\$0	-\$350,000	-\$350,000
W5101	Bushfire Mitigation Works Program Woodridge	\$0	\$350,000	\$350,000
Net Effect				0

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Community Wellbeing Infrastructure & Development
Objective	1 – To support the Shire of Gingin community to be inclusive, vibrant, healthy and safe through the Shire's service delivery. 3 – To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.
Outcome	1.3 Healthy & Safe Our community has access to quality health and community safety programs, services and initiatives that promote resilience. 3.2 Community Infrastructure The Shire provides fit for purpose community infrastructure in a financially responsible manner.
Key Service Area	Local Emergency Services Community Infrastructure
Priorities	3.2.1 Develop and plan community infrastructure to improve use and financial sustainability.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Vis **SECONDED:** Councillor Johnson

That Council agree to amend the adopted 2021/22 Budget in accordance with the following table:

Account	Description	21/22 Budget	Proposed Amended Budget	Variation
GI5101	Bushfire Mitigation Works Program Woodridge	\$0	\$350,000	\$350,000
W5101	Bushfire Mitigation Works Program Woodridge	\$0	-\$350,000	-\$350,000
			Net Effect	\$0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

James Bayliss left the meeting at 4:06pm.

All members of the public left the meeting at 4:06pm.

Amy Gibbs entered the meeting at 4:06pm.

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Peczka

That Council move into a Confidential Session to discuss Item 18.1

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

18.1 2022 AUSTRALIA DAY COMMUNITY CITIZEN OF THE YEAR AWARDS

File	REC/5
Author	Amy Gibbs - Community Events & Services Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	N/A

Reason for Confidentiality

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

- b. the personal affairs of any person;

DISCLOSURES OF INTEREST

Councillor Balcombe declared an impartiality interest in Item 18.1 as he is a member of the Gingin Outdoor Activity Space Committee.

Councillor Kestel declared an impartiality interest in Item 18.1 as he is a member of the Gingin Outdoor Activity Space Committee.

Councillor Rule declared an impartiality interest in Item 18.1 as he is a member of the Gingin Outdoor Activity Space Committee.

Councillor Peczka declared an impartiality interest in Item 18.1 as he is a member of the Lancelin Volunteer Fire and Rescue and the Lower Coastal Neighbourhood Watch.

Councillor Johnson declared an impartiality interest in Item 18.1 as he is a member of the Lower Coastal Neighbourhood Watch.

Councillor Sorensen declared an impartiality interest in Item 18.1 as he is a member of the Lower Coastal Community Alliance.

COUNCIL RESOLUTION

MOVED: Councillor Johnson

SECONDED: Councillor Vis

That:

1. Council award 2022 Community Citizen of the Year recognitions as follows:
 - a. 2022 Citizen of the Year Award - Nominee 3;
 - b. 2022 Citizen of the Year Award for a person over 65 years - Nominee 1;
 - c. 2022 Citizen of the Year Award for under 25 - Nominee 1; and
 - d. 2022 Active Citizenship of the Year Award for a Group of Event - Nominee 1.
2. The names of all nominees, including those chosen to be awarded, be kept confidential until the Presentation Ceremony on 26 January 2022.

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

Point 1. Item d. was inadvertently omitted from the Officers Recommendation and this was corrected in the Council Resolution.

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka **SECONDED:** Councillor Johnson

That the meeting be re-opened to the public.

**CARRIED
9 / 0**

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court,
Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen
and Councillor Vis*

AGAINST: *Nil*

The meeting re-opened to the public at 4:24pm. No members of the public returned to the Gallery.

19 CLOSURE

There being no further business, the Shire President declared the meeting closed at 04:24 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 18 January 2022, commencing at 3pm.