



MINUTES

ORDINARY MEETING OF COUNCIL

18 FEBRUARY 2020



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FOR
ORDINARY MEETING OF
COUNCIL
HELD ON 18 FEBRUARY 2020**

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SHIRE OF GINGIN

MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF GINGIN HELD IN THE COUNCIL CHAMBER ON TUESDAY, 18 FEBRUARY 2020 AT 3.06PM

DISCLAIMER

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

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

ORDER OF BUSINESS

1. DECLARATION OF OPENING

The Shire President declared the meeting open at 3.06 pm and welcomed those 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), J E Morton, J Court, F J Johnson, J C Lobb, F J Peczkka, L Balcombe and A R Vis.

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), A Butcher (Executive Manager Operations), J Bayliss (Acting Manager Statutory Planning), M Tallon (Statutory Planning Officer), M Wallace (Communications/Marketing Officer) and O Edwards (Minute Officer).

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

2.2 APOLOGIES

Bob Kelly - Executive Manager Regulatory and Development Services

2.3 LEAVE OF ABSENCE

Nil

3. DISCLOSURES OF INTEREST

3.1 Councillor J E Morton

Item 11.3.5 Application for Development Approval – Proposed Storage Shed on Reserve 31684 Ledge Point Country Club

Councillor Morton declared an impartiality interest in Item 11.3.5 due to the fact that he is a member of the Ledge Point Country Club.

3.2 Les Crichton - Executive Manager Corporate and Community Services

Item 11.4.2 Unbudgeted Expenditure – Purchase of New Isuzu Mu-X Ls-T for Executive Manager Corporate and Community Services

The Executive Manager Corporate and Community Services declared a financial interest in Item 11.4.2 due to the fact he is the officer subject to the report and decision of vehicle.

3.3 Aaron Cook - Chief Executive Officer

Item 15.1 Proposed Disposition of Lot 402 (22) Brockman Street, Gingin

The Chief Executive Officer declared an impartiality interest in Item 15.1 due to the fact he is a paying member of the Gingin Gym.

3.4 James Bayliss - Acting Manager Statutory Planning

Item 15.1 Proposed Disposition of Lot 402 (22) Brockman Street, Gingin

The Acting Manager Statutory Planning declared an impartiality interest in Item 15.1 due to the fact he is a paying member of the Gingin Gym.

4. PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 PETITIONS

Nil

5.2 DEPUTATIONS

5.2.1 Item 11.3.3 Application For Retrospective Development Approval - Site Works (Fill) on Lot 305 Pindari Place, Karakin

Speaker/s: Michael McCabe (applicant)

5.2.1 Guilderton Foreshore

Speaker/s: Adrian Maher

5.3 PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Court

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

CARRIED UNANIMOUSLY

8. ANNOUNCEMENTS BY THE PRESIDING MEMBER

St John Chittering Gingin Sub Branch have awarded local resident Pat Elliott Life Membership to the Chittering Gingin Ambulance Sub Branch during the month of December 2019. Apart from a major contribution to the operational aspects of St John, Pat also spent many years as the Sub Centre secretary and participated in many public duty events. On behalf of Council, the Shire President extended congratulations and thanks to Mrs Elliott for her many years of service to the community.

9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

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

Nil

11. REPORTS**11.1. OFFICE OF THE CEO****11.1.1 MOORE RIVER ESTUARY FORESHORE RISK MANAGEMENT**

Location:	Moore River Estuary Guilderton
File:	RES/9 and RSK/4
Author:	Linda Fidge – Coordinator Corporate Planning and Renier De Beer – Coordinator Assets/Projects
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	18 February 2020
Refer:	Nil
Appendices:	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To discuss the pontoon location in the Moore River Estuary and the provision of lifesaving services at the Moore River foreshore.

BACKGROUND

The infrastructure at the Moore River Estuary/foreshore was upgraded in the calendar years of 2015 and 2016 to include an upgraded boat ramp and finger jetty (located on the boat ramp), swimming pontoon and upgrades to the carpark. Contribution funding of 75% was provided by the Department of Transport's Recreational Boating Facilities Scheme (RBFS). The carpark in the majority was funded by the Shire however the boat trailer parking component was offset by the RBFS. The infrastructure was developed in the following order:

1. Upgraded boat ramp, finger jetty and swimming pontoon (swimming pontoon attached to the finger jetty) – completed for Christmas/New Year period 2015; and
2. Boat ramp finger jetty, carpark/trailer parking and swimming pontoon moved to its current location in the estuary – completed for Christmas/New Year period 2016.

The swimming pontoon was originally attached to the finger jetty as the community association raised concern of it being located in the estuary and the potential for future incident. The pontoon then had subsequent issues with a variety of patrons using the pontoon for swimming, fishing and boating activities which caused conflict and the potential for incidents to arise. The pontoon was then subsequently moved to its current location (in the middle of the estuary) just prior to Christmas in 2016 with the jetty licence being amended and approved with a change to the "Closed Waters Motorised Vessels" boundaries.

Due to the development of the new infrastructure, LGIS undertook an inspection of the area in June 2016 and a subsequent Risk Report was commissioned into Signage Assessment at the Guilderton Moore River Foreshore in August 2016. A copy of which has been previously distributed to Council at the 17 January 2020 Concept Forum. Subsequent signs were designed and installed in May/June 2017.

In recent history there have been two deaths in the Moore River Estuary, both drowning incidents. The first incident was an adult male in December 2018 who drowned whilst trying to swim to the pontoon and the other incident was a young female in December 2019 who drowned whilst swimming.

It should be noted that the Executive Manager Operations assessed the signage after the drowning in late 2018 to ensure that signs with associated risks of the area were without damage and readable. The Chief Executive Officer attended a coastal management conference recently where it was recommended that life-saving tubes be installed in areas associated without lifeguards. The installation (and associated securing infrastructure) of these devices are currently underway.

The Shire received correspondence from a community member in Guilderton, dated 10 January 2020, requesting that the pontoon be removed following the recent events. The Shire President replied to the correspondence advising that Administration will review all safety aspects along with the feasibility of providing a lifeguard during peak periods.

A telephone conference was then held on Monday, 13 January 2020 with LGIS and Shire Staff to discuss the most recent drowning and whether improvements or assessments on existing signage/information is warranted. Following this, an onsite meeting/inspection was arranged and held on Monday, 20 January 2020 at the Guilderton foreshore. A report from LGIS was received following the meeting and inspection, which has been circulated to Councillors under confidential cover.

COMMENT

The LGIS report presents various aspects surrounding the Moore River Estuary, the recommendations provided are to be investigated by Administration and implemented on an operational basis, were appropriate.

Due to the recent incidents, the Moore River Estuary has statistically the second-highest fatality rate of an inland waterway, second to that of the Swan River (Royal Life Saving WA current 2019 draft drowning report). In liaison with Royal Life Saving WA the associated costs for the provision of a lifeguarding service at the Moore River Estuary/Guilderton Foreshore have been investigated (see table below). Additionally, a proposal to investigate associated risks with mitigation advice surrounding the Moore River Estuary has been recommended by Royal Life Saving WA. This proposal requires a formal risk assessment to be undertaken by Royal Life Saving WA to formulate a Control Plan with a review of the current awareness strategies (signage, posted information, etc.) and rescue/recovery options at a cost of \$1,100 (ex GST). This review would have to be undertaken if Royal Life Saving WA were to provide lifeguard services in the area.

Royal Life Saving WA has provided cost estimations for lifeguarding services based on the hourly cost of a lifeguard in the Metropolitan area adjusted to include travel costs and overheads at a rate of \$75/hr. The maximum working hours of lifeguarding services in one service block to mitigate fatigue and error is approximately four hours' dependent on weather, area and number of people under supervision. Considering the above conditions, a provision of two lifeguards per day would be required equating to 12 hours of wage costs providing an eight-hour on-site service due to travel costs.

The following table summarises the different options and costs that Council could consider.

Option	Cost/hour	Number of hours/day	Number of days during period	Estimated Cost
1. Lifeguarding service - Every day for period October to April	\$75	12	220	\$198,000
2. Lifeguarding service - Weekends only for period October to April	\$75	12	96	\$86,400
3. Lifeguarding service - Public Holiday only for period October to April & Every day for period of 20/12 to 05/01	\$75	12	27	\$24,300
4. Maintain current status quo	Nil	Nil	Nil	Nil

It may be considered that the above services are funded (or partly funded) by the parking meter income source. Council may consider reducing the overall hourly costs of the lifeguarding service by providing on-site accommodation for two lifeguards. Consideration may also be given to investigating the establishment of a Guilderton Lifeguard Club that is facilitated and run by volunteers of the local and greater community, which would require the provision of a building for proposed meetings, facilitate training and storage of equipment. Royal Life Saving WA has indicated strong support for this particular option and would provide significant initial and ongoing assistance in terms of establishment of the club, training and materials, driving for volunteer involvement, and have commented this to be the most sustainable and effective long term option. It must be acknowledged however, that Guilderton comprises mostly of non-resident ratepayers which could prove problematic resourcing another volunteer organisation. Additionally, the area of the foreshore occupied by the swimming public is large and varied topographically and would be difficult to provide effective supervision even with limiting the swimming area to “between the flags”.

Some of the issues with either the paid or volunteer lifeguard proposal include which areas is the lifeguard to monitor, if there is an incident in the ocean does the lifeguard attend and who reviews the area once lifeguards are off duty.

Whilst the cost of paid lifeguards is expensive, Council must also consider the cost of providing training, equipment and a building for the volunteers and if this would be funded by the State.

In addition to the lifeguard there has been a request to remove the pontoon as this is seen as an attractant to people. This matter is to be considered by Council and there are pros and cons to both arguments. From the audit that was conducted it was found that the pontoon is well sign posted and is an attractant as this is its purpose for people to enjoy. It has been discussed that potentially officers are to look at more signage, however from discussions this is difficult to achieve for many reasons.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil at this point in time. However, should Council support the provision of Lifeguards at the Moore River Estuary an amount would be required in the draft Municipal Budget for any given year (dependent on the option of lifeguarding supervision provided). However it is noted that no budget provisions have been made within this and would require a set of budget motion to be passed.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	<i>Governance</i>
Objective	<i>5. To demonstrate effective leadership, governance and advocacy on behalf of community.</i>
Outcome	<i>5.1 Values – Our Organisational/Business Values are demonstrated in all that we do.</i>
Priorities	<i>5.1.2 Increase the focus on future financial sustainability to cater for anticipated growth.</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Vis **SECONDED:** Councillor Peczka

That Council:

- 1. Do not provide a paid lifeguard service at the Moore River area;**
- 2. Do not progress investigating at this stage a volunteer life guard service at the Moore River Estuary; and**
- 3. Leave the pontoon in place as per normal processes but request staff to look at potential additional signage on or around the pontoon.**

CARRIED UNANIMOUSLY

11.2. CORPORATE AND COMMUNITY SERVICES**11.2.1 MONTHLY FINANCIAL STATEMENT FOR THE PERIOD ENDING 31 JANUARY 2020**

File:	FIN/25
Author:	Ziggy Edwards - Manager Corporate Services
Reporting Officer:	Les Crichton - Executive Manager Corporate and Community Services
Report Date:	18 February 2020
Refer:	Nil
Appendices:	1. Statement of Financial Activity for the period ending 31 January 2020 2. Term Investments

DISCLOSURES OF INTEREST

Nil

PURPOSE

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

BACKGROUND

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

COMMENT

The Financial Statements for the month ending 31 January 2020 presents the financial performance of the Shire for the first seven months of the 2019-20 financial year and compares year to date expenditure and revenue against the corresponding year-to-date budget. With the mid-year budget review yet to be completed, the year-to-date budget does not reflect any amendments other than those already approved by Council.

As detailed below the \$7,220,312 variance is made up of:

Under budget

Operating Expenditure	\$1,120,213
Investing Activities – Revenue	(\$5,143,514)
Investing Activities – Expenditure	\$7,253,695
Financing Activities – Revenue	(\$673,617)
Financing Activities – Expenditure	\$294,910

Over budget

Opening Fund Surplus/Deficit	\$447,701
Operating Revenue	\$3,920,924

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

Investments

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

100% of investments are currently held with Bendigo Bank which, with an S & P Short-Term Rating of A-2, is within the policy requirement.

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 investment 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	<i>Governance</i>
Objective	<i>5. To demonstrate effective leadership, governance and advocacy on behalf of community</i>
Outcome	<i>5.1 Values Our Organisational and Business Values are demonstrated in all that we do</i>
Key Service Areas	<i>Financial Management</i>
Priorities	<i>N/A</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Court SECONDED: Councillor Johnson

That Council endorses the Statement of Financial Activity for the period ending 31 January 2020.

CARRIED UNANIMOUSLY

APPENDIX 1



MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2019 TO 31 JANUARY 2020

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

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 2019/20 year is \$10,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Karina Leonhardt
Reviewed by: Ziggy Edwards
Date Prepared: 07/02/2020



Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
OPENING FUNDING SURPLUS (DEFICIT)	2,349,362	2,349,362	2,797,063	447,701	19.06%	Adjusted 18/19 Financials
REVENUE FROM OPERATING ACTIVITIES						
GENERAL PURPOSE FUNDING	1,300,514	758,633	617,494	(141,139)	(18.60)%	Timing of government operating grants
GENERAL PURPOSE FUNDING - RATES	8,370,427	4,882,749	8,347,370	3,464,621	70.96%	Timing of rates billings; higher than expected interim and back rates
GOVERNANCE	2,050	1,196	0	(1,196)	(100.00)%	Timing of legal Expenses recovered
LAW ORDER PUBLIC SAFETY	483,105	281,811	444,366	162,555	57.71%	BRPC yearly reimbursement paid in full; lower than expected animal control income;
EDUCATION & WELFARE	144,620	84,362	63,399	(20,963)	(24.83)%	Lower than expected community bus hire; timing of sale of community bus
HEALTH	680,195	396,780	226,380	(170,400)	(42.94)%	Lower than expected medical centre patient fees and room hire;
HOUSING	36,000	21,000	15,639	(5,361)	(25.50)%	
COMMUNITY AMENITIES	1,848,110	1,078,064	1,669,229	591,165	54.84%	Waste Management Fee , Refuse Removal charges and Voluntary Coastal Erosion Levy billed with rates; higher than budgeted Coastal Erosion Levy levied
RECREATION & CULTURE	240,196	140,114	134,639	(5,475)	(3.86)%	
TRANSPORT	416,558	242,992	261,776	18,784	7.73%	Road grants received
ECONOMIC SERVICES	1,625,687	948,317	894,660	(53,657)	(5.65)%	Timing of Lancelin Caravan Park Lease income; Refunded caravan park site fees due to fire; Lower building services income to date
OTHER PROPERTY & SERVICES	233,098	135,974	100,976	(34,998)	(25.72)%	Lower than budgeted insurance claim reimbursements;
TOTAL REVENUE	15,380,560	8,971,993	12,775,929	3,803,936	42.40%	
EXPENDITURE FROM OPERATING ACTIVITIES						
GENERAL PURPOSE FUNDING	(708,736)	(413,429)	(257,314)	156,115	(37.76)%	Timing of GRV Revaluation; timing of legal costs for debt collection; timing of budgeted rates refund approved by Council.
GOVERNANCE	(1,199,361)	(699,628)	(680,074)	19,554	(2.78)%	Timing of Shire website design; timing of purchase of chamber furniture
LAW ORDER PUBLIC SAFETY	(1,674,528)	(976,809)	(944,771)	32,038	(3.24)%	Lower BRPC icle; timing of small plant purchases; timing of purchase of fire warning signs; reduced pound expenses.
EDUCATION & WELFARE	(250,020)	(145,845)	(119,248)	26,597	(18.11)%	Timing of contributions to LA and GG Schools; timing of maintenance of Gingin aged units and Wangaree Community Centre; Youth development activities delayed;
HEALTH	(1,188,184)	(693,107)	(602,221)	90,886	(13.11)%	Timing of health allocation to waste. Timing of contributions to Ambulance Services; 2 nd doctor not yet engaged at Gingin Medical Centre.
HOUSING	(40,208)	(23,455)	(33,957)	(10,502)	44.78%	Wages associated with maintenance at 37a Lefroy Street, Gingin and timing of works.

Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
COMMUNITY AMENITIES	(3,168,056)	(1,848,033)	(1,322,101)	525,932	(28.46)%	Timing of Health allocation to Waste, timing of Kerbside Green Waste Collection payments; timing of Waste Site Loan Contribution – Fernview; timing of Coastal Inundation Study and Coastal Groyne Analysis; timing of sand nourishment; timing of town planning scheme review; timing of payment to LA CRC – tourism outcomes grant; timing of environmental group contributions.
RECREATION & CULTURE	(3,897,709)	(2,273,664)	(2,095,621)	178,043	(7.83)%	Timing of loan repayments; timing of halls maintenance; timing of trails master plan; timing of Shire event expenditure; timing of contribution to town led events; timing of expenditure on Guilderton Foreshore Boardwalk.
TRANSPORT	(4,564,304)	(2,662,511)	(1,267,558)	1,394,953	(52.39)%	Timing of road and bridge maintenance; year-end depreciation process for roads and bridges; timing of sale of assets
ECONOMIC SERVICES	(1,372,108)	(800,396)	(579,664)	220,732	(27.58)%	C/fwd project Agri Industry Processing Hub Site not yet started; timing of noxious/pest weed spraying; timing of community grant payments; timing of Modelling Cost Benefit Analysis for Guilderton Caravan Park; Timing of Lancelin Ocean Classic allocation; timing of transfer of wages to waste; awaiting finalisation of swimming pool inspections; BEN signs project currently with Dept of Fisheries;
OTHER PROPERTY & SERVICES	(749,195)	(437,029)	(902,823)	465,794	106.85%	Long Service Leave Paid; Insurance allocations required.
TOTAL EXPENSES	(18,812,409)	(10,973,905)	(8,805,352)	(2,168,553)	(19.76)%	
OPENING ACTIVITIES EXCLUDED FROM BUDGET						
ADJUST BACK DEPRECIATION	4,869,205	2,840,370	1,792,030	1,048,340	(36.91)%	Roads & bridges depreciation, an end of year process.
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	(141,656)	(82,633)	34,344	116,977	(141.56)%	Unbudgeted Sale of 2GG and variations in trade ins; timing of asset sales
NON CASH ADJUSTMENT	0	0	11	11		
ADJUST PROVISIONS AND ACCRUALS	0	0	0	0		
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	1,295,700	755,825	5,796,962	5,041,137	666.97%	
INVESTING ACTIVITIES						
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	9,997,448	5,831,845	798,415	(5,033,430)	(86.31)%	Timing of grants and contributions
PROCEEDS FROM DISPOSAL OF ASSETS	332,091	193,720	83,636	(110,084)	(56.82)%	Unbudgeted Sale of 2GG and variations/timing of trade ins
PURCHASE LAND AND BUILDINGS	(3,182,809)	(1,856,639)	(46,953)	1,809,686	(97.47)%	Timing of capital purchases including expenditure on admin building renovations
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(6,983,509)	(4,073,714)	(852,551)	3,221,163	(79.07)%	Timing of capital purchases
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(980,136)	(571,746)	(14,060)	557,686	(97.54)%	Timing of capital purchases
PURCHASE PLANT AND EQUIPMENT	(2,083,500)	(1,215,375)	(217,002)	998,373	(82.14)%	Timing of capital purchases
PURCHASE FURNITURE AND EQUIPMENT	(48,000)	(28,000)	0	28,000	(100.00)%	Timing of capital purchases
PURCHASE FOOTPATHS	(105,063)	(61,287)	0	61,287	(100.00)%	Timing of capital purchases

Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
PURCHASE OTHER INFRASTRUCTURE	(590,000)	(344,167)	0	344,167	(100.00)%	Timing of capital purchases
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(233,333)	0	233,333	(100.00)%	Timing – loan not established yet
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(4,043,478)	(2,358,696)	(248,515)	2,110,181	(89.46)%	
FINANCING ACTIVITIES						
NEW DEBENTURES	830,440	484,423	0	(484,423)	(100.00)%	Loans not yet established – Lancelin Seawall, Guilderton Waste Water, Cuncliffe Street Car Park and Gingin Horseman's Club Campdraft Facility
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(405,924)	(236,789)	(24,903)	211,886	(89.48)%	End of year process – interest only processed to reserves YTD
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	323,083	188,465	0	(188,465)	(100.00)%	End of year process
REPAYMENT OF DEBENTURES	(213,370)	(124,466)	(128,727)	(4,262)	3.42%	
SELF-SUPPORTING LOANS RAISED	(12,840)	(7,490)	0	7,490	(100.00)%	Timing in line with loan repayments
PROCEEDS FROM ADVANCES	0	0	6,270	6,270		Timing of billing – issue with budget allocation
PROCEEDS FROM SELF-SUPPORTING LOANS	26,659	15,551	1,062	(14,489)	(93.17)%	Timing in line with loan repayments
RESTRICTED CASH	(149,631)	(87,285)	0	87,285	(100.00)%	Timing of restricted cash movements
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	398,416	232,409	(146,298)	(378,708)	(162.95)%	
CLOSING FUNDING SURPLUS(DEFICIT)	0	978,900	8,199,212	7,220,312	737.59%	



Shire of Gingin Statement of Financial Activity
1 July to 31 January 2020

Statement of Financial Activity by Nature & Type

STATEMENT OF FINANCIAL ACTIVITY by Nature & Type	Current Budget	Current YTD Budget	YTD Actual	Var \$	Var %
OPENING FUNDING SURPLUS (DEFICIT)	2,349,362	2,349,362	2,797,063	447,701	19.06%
REVENUE FROM OPERATING ACTIVITIES					
RATES	8,370,427	4,882,749	8,347,370	3,464,621	70.96%
GRANTS & SUBSIDIES (OPERATING)	1,989,036	1,160,271	1,169,786	9,515	0.82%
FEES & CHARGES	4,444,870	2,592,841	2,975,212	382,371	14.75%
INTEREST EARNINGS	271,000	158,083	181,831	23,748	15.02%
OTHER REVENUE	125,179	73,021	97,993	24,972	34.20%
PROFIT ON SALE OF ASSETS	180,048	105,028	3,737	(101,291)	(96.44)%
TOTAL REVENUE	15,380,560	8,971,993	12,775,929	3,803,936	42.40%
EXPENDITURE FROM OPERATING ACTIVITIES					
EMPLOYEE COSTS	(6,416,925)	(3,743,206)	(3,294,460)	448,746	(11.99)%
MATERIALS & CONTRACTS	(5,721,629)	(3,337,617)	(2,659,753)	677,864	(20.31)%
UTILITIES (GAS WATER ETC)	(435,934)	(254,295)	(226,792)	27,503	(10.82)%
INSURANCES	(461,619)	(269,278)	(463,669)	(194,391)	72.19%
DEPRECIATION OF ASSETS	(4,869,205)	(2,840,370)	(1,792,028)	1,048,342	(36.91)%
INTEREST EXPENSES	(120,885)	(70,516)	(68,418)	2,098	(2.98)%
OTHER EXPENDITURE	(747,820)	(436,228)	(262,151)	174,077	(39.91)%
LOSS ON SALE OF ASSETS	(38,392)	(22,395)	(38,081)	(15,686)	70.04%
TOTAL EXPENSES	(18,812,409)	(10,973,905)	(8,805,352)	2,168,553	(19.76)%
OPERATING ACTIVITIES EXCLUDED FROM BUDGET					
ADJUST BACK DEPRECIATION	4,869,205	2,840,370	1,792,030	(1,048,340)	(36.91)%
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	(141,656)	(82,633)	34,344	116,977	(141.56)%
NON CASH ADJUSTMENT	0	0	11	11	
AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES	1,295,700	755,825	5,796,962	5,041,137	666.97%
INVESTING ACTIVITIES					
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	9,997,448	5,831,845	798,415	(5,033,430)	(86.31)%
PROCEEDS FROM DISPOSAL OF ASSETS	332,091	193,720	83,636	(110,084)	(56.83)%
PURCHASE LAND AND BUILDINGS	(3,182,809)	(1,856,639)	(46,953)	1,809,686	(97.47)%
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(6,983,509)	(4,073,714)	(852,551)	3,221,163	(79.07)%
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(980,136)	(571,746)	(14,060)	557,686	(97.54)%
PURCHASE PLANT AND EQUIPMENT	(2,083,500)	(1,215,375)	(217,003)	998,373	(82.15)%
PURCHASE FURNITURE AND EQUIPMENT	(48,000)	(28,000)	0	28,000	(100.00)%
PURCHASE FOOTPATHS	(105,063)	(61,287)	0	61,287	(100.00)%
PURCHASE OTHER INFRASTRUCTURE	(590,000)	(344,167)	0	344,167	(100.00)%
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(233,333)	0	233,333	(100.00)%
AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES	(4,043,478)	(2,358,696)	(248,515)	2,110,181	(89.46)%
FINANCING ACTIVITIES					
PROCEEDS FROM NEW DEBENTURES	830,440	484,423	0	(484,423)	(100.00)%
PROCEEDS FROM ADVANCES	0	0	6,270	6,270	100.00%
PROCEEDS FROM SELF-SUPPORTING LOANS	26,659	15,551	1,062	(14,489)	(93.17)%
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(405,924)	(236,789)	(24,903)	211,886	(89.48)%
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	323,083	188,465	0	(188,465)	(100.00)%
REPAYMENT OF DEBENTURES	(213,371)	(124,466)	(128,728)	(4,262)	3.42%
SELF-SUPPORTING LOANS RAISED	(12,840)	(7,490)	0	7,490	(100.00)%
RESTRICTED CASH	(149,631)	(87,285)	0	87,285	(100.00)%
AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES	398,416	232,409	(146,298)	(378,708)	(162.95)%
CLOSING FUNDING SURPLUS(DEFICIT)	0	978,900	8,199,212	7,220,312	737.59%



Shire of Gingin Financial Statement of Activity
1 July 2019 to 31 January 2020

Acquisition of Assets & Other Non-Capital Expenditure

By Program

	Capital Expenditure Actual 19/20	Capital Expenditure Annual Budget 19/20
GENERAL PURPOSE FUNDING	24,903	404,912
GOVERNANCE	0	3,000
LAW ORDER PUBLIC SAFETY	109,502	3,440,000
EDUCATION & WELFARE	0	125,000
HEALTH	48,681	47,817
COMMUNITY AMENITIES	28,984	616,954
RECREATION & CULTURE	66,615	1,344,398
TRANSPORT	912,453	8,223,072
ECONOMIC SERVICES	59,798	543,733
OTHER PROPERTY & SERVICES	51,561	243,425
TOTAL	1,302,498	14,992,311

By Nature & Type

	Capital Expenditure Actual 19/20	Capital Expenditure Annual Budget 19/20
ACCRUED LONG SERVICE LEAVE	18,301	0
LOAN LIABILITY - SHIRE	128,728	213,370
FIXED ASSETS-LAND	0	19,030
FIXED ASSETS-BUILDINGS	42,253	3,163,779
FIXED ASSETS-FURNITURE\FITTING	0	48,000
FIXED ASSETS-PLANT & EQUIPMENT	217,003	2,083,500
INFRASTRUCTURE ASSETS - ROADS	852,551	6,983,509
INFRASTRUCTURE ASSETS - PARKS	14,060	980,136
INFRASTRUCTURE OTHER	4,700	590,000
INFRASTRUCTURE - FOOTPATHS	0	105,063
INFRASTRUCTURE - SEWERAGE	0	400,000
ACCUMULATED SURPLUS	24,903	405,924
TOTAL	1,302,498	14,992,311



Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
05 LAW ORDER PUBLIC SAFETY		
SALE OF ASSETS		
05318025 Sale Of Rangers Utility 4wd GG070	14,000	22,727
Total SALE OF ASSETS	14,000	22,727
PROFIT ON SALE OF ASSETS		
05317500 Profit On Sale Of Assets	0	3,737
Total PROFIT ON SALE OF ASSETS	0	3,737
LOSS ON SALE OF ASSETS		
05107400 Loss On Sale Of Assets	-4,990	0
Total LOSS ON SALE OF ASSETS	-4,990	0
Total LAW ORDER PUBLIC SAFETY	9,010	26,465
06 EDUCATION & WELFARE		
SALE OF ASSETS		
06215060 Sale of Assets - Gingin Bus GG007	15,000	0
Total SALE OF ASSETS	15,000	0
PROFIT ON SALE OF ASSETS		
06217500 Profit On Sale Of Assets	41,300	0
Total PROFIT ON SALE OF ASSETS	41,300	0
Total EDUCATION & WELFARE	41,300	0
07 HEALTH		
SALE OF ASSETS		
07418002 Sale Of Assets - 5GG	18,000	0
07717030 Sale of Assets - GG096 Medical Transfer Vehicle	19,091	0
Total SALE OF ASSETS	37,091	0
PROFIT ON SALE OF ASSETS		
07717500 Profit On Sale Of Assets	14,704	0
Total PROFIT ON SALE OF ASSETS	14,704	0
LOSS ON SALE OF ASSETS		
07707400 Loss On Sale Of Assets	0	-4,334
Total LOSS ON SALE OF ASSETS	0	-4,334
Total HEALTH	66,795	-4,334
12 TRANSPORT		
SALE OF ASSETS		
12318902 Sale of Utility GG009	20,000	0
12318921 Sale Works Utility GG020	12,000	0
12318924 Sale of John Deere Grader GG004	100,000	0
12318927 Sale of Pacific Road Broom GG042	4,000	0
12318930 Sale Of Front End Loader (Case) GG006	30,000	0
12318946 Sale GG11866 Hyundai i30 Tourer Wagon	3,500	0
12318959 Sale of Bomag Roller GG029	40,000	0
12318965 Sale of Isuzu D-Max Utility GG068	15,000	0
12318975 Sale of Utility 5GG	0	22,727
12318979 Sale of GG039 Tipping Trailer GG Town Maintenance	4,500	0
12318980 Sale of GG6905 Water Trailer	500	0
Total 140 SALE OF ASSETS	229,500	22,727
PROFIT ON SALE OF ASSETS		
12317500 Profit On Sale Of Assets	124,044	0
Total PROFIT ON SALE OF ASSETS	124,044	0

Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

Disposal of Assets	Annual Budget	Actuals
LOSS ON SALE OF ASSETS		
12207400 Loss On Sale Of Assets	-33,402	0
12307400 Loss On Sale Of Assets	0	-20,929
Total LOSS ON SALE OF ASSETS	-33,402	-20,929
Total TRANSPORT	320,142	1,798
13 ECONOMIC SERVICES		
SALE OF ASSETS		
13215015 Community Bus - Contributions	29,000	0
13318010 Sale Of Vehicle - 3GG	7,500	19,091
Total SALE OF ASSETS	36,500	19,091
LOSS ON SALE OF ASSETS		
13307400 Loss On Sale Of Assets	0	-1,909
Total LOSS ON SALE OF ASSETS	0	-1,909
Total ECONOMIC SERVICES	36,500	17,182
14 OTHER PROPERTY & SERVICES		
SALE OF ASSETS		
14218120 Sale Of Vehicle 2GG Manager Financial Services	0	19,091
Total SALE OF ASSETS	0	19,091
LOSS ON SALE OF ASSETS		
14207400 Loss On Sale Of Assets	0	-10,909
Total LOSS ON SALE OF ASSETS	0	-10,909
Total OTHER PROPERTY & SERVICES	0	8,182
TOTAL	473,747	49,292
TOTAL SALE OF ASSETS	332,091	83,636
TOTAL PROFIT ON SALE OF ASSETS	180,048	3,737
TOTAL LOSS ON SALE OF ASSETS	-38,392	-38,081
TOTAL PROFIT/LOSS ON SALE OF ASSETS	141,656	-34,344



Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

Information on Borrowings

Loan	Loan Term (Yrs)	Start date	Remaining Term (Yrs)	Opening Balance	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
100 GG Medical Centre	20	30/01/2004	4	159,074	0	27,817	27,817	131,257	131,257	9,910	9,910
111 Wannamal West Road	20	15/08/2006	7	452,768	0	8,688	8,829	444,080	443,939	14,692	14,552
114 Guilderton Country Club (Hall) Extensions	20	20/05/2008	8.5	403,489	0	16,364	16,656	387,125	386,833	14,405	14,112
120 Regional Hardcourt Facility	20	19/06/2009	9.5	285,176	0	10,251	10,091	274,925	275,085	9,525	9,353
123 Lot 44 Weld St	20	16/04/2008	8.5	185,023	0	7,566	7,698	177,457	177,325	6,439	6307
124A Regional Hardcourt Facility	16	4/06/2014	10.5	274,651	0	9,989	9,988	264,662	264,663	5,672	5,568
126 Gingin Aquatic Centre Tiling	10	3/02/2016	6.5	109,738	0	7,079	7,134	102,659	102,604	1,701	1,646
127 Seabird Seawall Extension	10	27/07/2016	6.5	165,316	0	20,297	20,297	145,019	145,019	4,023	4,023
128 Lancelin Caravan Park Assets	5	16/08/2017	3	142,607	0	19,615	19,739	122,992	122,868	1,797	1,674
130 Ledge Point Country Club Cool Room	10	22/05/2019	9.5	23,571		1,062	1,068	22,509	22,503	255	249
129 Gingin Horseman's Club Campdraft Facility Power Supply	Proposed			0	30,740	0	0		30,740	0	0
131 Guilderton Caravan Park Waste Water	Proposed			0	400,000	0	0		400,000	0	0
TOTAL				2,201,413	430,740	128,728	129,317	2,072,685	2,502,836	68,418	67,394



Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

Cash-Backed Reserves

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers-In (+)	Amended Budget Transfers-Out (-)	Actual Transfers-Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
01 LSL; Annual; Sick Leave and Staff Contingency	423,650	10,015	2,521	8,262	0	0	0	441,927	426,171
02 Office Equipment Reserve	2,903	341	17	51	0	0	0	3,295	2,920
03 Plant and Equipment Reserve	1,285,433	2,989	7,334	11,252	0	23,591	0	1,276,083	1,292,767
04 Lancelin Lookout Reserve	0	0	0	0	0	0	0	0	0
05 Land and Buildings Reserve	711,861	17,851	4,159	233,090	0	4,492	0	958,310	716,020
06 Guilderton Caravan Park Reserve	35,187	1,198	211	621	0	20,000	0	17,006	35,398
07 Shire Recreation Development Reserve	74,092	3,989	432	1,308	0	80,000	0	(611)	74,524
08 Redfield Park Reserve	31,032	581	181	548	0	0	0	32,161	31,213
09 Ocean Farm Recreation Reserve	30,728	714	179	542	0	0	0	31,984	30,907
10 Tip Rationalisation Reserve	1,090,292	13,608	6,331	43,886	0	0	0	1,147,786	1,096,623
11 Lancelin Community Sport and Recreation Reserve	60,768	0	353	1,014	0	0	0	61,782	61,121
12 Old Junction Hotel Reserve	0	0	0	0	0	0	0	0	0
13 Community Infrastructure	2,096	1,707	17	37	0	0	0	3,840	2,113
14 Staff Housing Reserve	33,093	620	193	584	0	0	0	34,297	33,286
15 Future Infrastructure Reserve	501,828	10,375	2,926	104,624	0	215,000	0	401,827	504,754
16 Guilderton Country Club Reserve	9,000	0	49	105	0	0	0	9,105	9,049
TOTAL	4,291,963	63,988	24,903	405,924	0	343,083	0	4,418,792	4,316,866



Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

Net Current Assets

	Actual YTD (19/20)	Balance Forwarded
CURRENT ASSETS		
Cash - Unrestricted	5,108,741	1,245,867
Cash - Restricted Reserves	4,316,866	4,291,963
Cash - Restricted General	1,711,285	1,711,285
Rates - Current	2,598,703	1,486,049
Sundry Debtors	262,342	425,875
Inventories	51,213	37,516
Total Current Assets:	14,049,150	9,198,555
LESS: CURRENT LIABILITIES		
Payables	(162,801)	(709,552)
Employee Provisions	(871,418)	(889,719)
Accrued Interest on Loans	(27,374)	(27,374)
Long Term Borrowings (Current)	(95,501)	(224,228)
Bonds & Deposits	(471,480)	(482,884)
Total Current Liabilities:	(1,628,573)	(2,333,757)
Total	12,420,577	6,864,798
Less: Cash - Restricted Reserves	(4,316,866)	(4,291,963)
Add: Current Portion of Debentures	95,501	224,228
NET CURRENT ASSET POSITION	8,199,212	2,797,063



Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020

Rating Information

Rating Information	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites 8.7511	2,281,448	0	0	0	0	2,281,448
03010006 Grv - Other 8.7511	1,280,492	0	0	0	0	1,280,492
03010010 Uv - Rural 0.5073	1,341,352	0	0	0	0	1,341,352
03010015 Uv - Other 0.5073	9,334	0	0	0	0	9,334
03010018 Uv - Intensive 0.9396	633,507	0	0	0	0	633,507
03010025 Grv - Townsites @ \$1110	0	1,212,120	0	0	0	1,212,120
03010026 Grv - Other @ \$1110	0	869,130	0	0	0	869,130
03010030 Uv - Rural @ \$1400	0	522,200	0	0	0	522,200
03010035 Uv - Other @ \$1400	0	36,400	0	0	0	36,400
03010038 Uv - Intensive @ \$2548	0	262,444	0	0	0	262,444
03010045 Interim Rates	0	0	34,570	0	0	34,570
03010046 Interims - Back Rates	0	0	2,394	0	0	2,394
03010078 Concession - Intensive	0	0	0	0	-138,022	-138,022
	5,546,133	2,902,294	36,964	0	-138,022	8,347,370
TOTAL	5,546,133	2,902,294	36,964	0	-138,022	8,347,370

Shire of Gingin Statement of Financial Activity
1 July 2019 to 31 January 2020*Trust Funds*

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
BOND	6,867	0	(800)	6,067
COMMUNITY GROUPS TRUST	1,569	0	0	1,569
COUNCILLOR NOMINATION BONDS	0	640	(640)	0
DOROTHY WEDGE TRUST	6,405	0	0	6,405
LANDSCAPING BOND	13,113	0	0	13,113
OTHER BONDS/TRUSTS	4,546	206	(182)	4,570
PUBLIC OPEN SPACE	46,218	0	0	46,218
TOTAL	78,718	846	(1,622)	77,942

APPENDIX 2

Investments for January 2020

FUND	% OF TOTAL	DEAL DATE	DATE MATURE	BANK	ANNUAL YIELD	\$ PERIOD START	\$ CHANGE IN VALUE	\$ PERIOD END	BANK REF #
Municipal	100%	10/01/2020	10/02/2020	Bendigo	1.15%	\$ 1,758,915.25	\$ 1,717.95	\$ 1,760,633.20	3243488
Municipal	100%	13/01/2020	13/02/2020	Bendigo	1.15%	\$ 1,000,000.00	\$ 976.71	\$ 1,000,976.71	3244900
Municipal	100%	20/01/2020	19/02/2020	Bendigo	1.15%	\$ 1,807,381.49	\$ 1,708.35	\$ 1,809,089.84	3252321
Municipal	100%	20/01/2020	19/02/2020	Bendigo	1.15%	\$ 1,206,172.13	\$ 1,140.08	\$ 1,207,312.21	3252326
Reserve	100%	30/01/2020	23/06/2020	Bendigo	1.55%	\$ 3,018,401.83	\$ 18,585.91	\$ 3,036,987.74	3263289
Reserve	100%	30/01/2020	30/04/2020	Bendigo	1.45%	\$ 1,298,316.57	\$ 4,693.50	\$ 1,303,010.07	3263292

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

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

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in January 2020.

BACKGROUND

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

COMMENT

Accounts totalling \$1,629,951.60 were paid during the month of January 2020.
The attached schedule covers:

• Municipal Funds electronic funds transfers (EFT)	\$1,090,264.16
• Municipal Fund cheques	\$ 8,661.62
• Municipal Fund direct debits	\$ 164,950.69
	\$1,263,876.47

Bank Statement

• Bank fees and charges	\$ 4,451.29
• Wages & salaries	\$ 298,996.71
• Police Licensing	\$ 61,983.75
• Office Rent	\$ 643.38
	\$ 366,075.13

Trust Fund	\$ 0.00
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Total Expenditure	\$1,629,951.60
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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.

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
Part 6 – Financial Management
Division 3 – Reporting on activities and finance
Section 6.4 - Financial Report

Local Government (Financial Management) Regulations 1996
Part 2 – General financial management
Reg 13 - Payments from municipal fund or trust fund by CEO

Shire of Gingin Delegation Register – Delegation 2.1 Payment of Creditors

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council notes all payments made by the Chief Executive Officer under Delegation 2.1 for January 2020 totalling \$1,629,951.60 as detailed in the schedule provided to Councillors comprising:

• Municipal Funds electronic funds transfers (EFT)	\$1,090,264.16
• Municipal Fund cheques	\$ 8,661.62
• Municipal Fund direct debits	\$ 164,950.69
	\$1,263,876.47

Bank Statement

• Bank fees and charges	\$ 4,451.29
• Wages & salaries	\$ 298,996.71
• Police Licensing	\$ 61,983.75
• Office Rent	\$ 643.38
	\$ 366,075.13

CARRIED UNANIMOUSLY

11.3. REGULATORY AND DEVELOPMENT SERVICES**11.3.1 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL - PROPOSED USE NOT LISTED (PHOTOVOLTAIC SOLAR ENERGY FACILITY) ON LOT 5550 (5028) BRAND HIGHWAY, BOONANARRING**

File:	BLD/6960
Applicant:	Peter Webb and Associates
Location:	Lot 5550 (5028) Brand Highway, Boonanarring
Owner:	Image Resources NL
Zoning:	General
Author:	JAMES BAYLISS – Acting Manager Statutory Planning
Reporting Officer:	Bob Kelly – Executive Manager of Regulatory and Development Services
Report Date:	18 February 2020
Refer:	18 September 2018 Item 11.3.3
Appendices:	1. Location Plan, Aerial Image 2. Applicant's Proposal 3. MRWA Correspondence

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for an Amended Development Approval for a proposed use not listed (photovoltaic solar energy facility) on Lot 5550 (5028) Brand Highway, Boonanarring.

BACKGROUND

Council, at its Ordinary Meeting on 18 September 2018, resolved to support a use not listed (photovoltaic solar energy facility) on the subject property. The proponent has requested that three conditions be reviewed given further consultation with Main Roads Western Australia (MRWA) has resulted in support for a new vehicle access from the Brand Highway rest area. The conditions that are under review as part of this assessment are outlined below:

- 4. The crossover from Wannamal Road West and the internal access road shall be constructed to the satisfaction of the Shire of Gingin;*
- 5. Access to the site from Brand Highway, during both the construction and operational phase of the development, is prohibited. All access and egress to the site is to be from Wannamal Road West unless the Shire of Gingin and Main Roads Western Australia (MRWA) agree otherwise;*
- 6. The redundant vehicle access located at the Brand Highway parking bay shall be removed, the lot boundary fenced off and the existing gate removed at the applicant's cost prior to use of the development;*

Furthermore, the development footprint of the solar facility has been reduced in size. The proposed amendments are outlined below:

Reduced Development Footprint

The proposed Solar Energy Facility has been reduced in size from 11.14 hectares to 7.7 hectares. It should be noted that the development location on the property is still within the previously approved area.

Deletion of Conditions

Condition 4 currently requires the proponent to install a new crossover to Wannamal Road West and to construct an internal roadway from this crossover to the Solar Facility for access purposes. This condition was imposed based on comments received from MRWA as part of the original assessment. The proponent requests condition 4 to be removed given MRWAs position on access arrangements has changed.

Condition 5 currently prohibits access to the development area from Brand Highway during both the construction and operational phases of the proposed development. Condition 5 further states that all access and egress is to be from Wannamal Road West unless the Shire of Gingin and MRWA agree otherwise. The proponent requests condition 5 to be removed given MRWAs position on access arrangements has changed.

Condition 6 states that the redundant (Western Power) vehicle access located at the Brand Highway rest area shall be removed, with the lot boundary fenced off and the existing gate removed. The proponent seeks to amend this condition to enable the access point to be used during the construction phase of the development. Upon completion of construction works, the redundant access point will be removed as intended as part of the original approval.

The officer has considered the requested amendments and opted to delete conditions 4, 5 and 6 entirely, thereby renumbering the remaining conditions, and imposed a further five conditions which are referenced on the determination notice as 14, 15, 16, 17 and 18.

The subject property is 548 hectares in area and is located on the corner of Brand Highway and Wannamal Road West. The property is currently used as a mineral sands mine. The solar facility is being constructed for direct connection to and use by the mineral sand mining operation on a portion of the lot unsuitable for mining purposes. The development area is predominantly clear of vegetation and relatively level.

This report does not seek to duplicate the assessment undertaken for the solar energy facility, rather focus on the specific amendments that have been requested.

A location plan and aerial image are provided as **Appendix 1**.

A copy of the applicant's proposal is provided as **Appendix 2**.

COMMENT

Community Consultation

The application was not advertised to surrounding landowners. The amendments requested seek to reduce the overall development thereby being minor in nature. Furthermore, in this instance there are no likely parties that can be identified as potentially affected landowners.

PLANNING ASSESSMENT

MRWA comments in relation to the proposed amendments are outlined below, given the condition was imposed based on their advice:

“Condition 4 – Main Roads agrees to the removal of this condition.

Condition 5 – Main Roads agrees to amend this condition to allow access from Brand Highway subject to the following conditions;

- a) The Proponent shall construct a new, shared access into Lot 5550 via the Western Power Easement for the benefit of Image Resources, Western Power and Avora Energy Pty Ltd;*
- b) The location of the new access shall enter the northern most point of the Western Power Easement within Lot 5550 and the proponent shall engage a licenced surveyor to peg the boundary of the Western Power Easement to ensure the new access adjoins the easement at Lot 5550.*
- c) The new access is to be used for all phases of the Project including construction, commissioning, operation, maintenance and any future decommissioning.*
- d) The Proponent is prohibited from gaining access to Lot 5550 from Brand Highway other than at the approved shared access. No access shall be permitted from any secondary access from Brand Highway, established or not.*
- e) It is the responsibility of the Proponent to enter into an agreement with Image Resources and Western Power pertaining to the Management and Maintenance of the new shared access.*
- f) Access from Brand Highway via the new shared access has been approved for low traffic volume and right of way vehicles. Any future significant upgrades or expansion to the facility will require consultation with Main Roads.*

Condition 6 - The Proponent is required to close and rehabilitate Western Powers current access located at the exit of the rest area. Main Roads does not authorise any use of this access by the proponent and the access must be closed immediately following the completion of the new shared access.”

A full copy of MRWA correspondence dated 20 January 2019 and email correspondence dated 5 February 2020, are attached as **Appendix 3**.

Officer comments are outlined below:

Comment (Condition 4)

Given a new vehicle access route is proposed from the Brand Highway rest area condition 4 of the original approval is redundant. The officer supports deletion of this condition.

Comment (Condition 5)

The officer notes that MRWA endorse access from the Brand Highway rest area via a new access point. As such it is reasonable to alter condition 5 to reflect the above comments. The officer has preferred to impose two conditions in lieu of the original condition 5 to encompass all matters outlined by MRWA. The recommended conditions are:

- The Proponent shall construct a new vehicle access into Lot 5550 via the Brand Highway rest area (location 50.60SLK) which shall enter the northern most point of the existing Western Power easement to the satisfaction of the Shire of Gingin and on advice from Main Roads Western Australia;
- The new vehicle access is to be used for all phases of the development including construction, commissioning, operation, maintenance and any future decommissioning.

Comment (Condition 6)

It should be noted that the proponent seeks to use the existing Western Power vehicle access during the construction phase of the development. MRWA do not support this request and advise that the access is to be decommissioned and remediated at the completion of the new vehicle access point. As such, the officer is of the view that the following conditions be imposed in lieu of original condition 6 to provide clarity to the proponent of what the Shire of Gingin and MRWA's position is with respect to the existing Western Power access route.

- The Proponent is prohibited from gaining access to Lot 5550 from Brand Highway other than at the approved access location (50.60SLK). No entry shall be permitted from any secondary access from Brand Highway, established or not unless the Shire of Gingin and Main Roads Western Australia (MRWA) agree otherwise;
- The redundant vehicle access located at the Brand Highway rest area (50.38 SLK) shall be removed, the lot boundary fenced off, the existing gate removed and the land rehabilitated with vegetation at the proponent's cost, within 60 days following the completion of the new shared access to the satisfaction of the Shire of Gingin;
- The proponent shall advise the Shire of Gingin in writing upon completion of the new shared access prior to the construction phase of the development commencing.

It should be noted that additional advice notes have been prepared and inserted to reflect the changes to the relevant conditions where appropriate.

PLANNING FRAMEWORK

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

The proposed amendments mainly relate to considerations under the Regs which were addressed as part of the original assessment with specific reference to the below provisions:

- (s) *The adequacy of —*
 - (i) *The proposed means of access to and egress from the site; and*
 - (ii) *Arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (za) *The comments or submissions received from any authority consulted under clause 66;*

Summary

In view of the above assessment, the proposed amendments are generally acceptable, with the exception being that the existing Western Power access is unable to be utilised in any capacity either during the construction or operational phase of the development. Appropriate conditions have been recommended accordingly.

It should be noted that for simplicity, the new conditions have been placed as the last five conditions on the amended determination (i.e. conditions 14, 15, 16, 17, 18). All previous conditions remain the same, albeit some with different numbering.

STATUTORY/LOCAL LAW IMPLICATIONS

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

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 – 2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Rule **SECONDED:** Councillor Johnson

That Council grant amended development approval for a proposed use not listed (photovoltaic solar energy facility) on Lot 5550 (5028) Brand Highway, Boonanarring subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved stamped plans and specifications, including any directions written in red ink or modifications required as a consequence of any condition(s) of this approval;
2. Prior to commencement of works a Landscaping Plan shall be submitted to the Shire of Gingin for approval, detailing landscaping and fencing to be provided along the western perimeter of the subject site. Landscaping is to be sufficient to provide a visual buffer to motorists using the Brand Highway. Following approval, the applicant/landowner must implement and maintain the measures described in the Landscaping Plan to the satisfaction of the Shire of Gingin;
3. The Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning dated 18 July 2018 is to be reviewed in conjunction with the Landscaping Plan to ensure the inclusion of additional vegetation does not impact on the acceptable BALs for the development (BAL-29);
4. The proponent shall prepare and implement a Site Management Plan, to the satisfaction of the Shire of Gingin, that at a minimum:
 - a. Ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, wastewater, waste products and reflected light;
 - b. Manages grasses, weeds and pest nuisances within the development area;
 - c. Addresses drainage associated with the development; and

- d. Addresses the post construction operations of the site and the removal of temporary structures;**
- 5. Prior to the commencement of any works, including demolition, on land within 50 metres of the pipeline easement, the proponent shall prepare a Construction Management Plan to the satisfaction of APA and the Shire of Gingin. The plan shall at a minimum:**
 - Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.**
 - Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle / plant crossings of the pipeline within the easement.**
 - Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.**
- 6. Buildings, structures, roadway, pavement, pipeline, cable, fence, change in ground level, or any other improvement on or under the land, must not be constructed within the gas transmission pipeline easement, without the prior authorisation of APA. This includes both temporary and permanent improvements of the type detailed above;**
- 7. Prior to the development commencing, a Safety Management Study (SMS), in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum, must be conducted by the applicant and its recommendations/actions must be implemented to the satisfaction of APA. All costs associated with the SMS, and implementing its recommendations/actions are to be borne by the applicant;**
- 8. Prior to the development commencing, and to inform detailed design, the applicant must conduct electrical hazard studies in accordance with (the requirements of) Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise). The applicant must address any relevant requirements and any recommendations and/or actions must be implemented to the satisfaction of APA. All costs associated with the study, and implementing its recommendations and/or actions are to be borne by the applicant. The applicant must complete validation testing upon completion of construction;**
- 9. The applicant shall conduct electrical interference studies in accordance with the requirements of AS2832 once detailed design is complete. The applicant shall amend its design as required in order to obtain results for the electrical interference studies and electrical hazard studies which comply with the applicable Australian Standard and promptly provide a copy of the studies and reports to APA. The proponent shall provide Earth Potential Rise (EPR) and Low Frequency Induction (LFI) studies to the satisfaction of the APA;**
- 10. During construction, the boundary of the easement must be clearly delineated on site by temporary fencing (or other means as agreed by APA), and clearly marked as a hazardous work zone/ restricted area. Any ongoing fencing, or access restriction, as determined by the SMS will be implemented by the proponent;**

11. The ability of the pipeline operator to access the easement must be maintained at all times to facilitate prompt maintenance and repairs;
12. The Shire of Gingin is to be notified in writing of completion of the construction phase of the development, prior to the operational phase commencing; and
13. All solar panels and associated infrastructure shall be decommissioned and removed within 12 months of the cessation of the development, unless the Shire of Gingin agrees otherwise. In conjunction with decommissioning of the development, the applicant/landowner shall rehabilitate the site to pre-development condition to the satisfaction of the Shire of Gingin;
14. The Proponent shall construct a new vehicle access into Lot 5550 via the Brand Highway rest area (location 50.60SLK) which shall enter the northern most point of the existing Western Power easement to the satisfaction of the Shire of Gingin and on advice from Main Roads Western Australia;
15. The new vehicle access is to be used for all phases of the development including construction, commissioning, operation, maintenance and any future decommissioning;
16. The Proponent is prohibited from gaining access to Lot 5550 from Brand Highway other than at the approved access location (50.60SKL). No entry shall be permitted from any secondary access from Brand Highway, established or not unless the Shire of Gingin and Main Roads Western Australia agree otherwise;
17. The redundant vehicle access located at the Brand Highway rest area (50.38 SKL) shall be removed, the lot boundary fenced off, the existing gate removed and the land rehabilitated with vegetation at the proponent's cost, within 120 days following the completion of the new shared access to the satisfaction of the Shire of Gingin; and
18. The proponent shall advise the Shire of Gingin in writing upon completion of the new shared access prior to the construction phase of the development commencing.

Advice Notes

- Note 1:** If you are aggrieved with the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** If the development subject to this approval is not substantially commenced within a period of 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:** The existing vegetation on the property may contain Banksia Woodland of the Swan Coastal Plain, which is listed as an endangered threatened ecological community under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*. The removal of any vegetation may require referral to the Australian Government Department of the Environment and Energy for permission to do so.
- Note 6:** Pursuant to section 41 of the *Dampier to Bunbury Pipeline Act 1997*, restrictions apply to the land contained within the area identified as the DBNGP corridor. Any works (e.g. installation of proposed 11kV underground cable and access track crossings) will require prior written approval from the DBNGP Land Access Minister.
- Note 7:** The applicant should contact Main Roads Heavy Vehicle Services (HVS) prior to mobilisation in regard to traffic management relating to the Restricted Access Vehicle network conditions, over mass or oversized vehicle loads used during the construction and decommissioning stage. Any necessary permits or notices for will require separate approval from HVS.
- Note 8:** Any additional signs on or visible from the Main Roads network shall require the approval of the Mid West-Gascoyne Network Operations Manager of Main Roads WA.
- Note 9:** The installation of landscaping as required under condition 2 may affect the Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning dated 18 July 2018. Any amendments to the BMP required as a result of the additional landscaping shall be submitted to the Shire of Gingin for review.
- Note 10:** The water supply to the 50,000 litre water tank is to be continuously replenishable. The fitting on said tank is to include a BIC fitting to suit volunteer fire trucks within the Shire of Gingin.
- Note 11:** It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.
- Note 12:** All designs associated with the proposal are to comply with the requirements of the Civil Aviation Safety Authority (CASA).
- Note 13:** 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. The proponent is advised to engage a

licenced surveyor to peg the boundary of the existing Western Power Easement to ensure the new vehicle access adjoins the easement at Lot 5550.

Note 14: If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before you Dig on 1100, or APA directly on APAprotection@apa.com.au.

Note 15: An early works agreement from APA is required for any assessments/approvals that require greater than 3 days assessment or supervision. Lead in times for agreements can be up to 12 weeks. Please contact APA at APAprotection@apa.com.au or 1800 103 452.

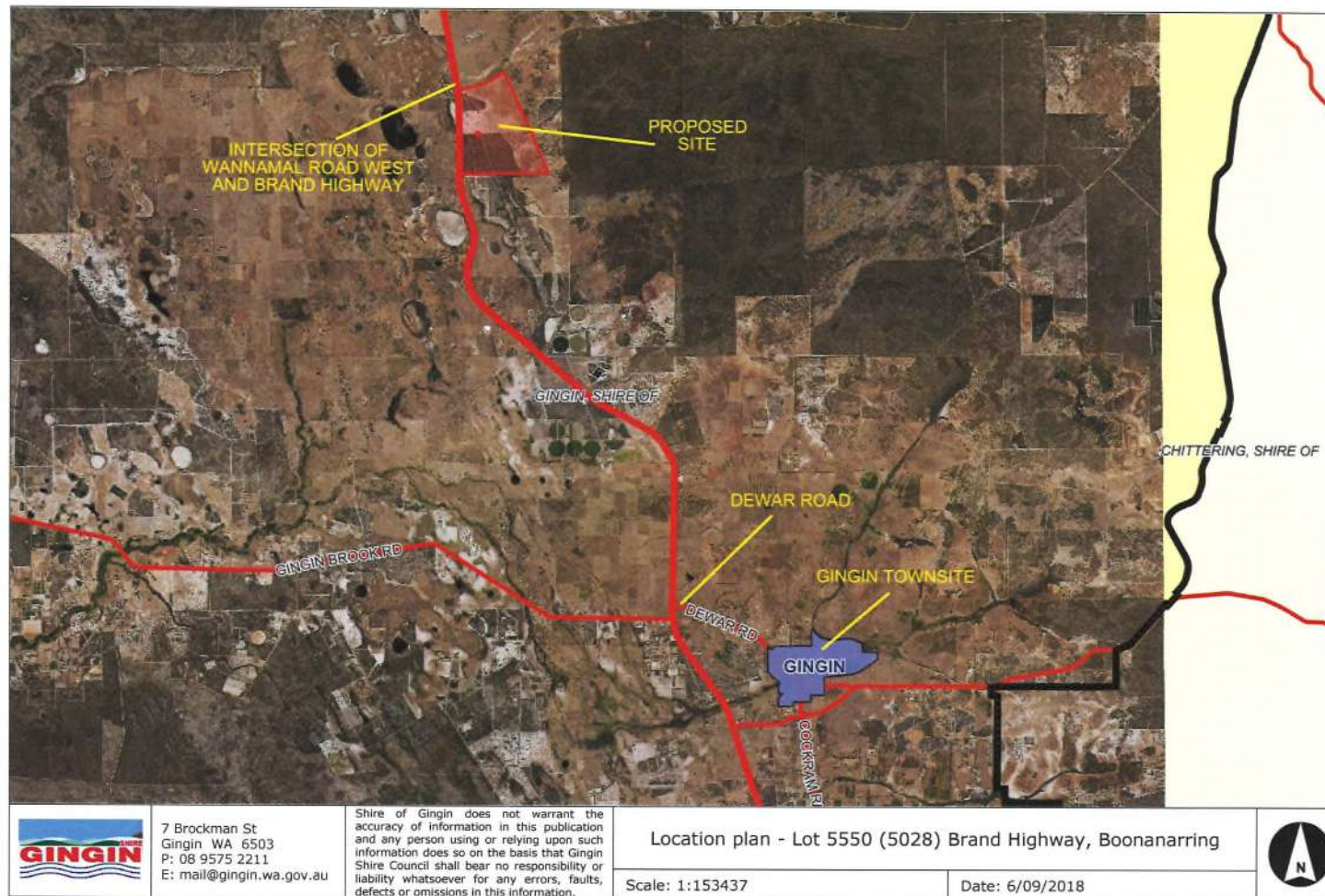
Note 16: Any improvements within the transmission gas pipeline easement undertaken by third parties is at the risk of the proponent who will remain liable. APA will not be liable for any costs associated with the reinstatement of any vegetation and/or infrastructure constructed on the easement.

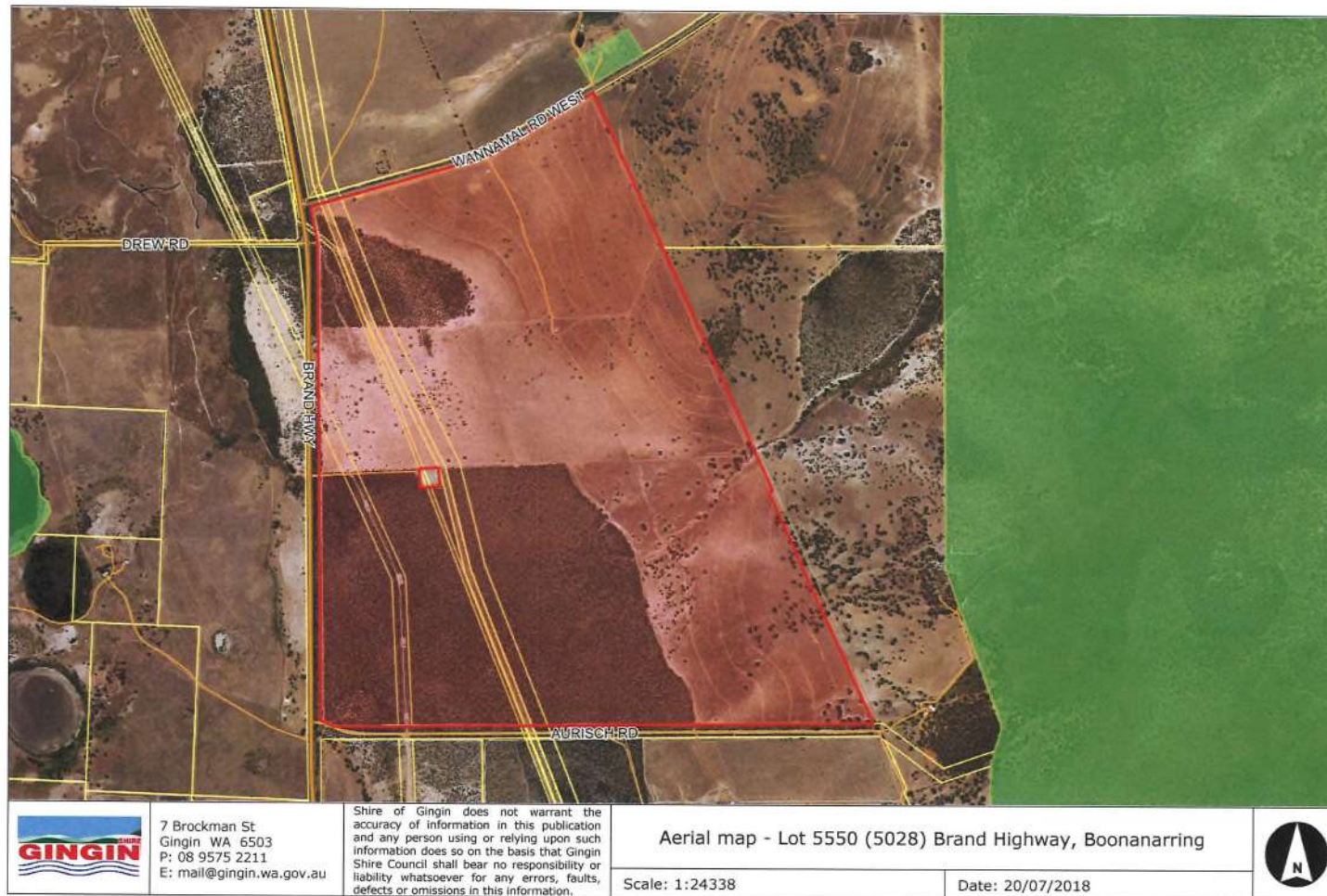
Note 17: It is the responsibility of the Proponent to enter into an agreement with Image Resources and Western Power pertaining to the Management and Maintenance of the new shared access.

Note 18: Access from Brand Highway via the new shared access has been approved for low traffic volume and right of way vehicles. Any future significant upgrades or expansion to the facility will require consultation with Main Roads.

CARRIED UNANIMOUSLY

APPENDIX 1





APPENDIX 2

PETER WEBB AND ASSOCIATES



CONSULTANTS IN TOWN PLANNING AND URBAN DESIGN

22 January 2020

Our Ref: C2293-02
Shire Ref: P1729

Chief Executive Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503

Attention: Mr James Bayliss – Acting Manager Statutory Planning

Dear Sir

**AMENDMENT TO PLANNING APPROVAL – APPROVED SOLAR ENERGY FACILITY
LOT 5550 (#5028) BRAND HIGHWAY, BOONANARRING (SHIRE REF: P1729)**

Peter Webb & Associates (**PWA**) acts for Sunrise Energy Group Pty Ltd (Sunrise) in the matter of a proposed Photovoltaic Solar Energy Facility (**Proposed Development**) at Lot 5550 (#5028) Brand Highway, Boonanarring (**Subject Site**).

Conditional approval was granted by the Shire of Gingin at its meeting held on 18 September 2018 for the Proposed Development at the Subject Site (reference no: P1729) (**Approval**).

A copy of the Approval is included at **Annexure 1**.

On behalf of Sunrise, we now propose to amend the Approval.

For this application, please find **enclosed** a completed and signed Shire of Gingin Application for Planning Approval Form and the required application fee (\$295.00).

PROPOSED AMENDMENTS:

Following extensive discussions with Main Roads WA (**MRWA**) and Western Power, Conditions 4 and 5 of the Approval are sought for deletion, as access to the site has now been agreed to be from the Brand Highway rest area instead of Wannamal Road West.

Further, the Solar Energy Facility has been reduced in size from 11.14 ha to 7.7ha, and the revised plan for the facility is attached at **Annexure 2**. The updated plan is sought for approval under this Application.

The current Conditions of Planning Approval and proposed amendments are discussed in the following sections.

Condition 4:

Condition 4 currently requires the Proponent to install a new crossover to Wannamal Road West and to construct an internal roadway from this crossover to the Solar Facility for access purposes.

Following extensive discussions with MRWA an alternative access arrangement from the Brand Highway rest area has been considered and advised to be acceptable. Refer **Annexure 3** for a copy of MRWA advice dated 20 January 2020 confirming this alternate access is acceptable. The MRWA advice also contains an Attachment 1 Map which shows the agreed access point and the existing Western Power access track which will be removed prior to operation.

As we have now received agreement from MRWA for an alternate access from Brand Highway, it is requested that Condition 4 now be deleted from the Approval as access from Wannamal Road West

Unit Two, 19 York Street Subiaco Postal: PO Box 920, Subiaco Western Australia 6904
Telephone (+61 8) 9388 7111 Facsimile (+61 8) 9388 7240 Mobile 0424 651 513
email: planning@webbplan.com.au website: www.webbplan.com.au
Trading for NL Hidding Pty Ltd. ACN 610 081 724

P E T E R W E B B A N D A S S O C I A T E S

*Application for Amendment to Planning Approval
P1729 – Approved Solar Energy Facility*

*Our Ref: C2293-02
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is no longer required. A new condition may be required to replace Condition 4 to address the construction of the new access to the satisfaction of the Shire in consultation with MRWA.

Condition 5:

Condition 5 currently prohibits access to the Subject Site from Brand Highway during both the construction and operational phases of the Proposed Development. Condition 5 goes on to state that all access and egress is to be from Wannamal Road West unless the Shire of Gingin and MRWA agree otherwise. This was initially a condition of MRWA at the time of the consideration of the original Application.

As we have now received agreement from MRWA for an alternate access from the Brand Highway rest area for the construction, operation and maintenance of the Proposed Development, it is requested that Condition 5 now be deleted from the Approval. It is considered that Condition 5 does not need to be replaced with any new condition, as it can simply be deleted in light of MRWA's advice.

The conditions contained in the MRWA correspondence dated 20 January 2020 are acceptable to the Proponent.

It is accepted that this Application may formally be referred to MRWA for comment through the standard statutory process and we expect the same advice to be received.

We can confirm that Western Power has also been approached for comment on the proposed access from Brand Highway. Western Power has verbally agreed to the Proponent using the Brand Highway access point however, Western Power cannot provide formal approval until the project has gained "application to connect" approval which occurs following the construction of the Solar Facility. It is accepted that this Application may also be formally referred to Western Power for comment through the standard statutory process.

The proposed new access point will be offered to Western Power for their permanent use once the project has gained "application to connect" approval. The redundant access point (the current access track from the Brand Highway rest area) will be removed prior to operation – refer Condition 6 below.

Condition 6:

Condition 6 states that the redundant (Western Power) vehicle access located at the Brand Highway parking bay shall be removed, with the lot boundary fenced off and the existing gate removed. There is no timeframe specified in the condition to remove this access but it is obviously required to be complied with once operation of the Solar Facility commences.

Condition 6 was initially sought for removal in discussion with MRWA, as it was considered to be an access point that could be used for access to the Proposed Development. Instead, discussions with MRWA confirmed that a new access point, at a similar location would be better suited. Therefore, Condition 6 does not need to be deleted as this access point will be removed prior to operation and the new access will be constructed (refer attached MRWA correspondence and Attachment 1 map at Annexure 3).

It is requested though, that the existing Western Power access track be used for access during the construction phase of the project. The construction phase will also include the construction of the new (permanent) access agreed to by MRWA, and will be ultimately used for all activities once operation of the facility commences (including use by Western Power). Once all construction is complete, the existing access track will be removed as Condition 6 requires.

It is suggested that Condition 6 be slightly modified in these circumstances to make it clear that the existing access can be used for construction only, and be removed prior to operation of the Solar Facility (which will have a new access as agreed with MRWA).

Using the existing access track for construction will avoid an application for works with MRWA and will enable the Proponent to commence construction much sooner than it otherwise would be able to. This is because constructing the new access point will first require an application for works and new Traffic Management Plan to be submitted to MRWA for approval, which may take some time to achieve. This process can also only occur after the Shire decides this Application.

P E T E R W E B B A N D A S S O C I A T E S

*Application for Amendment to Planning Approval
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Page 3*

So, to assist with time efficiency, the Proponent seeks to use the existing access for construction only as detailed above. Following construction (which includes a new access point), the existing access will be removed.

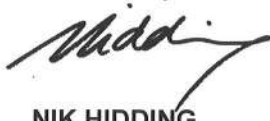
Conclusion:

The deletion of Conditions 4 and 5 come as a result of extensive discussions with MRWA. We trust that the Shire will accept our application based on these discussions.

We now look forward to formally progressing this application and be granted an amended Approval so that the construction of the Solar Energy Facility can commence and be completed with a new access location.

Should you wish to discuss any part of this Application, please do not hesitate to contact the undersigned on 9388 7111.

Yours faithfully



NIK HIDDING
Managing Director

Attachment 1: Main Roads Approved Access – Avora Pty Ltd Solar Energy Facility – Lot 5550 Brand Highway, Boonanarring



APPENDIX 3



Enquiries: Pia Marshall on 08 9956 1210
Our Ref: 19/8843, D19#1058197
Your Ref: BLD/6960, P1729

20 January 2019

Avora Energy
Jeff Brill – Managing Director
Osborne Park WA 6017

By email: jbrill@avora.com.au, cc; nik@webbplan.com.au

Dear Mr Brill,

Request for Reconsideration of Conditions 5 & 6 of Approved Development (ref BLD/6960, P1729) Solar Energy Facility, Lot 5550 (5028) Brand Highway, Boonanarring.

Thank you for your recent correspondence regarding alternate access proposals for approved Solar Energy Facility at Lot 5550 (#5028) Brand Highway, Boonanarring dated 17/10/2019 and your request to reconsider conditions 5 and 6 of the Shire of Gingin "Notice of Determination on Application for Planning Approval", ref: BLD/6960, P1729.

Main Roads acknowledges the size of the solar farm has been reduced from 11.14 ha to 7.7ha and having reviewed the various access proposals, the "Avora Scope of Work – Logistics Plan – Revision D" has established the most appropriate access option to progress.

Therefore, Main Roads supports access from the Brand Highway rest area at 50.60 SLK for the construction, operation and maintenance of the Avora Energy Solar Farm subject to the following conditions;

1. Avora Energy shall seek agreement from Western Power to close the existing access located at the exit of rest area at 50.38 SLK and establish a new shared access within the rest area.
2. Main Roads does not authorise any secondary access to the solar facility including from the southern APA Gas access track at 49.99 SLK, accordingly the "Avora Scope of Work – Logistics Plan – Revision D" and specifically, Drawing No. PRJ32813001 shall be updated to reflect this.
3. No access to the rest area is permitted from the northbound lane, as right hand turn for northbound traffic is restricted.
4. Prior to any works commencing, an "Application to Undertake Works Within the Road Reserve" should be submitted to Main Roads for approval and; a Traffic Management Plan (TMP) is to be submitted and accepted by Main Roads Mid West-Gascoyne Region (mwgreg@mainroads.wa.gov.au) for the duration of the works. No works to commence until the TMP has been implemented on site;

Main Roads Western Australia
Mid-West Gascoyne
Geraldton Office, Eastward Road, PO Box 165, Geraldton WA 6531
Carnarvon Office, 470 Robinson Street, PO Box 480, Carnarvon WA 6701

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



mainroads
WESTERN AUSTRALIA

5. This approval has been provided based on the reduced size of the development and subsequent reduction in generated traffic. It is the responsibility of Avora Energy to liaise with Main Roads should the development and/or traffic increase in the future.

If you would like any further information please contact Pia Marshall on 08 9956 1210.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bernie Miller'.

For Bernie Miller
Regional Manager
Mid West-Gascoyne Region

Alana Martinovich

From: James Bayliss
Sent: Wednesday, 5 February 2020 9:16 AM
To: Alana Martinovich
Subject: FW: Lot 5550 Brand Highway - Approved Solar Facility - your ref: BLD/6960, P1729
Attachments: [Response] - Lot 5550 Brand Highway - Approved Solar Energy ~ Request for revised access.pdf; [Attachment 1]Main Roads Approved Access Markup, Lot 5550 Brand Highway, Avora Solar Energy Facility.PDF; 2293-02 Application for Amendment to Approval - Sunrise Boonanarring.pdf

Hi Alana,

Pls register

Kind regards,

James Bayliss
Acting Manager Statutory Planning

Shire of Gingin
7 Brockman Street, Gingin WA 6503
Tel: (08) 9575 5129
Fax: (08) 9575 2121
Web: www.gingin.wa.gov.au



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From: MARSHALL Pia (Con) <pia.marshall@mainroads.wa.gov.au>
Sent: Wednesday, 5 February 2020 9:04 AM
To: James Bayliss <mshp@gingin.wa.gov.au>
Subject: Lot 5550 Brand Highway - Approved Solar Facility - your ref: BLD/6960, P1729

Hi James,

Thank you for your time on the phone yesterday afternoon. As you are aware, Main Roads was approached by Peter Webb and Associates on behalf of Avora Energy Pty Ltd requesting reconsideration of conditions 5 and 6 of the Shire of Gingin "Notice of Determination on Application for Planning Approval", for Solar Energy Facility at Lot 5550 (#5028) Brand Highway, Boonanarring ref: BLD/6960, P1729.

Following extensive review with our Asset Manager, Western Power and Avora Energy, Main Roads has agreed to alternate access - please refer to our attached approval and its attachment 1.

Unfortunately, it would seem after reading the amendment submitted by Peter Webb & Associates to the Shire 22/01/2020, Main Roads approval may not have clearly defined our conditions/expectations, likely in part because of the many phone conversations with Avora leading up to the formal response.

As such I would like to clarify Main Roads expectations below;

Condition 4 – Main Roads agrees to the removal of this condition.

11.3.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED RESTAURANT, MICRO-BREWERY AND CHALETs ON LOT 421 CARABAN ROAD, CARABAN

File:	BLD/7018
Applicant:	Harley Dykstra Pty Ltd
Location:	Lot 421 Caraban Road, Caraban
Owner:	Neil King and Cindy King
Zoning:	General Rural
WAPC No:	NA
Author:	James Bayliss - Acting Manager Statutory Planning
Reporting Officer:	Bob Kelly –Executive Manager of Regulatory and Development Services
Report Date:	18 February 2020
Refer:	Nil
Appendices	1. Location Plan and Aerial Photograph 2. Applicant's Proposal 3. Schedule of Submissions and Recommended Responses

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed restaurant, micro-brewery and chalets on Lot 421 Caraban Road, Caraban.

BACKGROUND

The subject land has an area of 16.8 hectares and contains two storage sheds located in the south-west corner of the property. The remainder of the land is generally vacant with sporadic vegetation throughout the site. The property gains access via Caraban Road which abuts the eastern boundary. The western portion of the property enjoys direct access to the Moore River. It should be noted that the Woodridge Rural Living Estate is located 1.6 kilometres east of the subject site.

The development consist of the following components:

Restaurant

The proposed restaurant is considered to be the principle component of the development which consist of a rural themed building with an open plan seating area and includes alfresco dining under the northern and western verandas. The restaurant is set back 256 metres west of Caraban Road and has a maximum height of 5.3 metres from the finished ground level.

Micro-brewery

The micro-brewery is considered to be associated with, yet incidental to the proposed restaurant and is located within the same building, albeit able to be segregated by internal design features. The development is designed to conceal all of the required brewing equipment inside of the building.

Chalets

The proposal includes three chalets that are located around a central ring road and a communal landscaped area. The chalets are set back approximately 55 metres from Caraban Road with each being equipped with two bedrooms, bathroom, kitchen and laundry facilities (i.e. self-contained).

Each of the chalets have two bedrooms and will be able to accommodate a maximum of 4 persons each. The scheduling of these would be through an online process.

Operating Summary

The following operational summary is largely cited from the applicant's submission.

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

The operating hours of the Restaurant for public access will occur between 9am and 10pm from Wednesday to Monday. On operational weekdays, the facility will employ between 5 and 10 staff; while weekends would be serviced by up to 15 staff members to service the peak demand. The restaurant is capable of holding functions during which it would be shut to the general public. The building has been designed to allow the public to attend the cellar door tastings only.

The Micro-Brewery is proposed to operate during general business hours (9am – 5pm) on weekdays, with alcohol service times set out during the premises licensing process. This would require a maximum of 3 staff members to enable production. The facility offers views from the tasting bar, however will not be open to the public other than from the tasting bar.

Deliveries of supplies required to service both the brewery and the restaurant would occur during standard operating hours. It is intended that the cellar door sales will be available during both the micro-brewery operating hours and the restaurant operating hours.

A copy of the Location Plan and Aerial Photograph are attached as **Appendix 1**.

A copy of the applicant's proposal is attached as **Appendix 2**.

COMMENT

Community Consultation

The application was advertised by way of writing to all surrounding landowners for a period of 21 days, a Development Sign displayed on the verge of the property and a notification placed on the Shire's website in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The Shire received 7 submissions from ratepayers, 6 in favour of the development and 1 general comment in support subject to conditions.

The Shire received 2 submissions from community groups being the Woodridge Community Association (WCA) and the Lower Moore River Working Group (LMRWG). The WCA provided details with respect to an online survey undertaken on their social media platform. It should be noted that the Shire cannot validate the information provided as part of the survey or authenticate the overall findings.

The LMRWG generally supports the development, however did raise concern that insufficient attention has been given to the potential impacts on the Moore River banks and foreshore.

A copy of the schedule of submissions and recommended responses are attached as **Appendix 3**.

PLANNING FRAMEWORK

Local Planning Scheme No 9 (LPS 9)

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

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

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

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

The use class 'Chalet' is a 'D' use within the general rural zone, meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval. The use class 'Chalet' is defined under LPS 9 as follows:

"Chalet means an individual self-contained unit usually comprising of cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, and where occupation by any person is limited to a maximum of three months in any 12-month period"

The following definitions are considered to be relevant to give context to the officer's assessment:

Predominant use - *"means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary"*

Incidental use - *"means a use of premises which is ancillary and subordinate to the predominant use"*

Table 2 - Site Requirements (Setbacks)

The development is setback greater than 20 metres from all lot boundaries as stipulated in 'Table 2 – Site Requirements' under LPS 9.

4.8 Zone Specific Development Standards

LPS 9 provides a range of development standards for the general rural zone, however the only pertinent standard in this instance is outlined below:

"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."

The applicant has deliberately designed the development using contemporary architecture principles that capitalise on the natural and rural elements of the location to create a rural themed building to compliment the rural nature of the surrounding locality.

Parking and Access

Access to the property is derived from a new six metre wide crossover to Caraban Road which is located adjacent the site's north eastern boundary. The internal access driveway is 198 metres in length and provides access to the restaurant/micro-brewery facility and parking area, with a separate link road into the chalet accommodation.

The proponent has anticipated and allowed for chartered groups and travellers attending the site, and accordingly, have included provision for oversized vehicles to be accommodated within the car parking area. The car parking area is proposed to be treated with a red coloured bitumen to reduce the visual impact of the parking area from both the development and the street.

Clause 4.7.2.3 of LPS 9 states:

“Except with the approval of local government, a person shall not use or develop land for a purpose specified in Column 1 of Table 3 unless provision is made on the site for a number of car parking spaces not less than the number calculated in accordance with Column 2 of that Table shown opposite that purpose”

In instances the proposed use (chalet) is not identified within Table 3, as such clause 4.7.2.5 applies which states:

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

The officer has considered the parking provisions for a ‘bed and breakfast’ as a relevant reference for the chalet component of the development.

Table 3 – Parking Requirements	
Column 1 – Use/Development	Column 2 – Minimum no. of car bays
Restaurant	1 per 4 persons
Bed and breakfast (Chalet)	1 per bedroom plus 1 per staff member

Having regard to the above table, the proposed parking provisions generated by the development is outlined below.

Development Overview			
Use	Capacity	Required Bays	Provided Bays
Chalet	3 x two bedroom 1 staff member	7 car bays	5 car bays + overflow if required.
Restaurant	200 persons	50 car bays	71 car bays 4 caravan bays 4 bus bays
Total		57 car bays	84 bays

Based on the above assessment the proposed development provides a sufficient number of parking bays to cater for patrons and staff members associated with the development. The parking and access arrangement are deemed to satisfy the relevant provisions of LPS 9.

Effluent Disposal

The specific onsite effluent disposal system with the capacity to service the development is yet to be determined. The size of the subject site enables a significant area to be set aside for wastewater disposal. The applicant has demonstrated through a desktop study that compliance with the Department of Health's Government Sewerage Policy (GSP) is achievable. It is also noted that any wastewater disposal is to occur at least 100 metres from the Moore River.

Given the scale and proximity of the development to the Moore River the officer is of the view that a Site and Soil Evaluation (SSE) should be prepared to determine the preferred wastewater disposal location and type of apparatus prior to site works commencing. This position is consistent with the GSP and associated guidance sheets.

Local Planning Policy 1.4 – Foreshore Reserves along Water Courses

Local Planning Policy 1.4 – Foreshore Reserves along Water Courses (LPP 1.4) provides guidance on the management and protection of foreshores and water courses within the Shire. Clause 3.1 is relevant in this instance which stipulates that all development is to be set back a minimum of 50m from the top of the bank of the water course, for which this development satisfies.

Local Planning Policy 3.1 – Tourist Development in Rural Areas

Local Planning Policy 3.1 – Tourist Development in Rural Areas (LPP 3.1) applies to General Rural zoned land within the Shire. The objective of LPP 3.1 is stated below:

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

The policy separates development into two categories, being high impact development which requires a scheme amendment and low impact development which may be permitted at Councils discretion. Both categories are outlined below:

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

LPP 3.1 further outlines what may constitute low impact proposals which states:

“Low impact proposals, which may include proposals such as chalets or boarding houses with accommodation for less than 10 persons or small service establishments may be permitted in the General Rural zone at Council's discretion.”

In this instance the applicant seeks to install three chalets, each of which have two bedrooms and able to accommodate up to 4 persons. As such, the accommodation seeks to cater for up to 12 people in lieu of 10 as outlined above. The officer is of the view that a variation of 2 persons will largely have a negligible impact on surrounding properties or the locality in the context of the overall development. The development is deemed to be consistent with the objectives of the policy.

Bushfire Planning

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7) provides a foundation for land use planning to address bushfire risk management. The subject lot is partially designated as being bushfire prone.

The applicant submitted a Bushfire Management (BMP) in accordance with SPP 3.7 and the associated guidelines. Advice received from the Department of Fire and Emergency Services (DFES) identified several areas within the BMP that require modification and/or additional information to be provided. The applicant submitted an amended BMP on 5 February 2020 which appears to have addressed the concerns raised, however further referral to DFES is pending.

Further Comments

The officer has recommended a range of conditions be imposed on the development should Council support be forthcoming, with reasoning behind the conditions outlined below.

Foreshore Management Plan – The proposed development is in close proximity to the Moore River and it is considered appropriate to request a Foreshore Management Plan (FMP) to ensure protection of the Moore River bank and stability, prevent erosion, retain native vegetation and to ensure that appropriate management practises will protect the waterway from the development and its users. 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 FMP.

Noise Management Plan – The officer notes that the development is required to adhere to the *Environmental Protection (Noise) Regulations 1997* regardless of a development condition being imposed. The submission of a noise management plan does however demonstrate expected levels of noise emissions, details of noise reduction methods and contingency measures in the event noise complaints are lodged with respect to the development.

Stormwater and Drainage Management Plan – This will demonstrate how water runoff will be collected and contained to ensure that no adverse impacts will be caused to adjoining land or the Moore River.

Landscaping Plan – The provision of landscaping, particularly along the northern portion of the internal access leg, will help alleviate any potential impacts caused by way of vehicle movements while providing a visual buffer from adjoining land. This will also assist with noise attenuation from the site.

Site and Soil Evaluation - The requirement for a Site and Soil Evaluation (SSE) report is to identify the most suitable location for the effluent disposal area on the lot based on site and soil characteristics such as depth to groundwater, type and depth of soils, slope grade, post development water movement (i.e. have regard to the stormwater and drainage management plan, ensure that redirected water will not impact the Moore River).

Conclusion

In view of the above assessment, the proposed restaurant, micro-brewery and chalets are able to satisfy the relevant planning framework. The officer is of the view that the development can coexist within the zone without causing adverse impacts on adjoining properties or the greater locality of Caraban. As such the proposal is recommended for support subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No 9

Part 3 – Zones and the Use of Land

3.2 Objectives of the Zones

Part 4 – General Development Requirements

4.7 General Development Standards

4.8.6 General Rural Zones

State Planning Policy 2.5 - Rural Planning

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

Government Sewerage Policy

POLICY IMPLICATIONS

Local Planning Policy 3.1 – Tourist Development in Rural Areas

Local Planning Policy 1.4 – Foreshore Reserves along Water Courses

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

SUBSTANTIVE MOTION WITH AMENDMENT

Add Advice Note 15

MOVED: Councillor Court

SECONDED: Councillor Johnson

That Council grant Development Approval for a proposed restaurant, micro-brewery and chalets on Lot 421 Caraban Road, Caraban subject to the following conditions:

- 1. The development plans, as date stamped received by the Shire on 8 November 2019 and accompanying documentation, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued;**
- 2. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;**
- 3. Prior to the commencement of site works, a Site and Soil Evaluation (SSE) report shall be submitted to and approved by the Shire of Gingin. The SSE is to be implemented thereafter to the satisfaction of the Shire of Gingin;**
- 4. Prior to the commencement of site works, a Stormwater and Drainage Management Plan shall be submitted to and approved by the Shire of Gingin. The Stormwater and Drainage Management Plan is to be implemented thereafter to the satisfaction of the Shire of Gingin;**
- 5. Prior to the commencement of the approved use, a Noise Management Plan shall be submitted to and approved by the Shire of Gingin. The Noise Management Plan is to be implemented thereafter to the satisfaction of the Shire of Gingin;**
- 6. Prior to the commencement of the approved use, a Foreshore Management Plan (FMP) shall be submitted to and approved by the Shire of Gingin and on advice from the relevant stage agencies. The FMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;**

7. Prior to the commencement of the approved use, the Bushfire Management Plan (control version B dated 7 November 2019) shall be amended to the satisfaction of the Shire of Gingin and on advice from the Department of Fire and Emergency Services (DFES);
8. Prior to the commencement of the approved use, an Emergency Evacuation Plan (EEP) shall be submitted to and approved by the Shire of Gingin and on advice from the Department of Fire and Emergency Services (DFES);
9. Prior to the commencement of the approved use, a new crossover from Caraban Road is to be constructed to the satisfaction of the Shire of Gingin at the landowners' cost;
10. Prior to the commencement of the approved use, the internal access way, car parking and manoeuvring areas shall be constructed in accordance with the development approval and thereafter maintained to the satisfaction of the Shire of Gingin;
11. Goods or materials must not be permanently stored within the areas dedicated to parking, landscaping, vehicle manoeuvring or within access driveways;
12. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Gingin. Any lighting should be consistent with the International Dark-Sky Association's LED Practical Guide;
13. Prior to 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 the northern portion of the internal access way in addition to surrounding the restaurant/brewery building;
14. Prior to the commencement of the approved use, the landscaping as detailed in the Landscaping Plan shall be installed and thereafter maintained to the satisfaction of the Shire of Gingin;
15. Prior to the commencement of the approved 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 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.
16. The chalet accommodation shall only accommodate up to 12 persons at any one time;
17. The operator is required to keep up to date records of occupants residing in the chalet accommodation and shall provide the Shire of Gingin with a copy of such records within 14 days upon written request; and

- 18. The approved restaurant operating hours are between 9am - 10pm Wednesday – Monday.**

Advice Notes

- Note 1:** If you are aggrieved with the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3:** Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4:** The required Foreshore Management Plan is to ensure protection of the Moore River bank and stability, prevent erosion, and retain native vegetation and to ensure that appropriate management practises will protect the waterway.
- Note 5:** The required Site and Soil Evaluation (SSE) report is to identify the most suitable location for the effluent disposal area on the lot based on site and soil characteristics such as depth to groundwater, type and depth of soils, slope grade, post development water movement (i.e. have regard to the stormwater and drainage management plan, ensure that redirected water will not impact the Moore River). For further information please refer to the fact sheet 'Guidance on Site-and-Soil Evaluation for onsite Sewer Management' at the following link: https://ww2.health.wa.gov.au/~/_media/Files/Corporate/general%20documents/water/Wastewater/Site-Soil-Evaluation.pdf.
- Note 6:** The wastewater disposal system may require a separate approval by the Department of Health (DoH) and/or the Department of Water and Environmental Regulation (DWER).
- Note 7:** The Bushfire Management Plan (control version B dated 7 November 2019) is to be amended to address the comments made by the Department of Fire and Emergency Services dated 20 December 2019.
- Note 8:** All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 9:** The development is to have access to a sufficient supply of potable water that is of the quality specified under the *Australian Drinking Water Quality Guidelines 2004*.

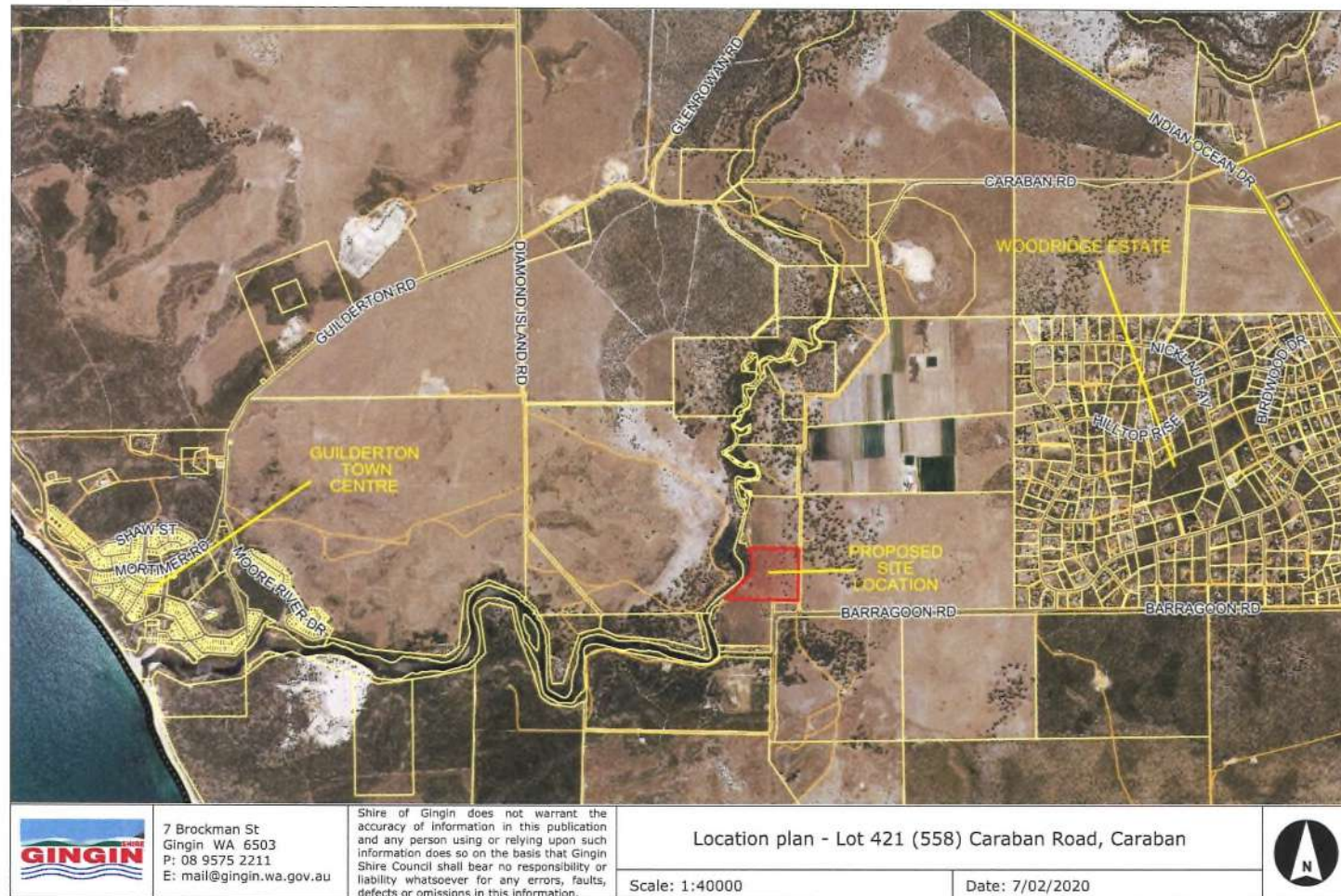
- Note 10:** Where any native vegetation clearing is proposed, it will be necessary to contact the Department of Water and Environmental Regulation (DWER) in obtaining the necessary Approvals.
- Note 11:** Please be advised that the property may attract Differential Rating for the development in accordance with Council Policy 3.16 Rates Concession for Split Use Differential UV Intensive/UV General Properties.
- Note 12:** In relation to the new crossover from Caraban Road, please note that a 'Vehicle Crossover Application' is required to be submitted to and approved by the Shire of Gingin prior to the installation of the crossover.
- Note 13:** It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.
- Note 14:** This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
- Note 15:** Please be advised that the proximity of the subject land to the Moore River may result in the land being subject to flooding. The proponent is encouraged to undertake further due diligence to ensure that the building design is appropriate in the event inundation was to occur.

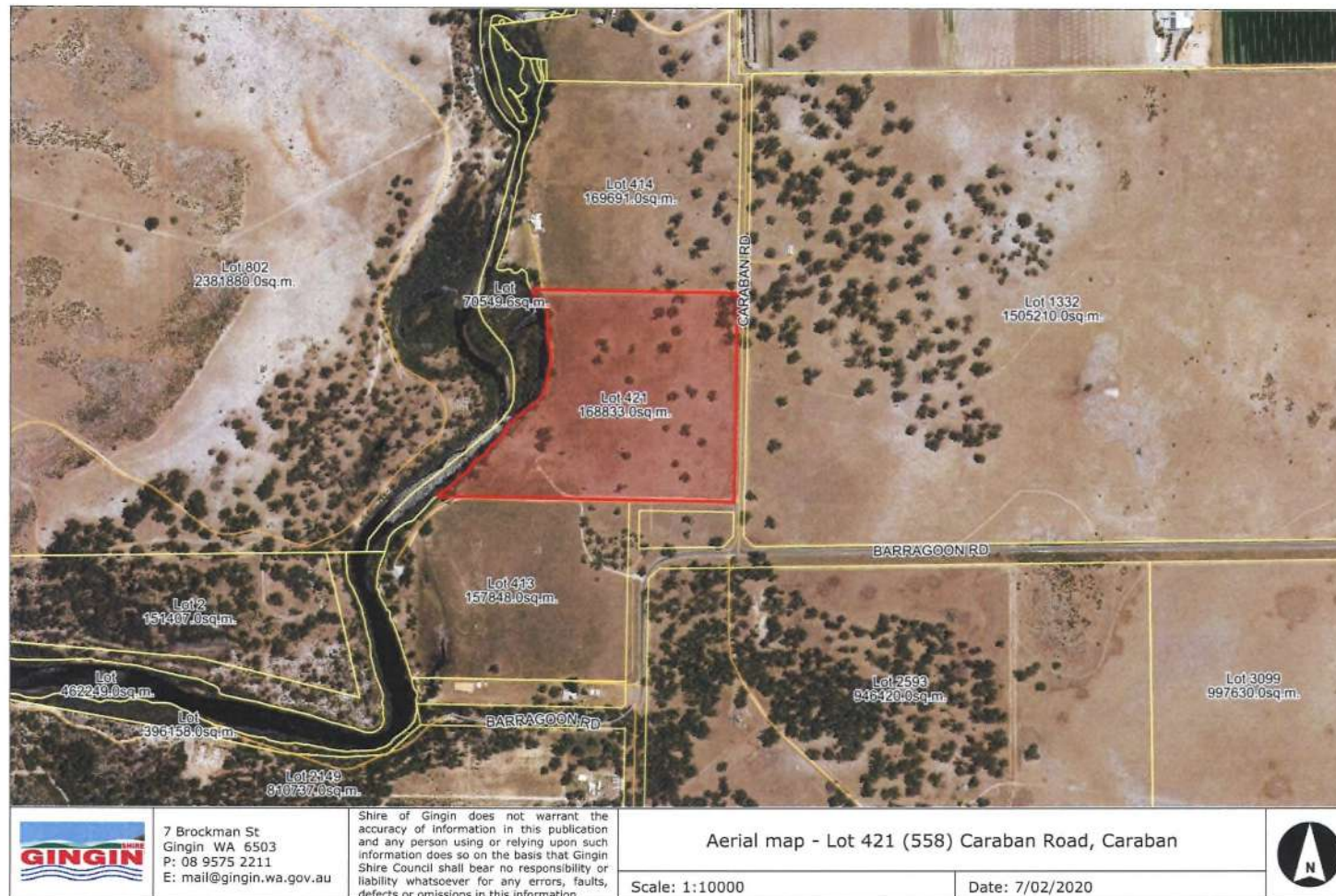
CARRIED UNANIMOUSLY

REASON FOR AMENDMENT

Council was of the view that it was necessary to include this advice note as the property is in close proximity to the Moore River.

APPENDIX 1





APPENDIX 2



PROPOSED MICRO-BREWERY, RESTAURANT AND CHALETS

Lot 421 (No. 558) Caraban Road, Caraban



DOCUMENT CONTROL

CONTROL VERSION	DATE	STATUS	DISTRIBUTION	COMMENT
A	01.10.2019	Draft	Internal	For QA
B	31.10.2019	Final	Client	Client Comment
C	06.11.2019	Final	Local Government	Lodgement for Approval

Prepared for: Sinel Pty Ltd
Prepared by: MM
Reviewed by: CP

Date: 6 November 2019
Job No: 21891
Ref: 21891 – 20191001 - Gingin

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APPENDIX A	Development Plans for Brewery/Restaurant
APPENDIX B	Development Plans for Chalets
APPENDIX C	Certificate of Title
APPENDIX D	Bushfire Management Plan



1 INTRODUCTION

This report has been prepared by Harley Dykstra in support of a Development Application for a proposed Micro-Brewery, Restaurant and Chalet accommodation units at Lot 421 Caraban Road, Caraban ('the subject land'). The proposed development includes a Restaurant with indoor and outdoor seating areas, a Brewery with cellar door tasting opportunities, located within the same building, as well as the associated service and amenity areas. It also includes a total of three (3) two-bedroom self-contained chalets. A copy of the Development Plans for the Brewery/Restaurant are included at **Appendix A**, and a copy of the Development Plans for the Chalets are attached at **Appendix B**.

This development has been designed utilising industrial materials, fixtures and colours to preserve and improve the rural amenity of the property and surrounding locality. The western building façade, adjacent to the Moore River, seeks to maximise views to the natural amenity and comprises predominantly of glazed windows and opportunities for outdoor dining underneath a veranda style canopy.

The brewery will produce craft beers, intending to be sourced entirely from local produce. The proposed development intends to use a small portion of the site, with the remaining land continuing to be used as it exists for rural pursuits. The approval of this use will enable the landowners to establish a premises as a tourist destination and provide a service that doesn't currently exist in the broader locality. The design seeks to capitalise on the natural amenity of the Moore River by showcasing it from all public service areas.

This report provides the details of the site, the proposed development and operational details, as well as a detailed planning assessment which addresses all the relevant planning framework, including statutory and policy requirements, and the planning merit and management considerations.



2 SUBJECT LAND

Lot 421 Caraban Road is located in Caraban, with frontage to the Moore River. It lies approximately 1.6km west of the Woodbridge Rural Living 2 estate, and approximately 4.6km west of Indian Ocean Drive (accessible via Barragoon Road). The subject land has an area of 16.8ha and is largely vacant with the exception of two existing outbuildings located in the south-west corner of the site. There are plots of existing vegetation scattered throughout the site, but largely concentrated adjacent the Moore River foreshore. **Figure 1** (below) depicts an Aerial Photograph of the subject site.



FIGURE 1 – AERIAL PHOTOGRAPH

A summary of the land particulars is provided in Table 1, and the Certificate of Title is attached at **Appendix C**.

LOT NO.	PROPERTY ADDRESS	LANDOWNER	VOL.	FOLIO	PLAN NO.
421	558 Caraban Road, Caraban	Neil Darren King; Cindy Louise King	2058	67	DP231045

TABLE 1 – SUMMARY OF LAND



3 PLANNING FRAMEWORK

3.1 Shire of Gingin Town Planning Scheme No. 9

The Subject Land is zoned 'General Rural' under the Shire of Gingin's Town Planning Scheme No. 9 (TPS 9), as with other land to the north, east and south of the site. The Moore River is reserved for 'Drainage and Waterways' under the Scheme, and is included within a Special Control Area for 'River Environs Management Area'. The Woodbridge 'Rural Living 2' zone is located approximately 1.4km east of the subject site. A large area located to the south of Woodbridge is reserved for 'Public Use State Forest', and land reserved for 'Conservation' is located south of this reservation. The Guilderton Township is located west of the site, and includes 'Residential' and 'Tourism' zones. Further south of the township is a large area zoned 'Future Development'. An excerpt of the Shire's Scheme Map is included at **Figure 2**.

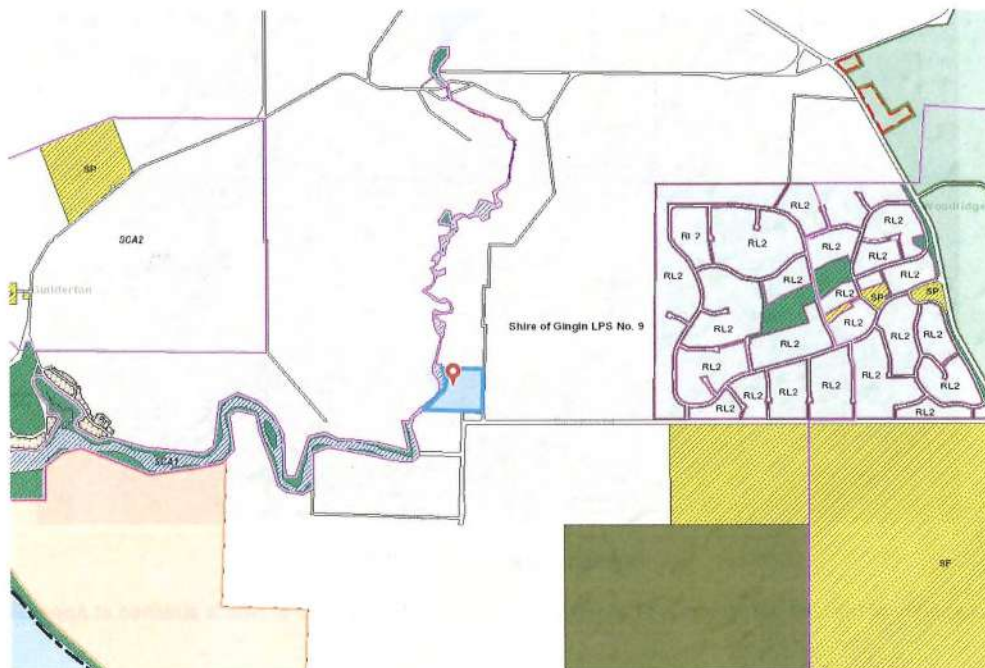


FIGURE 2 – ZONING MAP

The objectives of the 'General Rural' zone are set out in Clause 3.2.7 of the Scheme as follows:

- manage land use changes so that the specific local rural character of the zone is maintained or enhanced;*
- encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;*
- 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*
- 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.*

PROPOSED MICRO-BREWERY, RESTAURANT AND CHALETs
Lot 421 (No. 558) Caraban Road, Caraban

3 | Page



The land use definitions relevant to this application are defined in Schedule 1 of the Scheme, as follows:

Chalet means an individual self-contained unit usually comprising of cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, and where occupation by any person is limited to a maximum of three months in any 12-month period;

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

The proposed land uses are "A" and "D" uses in the General Rural zone respectively.

3.2 Shire of Gingin Local Planning Strategy

The Shire of Gingin Local Planning Strategy intends to provide development guidance for land within the municipality, setting out strategies to improve housing, industry, retail and business, transport infrastructure, community infrastructure and public open spaces. More specifically to this application, the Strategy provides specific guidance for the development patterns and land uses within the rural zoned areas to prevent the sprawling urban areas.

Figure 3 (overleaf) is an excerpt of the Shire's Local Planning Strategy which relates particularly to the proposed locality. This figure demonstrates the proximity of the proposed development site to existing and future planned residential areas, as well as the key objectives of the Shire.

The Shire's Strategy also reinforces the importance of tourism within the municipality, setting out tourism protection and potential as one of the key priorities for the Shire. The objectives for the Guilderton region are set out as follows:

- Increase local employment opportunities and local expenditure by increasing the level and diversity of business prospects both within and adjacent to the townsite.
- Promote increased level of community facilities within or adjacent to the Guilderton townsite.
- Facilitate a high quality, environmentally sensitive and integrated form of urban expansion south of Moore River as part of the Guilderton townsite expansion plan.
- Maintain the attraction and importance of Guilderton as a tourist destination, and recognise its popularity for non-permanent residents.
- Retain the existing tourist sites reflected in the Scheme and Moore River South ODP for tourism purposes.
- Enable and promote opportunities for additional growth in tourism.

The Applicant considers that the proposed development will improve the municipality's tourism industry, playing an important role in promoting a new tourism opportunity and strengthening existing opportunities by attracting new visitors to the region. The proposed facility will have the potential to become a key tourist asset with an ability to attract visitors from the wider locality given the absence of similar developments in the vicinity. Further, it will provide opportunities for the strengthening of the agricultural sector by providing opportunities for local production.

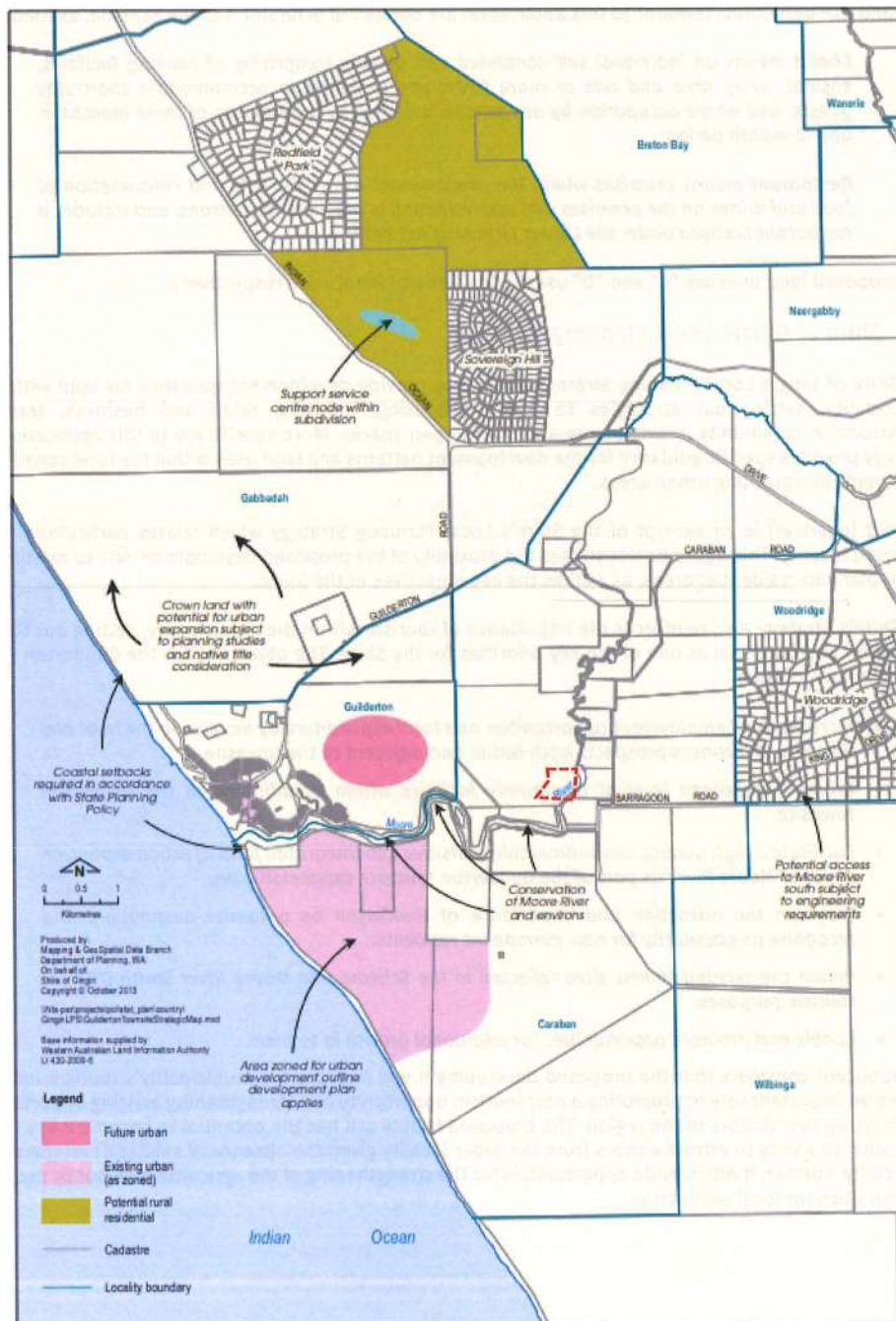


FIGURE 3 – GUILDERTON TOWNSITE STRATEGIC MAP

PROPOSED MICRO-BREWERY, RESTAURANT AND CHALETS
Lot 421 (No. 558) Caraban Road, Caraban



3.3 Local Planning Policy 1.4 – Foreshore Reserves Along Water Courses

The Shire of Gingin have adopted Local Planning Policy 1.4 – Foreshore Reserves Along Water Courses (LPP 1.4) to provide guidance on the management and protection of foreshores and water courses within the municipality. Clause 3.1 of LPP 1.4 requires all development to be set back a minimum of 50m from the top of the bank of the water course. Given there has already been a foreshore reserve established for the Moore River, this development has provided a 50m setback from that reserve edge to all development; while still providing optimised views and enjoyment of the Moore River, as reflected on the Development Plans at **Appendix A**.

3.4 Local Planning Policy 3.1 – Tourist Development in Rural Areas

Local Planning Policy 3.1 – Tourist Development in Rural Areas (LPP 3.1) is applicable to all General Rural zoned land within the Shire. It was prepared with the following objective:

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

Clause 3.1 of LPP 3.1 sets out the definitions of Tourist Developments, being either high or low impact. This proposal, given its limited overnight facilities, is considered a “Low Impact” development and is therefore capable of approval. Various other policy statements relate to the impact of the development on amenity, which will be further addressed throughout this report.

Further, the subject site is not located within a traditional rural setting, given the smaller predominant lot sizes and lack of significant agricultural activity existing on site, as well as within the immediate locality. As such, this sector of the Rural zone, which also has strategic frontage to the Moore River, can be distinguished from other rural areas in the Shire. This development would, perhaps be considered high impact in areas where more intensive horticulture and pastoral activities are occurring.

3.5 State Planning Policy 2.5 – Rural Planning

Given the subject site is currently zoned ‘General Rural’, any application to develop the land would be subject to the policy objectives and measures set out in State Planning Policy 2.5 – Rural Planning (SPP 2.5). SPP 2.5 was prepared the WAPC with the purpose being:

“to protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.”

Further, Clause 5.5 of the Policy recognises the regional variations and economic opportunities that require use of rural zoned landholdings. In particularly, Clause 5.5c states:

*“Support small scale tourism opportunities, such as bed and breakfast, holiday house, chalet, art gallery, **micro-brewery** and land uses associated with primary production, within the rural zone.”*

It is considered that the proposed development meets both the intent of SPP 2.5 and the various policy objectives. The site was chosen for this development as it promotes and protects the natural landscape surrounding, while utilising primary production for preparation of food and beverage, and is therefore best suited to a rural environment.



4 PROPOSED DEVELOPMENT

4.1 Development Summary

The proposed development has been designed to capitalise on the natural amenity afforded by the Moore River, while being setback far enough to ensure protection of the river. The approval of this development application will facilitate the construction of a new Micro-Brewery and Restaurant, designed to accommodate a maximum of 200 people, and three (3) two-bedroom chalet accommodation units.

The development has been designed to ensure the following:

- An rural style restaurant building with open plan seating areas with outlook to the Moore River;
- A wrap-around veranda featuring alfresco dining;
- A brewery, utilised for the production of beer from locally sourced products;
- Formal landscaping and children's playground;
- Three (3) large rainwater tanks to be integrated with a public art mural;
- A car parking area with specifications and car parking numbers exceeding those required by the Shire's Town Planning Scheme;
- Associated driveways, footpaths and landscaped areas; and
- The continued use of the site for rural pursuits.

The improvements to the site proposed by this Application are depicted on the Development Plans, which include a Site Plan, Floor Plans, Elevations and Perspectives, and are attached at **Appendices A & B**.

4.2 Site Layout & Design

The proposed improvements to the site are demonstrated within the attached Development Plan set, depicting a long driveway from Caraban Road adjacent to the site's northern boundary. The driveway provides access to both the restaurant and chalets.

The proposed chalets are sited approximately 55m from the site's frontage, with three, two bedroom chalets sited around a central ring road and landscaped communal area. The entry way to the accommodation area includes five (5) formal vehicle parking spaces; and there are opportunities for informal parking aside each chalet. Each chalet will be equipped with two bedrooms, a bathroom and separate toilet, kitchen and laundry. A copy of the proposed Floor Plans and Elevations of the Chalets is included at **Appendix B**.

The proposed Restaurant and Brewery is located approximately 256m west of the site's Caraban Road frontage, deriving access from the shared driveway. The driveway provides access to the facility's car parking area (set back approximately 196m from the site's frontage) via a lockable gate. The parking area includes parking for 81 vehicles, including universally accessible bays, caravan bays and bays able to accommodate buses.

The car parking area provides access to the proposed Restaurant and Brewery via a landscaped formal garden area and meandering pathways. The main entrance to the facility is located on the southern portion of the building, providing access adjacent to the brewery equipment. All indoor dining areas and the alfresco area are sited to the west of the building to capitalise on the high level of natural amenity provided by the Moore River.

Signage for any part of the development is not proposed and will be subject to a separate application, or through the submission of plans via a condition of approval.



4.3 Building Design & Rationale

The building has been carefully designed to accommodate the specific needs of the landowner, including spaces to cater for functions, and spaces for cellar door tastings. The proposed development has been designed using contemporary architecture principles that capitalise on the natural and rural elements of its location. The mix of colours, textures and finishes including colourbond and tumbled brick, is intended to complement the rural nature of the surrounding locality.

The building itself is separated into three modules which are differentiated by separate pitched skillion roofs, commensurate to the nearby rural farm sheds. It is designed to conceal all of the required brewing equipment inside of the building, while providing internal outlook inside of the building. The required water tanks have also been concealed from public screening by a solid 1.8m wall, intending to accommodate an artistic mural.

It is expected that a condition will be placed on any development approval requiring the submission of a schedule of materials and colours prior to the issuing of any building permit.

4.4 Details of Operation

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

The operating hours of the Restaurant will generally occur between 9am and 10pm on all days of the week. The restaurant would not be open for business on Mondays or Tuesdays. On operational weekdays, the facility will employ between 5 and 10 staff; while weekends would be serviced by up to 15 staff members to service the peak demand. The restaurant is capable of holding functions, during which, would be shut to the general public. The building has been designed to allow public to attend the cellar door tastings only.

The Micro-Brewery would operate during general business hours (9am – 5pm) on weekdays, with alcohol service times set out during the premises licensing process. This would require a maximum of 3 staff members to enable production. The facility offers views from the tasting bar, however will not be open to the public other than from the tasting bar. Deliveries of supplies required to service both the brewery and the restaurant would occur during standard operating hours. It is intended that the cellar door sales will be available during both the micro-brewery operating hours and the restaurant operating hours.

Each of the chalets have two bedrooms and will be able to accommodate a maximum of 4 persons each. The scheduling of these would be through online mediums and keys will be collected by customers from coded safes to be designed into the chalets. A cleaner would attend the site as required.

In its entirety, this development will create between 25 and 35 individual employment opportunities at peak capacity.



5 TOWN PLANNING CONSIDERATIONS

5.1 Land Use Compatibility

The proposed uses are classified as 'Restaurant' and 'Chalet' in accordance with the Shire of Gingin Local Planning Scheme, which are 'D' and 'A' uses respectively, in the General Rural zone. The development proposes the production of craft beer on site, using local produce supplied by other land owners in the locality. The proposed facility seeks to provide services to its patrons in a rural setting, whereby the development has been designed to complement its rural setting. The subject site is large enough to accommodate all of the amenity impacts likely to occur as a result of the operational development; and no adverse impacts on the surrounding rural land uses are anticipated.

5.2 Parking & Access

Patrons accessing the facility will do so by a new 6m wide crossover to Caraban Road, located adjacent the site's northern boundary. Sight lines extend greater than 200m both north and south of the proposed crossover. The Caraban Road-Barragoon Road intersection is located approximately 460m south of the proposed driveway, with Barragoon Road providing direct access to Indian Ocean Drive. Caraban Road also intersects with Indian Ocean Drive, approximately 6.1km north-east of the site. It is anticipated that majority of patrons will generally access the facility via Caraban Road, avoiding the need to pass the Woodbridge Estate.

This driveway, being 198m in total length, will provide access to a ring road, containing the chalet area, the associated visitor parking and various amenities. Further west, the driveway extends to provide access to the Restaurant/Brewery facility and parking area.

Both car parking areas have been designed generally in accordance with Table 3 of the Shire of Gingin LPS 9 – Car Parking Requirements, noting the absence of a scheme requirement for 'Chalet'. A summary of the required and provided parking is set out in **Table 2 (below)**, demonstrating compliance with the Shire's requirements.

PROPOSED USE	CAR PARKING REQUIREMENT	PROPOSED CAPACITY	REQUIRED BAYS	PROVIDED BAYS
Bed & Breakfast (Chalet)	1 per bedroom plus 1 per staff member	3 x two bedroom chalets 1 off site staff member	7 bays	- 5 formal bays - Plus informal spaces adjacent each chalet
Restaurant	1:4 persons	200 persons	50 bays	- 71 vehicle bays - 4 caravan bays - 4 bus bays
TOTAL			54 bays	84 bays

TABLE 2 – CAR PARKING CALCULATIONS

As noted in the table above, the proponent has anticipated and allowed for chartered groups and travellers attending the site, and accordingly, have included provision for oversized vehicles to be accommodated within the car parking area.

The car parking area is proposed to be treated with a red coloured bitumen (with the appropriate drainage), to reduce the visual impact of the parking area from both the development and the street. Further, areas of landscaping throughout the parking area further reduce the impact.



5.3 Bushfire Management

The subject site is partially located within the Department of Fire and Emergency Services (DFES) identified Bushfire Prone Areas, and therefore any application for development is to be supported by a Bushfire Management Plan (BMP). As such, Harley Dykstra has prepared a BMP (attached at **Appendix D**), providing an assessment of the proposed development in accordance with the requirements set out by State Planning Policy 3.7 (SPP 3.7) and the associated Guidelines.

This supporting BMP concludes that the proposed development can achieve compliance with SPP 3.7, and more specifically, the four criteria set out in Appendix 4 of the Guidelines. In achieving compliance, the BMP sets out the following actions to be undertaken to ensure compliance in perpetuity:

- Asset Protection Zones around each building;
- Access arrangements in accordance with the Guidelines;
- A dedicated water supply within the water tanks of 50,000L for firefighting services.

5.4 Acoustic Management

Given the size of the proposed lot, and the fact that the closest dwelling (Lot 421) is located approximately 200m north-west of the proposed development, it is considered that the facility is capable of compliance with the *Environmental Protection (Noise) Regulations 1997*. It is anticipated that a Noise Management Plan would be required as a condition of approval, prior to occupancy of the development.

5.5 Alcohol Management

Various licenses will be required to be obtained from the Department of Racing, Gaming and Liquor to enable the proposed activities to occur prior to commencement of services, including a license to sell (liquor license), a license to serve liquor (Restaurant license) and a license to manufacture (producer license).

It is also anticipated that a condition of any approval would require the preparation and adherence to an Alcohol Management Plan, to emphasise the responsible service of alcohol within the facility.

5.6 Stormwater Management

Water runoff will primarily occur from the roof catchment, car parking area and driveway as a result of this development. The roof water catchments will be directed to the large rainwater tank to the east of the building in the first instance, with these tanks being used for fire and emergency services and to service the facility. The Proponent will seek approval for a Bore License to ensure the landscaped areas are reticulated.

Stormwater runoff within the car parking area and driveway will likely be captured by a number of soak wells throughout the impermeable area, or directed into the adjacent landscaped area.

It is anticipated that a condition of any approval would require the preparation and approval of a formal drainage plan as part of a building permit application.

5.7 Effluent Disposal

The subject site is not currently connected, or able to be connected with a reticulated sewerage supply. Accordingly, the site will be fitted with an onsite effluent disposal system with the capacity to service the development. Noting the Department of Health's *Government Sewerage Policy (GSP)* requirements, this system will likely be sited south-east of the building, providing the necessary setback (100m) from the Moore River.

In principle, the Health Department limits unsewered development to be "R5 equivalent", or 2,700 litres per hectare, per day. Given the site size is 16.883ha, the maximum allowable daily flow of 45,360L is capable of complying with the GSP. Based on an estimation of 30 litres per person per day, in accordance with Health



Regulations, and including staff and chalet guests at full capacity, the site is likely to generate a maximum of 8,340L per day, and is therefore able to achieve compliance with the department of Health's policy requirements.

5.8 Signage

The development plans have included indicative signage locations and branding, however they do not form part of this application. Signage would form part of a separate application at a later stage, or through amended plans as a condition of approval.

5.9 Foreshore Management

This development has been designed having regard to the high level of natural amenity afforded by the adjacent Moore River and its foreshore. It is noted that the Moore River is also a Conservation Category Wetland (CCW). The Shire's LPP 1.4 provides some brief guidance to protect river environs, including a 50m setback of buildings, which has been demonstrated within the Development Plans.



6 CONCLUSION

This Development Application has provided the relevant details and rationale in support of the development of a Brewery and Chalet Accommodation at Lot 421 Caraban Road, Caraban. This proposal would ultimately allow the landowners to establish a unique brewing & restaurant development, which is not generally provided for within the locality or even within the Shire of Gingin. This development would become a tourist destination and positively contribute to the Indian Ocean Drive tourist route. Furthermore, the proposal is consistent with the Shire's Local Planning Strategy and the State Planning Policy 2.5.

This submission demonstrates that all of the servicing and amenity considerations relevant to this development (including car parking and access, bushfire management, acoustic compliance, stormwater management) can be addressed. This demonstrates that the development will not have any adverse impacts on the site or its surroundings. This application has also demonstrated that this proposal is consistent with the General Rural zoning objectives and the other relevant town planning requirements.

On the basis of the supporting rationale detailed within this report, as well as the appended specialist supporting reports, it is respectfully requested that the proposed Micro-Brewery, Restaurant and Chalet Accommodation Development Application is considered favourably. Should any further information be required to facilitate the assessment of the application, please do not hesitate to contact Harley Dykstra to ensure all information is made available.

**APPENDIX A | DEVELOPMENT PLANS FOR
MICRO-BREWERY & RESTAURANT**

**PROPOSED DEVELOPMENT
LOT 421 CARABAN ROAD**

COPYRIGHT MODUS DESIGN PTY LTD		
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NUMBER	DESCRIPTION	DATE
A	REVISED FOR COMMENTS	27.05.2019
B	REVISED FOR IGA	26.10.2019

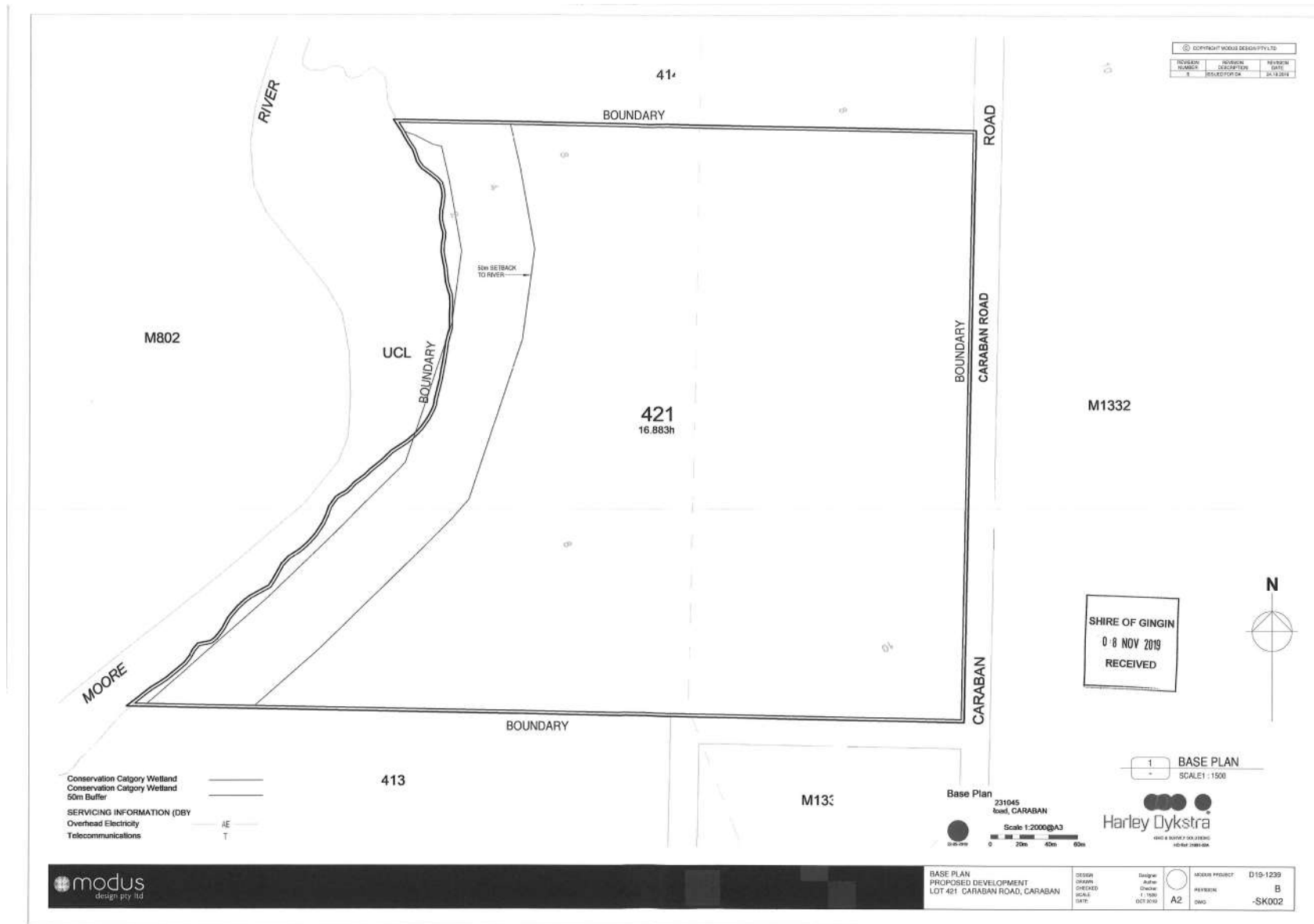


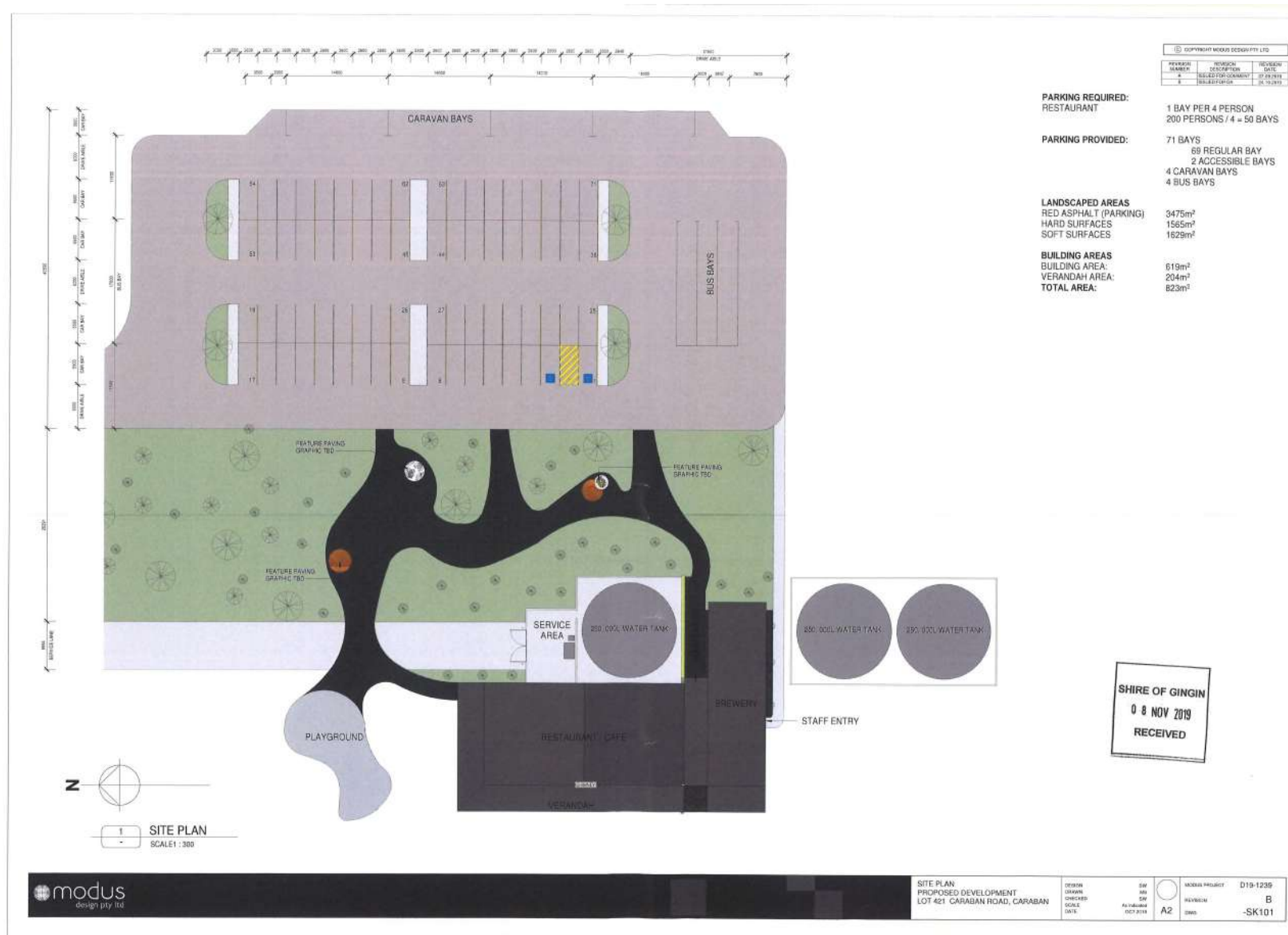
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COVER SHEET
PROPOSED DEVELOPMENT
LOT 421 CARABAN ROAD, CARABAN

2019/04	REV	MODUS PROJECT	D19-1239
DRAWN	MS	REVISION	B
CHECKED	SP	DRAWN	-SK000
SCALE			
DATE	18/02/2020	A2	







EST/FREIGHT MODUS DESIGN PTY LTD		
REVISION NUMBER	DESCRIPTION	DATE
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B	REVISED FOR I&E	14.10.2019

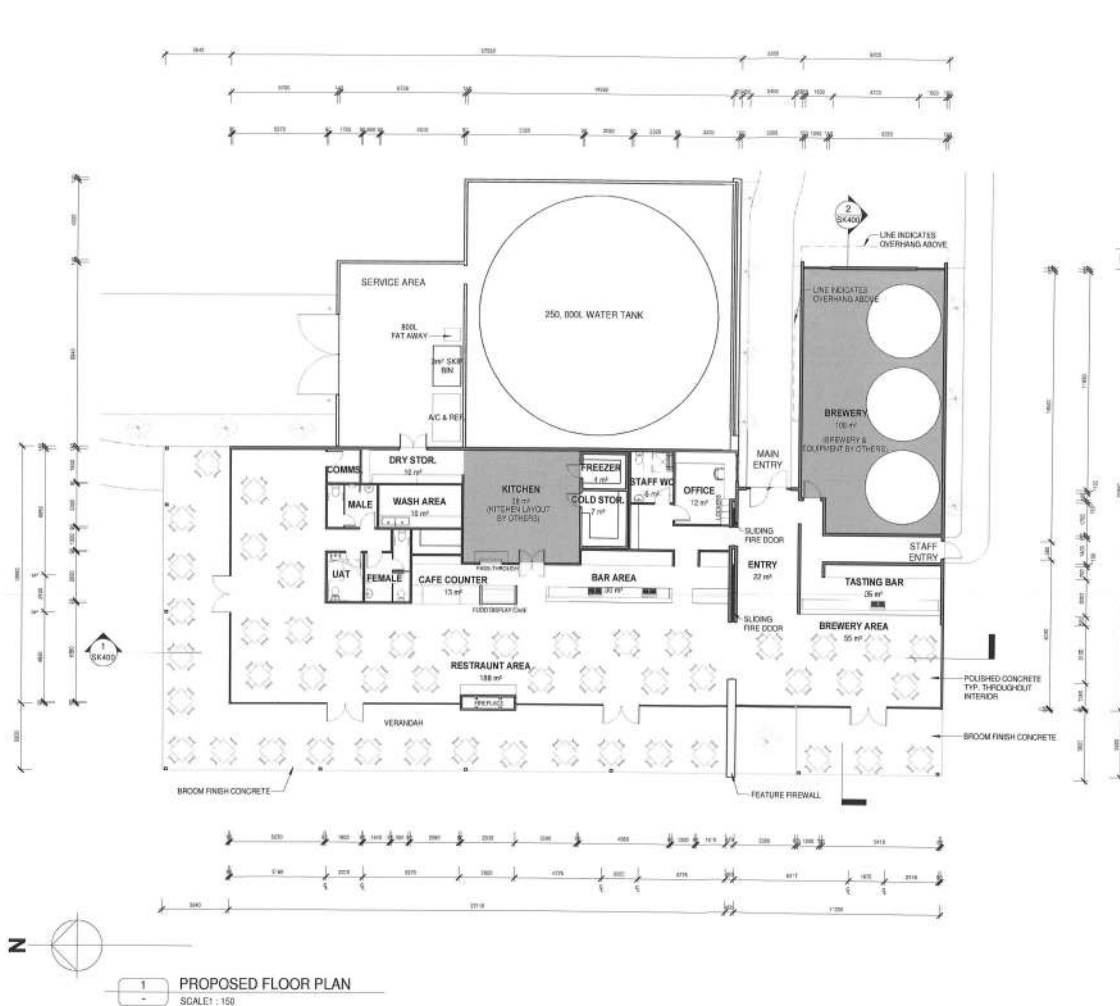
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1 OVERALL SITE PLAN
SCALE 1:1500

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OVERALL SITE PLAN
PROPOSED DEVELOPMENT
LOT 421 CARABAN ROAD, CARABAN

DESIGN DRAWN CHECKED DATE	DESIGNER Katie Crispin 1.10.19 10/11/2019	MODUS PROJECT D19-1239	REVISION B
	A2	DWG	SK100



REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE
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B	ISSUED FOR I&E	28.10.20

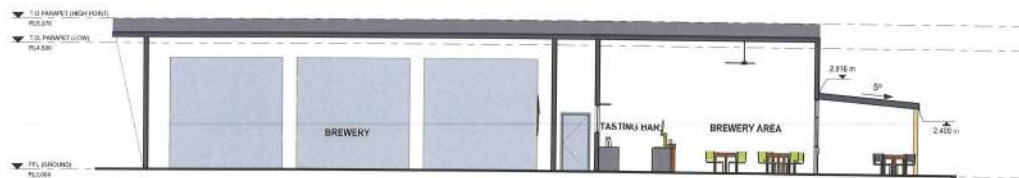
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REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE
A	ISSUED FOR COUNCIL	27.05.2019
B	ISSUED FOR DA	24.10.2019

3 PERSPECTIVE SECTION
SCALE



2 SECTION @ BREWERY
SCALE 1 : 100

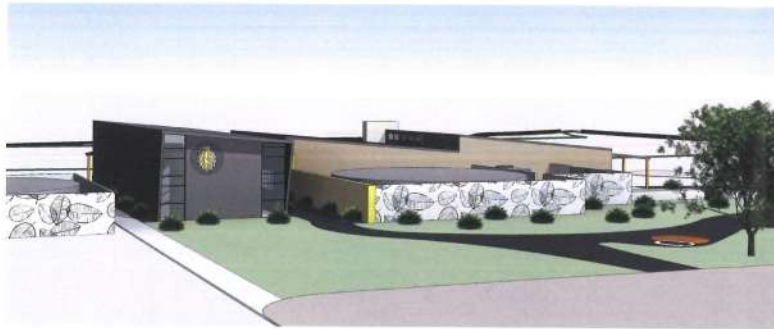


1 LONG SECTION
SCALE 1 : 100



SECTIONS
PROPOSED DEVELOPMENT
LOT 421 CARABAN ROAD, CARABAN

DESIGN DRAWN CHECKED SCALE DATE	DESIGNER AUTHOR CHECKER 1:100 10/11/19	MODUS PROJECT D19-1239 REVISION B DATE -SK400
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COMPONENT MODUS DESIGN PTY LTD			
REVISION	DESCRIPTION	DATE	BY
1	ISSUED FOR CONCEPT	27.06.2019	
2	ISSUED FOR EIA	24.10.2019	



SHIRE OF GINGIN
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3D VIEWS
PROPOSED DEVELOPMENT
LOT 421 CARIABAN ROAD, CARIABAN

DESIGN
CHECKED
DATE

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2020

A2

MODUS PROJECT

D19-123B
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-SK500



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REVISION NUMBER	REVISION DESCRIPTION	REVISION DATE
A	ISSUED FOR COMMENT	27.09.2019
B	ISSUED FOR PERMIT	24.11.2019



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09 NOV 2019
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3D VIEWS
PROPOSED DEVELOPMENT
LOT 421 CARABAN ROAD, CARABAN

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APPENDIX B | DEVELOPMENT PLANS FOR CHALETS





Premium, Practical, Purpose-Built



The Monaco

FREE METRO SITE VISIT

The Monaco is a flexible design comprising of two great sized bedrooms, a large living area and fully customisable kitchen. This 67sqm unit features a comfortable living space and the fully functional kitchen can be optioned for gas, overhead cupboards and your choice of splashback colours to complete your design. The Monaco bathroom includes the vanity and shower and has a separate powder room/laundry combination.



Features

- ✓ Insulated and Energy Compliant
- ✓ Available in Multiple Sizes
- ✓ 2 Bedroom Design
- ✓ Kitchen, Bathroom, Laundry & Separate toilet



Materials

- ✓ Concrete or Steel Base
- ✓ Duracore Steel Framed Walls
- ✓ Colourbond Wall Cladding and Roofing
- ✓ Gyprock Internal Walls
- ✓ R2 Wall insulation and R3 in Ceiling
- ✓ Ironash Wall Cladding Feature Wall

Installation

Typically within 3 months from building approval, installation includes:

- ✓ Planning
- ✓ Energy Reports
- ✓ Transport to Site
- ✓ Engineering
- ✓ Footings
- ✓ Crane
- ✓ Plumbing and Electrical Connection

Average metro installation price
\$15,000-\$25,000



	14.9m (63sqm)	15.9m (67sqm)
Base	\$96,681	\$98,500
Deluxe	\$109,322	\$111,113

All prices are subject to GST.

13 Boom Street, Gungahlin ☎ 6377 8335

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Premium, Practical, Purpose-Built

The **Monaco****BASE INCLUSIONS**

- ✓ 5.0kW Split System Reverse Cycle Air Conditioner
- ✓ 80L Storage Hot Water System
- ✓ Vinyl Floor Coverings
- ✓ Tiled Bathrooms
- ✓ Electric Oven/Cooktop with Rangehood
- ✓ White Kitchen/Laundry Cabinets with Laminate Benchtops
- ✓ Custom Made 900mm vanity with Laminate Benchtops
- ✓ Chrome Tapware throughout
- ✓ Top-Mount Stainless Steel Sinks
- ✓ Colorbond Cladding
- ✓ 1 x 1800mm Sliding Door
- ✓ 3 x 1500mm Sliding Windows
- ✓ 2 x 500mm Sliding Windows
- ✓ 2 x Internal Cavity Sliding Doors
- ✓ 2 x Internal Hinged Doors
- ✓ 12 x Internal LED Down Lights
- ✓ 2 x External LED Down Lights
- ✓ 11 x Double Power Points throughout
- ✓ 1 x Coaxial Point
- ✓ Smoke Alarm
- ✓ Plumbing and Electrical Fit-off

DELUXE INCLUSIONS

- ✓ 5.0kW Split System Reverse Cycle Air Conditioner
- ✓ 80L Storage Hot Water System
- ✓ Vinyl Floor Coverings in Living and Kitchen
- ✓ Carpet in Bedrooms
- ✓ Tiled Bathrooms
- ✓ Electric Oven/Cooktop with Rangehood
- ✓ White Kitchen Base Cabinets with Oak Veneer Overhead Cabinets and Stone Benchtops
- ✓ Laundry Cabinets with Stone Benchtops
- ✓ Custom Made 900mm vanity with Stone Benchtops with Oak Veneer Soft-Closing Drawers
- ✓ Matte Black Tapware throughout
- ✓ Undermount Stainless Steel Sinks
- ✓ Colorbond Cladding with Iron Ash Timber Feature
- ✓ 2 x Custom Made Wardrobes with 10 x Soft-close Drawers and 3 x Mirrored Sliding Doors
- ✓ 1 x 1800mm Sliding Door
- ✓ 1 x 1500mm Sliding Door
- ✓ 3 x 1500mm Sliding Windows
- ✓ 1 x 1300mm Sliding Window
- ✓ 1 x 900mm Sliding Window
- ✓ 1 x 500mm Sliding Window
- ✓ 2 x Internal Cavity Sliding Doors
- ✓ 2 x Internal Hinged Doors
- ✓ 3 x Feature Pendant Lights over Breakfast Bar
- ✓ 4 x Pendant Lights in Bedrooms
- ✓ 12 x Internal LED Downlights
- ✓ 4 x External LED Downlights
- ✓ 13 x Double Power Points throughout
- ✓ 1 x Coaxial Point
- ✓ Smoke Alarm
- ✓ Plumbing and Electrical Fit-off

General Upgrades

<input type="checkbox"/> Gas Instant Hot Water System	\$718
<input type="checkbox"/> Gas Cooktop – Natural or LPG	\$327
<input type="checkbox"/> Double Power Point (each)	\$110
<input type="checkbox"/> Carpet with Underlay – Various Colours	\$40/sqm
<input type="checkbox"/> Fan/Light Combo	\$325
<input type="checkbox"/> LED Downlights	\$100
<input type="checkbox"/> Pendant Lights Kitchen (each)	\$150
<input type="checkbox"/> Pendant Lights Bedroom (each)	\$125
<input type="checkbox"/> Matte Black Tapware	\$300
<input type="checkbox"/> Stone Benchtops throughout	\$4750
<input type="checkbox"/> Wardrobe - 10 Drawers + 3 Glass Mirrored Doors (each)	\$3400
<input type="checkbox"/> Iron Ash Cladding	\$2200

Doors & Windows**Sliding Doors**

<input type="checkbox"/> Cavity Slider	\$250
<input type="checkbox"/> 2145mm x 1800mm	\$1418
<input type="checkbox"/> 2145mm x 1500mm	\$1318

Glass Hinged Door

<input type="checkbox"/> 2145mm x 900mm	\$1418
---	--------

Sliding Windows

<input type="checkbox"/> 300mm x 1400mm	\$756
<input type="checkbox"/> 1500mm x 1500mm	\$896
<input type="checkbox"/> 1300mm x 1300mm	\$793
<input type="checkbox"/> 500mm x 500mm	\$457

All prices are
subject to GST.

13 Boom Street, Gungahlin ☎ 6377 8335

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BUSHFIRE MANAGEMENT PLAN

Lot 421 (No. 558) Caraban Road, Caraban



DOCUMENT CONTROL

CONTROL VERSION	DATE	STATUS	DISTRIBUTION	COMMENT
A	30.10.19	Draft	Internal	QA
B	7.11.19	Final	LG	LG Consideration

Prepared for: Neil & Cindy King

Prepared by: CP

Reviewed by: MM

Date: 7.11.19

Job No: 21891

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DISCLAIMER

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This document has been exclusively drafted. No express or implied warranties are made by the Consultant regarding the research findings and data contained in this report. All of the information details included in this report are based upon the existent land area conditions and research provided and obtained at the time the Consultant conducted its analysis.

Regardless of the outcomes required by this report it is very important to note that the risk of ignition always remains. Bushfires, by nature, can burn in a variety of different manners and are unpredictable. As noted within AS 3959-2018, the purpose of constructing dwellings to the standard prescribed in this document is to *reduce* the risk of ignition whilst a bushfire front passes. The reader must understand that there will always remain an element of risk.

The findings of this report are valid for a period of 3 years after its issue. If there is a possibility that vegetation structure and location has changed significantly since the date of the site inspection, a new Bushfire Management Plan should be prepared.

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1 INTRODUCTION

1.1 Summary of Report

Harley Dykstra has been commissioned by the landowner of Lot 421 (No. 558) Caraban Road, Caraban to prepare a Bushfire Management Plan in support of a Development Application for a proposed Restaurant, Micro-Brewery and Chalets. The management plan is supported by the undertaking of a Bushfire Attack Level (BAL) Assessment. The Bushfire Management Plan takes into account the various requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* and its associated guidelines, including justification against the four Bushfire Protection Criteria identified in Appendix 4 of the Guidelines. In addition to this plan, it is strongly recommended that a Bushfire Emergency Evacuation Plan (EEP) be prepared by a suitably qualified consultant prior to the commencement of the proposed operations at the subject site.

1.2 Subject Site

The site subject to this Bushfire Management Plan is known as Lot 421 (No. 558) Caraban Road, Caraban. The site comprises primarily cleared pasture land, with a few scattered trees, but also has direct frontage to the Moore River. The site also accommodates minor development in the form of two sheds and a water tank. Given the vegetation onsite and surrounding (particularly in proximity to the river system), the site has been partially identified as Bushfire Prone by the Department of Fire and Emergency Services (refer to **Figure 1** overleaf), ensuring that a Bushfire Management Plan is required in support of any Subdivision Application.

The site has direct road frontage to Caraban Road and is located within the Shire of Gingin.

1.3 Proposed Development

The proposed development at the subject site comprises the construction of a restaurant with a 200-person capacity, an associated micro-brewery and 3 chalet accommodation units.

The proposed development will bring about an increase in intensity of development / use at Lot 421. Accordingly, this Bushfire Management Plan (BMP) addresses the requirements of State Planning Policy 3.7.

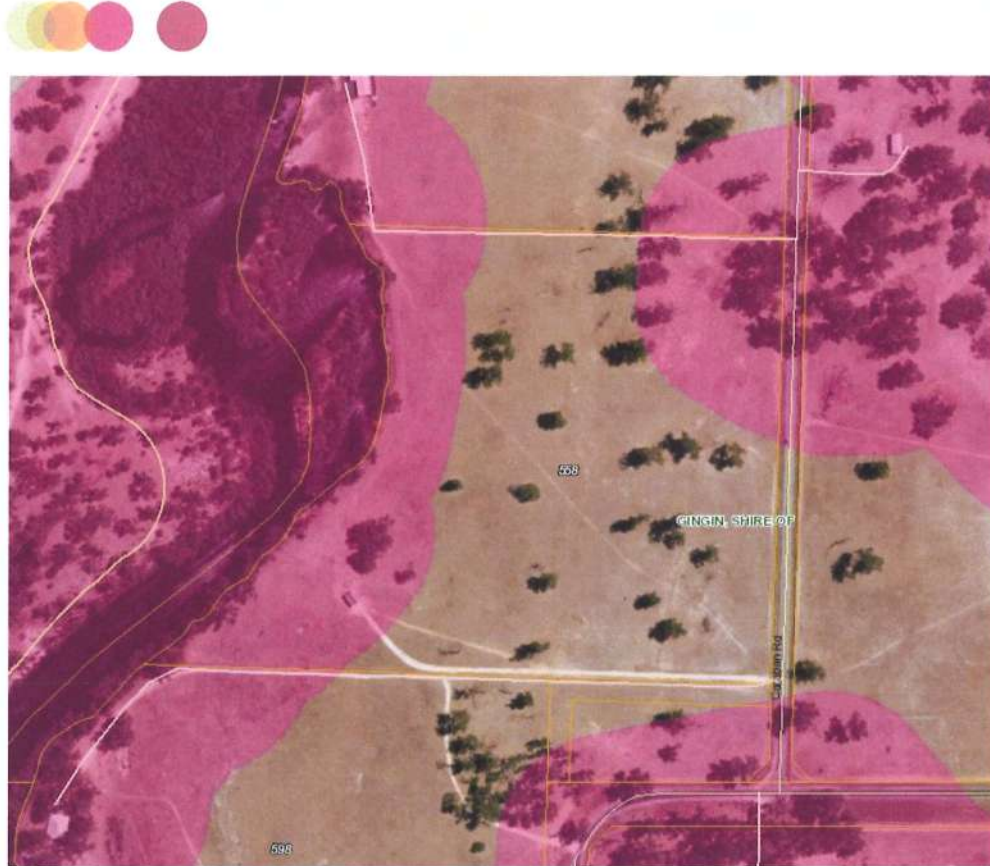


FIGURE 1: MAP OF BUSHFIRE PRONE AREA FOR SUBJECT SITE



2 ENVIRONMENTAL CONSIDERATIONS

Some bushfire prone areas also exhibit high environmental and biodiversity values. SPP 3.7 policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values.

2.1 Native Vegetation – Modification and Clearing

Vegetation (grassland) within the subject site will require modification to ensure that it complies with a low-threat standard, however, this vegetation is not considered to be environmentally sensitive.

The Moore River and vegetation around it, is considered to be a Conservation Category Wetland (CCW). No vegetation within the wetland will be disturbed. Geomorphic Wetland mapping in relation to the site is depicted below at **Figure 2**, with the CCW depicted in green.





FIGURE 2: GEOMORPHIC WETLAND MAPPING



3 VEGETATION CLASSIFICATION

A Bushfire Attack Level Assessment was completed at the site, classifying all vegetation within 150m of the proposed development. It was assessed in accordance with Methodology 1 of *Australian Standard 3959-2018* (Clause 2.2). The following provides a classification of each vegetation plot identified at the site visit.

PLOT A	
Type:	Class A Forest
Effective Slope:	Upslope
	
PHOTO ID: 1	PHOTO ID: 2
Plot A comprises a portion of Class A Forest that occurs adjacent to the Moore River system and within a Conservation Category Wetland. As such, the vegetation is of high value and should be maintained in it's current state.	



PLOT B	
Type:	Class G Grassland
Effective Slope:	Upslope / Flat
	
PHOTO ID: 3	PHOTO ID: 4



PHOTO ID: 5

Plot B comprises Grassland pasture that is located within Lot 414, directly north of the subject site. It is currently being utilised for pastoral purposes and accommodates a single dwelling and outbuildings.

PLOT C

Type: Class B Woodland



Effective Slope: Upslope / Flat




PHOTO ID: 6


Plot C comprises an area of Class B woodland vegetation located to the north east of the site, on the opposite side of Caraban Road.




PLOT D	
Type:	Class G Grassland
Effective Slope:	Upslope
	
PHOTO ID: 7	PHOTO ID: 8
Plot D comprises an area of Class G Grassland pasture that is located to the east of the subject site on the opposite side of Caraban Road.	


PLOT E	
Type:	Class A Forest
Effective Slope:	Flat/Upslope
	
PHOTO ID: 9	
Plot E, depicted in the background of Photo ID: 9, represents an area of Class A Forest situated to the south east of the site. The relative thickness of the understorey, canopy cover and tree height ensure a Class A Forest classification is appropriate.	





PLOT F	
Type:	Class G Grassland
Effective Slope:	Upslope
	
PHOTO ID: 9	
Plot F, depicted the <i>foreground</i> of Photo ID: 9, represents an area of grassland located to the south of the subject site.	

PLOT G	
Type:	Class B Woodland
Effective Slope:	Upslope
	
PHOTO ID: 10	
Plot G represents an area of Class B Woodland that is located to the south of the subject site. It is depicted in the background of Photo ID: 10. The aerial photography indicates that the canopy cover is between 10 – 30%, thereby justifying the classification.	






PLOT H	
Type:	Class G Grassland
Effective Slope:	2.5° Downslope
	
<p align="center">PHOTO ID: 11</p>	
<p>Plot H represents a portion of Class G Grassland that is currently being used for pastoral purposes. It is located to the south-south west of the proposed development.</p>	

PLOT I	
Type:	Class B Woodland
Effective Slope:	2.5° Downslope
<p>Plot I represents a portion of Class B Woodland on the western side of the of the Moore River. The plot is more than 150 from the restaurant but was included in a assessment of all vegetation within 150m of the subject site.</p>	



PLOT J	
Type:	Class G Grassland
Effective Slope:	1.5° Downslope
<div style="display: flex; justify-content: space-around;">   </div>	
<p>PHOTO ID: 13 PHOTO ID: 14</p>	
<p>Plot J Comprises a portion of Class G Grassland that is currently being used for grazing purposes. It is located, generally, to the north of proposed restaurant.</p>	



PLOT K	
Type:	Low Threat – Managed Vegetation
Effective Slope:	N/A
	
PHOTO ID: 15	
Plot K currently comprises a portion of Class B Woodland but will be managed in a Low-Threat state that would occur through the management practices required by this management plan.	

PLOT L	
Type:	Class G Grassland
Effective Slope:	Flat / Upslope
	
PHOTO ID: 16	PHOTO ID: 17
Plot L comprises a portion of Grassland vegetation that is currently being used for grazing purposes, as per the manner in which the majority of the site is currently being utilised.	



PLOT M	
Type:	Class G Grassland
Effective Slope:	1.5° Downslope
	
PHOTO ID: 18	PHOTO ID: 12
Plot M comprises a portion of Class G Grassland located in the southern half of the subject site. It is also used for grazing purposes; however, it also accommodates a few outbuildings.	

3.1 Results

3.1.1 Potential Bushfire Impacts

The following table demonstrates the potential radiant heat level (on the basis of the above) in relation to the proposed brewery and restaurant:

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
A	Class A - Forest	Upslope	72	BAL – 12.5
B	Class G Grassland	Upslope	75	BAL – LOW
C	Class B Woodland	Upslope	275	BAL – LOW
D	Class G Grassland	Upslope	274	BAL – LOW
E	Class A - Forest	Upslope	407	BAL – LOW
F	Class G Grassland	Upslope	257	BAL – LOW
G	Class B Woodland	Upslope	287	BAL – LOW
H	Class G Grassland	Upslope	264	BAL – LOW
I	Class B Woodland	0-5 downslope	228	BAL – LOW
J	Class G Grassland	0-5 downslope	17	BAL – 19
K	Excludable – Clause 2.2.3.2(f)	N/A	N/A	BAL – LOW
L	Class G Grassland	Flat	85	BAL – LOW
M	Class G Grassland	0-5 downslope	15	BAL – 19



The following table demonstrates the potential radiant heat level (on the basis of the above) in relation to the proposed chalets:

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
A	Class A - Forest	Upslope	250	BAL – LOW
B	Class G Grassland	Upslope	46	BAL – 12.5
C	Class B Woodland	Upslope	76	BAL – 12.5
D	Class G Grassland	Upslope	77	BAL – LOW
E	Class A - Forest	Upslope	407	BAL – LOW
F	Class G Grassland	Upslope	290	BAL – LOW
G	Class B Woodland	Upslope	365	BAL – LOW
H	Class G Grassland	Upslope	348	BAL – LOW
I	Class B Woodland	0-5 downslope	389	BAL – LOW
J	Class G Grassland	0-5 downslope	30	BAL – 12.5
K	Excludable – Clause 2.2.3.2(f)	N/A	N/A	BAL – LOW
L	Class G Grassland	Flat	15	BAL – 19
M	Class G Grassland	0-5 downslope	54	BAL – LOW

3.1.2 Determined Bushfire Attack Level (BAL)

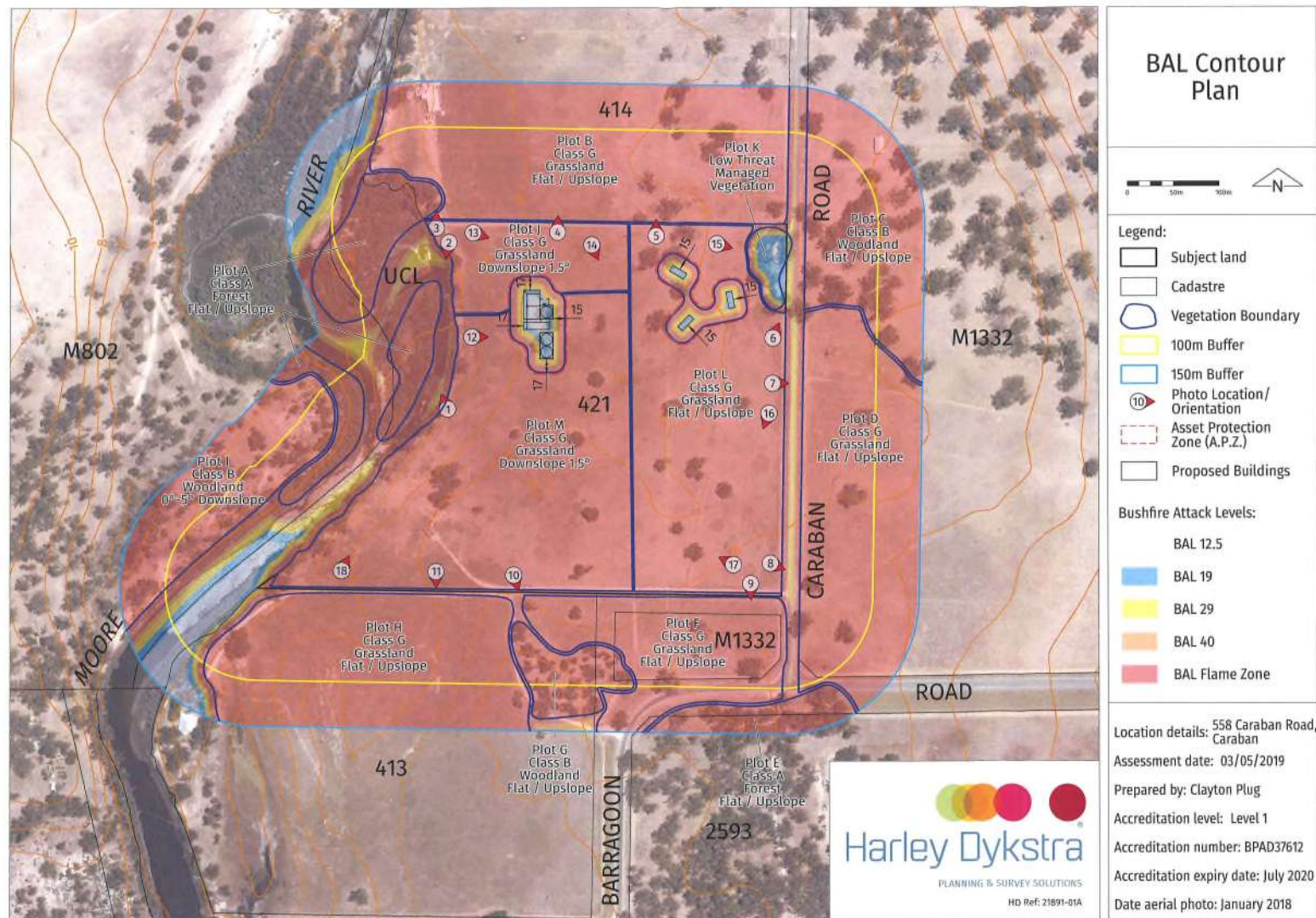
The Determined Bushfire Attack Level (highest BAL) for both the restaurant and the chalets has been determined in accordance with clause 2.2.6 of AS 3959-2018 using the above analysis.

DETERMINED BUSHFIRE ATTACK LEVEL	BAL – 19
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A Bushfire Attack Level (BAL) Contour Map was produced using the Fire Danger index that has been determined in accordance with the applicable standard for Western Australian Municipalities (FDI 80), which is the standard found in Table 2.1 of AS 3959-2018. The BAL Contour Map, contained below, demonstrates the existing (post-development) potential radiant heat impact over the subject site.

The BAL Contour Map indicates that the proposed development will occur in an area that is subject to potential radiant heat levels of BAL 29 or less.

Because, however, the proposed development is subject to a potential radiant heat level of greater than BAL Low, the following sections address the criteria listed in Appendix 4 of the Guidelines associated with SPP 3.7 – Planning in Bushfire Prone Areas.





4 BUSHFIRE REGULATION COMPLIANCE

State Planning Policy 3.7 provides a number of objectives that it seeks to achieve, with its primary purpose being to “implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure”. This overall objective is manifested in a number of policy objectives that seek to implement the purpose of the policy. These objectives provide general statements of intent, and their practical rationalisation is developed in Appendix 4 of the guidelines associated with SPP 3.7 (the *Guidelines*) under the heading Bushfire Protection Criteria. Appendix 4 provides four different elements that are to be complied with. The following section will, therefore, demonstrate compliance with these elements.

4.1 Bushfire Protection Criteria

ELEMENT	ACCEPTABLE SOLUTION	COMPLIANCE	NOTES
LOCATION	A1.1 Development.	Yes	<p>There is sufficient area, as demonstrated on the BAL Contour Map, which ensures the proposed development can be constructed in an area with a BAL Rating of less than BAL 40.</p> <p>This will be ensured in perpetuity by the management of an appropriately sized Asset Protection Zone (APZ) around the proposed development.</p> <p>Any vegetation planted within an APZ will need to comply with the definition of low threat vegetation, as described within <i>Australian Standard 3959-2018</i> (or subsequent versions) or in accordance with the APZ standards defined in the Shire of Gingin Annual Firebreak notice, which is attached at Appendix A.</p>
SITING OF DEVELOPMENT	A2.1 Asset Protection Zone (APZ):	Yes	A 20m wide APZ will be established around the proposed restaurant and proposed chalets to ensure compliance with A 2.1. It is depicted on the BAL Contour Map, provided above, and must be maintained in accordance with the APZ requirements listed in Appendix A of this management plan.
VEHICULAR ACCESS	A3.1 Two Access Routes:	Yes	The site has frontage to Caraban Road, which provides access and egress in two different directions (north and south) to Barragoon Road and Indian Ocean Drive.
	A3.2 Public Road	N/A	No new public roads are proposed.
	A3.3 Cul-de-Sac	N/A	N/A (refer to A3.2)
	A3.4 Battle-axe:	N/A	No battle-axe driveways have been proposed.
	A3.5 Private Driveways longer than 50m	Yes	The proposed private driveway will comply with the requirements of Table 6 , which is



ELEMENT	ACCEPTABLE SOLUTION	COMPLIANCE	NOTES
			contained with the guidelines to SPP 3.7 and is depicted in Figure 3 (overleaf).
	A3.6 Emergency Access Way	N/A	Not Emergency Access Ways are required.
	A3.7 Fire Service Access Routes	N/A	No fire service access routes are required
	A3.8 Firebreak Widths	Yes	Compliance with the annual Shire of Gingin Fire Break Notice will be required, ensuring that firebreaks are installed at the subject site, as they currently are.
WATER	A4.1 Reticulated Areas	N/A	There is no reticulated water available to the site.
	A4.2 Non-Reticulated Areas	Yes	The proposed development will be serviced by a number of water tanks, with one of these being a dedicated 50,000L firefighting supply. It will be fitted with one (1) stainless steel 50mm female Camlock fitting and one stainless steel 65mm standard female BIC fitting.
	A4.3 Individual lots with Non-reticulated areas	N/A	No subdivision is proposed as a part of this development.

TABLE 1 – ASSESSMENT AGAINST BUSHFIRE PROTECTION CRITERIA

Table 6: Vehicular access technical requirements

TECHNICAL REQUIREMENTS	1 Public road	2 Cul-de-sac	3 Private driveway	4 Emergency access way	5 Fire service access routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	N/A	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum crossfall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5
*Refer to E3.2 Public roads: Trafficable surface					

FIGURE 3: TABLE 6 - APPENDIX 4 OF GUIDELINES TO SPP 3.7



5 IMPLEMENTATION AND ENFORCEMENT

This section sets out the responsibilities of the developer/s, landowner/s and local government with regards to the initial implementation and ongoing maintenance of the required actions.

LANDOWNER/DEVELOPER – PRIOR TO OCCUPANCY	
No.	IMPLEMENTATION ACTION
1	Development to be constructed in accordance with the Building Code, including to standards set out in AS3959/2018, where required.
2	The proposed private driveways constructed in accordance with the requirements of Table 6 (above) in relation to the Private Driveway specifications.
3	Asset Protection Zone/s to be established in accordance with the requirements listed in Appendix A, below.
4	Vegetation within the area defined as Plot K (on the BAL Contour Map) shall be amended to ensure that all understory, grasses above 100mm in height and branches within 2m of the ground level are removed.
5	Install sufficient 50,000L water supply for firefighting purposes. The tank should be provided with one (1) stainless steel 50mm female Camlock fitting and one stainless steel 65mm standard female BIC fitting.

LANDOWNER/OCCUPIER - ONGOING	
No.	MANAGEMENT ACTION
1	Comply with the relevant Shire of Gingin annual fire break notice issued under s33 of the Bush Fires Act 1954.
2	Continued maintenance of the APZ's and Plot K to the standard defined in implementations actions 3 & 4 (within the table above).
2	Maintain private driveway routes within the Lot to the required surface condition and clearances noted in SPP 3.7 – Planning in Bushfire Prone Areas.
3	Maintain the emergency water supply tank and its associated fittings and vehicular access in good working condition.

LOCAL GOVERNMENT – ONGOING MANAGEMENT	
No.	MANAGEMENT ACTION
1	Continual maintenance of the existing road surface.



6 CONCLUSION

The Bushfire Management Plan for the proposed development at Lot 421 Caraban Road, Caraban has been prepared in accordance with *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*. In doing so, compliance with the various policy measures, and in particular those contained in Appendix 4 of the associated Guidelines, has been demonstrated. The proposed development is adequately serviced by existing and proposed road frontages that have the ultimate ability to provide connection to more than one destination point, it can be constructed in an area subject to potential radiant heat levels of BAL 29 or less, and will have a designated firefighting water supply.

On this basis, it is respectfully requested that compliance with the relevant bushfire regulations be certified. If any further information or clarification is required, please do not hesitate to contact this office.



APPENDIX A

SHIRE OF GINGIN ANNUAL FIREBREAK NOTICE (2019-20)

APPENDIX 3

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED MICRO-BREWERY, RESTAURANT AND CHALETS - AT LOT 421 CARABAN ROAD, CARABAN

No	Submitter	Submission Detail	Applicants response	Recommended response
1.	Submitter	<p>The submitter supports the proposal and makes the following general comment:</p> <p><i>"I am taking the opportunity to comment on the above proposed development at Moore River after reviewing the proposal package on your web site.</i></p> <p><i>As a frequent tourist to the region, I personally find this kind of development an absolute bonus for the area as nothing like this exists in the region.</i></p> <p><i>Stopping in for a cool drink or an overnight stay would be a huge attraction when visiting the area.</i></p> <p><i>It has my full support, well done."</i></p>	Noted	Noted
2.	Submitter	<p>The submitter supports the proposal and makes the following general comment:</p> <p><i>"Progress is heading North of the city so I couldn't think of a better project for an expanding area. There is nothing like it in any other close proximity and should be a popular destination for a lot of people. Great idea!!"</i></p>	Noted	Noted
3.	Submitter	<p>The submitter supports the proposal and makes the following general comment:</p> <p><i>"Our property is two blocks up from the proposed development as indicated from the</i></p>	Noted	Noted

		<i>above address. We believe this is what the area needs to create employment and encourage tourism. What a wonderful location on the banks of the Moore river. We offer our full support and look forward to the project moving ahead."</i>		
4.	Submitter	<p>The submitter supports the proposal and makes the following general comment:</p> <p><i>"We support the proposal in full, and believe it will be an important project to boost economic productivity in the Moore River South area."</i></p>	Noted	Noted
5.	Submitter	<p>The submitter provides the following general comments:</p> <p><i>"As the owners of the adjoin property at, we submit for your consideration our owner/stakeholder comments.</i></p> <p><i>Though generally supportive of the proposal, we wish to comment on the following to ensure the quit enjoyment of our property is maintained.</i></p> <p><i>1) Due to anticipated traffic on the entry approach to the property including limousines, cars, bikes and busses, (and considering that our access gate adjoins at the dividing fence) we are concerned that our access may be impeded during periods of high traffic levels. Consideration should be given to increasing the width of the crossover and driveway to ensure safe egress and access to the property. This</i></p>	<p>Noted</p> <p>Traffic & Access The Applicant is happy to accept a condition of approval requiring a detailed plan for the crossover to be prepared in accordance with the Shire's engineers recommendations.</p>	<p>1. Noted. The proposed 6 metre wide crossover is considered to be adequate to provide safe access and egress to the property. An appropriate condition has been recommended to be imposed.</p>

	<p><i>should be addressed at the planning stage to ensure that we will not be adversely affected.</i></p> <p><i>2) As the driveway to the facility is along the boundary of our property, we request that screening trees be planted along the entire length of the boundary dividing fence to screen the traffic, the accommodation units and the main building.</i></p> <p><i>3) The building, setbacks and orientation are not to change unless they move away from our boundary, and no additional facilities or structures are to be constructed without the consent of the owners of Lo 414 Caraban Road.</i></p> <p><i>4) The existing boundary fence has recently has been replaced and any upgrade/extension would require our approval, and if agreed any upgrade/extension would be at the applicants cost.</i></p> <p><i>5) The quiet enjoyment of our property should not be impacted by undue noise from the venue,</i></p>	<p>Boundary Treatments The Applicant agrees with boundary vegetation being planted along the northern site boundary, as generally reflected in the amended development plans.</p> <p>Building Layout Any changes to the siting of the building would be required to be approved by the Shire of Gingin.</p> <p>Fencing Noted. It is not anticipated that any additional fencing would be required in addition to screening trees.</p> <p>Noise Noted. The operation on site will be subject to a detailed noise management plan,</p>	<p>2. Noted and supported. An appropriate condition is recommended to be imposed requesting a Landscaping Plan be lodged, endorsed and implemented with particular consideration given to the norther boundary of the subject property.</p> <p>3. Noted. Any amendment to an approved plan will require development approval. The appropriate process will be undertaken if and when this occurs. It is noted that the development comfortable satisfies the setback provisions outlined under LPS 9. It should be noted that building orientation within a site is not at the authorisation of an adjoin landowner, however comments may be sought if required.</p> <p>4. Not supported. This is a civil matter that the Shire is not a party to. Please refer to the <i>Dividing Fences Act 1961</i>;</p> <p>5. Noted and supported. All noise from the operation and associated equipment is required to comply with the <i>Environmental Protection</i></p>
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	<p><i>including exhaust fan systems, air conditioning units, pumps, music, fireworks etc.</i></p> <p>6) <i>Speed bumps should be installed to limit the speed of vehicles entering and leaving the venue.</i></p> <p>7) <i>All venue, accommodation and parking lighting should be subdued, and all in a downward direction.</i></p> <p>8) <i>The use of the river by patrons is to be managed by the applicant at all times.</i></p>	<p>designed to ensure the acoustic amenity of neighbouring properties is maintained.</p> <p>Traffic Speed The Applicant considers that traffic controlling signs would be enough to ensure a low speed internal environment, however the Applicant is not opposed to a condition requiring other traffic calming mechanisms within the internal access driveway, if deemed necessary by the Shire's engineers.</p> <p>Lighting All lighting will be required to be designed and operated in accordance with AS 4282-1997 – <i>Control of the Obtrusive Effects of Outdoor Lighting</i>. Details of the lighting fitting will be prepared as part of the detailed design for Building Permit stage.</p> <p>Foreshore Reserve Noted. Formal constructed access to the Moore River is not contemplated as part of</p>	<p><i>(Noise) Regulations 1997.</i> Furthermore a Noise Management Plan is recommended as a condition of approval to ensure adherence to the noise regulations and outline mitigation measures.</p> <p>6. Request comments from Allister</p> <p>7. Refer to applicant's response. Furthermore, the development is requested to adopt the International Dark-Sky Association's LED Practical Guide for lighting in consideration of the nearby Gravity Discovery Centre's need to enjoy a dark sky reserve.</p> <p>8. Noted. The officer is of the view that a Foreshore Management Plan is</p>
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		<p>this application. It is proposed that pedestrian and kayak access to the river banks would be available (unfenced), and the landowner would continue to manage the river environs as previously (mowing etc).</p> <p>Odour All odour producing activities will be subject to provisions set out by both the Shire and Department of Health standards to ensure no negative impacts are produced by the development.</p> <p>Fire Management The facility can be required to adhere to a Bushfire Emergency Evacuation Plan, prepared by a suitably qualified consultant. Further, the facility will be required to be managed in perpetuity with the approved Bushfire Management Plan.</p> <p>Signage The Applicant is happy to accept a condition of approval requiring signage advising patrons of the site boundaries.</p>	<p>required to be prepared and implemented by the proponent to protect and preserve the Moore River foreshore. An appropriate condition is recommended.</p> <p>9. Noted. Refer to applicant's response.</p> <p>10. The proponent has submitted a Bushfire Management Plan in accordance with State Planning Policy 3.7. Furthermore, an Emergency Evacuation Plan (EEP) is requested as a condition of approval.</p> <p>11. The provision of a dividing fence is deemed to be sufficient to avoid trespassing. The proponent is able to proactively advise guests of property boundaries via signage if they so choose.</p>
	<p>9) <i>Filter systems for cooking and septic systems installed to contain any foul smells.</i></p> <p>10) <i>A fire management plan developed to ensure protection of our property at all times from unintended fire consequences from the development, including smoking policy.</i></p> <p>11) <i>Boundary and private property signs are installed to prevent patrons from entering our property.</i></p>		

		<p>12) <i>The restriction/containment of dogs entering the venue to ensure they do not enter onto our property.</i></p> <p>13) <i>All waste and rubbish to be contained within the site including a bulk purpose built storage facility to ensure that rubbish is not blown into our property.</i></p> <p>14) <i>Strict supervision of all patrons including the vetting of undesirable society elements."</i></p>	<p>Dogs In addition to the brewery site being fenced to two sides (north and east), patrons will be advised that dogs are only permitted when on leash.</p> <p>Waste Noted. The Applicant is happy to accept a condition of approval requiring a Waste Management Plan if required.</p> <p>Unsocial Behaviour It will be a condition of approval and maintenance of a liquor license that all staff be trained with Responsible Service of Alcohol certification, which will strictly monitor and control patron behaviour where necessary</p>	<p>12. Not supported. The officer is of the view that this is not within the scope of planning controls.</p> <p>13. Noted. The development plans provide an area dedicated to waste collection (i.e. rubbish) within the service area which is screened from view and considered to be adequate.</p> <p>14. Noted. The officer is of the view that this aspect is appropriately managed by the Department of Racing, Gaming and Liquor through the issuing of a liquor license.</p>
6.	Submitter	<p>The submitter supports the proposal and makes the following general comment:</p> <p><i>"Have inspected the document an comment as follows:</i></p> <p><i>I am the closest ratepayer who is a permanent resident to this proposed development. I have no objection in any regard to this proposal. I believe the development will provide the local community with a sorely needed facility and will enhance the Shire's tourist appeal. I believe the development will be sympathetic to the location</i></p>	Noted	Noted

		<p>and the operator will be attentive to the environment and the impact on neighbours.</p> <p>The proponent is a great great grandson of Daniel King who built and operated the Old Junction Hotel at Neergabby over 140 years ago. The land on which the development will be built was purchased by Daniel King in the 1860's. I think it is a marvellous continuity and reflects historical aspects of the early pioneer families in the district and the contribution their families continue to make in the district.</p> <p>I have only heard positive comments within the local community and have had enthusiastic comments from the people in the city who are familiar with the area and who are excited about the potential of the Shire giving approval to the development. The area of river is unique to the Shire and this proposal will enhance the Shire's efforts to promote local tourism."</p>		
7.		<p>The submitter supports the proposal and makes the following general comment:</p> <p>"Great idea! More modern infrastructure is required in the Shire of Gingin. It is a no-brainer to have a private company develop such a project that will encourage tourism and a venue for locals. Let alone providing employment opportunities for Shire of Gingin residence.</p> <p>One option to be considered - Main Roads to seal the Barragoon Road track between: Indian Ocean Drive and Link Road Woodridge (the</p>	Noted	<p>Noted</p> <p>15. Main Roads Western Australia (MRWA) is not responsible for maintenance or management of Barragoon Road, rather the</p>

		<i>continuation of Barragoon Road which is already bitumen --- Link Road to Caraban Road).</i> "		Shire of Gingin. This portion of unconstructed road reserve is not scheduled to be sealed or constructed.
8.	Submitter	<p>The submitter supports the proposal and makes the following general comment:</p> <p><i>"The Woodridge Community Association Facebook Page conducted an online pool relating to the above proposal. The poll gave the local community the opportunity to Vote and Comment. The title for the Poll on Facebook is as follows:</i></p> <p><i>Proposed Micro-Brewery, Restaurant And Chalet Lot 421 (No.558) Caraban Road, Caraban. Tell us what you think of the proposal? (the poll results are also included as at 1500hr Thursday 5 December 2019)</i></p> <p><i>VOTE = Great idea =133 votes supporting the proposal</i></p> <p><i>VOTE = I don't like it = 9 votes against the proposal</i></p>		<p>16. Noted. The Shire of Gingin is responsible for undertaking community consultation in accordance with Clause 64 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. The information provided on a social media platform by a third party and the vetting process for polling is unable to be validated by the officer and therefore the result unable to be confirmed/endorsed as accurate.</p>

9.	DFES	Please refer to scanned document.		17. Noted. Relevant concerns have been addressed via submission of an amended BMP. Furthermore, an Emergency Evacuation Plan (EEP) is requested as a condition of approval.
10	The Lower Moore River Working Group	<p>The submitter makes the following general comment:</p> <p><i>"We have just recently become aware of this proposal and am surprised that the Shire had not advised the Lower Moore River Working Group Inc. of this potential development.</i></p> <p><i>The Guilderton Community Association originally had developed a River Action Plan and this was endorsed by the Shire in</i></p>		Noted. Refer to response 8 above.

	<p><i>November 2000. Multiple copies were provided to the Shire.</i></p> <p><i>The Lower Moore River Working Group Inc. assumed the responsibility for implementation of the Action Plan in 2002 and have worked on a number of projects with the Shire.</i></p> <p><i>This proposal directly impacts on the River Action Plan and should be considered in its context.</i></p> <p><i>The LMRWG Inc. is generally supportive of the proposal but believes that insufficient attention has been paid the potential impact this venture will have on the river banks and foreshore. We would like to see the Shire require a River Foreshore Management Plan developed as part of the approval process. A well thought out plan and its implementation can overcome problems that will otherwise arise.</i></p> <p><i>We suggest the proponent be invited to discuss the development of the plan with the LMRWG Inc.</i></p> <p><i>For your consideration."</i></p>		
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Our Ref: D12292
Your Ref: BLD/7018

James Bayliss
Shire of Gingin
mail@gingin.wa.gov.au

Dear Mr Bayliss

RE: VULNERABLE LAND USE - LOT 421 CARABAN ROAD, CARABAN - PROPOSED MICRO-BREWERY, RESTAURANT AND THREE CHALETs - DEVELOPMENT APPLICATION

I refer to your email dated 14 November 2019 regarding the submission of a Bushfire Management Plan (BMP) (Version B), prepared by Harley Dykstra and dated 7 November 2019, for the above development application.

It should be noted that this advice relates only to *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.

Assessment

- Tourism land uses are considered a vulnerable land use and should comply with the provisions of SPP 3.7. Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors may be unfamiliar with bushfire impacts and their surroundings.
- The current provisions of SPP 3.7 do not provide for tourism land uses to be considered differently to any other vulnerable land use and, as such, DFES have assessed the proposal against SPP 3.7 and the Guidelines.
- It is recognised that full compliance with SPP 3.7 and the bushfire protection criteria in the Guidelines cannot always be met for tourism proposals as many are intrinsically linked to the natural landscape values of an area and/or the remoteness of the location, resulting in insufficient separation distances from bushfire hazards or the omission of safe secondary access and egress.
- Consequently, and in accordance with our advisory role, DFES have highlighted in the assessment below the residual bushfire risks associated with the tourism development and compliance with the bushfire protection criteria to aid decision making.

1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map

Issue	Assessment	Action
Vegetation classification	Evidence to support the exclusion of Plot K as managed to low threat in accordance with AS 3959 is required. An enforceable mechanism is required to provide certainty that the proposed management measures can be achieved in perpetuity.	Modification required. If unsubstantiated, the vegetation classification should be revised to apply the worst-case scenario as per AS 3959, or the resultant BAL ratings may be inaccurate.
BAL Contour Map	<p>A BAL Contour Map is required to be prepared in accordance with the methodology detailed in Appendix Three of the Guidelines.</p> <p>The BAL Contour map cannot be validated, as it has not been prepared in accordance with the requirements of Appendix Three of the Guidelines. The inputs used to determine the BAL contours (i.e. vegetation classification, effective slope, separation distances) should be included in a table format within the Bushfire Management Plan (BMP).</p> <p>The omission of this information has resulted in DFES being unable to understand or verify the bushfire risk.</p>	Modification required.

2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location	<p>A1.1 – not demonstrated</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.</p>	Modification required.
Siting & Design	<p>A 2.1 - not demonstrated</p> <p>The BAL ratings cannot be validated, as the vegetation classification inputs require modification as per the above table.</p> <p>In addition, it is not clear in the BMP how the proposed APZ's relate to the proposed building sites. DFES recommends that the APZ's be spatially represented to identify the hazard separation distances on a revised vegetation classification map. This will improve decision making regarding vegetation management in perpetuity.</p>	Modification required.

Water	<p>A 4.2 – does not comply</p> <p>To comply with Element 4, section 4.1 of the BMP states that <i>“The proposed development will be serviced by 3 large water tanks. One of these will be fitted with the necessary camlock valve to ensure suitable firefighting access to a guaranteed supply of 50,000L”</i>.</p> <p>This is not supported as DFES requires a water tank which is dedicated for use by fire fighters. Further, the location of the tank is not specified in the BMP.</p> <p>The acceptable solution is for a dedicated tank to be installed for firefighting purposes for the following reasons:</p> <ul style="list-style-type: none"> • In the event of an emergency incident firefighters may drain the entire tank in suppression efforts. Until the tank is refilled occupants cannot return to their premises. • When a tank, used mainly for domestic purposes, is entirely emptied the sediment at the bottom of the tank may be disturbed when re-filling which can make the water unpotable. • There is no guarantee that the tank will have the required reserve of water as this is at the discretion of the land owner. <p>It should be noted that the volume of water required may increase due to the scale of the development and number of structures on site. DFES will be able to provide further advice on compliance with water requirements once detailed designs are provided at the Building Permit stage.</p>	Modification required. Please demonstrate compliance.
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3. Policy Measure 6.6.1 Vulnerable land uses

Issue	Assessment	Action
Bushfire Emergency Evacuation Plan (EEP)	<p>The referral has not included a “Bushfire Emergency Evacuation Plan” (EEP). Section 6.6 of SPP 3.7 states that “development applications should include an emergency evacuation plan”.</p> <p>Consideration should be given to the Guidelines Section 5.5.2 ‘Developing a Bushfire Emergency Evacuation Plan’. This contains detail in regard to what an EEP should include and will ensure the appropriate content is detailed when finalising the EEP to the satisfaction of the decision maker.</p>	Comment.

Advice – modification required

It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The BMP requires modification for the following reasons:

1. The development design has not demonstrated compliance to Element 1: Location, Element 2: Siting and Design or Element 4: Water.

If you require further information, please contact Craig Scott, Senior Land Use Planning Officer on telephone number 6551 4032.

Yours sincerely



Ron de Blank
DIRECTOR LAND USE PLANNING

20 December 2019

11.3.3 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL - SITE WORKS (FILL) ON LOT 305 PINDARI PLACE, KARAKIN

File:	BLD/7004
Applicant:	Michael and Jenny McCabe
Location:	Lot 305 Pindari Place, Karakin
Owner:	Michael and Jenny McCabe
Zoning:	Rural Living
WAPC No:	NA
Author:	James Bayliss – Acting Manager Statutory Planning
Reporting Officer:	Bob Kelly – Executive Manager of Regulatory and Development Services
Report Date:	18 February 2020
Refer:	Nil
Appendices	1. Location Plan and Applicant's Proposal 2. Site Classification Report and Further Information

DISCLOSURES OF INTEREST

Nil

PURPOSE

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

BACKGROUND

The Shire received an enquiry in November 2018 as to whether or not the required approvals had been obtained for the subject property to receive truck deliveries of construction and demolition rubble, which was being used to raise the level of land. The subsequent compliance investigation revealed several deliveries of construction and demolition waste had in fact been placed on and spread over the property.

The landowner seeks retrospective approval for the material as site works (fill) to accommodate a single house which is currently pending assessment with the planning department as a separate application.

The existing fill disposed of on the subject property consists of various rubble, mixed soil, and waste (bricks, limestone blocks, concrete footing, pvc piping, disused pool liners, green waste). The officer is of the view that the material is appropriately categorised as 'Landfill' and as such is unable to be supported.

While it is difficult to establish the amount of fill taken to the property, based on the site levels indicated on the feature survey, the officer calculates that the natural ground level has been altered by up to 2 metres along the southern and western portion of filled area.

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

A copy of the 'Site and Soil Classification report prepared by a qualified civil engineer and subsequent email providing further comments are attached as **Appendix 2**.

COMMENT

Community Consultation

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

It should be noted that this matter was brought to the Shire's attention via a member of the public.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

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

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

The proposal is considered to be consistent with the definition of a 'Landfill Site' as defined in Schedule 1 of LPS9 which states:

"Landfill site means land where waste including Landfill Class I to V as defined within the Department of Environmental Protection (Department of Environment and Conservation) document titled Landfill Waste Classification and Waste Definitions 1996 (as amended) is stored, processed, recycled or buried."

The use class 'Landfill Site' is an 'X' use which means a use that is not permitted by the Scheme. Note 4 under clause 3.3.3 states:

"The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme."

The material present on the property is considered to be 'inert waste (type 1)' which includes construction and demolition waste (C&D waste) which is defined under the 'Landfill Waste Classification and Waste Definitions (December 2019)' as:

"Materials in the waste stream which arise from construction, refurbishment or demolition activities".

It should be noted that 'clean fill' is defined as:

"means raw excavated natural material such as clay, gravel, sand, soil or rock fines that:

- (a) has been excavated or removed from the earth in areas that have not been subject to potentially contaminating land uses¹ including industrial, commercial, mining or intensive agricultural activities; and*
- (b) has not been processed except for the purposes of: i. achieving desired particle size distribution; and/or ii. removing naturally occurring organic materials such as roots; and*
- (c) does not contain any acid sulphate soil; and*
- (d) does not contain any other type of waste."*

The appropriate material for site works of this nature is clean fill, however the material onsite is not considered to satisfy the abovementioned standards.

Zone Specific Development Standards

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

4.8.5.7 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 existing fill has been placed on the property up to an estimated 2 metres in height along the southern and western portion of the site works area. The fill should be considered in the context that the property may accommodate a dwelling on-top of the site works, as this is the proponent's intention with an assessment currently pending. The fill height with a single storey dwelling is not anticipated to cause any significant impact on the landscape amenity, however this position would be different in the event a double storey dwelling was erected as it is likely to exceed the permitted building height from natural ground level under the R-Codes.

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

(zb) any other planning consideration the local government considers appropriate.

Officer Comment

In this instance, the officer is of the view that a relevant consideration to whether or not the material in its current form is fit for purpose as a foundation for a dwelling. The Shire is in receipt of a Site Classification Report prepared by a civil engineer. The report provides a site classification of 'A' which is generally acceptable.

However, the boreholes drilled to establish the soil profile has returned a 'refusal' on four of the five holes drilled. This signifies that the drill was being obstructed by an object and could not go any deeper. Administration sought clarification from the engineer, who upon becoming aware of the material placed on the property, altered their site classification to 'P' which requires significant remedial works to remove all deleterious material. The drill hole is assumed to have been obstructed by buried material which is consistent with the officers' onsite observations or waste having been buried.

Internal review by the Shire's Building Department indicates that a building permit is unable to be supported based on the landfill being placed on the property and the subsequent site and soil classification.

Clause 65 of the deemed provisions does provide for local government to consider retrospective applications for development approval in accordance with the provisions of Part 7 and Part 9 as applied to proposed development.

Further Comments

It is noted that the proponent has advised that the material can be 'raked' to remove the deleterious material and an amended site classification provided. The officer is of the view that all landfill that has been placed on the property would require works to remove the deleterious material, however the origin and potential contamination of the leftover material is still unknown. The extent of remedial works that would be required to be undertaken would essentially amount to a refusal of the application.

Even in the event remedial works were able to be undertaken in a way which resulted in an appropriate site classification being provided, this does not in the officer's view reclassify the existing material in its present form from being deemed landfill. In the event Council is of the view that the officer is correct in considering the material as landfill, no discretion can be applied under LPS 9 as outlined under clause 3.3.3 and associated note 4.

Conclusion

As outlined above, the material is consistent with that of landfill and as such is unable to be supported under LPS 9 as the use is not permitted. Furthermore, the material is not fit for purpose as significant and remedial works are required to enable an appropriate site and soil classification capable of accommodating a dwelling.

The officer is of the view that even in the event the material was able to be remedied, the required remedial works would include raking of all unauthorised material down to the existing natural ground level, which would essentially amount to a refusal of the retrospectivity of the development.

As such, it is recommended that the application for retrospective development approval be refused and that a further notice for the removal of the unauthorised landfill be included within the notice of determination to ensure the site is remediated within a reasonable timeframe.

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

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 - 2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION/COUNCIL RESOLUTION****MOVED: Councillor Vis SECONDED: Councillor Rule**

That Council refuse to grant retrospective development approval for the proposed site works (fill) on Lot 305 Pindari Place, Karakin for the following reasons and subject to the following conditions:

1. The material placed on the property is considered to be construction and demolition waste which constitutes 'landfill' as defined under Local Planning Scheme No. 9. Use of the property as a landfill site is an 'X' use, which means that the local government must refuse to approve the unauthorised site works (fill);
2. All landfill material as notated in red ink on the refused plans shall be removed from site within 120 days from the date of this determination. This includes removing the material down to a depth at which point the existing natural ground level intersects the unauthorised landfill to the satisfaction of the Shire of Gingin; and
3. Prior to removing the landfill material, the proponent shall advise the Shire of Gingin in writing which landfill facility the material will be transported to and disposed at.

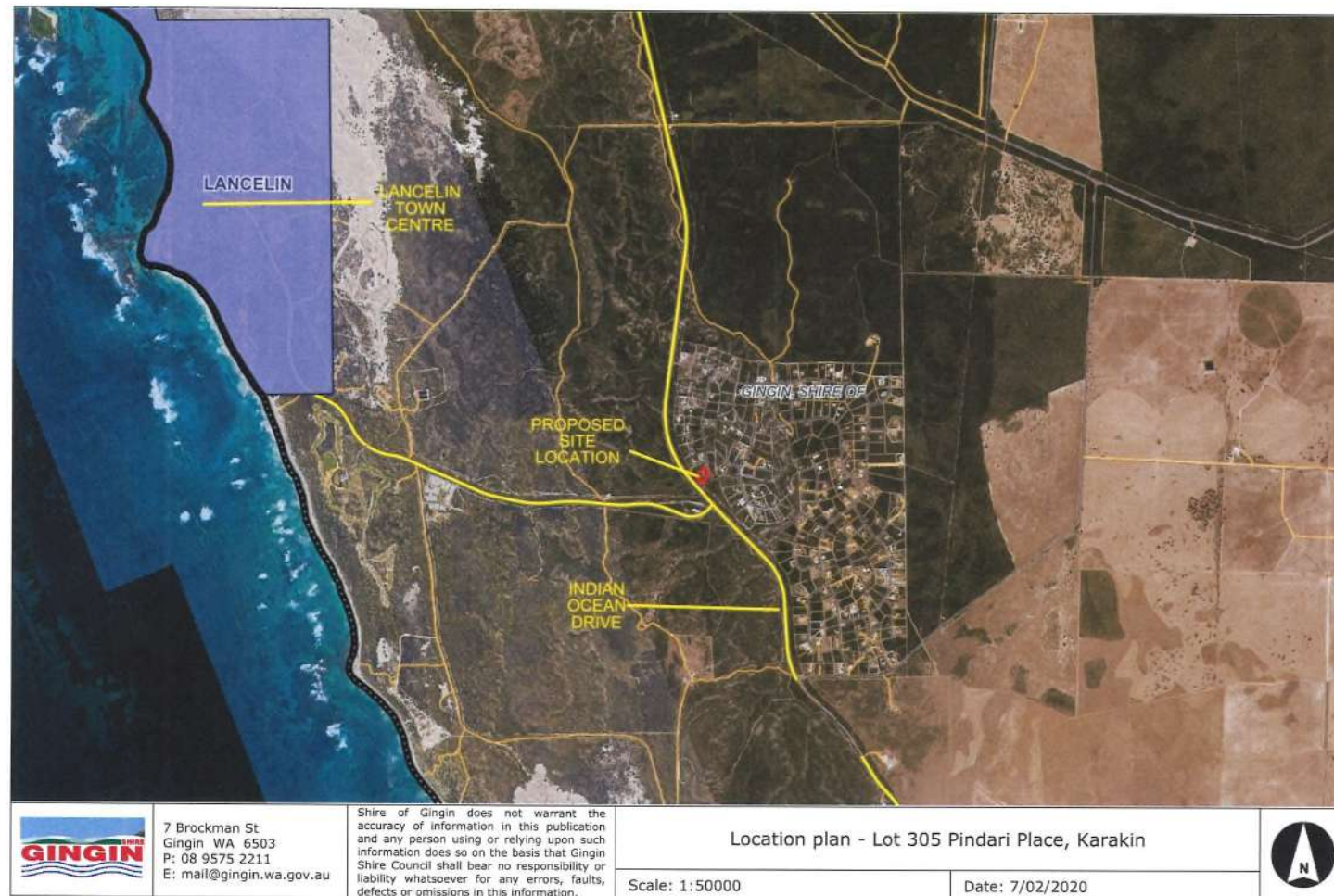
Advice Notes

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

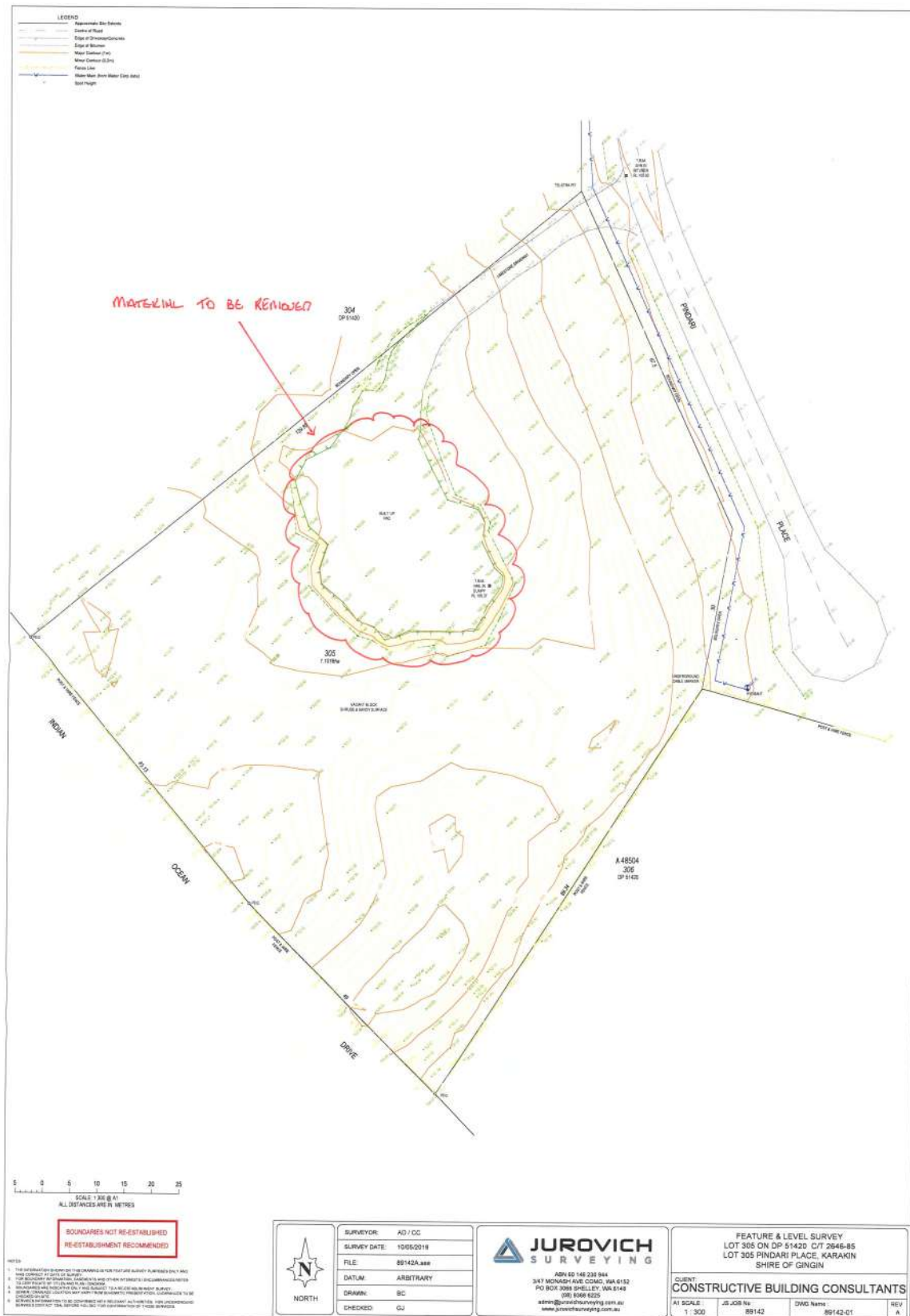
Note 2: Please be advised that an offence under the *Planning and Development Act 2005* can result in a maximum penalty of \$200,000 and a daily penalty of \$25,000 for a continuing offence, with increased penalties for business entities.

CARRIED UNANIMOUSLY

APPENDIX 1







APPENDIX 2



CONSTRUCTIVE BUILDING CONSULTANTS

15 May 2019

Project Number: **C01079**

Project reference: **Lot 305 Pindari Place, Karakin**

Action Sheds
1/55 Erceg Road
Yangebup WA 6164

SITE CLASSIFICATION REPORT Lot 305 Pindari Place, Karakin

Following your request, a representative from this office visited the above-mentioned site on 8 May 2019, for the purpose of producing a site classification report.

Site Classification: A (in accordance with AS2870)

Soil Profile: Borehole locations are indicated on the borehole location sketch (Appendix A). Soil profile as follows:

BH1:	0 - 200mm:	SAND – Well graded, brown, dry, medium dense, with limestone rubble up to 50 mm in size.
	200mm:	REFUSAL
BH2:	0 - 400mm:	SAND – Well graded, brown, dry, medium dense, with limestone rubble up to 50 mm in size.
	400mm:	REFUSAL
BH3:	0 - 200mm:	SAND – Well graded, brown, dry, medium dense, with limestone rubble up to 50 mm in size.
	200mm:	REFUSAL
BH4:	0 - 900mm:	SAND – Well graded, brown, dry, medium dense, with limestone rubble up to 50 mm in size.
	900mm	REFUSAL
BH5:	0 - 300mm:	SAND – Well graded, brown, dry, loose
	300 - 1800mm+:	SAND – well graded, brown and grey, dry, loose.

Wind Classification: N1 (in accordance with AS4055)

Durability Classification: R3 (in accordance with AS3700)

Water Table: Not encountered.

Compaction: Refer to notes included in this report and on the certified footing details.



CONSTRUCTIVE BUILDING CONSULTANTS

15 May 2019

Project Number: **C01079**

Project reference: **Lot 305 Pindari Place, Karakin**

SITE PREPARATION

1. Remove all vegetation and topsoil from the building area.
2. Remove trees or shrubs within 2.5m or a distance equal to the anticipated maximum height of the trees to the building (whichever is greater).
3. Sand fill should be placed in layers not greater than 300mm in loose condition and compacted to achieve Perth Sand Penetrometer (PSP) readings of at least 8 blows over 150 – 450mm, 9 blows over 450 – 750mm, and 10 blows over 750 – 1050mm.
4. Natural sand should be compacted to achieve Perth Sand Penetrometer (PSP) readings of at least 8 blows over 150 – 450mm, 9 blows over 450 – 750mm, and 10 blows over 750 – 1050mm.
5. Proper site drainage is very important. It is recommended that the ground surface immediately next to the perimeter footings be graded away and any site drainage issues be addressed. Should detailed design for drainage be required, please do not hesitate to contact Constructive Building Consultants.
6. The site classification is provided subject to site preparation being in accordance with the provisions of AS3798 – “Guidelines on earthworks for commercial and residential developments”.
7. The recommendations are based on performance as defined in AS2870. Minor foundation movement is to be expected. This can result in cracking up to level 2 damage criteria. This is non-structural cracking.
8. Care will need to be taken when compacting in the vicinity of existing structures to avoid any damage that may occur due to excessive vibrations.



CONSTRUCTIVE BUILDING CONSULTANTS

15 May 2019

Project Number: **C01079**

Project reference: **Lot 305 Pindari Place, Karakin**

LIMITATIONS

1. The field investigation works only concentrated on the planned building area suggested by the client in lieu of the entire lot.
2. Generally, the site investigation involves gathering and assimilating limited facts about the site on a particular location under certain conditions, which are directly related to the test locations only. The ground is a product of continuing natural and synthetic processes. Due to the inherent nature of "natural ground" it is possible that sub-surface conditions will vary over short distances within the site. Achieving full coverage of the site to ensure all variations are investigated is not practical and is seldom done due to cost and time constraints. Any interpretation or recommendation given in this report is based on judgement and experience.
3. This office should be contacted if the site conditions encountered during construction differ from those noted in this report.
4. The recommendations made in this report may need to be reviewed should any site works disturb any soil greater than 200mm below the proposed founding depth.
5. Constructive Building Consultants do not guarantee that this site is free from the risks of flooding or bushfires as further, specific investigation may be required.
6. This report does not assess the potential for landslide, undermining, or aggressive soils.
7. Subject to the limitations of this report as expressed above, Constructive Building Consultants will not accept liability for loss or damage, consequential or otherwise, based on the recommendations of this report, other than for the cost of re-assessment. This site classification assessment should not be considered a comprehensive analysis of the subject site. Should a more detailed geotechnical assessment be required, we can provide such a report.

Should you have any questions regarding this report, please do not hesitate to contact

Constructive Building Consultants.

Regards,

Rowland Pearce
BEng (Civil/Structural) MIEAust
Senior Engineer
Ph: 0406 382 031



CONSTRUCTIVE BUILDING CONSULTANTS

15 May 2019

Project Number: **C01079**

Project reference: **Lot 305 Pindari Place, Karakin**

APPENDIX A

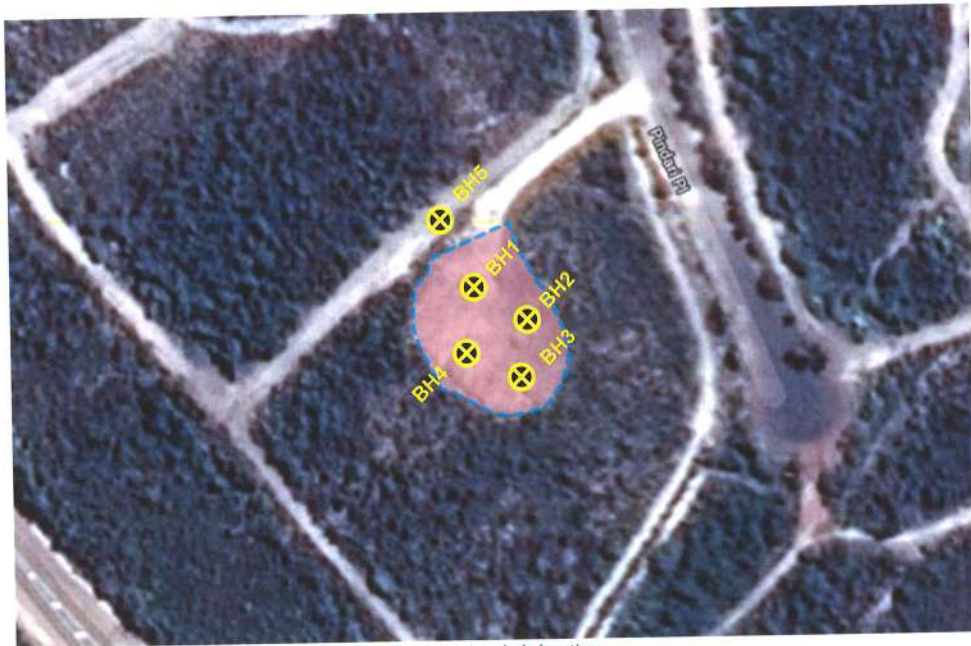


Figure 1 - Borehole locations

 BOREHOLE LOCATION



PROPOSED DEVELOPMENT LOCATION

Alana Martinovich

From: Rowland Pearce <rowland@constructivebc.com.au>
Sent: Thursday, 5 December 2019 9:17 AM
To: James Bayliss
Cc: Caillam Bruyn; Lyndon Barker
Subject: Re: LOT 305 PINDARRI PLACE, KARAKIN

Hi James,

Based on your site investigation and photographs this site should have been given a P class and the deleterious fill will need to be removed and replaced with clean sand fill, which can be sourced from the existing fill but it will likely require additional fill delivered to site depending on the nature and amount of deleterious fill present on site. The technician on site didn't report the deleterious fill, we were only informed of limestone refusal for the boreholes attempted on the fill, and then the only successful borehole was into the natural ground adjacent to the fill, which is what the A class soil classification was based on.

Please let me know if you require any further information.

Kind regards,



ROWLAND PEARCE

Senior Engineer, BEng (Civil/Structural) MIEAust

0406 382 031

Unit 2, 87 Inspiration Drive, Wangara WA



BUILDING CERTIFICATION | STRUCTURAL ENGINEERING | ENERGY EFFICIENCY | DRAFTING

Our office will be closed from 12pm on Thursday the 19th of December, returning on Monday the 6th of January. Wishing you a Merry Christmas, and a Happy New Year!



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or taking any action in reliance on the contents of this information is strictly prohibited. Constructive Building Consultants accepts no liability for any damage or loss caused by the transmission, receipt or opening of this email or any files attached to it.

On Wed, 4 Dec 2019 at 15:15, Caillam Bruyn <caillam@constructivebc.com.au> wrote:

Hey guys.

Does the below information, and attached photos, change our site classification report? Currently we have deemed the site to be Class A.

Kind regards,



CAILLAM BRUYN

Managing Director, BBldgSurv (Hons) AIBS Member #5612

0412 809 256

Unit 2, 87 Inspiration Drive, Wangara WA

✉ | 🌐 | | |

BUILDING CERTIFICATION | STRUCTURAL ENGINEERING | ENERGY EFFICIENCY | DRAFTING

Our office will be closed from 12pm on Thursday the 19th of December, returning on Monday the 6th of January. Wishing you a Mer

11.3.4 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED CHANGE OF USE TO HOLIDAY HOUSE (LARGE) ON LOT 661 (7) HARVEY DRIVE, LEDGE POINT

File:	BLD/7090
Applicant:	Des and Wendy Hughes
Location:	Lot 661 (7) Harvey Drive, Ledge Point
Owner:	Des and Wendy Hughes
Zoning:	Residential R12.5/20
WAPC No:	N/A
Author:	Matthew Tallon - Statutory Planning Officer
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and Development Services
Report Date:	18 February 2020
Refer:	N/A
Appendices	1. Location Plan and Development Plans

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a change of use from 'Single House' to 'Holiday House (Large)' on Lot 661 (7) Harvey Drive, Ledge Point.

BACKGROUND

The subject property is 788m² and currently accommodates a single house, approved by the Shires' Building Department on 22 April 2001. The dwelling contains four bedrooms and two bathrooms.

The proponent seeks approval to change the use of the existing dwelling onsite from a single house to a 'holiday house (large)', which is a separate land use under Local Planning Scheme No. 9. The classification change will enable the landowner to legitimately rent out the dwelling for short-stay accommodation.

At Council's Concept Forum on 8 July 2014, Administration outlined options that are available to local government to regulate this land use, primarily through the preparation and implementation of a local law and or local planning policy, with approvals then being captured under a register. This is a consistent approach adopted by many local governments.

At Council's Concept Forum on 5 May 2015, Administration provided an update with respect to feedback received by ratepayers after a letter initiating the above was sent to all landowners within coastal town sites. From this date forward no further action has been undertaken with respect to the preparation of a local law and/or local planning policy, however a limited register of holiday let accommodation has been recorded.

It should also be noted that from a building perspective, the dwelling requires reclassification from a Class 1A building to a Class 1B building.

A copy of the location plan and development plans are provided as **Appendix 1**.

COMMENT

Community Consultation

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

No submissions were received during the consultation period.

Local Planning Scheme No. 9 (LPS 9)

The objectives of the Residential zone 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 definition of a 'Holiday House (large)' under LPS 9 is as follows:

"means premises conforming to the definition of "Holiday House" with the exception that the premises provide short stay accommodation for more than 6 people but not more than 12 at any one time"

The land is zoned Residential 12.5/20 under LPS 9, for which a 'Holiday House (large)' is a discretionary ('D') use. This means that the use is not permitted unless the local government has excised its discretion by granting development approval.

It is noted that this land use has no development standards under LPS 9 for the officer to consider the proposal against.

Western Australian Planning Commission (WAPC) – Planning Bulletin 99 – Holiday Homes Guidelines

This bulletin sets out the position of the Western Australian Planning Commission (WAPC) in relation to the planning and regulation of holiday homes in Western Australia. The bulletin provides guidance to local governments when dealing with issues associated with holiday homes in the local government planning framework.

The objectives of Planning Bulletin 99 are:

- *To facilitate a consistent, equitable and efficient planning process for the regulation of holiday homes in Western Australia;*
- *To support the tourism industry by the promotion of voluntary accreditation of holiday homes;*
- *To encourage good quality, well managed holiday homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents; and*
- *To support the role of holiday homes as part of the tourism industry.*

The bulletin primarily provides direction for local government to prepare and adopt a Local Planning Policy (LPP) with respect to holiday homes. As a Local Planning Policy has not been created, this assessment refers to the matters for consideration as per the bulletin.

Officer Comments

Development approval for holiday accommodation is required by local government to protect the residential amenity of permanent residents and minimise the negative impacts that may be caused by the transient nature of holiday guests.

While it is acknowledged that the Shire does not have a policy regulating this use, a broad review of local government regulations indicate that amenity issues such as excessive noise and/or anti-social behaviour, demand for car parking, sense of loss of security and poor property appearance and maintenance are matters that should be considered when assessing this form of development. An appropriate mechanism to regulate these issues are through the preparation and implementation of a management plan that outlines the following:

- The control of noise;
- Complaints management procedure, which is to include the provision of the short stay accommodation owner's telephone contact to adjoining neighbours;
- The ongoing maintenance of the premises and all common property areas;
- Security of guests, residents and visitors;
- Control of antisocial behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties;
- Management of Parking.

The requirement for the above matters to be lodged at the time of the proposal should be provided through a local law or local planning policy.

The applicant has strict house rules in order to mitigate any nuisance that could arise from holiday-makers:

- Not suitable for pets;
- No smoking;
- No parties or events;
- Guest numbers are not to exceed 10 people;
- No Motorbikes;
- No Tents, Caravans or Camper Trailers on the property or verge;
- No school leavers or under 25 adult groups;
- Maximum of 3 vehicles; and
- \$500 bond to be paid at time of booking

Administration is of the view that the strict standards set by the owner will suitably control any potential impacts on amenity that would otherwise be noted in a management plan. Compliance with the management statement can be enforced as a condition.

Land Capability

The subject property has the capacity to accommodate the vehicle parking and additional vehicles within the property boundary, so it is anticipated that verge/street parking will not become an issue as a result of the land use.

Summary

Based on the above assessment, the proposal does not contravene any provisions of LPS 9 and is therefore supported.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No. 9

Part 4 – Zones and use of the land

Planning and Development (Local Planning Scheme) Regulation 2015

Clause 67 – Matters to be considered by local government

Planning Bulletin 99 – Holiday houses (WAPC)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 – 2029

Focus Area	<i>Economic Development</i>
Objective	<i>4. To support economic development through the Shire's service delivery</i>
Outcome	<i>4.1 Tourist Playground An internationally acclaimed tourist playground</i>
Key Service Areas	<i>Economic Development & Tourism Infrastructure</i>
Priorities	<i>4.1.1 Support the development of the Shire of Gingin to premier tourist destination for ocean and sand adventures.</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION/COUNCIL RESOLUTION****MOVED: Councillor Johnson SECONDED: Councillor Balcombe**

That Council grant Development Approval for a change of use to holiday house (large) on Lot 661 (7) Harvey Drive, Ledge Point subject to the following conditions:

- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications unless otherwise conditioned by this Approval;**
- 2. This Approval is for a change of use to 'holiday house (large)' only;**
- 3. The development shall comply with the definition of a 'holiday house (large)' as stipulated under Local Planning Scheme No. 9 (as amended);**
- 4. Car parking for the occupants/guests must be contained wholly within the subject property;**
- 5. A code of conduct detailing the expected behaviour and obligations of guests is to be displayed in a prominent location within the premises; and**
- 6. Managing agents/landowner contact details are to be provided to adjoining neighbours.**

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.

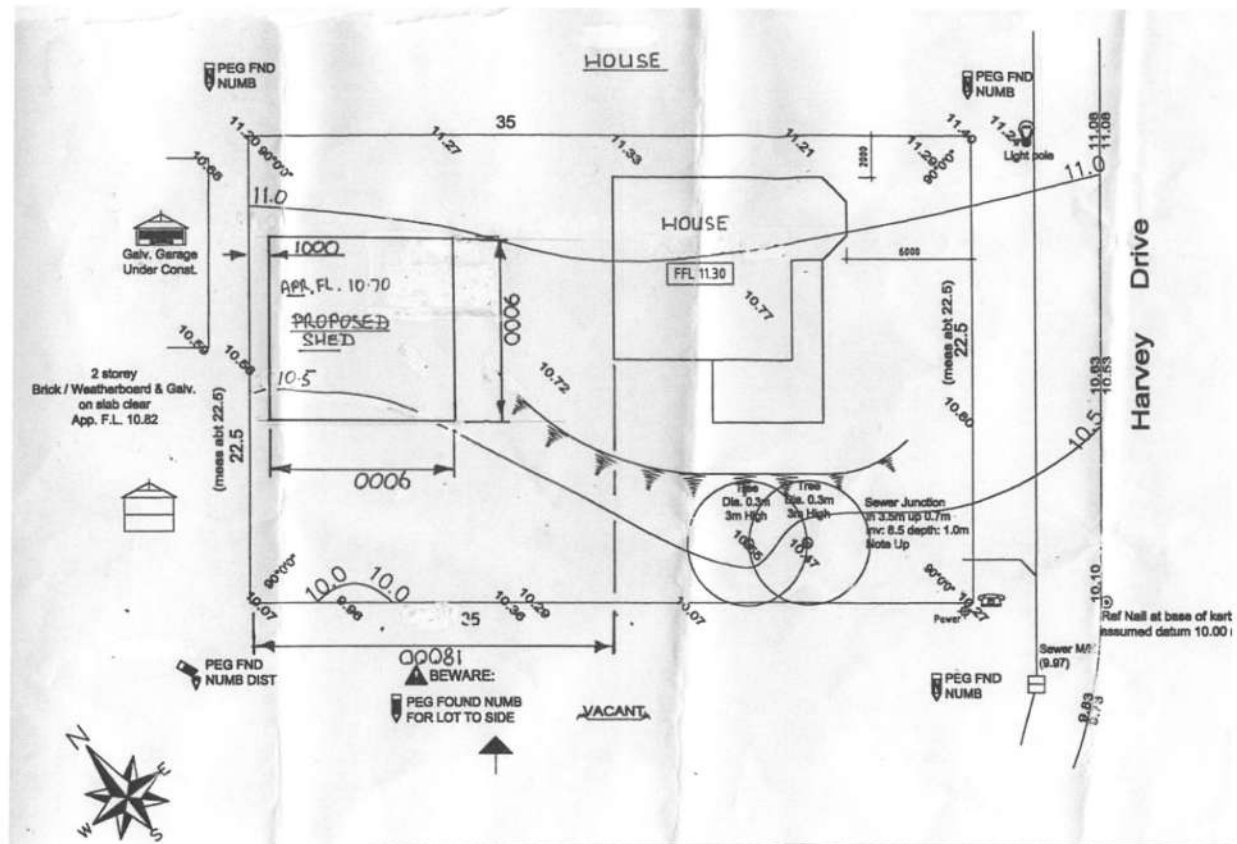
- Note 2:** This approval is not a building permit reclassification or an approval under any law other than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
- Note 3:** Further to this approval, the applicant is required to comply with the *Health Act 2016* and the Shire's *Health Local Law 2017*;
- Note 4:** Where the use is found to be causing a nuisance then Council may rescind the approval granted. Following rescission, no person shall continue to operate the land use unless approval to do so is subsequently granted by the Council.
- Note 5:** This approval does not authorise the display of advertising signage for the approved land use.
- Note 6:** Please be advised that the dwelling will require a reclassification from a Class 1a building to a Class 1B building. Please contact the Shire's building department for further information.

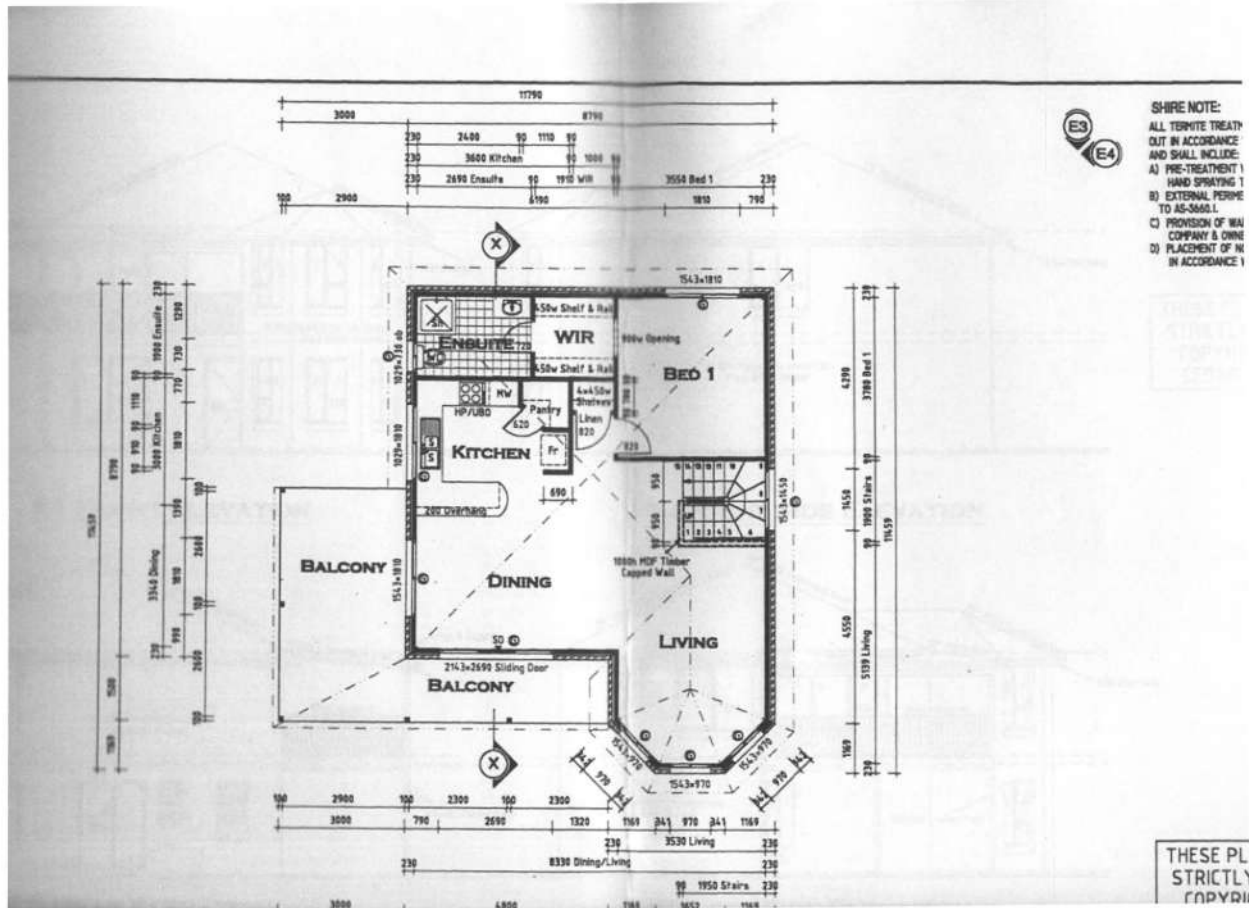
CARRIED UNANIMOUSLY

APPENDIX 1









House Rules as listed for AIRBNB at 7 Harvey Drive, Ledge Point, WA

- Not suitable for pets
- No smoking
- No parties or events
- Guests numbers are not to exceed 10 people
- No bbq's on upstairs balcony
- No Motorbikes
- No Tents, Caravans or Camper Trailers allowed at property
- No school leavers or under 25 adult groups
- Maximum Number of 3 vehicles only
- \$500 Bond to be paid at time of booking

11.3.5 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED STORAGE SHED ON RESERVE 31684 LEDGE POINT COUNTRY CLUB

File:	BLD/6919
Applicant:	Swan Aussie Sheds
Location:	Reserve 31684
Owner:	Crown – Vested to Shire of Gingin – Leased to Ledge Point Country Club
Zoning:	Reserve – Parks and Recreation
WAPC No:	N/A
Author:	Matthew Tallon – Statutory Planning Officer
Reporting Officer:	Bob Kelly –Executive Manager Regulatory and Development Services
Report Date:	18 February 2020
Refer:	Nil
Appendices	1. Location Plan and Applicant's Proposal

DISCLOSURES OF INTEREST

Councillor Morton declared an impartiality interest in this item due to the fact he is a member of the Ledge Point Country Club.

PURPOSE

To consider an application for Development Approval for a storage shed wholly within the area leased to the Ledge Point Country Club on Reserve 31684.

BACKGROUND

The Ledge Point Country Club has a lease arrangement with the Shire of Gingin for a portion of Reserve 31684, allowing the organisation to operate within the Parks and Recreation Reserve notably a facility that is enjoyed by the Ledge Point community.

The leased area contains the Country Club building and a Lawn Bowls facility with an existing storage shed.

Other community uses within the reserve include the Ledge Point Golf Club, Volunteer Fire Brigade Shed, Ledge Point Skate Park / Playground and other public open spaces.

The storage shed consists of the following dimensions:

Length: 6.15m Width: 3m Area: 18.45m ²	Height: 2.5m
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A copy of the Location Plan, Site Plan and lease area are attached as **Appendix 1**.

COMMENT

Community consultation

The development of reserved land does not require public consultation under Local Planning Scheme No. 9 (LPS 9).

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

The subject lot is zoned Local Reserve – Parks and Recreation.

2.5 Use and Development of Local Reserves

2.5.1. A person must not —

- a) use a Local Reserve; or*
- b) commence or carry out development on a Local Reserve, without first having obtained development approval under Part 7 of the deemed provisions.*

2.5.2. In determining an application for development approval the local government is to have due regard to

- a) the matters set out in clause 67 of the deemed provisions; and*
- b) the ultimate purpose intended for the Reserve.*

2.5.3. In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for development approval.

The appropriate land use for the proposal is *Community Purpose* which is defined under LPS 9 as: “*premises used by a legally constituted club or association or other body of persons united by a common interest;*”

In assessing the application, due regard is to be given to clause 67 of the deemed provisions and the intention of the Reserve as per clause 2.5.2 of LPS 9 as listed above. LPS 9 does not prescribe any objectives for the Parks and Recreation reserve, in this regard it is appropriate to apply the objectives prescribed to the reserve type in the model provisions (*Planning and Development (Local Planning Schemes) Regulations 2015*). The objectives of the Parks and Recreation (*Recreational* as listed in the model provisions) reserve are as follows:

- *Public Purposes which specifically provide for a range of public recreational facilities.*

The development of facilities related to a community recreation group is deemed appropriate within the reserve.

The following matters listed under clause 67 of the deemed provisions are considered relevant to the proposal and have been addressed with officer comments accordingly below:

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

Officer Comment

The Ledge Point Country Club has leased part Reserve 31684 from the Shire for a number of years, the objective of the reserve as interpreted within the model provisions is reflective of this proposal.

- j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*

Officer Comment

As noted above, the objective of the reserve is not listed in LPS 9, however under the interpretation of the model provisions; the use of the reserve for a community purpose is considered to be consistent with the objectives of the zone.

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

Officer Comment

The development proposed is simply storage related to the daily operations of the Ledge Point Country Club. The siting of the storage shed is considered acceptable in relation to the existing built form and publically accessible areas.

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. Under guidance from the Western Australian Planning Commissions (WAPC) Planning Bulletin 111/2016, given the structure is not habitable there is no requirement for a BAL assessment.

COMMENT

The development is considered to be consistent with the anticipated use of the Parks and Recreation Reserve as it is associated with the Ledge Point Country Club. It is therefore recommended that the application be approved with appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

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

State Planning Policy 3.7 – Planning for development in Bushfire Prone Areas.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Court **SECONDED:** Councillor Rule

That Council grant Development Approval for a proposed Storage Shed on Reserve 31684 within the Ledge Point Country Club's leased area 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 Storage Shed only as indicated on the approved plans;**
- 3. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;**

4. **The storage shed shall not be used for human habitation or any other industrial or commercial purposes; and**
5. **The finished floor level of the storage shed is to be set at the existing average natural ground level to the satisfaction of the Shire of Gingin.**

Advice Notes

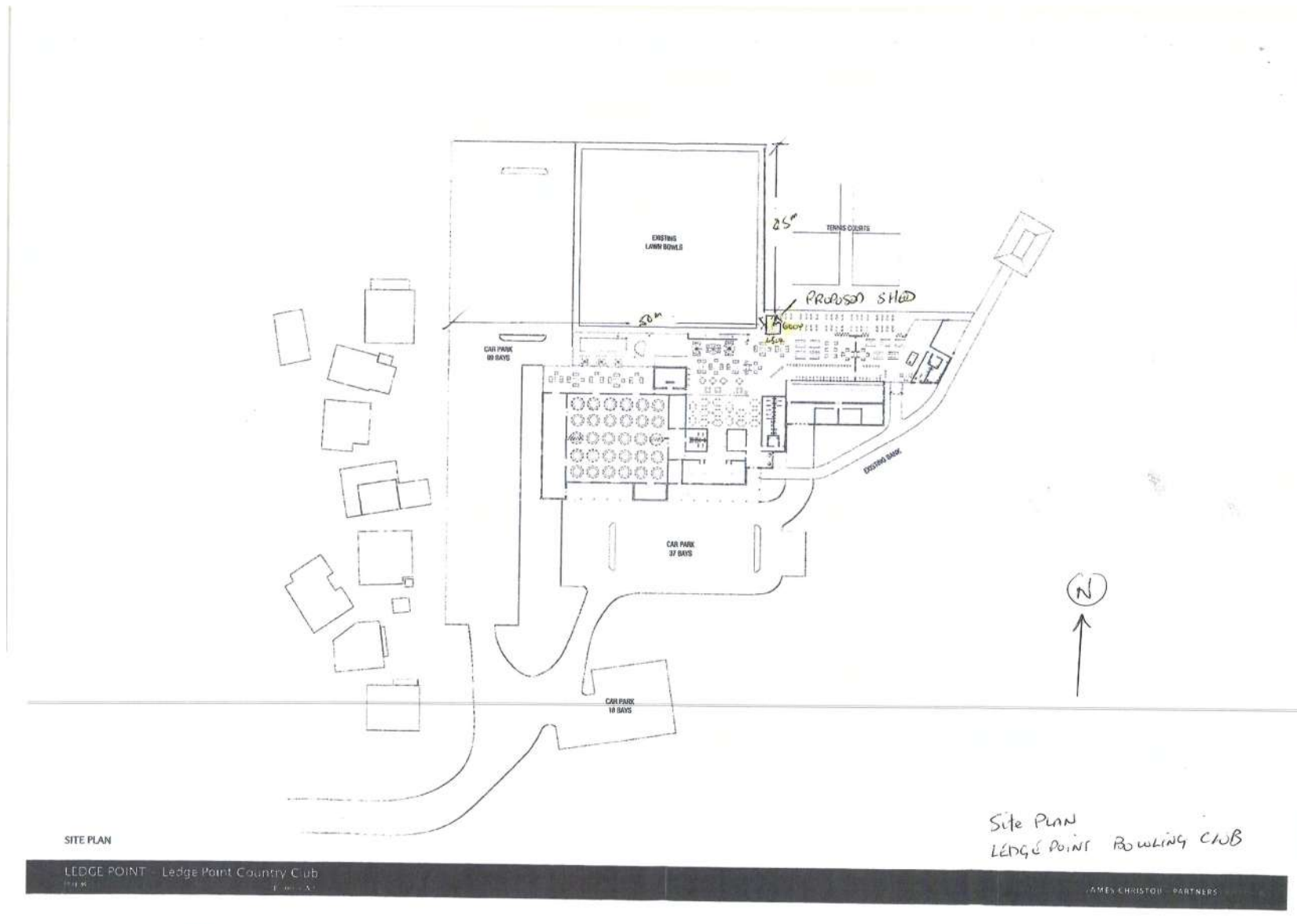
- Note 1:** If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** If the development subject to this approval is not substantially commenced 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 1911*, which are to be approved by the Shire of Gingin.

CARRIED UNANIMOUSLY

APPENDIX 1







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**11.3.6 APPLICATION FOR RETROSPECTIVE DEVELOPMENT APPROVAL -
PROPOSED EXTENSIONS TO SEABIRD CAFÉ (RESTAURANT) ON LOT 16 (30)
MCCORMICK STREET, SEABIRD**

File:	BLD/7094
Applicant:	Frederick and Patricia Labuschagne
Location:	Lot 16 (30) McCormick Street, Seabird
Owner:	Frederick and Patricia Labuschagne
Zoning:	Town Centre
WAPC No:	NA
Author:	Matthew Tallon – Statutory Planning Officer
Reporting Officer:	Bob Kelly – Executive Manager Regulatory and Development Services
Report Date:	18 February 2020
Refer	Nil.
Appendices	1. Location Plan and Applicant's Proposal 2. Schedule of Submissions

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an application for Development Approval for a proposed extension to the Seabird Sunset Café (retrospective Restaurant and existing Shop) via the development of two clad sea containers for additional storage and an upper deck associated with the Restaurant land use. This application also includes the replacement of existing signage to the north-east corner of the lot wholly within the lot boundary.

BACKGROUND

The Shire originally approached the applicant in regards to two sea containers placed on the property without development approval. The proponent was prompt in replying to the investigation and was acutely aware of the concerns and reasons as to why sea containers were not permitted in the zone upon explanation. Through this, a form of mediation occurred, the proponent requires sealed dry storage of food stock and was willing to invest in the business to increase its capacity for its local and transient customer base whilst maintaining the streetscape and surrounding visual amenity.

The proponent engaged a drafting consultant to prepare a design to clad the sea containers with an aim to disguise them amongst the existing built form and alleviate concerns of amenity and streetscape with the application of a consistent colour scheme. The proposal consists of two 6-metre long sea containers for storage of dry foods associated with the Restaurant and a hard floor railed decking to be made available to that customer base.

The lot is zoned Town Centre and is 833m² in area with two common boundaries to a Parks and Recreation Reserve and a vacant residential lot. The lot has development approval for a Shop and Industry - service (storage shed associated with retail shop) approved as incidental to the shop. The Shire's Health department endorsed a Food Business registration under the *Food Act 2008* in October 2010 as the Shop had a small takeaway hot foods menu, on this basis the land use definition of Shop was not challenged.

Over time the food business evolved to include dine in facilities and an increased takeaway foods menu while maintaining a general store with the food business licence being issued in perpetuity. For all intents and purposes, this application is being dealt with as a change in use from Shop to Restaurant (resulting in there being two main land uses: Shop and Restaurant).

The proposed sea containers provide storage for the restaurant while the existing shed relates to storage of goods for the Shop, the sea containers and decking are being interpreted as part of the land use Restaurant as the purpose relates only to that use.

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

COMMENT

Community Consultation

The application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The application was only advertised to surrounding landowners on the basis that the proposal included the use of sea containers (Local Planning Policy 1.9 – Sea Containers).

The Shire received 5 submissions during the consultation period, 3 in support and 2 in opposition to the development.

As part of the applicant's submission, a signed petition was provided. The applicant noted that the development plans were made available on the counter with the petition form also available for customers to provide their written support. While it seems as though there was a lot of support from the customers this cannot be received as official comments as officers are unaware of the circumstances and had no control of the conditions in which the proposal was advertised by the applicant. This does not mean to say that Administration does not acknowledge the support, it is to simply note that the petition does not form part of the schedule of submissions.

In accordance with clause 67 (y) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the local government is to have due regard to any submissions received on the application;

The Schedule of submissions with recommended responses is provided as **Appendix 2**.

PLANNING FRAMEWORK

Local Planning Scheme No. 9 (LPS 9)

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

- a) *promote, facilitate and strengthen the town centre zone as the principal focus of the district in terms of shopping, professional, administrative, cultural, entertainment and other business activities;*
- b) *accommodate a diversity of commercial, cultural and residential facilities;*
- c) *encourage the integration of existing and proposed facilities within the zone so as to promote ease of pedestrian movement and the sharing of infrastructure, as well as to retain the opportunity for any future expansion of the area;*
- d) *provide for the efficient and safe movement and parking of vehicles; and*
- e) *ensure that buildings, ancillary structures and advertising are of high quality and contribute to the uniqueness of the townscape.*

The land use 'Shop' is a P (permitted) use within the Town Centre zone, and is defined as follows:

"means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;"

Officer Comment

This is the predominant existing land use on the lot with the business operating a general store and a liquor store.

The land use 'Restaurant' is a P (permitted) use within the Town Centre zone, and is defined as follows:

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

Officer Comment

The Restaurant land use is attributed to the Café operating from the property and the extension to it by way of the development of an upper decking area with seating overlooking the ocean.

The development being proposed is an extension to the Restaurant use and in turn is related to the existing operation of the Café (restaurant) which has been operating incorrectly under the Shop use class.

Setbacks

Table 2 - Site Requirements

Zone	Minimum Setback	Maximum Plot Ratio	Maximum Site Coverage	Minimum Landscaping
<i>Town Centre</i>	Front - Complies Required: Nil Provided: 12m Side Setback – Required: nil. Provided: 9.5m Rear Setback – Does not comply Required: 6 metres Provided: 1 metre	1 Complies	75% Complies	Required: 50% of all setback areas Existing landscaping present on site

The proposal seeks a setback variation of 1m in lieu of 6m. Given the orientation of the lot having a 47m wide lot boundary and only a length of 18m from front to rear, it is not possible to develop the lot to the setbacks whilst still providing parking within the lot boundaries.

The existing structures are not set back in accordance with LPS 9, this is also likely due to the fact that the rear adjoining lot is a parks and recreation reserve with no present infrastructure; notably no building bulk is likely to arise from the development. Given the orientation of the lot and its location abutting a parks and recreation reserve, in this instance applying the relevant setback would be impractical.

4.8 Zone Specific Development Standards

The zone specific development standards are outlined below, with a summary of how the proposed development satisfies the relevant clause.

4.8.2.1 Development within the Town Centre zone shall have regard for the particular character, townscape and sense of place of the local area.

Officer Comment

The proposal seeks to establish a consistent built form and character across the lot to be as sympathetic to the character of the area. The Seabird Café is one of only two restaurants / businesses within Seabird and with respect to the anticipated land uses of the zone (Town Centre) the development provides for infrastructure to be enjoyed by the public and enhances the use of the area.

4.8.2.2 *Where development or re-development of properties in the Town Centre zone is envisaged, the incorporation of residential uses up to a density of R40 will be considered, to create greater diversity of use, increased security and to stimulate additional life and vitality within the centre of the town. Any such residential development shall comply with the design elements for multiple dwellings in the Residential Design Codes.*

Officer Comment

Not applicable.

4.8.2.3 *Where a mixed-use development is proposed, the residential use shall be confined to an upper storey.*

Officer Comment

Not applicable.

4.8.2.4 *Building Materials*

Each façade or wall of a building facing any street or public place shall be constructed of brick, stone, concrete or glass or combinations of two or more of these materials or similar material as approved by local government to the wall height of the building or to a minimum height of 3 metres.

Officer Comment

The existing development consists of a yellow brick exterior with blue steel roofing. The plans lodged with the application display consistent colours and external cladding as seen from the primary street (McCormick Street). Should approval be forthcoming, a condition requiring a schedule of colours to be lodged to the satisfaction of the Shire of Gingin is likely to be imposed.

4.8.2.5 *Refuse Storage Areas*

All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.

Officer Comment

Noted. Existing use with existing contained refuse storage area.

4.8.2.6 *Storage Yards*

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.

Officer Comment

No open storage is proposed.

Car Parking

Clause 4.7.2.3 of LPS 9 states:

“Except with the approval of local government, a person shall not use or develop land for a purpose specified in Column 1 of Table 3 unless provision is made on the site for a number of car parking spaces not less than the number calculated in accordance with Column 2 of that Table shown opposite that purpose”.

Table 3 – Parking Requirements of LPS 9 requires a restaurant to provide one car parking bay for every four patrons. The applicant has not indicated seating on the development plans however they have noted in writing that five benches (to seat 4 persons each) will be placed on the upper decking area, two benches on the lower outdoor area and no seating is available within the Café.

Existing car parking takes up the majority of the lots street frontage with vehicle manoeuvring provided within the road reserve. The parking area is unmarked however off basic mapping measurements and calculations there is a provision of 11 car parking spaces on the lot. The existing storage shed also acts as the loading and unloading area for service vehicles.

Under Table 3 of LPS 9 there are two land uses on the property that require the following provision of onsite parking is required:

Use	Minimum number of cps required	Cps required
Shop	1 per 20m ² of gross leasable floor area	60m ² – 3cps
Restaurant	1 per 4 persons	Seating for 28 people – 7cps
		Total – 10cps

Administration is of the view that the 11 car parking spaces provided for parking on site is sufficient however should approval be forthcoming, a condition will be imposed, requiring all car parking bays to be line marked to a suitable standard.

By-Laws relating to Signs and Bill-posting

As noted above, the application includes the replacement of existing pylon style signage to a custom made metal framed buggy shaped sign (made by the owner) to a similar scale. The By-Laws interpret the signage type to be a ‘Pylon Sign’ which consists of the following provisions:

(1) *A person shall not erect more than one pylon sign on a lot.*

(1A) *A person shall only erect a pylon sign on a lot zoned as Commercial or Industrial.*

- (2) *A pylon sign shall –*
- (a) Deleted Govt Gazette No. 17 20 February 1987;*
 - (b) not exceed 2.5 m measured in any direction across the face of the sign or have a greater superficial area than 4 m²;*
 - (c) not project over a street;*
 - (d) be supported on one or more piers or columns of brick, stone, cement, concrete, steel or timber of sufficient size and strength to support the sign under all conditions;*
 - (e) Deleted Govt Gazette No. 17 20 February 1987*
- (3) *Deleted Govt Gazette No. 17 20 February 1987*

Images of the existing and proposed signage are attached as **Appendix 3**.

Officer Comment

The signage is on average approximately 2m in width by a maximum of 2m in height with the majority of it consisting of a steel frame (visual permeable) and will consist of the same content as is seen on the existing signage. It is recognised that the owner has sought to update the signage to contain a more interesting design and better relationship with the streetscape; on the basis that the signage is consistent with the provisions of the By-Laws it is recommended that the signage be approved as part of this application.

Local Planning Policy 1.9 – Sea Containers

The Shire of Gingin prepared a Local Planning Policy on the use of sea containers to address the visual amenity issues that arise from their use. While they are highly useful and cheap alternatives for sealed storage they influence a built form generally anticipated in industrial areas. This policy seeks to achieve measures to allow the use of sea containers to an appropriate extent whilst maintaining the visual amenity of the locality.

The objectives of the policy are as follows:

- *To preserve visual amenity and enhance landscape quality within the Shire;*
- *To provide flexibility when using a sea container on a temporary basis;*
- *To discourage alternative use of sea containers, particularly where they might become permanent fixtures in the landscape; and*
- *To allow the use of sea containers for shipping.*

The relevant development standards noted within the policy are as follows:

5. *General Requirements for Sea Containers*
- a) Approval is required for all Sea Containers;*
 - b) Sea Containers are not to be located in setback areas, as specified in Local Planning Scheme No. 9 Table 2 Site requirements and in firebreaks as specified by Shire of Gingin Firebreak Order (as amended);*
 - c) Sea Containers in direct view of neighbouring properties and public places must be screened with walls, fencing, landscaping or other means approved by the Chief Executive Officer;*

- d) *Sea Containers are to be painted a neutral colour that is consistent with the existing buildings and kept in good condition; and*
- e) *No advertising or logos area permitted on Sea Containers unless they are visually acceptable as determined by the Chief Executive Officer.*

7. *Permanent use of Sea Containers*

- a) *Permanent use of Sea Containers is not permitted on Tourism, Residential, and Town Centre zoned land.*
- b) *Permanent use of Sea Containers is permitted on General Rural and Mixed Business zoned land, subject to the requirements listed in Clause 5 above.*
- c) *Permanent use of a single Sea Container in Rural Living zoned land subject to the requirements listed in Clause 5 above.*
- d) *Permanent use of all Sea Containers will require a Building Permit.*

As noted under clause 7 of the policy, sea containers are not supported in the Town Centre zone. This is duly noted however this application seeks to use two sea containers to be integrated with an upper decking area extending the capacity of the restaurant land use. The design principles imposed in the proposal achieves two sea containers disguised to seamlessly blend in with the existing built form between the shop/restaurant and storage shed.

With the above in mind, in applying the policy pragmatically the sea containers will not appear as sea containers and will simply form part of a larger structure which is sympathetic to the visual amenity of the site and locality.

In regards to the need for more storage, there is an existing storage shed that relates to the Shop with the sea containers associated with the restaurant. The applicant has noted the requirement for sealed storage to be associated with the Café (restaurant) to keep rodents and insects out of dry food storage areas. Administration is supportive of the design outcome proposed and thus the policy is not being applied in its literal sense, rather a pragmatic manner addressing the requirements noted for minimising the visual impacts of sea containers in clause 5 of the policy.

Planning and Development (Local Planning Scheme) Regulation 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.

The above report has considered several matters that are duplicated within the deemed provisions, however further consideration has been given to the items outlined below;

(u) The availability and adequacy for the development of the following –

- (iv) Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- (v) Access by older people and people with disability;*

Officer Comment

As the proposal consists of an upper level area associated with the Café there is a general requirement for universal access via either an access ramp or lift. However, upon consultation with the Shire's building department the proposal can be consistent with the National Construction Code (NCC) subject to a performance solution by a private certifier. The performance solution will be the retention of seating made available in the open area directly accessible from the Café which has been noted by the applicant within their application.

Local government is also required to have regard to the provisions of State Planning Policy No. 2.6 – State Coastal Planning Policy (SPP 2.6) in accordance with clause 67 of the deemed provisions. Coastal considerations have been expanded upon further below.

Coastal Development

Clause 4.7.4 - Coastal Development of LPS 9 states:

“4.7.4.1 All coastal development is to comply with the provisions of State Planning Policy 2.6 - State Coastal Planning Policy.

4.7.4.2 In accordance with section 77(1) (b) of the Planning and Development Act 2005, the provisions of State Planning Policy 2.6 - State Coastal Planning shall apply as if they were part of this Scheme”.

This is relevant as the subject land is located within an area designated as being subject to coastal erosion and/or inundation over the next 100 years (2110). Further comments with respect to the coastal hazard area is provided below.

State Planning Policy No. 2.6 – State Coastal Planning Policy

SPP 2.6 recommends that management authorities develop a Coastal Hazard Risk Management and Adaption Plan (CHRMAP) as a risk mitigation approach to planning that identifies hazards associated with existing and future development in the coastal zone.

The subject land is located within a coastal area that is likely to be impacted by coastal erosion/inundation hazard risk in the long term (2110) of the 100 year planning timeframe stipulated in SPP 2.6.

‘Clause 5.6 - Infill Development’ of SPP 2.6 states:

- (i) New development should be located on the least vulnerable portion of the development site.*

Officer Comment

The development is to the most western portion of the lot however consists of relocatable structures (sea containers).

- (ii) *Where development is likely to be subject to coastal hazards over the planning timeframe, coastal hazard risk management and adaptation planning measures (Section 5.5) should be implemented to reduce the risk from coastal hazards over the full planning time frame to an acceptable level.*

Officer Comment

It is noted that the subject site is identified as being impacted in the long term, which is likely beyond the lifespan of the cladded sea containers and the upper decking structure. The development is deemed to satisfy the Shire's CHRMAP Strategy which is addressed further below.

Coastal Hazard Risk Management and Adaption Plan (CHRMAP)

Section H4.1, Appendix H of the CHRMAP states:

"Serious consideration should be given to not permitting (avoiding) any new development at all forward of the 2020 hazard line (where this is defined) or the 2030 hazard line (where no 2020 line is defined). If development is contemplated in such areas then it would be preferable not to permit permanent accommodation due to the relatively short timeframe within which serious impacts can be expected.

No development should be permitted on any vacant land between 2030 and 2110 hazard lines that is not:

- a) *Capable of accommodating short term inundation that may result from storm surges; and*
- b) *Capable of being relocated if necessary.*

The former may involve elevated finished floor levels with 'stilt' construction that will allow water to flow under and around the structure with minimal disturbance. The latter may involve 'lightweight' construction that could readily be disassembled and relocated if necessary".

The proposed development is situated on land affected by the 2110 hazard lines, however it is noted that the works (sea containers and decking) "*could readily be disassembled and relocated if necessary*". As such the development is able to satisfy the CHRMAP strategy as the sea containers are purpose built for relocation and the decking can be readily disassembled.

SPP 2.6 suggests that an appropriate condition be imposed to notify prospective purchasers of the coastal hazard risk likely to affect the land. Should approval be forthcoming, a condition requiring a notification on the title will be enforced. The notification will read as follows:

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

State Planning Policy No. 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.

In applying SPP 3.7 practically the local government may waive the need for a BAL assessment to be prepared for a number of reasons. The relevant criteria in this instance is applied as follows:

- Under Part 10A – Bushfire risk management of the *deemed provisions* a habitable building is defined as: “a permanent or temporary structure on land that —
(a) is fully or partially enclosed; and
(b) has at least one wall of solid material and a roof of solid material; and
(c) is used for a purpose that involves the use of the interior of the structure by people for living, working, studying or being entertained;”

The development of sea containers is a non-habitable structure and the upper decking area is not considered to be habitable on the basis that it is not partially or fully enclosed. On this basis there is no practical reason to require a BAL assessment. It is noted however that the Shire’s building department may require a BAL assessment for the purpose of meeting construction requirements under the BCA or AS 3959.

As recommended under the policy, should approval be forthcoming a condition for a notification to be placed on the certificate of title will be recommended noting the following:

Bushfire Prone Area – This lot is located in a bushfire prone area. Additional planning and building requirements may apply to development on this land.

Summary

The proposed use class is permitted within the applicable zoning and is consistent with the objectives and development standards of the zone. The proposal seeks to increase the visual amenity of the lot, enhance the usability of its space available for customers of the business and taking advantage of its location by providing ocean views. Given that the sea containers were placed on the property prior to receiving development approval and the restaurant use has been operating incorrectly under the Shop use class, it is recommended that the application for retrospective development approval be approved 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
Part 4 – Zones and the Use of Land
4.2 Objectives of the Zones
4.8.2 Town Centre

State Planning Policy 2.6 – State Coastal Planning Policy
State Planning Policy 3.7 – Planning in Bushfire prone areas

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 – 2029

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

Focus Area	<i>Economic Development</i>
Objective	<i>4. To support economic development through the Shire's service delivery</i>
Outcome	<i>4.1 Tourist Playground An internationally acclaimed tourist playground</i>
Key Service Areas	<i>Economic Development & Tourism Infrastructure</i>

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Johnson SECONDED: Councillor Court

That Council:

1. Grant Retrospective Development Approval for an additional use (Restaurant and associated storage area and outdoor decking) on Lot 16 (30) McCormick Street, Seabird subject to the following conditions:

- a) The land use and development shall be in accordance with the approved plans and specifications (including any amendments marked in RED) unless otherwise conditioned by this approval;**
- b) The sea containers shall be cladded as per the colour scheme illustrated on the approved plans and maintained to the satisfaction of the Shire of Gingin;**
- c) Stormwater from all roofed, paved and hardstand areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;**
- d) The sea containers shall not be used for human habitation or any other industrial or commercial purposes;**
- e) Prior to the commencement of site works, the Applicant/Owner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the title to the land as notification to prospective purchasers as follows:**

Bushfire Prone Area – This lot is located in a bushfire prone area. Additional planning and building requirements may apply to development on this land.

- f) Prior to the commencement of site works 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:**

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

2. Grant Development Approval for Signage on Lot 16 (30) McCormick Street, Seabird subject to the following conditions:

- a) The land use and development shall be in accordance with the approved plans and specifications (including any amendments marked in RED) unless otherwise conditioned by this approval;**
- b) The signage is to remain wholly within the lot boundary.**

Advice Notes

- Note 1:** If you are aggrieved with the conditions of this approval you have the right to request 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:** This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consent and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws;
- 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:** Please be advised that the owner/manager has the responsibility to ensure noise levels are compliant with the *Environmental Protection (Noise) Regulations 1997*;
- Note 6:** Further to this approval, the applicant is required to comply with the *Health Act 2016* and the Shire's *Health Local Law 2017*;
- Note 7:** Disabled access should be provided in accordance with the Building Code of Australia;
- Note 8:** Please note that non-compliance with the conditions of a development approval constitutes an offence under the *Planning and Development Act 2005*, to which penalties do apply;
- Note 9:** Should the development be affected by Coastal Hazards in the future the applicant may be responsible for relocating the development and all costs associated. The local government is under no obligation to assist or protect structures from coastal erosion/inundation threats and accepts no liability and will pay no costs associated with any protection from or damages caused by coastal processes.

CARRIED UNANIMOUSLY

APPENDIX 1







SEABIRD SUNSET CAFÉ
30 McCormick Street
Seabird
6042
(08) 9577 1222
seabirdsunsetcafe@yahoo.com
ABN: 84208126624

12 December 2019

Dear Mr Tallon

Please find enclosed my application for the development of the site known as The Seabird Sunset Cafe located at 30 McCormick St. Seabird. We are hopeful of developing the site to a much higher standard than currently exists to enhance the experience of visiting the cafe for our customers and tourists alike. We would like to offer all visitors to the site a shaded area in which to enjoy their food and coffee and a view of the ocean from a mezzanine floor. We would like to use two containers (already on site) as the base of this development as they will also serve as sealed secure lock ups for our stock. We plan to clad the containers in the same colour as the rest of the existing shop as depicted in the 3D pictures enclosed. The rest of the development will also be coordinated so as to blend with the existing buildings.

All the work will meet all the required standards and will create a hub that many more people will visit in safety and comfort. We hope that should approval be forthcoming to have it completed by the end of February 2020. Thank you for your kind consideration in this matter, and should you require any further information please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read 'F.C. Labuschagne', is written over the closing text. The signature is fluid and cursive.

Yours sincerely

F.C. Labuschagne {Lappies}



SEABIRD SUNSET CAFÉ
30 McCormick Street
Seabird
6042
(08) 9577 1222
seabirdsunsetcafe@yahoo.com
ABN: 84208126624

4 February 2020

Dear Mr Tallon

As per our telephone conversation the seating arrangements are as follows:

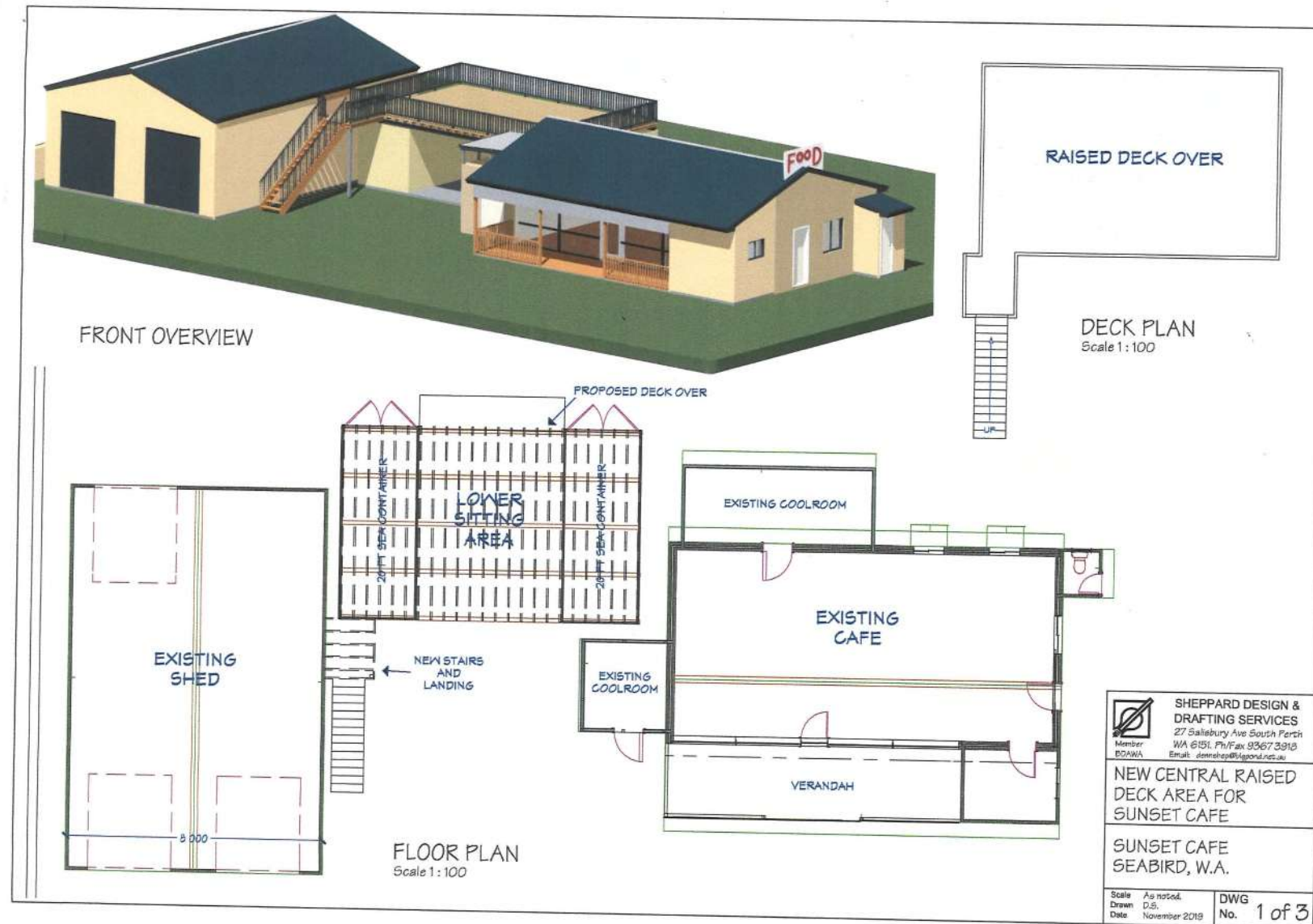
1. On the deck we plan to have 5 x picnic tables, seating 20 people.
2. Under the decking we plan to have 2 x picnic tables, seating 8 people.
3. Currently we have 3 x picnic tables on our veranda, seating 12 people.

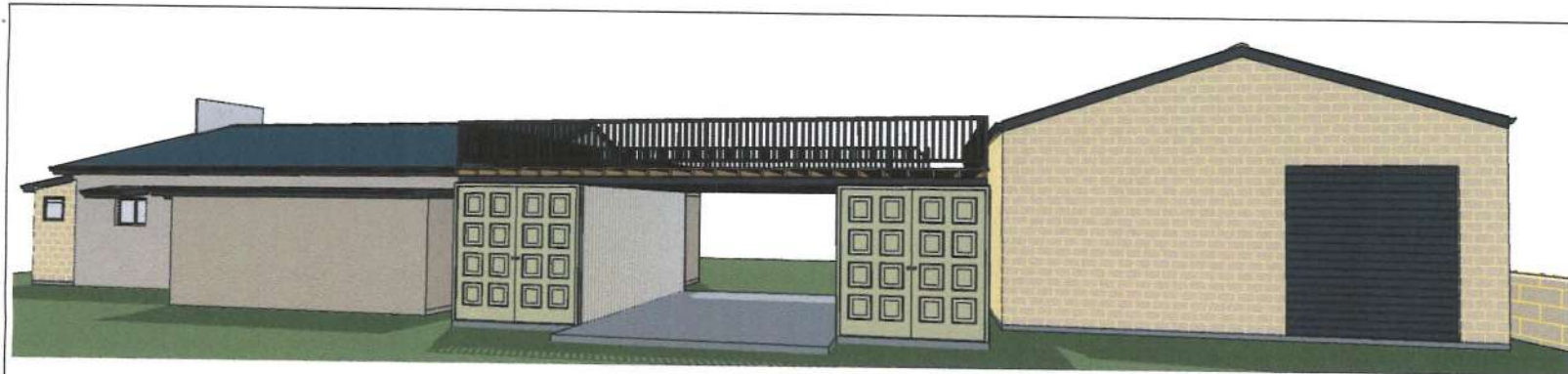
We wish to have more seating area to accommodate our customers, who over the school holidays and weekends are struggling to find place to sit and end up sitting on the grass. So the seating we are planning will make it more comfortable for the visitors and tourists.

I hope this meets with your approval. If you have any questions please feel free to contact me.

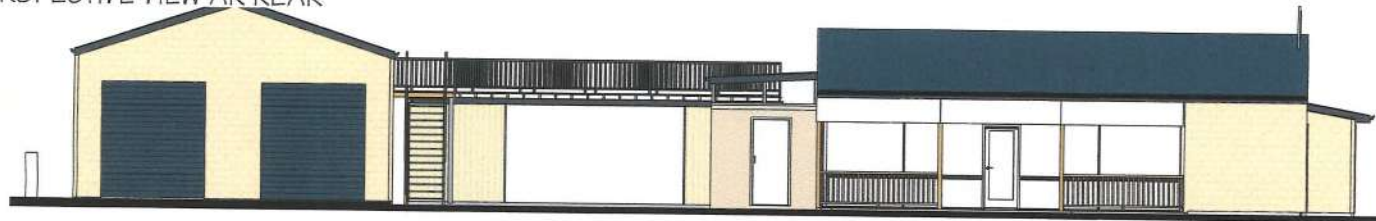
Yours sincerely

F.C. Labuschagne {Lappies}





PERSPECTIVE VIEW AR REAR



FRONT ELEVATION
Scale 1 : 100



REAR OVERVIEW

	<p>SHEPPARD DESIGN & DRAFTING SERVICES 27 Salisbury Ave South Perth WA 6151. Ph/Fax 9367 3915 Email: design@sheppard.net.au</p>
	<p>NEW CENTRAL RAISED DECK AREA FOR SUNSET CAFE</p>
	<p>SUNSET CAFE SEABIRD, W.A.</p>
<p>Scale: As noted. Drawn: D.S. Date: November 2019</p>	<p>DWG No. 2 of 3</p>



APPENDIX 2

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED ADDITION TO SHOP AND LIQUOR STORE (TWO SEA CONTAINERS & BALCONY) AT LOT 16 (30) MCCORMICK STREET, SEABIRD

No.	Submitter	Submission Detail	Recommended Response
1.	Ratepayer	<p>The submitter supports the proposal and makes the following comments:</p> <p><i>"Strongly support as it enhances an existing amenity. Council needs to change its policy on sea containers Council approved the use of a sea container for the liquor store approx. 8 years ago, so it has no reason not to approve their use now."</i></p>	<p>Noted.</p> <p>In this instance the applicant has gone to suitable lengths to address the visual amenity issues that arise from sea containers which are only anticipated in industrial areas.</p> <p>The use of standard sea containers not strategically cladded and rendered (unlike as proposed in this instance) would not be supported.</p>
2.	Ratepayer	<p>The submitter supports the proposal and makes the following comments:</p> <p><i>"No objection. Rather we support the progress of this development."</i></p>	<p>Noted.</p> <p>Support for economic growth.</p>
3.	Ratepayer	<p>The submitter supports the proposal and makes the following comments:</p> <p><i>"It's great for everyone."</i></p>	<p>Noted.</p> <p>Support for economic growth.</p>

4.	Ratepayer	<p>The submitter supports the proposal and makes the following comments:</p> <p><i>"1. Support proposal at above address. 2. Strongly support the use of sea containers principle as a form of accommodation/storage for a whole lot of logical reasons."</i></p>	<p>Noted. The use of standard sea containers not strategically cladded and rendered as is proposed in this instance would not be supported.</p>
5.	Ratepayer	<p>The submitter does not support the proposal and makes the following comments:</p> <p><i>"I do not support this proposal.</i></p> <p><i>Sea containers are not currently permitted in the Shire of Gingin and for a good reason.</i></p> <p><i>The Shire of Gingin Local Planning Scheme No.9 Local Planning Policy 1.9 which states that sea containers present an industrial form and have a negative impact on local visual amenity and I strongly agree...</i></p> <p><i>The permanent use of sea containers is not permitted on tourism, residential and town centre zoned land.</i></p> <p><i>An elevated viewing platform will concentrate crowds of tourists and allow them to continually gawk into our and our neighbours front yards.</i></p> <p><i>It is very obvious that our section of Turner Street will be disadvantaged and the amenity of the area will be affected.</i></p>	<p>Noted. Sea containers are not permitted in the Town Centre zone for the affect it can have on the visual amenity of the area creating a built form generally anticipated in the industrial area.</p> <p>However, given the applicant has displayed significant measures to clad the sea containers to blend in with the existing built form and construct an upper decking area above, the concerns in which Local Planning Policy 1.9 address (when applied pragmatically) are suitably met.</p> <p>Not support. In applying the overlooking principles of the Residential Design codes there are no habitable spaces within the cone of vision in which overlooking can occur. Regardless, the lot is zoned Town Centre in which customers of the Restaurant use is anticipated.</p>

		<p>The block between the café and turner street is currently zoned Public Open Space. This should never sold by the Shire of Gingin and instead be re-vegetated to create a beautified buffer zone between the commercial and residential zones and add ecological value and benefit the Seabird Community as a whole. This process has already been commenced on the verge.</p> <p>Another point of concern is the removal of a large amount of vegetation on the Public Open Space block/verge which is clearly visible on the aerial map supplied on checking this, now no longer exists."</p>	<p>The building heights are standard - two storeys could be achieved in the area when applying the R-Codes for surrounding lots and the Town Centre zone does not have explicit building heights. This proposal is considered to be suitable in the Town Centre zone.</p> <p>Not relevant. Sale of a Shire reserve is not being considered as part of this application.</p> <p>Not relevant. Not part of this application.</p>
6.	Ratepayer	<p>The submitter does not support the proposal and makes the following comments:</p> <p>"I wish to object to the development application for Lot 16 (30) McCormick Street, Seabird, on the following grounds.</p> <p>1. Provision of sea containers within 'town centre' zoned land is not permitted under Local Planning Policy - Sea Containers.</p>	<p>Noted. Refer to officer response to submission no. 5.</p>

	<p><i>2. Having a public open space block, Lot 17 Turner Street directly behind café, the owners would not be obscured by any building obstruction. Drawing No3 of 3. So no need for owners to build an upper level deck at all for ocean views.</i></p> <p><i>3. Our view and other residents would be effected if construction of the proposed deck went ahead, the proposed deck would be in full sun, so a sun sail or large umbrellas would be used for shade, which would greatly affect the view not only of ours but also our neighbours.</i></p> <p><i>Thanking you."</i></p>	<p>Not relevant. Buildings heights are not exceeded.</p> <p>Noted. Should an application for shading be lodged in the future it will be assessed on its merits.</p>
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APPENDIX 3





11.3.7 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED ADDITION TO DWELLING (SWIMMING POOL ENCLOSURE) AT LOT 101 (44) GINGIN ROAD, LANCELIN

File:	BLD/5609	
Applicant:	Tom Campbell Building	
Location:	Lot 101 (44) Gingin Road, Lancelin	
Owner:	Digisound Messages on Hold Pty Ltd	
Zoning:	Tourism	
WAPC No:	N/A	
Author:	Matthew Tallon – Statutory Planning Officer	
Reporting Officer:	Bob Kelly –Executive Manager Regulatory and Development Services	
Report Date:	18 February 2020	
Refer:	4 December 2007	Item 11.3.1
	15 November 2016	Item 11.3.6
Appendices	1. Location Plan and Applicant's Proposal	

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an application for Development Approval for a proposed addition (swimming pool enclosure) to a dwelling on Lot 101 (44) Gingin Road, Lancelin.

BACKGROUND

Council has previously resolved to approve a two storey dwelling and a two storey addition at its Ordinary Meetings of Council, 4 December 2007 and 15 November 2016 respectively. The nil setback to the side (north) and rear (west) lot boundaries has already been approved as per these previously noted determinations.

The proposed swimming pool enclosure is to be made predominantly of glass, built between the existing boundary wall and the dwelling located to the north-west corner of the lot (within the side and rear boundary).

The proposal is seeking the following variation to the R Codes:

- Clause 5.1.3 Lot Boundary Setback;

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

COMMENT

Community Consultation

The variation to the R-Codes requires neighbour consultation, however the variation is to a Shire reserve, therefore this item is being presented to Council to appropriately consult the neighbouring landowner being the Shire of Gingin.

PLANNING FRAMEWORK

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

The subject lot is zoned 'Tourism' under Local Planning Scheme No. 9, the objectives of which are to:

- a) *promote and provide for tourism opportunities;*
- b) *provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where such facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area;*
- c) *allow limited residential uses where appropriate;*
- d) *encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities;*
- e) *ensure that short stay tourist and holiday accommodation are the predominant land uses in the zone; and*
- f) *encourage tourism development that is generally sympathetic to the natural and built features of the surrounding area.*

Clause 4.8.7.9 states:

Proposals for subdivision and development for Residential land uses in the 'Tourism' zone will be determined in accordance with Residential 12.5 code unless combined with a Tourism proposal.

In this instance the development relates to a single house and therefore is subject to the R-Codes regardless.

Coastal Development

In accordance with clause 4.7.4.1 of LPS9 states:

'All coastal development is to comply with the provisions of State Planning Policy 2.6 – Coastal Planning Policy'.

There is an existing two storey dwelling located on the subject site. The subject lot is located within a Coastal Hazard Area which means the lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.

State Planning Policy 7.1 – Residential Design Codes

Clause 5.1.3 Lot Boundary Setback

The application seeks a 1.5 metre side (northern) lot boundary setback and a 6m rear (western) lot boundary setback variation to the deemed to comply requirements of clause 5.1.3 Lot Boundary Setback, Table (2a) of the R Codes. The table below outlines the setback variation being sought.

Elevation	Height (m)	Opening	Proposed Setback (m)	Required Setback (m)	Variation (m)
Northern	3m	Non-Major	Nil	1.5m	1.5m
Western	3.1m	Major	Nil	6m	6m

As the proposal does not comply with the deemed to comply requirements of the R Codes, the boundary wall has been assessed under the design principles which state:

P3.1 Buildings setback from lot boundaries so as to:

- *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.*

The variation to the northern boundary setback is deemed to comply with the design principles for the following reasons:

1. The proposed extension encloses a portion of the outdoor area connecting the dwelling and the wall located on the side (northern) boundary. Given that the proposal does not increase the height and there is no adjoining residential property to that boundary, the proposal does not influence any building bulk.

The extension toward the rear (western) boundary and to a nil setback in lieu of 6m encloses access to the pool from the coastal reserve for purposes of security/privacy. On the basis that the boundary does not adjoin another residential lot, there is no building bulk imposed.

2. The proposed development consists majorly of glass allowing ample direct sunlight (capturing northern sun); and
3. There is no loss of privacy or overlooking issues as the development simply roofs an enclosed portion of the lot to a wall with no major openings.

State Planning Policy No. 2.6 – State Coastal Planning Policy

SPP 2.6 recommends that management authorities develop a Coastal Hazard Risk Management and Adaption Plan (CHRMAP) as a risk mitigation approach to planning that identifies hazards associated with existing and future development in the coastal zone.

The subject land is located within a coastal area that is likely to be impacted by coastal erosion/inundation hazard risk in the medium to long term (2070) of the 100 year planning timeframe stipulated in SPP 2.6.

‘Clause 5.6 - Infill Development’ of SPP 2.6 states:

- (iii) *New development should be located on the least vulnerable portion of the development site.*

Officer Comment:

The proposed extension is toward the furthestmost vulnerable portion however it is noted that the existing dwelling is also in that location.

- (iv) *Where development is likely to be subject to coastal hazards over the planning timeframe, coastal hazard risk management and adaptation planning measures (Section 5.5) should be implemented to reduce the risk from coastal hazards over the full planning time frame to an acceptable level.*

Officer Comment:

It is noted that the subject site is identified as being impacted in the mid to long term, given the extent of the existing development it is considered that a development of this nature (minor) would be unreasonable to refuse.

Coastal Hazard Risk Management and Adaption Plan

Section H4.1, Appendix H of the CHRMAP states:

“Serious consideration should be given to not permitting (avoiding) any new development at all forward of the 2020 hazard line (where this is defined) or the 2030 hazard line (where no 2020 line is defined). If development is contemplated in such areas then it would be preferable not to permit permanent accommodation due to the relatively short timeframe within which serious impacts can be expected.

No development should be permitted on any vacant land between 2030 and 2110 hazard lines that is not:

- c) Capable of accommodating short term inundation that may result from storm surges; and*
- d) Capable of being relocated if necessary.*

The former may involve elevated finished floor levels with 'stilt' construction that will allow water to flow under and around the structure with minimal disturbance. The latter may involve 'lightweight' construction that could readily be disassembled and relocated if necessary".

The proposed development is situated on land indicated to be potentially impacted by 2070. It is noted that the swimming pool enclosure is to be constructed of glass, steel and aluminium, notably "*material that could readily be disassembled and relocated if necessary*". As such the development is able to satisfy the CHRMAP strategy as the structure is able to be relocated if the need were to arise. This notwithstanding, SPP2.6 suggests to impose appropriate conditions to notify prospective purchasers of the coastal hazards risk affecting the land.

Further comments

As part of the most recent approval for the two storey extension to the single house at the ordinary meeting of Council dated 4 December 2007 the motion was passed with a condition to enforce the landowner to register a notification on the Certificate of Title under section 70A of the *Transfer of Land Act 1893* stating:

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

This is yet to have been completed and thus will be required again as a condition of approval to be completed prior to the commencement of site works.

COMMENT

The proposal constitutes a minor extension to the existing development which is of a considerable scale and approved as such. The development does not influence any increase in building bulk, reduction to the existing passive surveillance over the reserve and is not considered to be of an excessive scale deemed inappropriate in relation to coastal hazards. It is therefore recommended that the application be approved subject to appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No. 9

State Planning Policy 7.1 – Residential Design Codes

POLICY IMPLICATIONS

Shire of Gingin Local Planning Policy 3.2 - Tourism Zone

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 – 2029

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

VOTING REQUIREMENTS – SIMPLE MAJORITY**OFFICER RECOMMENDATION/COUNCIL RESOLUTION****MOVED: Councillor Rule SECONDED: Councillor Balcombe**

That Council grant Development Approval for an extension to the existing dwelling (swimming pool enclosure) situated on Lot 101 (44) Gingin Road, Lancelin, subject to the following conditions:

1. All development shall be undertaken in accordance with the approved plans and specifications (including any modifications marked in RED) unless conditioned otherwise in this approval;
2. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin; and
3. Prior to the commencement of site works 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:

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

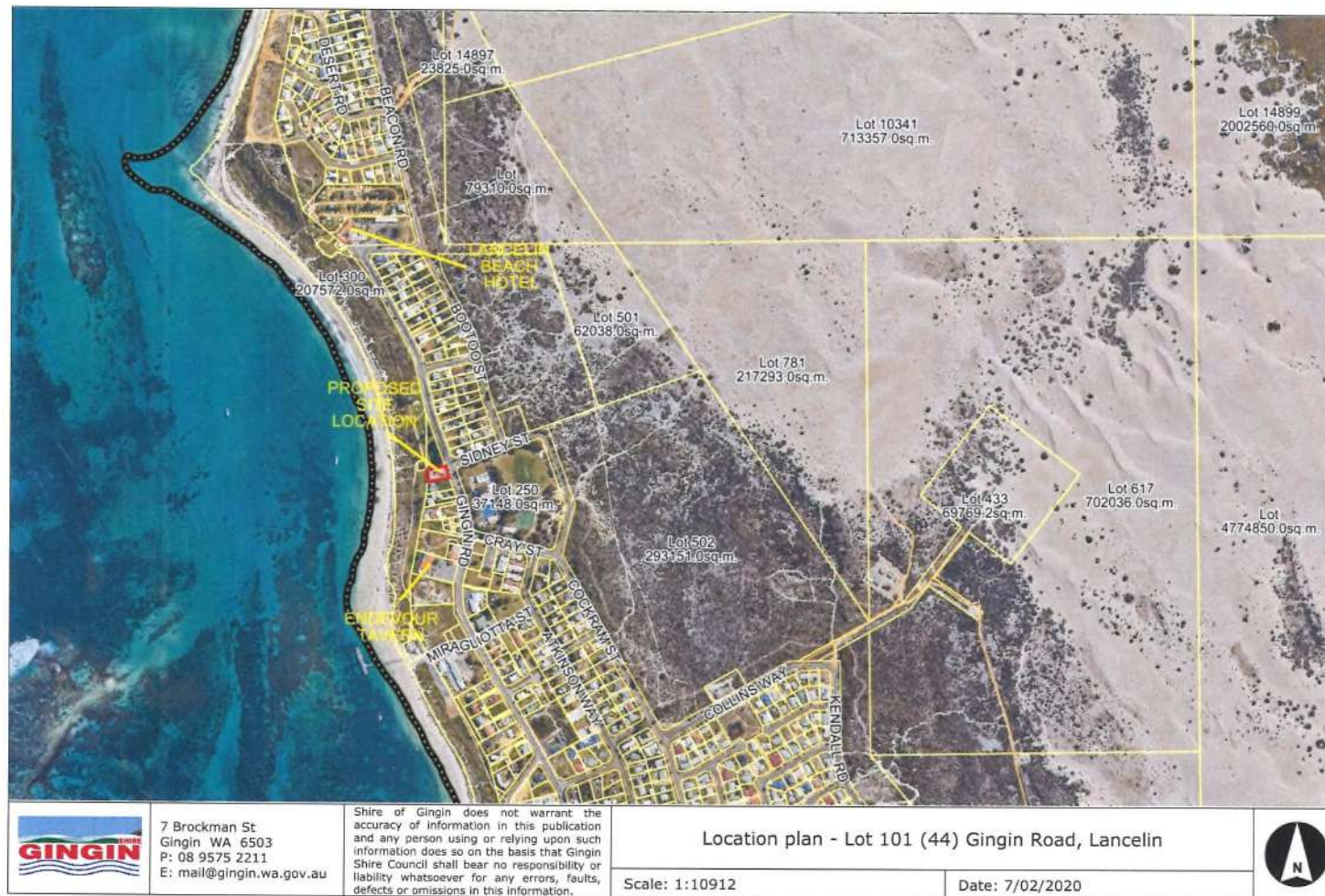
Advice notes

- Note 1:** If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*;
- Note 2:** If the development subject to this approval is not substantially commenced within a period of 2 years, the approval shall lapse and have no further effect;

- Note 3:** Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained;
- Note 4:** Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011*, which is to be approved by the Shire of Gingin;
- Note 5:** It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment; and
- Note 6:** Should the development be affected by Coastal Hazards in the future the applicant will be responsible for relocating the development and all costs associated. The local government is under no obligation to assist or protect structures from coastal erosion/inundation threats and accepts no liability and will pay no costs associated with any protection from or damages caused by coastal processes.

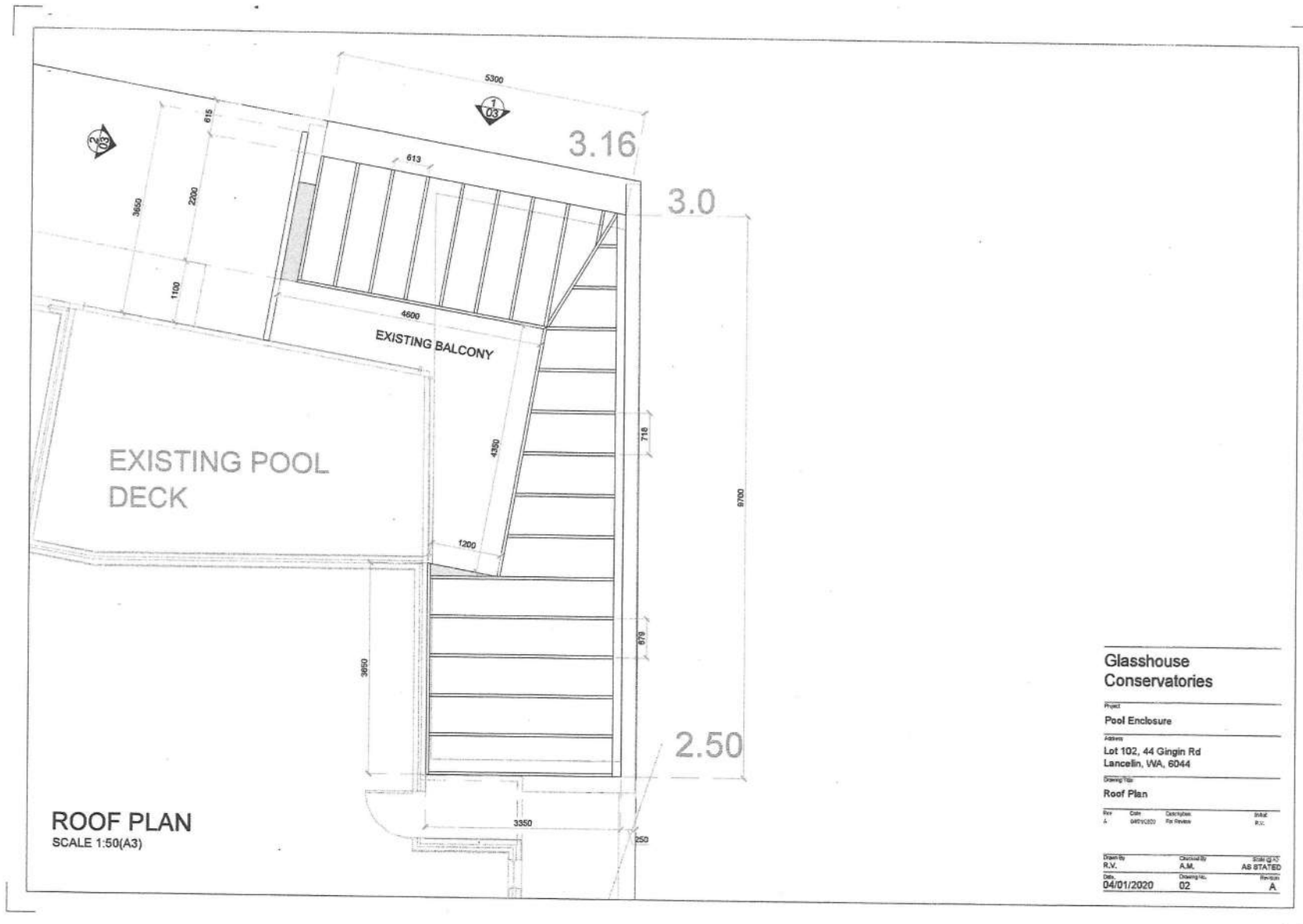
CARRIED UNANIMOUSLY

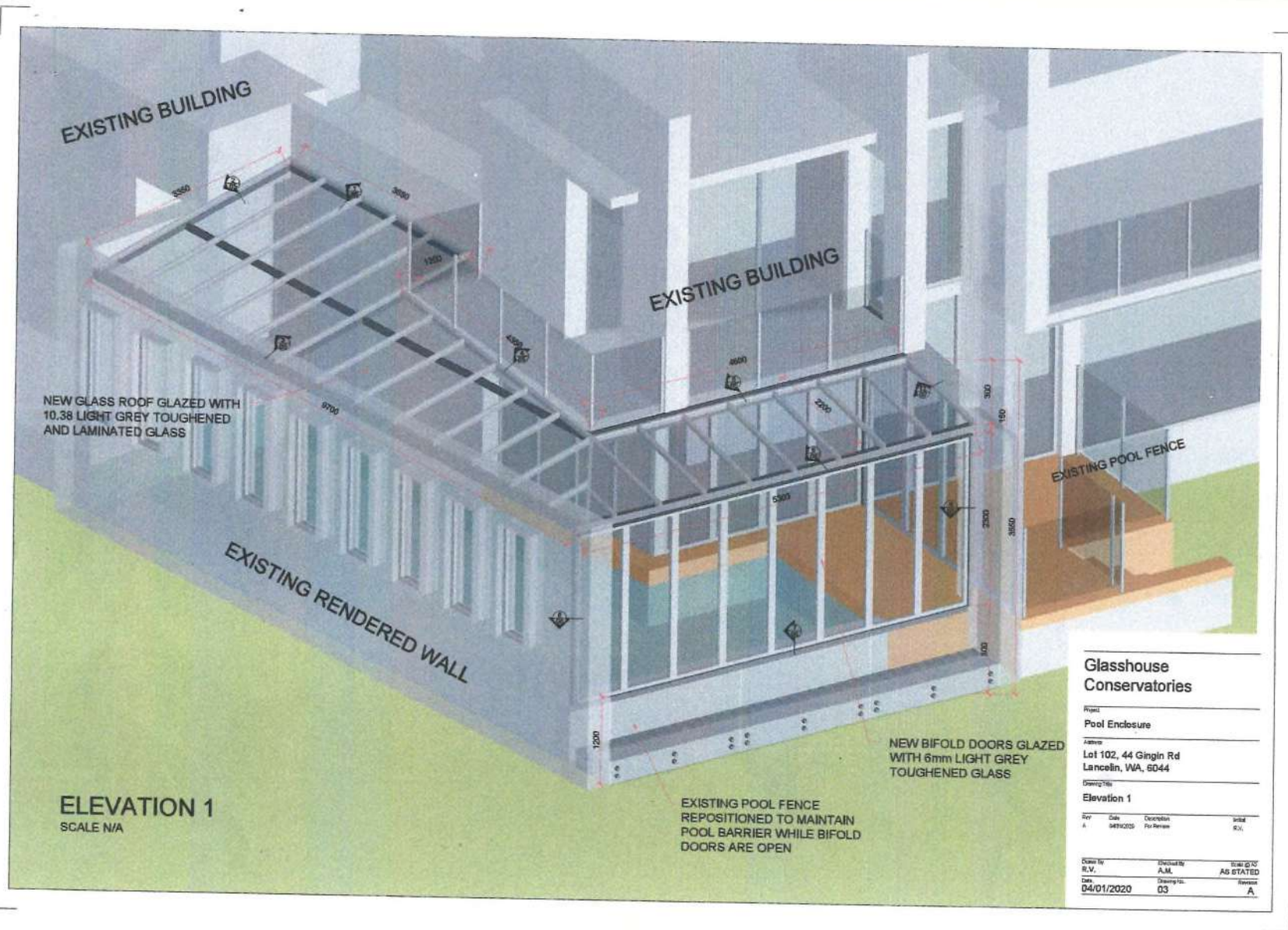
APPENDIX 1

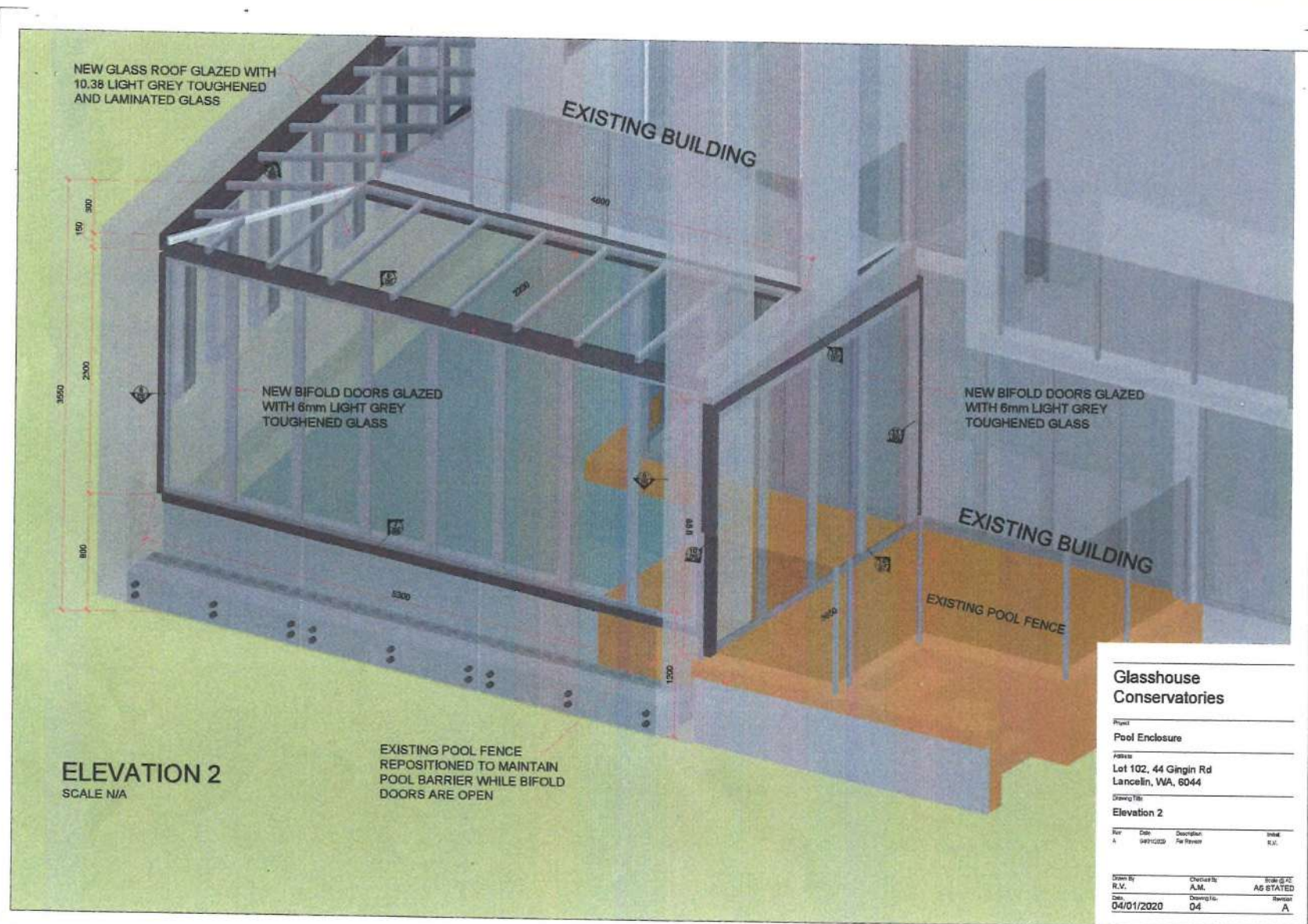


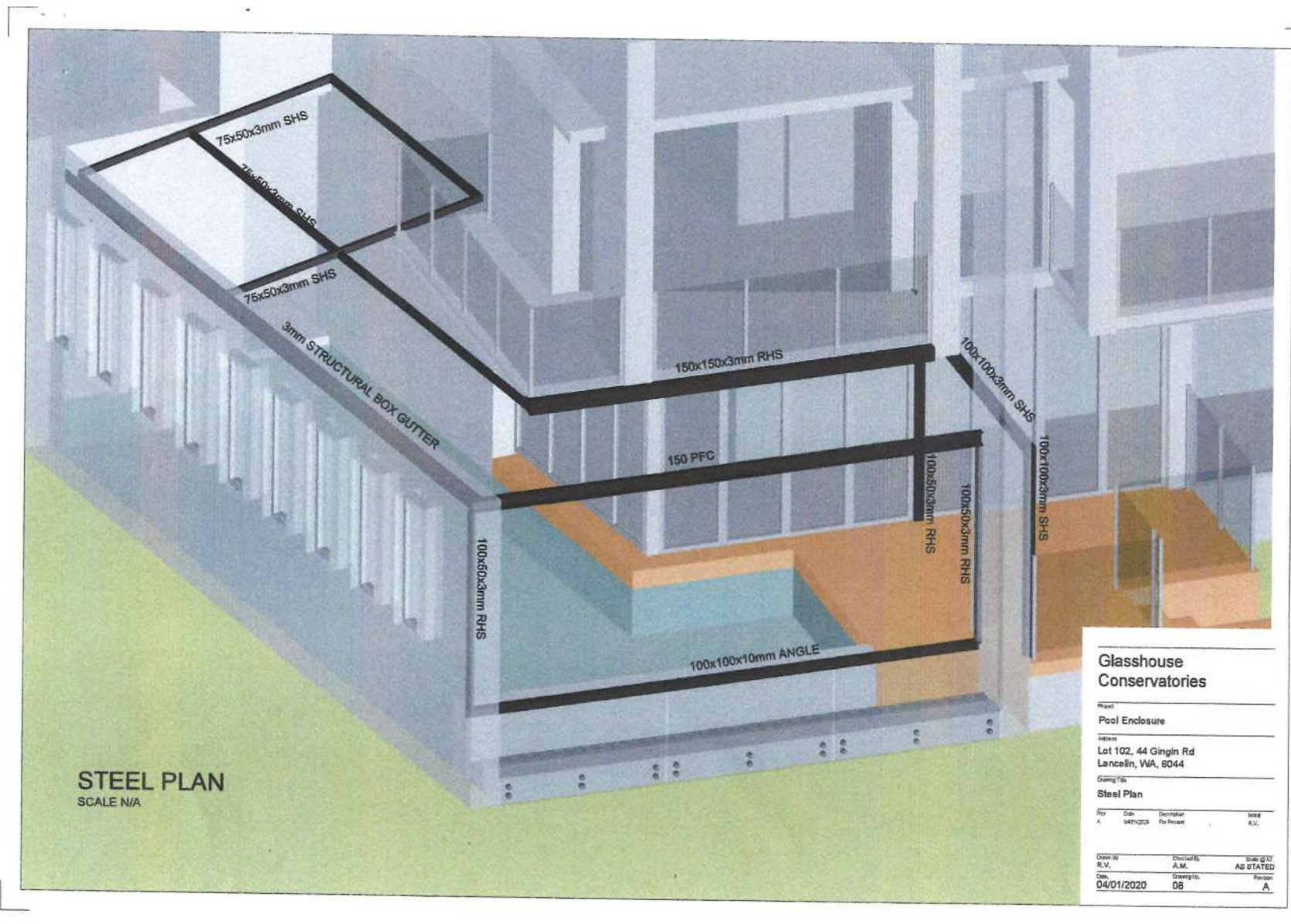












11.4. OPERATIONS**11.4.1 PROPOSED STORAGE BUILDING (ARCHIVE) ON LOT 163 (7) BROCKMAN STREET, GINGIN**

Location:	Lot 163 (7) Brockman Street, Gingin
File:	BLD/7097
Author:	Renier De Beer – Coordinator of Assets/Projects
Reporting Officer:	Allister Butcher – Executive Manager Operations
Report Date:	18 February 2020
Refer:	Item No. 11.3.5 21 January 2020
Appendices:	1. Location and Design Plans

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider approving unbudgeted expenditure to fund the construction of an external archival storage facility at the Shire of Gingin office located on Lot 163 (7) Brockman Street, Gingin.

BACKGROUND

The Shire's Administration Centre and accompanying car parking zones are located on 8,752m² area of Lot 163 (7) Brockman Street, Gingin. The existing building is primarily used for office purposes, however also contains Council Chambers and two store areas (one internal and one external within the car parking area) which is used for record keeping purposes.

The existing building is at capacity with respect to providing office and workstation areas and as such additional space is required to cater for existing and future employees. The proposed development will enable hard copy records to be relocated from within the Administration Centre to a purpose built archive storage room, thereby creating additional floor area dedicated to office and/or workstation purposes. The external storage building is experiencing issues with damp and poor (too much) ventilation due to the poor construction of the building. This building was not designed for record keeping and as such is putting the Shire's records at danger by reducing the longevity of the records. Record keeping environment requirements are specified under the National Archives of Australia Standard for the Storage of Non-digital Archival Records February 2018 and the Standard for the Physical Storage of Commonwealth Records December 2002.

The proposed storage building is 14.5 metres in length and 9.9 metres in width which equates to an area of 144.3m². The wall height is 3.1 metres tapering to a ridge height of 4.91 metres. The structure is set back 15.2 metres from the nearest (western) property boundary. The existing internal archive storage area is 49m² and the existing external archive storage area is 50m² in area. The proposed new purpose built archive storage room will increase the archive storage area by 45.3m².

The existing archive storage room located at the western end of the staff car park will require removal to enable the archive storage building to be constructed in the location proposed. In addition to this, the two existing carport structures will require remedial works and a total of 5 car parking bays will be removed.

It is proposed that prior to the demolition of the external building to store the records currently contained in the building to three sea containers and store these sea containers at the Shire's Frogmore depot.

A copy of the Location and Design Plans are attached as **Appendix 1**.

It should be noted that Council have approved a development application for this proposed archival storage facility at the 21 January 2020 Ordinary Council meeting.

COMMENT

Quotations have been sought for the construction and completion of the archival storage facility with a cost breakdown as follows:

Item	Cost (ex GST)	Comment
Builder Costs	\$143,180	Includes demolition, earthworks, building construction, etc.
Sea Containers	\$18,000	\$18,000 [\$6000 each New] or \$12,000 [\$3800 each 2 nd Hand] - 40" Containers
Access Control	\$5,000.00	Includes door modification, setup, etc.
CCTV/Alarm	\$5,000.00	Includes motion sensors and linking into existing system
Electrical	\$1,000.00	Electrical costs including networking for internet/ethernet, 4 core, etc.
Landscaping	\$6,500.00	Foot path, drainage, staircase, etc.
Office Setup	\$17,000.00	Setup of old archive space - including networking, furniture, relocating cabinets, etc.
TOTAL (EX GST)	\$195,680.00	

Should Council support this proposal funds will be sourced partly from the Office (GG Admin) – Buildings MUN budgeted account and the remaining funded from the Land & Buildings Transfer to Reserve MUN as per the table below:

Account	Description	Current Budget	Revised Budget	Surplus Deficit
1142591140	Office (GG Admin) - Buildings MUN	\$144,000	\$229,680	+\$85,680
1210597030	Land & Buildings Transfer to Reserve MUN	\$238,374	\$152,694	-\$85,680
			Net Effect	NIL

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Should Council support this proposal the 2019/20 Budget will be amended as follows:

Account	Description	Current Budget	Revised Budget	Surplus Deficit
1142591140	Office (GG Admin) - Buildings MUN	\$144,000	\$229,680	+\$85,680
1210597030	Land & Buildings Transfer to Reserve MUN	\$238,374	\$152,694	-\$85,680
			Net Effect	NIL

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	<i>Infrastructure and Development</i>
Objective	<i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.</i>
Outcome	<i>3.2 Community Infrastructure – The Shire provides fit for purpose community infrastructure in a financially responsible manner.</i>
Key Service Areas	<i>Community Infrastructure</i>
Priorities	<i>3.2.1 Develop and plan community infrastructure to improve use and financial sustainability.</i>
Focus Area	<i>Governance</i>
Objective	<i>5. To demonstrate effective leadership, governance and advocacy on behalf of community.</i>
Outcome	<i>5.1 Values – Our Organisational/Business Values are demonstrated in all that we do.</i>
Priorities	<i>5.1.2 Increase the focus on future financial sustainability to cater for anticipated growth.</i>

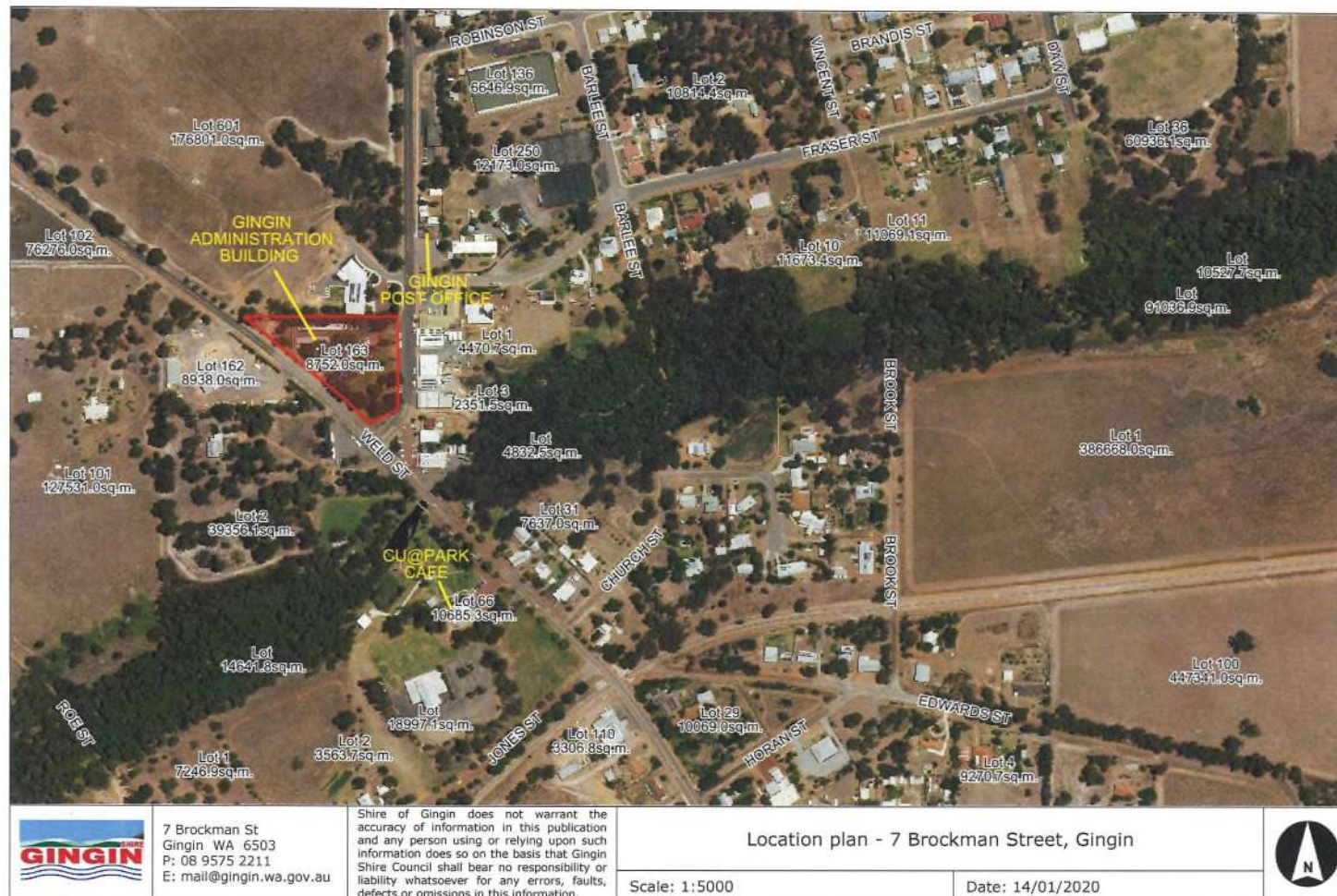
VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION/COUNCIL RESOLUTION****MOVED: Councillor Johnson SECONDED: Councillor Vis**

That Council agree to amend the adopted 2019/20 budget for the construction of an external archival storage facility as per the following table:

Account	Description	Current Budget	Revised Budget	Surplus Deficit
1142591140	Office (GG Admin) - Buildings MUN	\$144,000	\$229,680	+\$85,680
1210597030	Land & Buildings Transfer to Reserve MUN	\$238,374	\$152,694	-\$85,680
			Net Effect	NIL

CARRIED BY ABSOLUTE MAJORITY**9-0**

APPENDIX 1







GENERAL

- ## EARTHWORKS

- BRICKS AND MORTAR

- ## ELECTRICAL NOTES

- CONCRETE

- PLASTERER

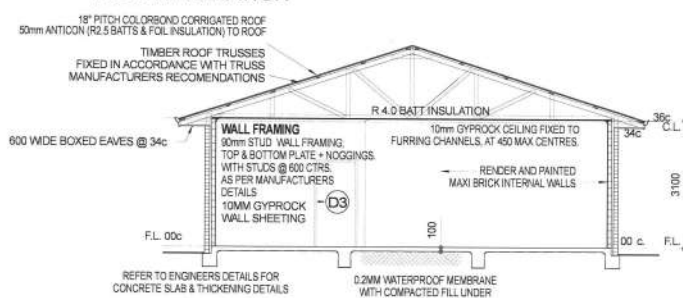
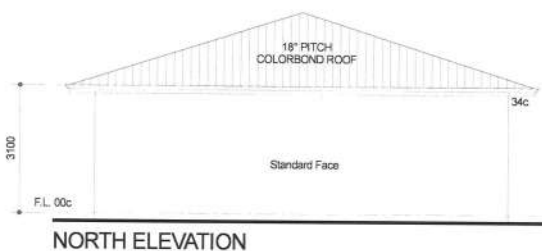
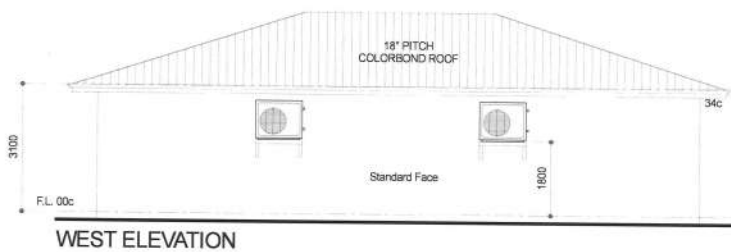
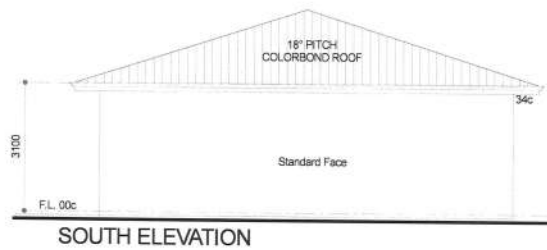
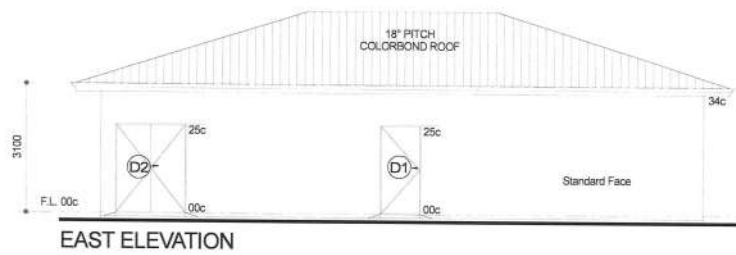
- STEEL

- TIMBER NOTES

- NOTES:

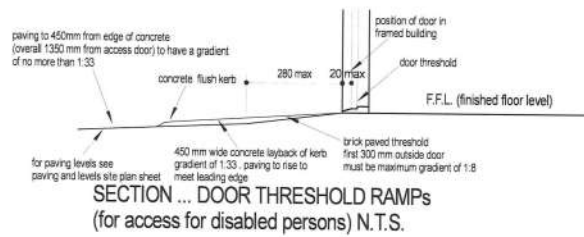
FLOOR PLAN

JOONDALUP DESIGNS Address 845 Muchea South Rd, Muchea. Post office Box 97, Muchea, 6501. Email joondalupdesigns@bigpond.com Phone 08 9571 4361 Mobile 0411 513 771 		CLIENT NAME:	SHIRE OF GINGIN		Rev No:	1	Version:	FOR APPROVAL	Date Iss:	02.01.20	By:	LA	Buildings Job No:	ARCHIVE	
		SITE ADDRESS:	Lot 162 WELD & BROCKMAN STREETS, GINGIN		DRAWING NAME:		FLOOR PLAN		Sheet No:		1 OF 4		Revision:	0	
		SHIRE:	SHIRE OF GINGIN		Scale:	1 : 100		Date Drawn:	DEC 2019		FILE NAME:		E:\Documents\02019\01\Joondalup\Shire of G		



ELEVATIONS AND SECTION

<div>JOONDALUP DESIGNS</div> <div>Address 845 Muchea South Rd, Muchea, Post office Box 97, Muchea, 6501. Email joondalupdesigns@bigpond.com Phone 08 9571 4361 Mobile 0411 513 771</div> <div><div>Joondalup DESIGNS</div></div>	<div>CLIENT NAME: SHIRE OF GINGIN</div> <div>SITE ADDRESS: Lot 162 WELD & BROCKMAN STREETS, GINGIN</div> <div>SHIRE: SHIRE OF GINGIN</div>	<div>Rev No: S A</div> <div>VENDOR: FOR APPROVAL 10MM GYPROCK WALL AND CEILING SHEETING</div> <div>Date: 22.01.20 By: LA</div>	<div>BUILDERS JOB NO: ARCHIVE SHED</div> <div>Sheet No: 2 OF 4</div> <div>Revision: A</div>		
				DRAWING NAME: ELEVATIONS & SECTION	
				Scale: 1 : 100	
		Date Drawn: DEC 2019		FILE NAME : E:\Documents\20219_Designs\ArchiveShed.dwg	

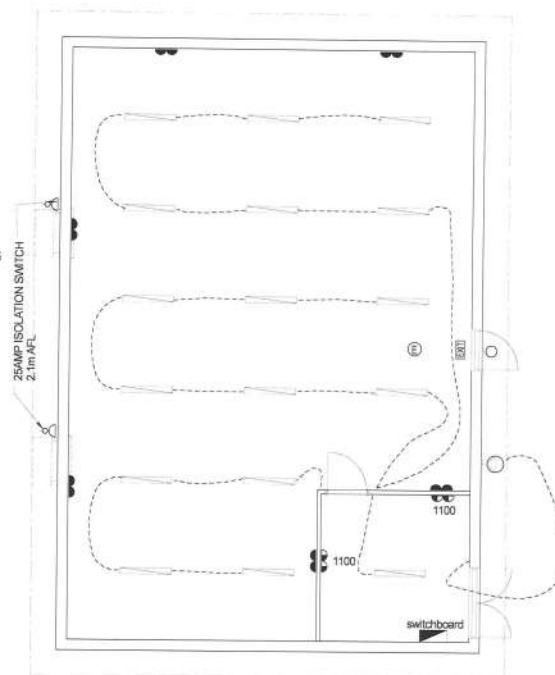
**ELECTRICAL NOTES**

1. All Electrical Work to be carried out by Licenced Electrical Installers in accordance with the S.A.A. Wiring Rules and to the requirements and approval of the State Energy Commission.

ELECTRICAL LEGEND

	MOTION SENSOR WALL LIGHT
	SECURITY WALL LIGHT (INFRASCAN)
	45W WP LED BATTEN LIGHT 1200MM
	EMERGENCY LIGHT
	EXIT SIGN (Illuminated with emergency battery back up)
	SINGLE GPO @ 250 AFL
	DOUBLE GPO @ 250 AFL
	SINGLE GPO @ HEIGHT NOTED
	DOUBLE GPO @ HEIGHT NOTED
	WATERPROOF SINGLE GPO & HEIGHT NOTED
	WATERPROOF DOUBLE GPO & HEIGHT NOTED
	25 amp ISOLATION SWITCH @ HEIGHT NOTED
	SWITCHBOARD
ALL DIMENSIONS ARE TO CENTRES	
LIGHT SWITCHES TO BE @ 1100 AFL MAX	

AIR CONDITIONING:
ELECTRICIAN TO PROVIDE ISOLATED CIRCUIT USING 4mm² POWER SUPPLY CABLE WITH A 25amp RCD BREAKER TO EACH SPLIT AIR CONDITIONER.



<div>JOONDALUP DESIGNS</div> <div>Address 845 Muchea South Rd, Muchea. Post office Box 97, Muchea, 6501. Email joondalupdesigns@bigpond.com Phone 08 9571 4361 Mobile 0411 513 771</div> <div><div>Joondalup DESIGNS</div></div>	<div>CLIENT NAME: SHIRE OF GINGIN</div> <div>SITE ADDRESS: Lot 162 WELD & BROCKMAN STREETS, GINGIN</div> <div>SHIRE: SHIRE OF GINGIN</div>	<div><div>Rev No: 0</div><div>Version: FOR APPROVAL</div><div>Date Dwn: 02.01.20</div><div>By: LA</div></div> <div><div>Builder's Job No: ARCHIVE SHED</div><div>Sheet No: 3 OF 4</div><div>Revision: 0</div></div> <div><div>DRAWING NAME: ELECTRICAL PLAN</div><div>Scale: 1 : 100</div><div>Date Drawn: DEC 2019</div><div>FILE NAME: E:\Documents\2019 JD\Gingin\ArchiveShed.dwg</div></div>	

11.4.2 UNBUDGETED EXPENDITURE – PURCHASE OF NEW ISUZU MU-X LS-T FOR EXECUTIVE MANAGER CORPORATE AND COMMUNITY SERVICES

File:	PLT/10
Reporting Officer:	Allister Butcher – Executive Manager Operations
Report Date:	18 February 2020
Refer:	Nil

DISCLOSURES OF INTEREST

The Executive Manager Corporate and Community Services declared a financial interest in this item due to the fact he is the officer subject to the report and decision of vehicle and left the Council Chambers at 4.09pm.

PURPOSE

To consider the unbudgeted expenditure for the purchase of a new Isuzu MU-X LS-T with a trade-in vehicle.

BACKGROUND

The Shire has allocated a vehicle to the position of Executive Manager Corporate and Community Services (EMCCS) current number plate 2GG with personal use as per their contract. With the resignation of the previous EMCCS and appointment of a new person to the position, the Shire sold the old vehicle being a 2015 Volkswagen Passat wagon to the person that resigned as per Council Policy 3.18 Disposition of Assets and Delegated Authority Delegation 2.14 Disposition of Assets Other than Land. An independent valuation of the 2015 Volkswagen Passat was undertaken and the vehicle was sold as per the valuation for \$19,090.91 (excluding GST). As such a new vehicle is now required for the new EMCCS.

The Shire has not allocated any funds in the 2019/20 Plant Replacement budget for the purchase of a new vehicle to replace 2GG. Currently the EMCCS is using one of the pool vehicles (6GG; 2017 Isuzu MU-X LS-M wagon).

The replacement of 2GG has been identified to occur in 2020/21.

COMMENT

It is proposed that the Shire purchase a new Isuzu MU-X LS-T (executive style) wagon to replace the sold Volkswagen Passat for the EMCCS. This is in keeping with the existing standard of vehicles for the Executive Managers who both have a LS-T standard vehicle. The rest of the Shire light fleet is Isuzu and as such have the same parts and service materials to reduce the amount of stock required to have on hand. It is also proposed to trade-in the 2013 Hyundai i30 Tourer wagon (GG11866) which is currently used as another pool vehicle to assist in the purchase of the new vehicle and 6GG would become the replacement pool vehicle. The out-right sale of GG11866 has been budgeted for within the 2019/20 Plant Replacement budget at a cost of \$3,000 (excluding GST).

Quotes have been called for the purchase of a new Isuzu MU-X LS-T wagon and trade-in of the 2013 Hyundai i30 Tourer wagon from:

- Osborne Park Isuzu;
- Major Motors; and
- DVG Wanneroo.

The cheapest net change-over quote received was from Osborne Park Isuzu of \$33,681.16 (excluding GST) with a purchase price of \$41,044.80 and trade-in (of GG11866) for \$7,363.64 all exclusive of GST. It is proposed that the shortfall may be funded through the Plant Reserve. As 2GG is due for replacement in 2020/21 in the Plant Replacement program this vehicle would then be pushed from 2020/21 for replacement to 2023/24 as per the replacement schedule of 4yr/200,000km.

If the purchase of a new Isuzu MU-X LS-T and trade-in of the 2013 Hyundai i30 Tourer wagon (GG11866) was to be endorsed a budget amendment would be required and it is proposed to be as per the table below:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
14259130	Vehicle Purchase – 2GG Plant & Equipment	\$0	\$41,044.80	\$41,044.80
12318946	Sale GG11866 Hyundai i30 Tourer Wagon	-\$3,500	-\$7,363.64	-\$3,863.64
14218120	Sale of Vehicle 2GG	\$0	-\$19,091.91	-\$19,091.91
3010171200	Plant & Equipment Reserve Accumulated	-\$1,292,766.92	-\$1,274,677.67	-\$18,089.25
			Net Effect	NIL

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial Management

Division 4 – General financial provisions

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

POLICY IMPLICATIONS

Council Policy 3.18 Disposition of Assets

Delegated Authority Delegation 2.14 Disposition of Assets Other than Land

BUDGET IMPLICATIONS

If the purchase of a new Isuzu MU-X LS-T and trade-in of the 2013 Hyundai i30 Tourer wagon (GG11866) was to be endorsed a budget amendment would be required and it is proposed to be as per the table below:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
14259130	Vehicle Purchase – 2GG Plant & Equipment	\$0	\$41,044.80	\$41,044.80
12318946	Sale GG11866 Hyundai i30 Tourer Wagon	-\$3,500	-\$7,363.64	-\$3,863.64
14218120	Sale of Vehicle 2GG	\$0	-\$19,091.91	-\$19,091.91
3010171200	Plant & Equipment Reserve Accumulated	-\$1,292,766.92	-\$1,274,677.67	-\$18,089.25
			Net Effect	NIL

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	<i>5. Governance</i>
Outcome	<i>5.1 Values – Our Organisational/ Business Values are demonstrated in all that we do.</i>
Key Service Areas	<i>Financial Management</i>
Priorities	<i>5.1.2 Increase the focus on future financial sustainability to cater for anticipated growth.</i>

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION/COUNCIL RESOLUTION**MOVED: Councillor Balcombe SECONDED: Councillor Peczka****That Council approve:**

1. The purchase of a new Isuzu MU-X LS-T at a price of \$41,044.80 (excluding GST) from Osborne Park Isuzu;
2. The trade-in of the Shire's 2013 Hyundai i30 (current number plate GG11866) at a price of \$7,363.64 (excluding GST) to Osborne Park Isuzu; and
3. The 2019/20 budget be amended as per the table below:

Account	Description	Current Budget	Revised Budget	Surplus/ Deficit
14259130	Vehicle Purchase – 2GG Plant & Equipment	\$0	\$41,044.80	\$41,044.80
12318946	Sale GG11866 Hyundai i30 Tourer Wagon	-\$3,500	-\$7,363.64	-\$3,863.64
14218120	Sale of Vehicle 2GG	\$0	-\$19,091.91	-\$19,091.91
3010171200	Plant & Equipment Reserve Accumulated	-\$1,292,766.92	-\$1,274,677.67	-\$18,089.25
			Net Effect	NIL

CARRIED BY ABSOLUTE MAJORITY**9-0**

The Executive Manager of Corporate and Community Services returned to the Chambers at 4.16pm.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. COUNCILLORS' OFFICIAL REPORTS

13.1 LOWER COASTAL COMMUNITY ALLIANCE MEETING

File:	GOV/20-1
Councillor:	Frank Johnson
Report Date:	18 February 2020

Councillor Johnson attended The Lower Coastal Community Alliance Meeting on 22 January 2020. The meeting was well attended, with the following issues being raised:

1. The Community is still seeking to have toilets installed at Wilbinga Grove and want to know if they approach Main Roads or the Shire, and if the Shire would help achieve this. I think this issue was raised previously, I'm not sure when.
2. There was some discussion about the new signage on Indian Ocean Drive being inadequate. However, someone thinks that Main Roads were already addressing the problem, and they will follow it up.
3. The survey of Woodridge residents re fracking has been completed, and strongly supports the stand they have made. The Community will be holding a Frack Free Launch Event on 8 March 2020, starting at 11.00 am, and invites will be sent to all Councillors and the Chief Executive Officer.
4. Woodridge Community Assoc will contact the CESM, Phil Barrett, to see if the Guilderton Fire Shed is available to garage a community bus if approved.
5. A question was raised re management of the bush that was burnt in the recent fires: who is responsible for it, the rehab of it and native animals, etc. There was also a query about the possibility of stopping indiscriminate use of the area by 4x4s. I am willing to pass on any information that is available if required. The issue of building alternative access roads from one-road townships as another escape route was raised, and the mood of the meeting suggests that this is a highly relevant topic after the fires.
6. The Party in the Park, Music in the Park, and Vac Swimming at Guilderton were all praised as successful events. However, a concern was raised that advertising seems to focus on Gingin and Lancelin. It was suggested that the electronic signs could be used for the Lower Coastal Events as well.
7. The issue of Winter burn-offs came up. Apparently, Eric Sorenson wrote to the Shire four months ago about the idea but hasn't received a response up to now.
8. I was asked to see if the Councillors could be introduced at the start of the Electors' meeting, because if it is full like last year, not everyone can see them, or their name plates. They also requested that we look at re-introducing alternative venues for future meetings, assuming they form part of the updated Local Government Act, and perhaps holding them at weekends, or at a later timeslot for people getting there after work.

13.2 GUILDERTON COMMUNITY ASSOCIATION ANNUAL GENERAL MEETING

File:	GOV/20-1
Councillor:	Frank Johnson
Report Date:	18 February 2020

Councillor Johnson attended the Guilderton Community Association's Annual General Meeting on Saturday 25 January 2020. The committee held the election of the new committee, however it remains very much the same committee as before. During General Business, the main topic discussed was the drop off in the number of tourists this summer, and the effect it has on the town's economy, with several factors suggested as contributing to the problem. The Association may contact the Shire to discuss ways of alleviating the problem.

13.3 RURAL WATER COUNCIL MEETING

Location:	Northam
File:	GOV/20-1
Councillor:	Frank Johnson
Report Date:	18 February 2020

Councillor Johnson attended the Rural Water Council Meeting in Northam on Thursday 30 January 2020. The Shire of Gingin was accepted as a member along with the Shire of Chittering. The meeting was well attended and informative. It was a productive meeting with committed participants and the Minister and his team were open in their approach and attitude.

13.4 SEABIRD VOLUNTEER BUSHFIRE BRIGADE – SPECIAL MEETING

File:	GOV/20-1
Councillor:	Frank Johnson
Report Date:	18 February 2020

Councillor Johnson attended the Seabird Volunteer Bushfire Brigade Special Meeting on Monday, 3 February 2020. The meeting was called to resolve the logistics problems facing it. Basically, the volunteers residing in Seabird are ageing and are not always in town when a call out is issued. However, there are several younger volunteers, who live nearby, who expressed a willingness to fill the roles required and bring the Brigade up to speed. As a result, a vote was held to fill the positions of Chief and Lieutenants, and Fire Permit Officer. A financial report was presented and accepted.

The meeting was positive, and the outcome will benefit firefighting capabilities in the local area and elsewhere.

13.5 GINGIN OUTDOOR ACTIVITY SPACE FUNDRAISER

File:	GOV/20-1
Councillor:	James Morton
Report Date:	18 February 2020

Councillor Morton reported on his attendance at the Gingin Outdoor Activity Space fundraiser on Wednesday, 5 February 2020, at the Gingin Community Resource Centre. The design of the project is at 85% and fundraising is going very well.

13.6 LANCELIN COMMUNITY RESOURCE CENTRE – ANNUAL GENERAL MEETING

File:	GOV/20-1
Councillor:	Jacqui Lobb
Report Date:	18 February 2020

Councillor Lobb reported on her attendance at the Lancelin Community Resource Centre's Annual General Meeting. Councillor Lobb mentioned she was impressed with the group, hearing that they have donated \$500 to the Bushfire relief and many more fundraisers for the community. There is a lot of effort put into this group and giving back to the community.

13.7 MEET THE FUNDERS AND LANCELIN TRIATHLON

File:	GOV/20-1
Councillor:	Jacqui Lobb
Report Date:	18 February 2020

Councillor Lobb reported on her attendance at the Meet the Funders on 11 February 2020.

Councillor Lobb reported on her attendance at the Lancelin Triathlon on the weekend, of 16 February 2020. Councillor Lobb presented the medals to the winners together with Councillor Court. It is the first triathlon event that Councillor Lobb has attended and she felt it was a good day.

13.8 MEET THE FUNDERS

File:	GOV/20-1
Councillor:	Linda Balcombe
Report Date:	18 February 2020

Councillor Balcombe also reported on her attendance at the Meet the Funders day in Lancelin on 11 February 2020. It was a well-run workshop with great attendance, well done to the staff involved in organising this.

13.9 GINGIN DISTRICT HIGH SCHOOL

File:	GOV/20-1
Councillor:	Kim Rule
Report Date:	18 February 2020

Councillor Rule reported on his attendance as chair of the School Council at a training day in Leederville with the local Acting Principal from Gingin District High School. The training day was for the Gingin DHS Principal and the School Council Chair to start the process of the school becoming an Independent Public School. The school was assigned a Principal mentor for 12 months who is from Hollywood Primary School and grew up in the country, a great outcome for the school.

Councillor Rule also mentioned that there will be a School Council meeting on 3 March 2020.

13.10 AUSTRALIA DAY EVENT

File:	GOV/20-1
Councillor:	Wayne Fewster Shire President
Report Date:	18 February 2020

Councillor Fewster reported on how well the Australia Day event ran at Neergabby on 26 January 2020. There have been positive comments back from the public and he asked the Chief Executive Officer to report back to Shire staff and the Neergabby Community Association on how well the event was organised.

13.11 GINGIN WATER GROUP MEETING

File:	GOV/20-1
Councillor:	Wayne Fewster Shire President
Report Date:	18 February 2020

Councillor Fewster reported on his attendance at the Gingin Water Group meeting on Friday 7 February 2020. There was disappointment expressed with respect to the disbanding of the Gingin Water Advisory Group. Councillor Fewster suggested to Mr Rickson that he discuss reinstatement of the Advisory Committee, with the Department of Water and Environmental Regulation.

13.12 WHEATBELT NORTH MOORA SUBGROUP MEETING

File:	GOV/20-1
Councillor:	Wayne Fewster Shire President
Report Date:	18 February 2020

Councillor Fewster attended the Wheatbelt North Moora Subgroup meeting on 13 February 2020. The funding for the year was good and he congratulated the Executive Manager Operations for his efforts in charging this group. Councillor Fewster also advised that he had been elected as the Deputy Chair.

13.13 UPPER COASTAL SPORTING FACILITIES WORKING GROUP MEETING AND VARIOUS EVENTS

File:	GOV/20-1
Councillor:	Jan Court
Report Date:	18 February 2020

Councillor Court reported on her attendance at the recent Upper Coastal Sporting Facilities Working Group meeting on 10 February 2020 with Councillor Lobb. There was discussion in relation to a road between Ledge Point and Lancelin.

Councillor Court also attended the Meet the Funders event in Lancelin on 11 February 2020 and mentioned it was an excellent opportunity for members to apply and seek assistance with grants.

Councillor Court also mentioned that the Ledge Point Sand Castle Competition was well attended with the coordinators running out of beach length. Thanks were also passed onto Council for their support of this event.

13.14 LANCELIN TRIATHLON

File:	GOV/20-1
Councillor:	Jan Court
Report Date:	18 February 2020

Councillor Court attended the Lancelin Triathlon on 16 February 2020 and helped Councillor Lobb present the winners with their medals. It was a fantastic event and Councillor Court congratulated staff members and volunteers who helped organise and run the event, it was great to see so many people coming up and saying this is the best triathlon they have attended.

Councillor Court also mentioned that there was a great number of young people participating in the event, which is great to see. It is a great value for money event that the Shire runs, it brings tourism into the town as well, and there were over 180 participants who brought family and friends with them.

13.15 AUSTRALIA DAY EVENT

File:	GOV/20-1
Councillor:	Frank Peczka
Report Date:	18 February 2020

Councillor Peczka also attended the Australia Day event and endorsed the comments made by the Shire President. It's great to see this event bring communities together. Congratulations to staff involved in organising this event.

Councillor Peczka mentioned he was an apology for the Meet the Funders workshop due to an urgent deployment request to Katanning Fire Ground and could not make the Lancelin Triathlon due to a prior commitment.

13.16 OCEAN FARM COMMUNITY AND RECREATION ASSOCIATION MEETING

File:	GOV/20-1
Councillor:	Andrea Vis
Report Date:	18 February 2020

Councillor Vis reported on her attendance at the Ocean Farm Community and Recreation Association. There was discussion on the issues with the building works and the thought of relocating the building which the group will approach the Shire to discuss further.

Councillor Vis also mentioned that she was a volunteer at the Lancelin Triathlon and that the Seabird and Ocean Farm Fire Brigade have expressed their commitment to volunteer at events like this in the future.

14. NEW BUSINESS OF AN URGENT NATURE

Nil

15. MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

MOVED: Councillor Johnson SECONDED: Councillor Rule

That Council move into a Confidential Session to discuss Item 15.1.

CARRIED UNANIMOUSLY

The meeting was closed to the public and all members of the public in the gallery left the Council Chambers at 4.36pm.

15.1 PROPOSED DISPOSITION OF LOT 402 (22) BROCKMAN STREET, GINGIN

File:	A3255
Author:	Lee-Anne Burt – Governance Officer
Reporting Officer:	Aaron Cook – Chief Executive Officer
Report Date:	18 February 2020
Refer:	15 October 2019 Item 11.1.3
Appendices:	1. Valuation Report – Urban and Rural Valuations

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:

(h) *such other matters as may be prescribed.*

Regulation 4A of the *Local Government (Administration) Regulations 1996* states as follows:

4A *Matter prescribed for when meeting may be closed to public (Act s. 5.23(2)(h))*

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

DISCLOSURES OF INTEREST

The Acting Manager Statutory Planning declared an impartiality interest in this item as he is a paying member of the Gingin Gym and left the Chambers at 4.37pm.

The Chief Executive Officer declared an impartiality interest in this item as he is a paying member of the Gingin Gym and left the Chambers at 4.37pm.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION/COUNCIL RESOLUTION**

MOVE: Councillor Balcombe **SECONDED:** Councillor Morton

That Council:

- 1. Authorise the Chief Executive Officer to give public notice of the proposed disposition in accordance with Section 3.58(3) of the *Local Government Act 1995* and report back to Council if any submissions are received;**
- 2. In the event that no submissions are received at the conclusion of the public submission period, authorise the Chief Executive Officer to accept the offer of \$160,000 (plus GST) received from P D and K Grant for the purchase of Lot 402 (22) Brockman Street, Gingin; and**

3. **Require all net proceeds from the sale of the property to be transferred to Council's Land and Buildings General Reserve Fund.**

CARRIED BY ABSOLUTE MAJORITY

9-0

COUNCIL RESOLUTION

MOVED: Councillor Court

SECONDED: Councillor Peczka

That the meeting be re-opened to the public.

CARRIED UNANIMOUSLY

The meeting re-opened to the public at 4.42pm. No members of the public returned to the meetings.

The Chief Executive Officer returned to the Council Chambers at 4.42pm.

16. CLOSURE

There being no further business, the Shire President declared the meeting closed at 4.43pm.

The next Ordinary meeting of Council will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on Tuesday, 17 March 2020 commencing at 3.00pm.

These Minutes are confirmed as the official record of the Ordinary Meeting of the Gingin Shire Council held on 18 February 2020.



Councillor C W Fewster
Shire President
17 March 2020