SHIRE OF GINGIN

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MINUTES

Ordinary Council Meeting

21 September 2021

CONFIRMATION OF MINUTES

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



Councillor C W Fewster
SHIRE PRESIDENT

Date of Confirmation: 19 October 2021

DISCLAIMER

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

ACKNOWLEDGEMENT OF COUNTRY

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

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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 03:09 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – C W Fewster (Shire President), J K Rule (Deputy Shire President), L Balcombe, J Court, F J Johnson, J C Lobb and F J Peczka.

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

Gallery – There were 22 members of the public present in the Gallery.

2.2 APOLOGIES

Councillor J E Morton

2.3 LEAVE OF ABSENCE

Councillor A Vis

3 DISCLOSURES OF INTEREST

Councillor Kim Rule

Item:	13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban
Interest:	Financial
Reason:	I am a partner in an agricultural lime sand business in Lancelin.

Councillor Jacqui Lobb

Item:	13.8 Application for Development Approval - Proposed Front Fence on Lot 244 (57) Atkinson Way, Lancelin
Interest:	Proximity
Reason:	My daughter's house.

Councillor Wayne Fewster

Item:	13.9 Proposed Two Lot Subdivision of Lot 58 (5) Hoy Road, Coonabidgee
Interest:	Financial
Reason:	Brother-in-law is the proponent.

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

4.2.1 Scott Chathin – Caraban Road, Caraban
Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Q1. Has consideration been given to water usage on the mine site property?

Response by Shire President

A1. The Shire doesn't control water allocation. The proposal was referred to the Department of Water, which had no issue with the proposal.

4.2.2 Jenny Walker - King Drive, Woodridge
Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Q1. Is Council aware that water licences have been rejected in the area for a number of years now, and there are no water licences available in the area?

Response by Shire President

A1. The Officer's Recommendation includes, as a condition of approval, a requirement for the landowner to provide the Shire with evidence that an adequate water supply has been secured, prior to commencement of the use. If there is no water licence granted, then the operation cannot commence.

4.2.3 Gary Davies - King Drive, Woodridge
Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Q1. Who will do the monitoring of the conditions of approval relating to dust control?

Response by Shire President

A1. The Officer's Recommendation includes, as a condition of approval, a requirement for the landowner/operator to set up dust monitoring gauges. The landowner/operator will be responsible for providing the monitoring data to the Shire annually, or as otherwise requested.

4.2.4 Stan Sykes - Barragoon Road, Caraban
Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Q1. Will the Shire be responsible for overseeing or conducting the air quality monitoring?

Response by Shire President

A1. The Officer's Recommendation includes, as a condition of approval, a requirement for the landowner/operator to set up dust monitoring gauges. The landowner/operator will be responsible for providing the monitoring data to the Shire annually, or as otherwise requested.

4.2.5 Scott Chathin – Caraban Road, Caraban
Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Q1. Has consideration been given to the impact of the proposal on local roads?

Response by Shire President

A1. The proposal was referred to Main Roads Western Australia for comment. MRWA had no concerns with respect to potential impacts on Indian Ocean Drive and the Caraban Road/Indian Ocean Drive intersection.

It is important for members of the public to understand that everyone who owns land within the Shire of Gingin has the right to make application to do things on their land, and the Shire is obligated to consider every such application received.

Some proposals can be approved or rejected by Administration under delegated authority, and others must be referred to Council for determination. However, on many occasions one or more aspects of a proposal deal with matters that are outside the jurisdiction of the Shire of Gingin and, as part of the assessment process, these matters must be referred to an external body such as the Department of Water, Department of Biodiversity, Conservation and Attractions, Department of Health or Main Roads Western Australia for comment.

The operator will be responsible for upgrading of Caraban Road if required.

4.2.6 Shane Ness - King Drive, Woodridge
Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Q1. Is it correct that the proposal wasn't referred to the Department of Fire and Emergency Services for assessment?

Response by Statutory Planning Officer

A1. The property is classified as partially bush fire prone, and therefore referral of the proposal to DFES was not required under State Planning Policy 3.7 - Planning in Bushfire Prone Areas.

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

An Application for Leave of Absence was submitted by Councillor Andrea Vis for this meeting (21 September 20201).

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka SECONDED: Councillor Johnson

That Council grant Leave of Absence to Councillor Andrea Vis for the Ordinary Council Meeting on 21 September 2021.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*
AGAINST: *Nil*

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Court

That Council confirm the Minutes of the Ordinary Council Meeting held on 17 August 2021 as a true and accurate record, subject to item 11.6 Gingin Eco Lifestyle Village - Purchase of Residences by Shire of Gingin being amended to show that the Procedural Motion was moved by Councillor Morton prior to the Amendment Motion.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Deputations

Three deputations were heard by Council prior to the meeting commencement, the details of which are as follows:

Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Speaker/s: Kirsty Smith

The Deputation was in opposition to the Officer's Recommendation.

Item 13.1 Application for Development Approval - Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban

Speaker/s: Jenny Walker; Shane Ness; Stan Sykes

The Deputation was in opposition to the Officer's Recommendation.

Item 13.8 Application for Development Approval - Proposed Front Fence on Lot 244 (57) Atkinson Way, Lancelin

Speaker/s: Emma Lobb

The Deputation was in opposition to the Officer's Recommendation.

Councillor Frank Johnson - Diploma in Local Government (Elected Member)

The Shire President extended congratulations to Councillor Johnson, who was presented with his Diploma in Local Government (Elected Member) at the 2021 WALGA Local Government Convention.

Bob Kelly (Executive Manager Regulatory and Development Services) - International Service Award

Congratulations were also extended to the Shire's Executive Manager Regulatory and Development Services, Bob Kelly, who received the Red Cross International Service Award on Friday, 17 September 2021. The International Service Award recognises Aid Workers who represent Red Cross overseas and who display exemplary service of a commendable nature or over a lengthy period of time, usually in conflict relief, natural disaster relief or within a development project.

The Shire President read aloud to the meeting the Citation given to Mr Kelly to accompany his medal, which recognises his service in conflict areas such as Somalia, Rwanda, Bosnia and Herzegovina and Bougainville amongst others.

2021 Local Government Elections

The Shire President recognised the contributions of Councillors Jacqui Lobb and James Morton, who are both retiring at the October 2021 local government elections after serving a four year term.

Councillors Frank Johnson and Kim Rule, who have renominated for a further term, and the Shire President extended his best wishes to both Councillors for their campaigns.

9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

COUNCIL RESOLUTION

MOVED: Councillor Rule SECONDED: Councillor Johnson

That Items 13.1 Application for Development Approval – Proposed Extractive Industry on Lot M1332 Caraban Road, Caraban (pg 187) and Item 13.8 Application for Development Approval – Proposed Front Fence on Lot 244 (57) Atkinson Way, Lancelin (pg 677) be considered as the first items of business.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

11 REPORTS - OFFICE OF THE CEO

11.1 REVIEW OF POLICY MANUAL SECTION 3

File	COR/28-1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. Policy 3.2 Investments [**11.1.1** - 4 pages] 2. Policy 3.3 Donations [**11.1.2** - 1 page] 3. Policy 3.4 Debt Collection [**11.1.3** - 2 pages] 4. Policy 3.5 Assets - Accounting [**11.1.4** - 1 page] 5. Policy 3.6 Loans - Self-Supporting [**11.1.5** - 1 page] 6. Policy 3.9 Purchasing and Ordering of Goods [**11.1.6** - 3 pages] 7. Policy 3.10 Purchasing [**11.1.7** - 11 pages] 8. Policy 3.11 Revaluation of Non-Current Assets [**11.1.8** - 1 page] 9. Policy 3.14 Land Under Roads [**11.1.9** - 1 page] 10. Policy 3.15 Consolidation of Council's Existing and Future Playgrounds [**11.1.10** - 3 pages] 11. Policy 3.17 Asset Management [**11.1.11** - 3 pages] 12. Policy 3.18 Disposal of Assets [**11.1.12** - 2 pages] 13. Policy 3.19 Fees Relating to Planning and Building Matters [**11.1.13** - 2 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To undertake a review of all policies currently contained within Section Three of Council's Policy Manual, with the exception of the following:

1. Policy 3.7 Distribution of Funds to Community and Sporting Bodies Through the Community and Sporting Recreation Facilities Fund;

2. Policy 3.8 Environmental Funding Policy – Environmental Allocation Fund; and

3. Policy 3.12 Tourism Allocation Funding.

BACKGROUND

There is no legislative requirement for local governments to put policies in place, although s. 2.7 of the *Local Government Act 1995* identifies determination of the local government's policies as part of the role of Council.

Policies are documents designed to provide guidance to staff and Elected Members on what is to be considered when dealing with certain matters. They form the discretionary part of a local government's decision making, or the component that allows Council to make policy level decisions; implementation and day-to-day delivery are carried out by staff.

The Shire of Gingin's current Policy Manual has been in place since 1995. It has been a number of years since the last comprehensive review of the Policy Manual as a whole, although many of the policies have been reviewed individually from time to time. There is no statutory requirement for policies to be reviewed, although good governance dictates that reviews should be undertaken on a regular basis to ensure that policies remain relevant.

Sections One and Two of the Policy Manual were reviewed by Council at its meetings on 21 January 2020 and 16 March 2021, respectively. Further sections of the Policy Manual will be presented to future Council meetings as the review process progresses.

Policy 1.4 Council Policy Management requires that, where a new policy or major amendment to an existing policy is proposed, Councillors and senior staff are to be provided with a minimum of 21 days to provide feedback on the proposal prior to it being presented to Council for consideration. Any feedback and/or questions received can then be addressed as part of the Officer's Report to Council.

Proposals with respect to the review of Policy Manual Section Three were circulated to all Councillors and the Executive Management Team as a paper to the Briefing Session held on 20 July 2021, with the comment period closing on 27 August 2021.

COMMENT

At the Briefing Session on 20 July 2021, the general consensus was that Policies 3.7, 3.8 and 3.12 should be removed from the review process at this time pending the development of a general community funding policy. For that reason, Policies 3.7, 3.8 and 3.12 are not addressed in this report.

Many of the remaining policies currently contained within Section Three are very old and are redundant either because the issues they address are now covered by other means, or because they are operational matters that do not fall within the realm of Council policy.

Where it is proposed that a policy be retained (possibly with amendment), then the policy has been reformatted if necessary to meet current standards.

The following comments address each policy individually and include any feedback received from Councillors.

1. Policy 3.2 Investments (Appendix 11.1.1)

Recommendation – that the policy be retained.

Policy 3.2 was first adopted in 1995. It sets out the parameters under which the Shire's surplus funds are to be invested.

The policy has been reviewed, and no amendments are proposed at this time.

2. Policy 3.3 Donations (Appendix 11.1.2)

Recommendation – that the policy be repealed.

Policy 3.3 was adopted in 1995 and requires all requests for donations to be published in the Information Bulletin, with any donation deemed worthy of further consideration to be raised by Councillors at a Council meeting as either a Motion of Which Previous Notice Has Been Given, or as New Business of an Urgent Nature. The policy also requires staff to *bring matters of special consideration to Council's attention*.

Repeal is recommended on the following grounds:

a. An information bulletin is no longer provided to Councillors.

b. A donation request would not normally be eligible to be considered as new business of an urgent nature unless it meets the definition of urgent business provided in Council's Meeting Procedures Local Law 2014.

c. A donation request could conceivably be raised by a Councillor as a motion of which previous notice has been given provided that, in accordance with the Meeting Procedures Local Law 2014, written notice of the motion must be provided to the CEO at least four clear working days prior to the meeting. However, this applies to any matter that a Councillor may wish to raise for Council's consideration and there is therefore no need for a policy determination solely for donation requests.

d. Council has delegated power to the CEO (Delegation 2.15 Payments from the Municipal or Trust Funds) to determine donation requests up to a maximum value of $1,000. A condition of delegation is that details of all donations approved under delegated authority must be provided to Council on a monthly basis, together with a justification for the decision. Donation requests in excess of $1,000 in value must be submitted to Council for consideration.

Policy 3.3 is considered to be outdated, inconsistent with current conditions applied to delegation, and unnecessary.

3. **Policy 3.4 Debt Collection (Appendix 11.1.3)**

Recommendation – that the policy be repealed.

Policy 3.4 was adopted in 1996 and sets out the procedures to be followed in recovering outstanding rates owed to the Shire. It is administrative in nature, rather than setting out a policy position of Council.

4. **Policy 3.5 Assets – Accounting (Appendix 11.1.4)**

Recommendation – that the policy be repealed.

Policy 3.5 was adopted in 2007 and sets out depreciation rates for the 2006/07 financial year. Apart from the fact that the information is now 13 years out of date, it did not form a policy of Council and should not have been included in the Policy Manual.

5. **Policy 3.6 Loans – Self Supporting (Appendix 11.1.5)**

Recommendation – that the policy be repealed.

Policy 2.11 was adopted in 1995 and provides guidelines on the necessary requirements for an organisation to apply to Council for a self-supporting loan. The policy applies to self-supporting loans for *community groups, clubs or other organisations that are not incorporated, and for non-community groups, clubs or other organisations, whether incorporated or not.*

Repeal of the policy is recommended on the following grounds:

a. The issuing of self-supporting loans to unincorporated groups and non-community based groups is now unusual, as in most cases local governments will only provide funding for capital works (which is generally the main purpose of a self-supporting loan) where ownership of the infrastructure will ultimately lie with either the community or the Shire.

b. The policy doesn't specify any maximum amount that Council will agree to (for example, 50% of the project costs).

c. The policy doesn't set out information that must be provided by an organisation when applying for a self-supporting loan, other than financial statements and a budget demonstrating ability to repay the loan.

d. The policy doesn't contain any evaluation process to be followed in considering an application for a self-supporting loan, or any conditions under which funding will be approved.

Given the rarity of self-supporting loans now, it is recommended that applications, if received, be dealt with by Council on a case by case basis.

6. Policy 3.9 Purchasing and Ordering of Goods (Appendix 11.1.6)

Recommendation – that the policy be repealed.

Policy 3.9 was originally adopted in 2002 and has been amended many times over the intervening years. However, in conducting the current policy review process it has become apparent that the authorisation of employee positions to issue purchase orders is an administrative process. It is not appropriate for authorisation of staff to issue purchase orders to be dealt with by Council policy.

It is clear that the *Local Government Act 1995* treats the incurring of a liability and the making of a payment as two very separate processes, and in fact demands that there be separation of powers between the two processes.

Council's role in purchasing is to:

a. make a decision to permit a purchase (either through adoption of the annual Budget, or through a specific decision to approve a project or implement a policy); and

b. to choose, under the express power of delegation granted by r.12(10(a) of the *Local Government (Financial Management) Regulations 1996*, to delegate to the CEO the power to make payments from the Municipal and Trust Funds.

The decision to incur a liability (through the issue of a purchase order) is, in fact and in operation, a method of implementing a Council decision and therefore accords with the CEO's duties under s.5.41(c) of the *Local Government Act 1995.* Similarly, under r.5 of the *Local Government (Financial Management) Regulations 1996*, the CEO is required, amongst other things, to ensure proper authorisation for the incurring of liabilities and the making of payments. Regulation 11 of the Regulations also requires a local government to develop procedures for the approval of accounts to ensure that, before payment of an account, a determination is made that the relevant debt was incurred by a person who was property authorised to do so.

These procedures form part of the matters that must be reviewed by the CEO and reported to the Audit Committee at least once in every three financial years under r.17 of the *Local Government (Audit) Regulations 1996*. The next Audit Regulation 17 review for the Shire of Gingin is due to be completed by the end of the 2021/22 financial year.

7. **Policy 3.10 Purchasing (Appendix 11.1.7)**

Recommendation – that the policy be amended.

Regulation 11A of the *Local Government (Functions and General) Regulations 1996* (the Regulations) requires each local government to adopt and implement a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, under a specified value threshold.

Council's current Purchasing Policy, which was adopted in 2016, applied to purchases with a total value not exceeding $150,000, which was the value threshold specified by the Regulations at the time.

In 2020, as part of amendments to the *Local Government Act 1995*, Regulation 11A was amended to require a purchasing policy to be put in place for goods and services with a consideration or value of $250,000 or less. In effect, this means that the supply of any goods and services with a value exceeding $250,000 must be dealt with by a public tender process instead of being covered by the provisions of the Purchasing Policy.

It is recommended that Council amend cl. 4.2, 4.5 and 4.7 to reflect this change in the tender threshold.

Councillor Morton has proposed the following additional amendments to Policy 3.10:

1. In cl. 4.2, amend the second paragraph of the clause by adding the words "by decision of Council" to the end of the paragraph. The paragraph would then appear as follows:

   Purchasing that exceeds $150,000 [or $250,000 if Council supports the Officer's recommendation] *in total value (excluding GST) must be put to public tender when it is determined that a regulatory tender exemption, as stated under 4.6 of this Policy, is not deemed to be suitable by decision of Council.*

   Officer Comment

   Regulation 11(2) of the *Local Government (Functions and General) Regulations 1996,* (the Regulations) prescribes the specific circumstances under which purchasing which exceeds the tender threshold can be exempted from the requirement to go out to public tender. Clause 4.6 of Policy 3.10 mirrors these exemption provisions.

The Regulations also make provision, in r.13, for a local government to call for tenders even if not required to do so.

At its meeting on 15 June 2021, Council adopted Delegation 1.21 Tenders for Goods and Services – Call Tenders which, amongst other things, delegates to the CEO the power to call tenders (under r.11), and to determine that tenders should be called even if a tender process is not required (under r.13).

The proposed amendment to Council's policy would, in effect, negate the delegation of powers under r.13 and require all proposed procurement which exceeds the $250,000 threshold and meets the criteria for exemption as prescribed by r.11(2) to be submitted to Council for a determination as to whether it should be subjected to a public tender process.

The instrument of delegation adopted by Council is based on the template delegation formulated by the Western Australian Local Government Association. The delegation of these powers to the CEO is common to most local governments in the interests of administrative efficiency.

This particular amendment is therefore not supported.

2. In cl. 4.6, include:

a. a requirement for Council to approve any exemption from the requirement to call for tenders; and

b. an additional dot point requiring that "Regional Price Preference Policy should be applied in all purchases".

Officer Comment

a. For the reasons given above, the inclusion in policy of a requirement for Council to approve any exemption from the requirement to call for tenders is not supported.

b. With respect to the inclusion of a reference to application of a Regional Price Preference Policy, at its meeting on 17 August 2021 Council resolved to give State-wide public notice of its intention to implement a regional price preference policy in accordance with r.24E of the Regulations.

Public submissions in relation to the proposed policy may be made up until 8 October 2021, and at the close of the submission period the matter must be presented again to Council for further consideration.

Whilst the inclusion of reference to a regional price preference policy is supported, it is not possible to do so until such time as a policy of this nature is formally adopted by Council. It is also considered that such a reference should be included in cl. 7 Buy Local Policy, rather than cl. 4.6 which deals with exemptions from tendering requirements.

On that basis, and in order to avoid the need to bring Policy 3.10 back to Council for further amendment, it is suggested that Council resolve to amend cl. 7 Buy Local Policy as follows, subject to the proposed Regional Price Preference Policy being adopted:

i. Amend the clause heading to read "Local Economic Benefit";

ii. insert an additional paragraph as the end of cl. 7 as follows:

The Shire of Gingin has adopted a Regional Price Preference Policy, which will be applied when seeking quotations or calling for tenders.

8. Policy 3.11 Revaluation of Non-Current Assets (Appendix 11.1.8)

Recommendation – that the policy be repealed.

Policy 3.11 was adopted in 2002 and confirms the Shire's compliance with the requirements of Australian Accounting Standard AASB 1041 Revaluation of Non-Current Assets.

Compliance with the Australian Accounting Standards is mandatory under r.5A of the *Local Government (Financial Management) Regulations 1996*. Therefore, there is no need for a policy position in this regard.

9. Policy 3.14 Land Under Roads (Appendix 11.1.9)

Recommendation – that the policy be repealed.

Policy 3.14 was first adopted in 2009 and confirms compliance with the requirements of Australian Accounting Standard 1051 Land Under Roads and r.16(1)(i) of the *Local Government (Financial Management) Regulations 1996.*

Although Regulation 16 was repealed in 2020, compliance with the Australian Account Standards is mandatory under r.5A and therefore there is no need for Council to have a policy position in this regard.

10. **Policy 3.15 Playground Policy - Consolidation of Council's Existing and Future Playgrounds (Appendix 11.1.10)**

Recommendation – that the policy be amended.

Policy 3.15 was first adopted in 2011 to provide guidance on the standards of provision, future direction and management for playgrounds in the Shire of Gingin.

There are a number of aspects of the policy that require review, as follows:

1. The policy addresses other issues in addition to consolidation, and therefore it is recommended that the policy title be amended to Policy 3.15 Playgrounds.

2. The objectives of the policy have been rearranged to follow current policy drafting protocols.

3. One of the current policy objectives is:

   To ensure that the community's needs are addressed through community engagement.

   In fact, the policy does not address community engagement practices with respect to playgrounds. It is recommended that this objective be deleted.

4. The policy scope states that the policy only applies to playgrounds with play equipment specifically designed for use by children between 3 and 12 years.

   In reality, modern playgrounds often incorporate facilities that are utilised by age groups outside the range specified by the policy, and a limitation of this nature doesn't appear to be useful. It is recommended that the scope be amended so that the policy applies to all playgrounds within the Shire of Gingin for which the Shire of Gingin is responsible.

5. The policy refers to "...Council's Ten (10) Year Playgrounds Development Plan". The Shire does not currently have a Development Plan for playgrounds. It does have a Ten Year Playground Replacement Program which is reviewed regularly following annual playground inspections.

   The development of new playgrounds is generally only contemplated if the project is included in the Long Term Financial Plan.

6. The policy refers to the ongoing construction of limestone walls around playgrounds. This generally does not occur as, in most instances, walls of this nature can create a trip hazard and/or limit disability access.

11. Policy 3.17 Asset Management (Appendix 11.1.11)

Recommendation – that the policy be retained without amendment.

Policy 3.17 was adopted by Council in 2013 following introduction by the State Government of a requirement for all local governments to have in place an Integrated Planning and Reporting Framework including an Asset Management Policy and a supporting Asset Management Strategy.

No amendments are proposed to Policy 3.17 at this point in time.

12. Policy 3.18 Disposition of Assets (Appendix 11.1.12)

Recommendation – that the policy be retained without amendment.

Policy 3.18 was adopted by Council in 2013 and supports Delegation 2.14 Disposition of Assets Other Than Land. It sets out the process to be followed in disposing of assets other than land with a value of less than $50,000.

No amendments are proposed to Policy 3.18 at this point in time.

13. Policy 3.19 Fees Relating to Planning and Building Matters (Appendix 11.1.13)

Recommendation – that the policy be amended.

Policy 2.23 was adopted in 2017 and details how requests for the refund of fees payable under the *Planning and Development Act 2005* and the *Building Act 2011*.

Under the *Local Government Act 1995*, a local government has the power to waive or grant concessions with respect to any money owed to it. The local government also has the ability to delegate this power to its CEO, and the Shire of Gingin has a delegation (Delegation 2.2) in place in this regard. However, powers under the *Local Government Act 1995* cannot be extended to deal with the waiving or refunding of fees payable under other pieces of legislation.

With that in mind, Council adopted Policy 3.19 in 2017 to address requests that are occasionally received from community bodies for the waiving or refund of fees that relate to planning and/or building applications.

The intention at the time of adoption was for the CEO to be empowered to determine such requests within the limitations of the policy conditions. However the policy does not specifically authorise the CEO in this regard, and it is recommended that this be addressed by making minor clarifications to cl. 1c and 2d. Cl. 2c and 2d should also be further amended to delete reference to waiving and exemption of fees as fees imposed under the *Building Act 2011* can only be refunded.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 6 Financial management
Division 4 General financial provisions
Section 6.14 Power to invest

Division 6 Rates and service charges
Subdivision 5 Recovery of unpaid rates and service charges

Local Government (Financial Management) Regulations 1996
Part 2 General financial management – s. 6.10
Regulation 5A Local governments to comply with AAS
Regulation 11 Payments, procedures for making etc
Regulation 12 Payments from municipal fund or trust fund, restrictions on making
Regulation 13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
Regulation 19 Investments, control procedures for
Regulation 19C Investment of money, restrictions on (Act s. 6.14(2)(a))

Local Government (Functions and General) Regulations 1996
Part 4 Provision of goods and services
Division 1 Purchasing policies
Regulation 11A Purchasing policies for local governments

Planning and Development Regulations 2009
Part 7 Local government planning charges
Division 2 Fees and other charges
Regulation 52 Local government may waive or refund fee

Building Act 2011
Part 2 Building and demolition permits
Division 2 Applications for building or demolition permits
Regulation 23 Time for deciding application for building or demolition permits

Part 4 Occupancy permits and building approval certificates
Division 3 Making and dealing with applications for occupancy permits and building approval certificates
Regulation 59 Time for granting occupancy permit or building approval certificate

POLICY IMPLICATIONS

This report seeks to review and either repeal, amend or retain without amendment all policies currently contained within Section 3 of Council's Policy Manual with the exception of Policies 3.7, 3.8 and 3.12.

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Balcombe

That Council:

1. **Retain Policy 3.2 Investments without amendment, as shown at Appendix 11.1.1.**
2. **Repeal Policy 3.3 Donations.**
3. **Repeal Policy 3.4 Debt Collection.**
4. **Repeal Policy 3.5 Assets – Accounting.**
5. **Repeal Policy 3.6 Loans – Self Supporting.**
6. **Repeal Policy 3.9 Purchasing and Ordering of Goods.**
7. **Adopt amended Policy 3.10 Purchasing, as shown at Appendix 11.1.7.**
8. **Repeal Policy 3.11 Revaluation of Non-Current Assets.**
9. **Repeal Policy 3.14 Land Under Roads.**

10. Adopt amended Policy 3.15 Consolidation of Council's Existing and Future Playgrounds, as shown at Appendix 11.1.10.

11. Retain Policy 3.17 Asset Management without amendment, as shown at Appendix 11.1.11.

12. Retain Policy 3.18 Disposition of Assets without amendment, as shown at Appendix 11.1.12.

13. Adopt amended Policy 3.19 Fees Relating to Planning and Building Matters, as shown at Appendix 11.1.13.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

3.2 Investments

OBJECTIVE

The objective of the Investment Policy is to invest the Shire of Gingin's surplus funds with consideration of risk and at the most favourable rate of interest available to it at the time, for that investment type, and having regard for the local banks, while ensuring that its liquidity requirements are being met.

POLICY

Whilst exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return on investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be performed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes management of credit and interest risk within identified thresholds and parameters.

- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash-flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The investment is expected to achieve a predetermined market average rate of return that takes into account the Shire's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.

Legislative Requirements

All investments are to comply with the following:

- Local Government Act, 1995 (as amended) – Section 6.14;
- Trustees Act, 1962 – Part III Investments;
- Local Government (Financial Management) Regulations 1996 – Regulation 19, Regulation 19C, Regulation 28 and Regulation 49; and
- Australian Accounting Standards.

Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer (CEO) in accordance with the Local Government Act 1995. The CEO may, in turn, delegate the day-to-day management of the Shire's investments to senior staff, subject to regular reviews.

Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. Officers are to manage the investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Shire's investment portfolio. This policy requires Officers to disclose any conflict of interest to the CEO.

Approved Investments

Without approval from Council, investments are limited to:

- State/Commonwealth Government Bonds with a term of maturity not exceeding three years;
- Fixed term deposits placed with an authorised institution* for a term not exceeding three years; and
- Interest-bearing deposits placed with an authorised institution;

Prohibited Investments

This Investment Policy prohibits any investment carried out for speculative purposes including:

- Derivative-based instruments;
- Principal-only investments or securities that provide potentially nil or negative cash flow; and
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

In accordance with the Local Government (Financial Management) Regulations 1996 Reg 19C, this policy also prohibits the following:

- Deposits with any institution other than an authorised institution*;
- Deposits for a fixed term of more than three years;
- Investment in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- Investment in bonds with a term to maturity of more than three years; and
- Investment in a foreign currency.

*Authorised institution as defined in the Banking Act 1959 (Commonwealth), section 5.

Risk Management Guidelines

Investments obtained are to comply with three key criteria relating to:

a) Portfolio Credit Framework: limit overall credit exposure of the portfolio;
b) Counterparty Credit Framework: limit exposure to individual counterparties/institutions; and

c) Term to maturity Framework: limits based upon maturity of securities.

a) Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long-Term Rating	S&P Short-term Rating	Direct Investment Maximum %
AAA	A-1+	100%
AA	A-1	100%
A	A-2	100%

b) Counterparty Credit Framework

The Shire of Gingin will invest funds with authorised financial institutions that provide a service to the local community by establishing branches or agencies in the Shire of Gingin. Such institutions must maintain a minimum Standard and Poors rating of A for short term investments.

c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 year	100% Maximum, 40% Minimum
Portfolio % 1-3 years	60%

Performance

Performance benchmarks will be as follows:

Investment	Performance Benchmark
Cash	Cash Rate
Enhanced/Direct Investments	UBSWA Bank Bill

Diversified Funds	CPI + appropriate margin over rolling 3 year periods (Depending on composition of fund)

Report and Review

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value. This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.
Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Shire's behalf as at 30 June each year and reconciled to the Investment Register.

GOVERNANCE REFERENCES

Statutory Compliance	Local Government (Financial Management) Regulations 1996
Industry Compliance	Department of Local Government Guidelines No 19 – Investment Policy
Organisational Compliance	N/A

POLICY ADMINISTRATION

Review Cycle	Annual	**Next Review**	2014
Department	Financial Services		

Version	Decision Reference	Synopsis
1.	1 April 2008 - Item 11.2.2	Policy adopted.
2.	18 June 2013 – Item 11.2.2	Policy amended to reflect amendments to *Local Government (Financial Management) Regulations 1996*.
3.	20 June 2017 – Item 11.2.4	

3.3 DONATIONS

All donation requests are to be published in the Information Bulletin. Any Councillor(s) who consider that any further action should be taken, shall bring the matter to Council's attention by way of "Elected Members' Motions of which previous notice has been given" or "New business of an urgent nature introduced by decision of meeting". Further, an allocation shall be included in each year's budget to meet any request which is considered worthy by Council. Staff to bring matters of special consideration to Council's attention.

ADOPTED: COUNCIL 18 MAY 1995
REVIEWED: 19 APRIL 2011

3.4 DEBT COLLECTION

Debt Collection procedures will be as follows:

Rates:

(a) First Notice – Due date for payment 35 days from date of service.

(b) Second Notice – Issued after the due date for payment. Allows 14 days for payment and services notice that penalty interest will apply.

(c) Refer to Debt Collection Agency for Final Warning – A letter to the landowner is issued requiring payment within seven (7) days from the date of postage.

(d) If no response collection continues with Debt Collection Agency who investigate and pursue the most appropriate form of action. This may involve legal action or coming to an alternative arrangement with the Debtor.

- That any penalty interest accrued on an outstanding rates balance of less than five dollars ($5.00) be written off by the Shire, in accordance with the provisions of Section 6.2 of the *Local Government Act,* 1995.

- That for a rates assessment with an outstanding balance of between $0 and $200.00 that no legal action be taken against the owner. Further that the owner be advised of the outstanding amount and that they can either choose to pay the debt, or the amount will show on the next rates notice received, accruing penalty interest at the appropriate rate.

- That for a rates assessment with an outstanding balance of greater than $200.00, the matter be referred to the Shire's debt collecting agency.

None of the above is designed to prevent the Shire from coming to an arrangement with the landowner to make alternative arrangements for payment.

Sundry Debtors:

(a) Issue of Invoice – Invoice is issued requiring payment within thirty (30) days.

(b) Second Notice – Letter requiring payment within fourteen (14) days.

(c) Final Warning – A letter to the landowner is issued requiring payment within seven (7) days from the date of postage.

(d) Refer to Debt Collection Agency – The matter is then referred to the Agency who investigate and pursue the most appropriate form of action. This may involve legal action or coming to an alternative arrangement with the Debtor.

None of the above is designed to prevent the Shire from coming to an arrangement with the landowner to make alternative arrangements for payment.

ADOPTED: COUNCIL 21 MARCH 1996
REVIEWED: 19 APRIL 2011

3.5 ASSETS – ACCOUNTING

Adopt the following Depreciation Rates for the balance of the 2006/07 financial year:

	Per Annum	Years
Buildings	2.00%	50
Furniture and Equipment	15.00%	6.69
Computer Equipment	33.33%	3
Electrical Equipment	20.00%	5
Sundry Plant & (External) Equipment	20.00%	5
Light Vehicles	25.00%	4
Heavy Road Plant	10.00%	10
Trucks	10.00%	10
Other Sundry Plant Items	20.00%	5
Paved Roads and Streets	2.00%	50
Sealed Roads and Streets	4.00%	25
Footpaths	2.00%	50
Sewerage piping	1.00%	100
Water supply piping and drainage systems	1.33%	75

ADOPTED: COUNCIL 18 MAY 1995
AMENDED: COUNCIL 3 APRIL 2007
REVIEWED: 19 APRIL 2011

3.6 LOANS – SELF SUPPORTING

The following policy applies in respect to self-supporting loans:

(a) Guarantors, legally bound by contract, will be required for self-supporting loans for community groups, clubs or other organisations that are not incorporated, and for non-community groups, clubs or other organisations, whether incorporated or not.

(b) All self-supporting loans will require an agreement to repay loans before the loan funds will be advanced.

(c) The cost of preparation of all legal documentation will be borne by the borrowing organisations.

(d) Clubs or other organisations requiring self-supporting loans will be required to provide financial statements and a Budget, which will demonstrate the Club's etc ability to repay the loan.

ADOPTED: COUNCIL 18 MAY 1995
REVIEWED: 19 APRIL 2011

3.9 Purchasing and Ordering of Goods

OBJECTIVE

To clearly specify which members of staff are authorised to issue purchase orders on behalf of the Shire of Gingin and up to what value such purchase orders can relate in accordance with Policy 3.10 Purchasing.

POLICY

That the officers referenced below be authorised to issue orders for the purchase of goods and services relating to the operation of Council as follows:

Up to the value of $100	All staff unless specified otherwise by this policy.
Up to the value of $500	PA to Chief Executive Officer Community Services and Events Officer Governance Officer PA to Executive Manager Regulatory and Development Services Communications and Marketing Officer Coordinator Corporate Planning Assistant Building Surveyor/Administration Support Coordinator Ranger Services Upper Coastal Maintenance Officer Lower Coastal Maintenance Officer Gingin/Lower Coastal Maintenance Officer Building Maintenance Officer Operations-Construction Support Officer PA to Executive Manager Corporate and Community Services Environmental Health Support Officer
Up to the value of $3,000	Aquatic Centre Manager Manager Guilderton Caravan Park Townsite Maintenance Supervisor (Upper Coastal/Lower Coastal) Townsite Maintenance Coordinator (Gingin/Lower Coastal) Coordinator Corporate Services Civil Engineering Intern Practice Manager Gingin Medical Centre

Up to the value of $10,000	Principal Environmental Health Officer Community Emergency Services Manager Manager Statutory Planning Coordinator Community Development and Services Shire Mechanic/Depot Controller Coordinator Operations Coordinator Assets/Projects
Up to the value of $50,000	Executive Manager Regulatory and Development Services Executive Manager Corporate and Community Services Executive Manager Operations
Up to the value of $250,000	Chief Executive Officer

GOVERNANCE REFERENCES

Statutory Compliance	N/A
Industry Compliance	N/A
Organisational Compliance	N/A

POLICY ADMINISTRATION

Review Cycle	Bi-annual	**Next Review**	2017
Department	Financial Services		

Version	Decision Reference	Synopsis
1.	02/07/2002 – Item 10.6	Policy adopted
2.	16/11/2004 – Item 10.2.4	Assistant Works Supervisor and Swimming Pool Manager added
3.	20/01/09 – Item 11.2.4	Additional staff authorised to sign cheques
4.	07/07/2009 – Item 11.2.5	Administrative Assistant to CEO, Health/Building/Planning Administration Officer, Coastal Building and Parks Maintenance Officer and Head Gardener (Playground Inspector) added
5.	03/08/2010 – Item 11.1.2	Policy amended to reflect organisational restructure. Purchasing limits imposed.
6.	16/08/2011 – Item 11.2.2	Executive Manager Engineering Services' purchasing limit amended.
7.	18/10/2011 – Item 11.2.2	Executive Manager Health and Building Services' PA added, Parks and Gardens Supervisor deleted, Plant Mechanic purchasing limit amended
8.	17/07/2012 – Item 11.2.5	Authorisation for Maintenance Officers clarified. Reference to CEO deleted from "Up to Value of $50,000". Reference to Councillors deleted.
9.	16/04/2013 – Item 11.1.4	Changes made to position titles to reflect organisational restructure. Purchasing authorisation to Shire President and Deputy Shire President for amounts greater than $50,000 deleted.
10.	20/08/2013 – Item 11.1.3	Executive Manager Planning and Engineering Services replaced by Executive Manager Operations. Executive Manager Financial Services replaced by Executive Manager Corporate and Community Services. Executive Manager Planning and Engineering Services' PA replaced by PA to Planning. Works Manager deleted. Planning Officer deleted. Manager Statutory Planning and Manager Strategic Planning and Development included with limits of $10,000. Purchasing limit for Shire Mechanic increased to $5,000.

Version	Decision Reference	Synopsis
11.	20/08/2013 – Item 11.1.3	Executive Manager Planning and Engineering Services replaced by Executive Manager Operations. Executive Manager Financial Services replaced by Executive Manager Corporate and Community Services. Executive Manager Planning and Engineering Services' PA replaced by PA to Planning. Works Manager deleted. Planning Officer deleted. Manager Statutory Planning and Manager Strategic Planning and Development included with limits of $10,000. Purchasing limit for Shire Mechanic increased to $5,000.
12.	20/08/2013 – Item 11.1.3	Executive Manager Planning and Engineering Services replaced by Executive Manager Operations. Executive Manager Financial Services replaced by Executive Manager Corporate and Community Services. Executive Manager Planning and Engineering Services' PA replaced by PA to Planning. Works Manager deleted. Planning Officer deleted. Manager Statutory Planning and Manager Strategic Planning and Development included with limits of $10,000. Purchasing limit for Shire Mechanic increased to $5,000.
13.	21/01/2014 – Item 11.1.1	Organisational Development and Planning Officer added authorised to issue purchase orders up to the value of $500. Environmental Health/Technical Officer and Manager Operations added and authorised to issue purchase orders up to the value of $10,000. CEO's purchasing limit capped at $250,000.
14.	12/11/2015 – NM9500	Position titles updated – Executive Support Officer to Community Development Officer, Organisational Planning and Development Officer to Coordinator Organisational Planning and Communication, PA to Planning to Health/Building Assistant, Ranger's Administration Officer to Coordinator Ranger Services, Environmental Health/Technical Officer to Environmental Health Officer, Manager Ranger Services to Community Emergency Services Manager and Community Development and Customer Services Officer to Coordinator Community Services.
15.	17/11/2015 – Item 11.1.7	Engineering Technical Officer added and authorised to issue purchase orders up to the value of $500.00.
16.	21/06/2016 – Item 11.1.6	Manager IT added and authorised to issue purchase orders up to the value of $3,000.
17.	18/10/2016 – Item 11.1.2	Manager Lancelin South End Caravan Park added with a purchasing limit of $3,000.
18.	20/06/2017 – Item 11.1.3	Various amendments to positions and purchasing limits arising from organisational restructure.
19.	24/08/2017 – NM12174	$500 purchasing limit for Integrated Planning and Business Improvement Officer deleted and replaced by $500 purchasing limit for Coordinator Corporate Planning. $2,000 purchasing limit for Coordinator Corporate Services deleted and replaced with $3,000 purchasing limit in accordance with Council's resolution of 20/06/2017 (Item 11.1.3).
20.	15/01/2019 – NM14842	Various position titles amended to reflect organisational restructure.
21.	22/01/2019 – Item 11.1.3	Specify under "Objective" that purchasing must be in accordance with Policy 3.10 Purchasing. Add $100 purchasing limit for all staff. Add $500 for Environmental Health Support Officer. Add $3,000 purchasing limit for Civil Engineering Intern. Add $10,000 purchasing limit for Coordinator Operations and Coordinator Assets/Projects. Delete $3,000 purchasing limit for Manager Lancelin South End Caravan Park and $10,000 purchasing limit for Engineering Technical Officer.
22.	16/04/2019 – Item 11.1.4	Add purchasing limit of $3,000 for Practice Manager Gingin Medical Centre
23	29/05/2019 – NM15405	Position titles updated – PA Executive Manager Regulatory and Development Services, Communications and Marketing Officer, Executive Manager Regulatory and Development Services. Manager IT Services deleted.
24.	15/10/2019 – Item 11.1.2	Aquatic Centre Manager purchasing limit amended.

3.10 Purchasing

OBJECTIVE

The objectives of this Policy are to ensure that all purchasing activities:

- demonstrate that best value for money is attained for the Shire;
- are compliant with relevant legislations, including the Act and Regulations;
- are recorded in compliance with the *State Records Act 2000* and associated records management practices and procedures of the Shire;
- mitigate probity risk, by establishing consistent and demonstrated processes that promotes openness, transparency, fairness and equity to all potential suppliers;
- ensure that the sustainable benefits, such as environmental, social and local economic factors are considered in the overall value for money assessment; and
- are conducted in a consistent and efficient manner across the Shire and that ethical decision making is demonstrated.

POLICY

1. Policy Statement

The Shire of Gingin (the "**Shire**") is committed to delivering best practice in the purchasing of goods, services and works that align with the principles of transparency, probity and good governance and complies with the *Local Government Act 1995* (the "**Act**") and Part 4 of the *Local Government (Functions and General) Regulations 1996*, (the "**Regulations**"). Procurement processes and practices to be complied with are defined within this Policy and the Shire's prescribed procurement procedures.

2. Ethics and Integrity

2.1 Code of Conduct

All officers and employees of the Shire undertaking purchasing activities must have regard for the Code of Conduct requirements and shall observe the highest standards of ethics and integrity. All officers and employees of the Shire must act in an honest and professional manner at all times which supports the standing of the Shire.

2.2 Purchasing Principles

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire's policies and Code of Conduct;

- purchasing is to be undertaken on a competitive basis where all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies, audit requirements and relevant legislation;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- any information provided to the Shire by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

3. Value for Money

3.1 Policy

Value for money is determined when the consideration of price, risk and qualitative factors are assessed to determine the most advantageous outcome to be achieved for the Shire.

As such, purchasing decisions must be made with greater consideration than obtaining lowest price, but also to incorporate qualitative and risk factors into the decision.

3.2 Application

An assessment of the best value for money outcome for any purchasing process should consider:

- all relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery and distribution, as well as other costs such as (but not limited to) holding costs, consumables, deployment, maintenance and disposal;
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality, including but not limited to an assessment of levels and currency of compliances, value adds offered, warranties, guarantees, repair and replacement policies, ease of inspection, ease of after sales service, ease of communications etc;
- financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable;
- the safety requirements associated with both the product design and specification offered by suppliers and the evaluation of risk when considering purchasing goods and services from suppliers;
- purchasing of goods and services from suppliers that demonstrate sustainable benefits and good corporate social responsibility; and
- providing opportunities for businesses within the Shire's boundaries to be given the opportunity to quote for providing goods and services wherever possible.

4. Purchasing Requirements

4.1 Legislative/Regulatory Requirements

The requirements that must be complied with by the Shire, including purchasing thresholds and processes, are prescribed within the Regulations, this Policy and associated purchasing procedures in effect at the Shire.

4.2 Policy

Purchasing that is **$~~150,000~~250,000 or below in total value** (excluding GST) must be in accordance with the purchasing requirements under the relevant threshold as defined under section 4.5 of this Purchasing Policy.

Purchasing that **exceeds $~~150,000~~250,000 in total value** (excluding GST) must be put to public tender when it is determined that a regulatory tender exemption, as stated under 4.6 of this Policy, is not deemed to be suitable.

4.3 Purchasing Value Definition

Determining purchasing value is to be based on the following considerations:

1. Exclusive of Goods and Services Tax (GST);

2. The actual or expected value of a contract over the full contract period, including all options to extend; or the extent to which it could be reasonably expected that the Shire will continue to purchase a particular category of goods, services or works and what total value is or could be reasonably expected to be purchased. A best practice suggestion is that if a purchasing threshold is reached within three years for a particular category of goods, services or works, then the purchasing requirement under the relevant threshold (including the tender threshold) must apply.

3. Must incorporate any variation to the scope of the purchase and be limited to a 10% tolerance of the original purchasing value.

4.4 Purchasing from Existing Contracts

Where the Shire has an existing contract in place, it must ensure that goods and services required are purchased under these contracts to the extent that the scope of the contract allows. When planning the purchase, the Shire must consult its Contracts Register in the first instance before seeking to obtain quotes and tenders on its own accord.

4.5 Purchasing Thresholds

The table below prescribes the purchasing process that the Shire must follow, based on the purchase value:

Purchase Value Threshold	Purchasing Requirement
Up to $10,000	Purchase directly from a supplier using a Purchasing or Corporate Credit Card issued by the Shire, or obtain at least one (1) oral or written quotation from a suitable supplier, either from: • an existing panel of pre-qualified suppliers administered by the Shire; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or • from the open market.
Over $10,000 and up to $30,000	Obtain at least two (2) verbal or written quotations from suppliers following a brief outlining the specified requirement, either from: • an existing panel of pre-qualified suppliers administered by the Shire; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • from the open market.
Over $30,000 and up to $50,000	Obtain at least two (2) written quotations from suppliers following a brief outlining the specified requirement, either from: • an existing panel of pre-qualified suppliers administered by the Shire; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • from the open market.
Over $50,000 and up to $~~150~~250,000	Obtain at least three (3) written quotations from suppliers by formal invitation under a Request for Quotation, containing price and detailed specification of goods and services required. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy. Quotations within this threshold may be obtained from: • an existing panel of pre-qualified suppliers administered by the Shire; or • a pre-qualified supplier on the WALGA Preferred Supply Program or State Government CUA; or • from the open market. Requests for quotation from a pre-qualified panel of suppliers (whether administered by the Shire through the WALGA preferred supply program or State Government CUA) are not required to be invited using a Request for Quotation form, however at least three written quotes are still required to be obtained.
Over $~~150~~250,000	Where the purchasing requirement is not suitable to be met through a panel of pre-qualified suppliers, or any other tender-exempt arrangement as listed under section 4.6~~0~~ of this Policy, conduct a public Request for Tender process in

	accordance with Part 4 of the *Local Government (Functions and General) Regulations 1996,* this Policy and the Shire's tender procedures. The procurement decision is to be based on pre-determined evaluation criteria that assesses all value for money considerations in accordance with the definition stated within this Policy.

4.6 Tendering Exemptions

An exemption to publicly invite tenders may apply in the following instances:

- the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement.
- the purchase is from a regional local government or another local government;
- the purchase is acquired from a person registered on the WA Aboriginal Business Directory, as published by the Small Business Development Corporation, where the consideration under contract is worth $250,000 or less and represents value for money;
- the purchase is acquired from an Australian Disability Enterprise and represents value for money;
- the purchase is from a pre-qualified supplier under a panel established by the Shire; or
- any of the other exclusions under Regulation 11 of the Regulations apply.

4.7 Inviting Tenders Under the Tender Threshold

Where considered appropriate and beneficial, the Shire may consider publicly advertising tenders in lieu of undertaking a Request for Quotation for purchases under the tender threshold. This decision should be made after considering the benefits of this approach in comparison with the costs, risks, timeliness and compliance requirements and also whether the purchasing requirement can be met through the WALGA Preferred Supply Program or State Government CUA.

If a decision is made to undertake a public tender for contracts expected to be $~~150,000~~250,000 or less in value, the Shire's tendering procedures must be followed in full.

4.8 Sole Source of Supply

Where the purchasing requirement is over the value of $10,000 and of a unique nature that can only be supplied from one supplier, the purchase is permitted without undertaking a tender or quotation process. This is only permitted in circumstances where the Shire is satisfied and can evidence that there is only one source of supply for those goods, services or works. The Shire must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply.

Once determined, the justification must be endorsed by the Chief Executive Officer/Executive Manager, prior to a contract being entered into.

From time to time, the Shire may publicly invite an expression of interest to effectively determine that one sole source of supply still genuinely exists.

4.9 Anti-Avoidance

The Shire shall not enter into two or more contracts or create multiple purchase order transactions of a similar nature for the purpose of "splitting" the value of the purchase or contract to take the value of the consideration of the purchase below a particular purchasing threshold, particularly in relation to tenders and to avoid the need to call a public tender.

4.10 Emergency Purchases

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase does not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

5. Records Management

Records of all purchasing activity must be retained in compliance with the *State Records Act 2000 (WA)*, the Shire's Records Management Policy and associated procurement procedures.

For each procurement activity, such documents may include:

- The procurement initiation document such as a procurement business case which justifies the need for a contract to be created (where applicable);
- Procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the contract;
- Request for quotation/tender documentation;
- Copy of public advertisement inviting tenders, or the notice of private invitation (whichever is applicable);
- Copies of quotes/tenders received;
- Evaluation documentation, including individual evaluators' notes and clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to respondents notifying of the outcome to award a contract;
- Contract Management Plan which describes how the contract will be managed; and
- Copies of contract(s) with supplier(s) formed from the procurement process.

6. Sustainable Procurement and Corporate Social Responsibility

The Shire is committed to providing a preference to suppliers that demonstrate sustainable business practices and high levels of corporate social responsibility (CSR). Where appropriate, the Shire shall endeavour to provide an advantage to suppliers demonstrating that they minimise environmental and negative social impacts and embrace CSR. Sustainable and CSR considerations must be balanced against value for money outcomes in accordance with the Shire's sustainability objectives.

7. ~~Buy Local Policy~~Local Economic Benefit

As much as practicable, the Shire must:

- where appropriate, consider buying practices, procedures and specifications that do not unfairly disadvantage local businesses;
- consider indirect benefits that have flow on benefits for local suppliers (i.e. servicing and support);
- ensure that procurement plans address local business capability and local content;
  explore the capability of local businesses to meet requirements and ensure that Requests for Quotation and Tenders are designed to accommodate the capabilities of local businesses;
- avoid bias in the design and specifications for Requests for Quotation and Tenders – all Requests must be structured to encourage local businesses to bid; and
- provide adequate and consistent information to potential suppliers.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers are located within the boundaries of the Shire, or substantially demonstrate a benefit or contribution to the local economy.

The Shire of Gingin has adopted a Regional Price Preference Policy, which will be applied when seeking quotations or calling for tenders.

8. Purchasing from Disability Enterprises

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on www.ade.org.au. This is contingent on the demonstration of value for money.

Where appropriate, Australian Disability Enterprises may be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises.

9. Purchasing from Aboriginal Businesses

Pursuant to Part 4 of the *Local Government (Functions and General) Regulations 1996*, the Shire is not required to publicly invite tenders if the goods or services are to be supplied from a person registered on the Aboriginal Business Directory published by the Small Business Development Corporation on www.abdwa.com.au, where the

expected consideration under contract is worth $250,000 or less. This is contingent on the demonstration of value for money.

Where appropriate, Aboriginal businesses may be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses, or businesses that demonstrate a high level of aboriginal employment.

10. Panels of Pre-Qualified Suppliers

10.1 Policy Objectives

In accordance with Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*, a Panel of Pre-qualified Suppliers ("Panel") may be created where most of the following factors apply:

- the Shire determines that a range of similar goods and services are required to be purchased on a continuing and regular basis;
- there are numerous potential suppliers in the local and regional procurement-related market sector(s) that satisfy the test of 'value for money';
- the purchasing activity under the intended panel is assessed as being of a low to medium risk;
- the panel will streamline and will improve procurement processes; and
- the Shire has the capability to establish, manage the risks and achieve the benefits expected of the proposed Panel.

The Shire will endeavour to ensure that panels will not be created unless most of the above factors are firmly and quantifiably established.

10.2 Establishing a Panel

Should the Shire determine that the creation of a panel would be beneficial, it must do so in accordance with Part 4, Division 3 the *Local Government (Functions and General) Regulations 1996*.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the panel.

Panels may be established for a minimum of two (2) years and for a maximum length of time deemed appropriate by the Shire.

Evaluation criteria must be determined and communicated in the application process by which applications will be assessed and accepted.

Where a panel is to be established, the Shire will endeavour to appoint at least three (3) suppliers to each category, on the basis that best value for money is demonstrated. Where fewer than three (3) suppliers are appointed to each category within the panel, the category is not to be established.

In each invitation to apply to become a pre-qualified supplier (through a procurement process advertised through a state-wide notice), the Shire must state the expected number of suppliers it intends to put on the panel.

Should a panel member leave the panel, they may be replaced by the next ranked panel member determined in the value for money assessment should the supplier agree to do so, with this intention to be disclosed in the detailed information set out under Regulation 24AD(5)(d) and (e) when establishing the panel.

10.3 Distributing Work Amongst Panel Members

To satisfy Regulation 24AD(5) of the Regulations, when establishing a panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the panel must prescribe whether the Shire intends to:

i. Obtain quotations from each pre-qualified supplier on the panel with respect to all purchases, in accordance with Clause 0; or
ii. Purchase goods and services exclusively from any pre-qualified supplier appointed to that panel, and under what circumstances; or
iii. Develop a ranking system for selection to the panel, with work awarded in accordance with Clause 0(b).

In considering the distribution of work among panel members, the detailed information must also prescribe whether:

a) Each panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or

b) Work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under Regulation 24AD(5)(f) when establishing the panel. The Shire is to invite the highest ranked panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken. Should the offer be declined, an invitation to the next ranked panel member is to be made and so forth until a panel member accepts a Contract. Should the list of panel members invited be exhausted with no panel member accepting the offer to provide goods/services under the panel, the Shire may then invite suppliers that are not pre-qualified under the panel, in accordance with the Purchasing Thresholds stated in section 4.5 of this Policy. When a ranking system is established, the panel must not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

10.4 Purchasing from the Panel

The invitation to apply to be considered to join a panel of pre-qualified suppliers must state whether quotations are either to be invited to every member (within

each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

Each quotation process, including the invitation to quote, communications with panel members, quotations received, evaluation of quotes and notification of award communications must be captured on the Shire's electronic records system. A separate file is to be maintained for each quotation process made under each panel that captures all communications between the Shire and Panel members.

10.5 Recordkeeping

Records of all communications with panel members, with respect to the quotation process and all subsequent purchases made through the Panel, must be kept.

For the creation of a panel, this includes:

- The procurement initiation document such as a procurement business case which justifies the need for a panel to be created;
- Procurement planning and approval documentation which describes how the procurement is to be undertaken to create and manage the panel;
- Request for applications documentation;
- Copy of public advertisement inviting applications;
- Copies of applications received;
- Evaluation documentation, including clarifications sought;
- Negotiation documents such as negotiation plans and negotiation logs;
- Approval of award documentation;
- All correspondence to applicants notifying of the establishment and composition of the panel such as award letters;
- Contract Management Plan which describes how the contract will be managed; and
- Copies of framework agreements entered into with pre-qualified suppliers.

The Shire is also to retain itemised records of all requests for quotation, including quotations received from pre-qualified suppliers and contracts awarded to panel members. A unique reference number shall be applied to all records relating to each quotation process, which is to also be quoted on each purchase order issued under the contract.

Information with regards to the panel offerings, including details of suppliers appointed to the panel, must be kept up to date, consistent and made available for access by all officers and employees of the Shire.

GOVERNANCE REFERENCES

Statutory Compliance	*Local Government Act 1995* – s.3.57 *Local Government (Functions and General) Regulations 1996* – Part 4 *State Records Act 2000*
Industry Compliance	WALGA Purchasing and Tender Guide WALGA Preferred Supplier Arrangements
Organisational Compliance	Shire of Gingin Code of Conduct Delegation 2.7 – Inviting Tenders Delegation 2.8 – Developing Tender Documentation

	Delegation 2.9 – Accepting or Rejecting Tenders/Quotations Delegation 2.11 – Selecting the Next Most Appropriate Tender

POLICY ADMINISTRATION

Review Cycle	Biennial	**Next Review**	With Policy Manual Review
Department	Corporate and Community Services		

Version	Decision Reference	Synopsis
1.	06/03/2007 – Item 11.2.1	Policy adopted.
2.	19/01/2016 – Item 11.1.1	Policy amended by adopting updated WALGA model.

3.11 REVALUATION OF NON-CURRENT ASSETS

The Shire of Gingin reverts to the "cost" basis for measuring of all non-current property, plant, equipment and infrastructure asset's, that was carried at a re-valued amount at the immediately preceding reporting date by deeming the carrying amount of the non-current assets comprising the class to be their cost. This action complies with the requirements on first application of Accounting Standard AASB 1041 "Revaluation of Non-Current Assets.

ADOPTED: COUNCIL 17 SEPTEMBER 2002
REVIEWED: 19 APRIL 2011

3.14 LAND UNDER ROADS

In Western Australia, all land under roads is Crown Land, the responsibility for managing which is vested in the Local Government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB1051 - Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits Local Governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits Local Governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

ADOPTED: COUNCIL 2 JUNE 2009
REVIEWED: 19 APRIL 2011

POLICY 3.15
~~**PLAYGROUND POLICY – CONSOLIDATION OF COUNCIL'S EXISTING AND FUTURE**~~
PLAYGROUNDS

OBJECTIVE

The Shire of Gingin is committed to providing high quality, well-maintained playground equipment that complies with current Australian Standards, whilst recognising constraints (environmental, social and economic) on the Shire's resources.

This policy:

1. Addresses the importance of accessibility and walkability to playgrounds, particularly within a local context.

2. Promotes safe use and enjoyment of playgrounds through appropriate siting and design.

4. Provides guidance on the standards of provision, future direction and management for playgrounds.

- ~~The playground policy has been developed by the Shire of Gingin to help manage playgrounds and provide for current and future community needs in an equitable and sustainable manner;~~

- ~~The Shire is focused on providing high quality, well maintained equipment that complies with current Australian Standards;~~

- ~~To address the importance of accessibility and walkability to playgrounds, particularly within a local context;~~

- ~~To promote safe use and enjoyment of public open space and amenities through appropriate siting and design;~~

- ~~To provide clear guidance on the standards of provision, future direction and management for playgrounds;~~

- ~~To recognise and respond appropriately to constraints on the Shire's resources (environmental, social and economic); and~~

- ~~To ensure that the community's needs are addressed through community engagement.~~

POLICY

Scope

- This policy applies to playgrounds within the Shire of Gingin. ~~with play equipment specifically designed for use by children between 3 and 12 years (inclusive).~~

Policy Statement

1. Safety and Compliance

Playgrounds are highly used and valued amenities which are predominantly provided for children.

- An annual allocation will be provided for in the Shire's Budget in order to undertake a regular maintenance/replacement schedule to ensure safe and high quality playgrounds are provided. All playground inspections are completed by accredited Playground Inspectors;

- If there are playgrounds that have equipment which does not comply with ~~the Playground~~Australian Standards, replacement will be scheduled within the ~~"Playground~~Ten Year Playground Replacement Plan~~"~~ and, until that occurs, regular maintenance on the equipment will be undertaken;

- Council's Ten ~~(10)~~ Year ~~Playgrounds Development~~Playground Replacement Plan will be the guiding document and will be reviewed annually to ensure that playgrounds comply with Australian Standards and are provided in accordance with the Shire's Playground Policy;

- The Shire will install fencing around playgrounds where, in the Shire's opinion, they are considered to be in an unsafe location for example, adjacent to major roads;

- ~~Where appropriate and budget permitting, a limestone wall will be provided at the rate of one playground per year until all playgrounds are completed.~~

2. Playground Consolidation

When considering playground consolidation, the Western Australian Planning Commission's Liveable Neighbourhood Policy has been taken into regard.

Liveable Neighbourhoods Element 4 – Public Parkland – Policy requirements stipulates:

Most dwellings be located within 400m of a park:

- *Larger district and neighbourhood parks located on edge of neighbourhood;*
- *At least one neighbourhood park per neighbourhood;*
- *All parks (public open space) landscaped to a minimum standard; and*
- *Some ovals can be shared with schools.*

A "best fit" approach in regard to the above policy is necessary when considering playgrounds in rural areas. (neighbourhood = town/rural residential area)

It is the intention of Council to provide the following:

Rural Residential/Rural Living

One playground/play area adjacent to community facilities (ie halls etc) generally located on suitable community land.

Townsites

A playground will be provided within an approximate 400m walkable distance from a residence within a townsite where suitable community land is available.

Where possible, preference will be given ~~in order~~ to ~~consolidate~~ consolidating multiple playground facilities into a main playground area.

GOVERNANCE REFERENCES

Statutory Compliance	Nil
Industry Compliance	Australian Standards for Playgrounds
Organisational Compliance	Ten Year Playground Replacement Plan

POLICY ADMINISTRATION

Review Cycle	2 years	**Next Review**	2023
Department	Operations and Assets		

Version	Decision Reference	Synopsis
1.	20/09/2011 Item 11.1.4	Policy adopted

3.17 Asset Management

OBJECTIVE

To:

- provide a framework for the sustainable management of the Shire's asset portfolio;
- ensure that an organisation-wide and inclusive approach is taken to asset management; and
- ensure that adequate provision is made for the maintenance and replacement of assets in accordance with the assessed levels of service.

POLICY

Scope

This Policy is intended to provide clear direction on the Shire's expectations for the sustainable management of its assets and applies to elected members, employees and contractors/consultants engaged by the Shire.

Definitions

The following definitions are relevant to this Policy and are in accordance with the Department of Local Government's Asset Management Framework and Guidelines document.

"Asset"	A physical component of a facility which has value, enables a service to be provided and has an economic life of greater than 12 months.
"Asset Class"	Groupings of assets of similar nature and use in a local government's operations. Local Government asset classes include land, buildings, infrastructure, plant and equipment, information technology and other assets.
"Asset Management"	The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner.
"Asset Management Plan"	A plan developed for one or more assets that combines technical and financial management processes to provide a specified level of service.
"Asset Management Strategy"	One or more documents that outlines how the local government's asset portfolio will meet the service delivery needs of its communities into the future,

	enabling the local government's asset management policies to be achieved and ensuring that asset management is established as part of the local government's Integrated Plan.
"Level of Service"	The defined service quality for a particular activity (ie road maintenance) or service area (ie street lighting) against which service performance can be measured. Service levels usually relate to quality, quantity, reliability, responsiveness, environmental considerations, acceptability and cost.
"Lifecycle Cost"	The total cost of an asset throughout its life including costs for planning, design, construction, acquisition, operations, maintenance, rehabilitation and disposal.

Policy Statement

The Shire will ensure assets supporting the delivery of services to the community are managed responsibly and cost effectively over their lifecycle and take into consideration community expectations for levels of service (time, quality and value for money).

This policy encourages an organisation-wide approach and commitment to achieving these policy goals. The policy is supported by accurate and current financial details of assets being included within the Long Term Financial Plan.

The Shire's assets are physical items within the boundaries of the local government and under its control. They include but are not limited to the following asset classes:

- Transport – road and path networks (including car parks, bridges and street furniture);
- Property – land and buildings; and
- General Assets – parks, ovals and reserves, plant, furniture, equipment and tools.

Asset Management Plans will be prepared for each major asset class before 30 June 2013 and will be reviewed and updated annually, or more frequently if required.

An Asset Management Strategy will describe how this Policy will be applied within the Shire and outline the details to be included within Asset Management Plans.

In order to implement this Policy, the Shire commits to the following principles:

- Systematic and appropriate asset management practices will be implemented, including a continuous improvement approach to asset management;
- Impacts on the Strategic Community Plan's social, economic, environmental and civic leadership objectives will be considered in asset management and asset operational processes;
- Asset Management Plans will be informed by community consultation, financial planning and workforce planning;
- Asset renewals included in adopted asset management plans and long term financial plans will be considered in forming the annual budget estimates;

- Service levels will be identified for all major asset classes in consultation with the community;
- Asset renewal plans will be prioritised based on level of service and ability of the current assets to provide the desired level of service;
- An asset inspection program will be developed to ensure agreed service levels are maintained and to ensure assets are managed, valued and depreciated in accordance with appropriate asset management practices and applicable Australian Accounting Standards;
- Lifecycle costs will be considered in decisions relating to new services and assets as well as upgrading of existing services and assets;
- Major assets will be regularly reviewed to assess their ongoing relevance and contribution to community need;
- Asset management roles, responsibilities and reporting frameworks will be defined;
- Assets may be rationalised where the level of service requirement falls to a sufficiently low level; and
- Training in asset and financial management will be offered for elected members and relevant staff.

GOVERNANCE REFERENCES

Statutory Compliance	N/A
Industry Compliance	WA Department of Local Government: *Integrated Planning and Reporting Framework and Guidelines* (Oct 2010) WA Department of Local Government: *Asset Management Framework and Guidelines* (May 2011) Institute of Public Works Engineering Australia (IPWEA): *Asset Management for Small, Rural or Remote Communities Practice Note* (2011) Institute of Public Works Engineering Australia (IPWEA): *International Infrastructure Management Manual* (2011)
Organisational Compliance	Strategic Community Plan Corporate Business Plan Long Term Financial Plan Asset Management Strategy Asset Management Plans

POLICY ADMINISTRATION

Review Cycle	Annual	**Next Review**	May 2014
Department	Office of the CEO		

Version	Decision Reference	Synopsis
1.	21/05/2013 – Item 11.1.1	Policy adopted

3.18 Disposition of Assets

OBJECTIVE

To clearly identify the process by which the Shire of Gingin will dispose of assets (other than land) with a value of less than $50,000 to ensure that such disposal takes place in a fair, equitable and consistent manner.

POLICY

This policy supports Delegation 2.14 Disposition of Assets Other Than Land.

Any proposal to dispose of an asset as outlined in 1. below must be undertaken in accordance with Procedure 3.1 – Disposition Of Assets (Other Than Land) With A Value Not Exceeding $20,000.

1. Disposal of Council-owned assets (other than land) shall be carried out in accordance with the following schedule:

Current Market Value of Property	Method of Disposal
$0-$5,000 *(exempt from the provisions of s3.58)*	• Call for offers of purchase; • Holding of a surplus goods sale at the Shire Depot; • Donation to a local community group where asset has no commercial value; • Sale to the highest bidder through an internal bidding process for staff and Councillors, whereby bids are sealed; • Sale to the highest bidder at public auction; or • Destruction of the property (recycle where possible).
$5,001-$20,000 *(exempt from the provisions of s3.58)*	• To the highest bidder at public auction; • To the most acceptable tender, whether or not it is the highest tender, through a public tender process; or • To an external party at market value.
$20,001-$50,000	In accordance with Section 3.58 of the *Local Government Act 1995*.
>$50,000	The proposal to dispose of property with a value of more than $50,000 must be submitted to Council for approval.

2. Any proposal to dispose of Council-owned land must be submitted to Council for consideration.

GOVERNANCE REFERENCES

Statutory Compliance	*Local Government Act 1995*, s3.58 *Local Government (Functions and General) Regulations 1996*, reg 30
Industry Compliance	N/A
Organisational Compliance	Delegation 2.14: Disposition Of Assets Other Than Land Procedure 3.1: Disposition of Assets With a Value Not Exceeding $20,000

POLICY ADMINISTRATION

Review Cycle	Biennial	**Next Review**	2015
Department	Office of the CEO		

Version	Decision Reference	Synopsis
1.	20/08/2013 – Item 11.1.2	New Policy adopted.

3.19 Fees Relating to Planning and Building Matters

OBJECTIVE

To specify Council's position with respect to fees payable by certain parties in relation to planning and building matters.

POLICY

Under s. 6.12 of the *Local Government Act 1995* (the Act), local governments have the power to waive or grant concessions with respect to any money owed to them, and the Shire of Gingin has a delegation (Delegation 2.2) to the Chief Executive Officer in place in this regard. However, this power only extends to amounts owed under the provisions of the Act.

Planning and building-related fees and charges are established under other pieces of legislation, and therefore Delegation 2.2 does not apply to them. Nevertheless, it is Council's desire to relieve certain community groups, as far as possible, from the burden of such fees which can be significant.

To that end, Council has adopted the following policy:

1. Fees Payable Under the *Planning and Development Act 2005*

Under Reg. 52 of the *Planning and Development Regulations 2009*, a local government may waive or refund, in whole or in part, payment of a fee for a planning service. Neither the *Planning and Development Act 2005* or the *Planning and Development Regulations 2009* contain a provision for Council to delegate this power.

The Shire of Gingin will waive or refund, as the circumstances dictate, fees for planning services in accordance with the following:

a. Only applications made by a sporting, charitable or other community group which is based within the Shire of Gingin will be eligible;

b. The fee or fees to be waived or refunded must be established under the provisions of the *Planning and Development Act 2005* and its associated regulations; and

c. The CEO is authorised to approve requests for the waiver or refunding of fees to a maximum amount ~~to be waived or refunded is~~of $1,000. Consideration will not be given to the waiving or refunding of fees in excess of this amount.

2. Fees Payable under the *Building Act 2011*

The *Building Act 2011* does not contain any provision for a local government to waive fees payable under that legislation.

The Shire of Gingin will therefore refund fees for building services in accordance with the following:

a. Only applications made by a sporting, charitable or other community group which is based within the Shire of Gingin will be eligible;

b. The fee or fees to be ~~waived or~~ refunded must be established under the provisions of the *Building Act 2011* and its associated regulations;

c. ~~Exemption~~ A refund will only apply to that part of the fee retained by the Shire, and not to that part collected as a Building Industry Training Fund levy, or the levy paid to the Builder's Registration Board of WA. In instances where the building is a Shire of Gingin asset, then these fees will be paid by the Shire;

d. The CEO is authorised to approve requests for the refunding of fees to a maximum amount ~~to be waived or refunded is~~of $1,000;

e. Fees shall not be refunded for processed building licence applications that are subsequently cancelled.

GOVERNANCE REFERENCES

Statutory Compliance	*Planning and Development Act 2005* *Planning and Development Regulations 2009* *Building Act 2011*
Industry Compliance	N/A
Organisational Compliance	N/A

POLICY ADMINISTRATION

Review Cycle	Bi-annual	**Next Review**	2019
Department	Planning and Development Assets		

Version	Decision Reference	Synopsis
1.	20/06/2017 – Item 11.1.1	Policy adopted

12 REPORTS - CORPORATE AND COMMUNITY SERVICES

12.1 LIST OF PAID ACCCOUNTS FOR THE PERIOD ENDING 31 AUGUST 2021

File	FIN/25
Author	Tania Ladner – Finance Support Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in August 2021.

BACKGROUND

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

COMMENT

Accounts totalling $1,225,287.62 were paid during the month of August 2021.

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

• Municipal Fund electronic funds transfers (EFT)	$705,805.08
• Municipal Fund cheques	$0.00
• Municipal Fund direct debits	$519,482.54
	$1,225,287.62
Total Municipal Expenditure	**$1,225,287.62**
Total Trust Fund Expenditure	**$0.00**
Total Expenditure	**$1,225,287.62**

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

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

Shire of Gingin Delegation Register – Delegation 2.1 Payment of Creditors

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Johnson

That Council note all payments made by the Chief Executive Officer under Delegation 2.15 for August 2021 totalling $1,225,287.62 as detailed in the schedule provided to Councillors comprising:

• Municipal Fund electronic funds transfers (EFT)	$705,805.08
• Municipal Fund cheques	$0.00
• Municipal Fund direct debits	$519,482.54
• Trust Fund	$0.00

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

12.2 MONTHLY FINANCIAL STATEMENTS FOR THE PERIODS ENDING 31 JULY 2021 AND 31 AUGUST 2021

File	FIN/25
Author	Karina Leonhardt - Coordinator Corporate Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. August 2021 Monthly Financial Report [**12.2.1** - 12 pages] 2. July 2021 Monthly Financial Report [**12.2.2** - 10 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Statements of Financial Activity for the periods ending 31 July 2021 and 31 August 2021.

BACKGROUND

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

COMMENT

The Financial Statements for the months ending 31 July 2021 and 31 August 2021 present the financial performance of the Shire for the 2021/22 financial year and compare year to date expenditure and revenue against the corresponding year-to-date budget.

For the purpose of providing detailed comment on the year to date variances, this has been focussed on the Financial Statements for the month ending 31 August 2021 as the most recent reporting period.

A break-up of the $1,490,737 variance is summarised across operations, investing and financing below with a detailed explanation of variations within each area contained within **Appendix 12.2.1**.

Under budget

Operating Revenue	$(888,905)
Operating Expenditure	$1,425,587
Investing Activities – Revenue	$(875,837)
Investing Activities – Expenditure	$1,636,648
Financing Activities – Revenue	$0

Over budget

Operating Fund Surplus/Deficit	$187,864
Financing Activities – Expenditure	$5,380

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

Investments

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

STATUTORY/LOCAL LAW IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Shire of Gingin Policy 3.2 – Investments

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Lobb

That Council endorse the Statements of Financial Activity for the period ending 31 July 2021 and 31 August 2021.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

SHIRE OF GINGIN

HISTORY | BEAUTY | PROSPERITY

MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2021 TO 31 AUGUST 2021

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Shire of Gingin Statement of Financial Activity
1 July 2021 to 31 August 2021

Key Information

Report Purpose:

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

Items of Significance:

The material variance adopted by the Shire of Gingin for the 2021/22 year is $20,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Karina Leonhardt
Reviewed by: Ziggy Edwards
Date Prepared: 15/09/2021

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

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %	Comments
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	2,262,120	187,864	9%	20/21 End of year processes.
Revenue from operating activities						
General Purpose Funding	1,162,604	272,518	253,394	(19,124)	(7%)	
General Purpose Funding - Rates	8,876,855	8,881,980	8,866,144	(15,836)	(0%)	
Governance	5,000	668	89	(579)	(87%)	Timing of legal cost reimbursements.
Law, Order, Public Safety	701,850	77,482	607,367	529,885	684%	DFES Fire Mitigation 20/21 2nd instalment and 21/22 1st instalment received August 2021; animal registrations received early; payment of outstanding firebreak infringements and fines through property sale.
Health	55,850	42,796	57,988	15,192	35%	Timing of billing of Health Regulatory Licenses
Education and Welfare	9,500	1,084	0	(1,084)	(100%)	No Community Bus Hire fees to date.
Housing	112,764	18,790	17,536	(1,254)	(7%)	
Community Amenities	1,921,561	1,505,184	358,433	(1,146,751)	(76%)	Refuse and Waste Charges income recognised according to performance obligation. Budget Profile to me amended.
Recreation and Culture	120,604	3,938	1,187	(2,751)	(70%)	Timing of sponsorship income for Gingin Aquatic Centre.
Transport	423,403	244,403	17,703	(226,700)	(93%)	Direct Maintenance Grant - State Road Funds to LG due but not yet received.
Economic Services	1,664,432	181,819	150,439	(31,380)	(17%)	Timing of Guilderton Holiday Park Income; timing of caravan park registration fees; commercial lease renewals for some properties have delayed lease income.
Other Property and Services	155,951	18,826	30,303	11,477	61%	2021/22 Financial Assistance Grants 1st Quarter Payment received in August 2021; timing of rates incentive prize night donations.
	15,210,374	**11,249,488**	**10,360,583**	**(888,905)**	**(8%)**	
Expenditure from operating activities						
Governance	(1,547,686)	(105,234)	(128,294)	(23,060)	22%	Legal advice and planning services in relation to SAT application; timing of subscriptions and memberships.
General Purpose Funding	(536,863)	(44,582)	(14,669)	29,913	(67%)	Timing of debt collection expenses.
Law, Order, Public Safety	(1,611,046)	(236,251)	(74,498)	161,753	(68%)	Timing of fire related expenditure; unallocated employee costs due to Altus implementation - automation required.
Health	(655,014)	(77,985)	(20,711)	57,274	(73%)	Timing of pest control activities; unallocated employee costs due to Altus implementation - automation required.
Education and Welfare	(256,382)	(37,628)	(1,035)	36,593	(97%)	Depreciation to be processed; timing of building maintenance and operations.
Housing	(86,484)	(17,254)	(8,497)	8,757	(51%)	Timing of staff and seniors housing building maintenance and operations.
Community Amenities	(3,149,681)	(461,441)	(119,425)	342,016	(74%)	Depreciation to be processed; timing of public conviences operations; unallocated employee costs due to Altus implementation - automation required; timing of town planning scheme amendments; timing of waste collection payments to contractors.

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

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %	Comments
Recreation & Culture	(3,997,105)	(629,251)	(135,737)	493,514	(78%)	Depreciation to be processed; timing of community grants scheme payments; timing of building and parks operations and maintenance; unallocated employee costs due to Altus implementation - automation required;
Transport	(4,030,718)	(672,761)	(108,324)	564,437	(84%)	Timing of road and bridge maintenance; year end depreciation process for roads and bridges.
Economic Services	(1,562,148)	(220,488)	(101,708)	118,780	(54%)	Depreciation to be processed; timing of festivals and events; unallocated employee costs due to Altus implementation - automation required.
Other Property and Services	(1,088,411)	(700,591)	(250,302)	450,289	(64%)	Depreciation to be processed; unallocated employee costs due to Altus implementation - automation required; timing of insurance renewals.
	(18,521,538)	**(3,203,466)**	**(963,200)**	**2,240,266**	**(70%)**	
Operating activities excluded from budget						
(Profit)/Loss on Asset Disposals	0	0	0	0		
Depreciation on Assets	4,922,951	820,492	5,813	(814,679)	(99%)	Depreciation to be processed.
Non cash Adjustment	0	0	0	0		
Amount attributable to operating activities	**1,611,787**	**8,866,514**	**9,403,197**	**536,683**	**6%**	
Investing Activities						
Non operating grants, subsidies & contributions	8,602,360	1,377,712	501,702	(876,010)	(64%)	DFES grants transferred from contract liability in line with performance obligations - as per AASB15 Revenue from contracts with customers.
Purchase Land Held for Resale	0	0	0	0		
Purchase Land and Buildings	(2,756,129)	(965,723)	(517,902)	447,821	(46%)	Timing of capital purchases.
Purchase Infrastructure Assets - Roads	(5,967,795)	(994,634)	(11,662)	982,972	(99%)	Timing of capital purchases.
Purchase Infrastructure Assets - Parks	(1,039,499)	(173,248)	0	173,248	(100%)	Timing of capital purchases.
Purchase Infrastructure Assets - Other	(157,370)	(26,228)	0	26,228	(100%)	Timing of capital purchases.
Purchase Infrastructure Assets - Footpaths	(200,000)	(33,334)	(26,955)	6,379	(19%)	Timing of capital purchases.
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%	Timing of capital purchases.
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%	Timing of capital purchases.
Proceeds from Disposal of Assets	164,000	0	0	0	0%	
Self-Supporting Loan Principal Income	13,553	5,575	5,748	173	3%	
	(4,285,705)	**(809,880)**	**(49,070)**	**760,810**	**(94%)**	
Financing Activities						
Repayment of Debentures	(259,386)	(64,881)	(64,206)	675	(1%)	
Proceeds from New Debentures	350,000	0	0	0	0%	
Proceeds from New Self-Supporting Loans	0	0	0	0	0%	
Payment of Principal Portion of Lease Liabilities	(31,995)	(5,330)	(5,625)	(295)	6%	
Transfers to Reserves - Cash Backed Reserves	(451,439)	(5,000)	0	5,000	(100%)	End of year process.
Transfers from Reserves - Cash Backed Reserves	992,482	0	0	0	0%	End of year process.
	599,662	**(75,211)**	**(69,831)**	**5,380**	**(7%)**	
Net Current Assets Year to Date	**0**	**10,055,679**	**11,546,416**	**1,490,737**	**15%**	

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

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

Statement of Financial Activity by Nature & Type

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	2,262,120	187,864	9%
Revenue from operating activities					
Rates	8,882,052	8,881,980	8,866,144	(15,836)	(0%)
Grants & Subsidies (Operating)	2,291,791	679,274	859,669	180,395	27%
Fees & Charges	3,828,800	1,765,008	552,548	(1,212,460)	(69%)
Interest Earnings	137,444	22,842	5,631	(17,211)	(75%)
Other Revenue	70,287	(99,616)	76,591	176,207	(177%)
Profit on Sale of Assets	0	0	0	0	0%
	15,210,374	**11,249,488**	**10,360,583**	**(888,905)**	**(8%)**
Expenditure from operating activities					
Employee On Costs	(6,390,737)	(1,065,174)	(58,597)	1,006,577	(94%)
Materials & Contracts	(5,709,570)	(951,924)	(803,612)	148,312	(16%)
Utilities (Gas, Water etc)	(445,615)	(74,286)	(60,519)	13,767	(19%)
Insurances	(341,215)	(170,617)	0	170,617	(100%)
Depreciation of Assets	(4,922,951)	(820,492)	(5,813)	814,679	(99%)
Interest Expenses	(105,341)	(19,949)	(20,646)	(697)	3%
Other Expenditure	(606,109)	(101,024)	(14,012)	87,012	(86%)
Loss on Sale of Assets	0	0	0	0	0%
	(18,521,538)	**(3,203,466)**	**(963,200)**	**2,240,266**	**(70%)**
Operating activities excluded from budget					
Adjust Profit/Loss on asset disposals	0	0	0	0	0%
Depreciation on Assets	4,922,951	820,492	5,813	(814,679)	(99%)
Non cash Adjustment	0	0	0	0	
Amount attributable to operating activities	**1,611,787**	**8,866,514**	**9,403,197**	**536,683**	**6%**
Investing Activities					
Non operating grants, subsidies & contributions	8,602,360	1,377,712	501,702	(876,010)	(64%)
Purchase Land Held for Resale	0	0	0	0	
Purchase Land and Buildings	(2,756,129)	(965,723)	(517,902)	447,821	(46%)
Purchase Infrastructure Assets - Roads	(5,967,795)	(994,634)	(11,662)	982,972	(99%)
Purchase Infrastructure Assets - Parks	(1,039,499)	(173,248)	0	173,248	(100%)
Purchase Infrastructure Assets - Other	(157,370)	(26,228)	0	26,228	(100%)
Purchase Infrastructure Assets - Footpaths	(200,000)	(33,334)	(26,955)	6,379	(19%)
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%
Proceeds from Disposal of Assets	164,000	0	0	0	0%
Self-Supporting Loan Principal Income	13,553	5,575	5,748	173	3%
	(4,285,705)	**(809,880)**	**(49,070)**	**760,810**	**(94%)**
Financing Activities					
Repayment of Debentures	(259,386)	(64,881)	(64,206)	675	(1%)
Proceeds from New Debentures	350,000	0	0	0	0%
Proceeds from New Self-Supporting Loans	0	0	0	0	0%
Payment of Principal Portion of Lease Liabilities	(31,995)	(5,330)	(5,625)	(295)	6%
Transfers to Reserves - Cash Backed Reserves	(451,439)	(5,000)	0	5,000	(100%)
Transfers from Reserves - Cash Backed Reserves	992,482	0	0	0	0%
Transfers from Restricted Cash	0	0	0	0	0%
	599,662	**(75,211)**	**(69,831)**	**5,380**	**(7%)**
Net Current Assets Year to Date	**0**	**10,055,679**	**11,546,416**	**1,490,737**	**15%**

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

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

Acquistition of Assets & Other Non-Capital Expenditure
By Program

	Capital Expenditure Actual 21/22	Capital Expenditure Original Budget 21/22
GENERAL PURPOSE FUNDING	0	0
LAW ORDER PUBLIC SAFETY	501,702	4,218,382
EDUCATION & WELFARE	6,700	15,000
HEALTH	15,583	55,681
COMMUNITY AMENITIES	20,472	385,390
RECREATION & CULTURE	17,028	1,621,841
TRANSPORT	38,617	6,564,620
ECONOMIC SERVICES	20,623	239,584
GOVERNANCE	0	0
HOUSING	0	558,585
OTHER PROPERTY & SERVICES	5,625	149,355
TOTAL	626,351	13,808,438

By Account Type

	Capital Expenditure Actual 21/22	Capital Expenditure Original Budget 21/22
LOAN LIABILITY - SHIRE	64,206	259,386
RIGHT OF USE ASSETS - LEASE LIABILITY	5,625	31,995
LAND - FREEHOLD	0	0
BUILDINGS - NON SPECIALISED	517,902	2,756,129
INFRASTRUCTURE - BRIDGES	0	0
INFRASTRUCTURE - FOOTPATHS AND CYCLEWAYS	26,955	200,000
INFRASTRUCTURE - SEWERAGE	0	0
INFRASTRUCTURE - PARKS & OVALS	0	1,039,499
INFRASTRUCTURE - ROADS	11,662	5,887,795
INFRASTRUCTURE - OTHER	0	157,370
INFRASTRUCTURE - DRAINAGE	0	80,000
INFRASTRUCTURE - AIRPORTS	0	0
PLANT & EQUIPMENT	0	2,944,825
ACCUMULATED SURPLUS	0	451,439
TOTAL	626,351	13,808,438

Shire of Gingin Statement of Financial Activity

FOR THE PERIOD 1 JULY 2021 - 31 AUGUST 2021

Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
Law, Order & Public Safety		
150502500 - ANIMAL - Proceeds on Disposal of Assets	30,000	
Total Sale of Assets	30,000	0
Community Amenities		
151006500 PLAN - Proceeds on Disposal of Assets MUN	33,000	0
Total Sale of Assets	33,000	0
Recreation and Culture		
151103500 REC - Proceeds on Disposal of Assets MUN	39,000	
Total Sale of Assets	39,000	0
Other Property Services		
151402500 ADMIN - Proceeds on Disposal of Assets MUN	15,000	0
Total Sale of Assets	15,000	0
Transport		
151203500 PLANT - Proceeds on Disposal of Assets MUN	47,000	0
Total Sale of Assets	47,000	0
TOTAL SALE OF ASSETS	164,000	0
TOTAL PROFIT ON SALE OF ASSETS	0	0
TOTAL LOSS OF SALE OF ASSETS	0	0

Law, Order & Public Safety		
150502500 - GG070 - Isuzu D-Max Utility	15,000	0
150502500 - GG073 - Isuzu D-Max Utility	15,000	0
	30,000	0
Community Amenities		
151006500 4GG - Isuzu M-UX 4x4	18,000	0
151006500 8GG - Isuzu D-Max Utility	15,000	0
	33,000	0
Recreation and Culture		
151103500 GG034 - Mower	7,000	0
151103500 GG017 - Utility	16,000	
151103500 GG033 - Utility	16,000	0
	39,000	0
Transport		
151203500 GG013 Isuzu D-Max Utility	15,000	0
151203500 GG049 Isuzu D-Max Utility	15,000	0
151203500 GG050 Isuzu D-Max Utility	16,000	0
151203500 GG6015 Variable Message Board Trailer	1,000	0
	47,000	0
Other Property and Services		
151402500 6GG - Isuzu M-UX 4x4	15,000	0
	15,000	0

Total Proceeds on Disposal of Assets	$	164,000	$	-

Shire of Gingin Statement of Financial Activity

FOR THE PERIOD 1 JULY 2021 - 31 AUGUST 2021

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)
LN-100 GG Medical Centre	20	30/07/04	3	101,572		15,583	15,841	85,989	85,731	3,306	3,053
LN-111 Wannamal West Road	20	15/02/07	5	416,289		9,871	10,032	406,418	406,257	13,509	13,349
LN-114 Guilderton Country Club (Hall) Extensions	20	20/11/08	7	334,442		-		334,442	334,442	-	-
LN-120 Regional Hardcourt Facility	20	21/12/09	8	242,072		-		242,072	242,072	-	-
LN-123 Lot 44 Weld St	10	3/08/16	5	153,143		-		153,143	153,143	-	-
LN-124A Regional Hardcourt Facility	16	4/12/14	9	233,442		-		233,442	233,442	-	-
LN-126 Gingin Aquatic Centre Tiling	10	3/08/16	5	80,757		7,528	7,587	73,229	73,170	1,252	1,194
LN-127 Seabird Seawall Extension	10	27/01/17	5	124,210		10,601	10,668	113,609	113,542	1,559	1,493
LN-128 Lancelin Caravan Park Assets	5	16/02/18	1	62,651		20,623	20,753	42,028	41,898	789	660
LN-130 Ledge Point Country Club Coolroom	10	22/11/19	8	19,253		-		19,253	19,253	-	-
New Loan - Upgrade of Financial Systems Platform to Altus Financials	20	16/10/08	7	157,743		-		157,743	157,743	-	
New Loan - Gingin Outdoor Activity Space	5	16/02/18	1	177,000		-		177,000	177,000	-	
TOTAL				2,102,573	-	64,206	64,881	2,038,367	2,037,692	20,415	19,749

Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 31 AUGUST 2021

Reserves Cash-Backed

	Reserve	Opening Balance	Original Budget Interest Earned	Actual Interest Earned	Original Budget Transfers In (+)	Actual Transfers In (+)	Original Budget Transfers-Out (-)	Actual Transfers Out (-)	Original Budget Closing Balance	Actual YTD Closing Balance
1	LSL Annual Sick Leave and Staff Contingency	429,670	1,998						431,668	429,670
2	Office Equipment Reserve	0							0	0
3	Plant and Equipment Reserve	1,593,152	7,408				87,530		1,513,030	1,593,152
4	Lancelin Lookout Reserve	-							-	-
5	Land and Buildings Reserve	916,407	4,261		25,602		477,400		468,870	916,407
6	Guilderton Caravan Park Reserve	34,019	158						34,177	34,019
7	Shire Recreation Development Reserve	75,135	349						75,485	75,135
8	Redfield Park Reserve	31,468	146						31,615	31,468
9	Ocean Farm Recreation Reserve	31,161	145						31,305	31,161
10	Tip Rationalisation Reserve	1,606,185	7,469				50,000		1,563,654	1,606,185
11	Lancelin Community Sport and Recreation Reserve	98,640	459		19,467				118,565	98,640
13	Community Infrastructure	104,083	484		127,357		50,000		181,924	104,083
14	Staff Housing Reserve	33,559	156						33,715	33,559
15	Future Infrastructure Reserve	567,840	2,640						570,481	567,840
16	Guilderton Country Club Reserve	19,157	89		8,080				27,326	19,157
17	Coastal Management Reserve - Coastal Inundation	192,391	895		100,000		53,000		240,286	192,391
18	Guilderton Foreshore Reserve	-			128,191				128,191	-
19	Unspent Grants Reserve	5,014	23						5,037	5,014
21	Seniors Housing Reserve	81,188	378						81,565	81,188
22	Gingin Railway Station Reserve	5,747	27						5,774	5,747
23	Subdivisions Reserve	59,800	278						60,078	59,800
24	Contributions to Roads Reserve	511,862	2,380				274,552		239,690	511,862
25	Public Open Space	26,050	121						26,171	26,050
26	Guilderton Trailer Parking Reserve	29,896	139		12,739				42,774	29,896
		6,452,425	**30,003**	-	**421,436**	-	**992,482**	-	**5,911,382**	**6,452,425**

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

Net Current Assets

	Actual YTD	Balance Forwarded
CURRENT ASSETS:		
Cash - Unrestricted	4,438,781	2,985,974
Cash - Restricted Reserves	6,452,425	6,452,425
Cash - Restricted General	0	0
Rates - Current	10,745,216	1,119,736
Sundry Debtors	487,142	1,783,305
Self-Supporting Loan Debtors	2230	7977
Inventories	69,816	27,273
Total Current Assets	**22,195,610**	**12,376,690**
LESS: CURRENT LIABILITIES		
Payables	(556,576)	(1,680,677)
Employee Provisions	(950,200)	(950,200)
Contract Liability	(2,070,169)	(432,716)
Accrued interest	(22,298)	(22,298)
Right of Use Assets - Lease Liability	(26,370)	(31,995)
Long Term Borrowings (Current)	(195,181)	(259,387)
Bonds & Deposits	(595,296)	(568,276)
Total Current Liabilities	**(4,416,090)**	**(3,945,549)**
Total Net Assets	**17,779,520**	**8,431,141**
Less: Cash - restricted reserves	(6,452,425)	(6,452,425)
Less: Self Supporting Loan Debtors	(2,230)	(7,977)
Add: Long Term Borrowings (Current)	195,181	259,387
Add: Lease Liability	26,370	31,995
NET CURRENT ASSET POSITION	**11,546,416**	**2,262,120**

Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 31 AUGUST 2021

Rating Information

Rating Information	Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites 9.1890	1,561	26,362,442	2,422,365					2,422,365
03010006 Grv - Other 9.1890	918	15,040,562	1,371,002					1,371,002
03010010 Uv - Rural 0.5120	364	256,884,000	1,314,990					1,314,990
03010015 Uv - Other 0.5120	3	1,993,000	10,202					10,202
03010018 Uv - Intensive 0.7610	96	64,181,000	488,674					488,674
03010025 Grv - Townsites @ $1,166	1,068	9,170,092		1,245,288				1,245,288
03010026 Grv - Other @ $1,166	759	4,741,360		884,994				884,994
03010030 Uv - Rural @ $1,470	422	85,019,810		689,430				689,430
03010035 Uv - Other @ $1,470	47	7,958,000		42,630				42,630
03010038 Uv - Intensive @ $2,675	179	30,557,424		401,250				401,250
03010045 Interim Rates								0
03010046 Interims - Back Rates					-4,681			-4,681
03010078 Concession - Intensive							0	0
TOTAL	5,417	501,907,690	5,607,233	3,263,592	-4,681	0	0	8,866,144
							Ex Gratia Rates	0
								$8,866,144

Shire of Gingin Statement of Financial Activity

FOR THE PERIOD 1 JULY 2021 - 31 AUGUST 2021

Trust Funds

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

SHIRE OF GINGIN

HISTORY | BEAUTY | PROSPERITY

MONTHLY FINANCIAL REPORT

(Containing the Statement of Financial Activity)

FOR THE PERIOD OF 1 JULY 2021 TO 31 JULY 2021

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Shire of Gingin Statement of Financial Activity
1 July 2021 to 31 JULY 2021

Key Information

Report Purpose:

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

Items of Significance:

The material variance adopted by the Shire of Gingin for the 2021/22 year is $20,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure.

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

Prepared by: Karina Leonhardt
Reviewed by: Ziggy Edwards
Date Prepared: 09/09/21

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

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	1,773,865	(300,391)	-14%
Revenue from operating activities					
General Purpose Funding	1,162,604	18,088	19,485	1,397	8%
General Purpose Funding - Rates	8,876,855	0	0	0	0%
Governance	5,000	334	89	(245)	(73%)
Law, Order, Public Safety	701,850	69,490	83,307	13,817	20%
Health	55,850	400	1,640	1,240	310%
Education and Welfare	9,500	542	0	(542)	(100%)
Housing	112,764	9,395	9,610	215	2%
Community Amenities	1,921,561	21,372	98,810	77,438	362%
Recreation and Culture	120,604	1,969	981	(988)	(50%)
Transport	423,403	8,500	8,213	(287)	(3%)
Economic Services	1,664,432	85,076	63,030	(22,046)	(26%)
Other Property and Services	155,951	9,088	24,621	15,533	171%
	15,210,374	**224,254**	**309,786**	**85,532**	**38%**
Expenditure from operating activities					
Governance	(1,547,686)	(52,617)	(59,060)	(6,443)	12%
General Purpose Funding	(536,863)	(22,291)	(12,682)	9,609	(43%)
Law, Order, Public Safety	(1,611,046)	(126,864)	(65,646)	61,218	(48%)
Health	(655,014)	(41,070)	(7,912)	33,158	(81%)
Education and Welfare	(256,382)	(20,338)	(988)	19,350	(95%)
Housing	(86,484)	(10,744)	(1,891)	8,853	(82%)
Community Amenities	(3,149,681)	(225,603)	(32,649)	192,954	(86%)
Recreation & Culture	(3,997,105)	(335,992)	(30,698)	305,294	(91%)
Transport	(4,030,718)	(337,318)	(56,240)	281,078	(83%)
Economic Services	(1,562,148)	(112,929)	(41,044)	71,885	(64%)
Other Property and Services	(1,088,411)	(395,947)	(158,386)	237,561	(60%)
	(18,521,538)	**(1,681,713)**	**(467,195)**	**1,214,518**	**(72%)**
Operating activities excluded from budget					
(Profit)/Loss on Asset Disposals	0	0	0	0	0%
Depreciation on Assets	4,922,951	410,246	2,907	(407,339)	(99%)
Non cash Adjustment	0	0	0	0	
Amount attributable to operating activities	**1,611,787**	**(1,047,213)**	**(154,503)**	**892,710**	**-85%**
Investing Activities					
Non operating grants, subsidies & contributions	8,602,360	688,856	1,345,362	656,506	95%
Purchase Land Held for Resale	0	0	0	0	0%
Purchase Land and Buildings	(2,756,129)	(482,862)	(359,827)	123,035	(25%)
Purchase Infrastructure Assets - Roads	(5,967,795)	(497,317)	(11,662)	485,655	(98%)
Purchase Infrastructure Assets - Parks	(1,039,499)	(86,624)	0	86,624	(100%)
Purchase Infrastructure Assets - Other	(157,370)	(13,114)	0	13,114	0%
Purchase Infrastructure Assets - Footpaths	(200,000)	(16,667)	(26,955)	(10,288)	62%
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%
Proceeds from Disposal of Assets	164,000	0	0	0	0%
Self-Supporting Loan Principal Income	13,553	0	0	0	0%
	(4,285,705)	**(407,728)**	**946,918**	**1,354,646**	**(332%)**
Financing Activities					
Repayment of Debentures	(259,386)	(26,509)	(26,184)	325	(1%)
Proceeds from New Debentures	350,000	0	0	0	0%
Proceeds from New Self-Supporting Loans	0	0	0	0	0%
Payment of Principal Portion of Lease Liabilities	(31,995)	(2,665)	(2,811)	(146)	5%
Transfers to Reserves - Cash Backed Reserves	(451,439)	(2,500)	0	2,500	-100%
Transfers from Reserves - Cash Backed Reserves	992,482	0	0	0	0%
	599,662	**(31,674)**	**(28,994)**	**2,680**	**(8%)**
Net Current Assets Year to Date	**0**	**587,641**	**2,537,286**	**1,949,645**	**332%**

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

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

Statement of Financial Activity by Nature & Type

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. $	Var. %
OPENING FUNDING SURPLUS (DEFICIT)	2,074,256	2,074,256	1,773,865	(300,391)	(14%)
Revenue from operating activities					
Rates	8,882,052	0	0	0	0%
Grants & Subsidies (Operating)	2,291,791	199,857	121,085	(78,773)	(39%)
Fees & Charges	3,828,800	125,784	143,305	17,521	14%
Interest Earnings	137,444	11,421	2,679	(8,742)	(77%)
Other Revenue	70,287	(112,808)	42,717	155,525	(138%)
Profit on Sale of Assets	0	0	0	0	0%
	15,210,374	**224,254**	**309,786**	**85,532**	**38%**
Expenditure from operating activities					
Employee On Costs	(6,390,737)	(532,587)	(2,919)	529,668	(99%)
Materials & Contracts	(5,709,570)	(475,962)	(428,272)	47,690	(10%)
Utilities (Gas, Water etc)	(445,615)	(37,143)	(17,367)	19,776	(53%)
Insurances	(341,215)	(170,617)	0	170,617	(100%)
Depreciation of Assets	(4,922,951)	(410,246)	(2,907)	407,339	(99%)
Interest Expenses	(105,341)	(4,646)	(4,983)	(337)	7%
Other Expenditure	(606,109)	(50,512)	(10,748)	39,764	(79%)
Loss on Sale of Assets	0	0	0	0	0%
	(18,521,538)	**(1,681,713)**	**(467,195)**	**1,214,518**	**(72%)**
Operating activities excluded from budget					
Adjust Profit/Loss on asset disposals	0	0	0	0	0.00%
Depreciation on Assets	4,922,951	410,246	2,907	(407,339)	(99%)
Non cash Adjustment	0	0	0	0	0%
Amount attributable to operating activities	**1,611,787**	**(1,047,213)**	**(154,503)**	**892,710**	**(85%)**
Investing Activities					
Non operating grants, subsidies & contributions	8,602,360	688,856	1,345,362	656,506	95%
Purchase Land Held for Resale	0	0	0	0	0%
Purchase Land and Buildings	(2,756,129)	(482,862)	(359,827)	123,035	(25%)
Purchase Infrastructure Assets - Roads	(5,967,795)	(497,317)	(11,662)	485,655	(98%)
Purchase Infrastructure Assets - Parks	(1,039,499)	(86,624)	-	86,624	(100%)
Purchase Infrastructure Assets - Other	-157370	-13114	-	13,114	0%
Purchase Infrastructure Assets - Footpaths	(200,000)	(16,667)	(26,955)	(10,288)	62%
Purchase Infrastructure Assets - Sewerage	0	0	0	0	0%
Purchase Plant and Equipment	(2,944,825)	0	0	0	0%
Proceeds from Disposal of Assets	164,000	0	0	0	0%
Self-Supporting Loan Principal Income	13,553	0	0	0	0%
	(4,285,705)	**(407,728)**	**946,918**	**1,354,646**	**(332%)**
Financing Activities					
Repayment of Debentures	(259,386)	(26,509)	(26,184)	325	(1%)
Proceeds from New Debentures	350,000	0	0	0	0%
Proceeds from New Self-Supporting Loans	0	0	0	0	0%
Payment of Principal Portion of Lease Liabilities	(31,995)	(2,665)	(2,811)	(146)	5%
Transfers to Reserves - Cash Backed Reserves	(451,439)	(2,500)	0	2,500	(100%)
Transfers from Reserves - Cash Backed Reserves	992,482	0	0	0	0%
Transfers from Restricted Cash	0	0	0	0	0%
	599,662	**(31,674)**	**(28,994)**	**2,680**	**(8%)**
Net Current Assets Year to Date	0	**587,641**	**2,537,286**	**1,949,645**	**332%**

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

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

Acquistition of Assets & Other Non-Capital Expenditure
By Program

	Capital Expenditure Actual 20/21	Capital Expenditure Original Budget 20/21
GENERAL PURPOSE FUNDING	-	-
LAW ORDER PUBLIC SAFETY	350,327	4,218,382
EDUCATION & WELFARE	-	15,000
HEALTH	15,583	55,681
COMMUNITY AMENITIES	10,601	385,390
RECREATION & CULTURE	9,500	1,621,841
TRANSPORT	38,617	6,564,620
ECONOMIC SERVICES	-	239,584
GOVERNANCE	-	-
HOUSING	-	558,585
OTHER PROPERTY & SERVICES	2,811	149,355
TOTAL	427,439	13,808,438

By Account Type

	Capital Expenditure Actual 20/21	Capital Expenditure Original Budget 20/21
LOAN LIABILITY - SHIRE	26,184	259,386
RIGHT OF USE ASSETS - LEASE LIABILITY	2,811	31,995
LAND - FREEHOLD	-	-
BUILDINGS - NON SPECIALISED	359,827	2,756,129
INFRASTRUCTURE - BRIDGES	-	-
INFRASTRUCTURE - FOOTPATHS AND CYCLEWAYS	26,955	200,000
INFRASTRUCTURE - SEWERAGE	-	-
INFRASTRUCTURE - PARKS & OVALS	-	1,039,499
INFRASTRUCTURE - ROADS	11,662	5,887,795
INFRASTRUCTURE - OTHER	-	157,370
INFRASTRUCTURE - DRAINAGE	-	80,000
INFRASTRUCTURE - AIRPORTS	-	-
PLANT & EQUIPMENT	-	2,944,825
ACCUMULATED SURPLUS	-	451,439
TOTAL	427,439	13,808,438

Shire of Gingin Statement of Financial Activity

FOR THE PERIOD 1 JULY 2021 - 31 JULY 2021

Disposal of Assets

Disposal of Assets	Annual Budget	Actuals
Law, Order & Public Safety		
150502500 - ANIMAL - Proceeds on Disposal of Assets	30,000	
Total Sale of Assets	30,000	0
Community Amenities		
151006500 PLAN - Proceeds on Disposal of Assets MUN	33,000	0
Total Sale of Assets	33,000	0
Recreation and Culture		
151103500 REC - Proceeds on Disposal of Assets MUN	39,000	
Total Sale of Assets	39,000	0
Other Property Services		
151402500 ADMIN - Proceeds on Disposal of Assets MUN	15,000	0
Total Sale of Assets	15,000	0
Transport		
151203500 PLANT - Proceeds on Disposal of Assets MUN	47,000	0
Total Sale of Assets	47,000	0
TOTAL SALE OF ASSETS	164,000	0
TOTAL PROFIT ON SALE OF ASSETS	0	0
TOTAL LOSS OF SALE OF ASSETS	0	0

Law, Order & Public Safety		
150502500 - GG070 - Isuzu D-Max Utility	15,000	0
150502500 - GG073 - Isuzu D-Max Utility	15,000	0
	30,000	0
Community Amenities		
151006500 4GG - Isuzu M-UX 4x4	18,000	0
151006500 8GG - Isuzu D-Max Utility	15,000	0
	33,000	0
Recreation and Culture		
151103500 GG034 - Mower	7,000	0
151103500 GG017 - Utility	16,000	
151103500 GG033 - Utility	16,000	0
	39,000	0
Transport		
151203500 GG013 Isuzu D-Max Utility	15,000	0
151203500 GG049 Isuzu D-Max Utility	15,000	0
151203500 GG050 Isuzu D-Max Utility	16,000	0
151203500 GG6015 Variable Message Board Trailer	1,000	0
	47,000	0
Other Property and Services		
151402500 6GG - Isuzu M-UX 4x4	15,000	0
	15,000	0

Total Proceeds on Disposal of Assets	$	164,000	$	-

Shire of Gingin Statement of Financial Activity

FOR THE PERIOD 1 JULY 2021 - 31 JULY 2021

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)
LN-100 GG Medical Centre	20	30/07/04	3	101,572		15,583	15,841	85,989	85,731	3,306	3,053
LN-111 Wannamal West Road	20	15/02/07	5	416,289				416,289	416,289	-	-
LN-114 Guilderton Country Club (Hall) Extensions	20	20/11/08	7	334,442				334,442	334,442	-	-
LN-120 Regional Hardcourt Facility	20	21/12/09	8	242,072				242,072	242,072	-	-
LN-123 Lot 44 Weld St	20	16/10/08	7	153,143				153,143	153,143	-	-
LN-124A Regional Hardcourt Facility	16	4/12/14	9	233,442				233,442	233,442	-	-
LN-126 Gingin Aquatic Centre Tiling	10	3/08/16	5	80,757				80,757	80,757	-	-
LN-127 Seabird Seawall Extension	10	27/01/17	5	124,210		10,601	10,668	113,609	113,542	1,559	1,493
LN-128 Lancelin Caravan Park Assets	5	16/02/18	1	62,651				62,651	62,651	-	-
LN-130 Ledge Point Country Club Coolroom	10	22/11/19	8	19,253				19,253	19,253	-	-
New Loan - Upgrade of Financial Systems Platform to Altus Financials	15	20/12/21	15	157,743				157,743	157,743		
New Loan - Gingin Outdoor Activity Space	10	20/12/21	10	177,000				177,000	177,000		
TOTAL				2,102,573	-	26,184	26,509	2,076,390	2,076,064	4,865	4,546

Shire of Gingin Statement of Financial Activity
FOR THE PERIOD 1 JULY 2021 - 31 JULY 2021

Reserves Cash-Backed

	Reserve	Opening Balance	Original Budget Interest Earned	Actual Interest Earned	Original Budget Transfers In (+)	Actual Transfers In (+)	Original Budget Transfers-Out (-)	Actual Transfers Out (-)	Original Budget Closing Balance	Actual YTD Closing Balance
1	LSL Annual Sick Leave and Staff Contingency	429,670	1,998						431,668	429,670
2	Office Equipment Reserve	0							0	0
3	Plant and Equipment Reserve	1,593,152	7,408				87,530		1,513,030	1,593,152
4	Lancelin Lookout Reserve	-							-	-
5	Land and Buildings Reserve	916,407	4,261		25,602		477,400		468,870	916,407
6	Guilderton Caravan Park Reserve	34,019	158						34,177	34,019
7	Shire Recreation Development Reserve	75,135	349						75,485	75,135
8	Redfield Park Reserve	31,468	146						31,615	31,468
9	Ocean Farm Recreation Reserve	31,161	145						31,305	31,161
10	Tip Rationalisation Reserve	1,606,185	7,469				50,000		1,563,654	1,606,185
11	Lancelin Community Sport and Recreation Reserve	98,640	459		19,467				118,565	98,640
13	Community Infrastructure	104,083	484		127,357		50,000		181,924	104,083
14	Staff Housing Reserve	33,559	156						33,715	33,559
15	Future Infrastructure Reserve	567,840	2,640						570,481	567,840
16	Guilderton Country Club Reserve	19,157	89		8,080				27,326	19,157
17	Coastal Management Reserve - Coastal Inundation	192,391	895		100,000		53,000		240,286	192,391
18	Guilderton Foreshore Reserve	-			128,191				128,191	-
19	Unspent Grants Reserve	5,014	23						5,037	5,014
21	Seniors Housing Reserve	81,188	378						81,565	81,188
22	Gingin Railway Station Reserve	5,747	27						5,774	5,747
23	Subdivisions Reserve	59,800	278						60,078	59,800
24	Contributions to Roads Reserve	511,862	2,380				274,552		239,690	511,862
25	Public Open Space	26,050	121						26,171	26,050
26	Guilderton Trailer Parking Reserve	29,896	139		12,739				42,774	29,896
		6,452,425	**30,003**	**-**	**421,436**	**-**	**992,482**	**-**	**5,911,382**	**6,452,425**

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

Net Current Assets

	Actual YTD	Balance Forwarded
CURRENT ASSETS:		
Cash - Unrestricted	2,911,465	2,985,974
Cash - Restricted Reserves	6,452,425	6,452,425
Cash - Restricted General	0	0
Rates - Current	445,092	1,119,736
Sundry Debtors	868,905	1,422,879
Self-Supporting Loan Debtors	0	0
Inventories	45,264	27,273
Total Current Assets	**10,723,151**	**12,008,287**
LESS: CURRENT LIABILITIES		
Payables	251,548	(1,808,506)
Employee Provisions	(950,200)	(950,200)
Contract Liability	(432,716)	(432,716)
Accrued interest	(22,298)	(22,298)
Right of Use Assets - Lease Liability	(29,184)	(31,995)
Long Term Borrowings (Current)	26,184	(0)
Bonds & Deposits	(579,774)	(568,276)
Total Current Liabilities	**(1,736,440)**	**(3,813,991)**
Total Net Assets	**8,986,711**	**8,194,296**
Less: Cash - restricted reserves	(6,452,425)	(6,452,425)
Less: Self Supporting Loan Debtors	0	0
Add: Long Term Borrowings (Current)	(26,184)	0
Add: Lease Liability	29,184	31,995
NET CURRENT ASSET POSITION	**2,537,285**	**1,773,865**

Shire of Gingin Statement of Financial Activity

FOR THE PERIOD 1 JULY 2021 - 31 JULY 2021

Trust Funds

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

12.3 PROPOSED LEASE BETWEEN THE SHIRE OF GINGIN AND DENIM AND LACE BARREL RACING INC.

File	A6039
Author	Cher Groves - Recovery and Leasing Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	N/A
Appendices	1. Denim & Lace Barrel Racing Draft Lease Sept 21 [**12.3.1** - 27 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a new lease between Denim & Lace Barrel Racing Association Inc. and the Shire of Gingin for a portion of Lots 51 and 52 Racecourse Road, Coonabidgee, for a period of two years plus a further term of two years.

BACKGROUND

The Denim & Lace Barrel Racing Association Inc. (DLBRA) is a local Gingin based committee that provides training and competition events for Barrel Racing, a popular equestrian sport for all age groups. The DLBRA has been running events at the Gingin Equestrian Grounds for the past six years in the Gingin Campdraft Inc. arena. The DLBRA is an affiliate of the Australian Barrel Horse Association, primarily for the purposes of insurance. To date, the club has some 300 state members, approximately 80 of whom are located either locally or within one hour of the equestrian grounds.

The surfaces in the Gingin Campdraft Inc. arena and the WA Cutting Horse leased area are not suitable for barrel racing activities. Barrel racing is where a horse and rider attempt to ride in a cloverleaf pattern around pre-set barrels in the fastest time, wearing down the same area around the barrels.

Sandy loam is the best dirt for barrel racing. It consists of a roughly 50/50 mix of sand and clay, and it sits on a heavy clay or concrete base and a sub-base of natural sand.

The minimum size for a barrel racing arena is 35m X 70m. The DLBRA is proposing to establish a 40m X 80m arena, with a smaller warm-up area to one side. In the interim the DLBRA will install portable yards until the main arena project commences, subject to funding through donated community services, grant funding, fundraising and funds generated through events held within the proposed temporary arena.

The proposed use of the land is consistent with the "sports ground" intent of the Charitable Trust held by the Shire. This lease is not subject to endorsement by the Department of Lands.

It is proposed that a separate area be allocated to the DLBRA.

COMMENT

The correspondence received from the DLBRA articulates the group's commitment to promoting the area as a regional facility, which is demonstrated by the coordination of its annual (six years consecutive) barrel racing events which are open to competitors at a regional level. The DLBRA hosted the 2020 Australian Barrel Horse Association State Championships at the Gingin Equestrian Grounds.

Letters of support for the proposed DLBRA lease have been provided by the three current Gingin Equestrian Grounds lessees, being Gingin Campdraft Inc, WA Cutting Horse Inc, and the Gingin Scouts.

It has become increasingly apparent that if community and sporting groups are seeking funding through funding bodies such as Lotterywest, there is an expectation that there is a lease tenure which would be long enough to provide surety that the group will be managing those funds/infrastructure in the long term (i.e. 5-10 years).

The Gingin Campdraft Inc, WA Cutting Horse Inc, and the Gingin Scouts leases all expire in August 2025. This has been taken into consideration when Officers have determined tenure, bringing the proposed DLBRA lease expiry in line with the current leases.

A draft lease (**Appendix 12.4.1**) to facilitate occupancy by the group has been prepared in line with Council's standard peppercorn template.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 3 – Functions of local governments
Division 3 – Executive functions of local governments
Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996
Part 6 – Miscellaneous
Clause 30 – Dispositions of property excluded from Act s. 3.58

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Lobb

That Council:

1. **Agree to enter into a lease arrangement with the Denim & Lace Barrel Racing Association Inc. for that portion of Lot 51 Racecourse Road, Coonabidgee depicted in Appendix 12.4.1 for a term of two years with a further term of two years.**

2. **Authorise the CEO to execute the lease agreement depicted in Appendix 12.4.1 by signature on behalf of the Shire of Gingin.**

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*
AGAINST: *Nil*

LEASE AGREEMENT

SHIRE OF GINGIN

AND

DENIM & LACE BARREL RACING ASSOCIATION INC.

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CONDITIONS

Parties

Shire of Gingin – “The Lessor”

AND

Denim & Lace Barrel Racing Association Inc. – "The Lessee"

Use

The premises is not to be used for any purpose other than that specified in **Item 6** of the Schedule.

The use of the premises must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988*, *Food Act 2008*, *Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Premises

Comprised area of land and buildings located at Lot 51 Racecourse Road, Coonabidgee as depicted on the plan included as **Annexure 1**.

Term

The term of the lease is set out at **Item 2** of the Schedule. The Lessee may request the Lessor to grant a renewal of this Agreement for the further term set out at **Item 3** of the Schedule by giving written notice at least one month prior to the expiry of the initial term.

Holding Over

If the Lessor consents to the Lessee continuing to occupy the Leased Area after the expiry date, after the end of any extended term or during a lease renewal negotiation period, the Lessee is a monthly Lessee of the Leased Area and

(a) the monthly tenancy may be terminated by either party giving to the other at least one month's notice which may expire on any day;
(b) the rent is the same rent payable immediately before the expiry date or after the end of any extended term; and
(c) all the other provisions of this Lease apply to the monthly tenancy except any option to extend this Lease.

Provision of Information

The Lessee agrees to provide to the Lessor:

(a) a copy of the Lessee's audited annual statement of accounts for each year;
(b) a copy of the Certificate of Currency or renewal certificate to be provided to the Lessor on an annual basis for each insurance policy, including Public Liability and Contents Insurance;
(c) written advise of any changes in its office holders or its rules of Association during the Term; and
(d) any information reasonably required by the Lessor.

Variation of Lease

If there is a variation of this lease the lease continues and the variation does not constitute a surrender of this lease. Any variation will be supplementary to the original lease document.

Parties can only vary a lease by mutual written agreement.

RENT AND OTHER PAYMENTS

Rent

As specified in **Item 5** of the Schedule. Rent will be increased by the amount of the Goods and Services Tax (GST), if any, which the Lessee is required under the *A New Tax System (Goods and Services Tax) Act* 1999 and associated Acts and subsidiary legislation, to pay on any Supply made under this Lease.

Outgoings

Water and refuse collection charges are the responsibility of the Lessor. Electricity, Gas and other consumable charges are the responsibility of the Lessee.

Keys and Access

The Lessor will provide the Lessee with two set of keys to access the premises, and if applicable all rooms therein.

The Lessee may request additional sets of access keys from the Lessor, if approved the Lessee is responsible for the cost of the additional access keys.

The Lessee is to maintain a record of who is assigned any and all keys.

The Lessee must notify the Lessor of any lost keys within seven days. Any replacement keys will be issued by the Lessor at the Lessee's cost.

Key Bond

On request, the Lessee will pay a bond of $200.00 for a set of access keys to the premises prior to access being granted. If required, the bond may be withheld by the Lessor in the event that replacement of keys is required at the time of the Lessee vacating the premises.

Building Bond

On request, the Lessee will pay a building bond of $400.00 prior to gaining access to the premises. If required, the bond may be withheld by the Lessor to make good any repairs or minor maintenance that may be necessary at the time of the Lessee vacating the premises.

Insurance

The Lessor shall effect and keep effected building insurance to the full insurable value on a replacement or reinstatement value basis of the Premises against damage arising from fire, tempest, storm, earthquake, explosion, aircraft, or other aerial device including items dropped from any device, riot, commotion, flood, lightning, act of God, fusion, smoke, rainwater, leakage, impact by vehicle, machinery breakdown and malicious acts or omissions and other standard insurable risks.

Public liability insurance in accordance with **Item 7** of the Schedule shall be maintained by the Lessee. The Lessee shall also maintain adequate and sufficient contents insurance. A copy of the certificate of currency is to be provided to the Lessor upon commencement of the lease, illustrating the full term of cover.

All cover is to be renewed annually, with a certificate of currency or renewal certificate to be provided to the Lessor on an annual basis.

Insurance for personal property is the Lessee's responsibility. All policy and certificate details are to be made available on request.

Arrangement of and payment for all public liability insurance is the responsibility of the Lessee.

The Lessee must not do or omit to do any act or thing or bring or keep anything on the Premises which might invalidate or:

(a) render any insurance effected under this clause on the Premises, or any adjoining premises, void or voidable; or

(b) cause the rate of a premium to be increased for the Premises or any adjoining premises (except insofar as an approved development may lead to an increased premium).

DEFAULTS

Events of Default

A default occurs if:

(a) any Amounts Payable remain unpaid for 21 days after a Notice has been given to the Lessee that an amount is outstanding;

(b) the Lessee alters, adds to, improves or demolishes any part of the Premises without prior written consent from the Lessor;

(c) the Lessee commits a breach of its obligations under this agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor;

(d) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 201*5, the association is wound up whether voluntarily or otherwise;

(e) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 2015*, the Lessee passes a special resolution under the *Associations Incorporation Act 2015* altering its rules of association in a way that makes its objects or purposes inconsistent with the use permitted by this Lease;

(f) the Lessee is unable to pay all its debts when they become due, it fails to comply with a statutory demand under section 459F of the *Corporations Act 2001*, or it is deemed to be unable to pay its debts under section 585 of the *Corporations Act 2001*;

(g) the Premises are vacated, or otherwise not used, in the Lessor's reasonable opinion, for the Permitted Purpose for a six-month period; or

(h) a person other than the Lessee is in occupation or possession of the Premises or in receipt of a rent and profits.

Lessor may remedy breach

After the Lessor has given the Lessee notice of the breach and the Lessee has failed to rectify the breach within a reasonable time, the Lessor may without affecting any right, remedy or power arising from that default remedying each breach or default. The Lessor will be entitled to recover costs from the Lessee associated with remedy of breach or breaches.

TERMINATION

The Lessor may terminate this agreement by providing three months' written notice to the Lessee if at any time the building is not being used in accordance with the requirements of **Item 6** of the Schedule, or maintained to the Lessor's requirements, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Under exceptional circumstances the Lessor may ask the Lessee to vacate the premises immediately.

The Lessor reserves the right to terminate the agreement in the event that the Lessee commits a breach of its obligations under the agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor.

The Lessor will not have right of re-entry or forfeiture unless and until—

(a) the Lessor serves on the Lessee a notice specifying the particular breach complained of, and, if the breach is capable of remedy, requiring the Lessee to remedy the breach, and in any case requiring the Lessee to make compensation in money for the breach; and

(b) the Lessee fails within a reasonable time thereafter to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money to the satisfaction of the lessor for the breach.

The Lessor will be entitled to re-enter the Premises or forfeit the lease in the event of the Lessee failing to comply with such notice within a reasonable time.

Restore Premises

Before or within 14 days after termination of this agreement the Lessee must, at its expense, restore the premises to a condition satisfactory to the Lessor.

The Lessor will undertake an assessment and provide a checklist of items to be restored.

Property Inspections

The Lessor may conduct property inspections of the premises on an annual basis to ensure the appearance and the condition of the building is being maintained to the satisfaction of the Lessor and the *Health (Public Buildings) Regulations 1992*.

LESSEE'S RESPONSIBILITIES

Inclusive Membership

The Lessee must at all times employ an inclusive membership policy.

Report to Council

The Lessee must report all vandalism, defects, damage and pollution to the Lessor within 24 hours of any such occurrence being identified.

To report any issues please email mail@gingin.wa.gov.au or send via post to PO Box 510, GINGIN WA 6503. If urgent please telephone 9575 5100 during office hours.

Alterations

The Lessee shall not make any alterations, additions or improvements to or demolish any part of the Premises without the prior written consent from the Lessor. **Note**: Building Permits may be required.

Alterations, additions or improvements to the premises may result in a Lease Variation as project costs, including ongoing maintenance and full life costs, may be the responsibility of the Lessee.

Securing the Premises

The Lessee is to ensure the Premises, including Lessor's and Lessee's fixtures and fittings, are appropriately secured at all times. Where an alarm is present the alarm should be activated and the Lessor supplied with access codes.

Lessor's Right of Reasonable Entry

The Lessee must permit the Lessor or its authorised representative/s to enter the premises for the following purposes:

(a) in the event of an emergency;

(b) to undertake property inspections to ensure compliance with the terms of this Agreement;

(c) to carry out routine repairs or other work necessary to maintain the premises in good condition; and

(d) to carry out Capital Project works.

The Lessor will liaise with the Lessee to gain entry as required.

Maintenance and Cleaning

The Lessee agrees during the Term and for so long as the Lessee remains in possession or occupation of the Premises to maintain, clean and keep the Premises (which includes the Lessor's fixtures and fittings) in good repair having regard to the age of the Premises at the Commencement Date.

The Lessee shall comply with the *Maintenance and Cleaning Schedule* appended as **Annexure 2**.

The Lessee must at all times keep the Premises clean, tidy, unobstructed and free from dirt, rubbish and vermin, including bird/animal droppings.

In executing the obligations imposed on the Lessee under this clause, the Lessee shall keep clear and/or clean:

(a) any electrical fittings and fixtures;

(b) any plumbing;

(c) any air-conditioning fittings and fixtures; and

(d) any gas fittings and fixtures

in or on the Premises, use only licensed tradespersons, or such tradespersons as may be approved by the Lessor.

Repair

The Lessor is responsible for fair wear and tear repairs. Where the Lessee is responsible for any damage to the premises, inclusive of damage arising from not undertaking regular maintenance and cleaning, such damage is to be promptly repaired or damaged item replaced, at the Lessee's expense, to the satisfaction of the Lessor.

Fair wear and tear means damage that happens through the ordinary day-to-day use of a Premises by a Lessee and the ordinary cause from natural forces (sunlight, rain).

Defibrillator and Automated External Defibrillator (AED)

This Premises may have had a defibrillator fitted on request from the Lessee, funded by a third party.

The Lessee is responsible for all costs associated with the device, including being included in the Lessee Contents Insurance policy.

All AEDs perform self-maintenance checks on a daily, weekly and monthly basis to ensure that they are ready for use. In the event that the machine fails part of the test, the machine

will beep to alert that there is a fault with the machine. St John Ambulance Australia recommends a weekly inspection be performed on the machine to ensure the machine has not failed a self-check.

Work within Premises

The Lessee must carry out works in accordance with Work Safe (WA) practices, being mindful of the risk to health and fire hazards.

Any works must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

Lessor's Fixtures and Fittings

The Lessee covenants and agrees that the Lessor's Fixtures and Fittings will remain the property of the Lessor and must not be removed from the Premises at any time.

Maintain surroundings

The Lessee must regularly inspect and maintain in good condition any part of the Premises which surrounds any buildings, including but not limited to any flora, gardens, lawns, shrubs, hedges, trees, playground equipment and benches.

Playgrounds within the leased area must be raked or swept on a regular basis to ensure sharps are not present.

The Lessee agrees that any pruning of trees must be undertaken by a qualified tree surgeon. If any flora, trees or lawn dies the Lessee must replace the flora, trees or lawn at its own expense.

The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor, except where necessary for urgent safety reasons.

Replacement and expansion of reticulation is the responsibility of the Lessor. Maintenance, inclusive of replacing sprinklers, nozzles, valves and drip lines, as well as repairs to leaking reticulation lines, pipes, and the like are the responsibility of the Lessee.

Pest control

The Lessee must keep the Premises free of any pests and vermin. The cost of annual treatment for termites and spiders will be borne by the Lessor.

Drains

The Lessee must keep and maintain the waste pipes, drains and conduits originating in the Premises or connected thereto in a clean clear and free flowing condition, and must pay to the Lessor upon demand the cost to the Lessor of clearing any blockage which may occur in such waste pipes, drains and conduits between the external boundaries of the Premises and the point of entry thereof into any trunk drain unless such blockage has been caused without neglect or default on the part of the Lessee.

Any plumbing works must be undertaken by a qualified plumber/tradesperson.

The Lessee must not permit the drains, toilets, grease traps (if any) and other sanitary appliances on the Premises to be used for any purpose other than that for which they were constructed and must not allow any foreign matter or substance to be thrown therein.

Electrical / Solar

The Lessee shall not install any electrical equipment on the Premises that may overload the cables, switchboards or sub-boards. Any electrical works must be undertaken by a qualified electrician.

The Lessor shall not fund the installation, maintenance, replacement, removal or any ongoing costs of solar panels (together with any lines, wires, conduits, inverters, racking, solar battery storage units or related improvements installed in connection therewith, are referred to collectively as the "solar panels"). If the Lessee, after gaining prior approval from the Lessor, installs solar panels, the solar panels shall remain the property of Lessee during the Term.

The Lessee shall, at its sole cost and expense, remove the solar panels at expiration of this lease agreement, in accordance with the requirements of **Item 2** and **Item 3** of the Schedule, unless the Lessor and Lessee mutually agree that the solar panels are to remain in place and become the sole property of Lessor. The Lessee shall repair any damage to the premises caused by the installation, maintenance, replacement, use or removal of the solar panels.

Erosion

The Lessee must take such reasonable action as is necessary to prevent and rectify the effects of erosion, drift or movement of sand, soil, dust or water on or from the Premises, if it has occurred as a result of the Lessee's use of the Premises.

Behaviour

The Lessee is not to allow any anti-social behaviour in or around the premises including but not limited to loud music, foul language, drunken behaviour, uncontrollable parties, fighting, acts of physical violence and unwanted entry onto neighbouring properties.

Noise Restrictions apply from 7pm to 7am.

Hiring of the Premises

The Lessor acknowledges that the Lessee manages the hiring out of the premises to third parties. Hire fees be set as part of the Schedule of Fees and Charges in the Lessor's annual budget.

Records of all use, including own use, must be kept and provided to the Lessor on a quarterly basis. Records will be used to provide quarterly provision of consumables.

Records of all income derived from hire charges shall be forwarded to the Lessor on a quarterly basis. Said income can be retained by the Lessee as a management fee, less the Goods and Services Tax (GST) which is payable to the Lessor.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988, Health (Food Hygiene) Regulations 1993, Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Subletting and Assignment

The Lessee must not assign, sublet, part with possession or dispose of the Premises or any part of the Premises without the prior written consent of the Lessor and any other persons whose consent is required under the terms of this Lease or at law.

Smoking on Premises

The Lessee must not smoke or permit a person to smoke within the leased premises.

Fire Mitigation

(a) Fire Prevention – Without limiting any other provision of this Lease, the Lessee must in relation to the Leased Area promptly comply with:
   i. the *Bush Fires Act 1954* and any other laws relating to the prevention and control of fires; and
   ii. all proper directions concerning fire prevention and control given to the Lessee by the Lessor or any Authority.

(b) Fire Control (Wild Fire) – The Lessee must immediately:
   i. telephone 000 as soon as a fire is detected on the Leased Area;
   ii. notify the Lessor as soon as a fire is detected on the Leased Area; and
   iii. take all reasonable and safe action which the Lessee is able to take to try to extinguish any unauthorised or uncontrolled fire on the Leased Area

(c) Authorised Fires – The Lessee must not do anything which causes or may cause a fire on the Leased Area unless the fire is:
   i. not prohibited by law or by a direction of the Lessor or an Authority; and
   ii. the fire is not dangerous and is properly controlled so that it cannot become dangerous.

(d) Liability for Fires – The Lessee is responsible for and must pay or reimburse the Lessor for all Liabilities as a result of any fire which starts on the Leased Area unless the Lessee can prove to the reasonable satisfaction of the Lessor that the fire:
   i. was not caused by the Lessee's negligent or unlawful act or omission or the Lessee's default under this Lease; or
   ii. was started by a cause beyond the Lessee's reasonable control.

(e) Risk Management Plan – Due to the nature of activities of the Lessee a Risk Management Plan may be required for certain activities and/or events undertaken within the leased premises. This may be an additional condition of this lease agreement as specified in accordance with **Item 8**.

(f) Failure to comply can lead to immediate termination of this lease, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Comply with Legislation, Acts and Statutory Obligations

The Lessee must promptly comply with all Acts, statutes and local laws from time to time in force relating to the premises.

The Lessee must apply for, obtain and maintain in force all consents, approvals, authorities, licenses and permits required under any statute for the use of the premises.

The Lessee must not allow a person to carry out any harmful, offensive or illegal act within or around the premises.

INDEMNITY

Indemnity

The Lessee indemnifies, and shall keep indemnified, the Lessor from and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the Lessor or brought, maintained or made against the Lessor in respect of:

(a) any loss whatsoever (including loss of use);

(b) injury or damage of, or to, any kind of property or thing; and

(c) the death of, or injury suffered by, any person,

except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

(a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.

(b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Release

(1) The Lessee:

(a) agrees to occupy and use the Premises at the risk of the Lessee; and

(b) releases to the full extent permitted by law, the Lessor from:

(i) any liability which may arise in respect of any accident or damage to property, the death of any person, injury to any person, or illness suffered by any person,

occurring on the Premises or arising from the Lessee's use or occupation of the Premises by; and

(ii) loss of or damage to the Premises or personal property of the Lessee;

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The release by the Lessee continues after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Limit of Lessor's liability

(1) The Lessor will not be liable for loss, damage or injury to any person or property in or about the Premises however occurring, except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The Lessor will not be liable for any failure to perform and observe any of the Lessor's Covenants due to any cause beyond the Lessor's control.

DISPUTES

Referral of Dispute: Phase 1 (a)

Except as otherwise provided any dispute arising out of this Lease is to be referred in the first instance in writing to the Lessor's Representative as nominated in writing by the Lessor from time to time (the Lessor's Representative) who shall convene a meeting within 15 days of receipt of such notice from the Lessee or such other period of time as is agreed to by the parties between the Lessor and a nominated representative of the Lessee for the purpose of resolving the dispute (the Original Meeting).

Referral of Dispute: Phase 2 (b)

In the event the dispute is not resolved in accordance with **Disputes - clause A** of this Lease then the dispute shall be referred in writing to the Chief Executive Officer (CEO) of the Lessor who shall convene a meeting within 15 days of the Original Meeting or such other date as is agreed to by the parties between the CEO and the President of the Lessee for the purpose of resolving the dispute.

Appointment of Arbitrator: Phase 3 (c)

In the event the dispute is not resolved in accordance with **Disputes - clause B** of this Lease then the dispute shall be determined by an independent arbitrator as agreed to by both parties, and the Lessor and the Lessee may each be represented by a legal practitioner, or otherwise as each party determines appropriate.

Payment of Amounts Payable to Date of Award (d)

The Lessee must pay the Amounts Payable without deduction to the date of the award of the Arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Lessee is not required to be paid within the terms of the award of the Arbitrator or by agreement between the Lessor and the Lessee then the Lessor will refund to the Lessee the monies paid.

SCHEDULE

ITEM 1: LAND

Portion of Lot 51 Diagram 3491, being the land in Certificate of Crown Title Volume 1000 Folio 922.

PREMISES

The land and buildings contained within the area shown in **Annexure 1**.

COMMON AREA

Common areas exist within the racecourse area site which is to be shared with the other lessee's in the racecourse area, as depicted on the plan included as **Annexure 2**.

Asbestos Hazard Report, included as **Annexure 4**.

ITEM 2: TERM

Two years, expiring 31 August 2023

ITEM 3: FURTHER TERM

Two years, expiring 31 August 2025

ITEM 4: COMMENCEMENT DATE

1 September 2021

ITEM 5: RENT

One dollar (peppercorn) per annum.

ITEM 6: USE

Social and recreational activities of the Denim & Lace Barrel Racing Association Inc. and all uses reasonably ancillary to that purpose.

ITEM 7: PUBLIC LIABILITY INSURANCE

$20,000,000.00

ITEM 8: ADDITIONAL TERMS AND CONDITIONS

8.1 The Lessee has shared access (with other lessees) to an area of 2.9 ha of "land in common" including the large multi-purpose shed, toilet block, bore, generator and car parking areas as depicted by the shaded areas on Annexure 2.

8.2 The area of land between the Western Australian Cutting Horse Association leased areas is to remain open as an access road to all lessees other than when the Western Australian Cutting Horse Association is holding an event and requires the laneway to be closed off in order to keep stock within the fenced and gated area.

8.3 All parties that hire and/or have permission to use the premises (with approval of the Lessee) are to provide a Certificate of Currency of Insurance to the Lessor before the event commences.

It is acknowledged that the Shire of Gingin and the Denim & Lace Barrel Racing Association Inc. agree on the above conditions and responsibilities.

Signed on behalf of the Shire of Gingin:

AARON COOK **CHIEF EXECUTIVE OFFICER**	**DATE**

Signed on behalf of the Denim & Lace Barrel Racing Association Inc.:

SIGNATURE	**DATE**
PRINT NAME	**OFFICE HELD**

Annexure 1 – Plan of Premises

Leased Area: 12,462 m²



Annexure 2 – Plan of Common Areas



LEGEND		
	GINGIN CAMPDRAFT INC.	Leased Area 118,111.4m²
	GINGIN SCOUTS	Leased Area 25,982m²
	WA CUTTING HORSE ASSOC.	Leased Area 13,754m² + 3,380m²
	DENIM & LACE BARREL RACING INC.	Leased Area 12,462m²
	COMMON AREA	Common Area 16,900m² and 11,991m²

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Annexure 3 – Maintenance and Cleaning

The following outlines the cleaning, maintenance and repair obligations of the Lessee for buildings that are leased under this Lease Agreement. This is to be read and adhered to in conjunction with the Lease Agreement.

The Lessor's expectation is that the Lessee is responsible for the cleaning, maintenance and repair of damage as a result of the use of the leased area.

Lessee Responsibilities

INTERNAL

The interior of the building is to be maintained in a clean and tidy condition at all times and within the terms of the Lease, is to be kept free of dirty marks, cobwebs and vermin. Rooms to be adequately aired to combat mould or mildew forming.

Internal	Lessee Responsibilities
Windows	To be kept clean, free from any marks and cobwebs. To be lockable and operable.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed without the prior approval of the Lessor. New locks must be keyed to Lessor's Master Key System.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Ceilings	To be kept clean, free of cobwebs and cleaned of any temporary decoration. Penetrations for appliances such as air conditioning vents shall be kept clean and in good working order. **NOTE:** Any water damage or sagging to be reported to the Lessor without delay.
Floors	To be kept clean and regularly maintained in accordance with the requirements of the type of surface i.e. carpets to be vacuumed regularly and steam cleaned annually, hard floors to be swept and mopped. Hard floors to be stripped back and resealed as required by the lessor. In kitchen areas, relevant Health requirements should be strictly complied with.
Cupboards	To be regularly cleaned with all doors, latches, drawers and shelves being in good working order. To be free from any marks or food residue.
Built in Joinery: (benches, cabinets)	To be regularly cleaned and free of debris. Any damage, including water damage, is to be reported to the Lessor without delay.
Electrical Fittings	All electrical fittings such as power points, light switches and light fittings to be kept clean and in good working order. Any Lessee owned/installed item is the responsibility of the Lessee. All items owned/installed by the Lessee are to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* Replace light globes and fluorescent light tubes which may fail.

Fire Fighting Equipment and Exit Signs	To ensure Fire Fighting Equipment is not tampered with or removed from designated area. Lessee is responsible for costs incurred for replacement, mis-use, tampered or lost Fire Fighting Equipment. A clear path or access should be maintained with no obstruction within 1 metre of firefighting equipment. The Lessee is responsible for notifying the Lessor if the Fire Evacuation Exit Signs are not in good working order.
Rubbish Bins	All rubbish is to be placed in the outside Rubbish Bins in the designated bin areas / enclosures.
Security Systems	The Lessee to pay all costs associated with the installation and ongoing monitoring of the security system. To be maintained in accordance with the supplier's instructions. Provide evidence of regular annual maintenance (maintenance Report) by a licensed provider. All Telecommunications and any other fees are to be met by the Lessee. Lessee to provide Access Keys and alarm codes to the Lessor.
Sinks, Basins, Pedestal Pans & Cisterns	To be maintained in a clean and operable condition. Rectification of non-fair and wear damage, including grease poured down the drains, will be charged to the Lessee.
Toilets & Showers	To be kept in a clean and operable condition at all times. Rectification of non-fair and wear damage, including items forced down the drains, will be charged to the Lessee. Toilet and cleaning consumables to be provided by the Lessee. All walls and floor surfaces to be kept cleaned and undamaged.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All to be kept clean and operated in accordance with the manufacture's requirements. Any Lessee owned/installed item is the responsibility of the Lessee. All Lessee owned/installed items to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*
Gas fittings and fixtures	To be kept clean and operated in accordance with the manufacture's requirements.

EXTERNAL

The whole of the exterior of the building is to be kept in a clean and tidy condition free from cobwebs, bird/animal droppings, leaves and debris/litter.

In particular, the following items must be given attention:

External	Lessee Responsibilities
Windows	To be kept clean, operable and lockable at all times.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed or altered. Locks may be keyed to Lessor's Master Key System. Lessee is responsible for the costs of lost keys and associated replacement.
Security Screens	To be kept clean and firmly fixed. Any cobwebs to be regularly removed.

Walls	To be kept clean, free from any marks, damage and cobwebs.
Verandah	To be kept clean and free from cobwebs. To be kept clean, tidy and free from litter, rubbish, leaves, debris and all bird/animal droppings.
Eaves	To be kept clean and free from cobwebs.
Pathways	To be kept clear of rubbish and to be swept regularly. Vegetation surrounding the building not to be damaged or removed.
Light Fittings	To be kept clean and free from cobwebs. Replace all light globes which may fail.
Signs	Any signs installed by the Lessee, located on the building are to be regularly maintained and kept in a safe condition. Signs that may become damaged are to be replaced immediately. Any approvals or licenses for signs are to be kept current.
Outdoor Sponsorship Signs	To be maintained to not less than the standard outlined above. Sponsorship Signs require approval of the Lessor before being installed.
Surrounds, including garden beds	To be kept clean, tidy and free from litter, rubbish, leaves, weeds and debris.
Rubbish Bins	Rubbish bins are to be kept neat and clean. To be placed in the designated areas. Bin enclosures to be kept clear of all rubbish and secured. Written request to be submitted to the Lessor for additional rubbish bins (general waste, recycling or other).

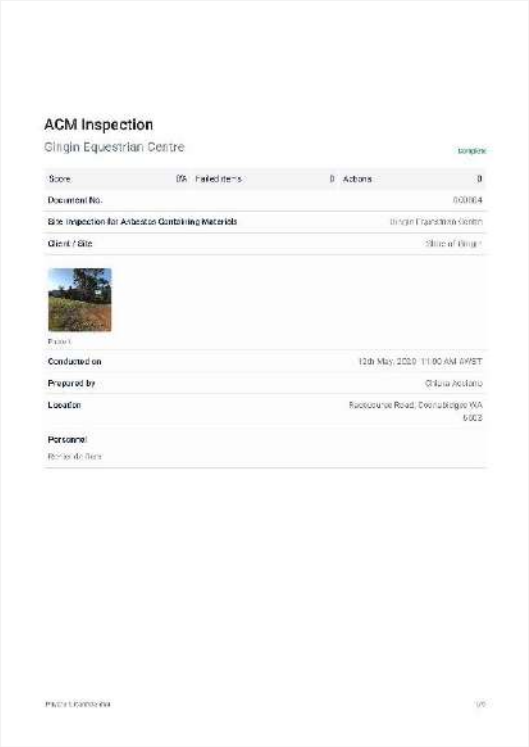
Lessor Responsibilities

Internal / External	Lessor Responsibilities
Gutter Cleaning	To undertake an annual gutter clean of natural product, including leaves, twigs and soil.
Fire Protection Equipment	To service and replace fire equipment as required.
Building Structural Repairs	To maintain and repair the building structure from wear and tear.
External Drainage	To repair external drainage infrastructure failure.
Air conditioning	The annual service and maintenance report is to be undertaken by a licensed provider.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All items installed by the Lessor to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* Any Lessee owned/installed item is the responsibility of the Lessee.
Sinks, Basins, Pedestal Pans & Cisterns	Replacement and repair of fittings due to fair wear and tear.

Toilets & Showers	Replacement and repair of fittings due to fair wear and tear, such as taps, roll dispensers and coat hooks. Toilet and cleaning consumables to be provided by the Lessee.
Gas fittings and fixtures	Clearing of all blockages and repairs to fittings and fixtures due to fair wear and tear.
Electrical	Undertake testing of Residual Current Devices in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment*. All Lessor installed items to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* All Lessee owned/installed items are the responsibility of the Lessee.

It is noted that there are currently NO buildings in the leased area. If any buildings are erected within the Term of this Lease Agreement, these provisions will apply.

Annexure 4 – Asbestos Hazard Report



ACM Inspection

Gingin Equestrian Centre

Score 0% Failed items 0 Actions 0

Document No.

Site Inspection for Asbestos Containing Materials

Client / Site

Conducted on

Prepared by

Location

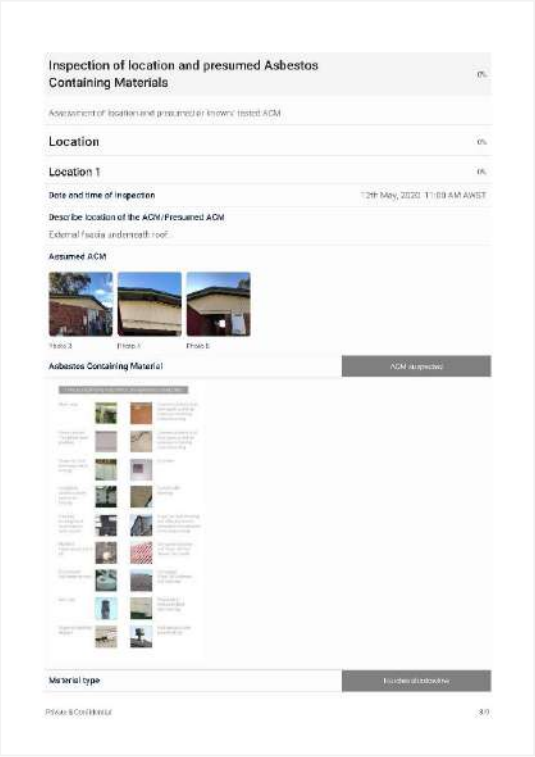
Personnel



Audit

Site Address

Building name and address



Inspection of location and presumed Asbestos Containing Materials

Location

Location 1

Date and time of inspection

Describe location of the ACM/Presumed ACM

Assumed ACM

Asbestos Containing Material

Material type



Common locations of materials containing asbestos in a commercial building

Condition

Details on Condition:

Very good condition, sealed.

Quantity sqm (approx)

Friable or Non-Friable

Is this an inaccessible area?

Actions for consideration:

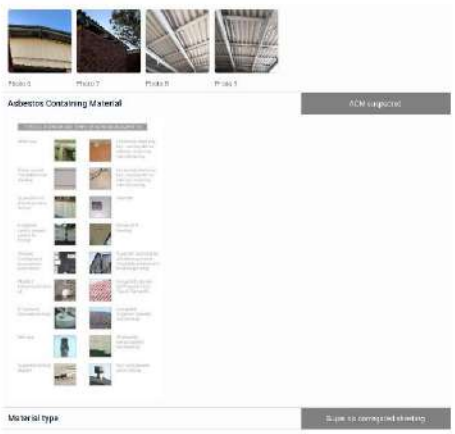
Other details:

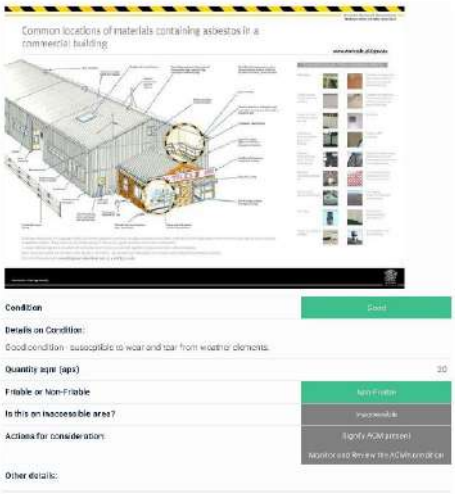
Location 2

Date and time of inspection

Describe location of the ACM/Presumed ACM

Assumed ACM


Asbestos Containing Material
ACM suspected
Material type


Common locations of materials containing asbestos in a commercial building
Condition
Good
Details on Condition:
Good condition - susceptible to wear and tear from weather elements.
Quantity sqm (apx)
20
Friable or Non-Friable
Is this an inaccessible area?
Actions for consideration:
Other details:


Acknowledgements
Action required: state Corrective Action Reference
Monitor condition and review in 12 months or earlier if damage becomes apparent
Acknowledgements
Inspected by (Name)
Chiara Acciaro (LGIS)
18th May, 2020 12:38 PM AWST
Inspected by (Name)
Ibenier de Beer (accompanied)
19th May, 2020 10:52 AM AWST
Acknowledged by (Name)


Appendix
Photo 1
Photo 2
Photo 3
Photo 4
Photo 5
Photo 6







END DOCUMENT

12.4 GINGIN RAILWAY STATION LEASE - EXTENSION OF HEAD LEASE - NATIONAL TRUST OF WESTERN AUSTRALIA

File	CPT/90
Author	Bethwyn Innes - Executive Assistant - EMCCS
Reporting Officer	Les Crichton – Executive Manager of Corporate and Community Services
Refer	Nil
Appendices	1. Deed of Extension of Lease - 2021-08-19 [**12.4.1** - 10 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider extending the current Head Lease with the National Trust of Western Australia with respect to the Gingin Railway Station.

BACKGROUND

The Shire of Gingin currently leases the Gingin Railway Station located on Lot 500 Jones Street, Gingin from the National Trust of Western Australia (NTWA). The lease (the head lease) is for a five year term with an option to extend for a further five years. The initial term of the lease expires on 26 November 2022.

COMMENT

At the Ordinary Meeting of 20 July 2021, Council agreed to enter into a sublease agreement with Lovella Dela Cruz for the café tenancy at the Gingin Railway Station.

As required under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, a tenant has a right to a minimum five year lease term which, in the case of the approved sublease, is provided for through an initial term of two years with options for two further two-year terms.

In order to accommodate this term, the NTWA has requested that the head lease be extended to cover the initial term of the sublease and has accordingly prepared a Deed of Extension of Lease (Appendix 12.5.1). It is recommended that Council exercise the further five year term option which will extend the term of the lease to expire on 26 November 2027.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The annual rental payable under the head lease is $2,500 ex GST, with rental income under the sublease of $3,600. All outgoings relating to the café are payable by the sublessee.

While not related specifically to the current sublease, the Service Agreement between the Shire and the Gingin Community Resource Centre previously in place for the provision of tourism services, management of the subleases and general maintenance of the Railway Station and grounds is currently being reviewed. It is intended that the revised Service Agreement will provide for the provision of tourism services only.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Economic Development
Objective	4. To support economic development through the Shire's service delivery
Outcome	4.1 Tourist Playground An internationally acclaimed tourist playground
Key Service Area	Economic Development and Tourism Infrastructure
Priorities	N/A
Outcome	4.3 Innovation Innovation is the foundation of economic growth across the Shire
Key Service Area	Economic Development & Tourism infrastructure
Priorities	4.31. Improve Local Economic Development Support

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe SECONDED: Councillor Lobb

That Council:

1. Agree to exercise its option of the further five-year term provided under 15.1 of the Head Lease with respect to Lot 500 Jones Street, Gingin (Gingin Railway Station); and

2. Authorise the President and Chief Executive Officer to affix the Shire of Gingin Common Seal to the Deed of Extension of Lease (Appendix 12.5.1.)

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

Deed of Extension of Lease

Gingin Railway Station

The National Trust of Australia (WA)
Lessor

and

Shire of Gingin
Lessee

Jackson McDonald
Lawyers
225 St Georges Terrace
Perth WA 6000

t: +61 8 9426 6611
f: +61 8 9321 2002
w: www.jacmac.com.au

Contact: Christine Scott
Reference: CES:7172307

ces 10211953_1
Printed: 8/09/2021 8:44 AM

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Deed of Extension of Lease

Date 2021

Parties

The person described in Item 1 (**Lessor**);

The person described in Item 2 (**Lessee**)

Recitals

A. This Deed is supplemental to the Lease.

B. The Lessee leases the Premises from the Lessor subject to the terms of the Lease.

C. The Lessor agrees to grant to the Lessee an extension of the Term for the Extended Term subject to the terms and conditions of this Deed.

The Parties agree as follows:

1. Definitions and interpretation

1.1 Definitions

In this Deed, unless the context requires otherwise, the following definitions apply:

Business Day means a day which is not a Saturday, Sunday or gazetted public holiday in the State.

Deed means this Deed and any schedules and annexures to it.

Extended Term means the extension of the Term specified in Item 6.

Item means an item of the Schedule.

Lease means the lease and any assignments, variations or extensions described in Item 3.

Lessee means the person described as the lessee in this Deed.

Lessee's Covenants means all or any of the terms of the Lease, express or implied, to be observed and performed by the Lessee as lessee of the Premises.

Lessor means the person described as the lessor in this Deed.

Party and **Parties** means a party or parties to this Deed.

person means a person or corporation.

Premises means the premises specified in Item 3.

Rent means the rent from time to time payable under the Lease.

Schedule means the Schedule to this Deed.

Special Conditions means the terms and conditions (if any) specified in Item 8.

State means the State of Western Australia.

Term means the term of the Lease specified in Item 5.

1.2 Interpretation

In this deed, unless inconsistent with the context:

(a) a reference to an Act of Parliament includes a reference to any regulation made under that Act and any amendment to or re-enactment of that Act or that regulation for the time being in force;

(b) if a Party comprises two or more persons, the agreements on their part bind and must be complied with by them jointly and each of them severally and may be enforced against anyone or any two or more of them;

(c) when the day or last day for doing an act is not a Business Day, the day or last day for doing the act will be the next following Business Day;

(d) except in the Schedule, headings in this Deed do not affect its interpretation;

(e) reference to a clause is a reference to a clause of this Deed and a reference to a paragraph is a reference to a paragraph of the clause in which the reference occurs;

(f) subject to any contrary provision in this Deed, a reference to any other deed, agreement, instrument or contract includes a reference to that other deed, agreement, instrument or contract as supplemented or varied from time to time;

(g) a reference to a Party includes that Party's executors, administrators, personal representatives, successors, substitutes (as expressly contemplated by this Deed) and permitted assigns, and if a Party comprises two or more persons, the executors, administrators, personal representatives, successors and permitted assigns of each of those persons;

(h) where applicable words denoting the singular include the plural, words denoting the plural include the singular and words denoting a gender include each gender;

(i) where applicable a reference to a body corporate includes a natural person and a reference to a person includes a body corporate;

(j) unless contrary to the sense of context, an obligation by either Party not to do or omit to do any act or thing includes an agreement not to suffer that act or thing to be done or omitted by any agent or employee of that Party and an agreement to do everything necessary to ensure that act or thing is not done or omitted to be done; and

(k) a word defined in the Lease and used in this Deed, has, unless repugnant to the context, the same meaning in this Deed as in the Lease.

2. Condition precedent

This Deed is conditional on the Lessor executing this Deed and will have no force and effect until the Lessor has executed this Deed.

3. No waiver of Lessor's powers

Nothing in this Deed waives or releases any subsisting breach of lease which arose pursuant to the Lease, the covenants of which may be enforced (subject only to the terms of this Deed) as if the same were still current.

4. Extension of term

The Lessor leases the Premises to the Lessee for the Extended Term.

5. Agreements by Lessees for Extended Term

The Lessee agrees with the Lessor to observe and perform the Lessee's Covenants during the Extended Term.

6. Mutual agreements for Extended Term

(a) The Lessee and the Lessor agree with each other that:

(i) the terms of the Lease will apply during the Extended Term;

(ii) the Rent payable at the commencement of the Extended Term is the amount specified in Item 7; and

(iii) the Rent is subject to review under the terms of the Lease.

(b) If at any time it appears that any term or provision of the Lease or this Deed is, or may be illegal, unenforceable or in contravention of any statute, the Lessor may:

(i) sever that term or provision or part of it;

(ii) give notice modifying the effect of such term so that it takes effect according to its tenor, but so as no longer to be illegal, unenforceable or in contravention of any statute; or

(iii) do both (i) and (ii) above,

but nothing in this clause entitles the Lessor to impose any greater obligation on the Lessee than was assumed by it pursuant to the Lease or this Deed.

7. Costs

The costs of and incidental to the preparation, negotiation, completion and execution of this Deed and its usual counterparts, including any duty, are payable by the Lessee.

8. Jurisdiction

(a) This Deed is governed by, and to be interpreted in accordance with, the laws of the State and where applicable the laws of the Commonwealth of Australia.

(b) Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the Courts of the State and Commonwealth (where applicable) and the Courts of Appeal from them.

(c) Each Party waives any right it has to object to an action being brought in those Courts including by claiming that the action has been brought in an inconvenient forum if those Courts do not have jurisdiction.

9. Severance

If any term or condition of this Deed or the application of them to any person or circumstances is invalid or unenforceable, the remaining terms and conditions are not affected and each other term and condition of this Deed is valid and enforceable to the fullest extent permitted by law.

10. Entire agreement

The Parties acknowledge and agree that:

(a) the terms and conditions set out in this Deed:

(i) contain the entire agreement as concluded between the Parties with respect to the Premises;

(ii) supersede any negotiations or discussions prior to the execution of this Deed; and

(iii) supersede anything contained in any brochure, market analysis, report or other document prepared by the Lessor or any of the Lessor's agents or consultants for submission to potential lessees of the Premises.

(b) the Lessee has not been induced to enter into this Deed by any or any alleged statement, representation, warranty or condition verbal or written made by or on behalf of the Lessor and or the Lessor's agents or consultants which is not contained in this Deed.

11. Construction

No rule of construction applies to the disadvantage of a Party because that Party was responsible for the preparation of, or seeks to rely on, this Deed or any part of it.

12. Inconsistent law

To the extent permitted by law, this Deed prevails to the extent it is inconsistent with any laws.

13. Supervising laws

Any present or future laws which operate to vary the obligations of a Party in connection with this Deed with the result that another Party's rights, powers or remedies are adversely affected (including, by way of delay or postponement) are excluded except to the extent that their exclusion is prohibited or rendered ineffective by law.

14. Counterparts

This Deed may consist of a number of copies, each signed by one or more Parties. If so, the signed copies are treated as making up the one document and the date on which the last counterpart is signed will be the date of this Deed.

15. Notices

(a) Any notice, consent, approval, demand or other communication to be given or made under this Deed (unless otherwise provided):

(i) must be in writing;

(ii) must be signed by or on behalf of the Party giving or making it;

(iii) may be given in any of the following modes:

A. by facsimile transmission,

B. by pre-paid mail, or

C. by hand delivery; and

(iv) may be addressed, delivered or transmitted to the Party to receive it at its registered office or principal office for the time being, or at the address or facsimile number:

A. shown in this Deed; or

B. later notified to the other Party from time to time.

(b) A notice sent by pre-paid post or facsimile is taken to be received:

(i) in the case of post, on the third Business Day after posting; and

(ii) in the case of facsimile:

A. if transmitted before 5.00pm (Perth time) on a Business Day: on that Business Day;

B. if transmitted after 5.00pm (Perth time) on a Business Day: on the next following Business Day;

C. if transmitted on a day not being a Business Day: on the next day being a Business Day,

D. if, in any instance, the sender can produce a transmission report by the facsimile machine from which the facsimile was sent which indicates the time and date of transmission and that the facsimile was sent in its entirety to the facsimile number of the recipient.

(c) Any Party's solicitor, or the Lessor's managing agent, may give or serve notice upon the other Party, on behalf of the Party serving the notice.

EXECUTED by the Parties as a deed.

Schedule

1. Lessor

THE NATIONAL TRUST OF AUSTRALIA (WA) (ABN 83 697 381 616) of Post Office Box 1162, West Perth, Western Australia

2. Lessee

SHIRE OF GINGIN of 7 Brockman Street, Gingin, Western Australia

3. Lease

A lease between the Lessor as Lessor and the Lessee as Lessee in relation to the Premises for a Term of 5 years commencing 27 November 2017.

4. Premises

Gingin Railway Station, Lot 500 Jones Street, Gingin, Western Australia and more particularly described in the Lease as the Premises.

5. Term

FIVE (5) years commencing 27 November 2017 and expiring 26 November 2022.

6. Extended Term

FIVE (5) years commencing 27 November 2022 and expiring 26 November 2027

7. Rent payable from commencement of Extended Term

To be determined in accordance with the Rent and Rent review provisions under the Lease.

8. Special Conditions

Not Applicable

Executed as a deed

Signed for and on behalf of
THE NATIONAL TRUST OF AUSTRALIA (WA)
(ABN 83 697 381 616)
by its duly authorised Attorneys under
Power of Attorney No. N744153
in the presence of:

Signature of Attorney	Signature of Attorney
Full Name (Please Print)	Full Name (Please Print)
Signature of Witness	Signature of Witness
Witness Name (Please Print)	Witness Name (Please Print)
Witness Address	Witness Address
Witness Occupation	Witness Occupation

The Common Seal of
THE SHIRE OF GINGIN
is hereunto affixed in the presence of:

Signature of Shire President	Signature of Chief Executive Officer
Full Name (Please Print)	Full Name (Please Print)

12.5 LEASE BETWEEN THE SHIRE OF GINGIN AND REDFIELD PARK COMMUNITY ASSOCIATION INC.

File	A3876
Author	Cher Groves - Recovery and Leasing Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	20/06/2017
Appendices	1. Redfield Park Draft Lease 010721 [**12.5.1** - 25 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a lease agreement between the Redfield Community Association Inc. (RPCA) and the Shire of Gingin for the Redfield Park Community Hall on Lot 119 Paperbark Avenue, Gabbadah for a period of two years with a further term of two years.

BACKGROUND

The current lease agreement with the Redfield Park Community Association expired on 30 June 2021.

Unfortunately, the negotiation process stalled due to a changeover in executive committee members. However, officers have now negotiated a new lease agreement with the RPCA in the standard peppercorn template format which is commensurate with other contemporary community group lease arrangements within the Shire including length of term.

COMMENT

On request, the RPCA has agreed for the old hall site to be removed from the lease. Since 2017, the old hall has been the fulltime site for Moore Clothes Inc. Moore Clothes, a charitable organisation, offers recycled clothes to the community for a gold coin donation.

Internal auditing processes undertaken prior to negotiating the lease found that the new community hall that was installed by the Shire in 2015 does not have all the required building approvals in place. Officers are working towards obtaining these approvals with a third-party compliance officer. This does not affect the lease of the community hall.

Lot 119 is held in freehold title by the Shire of Gingin, and therefore this lease is not subject to endorsement by the Minister for Lands.

The RPCA executive committee has agreed to the draft lease as attached as **Appendix 12.6.1**.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 3 – Functions of local governments
Division 3 – Executive functions of local governments
Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996
Part 6 – Miscellaneous
Clause 30 – Dispositions of property excluded from Act s. 3.58

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council:

1. Agree to lease a portion of Lot 119 Paperbark Avenue, Gabbadah to the Redfield Park Community Association Inc. for a for a period of two years with a further two-year option in accordance with the lease document shown at Appendix 12.6.1.

2. Authorise the Chief Executive Officer to progress execution of the lease and to sign the lease document on Council's behalf.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

LEASE AGREEMENT

SHIRE OF GINGIN

AND

REDFIELD PARK COMMUNITY ASSOCIATION INC.

DRAFT

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CONDITIONS

Parties

Shire of Gingin – "The Lessor"

AND

Redfield Park Community Association Inc. – "The Lessee"

Use

The premises is not to be used for any purpose other than that specified in **Item 6** of the Schedule.

The use of the premises must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988*, *Food Act 2008*, *Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Premises

That area of land and buildings located at Lot 119 Paperbark Avenue, Gabbadah as depicted on the plan included as **Annexure 1**.

Term

The term of the lease is set out at **Item 2** of the Schedule. The Lessee may request the Lessor to grant a renewal of this Agreement for the further term set out at **Item 3** of the Schedule by giving written notice at least one month prior to the expiry of the initial term.

Holding Over

If the Lessor consents to the Lessee continuing to occupy the Leased Area after the expiry date, after the end of any extended term or during a lease renewal negotiation period, the Lessee is a monthly Lessee of the Leased Area and

(a) the monthly tenancy may be terminated by either party giving to the other at least one month's notice which may expire on any day;
(b) the rent is the same rent payable immediately before the expiry date or after the end of any extended term; and
(c) all the other provisions of this Lease apply to the monthly tenancy except any option to extend this Lease.

Provision of Information

The Lessee agrees to provide to the Lessor:
(a) a copy of the Lessee's audited annual statement of accounts for each year;
(b) a copy of the Certificate of Currency or renewal certificate to be provided to the Lessor on an annual basis for each insurance policy, including Public Liability and Contents Insurance;
(c) written advise of any changes in its office holders or its rules of Association during the Term; and
(d) any information reasonably required by the Lessor.

Variation of Lease

If there is a variation of this lease the lease continues and the variation does not constitute a surrender of this lease. Any variation will be supplementary to the original lease document.

Parties can only vary a lease by mutual written agreement.

RENT AND OTHER PAYMENTS

Rent

As specified in **Item 5** of the Schedule. Rent will be increased by the amount of the Goods and Services Tax (GST), if any, which the Lessee is required under the *A New Tax System (Goods and Services Tax) Act* 1999 and associated Acts and subsidiary legislation, to pay on any Supply made under this Lease.

Outgoings

Electricity, water and refuse collection charges are the responsibility of the Lessor. Gas and other consumable charges are the responsibility of the Lessee.

Keys and Access

The Lessor will provide the Lessee with two set of keys to access the premises, and if applicable all rooms therein.

The Lessee may request additional sets of access keys from the Lessor, if approved the Lessee is responsible for the cost of the additional access keys.

The Lessee is to maintain a record of who is assigned any and all keys.

The Lessee must notify the Lessor of any lost keys within seven days. Any replacement keys will be issued by the Lessor at the Lessee's cost.

Key Bond

On request, the Lessee will pay a bond of $200.00 for a set of access keys to the premises prior to access being granted. If required, the bond may be withheld by the Lessor in the event that replacement of keys is required at the time of the Lessee vacating the premises.

Building Bond

On request, the Lessee will pay a building bond of $400.00 prior to gaining access to the premises. If required, the bond may be withheld by the Lessor to make good any repairs or minor maintenance that may be necessary at the time of the Lessee vacating the premises.

Insurance

The Lessor shall effect and keep effected building insurance to the full insurable value on a replacement or reinstatement value basis of the Premises against damage arising from fire, tempest, storm, earthquake, explosion, aircraft, or other aerial device including items dropped from any device, riot, commotion, flood, lightning, act of God, fusion, smoke, rainwater, leakage, impact by vehicle, machinery breakdown and malicious acts or omissions and other standard insurable risks.

Public liability insurance in accordance with **Item 7** of the Schedule shall be maintained by the Lessee. The Lessee shall also maintain adequate and sufficient contents insurance. A copy of the certificate of currency is to be provided to the Lessor upon commencement of the lease, illustrating the full term of cover.

All cover is to be renewed annually, with a certificate of currency or renewal certificate to be provided to the Lessor on an annual basis.

Insurance for personal property is the Lessee's responsibility. All policy and certificate details are to be made available on request.

Arrangement of and payment for all public liability insurance is the responsibility of the Lessee.

The Lessee must not do or omit to do any act or thing or bring or keep anything on the Premises which might invalidate or:

(a) render any insurance effected under this clause on the Premises, or any adjoining premises, void or voidable; or

(b) cause the rate of a premium to be increased for the Premises or any adjoining premises (except insofar as an approved development may lead to an increased premium).

DEFAULTS

Events of Default

A default occurs if:

(a) any Amounts Payable remain unpaid for 21 days after a Notice has been given to the Lessee that an amount is outstanding;

(b) the Lessee alters, adds to, improves or demolishes any part of the Premises without prior written consent from the Lessor;

(c) the Lessee commits a breach of its obligations under this agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor;

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(d) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 201*5, the association is wound up whether voluntarily or otherwise;

(e) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 2015*, the Lessee passes a special resolution under the *Associations Incorporation Act 2015* altering its rules of association in a way that makes its objects or purposes inconsistent with the use permitted by this Lease;

(f) the Lessee is unable to pay all its debts when they become due, it fails to comply with a statutory demand under section 459F of the *Corporations Act 2001*, or it is deemed to be unable to pay its debts under section 585 of the *Corporations Act 2001*;

(g) the Premises are vacated, or otherwise not used, in the Lessor's reasonable opinion, for the Permitted Purpose for a six-month period; or

(h) a person other than the Lessee is in occupation or possession of the Premises or in receipt of a rent and profits.

Lessor may remedy breach

After the Lessor has given the Lessee notice of the breach and the Lessee has failed to rectify the breach within a reasonable time, the Lessor may without affecting any right, remedy or power arising from that default remedying each breach or default. The Lessor will be entitled to recover costs from the Lessee associated with remedy of breach or breaches.

TERMINATION

The Lessor may terminate this agreement by providing three months' written notice to the Lessee if at any time the building is not being used in accordance with the requirements of **Item 6** of the Schedule, or maintained to the Lessor's requirements, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Under exceptional circumstances the Lessor may ask the Lessee to vacate the premises immediately.

The Lessor reserves the right to terminate the agreement in the event that the Lessee commits a breach of its obligations under the agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor.

The Lessor will not have right of re-entry or forfeiture unless and until—

(a) the Lessor serves on the Lessee a notice specifying the particular breach complained of, and, if the breach is capable of remedy, requiring the Lessee to remedy the breach, and in any case requiring the Lessee to make compensation in money for the breach; and

(b) the Lessee fails within a reasonable time thereafter to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money to the satisfaction of the lessor for the breach.

The Lessor will be entitled to re-enter the Premises or forfeit the lease in the event of the Lessee failing to comply with such notice within a reasonable time.

Restore Premises

Before or within 14 days after termination of this agreement the Lessee must, at its expense, restore the premises to a condition satisfactory to the Lessor.

The Lessor will undertake an assessment and provide a checklist of items to be restored.

Property Inspections

The Lessor may conduct property inspections of the premises on an annual basis to ensure the appearance and the condition of the building is being maintained to the satisfaction of the Lessor and the *Health (Public Buildings) Regulations 1992*.

LESSEE'S RESPONSIBILITIES

Inclusive Membership

The Lessee must at all times employ an inclusive membership policy.

Report to Council

The Lessee must report all vandalism, defects, damage and pollution to the Lessor within 24 hours of any such occurrence being identified.

To report any issues please email mail@gingin.wa.gov.au or send via post to PO Box 510, GINGIN WA 6503. If urgent please telephone 9575 5100 during office hours.

Alterations

The Lessee shall not make any alterations, additions or improvements to or demolish any part of the Premises without the prior written consent from the Lessor. **Note**: Building Permits may be required.

Alterations, additions or improvements to the premises may result in a Lease Variation as project costs, including ongoing maintenance and full life costs, may be the responsibility of the Lessee.

Securing the Premises

The Lessee is to ensure the Premises, including Lessor's and Lessee's fixtures and fittings, are appropriately secured at all times. Where an alarm is present the alarm should be activated and the Lessor supplied with access codes.

Lessor's Right of Reasonable Entry

The Lessee must permit the Lessor or its authorised representative/s to enter the premises for the following purposes:

(a) in the event of an emergency;

(b) to undertake property inspections to ensure compliance with the terms of this Agreement;

(c) to carry out routine repairs or other work necessary to maintain the premises in good condition; and

(d) to carry out Capital Project works.

The Lessor will liaise with the Lessee to gain entry as required.

Maintenance and Cleaning

The Lessee agrees during the Term and for so long as the Lessee remains in possession or occupation of the Premises to maintain, clean and keep the Premises (which includes the Lessor's fixtures and fittings) in good repair having regard to the age of the Premises at the Commencement Date.

The Lessee shall comply with the *Maintenance and Cleaning Schedule* appended as **Annexure 2**.

The Lessee must at all times keep the Premises clean, tidy, unobstructed and free from dirt, rubbish and vermin, including bird/animal droppings.

In executing the obligations imposed on the Lessee under this clause, the Lessee shall keep clear and/or clean:

(a) any electrical fittings and fixtures;

(b) any plumbing;

(c) any air-conditioning fittings and fixtures; and

(d) any gas fittings and fixtures

in or on the Premises, use only licensed tradespersons, or such tradespersons as may be approved by the Lessor.

Repair

The Lessor is responsible for fair wear and tear repairs. Where the Lessee is responsible for any damage to the premises, inclusive of damage arising from not undertaking regular maintenance and cleaning, such damage is to be promptly repaired or damaged item replaced, at the Lessee's expense, to the satisfaction of the Lessor.

Fair wear and tear means damage that happens through the ordinary day-to-day use of a Premises by a Lessee and the ordinary cause from natural forces (sunlight, rain).

Defibrillator and Automated External Defibrillator (AED)

This Premises may have had a defibrillator fitted on request from the Lessee, funded by a third party.

The Lessee is responsible for all costs associated with the device, including being included in the Lessee Contents Insurance policy.

All AEDs perform self-maintenance checks on a daily, weekly and monthly basis to ensure that they are ready for use. In the event that the machine fails part of the test, the machine will beep to alert that there is a fault with the machine. St John Ambulance Australia recommends a weekly inspection be performed on the machine to ensure the machine has not failed a self-check.

Work within Premises

The Lessee must carry out works in accordance with Work Safe (WA) practices, being mindful of the risk to health and fire hazards.

Any works must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

Lessor's Fixtures and Fittings

The Lessee covenants and agrees that the Lessor's Fixtures and Fittings will remain the property of the Lessor and must not be removed from the Premises at any time.

Maintain surroundings

The Lessee must regularly inspect and maintain in good condition any part of the Premises which surrounds any buildings, including but not limited to any flora, gardens, lawns, shrubs, hedges, trees, playground equipment and benches.

Playgrounds within the leased area must be raked or swept on a regular basis to ensure sharps are not present.

The Lessee agrees that any pruning of trees must be undertaken by a qualified tree surgeon. If any flora, trees or lawn dies the Lessee must replace the flora, trees or lawn at its own expense.

The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor, except where necessary for urgent safety reasons.

Replacement and expansion of reticulation is the responsibility of the Lessor. Maintenance, inclusive of replacing sprinklers, nozzles, valves and drip lines, as well as repairs to leaking reticulation lines, pipes, and the like are the responsibility of the Lessee.

Pest control

The Lessee must keep the Premises free of any pests and vermin. The cost of annual treatment for termites and spiders will be borne by the Lessor.

Drains

The Lessee must keep and maintain the waste pipes, drains and conduits originating in the Premises or connected thereto in a clean clear and free flowing condition, and must pay to the Lessor upon demand the cost to the Lessor of clearing any blockage which may occur in such waste pipes, drains and conduits between the external boundaries of the Premises and the point of entry thereof into any trunk drain unless such blockage has been caused without neglect or default on the part of the Lessee.

Any plumbing works must be undertaken by a qualified plumber/tradesperson.

The Lessee must not permit the drains, toilets, grease traps (if any) and other sanitary appliances on the Premises to be used for any purpose other than that for which they were constructed and must not allow any foreign matter or substance to be thrown therein.

Electrical / Solar

The Lessee shall not install any electrical equipment on the Premises that may overload the cables, switchboards or sub-boards. Any electrical works must be undertaken by a qualified electrician.

The Lessor shall not fund the installation, maintenance, replacement, removal or any ongoing costs of solar panels (together with any lines, wires, conduits, inverters, racking, solar battery storage units or related improvements installed in connection therewith, are referred to collectively as the "solar panels"). If the Lessee, after gaining prior approval from the Lessor, installs solar panels, the solar panels shall remain the property of Lessee during the Term.

The Lessee shall, at its sole cost and expense, remove the solar panels at expiration of this lease agreement, in accordance with the requirements of **Item 2** and **Item 3** of the Schedule, unless the Lessor and Lessee mutually agree that the solar panels are to remain in place and become the sole property of Lessor. The Lessee shall repair any damage to the premises caused by the installation, maintenance, replacement, use or removal of the solar panels.

Erosion

The Lessee must take such reasonable action as is necessary to prevent and rectify the effects of erosion, drift or movement of sand, soil, dust or water on or from the Premises, if it has occurred as a result of the Lessee's use of the Premises.

Behaviour

The Lessee is not to allow any anti-social behaviour in or around the premises including but not limited to loud music, foul language, drunken behaviour, uncontrollable parties, fighting, acts of physical violence and unwanted entry onto neighbouring properties.

Noise Restrictions apply from 7pm to 7am.

Hiring of the Premises

The Lessor acknowledges that the Lessee manages the hiring out of the premises to third parties. Hire fees be set as part of the Schedule of Fees and Charges in the Lessor's annual budget.

Records of all use, including own use, must be kept and provided to the Lessor on a quarterly basis. Records will be used to provide quarterly provision of consumables.

Records of all income derived from hire charges shall be forwarded to the Lessor on a quarterly basis. Said income can be retained by the Lessee as a management fee, less the Goods and Services Tax (GST) which is payable to the Lessor.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988, Health (Food Hygiene) Regulations 1993, Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Subletting and Assignment

The Lessee must not assign, sublet, part with possession or dispose of the Premises or any part of the Premises without the prior written consent of the Lessor and any other persons whose consent is required under the terms of this Lease or at law.

Smoking on Premises

The Lessee must not smoke or permit a person to smoke within the leased premises.

Fire Mitigation

(a) Fire Prevention – Without limiting any other provision of this Lease, the Lessee must in relation to the Leased Area promptly comply with:
   i. the *Bush Fires Act 1954* and any other laws relating to the prevention and control of fires; and
   ii. all proper directions concerning fire prevention and control given to the Lessee by the Lessor or any Authority.

(b) Fire Control (Wild Fire) – The Lessee must immediately:
   i. telephone 000 as soon as a fire is detected on the Leased Area;
   ii. notify the Lessor as soon as a fire is detected on the Leased Area; and
   iii. take all reasonable and safe action which the Lessee is able to take to try to extinguish any unauthorised or uncontrolled fire on the Leased Area

(c) Authorised Fires – The Lessee must not do anything which causes or may cause a fire on the Leased Area unless the fire is:
   i. not prohibited by law or by a direction of the Lessor or an Authority; and

ii. the fire is not dangerous and is properly controlled so that it cannot become dangerous.

(d) Liability for Fires – The Lessee is responsible for and must pay or reimburse the Lessor for all Liabilities as a result of any fire which starts on the Leased Area unless the Lessee can prove to the reasonable satisfaction of the Lessor that the fire:
   i. was not caused by the Lessee's negligent or unlawful act or omission or the Lessee's default under this Lease; or
   ii. was started by a cause beyond the Lessee's reasonable control.

(e) Risk Management Plan – Due to the nature of activities of the Lessee a Risk Management Plan may be required for certain activities and/or events undertaken within the leased premises. This may be an additional condition of this lease agreement as specified in accordance with **Item 8**.

(f) Failure to comply can lead to immediate termination of this lease, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Comply with Legislation, Acts and Statutory Obligations

The Lessee must promptly comply with all Acts, statutes and local laws from time to time in force relating to the premises.

The Lessee must apply for, obtain and maintain in force all consents, approvals, authorities, licenses and permits required under any statute for the use of the premises.

The Lessee must not allow a person to carry out any harmful, offensive or illegal act within or around the premises.

INDEMNITY

Indemnity

The Lessee indemnifies, and shall keep indemnified, the Lessor from and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the Lessor or brought, maintained or made against the Lessor in respect of:

(a) any loss whatsoever (including loss of use);

(b) injury or damage of, or to, any kind of property or thing; and

(c) the death of, or injury suffered by, any person,

except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

(a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.

(b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Release

(1) The Lessee:

(a) agrees to occupy and use the Premises at the risk of the Lessee; and

(b) releases to the full extent permitted by law, the Lessor from:

(i) any liability which may arise in respect of any accident or damage to property, the death of any person, injury to any person, or illness suffered by any person, occurring on the Premises or arising from the Lessee's use or occupation of the Premises by; and

(ii) loss of or damage to the Premises or personal property of the Lessee;

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The release by the Lessee continues after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Limit of Lessor's liability

(1) The Lessor will not be liable for loss, damage or injury to any person or property in or about the Premises however occurring, except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The Lessor will not be liable for any failure to perform and observe any of the Lessor's Covenants due to any cause beyond the Lessor's control.

DISPUTES

Referral of Dispute: Phase 1 (a)

Except as otherwise provided any dispute arising out of this Lease is to be referred in the first instance in writing to the Lessor's Representative as nominated in writing by the Lessor from time to time (the Lessor's Representative) who shall convene a meeting within 15 days of receipt of such notice from the Lessee or such other period of time as is agreed to by the

parties between the Lessor and a nominated representative of the Lessee for the purpose of resolving the dispute (the Original Meeting).

Referral of Dispute: Phase 2 (b)

In the event the dispute is not resolved in accordance with **Disputes - clause A** of this Lease then the dispute shall be referred in writing to the Chief Executive Officer (CEO) of the Lessor who shall convene a meeting within 15 days of the Original Meeting or such other date as is agreed to by the parties between the CEO and the President of the Lessee for the purpose of resolving the dispute.

Appointment of Arbitrator: Phase 3 (c)

In the event the dispute is not resolved in accordance with **Disputes - clause B** of this Lease then the dispute shall be determined by an independent arbitrator as agreed to by both parties, and the Lessor and the Lessee may each be represented by a legal practitioner, or otherwise as each party determines appropriate.

Payment of Amounts Payable to Date of Award (d)

The Lessee must pay the Amounts Payable without deduction to the date of the award of the Arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Lessee is not required to be paid within the terms of the award of the Arbitrator or by agreement between the Lessor and the Lessee then the Lessor will refund to the Lessee the monies paid.

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SCHEDULE

ITEM 1: LAND

Portion of Land and building contained within the Hachured area on Lot 119 on Plan 86905 being land comprised in Certificate of Title Volume LR 2003 Folio 824.

PREMISES

The land and buildings contained within the area shown in **Annexure 1**.

Asbestos Hazard Report, included as **Annexure 3**.

ITEM 2: TERM

Two years, expiring 30 June 2023

ITEM 3: FURTHER TERM

Two years, expiring 30 June 2025

ITEM 4: COMMENCEMENT DATE

1 July 2021

ITEM 5: RENT

One dollar (peppercorn) per annum.

ITEM 6: USE

Social and recreational activities of the Redfield Park Community Association Inc. and all uses reasonably ancillary to that purpose.

The *Building Code of Australia* classification of the building located on the premises should be a Class 9b and use must comply with this classification.

ITEM 7: PUBLIC LIABILITY INSURANCE

$20,000,000.00

ITEM 8: ADDITIONAL TERMS AND CONDITIONS

8.1 The Lessor will undertake mowing, fertilising, weed control, edging, whipper snipping, removal of garden debris and tree maintenance in parklands within the leased Premises. Maintaining the surrounds of the buildings is the Lessee's responsibility.

8.2 Redecorating

The Lessor is responsible to redecorate as required.

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8.3 The Shire of Gingin have the following buildings/property listed on their Property Register: First Aid Post and Redfield Park Community Hall

The Shire of Gingin's insurance covers the buildings only. Any other buildings or items will need to be covered by a separate policy held by the Lessee or its agents.

8.4 Bookings to be in accordance with the *Health (Public Buildings) Regulations 1992* and adhere to the people capacity number of no more than 60 in the whole area of the Community Hall.

8.5 Lease Variation – November 2017

Lessee is responsible for upgrading, maintaining and repairing the entry Noticeboard, including any associated expenses.

8.6 Lease Variation – May 2019

Noting the building usage as:
1. First Aid Post – First Aid Post usage only
2. Community Hall
3. Mini Golf Park
4. Moore Clothes – Second hand clothing donation location
5. Sea Container – Storage only

8.7 The Car Park is a shared use area and accordingly joint access is to be given to other Lessee's within the general Premises. The Car Park is not within the leased area.

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It is acknowledged that the Shire of Gingin and the Redfield Park Community Association Inc. agree on the above conditions and responsibilities.

Signed on behalf of the Shire of Gingin:

AARON COOK **CHIEF EXECUTIVE OFFICER**	**DATE**

Signed on behalf of the Redfield Park Community Association Inc.:

SIGNATURE	**DATE**
PRINT NAME	**OFFICE HELD**

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Annexure 1 – Plan of Premises

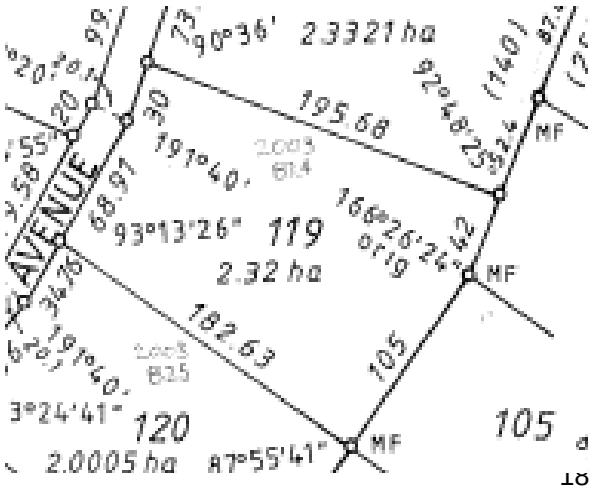
Leased Area - 1,306.4 m²



1. *First Aid Post – First Aid Post usage only*
2. *Community Hall*
3. *Mini Golf Park*
4. *Moore Clothes – Second hand clothing donation location*
5. *Sea Container – Storage only*

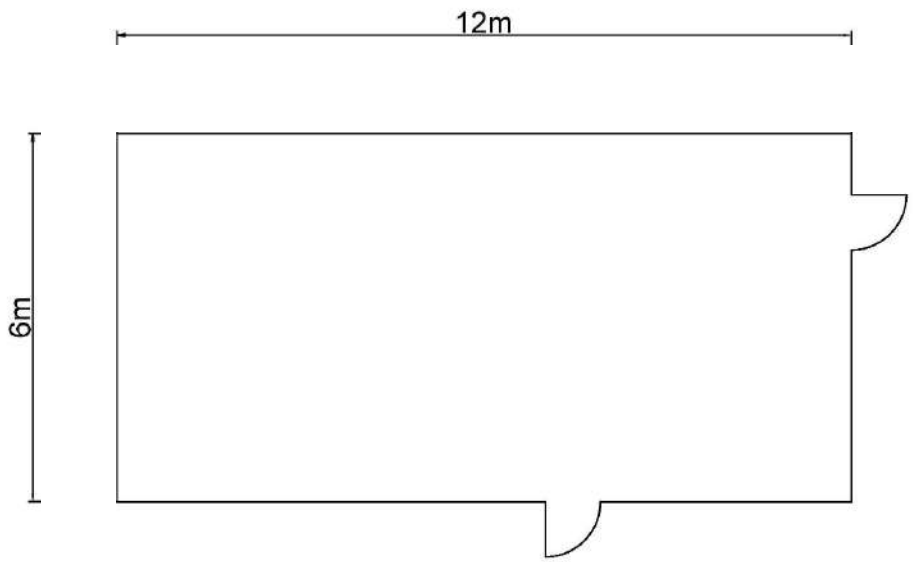
Leased Area is a portion of Lot 119 Paperbark Avenue, Gabbadah





Floor Plan

Community Hall



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Annexure 2 – Maintenance and Cleaning

The following outlines the cleaning, maintenance and repair obligations of the Lessee for buildings that are leased under this Lease Agreement. This is to be read and adhered to in conjunction with the Lease Agreement.

The Lessor's expectation is that the Lessee is responsible for the cleaning, maintenance and repair of damage as a result of the use of the leased area.

Lessee Responsibilities

INTERNAL

The interior of the building is to be maintained in a clean and tidy condition at all times and within the terms of the Lease, is to be kept free of dirty marks, cobwebs and vermin. Rooms to be adequately aired to combat mould or mildew forming.

Internal	Lessee Responsibilities
Windows	To be kept clean, free from any marks and cobwebs. To be lockable and operable.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed without the prior approval of the Lessor. New locks must be keyed to Lessor's Master Key System.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Ceilings	To be kept clean, free of cobwebs and cleaned of any temporary decoration. Penetrations for appliances such as air conditioning vents shall be kept clean and in good working order. **NOTE:** Any water damage or sagging to be reported to the Lessor without delay.
Floors	To be kept clean and regularly maintained in accordance with the requirements of the type of surface i.e. carpets to be vacuumed regularly and steam cleaned annually, hard floors to be swept and mopped. Hard floors to be stripped back and resealed as required by the lessor. In kitchen areas, relevant Health requirements should be strictly complied with.
Cupboards	To be regularly cleaned with all doors, latches, drawers and shelves being in good working order. To be free from any marks or food residue.
Built in Joinery: **(benches, cabinets)**	To be regularly cleaned and free of debris. Any damage, including water damage, is to be reported to the Lessor without delay.
Electrical Fittings	All electrical fittings such as power points, light switches and light fittings to be kept clean and in good working order. Any Lessee owned/installed item is the responsibility of the Lessee. All items owned/installed by the Lessee are to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*

	Replace light globes and fluorescent light tubes which may fail.
Fire Fighting Equipment and Exit Signs	To ensure Fire Fighting Equipment is not tampered with or removed from designated area. Lessee is responsible for costs incurred for replacement, mis-use, tampered or lost Fire Fighting Equipment. A clear path or access should be maintained with no obstruction within 1 metre of firefighting equipment. The Lessee is responsible for notifying the Lessor if the Fire Evacuation Exit Signs are not in good working order.
Rubbish Bins	All rubbish is to be placed in the outside Rubbish Bins in the designated bin areas / enclosures.
Security Systems	The Lessee to pay all costs associated with the installation and ongoing monitoring of the security system. To be maintained in accordance with the supplier's instructions. Provide evidence of regular annual maintenance (maintenance Report) by a licensed provider. All Telecommunications and any other fees are to be met by the Lessee. Lessee to provide Access Keys and alarm codes to the Lessor.
Sinks, Basins, Pedestal Pans & Cisterns	To be maintained in a clean and operable condition. Rectification of non-fair and wear damage, including grease poured down the drains, will be charged to the Lessee.
Toilets & Showers	To be kept in a clean and operable condition at all times. Rectification of non-fair and wear damage, including items forced down the drains, will be charged to the Lessee. Toilet and cleaning consumables to be provided by the Lessee. All walls and floor surfaces to be kept cleaned and undamaged.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All to be kept clean and operated in accordance with the manufacture's requirements. Any Lessee installed item is the responsibility of the Lessee. All Lessee installed items to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*
Gas fittings and fixtures	To be kept clean and operated in accordance with the manufacture's requirements.

EXTERNAL

The whole of the exterior of the building is to be kept in a clean and tidy condition free from cobwebs, bird/animal droppings, leaves and debris/litter.

In particular, the following items must be given attention:

External	Lessee Responsibilities
Windows	To be kept clean, operable and lockable at all times.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order.

	NOTE: Locks are not to be changed or altered. Locks may be keyed to Lessor's Master Key System. Lessee is responsible for the costs of lost keys and associated replacement.
Security Screens	To be kept clean and firmly fixed. Any cobwebs to be regularly removed.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Verandah	To be kept clean and free from cobwebs. To be kept clean, tidy and free from litter, rubbish, leaves, debris and all bird/animal droppings.
Eaves	To be kept clean and free from cobwebs.
Pathways	To be kept clear of rubbish and to be swept regularly. Vegetation surrounding the building not to be damaged or removed.
Light Fittings	To be kept clean and free from cobwebs. Replace all light globes which may fail.
Signs	Any signs installed by the Lessee, located on the building are to be regularly maintained and kept in a safe condition. Signs that may become damaged are to be replaced immediately. Any approvals or licenses for signs are to be kept current.
Outdoor Sponsorship Signs	To be maintained to not less than the standard outlined above. Sponsorship Signs require approval of the Lessor before being installed.
Surrounds, including garden beds	To be kept clean, tidy and free from litter, rubbish, leaves, weeds and debris.
Rubbish Bins	Rubbish bins are to be kept neat and clean. To be placed in the designated areas. Bin enclosures to be kept clear of all rubbish and secured. Written request to be submitted to the Lessor for additional rubbish bins (general waste, recycling or other).

Lessor Responsibilities

Internal / External	Lessor Responsibilities
Gutter Cleaning	To maintain and clean guttering of natural product, including leaves, twigs and soil.
Fire Protection Equipment	To service and replace fire equipment as required.
Building Structural Repairs	To maintain and repair the building structure from wear and tear.
External Drainage	To repair external drainage infrastructure failure.
Air conditioning	The annual service and maintenance report is to be undertaken by a licensed provider.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All items installed by the Lessor to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* Any Lessee owned/installed item is the responsibility of the Lessee.

Sinks, Basins, Pedestal Pans & Cisterns	Replacement and repair of fittings due to fair wear and tear.
Toilets & Showers	Replacement and repair of fittings due to fair wear and tear, such as taps, roll dispensers and coat hooks. Toilet and cleaning consumables to be provided by the Lessee.
Gas fittings and fixtures	Clearing of all blockages and repairs to fittings and fixtures due to fair wear and tear.
Electrical	Undertake testing of Residual Current Devices in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment*. All Lessor installed items to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* All Lessee owned/installed items are the responsibility of the Lessee.

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Annexure 3 – Asbestos Hazard Report

Shire of Gingin

Asbestos Report
Individual Building Report

Redfield Park Community Hall
Date of Inspection
05 May 2020
Address
Part Lot 106 Paperbark Avenue, Redfield Park
Property File LGIS Ref.
N/A
ACM Presumed
No
ACM Condition
N/A
ACM Liable to damage or deterioration?
N/A
ACM Risk Level
N/A
Control Measures Recommended
N/A
Comments
None suspected
Testing Required
No
Testing Conducted
No
Site Inspection Attachment
N/A
Inspected by
Chiara Acciano – LGIS Renier de Beer – Shire of Gingin

12.6 LEASE BETWEEN SHIRE OF GINGIN AND MOORE CLOTHES INC.

File	A3876
Author	Cher Groves - Recovery and Leasing Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	20/06/2017
Appendices	1. Moore Clothes Draft Lease 010721 [**12.6.1** - 24 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a proposed lease agreement between Moore Clothes Inc. and the Shire of Gingin for an agreed portion of Lot 119 Paperbark Avenue, Gabbadah for a period of two years with a further term of two years.

BACKGROUND

After a new donga-style community hall was installed in Redfield Park in 2015, the old community hall was used for storage purposes. A sea-container has since been placed on Lot 119 Paperbark Avenue for storage purposes.

Moore Clothes Inc. has occupied the old hall site since 2017 in a full-time capacity. Moore Clothes, a charitable organisation, collects and distributes pre-loved clothing and linen. Parcels are put together to be distributed to other charitable groups which work with the homeless and needy. Moore Clothes opens to the public four days a week and offers recycled clothes for a gold coin donation.

The old hall was previously leased to the Redfield Park Community Association (RPCA). However, it has now been agreed that Moore Clothes requires its own lease independent of the RPCA as both groups are incorporated and have separate executive committees.

COMMENT

Internal auditing processes undertaken prior to negotiating the lease found that the premises used by Moore Clothes does not have all the required building approvals in place. Officers are working towards obtaining these approvals with a third-party compliance officer. This does not affect the lease of the Moore Clothes site.

Officers have negotiated the new lease agreement with Moore Clothes in the standard peppercorn template format which is commensurate with other contemporary community group lease arrangements within the Shire, including length of term.

Lot 119 is held in freehold title by the Shire of Gingin, and therefore this lease is not subject to endorsement by the Minister for Lands.

The Moore Clothes executive committee has agreed to the draft lease (**Appendix 12.7.1**).

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 3 – Functions of local governments
Division 3 – Executive functions of local governments
Section 3.58 – Disposing of property

Local Government (Functions and General) Regulations 1996
Part 6 – Miscellaneous
Clause 30 – Dispositions of property excluded from Act s. 3.58

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Peczka SECONDED: Councillor Court

That Council:

1. Agree to lease a portion of Lot 119 Paperbark Avenue, Gabbadah to Moore Clothes Inc. for a period of two years with a further two-year option in accordance with the lease document shown at Appendix 12.7.1.

2. Authorise the Chief Executive Officer to progress execution of the lease and to sign the lease document on Council's behalf.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

LEASE AGREEMENT

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SHIRE OF GINGIN

AND

MOORE CLOTHES INC.

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CONDITIONS

Parties

Shire of Gingin – "The Lessor"

AND

Moore Clothes Inc. – "The Lessee"

Use

The premises is not to be used for any purpose other than that specified in **Item 6** of the Schedule.

The use of the premises must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988*, *Food Act 2008*, *Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Premises

That area of land and buildings located at Lot 119 Paperbark Avenue, Gabbadah as depicted on the plan included as **Annexure 1**.

Term

The term of the lease is set out at **Item 2** of the Schedule. The Lessee may request the Lessor to grant a renewal of this Agreement for the further term set out at **Item 3** of the Schedule by giving written notice at least one month prior to the expiry of the initial term.

Holding Over

If the Lessor consents to the Lessee continuing to occupy the Leased Area after the expiry date, after the end of any extended term or during a lease renewal negotiation period, the Lessee is a monthly Lessee of the Leased Area and

(a) the monthly tenancy may be terminated by either party giving to the other at least one month's notice which may expire on any day;
(b) the rent is the same rent payable immediately before the expiry date or after the end of any extended term; and
(c) all the other provisions of this Lease apply to the monthly tenancy except any option to extend this Lease.

Provision of Information

The Lessee agrees to provide to the Lessor:
(a) a copy of the Lessee's audited annual statement of accounts for each year;
(b) a copy of the Certificate of Currency or renewal certificate to be provided to the Lessor on an annual basis for each insurance policy, including Public Liability and Contents Insurance;
(c) written advise of any changes in its office holders or its rules of Association during the Term; and
(d) any information reasonably required by the Lessor.

Variation of Lease

If there is a variation of this lease the lease continues and the variation does not constitute a surrender of this lease. Any variation will be supplementary to the original lease document.

Parties can only vary a lease by mutual written agreement.

RENT AND OTHER PAYMENTS

Rent

As specified in **Item 5** of the Schedule. Rent will be increased by the amount of the Goods and Services Tax (GST), if any, which the Lessee is required under the *A New Tax System (Goods and Services Tax) Act* 1999 and associated Acts and subsidiary legislation, to pay on any Supply made under this Lease.

Outgoings

Electricity, water and refuse collection charges are the responsibility of the Lessor. Gas and other consumable charges are the responsibility of the Lessee.

Keys and Access

The Lessor will provide the Lessee with two set of keys to access the premises, and if applicable all rooms therein.

The Lessee may request additional sets of access keys from the Lessor, if approved the Lessee is responsible for the cost of the additional access keys.

The Lessee is to maintain a record of who is assigned any and all keys.

The Lessee must notify the Lessor of any lost keys within seven days. Any replacement keys will be issued by the Lessor at the Lessee's cost.

Key Bond

On request, the Lessee will pay a bond of $200.00 for a set of access keys to the premises prior to access being granted. If required, the bond may be withheld by the Lessor in the event that replacement of keys is required at the time of the Lessee vacating the premises.

Building Bond

On request, the Lessee will pay a building bond of $400.00 prior to gaining access to the premises. If required, the bond may be withheld by the Lessor to make good any repairs or minor maintenance that may be necessary at the time of the Lessee vacating the premises.

Insurance

The Lessor shall effect and keep effected building insurance to the full insurable value on a replacement or reinstatement value basis of the Premises against damage arising from fire, tempest, storm, earthquake, explosion, aircraft, or other aerial device including items dropped from any device, riot, commotion, flood, lightning, act of God, fusion, smoke, rainwater, leakage, impact by vehicle, machinery breakdown and malicious acts or omissions and other standard insurable risks.

Public liability insurance in accordance with **Item 7** of the Schedule shall be maintained by the Lessee. The Lessee shall also maintain adequate and sufficient contents insurance. A copy of the certificate of currency is to be provided to the Lessor upon commencement of the lease, illustrating the full term of cover.

All cover is to be renewed annually, with a certificate of currency or renewal certificate to be provided to the Lessor on an annual basis.

Insurance for personal property is the Lessee's responsibility. All policy and certificate details are to be made available on request.

Arrangement of and payment for all public liability insurance is the responsibility of the Lessee.

The Lessee must not do or omit to do any act or thing or bring or keep anything on the Premises which might invalidate or:

(a) render any insurance effected under this clause on the Premises, or any adjoining premises, void or voidable; or

(b) cause the rate of a premium to be increased for the Premises or any adjoining premises (except insofar as an approved development may lead to an increased premium).

DEFAULTS

Events of Default

A default occurs if:

(a) any Amounts Payable remain unpaid for 21 days after a Notice has been given to the Lessee that an amount is outstanding;

(b) the Lessee alters, adds to, improves or demolishes any part of the Premises without prior written consent from the Lessor;

(c) the Lessee commits a breach of its obligations under this agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor;

(d) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 201*5, the association is wound up whether voluntarily or otherwise;

(e) where the Lessee is an association which is incorporated under the *Associations Incorporation Act 2015*, the Lessee passes a special resolution under the *Associations Incorporation Act 2015* altering its rules of association in a way that makes its objects or purposes inconsistent with the use permitted by this Lease;

(f) the Lessee is unable to pay all its debts when they become due, it fails to comply with a statutory demand under section 459F of the *Corporations Act 2001*, or it is deemed to be unable to pay its debts under section 585 of the *Corporations Act 2001*;

(g) the Premises are vacated, or otherwise not used, in the Lessor's reasonable opinion, for the Permitted Purpose for a six-month period; or

(h) a person other than the Lessee is in occupation or possession of the Premises or in receipt of a rent and profits.

Lessor may remedy breach

After the Lessor has given the Lessee notice of the breach and the Lessee has failed to rectify the breach within a reasonable time, the Lessor may without affecting any right, remedy or power arising from that default remedying each breach or default. The Lessor will be entitled to recover costs from the Lessee associated with remedy of breach or breaches.

TERMINATION

The Lessor may terminate this agreement by providing three months' written notice to the Lessee if at any time the building is not being used in accordance with the requirements of **Item 6** of the Schedule, or maintained to the Lessor's requirements, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Under exceptional circumstances the Lessor may ask the Lessee to vacate the premises immediately.

The Lessor reserves the right to terminate the agreement in the event that the Lessee commits a breach of its obligations under the agreement and such breach is not rectified within one month of receiving written notice to do so from the Lessor.

The Lessor will not have right of re-entry or forfeiture unless and until—

(a) the Lessor serves on the Lessee a notice specifying the particular breach complained of, and, if the breach is capable of remedy, requiring the Lessee to remedy the breach, and in any case requiring the Lessee to make compensation in money for the breach; and

(b) the Lessee fails within a reasonable time thereafter to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money to the satisfaction of the lessor for the breach.

The Lessor will be entitled to re-enter the Premises or forfeit the lease in the event of the Lessee failing to comply with such notice within a reasonable time.

Restore Premises

Before or within 14 days after termination of this agreement the Lessee must, at its expense, restore the premises to a condition satisfactory to the Lessor.

The Lessor will undertake an assessment and provide a checklist of items to be restored.

Property Inspections

The Lessor may conduct property inspections of the premises on an annual basis to ensure the appearance and the condition of the building is being maintained to the satisfaction of the Lessor and the *Health (Public Buildings) Regulations 1992*.

LESSEE'S RESPONSIBILITIES

Inclusive Membership

The Lessee must at all times employ an inclusive membership policy.

Report to Council

The Lessee must report all vandalism, defects, damage and pollution to the Lessor within 24 hours of any such occurrence being identified.

To report any issues please email mail@gingin.wa.gov.au or send via post to PO Box 510, GINGIN WA 6503. If urgent please telephone 9575 5100 during office hours.

Alterations

The Lessee shall not make any alterations, additions or improvements to or demolish any part of the Premises without the prior written consent from the Lessor. **Note**: Building Permits may be required.

Alterations, additions or improvements to the premises may result in a Lease Variation as project costs, including ongoing maintenance and full life costs, may be the responsibility of the Lessee.

Securing the Premises

The Lessee is to ensure the Premises, including Lessor's and Lessee's fixtures and fittings, are appropriately secured at all times. Where an alarm is present the alarm should be activated and the Lessor supplied with access codes.

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Lessor's Right of Reasonable Entry

The Lessee must permit the Lessor or its authorised representative/s to enter the premises for the following purposes:

(a) in the event of an emergency;

(b) to undertake property inspections to ensure compliance with the terms of this Agreement;

(c) to carry out routine repairs or other work necessary to maintain the premises in good condition; and

(d) to carry out Capital Project works.

The Lessor will liaise with the Lessee to gain entry as required.

Maintenance and Cleaning

The Lessee agrees during the Term and for so long as the Lessee remains in possession or occupation of the Premises to maintain, clean and keep the Premises (which includes the Lessor's fixtures and fittings) in good repair having regard to the age of the Premises at the Commencement Date.

The Lessee shall comply with the *Maintenance and Cleaning Schedule* appended as **Annexure 2**.

The Lessee must at all times keep the Premises clean, tidy, unobstructed and free from dirt, rubbish and vermin, including bird/animal droppings.

In executing the obligations imposed on the Lessee under this clause, the Lessee shall keep clear and/or clean:

(a) any electrical fittings and fixtures;

(b) any plumbing;

(c) any air-conditioning fittings and fixtures; and

(d) any gas fittings and fixtures

in or on the Premises, use only licensed tradespersons, or such tradespersons as may be approved by the Lessor.

Repair

The Lessor is responsible for fair wear and tear repairs. Where the Lessee is responsible for any damage to the premises, inclusive of damage arising from not undertaking regular maintenance and cleaning, such damage is to be promptly repaired or damaged item replaced, at the Lessee's expense, to the satisfaction of the Lessor.

Fair wear and tear means damage that happens through the ordinary day-to-day use of a Premises by a Lessee and the ordinary cause from natural forces (sunlight, rain).

Defibrillator and Automated External Defibrillator (AED)

This Premises may have had a defibrillator fitted on request from the Lessee, funded by a third party.

The Lessee is responsible for all costs associated with the device, including being included in the Lessee Contents Insurance policy.

All AEDs perform self-maintenance checks on a daily, weekly and monthly basis to ensure that they are ready for use. In the event that the machine fails part of the test, the machine will beep to alert that there is a fault with the machine. St John Ambulance Australia recommends a weekly inspection be performed on the machine to ensure the machine has not failed a self-check.

Work within Premises

The Lessee must carry out works in accordance with Work Safe (WA) practices, being mindful of the risk to health and fire hazards.

Any works must not cause a nuisance or inconvenience to the public or surrounding residents by virtue of activities or noise from the facility.

Lessor's Fixtures and Fittings

The Lessee covenants and agrees that the Lessor's Fixtures and Fittings will remain the property of the Lessor and must not be removed from the Premises at any time.

Maintain surroundings

The Lessee must regularly inspect and maintain in good condition any part of the Premises which surrounds any buildings, including but not limited to any flora, gardens, lawns, shrubs, hedges, trees, playground equipment and benches.

Playgrounds within the leased area must be raked or swept on a regular basis to ensure sharps are not present.

The Lessee agrees that any pruning of trees must be undertaken by a qualified tree surgeon. If any flora, trees or lawn dies the Lessee must replace the flora, trees or lawn at its own expense.

The Lessee may not remove any trees, shrubs or hedges without first consulting with and obtaining the approval of the Lessor, except where necessary for urgent safety reasons.

Replacement and expansion of reticulation is the responsibility of the Lessor. Maintenance, inclusive of replacing sprinklers, nozzles, valves and drip lines, as well as repairs to leaking reticulation lines, pipes, and the like are the responsibility of the Lessee.

Pest control

The Lessee must keep the Premises free of any pests and vermin. The cost of annual treatment for termites and spiders will be borne by the Lessor.

Drains

The Lessee must keep and maintain the waste pipes, drains and conduits originating in the Premises or connected thereto in a clean clear and free flowing condition, and must pay to the Lessor upon demand the cost to the Lessor of clearing any blockage which may occur in such waste pipes, drains and conduits between the external boundaries of the Premises and the point of entry thereof into any trunk drain unless such blockage has been caused without neglect or default on the part of the Lessee.

Any plumbing works must be undertaken by a qualified plumber/tradesperson.

The Lessee must not permit the drains, toilets, grease traps (if any) and other sanitary appliances on the Premises to be used for any purpose other than that for which they were constructed and must not allow any foreign matter or substance to be thrown therein.

Electrical / Solar

The Lessee shall not install any electrical equipment on the Premises that may overload the cables, switchboards or sub-boards. Any electrical works must be undertaken by a qualified electrician.

The Lessor shall not fund the installation, maintenance, replacement, removal or any ongoing costs of solar panels (together with any lines, wires, conduits, inverters, racking, solar battery storage units or related improvements installed in connection therewith, are referred to collectively as the "solar panels"). If the Lessee, after gaining prior approval from the Lessor, installs solar panels, the solar panels shall remain the property of Lessee during the Term.

The Lessee shall, at its sole cost and expense, remove the solar panels at expiration of this lease agreement, in accordance with the requirements of **Item 2** and **Item 3** of the Schedule, unless the Lessor and Lessee mutually agree that the solar panels are to remain in place and become the sole property of Lessor. The Lessee shall repair any damage to the premises caused by the installation, maintenance, replacement, use or removal of the solar panels.

Erosion

The Lessee must take such reasonable action as is necessary to prevent and rectify the effects of erosion, drift or movement of sand, soil, dust or water on or from the Premises, if it has occurred as a result of the Lessee's use of the Premises.

Behaviour

The Lessee is not to allow any anti-social behaviour in or around the premises including but not limited to loud music, foul language, drunken behaviour, uncontrollable parties, fighting, acts of physical violence and unwanted entry onto neighbouring properties.

Noise Restrictions apply from 7pm to 7am.

Hiring of the Premises

The Lessor acknowledges that the Lessee manages the hiring out of the premises to third parties. Hire fees be set as part of the Schedule of Fees and Charges in the Lessor's annual budget.

Records of all use, including own use, must be kept and provided to the Lessor on a quarterly basis. Records will be used to provide quarterly provision of consumables.

Records of all income derived from hire charges shall be forwarded to the Lessor on a quarterly basis. Said income can be retained by the Lessee as a management fee, less the Goods and Services Tax (GST) which is payable to the Lessor.

The Lessee is to provide prior written advice to the Lessor of all events held within the premises. The leased area is a Public Building meaning restrictions and conditions may be required.

The Lessee will not sell or supply liquor from the premises or allow liquor to be sold or supplied from the premises without the prior written consent of the Lessor and then only in accordance with the provisions of the *Liquor Control Act 1988, Health (Food Hygiene) Regulations 1993, Liquor Licensing Regulations 1989* and any other relevant written laws that may be in force from time to time.

Subletting and Assignment

The Lessee must not assign, sublet, part with possession or dispose of the Premises or any part of the Premises without the prior written consent of the Lessor and any other persons whose consent is required under the terms of this Lease or at law.

Smoking on Premises

The Lessee must not smoke or permit a person to smoke within the leased premises.

Fire Mitigation

(a) Fire Prevention – Without limiting any other provision of this Lease, the Lessee must in relation to the Leased Area promptly comply with:
   i. the *Bush Fires Act 1954* and any other laws relating to the prevention and control of fires; and
   ii. all proper directions concerning fire prevention and control given to the Lessee by the Lessor or any Authority.

(b) Fire Control (Wild Fire) – The Lessee must immediately:
   i. telephone 000 as soon as a fire is detected on the Leased Area;
   ii. notify the Lessor as soon as a fire is detected on the Leased Area; and
   iii. take all reasonable and safe action which the Lessee is able to take to try to extinguish any unauthorised or uncontrolled fire on the Leased Area

(c) Authorised Fires – The Lessee must not do anything which causes or may cause a fire on the Leased Area unless the fire is:
   i. not prohibited by law or by a direction of the Lessor or an Authority; and

ii. the fire is not dangerous and is properly controlled so that it cannot become dangerous.

(d) Liability for Fires – The Lessee is responsible for and must pay or reimburse the Lessor for all Liabilities as a result of any fire which starts on the Leased Area unless the Lessee can prove to the reasonable satisfaction of the Lessor that the fire:
   i. was not caused by the Lessee's negligent or unlawful act or omission or the Lessee's default under this Lease; or
   ii. was started by a cause beyond the Lessee's reasonable control.

(e) Risk Management Plan – Due to the nature of activities of the Lessee a Risk Management Plan may be required for certain activities and/or events undertaken within the leased premises. This may be an additional condition of this lease agreement as specified in accordance with **Item 8**.

(f) Failure to comply can lead to immediate termination of this lease, subject to the Lessor first having given the Lessee notice of the breach and 21 days for the Lessee to rectify it.

Comply with Legislation, Acts and Statutory Obligations

The Lessee must promptly comply with all Acts, statutes and local laws from time to time in force relating to the premises.

The Lessee must apply for, obtain and maintain in force all consents, approvals, authorities, licenses and permits required under any statute for the use of the premises.

The Lessee must not allow a person to carry out any harmful, offensive or illegal act within or around the premises.

INDEMNITY

Indemnity

The Lessee indemnifies, and shall keep indemnified, the Lessor from and against all actions, claims, costs, proceedings, suits and demands whatsoever which may at any time be incurred or suffered by the Lessor or brought, maintained or made against the Lessor in respect of:

(a) any loss whatsoever (including loss of use);

(b) injury or damage of, or to, any kind of property or thing; and

(c) the death of, or injury suffered by, any person,

except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

Obligations Continuing

The obligations of the Lessee to indemnify the Lessor:

(a) are unaffected by the obligation of the Lessee to take out insurance, and the obligations of the Lessee to indemnify are paramount, however if insurance money is received by the Lessor for any of the obligations set out in this clause then the Lessee's obligations will be reduced by the extent of such payment.

(b) continue after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Release

(1) The Lessee:

(a) agrees to occupy and use the Premises at the risk of the Lessee; and

(b) releases to the full extent permitted by law, the Lessor from:

(i) any liability which may arise in respect of any accident or damage to property, the death of any person, injury to any person, or illness suffered by any person, occurring on the Premises or arising from the Lessee's use or occupation of the Premises by; and

(ii) loss of or damage to the Premises or personal property of the Lessee;

except to the extent that such loss or damage arises out of a negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The release by the Lessee continues after the expiration or earlier determination of this Lease in respect of any act, deed, matter or thing occurring or arising as a result of an event which occurs before the expiration or earlier determination of this Lease.

Limit of Lessor's liability

(1) The Lessor will not be liable for loss, damage or injury to any person or property in or about the Premises however occurring, except to the extent that such loss or damage is caused or contributed to by negligent or wrongful act or omission of the Lessor, or its servants, agents, contractors or invitees.

(2) The Lessor will not be liable for any failure to perform and observe any of the Lessor's Covenants due to any cause beyond the Lessor's control.

DISPUTES

Referral of Dispute: Phase 1 (a)

Except as otherwise provided any dispute arising out of this Lease is to be referred in the first instance in writing to the Lessor's Representative as nominated in writing by the Lessor from time to time (the Lessor's Representative) who shall convene a meeting within 15 days of receipt of such notice from the Lessee or such other period of time as is agreed to by the

parties between the Lessor and a nominated representative of the Lessee for the purpose of resolving the dispute (the Original Meeting).

Referral of Dispute: Phase 2 (b)

In the event the dispute is not resolved in accordance with **Disputes - clause A** of this Lease then the dispute shall be referred in writing to the Chief Executive Officer (CEO) of the Lessor who shall convene a meeting within 15 days of the Original Meeting or such other date as is agreed to by the parties between the CEO and the President of the Lessee for the purpose of resolving the dispute.

Appointment of Arbitrator: Phase 3 (c)

In the event the dispute is not resolved in accordance with **Disputes - clause B** of this Lease then the dispute shall be determined by an independent arbitrator as agreed to by both parties, and the Lessor and the Lessee may each be represented by a legal practitioner, or otherwise as each party determines appropriate.

Payment of Amounts Payable to Date of Award (d)

The Lessee must pay the Amounts Payable without deduction to the date of the award of the Arbitrator or the date of an agreement between the Parties whichever event is the earlier, and if any money paid by the Lessee is not required to be paid within the terms of the award of the Arbitrator or by agreement between the Lessor and the Lessee then the Lessor will refund to the Lessee the monies paid.

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SCHEDULE

ITEM 1: LAND

Portion of Land and building contained within the Hachured area on Lot 119 on Plan 86905 being land comprised in Certificate of Title Volume LR 2003 Folio 824.

PREMISES

The land and buildings contained within the area shown in **Annexure 1**.

Asbestos Hazard Report, included as **Annexure 3**.

ITEM 2: TERM

Two years

ITEM 3: FURTHER TERM

Two years

ITEM 4: COMMENCEMENT DATE

1 July 2021

ITEM 5: RENT

One dollar (peppercorn) per annum.

ITEM 6: USE

Social and recreational activities of the Moore Clothes Inc. and all uses reasonably ancillary to that purpose.

The *Building Code of Australia* classification of the building located on the premises should be a Class 6 and use must comply with this classification.

ITEM 7: PUBLIC LIABILITY INSURANCE

$20,000,000.00

ITEM 8: ADDITIONAL TERMS AND CONDITIONS

8.1 The Lessor will undertake mowing, fertilising, weed control, edging, whipper snipping, removal of garden debris and tree maintenance in parklands only within the leased Premises. Maintaining the surrounds of the buildings is the Lessee's responsibility.

8.2 Redecorating

The Lessor is responsible to redecorate as required.

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8.3 The Shire of Gingin have the following buildings/property listed on their Property Register: Moore Clothes - Store shed, inc A/C

The Shire of Gingin's insurance covers the buildings only. Any other buildings or items will need to be covered by a separate policy held by the Lessee or its agents.

8.4 The Car Park is a shared use area and accordingly joint access is to be given to other Lessee's within the general Premises. The Car Park is not within the leased area.

It is acknowledged that the Shire of Gingin and the Moore Clothes Inc. agree on the above conditions and responsibilities.

Signed on behalf of the Shire of Gingin:

_____ _____

AARON COOK **DATE**
CHIEF EXECUTIVE OFFICER

Signed on behalf of the Moore Clothes Inc.:

_____ _____

SIGNATURE **DATE**

_____ _____

PRINT NAME **OFFICE HELD**

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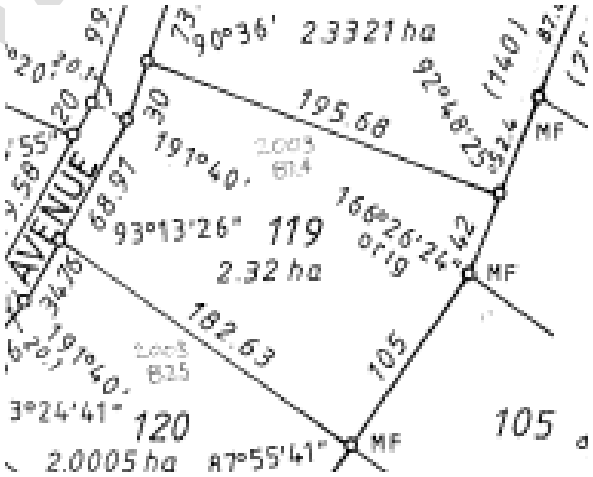
Annexure 1 – Plan of Premises

Leased Area – 137.2 m²

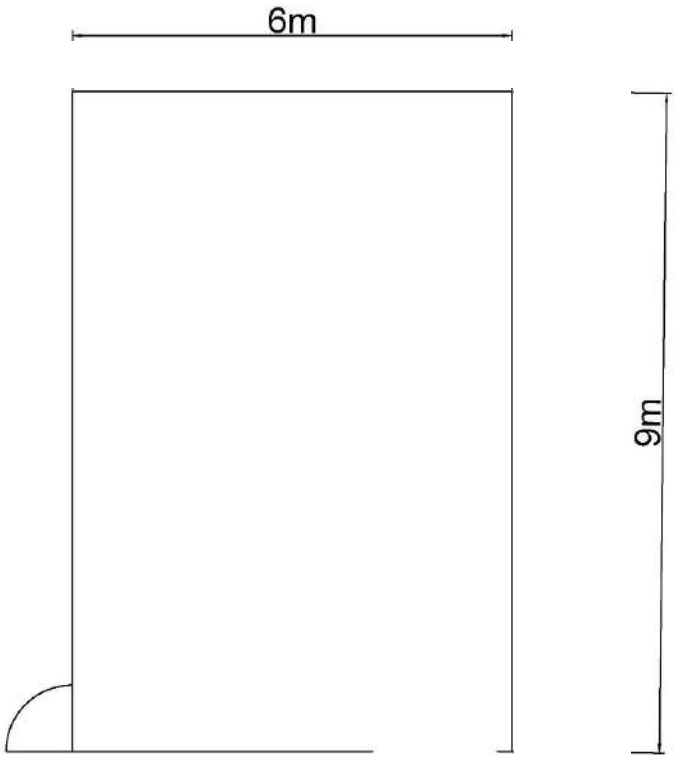


Leased Area is a portion of Lot 119 Paperbark Avenue, Gabbadah





Floor Plan



Annexure 2 – Maintenance and Cleaning

The following outlines the cleaning, maintenance and repair obligations of the Lessee for buildings that are leased under this Lease Agreement. This is to be read and adhered to in conjunction with the Lease Agreement.

The Lessor's expectation is that the Lessee is responsible for the cleaning, maintenance and repair of damage as a result of the use of the leased area.

Lessee Responsibilities

INTERNAL

The interior of the building is to be maintained in a clean and tidy condition at all times and within the terms of the Lease, is to be kept free of dirty marks, cobwebs and vermin. Rooms to be adequately aired to combat mould or mildew forming.

Internal	Lessee Responsibilities
Windows	To be kept clean, free from any marks and cobwebs. To be lockable and operable.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order. **NOTE:** Locks are not to be changed without the prior approval of the Lessor. New locks must be keyed to Lessor's Master Key System.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Ceilings	To be kept clean, free of cobwebs and cleaned of any temporary decoration. Penetrations for appliances such as air conditioning vents shall be kept clean and in good working order. **NOTE:** Any water damage or sagging to be reported to the Lessor without delay.
Floors	To be kept clean and regularly maintained in accordance with the requirements of the type of surface i.e. carpets to be vacuumed regularly and steam cleaned annually, hard floors to be swept and mopped. Hard floors to be stripped back and resealed as required by the lessor. In kitchen areas, relevant Health requirements should be strictly complied with.
Cupboards	To be regularly cleaned with all doors, latches, drawers and shelves being in good working order. To be free from any marks or food residue.
Built in Joinery: **(benches, cabinets)**	To be regularly cleaned and free of debris. Any damage, including water damage, is to be reported to the Lessor without delay.
Electrical Fittings	All electrical fittings such as power points, light switches and light fittings to be kept clean and in good working order. Any Lessee owned/installed item is the responsibility of the Lessee. All items owned/installed by the Lessee are to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*

	Replace light globes and fluorescent light tubes which may fail.
Fire Fighting Equipment and Exit Signs	To ensure Fire Fighting Equipment is not tampered with or removed from designated area. Lessee is responsible for costs incurred for replacement, mis-use, tampered or lost Fire Fighting Equipment. A clear path or access should be maintained with no obstruction within 1 metre of firefighting equipment. The Lessee is responsible for notifying the Lessor if the Fire Evacuation Exit Signs are not in good working order.
Rubbish Bins	All rubbish is to be placed in the outside Rubbish Bins in the designated bin areas / enclosures.
Security Systems	The Lessee to pay all costs associated with the installation and ongoing monitoring of the security system. To be maintained in accordance with the supplier's instructions. Provide evidence of regular annual maintenance (maintenance Report) by a licensed provider. All Telecommunications and any other fees are to be met by the Lessee. Lessee to provide Access Keys and alarm codes to the Lessor.
Sinks, Basins, Pedestal Pans & Cisterns	To be maintained in a clean and operable condition. Rectification of non-fair and wear damage, including grease poured down the drains, will be charged to the Lessee.
Toilets & Showers	To be kept in a clean and operable condition at all times. Rectification of non-fair and wear damage, including items forced down the drains, will be charged to the Lessee. Toilet and cleaning consumables to be provided by the Lessee. All walls and floor surfaces to be kept cleaned and undamaged.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All to be kept clean and operated in accordance with the manufacture's requirements. Any Lessee owned/installed item is the responsibility of the Lessee. All Lessee owned/installed items to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.*
Gas fittings and fixtures	To be kept clean and operated in accordance with the manufacture's requirements.

EXTERNAL

The whole of the exterior of the building is to be kept in a clean and tidy condition free from cobwebs, bird/animal droppings, leaves and debris/litter.

In particular, the following items must be given attention:

External	Lessee Responsibilities
Windows	To be kept clean, operable and lockable at all times.
Doors	To be kept clean, free from any marks, damage and cobwebs. To be lockable and operable. Any door closers or other devices fitted should be maintained in good working order.

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	NOTE: Locks are not to be changed or altered. Locks may be keyed to Lessor's Master Key System. Lessee is responsible for the costs of lost keys and associated replacement.
Security Screens	To be kept clean and firmly fixed. Any cobwebs to be regularly removed.
Walls	To be kept clean, free from any marks, damage and cobwebs.
Verandah	To be kept clean and free from cobwebs. To be kept clean, tidy and free from litter, rubbish, leaves, debris and all bird/animal droppings.
Eaves	To be kept clean and free from cobwebs.
Pathways	To be kept clear of rubbish and to be swept regularly. Vegetation surrounding the building not to be damaged or removed.
Light Fittings	To be kept clean and free from cobwebs. Replace all light globes which may fail.
Signs	Any signs installed by the Lessee, located on the building are to be regularly maintained and kept in a safe condition. Signs that may become damaged are to be replaced immediately. Any approvals or licenses for signs are to be kept current.
Outdoor Sponsorship Signs	To be maintained to not less than the standard outlined above. Sponsorship Signs require approval of the Lessor before being installed.
Surrounds, including garden beds	To be kept clean, tidy and free from litter, rubbish, leaves, weeds and debris.
Rubbish Bins	Rubbish bins are to be kept neat and clean. To be placed in the designated areas. Bin enclosures to be kept clear of all rubbish and secured. Written request to be submitted to the Lessor for additional rubbish bins (general waste, recycling or other).

Lessor Responsibilities

Internal / External	Lessor Responsibilities
Gutter Cleaning	To undertake an annual gutter clean of natural product, including leaves, twigs and soil.
Fire Protection Equipment	To service and replace fire equipment as required.
Building Structural Repairs	To maintain and repair the building structure from wear and tear.
External Drainage	To repair external drainage infrastructure failure.
Air conditioning	The annual service and maintenance report is to be undertaken by a licensed provider.
Stove, Fans, Refrigerators, Heaters, & other White Goods	All items installed by the Lessor to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* Any Lessee owned/installed item is the responsibility of the Lessee.

Sinks, Basins, Pedestal Pans & Cisterns	Replacement and repair of fittings due to fair wear and tear.
Toilets & Showers	Replacement and repair of fittings due to fair wear and tear, such as taps, roll dispensers and coat hooks. Toilet and cleaning consumables to be provided by the Lessee.
Gas fittings and fixtures	Clearing of all blockages and repairs to fittings and fixtures due to fair wear and tear.
Electrical	Undertake testing of Residual Current Devices in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment*. All Lessor installed items to be tested and tagged by a licensed provider in accordance with *AS/NZS 3760-2010 In service safety inspection and testing of electrical equipment.* All Lessee owned/installed items are the responsibility of the Lessee.

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Annexure 3 – Asbestos Hazard Report

Shire of Gingin

Asbestos Report
Individual Building Report

Redfield Park Moore Clothes Shop
Date of Inspection
05 May 2020
Address
Part Lot 106 Paperbark Road, Redfield Park
Property File LGIS Ref.
N/A
ACM Presumed
No
ACM Condition
N/A
ACM Liable to damage or deterioration?
N/A
ACM Risk Level
N/A
Control Measures Recommended
N/A
Comments
None suspected
Testing Required
No
Testing Conducted
No
Site Inspection Attachment
N/A
Inspected by
Chiara Acciano – LGIS Renier de Beer – Shire of Gingin

13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED EXTRACTIVE INDUSTRY ON LOT M1332 CARABAN ROAD, CARABAN

File	BLD/7134
Applicant	Ramboll (Jeff Barham) on behalf of Sheepco Pty Ltd
Location	Lot M1332 Caraban Road, Caraban
Owner	Sheepco via an offer to purchase from Shannon Farmer, Colin King, Derald King, Barry Sykes and Brian Woolcock
Zoning	General Rural
WAPC No	N/A
Author	James Bayliss – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Location plan - Lot M 1332 Caraban Road, Caraban [**13.1.1** - 1 page] 2. Aerial map - Lot M 1332 Caraban Road, Caraban [**13.1.2** - 1 page] 3. Applicant's Proposal [**13.1.3** - 105 pages] 4. Schedule of Submissions and Recomended Responses [**13.1.4** - 95 pages] 5. Applicant's Response to Submissions [**13.1.5** - 5 pages]

DISCLOSURES OF INTEREST

Councillor Rule disclosed a Financial Interest in Item 13.1 as he is a partner in an agricultural lime sand business in Lancelin.

Councillor Rule left the meeting at 3.33pm.

PURPOSE

To consider an Application for Development Approval for a proposed Extractive Industry (sand and limestone) on Lot M1332 Caraban Road, Caraban.

BACKGROUND

The subject property is 382 hectares (ha) in area and is located on the corner of Caraban Road and Barragoon Road. The site is undulating with elevations over the western portion of the site being between 15 and 30 metres above mean sea level (AHD), with the location of the extraction material tapering up to a ridge height of 45 metres AHD in the central portion of the site and down to between 25 and 30 metres AHD over the eastern portion of the site. The extraction pit face is located on the western side of the central ridge.

The land has historically been used for cattle grazing, with tuart trees present over the north-western portion of the lot.

The development proposal seeks to extract up to 200,000 tonnes of material per annum, which comprises of agricultural lime (100,000 tonnes), limestone (50,000 tonnes) and sand (50,000 tonnes). The applicant estimates the footprint of the usable material is in the order of 4ha that will produce a 30 year operational period for the development.

The table below outlines development within the immediate area.

Land Use	Proximity to Development Area
Residential	~ 670m south-west; ~ 820m east and 950m north-east (Woodridge) ~ 850m west; and ~ 860m north-west.
Agriculture Intensive	~ 375m north
Restaurant and micro-brewery	~ 750m west
Tourism business (canoe and kayak hire)	~ 860m south-west
Solar Facility	~ 750m south-east

The development involves crushing and screening operations which requires the proponent to obtain a Works Approval and Works License from the Department of Water and Environmental Regulation (DWER) under section 54 of the *Environmental Protection Act 1984 (EP Act)*. This does not preclude the Shire's ability to consider the impact of those operations under the planning framework, however the technical assessment undertaken by DWER, given the employment of experts in the related field, addresses emissions control (noise/dust) from those activities.

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

The applicant has provided a report in support of the application. The applicant's proposal is provided as **Appendix 13.1.3**. The bundle of documents consists of the following:

- Development Application Report;
- Traffic Impact Statement;
- Water Bore Information;
- Acoustic Assessment (prepared by Herring Storer Acoustics dated December 2020);
- Dust Management Plan; and
- Extractive Industry License Report.

It should be noted that during the assessment process various allegations regarding property ownership disputes (i.e. termination of contract of sale) have been directed to the Shire with a suggestion that the application is invalid. The officer seeks to clarify this upfront.

The *Planning and Development (Local Planning Scheme) Regulations 2015 (Deemed Provisions)* sets out the manner in which an Application for Development Approval is to be made to the local government. Clause 62 (1) (b) states:

"(1) An application for development approval must be — …

(b) Signed by the owner of the land on which the proposed development is to be located; and

(2) For the purposes of subclause (1) (b), a person or body may sign an application for development approval as the owner of freehold land if the person or body is one of the following –

(a) a person who is referred to in the definition of owner in respect of freehold land in clause 1."

The definition of 'Owner' under 'Part 1 – Terms Used' of the deemed provisions states:

"Owner, in relation to land, means —

(a) If the land is freehold land —

(i) a person whose name is registered as a proprietor of the land; and

(ii) the State, if registered as a proprietor of the land; and

(iii) a person who holds an interest as purchaser under a contract to purchase an estate in fee simple in the land; and…"

The officer is aware that a contract to purchase exists between the five registered proprietors and Sheepco Pty Ltd. On that basis, for the purpose of fulfilling the relevant criteria under the Deemed Provisions, Sheepco Pty Ltd are acknowledged as a landowner and therefore the application is accepted. This notwithstanding, the five current proprietors at the time of lodgement signed the application form and any purported withdrawal of consent seems futile given the above-mentioned definition of 'owner'.

COMMENT

Stakeholder Consultation

The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. This included advertising to surrounding landowners within a one kilometre radius of the development area, two development signs placed on the verge of the property, a notification on the Shire's website and a notification on the Woodridge Community Notice Board, all for a period of 21 days.

The Shire received 59 submissions as part of the consultation process, all of which oppose the development with the exception of one general comment. The officer notes that many submissions have multiple signatories.

At the Ordinary Meeting on 15 September 2020, the Chief Executive Officer tabled a petition of 171 signatures in total, comprising (as far as can be ascertained) 113 signatures from electors and 58 signatures from non-electors or unable to be determined, requesting the refusal of a proposed development.

The petition reads as follows:

> *"The location of this development abuts onto the west boundary of the Woodridge Community of inhabited residential properties and agricultural land producing food for human consumption. If this development progresses it will have catastrophic ecological impact to inhabitant's health and existence local businesses, native flora and fauna and the pristine water ways feeding into the Moore River."*

Council resolved to receive the petition and refer it to the Shire's Planning Department.

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

Issue Raised	Officer's comments
Environmental Impacts - Vegetation removal - Water quality - Impacts to the Moore River	Noted. 1. The Department of Water and Environmental Regulation (DWER) administers the clearing provisions of the *Environmental Protection Act 1986*. Applications for clearing permits are assessed and decisions are made to grant or refuse the application in accordance with this Act. The Shire notes that no significant vegetation is proposed to be cleared. 2. The Moore River is situated ~ 820m west of the development area. The development is not anticipated to have any impact on the Moore River given the significant setback.

Vehicle Impacts - Traffic Volumes - Safety Concerns - Cumulative Impact	Noted. 3. The officer is of the view that the road network within Woodridge Estate is not adequate to cater for vehicles associated with the development. All traffic associated with the development should utilise Caraban Road via Indian Ocean Drive to avoid any increase in vehicles using the internal roads of Woodridge. The existing roads of King Drive and Link Road would likely degrade at a faster rate as a result of heavy vehicle usage, and the amenity impacts on residents if this was to occur would be unacceptable. This requirement can form a condition of approval. 4. The intersection between Indian Ocean Drive and Caraban Road is designed to the appropriate RAV network standard. This intersection caters for haulage vehicles associated with the existing extractive industry (Caraban Limestone and Sand) located to the north of the subject property along Caraban Road. Main Roads Western Australia (MRWA) has not raised any concerns regarding safety to motorists at this intersection.
Amenity Impacts on Woodridge Estate - Noise Issues - Dust Issues - Silicosis	Noted 5. The development proposal includes an acoustic assessment report prepared by Herring Storer Acoustics, a qualified noise consultant. The acoustic report determined that the development is able to comply with the *Environmental Protection (Noise) Regulations 1997* which stipulates permitted noise levels in the context of neighbouring receptors. The officer notes that DWER undertook a review of the methodology used to inform the acoustic report and accepts the findings. Given the above, the issue of noise would not be a matter that would warrant refusal of the development. 6. Dust from extraction, screening and vehicle movements creates the potential for adverse impacts on the amenity of residents abutting the site. The primary mechanism proposed for dust suppression is watering via an irrigation system for the screening operations/stockpiles and a watering truck for vehicle and hardstand areas. The topography of the land does provide a natural bund to receptors located east of the pit, which is noteworthy given the prevailing winds and direction of Woodridge from the development area. Notwithstanding the above, given the potential impacts that dust nuisance may have on the amenity of Woodridge, air quality monitoring is suggested on the eastern, northern and

	western boundaries of the subject land (adjacent to Woodridge, the agriculture intensive development and brewery site respectively) to determine the adequacy of the dust suppression measures. This suggestion for monitoring ties into the time limited approach given the uncertainty associated with the adequacy of the dust suppression methods, and any further extension of time should only be considered if the monitoring in the interim period is favourable. 7. The Department of Health (DoH) submission makes no comment on health risks associated with airborne silica. The officer notes that various extractive industries in the State have received similar comments of concern from stakeholders. The typical position adopted by local governments regarding silica dust is that exposure to the respirable fraction of silica generally needs to be continuous and for extended periods of time (e.g. employees working in an enclosed area where the airborne particles are unable to dissipate as readily) for it to present health risks. In the context of this proposal, no health risks are anticipated.
Visual Amenity	Noted. 8. It is acknowledged that the visual impact the development may create is of concern. The provision of vegetative screening adjacent to the northern and eastern boundaries is able to screen the development from view to a large extent, thus mitigating this concern. 9. The associated development, being a storage shed and site office, will present a built form typical of structures anticipated on general rural lots (i.e. farm sheds etc.) and is therefore not considered to impose an adverse visual amenity that is out of character with the area.
Devalue Properties	Noted. 10. Property values are not a material planning consideration and there is no evidence to support these claims.
Carnaby's Cockatoo	Noted. 11. The Department of Biodiversity, Conservation and Attractions (DBCA) has no records of confirmed Carnaby's black cockatoo roost areas or nesting sites on the subject land. The nearest confirmed roosting site is located approximately 1.5km north-west and north-east of the subject land. The

	nearest confirmed nesting site is located approximately 2.8 km to the north.
Water Usage	Noted. 12. The property is located within the Gingin Groundwater Area proclaimed under *Rights in Water and Irrigation Act 1914*. The issuing of a water licence to abstract and use water is at the discretion of the Department of Water and Environmental Regulation (DWER), not the local government.

Table 1 – Officer Response to Submissions

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

- Department of Water and Environmental Regulation (DWER);
- Department of Mines, Industry Regulation and Safety (DMIRS);
- Department of Planning, Lands and Heritage (DPLH);
- DPLH – Aboriginal Heritage Council;
- Department of Health (DoH);
- Department of Biodiversity, Conservation and Attractions (DBCA); and
- Department of Primary Industries and Regional Development (DPIRD).

The comments received from State agencies reinforce the need to impose conditions relating to rehabilitation, dust management, noise management etc. which are typically applied to extractive industries. The officer notes that no objections have been raised.

A copy of the Schedule of Submissions and Recommended Responses, including correspondence from State agencies, is provided as **Appendix 13.1.4**.

The applicant has provided a response to the Schedule of Submissions, which is provided as **Appendix 13.1.5**.

PLANNING FRAMEWORK

Local Planning Strategy 2012 (the Strategy)

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

Section 2.5.4 of the Strategy states the following:

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

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

This basic raw material deposit is not expressly identified under the Strategy. However, this does not preclude the Shire from considering the proposal as the Local Planning Scheme No.9 (LPS 9) contemplates the 'Extractive Industry' land use in the General Rural zone.

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

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

a) manage land use changes so that the specific local rural character of the zone is maintained or enhanced;

Officer comment:

The locality generally consists of rural land that has been predominantly cleared of vegetation to facilitate the grazing of livestock. Smaller lots are located closer to the Moore River which is situated to the west of Caraban Road, with larger landholdings present to the south. Land to the south-east is approved to be used as a solar facility and a restaurant/tourism-based land use is approved on land to the immediate west. The abovementioned approvals have not been commenced to date, however both remain valid.

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

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

The officer is of the view that the development may not 'enhance' the character of the locality, but appropriately managed will maintain the existing character of the locality.

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;

Officer comment:

This objective is mainly relevant to the existing Agriculture Intensive (annual horticulture) development to the north. The relatively large separation distance (375m) and proposed vegetative buffer reduces the conflict that would otherwise potentially exist. The Agriculture Intensive (annual horticulture) development does co-exist with the existing extractive industry to the north. It is not uncommon to have land uses of this nature on adjoining sites, with a similar example evident on Sappers Road.

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

Officer comment:

The State's primary environmental regulator, DWER, has not raised any potential environmental concerns. The distance to the Moore River is significant and no impacts on this watercourse are anticipated. The access driveway has been designed to avoid clearing of the existing tuart trees located on that portion of the property.

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.

Officer comment:

This objective seeks to limit land uses (residential) within the GR zone that may prevent the zone from operating as intended (i.e. for primary and secondary agricultural pursuits). The proposed development does not seek to introduce a sensitive land use into the area and therefore is consistent with this objective.

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

It should also be noted that an extractive industry is regulated under an Extractive Industry Licence (EIL) that is issued in accordance with the Shire of Gingin's *Extractive Industries Local Law 2004*, which sets out further operational requirements.

Setbacks

In accordance with 'Table 2 – Site Requirements' of LPS 9, all development shall be set back a minimum 20 metres from all lot boundaries. The proposed extraction area is set back from all lot boundaries adequately.

4.8.10 Extractive Industries

4.8.10.1 Local government may consider applications for extractive industries in the General Rural zone where the sites have not been identified within an SCA under clause 5.4.

4.8.10.2 In considering applications for extractive industries, local government will have regard for the zone objectives.

4.8.10.3 Local government will also consider the potential impact of the extractive industry in regard to surrounding land uses (both existing and future) and may apply conditions to manage the potential impacts, such as noise, dust, odour and amenity.

Comment:

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

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

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

(c) Any approved state planning policy;

(f) Any policy of the state;

Comment

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

- State Planning Policy 2.4 - Basic Raw Materials (SPP 2.4) (draft);
- Statement of Planning Policy No. 4.1 - State Industrial Buffer Policy (SPP 4.1);
- State Planning Policy 2.5 - Rural Planning (SPP 2.5);
- Guilderton to Kalbarri Sub-Regional Strategy (GKSRS); and
- Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No 3 (EPA Guidance Statement).

The officer notes that the planning framework duplicates relevant considerations. This section focuses on SPP 4.1 and the EPA Guidance Statement which subsequently addresses the other various policies.

The policy measures of SPP 4.1, set out in clause 5, seek to minimise land use conflict by requiring new industries to demonstrate if and how they intend to contain emissions onsite, and that they are located to provide and maintain an appropriate buffer between the proposed industrial uses and sensitive land uses.

SPP 4.1 confirms that proposals that satisfy recommended buffer distances in the EPA Guidance Statement are deemed to comply with the objectives of SPP 4.1. Clause 5.3 of SPP 4.1 establishes that technical analysis is required if a proponent seeks to reduce the buffer from those specified in the EPA Guidance Statement or where cumulative impacts may occur.

Appendix 1 of the EPA Guidance Statement provides the separation distances for 'Extractive Industries - Sand and Limestone' and outlines a buffer distance of between 300-500 metres depending on size and scale of the operation. This buffer excludes crushing/screening activities which are included as part of the development proposal and therefore the buffer distance is expanded to 1000 metres.

Sensitive land uses are defined as follows:

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

Based on the separation distance between the proposed development and surrounding land uses, technical studies have been provided by the applicant (acoustic report, dust management plan and traffic impact assessment) to demonstrate that the buffer distance provided is adequate.

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

Comment

The officer is of the view that the proposed land use is compatible within the rural environment, mainly due to rural land generally being large in area and best suited to provide adequate set back distances to adjoining properties and sensitive land uses.

Notwithstanding the above, an extractive industry would not be viewed as being compatible within the rural living environment which is set aside for low density residential purposes.

The relationship between the development and the surrounding land uses, particularly Woodridge Estate (given the separate zoning), is a point of contention. The officer is of the view, when considering the context of the development area in relation to the topography of the land, setbacks to sensitive receptors, the technical studies provided by the applicant and management measures capable of mitigating potential impacts, that the development is capable of co-existing within the locality.

Further effort can be made by the applicant to reduce the visual impact of the development on lots to the south and west by additional vegetation being planted.

(n) The amenity of the locality including the following:
(i) Environmental impacts of the development;
(ii) The character of the locality;

Comment

Amenity is defined under the Deemed Provisions as:

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

Potential impacts on the amenity of the locality and more specifically on sensitive receptors in Woodridge are viewed as a key consideration. Amenity can be impacted by matters such as dust, noise and visual appearance, all of which are addressed separately below. The existing character and amenity of the locality has been outlined above in addressing the objectives of the zone.

Environmental Impacts

The development area is generally clear of remnant vegetation. The area is not identified as containing threatened and priority flora or fauna, or threatened and priority ecological communities. The development utilises an existing access track to avoid land clearing. The environmental impacts therefore appear to be minimal.

Noise

The regulatory regime relating to noise control and management in Western Australia is established by the *Environmental Protection Act 1986 (EP Act)* and, in particular, the *Environmental Protection (Noise) Regulations 1997 (Noise Regulations)*. The Noise Regulations set out the maximum permissible noise levels for land uses based on levels, frequency and matters such as impulsiveness and tonality. It is generally accepted that land uses that will cause noise impacts on adjoining properties that exceed the maximum noise permitted by the Noise Regulations are not acceptable in the context of development control.

The acoustic assessment report accompanying the application has been prepared to assess the potential noise emissions from the operation against allowable levels stipulated under the Noise Regulations. This report was undertaken by a qualified acoustic consultant and concludes as follows:

> *"Noise received at the nearest residential premises has been determined, to be 44 dB (A) for the limestone operations for the highest noise level at any stage of the operations. This can be compared to the applicable assigned noise level criteria of 45 dB (A).*
>
> *The above assessable noise levels have been considered to contain tonal characteristics and therefore, contains a +5 dB (A) penalty.*
>
> *Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the Environmental Protection (Noise) Regulations 1997 for the operating times as outlined in this assessment, even with the inclusion of a +5 dB(A) penalty for tonality."*

The acoustic report therefore determines that the development is able to comply with the Noise Regulations.

The officer has suggested that a condition be imposed requiring a Noise Management Plan (NMP) to be submitted to the Shire and subsequently adhered to, that will also incorporate a complaints register. Appropriate signage is to be located at the perimeter gates identifying the contact details to submit any concerns or complaints that may arise, with such complaints and concerns to be assessed and resolved by the operator prior to referral to the Shire.

Dust

Developments of this nature typically operate subject to a Dust Management Plan (DMP) to avoid amenity impacts caused by airborne dust. The submitted DMP takes into account prevailing weather conditions and the proximity of the development in relation to sensitive receptors.

The proposed development has multiple sources that potentially generate dust, such as vehicle movements, material extraction, loading of materials and stockpiled material. The DMP proposes to use sprinklers throughout the site which are capable of being moved should additional dust suppression in certain areas be required. The plant equipment onsite includes a water truck with a 12kl capacity to wet down the vehicle manoeuvring and access areas.

The topography of the land does provide a natural bund to receptors located east of the pit, which is noteworthy given the prevailing winds and direction of Woodridge from the development area. This notwithstanding, given the potential impacts on amenity that dust may cause, ambient air quality monitoring on the eastern, northern and western boundaries of the subject land (adjacent to Woodridge and the intensive horticultural operation respectively) is suggested to determine the adequacy of the dust suppression measures.

The proposal to stockpile material up to 12 metres in height does not occur elsewhere in the Shire. General conditions on extractive industries restrict stockpiles to a height of 4.5 metres from natural ground level. Given the prevailing weather conditions and proximity to Woodridge, the officer is of the view that this should be reduced further to a height of 3 metres. This is to reduce the potential for wind-blown dust and also to lessen the visual prominence of the stockpiled material.

The officer notes that dust is capable of adversely impacting the amenity of neighbouring residents and that all extractive industries, by the nature of the operation, generate dust to some extent. If dust were to become an issue, it would potentially impact multiple sensitive receptors. The officer is therefore of the view, regardless of the suppression methods proposed within the DMP, that dust emanating from the property should be monitored. Furthermore, any approval should be time limited and any future approval extensions granted on the basis that monitoring in the interim period demonstrates that dust nuisances are not being created.

Visual Appearance

The topography of the subject land ranges from 10-12m AHD at the Caraban Road frontage to 45m AHD at the top of the limestone ridge. The extraction pit will largely be screened from view by vegetation adjacent to the northern and eastern property boundaries, however the topography and positioning of the pit face, being on the western side of the ridge, alleviates the visual appearance from Woodridge.

Views of the development when approaching the site from the north along Caraban Road will be restricted due to the existing Tuart trees, however the development will be visible from the southern portion of Caraban Road and Barragoon Road. Additional vegetation screening could be provided adjacent to these locations to further reduce the visual prominence of the development.

The applicant notes that these areas are less utilised than the northern portion of Caraban Road, however the pit life of 30 years (if approved for that duration) will likely see change to usage of this area should approved developments in the locality proceed. On that basis, the officer is of the view that additional screening is warranted to further reduce the visual impact the development may pose on the locality.

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

Comment

The Moore River is located ~ 820m west of the development area. The development is not anticipated to have any impact on the Moore River given this significant setback. Extraction will not intercept groundwater. As such, the natural environment and water resources are not anticipated to be adversely impacted by the development.

(p) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

Comment

The applicant intends to install vegetation along the northern and eastern boundaries. The lodgement of a Landscaping Plan will ensure a sufficient vegetation buffer is installed and maintained to the Shire's satisfaction.

(r) The suitability of the land for the development taking into account the possible risk to human health or safety;

Comment

Many submissions raised human health concerns in relation to exposure to silica dust. The relevant state agency to provide comment on matters of public health, being the Department of Health, has not raised any concern with respect to silica-related disease.

The officer has reviewed similar extractive industry assessments and notes that other local governments have acknowledged that no evidence exists to verify that silica-related diseases result from non-occupational exposure to respirable silica from extractive industries such as that proposed. This development does not seek to extract silica sand.

Exposure to the respirable fraction of silica generally needs to be continuous and for extended periods of time (e.g. employees working in an enclosed area where the airborne particles are unable to dissipate as readily) for it to present health risks.

The officer notes that a similar circumstance occurred in the Shire of Harvey, where the applicant in that case provided the following statement:

> *"Exposure to respirable crystalline silica can occur anywhere that fine particles of silica dust are present in the air. Everyone is exposed to very low levels of respirable crystalline silica dust on a day to day basis because this naturally occurring substance is so abundant. However, experience indicates that environmental exposure to silica dust (even for people living in the vicinity of quarries) are not sufficiently high to cause any disease (European Industrial Minerals Association, 2014).*
>
> *Non-occupational exposure occurs naturally due to wind erosion. Farming, construction, and demolition activities also contribute to environmental exposure of crystalline silica. However, exposure to the respirable fraction of silica occurs mainly in industrial and occupational settings with continuous and extended periods of exposure (National Cancer Institute 2019). This is supported by a study in California regarding non-occupational exposure to respirable silica from sand quarries, whereby there were no reported cases of silica-related diseases (Bhagia 2012)."*

Given the above, the officer is of the view that the proposed development is not considered to be a risk to human health or safety.

(s) The adequacy of -
(i) The proposed means of access to and egress from the site; and
(ii) Arrangements for the loading, unloading, manoeuvring and parking of vehicles;

(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

Comment

The development will be serviced by a crossover from Caraban Road, with all traffic entering and departing the site travelling to and from the north via the intersection between Caraban Road and Indian Ocean Drive. The applicant has submitted a Traffic Impact Statement prepared by Transcore which outlines that the development will be operated by three staff in a single shift.

In addition to staff/visitor movements by private passenger vehicles, extraction material will be transported from the site using heavy vehicles such as 19m semi-trailers and 27.5m B-Doubles. Caraban Road is classified as a RAV 4 road and as such carries heavy vehicle compositions of up to 27.5m in length.

The officer suggests that the proponent be required, via a condition, to enter into a deed of agreement with the Shire of Gingin for the upgrade of the intersection between Caraban Road and the crossover at their expense. The intersection works are to be to an asphalt standard.

(y) Any submissions received on the application;

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

The officer has addressed the main concerns raised under the stakeholder consultation section above. The officer is of the view that the issues raised have been addressed by the technical studies and can be adequately addressed through conditions of approval.

The officer further notes that an assessment of an application cannot be determined on the mathematic ratio between those in support and those in opposition to the development. Determination must be made having regard to comments received in the context of the planning framework and methods proposed to ameliorate potential impacts.

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

The Local Law guides the formal licensing of extractive industries throughout the Shire to monitor ongoing operational aspects of the use. The officer is of the view that, once revised management plans have been submitted as per suggested conditions of approval, an EIL can be issued.

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

Summary

The officer is of the view that the subject land can accommodate the proposed extractive industry, provided that appropriate planning conditions and management plans are in place to ensure off site impacts can be controlled in a manner that won't adversely affect the amenity of the locality, and will uphold the objectives of the General Rural zone.

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

POLICY IMPLICATIONS

State Planning Policy 2.4 – Basic Raw Materials
State Planning Policy 2.5 – Rural Planning
Guilderton to Kalbarri Sub - Regional Strategy.

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 - 2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council grant Development Approval for an Extractive Industry on Lot M1332 Caraban Road, Caraban subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;

2. 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. This development approval is granted for a limited period and shall expire on 21 September 2031;

4. The approved extraction area is limited to 4 hectares as outlined on the approved plans;

5. The extraction depth is limited to a finished level of 36 metres AHD to the satisfaction of the Shire of Gingin. The extractive industry shall not at any time intercept the water table;

6. Prior to the commencement of the approved use, the landowner/operator is required to upgrade the existing crossover at their expense to the satisfaction of the Shire of Gingin. The landowner/operator shall maintain the crossover in a good condition thereafter to the satisfaction of the Shire of Gingin;

7. Prior to the commencement of site works, the landowner/operator shall enter into a Deed of Agreement for the upgrade on the intersection between Caraban Road and the internal access crossover to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the preparation of the Deed (including all drafts);

8. Prior to the commencement of the approved use, the works specified in the Deed of Agreement for the upgrade on the intersection between Caraban Road and the internal access crossover shall be undertaken at the expense of the landowner/operator to the satisfaction of the Shire of Gingin;

9. Prior to commencement of the approved use, a Site Management Plan (SMP) shall be submitted to and approved by the Shire of Gingin. The SMP is to be implemented and adhered to thereafter to the satisfaction of the Shire of Gingin;

10. Prior to commencement of the approved use, the landowner/operator shall install dust deposition gauges along the northern, eastern and western property boundaries to monitor ambient air quality including the presence of dust and silica particles. The monitoring data (including a summary of the results) is to be provided to the Shire annually as part of the Extractive Industry License renewal process, or within 28 days upon written request;

11. All traffic associated with the approved use is to access the site from the north via Caraban Road. Vehicles associated with the approved use are prohibited from using the internal access roads of Woodridge Estate.

12. Prior to commencement of the approved use, the landowner/operator shall demonstrate to the satisfaction of the Shire of Gingin that an adequate water supply has been secured to service the development;

13. Prior to commencement of site works, a Landscaping Plan (LP) is to be submitted to and approved by the Shire of Gingin. The LP is to provide screening along a portion of the northern, eastern, western and southern frontages to mitigate visual prominence of the development;

14. Prior to commencement of the approved use, the Landscaping Plan is to be installed and thereafter maintained to the satisfaction of the Shire of Gingin;

15. Prior to commencement of the approved use, a Rehabilitation Bond in the amount of $7,664 is to be paid to the Shire of Gingin;

16. Materials associated with the approved development are to be stockpiled within the development area and limited to a height of 4 metres from natural ground level;

17. The transportable building (office) shall not be used for human habitation and external cladding shall be kept in good condition to the satisfaction of the Shire of Gingin;

18. The approved development can only operate during the following times:

    Monday – Friday: 7:00am – 6:00pm.
    Saturday: 7:00am to 5:00pm.
    No activities shall occur on public holidays.

19. Truck loading activities shall cease at 12:00pm on Saturday, with only loader operations permitted between 12:00pm and 5:00pm.

Advice Notes:

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

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

Note 3: In relation to the lodgment of a Site Management Plan, the Plan is, at a minimum, to outline the following:

a. Rehabilitation Plan – Proposed contouring and rehabilitation works during and at the conclusion of the extraction stages are to be specified. This is to also include decommissioning works should the extraction pit/approved development be mothballed for a period of 12 months or longer and/or decommissioned.

b. Dust Management Plan shall incorporate the following:
   (i) Dust suppression methods for access ways, trafficked areas and stockpiles are to be outlined.
   (ii) The inclusion of a complaints register system specified.
   (iii) The inclusion of ambient air quality monitoring of the northern, eastern and western lot boundaries.
   (iv) In the event that dust is disseminating beyond the property boundary as a result of the development being undertaken, the activity shall cease forthwith until such time as either favorable weather conditions enable the activity to recommence, or dust suppression measures are implemented to the satisfaction of the Shire of Gingin.

c. Staging Plan – The Staging Plan is to outline the staging of the extraction works within the approved area.

d. Weed and Disease Management - Detail the management of grasses, weeds and disease nuisances within the development area.

e. Stormwater Management – This is to demonstrate that the development is able to manage stormwater onsite and that the extraction pit is able to drain adequately.

f. Traffic Management Strategy – This is to detail the route traffic will utilise to avoid the local road network within Woodridge Estate.

g. Noise Management – This is to formalise the acoustic report findings and provide a commitment to comply with the *Environmental Protection (Noise) Regulations 1997*.

Note 4: The development requires an Extractive Industry License to be issued by the Shire of Gingin prior to extraction occurring and which will be subject to periodical renewal in accordance with the Shire's *Extractive Industries Local Law 2004 (as amended).*

Note 5: Please be advised that the Shire of Gingin will not issue an Extractive Industry Licence should the annual (or as required) survey plan be inconsistent with the approved plans or accompanying documentation forming part of this approval, or if rehabilitation works are incomplete.

Note 6: Once rehabilitation works have been finalised, the landowner/operator may apply to the Shire of Gingin for the rehabilitation bond to be returned.

Note 7: Backfilling of the excavation pits with landfill is prohibited.

Note 8: In relation to the Deed of Agreement, the Shire is of the view that the intersection between Caraban Road and the access crossover is to be to an asphalt standard.

Note 9: In relation to the installation of a crossover, please be advised that the Crossover Specification Type B outlined within the Shire's Crossover Specification Drawing Number SoG/STD-04 dated January 2021 is applicable.

Note 10: In relation to the upgrade of a new crossover, please note that a crossover application form is to be submitted to the Shire's Operations and Assets Department. The application form can be found on the Shire's website at the following link: https://www.gingn.wa.gov.au/services/operations.aspx.

Note 11: Please be advised that clearing of native vegetation is prohibited in Western Australia, unless the clearing is authorised by a clearing permit obtained from the Department of Water and Environmental Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986* or *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Note 12: Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application.

Note 13: If any interception of groundwater occurs, work shall cease and an advice notice provided to the Department of Water and Environmental Regulation within 48 hours, followed by agreed remedial action.

Note 14: The proponent is reminded of obligations under the *Aboriginal Heritage Act 1972* in relation to the discovery of unknown heritage places during excavations.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council refuse the proposed Extractive Industry on Lot M1332 Caraban Road, Caraban, in accordance with clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. The proposed development is inconsistent with the recommended separation distance to sensitive receptors as outlined under the 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3';

2. The proposed development is not compatible with development on surrounding land or the locality in general, and is not consistent with the desired future character of the locality, contrary to Clause 67 (m) (i) (ii) of the deemed provisions;

3. The proposal will adversely affect the amenity and character of the locality by way of noise, dust, increased traffic and visual appearance contrary to Clause 67 (n) (ii) and (t) of the deemed provisions;

4. Insufficient information has been provided to demonstrate that the proposed development would not cause possible risk to human health by way of silica dust emissions contrary to clause 67 (r) of the deemed provisions;

5. Insufficient information has been provided to demonstrate that the vegetation onsite is not used as roost areas or nesting sites for the Carnaby's Black Cockatoo;

6. The proposed development is inconsistent with clause 67 (x) of the deemed provisions as it will have an adverse impact on the community as a whole which is demonstrated by the significant number of adverse submissions received during stakeholder consultation.

CARRIED UNANIMOUSLY
6 / 0

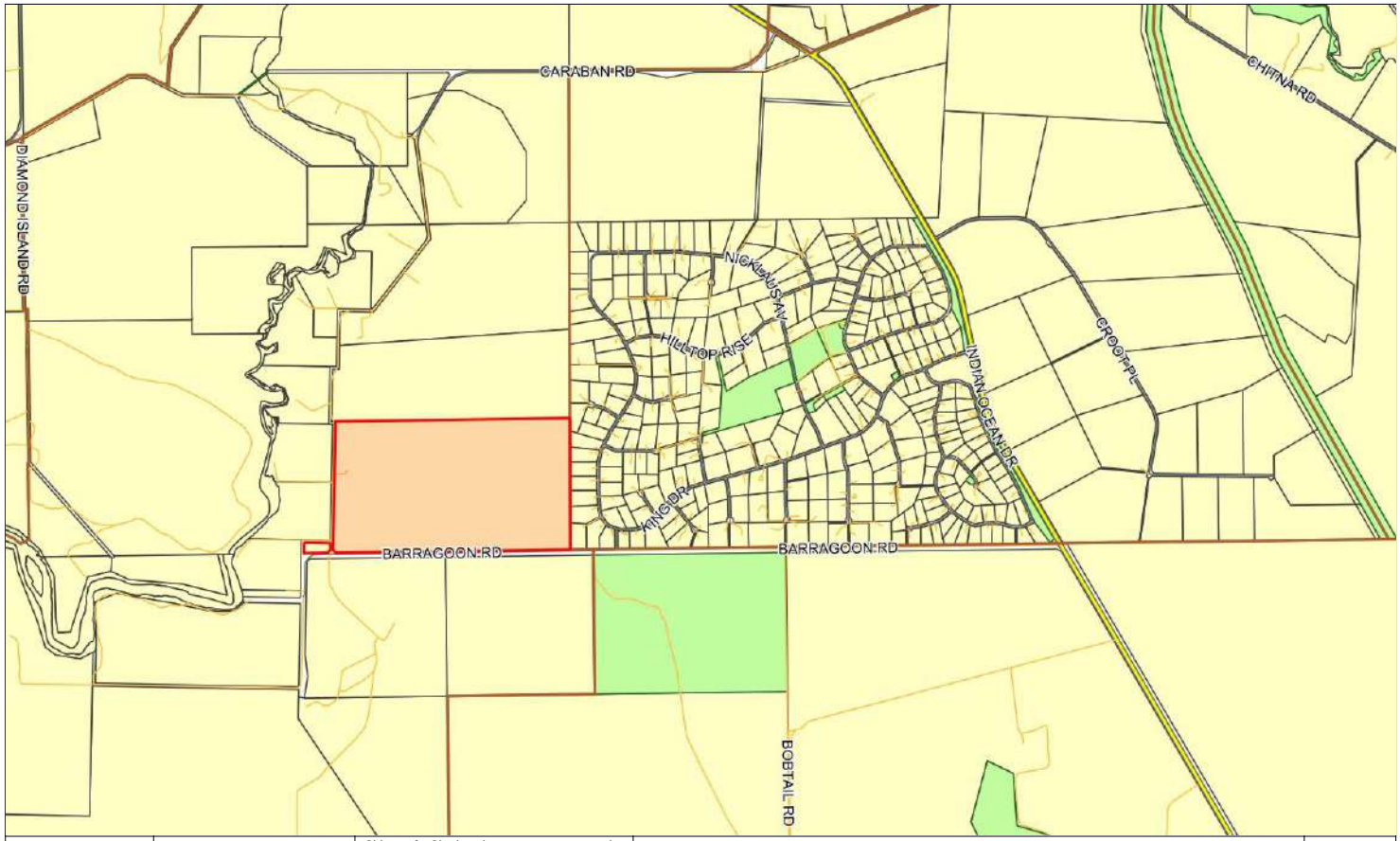
FOR: *Councillor Fewster, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

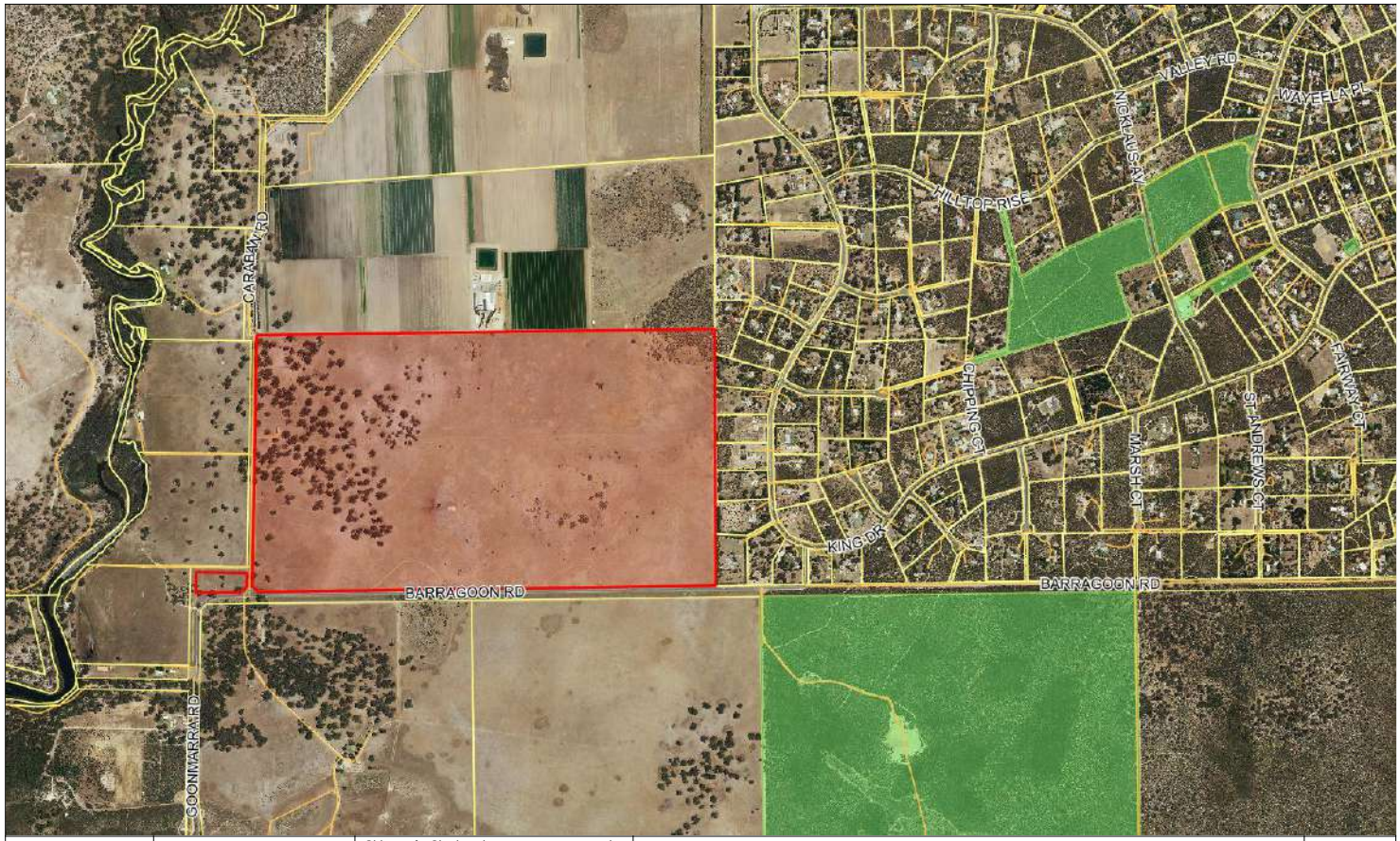
REASON FOR ALTERNATIVE MOTION

As set out in the Alternative Motion.

Councillor Rule returned to the meeting at 3.42pm and was advised of Council's decision.



GINGIN	7 Brockman St Gingin WA 6503 P: 08 9575 2211 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Location plan - Lot M1332 Caraban Road, Caraban Scale: 1:37436 Date: 3/08/2020	N



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Intended for
Sheepco Pty Ltd

Document type
Report

Date
July 2020

DEVELOPMENT APPLICATION FOR EXTRACTIVE INDUSTRY – LOT M1332, CARABAN ROAD, GINGIN

RAMBOLL Bright ideas. Sustainable change.

DEVELOPMENT APPLICATION FOR EXTRACTIVE INDUSTRY – LOT M1332, CARABAN ROAD, GINGIN

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1. INTRODUCTION

Sheepco are the proponents for an extractive industries development on Lot M1332 Caraban Road in Gingin. Sheepco has commissioned Ramboll to assist with the various approvals and related technical matters for the extractive industries development.

This report presents a formal Development Application (DA) for an extractive industry use to be carried out on Lot M1332. It is to be lodged pursuant to the provisions of the Shire of Gingin Local Planning Scheme No. 9 (LPS).

The provisions of the LPS give Council the discretionary power to approve the use class – *extractive industry* - in the General Rural zone. However, for this use class it is mandatory that the DA is advertised as per clause 64 of Schedule 2 Part 8 Planning and Development Regulations 2015.

In addition to this DA, Ramboll has also prepared applications for:

- an extractive industries licence under the Shire of Gingin's extractive industry bylaws; and
- an application for a works approval under Part V of the Environmental Protection Act.

It is intended that these related applications proceed concurrently with the DA.

The completed DA form – clause 86(1) form of application for development approval – is attached at Appendix 1 of this report.

2. PROPOSED DEVELOPMENT

2.1 Land Description

Lot M1332 is located at 551 Caraban Road Caraban in the Shire of Gingin. The site is formally described as Lot M1332 on Volume 1684 Folios 921 and 922. Lot M1332 is 382 acres in area. Copies of the Certificates of Title are in Appendix 2.

Lot M1332 was formerly portion of a larger grazing property held by the King, Farmer, Sykes and Woolcock families. The individual titles that made up the former grazing property have now been separated into the individual land portions. The proponents are now seeking to realise the potential of the high quality Basic Raw Materials (BRM), including limestone and sand, on Lot M1332.

The location context of Lot M1332 is shown on Figure 1 - the aerial photo and contour plan below. Key features of the site that are evident from Figure 1 are:

- Adjoining uses include the Woodridge special rural zone to the east and the active market garden to the north.
- The eastern portion of Lot M1332 is cleared with some remnant natural vegetation in the north west of the site.
- The limestone and sand resources are clear as Lot M1332 rises east of Caraban Road to a ridge in the central part of the site.

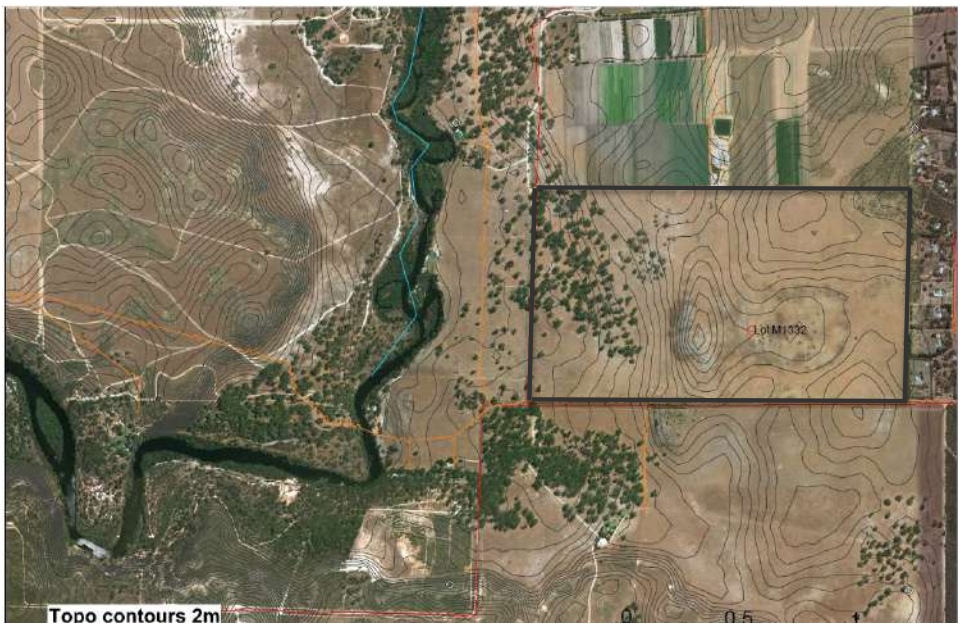


Figure 1 - AERIAL PHOTO AND CONTOUR PLAN

2.2 Project Description and Key Characteristics

2.2.1 Site Plan

A Site Plan has been developed for the extractive industry proposal on Lot M1332 – refer to Figure 2 below. A full scaled version of this Figure is also in Appendix 3.

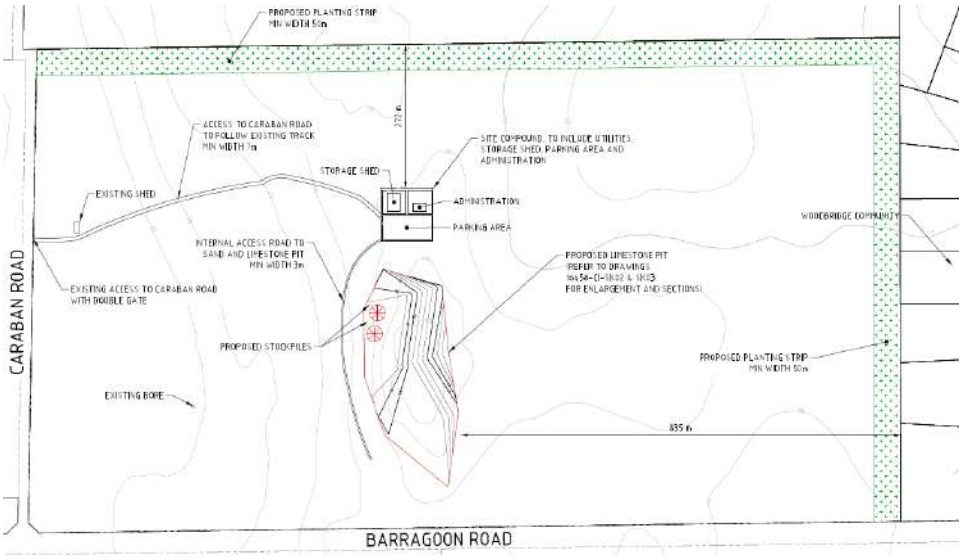


Figure 2 – SITE PLAN

Key features of the Site Plan are:

- An extractive industry footprint of about 4ha located centrally within the property. This footprint corresponds with the limestone and sand ridges located below.
- The footprint is also defined by a significant, 800m buffer from Woodbridge estate located immediately to the east and a 300m buffer to the intensive horticultural operation situated immediately to the north.
- A dedicated access point to the operation from Caraban Road, located on an existing access point with good sightlines.
- Access for Caraban Road to the operations footprint is via an existing internal track; this will be upgraded to a width of 7m.
- A general indication of the primary face of the materials extraction, being in a north south orientation along the side of the ridge containing limestone and sand. This provides minimal visual impact to the view from the east as the operations will be behind the existing hill.

- The location of administration and storage uses on a relatively flat "saddle" just north of the overall operating footprint.

- Two substantial planting areas located along the eastern and northern boundaries. These landscaping areas are proposed as visual and dust impact buffers for the Woodbridge community and the market garden land use respectively.

2.2.2 Operational Plant and Equipment

The Proponents will operate the following plant and machinery on the site:

- 1 Excavator
- 1 Front End Loader with 3 MT bucket scales
- 1 dump truck
- 1 crusher
- 1 screen
- 1 sieve
- 1 conveyor
- 1 site office
- Storage shed
- Electronic Site Monitoring and movement recording
- Water Truck with Fire facilities.

The plant and items of equipment will be stationed west of the pit face to provide a visual, dust and noise buffers from Woodbridge to the east and the market garden to the north. The site office and storage shed will be situated within a separate compound to the north of the pit – refer to Figure 2.

2.2.3 Key Characteristics

2.2.3.1 Pit Life and Dimensions

The Proponents estimate the footprint of the pit operations is in the order of 4ha. This will produce a 30-year operational life of the resource (1,000 MT per day).

The Proposed Limestone Pit Plan and Sections in Appendix 3, document the design of the pit and the extractive industry operation. Essentially the pit will develop from north to south with the section details defining separate stages of extraction.

2.2.3.2 Transport

Transport of the product from the site will utilise the following routes:

- A right turn from the site into Caraban Road, heading north to the intersection with Indian Ocean Drive; then
- Generally, a right turn into Indian Ocean Drive to the market which will be southwards to the northern suburbs of the metropolitan region.

There is potential also for Agricultural lime to be transported to the Wheatbelt areas to the north and east, so a secondary traffic route will involve a left turn at the Indian Ocean Drive/Caraban Road intersection.

A Transport Impact Statement (TIS) report has been prepared with respect to the proposal, by specialist transport planners – Transcore. The TIS is at Appendix 4 of this report. Key conclusions of the TIS are summarised below:

- The proposed facility takes access from Caraban Road about 550m north of the Barragoon Road intersection.
- The proposed development is expected to generate approximately 46 (both inbound and outbound) total daily trips on a regular day. The development-generated traffic will primarily comprise staff traffic and heavy vehicle traffic associated with the transport task. The staff (and occasional visitors) would be using mostly passenger cars and 4WD while heavy vehicle traffic would be undertaken primarily using 19m semi-trailers and 27.5m B-Doubles.
- The additional traffic from the proposed development is not expected to have significant impact on the operation of Caraban Road traffic and as such no upgrade to existing road structure is recommended in accordance with the assessments undertaken against Austroads and Main Roads WA guidelines. Caraban Road is already classified to accommodate RAV 4 vehicles.
- Similarly, upgrade of the existing Indian Ocean Drive/Caraban Road intersection is not required as this intersection is classified to accommodate RAV 4 vehicles and has recently been upgraded.

2.2.3.3 Water Supply

Lot M1332 is currently serviced by an existing bore as shown on the site plan – Figure 2. This bore will provide the initial supplies needed to establish the extractive industry development on Lot M1332. A second bore is also available for immediate use. The details of the two existing bores are shown in Appendix 5. Operational water supply may be augmented with an additional bore, the licence for which is currently being sought.

2.2.3.4 Transportable Office and Storage Shed

A transportable office building will be assembled on the site within the administration compound north of the pit site. The dimensions of the transportable office are 3m by 5m. A photograph of the type of office building to be erected on the site is shown below in Figure 3. Figure 4 shows an indicative plan of the office building.

Figure 3 – PROPOSED TRANSPORTABLE OFFICE



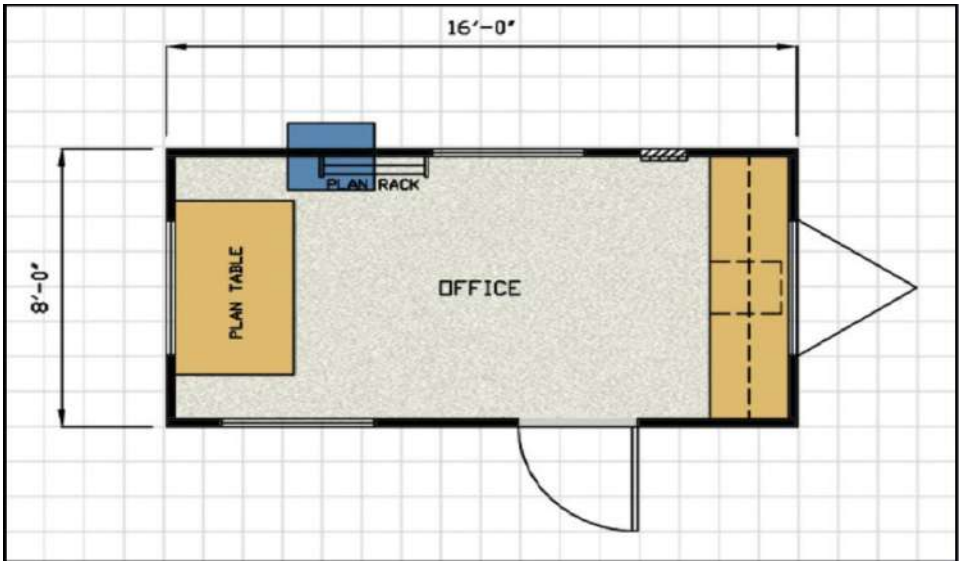


Figure 4 – PROPOSED TRANSPORTABLE OFFICE FLOOR PLAN

3. PLANNING FRAMEWORK

3.1 Shire of Gingin Town Planning Scheme No. 9

3.1.1 Zoning of the Site and the Surrounding locality

Lot M1332 is zoned 'General Rural' under the Shire of Gingin's Town Planning Scheme No. 9 (TPS 9). Land to the north, west and south of the site is also zoned General Rural. The Woodbridge 'Rural Living 2' zone is located immediately to the east of Lot M1322. 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 objectives of the 'General Rural' zone as set out in Clause 3.2.7 of the Scheme, are 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.*

3.1.2 Other TPS Provisions

Under this zoning a Development Application will be required pursuant to the provisions of Local Planning Scheme No. 9 (LPS). The provisions of the LPS give Council the discretionary power to approve the use class – *extractive industry* - in the General Rural zone. However, for this use class it is mandatory that the DA is advertised as per clause 64 of Schedule 2 Part 8 Planning and Development Regulations 2015.

3.2 Shire of Gingin Local Planning Strategy

3.2.1 Guilderton Locality

The Shire of Gingin Local Planning Strategy (LPS) intends to provide an expression of Council's vision for the Shire of Gingin over the next 15 – 20 years. The LPS documents development guidance for land within the municipality, setting out strategies for various sectors including housing, industry, retail, business, transport and community.

More specifically to this application, the Strategy provides specific guidance for the rural zoned areas around Guilderton. Refer to Figure 5 - the extract from the LPS for the district around Guilderton. The objectives for the Guilderton region are further expanded in the LPS 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.*

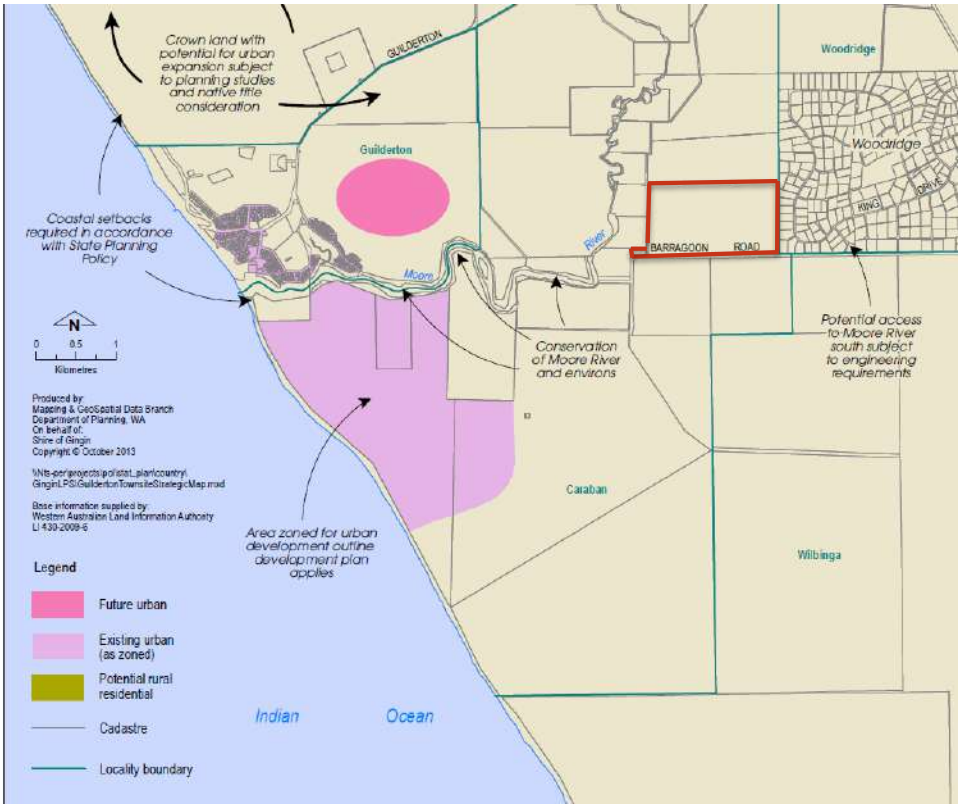


Figure 5 - EXTRACT FROM THE LPS – GUILDERTON DISTRICT

3.2.2 Basic Raw Materials

The Local Planning Strategy also identifies the richness and importance of Basic Raw Materials in the Gingin area. These include limestone, lime sand, gypsum and dolomite in the coastal foreplain.

Deposits of lime sand and limestone of moderate to high quality grade are suitable for cement and lime manufacture. In addition, lime sand extracted in the Shire of Gingin is used for agricultural purposes to assist in arresting soil acidification in farming districts. The lime sand is transported using designated lime sand truck routes.

The major raw material extraction activities occur on the limestone deposits adjacent to the coastal areas of the Shire, relatively close to all coastal towns, which service the demand for lime sand from across the agricultural Wheatbelt.

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

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

3.3 WAPC Statement of Planning Policy No 2.4 - Basic Raw Materials Policy (October 2018)

This policy document seeks to enable the responsible extraction of BRM, while ensuring the protection of people and the environment. The policy notes that ensuring broad compatibility between land uses is essential to delivering this outcome. The more specific objectives of this policy are to:

"(a) provide guidance to facilitate the planning of BRM extraction from sites, where such extraction is considered appropriate on planning and environmental grounds;
(b) protect BRM in Significant Geological Supply (SGS) areas by avoiding encroachment from incompatible land uses and associated conflicts until the resources have been extracted;
(c) ensure considerations relating to the extraction of BRM and the regional importance of the materials are considered in the early stages of the planning process including scheme amendments, planning strategies and structure plans;
(d) support the efficient and sustainable use of BRM by ensuring land use planning and zoning decisions are cognisant of likely requirements for BRM in site preparation and construction recognising that BRM are finite resources;
(e) prioritise the extraction and availability of BRM through the identification of sequential use sites and planned extraction and remediation as appropriate for the final intended land use;
(f) ensure that the use and development of land for extraction of BRM, during or after extraction, avoids, minimises and mitigates detrimental impacts on the community and environment, including water resources and biodiversity values, while allowing for future use, consistent with long term planning."

3.4 State Planning Policy 4.1 State Industrial Buffer Policy

This policy provides for the safety and amenity of surrounding land uses while having regard to the rights of landowners who may be affected by residual emissions and risk. The policy establishes objectives and principles and how the principles should be applied to define and secure buffer areas and who should pay for them.

The specific objectives of this policy are to:

- *provide a consistent statewide approach for the definition and securing of buffer areas around industry, infrastructure and some special uses*
- *protect industry, infrastructure and special uses from the encroachment of incompatible land uses*

- *provide for the safety and amenity of land uses surrounding industry, infrastructure and special uses*
- *recognise the interests of existing landowners within buffer areas who may be affected by residual emissions and risks, as well as the interests, needs and economic benefits of existing industry and infrastructure which may be affected by encroaching incompatible land uses.*

Given that Lot M1332 is a new, privately owned extractive industry development, buffers to adjoining uses will be incorporated with the property. The proponents have had regard to the recommendations of the WAPC Statement of Planning Policy No 2.4 Basic Raw Materials (Applicants Guide) and included an 800m buffer to the Woodbridge community and a 300m buffer from horticultural uses to the north. See Checklist 4.2 response below.

3.5 Implications of the Planning Framework for Extractive Industry on Lot M1332

The Town Planning Scheme anticipates extractive industry as a potential use in the area, setting up a framework where the use is permitted subject to advertising and formal consideration by Council. This reflects the current situation where there are several existing extractive industries nearby that are operating in a compatible way with surrounding uses.

The Local Planning Strategy also seeks to develop the Guilderton district in an orderly way with uses that are compatible with the existing rural environment and longer term urban/tourist uses. There is specific mention of the sequential process of development and the need to be flexible in the short term, while keeping a focus on the longer term. Extractive industry on Lot M1332 achieves this balance. It is needed for short term development but at the same time is a finite resource with a life of about 30 years. Rehabilitation and closure plans will ensure that longer term uses are not compromised.

The Basic Raw Materials policy documentation has been prepared to protect the importance of BRM to the efficient development the Perth region and its hinterland. The proposed buffers on Lot M1332 comply with the State Industrial Buffer policy.

4. RESPONSE TO BRM CHECKLISTS

4.1 Overview

The BRM Applicants Manual recommends Applicants consider the following two checklists when preparing an extractive industry proposal.

- Checklist 1 - 'Site selection considerations' includes issues that should be considered when selecting a site for extractive industries.
- Checklist 2 - 'Application submission checklist - local government' includes standard requirements for local government development applications.

These checklists highlight the issues local governments should consider when assessing proposals for extractive industries to ensure submissions are complete.

The tables below contain a response to the checklist requirements for the development of an extractive industry on Lot M1332.

4.2 Checklist 1 – Site Selection Considerations

Checklist 1 Requirements	**Response for Lot M 1332**
Environmental attributes	
The site is not listed for conservation purposes.	Lot M1322 is not listed for conservation purposes.
The site provides recommended setback to existing wetlands, water courses and drainage lines.	There are no existing wetlands, water courses and/or drainage lines on Lot M1322. The extractive industry will be 1.4 km east of the Moore River, a distance that ensures minimal impact.
The proposal will not involve clearing of native vegetation. That is, the site is bare of vegetation from previous uses or does not contain bushland of significant quantity.	The proposed extractive industry on Lot M1322 does not involve any clearing of Native Vegetation.
The proposal will not involve the disturbance of acid sulfate soils (ASS).	Searches of the Department of Water and Environmental Regulation databases indicate that Lot M1332 is not within areas of ASS risk.
The site is not considered priority agricultural land	Lot M1322 is not priority agricultural land.
The site is not in the flood plain or has a high ground water table.	Lot M1322 is 1.4 km east of the Moore River and is on a rise some 38m higher than the river. The depth to groundwater at the southern boundary is about 2m
Planning considerations	(DWER database).
The site has not been denoted as unacceptable or mapped as an exclusion Area for BRM extraction and proposals aligns with defined SGS areas or ES.	Lot M 1322 has not been denoted as unacceptable or mapped as an exclusion Area for BRM extraction. There are several existing limestone extraction operations in the immediate locality. The proposal aligns with defined Strategic Geological Supply area and Existing Sites.
The nature of the proposed activity is consistent with the current and proposed zoning or represents a sequential land use opportunity for future development, considering future timeframes.	Under the current General Rural zoning a Development Application (DA) is required. The provisions of Local Planning Scheme No. 9 (LPS) give Council the discretionary power to approve the

	use class – *extractive industry* - in the General Rural zone. The DA must be advertised for public comment. The use of Lot M1332 for extractive industry is a temporary activity in that it will cease when the resource is finished. This is expected to be in about 30 years. When the use ceases, the land will be rehabilitated such that it can be incorporated into an urban framework as the settlement of Guilderton grows and expands.
The timeframe of the proposed activity considers the long-term impacts on local communities and future land uses proposed within the vicinity or separation distances to sensitive land uses.	The extractive industry use will be in place for about 30 years which is the extent of the resource. Impact on surrounding uses over this period will be managed through conventional means, including noise and dust management plans.
Appropriate separation distance to existing infrastructure such as public drinking water supply bores, water mains are maintained.	Lot M1322 is 1.4 km east of the Moore River and is on a rise some 38m higher than the river. The depth to groundwater is about 2m (DWER database).
Site location considerations	
The proposed activity is compatible with surrounding land uses	The locality surrounding Lot M1332 is characterised by a variety of uses. This is to be expected on the fringe of a coastal settlement like Guilderton which itself is at the end of the city's urban front. In this context and with the planned management strategies for dust and noise emissions, the proposed activity is compatible with surrounding uses.
The site does not contain any heritage, Aboriginal or European.	Lot M1332 does contain recorded Aboriginal heritage sites. These sites are centred on the Moore River.
The proposed activity will not cause disturbance to the amenity of the area	The development will introduce extractive industrial uses into the area. While these new uses will have impacts, the impacts such as noise and dust will be actively managed.
The site has safe access to major roads, and existing roads are in good condition. The access roads proposed are suitable for the volume of traffic and type of heavy vehicles	The transport route into the site is via Indian Ocean Drive; then Caraban Road. All these roads are of a high standard and able to accommodate the traffic expected. Refer to the TIS at Appendix 4.
The site is not in a visually significant location, such as on a ridge, or visible from major roads and will not have a negative visual impact on major roads, scenic areas or adjoining properties	Lot M1332 is located on a ridge. However, the Concept Plan shows that the excavation will commence behind the ridge when viewed from the east – Woodbridge. It will be visible from Caraban Road but only in the distance, looking up the hill.
The site provides an adequate separation distance to sensitive land uses such as (but not limited to) residential or special rural area, existing dwellings in a rural area, schools or hospitals. Depending upon the nature of the BRM operations separation distances should be 300 metres to 1000 metres	The Concept Plan shows the 800m separation from the Woodbridge community and 300m from the horticultural uses to the north. With the management plans in place to control and manage dust and noise emissions, these separation distances will be adequate.

Scheme water availability and the potential a ground or surface water license under the Rights in Water and Irrigation Act 1914	Scheme water is not available. The proponents will be applying for bore licences under Section 5C of the Rights in Water and Irrigation Act 1914 (RIWI). An existing bore will be utilised as well.
Operational issues such as hours of operation, noise and dust monitoring and site access are addressed with the view to minimising any potential noise or dust issues for surrounding sites	Operating hours are 7am to 7pm, Monday to Friday and 7am to 4pm on Saturday. Closed on Sunday.
Other relevant State and local planning policies and strategies, including but not limited to the following have been addressed: – State Planning Policy 2.4 Basic Raw Materials – State Planning Policy 4.1 State Industrial Buffer Policy – extractive industry local laws – local planning scheme provisions – region scheme planning provisions	Refer to section 3.

4.3 Checklist 2 – Application submission checklist - local government

Legal considerations	
Written consent from owners of site	Available
DWER approval – clearing permit, Rights in Water and Irrigation licensing (where applicable)	DWER works approvals are being sought. A clearing permit is not required because no clearing is proposed.
Extractive industry license	EIL will be lodged concurrently with the DA and Part V works approval applications.
Local government submission form and fees	Is provided
WAPC submission form and fees (where applicable)	N/A
Certificate of title	Is provided
Site Details	
Existing and proposed land contours	Existing and proposed contours are provided.
Description of land – roads, boundaries, fences, existing buildings, water resources including groundwater levels, ridge lines and existing vegetation	Details provided in Section 2
Proposed extractive industry details and staging plan	
Location, total area and depth of proposed excavation including appropriate vertical separation between the highest groundwater table, during and post BRM extraction	Refer to Appendix 3.
Location and proposed maximum height of stockpiles	Refer to Appendix 3.
How much material is proposed to be extracted (on an annual and total basis)	See section 2.2.3.1
Method and route(s) of proposed vehicle access to and from the site	See section 2.2.3.2
Location of proposed buildings, treatment plants and tanks	See Figure 2 - site plan
Details of management of operation	

Management of impacts on water quality, particularly if within a Public Drinking Water Supply Area	Impacts on water quality will be minimal because the extraction operation on Lot M1332 is 1.4km east of the Moore River. Drainage and stormwater management can be achieved using conventional drainage principles.
Noise and vibration attenuation – hours of operation, types of activities such as drilling or blasting, type of vehicles to be used, maximum number of truck movements per day, earth bund locations	Operations will be subject to the Noise Regulations. A noise study has been undertaken which shows how the project will comply with the Noise Regulations and can to inform the development of noise management actions.
Screening – location of screening and species to be planted, staging of operations	Refer to Figure 2
Dust management plan - dust suppression methods, location of stockpile areas relative to prevailing winds	Refer to Section 5.8. A dust management plan will also be prepared.
Environmental management - measures to protect existing vegetation, manage acid sulfate soil, control dieback, manage fire and flood risk, manage storm water run-off and water quality, drainage details, and treatment of wastes	Refer to Section 5. An environmental management plan will be prepared.
Rehabilitation plan	Each stage of the pit development will be rehabilitated as extraction finishes. Rehabilitation will involve replacement with topsoil and seeding with native species. A more detailed Rehabilitation plan is to be prepared.

5. PLANNING ISSUES

5.1 Development Overview

The proposed development of the extractive industry on Lot M1332 is shown on the Site Plan at

Figure 2 and in Appendix 5. Key points of note are:

- The activity footprint is in the order of 20ha with the active pit faces/extraction areas representing 4ha.
- Pits will be a maximum of 10m deep dictated by the existing natural ground level and final finished ground level of 36m.
- The administration area, accommodating the transportable styled office, storage shed and parking area, is located on an existing saddle to the north of the pit areas.

Specific planning issues requiring more detailed commentary have been identified and are discussed in the following sections.

5.2 Details of Excavation Works

5.2.1 Methods of Extraction

Limestone and agricultural lime will be extracted utilising an excavator and a dozer. There will be no blasting undertaken. Once extracted the material will be screened, then loaded to trucks for transfer to customers.

Sand will be extracted using a dozer; the product will be put through a sieve then transferred to trucks for transport to markets.

5.2.2 Extraction Process

The extraction process would commence with topsoil being removed from the excavation area and stockpiled for spreading as part of staged rehabilitation works in the future.

Construction sand would then be removed and stored in a stockpile for delivery to customers.

Once the construction sand product has been excavated, the limestone would be exposed ready to be sourced.

The ultimate depth of the limestone excavation would be to a floor elevation of approximately 36m AHD to match the prevailing natural level of the land surrounding the pit.

The northern extent of the pit would be graded to match the ridge height outside the application area. Any material stockpiles would be retained on the floor of the pit. The pit face will progressively be worked in a southerly direction. A pit face not exceeding 1:10 vertical to horizontal batter will be maintained.

5.3 Site Access and Vehicle Movements

Site access will occur via an existing crossover to Caraban Road and an unsealed driveway that extends in an easterly direction to the development footprint. The speed limit for all vehicles using the driveway, and internal roads, will be 15km per hour.

Truck movements will be on average 4 per hour. Further information and analysis of the impact of these movements on the road network is set out in the TIS at Appendix 3.

5.4 Rehabilitation

Rehabilitation will be undertaken procedurally as the pit moves southwards through the staged extraction process. The excavated areas will gradually be rehabilitated to pasture as pit excavation moves into the new excavation stage.

5.5 Revegetation

The strategies for the proposed revegetation areas are to plant in order to provide a vegetation screen, further concealing operations from Caraban Road, Barragoon Road and Woodbridge. The plan is to also propose revegetation that returns the excavation pit to pasture. This approach has been taken on the basis that the landowner is likely to utilise the site for more traditional rural purposes once the life of the excavation use has ceased.

5.6 Weed Management

The primary purpose of the Weed Management actions is to contain the spreading of weeds to other areas of the land and elsewhere in the locality. Hygiene measures are proposed requiring:

- the containment of topsoil stockpiles to areas close to the original soil source
- control of vehicle access to certain areas of the site
- spot spraying of weed species, particularly within revegetation areas.

5.7 Stormwater Management

It is acknowledged that Lot M1332 is contains a significant natural rise in ground level and drainage management will be required as a result of the extractive industry operations. The resolution of these issues will be guided by a Drainage Management Plan (DMP) prepared as a separate document to guide the operations personnel.

The DMP seeks to manage water on the site by ensuring that the extraction pit drains adequately and does not cause environmental damage through erosion. The DMP proposes to manage stormwater through the diversion of runoff from undisturbed areas away from the extractive pit, whilst run-off from the pit (i.e. disturbed areas) will be directed via catchment drains to the pit floor, where it can infiltrate the ground.

Erosion will be generally managed through the stabilising of disturbed land as soon as practicable, through the appropriate position of stockpiles (flat/gently sloping ground) and through the maintenance of natural drainage lines, amongst other measures.

5.8 Dust Management

5.8.1 Introduction

Dust Management will occur in accordance with the Dust Management Plan that will be approved under the DWER approvals. In summary, the core elements of the dust management regime for the development are documented below.

5.8.2 Sprinkler Systems

- Sprinklers will be connected across the site through a poly pipe system and will be placed around the driveway to manage vehicle dust. Each stockpile will have its own separate impact sprinkler.

- The poly pipe system will allow sprinklers to be moved around the site should additional dust suppression in certain areas be required.
- Water for the sprinklers will be provided by the on-site bore.
- In addition to site sprinkler systems the site will have a 6-wheel water truck with a 12kL water tank.

5.8.3 Stockpiles

- The height of stockpiles will be <12m, and approximately 20m in diameter.
- Stockpiles will be kept separate from each other to maintain product quality.
- The width between stockpiles will be a minimum of 3m to allow either a truck or loader to pass between them.

5.8.4 Screening (Crushing operations)

- Misting sprayers will be used on conveyors.
- Sprays will be used on the loading hopper at the entry to the crusher to prevent dust exiting during the loading operation.
- Product will be damp on the exit from the crusher and will be transferred to product stockpiles with their own dust suppression sprinkler systems.

5.8.5 Site Screening

- The site fencing will include shade cloth around the perimeter of the site. This will prevent dust entering or escaping the site, thus reducing the influence of winds generating fugitive dust. The screening will also provide some visual screening of the core operations.
- In addition, a road sweeper will be used if road dust accumulates to an extent where it may cause a dust nuisance.

5.9 Noise Management

5.9.1 Overview

The noise assessment of the proposed development is attached at Appendix 6. The modelling undertaken and reported shows that the extractive industry operation can be carried out in compliance with the Noise Regulations.

5.9.2 Stockpiling and Bunding

Localised stockpiling and bunding will be incorporated into the project through the design and planning process. Some strategic bunding will be provided to ensure compliance with the Noise Regulations.

5.9.3 Noise Management Plan

A Noise Management Plan will be prepared. Management actions include:

- Employees and contractors trained in best practice noise management techniques. These include the induction of drivers and plant operators with guidelines on how to minimise noise generation.
- Ensuring the equipment being used is the quietest possible and is maintained to an appropriate standard.
- Strict adherence to operating hours – 7am to 7pm Monday to Friday and 7am to 4pm on Saturday
- Operational information line to allow dialogue between neighbours and operational personnel.

5.10 Visual Impact

The topography of Lot M1332 rises from 10-12m AHD at the Caraban Road frontage to 45m AHD at the top of the limestone ridge about midway along the site towards the east. It is a steady rise from Caraban Road, as depicted in Figure 4 below.

From a visual impact perspective, the image of the extractive industry from Caraban Road will be softened by several features:

- The pit is some 700m from the Caraban Road frontage so it will a long-range view, very much in the distance and of an elevated position.
- While there are areas of open paddock west of the pit, from the northern side the view will be "through the trees" and considerably softened.
- The open view to the operations is only possible from the southern portion of Caraban Road which is less utilized than the northern portion.



Figure 4 – VIEW LOOKING EAST FROM CARABAN ROAD

The view of the operation from Barragoon Road, looking north is more open. Figure 5 shows this view. The key features of this view from a visual impact perspective are:

- The view of operations would be obscured to a degree by the elevated land in the foreground of Figure 5 and the shape and configuration of the pit.
- The view would be softened with some strategic landscaping.
- Barragoon Road is not a busy Road; it is not connected to Indian Ocean Drive and only services a minor local function when compared to Caraban Road.



Figure 5 – VIEW LOOKING NORTH FROM BARRAGOON ROAD

6. CONCLUSIONS

Sheepco are actively progressing the proposals for extractive industry development on Lot M1332 Caraban Rd.

The extractive industry proposal for Lot M1332 complies with, and is encouraged by, the strategic planning framework for the Guilderton district.

Extractive industry is a possible use in the General Rural zone of the Council's TPS but the proposal for Lot M1332 will require advertising.

This Development Application and its supporting documents have shown how impacts from the development can be managed. This includes:

- A Transport Impact Statement which shows that the development will have manageable traffic impacts on the local, district and regional road network
- A noise assessment which shows how the development will comply with the Noise Regulations.
- Engineering design of the pit which shows how the development will be operated to be visually screened from adjoining areas and transport links.

Further documentation will be prepared to detail this impact management including:

- Drainage management plan
- Dust management plan
- Noise management plan
- Rehabilitation plan

These are to be prepared in conjunction with the EP Act Part V application which will lodged shortly with the Department of Water and Environmental Regulation (DWER).

Appendix 1

Application Form

Appendix 3

Plans



REVISION	DESCRIPTION	DESIGN	DRAWN	CHECKED	DATE
D	PLANTING STRIP AMENDED, PROPOSED STOCKPILES INDICATED ON PLAN	BWB	BWB	RS	23-07-2020
C	ACCESS ROAD WIDTH AMENDED, PLANTING STRIPS ADDED	RS	BWB	RS	20-07-2020
B	UPDATED WITH CLIENT COMMENTS	RS	MJ	RS	14-07-2020
A	INITIAL DRAWING	RS	MJ	RS	13-07-2020

SURVEY METADATA
HORIZONTAL :
VERTICAL :
DATE OF CAPTURE :
MAPE REFERENCE :

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CLIENT : RAMBOLL AUSTRALIA

PROJECT : LOT M1332 CARABAN ROAD, GINGIN

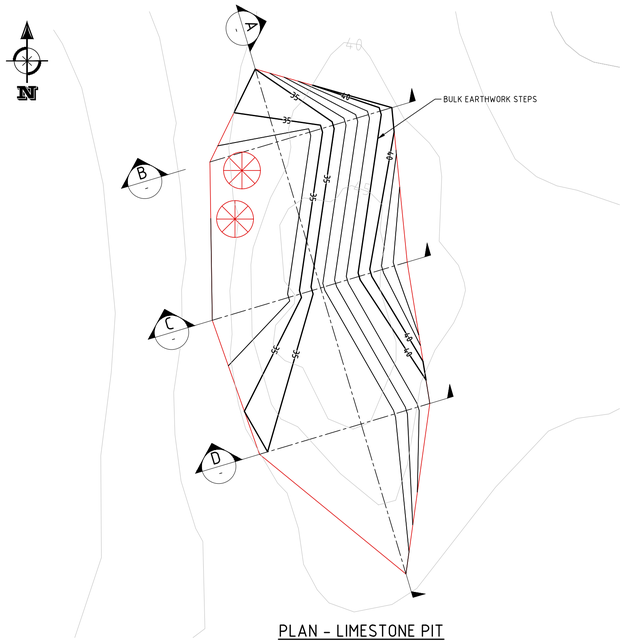
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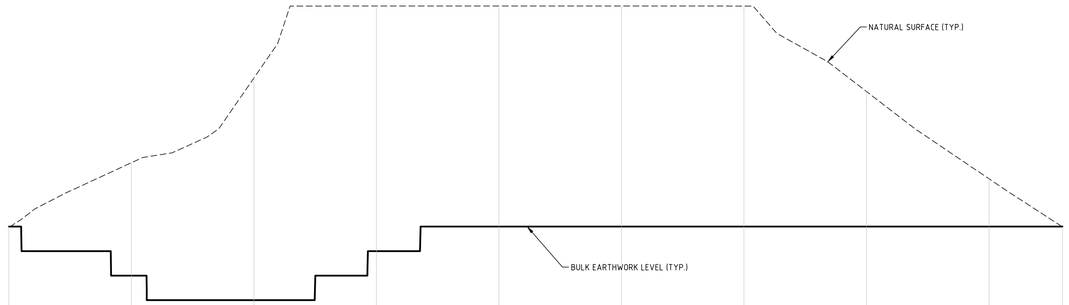
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REVISION : D



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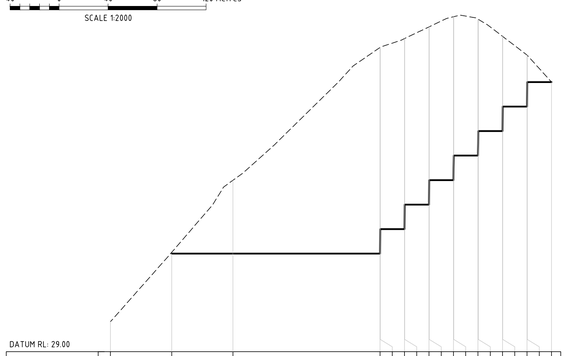
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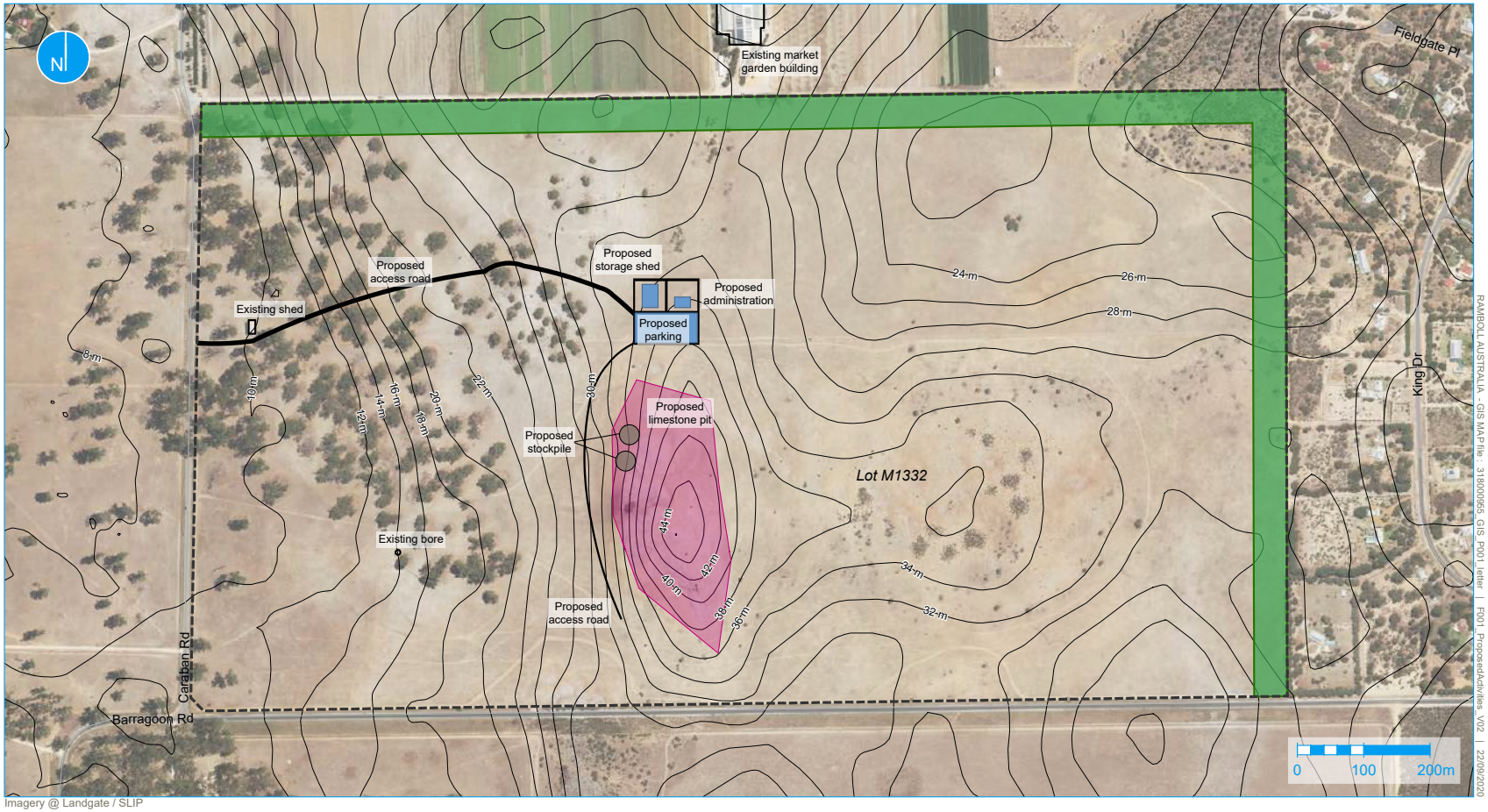
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NATURAL SURFACE	35.97	38.61	42.06	45.00	45.00	45.00	45.00	41.51	37.95	35.99
DEPTH OF EXCAVATION	0.00	4.61	9.06	10.00	9.00	9.00	9.00	5.51	1.95	0.01
CHAINAGE	0.00	50.00	100.00	150.00	200.00	250.00	300.00	350.00	400.00	430.00

SECTION A
SCALE H=1:1000 V=1:100



DATUM RL: 29.00

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Imagery @ Landgate / SLIP

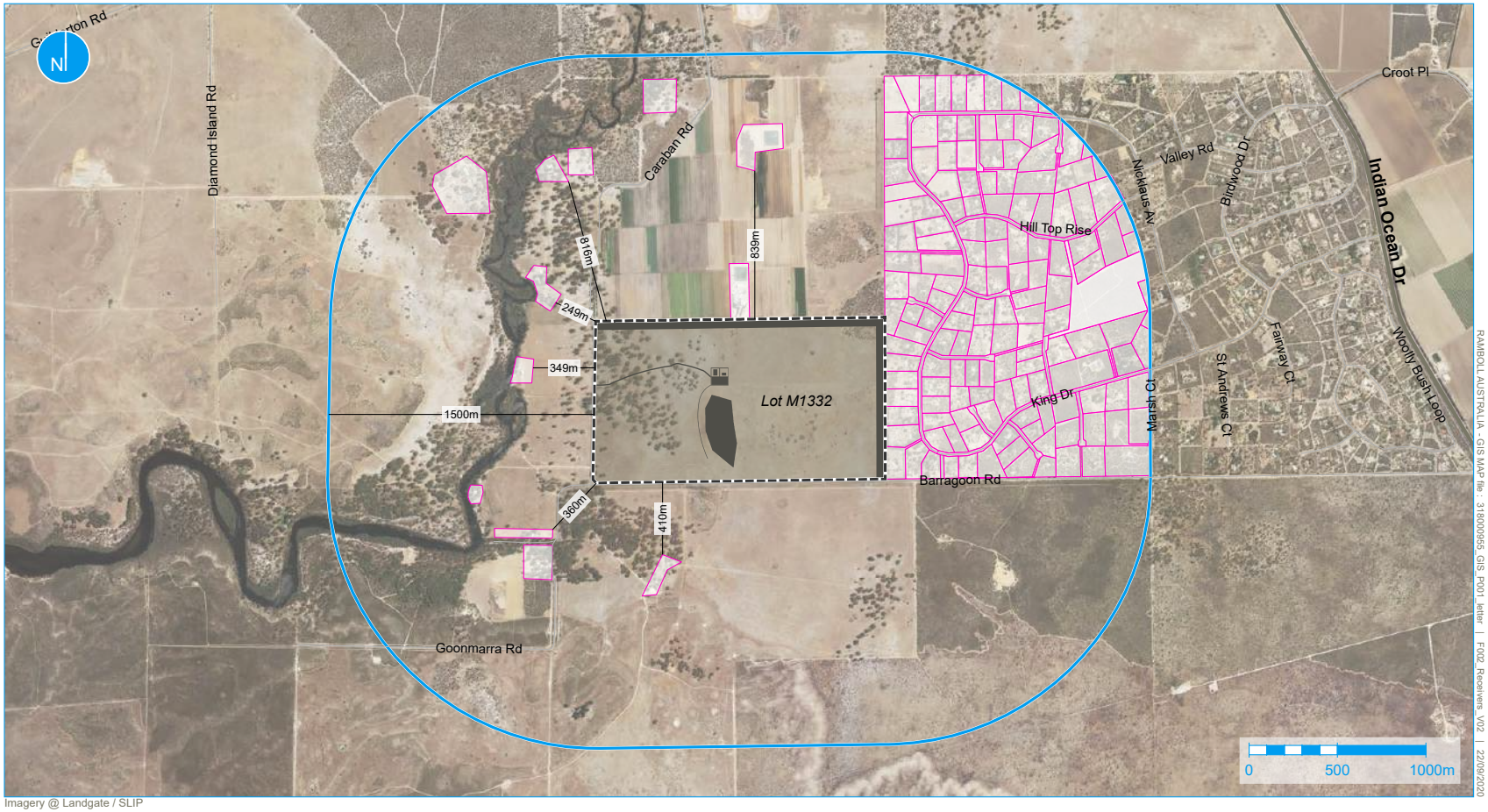
RAMBOLL AUSTRALIA - GIS MAP file - 318000955_GIS_P001_letter_F001_ProposedActivities_V02 | 22/09/2020

Legend

- Premises boundary
- 2 m contour (DRIRD)
- Existing structures
- Proposed limestone/sand pit
- Proposed stockpile
- Proposed access road
- Proposed site compound
- Proposed planting strip

A4
1:8,000

Figure 1 | Proposed activities (LOT M1332 CARABAN ROAD, GINGIN)



Imagery @ Landgate / SLIP

Legend

- Premises boundary
- Proposed activities
- 1.5km buffer area
- Potential sensitive receptor

A4
1:30,000

Figure 2 | Potential sensitive receptors within 1.5km (LOT M1332 CARABAN ROAD, GINGIN)

Appendix 4

Transport Impact Statement

Proposed Sand Quarry, Gingin

Lot M1332 Caraban Road, Woodbridge

Transport Impact Statement

PREPARED FOR:
Sheepco Pty Ltd

July 2020

Document history and status

Author	Revision	Approved by	Date approved	Revision type
Vladimir Baltic	r01	B Bordbar	10/06/2020	Draft
Vladimir Baltic	r01a	B Bordbar	22/06/2020	2nd Draft
Vladimir Baltic	r01b	B Bordbar	24/07/2020	Final

File name: t20.109.vb.r01b.docx

Author: Vladimir Baltic

Project manager: Behnam Bordbar

Client: Sheepco Pty Ltd

Project: Lot M1332 Caraban Road, Woodbridge

Document revision: r01b

Project number: t20.109

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1.0 Summary

Transcore is commissioned by Sheepco Pty Ltd to prepare a Traffic Impact Assessment report for the proposed extraction industry project to be located at Lot M1332 Caraban Road in Woodbridge, Shire of Gingin.

The Transport Impact Statement (TIS) will investigate the development-generated traffic and its impact onto the immediate road network and will assess the adequacy of the relevant road network including the intersection of Indian Ocean Drive/Caraban Road to accommodate this additional traffic.

During the preparation of this report Transcore has undertaken a site visit and liaised with the relevant officers at Shire of Gingin.

2.0 Introduction

This Traffic Impact Assessment has been prepared by Transcore on behalf of Sheepco Pty Ltd. The subject of this report is an extraction industry development proposed to be located at Lot M1332 Caraban Road in Woodbridge, Shire of Gingin. The subject site is situated immediately west of Woodridge and approximately 4.5km east of Guilderton townsite (refer **Figure 1**). The subject site is presently vacant and previously was used for grazing activities.



Figure 1: Location of the subject site

Lot M1332 is approximately 150ha in size of which about 20ha is proposed to be developed for proposed extraction operations. Lot M1332 has frontage to Barragoon Road at the south, Caraban Road to the west and borders the existing Woodridge rural residential development to the east and agricultural land to the immediate north. Lot M1332 has a formal access from Caraban Road at the west side approximately 565m north of Barragoon Road intersection. The surrounding area comprises mostly large rural properties.

The location of the site within the Shire of Gingin *Local Planning Strategy Map* is illustrated in **Figure 2**. The map indicates that the subject site is presently zoned *"Rural Uncoded"*.

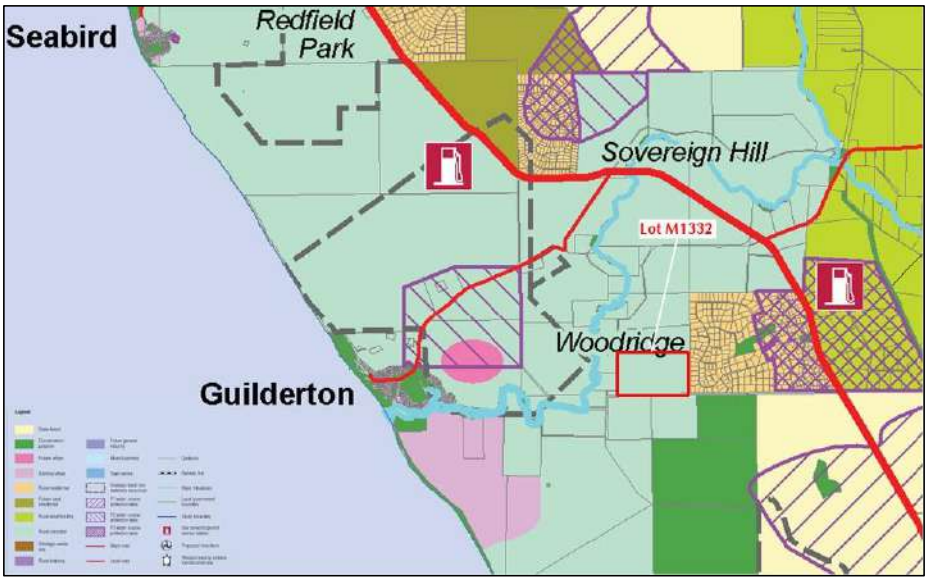


Figure 2. Site location within Shire of Gingin Local Planning Strategy Map

3.0 Development Proposal

The development proposal is for a sand and limestone quarry to be developed at part Lot M1332 Caraban Road in Woodbridge. The proposed facility encompasses an area of approximately 20ha and is located centrally within the site.

A concept plan has been prepared to illustrate the site location and concept layout. The concept plan shows the footprint of the project occupying an area located about 835m west of Woodridge rural residential area and about 272m south of the existing agricultural land. The subject quarry is proposed to gain access via a gravel Access Road connecting to Caraban Road at the existing Lot crossover, about 550m north of the Barragoon Road intersection. A security gate will control the single full-movement crossover on Caraban Road.

The proposed facility will require the following equipment for operation:

- Site office with amenities;
- Store shed;
- Fire facilities with a water truck;
- Crusher;
- Sieve;
- Screen;
- Dump truck;
- Front end loader
- Excavator; and,
- Conveyor.

It is advised that the facility is intended to operate Monday to Saturday between 6:00AM and 6:00PM and be operated by three staff in a single shift. In addition to staff/visitor arrivals and departures by private passenger vehicles, material such as sand and limestone for construction market and lime for agricultural purposes will be hauled from the site during this time as well.

It is anticipated that large vehicles such as 19m semi-trailers and 27.5m B-Doubles would be used for transport of material.

Based on the advice provided to Transcore a 30-year operational life of the excavation operation is anticipated.

The concept plan showing the indicative site location is attached in **Appendix A**.

4.0 Existing Situation

The subject site is located at Lot M1332 Caraban Road, at the northeast corner of Caraban Road and Barragoon Road intersection in Woodridge. The immediate surrounding area comprises predominantly rural residential and agriculture land. The site is presently vacant.

4.1 Existing Road Network

Caraban Road is approximately 6km long rural road connecting to Indian Ocean Drive at the northeast end with Barragoon Road at the southwest end. It is constructed as a single carriageway, two-lane road with a varying 1.0-1.5m wide verges. Caraban Road has been progressively sealed in several stages over a period of 20 years and as such comprises a variable 7.0m – 7.4m wide sealed cross section. There are no pedestrian paths or cyclist facilities on either side of the road.

Caraban Road operates under a sign-posted 110km/h speed limit with low advisory speed at several bends. Refer **Figure 3** and **Figure 4** for more details.



Figure 3: Westbound view along Caraban Road at SLK 1.56

According to the Main Roads WA *Metropolitan Functional Road Hierarchy* document, Caraban Road is classified as *Access Road*.

Based on the latest available traffic count data sourced from Main Roads WA, Caraban Road (north of Barragoon Road) carried approximately 121vpd on a regular weekday in 2018/19 with a high proportion of heavy vehicles (about 40%). The traffic count data provided by the Shire taken about 500m west of Indian Ocean Drive in February-

April 2019 show similar traffic volumes. Caraban Road is under care and control of Shire of Gingin.

Caraban Road is classified as RAV 4 road and as such is designed to carry heavy vehicle compositions of up to 27.5m in length.



Figure 4: Southbound view along Caraban Road at SLK 4.02

Indian Ocean Drive is a state route starting at Yanchep at the south end and terminating at Brand Highway near Cliff Head generally following the cost line and connecting a number of townsites between Perth and Dongara. In the vicinity of subject locality, it is constructed to a single-carriageway, two-lane road which has recently been upgraded to a 10m wide sealed cross section comprising wide centre line treatment (WCLT) and sealed shoulders. Occasional overtaking lanes have also been provided as part of the road upgrade works. Refer **Figure 5** and **Figure 6** for more details.



Figure 5: Northbound view along Indian Ocean Drive from Caraban Road intersection

The speed limit on Indian Ocean Drive has recently been reduced from 110km/h to 100km/h to improve safety.

According to the Main Roads WA *Metropolitan Functional Road Hierarchy* document, Indian Ocean Drive is classified as a *Primary Distributor* road.

Based on the latest available traffic count data sourced from Main Roads WA, Indian Ocean Drive (north of Gingin Brook Road) carried about 3,600vpd on a regular weekday in 2017/18. The proportion of heavy vehicle participation in total traffic mix is about 14%.

Indian Ocean Drive is classified as RAV 4 road (with condition: *All operators must carry current written approval from the road asset owner permitting use of the road*) and as such is designed to carry heavy vehicle compositions of up to 27.5m in length.



Figure 6: Southbound view along Indian Ocean Drive from Caraban Road intersection

Indian Ocean Drive/Caraban Road form a T-intersection with Caraban Road terminating on western approach to the intersection. This intersection has recently been upgraded to include a 190m-long left-turn slip-lane. Eastern lane on Indian Ocean Drive entails localised widening at the intersection of Caraban Road.

Caraban Road and Gingin Brook Road form two staggered intersections on Indian Ocean Drive with approximately 300m separation. Refer **Figure 6** for more details.

Main Roads WA *Intersection Crash Ranking Report* provides detailed crash data for Indian Ocean Drive/Caraban Road intersection over the 5-year period ending 31 December 2019. Detailed crash report suggests only one crash (no casualties) occurred during this period. Crash details provided in **Table 1.**

Table 1. Crash history for the Indian Ocean Drive/Caraban Road intersection

Intersection				Total Crashes	Casualty
Indian Ocean Drive/Caraban Road				1	0
Sideswipe	**Right Angle**	**Pedestrian**	**Cycle**	**Wet**	**Night**
1	0	0	0	0	0

During the same 2014-2019 period a total of one crash (PDO Major) was recorded along Caraban Road. The crash involved hitting a kangaroo and occurred in 2016.

5.0 Traffic Assessment

5.1 Traffic Generation

Because of the nature and character of the proposed development it is expected to generate two distinct types of traffic: workforce/visitor traffic and heavy vehicle (material haulage) traffic. The workforce/visitor traffic is generally undertaken by passenger-type vehicles or 4WDs while the heavy vehicle traffic is planned to be undertaken using vehicles up to 19m semi-trailer and 27.5m B-Doubles standard. The proposed transport route is already classified for the use of this type of heavy vehicles.

The proposed facility will be operated by three staff who are expected to arrive and depart the site by private vehicles generating on average six daily trips. As proposed, the facility is intended to operate Monday to Saturday between 6:00AM and 6:00PM (one shift). All morning arrivals will be generally occurring just before 6:00AM and all afternoon departures will generally be occurring just after 6:00PM. It is possible that there will be occasional visitor trip sometime between 6:00AM and 6:00PM; however, these types of trips will only be occasional and limited.

The heavy vehicle traffic involving material haulage from the site is expected to generally occur between 7:00AM and 5:00PM. Based on the advice provided to Transcore the proposed extraction operation will generate (on average) involve about 20 daily traffic movements by semi-trailers and 20 daily traffic movements by B-doubles (inbound and outbound trips combined). Refer **Table 2** for more details on transport task.

It is possible that during certain periods one or the other type of product records higher participation in transport task. This however is difficult to predict and entirely dependable on market demand/conditions.

Table 2. Daily transport task for the proposed sand operation

Vehicles	Transport	Daily trips	Inbound	Outbound
Light vehicles	Staff	6 vpd	3 vpd	3 vpd
Semi-trailers (19.0m)	Sand/Limestone	20 vpd	10 vpd	10 vpd
B-Doubles (27.5m)	Agriculture lime	20 vpd	10 vpd	10 vpd
Total trips		**46 vpd**	**23 vpd**	**23 vpd**

5.2 Traffic Distribution

It is anticipated that the traffic associated with the workforce would arrive to the site in the morning via Indian Ocean Drive (north and south) and Caraban Road and depart in the late afternoon via the same route. The directional split along Indian Ocean Drive is estimated based on location of the subject site, sources of potential

workforce within locality and available arrival/departure routes and is assumed follows:

- 66% to and from the south via Indian Ocean Drive; and,
- 34% to and from the north via Indian Ocean Drive.

Based on the advice from the future operator the heavy vehicle traffic component would likely be overwhelmingly arriving and departing from/to south along Indian Ocean Drive and to a smaller degree to the north. This directional split reflects the anticipated sources of demand for material which is predominantly associated with construction and agricultural industries.

Accordingly, the following arrival/departure route is assumed for this type of traffic:

- 80% to and from the south via Indian Ocean Drive; and,
- 20% to and from the north via Indian Ocean Drive.

Accordingly, typical average development-generated total daily traffic movements through the Indian Ocean Drive/Caraban Road intersection of the development proposal are illustrated in **Figure 7**.

The estimated typical daily trips include staff traffic (three staff) and heavy vehicle traffic (semi-trailers and B-Doubles) but excludes any visitor traffic as these trips will be taking place occasionally and infrequently.



Figure 7: Estimated development-generated traffic through Indian Ocean Drive/Caraban Road intersection – typical daily traffic

Accordingly, all traffic entering and departing the site via Caraban Road crossover would do so travelling from and to the north of the site, as illustrated in **Figure 8**.

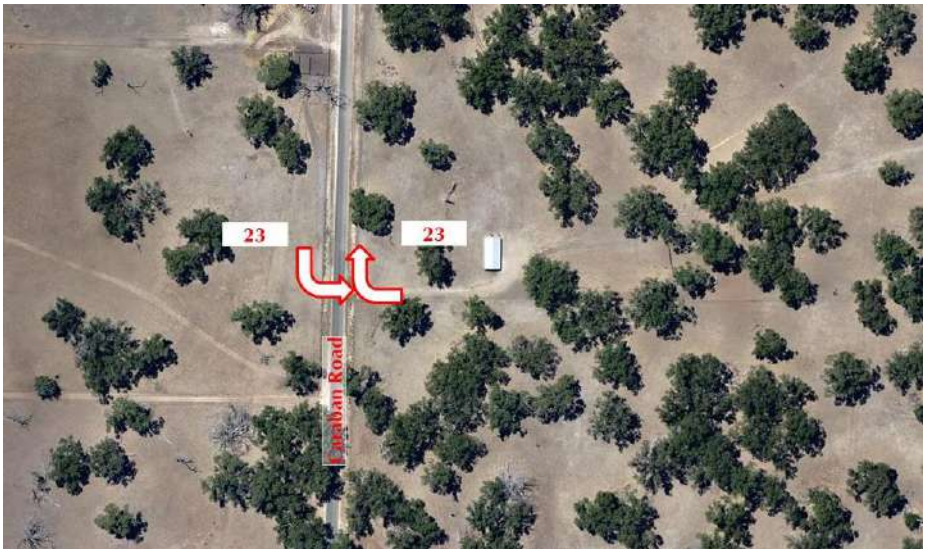


Figure 8: Estimated development-generated traffic through Caraban Road crossover (site's access point) – typical daily traffic

5.3 Road Standard Assessment

Indian Ocean Drive

As reported in Section 4.1 of this report, Indian Ocean Drive is classified as a *Primary Distributor* road and as such is designed to carry daily traffic volumes well in excess of 8,000vpd based on its current standard.

Based on the latest available traffic counts recorded in 2017/18, Indian Ocean Drive (north of Gingin Brook Road) carried approximately 3,600vpd during a typical weekday.

Accordingly, the additional 40 daily trips along the section of the road south of Caraban Road (most anticipated traffic along this section), would result in increase in existing daily traffic volume of just over 1%. This level of traffic increase is considered to be negligible and well within the road capacity.

Accordingly, it is concluded that the estimated traffic impact from the proposed development will be well within the functional and physical capacity of Indian Ocean Drive and would not warrant any upgrades to existing road structure.

Caraban Road

Caraban Road is classified as an *Access Road* and as such is designed to carry daily traffic volumes of up to 3,000vpd.

Through a combination of aerial photo review, advice provided by the Shire's technical officer and the advice provided by the client, the following road profile details are in place (refer **Table 3** for details):

Table 3. Caraban Road profile

Caraban Road chainage (SLK)	Sealed width	Shoulder width	Total carriageway
SLK 0.00 – 1.56 (at Indian Ocean Drive)	7.0m	1.5m	10.0m
SLK 1.56 – 5.34	7.4m	1.0 - 1.5m	9.4-10.4m
SLK 5.34 – 5.67 (site crossover)	7.2m	1.0m	9.2m
SLK 5.67 – 6.24 (road end)	7.2m	1.0m	9.2m

Based on the latest available traffic counts recorded in 2018/19 (source: Main Roads WA), Caraban Road (in the vicinity of subject site) carried approximately 121vpd during a typical weekday (approximately 112 AADT[1]).

Accordingly, the additional 46 daily trips along the section of the road north of the site would result in increase in existing daily traffic volume of about 38% bringing the total daily traffic volume to about 158 AADT (conservatively). Still, with respect to the existing standard and classification of this road the estimated level of traffic increase is considered to be acceptable and within the road capacity.

Table 4.5 of the Austroads *Guide to Roads Design Part 3: Geometric Design* provides widths for single carriageway rural roads based on AADT values. According to this table, design AADT of 150 – 500 requires traffic lanes of 2 X 3.1m with 1.5m shoulders on each side of which 0.5m is sealed resulting in total carriageway width of 9.2m.

According to Austroads guidelines, considering the anticipated total post-development AADT volumes, the existing standard of Caraban Road meets the carriageway warrants but is substandard only in relation to shoulder seal by 0.2m over the first 1.5km length (SLK 0.00 to 1.56). However, considering that the total estimated post-development AADT traffic volume on Caraban Road is at the very lower end of the 150 – 500 AADT range, this minor shortcoming is not considered to be critical particularly as the existing trafficable road seal of 7.0m exceeds the required 6.2m seal (2 X 3.1m). Accordingly, no upgrades to this section of road is required in accordance with Austroads guidelines.

Table 4.5 of MRWA *Supplement to Austroads Guide to Road Design - Part 3 (March 2019)* provides guidance on the widths of rural single carriageway sealed roads (refer **Table 4**). According to this table Design PCE of 150 – 500 requires traffic lanes of

[1] *AADT – Annual Average Daily Traffic*

7.0m with 1.0m sealed shoulders on each side resulting in total carriageway width of 9.0m.

The daily vehicle calculation uses Passenger Car Equivalents (PCE) to convert medium and heavy vehicles to "standard" passenger car as a number of passenger cars displaced by a single heavy vehicle under prevailing roadway, traffic and control conditions. The **Table 5** shows the PCEs for each vehicle class in accordance with the Austroads heavy vehicle classification.

Table 4: MRWA Supplement to Austroads - Lane and shoulder widths for rural and outer urban roads

Design traffic PCE/Day	Design (PCE per day)			
	150-500	500-1,000	1,000-3,000	3,000-8,000
Traffic Lanes (m)	7.0 (2 X 3.5m)	7.0 (2 X 3.5m)	7.0 (2 X 3.5m)	7.0 (2 X 3.5m)
Total Shoulder	1.0m	1.5m	1.5-2.0m	2.0-2.5m
Min Shoulder Seal	1.0m	1.5m	1.5-2.0m	2.0-2.5m
Wide Centreline	N/A	N/A	None or 1.0m	None or 1.0m
Total Carriageway	9.0m	10.0m	11.0m	12.0m

Table 5: Passenger car equivalents for large vehicles

Austroads bin (vehicle class)	PCEs
2-5	2
6-9	3
10-11	4
12	5

The heavy vehicles undertaking the freight task are classified as Class 8 for semi-trailers and Class 10 for B-Doubles. Accordingly, and based on the Main Roads WA traffic mix data, the existing total daily PCE is estimated to be in order of 217 PCE/day. With the addition of the anticipated development-generated traffic (employee traffic and transport task combined), the daily PCE would increase to about 363 PCE/day.

As such, the existing Caraban Road total carriageway and traffic lane widths meet and exceed the required Main Roads WA criteria but formally fall short on shoulder seal width requirement by between 0.8 – 1.0m on each side depending on particular section of the road.

However, as Caraban Road is not under care and control on Main Roads WA it is considered that the warrants outlined in **Table 4** are not directly applicable in this case.

Furthermore, in order to achieve its RAV 4 network status, Caraban Road has undergone road assessment process conducted by local government and Main Roads WA HVS department. The road assessment is undertaken in accordance with the Main Roads WA "Standard Restricted Access Vehicle (RAV) Route Assessment Guidelines". According to these guidelines, the minimum rural carriageway width/sealed width for a RAV 2-4 class, 150 – 500 AADT traffic volume and 80-

100km/h speed road (applicable to Caraban Road) is 7.9m/5.9m, respectively. In order for a particular road to achieve its RAV classification both parties need to be satisfied that the road standard meets specific requirements in accordance with the guidelines. Clearly, the existing standard of Caraban Road exceeds requirements stipulated in the guidelines.

Therefore, it is considered that existing Caraban Road standard does not warrant any upgrades to accommodate the estimated traffic associated with the proposed extraction industry project in accordance with Main Roads WA guidelines.

5.4 Intersection Standard Assessment

5.4.1 Sightline Assessment

On site sightline inspection of the Indian Ocean Drive/Caraban Road and the site's crossover on Caraban Road has confirmed that the existing sightlines at these two locations are adequate.

For a sign-posted speed limit of 100km/h (recently reduced speed limit), the sightlines along Indian Ocean Drive from Caraban Road intersection should be 285m. Based on visual site inspection it is estimated that more than 300m sightline is available to the north and significantly more to the south of the intersection. It is however recommended that vegetation pruning by Shire and Main Roads WA be undertaken regularly at the north-western corner of the intersection to maintain the available sightlines.

The speed survey of Caraban Road traffic indicates that the current 85th percentile (Monday to Sunday) traffic speed is in order of up to 96km/h. Assuming upper level speed limit of 100km/h, a sightline of 160m should be available along this road at the site's crossover/property access in line with requirements stipulated in AS2890.1. Based on visual site inspection it is estimated that well beyond 160m sightline is available in both directions along Caraban Road from the property access.



Figure 9: Northbound view along Caraban Road from the site's access point



Figure 10: Southbound view along Caraban Road from the site's access point

5.4.2 Intersection Operation and Geometry

Table 2.4 from AUSTROADS *"Guide to Traffic Management Part 3: Traffic Studies and Analysis 2009"* document illustrates the traffic volume thresholds above which a detailed intersection capacity assessment is required.

Assuming that typical peak hour traffic represents approximately 10% of the total daily traffic volume, it is concluded that uninterrupted traffic flow conditions can be expected at the Indian Ocean Drive/Caraban Road intersection. As hourly traffic volumes through this intersection are significantly below the indicative thresholds

indicated in **Table 6**, sufficient capacity would be available and detailed assessment or capacity analysis is not warranted.

Table 6. Traffic volume thresholds warrants for detailed intersection analysis

Major Road Type	Major Road Flow (vph[2])	Minor Road Flow (vph)
Two-lane	400 500 600	250 200 100
Four-lane	1,000 1,500 2,000	100 50 25

The AUSTROADS *"Guide to Road Design – Part 4: Intersections and Crossings – General (2017)"* document was referenced in order to ascertain the requirements for auxiliary turn treatments at the Indian Ocean Drive/Caraban Road intersection as a result of the anticipated increase in traffic through this intersection in the post-development stage.

Accordingly, the review of turn treatment warrants discussed in this document confirmed no changes to the existing format of this intersection is warranted as a result of the anticipated post-development turn volumes during peak hour period as these volumes are nowhere near required minimum thresholds for any further upgrades.

Accordingly, the existing format of Indian Ocean Drive/Caraban Road intersection is suitable and sufficient to accommodate the anticipated traffic volumes associated with the proposed extraction operations without undermining its operation.

5.4.3 Intersection Standard

Transcore has contacted Main Roads WA in order to source the relevant intersection and line marking/signage plans so to undertake the relevant turn path assessments and confirm adequacy of the recently upgraded intersection to accommodate B-Doubles (maximum size vehicle to be used to undertake the project's transport task).

As advised, Main Roads WA is yet to complete as-constructed plans for the recently upgraded Indian Ocean Drive/Caraban Road intersection upgrade due to some unplanned on-site modifications to the concept design.

However, as Indian Ocean Drive is a Main Roads WA controlled road and both Indian Ocean Drive and Caraban Road are RAV 4 classified roads it is concluded that this intersection has been designed and constructed to accommodate vehicles of up to 27.5m in length such as B-Doubles.

---

[2] *vph – vehicles per hour*

The Caraban Road access to the site will be designed to accommodate the movement of a B-Double.

5.5 Impact on Neighbouring Areas

Due to the remote location of the subject site it is expected that the proposed development will have limited traffic impact on local residents.

6.0 Conclusions

This Transport Impact Statement (TIS) report has been prepared with respect to the proposed extraction industry project to be located at Lot M1332 Caraban Road in Woodbridge, Shire of Gingin. The subject site is presently vacant.

The proposed facility takes access from Caraban Road about 550m north of the Barragoon Road intersection.

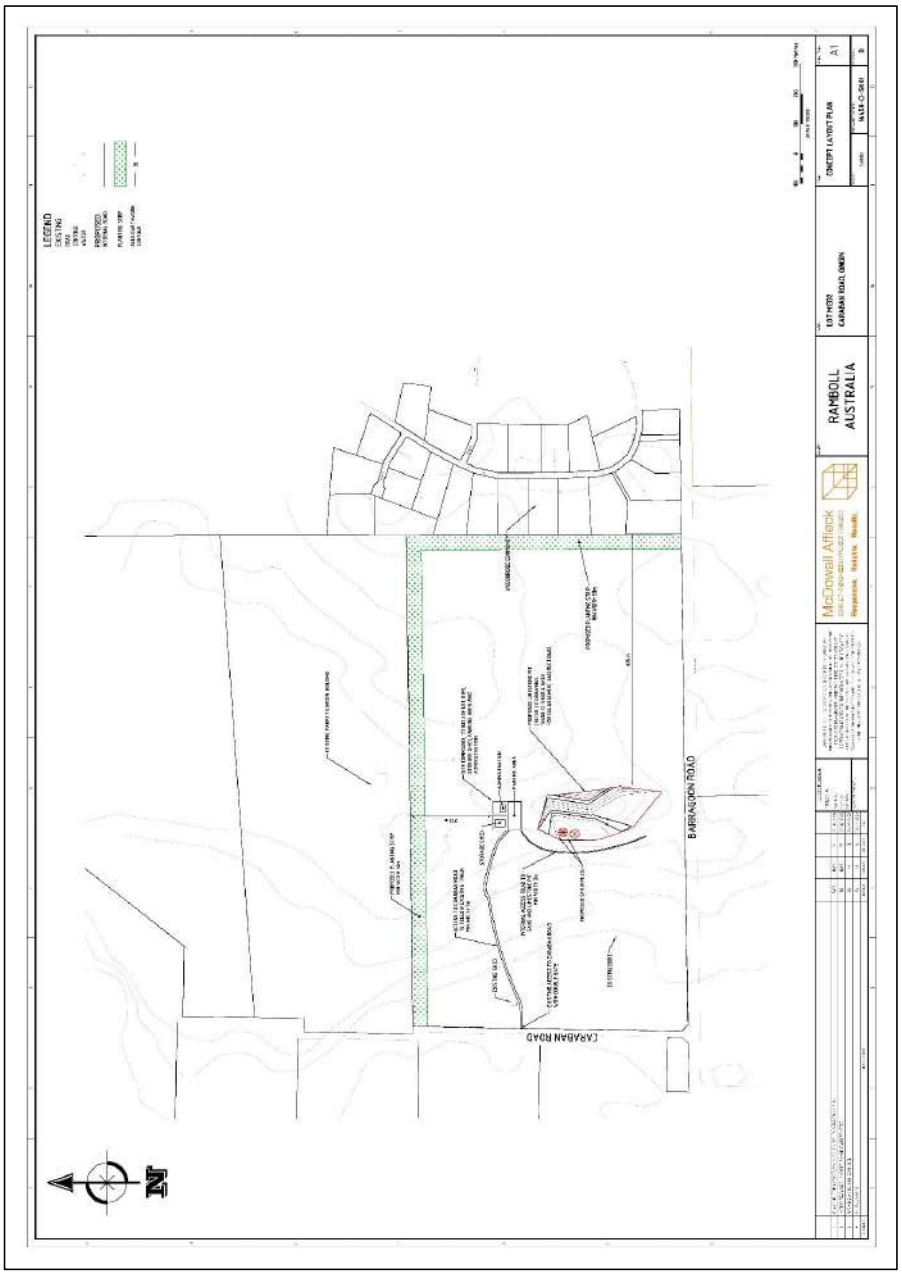
The proposed development is expected to generate approximately 46 (both inbound and outbound) total daily trips on a regular day. The development-generated traffic will primarily comprise staff traffic and heavy vehicle traffic associated with the transport task. The staff (and occasional visitors) would be using mostly passenger cars and 4WD while heavy vehicle traffic would be undertaken primarily using 19m semi-trailers and 27.5m B-Doubles.

The additional traffic from the proposed development is not expected to have significant impact on the operation of Caraban Road traffic and as such no upgrade to existing road structure is recommended in accordance with the assessments undertaken against Austroads and Main Roads WA guidelines. Caraban Road is already classified to accommodate RAV 4 vehicles.

Similarly, upgrade of the existing Indian Ocean Drive/Caraban Road intersection is not required as this intersection is classified to accommodate RAV 4 vehicles and has recently been upgraded.

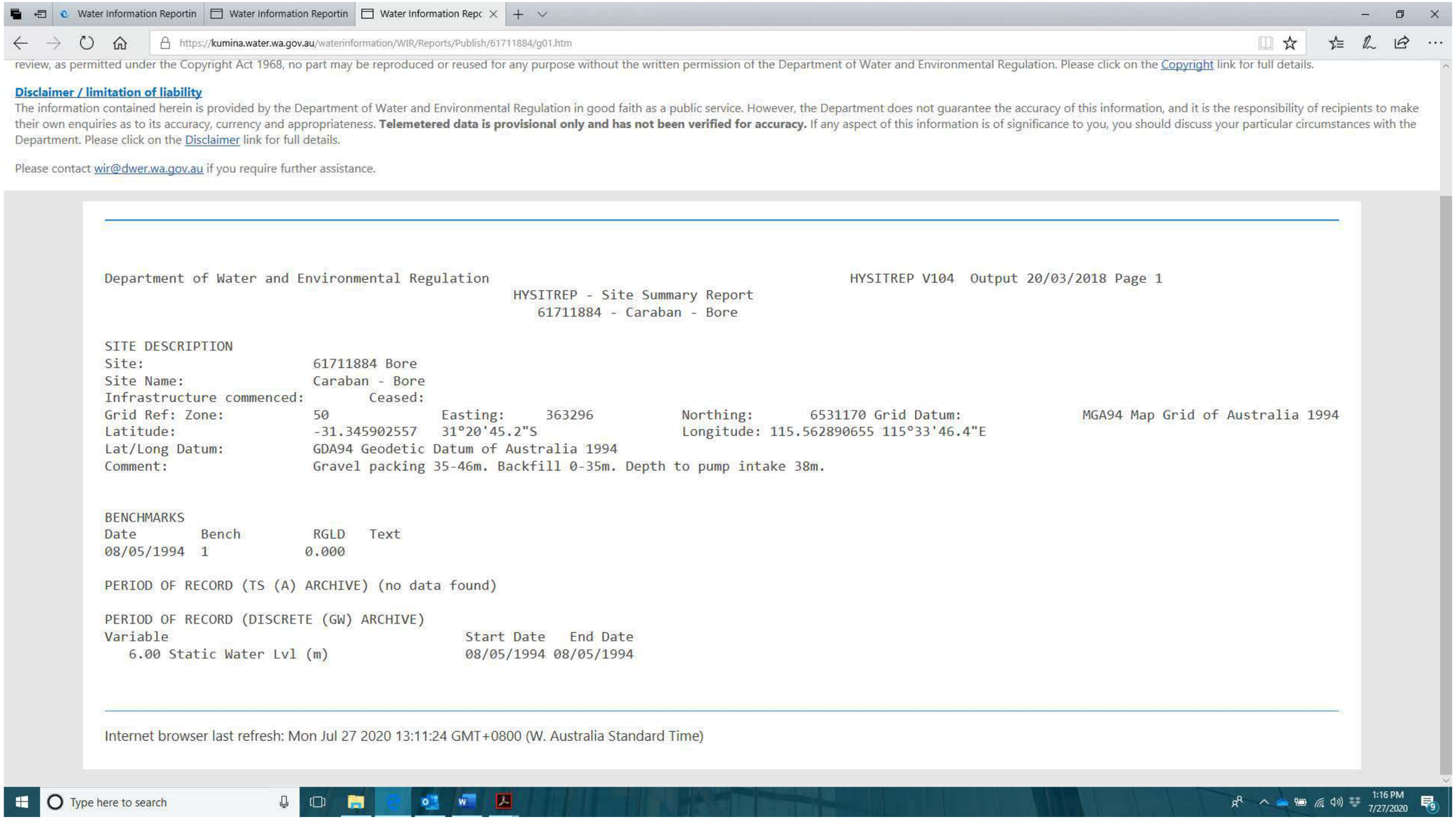
Appendix A

CONCEPT SITE PLANS


LEGEND
CONCEPT LAYOUT PLAN
RAMBOLL AUSTRALIA
McDowell Affleck
BARRAGUP ROAD
CARABAN ROAD
N

Appendix 5

Water Bore Information



Water Information Reportin | Water Information Reportin | Water Information Repc

https://kumina.water.wa.gov.au/waterinformation/WIR/Reports/Publish/61711884/g01.htm

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Department of Water and Environmental Regulation HYSITREP V104 Output 20/03/2018 Page 1

HYSITREP - Site Summary Report
61711884 - Caraban - Bore

SITE DESCRIPTION

Site:	61711884 Bore				
Site Name:	Caraban - Bore				
Infrastructure commenced:	Ceased:				
Grid Ref: Zone:	50	Easting: 363296	Northing:	6531170 Grid Datum:	MGA94 Map Grid of Australia 1994
Latitude:	-31.345902557	31°20'45.2"S	Longitude:	115.562890655 115°33'46.4"E	
Lat/Long Datum:	GDA94 Geodetic Datum of Australia 1994				
Comment:	Gravel packing 35-46m. Backfill 0-35m. Depth to pump intake 38m.				

BENCHMARKS

Date	Bench	RGLD	Text
08/05/1994	1	0.000	

PERIOD OF RECORD (TS (A) ARCHIVE) (no data found)

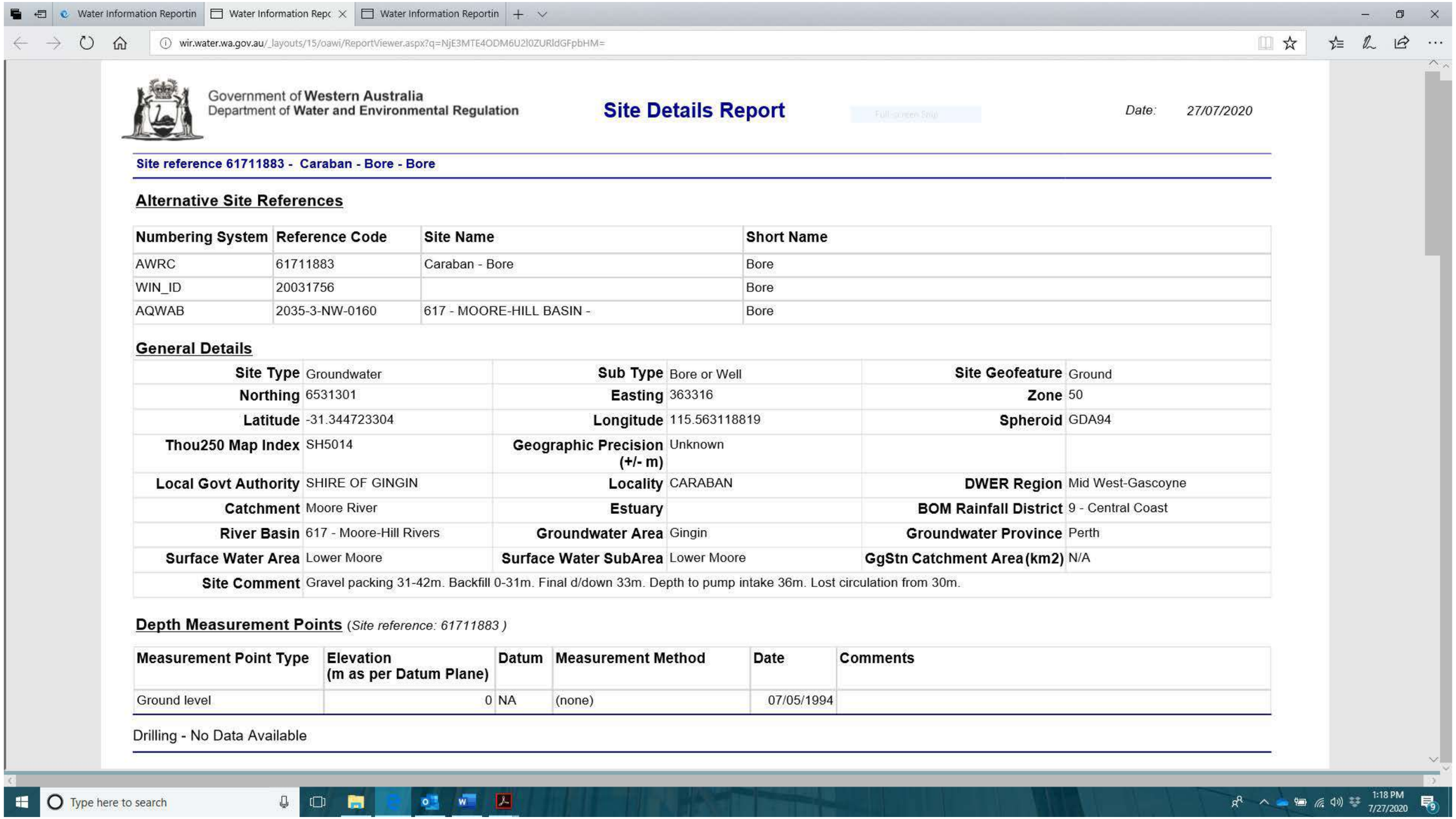
PERIOD OF RECORD (DISCRETE (GW) ARCHIVE)

Variable	Start Date	End Date
6.00 Static Water Lvl (m)	08/05/1994	08/05/1994

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7/27/2020



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Government of Western Australia
Department of Water and Environmental Regulation

Site Details Report

Date: 27/07/2020

Site reference 61711883 - Caraban - Bore - Bore

Alternative Site References

Numbering System	Reference Code	Site Name	Short Name
AWRC	61711883	Caraban - Bore	Bore
WIN_ID	20031756		Bore
AQWAB	2035-3-NW-0160	617 - MOORE-HILL BASIN -	Bore

General Details

Site Type	Groundwater	**Sub Type**	Bore or Well	**Site Geofeature**	Ground
Northing	6531301	**Easting**	363316	**Zone**	50
Latitude	-31.344723304	**Longitude**	115.563118819	**Spheroid**	GDA94
Thou250 Map Index	SH5014	**Geographic Precision (+/- m)**	Unknown		
Local Govt Authority	SHIRE OF GINGIN	**Locality**	CARABAN	**DWER Region**	Mid West-Gascoyne
Catchment	Moore River	**Estuary**		**BOM Rainfall District**	9 - Central Coast
River Basin	617 - Moore-Hill Rivers	**Groundwater Area**	Gingin	**Groundwater Province**	Perth
Surface Water Area	Lower Moore	**Surface Water SubArea**	Lower Moore	**GgStn Catchment Area (km2)**	N/A
Site Comment	Gravel packing 31-42m. Backfill 0-31m. Final d/down 33m. Depth to pump intake 36m. Lost circulation from 30m.				

Depth Measurement Points *(Site reference: 61711883)*

Measurement Point Type	Elevation (m as per Datum Plane)	Datum	Measurement Method	Date	Comments
Ground level	0	NA	(none)	07/05/1994	

Drilling - No Data Available

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Government of Western Australia
Department of Water and Environmental Regulation

Site Details Report

Date: 27/07/2020

Borehole Information *(Site reference: 61711883)*

Completed Date	7/05/1994	**Drill Method Name**	Rotary drill		
Owner Name	Private Owner	**Drill Rig Name**	Unknown		
Drill Company Name	Complete Drilling and Water Boring	**Total Construction Depth (mbGL)**	42	**Depth Drilled (mbGL)**	42
Comments	How pump tested: Centrifugal				

Casing *(Site reference: 61711883)*

From (mbGL)	To (mbGL)	Element	Material	Inlet Type	Inside Dia. (mm)	Outside Dia. (mm)	Aperture (mm)	Comments
0.000	0.000	Unknown	Unknown	Not applicable				0-36m 100mm dia cl 9 PVC. Slotted: cl9 PVC
36.000	42.000	Inlet (screen)	Unknown	Slotted			0.510	

Fill - No Data Available

Aquifers - No Data Available

Lithology Log *(Site reference: 61711883)*

From (mbGL)	To (mbGL)	Interpreted By	Substance	Lithological Description
0.000	3.000	Non geologist--Unknown Org Type		Yellow sand
3.000	33.000	Non geologist--Unknown Org Type		Limestone
33.000	42.000	Non geologist--Unknown Org Type		Coarse yellow to white sand

Stratigraphy Log *(Site reference: 61711883)*

From (mbGL)	To (mbGL)	Interpreted By	Interpreted Date	Stratigraphy	Lithology1	Lithology2	Lithology3

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7/27/2020

Appendix 6

Acoustics Report

RAMBOLL AUSTRALIA

EXTRACTIVE INDUSTRY
LOT M1332 CARABAN ROAD, GINGIN

ACOUSTIC ASSESSMENT

JUNE 2020

OUR REFERENCE: 25965-2-20140

Rochdale Holdings Pty Ltd A.B.N. 85 009 049 067 trading as:
HERRING STORER ACOUSTICS
P.O. Box 219, Como, W.A. 6952
(08) 9367 6200
hsa@hsacoustics.com.au

DOCUMENT CONTROL PAGE

ACOUSTIC ASSESSMENT
CARABAN ROAD, GINGIN

Job No: 20140

Document Reference: 25965-2-20140

FOR

RAMBOLL AUSTRALIA

DOCUMENT INFORMATION			
Author:	Paul Daly	**Checked By:**	Tim Reynolds
Date of Issue:	29 June 2020		

REVISION HISTORY				
Revision	**Description**	**Date**	**Author**	**Checked**
1	Update of sand extraction operations	28/07/2020	PLD	

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2.	SUMMARY	2
3.	CRITERIA	2
4.	CALCULATED NOISE LEVELS	4
5.	RESULTS	6
6.	ASSESSMENT	6
7.	CONCLUSION	7

APPENDICIES

A	Site Layout
B	Noise Contours

1. INTRODUCTION

Herring Storer Acoustics have been commissioned by Ramboll Australia to undertake an acoustic assessment of noise emissions from the proposed limestone and sand extraction operations located at Lot M1332 Caraban Road, Gingin.

The proposed extraction operations will operate from 0700 – 1900 Monday to Friday and 0700 – 16:00 on Saturdays. No operations would occur on Sundays or Public Holidays. The nearest residential premises are located to the west, south and east of the proposed operations.

The main access road is via Caraban Road as shown in Figure 1.1, along with the proposed operations.

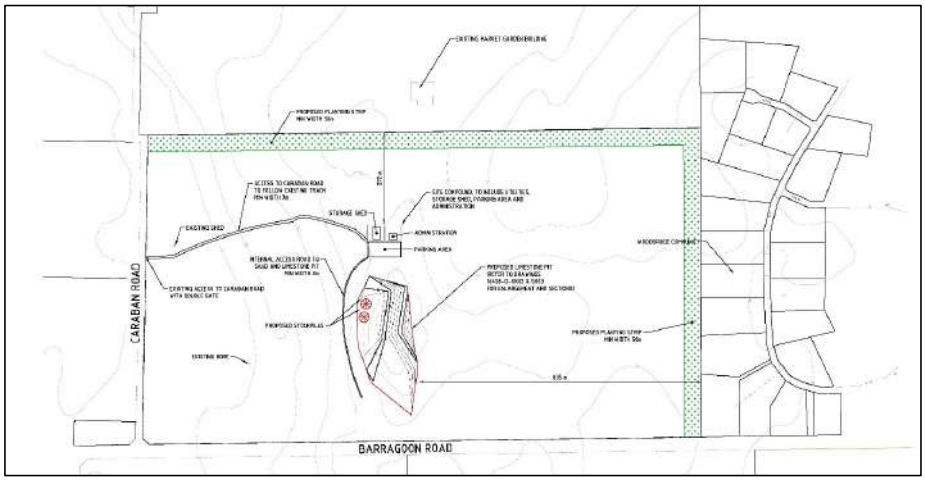


FIGURE 1.1 – EXTRACTION OPERATIONS

This assessment is provided to support the regulatory approvals processes and show that compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997* can be achieved.

As part of the study, the following was carried out:

- Identification of individual operations and the associated noise levels.
- Assess the predicted noise levels at the nearest surrounding highly noise sensitive premises for compliance with the appropriate criteria.
- If exceedances are predicted, comment on possible noise amelioration options for compliance with the appropriate criteria.

For information, a locality plan is shown in Appendix A.

2. SUMMARY

Assessment has been conducted on the proposed limestone and sand extraction operations for Lot M1332 Caraban Road, Gingin.

The facility would only operate during the day period (being Monday to Friday 0700 to 1900 hours and 0700 to 1600 on Saturdays). Therefore, at the neighbouring residences, the applicable acoustic criteria for this assessment is the assigned L_{A10} day period noise level of 45 dB(A).

Noise received at the nearest residential premises has been determined, to be 44 dB(A) for the limestone operations for the highest noise level at any stage of the operations. This can be compared to the applicable assigned noise level criteria of 45 dB(A).

The above assessable noise levels have been considered to contain tonal characteristics and therefore, contains a +5 dB(A) penalty.

Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the *Environmental Protection (Noise) Regulations 1997* for the operating times as outlined in this assessment, even with the inclusion of a +5 dB(A) penalty for tonality.

3. CRITERIA

The allowable noise level for noise sensitive premises in the vicinity of the proposed site is prescribed by the *Environmental Protection (Noise) Regulations 1997*. Regulations 7 and 8 stipulate maximum allowable external noise levels or assigned noise levels that can be received at a premise from another premises. For residential premises, this noise level is determined by the calculation of an influencing factor, which is then added to the base levels shown below. The influencing factor is calculated for the usage of land within two circles, having radii of 100m and 450m from the premises of concern. The base noise levels for residential premises are listed in Table 3.1.

TABLE 3.1 - BASELINE ASSIGNED OUTDOOR NOISE LEVEL

Premises Receiving Noise	Time of Day	Assigned Level (dB)		
		$L_{A\ 10}$	$L_{A\ 1}$	$L_{A\ max}$
Noise sensitive premises	0700 - 1900 hours Monday to Saturday (Day)	45 + IF	55 + IF	65 + IF
	0900 - 1900 hours Sunday and Public Holidays (Sunday / Public Holiday Day Period)	40 + IF	50 + IF	65 + IF
	1900 - 2200 hours all days (Evening)	40 + IF	50 + IF	55 + IF
	2200 hours on any day to 0700 hours Monday to Saturday and 0900 hours Sunday and Public Holidays (Night)	35 + IF	45 + IF	55 + IF

Note: L_{A10} is the noise level exceeded for 10% of the time.
L_{A1} is the noise level exceeded for 1% of the time.
L_{Amax} is the maximum noise level.
IF is the influencing factor.

It is a requirement that received noise be free of annoying characteristics (tonality, modulation and impulsiveness), defined below as per Regulation 9.

"impulsiveness" means a variation in the emission of a noise where the difference between L_{Apeak} and $L_{AmaxSlow}$ is more than 15 dB when determined for a single representative event;

"modulation" means a variation in the emission of noise that –

(a) is more than 3dB $L_{A\ Fast}$ or is more than 3 dB $L_{A\ Fast}$ in any one-third octave band;
(b) is present for more at least 10% of the representative assessment period; and
(c) is regular, cyclic and audible;

"tonality" means the presence in the noise emission of tonal characteristics where the difference between –

(a) the A-weighted sound pressure level in any one-third octave band; and
(b) the arithmetic average of the A-weighted sound pressure levels in the 2 adjacent one-third octave bands,

is greater than 3 dB when the sound pressure levels are determined as $L_{Aeq,T}$ levels where the time period T is greater than 10% of the representative assessment period, or greater than 8 dB at any time when the sound pressure levels are determined as $L_{A\ Slow}$ levels.

The nearest potential noise sensitive premises to the proposed development have been identified using the area map in Figure 3.1.

The usage of the surrounding land use varies from intensive horticulture and residential land use. Therefore, the assigned noise levels for operational times are as noted in Table 3.2.

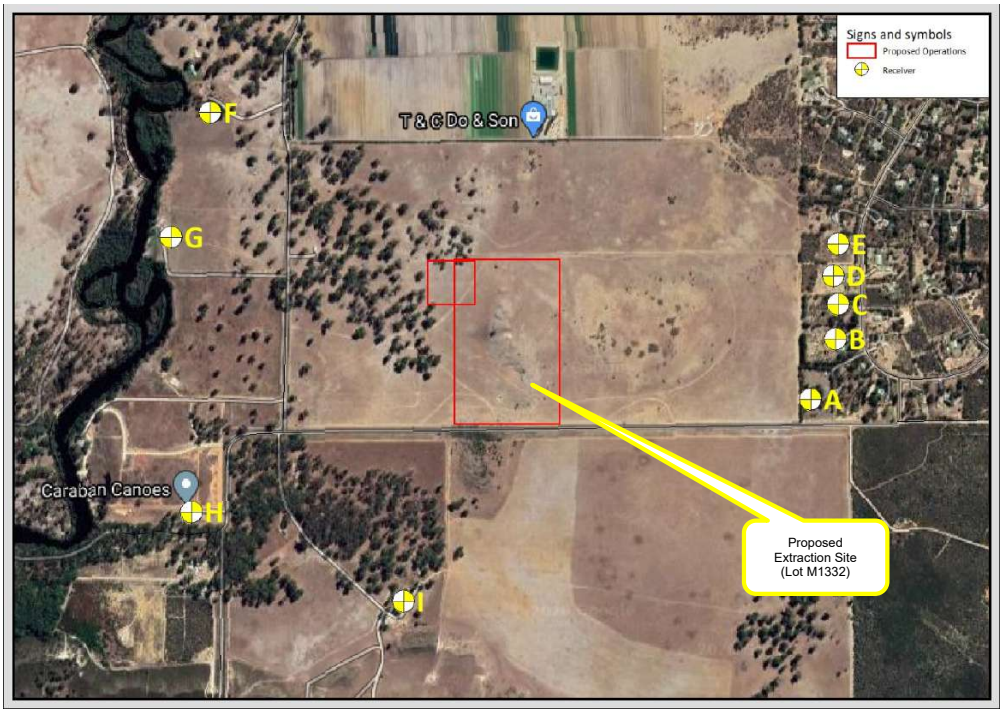


FIGURE 3.1 – RECEIVER LOCATION MAP

TABLE 3.2 – ASSIGNED NOISE LEVELS

Premises Receiving Noise	IF dB	Time of Day	Assigned Level (dB)		
			$L_{A\ 10}$	$L_{A\ 1}$	$L_{A\ max}$
Receiver A to I	0	0700 - 1900 hours Monday to Saturday (Day)	45	55	65

4. CALCULATED NOISE LEVELS

Noise immissions[1] at the nearest neighbouring residential premises, due to noise associated with the proposed operations, were modelled with the computer programme SoundPlan. Sound power levels used for the calculations are based on measured sound pressure levels of similar equipment proposed for use on site.

The modelling of noise levels has been based on noise sources and sound power levels shown in Table 4.1.

TABLE 4.1 – SOUND POWER LEVEL - NOISE SOURCES dB(A)

Source Name	Quantity	SWL dB(A)
Dozer (D10 or similar)	1	109
Loaders (Cat 980H or similar)	2	102
Mobile Crushing (Terex J1175 or Similar)	1	113
Screening Plant (McCloskey S190 Screener or Similar)	2	104
Telestack LS-6036 Wheeled Stacker	1	100
Water Cart	1	100
Trucks	4	98

Note: The above equipment models have been used to provide an indication of the size. Other models may be used although these have been assumed to have a similar sound power level.

1 Immissions – noise received at a source
2 Emissions – noise emanating from a source and / or location

Based on noise emissions from the above equipment, an overall operating scenario has been developed. Figure 4.1 details the source locations assumed in the predictive modelling along with the proposed development of the pit.



FIGURE 4.1 – SOURCE LOCATION AND PIT PROGRESSION

Based on the initial modelling scenario, the noise sources have been placed at the existing surface level. As the pit is open towards the west, additional protection is required to barrier noise emissions from the crushing plant. This can be done with stockpiles or existing material and does not need to be substantial. The modelling allows for a 3m bund located at the crusher / processing area. Appendix A details the depth of the material, with the barrier being around 9m at the deeper parts of the pit.

The following input data was used in the calculations:

a) Provided area plots.
b) Sound Power Levels listed in Table 4.1.
c) Ground contours and receiver point provided by client (Appendix A).

Weather conditions for modelling were as stipulated in the Environmental Protection Authority's "*Draft Guidelines on Environmental Noise for Prescribed Premises"* and for the day period are as listed in Table 6.

TABLE 6 – WEATHER CONDITIONS

Condition	Day
Temperature	20°C
Relative humidity	50%
Pasquill Stability Class	E
Wind speed	4 m/s*

* From sources, towards receivers.

5. RESULTS

Calculated noise levels associated with the noise emissions from the proposed operations for the assumed scenarios, are summarised below in Table 5.1. Appendix B contains the overall noise contour plots.

TABLE 5.1 – CALCULATED NOISE LEVEL

Receiver	Calculated Noise Level (L_{A10} dB(A))
A	31
B	31
C	31
D	30
E	33
F	40
G	36
H	38
I	40

6. ASSESSMENT

For the day time operations, based on calculated noise levels at the nearest premises, noise levels could be considered as being tonal in characteristics. Therefore, a +5 dB(A) penalty has been included to allow for a tonal component for the residence.

Hence, Table 6.1 summarises the applicable Assigned Noise Levels, and assessable noise level emissions, for the cumulative (all industry) scenario considered.

TABLE 6.1 – APPLICABLE ADJUSTMENTS AND ASSESSABLE LEVEL OF NOISE EMISSIONS, dB(A)

Receiver	Calculated Noise Level, dB(A)	Applicable Adjustments to Measured Noise Levels, dB(A) Where Noise Emission Is Not Music			Assessable Noise Level, dB(A)
		Tonality	Modulation	Impulsiveness	
A	29	+5	-	-	36
B	29	+5	-	-	36
C	29	+5	-	-	36
D	29	+5	-	-	35
E	28	+5	-	-	38
F	39	+5	-	-	45
G	35	+5	-	-	41
H	38	+5	-	-	43
I	39	+5	-	-	45

Based on the assessable noise levels above, comparison against the relevant assigned noise level is contained in Table 6.2

TABLE 6.2 – ASSESSMENT OF NOISE LEVELS

Receiver	Premises Receiving Noise Assessable Noise Level dB(A)	Time of Day	Assigned Level (dB)	Compliance
A	36	0700 - 1900 hours Monday to Saturday (Day)	45	Complies
B	36			Complies
C	36			Complies
D	35			Complies
E	38			Complies
F	45			Complies
G	41			Complies
H	43			Complies
I	45			Complies

7. CONCLUSION

Assessment has been conducted on the proposed limestone and sand extraction operations for Lot M1332 Caraban Road, Gingin.

The facility would only operate during the day period (being Monday to Friday 0700 to 1900 hours and 0700 to 1600 on Saturdays). Therefore, at the neighbouring residences, the applicable acoustic criteria for this assessment are the assigned L_{A10} day period noise level of 45 dB(A).

Noise received at the nearest residential premises has been determined, to be 44 dB(A) for the limestone operations for the highest noise level at any stage of the operations. This can be compared to the applicable assigned noise level criteria of 45 dB(A).

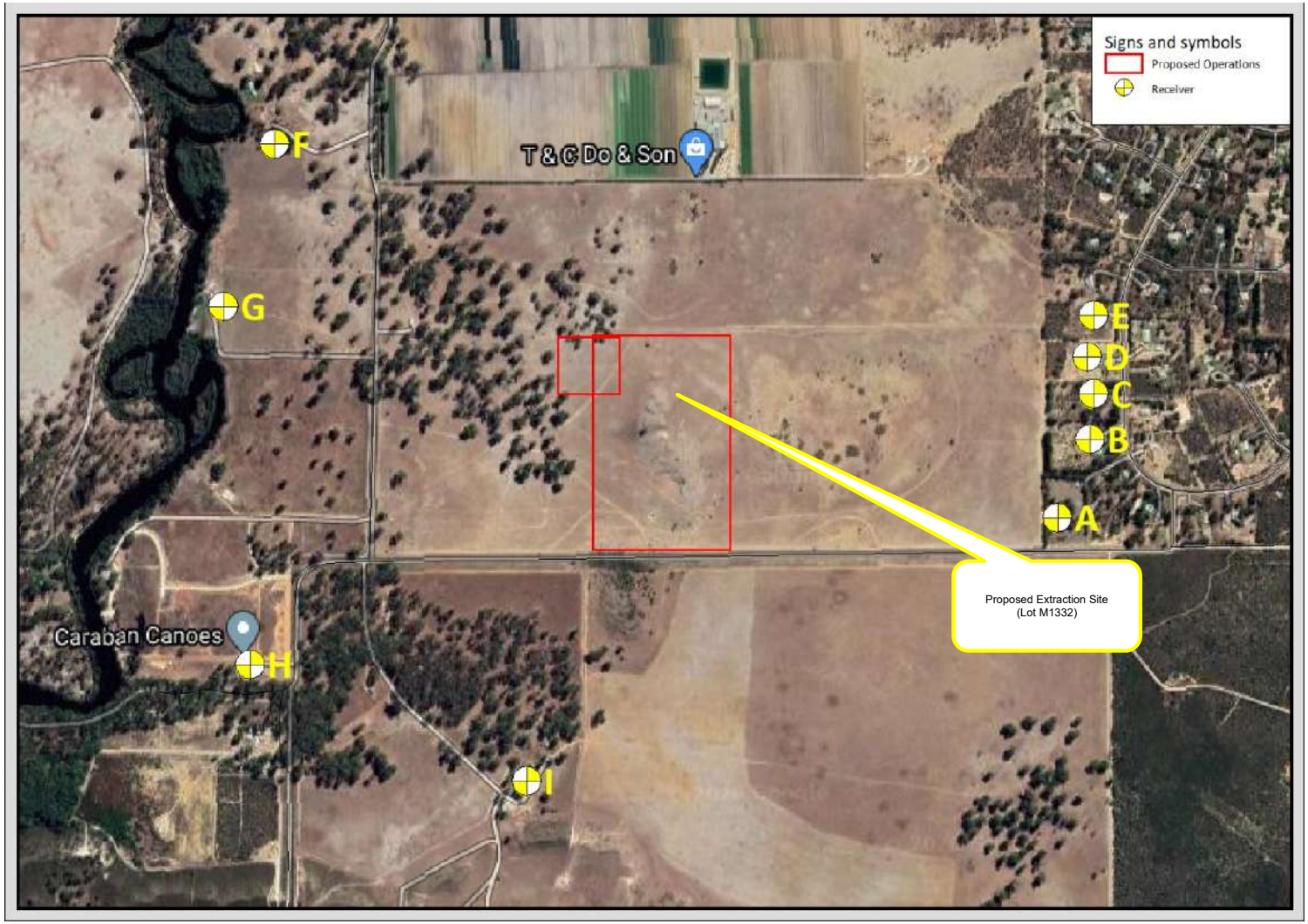
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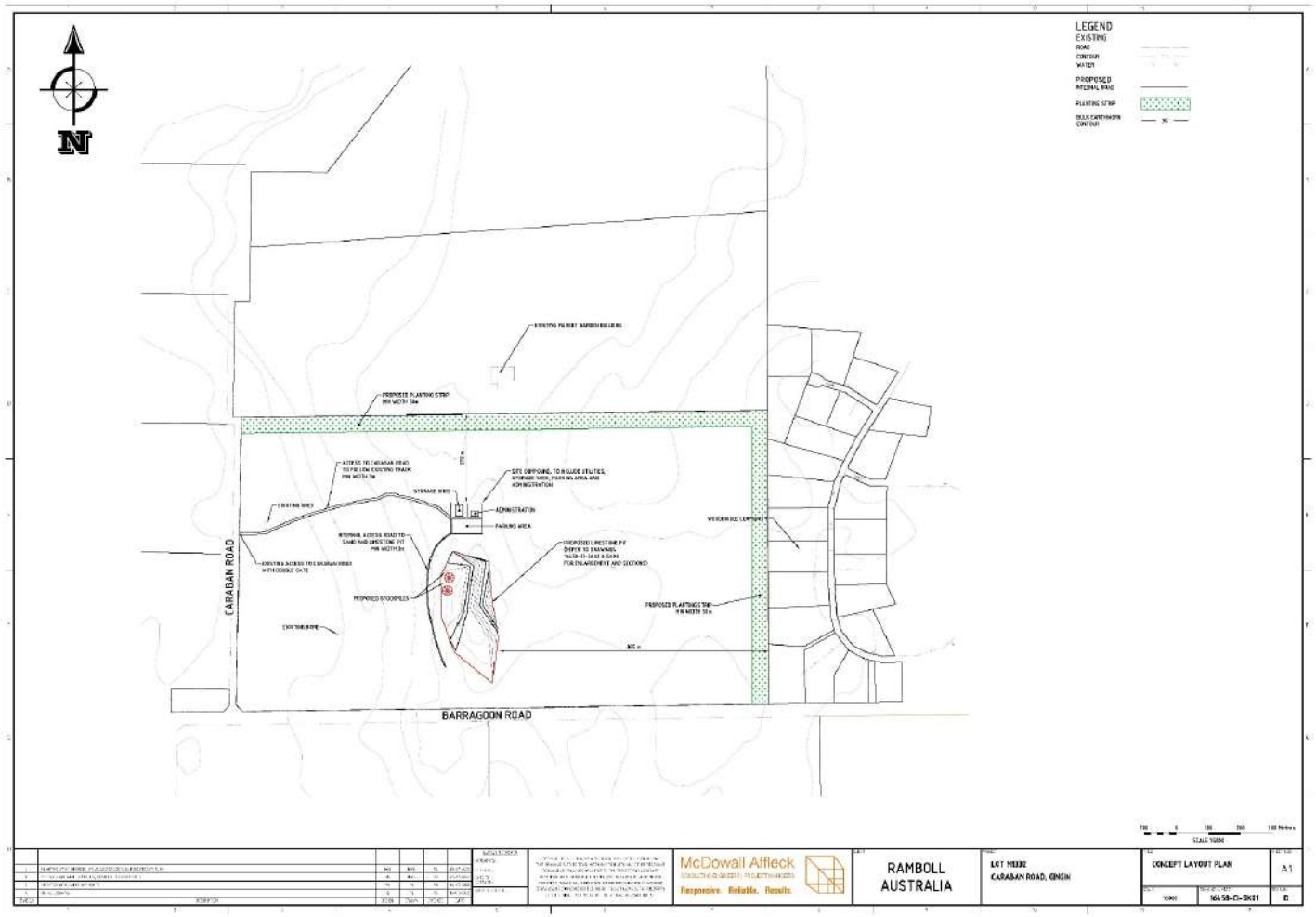
Given these operating parameters, noise levels received at the nearest premises has been calculated to comply with the *Environmental Protection (Noise) Regulations 1997* for the operating times as outlined in this assessment, even with the inclusion of a +5 dB(A) penalty for tonality.

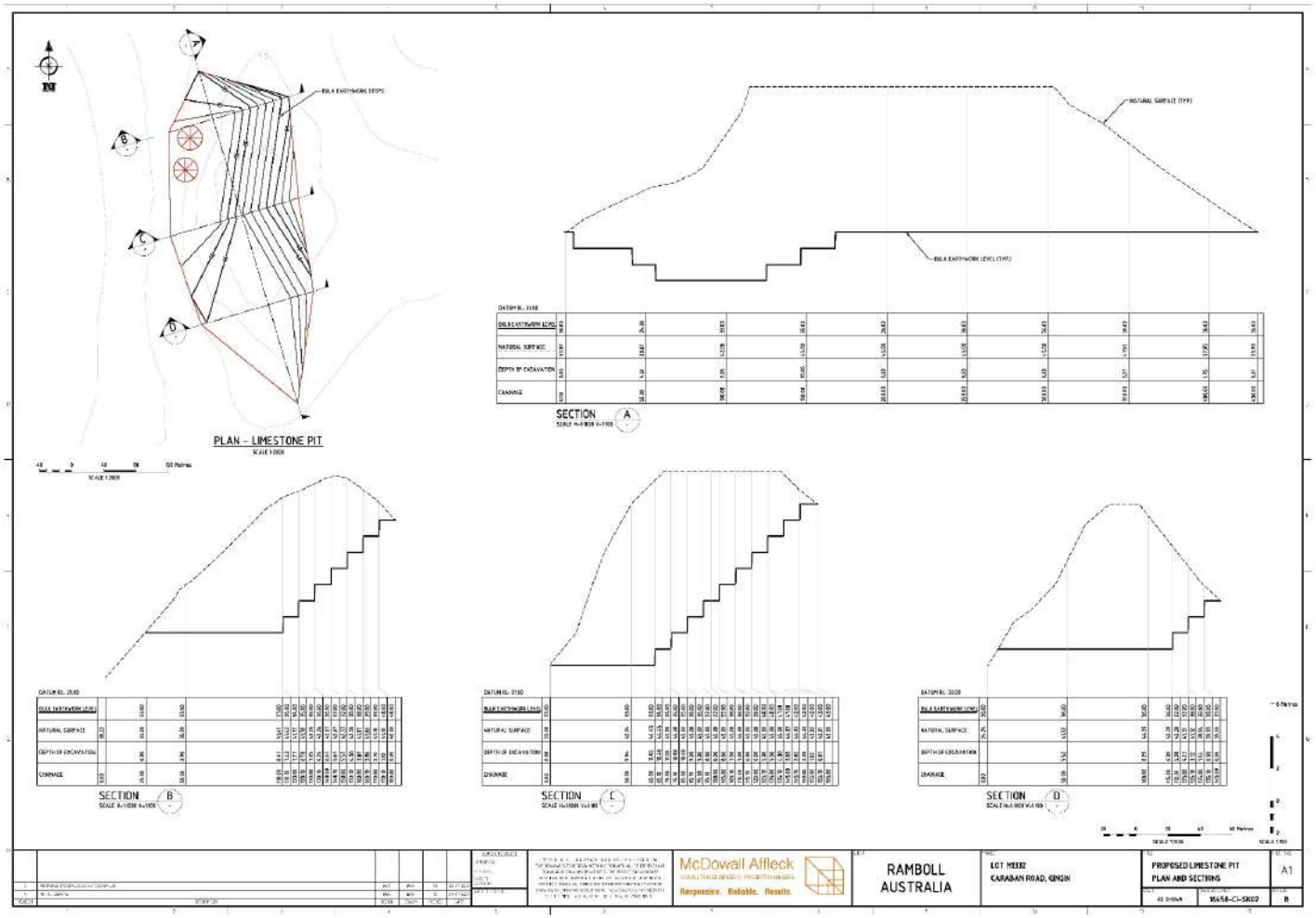
APPENDIX A

FIGURE A1 – LOCATION MAP

FIGURE A1 – SITE LAYOUT




LEGEND
EXISTING
PROPOSED
N
CARABAN ROAD
BARRAGOON ROAD
McDowall Affleck
RAMBOLL
AUSTRALIA
CONCEPT LAYOUT PLAN
A1

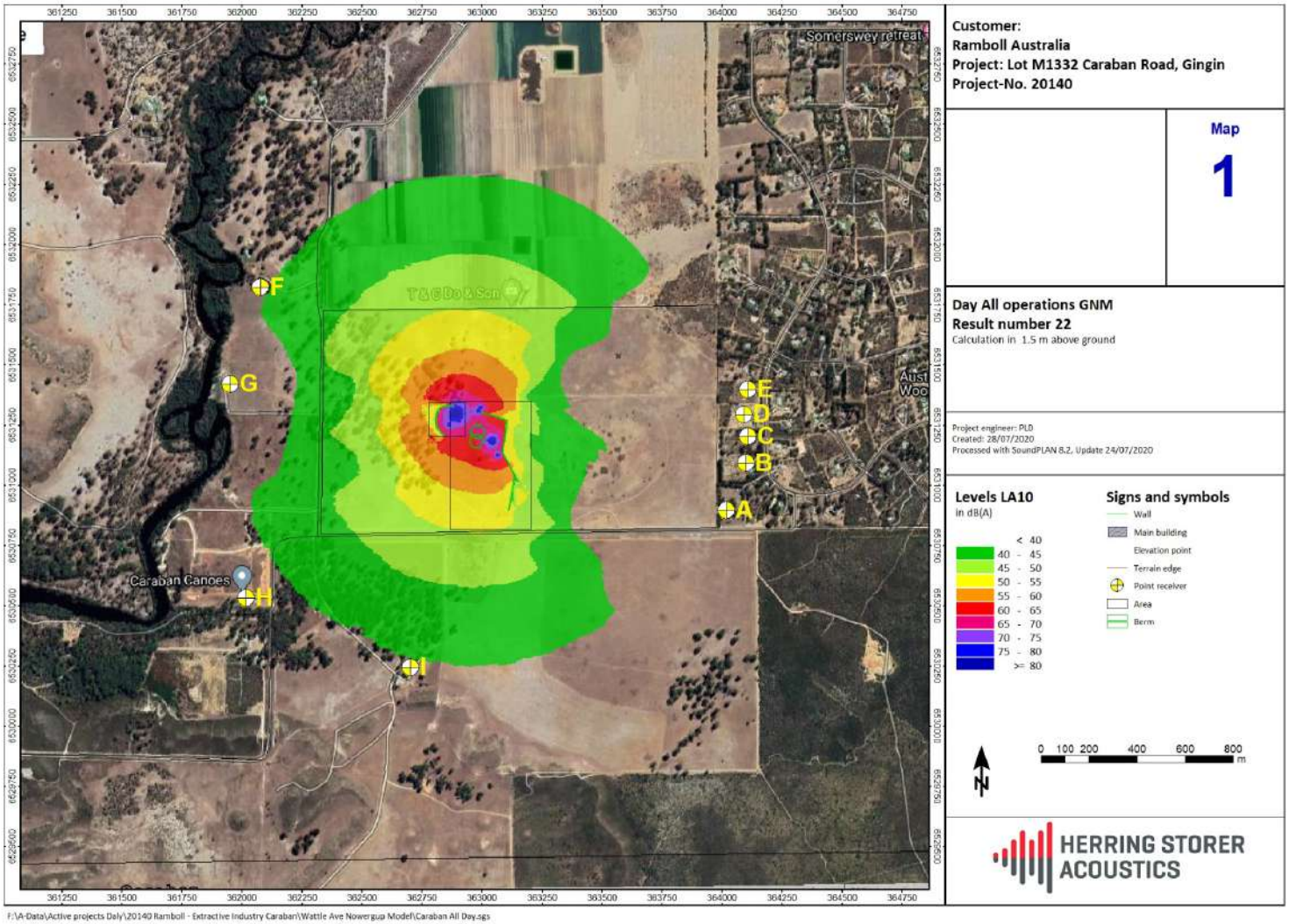

PLAN – LIMESTONE PIT
SECTION A
SECTION B
SECTION C
SECTION D
McDowall Affleck
Responsive. Reliable. Results.
RAMBOLL AUSTRALIA
LOT M332
CARABAN ROAD, GINGIN
PROPOSED LIMESTONE PIT
PLAN AND SECTIONS
A1

APPENDIX B

Noise Contours

Herring Storer Acoustics
Our ref: 25965-2-20140

Appendix B



Intended for
Department of Water and Environmental Regulation

Document type
Draft Report

Date
December 2020

EXTRACTIVE INDUSTRY ON LOT M1332 CARABAN ROAD, GINGIN

DUST MANAGEMENT PLAN

RAMBOLL Bright ideas. Sustainable change.

EXTRACTIVE INDUSTRY ON LOT M1332 CARABAN ROAD, GINGIN
DUST MANAGEMENT PLAN

Project name	**Extractive Industry on Lot M1332 Caraban Road, Gingin**
Project no.	**318000955**
Recipient	**Sheepco Pty Ltd**
Document type	**Dust Management Plan**
Version	**[2]**
Date	**15/12/2020**
Prepared by	**Jeff Barham**
Checked by	**Jeff Barham**
Approved by	**John Miragliotta**
Description	**A Dust Management Plan for the Proposed Extractive Industry Operations**

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Ramboll Australia Pty Ltd.
ACN 095 437 442
ABN 49 095 437 442

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1. INTRODUCTION

1.1 Background

Ramboll has been engaged to prepare this Dust Management Plan (DMP) by Sheepco Pty Ltd, the proponents for a planned extractive industry development on Lot M1332 Caraban Road, Gingin. A site layout of the proposed Project is illustrated in Figure 1.

The Project is the subject of a Development Application approval from the Gingin Shire Council and works approval/licensing under Part V of the *Environmental Protection Act, 1986* from the Department of Water and Environmental Regulation (DWER).

Through these approval processes it has emerged that an important issue to be resolved is the management of dust generated by the extractive industry operations. Figure 2 shows the potential sensitive receptors within a 1.5km buffer to Lot M1332 (measured from the property boundary). These include the Woodbridge rural/residential community to the east and several rural properties to the south, west and north.

1.2 Purpose of the DMP

The purpose of this Dust Management Plan is to outline management measures to minimise the potential for dust generation at the premises in order to mitigate dust impacts on the health, welfare and amenity of these surrounding land users and to staff at the premises.

This Dust Management Plan forms part of the supporting documentation required by the Gingin Shire Council and the DWER in relation to the respective applications submitted for the activity.

2. PROJECT DESCRIPTION

2.1 Site Plan

The details of the Project are shown on Figure 1. Key features are:

- A total project footprint of about 20ha located centrally within the property. The pit areas are about 4ha and correspond with the limestone and sand ridges located below.
- The footprint is also defined by a significant, 800m buffer from Woodbridge estate located immediately to the east and a 300m buffer to the intensive horticultural operation situated immediately to the north.
- A dedicated access point to the operation from Caraban Road, located on an existing access point with good sightlines.
- Access for Caraban Road to the operations footprint is via an existing internal track; this will be upgraded to a width of 7m.
- A general indication of the primary face of the materials extraction, being in a north south orientation along the side of the ridge containing limestone and sand. This provides minimal visual impact to the view from the east as the operations will be behind the existing hill.
- The location of administration and storage uses on a relatively flat "saddle" just north of the overall operating footprint.
- Two substantial planting areas located along the eastern and northern boundaries. These landscaping areas are proposed as visual and dust impact buffers for the Woodbridge community and the market garden land use respectively.

2.2 Operational Plant and Equipment

The Proponents will operate the following plant and machinery on the site:

- 1 excavator
- 1 front end loader with 3 MT bucket scales
- 1 dump truck
- 1 crusher
- 1 screen
- 1 sieve
- 1 conveyor
- 1 site office
- Storage shed
- Electronic site monitoring and movement recording
- Water truck with fire facilities.

During operations the plant and items of equipment will be stationed west of the pit face to provide visual, dust and noise buffers to Woodbridge in the east and the market garden in the north. The site office and storage shed will be situated within a separate compound to the north of the pit – refer to Figure 1.

2.3 Details of Excavation Works

2.3.1 Methods of Extraction

Limestone and agricultural lime will be extracted utilising an excavator and a dozer. There will be no blasting undertaken. Once extracted the material will be screened, then loaded to trucks for transfer to customers.

Sand will be extracted using a dozer; the product will be put through a sieve then transferred to trucks for transport to markets.

2.3.2 Extraction Process

The extraction process would commence with topsoil being removed from the excavation area and stockpiled for spreading as part of staged rehabilitation works in the future.

Construction sand would then be removed and stored in a stockpile for delivery to customers.

Once the construction sand product has been excavated, the limestone would be exposed ready to be sourced.

The ultimate depth of the limestone excavation would be to a floor elevation of approximately 36m AHD to match the prevailing natural level of the land surrounding the pit.

The northern extent of the pit would be graded to match the ridge height outside the application area. Any material stockpiles would be retained on the floor of the pit. The pit face will progressively be worked in a southerly direction. A pit face not exceeding 1:10 vertical to horizontal batter will be maintained.

2.4 Site Access and Vehicle Movements

Site access will occur via an existing crossover to Caraban Road and an unsealed driveway that extends in an easterly direction to the development footprint. The speed limit for all vehicles using the driveway, and internal roads, will be 15km per hour. Truck movements will be on average 4 per hour.

2.5 Rehabilitation

Rehabilitation will be undertaken procedurally as the pit moves southwards through the staged extraction process. The excavated areas will gradually be rehabilitated to pasture as pit excavation moves into the new excavation stage.

2.6 Revegetation

The strategies for the proposed revegetation areas are to plant to provide a vegetation screen, further concealing operations from Caraban Road, Barragoon Road and Woodbridge. The plan is to also propose revegetation that returns the excavation pit to pasture. This approach has been taken on the basis that the landowner is likely to utilise the site for more traditional rural purposes once the life of the excavation use has ceased.

2.7 Dust Sources

Dust associated with the extraction of materials at Lot M1332 Cariban Road, can potentially be generated by the release of particulates from the following sources and site activities:

- Onsite traffic movements primarily from trucks entering and traversing the site during delivery and dispatch of materials;
- Handling or movement of material from trucks to stockpiles;
- Loading of materials from the screening plant onto stockpiles pending sale and dispatch

to customers; and
- Wind-blown dust from stockpiles.

2.8 Meteorology

The nearest meteorological station to Caraban Road recording climatic data is Gingin Aerodrome. The station is about 25km east of the Caraban Road site.

The data from the Gingin Aerodrome station indicates predominant winter rainfall with limited sporadic rainfall through the warmer months from November to April. Winter temperatures are cool but in summer temperatures can be in excess of 30 degrees Celsius. This cycle leads to strong evaporation in the summer months that exceeds the annual rainfall.

In relation to wind direction and strength, the major feature is the presence of strong easterly winds in the morning in the summer that are replaced by a strong south westerly sea breeze in afternoon. The average annual wind speed in the afternoons is 21.6km per hour. See Appendix 2 which contains the annual 9am and 3pm wind roses for Gingin Aerodrome weather station.

Throughout the remainder of the year the meteorology follows a cycle that includes moderate easterlies that may last for several days due to high pressure systems establishing over the Australian Bight. As a cold front approaches from the west, the wind switches to the north west prior to the cold front crossing the coast. As the front crosses the coast the wind switches to south westerly and gradually swings southerly and then south easterly as a new high establishes itself.

Wind speeds greater than 30km/hour are typically associated with natural dust lift off from unprotected surfaces. This data shows erosive winds arising mainly from the east in the summer and from the west in the winter. The summer easterlies are also associated with dry conditions that are conducive to dust generation.

3. PROPOSED MANAGEMENT MEASURES

3.1 Introduction

Sheepco will manage its operations to minimise the impact to the surrounding environment from dust through the implementation of following key measures which will be employed under all conditions that may have the potential to generate airborne dust, particularly during hot, dry and windy conditions.

This Dust Management Plan which will be a condition of the DWER and Council approvals so compliance with the management measures will be a mandatory requirement. The core elements of the dust management regime for the development are documented below.

3.2 Sprinkler Systems

- Sprinklers will be connected across the site through a poly pipe system and will be placed around the driveway to manage vehicle dust. Each stockpile will have its own separate impact sprinkler.
- The poly pipe system will allow sprinklers to be moved around the site should additional dust suppression in certain areas be required.
- Water for the sprinklers will be provided by the on-site bore.
- In addition to site sprinkler systems the site will have a water truck with a 12kL water tank.

3.3 Stockpiles

- The height of stockpiles will be about 12m, and each will be approximately 20m in diameter.
- Stockpiles will be kept separate from each other to maintain product quality.
- The width between stockpiles will be a minimum of 3m to allow either a truck or loader to pass between them.
- As shown on Figure 1, the stockpiles will be located west of the pit face to provide screening for receptors to the east (Woodbridge).

3.4 Screening of Crushing operations

- Misting sprayers will be used on conveyors.
- Sprays will be used on the loading hopper at the entry to the crusher to prevent dust exiting during the loading operation.
- Products will be dampened on the exit from the crusher and will be transferred to product stockpiles with their own dust suppression sprinkler systems.

3.5 Site Screening

- The site fencing will include shade cloth around the perimeter of the site. This will prevent dust entering or escaping the site, thus reducing the influence of winds generating fugitive dust. The screening will also provide some visual screening of the core operations.

4. OPERATIONS

4.1 Introduction

The staffing levels at the extractive industry operations will comprise three permanent personnel, including a site manager and two general operational personnel.

4.2 Site Manager

The Site Manager is responsible and accountable for the implementation of this Management Plan. The Site Manager will be based at the operations on a full-time basis.

4.3 Employees/Contractors

Sheepco will not be using off-site contractors for undertaking core operational work at the premises. Site employees will follow this Dust Management Plan.

Transport operators will not be Sheepco employees. Comprehensive induction programs for these drivers will be implemented to ensure that all are aware of this DMP and the commitments that have been made therein to manage dust.

4.4 Monitoring

Monitoring of potential dust impacts will include daily visual inspections by the site manager (or delegate) of the following key activity areas:

- Site preparation and civil works during the construction phase
- The following areas during the operational phase:
    - Stockpiles;
    - Trafficked areas;
    - Screening plant;
    - Sprinkler systems.

All visual monitoring results will be logged and retained as part of environmental performance records for the project.

Ongoing visual monitoring will be completed by all employees on site. When airborne dust has the potential to cause a nuisance by decreasing visibility on site, or clearly extending over the site boundary, staff members can cease work and will notify the site manager. Depending on the severity of the dust incident, the site manager will temporarily stop operations or implement more strenuous dust management methods.

Monitoring techniques to be applied will also include the application of deposition gauges. This will involve the placement of depositional gauges on the eastern and northern boundary of Lot M1332.

Through this equipment, "real-time data" will be available to operational personnel to be notified of high-risk dust generation conditions. This then gives the opportunity for operational decisions to be made in the case of high dust generating conditions.

4.5 Performance of Dust Management Practices

The proponent will ensure that best practice measures are implemented to prevent or minimise the generation of dust throughout the duration of the project. The effectiveness of the Dust Management Plan will be reviewed against the following criteria:

- Number of complaints received in relation to dust
- Number of dust incidents recorded, including both internal reports and external complaints
- No visible airborne dust being dispersed from internal access tracks and roads
- Absence of nuisance dust originating from cleared works area

Continuous review of dust management procedures and controls will be implemented following the above performance criteria to ensure dust is managed within and outside the project area.

5. INCIDENT MANAGEMENT

5.1 Incidents

Any dust incidents or complaints will be recorded and investigated to establish causes and implement corrective actions where necessary.

Identification of a dust incident will be triggered by identification of an excessive fugitive emission with potential to impact on public amenity or surrounding environment or public complaints. In the case of a dust incident, the following actions will be undertaken:

- Undertake immediate inspection, temporary control and internal notification of the Site Manager;
- Record date, time, duration and root cause of the incident or exceedance;
- Identify and implement corrective actions to be undertaken or planned to mitigate adverse environmental consequences;
- Follow up on recommendations to ensure corrective actions are completed;
- Identify changes to work practices or operations that are required to ensure that the incident will not re-occur together with a timetable for implementation of those changes; and
- Advise DWER and the Gingin Shire Council of the outcome of incident management (as necessary) or any long-term initiatives proposed to manage residual impacts from the incident.

5.2 Public Complaints

Signs will be maintained at the site providing relevant contact details for the company.
Public complaints received in relation to dust from the project will be recorded on a complaints register held onsite, investigated and actioned as appropriate.

The Complaints Register will be used to record the name(s) of the person(s) making the complaint, the date, nature and follow up action undertaken.

The Site Manager or delegate will contact any persons submitting a complaint, concerning environmental issues associated with the complaint indicating the likely course of action to address the concern.

If there is a complaint associated with a significant incident, the Site Manager will report to DWER and the Gingin Shire Council.

6. CONCLUSIONS

For dust to be successfully mitigated onsite and offsite the controls identified in this Dust Management Plan will need to be implemented.

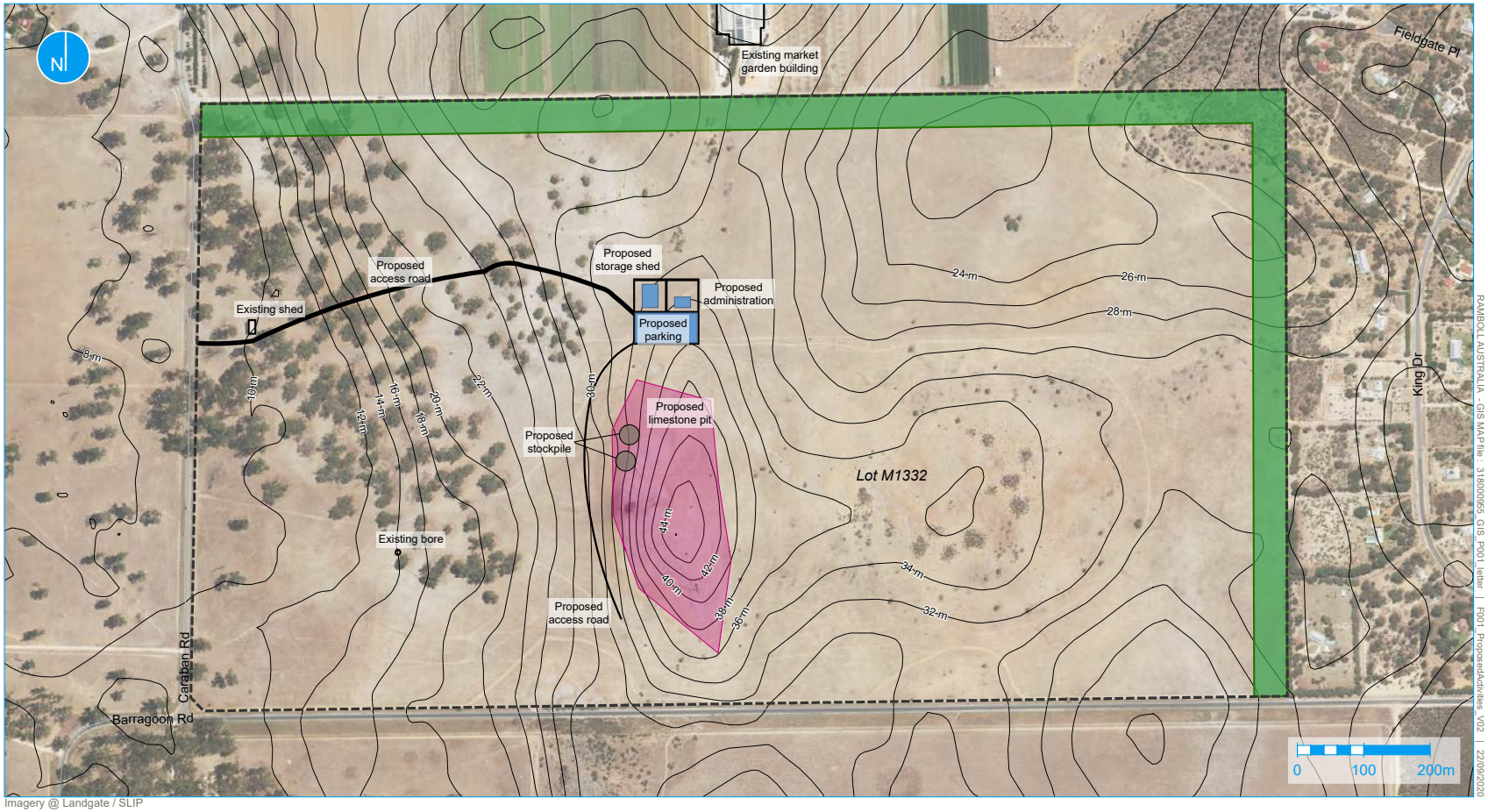
Sheepco acknowledges the sensitivity of nearby sensitive receptors to dust generation and is committed to managing this potential impact.

Sheepco seeks to create an open dialogue with adjoining and nearby residents to achieve the above. Through this dialogue information regarding any complaints of nuisance dust events from community members or employees and contractors will be documented and passed onto the site manager for review and action as soon as possible. A record of complaints will be kept within a register in the site office. In addition, an investigation, outcomes and any changes to the Management Plan shall be kept within a register.

The implementation of control measures outlined in this document, will successfully mitigate dust generation on-site. The Dust Management Plan is subject to ongoing review, to achieve continuous improvement in this area of operation.

APPENDIX 1

FIGURES



Imagery @ Landgate / SLIP

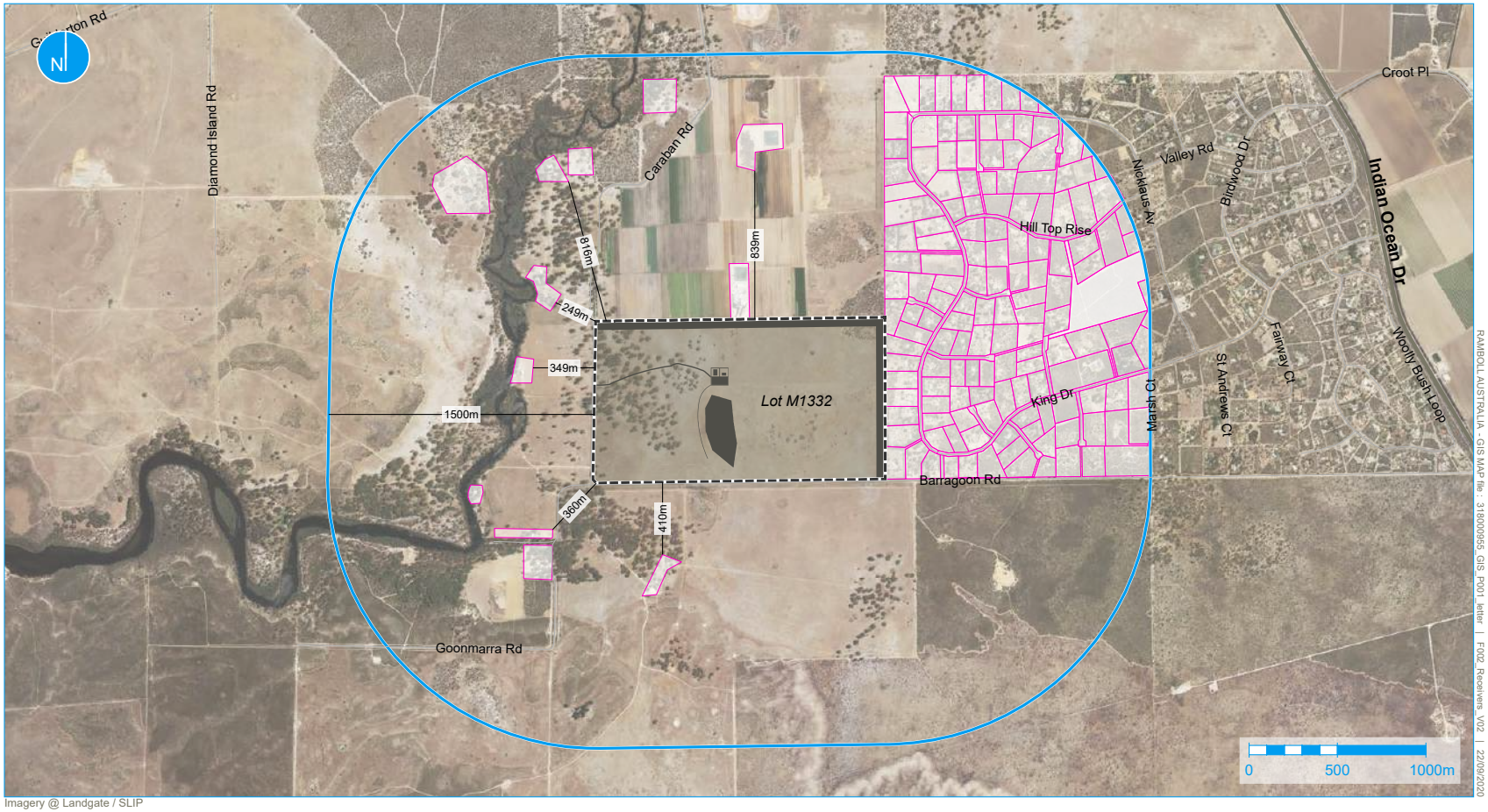
Legend

- Premises boundary
- 2 m contour (DRIRD)
- Existing structures
- Proposed limestone/sand pit
- Proposed stockpile
- Proposed access road
- Proposed site compound
- Proposed planting strip

A4
1:8,000

Figure 1 | Proposed activities (LOT M1332 CARABAN ROAD, GINGIN)

RAMBOLL



Imagery @ Landgate / SLIP

Legend

- Premises boundary
- Proposed activities
- 1.5km buffer area
- Potential sensitive receptor

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1:30,000

Figure 2 | Potential sensitive receptors within 1.5km (LOT M1332 CARABAN ROAD, GINGIN)

APPENDIX 2

WIND ROSES

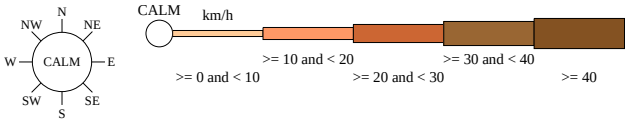
Rose of Wind direction versus Wind speed in km/h (01 May 1996 to 11 Aug 2020)

Custom times selected, refer to attached note for details

GINGIN AERO

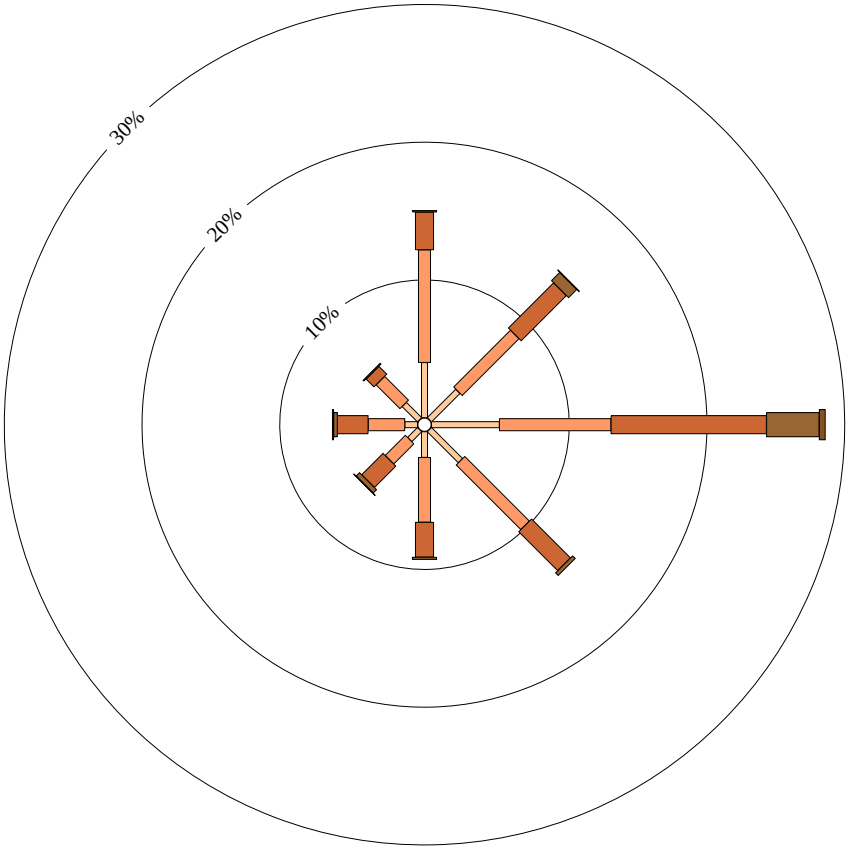
Site No: 009178 • Opened Jan 1968 • Still Open • Latitude: -31.4628° • Longitude: 115.8642° • Elevation 73m

An asterisk (*) indicates that calm is less than 0.5%.
Other important info about this analysis is available in the accompanying notes.



9 am
8656 Total Observations

Calm 2%



Australian Government
Bureau of Meteorology

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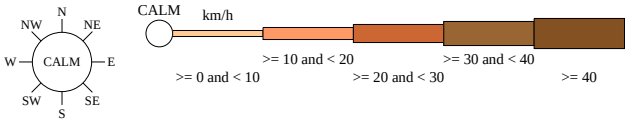
Rose of Wind direction versus Wind speed in km/h (01 May 1996 to 11 Aug 2020)

Custom times selected, refer to attached note for details

GINGIN AERO

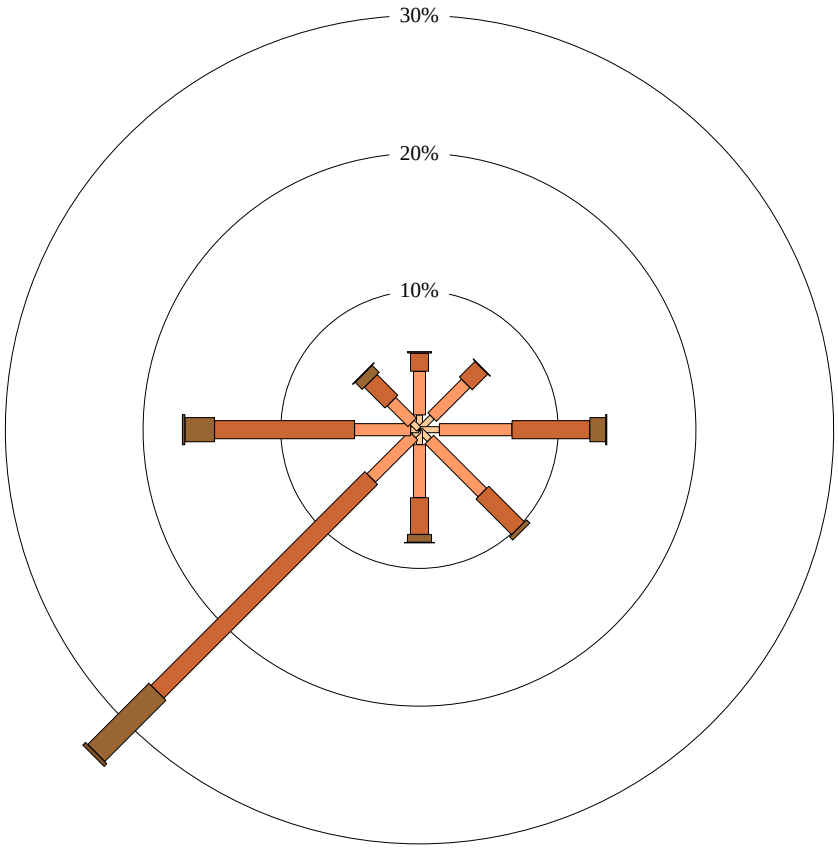
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Other important info about this analysis is available in the accompanying notes.



3 pm
8658 Total Observations

Calm *



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Bureau of Meteorology

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RAMBOLL

ENVIRONMENT
& HEALTH

EXTRACTIVE INDUSTRY LICENCE APPLICATION LOT M1332 CARABAN ROAD

Project name	**Planning approvals for Quarry Site in Gin Gin**
Project no.	**318000955**
Recipient	**Sheepco Pty Ltd**
Document type	**Supporting Report**
Version	**[0]**
Date	**21/07/2020**
Prepared by	**Jeff Barham**
Checked by	**Jeff Barham**
Approved by	**John Miragliotta**
Description	**Extractive Industry Licence Application – supporting report**

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1. Introduction

Sheepco Pty Ltd is the proponent for an extractive industries development on Lot M1332 Caraban Road in Gingin. Sheepco has commissioned Ramboll to assist with the various approvals and related technical matters for the extractive industries development.

This report has been prepared to support the Extractive Industry Licence (EIL) application for Lot M1332. In addition to this EIL application, Ramboll has also prepared applications for:

- A Development Application (DA) for extractive industries under the Shire of Gingin's Town Planning Scheme; and
- an application for a works approval under Part V of the Environmental Protection Act.

It is intended that these related applications proceed concurrently with the EIL.

In preparing this supporting report, Ramboll has followed the guidance provided in Council's Extractive Industries Local Law (2004) as amended by Extractive Industries Amendment Local Law 2015 (Government Gazette 10/07/2015).

As required by Clause 2.2 (1) (b) of the Bylaws, a site plan has been prepared showing the details of the proposed extractive industry development. This report should be read in conjunction with that site plan which is at Appendix 1.

2. Type of material to be excavated

Agricultural lime, sand and limestone.

3. Details of methods of extraction, including any crushing or blasting, or whether extraction only

3.1 Methods of Extraction

Limestone and agricultural lime will be extracted utilising an excavator and a dozer. There will be no blasting undertaken. Once extracted the material will be crushed, screened, then loaded onto trucks for transfer to customers.

Sand will be extracted using a dozer; the product will be put through a sieve then transferred to trucks for transport to markets.

3.2 Extraction Process

Extraction process would commence with topsoil being removed from the excavation area and stockpiled for spreading as part of staged rehabilitation works in the future.

Construction sand would then be removed and stored in a stockpile for delivery to customers.

Once the construction sand product has been excavated, the limestone would be exposed ready to be sourced.

The ultimate depth of the limestone excavation would be to a floor elevation of approximately 36m AHD to match the prevailing natural level of the land surrounding the pit to the west.
The northern extent of the pit would be graded to match the ridge height outside the application area. Any material stockpiles would be retained on the floor of the pit. The pit face will progressively be worked in a southerly direction. A pit face not exceeding 1:10 vertical to horizontal batter will be maintained. Refer to elevation drawings in Appendix 1.

4. Hours of operation (including crushing, blasting and excavation)

7am to 7pm Monday to Friday. 7am to 4pm on Saturday. Closed on Sunday.

5. Storage of chemicals

There will be no storage of chemicals on the site.

6. Estimated completion date

A 30-year operational life of the resource. Extractive industry operations are likely to cease in 2050.

7. Type of equipment to be used

7.1 Size of trucks

The extractive industry operation is to produce three products – limestone, agricultural lime and sand for the construction market. These products have specific vehicle types dictated by the needs of the transport operators serving each market. The vehicles to be used are:

- B Double for limestone and agricultural lime; and
- Single trailer for sand.

7.2 Machinery

The Proponents expect to operate:

- 1 Excavator
- 1 Front End Loader with 3 MT bucket scales
- 1 dump truck
- 1 crusher
- 1 screen
- 1 sieve
- 1 conveyor
- 1 site office
- Electronic Site Monitoring and movement recording
- Water Truck with Fire facilities.

8. Maintenance and any re-fueling of trucks on site

There will be no re-fueling or maintenance of trucks on site. The transport operation will be sub-contracted to a third-party operator who will refuel and carry out maintenance off site.

Site operations will include a storage shed where some rudimentary maintenance of overall operational activities may be carried out.

9. Number of truck movements per day/week

The development is likely to result in 46 truck movements per day x 6 days per week. This level of activity results in a total of 4 truck movements per hour, averaging to 1 truck every 15 minutes.

The proponents have commissioned a traffic impact statement for the development – refer to Appendix 2. An extract from the Traffic Impact Statement is the total traffic generated by the development which is documented in the Table below.

The Traffic Impact Statement shows that the road network can accommodate this level of traffic increase.

	Transport	Daily trips	Inbound	Outbound
Light vehicles	Staff	6 vpd	3 vpd	3 vpd
Semi-trailers (19.0m)	Sand/Limestone	20 vpd	10 vpd	10 vpd
B-Doubles (27.5m)	Agriculture lime	20 vpd	10 vpd	10 vpd
Total trips	**46 vpd**	**23 vpd**	**23 vpd**	**23 vpd**

10. Details of staging

The staging of the excavation will run in a north to south progression. The stages conform to the areas between the cross-section drawings in Appendix 1 and defined by the change in dimensions and direction of the pit face. These four stages are shown indicatively on the plans in Appendix 1.

11. Proposed haulage routes and destinations

11.1 Overview

Deposits of sand and limestone of moderate to high quality grade are suitable for cement and lime manufacture. In addition, lime sand extracted in the Shire of Gingin is used for agricultural purposes to assist in arresting soil acidification in farming districts. The lime sand is transported using designated lime sand truck routes.

11.2 Agricultural Lime

The lime product generated by the development is intended for the inland agricultural areas. This will involve a route using Caraban Road; then Indian Ocean Drive. From Indian Ocean Drive the routes will then move east, north and south to agricultural areas. The proportion of traffic to each direction will depend on market demands.

11.3 Construction Sand

The sand product will be sourced by the construction market mostly in the northern metropolitan suburbs. This will involve a route using Caraban Road; then Indian Ocean Drive heading south to the Perth metropolitan area. Again, some of the sand product will be sent east and north depending on customer needs.

12. Proposed road warning signage

The TIS at Appendix 2 does not recommend any road warning signage. The TIS shows that the standard and design configuration of Caraban Road is adequate to safely and efficiently accommodate the increased traffic associated with the Proposal.

The proponents consider that there is merit in the provision of signage for the matters discussed below:

- A "trucks entering and egressing" sign on Caraban Road advising road users of the access way to lot M1332
- An internal sign advising truck operators of the internal 15km per hour speed limit.

13. Noise, dust and vibration abatement measures

13.1 Noise Management

13.1.1 Overview

The noise assessment of the proposed development is attached at Appendix 3. The modelling undertaken and reported shows that the extractive industry operation can be carried out in compliance with the Noise Regulations.

13.1.2 Stockpiling and Bunding

The noise assessment recommends that localised stockpiling and bunding be incorporated into the project through the design and planning process. Some strategic bunding will be provided to ensure compliance with the Noise Regulations.

13.1.3 Noise Management Plan

A Noise Management Plan will also be prepared. Management actions include:

- Employees and contractors trained in best practice noise management techniques. These include the induction of drivers and plant operators with guidelines on how to minimise noise generation.
- Ensuring the equipment being used is the quietest possible and is maintained to an appropriate standard.
- Strict adherence to operating hours
- Operational information line to allow dialogue between neighbours and operational personnel.

13.2 Dust Management

13.2.1 Introduction

Dust Management will occur in accordance with the Dust Management Plan that will be approved under the DWER approvals. In summary, the core elements of the dust management regime for the development are documented below.

13.2.2 Sprinkler Systems

- Sprinklers will be connected across the site through a poly pipe system and will be placed around the driveway to manage vehicle dust. Each stockpile will also have its own separate impact sprinkler.
- The poly pipe system will allow sprinklers to be moved around the site should additional dust suppression in certain areas be required.
- Water for the sprinklers will be provided by the on-site bore.
- In addition to site sprinkler systems the site will have a 6-wheel water truck with a 12kL water tank.

13.2.3 Stockpiles

- The stockpiles will be approximately <12m high and approximately 20m in diameter.
- Stockpiles will be kept separate from each other to maintain product quality.
- The width between stockpiles will be a minimum of 3m to allow either a truck or loader to pass between them.

13.2.4 Screening and Crushing operations

- Misting sprayers will be used on conveyors.
- Sprays will be used on the loading hopper at the entry to the crusher to prevent dust exiting during the loading operation.
- Product will be damp on the exit from the crusher and will be transferred to product stockpiles with their own dust suppression sprinkler systems.

13.2.5 Site Screening

- The operational areas will be fenced, utilising shade cloth around the perimeter of the pit and stockpiles where necessary. This will prevent dust entering or escaping the site, thus reducing the influence of winds generating fugitive dust. The fencing will also provide some visual screening of the core operations.
- In addition, a water truck will be used if road dust accumulates to an extent where it may cause a nuisance.

13.3 Vibration Management

Given there is no blasting proposed in the operation, vibration impacts are expected to be negligible. The crushing task could potentially create vibration, but the following factors also dictate that impacts would be minimal:

- The distances between the operations and the sensitive receptors to the north and east.
- The landform between the operations and these receptors is defined by limestone rock.

14. Visual Impact

The topography of Lot M1332 rises from 10-12m AHD at the Caraban Road frontage to 45m AHD at the top of the limestone ridge about midway along the site towards the east. It is a steady rise from Caraban Road, as depicted in Figure 1 below.

From a visual impact perspective, the image of the extractive industry from Caraban Road will be softened by several features:

- The pit is some 700m from the Caraban Road frontage so it will a long-range view, very much in the distance and of an elevated position.
- While there are areas of open paddock west of the pit, from the northern side the view will be "through the trees" and considerably softened.
- The open view to the operations is only possible from the southern portion of Caraban Road which is less utilized than the northern portion.

The view of the operation from Barragoon Road, looking north is more open. Figure 2 shows this view. The key features of this view from a visual impact perspective are:

- The view of operations would be obscured to a degree by the elevated land in the foreground of Figure 2 and the shape and configuration of the pit.
- The view would be softened with some strategic landscaping.
- Barragoon Road is not a busy road; it is not connected to Indian Ocean Drive and only services a local function when compared to Caraban Road.

Other views of the operation from the north and east will be extensively screened by the revegetation strips to be planted along the northern and eastern boundary - refer to plans in Appendix 1.



Figure 1 – VIEW LOOKING EAST FROM CARABAN ROAD



Figure 2 – VIEW LOOKING NORTH FROM BARRAGOON ROAD

15. Drainage implications including surface and ground water impacts

There are no existing wetlands, water courses and/or drainage lines on Lot M1322. The site is 1.4 km east of the Moore River, a distance that ensures no impact from extractive industry.

Impacts on surface water quality will be minimal because of the distances to the Moore River. Drainage and stormwater management will be designed using conventional drainage principles. This will include flow lines into designated sumps on the pit floor.

16. Proposed end use of site

The use of Lot M1332 for extractive industry is a temporary activity in that it will cease when the resource is fully extracted. This is expected to be in about 30 years. When the use ceases, the land will be rehabilitated such that it can be incorporated into an urban framework as the settlement of Guilderton grows and expands.

Figure 3 below is an extract from the GinGin Local Planning Strategy (LPS). As can be seen, Lot M1332 is not identified for any specific future use. Once rehabilitated following the cessation of extractive industry, there will be flexibility for future land use options. Importantly, the use of extractive industry does to prejudice any longer-term land use options.

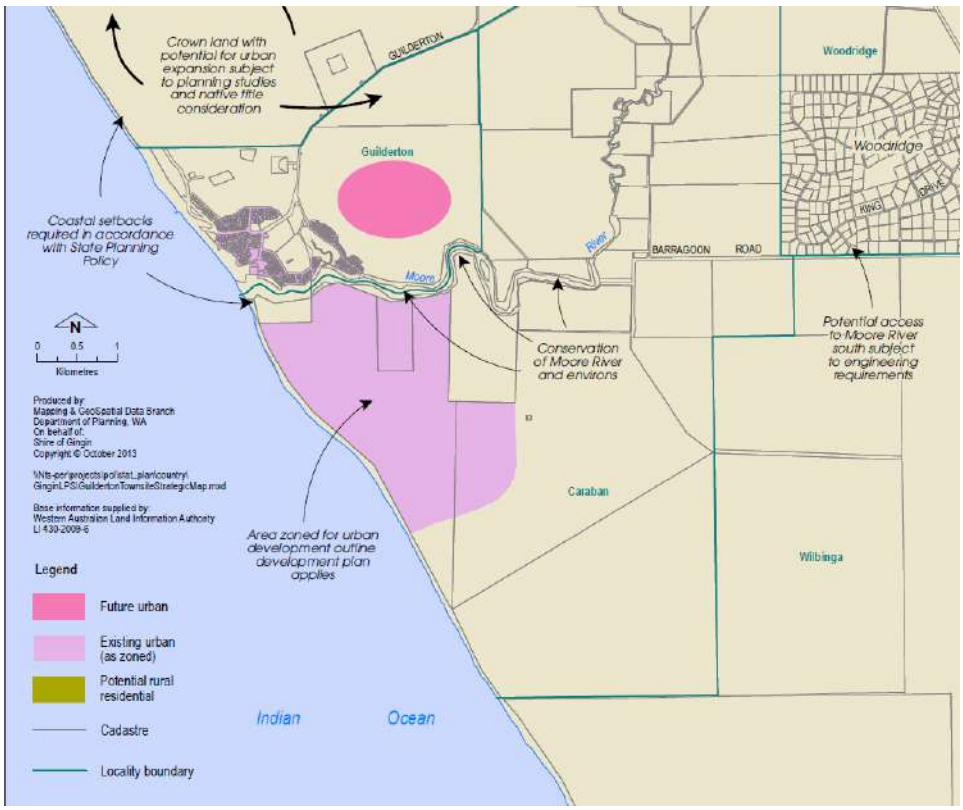


Figure 3 - EXTRACT FROM THE LPS – GUILDERTON DISTRICT

17. Detailed rehabilitation plan

The life of the limestone resource and sand pits is anticipated to be approximately 30 years, depending on demand. Upon completion, the site would be rehabilitated by replacement of topsoil where available and seeding to establish a self-sustaining cover of pasture.

Where possible, topsoil and overburden will be transferred from stockpiled areas and back filled into the final pit. The preferred method of revegetation is to use seed from existing topsoil, where this is available, supplemented by seeding using pasture species during autumn. Rehabilitation will be undertaken progressively as sections of the excavation area have been completed.

It is proposed to immediately commence the planting of two 50m strips of vegetation as shown on the plans in Appendix 1.

The rehabilitation strategies for the proposed revegetation areas are also to plant a vegetation screen that conceals operations where necessary from Caraban Road, Barragoon Road and Woodbridge. The plan is to also plant vegetation that returns the excavation pit to pasture. This approach has been taken on the basis that the landowner is likely to utilise the site for more traditional rural purposes once the life of the excavation use has ceased and the potential for alternative uses is evident.

18. Assessment of the risk of spreading *Phytophthora* dieback

18.1 Risk Level

The location of the excavation footprint is on a cleared area and a limestone resource very close to the ground surface. Consequently, the risk of dieback being in the excavation footprint is extremely low.

18.2 Management techniques appropriate to that level of risk

In investigating possible management techniques for the operation, Ramboll has referred to - Best Practice Guidelines Management of ***Phytophthora*** **Dieback** in Extractive Industries (Dieback Working Group). While the risk level on Lot M1332 is extremely low, there are risks associated with truck movements in and out of the site. To mitigate this risk the proponents will implement the following management techniques:

- Communication with the transport operators about the risk and the management actions
- Require trucks to be washed and cleaned prior to entry to the premises
- Regular inspections of areas possibly subject to dieback encroachment

19. Management techniques to address potential conflict with surrounding land uses and protection of environmental attributes

Potential sensitive land uses around Lot M1332 include:

- The Woodridge community to the east
- The horticultural operations to the north (T&C Do & Son).
- A hospitality use – micro-brewery – proposed on the site immediately west of Caraban Road

Through the planning and design process the siting of the project footprint provides significant separation distances from the Woodbridge community (800m), the adjoining horticultural enterprise

(300m) and the hospitality use (700m). It is self-evident that there will be impacts from the extractive industry operation, but these impacts are manageable. Impacts are likely to be confined to noise, dust and traffic. Management techniques for these impacts are summarised below:

The noise management techniques proposed are detailed in 13.1 above. Additionally, a Noise Management Plan will be developed for implementation at the operational stage to align with the use of machinery.

Similarly, the dust management techniques are outlined in 13.2 above and a Dust Management Plan will be prepared once specific operational needs are evident.

From a traffic management perspective, the following techniques will be implemented:

- Warning signage on Caraban Road advising road users of the cartage vehicles and the entry and exit point.
- Internal speed limits of 15km maximum to minimise dust and noise generation
- Appropriate training and induction of transport operators.

20. Aboriginal and European heritage considerations if within a known area of significance.

A search of the AHIS indicates four listed Aboriginal Heritage Sites are near Lot M1332. The sites are to the west – largely associated with the Moore River and Chandala Brook. Through consultation with the Department of Aboriginal Affairs through the application process, the proponents will develop management actions as necessary.

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED DEVELOPMENT APPLICATION – PROPOSED EXTRACTIVE INDUSTRY LICENSE - AT LOT M1332 CARABAN ROAD, CARABAN

No.	Submitter	Submission Detail	Recommended Response
1.	Submitter	The submitter **does not support** the proposal and makes the following general comment**:** "I have been in the Woodridge Estate since 1991 and have seen many changes but this is worst to be proposed! I have read all the reports about the dust, wind and water and I am dreadfully worried for myself and neighbours. As for myself I have just been diagnosed with Emphysema. I have never smoked, the Doctors have assured me I will not get worse because I haven't smoked. With the silica dust worry and winds, noise coming directly over us, do you honestly think I won't get worse? It's on the Shire to protect your rate payers. I love my home and wish to remain!"	Noted. Refer to point 6 and 7 under table 1 of the council report.
2.	Submitter	The submitter **does not support** the proposal and makes the following general comment**:** "As a long-time resident of Woodridge I strongly object to the above application. There are many objections such as dust, noise, vehicular movements, changes in topography, illness in our family will be impacted by this development to name a few."	Noted. Refer to point 3, 4, 6, and 7 under table 1 of the council report.
3.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I am opposed to this development."	Noted.

4.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Definitely against this proposal. Bad for health, noise and danger with trucks going onto Indian Ocean Drive. Please, please don't give permission for this to happen."	Noted. Refer to point 3, 4, 5, 6, and 7 under table 1 of the council report.
5.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "With the locality of the proposed site, we feel the approval should not go ahead because of the following problems: a) Health related problems for all members of the Woodridge community and surrounding farms and businesses as a result of continual exposure to Silica from the sand extraction. b) Caraban Road is not suitable for the number and size of trucks proposed to use it. The road would break up very quickly resulting in additional money to be used and raised by the Shire to upgrade it. Alternatively, when constructed Barragoon Road may be their solution to getting out to Indian Ocean Drive. This would cause a number of problems again to the Woodridge Community. The turn onto Indian Ocean Drive from Caraban Road would certainly see a greater number of accidents especially with B double trucks involved. They are turning onto a 100km limit road with often tourists – who will not be familiar with the toad being faced with disaster. Trucks on Caraban Road would increase the likelihood of accidents as the number of tourists using the road to other tourist facilities, let alone the locals using the road. c) The noise level from the works would not be able to be suppressed as the proposed buffer zone is totally inadequate. 50 metres.	Noted. Refer to point 7 under table 1 of the council report. Refer to points 3 and 4 of the council report. The officer further notes that connection between Barragoon Road and Indian Ocean Drive has no relationship with this development. Refer to point 5 under table 1 of the council report.

		d) Question What size plants would be planted and how many years would it take before they grew to size? Is the quarry going to wait this long before starting to excavate? e) There is a problem with the water usage. Are the sprinklers going to be working 24 hours a day to suppress the dust? We also feel the water table may be a lot deeper than 2 meters as stated in the proposal. As this area is in the Moore River Catchment, does this equate to large amounts of silt forming in the river and thus affecting all the wildlife which are in this area. Will this affect the very popular swimming area at Guilderton Foreshore. There is also a very serious problem which will occur not maybe over the next 30 years. How are they going to stop any accidents such as hoses bursting, spewing hydraulic liquids or oil everywhere, which will soak down into the water table causing many other problems. f) Not only is it totally wrong for all the people living in Woodridge to be exposed to so many problems, the people in the surrounds, who are running existing businesses will lose their lively-hoods. TC Doh – who will buy their dust laden vegetables? Micro-Brewery – who will want to enjoy a glass or two because of noise, dust and evading the trucks to get there? Holiday units – they will definitely lose patronage because of the above. Solar farm – will not be efficient because of dust particles. Most importantly, who is going to police all these proposals? There are many other reasons as to why this proposal should not go ahead, the least being it will devalue all our properties. Will the quarry pay compensation for the loss of income or the value of properties? A quiet, clean rural life will be gone for the next 30 years."	The lodgement of a Landscaping Plan which will outline vegetation types/spacing and maturity is suggested as a condition of approval. The expectation is that the vegetation will include a mixture of seedlings and plants up to 20 litres. Refer to point 12 under table 1 of the Council report. The alleged problems will not eventuate if appropriately managed in accordance with conditions of approval. The local government is responsible for administering the conditions of approval. Refer to point 10 under table 1 of the Council report.

6.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "1. Dust management re health of residents 2. Noise, loaded trucks using roads not suitable 3. Devalue properties in area. 4. Too close to residential estate and river 5. Danger to wildlife habitat. 6. Trucks turning into Indian Ocean Drive with traffic passing at 100kph – dangerous. 7. Water usage will affect residents."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.
7.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "As residents and rate payers, both my husband and myself object to the above mentioned proposal. It will have a negative impact on our lives in Woodridge. Dust, noise, silica particles, lowered property values, dangerous exit/entry of heavy vehicles on Indian Ocean Drive to name but just a few concerns. The most concerning is the environmental impact it would have on the Moore River as it is so close to it. Please note our objection to this proposal being approved."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.

8.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Major concern re health of Woodridge and surrounding residents. a. Silica – causes cancer, no mention (similar to asbestos) b. Dust particles – barrier cannot prevent air born particles (silica lighter than sand/limestone) c. Water – Woodridge fire prone – not enough water supply ie. Water level drop below from ground water d. Major impact from road out to Indian Ocean Drive extremely dangerous – Road used by tourists and locals (road Caraban not made for this traffic)."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.
9.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "1. Dust particles re health of residents. 2. Too close to residential developments 3. De-value properties 4. Water will be contaminated and will affect health 5. Noise from trucks and danger from trucks turning into main road. So – a great big no thank you."	Noted Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.
10.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "As I live on the southern edge of Woodridge and will be impacted by the quarry, I think enough is enough. Woodridge is a lovely estate and its families care for it. The quarry is too near and its proposed use will impact on our lives. Noise, dust, large trucks, water table etc. let alone the vision of this pit on the direct edge of our estate. Who would want this on the edge of their property? I also understand if this goes ahead our newest tourist and job brewery will not happen."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.

11.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We do not support the proposed sand and limestone quarry. This is too close to Woodridge and would affect all residents with dust, noise, water levels, wildlife etc. Large trucks entering Indian Ocean Drive at a bad place."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.
12.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I am writing in opposition to the proposed extractive industry Lot 1332 (551) Caraban Road behind Woodridge. The proposed site is too close to residents and would raise environmental and health issues. (I am a support worker in the area to many residents who suffer from breathing and lung conditions). The pollution and dust particles produced from this industry will have massive health issues that must be considered for all residents young and old. As well as the proposed site being detrimental to residents health, it will cause pollution in the area, reduce wildlife and discourage further residents moving to Woodridge as well as causing a reduction in housing prices. It will also bring unwanted noise pollution with constant trucks working on site and ruin the area. The residents do not want this on their doorstep."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.

13.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "This application needs to be halted. We do not want a quarry type business so close to our homes and the river. Please see below: The RR-1 low density rural residential zone is intended to provide for areas where the rural atmosphere can be maintained and where limited farming operations such as general crop farming, suburban horse ranchettes and growing of orchards can be conducted." https://www.dplh.wa.gov.au/getmedia.68e79218-7e83-4bcc-bff6-27b7040bd10f/GD_SPP_2-5_Rural_Planning	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.
16.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "RE: Development Application for Extractive Industry – Lot M1332, Caraban Road, Gingin - Against **....**is a prominent all season market garden situated at .... For over thirty years, we've been proud to operate our business in the Wheatbelt region known to supply the majority of the state's agricultural products. We are a national supplier to major supermarkets such as Coles and Woolworths. We share the boundary to the proposed limestone quarry and will undoubtedly be adversely affected by its' operations and pollutants. We are writing to the Gin Gin Shire Council (Council) in order to raise alarm in relation to the foreseeable risk of financial burden, commercial damage to our business and operations and serious health implications among our workers, and those who consume our produce, not just locally but nationally. It is prudent that the Council exercises duty of care to protect residents and businesses that form a major part of the community. The following are issues that we will address:	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7 10, 11 and 12 under table 1 of the council report.

		Dust Regardless of the 300m boundary from our market garden in the proposed development application, it would be reasonably foreseeable that the dust would travel over on to our property due to wind patterns such as daily southerly sea breeze. To deny this, would be lacking good sense and common judgement. Silica dust, a by - product of limestone quarrying would pose serious damage to our crops. We grow on a yearly basis crops such as lettuce, broccoli, cabbage, spring onion, kale, celery and silver beet. Note that many of these are closed leaved crops, whereby dust and grit may not be removed by normal washing procedures. These will all be adversely affected from the early stages of seedling to harvest. There have been studies to suggest that since limestone dust is highly alkaline, the deposition of limestone dust on vegetable crops would have a caustic effect which is detrimental to photosynthesis.[1] The reduced rate of photosynthesis and reduced stomatal conductance (rate of passage of carbon dioxide entering, or water vapour exiting through the stomata/pores of a leaf) has been consistent with the blockage of the leave's pores by limestone dust. Let us also not fail to mention the potential effects of calcium carbonate also a product of limestone quarrying and the effects it would have on our soil balance. It is important to note that deposition of the limestone dust on to our crops will vary from season to season. Deposition of limestone dust on to the leaves of crops is higher in seasons with more rainfall. Wetter leaves collect more dust and hence a thicker layer is accumulated. Since this will adversely affect the process of photosynthesis, will this then potentially affect our ability to grow at full capacity for wetter seasons such as winter? How does this affect us as a market garden that supplies on an all-season basis? The adverse effects on crop growth/ nutrition and our consumer's health (which will be expanded upon later) cannot be taken lightly. These factors pose a threat to our quality endorsement by major retailers	Refer to point 6 and 7 under table 1 of the council report. The officer notes that internal operations associated with an Agriculture Intensive development generates dust (via land cultivation and vehicle movements). The proposed development is not anticipated to create dust in the scale suggested and air quality monitoring is suggested to ensure this does not occur. The Department of Primary Industries and Regional Development (formerly the Department of Agriculture) have not raised any concerns in this regard.

		which is likely to cause major financial loss. There are obvious liabilities that arise from these issues. Who is liable for our loss? Would it be reasonable to suggest the Council be liable for any financial losses given they allow this application to go ahead? Water Quality The quality of our water supply is critical to the production of healthy vegetable and salad crops. Mining operations are known to create contamination of ground water supplies and also interfere with the abundance of water available. We have been advised that no new water licenses are being issued in our area. We have already been denied an increase in our license allocation and have had to purchase extra water from an existing license holder. How is the limestone pit going to operate without an adequate supply of water to suppress the production of dust? Without a water license being granted we expect the dust emanating from the pit operations will be extreme. Health The issue of health obviously remains a large issue for employees. We have a duty of care towards them, and undoubtedly the adverse effect of dust (silica dust) and other airborne pollutants such as hydrocarbon and soot from diesel exhaust of industrial equipment that may arise from the quarrying process will affect their health. Anyone with even the most common respiratory conditions such as asthma, hay fever, emphysema and eczema will be adversely affected as well as the young and the elderly through our wider community. Although our workers wear face masks for protection from airborne dust, it his highly unlikely that it would protect them from particular matter which in this case is silica dust and other airborne pollutants from quarrying. Generally, PM comprises two kinds of microscopic particles, mineral (silica and other minerals from rock processing), and hydrocarbon and soot from diesel exhaust of industrial equipment and trucks that are heavily utilized in the quarrying industry. PM is classified into size	Refer to point 1 of the council report. Refer to point 5, 6, and 7 under table 1 of the council report.

		ranges. The PM of interest in terms of health risks are those that are very small, invisible to the naked eye, and are referred to as PM2.5 and PM10. PM2.5 comprises particles ~2.5 micrometres in size, PM10 comprises particles ~10 micrometres in size. PM2.5 and PM10 are invisible to the naked eye, and are easily carried in wind currents, can remain airborne for long periods of time, and can be carried up to 30 miles (PM10) or hundreds of miles (PM2.5) from the source. Our workers will bear an increased exposure to air borne pollutants and its detrimental effect on the condition of their health. We are expected to assume the burden of the increased risk of respiratory and cardiovascular disease that could develop among our workers because of the operation of an external source of dust contamination. It is vital to note that the potential health impacts of this can be severe. The health effects of inhalable PM are well documented. Health risks are due to exposure over both the short term (hours, days) and long term (months, years). Short-term exposure can result in coughing, shortness of breath, tightness in the chest and irritation of the eyes. Long-term exposure can result in reduced lung function, and respiratory diseases such as asthma, chronic obstructive pulmonary disease (COPD), lung cancer, emphysema, and aggravation of existing lung disease. Long term exposure is also associated with increased risk of allergies, cardiovascular disease and autoimmune disease. PM exposure affects health adversely such that there is increased absence from school and work, increased visits to emergency room and doctors' offices, and hospitalization. The figure below shows a more comprehensive listing of health risks from PM2.5 exposure. Epidemiological studies also have documented a significant association between PM exposure and mortality. There have been studies to suggest that exposure to these airborne pollutants especially that of particulate matter is related to long term health effects. A recent study concluded that 'Long-term silica dust	

		exposure was associated with substantially increased mortality among workers. The increased risk was observed not only for deaths due to respiratory diseases and lung cancer, but also for deaths due to cardiovascular disease.' With such health implications, it is important to understand the risk this poses to not only the workers on our market garden, and residents of the community who will be exposed to this airborne dust, but those all over Australia who will consume our produce. If our produce is covered in micro dust and airborne pollutants that may affect their health detrimentally, who is then liable if hypothetically someone decides to take action against us? Liability Where liability will sit needs to be ascertained. As a market garden which is opposed to this development, we would be seeking full indemnity from both the quarry owners and the council and from the insurance companies should any health issues and financial burden arise from having the quarry situated so close to our property. Duty of Care Although the issue of noise, water, community disturbance remain to be significant issues. It would be reasonably foreseeable that the potential health implications that arise with quarrying could potentially be detrimental. Resultantly, it is prudent that the Shire of Gingin exercises its' duty of care to protect residents and businesses that inhabit the area from risk of harm by ensuring there is adequate due diligence performed by SheepCo. It is only fair that we are able to properly asses the risks that may pose a threat to not only health but our livelihoods. It would be reasonable and fair to urge that the following preliminary reports be undertaken by verified independent parties: 1) Meteorological Report to ascertain/ substantiate exactly;	

		a) The type of dust and associated micro airborne pollutants that would be dispersed? b) What are the prevalent winds and their yearly patterns c) Where exactly the dust and associated airborne pollutants will settle? What is the ecological impact on settlement? 2) Comprehensive Environmental Impact Report to substantiate exactly; a) The exact environmental impact this has on natural vegetation and farming crops and soil quality. b) The effects of vibrations, extent of land degradation, land subsidence and landslides, water pollution 3) Comprehensive Medical Impact Report from a specialised medical professional to assist in clarifying; a) The health impacts of dust and associated airborne pollutants related to quarrying on respiratory systems. In particular, how does this affect those with predisposed respiratory conditions such as asthma, emphysema, lung cancer eczema and so on. b) The health impacts of dust and associated airborne pollutants in relation to quarrying on cardiovascular systems. In particular, how does this relate to those who have pre-existing heart and pulmonary conditions? c) What are the short and long term health impacts of being exposed to such dust and associated airborne pollutants? Especially on those who are may be particularly vulnerable such as those with predisposed conditions, the young and the elderly? It is the shire's duty to conduct matters in regard to these reports and that the owners of the quarry are financially liable for it. Like many of the residents in the Woodridge area, we have chosen this place to create our life. Our market garden is our life and pride.	Refer to the applicants Dust Management Plan. Little environmental impact is anticipated given the sites separation from the Moore River. Refer to point 7 under table 1 of the council report.

		It is vital that you consider the effects this development could have on what we all have worked so hard for. We look forward to receiving a reply within fourteen working days."	
17.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "There is room for agriculture, regional tourism and mining to develop a partnership to co-exist harmoniously for growth; today, tomorrow and for our next generation. This harmonious co-existence is not complex at all, unless we choose to build mining & extraction sites in close proximity to rural residential communities, namely the Woodridge Estate which is home to over 645 residents and in close proximity to our waterways, the Moore River, Gingin Brook and the Indian Ocean. There is sufficient land in the Shire of Gingin & Crown Land, not close to residents that can be useful for limestone, Lime Sand extraction mining. From this statement, I ask "Does the Shire of Gingin have an Extractive Mining Map that detail where suitable Government land is available to extract and coexist without affecting the health of these residents. Limestone Extraction Mining is a necessary product for construction, but with health and climate concerns, it is not necessary for a quarry to be approved onto the back of a community of 645 + persons and on the *only* main adjoining roads in the locality of Caraban, namely Caraban & Barragoon Rds. Caraban & Woodridge is the most accidental, purposeful place my family have ever lived in. Caraban, backs up against the Woodridge Estate. Caraban is the Shire of Gingin's first ever and strongest Eco Agritourism Precinct. This unique agritourism area can be characterised as a niche tourism growth area for the locals using the strength of country of origin labelling for our produce & for local jobs	Noted. Agritourism comments – Noted. The Caraban locality is typically zoned 'General Rural' under Local Planning Scheme No. 9 and is not distinguished for 'agritourism purposes' more so than any other general rural area locality. The officer assumes that this assertion stems from the proximity to the Moore River which results in a higher than typical amenity that may

		of tomorrow. Together we learn to live with what we have and make do without the trimmings and conveniences that city suburban life offers. We know what is right and what is wrong and this community does not band together on issues that we can make do with, so when you hear the community speak up, it is with good reason. Personally, during COVID19 lockdown the regional communities and the tourism sector had been severely impacted the most; however, it is our regional farmers & communities in the shire of Gingin, who have played their part in protecting the food security and water security of all Western Australians by having to the reduced choice & options available, having to purchase our local produce. Over the years, the Shire of Gingin community has welcomed the influx of agriculture operators from the City of Wanneroo who have had to move away due to the change of planning laws to allow for urban expansion, increase use of residential land, to our shire, which has been arranged with notable ease for road transport and viable farming land for food production. As a farm owner, with the Regional Border lockdowns of 2020, I was not granted permission to tend to my own farm food produce, therefore, Farm Food security, the security of our water & waterways and the health of our communities must now be the priority precedence decision made. We reject this application for extraction in its entirety. With less than 23 residents in Caraban, according to ABS Stats 2016, this little known locality of Caraban is has no Buckingham Palace, zero buildings, we just have farms & farmers who work an autonomous amount of hours.; tourism operating farms and agriculture farms and two main roads, namely; Caraban Road & Barragoon Rd, that follows the length of the Moore River itself. We have a boat ramp and our farms back directly onto the Moore River itself. Kayaking & canoeing is our number one agritourism river sport, owned and operated by Caraban Canoes. In development stage is our other neighbour's boutique brewery. Besides accommodation, weddings; bird watching, kangaroo & emu watching, farm animals, nature based walks and hike trails, team building games and pick	attract tourists / tourism based enterprise to the area. While this is acknowledged, it is not expressly stated within any statutory planning document or outlined within the Local Planning Strategy.

		your own produce we are a united front in terms of agritourism. We invite visitors and guests to come onto the farm or into our rural communities to enjoy agriculture, its produce and the natural environment in which it exists to promote our region as a tourism destination. Our visitors, guests and produce will be impacted by limestone dust, noise and heavy haulage traffic on our roads which the roads have serious bends and line of sight that need to be addressed, just on Caraban Rd and the Caraban/Indian Ocean Drive intersection. This Limestone Extraction Proposal is a foreseeable risk and I object to this proposal. Together, the farmers in Caraban have quietly been value adding on their farms under the shared trust of the tourism and agriculture business model of agritourism for future growth and increased employment of our region. Agritourism increases the perceived quality & value of our fruit, vegetables, meats & produce which the entire community in the Shire of Gingin has observed, just by reading menus around the city and farmers markets around Perth. Agritourism virtually safeguards our community, whilst we adhere to the Shire of Gingin 3; Planning Framework Town Planning Scheme No.9 (TPS9). Woodridge and Caraban is surrounded by a Public Use State Forest, a Conservation Reserve and the Moore River which naturally follows into the Indian Ocean. The objectives of the "General Rural" zone are to manage land use changes so that the specific local rural character of the zone is maintained or enhanced. This TPS does not state that the land can be degraded by way of mining. Caraban is currently 99% Agritourism/Agriculture. WA being 85% regional space and the Shire of Gingin, being 80% agriculture, on the doorstep to the city, less than one hour away from Perth CBD, agritourism is a vital commodity to the local community. Ecological, conservation and environmental concerns relating to extractive limestone mining are used as political points in how final decisions can be made. I do not want this application for an extractive mining development versus the community of Woodridge	

		and Caraban, to become just that and the real concerns of the locals are side swiped and we get to hold the problem in its entirety. As per The Northern Growth Alliance Proposal we have an abundance of freehold land with water allocations and easy access to key markets which is driving strong growth across a range of industry sectors, including intensive agriculture, tourism, alternative energy, mining and fisheries. Based on this extract, I reject this poorly written, with notable errors in this Limestone Extraction Proposal on Caraban Rd and take advantage of our proactive group of local governments working together as seen in the NGA Proposal to support the growth of our regional economy. I cannot see any written research impact & or framework that includes agritourism, mining and water protection here in Western Australia. No private business document or no government document showcasing the Agritourism business model and relationship to agriculture. Tourism has never been properly scrutinized, observed and analysed to reveal the truth, depth and relevance of agritourism in the travel industry and its impact on our regional communities. Tourism is a highly misunderstood service & product offering which does not fit into one political domain; there is a Minister for Agriculture and a separate Minister for Tourism, however Agritourism is both of these two portfolios positioned together as one entity and driven by our regional farmers & communities of which the Northern Growth Alliance Area consisting of 3 shires, is increasingly recognised as a major regional tourism destination, lifestyle and residential location of choice and producer and exporter of diverse and high quality food stuffs of both land and sea. Therefore again, extractive mining in this location is to be prohibited. There is Lack of or NO agreed industry framework to guide strategic actions. What is Agritourism? Agritourism is the combination of agriculture and tourism. Agritourism creates authentic incredible edible experiences whilst visitors are in our regions and on our farms. This	

		is where we turn our farmland into a destination that encompasses a wide variety of activities showcasing how agriculture & tourism intersect. Agritourism has an important role in creating a more direct connection between the primary producer of food and drink and the end consumer. For primary producers, it provides an opportunity to supplement their income and market their produce through alternative channels, often attracting a premium price, or capturing margin that would otherwise be captured elsewhere in the food value chain, whilst gathering valuable direct feedback from end consumers about their produce and emerging consumer preferences. More broadly, agritourism also allows regional economies to showcase what's good about the region, its unique growing conditions and natural resources (pristine air, water and soils) and provides a visitor drawcard from which other regional tourism businesses and experiences can benefit. It's important to know, that although the regions & farmers are benefiting from this local agritourism economy growth, it has not been studied, therefore, there is NO available data; there is currently no National Policy or strategy on agritourism in Australia. A strategy would help to gain agreement on what it is, what opportunities it offers and what could be done to support this booming industry. This economic benefit is particularly relevant to Australia because it occurs in regions that really need it. TPS9 states that we need to encourage and protect broad acre agriculture activities as the primary use, and pursue other rural activities as secondary uses to complement and be compatible with the primary use; We have ensured that we have adhered to TPS9 guidelines and maintained and enhanced the environment and all the local communities we have been honoured to work alongside. We have enhanced the landscape, vegetation, soils and the water bodies & watercourse system from damage; we have protected the	

		sensitive's areas along the entire Caraban Road & Barragoon Rd by way of tourism, namely Agritourism. Caraban & Woodridge are part of the Lower Coastal where future urban and existing urban is yet to be developed. The Moore River/Gingin Brook flows through the heart of the Gingin Shire and this natural estuary needs immediate protection by creating a better minimum setbacks, either side of these waterways including the floodplain this waterway creates; especially considering the proximity to Perth CBD. Our community, agritourism and the food bowl of agriculture for Western Australian needs immediate protection. The Moore River waterway catchment begins about 75 km north of Perth on the west coast of Western Australia. The catchment covers 1.38 million hectares and contains three hydrological zones. This zone is located over the Perth Basin. We need a better shared vision, tourism business model for the Shire of Gingin & the Caraban Precinct, so the private owners of Lot M1332 don't have resort to poor decisions to sell the block, which impact the community of Woodridge who have to wear the consequences of and their diminishing health & concerns, becomes a major contributing factor in the process. I am unaware if any other previous submissions that may have been made or rejected, regarding Lot M1332 Caraban Rd, Caraban, I would like the opportunity to see what other options can be offered such as an One Acre Eco Blocks, RV Park, Transportable Options Over 55's village as seen in Dawesville, Twin Waters Caravan Park. This Caravan Park is half privately owned and half owned by a Superannuation Conglomerate. The Impact of Limestone Extraction Mining along Caraban & Barragoon Roads However, should this Development Application be approved for Lot M1332, Caraban Rd, I want conditions placed on this development	Landowners are able to progress opportunities to develop their land at their discretion. Local governments are required to assess the proposal presented before them having regard to the applicable planning considerations. It is not reasonable to say that a proposal should be rejected because a 'better' use, as suggested by a nearby resident, may be available.

		without diluting or weakening the detrimental impact it will have on the community and visitors. I am for progressive business & employment for the locals in the Limestone Extractive Mining industry in the Shire of Gingin; however I am 100% against the application on Lot M1332, which will be the second excavation, to the existing limestone quarry close to the Moore River and the residents of Woodridge & Caraban Rds. Impacts of Mining will have a detrimental effect on the communities and visitors of Caraban & Woodridge. There are inconsistencies of haulage, times, roads capabilities, naming errors of Woodridge namely Woodbridge near Midland and 24/7 hour mining notification- no stopping full force of mining will be brunted upon on this small community, health, welling, homes, foods etc. We need current and better buffer zones to safeguard the natural Moore River Estuary that includes both distance and relevant land levels and sea levels minimum setbacks around the Moore River. I want independent medical testing of all residents and visitors who will be affected by this application approval at the expense of the developer as there is no current research or framework based around limestone extraction mining on community & residents in close proximity. I want on site, community & river water testing every 6 month with an outcome base to be agreeable at the communities preferred level and should the levels be unsuitable, then mining to cease. There is NO Environmental Development Plan with this application so we need to see this plan prior to this application being approved. Sixty per cent of the catchment has a moderate to high risk of wind erosion according to the WA Department of Agriculture. The Department of Water, DWER, clearly shows is no Western Australian Dust or Silica Dust Research or Impact studies completed on	Refer to point 2 under table 1 of the council report. Refer to point 6 and 7 under table 1 of the council report.

		communities or residents. The only studies found are completed through WHO World Health Organisation. WA being the mining capital of Australia, I am insistent on a WA's first Dust Erosion Wind Study is started now on communities in close proximity, being Woodridge and Caraban and secondary locality being Gabbadah, Guilderton and the immediate farms adjacent to Indian Ocean Drive. We need to re-evaluate the many grey areas and out of date mining practises here in WA and I will be voting NO on this Application. Western Australia is expected to become warmer and drier than at present according to WA Department of Agriculture and Limestone Extraction in close proximity to the Moore River and the Perth Basin is unacceptable. The visual impact as per the Application is not acceptable and need a 3 metre high dense barrier prior to the first dig. Entrance off Caraban Rd, is unacceptable and the roads in their current state are not suitable and many blind spots along this road. This development at the end of Caraban road will result in the death of a drive in its current state. The entrance needs to be off Barragoon Rd if we cannot stop this application and the gazetted road of Barragoon rd., never be opened for the purpose of Limestone or Silica, Dust driven mining. The Caraban rd. and Indian Ocean Rd is not a suitable line of site for an additional 46 truck entries. The community of Woodridge and the people commuting in vehicles into the Shire of Gingin or traveling further north, is used to a band aid effect management with the Indian Ocean Drive not double lanes in both directions so they can make it home safely or through safely. The noise pollution from the Indian Drive can be heard on Caraban Rd. If the freeways have designated noise barriers for their communities then the Woodridge community needs this too. Stable Flies Management has been a band aid effect as well and more like paperwork meet and greet exercise.	Refer to point 3 and 4 under table 1 of the council report.

		Fire Exit Management; I never want to see a 2 lane road as the main access road in and out of an Estate such as Woodridge and Caraban. After witnessing those horrific fires at the end of our road that started in Two Rocks, we must address the fact that we need a 3 lane minimum as seen in Dawesville so traffic lanes can be reversed based on Emergency Evacuation traffic management. I ask-Is Silicosis the New Asbestos Related Disease? What does water security really mean? Does our Food Security really matter? I would like a reply 14 days after this is presented as *"Against"* to Shire of Gingin. Shire Of Gingin Coastal Hazard Risk: https://www.gingin.wa.gov.au/Profiles/gingin/Assets/ClientData/Documents/Final_CHRMAP_Copy.pdf Northern Growth Alliance: https://www.wheatbelt.wa.gov.au/files/7015/4821/3030/9713_RPS_NGA_Invest_Proposal_3_LR_1.pdf Moore River Commences 75km over multiple shires https://researchlibrary.agric.wa.gov.au/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1246&context=rmtr Gingin Food Bowl Tourism https://www.tourism.wa.gov.au/Publications%20Library/About%20Us/Taste_%202020_A_Strategy_for_food_and_wine_tourism.pdf " Locality Map Of Caraban Shire of Gingin Western Australia WA 6041 31/08/2020	

			
18.	Submitter x4	The submitter **does not support** the proposal and makes the following general comment: We are strongly against the proposal of the extractive Sand and Limestone Industry at Caraban. We have many concerns about this proposal and strongly believe this proposal would be a detriment to the Woodridge Community. We do not see how this extractive industry complies with the 'General rural Zone'. • "Manage land use changes so that the specific local rural character of the zone is maintained or enhanced" – An extractive Industry is not maintaining or enhancing the rural / agricultural nature of the land. • 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	Noted. Refer to council report for comments against zone objectives.

		demonstrate compatibility with the primary use – An extractive Industry does not demonstrate this 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. – This lot is in a sensitive area due to the nature of it being 1.4 kilometres from the Moore River. According to research limestone mining can affect groundwater conditions. Limestone deposits can slowly dissolve away underground resulting in sinkholes, caves and areas of rock fractures that form underground drainage areas. When mining occurs disruption to natural aquifers of flows of underground water can occur. Often mining operations remove groundwater to expose quarry sites which can lower the water table and change how the water flows through rock formations. There are currently 2 bores able to be used immediately with further licenses being sort. We are concerned about the water table levels dropping due to the high amount of water being used from the bores for the extractive industry and dust management. Many properties in Woodridge use bore water and the effect of the groundwater supply would be affected. A health concern for Woodridge residents is the silica dust particles in the air. Further to the point about the high water usage of this industry for dust management – we feel that given the strong westerly winds that we experience throughout the year and the nature of this extractive industry it would be very difficult to suppress	Refer to point 12 under table 1 of the council report. Refer to point 7 under table 1 of the council report.

		the dust in the air with water across Woodridge alone. The buffer zone of 800 metres to Woodridge properties with a 50 metre plantation buffer zone would not be sufficient enough to prevent dust travelling in the air. After reading the noise report done, we note that this was a simulated noise test report using a computer to test the heavy vehicle sounds. The wind plays a he part in the noise travelling and although the decibels fell within the acceptable ranges for the areas tested the extraction noise would be a constant noise in the background for Woodridge community members especially those adjoining this proposed site. Once again the westerly winds would add to the noise travelling across Woodridge properties. Woodridge residents already experience an increase in traffic/road noise from IOD so this further background noise would not be wanted and would be seen as a nuisance, unpleasant noise. The proposed plantation buffer of 50 metres will take at least 10 years or more to fully develop so what will happen in the meantime when the extraction commence prior to having a grown/developed buffer? We also note that there was conflicting operating times on the proposed plans. In the application it states: Operating hours are 7am – 7pm, Monday to Friday and 7am – 4pm on Saturday, Closed Sunday". However in the traffic report it states: "As proposed the facility is intended to operate Monday to Saturday between 6am-6pm (one shift). All morning arrivals will be generally occurring just before 6am and all afternoon departures will generally be occurring just after 6pm. It is possible that there will be occasional visitor trips sometime between 6am and 6pm; however these trips will only be occasional and limited. Is it possible that during certain period's one or the other type of product records high participation in transport task".	Noted. This anomaly is remedied via a condition of approval.

		We are concerned that these are long operating hours across 6 days a week and we have concerns with regards to the noise from not only the extractive operations but also the road noise from IOD. With the estimated 40 trips per day along IOD this would just add to the traffic and road noise which we are already subject to even though the Caraban Road is the approved access road, we are concerned that staff and visitors would use King Drive as a 'short cut' through to the site. This will increase the traffic on King Drive and affect the maintenance of King Drive. How would this be addressed by the Shire of Gingin?	Noise from IOD is not relevant to this application.
		Due to the nature and timeframe of this operation i.e. 30 years, we believe it will devalue properties in Woodridge especially those adjacent to the mine site.	Refer to point 10 under table 1 of the council report.
		The environment is also at the forefront of our concerns. The clearing/ extractive operations would be detrimental to the wildlife in the area including the Carnaby's Black Cockatoo. Being in close proximity to the Moore River we have concerns about the water runoff and drainage from the operations. Further drainage plans need to be developed to safe guard the river ways from contamination and reduced water quality. We also note that there are currently two limestone mines in operation in the vicinity of Woodridge so we would question the need for a third. We strongly urge the Shire of Gingin to investigate international shareholder/investors of Sheepco, the company proposing this limestone extraction business.	Refer to point 11 under table 1 of the council report.

19.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I do not think this proposed development should be given the go ahead. It is far too close to houses and would be a health issue with the silica blowing in on the sea breeze. The extra trucks coming out of Caraban Road would also cause traffic problems."	Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.
20.	Submitter Submitted as a petition by Electors with 171 signatures.	The submitter **does not support** the proposal and makes the following general comment: "We, the undersigned, all being Electors of the Shire of Gingin, do formally request Council's consideration of the following: Refusal of the Proposed Development Application lodged with the shire of Gingin for a proposed 'EXTRACTIVE INDUSTRY (SAND & LOMESTONE)" at LOT 1332 (551) CARABAN ROAD, CARABAN. The location of this development abuts onto the west boundary of the Woodridge Community of Inhabited Residential properties and Agricultural Land, producing food for Human Consumption. If this development progresses, it will have a catastrophic ecological impact to Inhabitants Health and Existence, Local Business, Native Flora and Fauna, Tourism, and to the Pristine Water Ways, feeding into the Moore River."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.
21.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "In reference to our email 2nd September 2020 notifying the Shire of Gingin of the formation of the Action Group, "Moore River Less Mining", selected from a Public Meeting attended by 65 Woodridge and Caraban residents, held on 23rd August 2020 in the Woodridge Hall.	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report and comment above regarding 'agritourism'.

		The Action Group "Moore River Less Mining" was to, examine the above Development Application, and forward submission to the Shire of Gingin, in opposition to this proposal. On examination and investigating the Development Application, Moore River Less Mining have recognised some inconsistencies in the Development Application and have identified some major concerns, on the impact this Proposed Extractive Industry will have on the Woodridge and Caraban precinct Residents. • Health and Wellbeing of Residents from Silica Dust Fallout. (Appendix 1) • Environmental Impact, Flora and Fauna. (appendix 2) • Road usage (appendix 3) • Adverse effect on re existing Market Gardens. (see T & D Do submission) • Tourism pre-existing and planned. (see Rona & Cosimo Chiera submission) Other identified areas where the impact of this development would have serious outcomes are • Lifestyle Deterioration for pre-existing Residents. • Noise Pollution. • Decreased Land values • Decreased Agricultural Production Also attached, 171 signatures in hard copy, 119 online signatures on Change.org http://chng.it/6GJHqgvMxS addressed to the Shire President, Mr Wayne Fewster in support of our submission in opposition to this development. There are inconsistencies on the number of earthmoving equipment, hours and days the mine will run and many others.	

		Also, in the content of the email sent 2nd September 2020, we drew your attention and queried, under the Shire of Gingin LPS Statement No 4.2 "Noxious Industries". This proposal is for a "noxious industry" and it is stated quite categorically Under the Health Act 1911, Section 3, page 6, offensive, includes, noxious, offensive matter, means and includes DUST! We again ask you to give these facts consideration and show this development as "Mining".	This application is being assessed under the *Planning and Development Act 2005*. The land use is appropriately classified as an 'extractive industry' under Local Planning Scheme No. 9.
22.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We strongly object to this industry being proposed. The health issue is immense, unjust to this area and to the market gardener also. We live in a rural residential area NOT an industrial area. The noise factor, air pollution, roads inadequate, de-valuation of homes and land. A 2km buffer would not even suffice let alone 50m!!!! An industry next to residential estates is a NO GO. The site chosen is in the worst possible place re: wind. Spring, Summer and Autumn we have SW, W, S winds. Throughout the Summer SW winds prevail. Meaning Woodridge is In the direct line for dust impact on this estate. We strongly disagree to this venture going ahead. The health of our younger families would be at stake. The traffic impact just not acceptable as Caraban Rd has not been built & designed for super heavy trucks. Also, trucks trying to cross Indian ocean Drive, a disaster in waiting. Also, the water table would be affected. Would this company be issued with a water permit that would enable dust to be restricted? We think not. SUMMARY This industry must not go ahead the impact on health and living would be greatly affected forever. Councillors – please listen to your ratepayers, young and old. We have not chosen to live here to be surrounded by industry, in fact a very detrimental industry."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

23.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "An industry of this nature cannot be present in a rural residential are (It is not an industrial area)! Concerns are: • Noise, we live in Woodridge for peace and quiet. • Health issues – Silica Dust and its detrimental effects to people, wildlife and crops, air pollution, river pollution • Vibrations of heavy machinery and inadequate road surfaces for vehicles of an industrial nature • The devaluation of our properties • The impact on our water table I have been a resident in this rural/residential area for the past ten years. Moving to Woodridge provided a lifestyle of choice. I took into account the surrounds and activity within a 30km radius of the property. The Gingin Shire have a responsibility to its ratepayers to protect and nurture the land and persons thereon. To even consider an industry in a rural/residential area as Woodridge is beyond belief as none of us would have moved here with a quarry on our doorstep – which is one of the fundamental issues here."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

24.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I have fears of the risk of silicosis from the limestone dust created by the extraction process. The prevailing winds will carry this hazard over all o Woodridge. Second I have concerns trucks will take the alternative (shortest) route through King Drive and onto Indian Ocean Drive. This will facilitate collecting food and drink from the only café in the area. Lastly I do not believe the proposal addresses the rehabilitation of the area following the extraction process."	Noted. Refer to points 3, 6 and 7 under table 1 of the council report.
25.	Submitter	The submitter **does not support** the proposal and makes the following general comment: No comment	Noted.
26.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "The proposed limestone quarry nest to Woodridge will impact on the community in many ways including – Health, environmentally, Road Safety and significant market devaluation of residential properties within the Woodridge and Caraban communities. Health – Potential for silica dust to be blown into the Woodridge estate potentially exposing the community to a number of silica related diseases such as, chronic bronchitis, emphysema, lung cancer, kidney damage and scleroderma to name a few. Environmental – There are numerous environmental issues associated with the proposed Limestone quarry, potential groundwater contamination to the crops at the adjoining market garden vegetable farm. Noise pollution to the Woodridge residential estate with the use of hydraulic equipment during the daily 12 hour operating period. Residents along Caraban road will be subjected to increased amounts of dust due to the movements of up to 46 B double trucks each day.	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

		Road Safety – If this quarry is approved it significantly increases the risk of fatal accidents at the intersection of Caraban road and Indian Ocean Drive. Over the course of one year this is up to 14,352 B double 40 tonne truck movements along Caraban Road which will lead to significant damage to the road making it unsafe for regular road users. Tourism and Home Devaluation – The area along Caraban Road is prime for local investment into local tourism business, farm stays, canoe hire, proposed micro-brewery all of which bring visitors to the Shire of Gingin. Who would want to visit or invest if visitors have to contend with B double trucks and breathing floating silica dust? Homes in Woodridge that back onto the proposed quarry will instantly be devalued and have very little chance of selling. Who wants to live next door to quarry with dust, noise and vibration for 12 hours a day, 6 days a week? This quarry brings nothing to the residents of Woodridge, Caraban and the Shire of Gingin apart from risk that can potentially lead to fatalities. If approved, this proposal will destroy the beautiful natural landscape of the area, put the lives of Woodridge and Caraban residents at risk for the sake of profits that will go into the pockets of investors offshore."	
27.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Health risks, noise, devalue homes, ground water, air pollution, flora and fauna, road issues. Woodridge does not need any more quarries nearby. Have you any idea what silica is? And the health risk with the limestone dust does? Buffer zone 2k deep does not keep dust out. With almost 50 large trucks leaving Caraban Road it is an accident waiting to happen. Plus the noise all day. How many studies have been done?"	Noted. Refer to points 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

28.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Attachment To Submission By … Issues in relation to proposal for extraction license 1. DUST — the excavation and milling operations of limestone produce silica. Silica, is 100 times smaller than a grain of sand, you can be breathing it in without knowing. Silicosis of the lungs is irreversible and can lead to the development of lung cancer, kidney disease and chronic obstructive pulmonary disease. The cancer risk increases with long term or repeated high-level exposure - https://www.cancer.org.au/cancer information/causes-and-prevention/workplace-cancer/silica-dust Studies have been done on exposure to silica by workers in industries. They are repeat high-level exposures for periods of 8 hours per day, generally, 5 or 6 days per week. However, dependent on wind conditions, the residents of Woodridge can experience exposure to varying degrees of dust concentration, 24 hours per day, 7 days per week, over 30 years. There appear to be no detailed studies in relation to residential housing in close proximity to extraction operations, however, an information sheet published by the Environmental Working Group, a non-profit American organisation commented on the effects of airborne silica, particularly on children https://www.ewg.org/research/sandstorm/health-concerns-silica-outdoor-air. The history in relation to asbestos dust and asbestosis show the apathy of regulators, particularly in Western Australia, toward the occupational hazards of dust exposure and the absolute disregard toward the damage from non-occupational exposure. I have attached a Material Safety Data Sheet in relation to limestone dust. Limestone dust is recognised as being carcinogenic and the effect on children, in particular, can be three times as hazardous as	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

		exposure to adults. The Woodridge community has a large number of children. 1. The proponents of this operation have provided - a. No diagram of predominant winds, frequency, strength, consistency b. No diagrams of expected dust drift, concentration and extent c. No report on effects of dust carriage to neighbouring market garden and effect on produce grown there. d. No report on carriage of dust and effect on efficiency of proposed solar farm on Barragoon Road. e. No report on the carriage of dust over the proposed restaurant and microbrewery. The consistent easterly winds we experience in summer blow directly in the direction of that major tourist initiative. Will the restaurant/brewery operators have a legal liability to warn patrons of their exposure to silica from the extrusion operations? IT IS A FORSEEABLE RISK. Will the operators of the mine be required to indemnify the tourist operation for any future claims for damage to health that might arise from patrons, workers, delivery drivers and tourist operators and will the pit operators have to contribute to any increased premiums the tourist operators have to pay on their Public Liability insurance premiums? Exposure to silica is not normally a foreseeable risk when visiting a restaurant or brewery, but for the premises on Caraban Road it becomes one because of the extraction operations over the road. Will the major tourist initiative in the shire have to post the following, 'NOTICE ADVISING PATRONS OF FORSEEABLE RISK - EFFECT OF EXPOSURE TO SILICA f.What effect will it have on the trade of the restaurant/brewery? What effect will it have on the established market garden operations of Do and Son?	

		g.No schedule of water distribution within the pit, the frequency of watering and saturation level of stockpiled quantities is outlined. The proposal refers to polypipe sprinklers that can be moved as required. That is not an industry standard comment in relation to a serious health issue. SUMMARY — The proponents of this business have provided no evidence that operation of the extraction pit will not result in serious health issues for the residents of Woodridge, or employees in nearby businesses. The Shire cannot provide any assurances that there will be no serious health issues caused to residents of Woodridge and Caraban by the operation of this pit. Both parties ARE AWARE that silicosis results from the mining and milling operations which are proposed. Both parties ARE AWARE that lung cancer and other diseases can be progressive results of silicosis. Both parties ARE AWARE of the carriage of silica by wind and they are aware that the major predominant winds over the pit blows straight across Woodridge, an established market garden and a new restaurant/microbrewery venture. In the absence of any definitive health studies for residents adjacent to extraction pits it is irresponsible of the Shire to grant an extraction license. 2.WATER — no details provided of water supply in commercial quantities for dust suppression The current bore on the block is approximately 50 years old and was installed to provide water for stock troughs by means of a windmill. The bore has, on occasions, run dry.	

		Current information available, is that no new commercial water licenses are being issued in the area. Any water supply for the pit will have to be bought from existing license holders at whatever price is negotiated, however, all current water licenses in the area are fully committed already. There is no notification in the proposal of estimated water consumption. There are no details provided of actual water use in pits of a similar size currently in operation and no reports on the effectiveness of dust suppression in those pits with the water volume that is being used. 3.ROADS — The proposal comments that Caraban Road is in good condition. The road surface is already broken through in numerous locations. Various locations have band-aid repairs to eroded shoulders. Parts of Caraban Road are in good condition and parts are not. a. The market garden has trucks transporting produce to Perth. Trucks are possibly between 20-30 gross weights with a maximum of four loaded trips per day? The pit will have trucks of up to 60 tonne gross weight making 23 loaded trips per day. b. Tourist coach, delivery vehicle and passenger vehicle use will increase significantly on Caraban Road with the tourist operations functioning. There are numerous corners and bends on Caraban Road which will make the size and volume of traffic a dangerous mix. The majority of the traffic movement of heavy vehicles will be from the pit. c. It will be necessary to completely reseal and widen Caraban Road at critical points, either before mining operations commence, or soon thereafter. It will be necessary to reseal Caraban Road, possibly during the life of the pit, and at the completion of operations.	

		4.VIBRATIONS — There is no study submitted for the effect of the continual low frequency vibration of equipment on neighbouring houses. Cracks can occur in houses from low frequency vibrations. Studies in Cottesloe some years ago showed that damage to houses was often more significant in houses at a greater distance from the source than in immediate proximity to it. With the underlying strata consisting of limestone reefs, what is going to be the effect on houses in Woodridge? If explosives have to be used how will that affect nearby housing? The applicants have presented no studies to indicate possible damage to existing structures. 5.RATING AND LAND VALUE CONSIDERATIONS - It is foreseeable that property values in Woodridge would be severely affected if it lies in the fallout zone of dust contamination from an open limestone pit extraction operation. Will the Shire make any adjustments to the rates charged to Woodridge and Caraban residents and commercial operations adjacent to the pit as a result of approving the application? If, despite the objections received by Council, this application is approved I believe it is necessary to include the following conditions: 1. A comprehensive plan outlining dust drift caused by prevailing winds be undertaken to show the effects on residents of Woodridge and Caraban, T&C Do and Son market operations, restaurant/microbrewery venture and the planned solar farm in Barragoon Road. 2. A report be prepared outlining the expected atmospheric concentration of silica dust over the above locations and what effective measures are to be established to ensure those levels are not exceeded.	

		3. That dust monitoring stations be located at the boundaries of each location affected, and through each location at various radii; such stations to be read weekly. If the allowable dust levels are exceeded the pit to be immediately shut down until the allowable levels are maintained. 4. A comprehensive audiometric study be done on the pit and readings to be performed and reported at the commencement and mid-way through each shift operated within each 24 hour period. Excess noise levels will result in immediate shutdown until acceptable levels are achieved. 5. Caraban Road be resurfaced prior to commencement of operations and a bond equivalent to the cost of resurfacing be deposited in trust with the Shire to cover future resealing in the event the enterprise fails. 6. ALL residents of Woodridge and Caraban and ALL workers employed by surrounding commercial activities be tested for baseline evaluation of lung condition and function with recurring testing each year to monitor for any advance signs of the development of silicosis or other forms on pneumoconiosis from exposure to dust. The operators of the pit to be liable for such testing. The following is a history of awareness in relation to asbestos dust and asbestosis and the lethargic response in Western Australia. Silicosis has been described as the 'new asbestosis'. The occupational dangers of asbestos dust were identified and studied, but the effects on those in non-occupational roles was not studied; hence the deaths of wives who washed dust laden clothes and children of workers who lived in the area of the mining operations. Children of miners who lived in Wittenoom are still dying from mesothelioma 50 and 60 years after leaving the area.	

		What is going to happen to children living in Woodridge? DateEvent/occurrence 1880s Major asbestos mines open in Canada and South Africa, America, Italy and Russia. 1898 British factory safety inspectors express concern about the 'evil effects' of asbestos dust. 1906 British Royal Commission confirms first cases of asbestos deaths in factories, recommends better ventilation and other safety measures. 1911 Royal Commission into working conditions in gold mines in Australia reveals widespread lung disease. Ventilation laws introduced. 1918 Prudential Insurance Company in the US produces an actuarial study showing premature death in the asbestos industry. Other companies begin increasing premiums and refusing insurance. 1926 First successful claim for compensation by a sick asbestos worker in Massachusetts Industrial Accidents Board. Over the following three years several hundred further claims 1927 Asbestosis given its name. 1929 John Manville Corporation, the world's largest asbestos mine/manufacturer served with 11 writs by asbestos victims. The claims settled out of court with secrecy order. Metropolitan Life Insurance company in the United States finds that half the men working at John Manville plants for more than three years develop lung disease.	

		1930 British Home Office Survey finds widespread asbestos disease in UK factories. 1935 Inspector of Factories and Shops in Western Australia reports on the effect of asbestos dust on the lungs of workers in the James Hardie factory in Perth. 1936 Lang Hancock 'discovers' the Wittenoom blue asbestos (crocidolite) deposits and later begins pick and shovel mining. 1938 United States adopted 'safe' dust limit of 176 particles of asbestos per cubic centimetre in the workplace. German researchers identify six cancer deaths among asbestos textile works. Later animal studies confirm asbestos dust kills mice. 1939 Western Australian Commissioner of Public Health and Chief Inspector of Factories find respiratory disorders among James Hardie workers 1940 Lang Hancock begins mining at Wittenoom. Plant opens in 1943 and CSR takes over in 1948 1943 Samac Laboratory in New York confirms the link between asbestos and cancer. John Manville suppresses the report. A report on an asbestos mill at Zeehan in Tasmania (owned and operated by a CSR subsidiary) says that asbestos dust is a health hazard and discusses methods of eliminating it. 1944 First warning of asbestos dust in Wittenoom — the Western Australian Assistant State Mining Engineer reports on the danger of dust being generated. Mines Inspector Adams reports on the 'dust menace' at Wittenoom and discusses the need to reduce dust levels. 1946 Known asbestos death toll reaches 235 in Britain, 16 in France and 3 in Italy. Wittenoom mine manager writes to head office about the first known asbestosis case — a man called Dignam. Mines	

		Department Inspector Adams describes dust conditions and Wittenoom as 'terrific'. 1948 Dr Eric Saint tells Wittenoom mine management that asbestos is extremely dangerous and that men exposed would contract chest disease inside six months. He writes to the Public Health Department in Perth that mine will produce the greatest crop of asbestosis the world has ever seen. Over the following three years, dust levels at the mine and mill are regularly monitored at six to eight times 'safe levels'. Further warnings are given to mine management. No improvement in conditions is noted. 1950 Western Australian Commissioner of Public Health reports to his Minister that 'Asbestos dust, if inhaled, constitutes a very grave risk and is, if anything, worse than silicosis'. State Mining Engineer reports insufficient attention to safety regulations and ventilation at Wittenoom. 1951 Western Australia adopts the 'safe' dust limit of 176 particles per cubic centimetre. Wittenoom readings continually off the scale at 1000 particles. Mines and Health Department take no action apart from issuing further warnings. 1955 Dr Richard Doll in the UK produces the most comprehensive survey to date linking asbestos with lung disease. 1959 Western Australian Health Department discovers six cases of lung damage among Wittenoom workers. 1960 Wagner paper published a 'new' disease, mesothelioma (fatal cancer of the lining of the lungs) discovered among people exposed to asbestos in South Africa. 1961 Britain cuts maximum exposure level of asbestos in the workplace from 176 to 5 particles per cubic centimetre. First case of	

		mesothelioma detected among ex-Wittenoom workers. The man dies. 1961-65 More than 100 cases of lung disease among Wittenoom workers and ex-workers — more than for all other mines in Western Australia. 1965 Local council warned that tonnes of asbestos tailings being spread around Wittenoom could even threaten tourists. 1966 G Major of the Commonwealth Health Department is highly critical of dust at the mine and mill. CSR closes the mine two weeks later. 1968 D Jansen & Co P/L commences installing 'asbestos fluff' into roof spaces in many homes in Canberra. Homeowners pay less than $100 to have loose-fill friable asbestos material pumped into their roof space as insulation. This goes on to become known as Mr Fluffy. 1970 Building unions at workplaces across Australia commence industrial action to ban the use of asbestos. 1973 Wittenoom toll reaches 175. 27 men now known to have died. 1974 First public warning of the dangers of blue asbestos. Bulletin magazine cover story, 'Is This Killer in Your Home?' 1977 Cornelius Maas becomes the first mesothelioma victim to sue the CSR subsidiary that ran the mine. He dies before the case gets to court. 1979 D. Jansen/Mr Fluffy ceases operation in Canberra and regional New South Wales. 1985 First successful common law claim for compensation as a result of asbestos-related disease (in Victoria).	

		1988 First victories in court for Wittenoom mesothelioma victims. Judges rule CSR acted with 'continuing, conscious and contumelious' disregard for its workers safety. 1989 Wittenoom toll tops 500. National Health and Medical Research Council prediction the final toll will be 2,000. 1989-93 The Commonwealth and ACT Governments undertake the first clean-up of 'Mr Fluffy' visible and accessible loose fill asbestos insulation from affected homes in the ACT. 1994 Australian Government enacts the National Environmental Protection Council Act allowing for National Environmental Protection Measures (NEPM) to be made. 1998 The Asbestos Disease Foundation of Australia plays a major role in winning changes to New South Wales laws regarding dust diseases which benefited members. The laws were a first for Australia. 1999 The National Industrial Chemicals Notification and Assessment Scheme (NICNAS) full public report on chrysotile asbestos was published in February 2001 Unions continue their efforts to make James Hardie accountable for its failure to acknowledge the damage to workers' health and obligations to compensate workers affected by asbestos-related disease. James Hardie establishes the Medical Research and Compensation Foundation. 2003 An Australia-wide ban on the manufacture and use of all types of asbestos and asbestos-containing materials (ACM) took effect on 31 December 2003.	

		2005 The Code of Practice for the Management and Control of Asbestos in Workplaces is developed by the National Occupational Health and Safety Commission (NOHSC). 2005 James Hardie and the NSW Government sign historic agreement, providing $4.5 billion in funding for Australia's asbestos victims. 2006 National Centre for Asbestos-Related Disease established in Perth, Western Australia. 2008 Department of Environment and Conservation subsequently classified Wittenoom as a contaminated site under the Contaminated Sites Act 2003 on 28 January 2008. 2009 The Asbestos Diseases Research Institute located in the Bernie Banton Centre in Concord, NSW is officially opened in January. Funding for ADRI came from the Asbestos Diseases 2009Research Foundation. ABC Journalist Matt Peacock's book 'Killer Company —James Hardie Exposed' is released. 2009 Safe Work Australia established as commonwealth statutory agency commencing operation 1 November 2009. 2010 NSW asbestos victims to get Federal compensation in the form of a loan so that asbestos victims and families continue to be compensated. 2011The first Parliamentary Group on Asbestos Related Disease meeting takes place. 2011 Workplace Health and Safety Act 2011 introduced nationally and model legislation and regulations adopted by most state and territory governments. The model WHS regulations set out a	

		framework for the management of asbestos materials in workplaces including: the training of all workers at risk of encountering asbestos during their work naturally occurring asbestos Removal of asbestos The licensing and competency requirements for asbestos removalists and assessors. Safe Work Australia also issue the How to Manage and Control Asbestos in the Workplace and the How to Safety Remove Asbestos model Codes of Practice in December 2011. 2011 Cyclone Yasi devastates Far North Queensland causing hazard alert for thousands of workers cleaning up debris of fibro homes. Betty — the ADRI House is launched to travel to communities to raise awareness about the dangers of asbestos in home renovation. Betty is an initiative of the Asbestos Education Committee in NSW in partnership with the Asbestos Disease Research Institute. 2012 High Court of Australia has found seven Directors of the James Hardie group breached duties by approving of misleading statements released to the Stock Exchange. ABC broadcasts 'Devils Dust', a tele-movie about the life of Bernie Banton and fellow workers at James Hardie who were exposed to asbestos and contracted asbestos — related diseases and died. 2012 The Asbestos Management Review Report released in August recommended the development of a national strategic plan to improve asbestos awareness and management in the broader community 1 July 2013 The Asbestos Safety and Eradication Agency was established to provide a national focus on asbestos issues which goes beyond workplace safety to encompass environmental and public health concerns	

		2014 The first international conference on Asbestos Safety takes place in Melbourne. 2014 Bernie Banton Foundation launches their Mobile Asbestos Awareness and Resource Centre, including the introduction of 'Stan's Van' to tour Australia raising awareness about the dangers of asbestos. 2014 ACT Government acknowledges that over 1000 properties in the ACT remain contaminated with 'Mr Fluffy' loose-fill asbestos insulation. The Asbestos Response Taskforce is established to coordinate the Loose Fill Asbestos Eradication Scheme. Subsequent report to Government on the long term management of loose-fill asbestos insulation recommends demolition of all affected homes as the only enduring solution to the health risks posed by 'Mr Fluffy'. 2014 The NSW Government establishes a Parliamentary Joint Select Committee Inquiry into Loose Fill Asbestos Insulation in homes in NSW. 14 November — agency CEO Peter Tighe gives evidence at an Inquiry public hearing at Parliament House, Sydney. 17 December — Final report released by the Joint Committee and NSW Government announces a state-wide buy back and demolition of homes contaminated by Mr Fluffy loose-fill asbestos. 19 December — NSW Government establishes a taskforce to assess and consider the cost and benefits of a Government purchase/demolition scheme and make recommendations on the most cost effective option for Government. 2015 The revised National Strategic Plan for Asbestos Management and Awareness launched on 28 August by the Minister for Employment. 2015 Work commences on demolition of over 1,000 houses in the ACT as part of the ACT Asbestos Taskforce strategy.	

		2017 The Asbestos Safety and Eradication Agency releases of the National Asbestos Profile providing both a historical perspective on past exposures to asbestos, as well as information on the current management of asbestos in Australia. 2018 Development of the National Strategic Plan for Asbestos Management and Awareness 20192023 is underway."	
29.	Submitter	The submitter **does not support** the proposal and makes the following general comment: *"Dust control (Silica)* *Buffer zone not large enough* *Water usage – taking water off Woodridge – lowering water table* *Noise* *Road conditions – Traffic management"*	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.
30.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We wish to express or outrage at the audacity of anyone who thinks the idea of setting up a sand and limestone quarry so close to an established community is a good idea? The main concern for us is the dust factor. For example, the suggestion that 'shade cloth fencing' around the perimeter will stop dust from escaping from the site is ludicrous? No fence can be erected high enough to successfully do this. Sprinklers are also mentioned as a limiting measure. No amount of sprinklers will supress all the silicon dust with the strong south-westerly winds we get here in Summer. We lived in port Hedland for many years and can attest firsthand how inefficient sprinklers can be. The silicone dust alone from this proposed industry will cause severe health issues within this area. It begs the question – will silicosis be the new asbestosis disease? In a few years down the track, is the	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

		Shire willing to take some responsibility if this disease becomes an issue? It will also undoubtedly and dramatically impact on the values of all our properties, which, in turn, will impact on the Shire's rates! And what about the already established industries that operate within the Caraban region? How will the noise, dust and increased heavy machinery on the roads impact on our local tourism industry? Greatly, we would suggest. The report states it has been deemed suitable for heavy vehicle traffic but doesn't show any assessment of sharing the road with passing vehicles. And let us also take into account our local Carnaby Cockatoo population – what impact will the dust and presence of this mine have on them? With their numbers already under threat, does the shire want to risk a further threat to their existence? This factor has not been addressed in the submission. The impact on our beautiful Moore River is also a big concern – what environmental impact will the silicon dust have on it? Another consideration not included in the submission. Please we implore you, for the health and welfare of your residents, and indeed the reputation of the Gingin Shire as a whole, DO NOT APPROVE THIS APPLICATION."	

31.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We are opposed to this development of a sand and limestone extractive industry as it will cause a major impact on the human welfare and natural ecosystems to all in Woodridge and Caraban. The following are the main areas of concerns: 1. As our property buts onto this proposed site we are liable to experience large amounts of noise and air pollution. This will have a major impact on our physical and mental health, putting us at high risk of respiratory, cardiovascular, psychological and cognitive co-morbidities. Silica dust from this mine will contaminate the earth within Woodridge and Caraban, which will contaminate the produce. 2. Wildlife will be also be affected by the noise and air pollution. For example: the Carnaby's Black-cockatoos, red and white tailed who migrate yearly to Woodridge and Caraban area. Due to prior changes of the landscape in the Wheatbelt numbers have reduced by 50%, which has placed these on the protection of endangered species. Bush animals and insects that live freely and with little distress in this beautiful rural area will be driven away due to not only noise but the chemical omissions from this development. 3. Road conditions is also a concern we have a Caraban Road is not suitable for additional heavy haulage vehicles as described in the proposal. Also the access onto Indian Ocean Drive is a concern as tight access and increasing risk to drivers using Indian Ocean Drive. Numbers and types of vehicles sited in proposal changes therefore not clear description, making this incoherent. 4. Silica dust is a major concern for us, as we are close to this proposal and will experience the main impact of this, which will increase our risk to Chronic airways disease and lung cancer.	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

		5. We are concerned regarding the impact of diesel emissions also effect to our countryside, local water and Moore River. Also the impact of oil spills, leaking hydraulic hoses to the former. 6. We are concerned regarding the impact to local agriculture due to dust and chemicals in dust. Eg. Hydroxyl radicals and nitrate radicals will affect the soil and produce. If theses agricultural farms are affected this also affects the employment in the area. 7. We are also concerned regarding the noise and air pollution will also have on all residents within Woodridge and Caraban, also tourist industry in the area. If this proposal is passed by the Shire of Gingin, are they guaranteeing that they will ensure the health and safety of their ratepayers by monitoring noise and air pollution with air quality sensors and analogue sound level meters in the grounds of every home at no cost to the rate payer?"	
32.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "It is noted in the application that other similar industries exist already in the area. The location of these quarries reduces their impact on the surrounding areas. The location of the proposed quarry will mean it will definitely impact the surrounding area. I have attached 3 diagrams (See hard copy). The first is a map of the site and surrounding area taken directly from the planning application on the Shire's Website. I have highlighted my property on the map. The second is a wind rose taken from the Bureau of meteorology Website. It shows the prevailing winds head straight for the built-up area of Woodridge. This has me greatly concerned that the quarry will	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

		have large impacts on myself, my neighbours and Woodridge at large. These are listed below. Dust: The dust mitigation in the application relies on sprinklers from a bore wetting down roads and stockpiles. The actual process of extracting the limestone, crushing, screening, stockpiling and loading of trucks cannot be performed under constant wetting by sprinklers. There will be much dust created and by the fine nature of the material it will carry on the wind. The dust would settle over Woodridge causing health issues (my son is asthmatic), increased corrosion of vehicles and buildings and impacts on gardens and bushland. There is also no current licence for use of groundwater and there is no guarantee the proponents will be granted one. Noise**:** Once again the prevailing wind will carry the noise of machinery much further and clearer than the application says that is will, impacting directly on the surrounding area especially towards the east of the quarry. Fire: Currently the property is lightly grazed, and firebreaks maintained, reducing the risk of fire during summer. The application shows a 50 metre buffer of trees planted along the north and east boundaries. There is no provision for firebreaks and no stock reducing grass growth it will quickly become a large fire risk. Once again, the prevailing wind will be a factor putting properties to the east of the proposed quarry at risk. These are the three main factors that concern me regarding the application. The fact that the quarry will be so close to my property of course has me concerned for the future value of it. But the direct effects to my family's health and lifestyle cannot be ignored "	Firebreaks will be required as per the Shire's Firebreak orders.

33.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Do not want it in Woodridge."	Noted.
34.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We do not want a quarry so close to our residence in Woodridge even if it meets the requirements as outlined in the applicants proposal. We strongly oppose the development."	Noted.
35.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "This proposed industry would be much too close to the residential area of Woodridge. The purpose of residing in Woodridge is to enjoy the peace and tranquillity of country life and the health aspect of unpolluted air. It should be noted that the current pandemic of Corona19 virus is potentially deadly to elderly people with lung complaints. The dust problem associated with this industry would be enormous."	Noted. Refer to points 6 and 7 under table 1 of the council report.
36.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I think this quarry is far too close to the residents of Woodridge and will also affect Caraban residents. I also feel the amount of trucks per day will chop up the road and create dust and noise. It will also affect the surrounding residents."	Noted. Refer to points 3, 4, 5, 6, and 7 under table 1 of the council report.

37.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Dust suppression using water sprays works if correctly installed and properly maintained which is not always the case. Town of Port Hedland typical example. Why risk the Moore River environment with another sand industry. Also the water use could be put to a better use or left to maintain the aquifer."	Noted. Refer to points 2 and 12 under table 1 of the council report.
38.	Submitter	The submitter **does not support** the proposal and makes the following general comment: Health, Dust, Roads, Tourism, Vibration, Noise, Water & Environmental impact that proposes the biggest risks. There are many factors with this application that will affect the livelihood of the residents of Woodridge. Our Property is on the boundary of this proposed site, where they have stated there will be a 50 metre Buffer Zone. That is so in adequate in a residential rural zoning. We have never known a Quarry of this size to be approved side by side to a residential area!! We have 5 quarries in a radius that borders Nth to Guilder-ton to south of Military road that I know of. Also a Property adjacent to Redfield Park that has been granted approval prior for a sand/limestone quarry that is now For Sale. Also only last week, another Application has been received by Shire or the same Extractive Industry in Breton Bay. For one they keep calling us WOODBRIDGE throughout this Proposal, and upon reading it have noted many contradictions- Ie: stating the operating hours, one saying 6 days a week, 7am - 7pm & 9am - 4pm Saturday, else stating operating 24/7, another stating bam 6pm. What are we to believe!!!!	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

		So there will be continuous noise & dust generated from these working hours, whatever they may be! They state that the roads are in excellent condition to carry 46 double trailer trucks each day. They have stated the weight but carrying limestone, it has to be wet to tower the dust emissions and this will only create heavier loads. This is not the case if you care to take a drive along Caraban road you will see deterioration on the shoulders on corners of the roads similar to Woodridge roads especially King Drive. And this is happening from much lighter trucks & general traffic. The crossover from Caraban onto IOD has been recently upgraded by Main Roads, but will be a nightmare at best with that many trucks trying to enter into oncoming traffic doing speeds of 100kph- These trucks will have to crawl out onto the highway with loaded trucks- Cars heading north do not have a clear line of sight of trucks entering right or left onto I-O.D. It is an accident waiting to happen There could be a further issue with the road if they are forced to use Barragoon road which runs due south of the Woodridge border, this will impact the residents on the South side with noise. & dust as these trucks travel that road- We are led to believe that Main Roads do not wish for Barragoon road to be opened onto IOD as it is too dangerous. This is here-say, but request you follow this up with Main Roads to see if this is correct. This property we have been told, has been looked at some time ago by WA limestone and they considered that it was too close to Woodridge to be a viable quarry. Not only the close proximity to Woodridge that we should be concerned about, We feel the Shire of Gingin in its duty of care to the Ratepayers/residents of Woodridge & Caraban really needs to consider the alternative and focus on Tourism along the coast and inland. We have directly opposite this proposed quarry site, Caraban canoes, the approved micro-brewery and restaurant, Moore river	

		holidays which is agritourism, accommodation, wedding venue, and kayaking. These are the businesses, especially the micro-brewery that will be impacted upon that face directly across from the entrance to the quarry. Can you imagine Tourist buses & Limestone trucks vying for road space!!! Furthermore, T & C Do Market garden is next door and will be affected head on, the dust generated by a quarry will destroy their selling potential It is very hard to remove fine dust especially silica dust, the prevailing winds will carry the dust onto his garden. There are other issues that will also cause disruption to his workers who live on the premises now. The fact that we are only being given the minimum amount of time for submissions is disappointing. This proposal also ignores the very real issue of dust movement. There are no diagrams showing wind direction, strength, frequency and consistency Isn't it also amazing that radiating sound waves suddenly produce an arc where the restaurant and brewery will be. I'd like to be able to control sound like that. I would really like to concentrate on the DUST issue, according to their report they haven't addressed this issue in detail. Please research Silica Dust, it is very invasive & will cause major health problems to residents & business alike. No studies have been done on humans relating to quarries as no residential areas are located immediately next door. As was pointed out to me we will be the Guinea Pig Central. My husband has COPD and we don't wish for that to be exasperated by limestone dust. We are sure no one in the community wishes for their lungs to be damaged either.	

		Therefore we ask that the Councillors of Shire of Gingin consider the safety of alt ratepayers/residents within the localities of Woodridge & Caraban. Please ask yourself, would you like this business as your neighbour or in your back yard? We think not! We trust you will grant us a reply in due course when all submissions for comment have been received & listed for Council consideration at the next Shire Council meeting.	
39.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "The Guilderton Community Association would like to raise concerns about this proposed extractive industry application on Caraban Rd. We feel that having this industry so close to residential properties would not be beneficial to those residents who have sought and purchased a quiet rural lifestyle. Business owners who currently operate in this area would be adversely affected by traffic noise and dust. Proposed new business ventures that could bring more tourism to the area may not get off the ground or would again be adversely affected by traffic noise and dust. There, the Guilderton Community Association supports the Woodridge Community in their objection to any approval for an extractive industry licence in this location."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

40.	Submitter	The submitter **does not support** the proposal and makes the following general comment: • Damage to the environment • Increased traffic and noise (heavy trucks) • Dust and Soil degradation	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.
41.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I believe if this goes ahead our flora and fauna will disappear. We all need to preserve what we have now. 30 years is a long time. Think of the future, our next lot of generations."	Noted.
42.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We, as the owner and developer of "The Micro-Brewery Restaurant and Chalets" being developed on Lot 421 Caraban Road have serious concerns of the affects this proposed development will have on our tourism development. The very nature of this type of project will destroy the peace and serenity of the surrounding area that the river area and nature will provide for our tourism development and our customers and will not compliment the area, community, river or our development. This proposed limestone pit will produce constant noise, dust, risk of silica in the air, a scar on the landscape and constant large trucks on Caraban Road that may be a danger to our tourists, customers, residents and the public, as these roads are not built for these sort of traffic conditions. The loss of property value to surrounding land owners and housing in the area is absolute risky, I have lived next to a sand extraction area before and have first-hand knowledge of what the effects are on adjoining properties.	Noted. The land is zoned general rural (GR) which is set aside for primary and secondary agricultural purposes. The approval for a 'tourist' based development was done so on the basis that the development would coexists within the GR zone. The presence of the Micro-Brewery/ Restaurant, which is yet to be constructed, should not preclude the ability of adjoining rural land to be used for purposes anticipated within the GR zone. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.

		25 years of experience of operating a vast array of large earth moving equipment in the Civil and Mining Industry has equipped me with the knowledge of the real risks and conditions this proposed limestone pit will bring to the area and therefore - do not support the approval of this project because of its effects on our lifestyle and tourist precinct and the costly effects of its success."	
43.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We think it is inappropriate so close to our suburb of Woodridge. With a predominantly westerly wind from the Ocean the dust and noise created will largely blow, and be heard, across the suburb of Woodridge. Also Caraban Road is not designed to accommodate all those trucks every day. We urge Council to reject this proposed development.	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 10, 11 and 12 under table 1 of the council report.
44.	Submitter	The submitter **does not support** the proposal and makes the following general comment:  " We don't want to lose our beautiful views and serenity and peace that we currently have on and from our back fence line, Why would we	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11 and 12 under table 1 of the council report.

		want to look at a quarry when we can look out as far as the eye can see, and we see nothing but beautiful open land with trees in the distance and hear nothing but bird song? We won't be able to eat any of fruit and vegetables in both our vegetable patch and orchard due to the dust generated if they still manage to grow! Our house, vehicles and electrical equipment, and not just our household items but also personal industrial equipment, i.e. bandsaw, milling machine, upright drill press which are kept in our workshops (which are not dust proof) will be damaged due to the dust generated as silica dust is corrosive over time. Who will compensate us for this damage? The Shire, Sheepco Pty Ltd or do we have to wear the cost of fixing/replacing our house, vehicles and electrical equipment? We always try to keep our doors and windows open in order to get the beautiful breezes that come through and keep the house cool during summer, which is also a big part of our lifestyle living here. If the quarry is built, then we will lose this part of our lifestyle due to the need for keeping the constant dust out especially in summer which is at its driest so higher levels of dust are going to be generated and then blown across our property and into our house. 	

		 Another deciding factor choosing this lifestyle and moving to Woodridge, is the involvement that we have with Wilbinga Conservation Park. We are heavily involved in the conservation and protection of Wilbinga for future generations to be able to enjoy it like we do! Please see the link below for further information. How is the dust going to affect the Woodridge Moore River catchment, which is on the other side of Caraban Road? The winds, which will blow the dust towards all of our properties, will also blow the dust towards Moore River which will not only affect the native bird life which live there, but this also includes the endangered Western Swamp Tortoise which live in Moore River (after being released in the catchment areas) along with all the fish life. As the dust settles on and in the water, it will suffocate the water creating toxic algal blooms, which is well documented to kill all animal, plant and fish life that live in the water. This in turn will affect businesses, which rely on the river along with weekend and holiday pursuits along with all residents of Woodridge and the locals who love and enjoy the area. This will then have the flow-on effect on all the businesses on Caraban Road who rely on the	

		weekenders, holiday makers, residents and locals who all love and enjoy our way of life! On reading the proposal, we noted a major discrepancy in the name stated for the proposal throughout the whole proposal. We currently live in Woodridge, which is noted only on the following pages: •Page 4 •Transport Impact Statement ➢ Page 2 > Page 3 ➢ page 5 Throughout the whole proposal, the stated name of the nearest residential area is Woodbridge, which as far as we are aware, is located in the Shire of Swan and not in the Shire of Gingin, which is where we, the affected Woodridge residents is actually located. This was noted on multiple pages and multiple occasions: , Pages 5-6, 9, 12, 14, 18 •Transport Impact Statement ➢Page 1➢ page 2 > Page 4 On reading the proposal to build a sand and limestone quarry on our back boundary line, besides being horrified, we realised that we are now looking at losing everything that we have worked for, dreamed about and finally managed to achieve. With the quarry's life span of 30 years, our dream property will be instantly devalued from the first day by the quarry being built so close to our residential property due to a multitude of factors, none of which to us, were satisfactorily explained in the proposal put forward by Sheepco Pty Ltd in our view. Who will compensate us for any devaluation that's caused? The Shire, Sheepco Pty Ltd or do we have to wear the devastation of now owning a house that is basically worthless due to the quarry? The Buffer We note that there was no mention of the condition of the property for the proposed quarry directly behind the affected properties. There	Noted. The applicant has misspelt Woodridge.

		is no mention if any of the properties which are going to be affected by the quarry, have buildings, sheds etc. along the back fence line and if there is already exposed limestone which would have to be removed in order for the proposed buffer to be installed. If damage is incurred to either our fence line and/or shed (which is a water supply to the back of our property), who will compensate us for this damage? The Shire, Sheepco Pty Ltd or do we have to wear the cost of fixing/replacing it?  There is a proposed buffer of 50 metres from all affected properties with the initial extraction area being 800 metres from the affected properties. There is no mention of exactly what this is buffer is going to consist of and how they are going to implement it so we're not affected. Although there is advice listed in the proposal, we don't feel it's adequate enough as is doesn't address the following: •What do they define as a "substantial planting area along the eastern boundary"? What does this consist of? How thick will the buffer be that is to be planted? Will fully mature trees be planted to provide this buffer or we will as the affected residents, have to wait until the life span of the quarry	The lodgement of a Landscaping Plan which will outline vegetation types/spacing and maturity is suggested as a condition of approval. The expectation is that the vegetation will include a mixture of seedlings and plants up to 20 litres.

		is ended before the buffer is high enough to supposedly block out all noise and dust?	
		•Will fences be erected as a buffer to block out all noise and dust if they are only going to plant young trees? How are these "substantial plantings" designed to protect us from both the visual and dust impacts on not only on our property but also our family? •Will physical barriers be erected if trees are proven to be ineffective in protecting us as these have been proven to be the most effective method of removing contact with the dust?	No. Noise is required to adhere to the *Environmental Protection (Noise) Regulations 1997* regardless. If noise is not within the defined parameters, the use/plant equipment will cease. No. If dust is permeating beyond the property and is captured by dust deposition gauges the use will cease.
		We don't want a major plantation along our back fence line as we believe this may increase our fire risk during large fires as we experienced recently (December 2019) and make it harder for emergency services to defend our property.	Landowners are able to plant vegetation without any approval to do so.
		The proposed buffer area is completely inadequate for this type of industry, which is being proposed behind our property. As per the Western Australian EPA guidelines, there has to be a minimum of 1000 metres for any extractive industries where crushing, screening and blasting is involved (see Annexure 1). The EPA expects that individual industrial developers will take all reasonable and practicable measures to prevent or minimise emissions from their premises and the environmental impacts will not extend beyond the boundary of the particular site. As per the photos below (taken from our back boundary fence line), the above ground limestone is not only visible to the naked eye but also extends directly to our back boundary line. To insert the proposed 50 metre buffer zone along our back boundary line, is going to instantly expose us to silica dust, increased chance of blasting, increased noise levels and a high probability of fence and shed damage due to the extraction of the above ground limestone in order to place the proposed inadequate buffer of 50 metres.	Correct. However if this buffer is proposed to be reduced, it must be accompanied by technical studies to demonstrate that the reduced distance is adequate. The applicant has prepared an Acoustic Report, Dust Management Plan and Traffic Impact Statement in support of the reduced setback. Correct. This will be reinforced via a condition of approval and if breached, the use will cease and compliance action may be instigated.

		 Health Impacts We noted when reading the proposal, that there was no mention of the possibility of any health impacts that the proposed quarry will have not only on the affected residents, but also on the whole Woodridge and Caraban areas plus any impact that this will have on pets and livestock which are numerous in our area. The proposed quarry falls under the Safe Work Australia's definition of mining and sand and limestone mining is a known activity which releases silica dust. As natural sandstone, also known as limestone has been found to contain up to 67% silica. Silica dust is invisible to the naked eye and hang in the air for a vastly longer period of time compared to normal dust particles, see Figure 1. As per the Work Safe WA guidelines, a health surveillance must be undertaken when "a person's health is at risk as a result of exposure to silica dust (RCS). Throughout the whole proposal, we noted that this does not appear to have been undertaken to protect the residents of Woodridge (see link below). This dust will be a major impact on our family's health and our pets and livestock due to the now vastly increased exposure of silica dust	

		which will pass through the proposed buffer, especially with the strong westerly winds which we receive 90% of the year and which blow directly across our property from the proposed quarry as it does now. We do not want to be exposed to silica dust and breathing it in for the 30 year life span of the proposed quarry due to the known health impacts and issues that this will cause us both immediately and in the future. We do not want to lose our beloved pets and livestock due to them also constantly breathing in silica dust on a daily basis which is smaller than normal dust particles (see Annexure 2), Who will compensate us for any associated medical and veterinary bills for any and/all ongoing treatment? The Shire, Sheepco Pty Ltd or do we have to wear the cost of any treatments required for ourselves and our pets and livestock? We noted that there was no mention of any safety precautions to be undertaken to protect the resident's health from any dust that will be created. Are there going to be hazard signs erected stating that silica dust is present which, is also part of the guidelines under Safe work Australia's guide to working with silica. (See Annexure 3 for displayed warnings). Water Impacts We note that there is minimal information provided in relation to both the water supply required for the initial extraction phase and also for the ongoing requirements especially in relation to the dust management and suppression requirements and how the quarry's water needs may affect the residents directly behind the quarry and our own personal bores. If our personal bore is affected due the increased requirements for water at the quarry and the flow-on effect on the water table, who will compensate us for any associated drilling bills to deepen our bore?	

		The Shire, Sheepco Pty Ltd or do we will have to wear the cost of this deepening our own personal bore? In relation to the extraction process: •How much litres of water is required to each day to keep the site watered down to ensure minimal dust? How is this water to be delivered to the extraction area? Have the bores been inspected to ensure that they can provide enough litres of water each day without impacting on the residents private bore levels? • Will the limestone be kept wet each day during the extraction process? We also noted that sprinkler systems are to be used as part of the dust management plan which is yet to be approved by DWER and as stated on Page 16 of the proposal, this has not yet been written only the core elements which do not detail the full requirements needed. In relation to the sprinkler systems: Why have the sprinklers been allocated around the driveway for the vehicles but not for the site as a whole? How many sprinklers will be installed across the whole site to suppress dust? • How many litres per minute will they emit to keep the dust suppressed? • As stated "allow sprinklers to be moved around site should additional dust suppression in certain areas be required (Page 19)." Why hasn't the whole site been prepared and allocated sprinkler systems for dust suppression? Are the existing bores sufficient to provide the necessary water levels required to keep the dust suppressed? Is there a properly designed suppression system in place as per the guidelines to reduce the dust which includes the following: > Use an adequate number of water feeds to prevent visible dust during the process ➢ Maintaining adequate water pressure of 0.5L/mÎn > Prevention of water suppression systems being able to be turned down or off during any operation ➢ High use areas What role will the water truck play in day-to-day operations?	

		> Is it stationary or will it be moved around the site in order to suppress dust on a rotational basis? • How many litres of water will the misting sprayers provide on the conveyor belts to keep the dust suppressed? ➢ Does it meet the required water pressure? •How many litres of water will the stockpile sprinklers provide on the stockpiles to keep the dust suppressed? ➢ Does it meet the required water pressure? We also have major concerns about the catchment drains to the pit floor which will then allow the "stormwater" and the water used during the extraction process to infiltrate the ground. What guarantees and measures have been put in place to ensure: •That the water is not toxic Does not contain excess lime which Will make the land barren in turn leading to erosion Does not contain fuel or oil residue and/or run off which will poison the land in turn leading to erosion Where are the run-off areas going to be located? What study was done to determine where the "natural drainage lines" finish? • What possibility is there that the run-off and drainage lines will/do eventually reach the Moore River Woodridge catchment area? There is also no mention in the proposal of how the slurry waste product from the crusher and sieving processes are to be managed. How is this to be managed as it must be kept wet at all times? What sprinkler and suppression system is to be used to ensure that the slurry is kept at all times? How many litres of water will this require? How is it to be disposed of? <u>Noise Impacts</u> We noted that there is a contradiction within the operating and noise hours for the quarry to be operating as stated in the proposal. On page 19 of the proposal, it is stated that the hours are to be between 7am and 7pm and 7am and 4pm on Saturdays and again in the Acoustic Assessment (Appendix 6) on page 2, and yet on page 4 of	

		the attached Transport Impact Statement, Section 3 - Development Proposal (Appendix 4), the operating hours at to be 6am to 6pm and this is now including Saturdays having a 12 hour operating time frame. Part of the reasons for moving to our dream property, was the lack of noise during the day from dawn until dusk excluding the natural birdlife, which is abundant here. We do not want to be exposed to or hearing constant excavation works being done, constant crushing and sieving and the constant noise of trucks being filled and entering and leaving the quarry site as the wind direction will carry this noise directly to us). How is this supposed to be peaceful for us? We noted that there is no mention on how large the excavator and alt other machinery that they will be using are going to be. The larger the machines, the more noise that they will generate. Excavators, crushing and sieving machines are generally on a large size scale due to the nature of the work that they are required to do. We are also baffled how the stated noise levels which are apparently acceptable to the affected residents, i.e. our family's location and noise levels were calculated solely using a computer program for "similar equipment proposed for use on site" only and then this was applied to us. Why wasn't the equipment that is GOING to be used on site noise tested as this can differ greatly between machines and machinery? •Why was only a noise study undertaken instead of a full noise management plan? Can they guarantee that the plan will complement and agree with the study? • What guarantees and prevention measures are they going to put into place if the plan differs from their noise study? Road 1m acts	

		We completely disagree with the information provided in the proposal and Appendix 4 in relation to the amount of traffic, which will be affected, by not only the workers' attending and leaving work but also the 19m semi-trailers and 25m B-trains, Will Woodridge be affected by workers attending and leaving work when it becomes known that they can also get to and leave the quarry site by utilising Barragoon Road? How will this affect us? Indian Ocean Drive is a heavily used road throughout the whole year but even more so on weekends and school holidays and at the current moment, the traffic noise from Indian Ocean Drive reaches us on a daily basis just from the normal traffic use without an increase through the use of semi-trailers and B-trains from the quarry, Our family has a daily commute every day in order to be able to attend work, and it will be in the late afternoon and evening when coming home, that our family is going to be affected due to the strong possibility that the stated semis and B-trains will still be travelling on the roads either to and from the quarry, There is also no mention of how many 19m semi-trailers and 25m B-trains are to be used in the quarry at any given time and then how many of them will be on both Caraban Road and Indian Ocean Drive at any given time as approximately 46 trips a day is not a definitive answer for time frames and/or hours, Our roads, especially Caraban Road are not equipped or strong enough to support that amount of heavy haulage, especially with the amount of traffic that Indian Ocean Drive receives every day and then the huge increase during weekends and holiday periods.”	

45.	Submitter	The submitter **does not support** the proposal and makes the following general comment: 'I am contacting you about this proposal. I believe there will be impacts on endangered Carnaby's Black Cockatoos from this proposal. There is a Great Cocky Count roosts site less than 500m from the site, which indicates that Carnaby's utilise the area. The proposal states that the area to be cleared has no native vegetation. This is not true. Looking at Google Earth it is clear there are mature trees (Marri) on the block and that some of these will be cleared. An EIA should be done for this site, with all trees on the block checked for hollows potentially suitable for Carnaby's nesting. If any suitable hollows are found this may trigger EPBC referral."	Noted. Refer to point 7 under table 1 of the council report.
46.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Tourism will be destroyed as will the ability for locals to enjoy their properties if this mining disaster is allowed. Our strong and frequent south westerly winds, but also easterlies and north westerlies, will disperse health-negating sand across roads, gardens, houses and could reach some beaches or even the caravan park. The increased noise from hefty vehicles involved can travel many kilometres, again affecting peoples' well-being, and definitely deterring tourists. The main road, Indian Ocean Drive, will experience more accidents due to increased operational vehicle movements. Industry must not be located near communities. The detrimental effects to health, well-being and wealth (properties will lose value), the ability for ratepayers to enjoy their properties should not be compromised."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.

48.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "As an Asthmatic with chronic lung problems, this mine will be detrimental to my health as it will be too close to where I live, for me to avoid any dust fallout. It is way too close to residential area, virtually the neighbour at the back. The impact on lifestyle to existing residents in the Woodridge Community would be catastrophic, we chose to live in a rural/residential environment, willingly forgoing the perks of urban living, and aware of the extra travel involved when living this lifestyle. No buffer zone will be high enough or dense enough to hold Silica dust. It would need to be well advanced vegetation, i.e. a fully grown tree, to achieve any buffer that would have affect. The damage to an already deteriorating and insufficient road surface inbound/outbound. In two sections of the proposal there are differing operation hours, it will run 24/7, and for machinery, which is to be in operation, at the same time. There is sufficient land available in the Shire of Gingin that is not close to a residential area that has the same Limestone and Sand."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.
49.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I strongly object to the quarry. Caraban Rd cannot take that sort of traffic. In places the road is unsafe already particularly on some corners. My sympathies lie with Woodridge and the tourist based businesses in Caraban Road who would be impacted adversely by – noise, dust, traffic and loss of the quiet and beauty of this lovely area."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11 and 12 under table 1 of the council report.

50.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I wish to lodge my absolute opposition to the proposal for a quarry on Lot 1332 Caraban Road. This location, between a quiet residential area and the only river north of Perth for many miles, is grossly inappropriate. Water taken from the water table on the scale required would affect the local residents who depend on it. I also have concerns with the additional stress the falling water table would place on the old tuart trees already suffering, the preservation of which the Shire has expressed concern about in the past. The volume and weight of heavy haulage vehicles on the narrow, winding, already fragile Caraban Road represents additional safety concerns for the residents. Noise and dust also represent a gross impost on the lives of people who bought in the area on good faith. A limestone quarry in the midst of this beautiful rural community, directly opposite an exciting restaurant/brewery which the Shire approved, would seriously damage the tourism potential in this unique area so close to a city of 2 million people. I sympathise completely with the anger and distress of the local community at the thought of this proposal."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.

51.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I wish to voice my strong opposition to the proposed Sand and Limestone Extractive proposal which is set to be placed right on the border of properties in Woodridge at a distance of less than 500m away. I have been a resident of Woodridge for nearly 11 years now and in that time we have seen TC DO farm expand, we have already had submissions for a solar/wind farm on our doorstop, already have a quarry on Caraban Road and now you want to add to this? I have strong and grave concerns for the health of residents with Dust Pollution (silica), Noise pollution, Environmental issues, Tourism Issues with a tourism Venue located on this road. The other main issue is the access in and out of Indian Ocean Drive and the implications that has for residents using the road with up to 50 large trucks a day estimated to come in and out of the area. I also sell homes in the area and I can guarantee that this is going to have an impact on all home sales with the homes directly backing onto this area taking a huge hit – people move here for the peace and quiet not to have a Sand and Limestone extraction business on their back fence line. There is no room for a business of this size and capacity on the doorstep of our small, quiet estate and I urge you to do the right thing by your rate payers and decline this submission."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.

52.	Submitter	The submitter **does not support** the proposal and makes the following general comment: 1. Our property will be in direct line to this project 2. The quarry will create pollution, noise and dust 3. Heavy traffic will severely damage our community, roads and cause unnecessary congestion 4. The vibrations will cause damage to our homes and greatly decrease the value. 5. The vibrations will also cause disturbance to earth plates and underground water. 6. The quarry will have serious impacts on land at the river such as landslides, water pollution and land degradation. 7. This will make a huge impact on our wildlife and destroy all habitats. 8. This project will absolutely destroy the way of life. 9. The route via Indian Ocean will jeopardise the safety of motorist driving behind trucks, rocks falling or trying to overtake on an already dangerous road, putting the public's lives at risk. 10. Caraban road is not equipped to carry such a heavy traffic load and will be damaged. 11. Bore water on that scale could decrease pressure of existing homes water supply and will impact the quality of the water.	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.
53.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "I … have inspected the documents for "Development Application: Proposed Extractive Industry (sand and Limestone). Address: Lot 1332 (551) Caraban Road, Caraban. " I reside at … King Drive, Woodridge with my wife and two young children aged 1 and 2 years old. Our property backs onto the proposed development and thus we will be directly impacted should the proposal proceed.	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.

		We do NOT support the application for the following reasons: Excessive noise; Increased traffic; Visual impact; Unacceptable fire risk; Incompatibility with General Rural Zone; Detrimental impact to tourism; Excessive dust and water concerns for dust suppression. Acoustic Assessment As explained in section 4 and Table 4.1 of the Noise Report the noise contours are based on sound contours emanating from the machinery and activity operations at specified centrally located 'points' on the site. The noise contours should instead however be based on multiple points along the boundaries of the extraction area and working area as relevant to provide a realistic model of noise contours as the machinery use and operations will occur throughout the site. This will have the effect of significantly expanding the noise contours. As the noise contours will already reach the maximum 45db at some dwellings this with result in the Noise Regulations being exceeded. The noise contours also rely on unspecified/unknown berms and walls largely containing noise from extending to the east into the Woodridge community. These berms and walls however are located within extraction areas and so cannot be in place while extraction is occurring. If on the other hand they will be located to the east outside of the extraction area they would have limited if any effect because they would be substantially downhill from the extraction activities and the sound will travel over the walls and berms. The effect of the walls and berms should therefore be removed from the sound modelling. Also, the amenity impacts of the walls and berms cannot be known with their details being known.	

		Traffic: Trucks will need to turn right onto Indian Ocean Drive from Caraban Road at the point of a significant uphill ridge on an already dangerous stretch of road with a 100km speed limit. The loaded trucks will find it difficult to gain speed up the hill causing traffic risks. Visual Impact The fifth dot point in 2.2.1 states that the quarry will behind the existing hill and as a result will result in minimal visual impact from the Woodridge community to the east. This is incorrect. AS depicted in Figure 2 the north-south ridgeline (the existing hill) is proposed to be entirely removed not just the portion east of the ridgeline. As a result, the removal of the ridge the excavation will be highly visible from the Woodridge community. For example, as can be seen in Section D of Appendix 3, the eastern side of the ridge is proposed to be reduced in height by 8.29m which will of course have a significant visual impact on the Woodridge community. The report also makes no mention of the visual impact of the quarry on the outlook from Barragoon Road which provides access to the Moore River which is well used by locals and the wider community and is a valuable future tourism resource that should not be devalued by driving past the significant landscape scar of the quarry. Fire Risk The final dot point in section 2.2.1 refers to the planting of at least 50m wide landscape buffers along the eastern and northern boundaries of the property in an attempt to mitigate the visual and dust impacts on the adjoining Woodridge community and the market garden. The Woodridge community is within a designated bushfire prone area of the WAPC's SPP3.7 but was planned and developed prior to SPP3.7 and as a result the residents already experience greater risks to life and property than communities planned to	

		current standards. The Woodridge community was evacuated last summer and came very close to suffering catastrophic losses. To plant 50m wide landscape buffers with a 1km frontage to the Woodridge community and 2.5km (?) frontage to the market garden will unacceptably add to the already, by today's standards, unacceptable fire risks faced by the Woodridge community. To be effective the buffer would need to be comprised of upper and understorey trees and vegetation. Last summer the Woodridge community almost went up in smoke. Imagine what would have happened if the Woodridge community was faced with a 1km wide wall of flame with an ignited upper storey! It would be unacceptable to put life and property in the Woodridge community at such risk for the purpose of attempting to accommodate a use on an adjoining property, which for the reasons explained below is not compatible with its locational context. As noted in section 3.1.1. of the applicant's report the objectives of the General Rural zone are: 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.	

		The extractive industry proposal on this land is contrary to these objectives for the following reasons: It would be contrary to maintaining the specific local rural character. Extractive Industry is not rural in nature, in appearance or activity or impacts. This General Rural zoned pocket of land between conservation reserves, the Moore River and an existing community is unique and its character in this context warrants protection; The quarry will not encourage and protect the land for agriculture purposes and instead will do the opposite. The proposed use is an industry but not a rural industry. Even rural industries should only be considered as secondary uses where they demonstrate compatibility with the primary use; Again, the quarry would be opposite to the objective of "maintaining and enhancing the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. This land is in a unique landscape context that should be used for rural uses compatible with its landscape context given its proximity to the river, conservation areas, undulating landscape and an existing community along a route to a significant tourism resource. The applicant's report refers to the Shire of Gingin Local Planning Strategy (LPS) at section 3.2 and specifically in relation to the Rural zoned areas around Guilderton. The applicant's report merely quotes objectives from the LPS and makes no attempt to explain the consistency of this proposal with the objectives of the LPS. In fact, approval to this proposal would be contrary to the objectives of the Rural zoned areas around Guilderton as extracted from section 3.2.1 of the applicant's report below: Increase local employment opportunities and local expenditure by increasing the level and diversity of business prospects both within and adjacent to the town site.	

		Response: The proposed extractive industry will employee very few people (only 3) and will result in little, if any, expenditure into the local economy and therefore would be contrary to this objective. Promote increased level of community facilities within or adjacent to the Guilderton town site. Response: The proposed extractive industry would not promote an increased level of community facilities of any kind. Facilitate a high quality, environmentally sensitive and integrated form of urban expansion south of Moore River as part of the Guilderton town site expansion plan. Response: This proposal is not for urban expansion and the quarrying of a prominent ridge, one row of lots away from the Moore River, would compromise future opportunities to integrate an appropriate compatible land use mix that would maximise the unique opportunities of this land afforded by its unique location on a ridge between an established community and the Moore River. Maintain the attraction and importance of Guilderton as a tourist destination and recognise its popularity for non-permanent residents. Response: The proposal will result in a prominent scar on the landscape for at least the next 30 years which will detract from the natural attractions of the Moore River and the Guilderton locality and thereby detract from its tourism potential. Retain the existing tourist sites reflected in the Scheme and Moore River South ODP for tourism purposes. Response: Not relevant to this proposal apart for the fact that it would detract from the tourism potential of the locality generally.	

		Enable and promote opportunities for additional growth in tourism. Response: As explained above approval to this proposal would reduce the tourism value of the Moore River and associated valley and thereby compromise opportunities for tourism growth. Section 3.2.2. Of the applicant's report is simply a cut and paste from section 2.5.4 of the LPS and makes no attempt to relate an extractive industry on this site to the LPS discussion on Basic Raw Materials. As envisaged by the BRM policy the location of extractive industries should be carefully planned as part of strategic and zoning planning processes which has not occurred in this instance. Principles that would be included in such planning would be maximising access to market, minimising impacts on established communities, tourism opportunities, landscape and environmental values. Extractive industry on this land would not be consistent with these principles. Section 3.3 of the applicant's report simply states what the BRM Policy says without relating this proposal to the BRM. In any event the premise of the BRM is identifying key extraction areas to be protected for extraction based on quality of resource, access to market, and compatibility with the landscape, community, environmental and economic context. This unique land on a ridge sandwiched between an existing community and the Moore River is not suited to this use. Section 3.5 of the applicant's report provides briefly, comments on the proposed quarry in the context of the planning framework. The section refers to the quarry's expected life of about 30 years as being 'short term' and as representing an appropriate sequential land use compatible with the existing rural environment and longer-term urban/tourism uses. 30 years however is a long term not a short term timeframe and the quarry will not be compatible with existing land	

		uses or the land use that will evolve (if not compromised by this proposed land use) in the short to medium term to maximise, compliment and respond to the entirely unique characteristics of this location's proximity to a river north of the Perth metro area. A quarry in this location on the upward slope of the Moore River valley would significantly compromise the establishment of land uses that would be consistent with the objectives of the LPS such as tourism opportunities that are by nature more employment intensive, result in expenditure into the local economy and rely unique natural resources such as the Moore river. The section 4.2 check list refers to the land as not being considered to represent priority agricultural land which is add odds to the intensive horticulture next door and that the locality outside of the existing communities is characterised by intensive horticulture and rural grazing. The check list also refers to the land as being within a regionally significant bas raw material resource area however this is by no means unique to this site and instead covers an extensive area. The availability of a resource is only one factor in determining whether or not a site is suitable for extraction. The check list refers to the consistency of the proposed activity with current and future zonings and uses and timeframes for development. For the reasons explained above the proposed quarry would not be compatible with the existing or future land uses or the unique opportunities presented by this location. The check list refers to Lot M1332 as containing Aboriginal heritage sites but does not explain how these sites will be appropriately protected as part of the development. The check list refers to noise and dust impacts on adjoining sensitive uses being managed but the report does not demonstrate this. The site contours and noise impacts will change over the 30-year life of	

		the quarry which is not properly recognised in the noise assessment. Also, the report assumes a 50m wide vegetated buffer adjacent to the Woodridge community and the horticultural use that contains a dwelling, however the proposed buffer could not be established without creating unacceptable bushfire risk impacts on the Woodridge community. The check list acknowledges that contrary to the recommendations of the BRM the site is within a visually significant location on a ridge but states that excavation will 'commence' on the western side of the ridge to reduce the visual impact on the Woodridge community. The check list fails to acknowledge that the entire ridge is proposed to be removed (i.e. including the eastern side) which will be highly visible from the Woodridge community. The report also fails to recognise the visual importance of the site from the west which is effectively a valley extending from the Moore River and as such will be highly visible from the west (pit faces of up to 10m!) and will detract from the landscape vista from the river valley and thereby detract from the land's unique landscape context and land use opportunities along the river such as the recently approved micro-brewery across the road. It is also noted that rather than excavation commencing from the west, section 5.2.2. Refers to the pit face being progressively worked in a southerly direction. The noise report also refers to the pit being open to the west rather than the pit face being worked in a southerly direction and therefore the noise report is of limited value, particularly noting that the expected noise levels reach the prescribed maximum level of 45dbca of the Noise Regulations. The summary of the noise report though refers to 44dbcs whereas Table 6.1 refers to 45 db. Also, the noise levels are based on general and draft Guidelines not site specific that for example account for the prevailing strong south westerly winds blowing towards the Woodridge community. The noise report does not account for sound bouncing from the quarry walls or local site specific conditions such as prevailing winds.	

		The quarry will be less than 1000m from the Woodridge community and as explained above the noise and dust impacts have not been addressed by the applicant. Scheme water is unavailable, and it is unknown if adequate groundwater will be approved/available for purposes such as dust suppression. This is especially critical in this location as in summer this location experiences strong winds in the morning from an easterly direction and strong winds from south westerly directions in the afternoons which would blow dust over the Woodridge community. This is likely to be compounded by wind convections within the pit walls lifting dust. An Environmental works approval has not been obtained and so it cannot be known if environmental and amenity impacts can be appropriately managed. Section 4.2 again the applicant's report simply states what the State Industrial Buffer Policy says and it is noted that sensitive residential uses will be less than 1 km from the proposed extraction area. Section 5.10 acknowledges the significant visual impact from Barragoon Road but incorrectly states that this road is not connected to Indian Ocean Drive as it is connected via King Drive. The applicant also does not acknowledge that Barragoon Road is the access road to the Moore River and so all visitors to this part of the Moore River will need to drive past this quarry. This detrimental impact will be of greater significance in the short to medium term as land uses in this locality to optimise the opportunities provided by the Moore River. As per the reasons detailed above, I strongly oppose this development."	

54.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Strongly do not support the proposal. I reside directly behind the proposed development, therefore will be directly impacted should it proceed. I do not support for the following reasons: Excessive noise, increased traffic, visual impact, unacceptable fire risk, and incompatibility with general rural zone, detrimental impact to tourism, excessive dust and concerns around water for dust suppression."	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.
55.	Submitter	The submitter **does not support** the proposal and makes the following general comment: 1. Very concerned you would allow an industry like this bordering a residential community – the sand drift, noise and affecting the lifestyle of these long term residents. The noise that would be created by machinery and trucks 2. Also the potential for damage to the Moore River and the local environmental and wild bird life. 3. The traffic issues with so many trucks per day on local roads and Indian Ocean Drive is also a recipe for disaster. No developed residential style community should have to have this type of business nearby.	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.
56.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "Having been at the meeting a week or so in Woodridge I believe the Shire is making a rod for their own back with this development. It is simply too close to residents. I don't think any of the councillors would be lining up for a quarry over their back fence and to ask Woodridge residents to do so is plain wrong.	Noted.

		The buffer zone is nowhere near large enough and given the winds that prevail the dust will be all over homes in no time."	
57.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "We strongly oppose this development for the following reasons. 1 Dust: The south boundary of our property 502 Caraban Road is opposite the North end of 511 the property seeking approval for extraction. Our concerns are there are no guarantees that dust management procedures will be adhered to. The dust from limestone can have long term and short term effects on humans. My wife is an asthmatic and the effect dust can affect her dramatically and maybe the possibility of silica dust which would be worse situation. This brings us to water which is the main way they intend to manage dust. 2 Water: It is our understanding that there are no more water licenses being issued. If that is the case the existing bore is unlikely to produce enough water to control dust. The existing bore would have to be upgraded and this would require applying for a water licence. 3 Noise: The market garden is across Caraban Road from our residence. The machinery used on the market garden is considerably lighter than the machinery which is to be used on the proposed limestone pit. We hear all the movements in the market garden and at times the distance they are working would be similar to the distance of the limestone pit. We can't see how we will not feel vibrations and continuous rumble of the machinery. If that is not enough we will have semi-trailers and B Doubles going passed our property approximately every 15 minutes. 4 Roads: Caraban Road is breaking up on the bends in the road and requires repairs. The market garden semis have approximately 3 to	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.

		4 movements daily with just these movements the road is breaking up on the bends. We can only imagine the wear and tear on Caraban Road with semi-trailers and B Doubles weighing 50 to 60 tonne. This would have to be a safety issue to us to get to our property and the general public to access the river. Indian Ocean Drive does not have a good reputation for safety and it is good to see the effort that has been put in to make it better. Our concern is with 23 heavy large trucks entering Indian Ocean Drive being so heavy and slow to get moving it can only increase the potential for crashes and loss of life. 5 Moore River: We all know the river systems in Australia are under threat this development can do nothing to help the Moore river system. The river is unique only about 100km from Perth and vitally needs all the help it can get. 6 Property Values: History shows when a quarry is constructed in the close vicinity of properties the value of these properties can only go down. The question is who is going to compensate for the loss. 7 Conclusion: The Gingin shire has recently approved the building of a micro-brewery on Caraban road we applaud that decision. It will bring tourists to the area create jobs we are sure the council could see these benefits and more when you approved the development. Our concern is if the quarry goes ahead the owner may decide it is too risky to go ahead with the development. For the reasons above and there are many more we sincerely request the council reject the proposal for a limestone and sand pit on 551 Caraban Road.	

58.	Submitter	The submitter makes the following **general comment**: "On the condition that tree screen is also provided along the Southern boundary along Barragoon Road, we have no objection to the proposed development. The current landscaping plan only shows screening on the Northern and Eastern boundaries and we strongly believe that it should also be provided on the Southern for the purpose of amenity."	Noted.
59.	Submitter	The submitter **does not support** the proposal and makes the following general comment: "*Our/My main concern are health issues related to dust – silicone dust is not good for health and the effects are well documented. It would appear that slowly Woodridge is becoming a defect industrial site as a quiet rural residential community basic quarry need to include lots of water – where is this allocation coming from? Noise – another factor along with truck movement. Tourism – the proposed microbrewery the canoe facility all with the adversely impacted with the noise, dust etc."*	Noted. Refer to points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 under table 1 of the council report.
59.	Department of Health	The submitter makes the following **general comment**: "The DOH provides the following comment: • 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 2011. • Any on-site amenities are to be connected to an approved on-site wastewater disposal system in accordance with Australian Standard 1547 (AS/NZS 1547) and DOH requirements.	Noted.

		• In relation to the dust management plan, it should include a timeline for response and actions taken regarding complaints (with sign-off by Quarry manager)."	
60.	Department of Water and Environmental Regulation	The submitter makes the following **general comment**: "Development Application – Proposed Extractive Industry (Sand and Limestone) – Lot 1332 Caraban Road, Caraban Thank you for providing the above referral for the Department of Water and Environmental Regulation (Department) to consider. The Department has identified that the proposal has the potential for impact on environment values and management. While the Department does not object to the proposal, key issues and recommendations are provided below and these matters should be addressed: The Department regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V of the Environmental Protection Act 1986 (EP Act). The categories of Prescribed premises are outlined in Schedule 1 of the Environmental Protection Regulations 1987. The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge unless a licence or registration is held for the premises.	Noted.

		The provided development application request was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act. Based on the information provided, the proposed operations may be categorized as prescribed premises under Schedule 1 of the Environmental Protection Regulations 1987 for the following category: 12 Screening etc. of material: premises (other than premises within category 5 or 8) on which material extracted from the ground is screened, washed, crushed, ground, milled, sized or separated. 50 000 tonnes or more per year Crushing and screening equipment with a design capacity* (when operated 24/7 or at a capacity limited by a planning approval) that enables operation at a rate that meets or exceeds the specified production* or design capacity of the relevant category under Schedule 1 of the Environmental Protection Regulations 1986 may cause the premises to become prescribed for the purposes of Part V Division 3 of the Environmental Protection Act (EP Act). The applicant can be advised that they may meet the requirement for prescribed premises and as such, will require a works approval to construct/install the equipment (mobile or otherwise) and a licence to operate. It should be noted that Department's determination of production or design capacity may be influenced by a planning approval that restricts capacity (such as constraining hours of operation). The purpose of a works approval is to allow the Department to assess the environmental acceptability of a proposal's potential to cause emissions and discharges during construction and operation. Note that any works approval or licence issued under Part V of the EP Act will only regulate emissions associated with the crushing and	

		screening operation (such as dust and noise). It does not extend to the environmental impacts of extracting the material from the ground or transport off-site. The Department has received a works approval application relating to this proposal. The Department is currently assessing the submitted works approval application. Please note that this advice is provided based on information supplied. Should this information change, the works approval requirements may also change. Applicants are encouraged to contact the Department at info@dwer.wa.gov.au or 6364 7000 to clarify requirements, should there be changes to information. *'Production capacity' and 'design capacity' • The production capacity is the rate at which a product is produced as relevant to the description of the prescribed premises category; and • design capacity is the maximum capacity/capability for which the facility or equipment is designed to receive, handle, process, contain or emit, as relevant to the description of the prescribed premises category."	
61.	Department of Biodiversity, Conservation and attractions (DBCA)	The submitter makes the following **general comment**: Thank you for the opportunity to comment on the extractive industry development application. DBCA has no comments to make.	Noted.

62.	Department of Mines, Industry Regulation and Safety	The submitter makes the following **general comment**: "REFERRAL OF DEVELOPMENT APPLICATION – LOT 1332 (551) CARABAN ROAD, CARABAN – PROPOSED EXTRACTIVE INDUSTRY (SAND & LIMESTONE) Thank you for your letter dated 18 August 2020 regarding the application for a proposed sand and limestone Extractive Industry Licence (EIL) on Lot 1332 (551) Caraban Road, Caraban. Although EIL's fall outside the Mining Act 1978, information on mineral resources, including basic raw materials, is of importance to the Geological Survey and Resource Strategy Division, within DMIRS. The information is used in our MINEDEX database, which is a source of information for our State-wide resource mapping system - GeoView. The locations and status of basic raw material extraction sites are also valuable inputs to our resource assessment and land use planning role. Our aim is for the database to be a comprehensive and up-to-date source of information on all mining-related activities throughout the State. It is a database that is used to inform other government agencies, as well as the general public, of the location of mines and mineral resources. You are encouraged to use it whenever researching information on mineral or petroleum resources, and including basic raw materials. Thank you for the opportunity to note this proposal. DMIRS has determined this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials."	Noted.

63.	Department of Planning, Lands and Heritage – Aboriginal heritage Council	The submitter makes the following **general comment**: DEVELOPMENT APPLICATION: PROPOSED EXTRACTIVE INDUSTRY (SAND AND LIMESTONE) ADDRESS: LOT 1332 (551) CARABAN ROAD, CARABAN Thank you for letter dated 18 August 2020, seeking comment from the Department of Planning, Lands and Heritage (DPLH) regarding to the Proposed Extractive Industry (Sand and Limestone) at Lot 1332 (551) Caraban Road, Cara ban. I have reviewed the Aboriginal Heritage Register of Places and Objects as well as the DPLH Aboriginal Heritage database. The results indicate that your proposal does not intersect with an Aboriginal site or Aboriginal heritage place. Therefore, based on the information held by DPLH, no approvals under the Aboriginal Heritage Act 1972 are required. For any proposed future works, DPLH recommends the proponent refer to the State's Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines can be found on the DPLH website at the following link: https://vvww.dplh.wa.gov.au/information-and-services/aboriqinal-heritage The Guidelines allow proponents to undertake their own risk assessment regarding any proposal's potential impact to Aboriginal Heritage.	Noted.
64.	Department of Planning, Lands and Heritage	The submitter makes the following **general comment**: PROPOSED EXTRACTIVE INDUSTRY (SAND AND LIMESTONE) - LOT M1332 (NO.551) CARABAN ROAD, CARABAN I refer to your correspondence dated 18 August 2020, inviting the Department of Planning, Lands and Heritage to comment on a development proposal to extract sand and limestone at Lot M1332 Caraban Road, Caraban (the subject site).	Noted.

		State Planning Policy 2.5 Rural Planning (SPP 2.5) provides for the extraction of basic raw materials such as sand and limestone, for rural zoned land outside of the Perth metropolitan region. The site is not expressly identified for basic raw materials under the Guilderton to Kalbarri Sub-regional (May 2019) or Shire of Gingin Local Planning Strategy. However, this does not preclude the Shire from considering this proposal as the Shire of Gingin Local Planning Scheme No.9 (LPS 9) contemplates the Extractive Industry land use in the General Rural zone. The remnant vegetation on the subject site comprises of Priority Three Western Australian Threatened and Priority Ecological Communities and Commonwealth Threatened Ecological Communities. These ecological communities may not be directly impacted by the proposal as they are outside the proposed extraction area. However, advice should be sought from the Department of Biodiversity, Conservation and Attractions prior to a decision being made on the development application. The documentation includes limited reference to rehabilitation and environmental attributes. It is recommended that the Shire consider requesting an Environmental Management Plan to ensure that these matters are adequately managed. State Planning Policy 4.1 State Industrial Buffer (SPP 4.1) and State Planning Policy 2.4 Basic Raw Materials (SPP 2.4) provide guidance on development proposals for extractive industries, including the requirement for separation distances from sensitive land uses. It is unclear whether the separation distances are adequate. It is also noted that the proposed operational hours are outside the recommended operational hours specified within SPP 2.4. It is recommended, that the appropriateness of the proposed operational hours to the scale of the extractive industry be considered.	

		As a general observation, it is recommended that if approved, all elements of the proposal which can be measured and quantified be specifically outlined as planning conditions. This would include matters such as hours of operation, staging, stockpiling, rehabilitation, revegetation, transport movements etc. This will assist the Shire with ongoing management and compliance should it be required. The WAPC's Fact Sheet - Basic Raw Materials (attached) may also assist with the implementation of WAPC Policy. I trust the above information is of assistance. If you would like to discuss this matter further, please do not hesitate to contact me.	
	Main Roads Western Australia (MRWA)	The submitter makes the following **general comment**: Development Application – Proposed Extractive Industry (Sand and Limestone) Lot 1332 (551) Caraban Road, Caraban, Gingin In response to your correspondence received on 18 August 2020 Main Roads has no objections to the proposed development and provides the following advice. <u>Advice</u> Main Roads are progressing with planning projects along the Indian Ocean Drive. The associated future increase in traffic from development proposals along Caraban and Gingin Brook Road, and through traffic on the Indian Ocean Drive, shall assist determine the ultimate intersection arrangement of Caraban and Gingin Brook Road. Traffic Impact Statements for individual developments should also consider traffic from proposed developments within the vicinity in accordance with the Planning Commission Traffic Assessment Guidelines.	Noted.

RAMBOLL

ENVIRONMENT
& HEALTH

James Bayliss

Senior Planning Officer
Shire of Gingin

By email

Dear James,

Response to Submissions – Development Application on Lot M1332 Caraban Road, Gingin

Date 12/10/2020

Introduction

This letter provides a response to the schedule of submissions provided to Ramboll on 8th October 2020. Overall, we can see that the extractive industry proposed for Lot M1322 has provided the community surrounding the site with some concerns.

As a general response to these concerns Sheepco is of the view that any impacts from the proposed operation can be managed. In operations, the company commits to undertaking responsible environmental management.

While there were a significant number of submissions, there is a commonality to the issues of concern. Accordingly, we have compiled a response to the submissions on an issue basis as set out below.

We have also attached some updated mapping that has been prepared for the consideration of the works approval application by the DWER. This letter should be read in conjunction with this mapping.

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Ref 318000955

Dust Management

It is self-evident that there will be dust generated by the extractive industry operations on Lot M1332. However, there are well established management techniques available to deal with this issue that will be implemented by the proponents. These are expanded below:

Preparation of a Dust Management Plan

Dust management on the site will be applied in a coordinated fashion through the procedural implementation of a Dust Management Plan (DMP). The DMP will most likely be a condition of the works approval and possibly the Development Application. The DMP will set out specific management actions for the dust generated by the proposal, including:

Ramboll Australia Pty Ltd.
ACN 095 437 442
ABN 49 095 437 442

Sprinkler Systems

- Sprinklers will be connected across the site through a poly pipe system and will be placed around the driveway to manage vehicle dust. Each stockpile will have its own separate impact sprinkler.
- The poly pipe system will allow sprinklers to be moved around the site should additional dust suppression in certain areas be required.
- Water for the sprinklers will be provided by the on-site bore.
- In addition to site sprinkler systems the site will have a 6-wheel water truck with a 12kL water tank.

Stockpiles

- The height of stockpiles will be <12m, and approximately 20m in diameter.
- Stockpiles will be kept separate from each other to maintain product quality.
- The width between stockpiles will be a minimum of 3m to allow either a truck or loader to pass between them.

Screening (Crushing operations)

- Misting sprayers will be used on conveyors.
- Sprays will be used on the loading hopper at the entry to the crusher to prevent dust exiting during the loading operation.
- Product will be damp on the exit from the crusher and will be transferred to product stockpiles with their own dust suppression sprinkler systems.

Site Screening

- The site fencing will include shade cloth around the perimeter of the site. This will prevent dust entering or escaping the site, thus reducing the influence of winds generating fugitive dust. The screening will also provide some visual screening of the core operations.
- In addition, a road sweeper will be used if road dust accumulates to an extent where it may cause a dust nuisance.

Silica

Several of the submissions identify the potential of silica dust as an emission of concern. Also known as quartz, crystalline silica is the most abundant form of silica and is found naturally in sand, gravel, and many different types of stones. It is used in various commercial products such as cosmetics, art supplies, pet litter, talcum powder, and paints. Interacting with these products is the most common way in which the general public is exposed to crystalline silica, while occupational exposure occurs commonly in the construction, mining, and manufacturing industries.

The WA DWER does not specify ambient guideline values for silica. It is more often identified through the OH&S legislation rather than the environmental regulation. Interestingly, neither the DWER nor the Department of Health submissions received during the public submission period mention the emission of silica as an issue.

Monitoring

The DMP will include a monitoring program. This will dictate how and when dust management will be monitored and the remedial action that will then take place. Monitoring techniques to be applied could potentially include:

- Visual monitoring of dust levels from operations by trained personnel, with operations modified or ceased when elevated dust levels are observed to occur;
- The application of deposition gauges

DWER works approval

The DWER works approval and licencing processes are where emissions from scheduled or prescribed premises are regulated. These are the conventional process through which dust management is assessed and then management actions developed. The DMP will most likely be a condition of the works approval and will set out specific management actions for the dust generated by the proposal.

Loss of Amenity

The size and location of Lot M1332 dictate that there should not be any loss of amenity for surrounding residents. The following points highlight this:

- There will be proactive management of dust generation and operational dust levels will be in accordance with the works approval conditions
- Likewise, noise generation will be managed in accordance with a sophisticated Noise Management Plan ensuring that levels will be in accordance with the Noise Regulations
- Traffic impacts have been shown to be negligible – see discussion below.
- Visual impacts can be managed through screening, planting and the pit design/configuration. The sheer distance between the pits and sensitive receptors also dictates minimal amenity impacts.
    - A general indication of the primary face of the materials extraction, being in a north south orientation along the side of the ridge containing limestone and sand. This provides minimal visual impact to the view from the east as the operations will be behind the existing hill.
    - The location of administration and storage uses on a relatively flat "saddle" just north of the overall operating footprint.
    - Two substantial planting areas located along the eastern and northern boundaries. These landscaping areas are proposed as visual and dust impact buffers for the Woodbridge community and the market garden land use respectively.
- It is noted that submissions have also raised the issue of the view of the operations from Barragoon Road. In response to this submission Sheepco is prepared to provide a landscape strip along the Barragoon Road frontage of the site, where the operations will be visible.

Traffic Generation and Management

To assess the traffic impacts from the development, transport engineers – Transcore – were commissioned by Sheepco. Please refer to the Transport Impact Statement (TIS) which formed part of the Development Application to Council.

The TIS shows that there will be an increase of 46 truck movements per day on Caraban Rd. The TIS also establishes that Caraban Road has been designed to accommodate such Heavy Vehicle use. Similarly, the intersection at Indian Ocean Drive/ Caraban Road has the appropriate design features (sight lines and turning pockets) to accommodate the additional traffic envisaged.

Access to the site from Caraban Road uses an existing crossover and accessway located about 1km west of the Woodbridge community. This access point was chosen because of its separation from Woodbridge. The alternative access point via Barragoon Road was considered less acceptable because of its proximity to Woodbridge.

Water

Lot M1332 is currently serviced by an existing bore as shown on the site plan. This bore will provide the initial supplies needed to establish the extractive industry development on Lot M1332. A second bore is also available for immediate use. The details of the two existing bores are also shown in the application documents.

Operational water supply may be augmented with an additional bore, the licence for which is currently being considered. If additional water supply is required for dust suppression and other operational matters, then the relevant licences will be sought from the DWER. Alternatively, water allocations will be sourced from existing licensees.

Flora/Fauna

The proposal will be implemented without any clearing of vegetation. Impacts on flora/fauna are likely to be negligible.

Impact on the proposed micro-brewery

The submissions imply that the proposed micro-brewery on the site to the west is highly valued by members of the community. The impacts of the operations of the limestone and sand activities are likely to be minimal.

The footprint of the extractive industry operations will be about 1km east of the micro-brewery and 750m east of the ancillary chalets. The noise study undertaken for the proposal indicated that the noise generated at the micro-brewery and chalets will be well below the assigned level in the Noise Regulations. Similarly, the large separation distance should dictate that dust will not be an issue for the facilities.

Concluding Remarks

Thank you for providing the opportunity for the proponents – Sheepco – to respond to the submissions received as a result of the public advertising of the proposal. The submissions received as a result of the advertising process raise several issues that are understandable given the rural nature of the locality.

It is Sheepco's view that the impact from the sand and limestone extraction activities will be able to be managed using conventional techniques and the uses can co-exist without any significant reduction in amenity in the locality. Sheepco is open to discussing any further management actions that ensure this co-existence is compatible.

Yours sincerely



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13.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED USE NOT LISTED (CONTAINER DEPOSIT RECYCLING POINT) AT LOT 301 (13) KING DRIVE, WOODRIDGE

File	BLD/5125
Applicant	Rowe Group Pty Ltd
Location	Lot 301 (13) King Drive, Woodridge
Owner	Shire of Gingin
Zoning	Local Reserve – Shire Purposes
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Location Plan, Aerial Imagery and Applicant's Proposal [**13.2.1** - 10 pages] 2. Schedule of Submissions and Recommended Responses [**13.2.2** - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed Use Not Listed (Container Collection Cage) at Lot 301 (13) King Drive, Woodridge. Council's determination is required as Administration does not have delegation to approve a Use Not Listed or development on Shire-controlled reserves.

BACKGROUND

The subject lot is located at the entrance to the Woodridge Rural Living Estate currently containing the Woodridge Community Hall, a café, tennis courts, playground and public toilets. The portion of the lot in which the development is proposed is indicated as a caravan turning circle area with a toilet block located towards the centre of the lot. This is the predominant recreation/community area for the Woodridge Rural Living Estate. The lot is maintained by the Shire of Gingin.

The application seeks development approval for a Use Not Listed (Container Collection Cage) which is comprised of a sea container with a length of 6m, height of 2m and a width of 2.4m (20 feet) which will be painted with the Eco Exchange logo situated on the southern portion of the lot fronting Woollybush Loop and accessible via the crossovers to that road.

The proposal notes that the development is to be operated as a bag drop facility only, with no requirement for any staff other than for container collection and maintenance works. The Container Deposit Scheme ID system is utilised in refunding participating customers, thereby allowing the bag drop facility to remain unmanned throughout the transaction process.

Eco Exchange currently operates within Woodridge via a Mobile Trading Permit located at the Woodridge Community Hall carpark on King Drive. If this proposal is supported then their Mobile Trading Permit will no longer be required and the operator will enter into a commercial lease with the Shire

The proposal does not outline any works to the reserve other than the placement and maintenance of the Sea Container.

The location plan, aerial imagery and the Applicant's proposal are provided as **Appendix 13.2.1**

COMMENT

Stakeholder Consultation

Clause 3.4.3 of LPS 9 outlines requirements for a use not listed in the Scheme, notably requiring advertisement of the proposal and recognition that the development is consistent with the objectives of the zone.

As such the proposal was advertised for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015 (the* Deemed Provisions). This was done via direct letters to landowners in proximity to the location, and a notice on the Shire's website. The application was not advertised to the Woodridge Community Association as it utilises a separate access and the land is managed by the Shire of Gingin.

During this timeframe, one submission objecting to the proposal was received. The Officer has responded to the comments which are available in the Schedule of Submissions provided as **Appendix 13.2.2.**

PLANNING FRAMEWORK

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

The subject lot is zoned Public Use – Shire Purposes. LPS 9 does not afford any objectives to this zone, and therefore reference is made to the objectives for this zoning under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* 'Model Provisions'.

The zone *Reserve – Shire Purposes* is not specifically mentioned in the Model Provisions however the officer notes the objective for Reserve – Public Purposes as outlined in the Model Provisions is as follows:

To provide for a range of essential physical and community infrastructure.

As noted in the Background of this report, this lot supplies community and recreation facilities to the Woodridge Rural Living Estate. The proposal provides a service allowing the community to participate in the Containers for Change program.

The zoning does not employ any specific development standards, however the Officer's report includes an assessment against the relevant matters to be considered under clause 67 of the Deemed Provisions.

As the proposal is for a Use Not Listed in the Scheme, reference is made to the applicable land use definition in either the Deemed Provisions or the Model Provisions. In this instance the Deemed Provisions define the land use *Container Collection Cage* as follows:

"means a cage or other structure in which members of the public may place empty containers for the purposes of the container deposit scheme, without receiving payment of the refund amount in exchange;"

The land use is run by an appointed Western Australian Return Recycle Renew Ltd (WARRRL) operator who is afforded the contract to operate under the Container Deposit Scheme for either a locality or Local Government Municipality. The officer notes that the development provides a service to the community and is therefore consistent with the relevant objective of the lot.

Local Planning Policy 1.9 - Sea Containers

The Shire's Local Planning Policy position on sea containers was created to enable the use of Sea Containers for a range of uses, most generally storage, while seeking to retain a suitable built form amenity in the locality of the subject site.

In this instance the subject site is zoned Reserve - Shire Purposes, however it is located within an established Rural Living Estate. As such due regard to the built form amenity of the Rural Living zone is applicable. The initial application notes that the sea container is located strategically to be naturally screened by existing vegetation but is a lime green colour. While the natural screening is a good outcome with respect to the built form amenity of the area, the colour of the sea container is not appropriate.

As such the officer is of the view that, whilst the proposed location of the sea container is appropriate, the colour should be neutral reflecting earthy tones or a darker colour more representative of the vegetation in place. The colour of the sea container is recommended to be amended via a condition of approval.

The policy also notes that: *No advertising or logos are permitted on Sea Containers unless they are visually acceptable as determined by the Chief Executive Officer.*

In this instance the sea container will include the operator's Eco Exchange logo, which is critical in order for participants to identify the exchange site. The officer therefore notes that it is appropriate in this instance as it is related to a bona fide commercial business that will be approved to be operating on site.

Planning and Development (Local Planning Schemes) Regulations 2015

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

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

(m) the compatibility of the development with its setting, including —
(i) the compatibility of the development with the desired future character of its setting; and;

Officer comment

The proposal is located within an established Rural Living Estate and will be fully visible from Woollybush Loop with some vegetative screening on the south side of the sea container.

The lot is owned by the Shire of Gingin**,** which as yet has no plans for the future development of this portion of the reserve. As this may be subject to change with potential for future public works/projects in the reserve, and given that the applicant is not offering any upgrades to the site, a temporary approval may be appropriate.

(n) the amenity of the locality including the following —
(i) environmental impacts of the development;
(ii) the character of the locality;
(iii) social impacts of the development;

Officer comment

The proposal only comprises a single sea container to be located in a manner that naturally screens it from view from the road. With respect to the character of the locality, the proposal introduces additional vehicle movements to the site.

The applicant notes that the container will be emptied once a week. This will of course be a variable which is subject to the productivity of the development. While a development approval is unable to manage the hours of operation for participating members of the public (given it is unmanned), it can however constrain the times during which service vehicles access the site to uphold the increased amenity level anticipated in residential areas.

As such the Officer notes that, in order to maintain the residential amenity of the locality, service vehicles should be restricted to within regular business hours (8am to 5pm).

(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;

Officer comment

The site is accessible via existing unsealed crossovers to/from Woollybush Loop. While the crossovers and vehicle manoeuvring areas are unsealed, the officer notes that any requirement for the applicant to seal the area would be onerous and, given its temporary nature, unnecessary.

The site contains sufficient area for vehicle manoeuvring and parking. It is anticipated that participating residents will visit the site infrequently to donate or exchange containers. However, in the event that Council approves the application, a condition has been imposed to ensure that the area remains in trafficable condition and is maintained and/or upgraded (if necessary) at the cost of the operator to the satisfaction of the Shire of Gingin. This condition negates any ongoing issues

Clause 72 of the Deemed Provisions - Temporary Development Approval

Clause 72 of the Deemed Provisions notes that a local government may impose a condition on a development approval limiting the period of time for which the development approval is granted.

In this instance, the proposal consists of an unmanned sea container to be used by a third-party operator which provides a service to the community, and without any upgrade works to the trafficable area in which it is located. As such the officer believes that a time limited condition is appropriate to allow Council's review of the operation, any ongoing damage to the asset (reserve and road), and any other projects that may be contemplated for the site in the future. The officer notes that requiring the applicant to upgrade the relevant portion of the reserve at present is unreasonable, and as such this time limiting measure suits both parties.

However, a condition has been imposed to ensure the road/access is maintained, repaired and/or upgraded at the operator's cost, which provides the Shire with the ability to enforce the operator to upgrade the trafficable area at its own cost without relying on an application for amended development approval.

Summary

The proposal seeks to maintain the Containers for Change service to the community in an ongoing and autonomous manner. With the above matters considered, the officer recommends that the development be supported for a limited timeframe (with a provision for extension) subject to appropriate conditions.

Disposition of Property Requirements – *Local Government Act 1995* s.3.58

In the event that Council agrees to approve this Development Application, it will be necessary to comply with the disposition of property requirements contained within the *Local Government Act 1995* (the Act) in order for the sea container to occupy the site.

Under s.3.58 of the Act, "dispose" in relation to property *includes to sell, lease, or otherwise dispose of, whether absolutely or not.* A local government can only dispose of property:

- To the highest bidder at public auction; or
- By calling public tenders; or
- By giving public notice of the proposed disposition (including details of the proposed lessor, the consideration to be received for the property and the market value of the property as determined by a formal valuation), inviting submissions for a minimum of two weeks and then considering any submissions received before making a decision to dispose of the property.

The disposition of property is exempt from these requirements under certain circumstances (set out in the *Local Government (Functions and General) Regulations 1996*), but this proposal does not fall into any of the exempt categories.

Obviously, the options of public auction or public tender are inappropriate in this instance, and therefore it is suggested that the giving of public notice for the purpose of submissions is the preferred option.

A licensed valuer has been engaged to provide a market rental value for the site. This figure, which is expected to be minimal, will be available for consideration at the Council meeting and will be circulated as soon as it is received. Given the anticipated minimal valuation figure and the fact that the proposed container deposit point is, in effect, of benefit to the community, it is proposed that any lease or licence arrangement to occupy the site be in the nature of a "peppercorn" agreement.

It is therefore recommended that, in the event that Council grants development approval for the proposal, it also:

1. Agree that it is prepared to dispose of that portion of Lot 301 King Drive, Woodridge to be occupied by the proposed sea container to Eco Exchange by way of a lease or licence arrangement (as recommended by the Shire's legal advisors) for a term of 2 years consistent with the life of the Development Approval, for a consideration of $1.00 per annum.

2. Authorise the CEO to give local public notice for a period of two weeks of the proposed disposition in accordance with s.3.58 of the *Local Government Act 1995* and report back to Council if any submissions are received.

3. Authorise the CEO, in the event that no submissions are received at the conclusion of the public submission period, to negotiate an appropriate lease or licence arrangement (as recommended by the Shire's legal advisors).

4. Authorise the Shire President and CEO to execute the resulting lease or licence arrangement, including affixing of the Common Seal of the Shire of Gingin if required.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No. 9

POLICY IMPLICATIONS

Local Planning Policy 1.9 - Sea Containers

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council:

1. Grant Development Approval for the proposed Use Not Listed (Container Deposit Recycling Point) at Lot 301 (13) King Drive, Woodridge subject to the following conditions:

    a. This approval is for a limited period of 2 years lapsing on 21 September 2023;

    b. The development is to be in accordance with the approved plans and any annotations in red ink made by the Shire of Gingin;

    c. The trafficable area utilized by the operator and clients shall be maintained at the cost of Eco Exchange (the operator) and where applicable repaired and/or upgraded to the satisfaction of the Shire of Gingin;

    d. The Sea Container shall be developed at the existing natural ground level and where necessary, site works are to be undertaken to the satisfaction of the Shire of Gingin, at the operators cost;

    e. The Sea Container must be emptied once a week or as soon as it reaches capacity, whichever occurs sooner and only between the hours of 8am-5pm;

    f. The operator shall liaise with the Shire's Operations and Assets Department to erect suitable vehicle signage for one-way vehicular movement to/from the site via Woolly Bush Loop at the operator's cost;

g. The sea container shall be painted and maintained in an appropriate colour, to the satisfaction of the Shire of Gingin; and

h. At such time as the development ceases, the approval holder (the operator) must remove the sea container and make good any damages to the subject site at their own cost.

Advice Notes:

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

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

Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

Note 5: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997.*

Note 6: With respect to Condition 6, the Shire's Operations and Assets Department can be contacted via phone on (08) 9575 5100 or via email at mail@gingin.wa.gov.au

Note 7: With respect to condition 7, the Applicant liaise with the Shire's Planning Department regarding the colour the sea container is to be painted

Note 8: Prior to the commencement of the development the operator must enter into a commercial lease with the Shire of Gingin to use the as approved portion of the Shire owned reserve.

2. Agree that it is prepared to dispose of that portion of Lot 301 King Drive, Woodridge to be occupied by the proposed sea container to Eco Exchange by way of a lease or licence arrangement (as recommended by the Shire's legal advisors) for a term of 2 years consistent with the life of the Development Approval, for a consideration of $1.00 per annum.

3. Authorise the CEO to give local public notice for a period of two weeks of the proposed disposition in accordance with s.3.58 of the *Local Government Act 1995* and report back to Council if any submissions are received.

4. Authorise the CEO, in the event that no submissions are received at the conclusion of the public submission period, to negotiate an appropriate lease or licence arrangement (as recommended by the Shire's legal advisors).

5. Authorise the Shire President and CEO to execute the resulting lease or licence arrangement, including affixing of the Common Seal of the Shire of Gingin if required.

PROCEDURAL MOTION

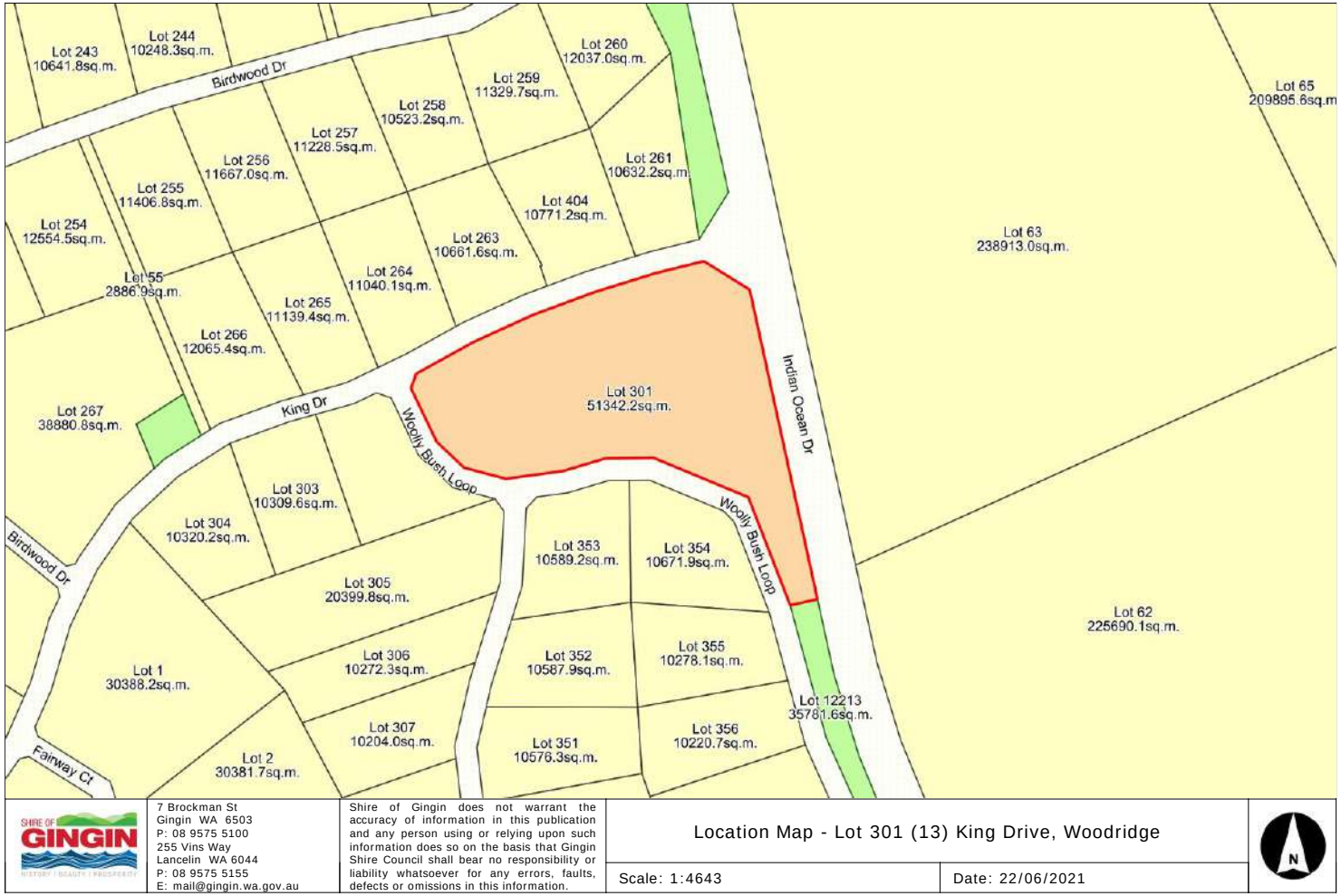
MOVED: Councillor Rule SECONDED: Councillor Johnson

That the matter be referred to the Council meeting on 19 October 2021 to allow for the formal valuation of the land concerned to be received.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*



SHIRE OF GINGIN

7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au

Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.

Location Map - Lot 301 (13) King Drive, Woodridge

Scale: 1:4643

Date: 22/06/2021

N



SHIRE OF GINGIN	7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Aerial Map - Lot 301 (13) King Drive, Woodridge	N
			Scale: 1:2377	Date: 22/06/2021

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Job Ref: 9400
17 June 2021

Chief Executive Officer
Shire of Gingin
7 Brockman Street
Gingin WA 6503

Attention: Mr Matthew Tallon – Statutory Planning Officer

Dear Mr Tallon

**DEVELOPMENT APPLICATION – USE NOT LISTED; CONTAINERS FOR CHANGE
LOT 301 (No. 13) KING DRIVE, WOODRIDGE**

Rowe Group acts on behalf of Eco Exchange Pty Ltd ('Client'). We have been instructed by our Client to prepare and lodge a Development Application ('Application') with the Shire of Gingin ('Shire') to facilitate the Development Approval of a 'Refund Point' at Lot 301 (No. 13) King Drive, Woodridge ('Site').

To support the Application, we provide the following:

- Legal description of the Site;
- Description of the existing improvements at the Site;
- Summary of the proposed use of the Site;
- Discussion of the Town Planning Considerations; and
- A copy of updated Development Plans.

SITE

The Site is located within the municipality of the Shire of Gingin, in the suburb of Woodridge.

The Site is legally described as:

- Lot 301 on Diagram 67198 Certificate of Title Volume 1684 Folio 87.

Refer to **Attachment One – Certificate of Title.**

EXISTING IMPROVEMENTS AND OPERATIONS

The Site currently contains the following:

- A Community Hall and associated community facilities;
- A toilet block;
- Tennis Courts / Basketball courts; and
- An area of carparking.

It is also noted, our Client currently operates permanent a 'mobile refund point' at the Site in accordance with the Trading in Public Places Permit granted by the Shire of Gingin. The proposed development seeks to 'replace' the mobile refund point to streamline the operations of the organisation by allowing a 'no contact' location for customers to deposit containers. Further detail in this regard is provided below for your consideration.

PROPOSED DEVELOPMENT

The Application seeks planning approval for the use of a 20-foot sea container as a 'Refund Point' in the form of a 'Bag Drop Facility', situated at the western portion of the Site, within the caravan turning bay off Woolly Bush Loop. The sea container will include customised modifications which will allow a chute to open, and all (empty) container filled bags to be placed in the vessel which will allow for a simple operation for removal. The container will be finished in a lime-green colour and contain the company logo for ease of identification in accordance our Client's contract requirement with WA Return Recycle Renew Ltd ('WARRRL').

Each customer will have a unique Scheme ID, allowing the Containers for Change WA Scheme to process the individual user's information. The containers will be collected from the Site and sorted at our Client's 'Container Deposit Recycling Centre' located in Lancelin, refunding the money directly back to the users (through the unique Scheme ID). The Application does not seek approval for the development or alteration of the existing improvements on site.

As the proposed development will be unattended and does not require an over-the-counter component, the proposed operation is considered to be consistent with the definition of a 'Refund Point' as outlined within the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Regulations'). In accordance with the Regulations a 'Refund Point' is defined as follows:

> *Has the meaning given in the WARR Act section 47C(1).*

Pursuant to the *Waste Avoidance and Resource Recovery Act 2007 ('WARR Act')* a 'Refund Point' is defined as:

> *(a) a facility or other place for the return of empty containers in exchange for the payment of refund amounts; or*
> *(b) a facility or other place or class of facilities or places prescribed by the regulations to be a refund point.*

The proposed development incorporates the following key components:

- One (1) sea container with a length of 6m, height of 2.3m and width of 2.4m.

Refer to **Attachment Two – Site Plan and Elevations.**

As outlined above, the proposed 'Refund Point' will remain unattended and will be accessible by the general public at all times. Notwithstanding, in order to avoid any potential "overspill", our Client will actively manage and empty the sea container when required. It is anticipated the sea container will require emptying at least once a week, however the frequency will be accurately determined once the 'Refund Point' is fully operational. Eco Exchange Pty Ltd has the resources available to actively manage the proposed operation in any capacity.

TOWN PLANNING CONSIDERATIONS

Zoning

Pursuant to the Shire's Town Planning Scheme No. 9 ('TPS 9'), the Site is within the 'Public Use: Shire Purposes' Reserve. It is noted, TPS 9 does not outline any objectives for the 'Public Use: Shire Purposes' Reserve.

Notwithstanding, it is considered that the proposed use is consistent with the intent of the 'Public Use: Shire Purposes' Reserve given that the use is ultimately to serve the community and public at large.

Land Use Permissibility

Having discussed the Application with the Shire, it is our understanding that the proposed development will be considered as a 'Use Not Listed'.

Notwithstanding, Clause 2.5 of TPS 9 outlines the requirements regarding the use and development of Local Reserves. Clause 2.5.2 states the following:

> *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.*

With regard to the above, we are of the view that the proposed use is consistent with Clause 2.5.2. of TPS 9 for the following reasons:

- The development will not have any negative impact on the amenity or natural environment in the locality; and
- Given the land is currently reserved for public use, a use of this nature is considered to be complementary to the Shire purposes as it seeks to benefit the wider community.

Ultimately, this proposal is a great incentive for people to recycle and dispose of their containers in a significantly positive manner. The proposed developments seeks to encourage strong environmental values within the community and minimise the number of containers being littered in the area.

Car Parking and Vehicle Access

As this Application is for a 'Use Not Listed', parking requirements are not defined within TPS 9. Notwithstanding, it is anticipated that local residents making use of the Site are expected to spend less than two (2) minutes on site in the process of dropping off their recyclable goods, noting that there is no transaction will be undertaken on site. On this basis, it is considered that the proposed use does not generate a requirement for car parking and the proposed location of the sea container allows vehicles to safely access the Site from Woolly Bush Loop, temporarily park their car while the containers are deposited, and safely egress the Site.

Further, the proposed location of the sea container also seeks to ensure there is no interference with the traffic main access and egress point to the Woodridge Community Hall and associated facilities. Based on our Client's

experience with the mobile refund point currently operating from the caravan turning bay loop at the proposed location, there does not appear any issues associated with car parking and vehicle access.

Local Planning Policy – 'Sea Containers'

The Shire of Gingin Local Planning Policy No. 1.9– 'Sea Containers' ('LPP 1.9') outlines the requirements for all sea containers in the Shire of Gingin. In this regard, the proposed sea container is consistent with the general requirements as outlined in LPP 1.9 for the following reasons:

- The proposed sea container is not located in any setback area;
- The sea container will not be in direct view of any neighbouring properties, as there is sufficient screening in the form of vegetation along Woolly Bush Loop; and
- The sea container will be lime green colour which is consistent in with the surrounding natural environment.

For identification purposes, the company name and logo will be provided on the western and eastern elevations of the sea container. In this regard, it is considered that the size, placement and colour of the advertisement is suitable for the proposed development.

Refer to **Attachment Three – Sea Container Design.**

SUMMARY

This Application seeks the approval of a proposed Containers for Change 'Refund Point' at Lot 301 (No. 13 King Drive), Woodridge ('Site'). The Application should be approved by the Shire of Gingin for the following reasons:

- The proposed development is consistent with Clause 2.5.2. 'Use of Development of Local Reserves' under the Shire of Gingin Town Planning Scheme No. 9 ('TPS 9');
- The proposed development is consistent with the Shire of Gingin's Local Planning Policy 1.9 'Sea Containers'.
- The proposed development is considered to be a 'Use Not Listed' under the Shire's TPS 9;
- The proposed development does not involve any changes to the existing improvements on the Site;
- The location of the proposed development offers adequate space for short-stay parking.
- The location of the proposed development offers adequate vehicle movement and accessibility;

Should you require any further information or clarification in relation to this matter, please contact the undersigned or Mr Samuel Bowers on 9221 1991.

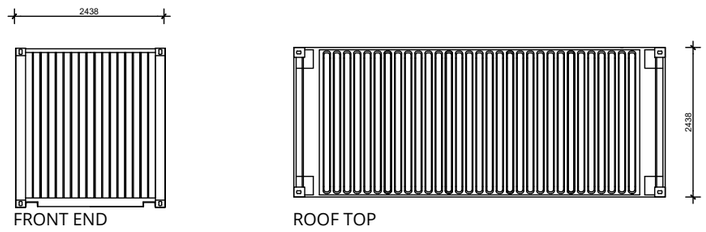
Yours faithfully,

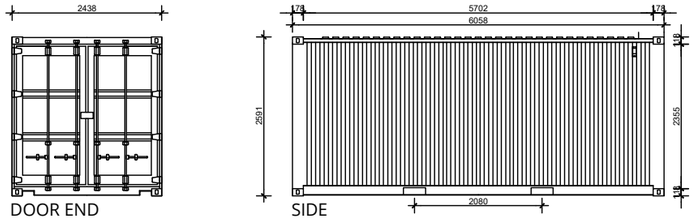
Adrian Dhue
Rowe Group

Attachment Two

Site Plan and Elevations







ISO 20 FT CARGO CONTAINER
FLOOR PLAN, SECTION AND ELEVATIONS

SCALE 1:75

SITE PLAN
LOT 301 (NO.13) KING DRIVE
WOODRIDGE

NORTH
0 62.5 m
SCALE @ A3: 1:2500
9400-FIG-01-A

ROWE GROUP

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N:\TOWN PLANNING\9400\9999\WD\DRAFTING\A-DWD VIDH KAMMALAMVAN 2021 06 08
9400_FIG01A_20210608 Woodridge (Site Plan) DRAWN: V.K. DATE CREATED: 2021.06.08 PROJECTION: MGA50 GDA94 CADASTRE & AERIAL LANDGATE

Attachment Three

Sea Container Design


eco
exchange
Recycling Locally

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPOSED USE NOT LISTED (CONTAINER DEPOSIT SCHEME – REFUND POINT)
LOT 301 (13) KING DRIVE, WOODRIDGE

No.	Submitter	Submission details	Recommended response
1.	Ratepayer	The submitter **does not support** the proposal and provides the following general comment: "*I do not support the container. It will be left as they always do to overspill.* *There will be all good intentions in the beginning to empty this regularly however after time it will be longer and longer between collections. Opportunity for more than just the items it was designated for. Opportunity for kids to set light to the stuff inside. This is something I've seen before."*	Noted – valid concern and potential amenity impact. The officer has included a condition in the recommendation to require the operator to empty the container regularly (once weekly) and as it reaches capacity should that eventuate sooner. The comments regarding arson are irrelevant.

13.3 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED RURAL PURSUIT (KEEPING OF HORSES) AT LOT 40 (51) WANDOO RISE, GABBADAH

File	BLD/7305
Applicant	Kristen Bain
Location	Lot 40 (51) Wandoo Rise, Gabbadah
Owner	K & A Bain
Zoning	Rural Living (RL2)
WAPC No	NA
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Location Plan, Aerial Imagery and Equine Management Plan (EMP) – [**13.3.1** – 10 Pages] 2. Site Photographs – [**13.3.2** – 10 Pages] 3. Schedule of Submissions and DPIRD Written Response – [**13.3.3** – 5 Pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Retrospective Development Approval for a proposed Rural Pursuit (keeping of 3 horses) and associated Sea Container at Lot 40 (51) Wandoo Rise, Gabbadah.

BACKGROUND

The subject lot is zoned Rural Living, consisting of an area of 2 ha which accommodates a Single House and Outbuildings alongside the unapproved Rural Pursuit and Sea Container development. This application arose from compliance actions with respect to the Rural Pursuit.

The proposal indicates two paddocks with a shelter available for the keeping of horses and stables, within an existing outbuilding for overnight containment. The proposal also highlights an exercise area and unmanaged/unused paddock to the rear of the lot.

The subject land is identified as being within the Spearwood system with the site containing sandy soils. This is important in identifying the applicable stocking rate for the subject land which determines the appropriate number of horses for the lot. The soil type and relevant stocking rate was confirmed by the Department of Primary Industries and Regional Development (DPIRD) during the advertising stage.

A location plan and a copy of the applicant's Equine Management Plan (EMP) are attached as **Attachment 13.3.1.**

Site photographs are provided as **Attachment 13.3.2.**

COMMENT

Stakeholder Consultation

The land use requires public notice under the land use permissibility provisions. Accordingly, the application was advertised to surrounding landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Shire received one written submission objecting to the proposed development during this period.

The application was also advertised to the Department of Water and Environmental Regulation (DWER) and DPIRD, with the latter providing a written response to the proposal.

A copy of the Schedule of Submissions and Recommended Responses and DPIRD's written submission is provided as **Attachment 13.3.3.**

PLANNING FRAMEWORK

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

The subject lot is zoned Rural Living under LPS 9. The objectives of the Rural Living zone 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 keeping of horses falls under the land use 'Rural Pursuit' which is defined as follows:

"Means any premises used for –

a) The rearing or agistment of animals;
b) The stabling, agistment or training of horses;
c) The growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
d) The sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture intensive."

'Rural Pursuit' is an 'A' use in the Rural Living zone. This means 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 noted above, the advertising process was undertaken during the officer's assessment.

Clause 4.8.5 of LPS 9 outlines zone specific development standards, with the relevant requirements outlined below:

4.8.5.5 Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fencings except in the immediate vicinity of the residence will only be permitted with the approval of local government.

Officer Comment

The subject lot is fenced as required under the above development standard. The submission received from the adjoining owner notes an occasion where horses traversed the fence causing issues between the neighbours. The officer notes that internal fencing shall be maintained so as not to rely on the boundary fencing, and this may be offered as a condition should support be forthcoming.

4.8.5.6 No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence.

Officer Comment

Noted. Should the applicant seek to expand the paddock area to achieve a higher stocking rate applicable to the lot, there is sufficient cleared land to do so. This enables the retention of remnant vegetation located to the northwest corner of the lot.

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

Noted. No new buildings are proposed, however the subject lot does contain an unapproved sea container that is in place for storage of horse-related feed and equipment. Local Planning Policy 1.6 – Sea Containers is considered in the report below.

4.8.5.8 The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.

Officer Comment

The Applicant seeks to keep a maximum of three horses on the subject lot at any one time. The applicant has advised in their submission that the horses will be present onsite for no more than 9 months in a calendar year. This notwithstanding, the stocking rate for the property has been calculated based on the *Agriculture Western Australia Stocking Rate Guidelines for Rural Small Holdings (stocking rate guidelines) 2000.*

Stocking rates are the number of stock, e.g. sheep, cattle, horses that can consistently be kept on a piece of pasture all year round with minor additional feed and without causing environmental degradation. Environmental degradation could include wind and water erosion, tree decline, increasing levels of nutrients in groundwater and waterways, the spread of weeds and soil structure decline. Stocking rates are shown as Dry Sheep Equivalents (DSE) which are the number of adult sheep (wethers) that can be sustained on each hectare all year round.

The *Stocking Rate Guidelines for Rural Small Holdings – Swan Coastal Plain and Darling Scarp and surrounds, WA* (stocking rate guidelines) was formulated to outline appropriate stocking rates for rural smallholdings subject to soil type. The document broadly allocates the Spearwood system over much of the Shire of Gingin's coastline.

The applicable stocking rate for the Redfield Park estate ranges from 2 – 6 DSE per hectare dependant on soil types. This can be increased to 20 DSE per hectare where the soil type is well drained yellow and brown sands with onsite irrigation servicing paddocks. Upon an initial site visit and review of the subsequent site photos, the officer notes that the subject lot contains sandy soils, but accepts that this is not an accurate representation of the potentially varying soil types on the subject lot.

Type of livestock Weight (kg) and animal type	Dry sheep equivalent (DSE)
Sheep	
50kg Wether, ewe	1.0
40-45 kg Lambing ewe (ewe and lamb)	1.5
75 kg Rams	1.5
Horses	
450kg Light	10.0
1000kg Draught	20.0
250kg Pony	5.0

Table 1 – Animal equivalents

In the event the proponent seeks a variation to the above, it should be substantiated by a site-specific study outlining that the applicable soil type is able to accommodate an increase to the applicable stocking rate without any adverse environmental damage. In this instance, no supporting documents have been submitted which warrant a departure from the above guidelines.

The stocking rates for the subject property have been calculated using the highest number (6 DSE/ha) outlined in the above tables, which results in a total of 12 DSE for 2 hectares of land, or the equivalent of one horse. Based on the above, the proposed keeping of three horses is the equivalent of 30 DSE which exceeds the recommended stocking rate.

The applicant's EMP incorrectly claims a stocking rate of 25 DSE/ha and an overall paddock area of 1.5 ha over the 2 ha lot. The officer determined the stocking rate via the guidelines and comments from DPIRD while calculating the paddock area via online mapping (LandGate MapViewer Plus).

The subject lot contains an irrigated paddock area of approximately 4,000m^2 which, at the rate of 20 DSE per hectare, allows 8 DSE in that area. The rear paddock is not irrigated and contains remnant vegetation. This is an area in which the horses are clearly not kept. However, should this area be irrigated and made available as a paddock it would potentially increase the stocking rate capacity of the lot to 16 DSE across a total irrigated area of 8,000m^2.

The Stocking Rate Guidelines note that the stocking rate may be increased subject to a suitable management plan being approved by the local government. In this instance, and given that the horses are stabled at night, hand fed and spelled offsite, it is appropriate to allow the property's stocking rate to increase to 20 DSE (2 Horses) subject to the paddock at the rear of the lot being established with irrigation.

In establishing this rear area for paddock availability, the need for screening is apparent along the western and southern lot boundaries to reduce the impact to those boundaries. This can be included within the EMP.

Should support be forthcoming with respect to the abovementioned residual works, it is appropriate to determine a suitable timeframe for the works to be completed given the retrospective nature of the determination.

Local Planning Policy 1.6 – Sea Containers

This Policy is developed to ensure there is a balanced approach between providing flexibility to use sea containers as temporary storage for local residents and safeguarding the amenity and landscape quality of the Shire in accordance with the Shire of Gingin Local Planning Scheme No.9.

This Policy states that development approval is required for the use of sea containers in the Rural Living zone, with permanent use limited to one on Rural Living zoned land subject to the following conditions:

a. Approval is required for use of 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 are permitted on sea containers unless they are visually acceptable as determined by the Chief Executive Officer.

The sea container is cream in colour and is used to store feed and horse equipment. The sea container is located approximately 15 metres from the side (southern) lot boundary and is screened via existing vegetation along that boundary.

The officer acknowledges that the sea container is placed within the lot boundary setback, however the variation is minor and an apparent requirement for access to the stables for the horses. This can be seen in the site photos. As such, it is recommended that this component of the land use be supported retrospectively as is.

The sea container is referenced on the plans so there is no need for an additional condition specifically referencing this component.

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:

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

Officer Comment:

As outlined above, objective d) of the Rural Living zone seeks to prevent threats to the amenity of the zone and impacts on vegetation caused by the grazing of livestock. The applicable stocking rates are formed on the basis that the land can adequately accommodate livestock all year round with minor additional feed and without causing environmental degradation. The number of animals proposed to be kept on the subject land is in excess of the recommended stocking rate and therefore it is likely that environmental degradation will occur.

While the subject land is zoned Rural Living, providing discretion for landowners to gain approval to keep horses/livestock on the land, the officer notes that the amenity of the Rural Living zone is to remain similar to that of a residential area (unless adjoining rural zoned land) given its designation for residential development. As such it is important to not only assess the impacts to the environment onsite but also the surrounding environment by way of noise, odour and dust.

(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 Redfield Park Rural Living Estate does not contain many properties with established Rural Pursuit developments. However, the development may be appropriate in the locality subject to meeting the stocking rate alongside suitable equine management practices and conditions on a development approval.

(*n*) *The amenity of the locality including the following -*
(i) Environmental impacts of the development;
(ii) The character of the locality;
(iii) Social impacts of the development;

Officer comment:

As noted when considering the compatibility of the development within its locality, amenity for adjoining landowners should match that of a residential area unless adjoining rural zoned land. As such it is important to uphold the amenity that should be enjoyed within an established residential development.

To strengthen the resistance to potential dust and odour emissions, the officer seeks amendments to the EMP to better mitigate those factors. Provided that the paddocks are maintained and waste collected and disposed of frequently, then these matters will remain in keeping with the amenity expected in a Rural Living Estate.

As noted, the main concern for the adjoining landowner is with respect to potential for horses to escape from the property. The officer has noted the concern and included a condition to reinforce the standard requirement for stock to be retained within the subject allotment.

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

Officer comment:

As noted in the earlier sections of the report, the stocking rates have been calculated and confirmed with DPIRD. This, alongside the implementation of the Equine Management Plan, should ensure that there is no impact to the environment and water resources.

(y) Any submissions received on the application;

Officer Comment:

The Shire received one submission objecting to the development. The objections are duly noted and the officer has provided comments within the report responding to those matters and a direct response within the Schedule of Submissions.

Summary

While the applicant's proposal seeks an additional horse above what Administration is recommending for approval, the development is consistent with the planning framework subject to strict equine management practices. The officer recommends that the proposal be approved with specific attention to a maximum stocking rate of 20 DSE (two horses) for the lot and subject to appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

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

POLICY IMPLICATIONS

Local Planning Policy 1.6 – Sea Containers

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Court SECONDED: Councillor Lobb

That Council grant Retrospective Development Approval for a rural pursuit (keeping of horses) and sea container at Lot 40 (51) Wandoo Rise, Gabbadah subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;

2. The stocking rate for the property shall not exceed 20 dry sheep equivalent (DSE), which equates to the keeping of two horses;

3. Within 180 days from the date of this approval, the rear paddock (paddock number 4) shall be irrigated and pasture cover established over the extent illustrated in red ink on the approved plan to the satisfaction of the Shire of Gingin;

4. Within 90 days from the date of this approval, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin which provides vegetation adjacent to the western boundary of paddock number 4;

5. Within 180 days from the date of this approval, the landscaping plan is to be implemented and thereafter maintained to the satisfaction of the Shire of Gingin;

6. Within 90 days from the date of this approval, an amended Equine Management Plan (EMP) shall be submitted and approved by the Shire of Gingin. The approved EMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;

7. In the event dust drift is disseminating beyond the property boundary as a result of the approved use, the offending activity must cease immediately and dust suppression measures by way of water application over the affected area are to be commenced forthwith, to the satisfaction of the Shire of Gingin; and

8. The internal fencing shall be maintained in a good condition to ensure that all horses are retained within the paddock areas, 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: It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.

Note 3: The applicant/operator is reminded that the development should be undertaken in accordance with Water Quality Protection Guideline No 13 – Environmental Guidelines for Horse Facilities.

Note 4: The proponent is encouraged to contact the Department of Water and Environmental Regulation's Swan Avon Region office on 6250 8000 to discuss water management options.

Note 5: With respect to the condition regarding the rear paddock (Condition 3), this comprises an area of approximately 4,000m^2 and does not require the removal of the native vegetation in the north-west corner of the lot.

Note 6: With respect to the condition regarding the amendments to the Equine Management Plan (EMP) (Condition 6), the following matters require revision:

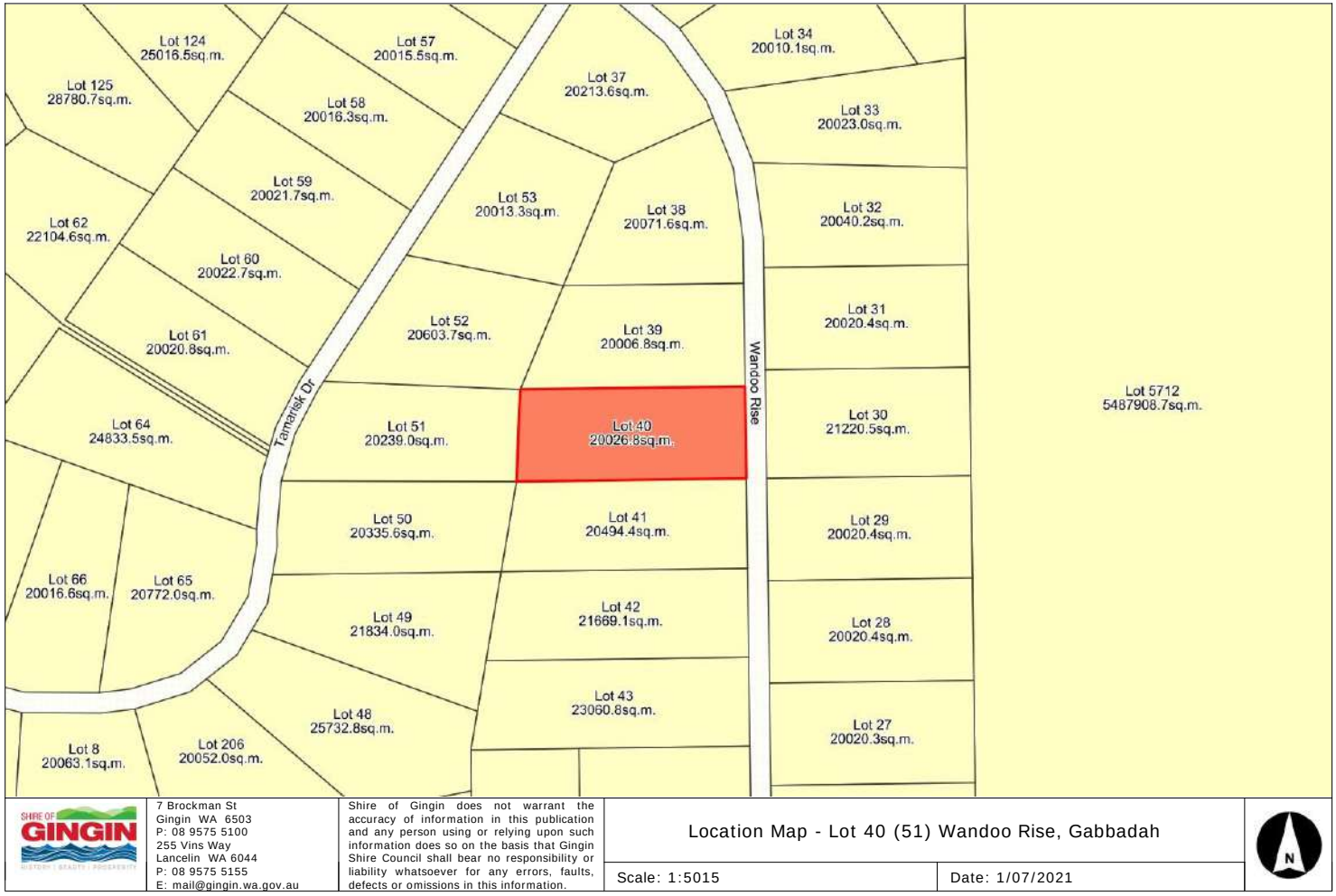
- Correct soil classification paddock area and stocking rate;
- Waste/manure management;
- Stable Fly Management; and
- Paddock management.

Note 7: This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961.*

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*



SHIRE OF GINGIN
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Location Map - Lot 40 (51) Wandoo Rise, Gabbadah

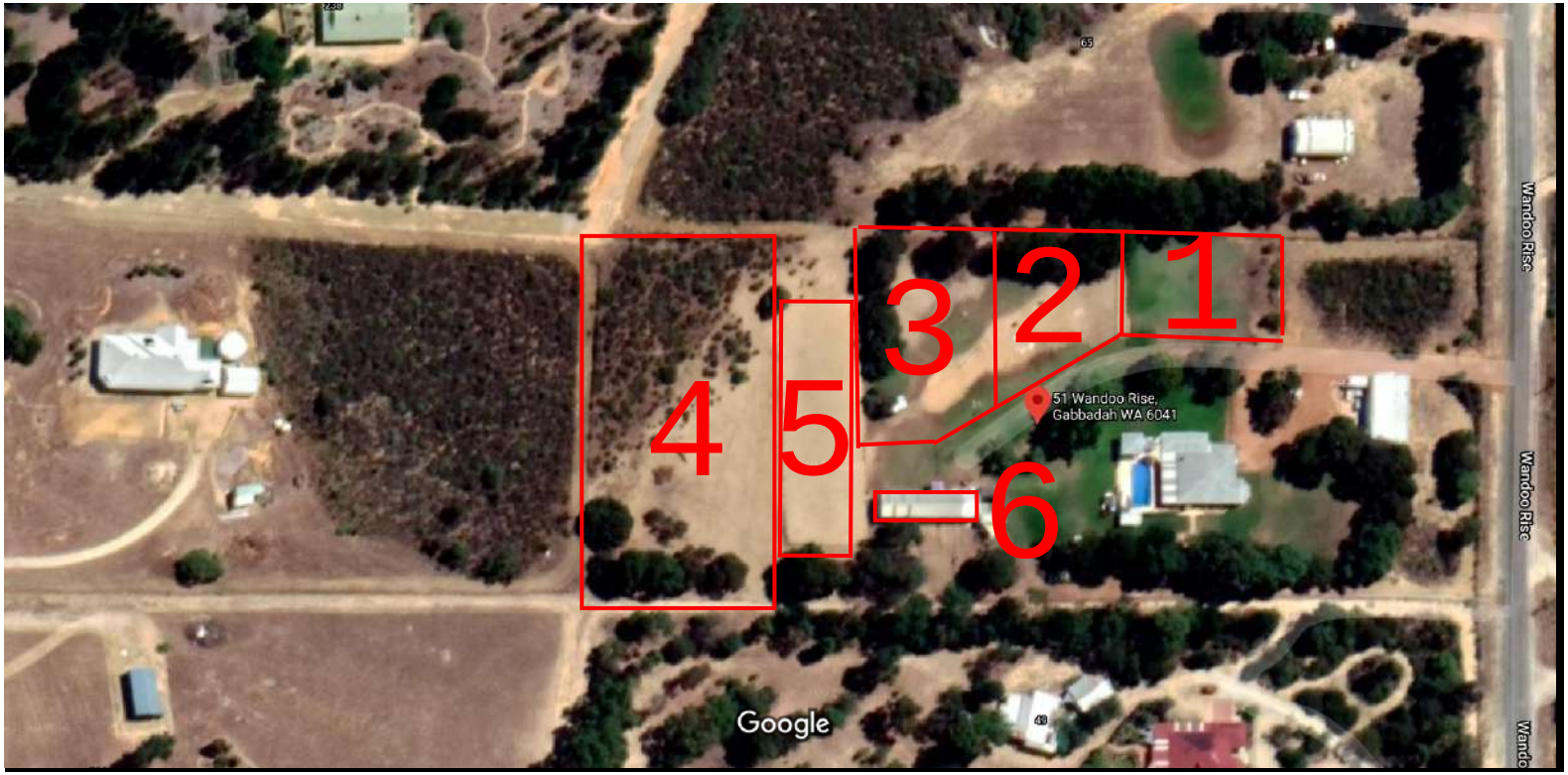
Scale: 1:5015

Date: 1/07/2021



SHIRE OF GINGIN	7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Aerial Map - Lot 40 (51) Wandoo Rise, Gabbadah Scale: 1:1052 Date: 1/07/2021	N

Google Maps 51 Wandoo Rise



Imagery ©2021 CNES / Airbus, Maxar Technologies, Map data ©2021 20 m

PADDOCKS
We have 4 paddocks on our property 1, 2 and 3 are reticulated with grass and each paddock has a hay roll, there is one horse per paddock. 4 we use to let the horses stretch there legs once and a while, is seeded in Autumn but used as a buffer mainly.

Equine Management Plan



51 Wandoo Rise, Gabbadah

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    1.2 Site Location
    1.3 Purpose of Horse Management Plan
    1.4 DSE Stocking Rates
    1.5 Stocking rates
2. **Developments**
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    2.2 Paddocks
    2.3 Irrigation
    2.4 Tree protection
3. **Manure and Fly Management**
    3.1 Manure Management
    3.2 Fly Management
4. **Paddock Management**
5. **Dust Management**
6. **Horse Welfare**
7. **Conclusion & Summary**

1. Introduction

1.1 Background

This report presents an equine management plan for 51 Wandoo Rise, Gabbadah.

The purpose of this report is to support the planning application of stock numbers on this property. The intention is to ensure that the environment and land on and surrounding the property is correctly maintained and improved with the use of this plan to ensure health of the land and the horses.

1.2 Site Location

51 Wandoo Rise, Gabbadah is in the Redfield Park Estate, within the Shire of Gingin. A site location plan is attached.

1.3 Purpose of the Horse Management Plan

To follow the application for horse stocking rate this management plan will describe how the property and horses will be managed. Poor management of horses, and natural resources would be irresponsible and lead to future issues that can be difficult to resolve. Appropriate management will lead to better quality pastures and less weeds.

Below is a list of factors we have considered and addressed in the Horse Management Plan to ensure our property does not become degraded.

- Property design
- Feed availability
- Area's for exercises and paddocks
- Manure management
- Summer Spelling – Off Site.

1.4 DSE Stocking Rates

Using the recommended stocking rate by the Department of Agriculture Western Australia Stocking Rate Guidelines for Small Rural Holdings (stocking rate guidelines).

The stocking rate for this property is approximately 25 Dry Sheep Equivalent which has been has been calculated on the following basis:

- Horse having access to 15,000sqm of the property;
- Approximately 12,000sqm of this area is reticulated; and
- Horses spell off site annually from November to February.

1.5 Stocking Rates

Stocking rate refers to the number of animals that a certain amount of land can sustain. An increase in the stocking rate depends of the improvements on the land to allow it to sustain a larger amount of stock without becoming degraded.

2. Developments

The information in this chapter will provide the Shire of Gingin information on how the property and horses will be maintained daily and how environment impacts will be minimised.

2.1 Description of developments

The property already has 3 fully horse safe, electric fenced paddocks and a 3-block stable with walk in walk out sand yards. The large dressage area is fully hedged and reticulated to stop dust. Other improvements include, wash bay/tack up area and a recently established native grass seeded paddock.

2.2 Paddocks

The property already has 4 paddocks 3 of which are reticulation irrigated. Each paddock hold one horse and have Hay round bales on covered stand to enable the horses to free graze. All the horses are stabled at night to reduce stress on paddocks and to enable supplementary feeding.

2.3 Irrigation

All paddock areas are irrigated by reticulation. This ensures the property can accommodate the number of horses in the proposal. Irrigation will not be required all year round as the winter months should provide enough water to maintain the pasture during this time. Irrigation may be required for most of the months of autumn, summer and spring.

To reduce the risk of overgrazing which is more prevalent in the drier months the horses spell at off site at a different location. This allows the paddocks to recover and for any remedial works, including top dressing, aerating and fertilising of the paddocks to be carried out.

2.4 Tree Protection

The property is currently native tree lined on three sides to reduce the impact of winds on the property and reduce any erosion and dust generation and we have recently commenced planting on the fourth side. We plan to continue planting for the benefit of the Carnaby Black Cockatoos in the area and this is our reason for insuring we plant the correct natives as recommend by the Moore Catchment Council. We also believe that as these trees and shrubs mature, they will provide a visual buffer for our neighbours.

Planting of vegetation along the boundaries of paddocks will allow for easy fencing of these areas to prevent access by horses. As these trees mature, they will provide shade and shelter to the horses.

3. Manure and Fly management plan

Management of manure and removal of hay silage is very important to reduce impact of flies and odour. Overgrazing and soil exposure in paddocks can also relate to the management of manure.

3.1 Manure Management

At this property, the most efficient way to manage manure is to harrow/rake the paddocks. This stops manure accumulating in piles and spread nutrients uniformly. Harrowing also encourages quicker break down and assists with parasite control. It also allows Dung beetles to assist in manure management. Manure for the stables is removed daily and placed in a sealed compost unit which is then reused on the garden when it has broken down.

3.2 Fly management

Stable fly is the biggest concern that create stress for horses and other short haired animals. Proper manure and feed management is necessary to control and eliminate fly breeding. Harrowing of paddocks will break down manure piles so they dry out quickly and hay bales are placed on hard surfaces and excess silage removed or spread which has proven to be effective in reducing the stable fly breeding cycle.

4. Paddock Management

The aim of a pasture management plan is to keep a high level of ground cover to manage environment and damaging long term impacts such as soil erosion. It is important to keep good pasture cover. By hand feeding our horses twice daily and stabling them at night the impact on our pasture and therefore erosion and dust generation is greatly reduced.

When managing our pasture we also undertake the following processes:

- Weed control
- Minimising erosion and dust generation
- Minimising water erosion
- Maximising ground cover
- Increasing quality of pasture over time
- Rotation of paddocks/resting area's
- Irrigation

5. Dust Management

We are controlling and reducing the generation of of dust can be controlled and reduced though the following measures:

- Planting of trees and shrubs on all property boundaries and around the perimeter of the horse exercise area to reduce the impact of winds and reduce the amount of dust leaving the property.
- Water areas with a large amount of hoof traffic and plan for the possible increase in water usage in summer months. Watering only when necessary – ie before using exercise area
- Retain 70% ground cover in paddocks

6. Horse Welfare

Along with ensuring we are responsible land holders and protect the property from becoming degraded and ensuring other property management factors are being seen to appropriately, the health and welfare of all horses on our property is of utmost importance.

Health factors such as behavioural needs, supervision, water, food, shelter, fencing and foot and dental care are all factored into this management plan and is determined by each of our horse's individual needs.

The horses on our property are under full supervision, have access to adequate quantities of fresh water 24 hours a day and are supplied ample feed to maintain their health and meet their physiological requirements. This is provided to our either by hand feeding portions of square bales or complete round bales to give paddocks additional rest and hand feeding twice daily nutritionally balanced hard feeds.

Safe fencing is important for minimising injury risk for horses so all the internal fences on our property are made from pine posts, electrified plain wire and two strands of white sighter wire.

To maintain healthy feet and teeth all horses on our property are seen by a qualified farrier every five - six weeks and once a year by a qualified equine dentist.

7.0 Conclusion & Summary

The purpose of this report has been to support the application for the stocking rate at 51 Wandoo Rise, Gabbadah.

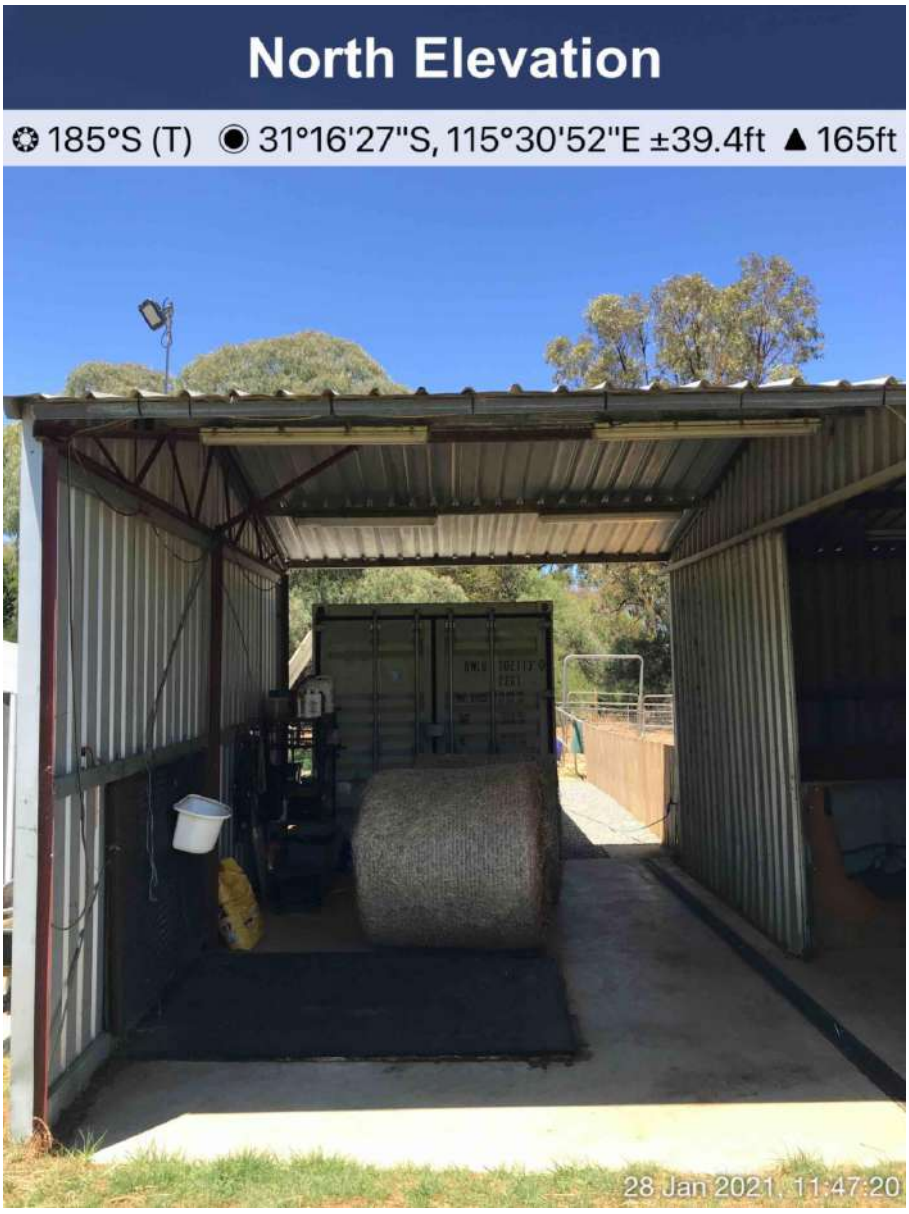
The purpose of this report is to reduce environmental impact, improve pastures, continue planting trees and shrubs, hand feed horses, control dust, appropriately manage manure and flies whilst ensuring our horses welfare requirements are met.

It is anticipated that by following the procedures in this Horse Management Plan we can improve our property while supporting the health and welfare of the horses. Improving pastures will protect the land from becoming degraded and barren and control weeds. Our procedures for the control of dust, manure and flies, to continue planting around areas of high hoof traffic will also reduce impact on neighbours and surrounding properties.



Recommended stocking rate by the Department of Agriculture Western Australia Stocking Rate Guidelines for Small Rural Holdings for this property is 25 DSE.

LOT 40 (51) WANDOO RISE SITE PHOTOS




East Elevation
262°W (T) 31°16'28"S, 115°30'52"E ±39.4ft 171ft
28 Jan 2021 11:47:38

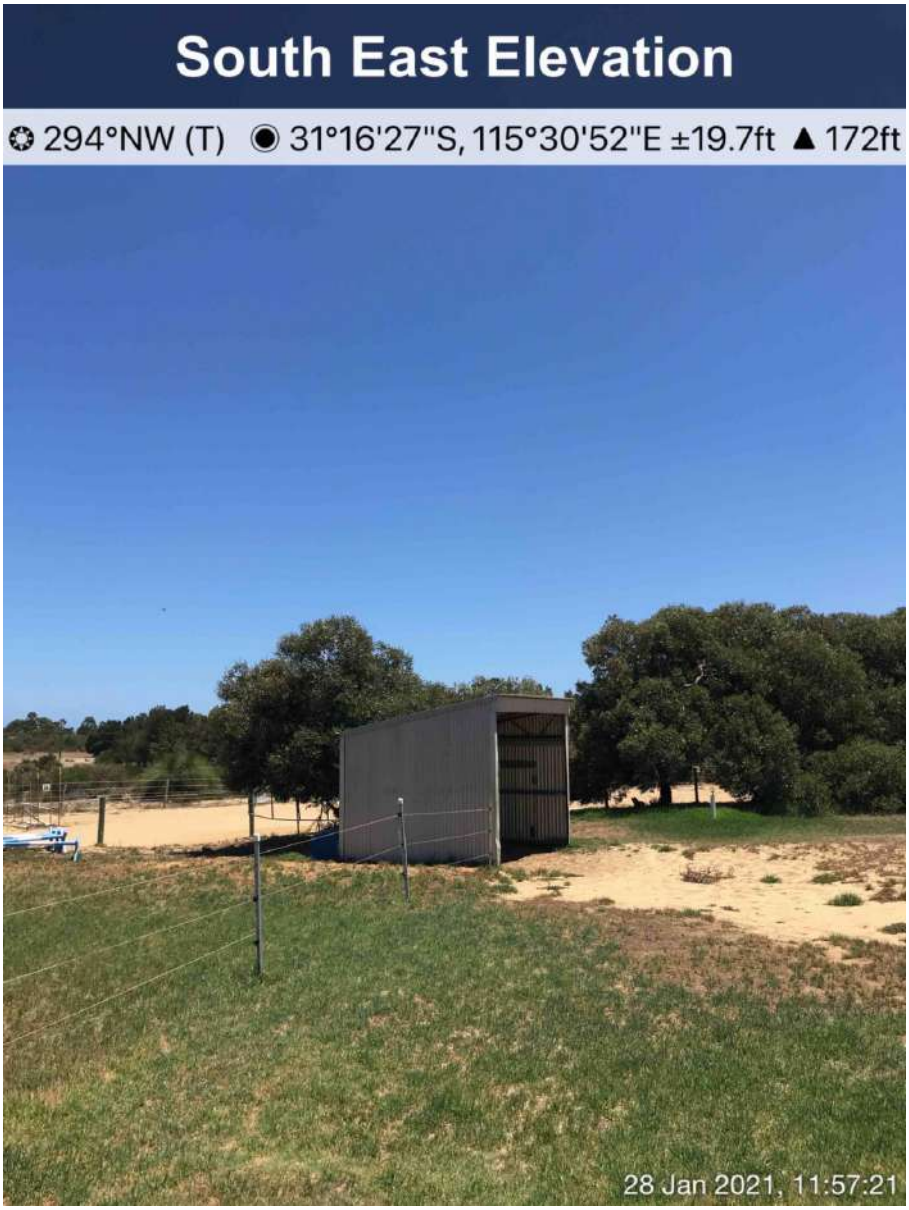

South West Elevation
24°NE (T) 31°16'26"S, 115°30'53"E ±19.7ft 178ft
28 Jan 2021, 11:58:46
South West Elevation
54°NE (T) 31°16'26"S, 115°30'53"E ±19.7ft 178ft
28 Jan 2021, 11:58:43


West Elevation
88°E (T) 31°16'26"S, 115°30'53"E ±19.7ft 177ft
28 Jan 2021 11:58:41


South West Elevation
55°NE (T) 31°16'27"S, 115°30'53"E ±19.7ft 175ft
28 Jan 2021, 11:58:33


South East Elevation
322°NW (T) 31°16'27"S, 115°30'51"E ±19.7ft ▲ 169ft
28 Jan 2021, 11:57:49
North East Elevation
204°SW (T) 31°16'27"S, 115°30'51"E ±19.7ft ▲ 169ft
28 Jan 2021, 11:57:45


East Elevation
255°W (T) 31°16'27"S, 115°30'51"E ±19.7ft ▲ 171ft
28 Jan 2021, 11:57:33
South East Elevation
299°NW (T) 31°16'27"S, 115°30'51"E ±19.7ft ▲ 171ft
28 Jan 2021, 11:57:30


South East Elevation
294°NW (T)
31°16'27"S, 115°30'52"E ±19.7ft
172ft
28 Jan 2021, 11:57:21


North East Elevation
232°SW (T) 31°16'27"S, 115°30'52"E ±19.7ft 172ft
28 Jan 2021, 11:57:17


South Elevation
17°N (T) 31°16'27"S, 115°30'52"E ±26.2ft ▲174ft
28 Jan 2021, 11:56:51
South East Elevation
322°NW (T) 31°16'27"S, 115°30'52"E ±39.4ft ▲174ft
28 Jan 2021, 11:56:45

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPOSED RURAL PURSUIT (KEEPING OF HORSES)
LOT 40 (51) WANDOO RISE, GINGIN

No.	Submitter	Submission details	Recommended response
1.	Ratepayer	The submitter **does not support** the proposal and provides the following general comment: "*For close to 20 years there was only one paddock which got very degraded and hardly any grass on it over time. About a year ago truckloads of sand had to be delivered behind the stable as ground was all blown away. At the westerly site of paddock 4, still no trees have been planted to get protection from the strong westerly wind. There is and always was only native low growing bush no trees at all.* *The horses always trampled down our border fence as they wanted to get to our fresh grass on the other side. We built this fence when we bought our property which is made from farm wire and pole and was never intended for horses. We did speak to our neighbour about the horses damaging the fence and they did put up an electric wire over the top of the fence. This only lasted for a short while and was broken and damaged but never repaired. So the horses damaged the wire fence more and more and we hoped that they will eventually repair it but that never happened. Even when the wire was very loose and damaged they put another star picket in to hold it up but left the broken wire and never replaced it.* *In 2008 we had been away for a few days and came back to find horse and people footprints all around the back of our house. Even a big flowerpot which was standing next to the glass window and glass sliding door was overturned. We think that the horses broke the whole fence and jumped through onto our property and people were trying to catch them. As our backyard wasn't fully established then, small seedlings and plants were run and trampled over in the process. We followed the trail of footprints and saw that the fence again was damaged but was standing with just another star picket added. We thought we'd wait and see what was happening but never heard anything or got an apology from them.*	Noted, the development has existed for several years and the submitter is concerned with respect to the horses being contained on the property.

		As you can see, we don't have any faith that they will be responsible horse owners. *Why was there not an internal horse fence built or proposed to be built at paddock 4? The horses are still going to push through our wire fence if they want to. If every paddock got proper horse fencing, why not paddock 4? We can't understand that.* *Also regarding stable fly, lately fresh horse manure is being thrown next to the fire break behind the stable. It stinks strong of horse urine and manure and hasn't been dried off as they proposed. It is horrible to be in our garden and smell that strong odour.* *When the stable gets cleaned in the late afternoon, a blower gets used by our neighbour. When this blower is on, all 3 of their dogs start barking as mad and never stop until the blower stops. Usually more than ½ an hour. It is very irritating when we want to relax in the late afternoon and have to listen to the loud barking. We usually go inside and can still hear them. This is also going on for a long time and we don't understand how someone can stand it and work like that. She probably wears a headphone and doesn't bother to train the dogs or put them inside.* *As you can see, we have been patient with our neighbour for a very long time and not trying to complain. But enough is enough.* *If there is an internal horse fence like the other paddocks have, installed at paddock 4, we don't mind if they keep the horses as we never had anything against horses just the handling and attitude of our neighbour for not being more responsible to their next door neighbours."*	Noted, the EMP requires revision specifically with respect to waste management. This is offered via a condition of approval informing the required changes via an advice note. Barking dogs issues can be addressed via Rangers Services. A development approval cannot appease this matter. Noted. Rear paddock to be irrigated and fenced to allow 20 DSE.

Department of
Primary Industries and Regional Development
GOVERNMENT OF WESTERN AUSTRALIA

Your reference:
BLD/7305 P2213
Our reference: LUP 1131
Enquiries: Grant Stainer

Matthew Tallon
Statutory Planning Officer
PO Box 510
Gingin WA 6503
mail@gingin.wa.gov.au

Date: 29/7/2021

Dear Mr Tallon,

Application for retrospective development approval: Proposed rural pursuit (Keeping of horses) – Lot 40 (51) Wandoo Rise, Gabbadah

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the above proposal.

DPIRD objects to the proposal and offers the following comments.

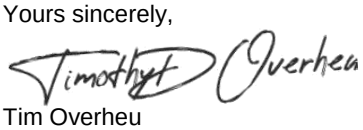
- The combined total area of the proposed paddocks is **0.8 hectares** (ha). The actual grazing paddock area is less than this because of the vegetated areas, which cannot be included.
- The proposed stocking rate of 3 horses is **30 DSE**, as each horse is equivalent to 10 DSE.
- The soil landscape unit is a well-drained yellow to brown sand, which is classified as stocking rate unit 1 (SR1). This has a recommended dry stocking rate of 6 DSE/ha and an irrigated stocking rate of 20 DSE/ha.
- The proposal indicates that paddocks 1, 2, and 3 are irrigated, and paddock 4 is not. DPIRD's online mapping tool (NR-Info) was used to estimate the area of each paddock. The combined total (0.8 ha) was much smaller than the total area of 1.5 ha used for the stocking rate of the property in the Equine Management Plan (1.5 ha).
- Based on the measured areas, the maximum sustainable stocking rate for these paddocks is **10.26 DSE**, which is only just enough for one horse.

1 Nash Street East Perth 6004
Locked Bag 4 Bentley Delivery Centre 6983
Telephone +61 (0)8 9368 3333 landuse.planning@dpird.wa.gov.au
dpird.wa.gov.au
ABN: 18 951 343 745

- If none of the paddocks were irrigated, the maximum sustainable stocking rate would be 4.8 DSE, which is not enough to sustain a horse without causing land degradation including soil erosion and generating dust.
- Irrigating pasture for grazing horses requires a substantial volume of water. The applicant will need to contact the Department of Water and Environmental Regulation (DWER) and/or Water Corporation to gain approval to access suitable water supplies. When checked on 29 July 2021, DWER's Water Register does not show a water licence for the property

For more information, please contact Grant Stainer on 90813113 or grantley.stainer@dpird.wa.gov.au

Yours sincerely,



Tim Overheu
Acting Director
Agriculture Resource Management Assessment
Sustainability and Biosecurity

Attachment 1: Extract from DWER Water Register interface map 29 July 2021



13.4 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED CARAVAN PARK REDEVELOPMENT (STAGE 2) ON LOT 31 AND 762 HOPKINS STREET, LANCELIN

File	BLD/1839
Applicant	Experience Lancelin Holiday Park
Location	Lots 31 and 762 Hopkins Street, Lancelin
Owner	Crown Land – Power to lease
Zoning	Tourism
WAPC No	N/A
Author	James Bayliss - Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	17 April 2018 - Item 11.3.5 15 September 2020 – Item 11.3.5 17 August 2021 – Item 13.5
Appendices	1. Aerial Map - Lot 31 (4) Hopkins Street, Lancelin [**13.4.1** - 1 page] 2. Location Map - Lot 31 (4) Hopkins Street, Lancelin [**13.4.2** - 1 page] 3. Applicant's Proposal [**13.4.3** - 15 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for works associated with Stage 2 of the overall redevelopment of the existing Caravan Park on Lots 31 and 762 Hopkins Street, Lancelin.

BACKGROUND

The subject site is located at the south-western corner of the Lancelin townsite and consists of Lots 31 and 762 Hopkins Street, Lancelin. The overall redevelopment of the existing caravan park will be undertaken in four installation phases, with this application relating to Installation Phase - Stage 4.

At the Ordinary Meeting of Council dated 17 April 2018, Stage 1 works were approved which comprised of major upgrades to the caravan park, with the associated planning assessment addressing the suitability of the land for the overall development.

At the Ordinary Meeting of Council dated 15 September 2020, components of Stage 2 works were approved which comprised of 16 chalets, with the associated planning assessment addressing the coastal hazards that affect the site and the subsequent need to impose event-limited conditions.

Further works associated with Stage 2 of the redevelopment, the subject of this report, comprise of eight chalets (four design variations), two ablution facilities, five ensuites and a barbeque and laundry facility.

The proposed development is generally consistent with the initial overall redevelopment plan, with minor variations consisting of the eastern ablution facility relocating further south to a more central location for guests, an additional ablution facility, and an additional chalet.

An aerial photograph and location plan are provided as **Appendix 13.4.1** and **Appendix 13.4.2** respectively.

A copy of the applicant's proposal is attached as **Appendix 13.4.3**

COMMENT

Stakeholder Consultation

The proposed development was not advertised given the land use permissibility.

PLANNING FRAMEWORK

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

Local Planning Scheme No. 9

The subject land is zoned Tourism under LPS 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."

The existing caravan park is a 'P' (permitted) use in the Tourism zone, meaning that the use is permitted providing the use complies with the relevant development standards and requirements of the Scheme.

4.8 Zone Specific Development Standards

LPS 9 provides a range of development standards which tourism proposals must address. The relevant development standards applicable to this application are outlined below:

"4.8.7.2 Development proposals will be considered by the local government with particular regard to the impact of the proposed development on visual and natural amenity, the availability of reticulated sewerage and/or the suitability of the land for on-site effluent disposal, the provision of sufficient landscape buffers and the density of the development."

Officer comment:

The development provides a built form which is consistent with that expected within a caravan park. The proposed chalets are substantially set back from lot boundaries and will not create visual impacts to Hopkins Street. The property is serviced by reticulated sewer which the development will connect into.

"4.8.7.10 In considering proposals in the Tourism Zone, local government shall have regard for the zone objectives, the scale and bulk of the proposal and its integration with surrounding land uses."

Officer comment:

The proposed structures comprising the development are all single storey and will impose no building bulk on the streetscape.

Local Planning Policy 3.2 – Tourism Zone (LPP 3.2)

LPP 3.2 applies to all land with a coding of Tourism, the objective of which is to encourage development of tourist accommodation and related services. The policy statement is as follows:

" 3.1 Land will be allocated to the Tourism zone ahead of requirement to ensure an adequate supply of land for these purposes and to assist in minimising development delays due to the scheme amendment procedure.

3.2 Land shown as Tourist Accommodation on the town site strategy maps will progressively be included in the Tourism zone.

3.3 The Tourism zone includes a number of designated tourist nodes, and a range of tourist related services will be encouraged to locate in these nodes.

In some instances Council may require Structure Plans to be prepared for tourist nodes."

The officer is of the view that the proposed development satisfies LPP 3.2.

Coastal Planning

'Clause 4.7.4 – Coastal Development' of LPS 9 is applicable in this instance and states:

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

State Planning Policy No. 2.6 – State Coastal Planning Policy (SPP 2.6)

The intent of SPP 2.6 is to ensure that development takes into account coastal processes and coastal hazards. This is implemented by the preparation of a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) to provide a long term view of the potential coastal processes (erosion and storm surge inundation) for affected areas and recommends measures to reduce risk.

The subject property constitutes infill development under section 5.6 of SPP 2.6 and recommends two measures which are outlined below:

'Clause 5.6 - Infill Development'

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

Officer Comment:

The proposed development is located on the central and eastern portion of the site, which is viewed as being suitable given the development design (i.e. transportable).

"(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:

Given the site is anticipated to experience coastal processes within the planning timeframe (i.e. 2110), 'retreat measures' such as the use of transportable buildings to facilitate future relocation is desirable and is outlined within the Shire's CHRMAP. It is noted that the development clearly consists of transportable buildings, which are designed to be removable. Accordingly, upon coastal trigger points being reached, the development can be relocated.

Shire of Gingin Coastal Hazard Risk Management and Adaption Plan (2019)

It should be noted that at the time of the initial development application for the caravan park redevelopment, the Shire's CHRMAP was not finalised. Accordingly, the operators lodged a site-specific CHRMAP, prepared by Halsall and Associates, which outlines the risk and subsequent managed retreat approach. This document still has effect and is generally consistent with the Shire's CHRMAP.

The CHRMAP identifies the site as being located within 'LA1 - Lancelin South of Township' with key outcomes concluding:

- *"Grace Darling Park has a high vulnerability rating at present and a very high vulnerability rating by 2030;*

- *The Sea Rescue building has a high vulnerability rating at present and a very high vulnerability rating by 2070."*

The CHRMAP specifically references the Caravan Park as having a medium vulnerability to coastal processes at the present time, becoming highly vulnerable by 2070. The long-term pathway identified within the CHRMAP for 'LA 1' is to avoid the risk, accommodate the risk until the risk is no longer viable, then move to a managed retreat.

The officer's earlier report for Stage 2 of the redevelopment addresses the Shire's CHRMAP in further detail and on that basis has not been duplicated given the circumstances are the same. The officer has imposed event-limited conditions, consistent with Council's approach to date.

In this instance the S1 erosion allowance for the LA 1 development control area is 14 – 22m. As such, upon the Horizontal Shoreline Datum (HSD) reaching within 14m of the approved structures, the development is to be removed from the site.

Given the subject land is a Crown Reserve managed by the Shire of Gingin and leased to the applicant, there is no mechanism to place a notification on the title as it has no freehold sale capacity.

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being bushfire prone. Given elements of Stage 1 of the proposal constitute intensification of the existing use of the site, SPP 3.7 is applicable.

The land use of 'Caravan Park' is deemed to be a vulnerable land use under SPP 3.7. As such, upon the original application for Stage 1 works a Bushfire Management Plan (BMP) was prepared under the advice of the Department of Fire and Emergency Services (DFES).

The bushfire implications have already been addressed under the existing Bushfire Management Plan and Bushfire Emergency Evacuation Plan and this development does not initiate any amendments to these plans.

Summary

In summary, the additional development forming part of Stage 2 of the overall redevelopment of the existing caravan park is considered to satisfy the applicable planning framework and is therefore supported.

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

Local Planning Policy 3.2 – Tourism Zone (LPP 3.2)

State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6)

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

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Rule

That Council grant Development Approval for the proposed Caravan Park Redevelopment (Installation Phase – Stage 2) on Lots 31 and 762 Hopkins Street, Lancelin subject to the following conditions:

1. The land use and development shall be in accordance with the approved plans and specifications unless otherwise conditioned by this approval;

2. This Approval is for eight chalets, two ablution facilities, five ensuites and a barbeque and laundry facility as indicated on the approved plan;

3. All structures are to be connected to reticulated sewer to the satisfaction of the Shire of Gingin prior to use;

4. This development approval is granted for a limited period and shall expire upon the earliest occurrence of any one of the following events:

   a the most landward part of the Horizontal Shoreline Datum being within 14 metres of the most seaward part of the approved structure on site; or

   b. a public road no longer being available or able to provide legal access to the lot; or

   c. when water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the local government due to coastal hazards; and

5. Upon the expiration of the development approval in accordance with Condition 4 the owner shall at the owner's cost:

   a. remove the development; and

   b. rehabilitate the land to its pre-development condition, to the specifications and satisfaction of the local government.

Advice Notes

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

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

Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

Note 4: Further to this Approval, the Applicant will be required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011, Building Regulations 2012* and the *Public Health Act 2016*, which are to be approved by the Shire of Gingin.

Note 5: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

Note 6: The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 – State Coastal Planning Policy (2013).

Note 7: The applicant is advised that the 14 metre distance between the Horizontal Shoreline Datum and the most seaward part of the approved structure is the S1 value for this location which is obtained from the MP Rogers (2016) Shire of Gingin and Dandaragan Coastal Erosion Hazard Assessment Ledge Point, Lancelin and Cervantes (R721 Rev 0) prepared for the Shires of Gingin and Dandaragan. S1 is the allowance for absorbing the current risk of storm erosion, as defined in State Planning Policy 2.6 – State Coastal Planning Policy (2013).

Note 8: In relation to rehabilitation to pre-development condition (Condition 5b), this constitutes a bare earth state, free of any buildings, demolition rubble or remnants of the approved development.

AMENDMENT MOTION

MOVED: Councillor Peczka SECONDED: Councillor Lobb

That the motion be amended by:

1. Deleting Conditions 4 and 5; and

2. Deleting Advice Notes 6, 7 and 8.

LOST
2 / 5

FOR: *Councillor Lobb and Councillor Peczka*
AGAINST: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court and Councillor Johnson*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Rule

That Council grant Development Approval for the proposed Caravan Park Redevelopment (Installation Phase – Stage 2) on Lots 31 and 762 Hopkins Street, Lancelin subject to the following conditions:

1. The land use and development shall be in accordance with the approved plans and specifications unless otherwise conditioned by this approval;

2. This Approval is for eight chalets, two ablution facilities, five ensuites and a barbeque and laundry facility as indicated on the approved plan;

3. All structures are to be connected to reticulated sewer to the satisfaction of the Shire of Gingin prior to use;

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c. when water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the local government due to coastal hazards; and

5. Upon the expiration of the development approval in accordance with Condition 4 the owner shall at the owner's cost:

a. remove the development; and

b. rehabilitate the land to its pre-development condition, to the specifications and satisfaction of the local government.

Advice Notes

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Note 5: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

Note 6: The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 – State Coastal Planning Policy (2013).

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of Gingin and Dandaragan Coastal Erosion Hazard Assessment Ledge Point, Lancelin and Cervantes (R721 Rev 0) prepared for the Shires of Gingin and Dandaragan. S1 is the allowance for absorbing the current risk of storm erosion, as defined in State Planning Policy 2.6 – State Coastal Planning Policy (2013).

Note 8: In relation to rehabilitation to pre-development condition (Condition 5b), this constitutes a bare earth state, free of any buildings, demolition rubble or remnants of the approved development.

CARRIED
6 / 1

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson and Councillor Lobb*

AGAINST: *Councillor Peczka*



SHIRE OF GINGIN	7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Aerial Map - Lot 31 (4) Hopkins Street, Lancelin Scale: 1:3370 | Date: 15/04/2021	N



SHIRE OF GINGIN
HISTORY | BEAUTY | PROSPERITY

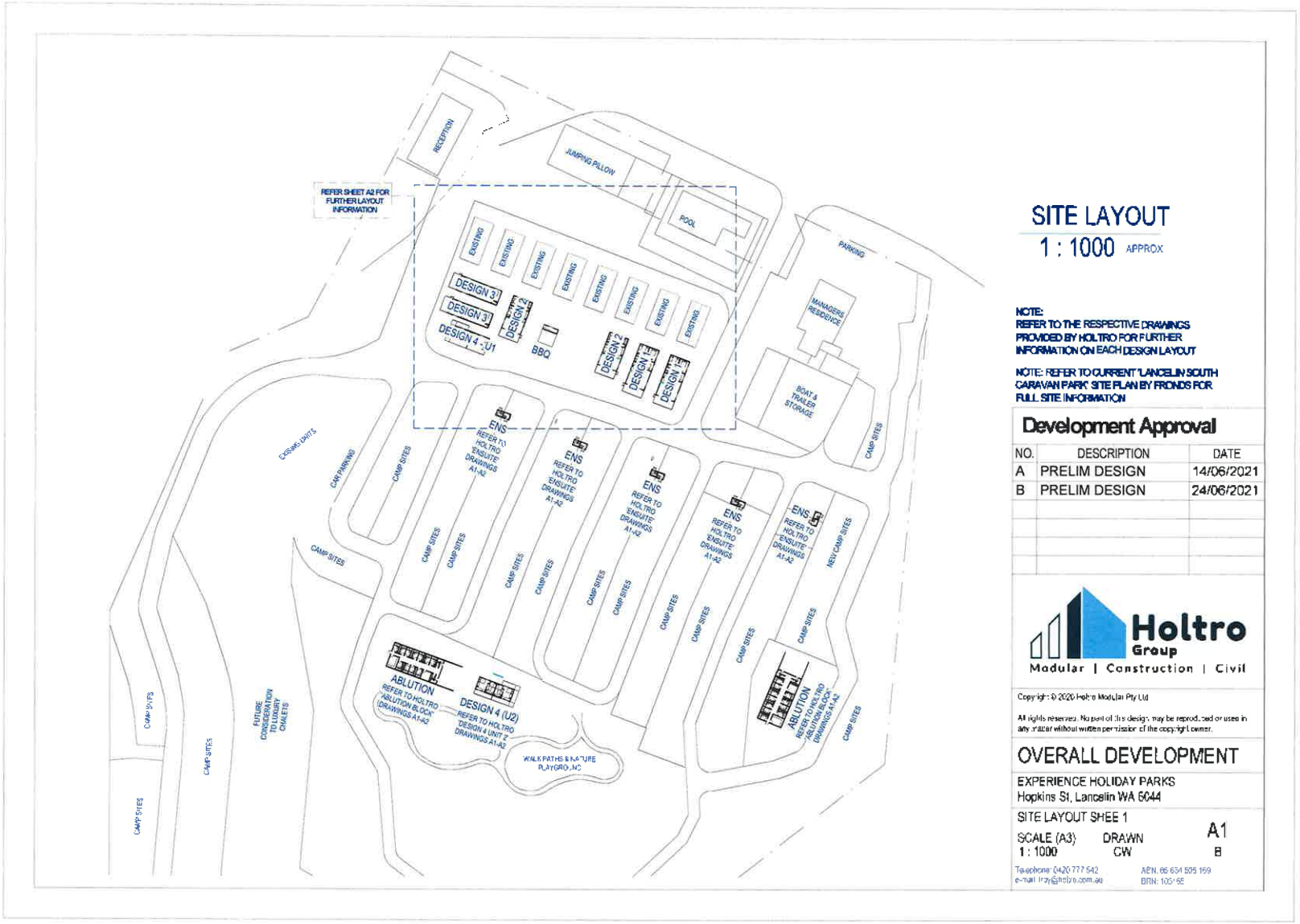
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Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.

Location Map - Lot 31 (4) Hopkins Street, Lancelin

Scale: 1:5266

Date: 15/04/2021



SITE LAYOUT

1 : 1000 APPROX

NOTE:
REFER TO THE RESPECTIVE DRAWINGS PROVIDED BY HOLTRO FOR FURTHER INFORMATION ON EACH DESIGN LAYOUT

NOTE: REFER TO CURRENT 'LANCELIN SOUTH CARAVAN PARK' SITE PLAN BY FRONDS FOR FULL SITE INFORMATION

Development Approval

NO.	DESCRIPTION	DATE
A	PRELIM DESIGN	14/06/2021
B	PRELIM DESIGN	24/06/2021

Holtro Group
Modular | Construction | Civil

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OVERALL DEVELOPMENT

EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

SITE LAYOUT SHEE 1

SCALE (A3)	DRAWN	A1
1 : 1000	CW	B

Telephone 0420 777 542
e-mail inquiry@holtro.com.au
ABN. 86 634 505 169
BRN: 105 65



SITE LAYOUT Copy 1
1 : 500

NOTE:
REFER TO THE RESPECTIVE DRAWINGS PROVIDED BY HOLTRO FOR FURTHER INFORMATION ON EACH DESIGN LAYOUT

Development Approval

NO.	DESCRIPTION	DATE
A	PRELIM DESIGN	14/06/2021
B	PRELIM DESIGN	24/06/2021

Holtro Group
Modular | Construction | Civil

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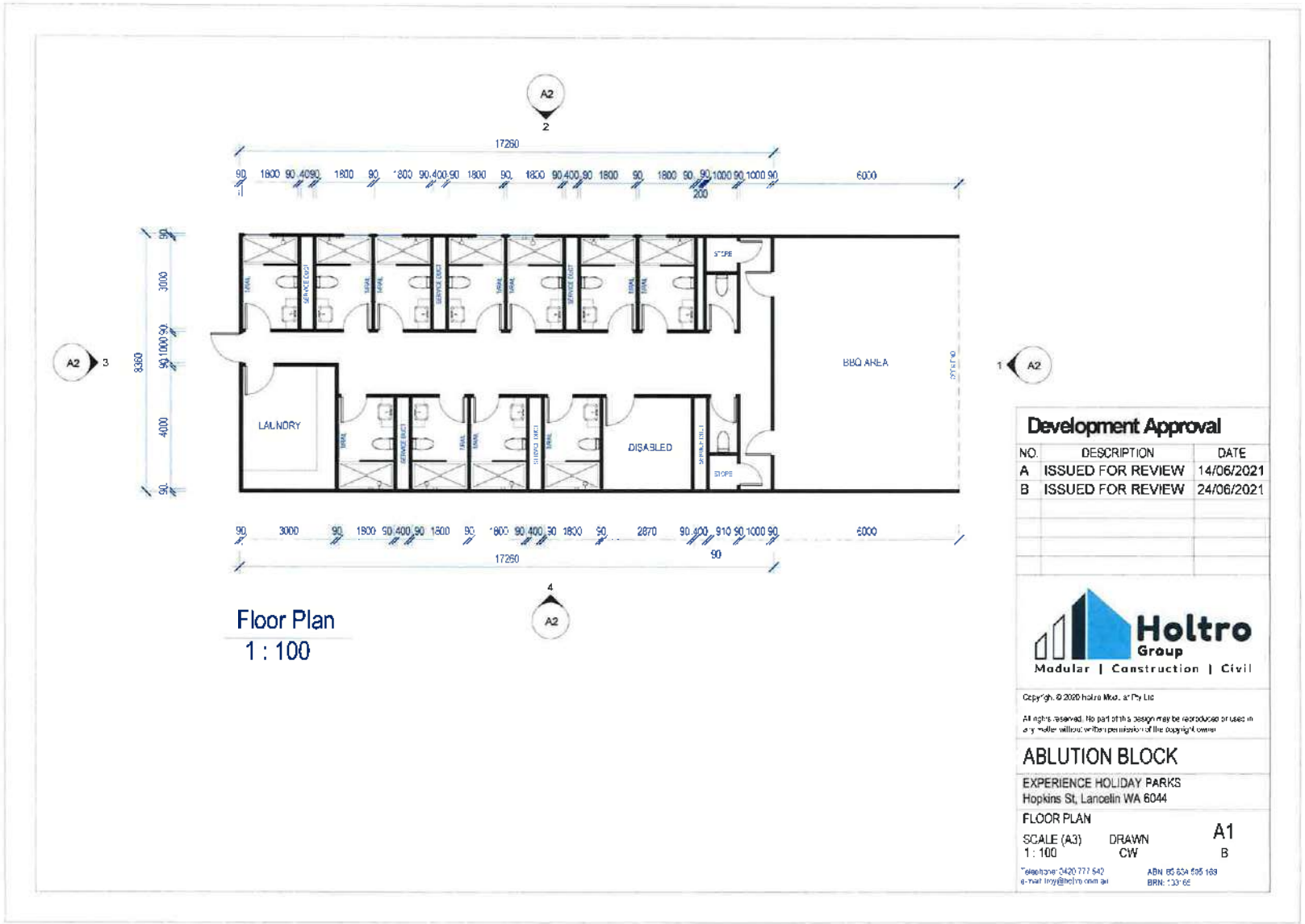
OVERALL DEVELOPMENT

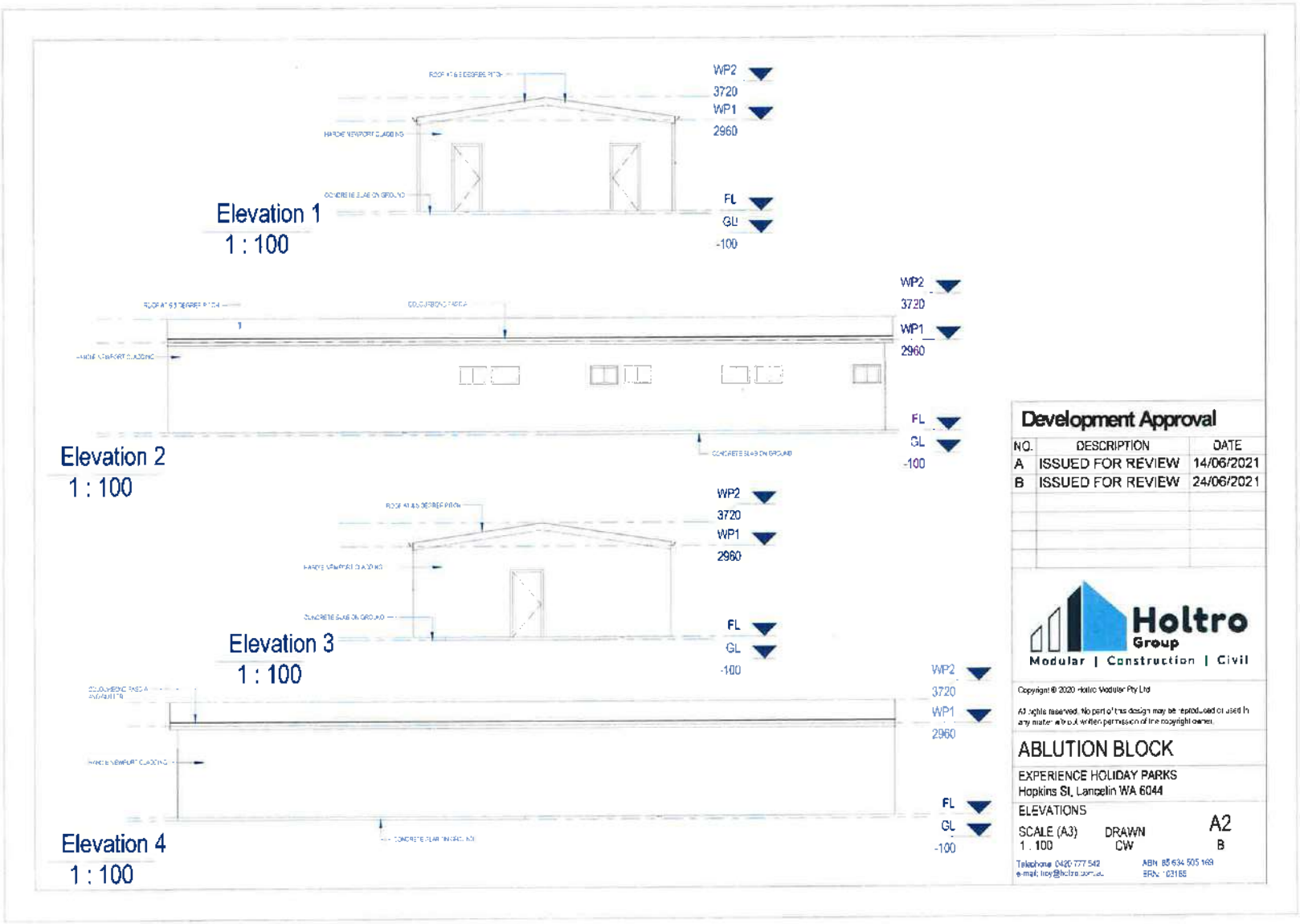
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

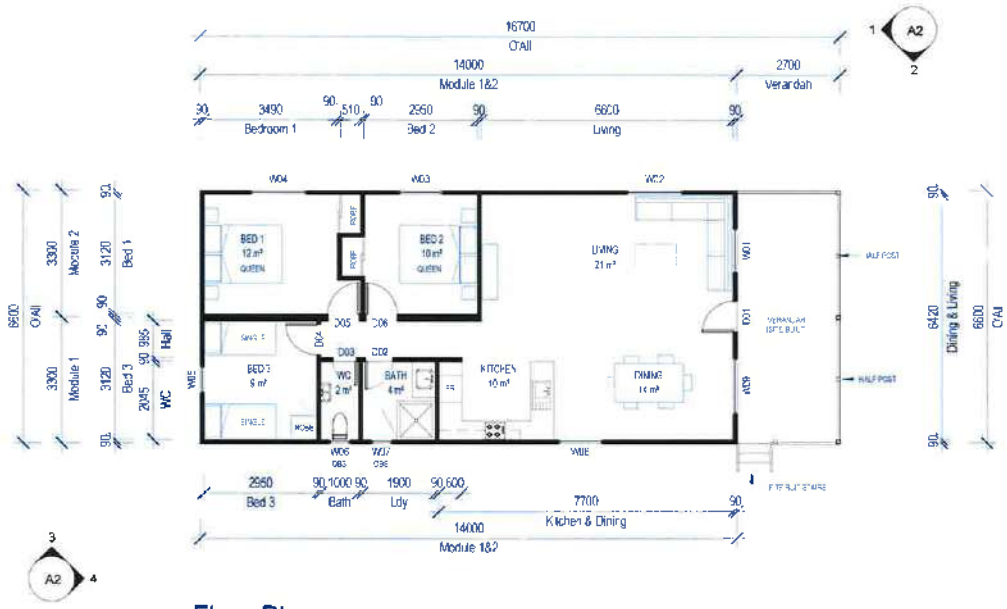
SITE LAYOUT SHEET 2

SCALE (A3) 1 : 500 | DRAWN CW | A2 B

Telephone 2422 777 542
e-mail holy@holtro.com.au
ABN 95 634 505 189
BRN 103165


A2
2
17250
6000
3000
BBQ AREA
LAUNDRY
DISABLED
STORE
A2
3
1
A2
4
A2
Floor Plan
1 : 100
Development Approval
NO. DESCRIPTION DATE
A ISSUED FOR REVIEW 14/06/2021
B ISSUED FOR REVIEW 24/06/2021
Holtro Group
Modular | Construction | Civil
ABLUTION BLOCK
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044
FLOOR PLAN
SCALE (A3)
1 : 100
DRAWN
CW
A1
B


WP2
3720
WP1
2960
FL
GL
-100
Elevation 1
1 : 100
Elevation 2
1 : 100
Elevation 3
1 : 100
Elevation 4
1 : 100
Development Approval
NO. DESCRIPTION DATE
A ISSUED FOR REVIEW 14/06/2021
B ISSUED FOR REVIEW 24/06/2021
Holtro Group
Modular | Construction | Civil
ABLUTION BLOCK
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044
ELEVATIONS
SCALE (A3) 1 : 100
DRAWN CW
A2
B



Floor Plan
1 : 100

DOOR SCHEDULE

Mark	Height	Width	Description
D01	2032	820	
D02	2032	720	
D03	2032	620	
D04	2040	820	
D05	2040	820	
D06	2040	820	

WINDOW SCHEDULE

Mark	Height	Width	Window Style
WC1	1200	1200	SL L-R
WC2	1200	1500	SL L-R
WC3	1200	1200	SL L-R
WC4	1200	1500	SL L-R
WC5	1500	750	SL L-R
WC6	600	600	SL L-R
WC7	600	600	SL L-R
WC8	1000	1200	SL L-R
WC9	1200	1500	SL L-R

Development Approval

NO.	DESCRIPTION	DATE
A	PRELIM DESIGN	14/06/2021

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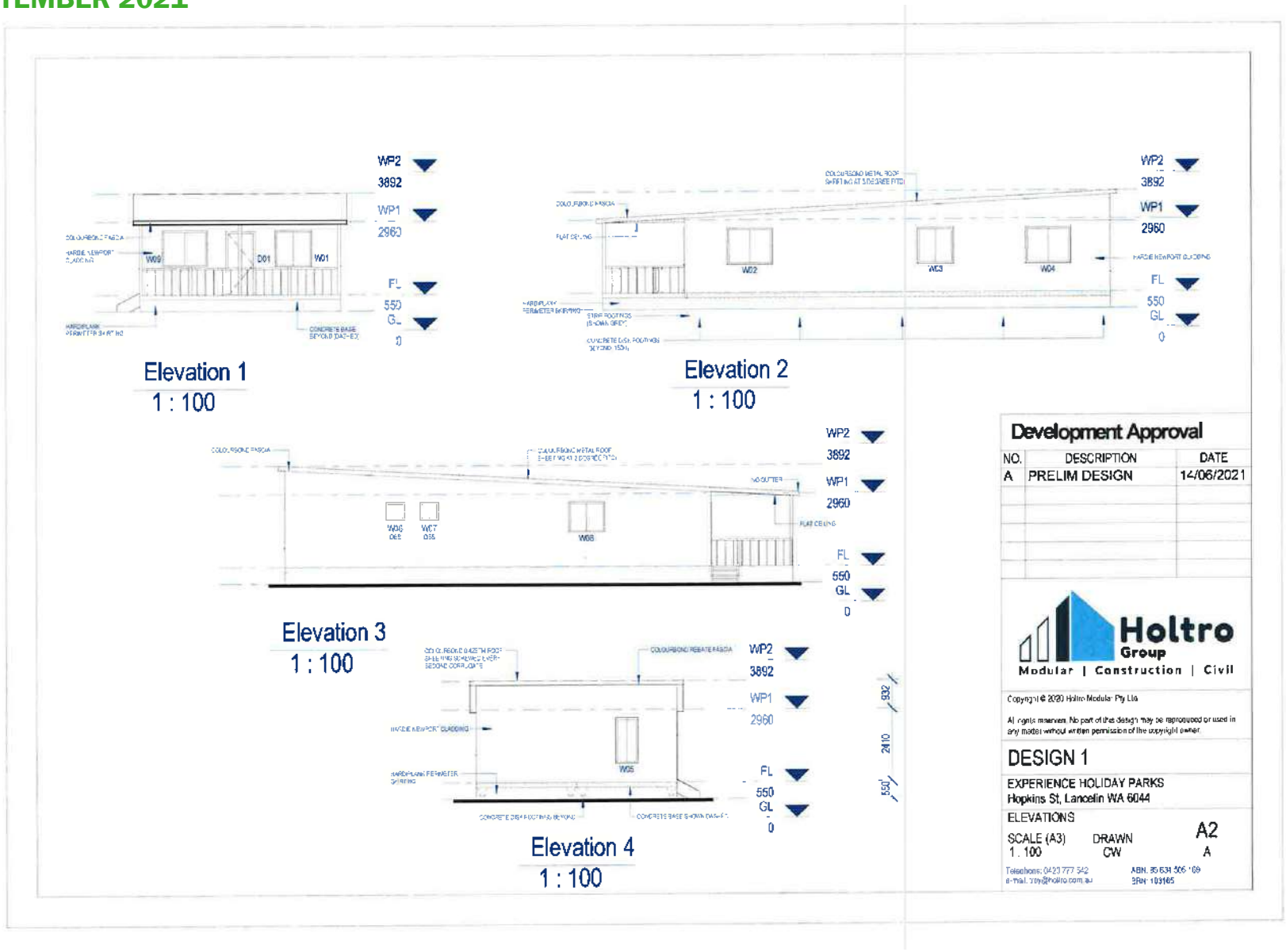
DESIGN 1

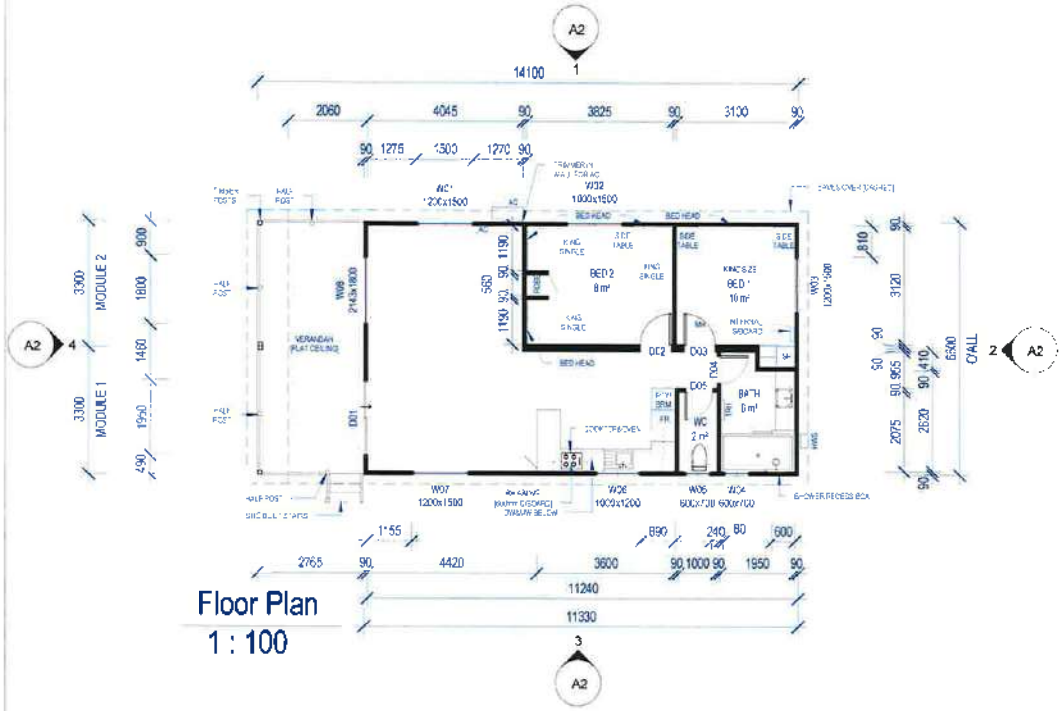
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

FLOOR PLAN

SCALE (A3) 1 : 100
DRAWN CW
A1
A

Telephone 0420 777 542
e-mail: troy@holtro.com.au
ABN. 85 634 505 169
BRN. 102165


WP2
3892
WP1
2960
FL
550
GL
0
W09
D01
W01
Elevation 1
1 : 100
W02
W03
W04
Elevation 2
1 : 100
W06
W07
W08
Elevation 3
1 : 100
W05
932
2410
550
Elevation 4
1 : 100
Development Approval
NO.
DESCRIPTION
DATE
A
PRELIM DESIGN
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DESIGN 1
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044
ELEVATIONS
SCALE (A3)
1 . 100
DRAWN
CW
A2
A
Telephone: 0423 777 542
e-mail: tony@holtro.com.au
ABN: 85 634 506 109
BRN: 103165



DOOR SCHEDULE

Mark	Height	Width	Comments
D01	2143	1870	SLIDING
D02	2040	820	PRIVACY SET
D03	2040	820	PRIVACY SET
D04	2040	720	PRIVACY SET
D05	2040	720	PRIVACY SET

WINDOW SCHEDULE

Mark	Height	Width	Window Style
W01	1200	1500	SLIDING
W02	1000	1500	SLIDING
W03	1200	1500	SLIDING
W04	600	700	SLIDING
W05	600	700	SLIDING
W06	1000	1200	SLIDING
W07	1200	1500	SLIDING
W08	2143	1800	SLIDING

NOTES.
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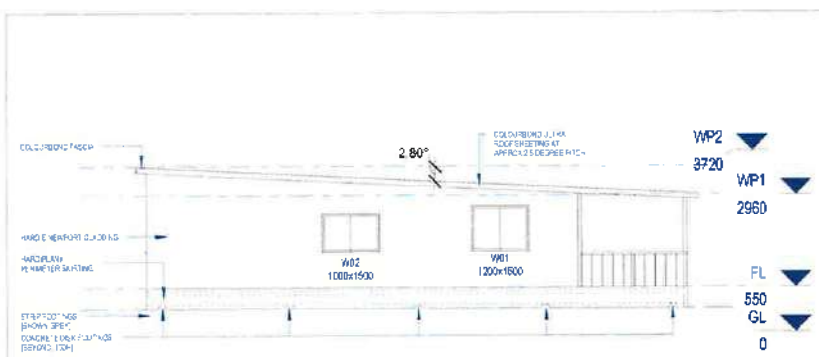
DESIGN 2

EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

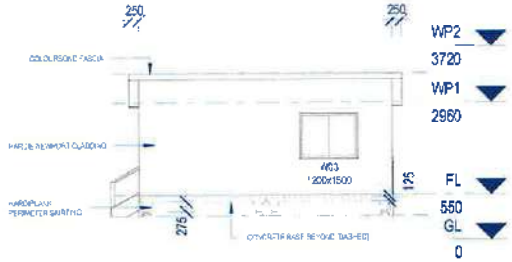
FLOOR PLAN

SCALE (A3) 1 : 100
DRAWN CW
A1
A

Telephone: 0427 777 342
e-mail: troy@holtrc.com.au
ABN: 85 654 585 188
BRN: 133185



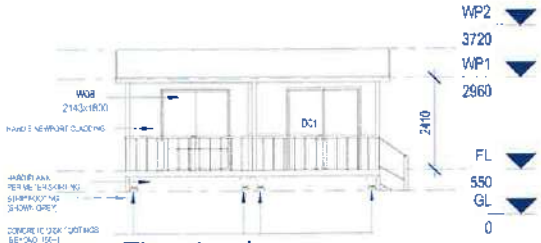
Elevation 1
1 : 100



Elevation 2
1 : 100



Elevation 3
1 : 100



Elevation 4
1 : 100

Development Approval

NO.	DESCRIPTION	DATE
A	PRELIM DESIGN	14/06/2021

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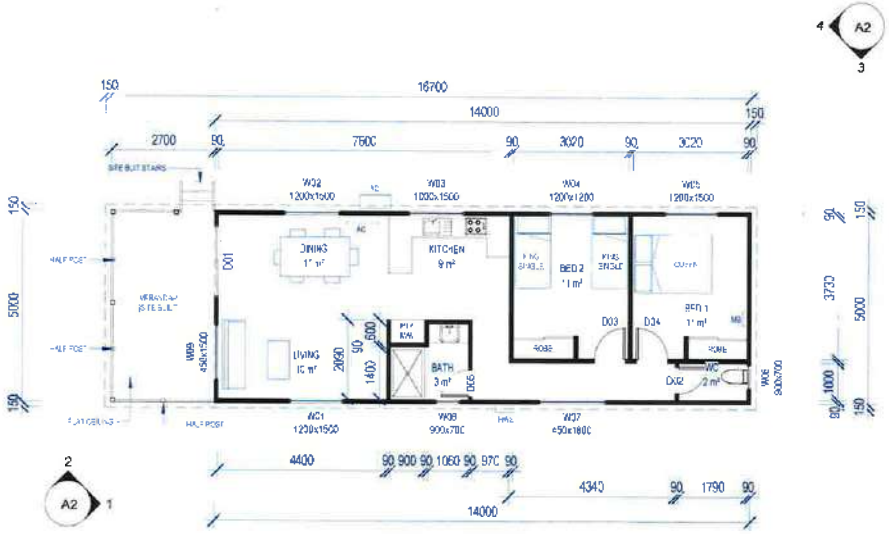
DESIGN 2

EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

ELEVATIONS

SCALE (A3) 1 : 100 | DRAWN CW | A2 A

Telephone: 0420 777 542
e-mail: troy@holtro.com.au
ABN: 95 634 506 169
BRN: 103185



Floor Plan
1 : 100

DOOR SCHEDULE

Mark	Height	Width	Description
D01	2140	1800	
D02	2040	720	
D03	2040	820	
D04	2040	820	
D05	2040	720	

WINDOW SCHEDULE

Mark	Height	Width	Window Style
W01	1200	1450	SLIDING
W02	1200	1500	SLIDING
W03	1200	1500	SLIDING
W04	1200	1200	SLIDING
W05	1200	1450	SLIDING
W06	900	700	SLIDING
W07	450	1800	SLIDING
W08	900	700	SLIDING
W09	450	1500	AWNING

Development Approval

NO.	DESCRIPTION	DATE
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B	PRELIM DESIGN	21/06/2021

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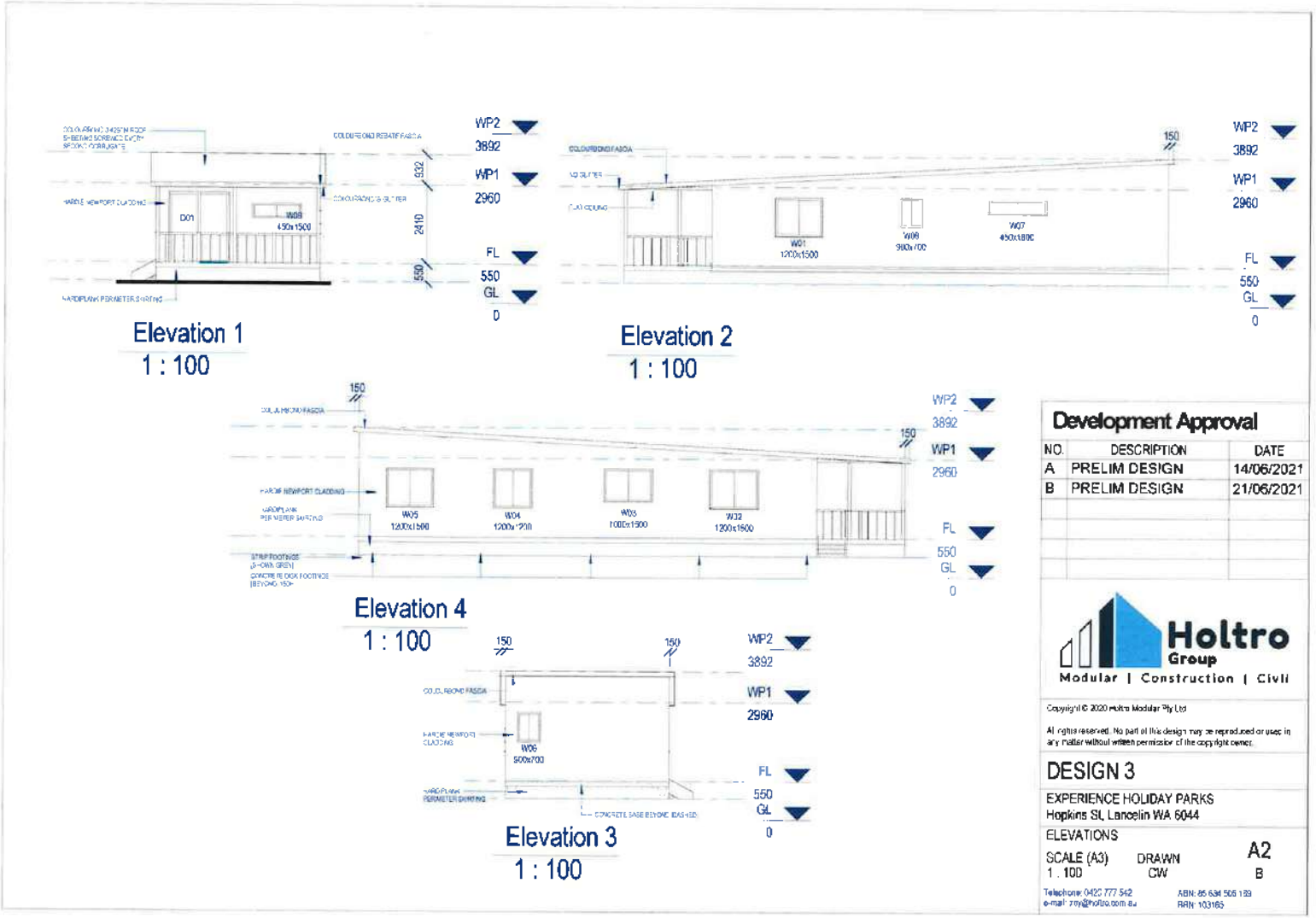
DESIGN 3

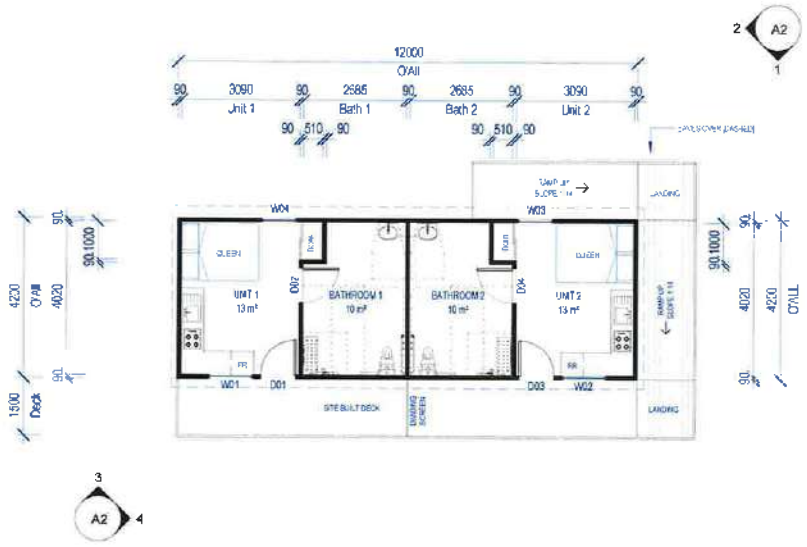
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

FLOOR PLAN

SCALE (A3) 1 : 100 | DRAWN CW | A1 B

Telephone 0420 777 342
e-mail troy@holtro.com.au
ABN 86 634 605 195
BRN. 103166


WP2
3892
WP1
2960
FL
550
GL
0
D01
W09
450x1500
Elevation 1
1 : 100
W01
1200x1500
W07
450x1800
Elevation 2
1 : 100
W05
1200x1500
W04
1200x2100
W03
1000x1900
W02
1200x1500
Elevation 4
1 : 100
W06
900x700
Elevation 3
1 : 100
Development Approval
NO. DESCRIPTION DATE
A PRELIM DESIGN 14/06/2021
B PRELIM DESIGN 21/06/2021
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DESIGN 3
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044
ELEVATIONS
SCALE (A3)
1 : 100
DRAWN
CW
A2
B
Telephone: 0422 777 542
e-mail: rmy@holtro.com.au
ABN: 85 634 505 139
RAN: 103165



Floor Plan
1 : 100

DOOR SCHEDULE

Mark	Height	Width	Comments
D01	2134	920	
D02	2134	920	
D03	2134	920	
D04	2134	920	

WINDOW SCHEDULE

Mark	Height	Width	Window Style
W01	1200	1200	
W02	1200	1200	
W03	1200	870	SLIDING
W04	1200	870	SLIDING

NOTES:
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Development Approval

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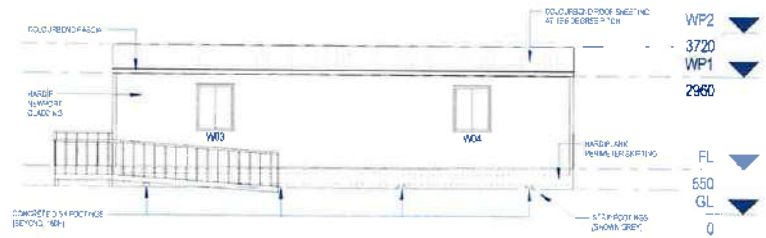
Design 4 - Unit 2

EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

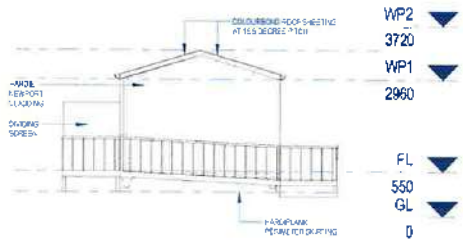
FLOOR PLAN

SCALE (A3) 1 : 100 | DRAWN CW | A1 B

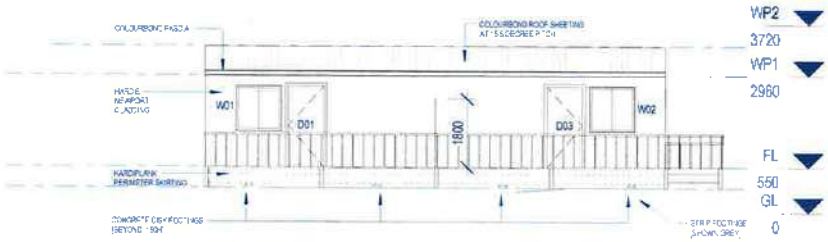
Telephone: 0420 777 542
e-mail: troy@holtro.com.au
ABN: 85 634 505 139
BRN: 103165



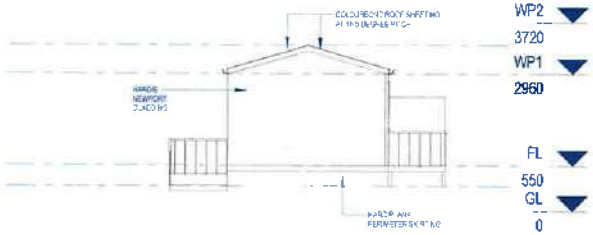
Elevation 1
1 : 100



Elevation 2
1 : 100



Elevation 3
1 : 100



Elevation 4
1 : 100

Development Approval

NO.	DESCRIPTION	DATE
A	ISSUED FOR REVIEW	14/06/2021
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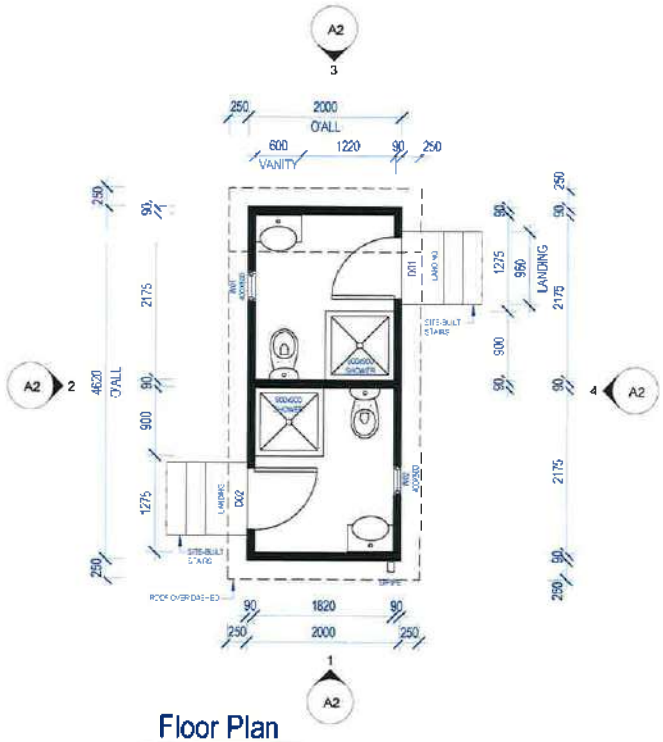
Design 4 - Unit 2

EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

ELEVATIONS

SCALE (A3) 1 : 100 | DRAWN CW | A2 B

Telephone: 0420 777 342
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ABN: 85 634 505 169
BRV: 103155



Floor Plan
1 : 50

Window Schedule

Mark	Window Style	Width	Height
W01	SL L-R	400	500
W02	SL L-R	400	500

Door Schedule

Mark	Height	Width	Type
D01	2134	820	0813 x 2134mm
D02	2134	820	0813 x 2134mm

Development Approval

NO.	DESCRIPTION	DATE
A	PRELIM DESIGN	14/08/2021

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ENSUITE

EXPERIENCE HOLIDAY PARKS
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FLOOR PLAN

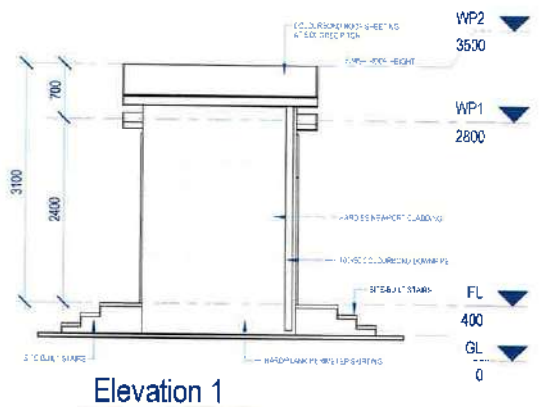
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1 : 50

DRAWN
CW

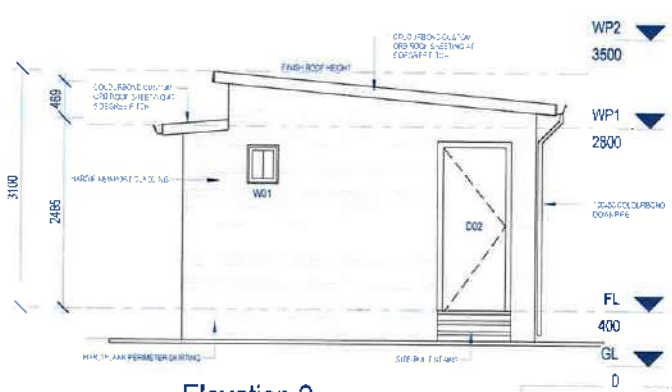
A1
A

Telephone: 0420 777 542
e-mail: troy@holtro.com.au

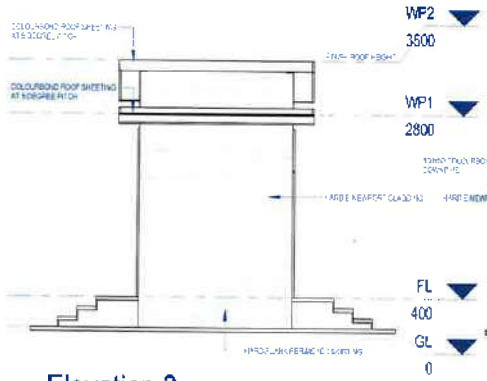
ABN: 85 634 505 183
BRN: 103 *85



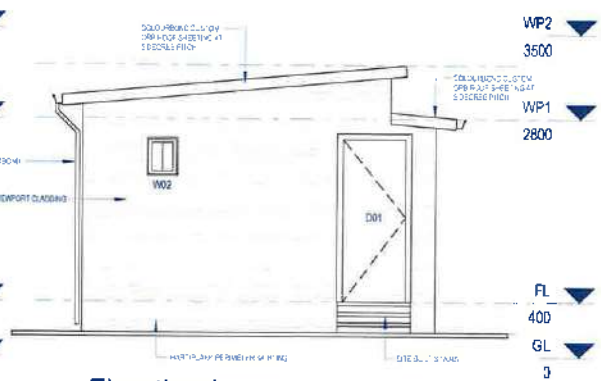
Elevation 1
1 : 50



Elevation 2
1 : 50



Elevation 3
1 : 50



Elevation 4
1 : 50

Development Approval

NO.	DESCRIPTION	DATE
A	PRELIM DESIGN	14/06/2021

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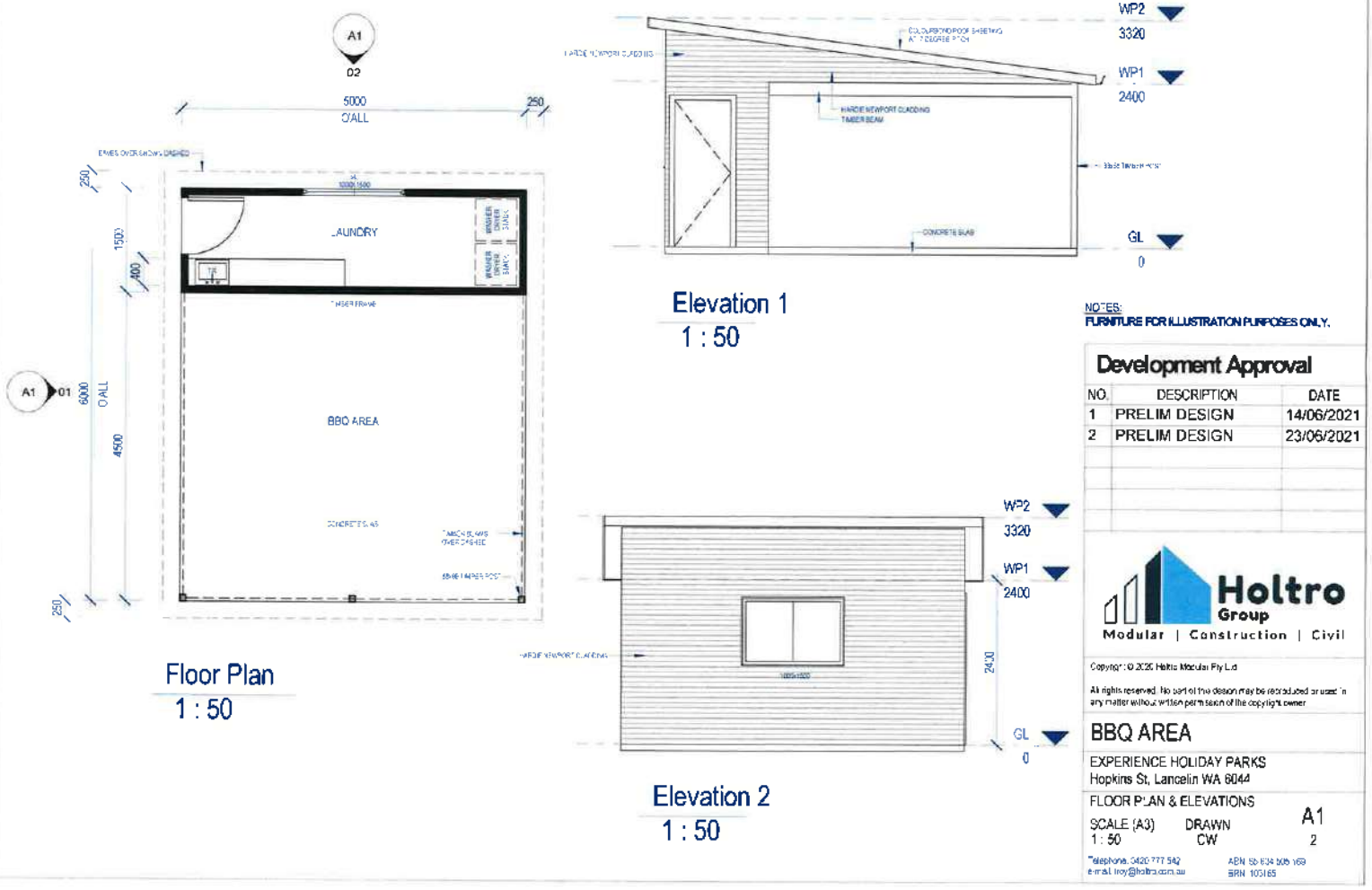
ENSUITE

EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044

ELEVATIONS

SCALE (A3) 1 : 50 | DRAWN CW | A2 A

Telephone: 0420 777 542
e-mail: lucy@holtro.com.au
ABN: 86 654 505 109
BRN: 100165


A1
02
5000
O/ALL
250
LAUNDRY
WASHER DRYER SINK
TIMBER FRAME
BBQ AREA
CONCRETE SLAB
TIMBER SLEEPERS OVER DASHED
BRICK PAVERS POST
A1
01
6000
O/ALL
1500
400
4500
250
Floor Plan
1 : 50
WP2
3320
WP1
2400
GL
0
HARDIE NEWPORT CLADDING
TIMBER BEAM
CONCRETE SLAB
Elevation 1
1 : 50
WP2
3320
WP1
2400
GL
0
2400
Elevation 2
1 : 50
NOTES:
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Development Approval
NO. DESCRIPTION DATE
1 PRELIM DESIGN 14/06/2021
2 PRELIM DESIGN 23/06/2021
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BBQ AREA
EXPERIENCE HOLIDAY PARKS
Hopkins St, Lancelin WA 6044
FLOOR PLAN & ELEVATIONS
SCALE (A3)
1 : 50
DRAWN
CW
A1
2
Telephone. 0420 777 542
e-mail troy@holtro.com.au
ABN 58 624 305 169
BRN 103165

13.5 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED USE NOT LISTED (HOLIDAY ACCOMMODATION) ON LOT 9 (84) GINGIN ROAD, LANCELIN

File	BLD/7276
Applicant	Hemsley Planning
Location	Lot 9 (84) Gingin Road, Lancelin
Owner	Jill De Grussa, Annette Emery and Kenneth Emery
Zoning	Tourism
WAPC No	NA
Author	James Bayliss – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Aerial Map - Lot 9 (84) Gingin Road, Lancelin [**13.5.1** - 1 page] 2. Location Plan - Lot 9 (84) Gingin Road, Lancelin [**13.5.2** - 1 page] 3. Applicant's Proposal [**13.5.3** - 89 pages] 4. Schedule of Submissions and Recomended Responses - Lot 9 (85) Gingin Road [**13.5.4** - 22 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a use not listed (holiday accommodation) on Lot 9 (84) Gingin Road, Lancelin.

BACKGROUND

At the Ordinary Meeting of Council dated 17 August 2021, this proposal was deferred to enable affected parties to undertake further discussions in the hope that a mutually agreeable outcome could be reached in relation to the rear setback distance.

The officer attended an onsite meeting with relevant stakeholders on 3 September 2021, which concluded without a mutually agreed rear setback distance. The landowners are prepared to increase the rear setback by 1 metre (from 6 metres to 7 metres) and the submitter requests a rear setback of 12 metres. The officer is of the view that any further mediation attempts will be futile and the application should be considered on its merits against the planning framework.

The officer's recommendation remains largely unchanged, with the only amendment relating to Condition 5 which includes reference to an increased rear setback of 7 metres.

The proposal relates to holiday accommodation, which comprises of five short stay accommodation units and a single caretaker's dwelling located within three (3) separate buildings on the subject lot.

The property is 90 metres in length and 32 metres in width with an area of 2,914 m^2. The land abuts Gingin Road to the east and the coastal foreshore reserve to the west.

The Shire received adverse comments during the stakeholder consultation process. As a consequence of those comments, the applicant submitted revised development plans which include the following amendments:

- The eaves removed from the upper floor of the southern-most units to reduce the amount of overshadowing on the adjoining lot by 8m^2;
- Each proposed survey strata lot increased in lot size to be 700m^2 each.
- The area available for effluent disposal increased by 170m^2; and
- The solid wall on the northern-most units screening the ground floor and upper floor outdoor living areas removed to improve vistas to the ocean for the northern adjoining dwellings.

It should be noted that the applicant has also lodged a survey-strata subdivision application with the Western Australian Planning Commission (WAPC). This has been referred to the Shire for comment and forms the subject of a separate item to Council.

The property is identified within the Shire's Coastal Hazard Risk Management and Adaption Plan 2019 (CHRMAP) as being impacted by coastal processes between the 2070 and 2110 hazard lines.

Council consideration is required given adverse submissions were received during the consultation process and also given the use 'holiday accommodation' is not listed within the zoning table.

An aerial photograph and location plan are provided as **Appendix 13.5.1** and **Appendix 13.5.2** respectively.

The applicant has provided a comprehensive report in support of the application. The applicant's proposal is provided as **Appendix 13.5.3** and contains the following:

- Revised Submission and Justification Letter;
- Context Plan and Site Analysis;
- Revised Development Plans (which incorporates a landscaping plan);
- Visual Impacts Assessment Plans;
- Overshadowing Plans;

- Holiday Accommodation Management Plan; and
- Bushfire Attack level (BAL) Report

COMMENT

Stakeholder Consultation

The application was advertised to surrounding landowners, published on the Shire's website and a development sign placed on the verge of the property for a period of 21 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. Four comments were received opposed to the development and one comment was received in support.

The application was also advertised to the Department of Planning, Lands and Heritage (DPLH) for a period of 42 days in accordance with clause 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015.*

A copy of the Schedule of Submissions and Recommended Responses, including correspondence from the DPLH is provided as **Appendix 13.5.4.**

It should be noted that the amended development plans were not readvertised given the development remained relatively similar with only minor variations being made. The following table provides an overview of concerns raised and the officer's comments.

Issue Raised	Officer's comments
Loss of Views of Significance - Rear setback	The loss of views is generally considered as part of a design principles assessment when a variation to a building height is being sought. The officer has not identified a variation to the proposed building heights. The impact on views could be described as an aspect of amenity and potentially an issue of compatibility of the development within its setting, including the relationship of the development to development on other land in the locality, which are considerations to be regarded under paragraphs (m) and (n) of cl 67 of the Deemed Provisions. The assertion is that access to views of significance have been impacted due to the holiday accommodation extruding further west than the existing dwellings on adjoining land to the north which enjoy coastal views in that direction. The holiday accommodation, although having a compliant rear setback, projects westward of the dwellings on adjoining land

	to the north due to a historic subdivision of the northern property, whereby the WAPC required ceding of ~8m of land to become part of the coastal foreshore reserve. This has created an anomaly between the alignments of the rear lot boundaries whereby a compliant rear setback on the subject land is located significantly further west than a compliant rear setback on land to the north. The officer accepts that the views available from the land to the north are significant and important views in terms of the amenity of that site. The officer accepts that their coastal views will be impacted by the proposed development. However, the officer is of the view that the planning framework does not suggest that development must maintain views exactly as they exist at the current point in time. The applicant has provided a visual impact assessment to demonstrate the extent to which views are impacted, which outlines that the development has some limited obstruction to some of the views in a south-westerly direction currently available from the property to the north. This notwithstanding, access to a view of significance is still maintained and largely intact, albeit not to the same extent in a south-westerly direction as the property currently enjoys. The officer is not persuaded that the loss of partial views is of a significant enough scale to warrant refusal of the development or a significant redesign/relocation of the development noting the compliant rear setback.
Development is 'out of character'	Various comments suggest that the development does not present as a typical tourism development. The officer is unaware of a standardised tourism-based model and built form that development of this nature should conform with. The officer notes that the intent of the tourism zoning is to provide a diverse range of accommodation options for tourists frequenting Lancelin. This development contributes to that diversity. The design, although not to the submitter's liking, does seem to achieve the desired future character as provided for in the local planning framework.

	Various comments suggest that a better design could be achieved. The officer does not disagree with this assertion, however local governments are required to assess the proposal presented before them having regard to the applicable planning considerations. It is not reasonable to say that a proposal should be rejected because a better design could be available. The officer notes that land generally equivalent in area to the south contains a single house (used as a holiday house), 3 short stay accommodation units, 2 restaurants and a shop. Equivalent land to the north contains 4 dwellings. The density created is therefore not out of character and the reference to the R12.5 coding is not being applied to adjoining land and is therefore a shortcoming of the submitter's comments. The built form created by the development is significant, however not unanticipated given the development standards contained within LPS9 which entice landowners to build tourism-based developments.
Loss of Solar Access (i.e. overshadowing)	The predominant concern the officer notes pertains to the overshadowing of the property to the south. The officer largely agrees with the overshadowing claims raised, however notes that some claims have been debunked by the applicant (i.e. impact on solar panels etc.). The land to the south is a battle-axe design and therefore the overall site area, which includes the area of the access leg, is misleading when the percentage of overshadowing is calculated. This is due to the developable land area being somewhat smaller than the overall area and therefore the overshadowing impacts may be of a greater concern. Notwithstanding the above, the officer has advised the applicant of the concern regarding this variation and is of the view that overshadowing concerns can be ameliorated by revised development plans for Units 3A and 3B which vary the roof pitch, thereby reducing the area overshadowed. The officer notes the north-facing balcony on the adjoining dwelling, however also notes that this is one of multiple outdoor living areas available to occupants. This is not to say that broad-brush overshadowing is acceptable, but rather that the impact on the use/enjoyment of this dwelling may not be as substantial as implied.

	The officer also notes that this dwelling is not permanently resided in, which may not be overly relevant but does mean that any overshadowing will be less likely to impact on the submitter's enjoyment of the land. Furthermore, the officer notes that the dwelling is let out for short stay accommodation, and as such occupants will not be present for extended periods of time and any impacts from reduced solar access will be reduced as opposed to permanent occupants.
Compliance - residential use versus tourism use	If development approval is forthcoming, the determination notice would reference the land use in association with the approved plans. If the land use is for 'tourist accommodation' it must comply with that definition which incorporates length of stay provisions. Any departure from that would be an offence under the *Planning and Development Act 2005*. Prospective or new landowners would be required to adhere to the development approval, which is referenced under orders and requisitions during the settlement process. Furthermore, notifications of title can also alert prospective purchasers regarding use or enjoyment of land. In this instance, relevant title notifications have been suggested. In addition, an up-to-date register of guests is to be kept which is to be made available to the Shire upon request should it be asserted that unauthorised occupancy is occurring.

PLANNING FRAMEWORK

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

The subject land is zoned Tourism under LPS 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.

The newly created lots would enable the provision of holiday accommodation which provides greater diversity and options for tourists seeking to stay in Lancelin. The proposed development is viewed as being consistent with the objectives of the zone.

Schedule 1 – Dictionary of Defined Words and Expressions of LPS 9 defines 'Holiday Accommodation' as:

> *"Two or more dwellings on one lot which, by way of trade or business, are made available for occupation by persons, other than the proprietor, for holiday or other temporary purposes;"*

Schedule 1 – Dictionary of Defined Words and Expressions of LPS 9 defines 'short stay' as:

> *"means tourist accommodation facilities (including motels, caravan and camping facilities, chalets, guest houses, holiday houses or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period".*

Schedule 1 – Dictionary of Defined Words and Expressions of LPS 9 defines 'caretakers dwelling' as:

> *"means a dwelling on the same site as a building, operation, or plant or tourist facility, and occupied by a supervisor of that building, operation or plant or tourist facility".*

The zoning table does not identify 'Holiday Accommodation' as a land use and as such the proposal is assessed as a use not listed. The officer is of the view that Holiday Accommodation was intended to be permitted within the Tourism zone, however an administrative oversight has omitted the use from the zoning table.

Clause 3.4.2 outlines the process of dealing with land uses that are not listed in the Zoning Table as provided below:

"Clause 3.4.2

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may –

(a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;

(b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or

(c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."

The officer is of the view that the use is consistent with the objectives of the zone and is therefore permitted.

Table 2 - Site Requirements

Zone	Minimum Setback			Maximum Plot Ratio	Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear			
Tourism	5m	Nil	6m	0.5	50%	50% of all setback areas
Provided	43.8	Various - Nil	6m	<0.5%	26%	Landscaping provided
Complies Yes/No	Yes	Yes	Yes	Yes	Yes	Yes

The development complies with the site requirements prescribed by Table 2 of LPS 9.

4.8 - Zone Specific Development Standards

LPS 9 provides a comprehensive range of standards that tourism proposals must satisfy in order to develop at a higher density than a residential use (12.5 coding). The specific development standards are outlined below with officer comments:

4.8.7 Tourism Zone

4.8.7.1 Development within the Tourism Zone will comprise a range of land uses set out in the purpose and objectives of the Zone and in the Zoning Table. Dependent upon the use proposed, sites for such developments will normally be identified within or in close proximity to established settlements.

As outlined above, holiday accommodation is deemed to satisfy the objectives of the Tourism zone. The proposed development has considered the intent of the zoning which encourages landowners to develop their property for short-stay accommodation purposes to provide diverse accommodation options for tourists.

4.8.7.2 Development proposals will be considered by the local government with particular regard to the impact of the proposed development on visual and natural amenity, the availability of reticulated sewerage and/or the suitability of the land for on-site effluent disposal, the provision of sufficient landscape buffers and the density of the development.

The officer is of the view that the built form of the development is consistent with that anticipated and contemplated within the zone, particularly considering the size of the subject lot. Development in the immediate vicinity is at a greater density than what would ordinarily be expected within an R12.5 density code.

It should be noted that a Site and Soil Evaluation (SSE) report is typically required for development of this nature/scale to demonstrate that the area set aside for effluent disposal is sufficient. The large site area and limited site coverage (26%) provides what appears to be ample room for effluent disposal. The Shire's Principal Environmental Health Officer has advised that an SSE may be required in order to finalise their approvals process. On that basis and noting the comments from the DPLH, an appropriate condition has been suggested that requires the preparation of an SSE prior to site works commencing.

4.8.7.3 Those areas of the site providing the highest tourism amenity, e.g. the beachfront, shall be retained for tourism purposes, and not designated for residential use. The maximum proportion of residential units shall be such that the site retains a dominant tourism function and character, and shall be determined by the local government between zero and 25 per cent inclusive.

The subject lot abuts the coastal foreshore reserve and offers a high tourism amenity for that reason. The proposal provides five units to be used for short-stay accommodation purposes and one permanently occupied by a caretaker/manager.

4.8.7.4 Where tourism development with no permanent or semi-permanent residential units is proposed, local government may at its discretion vary the maximum plot ratio imposed.

The proposal satisfies the plot ratio requirements stipulated under Table 2 of LPS 9.

4.8.7.5 Where strata titling is proposed, appropriate management arrangements in a management statement which ensures that all units will be let out for tourism

Strata titling is proposed and for that reason the submission includes a draft management plan that will apply to the overall development which sets out, amongst other things, a code of practice for guests and a general operating strategy. While the submission of a management plan is integral to achieving compliance with the above provision, the officer is of the view that it must be obvious to prospective/future proprietors of the land regarding the occupancy restrictions and this has not been clearly established within the draft document. The relevant provision under LPS 9 should be replicated and addressed in the management plan.

4.8.7.6 The maximum percentage of residential units/development on site shall comply with the following at all stages of the development:

(a) The proportion of residential units relative to the total number of accommodation units on the site shall be equal to or less than the approved percentage.

(b) The site area occupied by the residential units, and any areas designated for the specific use of occupiers of those units, relative to the area occupied by the short-stay development shall be equal to or less than the approved percentage. In calculating the area occupied by the two development categories, those facilities available for common use shall be excluded from the calculation.

(c) That any individual residential unit and as a whole any residential component of such a development shall be of a design and scale that is clearly is subsidiary to the tourism component of the development such that the tourism component remains dominant in all aspects.

Refer to response regarding cl 4.8.7.5 above. Furthermore, the classification of the buildings under a development approval (i.e. five holiday accommodation and one caretaker's dwelling) provides some assurance that any departure from the occupancy provisions can be rectified through the compliance process.

4.8.7.7 Proposals for offices and reception centres in the Tourism Zone will only be considered where they are incidental to, and support the proposed tourism use on the site.

While most bookings will occur online, the caretaker's dwelling will be used as a point of contact for guests should the need arise.

4.8.7.8 Tourism development that incorporates accommodation and/or reception facilities shall include provision for an onsite manager.

An onsite caretaker/manager will reside in the upper floor of the central building. Bookings will be self-managed by the caretaker online.

4.8.7.9 Proposals for subdivision and development for Residential land uses in the Tourism zone will be determined in accordance with Residential R12.5 code unless combined with a Tourism proposal.

The merits of the survey strata subdivision are subject to a separate report to Council.

This provision is relevant more so for subdivision/development for residential uses, which require assessment at the R12.5 coding and does not provide clarity at what density tourism-based development should be considered.

The officer notes that if subdivision was to proceed at the R12.5 coding, the lot area would theoretically enable three green title lots. In view of the above and considering the lot sizes in the immediate locality, the development density is viewed as being acceptable.

4.8.7.10 In considering proposals in the Tourism Zone, local government shall have regard for the zone objectives, the scale and bulk of the proposal and its integration with surrounding land uses.

The built form of the development is not viewed as being out of character with the area. The officer notes that the equivalent land area to the south accommodates three short stay units, a single house, restaurant (take-away coffee outlet and Wendy's cafe) adjacent to Gingin Road.

Equivalent land to the north accommodates two units on the rear (western) portion of the property and two dwellings on the front (eastern) portion of land. As such the density is not viewed as being incompatible within its setting.

4.8.7.11 Local government may, at its discretion, require proposed shared facilities in tourist developments to be established in the first stage of development.

Not applicable in this instance.

4.8.7.12 To reduce the likelihood of tourism accommodation being used as permanent or semi-permanent accommodation, a maximum length of stay provision of three months in any twelve month period should apply to the tourism units on all developments.

This clause will be satisfied by imposing a condition to that effect.

'Clause 4.7.4 – Coastal Development' of LPS 9 is applicable in this instance and states:

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

State Planning Policy No. 2.6 – State Coastal Planning Policy (SPP 2.6)

The purpose of SPP 2.6 is to provide guidance for decision-making within the coastal zone including managing development and land use change. A key objective of SPP 2.6 is to ensure that development takes into account coastal processes and coastal hazards. This is implemented by the preparation of a CHRMAP to provide a long term view of the potential coastal processes (erosion and storm surge inundation) for affected areas and recommend measures to reduce risk.

The subject property constitutes infill development under section 5.6 of SPP 2.6, which recommends two measures which are outlined below:

'Clause 5.6 - Infill Development'

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

Officer Comments:

The proposed development is located on the western portion of the subject land closest to the threat of coastal erosion. However, it should be noted that the development area is located on the highest portion of the property which has an elevation of 4.00m AHD while the eastern portion of the site has an elevation of 1.60m AHD. While the eastern portion of the land may be set back further from the erosion risk, it is more susceptible to flooding from inundation and storm surge events.

On that basis, the most vulnerable portion of the land is conflicting in that the development will be exposed to a greater level of risk (i.e. from erosion of inundation) depending on which portion of the site the buildings are situated.

The applicant/landowners are aware of the risk and accept event-limited conditions that accompany development in known risk areas.

(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 Comments:

Given the site is anticipated to experience coastal processes within the planning timeframe, 'accommodation measures' by way of modification to the building design to facilitate future relocation of the building is desirable and is outlined with the Shire's CHRMAP. It is noted that the development is clearly permanent infrastructure which is not designed to be transportable or removable. Accordingly, upon coastal trigger points being reached, the development would need to be demolished.

Shire of Gingin Coastal Hazard Risk Management and Adaption Plan (2019)

Council adopted the CHRMAP at the Ordinary Meeting held on 16 April 2019. The CHRMAP identifies the site as being located within 'LA2 - Lancelin Township South', with a key outcome concluding:

- *"Residential properties have high vulnerability ratings by 2070 and very high vulnerability ratings by 2110."*

As such, a time period of at least 50 years is anticipated to lapse before coastal hazards affect the site. The long-term pathway identified within the CHRMAP for 'LA 2' is to avoid the risk, accommodate the risk until the risk is no longer viable, then move to a managed retreat.

The CHRMAP outlines various management responses and planning controls that may be applied to development on land identified as being affected by coastal processes in the planning timeframe. The controls that may be applied in this instance are outlined below with officer comments:

"Avoid: Means prohibiting development from taking place in locations identified as being at potential risk from coastal hazards."

Officer comments:

The subject site is identified as being at risk from coastal hazards within the planning timeframe. Avoiding development by refusing to approve further development such as this is an option for Council to consider, particularly given the development is intensifying the land use from its current context. The officer notes that Council has preferred not to take this approach to date.

"Accommodate: Accommodation options recognise that there is a hazard, but do not prohibit development. Instead, depending on the nature of the hazard and the timeframe within which it is expected to occur, development may be permitted within defined parameters."

This section of the CHRMAP goes on to state:

"A scenario could be to acknowledge that the land might be subject to erosion in the future, but that the planning horizon is sufficiently far off that temporary development could be acceptable until such time as the threat of erosion becomes imminent. In such a situation certain types of construction might be acceptable (e.g.: transportable or easily dismountable)."

Officer comments:

As previously outlined, the development is clearly a permanent fixture which is not designed to be transportable or removable. Accordingly, upon coastal trigger points being reached, the development would need to be demolished rather than relocated.

It should be noted that the Shire does not have the local statutory planning framework (whether through scheme provisions or a local planning policy) in place to specifically restrict development in coastal hazard areas to a design that is transportable/removable in nature. However, this recommendation is clearly evident within the CHRMAP document.

The officer notes that Council has previously preferred to allow development on affected land until the coastal threat becomes imminent at which time the development is to be removed.

"Managed Retreat: Existing development would be permitted to remain for as long as it remains unaffected by coastal hazards, but new development or expansion of existing development would not be permitted as intensification of development would mean more assets at risk. Approval of any development would be time limited, based on the forecast hazard timeframe."

Officer comments:

The option of time limiting an approval goes hand in hand with the 'accommodate' approach to ensure that upon expiration of the approval, the development is of a design capable of relocation. As outlined above, this development is not relocatable and will therefore require the asset to be demolished once the coastal trigger point is reached.

The CHRMAP outlines two possible types of approval conditions that can be imposed on coastal development. These are to place a notification on the title of the land and to place a time limit on the approval so that the approval will expire after a defined period. The CHRMAP states:

"Notifications on Title are intended to alert owners and potential purchasers of something that applies to the land but which may not be apparent from inspection of the land. The threat of future coastal hazards is a matter that would not be apparent on land unless it had already been eroded."

"Notification on the Certificate of Title will ensure that existing and any future landowners (Successors in Title) are made aware of the risk of possible impacts on the land from coastal processes. Owners and potential purchasers would then be able to make an informed decision about the level of risk they are prepared to take on. The notification would also inform them that some form of adaptation or management is likely to be required."

Section H4.1, Appendix H of the CHRMAP outlines various recommendations such as the following:

"Any new development approval should have a time limit placed upon it, after which time the development should be removed by the landowner unless a subsequent new approval is applied for and granted for a further period. The length of the approval should be related to the forecast hazard lines"

"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".

Officer comments:

The officer is of the view that the proposed development is not designed to accommodate short term inundation or capable of being relocated if necessary. However it is located on the most elevated portion of the property. The proposed development does not strictly satisfy these recommendations of the CHRMAP.

The challenge facing the Shire is to be pragmatic in applying discretion to proposed development within coastal areas, and not to regulate development in such a way that prematurely prevents otherwise suitable land from being used in the interim period. At the same time, the local government must not create a future legal or financial liability by permitting development that is likely to become vulnerable to damage from erosion or inundation.

State Planning Policy 7.3 - Residential Design Codes of Western Australia

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When a development proposal does not satisfy the deemed-to-comply provisions, the application is assessed against the associated 'design principles' to determine whether the variation is acceptable. It should be noted that amendments to the R-Codes came into effect on 2 July 2021.

In this instance the proposal is not for bona-fide residential use, however it is considered logical to assess the built form of the development against the R-Codes given the ability for residential land uses to be developed within the zone. It is noted that provisions under LPS 9 may vary from those under the R-Codes (i.e. side lot boundary setbacks).

Various aspects of the development would require a design principles assessment on the basis of an R12.5 coding. These variations are outlined below:

- The southern lot boundary set back requires a design principle assessment given nil boundary walls are proposed.

- Visual privacy – the revised drawings have removed a solid wall adjacent to the northern boundary thereby creating overlooking from the first floor balcony into the adjoining property to the north.

- Overshadowing – The development overshadows 249.4m^2 of the abutting land to the south. The deemed-to-comply provisions set out that development can overshadow up to 25% of the adjoining property area for R12.5 zoned land.

Adjoining property is defined by the R-Codes as:

Any lot:
- *on which any dwelling for which provision is made in the R-Codes may be constructed under the scheme; and*
- *which shares a boundary or portion of a boundary with a lot on which there is a proposed residential development site or is separated from that lot by a right-of-way, vehicle access way, pedestrian access way, access leg of a battleaxe lot or the equivalent not more than 6m in width.*

Lot is defined by the R-Codes as:

> *For single houses, a lot as defined under the Planning and Development Act 2005, as amended. For multiple or grouped dwellings, the parent lot.*

Site area is defined by the R-Codes as:

> *The area of land required for the construction of a dwelling to satisfy the requirements of the R-Codes.*

Parent lot is defined by the R-Codes as:

> *Relating to multiple or grouped dwellings, the lot inclusive of common areas to which the strata scheme, as defined under the Strata Titles Act 1985, as amended, relates*

The adjoining property consists of two strata lots with common property. It could be interpreted that the parent lot is the relevant area to derive overshadowing figures from, as asserted by the applicant, in which case a variation would not exist. Notwithstanding the above, the officer has considered the proposal against the relevant design principles.

Table 1 below outlines the relevant Design Principles assessment:

Design Principles	Officer Comments
5.1.3 - Lot Boundary Setbacks P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to: • 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. P3.2 Buildings built up to boundaries (other than the street boundary) where this: • makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas; • does not compromise the design principle contained in clause 5.1.3 P3.1;	It is noted that boundary walls should not be unanticipated given the tourism provisions/ setbacks of the zone under LPS 9. It is also noted that nil boundary walls are permitted under LPS 9. The design makes effective use of land that contains the highest tourism value (western portion). The amenity of adjoining properties has been discussed in the report above and the same rationale applies to satisfying these principles relating to amenity.

• does not have any adverse impact on the amenity of the adjoining property. • ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and • positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.	
5.4.1 - Visual Privacy P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: • building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices. P1.2 Maximum visual privacy to side and rear boundaries through measures such as: • offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; • building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).	The officer notes the applicant's comments regarding the development fulfilling the visual privacy design principles, however does not concur. The upper floor balcony of Unit 1 was originally proposed to be screened via a solid wall however has been amended to reduce bulk on the adjoining property to the north, thereby creating overlooking. The overlooking is directed into a habitable space. The development will be frequented by short-stay guests, likely magnifying any loss of privacy. In the context of the development, it will not be onerous for the landowners to provide a suitable screening device to maintain privacy to the adjoining property.

5.4.2 - Solar access for adjoining sites P2.1 Effective solar access for the proposed development and protection of the solar access. P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing: • outdoor living areas; • north facing major openings to habitable rooms, within 15 degrees of north in each direction; or • roof mounted solar collectors.	The officer notes a north facing balcony exists on the adjoining property to the south and will be affected to some extent as outlined on the overshadowing plan. The officer refers to previous comments regarding use of the dwelling by short-stay guests as opposed to permanent residents. The officer notes that the property contains other areas for outdoor living and the development will not jeopardise the ability to install solar collectors.

Based on the above, the officer is of the view that the development satisfies the relevant design principles keeping in mind the development standards that also apply under LPS 9.

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

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

(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:

As provided for earlier in the report, the development density is viewed as being compatible within its setting when taking into consideration development on adjoining land. The development appearance and bulk as viewed from the street is not unanticipated and, although significant, is not viewed as being out of character nor inconsistent with the likely future character contemplated under LPS 9 for tourism zoned land.

q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;

Officer comment:

The local government must consider the effects of coastal erosion and inundation on proposed development as per the above. The officer has provided comprehensive commentary on the coastal hazards anticipated to affect the property above and has determined that the land is able to accommodate the proposed development subject to a specific set of conditions being imposed.

Local Planning Policy 3.2 – Tourism Zone (LPP 3.2)

LPP 3.2 applies to all land with a coding of Tourism, the objective of which is to encourage development of tourist accommodation and related services. The policy statement is as follows:

3.1 Land will be allocated to the Tourism zone ahead of requirement to ensure an adequate supply of land for these purposes and to assist in minimising development delays due to the scheme amendment procedure.

3.2 Land shown as Tourist Accommodation on the townsite strategy maps will progressively be included in the Tourism zone.

3.3 The Tourism zone includes a number of designated tourist nodes, and a range of tourist related services will be encouraged to locate in these nodes.

3.4 In some instances Council may require Structure Plans to be prepared for tourist nodes.

The proposed development is consistent with LPP 3.2.

Summary

In view of the above assessment Administration is of the view that the proposal is consistent with the objectives of the Tourism zone and adequately addresses the zone-specific development requirements. Appropriate conditions have been imposed to ensure that the development does not become a permanent residential land use, as this is contrary to LPS 9.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Shire of Gingin Local Planning Scheme No. 9.

Shire of Gingin Coastal Hazard Risk Management and Adaption Plan 2019

POLICY IMPLICATIONS

State Planning Policy 7.3 - Residential Design Codes of Western Australia

State Planning Policy No. 2.6 – State Coastal Planning Policy

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Local Planning Policy 3.2 – Tourism Zone (LPP 3.2)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 - 2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council grant Development Approval for a use not listed (holiday accommodation) on Lot 9 (84) 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. This approval is for five holiday accommodation units and one caretaker's dwelling as indicated on the approved plans;

3. The five holiday accommodation units are to be used for short stay purposes as defined under Local Planning Scheme No. 9 and are not to be used for permanent residential purposes;

4. The caretaker's dwelling is to be used in accordance with the definition of a Caretaker's Dwelling under Local Planning Scheme No. 9 at all times to the satisfaction of the Shire of Gingin and relates only to a supervisor/manager of the holiday accommodation;

5. Prior to site works, the Applicant/Owner is required to submit revised development plans for Unit 3 which amends the roof pitch of the pool enclosure to 32 degrees, amends Unit 1 to incorporate screening on the northern facade of the upper floor balcony and provides an increased rear set back of 7 metres for all units;

6. This development approval shall expire upon the earliest occurrence of any one of the following events:

   a. the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the building(s); or

   b. a public road no longer being available or able to provide legal access to the lot; or

   c. when water, sewerage or electricity to the lot are no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.

7. Upon the expiration of the development approval in accordance with condition 6, the owner shall, at the owner's cost:

a. remove the development; and

b. rehabilitate the land to its pre-development condition, to the specifications and satisfaction of the Shire of Gingin.

8. Prior to occupation of the development, the Applicant/Owner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the titles to the land, including any titles that may be created through subdivision, as notification to prospective purchasers in the following form:

Registered proprietors and prospective purchasers of the land described above are notified that the use and enjoyment of the land is affected by the following factors:

a) 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 and is subject to conditions of development approval which require removal and/or rehabilitation of development to pre-development conditions if any one of the following events occurs:

i) the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the buildings(s);

ii) a public road no longer being available or able to provide legal access to the property;

iii) when water, sewerage or electricity to the lot are no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.

b) Occupation of the caretaker's dwelling on the land is restricted to persons supervising/managing the holiday accommodation.

c) The holiday accommodation units are not to be occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period.

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

9. 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;

10. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;

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

12. The approved retaining and boundary walls, including footings that abut the lot boundaries, are to be constructed wholly within the subject allotment. The external surfaces of the retaining and boundary walls shall be finished to a professional standard, to the satisfaction of the Shire of Gingin.

13. Prior to the occupation of the development, the landscaping as detailed on the Landscaping Plan shall be installed and thereafter maintained to the satisfaction of the Shire of Gingin;

14. The caretaker/manager is required to keep up to date records of occupants residing in the holiday accommodation and shall provide the Shire of Gingin with a copy of such records within 14 days upon written request; and

15. Prior to occupation of the development, a Holiday Accommodation Management Plan (HAMP) shall be submitted to and approved by the Shire of Gingin. The HAMP is to be implemented thereafter to the satisfaction of the Shire of Gingin.

Advice Notes:

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

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

Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin.

Note 5: The development is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

Note 6: This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.

Note 7: The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 – State Coastal Planning Policy (2013).

Note 8: The applicant is advised that the 11 metre distance between the Horizontal Shoreline Datum and the most seaward part of the building (conditions 6 and 7 refers) is the S1 value for this location which is obtained from the MP Rogers (2016) Shire of Gingin and Dandaragan Coastal Erosion Hazard Assessment Ledge Point, Lancelin and Cervantes (R721 Rev 0) prepared for the Shires of Gingin and Dandaragan. S1 is the allowance for absorbing the current risk of storm erosion, as defined in State Planning Policy 2.6 – State Coastal Planning Policy (2013).

Note 9: Should the development be affected by coastal hazards in the future, the applicant will be responsible for relocating/removing the development and all associated costs. 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.

Note 10: In relation to condition 7b, upon removal of the development the site is to be rehabilitated to pre-development condition which comprises of a bare earth lot, free of any buildings, demolition rubble or remnants of the approved development.

Note 11: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

Note 12: In relation to condition 11, a crossover application is to be made to the Operations and Assets Department in the form which can be found on the Shire's website at the following link: https://www.gingn.wa.gov.au/services/operations.aspx.

Note 13: For further information regarding the Site and Soil Evaluation (SSE) report 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 14: Please note that Short Stay is defined under Local Planning Scheme No. 9 as *"means tourist accommodation facilities (including motels, caravan and camping facilities, chalets, guest houses, holiday houses or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period".*

Note 15: Please note that a caretaker's dwelling is defined under Local Planning Scheme No. 9 as *"a dwelling on the same site as a building, operation, or plant or tourist facility, and occupied by a supervisor of that building, operation or plant or tourist facility".*

AMENDMENT MOTION

MOVED: Councillor Peczka SECONDED:

That the motion be amended by:

1. Deleting Conditions 6 and 7 and renumbering the remaining conditions accordingly; and

2. Amending the new Condition 6 (previously Condition 8) by:

a. Deleting the word "/Owner" in the initial paragraph; and

b. Amending Condition 6a by inserting a full stop after the words "the next 100 years) and deleting the remainder of the condition.

3. Deleting Advice Notes 7, 8 and 9.

MOTION LAPSED FOR WANT OF A SECONDER

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council grant Development Approval for a use not listed (holiday accommodation) on Lot 9 (84) 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. **This approval is for five holiday accommodation units and one caretaker's dwelling as indicated on the approved plans;**

3. **The five holiday accommodation units are to be used for short stay purposes as defined under Local Planning Scheme No. 9 and are not to be used for permanent residential purposes;**

4. The caretaker's dwelling is to be used in accordance with the definition of a Caretaker's Dwelling under Local Planning Scheme No. 9 at all times to the satisfaction of the Shire of Gingin and relates only to a supervisor/manager of the holiday accommodation;

5. Prior to site works, the Applicant/Owner is required to submit revised development plans for Unit 3 which amends the roof pitch of the pool enclosure to 32 degrees, amends Unit 1 to incorporate screening on the northern facade of the upper floor balcony and provides an increased rear set back of 7 metres for all units;

6. This development approval shall expire upon the earliest occurrence of any one of the following events:

   a. the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the building(s); or

   b. a public road no longer being available or able to provide legal access to the lot; or

   c. when water, sewerage or electricity to the lot are no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.

7. Upon the expiration of the development approval in accordance with condition 6, the owner shall, at the owner's cost:

   a. remove the development; and

   b. rehabilitate the land to its pre-development condition, to the specifications and satisfaction of the Shire of Gingin.

8. Prior to occupation of the development, the Applicant/Owner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the titles to the land, including any titles that may be created through subdivision, as notification to prospective purchasers in the following form:

   Registered proprietors and prospective purchasers of the land described above are notified that the use and enjoyment of the land is affected by the following factors:

   a) 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 and is subject to conditions of development approval which require removal and/or rehabilitation of development to pre-development conditions if any one of the following events occurs:

i) the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the buildings(s);

ii) a public road no longer being available or able to provide legal access to the property;

iii) when water, sewerage or electricity to the lot are no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.

b) Occupation of the caretaker's dwelling on the land is restricted to persons supervising/managing the holiday accommodation.

c) The holiday accommodation units are not to be occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period.

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

9. 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;

10. Stormwater from all roofed and paved areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;

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

12. The approved retaining and boundary walls, including footings that abut the lot boundaries, are to be constructed wholly within the subject allotment. The external surfaces of the retaining and boundary walls shall be finished to a professional standard, to the satisfaction of the Shire of Gingin.

13. Prior to the occupation of the development, the landscaping as detailed on the Landscaping Plan shall be installed and thereafter maintained to the satisfaction of the Shire of Gingin;

14. The caretaker/manager is required to keep up to date records of occupants residing in the holiday accommodation and shall provide the Shire of Gingin with a copy of such records within 14 days upon written request; and

15. Prior to occupation of the development, a Holiday Accommodation Management Plan (HAMP) shall be submitted to and approved by the Shire of Gingin. The HAMP is to be implemented thereafter 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*.

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Note 9: Should the development be affected by coastal hazards in the future, the applicant will be responsible for relocating/removing the development and all associated costs. 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.

Note 10: In relation to condition 7b, upon removal of the development the site is to be rehabilitated to pre-development condition which comprises of a bare earth lot, free of any buildings, demolition rubble or remnants of the approved development.

Note 11: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

Note 12: In relation to condition 11, a crossover application is to be made to the Operations and Assets Department in the form which can be found on the Shire's website at the following link: https://www.gingn.wa.gov.au/services/operations.aspx.

Note 13: For further information regarding the Site and Soil Evaluation (SSE) report 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 14: Please note that Short Stay is defined under Local Planning Scheme No. 9 as *"means tourist accommodation facilities (including motels, caravan and camping facilities, chalets, guest houses, holiday houses or any other form of tourist accommodation) set aside either continuously or from time to time for temporary living purposes but which are not occupied by the same person or group of persons for a period in excess of 3 months in any one 12-month period".*

Note 15: Please note that a caretaker's dwelling is defined under Local Planning Scheme No. 9 as *"a dwelling on the same site as a building, operation, or plant or tourist facility, and occupied by a supervisor of that building, operation or plant or tourist facility".*

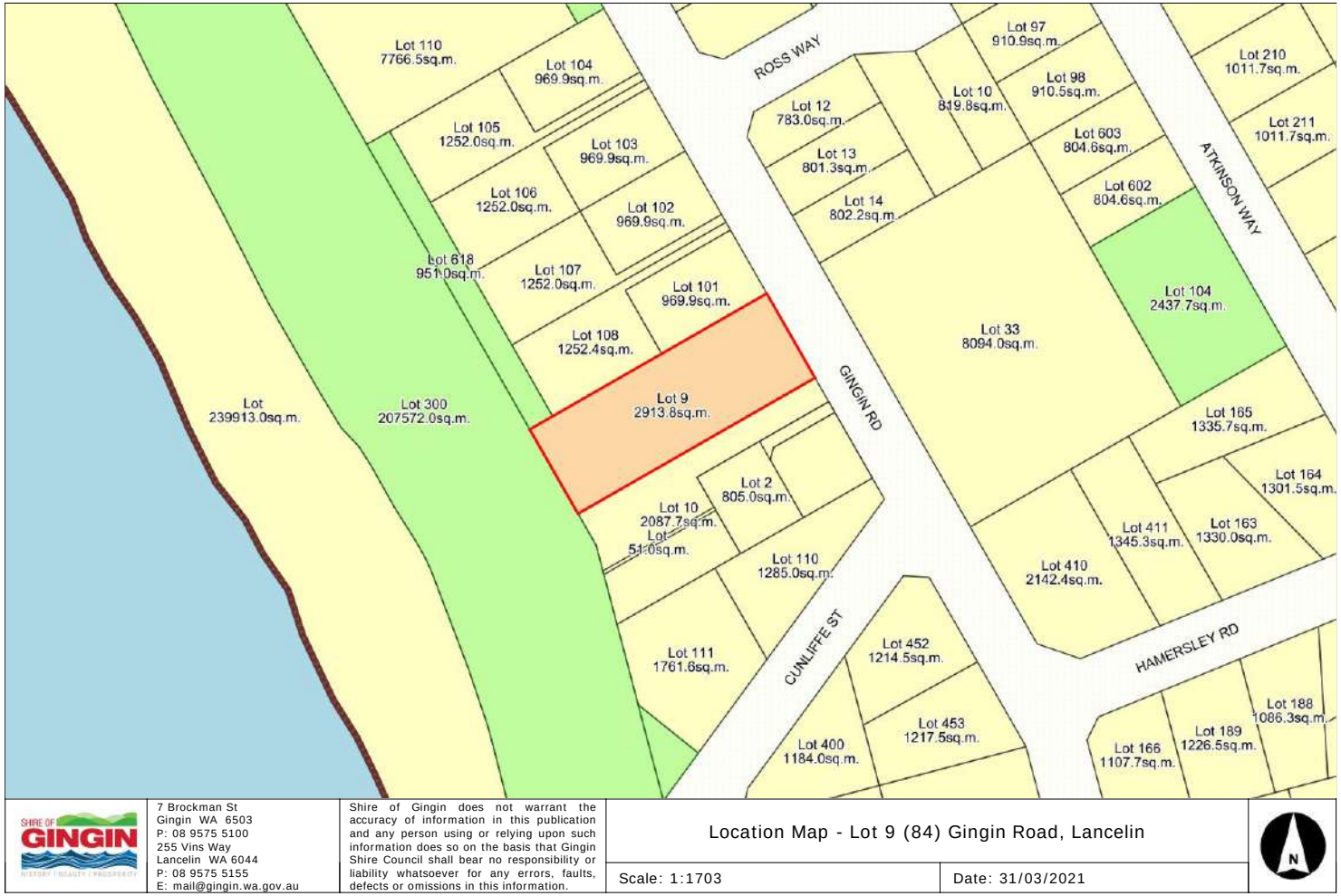
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FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*



SHIRE OF GINGIN	7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Aerial Map - Lot 9 (84) Gingin Road, Lancelin	N
			Scale: 1:558	Date: 31/03/2021



SHIRE OF GINGIN
HISTORY | BEAUTY | PROSPERITY

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Location Map - Lot 9 (84) Gingin Road, Lancelin

Scale: 1:1703

Date: 31/03/2021

N

ATTENTION: Planning Department
Chief Executive Officer
Shire of Gingin
7 Brockman Street
PO Box 510
Gingin
WA 6503

ACN 619 383 407
168 Stirling Highway
Nedlands WA 6009
info@hplanning.com.au

Wednesday, 28 July 2021

Revised Submission and Justification Letter | 84 (Lot 9) Gingin Road, Lancelin

Dear Sir

The purpose of this submission is to detail the nature of a Development Application at 84 (Lot 9) Gingin Road, Lancelin (henceforth known as the 'subject site') for a small-scale tourism development. The letter also clarifies the ability for the proposal to address relevant statutory planning considerations and other relevant development constraints and respond to items raised by the adjoining landowners.

This letter is further modified to include a visual impact assessment for the purpose of quantifying and verified claimed impacts on views of significance.

To date correspondence has been made with James Bayliss at the Shire of Gingin which has included a meeting at the Shire's offices to discuss the overall development concept.



Figure 1 Streetscape render of proposed development.



Figure 2 'Beachscape' render. Solid wall facing north now removed.

Subject Site

1. The subject site is zoned Tourism under the Shire of Gingin Local Planning Scheme No. 9 (**LPS9**). It is 32.19m wide and 90.53m deep with a site area of 2,914 m².
2. The subject site is rectangular in shape and is orientated with a west-south-west facing frontage to the beach.
3. The subject site is bushfire prone owing to its proximity to the coastal reserve.
4. The subject site suffers from the following constraints:
    a. It experiences a substantial topographical variation rising 2.5m away from the primary street frontage.
    b. Bushfire risk;
    c. Coastal hazard;
    d. Overlooking from existing adjoining dwellings to the north.
5. The subject site is in immediately proximity to the Indian Ocean allowing development to access views of significance provided the accommodation is high enough to allow for views over the dune system. The views of the ocean are integral to the development's viability, whilst the higher FFL provides added protection against long term coastal inundation.

Modifications to Submission

The amended plans are attached to this submission. For ease, the changes are explained in detail below:

- Eaves removed from the upper floor of the southern-most units to reduce the amount of overshadowing on the adjoining lot by 8m²;
- Each proposed survey strata lot has been increased in lot size to be 700m² each.
- The area available to use for leach drains has been increased by 170m²; and
- The solid wall on the northern most units screening the ground floor and upper floor primary outdoor living areas have been removed to substantially improve vistas to the ocean for the northern adjoining dwellings as compared to present conditions.

Response to Community Consultation

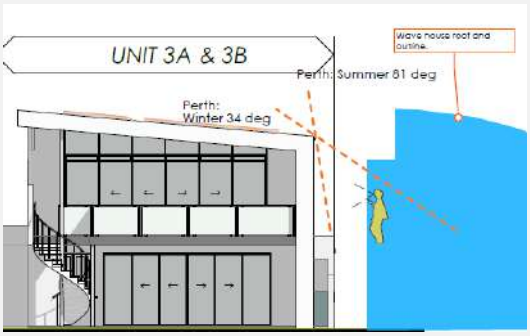
During the advertising period several items where raised by both north and south adjoining landowners. We respond to and address those items below.

Objection A (WAVE HOUSE)	Applicant Response
The proposed holiday accommodation has been designed to present as 3 separate residential dwellings. Each building will be on a separate title meaning that it could be sold and managed separately from the proposed caretakers dwelling. The application does not present any substantial information of how the potential units will be managed as tourist accommodation to comply with the provisions under the Planning Scheme. It is my belief that the application is a residential development presented as "Holiday Accommodation" thus allowing the bulk and scale of the development to far exceed many of the provision of the Residential Design Codes for the underlying residential density of R12.5. If this development were approved and constructed Council would have little to no enforcement powers to prevent the dwellings being sold separately and consequently ensure that they were used as holiday accommodation and not for permanent residents. Nor could the Council ensure that there was any consistent management of the proposed "holiday accommodation" as would be anticipated by the provisions of the zoning.	▪ Correct, the proposal has been designed to appear from the street as residential in nature given the lot is adjoining by residential zone land. The intent of this is to assist with the transition between zoned. ▪ WAPC's Planning Bulletin 83/2013 Planning for Tourism states the following with respect to Strata Schemes It is acknowledged that strata schemes are an important component in the funding of tourist accommodation development. There are risks, however, in the use of such schemes in achieving sustainable tourism developments unless particular management requirements are met. Relevant State and local government policies should be considered in determining strata title conditions. To mitigate this known risk, we submitted a Management Plan with the original proposal to mitigate against these risks. The Shire has at it's the discretion the ability to apply as a condition of approval a notification restricting occupancy to any one party to three months per year. The model of individual ownership of tourism properties is a well-known model which has proven to be successful in attracting private non-institutional investment in the tourism sector.
Objectives of the Tourism Zoning *Development "of an appropriate scale where they will not impact detrimentally on the surrounding or wider area"* *The proposed development significantly effects the amenity of the existing adjoining dwelling particularly in relation to overshadowing. The design of the proposal presents as 3 separate dwellings and the size of the dwellings far exceed what might be considered typical for a tourism unit. The subject site could accommodate 6 holiday units and still achieve a greater setbacks to adjoining boundaries. It is not typical for holiday accommodation to require vehicle garaging, sculleries or walk in pantries as*	The proposal should not be judged against the respondent's perceptions of proportions for a typical Holiday Unit. To do so would result in a homogenous supply of holiday accommodation supply in the townsite. A thriving tourism industry requires a diverse and adaptable supply of accommodation and constant investment from both the public and private sector. The proposal furthers this cause. The owner of the property is able to live in the property for three months per year. Naturally, the design will reflect some personalized design inclusions. The proposal will deliver site cover of 778m^2 of 26% of the 2,914m^2 site. An R12.5 zoning requires site cover to a maximum of 45%. The state that '*the development allows little open space for landscaping further negatively impacting on the visual amenity of the existing*

Objection A (WAVE HOUSE)	Applicant Response
shown in the plans. Additionally, the bulk and scale of the development allows little open space for landscaping further negatively impacting on the visual amenity of the existing area.	*area'* is without merit. A comprehensive landscaping plan is submitted with the proposal.
Provision - 4.8.7.2 Development proposals will be considered by the local government with particular regard to the impact of the proposed development on visual and natural amenity, the availability of reticulated sewerage and/or the suitability of the land for on-site effluent disposal, the provision of sufficient landscape buffers and the density of the development. *The application has provided no detail of how on-site effluent disposal will be managed. The Government sewerage policy details (as an example) that a 6 person house in an area of sandy soils with a secondary treatment system would require 180 metres (excluding setbacks) for a disposal field. The proposed dwellings appear to have an area of disposal field far less than required. Additionally, if the units were used for holiday accommodate as required under the scheme the occupancy is likely to be far greater than 6 persons (per lot/per effluent disposal field). Disposal fields are also not be used for any other purposes and if the units are for holiday accommodation it is highly likely that they will be used for car /boat parking, washing line areas, children play areas. Building 3 has no open space other that the disposal field. The proposal has failed to demonstrate that the density and associated onsite effluent disposal does not compromise public health.* *The development has no landscape buffers and the scale is out of context with the beach side setting of Lancelin.*	The reversing bays have been removed to provide the two northern most units with 200m^2 for a disposal field. Building 3 has a 65 m^2 area of 'play area' adjacent to the coastal reserve. We note two configuration of the subdivision provides a secondary area adjacent to the street which is able to be reserved for use as an area for onsite effluent disposal by flat bed leach drains, either at grade or slightly raised in a planter bed. The AWS FLAT BED LEACH DRAINS is one product anticipated to be used which is considered a trafficable product. The fact that the development proposes only 26% site cover is demonstrative of the ability to adequately accommodate substantial volumes of effluent in a safe an legal manner whilst achieving appropriate setbacks.
Provision 4.8.7.5 Where strata titling is proposed, appropriate management arrangements in a management statement which ensures that all units will be let out for tourism.	No comment was provided; however, a Management Statement was included in the submission.
Provision 4.8.7.9 Proposals for subdivision and development for Residential land uses in the Tourism zone will be determined in accordance with	No comment was provided; however the individual lot sizes have been increased to 700m^2 in response to a separate submission.

Objection A (WAVE HOUSE)	Applicant Response
Residential R12.5 code unless combined with a Tourism proposal.	
Provision 4.8.7.12 To reduce the likelihood of tourism accommodation being used as permanent or semi-permanent accommodation, a maximum length of stay provision of three months in any twelve-month period should apply to the tourism units on all developments. *The design of this development is very different from typical tourism development that may be strata titled but managed as a collective and include communal facilities and services. If the proposed lots were sold separately the strata title act would not require a managing body and Council would have little to no authority to ensure compliance. It is argued that the proposal is a residential development by default and uses the Tourism Zoning under the Town Planning Scheme to achieve a higher density residential development.*	Being physically different from typical tourism development is not a relevant concern, it merely reflects diversity in Holiday Accommodation supply and a progressive approach to delivering a Tourism Accommodation product on a site specifically zoned for tourism purposes. The proposal is for three developable lots. The R12.5 zoning would permit 3.64 dwellings on site with lot areas as are now proposed (increased to 700m^2). A Management Plan was included in the application submitted. Concerns regarding individual letting of Tourist Accommodation Units as a result of individual ownership is unwarranted as a result of advances in booking technology being available to operators of smaller tourist developments. Whilst accommodation could appear to be made available over different booking platforms, all bookings are able to be managed through providers such as 'Little Hotelier,' a central-channel-manager using a pooled inventory method to allow Catherine's Holiday Accommodation to secure bookings with broader distribution across as many booking websites as desired. Each time a booking is made on one of the channels, the inventory on all other sites will be updated in real time. The Little Hotelier software distributes units across over 250 booking channels and is integrated with a 24-hour property management system operating. The software's Front Desk System allows a Manager or other authorised person to check availability, create and edit reservations, create and edit room closures, and check guests in and out from any device at any time. We believe such a booking system being used achieves the intent of the any subsequent requirement for a single central booking management system.
Provision 4.8.7.10 In considering proposals in the Tourism Zone, local government shall have regard for the zone objectives, the scale and bulk of the proposal and its integration with surrounding land uses. *The proposal does not provide sufficient detail to demonstrate that it meets the objectives of the zone and the scale and bulk of the development does*	Justification is submitted with the proposal. We note the following modifications to the R-Codes since the submission was lodged. The relevant changes include: ▪ *On boundary wall permitted to both side boundaries;* ▪ *On boundary walls can be 3.5m high with no average;* ▪ *Building heights for the low side of a skillion roof can be 7m in lieu of 6m; and*

Objection A (WAVE HOUSE)	Applicant Response
not integrate with the surrounding land uses. Six tourism units could be built on the site and still achieve more open space, greater setbacks and less overshadowing. • *The scale and bulk of the buildings are far above what would be anticipated under the R12.5 zoning;* • *The size of the rear battle-ax lots are less than the minimum permitted;* • *The width of the lots are less than the minimum permitted;* • *The parapet wall of the pool enclosure and garage is not permitted under the R12.5 zoning* • *The open space for building 3 (which adjoins existing house to the south) does not meet the required area permitted under the R12.5 zoning.*	▪ *Walls setback at 1m can be 14m in lieu of 9m;* Building height limits have been increased since submission was made. The overall height will remain below that of the wave house. The subject site is zoned Tourism, naturally there will be some disparity in built form expectations if a single dwelling development was anticipated. The lots are not classified as a battle-axe lot as common property is proposed. The provision in table 1 of the R-Codes is not applicable. Lot 'width' is not controlled by the R-Codes, the proposal does not alter the existing lot frontage (which is controlled) as common property is proposed. If assessed against the R-Codes the lots are deemed to comply. Whilst not deemed to comply they are prolific in the local context. Justification is subsequently provided. The proposal is able to use an equal proportion of the common property area to be used in calculating open space. The lot size has increased to 700m^2. The open space is considered deemed to comply.
The proposed development and in-particular the scale of bulk of building (dwelling) 3 will significantly overshadow and have a negative impact to the amenity of the adjoining existing dwelling. See below: *Further detail re overshadowing of my property:* *86B Gingin Road, Lancelin* *Survey strata Lot 2 on Stata Plan 26363* *753m2 land area. Approx 300m2 is driveway* *Overshadowing 257.297m2 proposed* *Overshadowing % = **34% of site area** (including driveway) **56% of site area** (excluding driveway)* ***Max** – **25% of site area under the R Codes*** *Of note balcony and downstairs studio of my property are North facing. I rent the downstairs studios as a separate entity at times, they only have North facing views* *It is the Primary outdoor living area that is affected by the overshadowing*	Overshadowing has been reduced by 8m^2 by removing the eaves from the proposal as it faces south. Using the respondents' calculations, the area of overshadowing is 32.89%, however, the wave house is situated on a 1,318.8m^2 area of land. The 'vehicle access leg' is 9m+ wide and is an area capable of development. The R-Codes do not discount the area of an access leg in determining overshadowing. The actual proposed extent of overshadowing is 18.89%.

Objection A (WAVE HOUSE)	Applicant Response
There is also a plan for solar panels, development will affect efficiency of these panels	 Figure 3 Site area used to determine overshadowing. The proposal has no ability to overshadow the adjoining dwelling such that it has any prospect of shading any roof mounted solar collection devices as feared by the respondent.  Figure 4 Diagram demonstrating overshadowing of roof mounted solar panels in not possible. The claim that the proposal overshadowing the primary outdoor living area appear to be at odds with publicly available holiday rental listing for both properties found online. Please refer to the below.
Concern regarding author of submission.	We suspect the adjoining landowner has engaged the assistance of an employee of the Department of Biodiversity, Conservation and Attractions. This is supported by the submission document's metadata detailing the submission was originally prepared by a Ms 'Mandy Sherring' (refer below) who appears to be an Environmental

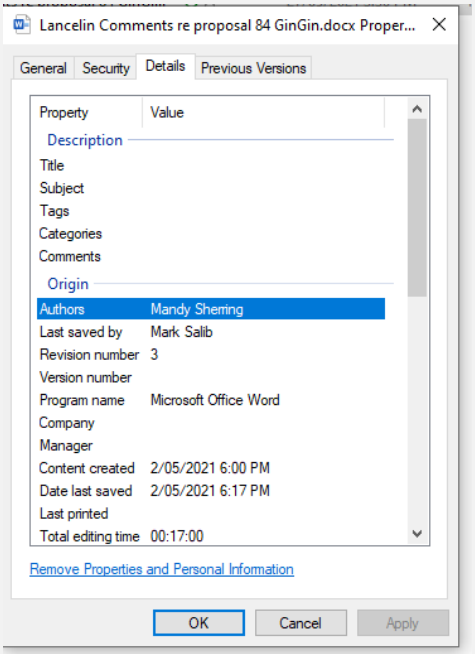
Objection A (WAVE HOUSE)	Applicant Response
	Officer employed at the Department of Biodiversity, Conservation and Attractions. We draw attention to this as the proposal we understand has been referred to this department and introduces doubt to the impartiality of any advice provided in the course of any assessment. 



Figure 5 Elevated perspective of Wavehouse and subject site (left)



Figure 6 View of Wavehouse with subject site on far left, noting the location of the Primary Outdoor living area (foreground) on the opposite side.



Figure 7 View of Wavehouse noting the location of the Primary Outdoor living area on the opposite side of the subject site.



Figure 8 View of Wavehouse with subject site on far right, noting the location of the Primary Outdoor Living Area of the studio, again on the opposite side.



Figure 9 View of the balcony area located on the boundary of the subject site.

Objection 2 (North) Paraphrased	Applicant Response
1. The siting of the proposed development in close proximity to the rear boundary and the coastal reserve. The outcome is such that the proposed development would protrude approximately 12m further forward than the properties to the north, inconsistent with the prevailing alignment of development and the context and character of the area. The development is inconsistent with discretionary planning requirements such as State Planning Policy 7 and Clause 4.8.7.10 of Local Planning Scheme No. 9 which requires Tourism development to be integrated with its surroundings. *The rear setback also causes adverse amenity impacts to our clients' amenity and views from the rear of their dwelling.*	It would appear that the northern adjoining landowners are concerned they will suffer a loss of ocean and beach views to an extent to which they deem 'severe' despite these views being achieved by looking over our client's property and being capable of being landscaped. In furtherance of their objection calling for an increased rear setback they submit a single prevailing setback diagram and two cropped photos from the middle floor balconies of each. These cropped photos conveniently neglect to depict the entirety of the view available. We make the following observations in respect to the graphics prepared by the respondent: 1. The photos focus only on the portions of the view the consider to be lost. 2. We question the accuracy of the projected loss of views. 3. Each dwelling adjoining has a third floor roof deck measuring some 7.5m wide. These roof decks are separated by a 1.6m high privacy screen. The R-Codes do not require privacy screening between adjoining built strata dwellings. 4. The setback to the northern adjoining dwelling balcony is less than the survey indicates and the objector relies upon. 5. The objector claims to lose 1/3 of their views on the basis of 180 degree views being reduced down to 120 degrees. The claim that 180 degree views are available is false as there is no acknowledgement of the curve of the coastline, their own privacy screen installed on the boundary, ignore the fact that there are other dwellings subsequently blocking the views to the ocean/beach, and omits to acknowledge the third level roof deck; and uses a static point hugging the balustrade with which to make the assessment.
2. *The proposed development is inconsistent with State Planning Policy 2.6 – State Coastal Planning Policy as the development is located within an area which is subject to coastal inundation in the next 100 years. There are opportunities on the site to develop outside of this risk area.*	The respondent themselves would be aware that their own accommodation is fully within this 100-year coastal inundation area. In the same fashion as we are proposing, the development will be located on the least vulnerable portion of the site, being the high-ground. The respondent does not appear to raise this issue out of concern for the landowner's asset being at risk, but in pursuit of achieving a development setback from the front boundary and completely out of view from their balconies which face the ocean. We have liaised with the Council and are fully accepting of a condition of development approval being temporary and triggered by future erosion should it transpire and having a notification placed on the title advising future landowners of the following:

Objection 2 (North) Paraphrased	Applicant Response
	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.
3. The proposed development is setback 60m from the street, causing a lack of surveillance and lack of engagement with the street.	The proposal has sought to develop the least vulnerable portion of the lot, being the high ground, which won't be subject to inundation during a storm surge event. Notwithstanding this, the proposal still orientates four major openings facing Gingin Road. The design outcome proposed represents a significant improvement on the presently existing built form. Figure 10 Primary street elevation. Figure 11 Existing primary street interface. Further, we note the proposed development is staged making way for an additional survey strata lot facing the street. The interface with the streetscape as proposed will not be enduring.

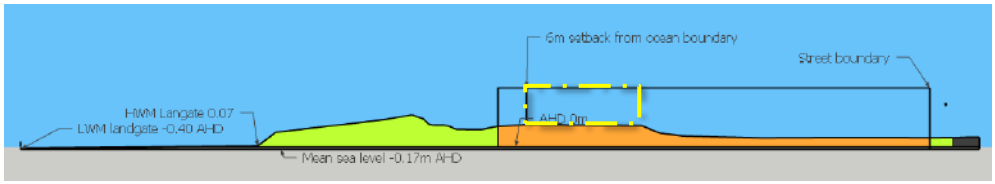


Figure 12 Cross section of the subject site (orange) relative to location of the beach and tidal markers. Area developed outlined in yellow.

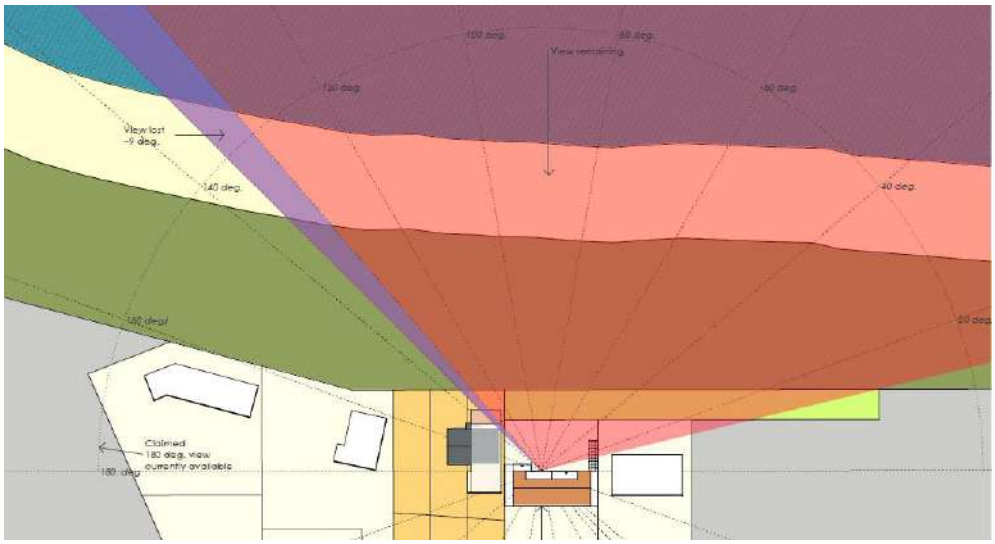


Figure 13 Extract from visual impact assessment.

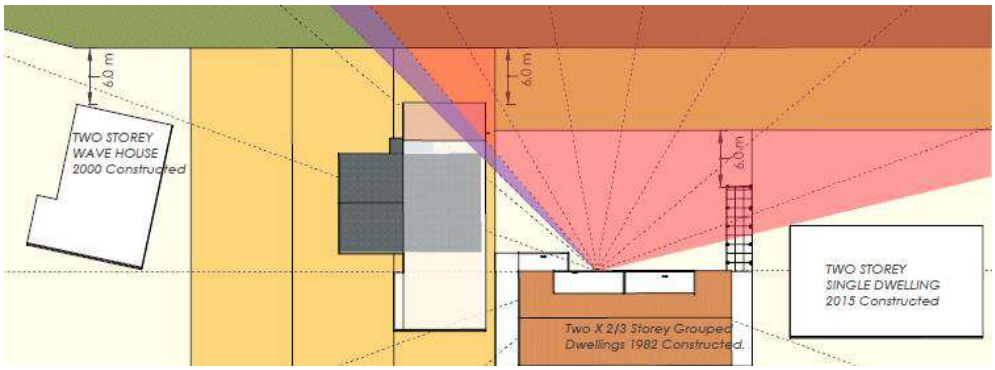


Figure 14 Extract from visual impact assessment.



Figure 1A: Photograph from the balcony of 80A Gingin Road, with a red outline depicting the approximate scale and location of the proposed development.

Figure 15 Respondents claimed impact on views of significance from southern most dwelling. (Courtesy Planning Solutions).

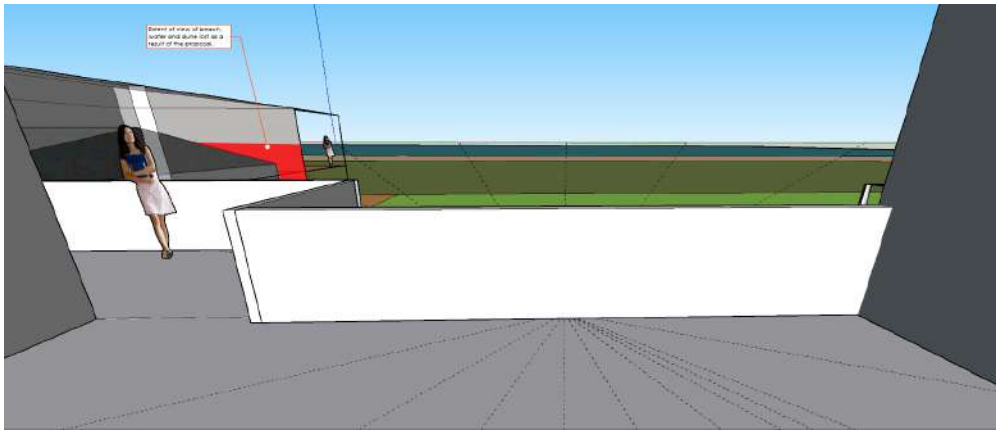


Figure 16 Respondents claimed impact on views of significance contextualised.



Figure 17 Respondents claimed impact on views of significance from southern most dwelling. (Courtesy Planning Solutions).

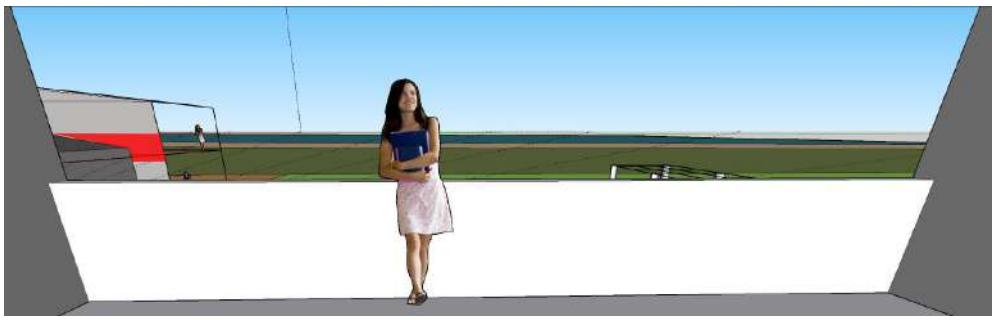


Figure 18 Respondents claimed impact on views of significance contextualised.



Figure 19 Existing view available from northern most dwelling from roof deck.



Figure 20 Existing view available from northern most dwelling from internal living area will remain unaffected.



Figure 21 Respondents claimed prevailing setback to Lancelin Beach. (Courtesy Planning Solutions).



Figure 22 Hemsley Planning's preferred interpretation of prevailing setbacks noting the northern adjoining dwelling forms a substantial outlier.



Figure 23 Hemsley Planning's preferred interpretation of prevailing setbacks noting the northern adjoining dwelling forms a substantial outlier.

Planning Framework

The subject site is zoned Tourism under LPS9. There is no reasonable opportunity to amalgamate the subject site with any adjoining sites to make the site larger. The subject site theoretically supports three (3) Group Dwellings utilising an underlying R12.5 density. The objectives of the Tourism Zone 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.



Figure 24 LPS9 extract depicting zone (Tourism).

Existing Improvements

The existing improvements present on the subject site are summarised as follows:

1. Single fibro dwelling;
2. Two large sheds and outbuilding;
3. Septic tank system.



Figure 25 Aerial view of subject site Nov 2019 (Landgate)

Development Context

Development context is required to be taken into consideration when assessing the compatibility of proposal and the characteristics of the existing and emerging land use mix and built form. The collection of subsequent figures illustrate the physical context of the proposed holiday accomodation. This information has been used to assist with preparation of a Context Plan (enclosed) which we will rely upon in making justification against the Design Principles where relevant.



Figure 26 Streetview of the subject site prior to adjoining tourism development being constructed.



Figure 27 Streetview of the subject site.



Figure 28 Streetview of the subject site.



Figure 29 View of subject site as visible from beach carpark to north.



Figure 30 View of subject site as visible from pedestrian path adjacent to ocean.

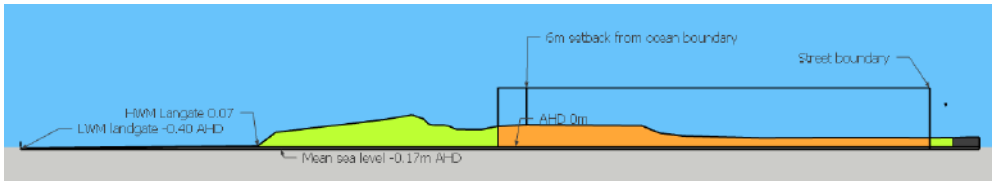


Figure 31 Cross section of the subject site (orange) relative to location of the beach and tidal markers.



Figure 32 Location of site relative to protective offshore coastal features. (Department of Transport October 2012)

LPS9 Land Use

A Caretaker's Dwelling is defined by LPS9 as *a dwelling on the same site as a building, operation, or plant or tourist facility, and occupied by a supervisor of that building, operation or plant or tourist facility*.

Holiday Accommodation is defined by LPS9 as *two or more dwellings on one lot which, by way of trade or business, are made available for occupation by persons, other than the proprietor, for holiday or other temporary purpose*.

Proposed Development

The proponent proposes the completed development will comprise a total of five (5) accommodation units and a single Caretakers Dwelling located within three (3) separate buildings.

The development is designed to have an external built form being visually consistent with the appearance of three (3) residential dwellings. Consistent with this appearance single garages and internalised lobbies are provided such that only a single-entry door is visible to the street. This design approach maintains the streetscape rhythm by not appearing as a commercial development and in keeping with existing and highly valued Lancelin coastal character. The design utilised the existing high ground to achieve the views of significance of the ocean which is a critical aspect to the viability of the proposal as it seeks to provide a premium holiday accommodation product.

All Holiday Accommodation units and the Caretaker's Dwelling will be accommodated within the three (3) individual buildings which will be positioned on individual three (3) survey strata titled lots. The Caretaker's Dwelling will be located on the upper floor of the central Building two. Building one proposes a covered pool area protected from the seabreeze, anticipated to be made available to all guests subject to strict use provisions served to guests upon check-in.

The Holiday Accommodation unit type anticipates family friends, or related parties could rent each floor within either Building one or three, or a single group could rent both levels.

Landscaping

A coastal theme is adopted in the landscaping scheme proposed. The planting palette in this scheme have been selected as they have a high tolerance to wind, salt spray and other harsh coastal conditions. Plant selections are based on *Coastal Gardens - A Planting Guide for the coastal region between Guilderton and Kalbarri.*



Figure 33 Landscape plan proposed.

Sewerage Disposal

The Government Sewerage Policy does not prescribe a minimum lot size for unsewered survey strata and strata lots for grouped dwellings, commercial or industrial development where the built form for each developable lot has been determined and received development approval. Accordingly, a DA is being pursued prior to subdivision with the Shire of Gingin.

The subject is not depicted as being within a sewerage sensitive area. On-site sewerage disposal is proposed as reticulated sewerage is not available in this location. The development proposes each building is serviced by an individual accommodate alternative treatment units (ATU), however the common property area proposed provides a suitable alternative location for the provision of a centralized ATU system which can be accommodated in elevated planter beds and concealed by landscaping.



Figure 34 Government Sewerage Policy Map of Sewerage Sensitive Area extract depicting 'Habitats of specially protected water-dependent fauna, and within 1km of groundwater dependent threatened and priority ecological communities'

Bushfire Risk

A Bushfire Attack Level (BAL) assessment has been prepared (refer enclosed). The bushfire risk is attributable to the coastal vegetation to the immediate west. The BAL level achieved via a 6m rear setback is very manageable BAL-19. As access to the development is located on the opposite side of the coastal vegetation (the risk) via the road, the management of any risk is capable of being adequately achieved in an uncomplicated manner.

Strata Subdivision

The owners of the subject site are simultaneously seeking subdivision approval from the WAPC for a vacant survey strata subdivision as per the staged subdivision plan below. Strata titles being issued prior to development occurring is required outcome for the proposal to be feasible in achieving financing. Individually titling the three (3) SSL's lots prior to development commencing is crucial to the project's viability due to difficulties in securing financing.

The future SSL5 allows for the possibility of a subsequent development of an additional chalet or other holiday accommodation type. In the interim the area will be landscaped and softens the appearance of the development and provides a recreation space which can discretely accommodate ATU in terraced retaining structures, concealed by landscaping.



Figure 35 Proposed plan of subdivision.

Coastal Hazard Risk

The subject site and the proposed infill development has been determined by the Shire's commissioned report to be located within the 100 year coastal hazard line and an 'Accommodation' measures approach is sought from the Coastal Hazard risk management and adaption planning hierarchy. The owners are aware of the Shire's projected coastal hazard risk attributable to the possible long-term effects of sea level rise. In response to this and in defense of the Accommodation approach pursued, we draw attention to the following:

- There is an opportunity to place notifications on the certificate of titles for each SSL as per SPP 2.6 Clause 5.5 (ii) stating '*Vulnerable Coastal Area –This lot is located in a area likely to be subject to coastal erosion and/or inundation over the next 100 years';*
- The subject site is zoned Tourism and forms part of a Tourism Node. The zoning based on the site's immediate proximity to the ocean and views of significance achieved. Proximity and views to the ocean are critical to the viability of high-end, but low density tourism development as proposed;
- The infill development is located on the highest portion of the site which has an AHD of 4.00. While the position of the development is closest to the ocean, it is in fact the least vulnerable portion of the subject site as it would not be subject to inundation as modelled to the extent that the 1.60 AHD balance portion of the site closest to the street; and
- The overall site and individual survey strata lot length both allow for a staged retreat/incremental redevelopment if the assessed in fact risk eventuates as it is not certain to occur. The subject site and design submitted allows for sufficient space to remain available to redevelop should the coastal hazards materialize without suffering the risk of storm surge by being located in the low lying portions of the site.

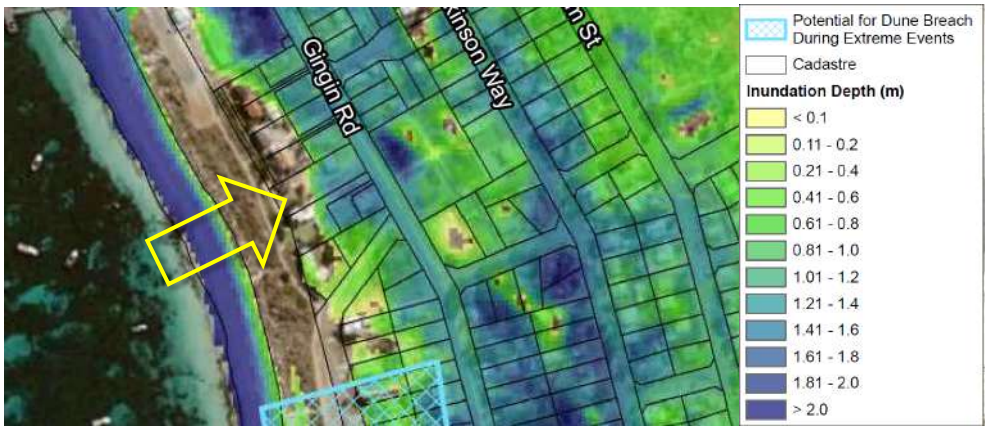


Figure 36 Worst case scenario - Inundation Depth based on peak water level from 500yr ARI design storm in planning year 2120 (includes 0.9m Sea Level Rise Allowance) (Baird). Note the rear portion of the site is at substantial risk of inundation.

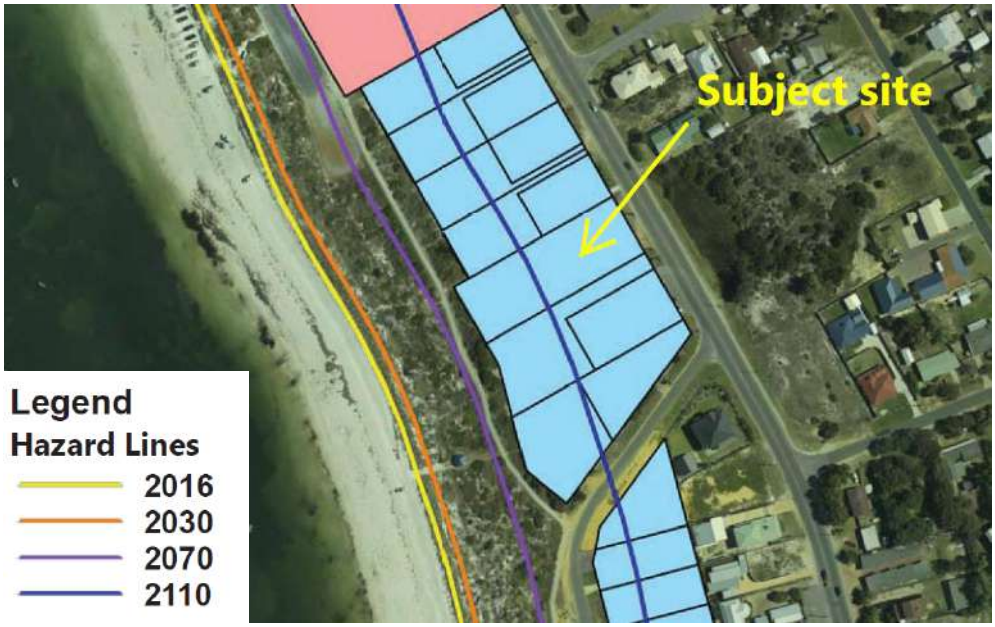


Figure 37 Shire of Gingin Coastal Hazards Map (2019)

Baird points out in its June 2020 report that "[i]*t is important to note that the lines do not represent the shoreline position in future planning periods, rather the area over which the coastal processes have been calculated to potentially act based on the guidelines of SPP2.6.*"

In our view, the inundation mapping based on lidar topography data far more accurately identifies a real risk, whereas the coastal hazard lines are generic and based on distance to the coast rather than factoring finer topographical details.

In summary, the owners are aware of the documented coastal hazard risk, namely the modelled areas of inundation and projected coastal erosion. Collectively, we are firmly of the opinion the proposed development as designed is located on the least vulnerable portion of this site. From discussions with the Shire, we are aware of a recent development application in the Shire which through a resolved SAT process, has resulted in an event limit/triggered development approval. We would be prepared to accept a similar condition of development approval.

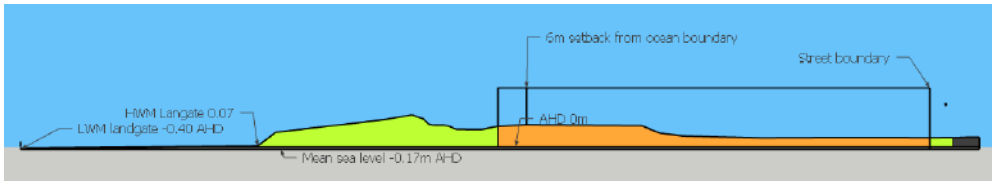


Figure 38 Cross-section of the subject site (orange) relative to location of the beach and tidal markers.

Planning Assessment

The following section outlines aspects of the proposal requiring either clarification or a Design Principle assessment and provides justification against applicable Design Principles, planning objectives, and relevant town planning considerations.

SHIRE OF GINGIN- TOWN PLANING SCHEME NO. 9 - CLAUSE 4.8.7 TOURISM ZONE

Clause	Response
4.8.7.1 Development within the Tourism Zone will comprise a range of land uses set out in the purpose and objectives of the Zone and in the Zoning Table. Dependent upon the use proposed, sites for such developments will normally be identified within or in close proximity to established settlements.	As per the zoning table in the TPS 9, "Holiday Accommodation" is a use not listed. However, in accordance with *Schedule 1 – Dictionary of Defined Words and Expressions,* "Holiday Accommodation" is a use defined. Holiday Accommodation is a use which consistent with the objectives of the Tourism Zone objectives and aspirations of the Local Planning Strategy. The location of the development is consistent with intent of the Scheme map.

Clause	Response
	 Figure 39 TPS9 Map excerpt. Subject site outlined in yellow.
4.8.7.2 Development proposals will be considered by the local government with particular regard to the impact of the proposed development on visual and natural amenity, the availability of reticulated sewerage and/or the suitability of the land for on-site effluent disposal, the provision of sufficient landscape buffers and the density of the development.	The use of neutral colours and materials contributes to the natural and visual amenity and consistent with existing character of the area. The traditional materials used are suitable given the coastal environment and residential zoning to the immediate north. A comprehensive landscaping schedule is proposed which will visually soften the development. Consistent with the approval for the three holiday accommodation units to the south, the subject site is suitable for the onsite disposal of effluent. In addition, these materials combined with the wide and open front elevation also complement the adjacent café (see photo below) and conform to the wider surrounding development character. The visual density of the development is consistent with underlying R12.5 residential development and proximate developments. Given close proximity to the café and the Lancelin Community Centre, the density of the proposed development should be considered appropriate.
4.8.7.3 Those areas of the site providing the highest tourism amenity, e.g. the beachfront, shall be retained for tourism purposes, and not designated for residential use. The maximum proportion of residential units shall be such that the site retains a dominant tourism function and character, and shall be determined by the local government between zero and	As per the requirement of this clause, the proposed Holiday Accommodation development contains six (6) independently occupied units, five (5) of which are dedicated for Holiday Accommodation use. The site located in immediate proximity to the beach and is not considered residential and therefore is complementary to this clause and the Tourism Zone objectives.

Clause	Response
25 per cent inclusive. AMD 14 GG 08/04/16.	
4.8.7.4 Where tourism development with no permanent or semi-permanent residential units is proposed, local government may at its discretion vary the maximum plot ratio imposed. AMD 14 GG 08/04/16	As this development is considered Holiday Accommodation with the exclusion of the upper floor of Building 2.
4.8.7.5 Where strata titling is proposed, appropriate management arrangements in a management statement which ensures that all units will be let out for tourism	A draft management statement is included in this submission.
4.8.7.6 The maximum percentage of residential units/development on site shall comply with the following at all stages of the development: *(a) the proportion of residential units relative to the total number of accommodation units on the site shall be equal to or less than the approved percentage.* *(b) the site area occupied by the residential units, and any areas designated for the specific use of occupiers of those units, relative to the area occupied by the short-stay development shall be equal to or less than the approved percentage. In calculating the area occupied by the two development categories, those facilities available for common*	There is only one proposed residential dwelling (caretaker's dwelling) on the subject site, regardless, this dwelling is incidental to the dominant Holiday Accommodation land use.

Clause	Response
use shall be excluded from the calculation. *(c) that any individual residential unit and as a whole any residential component of such a development shall be of a design and scale that is clearly is subsidiary to the tourism component of the development such that the tourism component remains dominant in all aspects.*	
4.8.7.7 Proposals for offices and reception centres in the Tourism Zone will only be considered where they are incidental to, and support the proposed tourism use on the site.	As this development is considered holiday accommodation, this clause is not applicable.
4.8.7.8 Tourism development that incorporates accommodation and/or reception facilities shall include provision for an onsite manager.	An onsite manager will resident in the central building 2 on the upper floor.
4.8.7.9 Proposals for subdivision and development for Residential land uses in the Tourism zone will be determined in accordance with Residential R12.5 code unless combined with a Tourism proposal.	There is no proposal for subdivision or development of a residential land use.
4.8.7.10 In considering proposals in the Tourism Zone, local government shall have regard for the zone objectives, the scale and bulk of the proposal and its integration with surrounding land uses. AMD 14 GG 08/04/16	As per *Part 3 – Zones and the Use of Land,* 3.2.8 Tourism Zone*;* the proposed Holiday Accommodation increases the opportunity for tourism activity. Furthermore, there is no residential component to the proposal, which is to be considered as supportive of the tourism objectives. The development capitalises upon the natural amenity and proximity to the beach. Harnessing this as a tourism opportunity, the development also appropriately integrates with the surrounding land uses (primarily as it is situated within immediate proximity of Isabella's Cottage Café, and a 5-minute walk to the Have a Chat General Store and the Lancelin IGA (see figure 1 below). In regards to the proposed built-form, the development is of a similar scale and bulk to surrounding developments, especially when considering those developments closer to the beachfront (see figure 2 below).

Clause	Response
4.8.7.11 Local government may, at its discretion, require proposed shared facilities in tourist developments to be established in the first stage of development. AMD 14 GG 08/04/16	Compliant.
4.8.7.12 To reduce the likelihood of tourism accommodation being used as permanent or semi-permanent accommodation, a maximum length of stay provision of three months in any twelve-month period should apply to the tourism units on all developments.	Acknowledged.

R-CODES CLAUSE 5.1.3 C3.1 LOT BOUNDARY SETBACK

Design Principle	Justification
Variations: *Both the north and south lot boundary setbacks require a design principle assessment.*	
P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:	
• reduce impacts of building bulk on adjoining properties;	Any impact perceived to be generated by impacts of the proposed northern elevation is fully mitigated by the lack of any meaningful interface apparent in the northern adjoining dwelling which is designed to be orientated towards the ocean view.
• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and	The articulation provided along the side setback positively benefits the amenity of the adjoining dwellings, reducing the visual impact of the wall on the ground and upper floors.
• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	The impact of the variations are moderated by the use of minor openings which articulate the walls but do not contribute to an unreasonable loss of visual privacy when considering existing overlooking generated by each adjoining dwelling. In terms of ventilation, relative to the direction of prevailing winds, the setbacks achieved to both the north and south are considered sufficient and offer no obstruction to adequate ventilation to either adjoining property nor themselves. A substantial portion of the shadow cast by the proposal is over the southern adjoining dwelling is used for vehicle access. The remaining shadow cast falls short of that

Design Principle	Justification
	dwellings significant OLAs which are located on an upper floor balcony and on the opposite side of that property. The proposal demonstrates design principle compliance with the R-Codes provisions relating to overlooking addressed subsequently in this report.

R-CODES CLAUSE 5.1.3 C3.2 LOT BOUNDARY SETBACK ON BOUNDARY WALLS

Design Principle	Justification
Variations: On-boundary walls are proposed to both adjoining boundaries. **Comment:** The subject site is zoned Tourism. R12.5/R20. An R20 zoning does not require a six (6) metre rear setback. The R20 zoning is triggered upon the provision of reticulated sewerage. On the basis of Local Planning Scheme cl 4.3.2 'development and subdivision in accordance with the higher code (R20) shall be supported where reticulated sewerage is available.' If reticulated sewerage is were made available, there would be no variation.	
P3.2 Buildings built up to boundaries (other than the street boundary) where this:	
• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;	The on-boundary walls proposed allow for larger areas of functionally dimensioned open space as compared to created narrow side setback areas unusable space. These areas are used for effluent disposal and recreation. The application of discretion in determining the on-boundary wall variation, will be of significant benefit to the design of the proposal and whilst lessening the impact on the amenity of adjoining landowners. The areas adjoined by the external on boundary walls are of limited amenity. Each adjoining landowner would reasonably expect to have an on-boundary wall as proposed located adjoining the lot boundary given the R20 split density. Both on boundary walls achieve appropriate separation from the adjoining dwellings openings to avoid impacting natural light and more importantly proximity of OLA's. The on-boundary walls will be not a foreign feature in the immediate context of the proposed development nor will it be an identifiable feature in the completed development owning to its location 60m from the street.
• does not compromise the design principle contained in clause 5.1.3 P3.1;	
• does not have any adverse impact on the amenity of the adjoining property;	
• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and	
• positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.	

Reflective Daylighting Effect

Both adjoining dwellings stand to benefit from the effects of reflective daylighting. To form the opinion that a wall, can only generate a negative impact on access to natural light, fails to consider the principle of reflective building geometry. The figure below illustrates the perpendicular alignment of walls to the boundary and the light-coloured upper-level wall of the proposed

accommodation can and will contribute to access to natural reflective sunlight. A principle which in this instance embraces the separating chasm generated between the proposed and adjoining building on the upper floor. The use of light-coloured renders enhances the access to natural light, particularly for the south eastern adjoining dwelling.

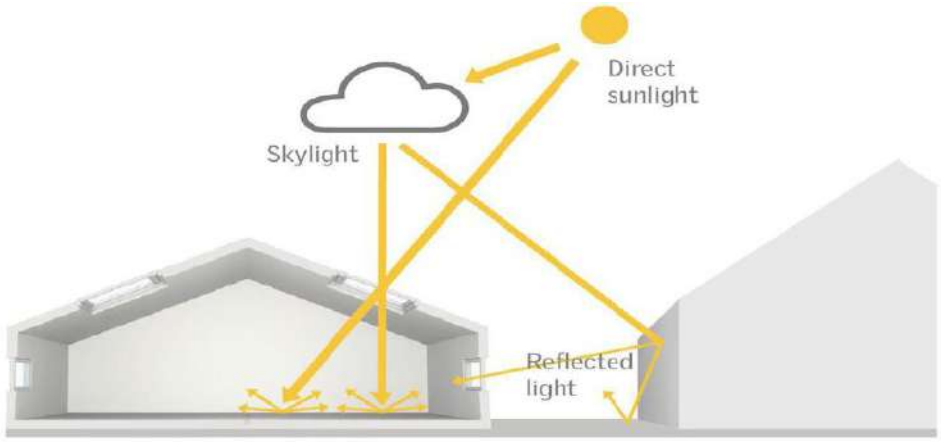


Figure 40 Reflective daylighting effect. The design will be able to deliver reflective sunlight to the existing adjoining dwelling.

R-CODES CLAUSE 5.4.1 VISUAL PRIVACY

Design Principle	Justification
Variations: *In response to objections raised by the northern adjoining landowner, the solid wall located on the northern building's balcony and OLA has been removed. Overlooking now occurs to the yard area of the northern adjoining dwelling as it adjoins the beach reserve.*	
P1.1 Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:	
• building layout and location; • design of major openings; • landscape screening of outdoor active habitable spaces; and/or • location of screening devices.	The elevated position of the subject site will result in an attractive and distant view to the ocean which will strongly focus the eye beyond the adjoining lot such that the outlook will be orientated away from adjoining properties. The design does not impose on the visual privacy of the adjoining lots being that the section of adjoining property able to be viewed is not outdoor living areas and is somewhat visible from the path adjacent to the rear boundaries. We consider further screening measures in addition to those already specified would result in much diminished amenity of the accommodation and would have detrimental impact in terms of obstruction of views affecting the adjoining dwelling.
P1.2 Maximum visual privacy to side and rear boundaries through measures such as:	
• offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;	Any impact perceived to be generated by impacts of the proposed major opening on the UF balcony of the proposal will be fully mitigated by the lack of any meaningful

Design Principle	Justification
• building to the boundary where appropriate; • setting back the first floor from the side boundary; • providing higher or opaque and fixed windows; and/or • screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).	interface apparent in the northern adjoining dwelling which has nominated significant setback from the rear boundary. The specification of a major openings as proposed is a a result of the objection relating to obstruction of views which the proponent has gone to significance length to subsequently mitigate and demonstrate the minor nature of the impact. The proposal has located openings to avoid overlooking and to ensure the overlooking proposed is oblique and indirect. Whilst screening devices would provide a DTC outcome, the design has sought to provide surveillance to the pedestrian path The addition of screening devices would be detrimental to both the views of the neighbouring dwellings and sunlight access.

Summary

Hemsley Planning is of the opinion that the proposal is consistent with the local planning framework in respect of land use, development intensity and general amenity streetscape contribution. The proposed development responds to two active frontages, a coastal hazard risk, bushfire risk and a challenging topography whilst ensuring the amenity of adjoining developments is not unreasonably compromised.

The proposal presents an example of good design outcomes achieved on a site with significant development constraints which will assist in the Towns economic recovery and focus on tourism.

Should clarification on any aspects of this matter, please do not hesitate to contact the undersigned on 0415 337 100 or by email at alex@hplanning.com.au.

Kind regards

Alex Hemsley

Director | Principal Planner

BA Urban & Regional Planning (Curtin) LGPA



Project

Holiday Accomodation
84 (lot 9) Gingin Road
Lancelin
Shire of Gingin

Scale

1:500 @ A3

5 10

Prepared for illustrative and planning justification purposes only. Whilst all efforts are made to ensure accuracy, all areas and dimensions are subject to detail design and survey.

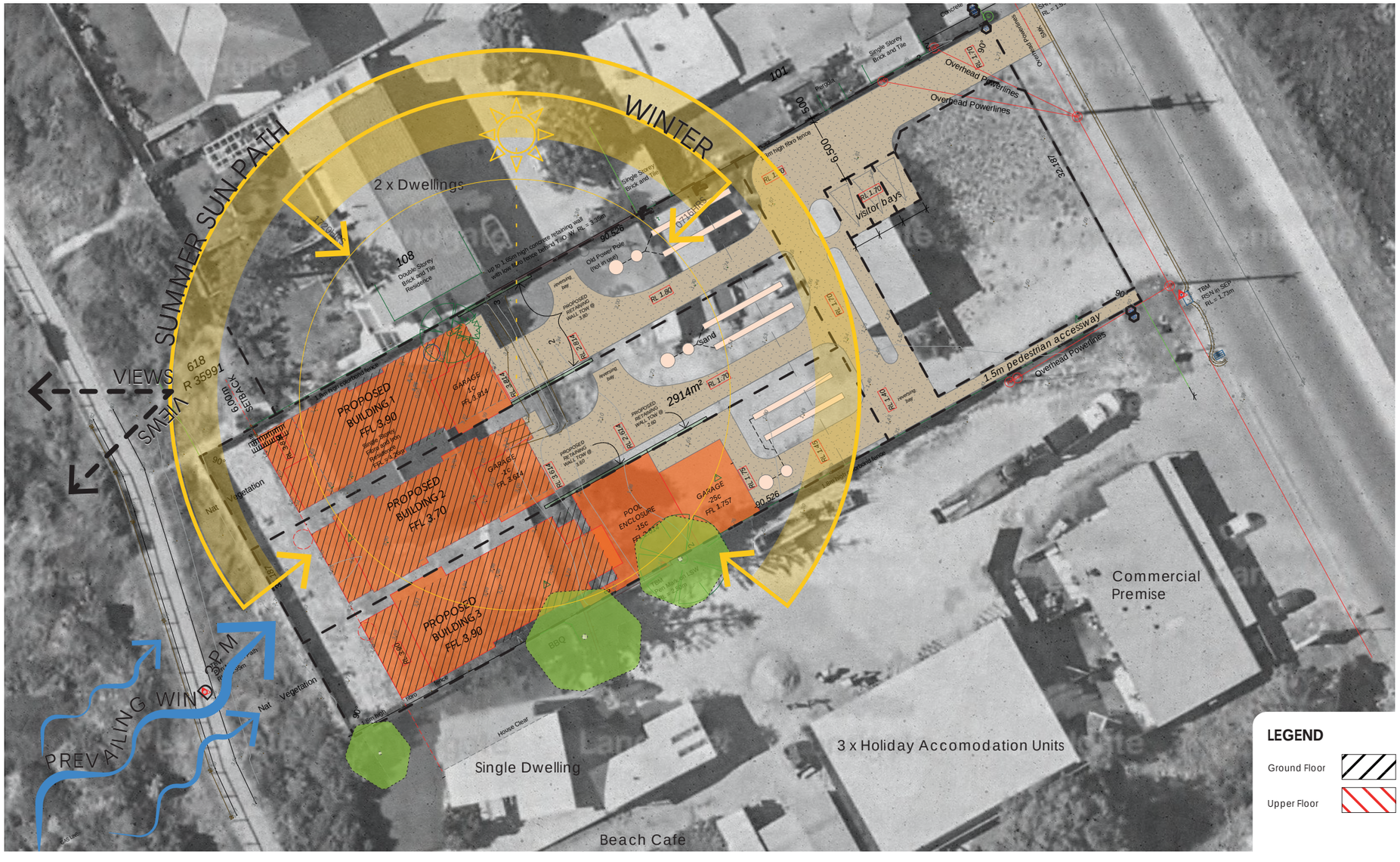
CONTEXT PLAN & SITE ANALYSIS

Job No.
J000N/A

Revision
1A

04/02/2020

hemsley planning



Project

Holiday Accomodation
84 (lot 9) Gingin Road
Lancelin
Shire of Gingin

Scale

1:250 @ A3

2.5 5

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CONTEXT PLAN & SITE ANALYSIS

Job No.
J000N/A

Revision
1A
04/02/2020

hemsley planning

CATHERINE'S BEACHSIDE HOLIDAY ACCOMODATION

DEVELOPMENT APPLICATION

LOT 9 (#84) GINGIN ROAD
LANCELIN
SHIRE OF GINGIN



DESIGN/DRAFTING

riccadonna design
m : 0417 974 215
e : riccad@bigpond.net.au

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N

shopping precinct 400m

LOCALITY PLAN
1:555.56

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

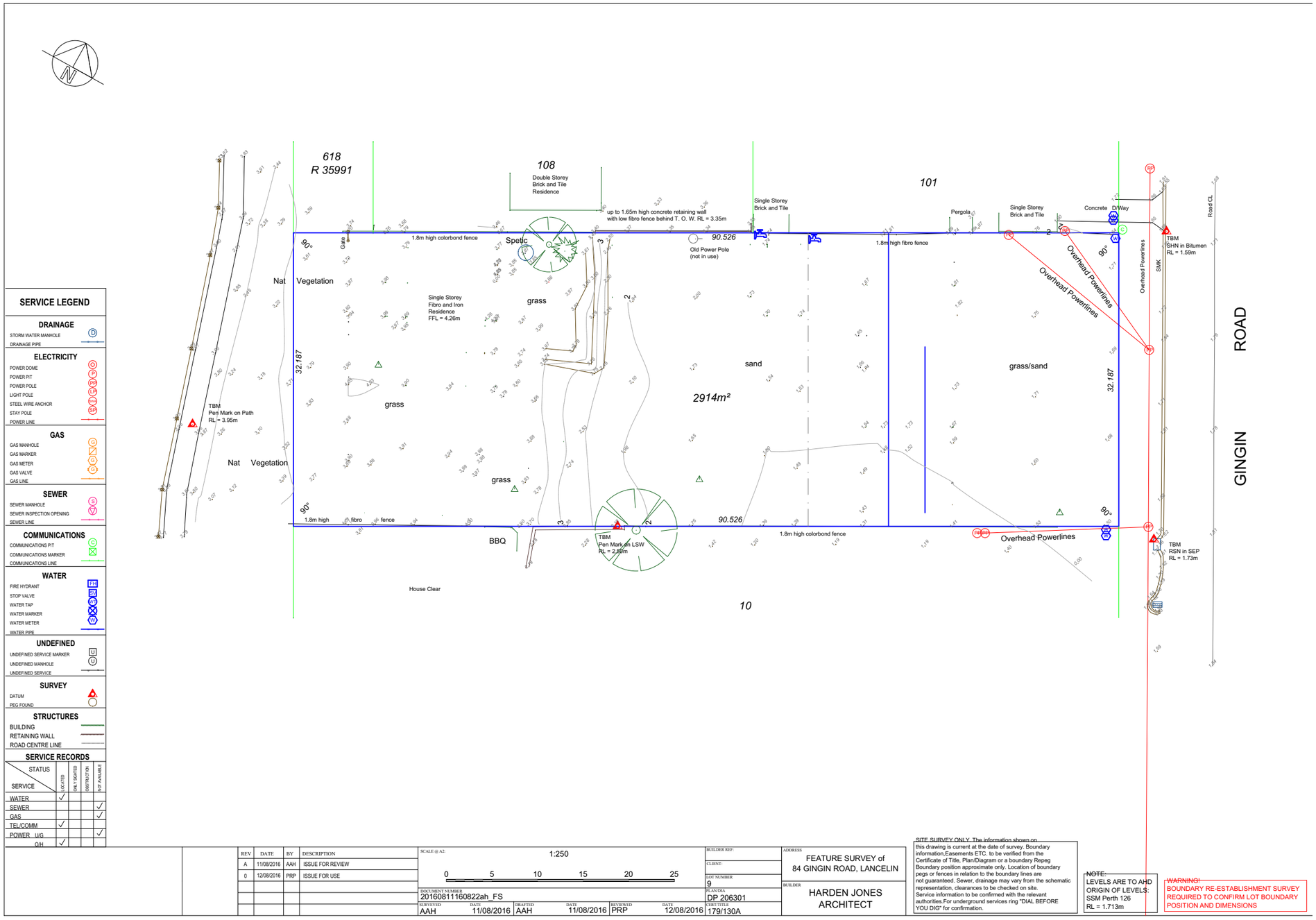
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LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE: LOCALITY PLAN
DRAWN: RICCADONNA DESIGN
SCALE: AS SHOWN
STATUS: DEVELOPMENT APPLICATION
REVISION: B
PUBLISH DATE: Sunday, 18 July 2021
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AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION

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e : riccad@bigpond.net.au

SHEET 1 of 23



SERVICE LEGEND

DRAINAGE
- STORM WATER MANHOLE (D)
- DRAINAGE PIPE

ELECTRICITY
- POWER DOME (O)
- POWER PIT (P)
- POWER POLE (PP)
- LIGHT POLE (LP)
- STEEL WIRE ANCHOR (W)
- STAY POLE (SP)
- POWER LINE

GAS
- GAS MANHOLE (G)
- GAS MARKER
- GAS METER (GM)
- GAS VALVE (GV)
- GAS LINE

SEWER
- SEWER MANHOLE (S)
- SEWER INSPECTION OPENING (SIO)
- SEWER LINE

COMMUNICATIONS
- COMMUNICATIONS PIT (C)
- COMMUNICATIONS MARKER
- COMMUNICATIONS LINE

WATER
- FIRE HYDRANT (FH)
- STOP VALVE (SV)
- WATER TAP (WT)
- WATER MARKER
- WATER METER (WM)
- WATER PIPE

UNDEFINED
- UNDEFINED SERVICE MARKER (U)
- UNDEFINED MANHOLE (U)
- UNDEFINED SERVICE

SURVEY
- DATUM
- PEG FOUND

STRUCTURES
- BUILDING
- RETAINING WALL
- ROAD CENTRE LINE

SERVICE RECORDS

SERVICE \ STATUS	LOCATED	ON X SERVICE	DISTRIBUTION	NOT AVAILABLE
WATER	✓			
SEWER				✓
GAS				✓
TEL/COMM	✓			
POWER U/G				✓
O/H	✓			

REV	DATE	BY	DESCRIPTION
A	11/08/2016	AAH	ISSUE FOR REVIEW
0	12/08/2016	PRP	ISSUE FOR USE

SCALE @ A2: 1:250
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DOCUMENT NUMBER: 20160811160822ah_FS

SURVEYED	DATE	DRAFTED	DATE	REVIEWED	DATE
AAH	11/08/2016	AAH	11/08/2016	PRP	12/08/2016

BUILDER REF:
CLIENT:
LOT NUMBER: 9
PLAN/DIA: DP 206301
CERT/TITLE: 179/130A

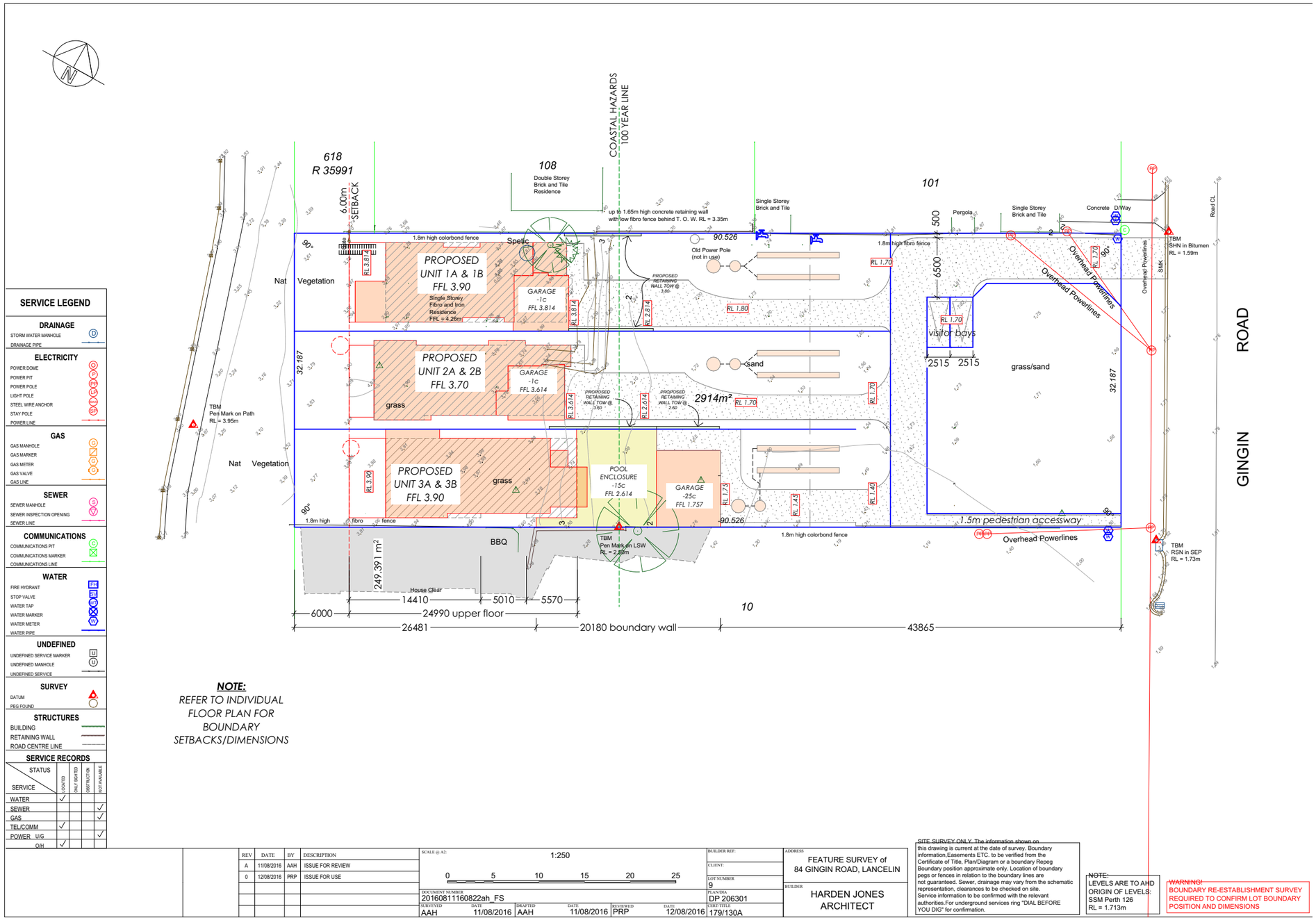
ADDRESS: FEATURE SURVEY of 84 GINGIN ROAD, LANCELIN

BUILDER: HARDEN JONES ARCHITECT

SITE SURVEY ONLY. The information shown on this drawing is current at the date of survey. Boundary information,Easements ETC. to be verified from the Certificate of Title, Plan/Diagram or a boundary Repeg Boundary position approximate only. Location of boundary pegs or fences in relation to the boundary lines are not guaranteed. Sewer, drainage may vary from the schematic representation, clearances to be checked on site. Service information to be confirmed with the relevant authorities.For underground services ring "DIAL BEFORE YOU DIG" for confirmation.

NOTE:
LEVELS ARE TO AHD
ORIGIN OF LEVELS:
SSM Perth 126
RL = 1.713m

~~WARNING!~~
~~BOUNDARY RE-ESTABLISHMENT SURVEY~~
~~REQUIRED TO CONFIRM LOT BOUNDARY~~
~~POSITION AND DIMENSIONS~~



SERVICE LEGEND

DRAINAGE
STORM WATER MANHOLE
DRAINAGE PIPE

ELECTRICITY
POWER DOME
POWER PIT
POWER POLE
LIGHT POLE
STEEL WIRE ANCHOR
STAY POLE
POWER LINE

GAS
GAS MANHOLE
GAS MARKER
GAS METER
GAS VALVE
GAS LINE

SEWER
SEWER MANHOLE
SEWER INSPECTION OPENING
SEWER LINE

COMMUNICATIONS
COMMUNICATIONS PIT
COMMUNICATIONS MARKER
COMMUNICATIONS LINE

WATER
FIRE HYDRANT
STOP VALVE
WATER TAP
WATER MARKER
WATER METER
WATER PIPE

UNDEFINED
UNDEFINED SERVICE MARKER
UNDEFINED MANHOLE
UNDEFINED SERVICE

SURVEY
DATUM
PEG FOUND

STRUCTURES
BUILDING
RETAINING WALL
ROAD CENTRE LINE

SERVICE RECORDS

SERVICE \ STATUS	LOCATED	ONLY SEARCHED	OBSTRUCTION	NOT AVAILABLE
WATER	✓			
SEWER				✓
GAS				✓
TEL/COMM	✓			
POWER U/G				✓
O/H	✓			

NOTE:
REFER TO INDIVIDUAL FLOOR PLAN FOR BOUNDARY SETBACKS/DIMENSIONS

REV	DATE	BY	DESCRIPTION
A	11/08/2016	AAH	ISSUE FOR REVIEW
0	12/08/2016	PRP	ISSUE FOR USE

SCALE @ A2: 1:250
0 5 10 15 20 25
DOCUMENT NUMBER: 20160811160822ah_FS
SURVEYED: AAH 11/08/2016 | DRAFTED: AAH 11/08/2016 | REVIEWED: PRP 12/08/2016

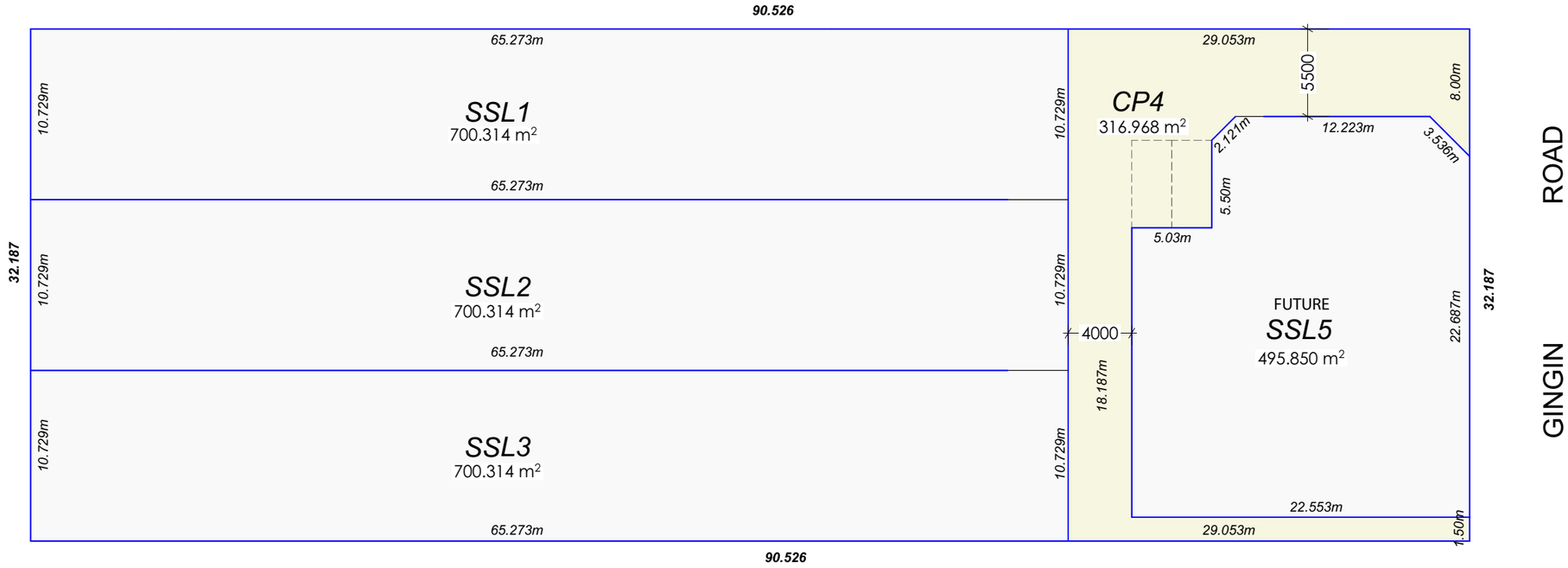
BUILDER REF:
CLIENT:
LOT NUMBER: 9
PLAN/DIA: DP 206301
CERT/TITLE: 179/130A

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BUILDER: HARDEN JONES ARCHITECT

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NOTE:
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ORIGIN OF LEVELS:
SSM Perth 126
RL = 1.713m

WARNING!
BOUNDARY RE-ESTABLISHMENT SURVEY REQUIRED TO CONFIRM LOT BOUNDARY POSITION AND DIMENSIONS



PROPOSED SUBDIVISION
1:250

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
PROPOSED SUBDIVISION

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

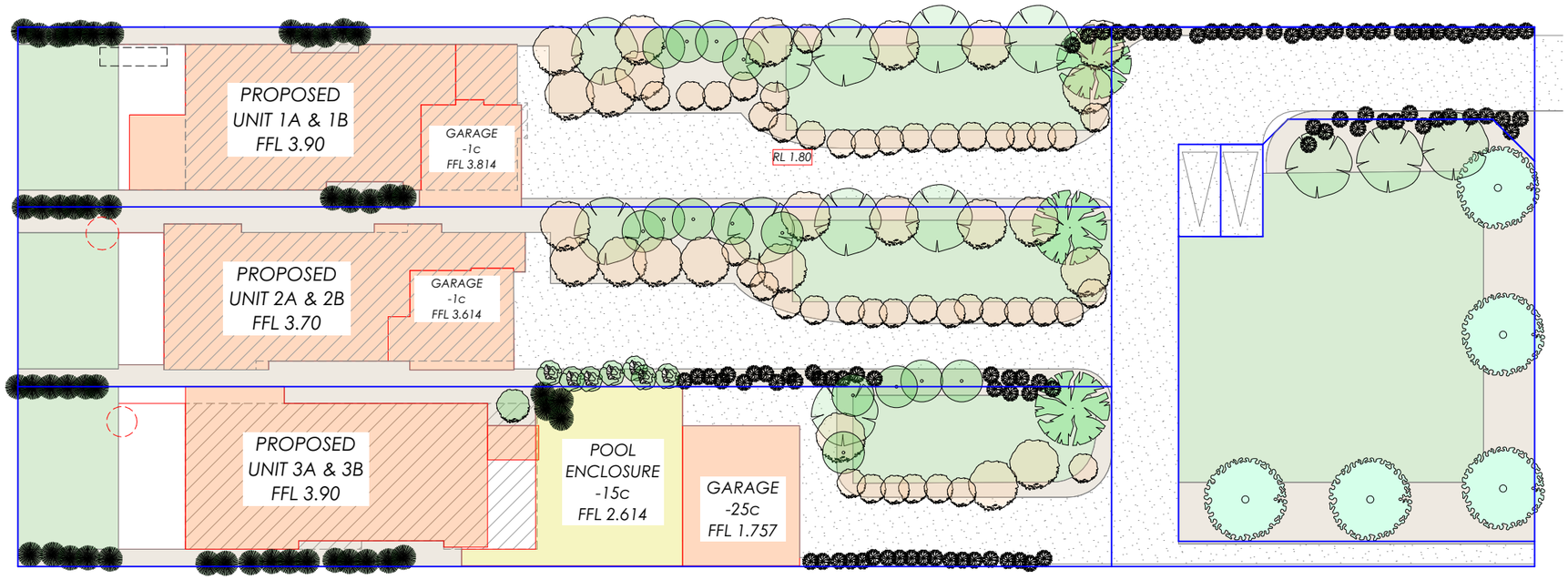
PUBLISH DATE:
Sunday, 18 July 2021

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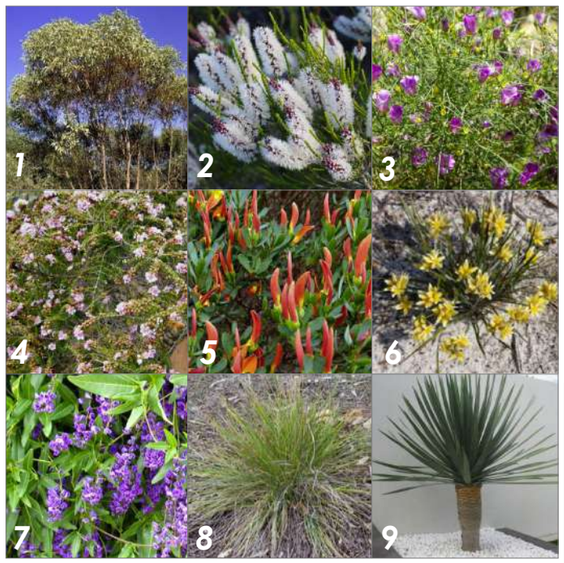
AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION

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e : riccad@bigpond.net.au

SHEET 4 of 23



LANDSCAPING PLAN
1:250



LANDSCAPING LEGEND

1 Dongara Mallee - Eucalyptus Obtusiflora

2 Chenille Honey Myrtle - Melaluca Huegelii

3 Native Hibiscus - Alyogyne Hakeifolia

4 Coastal Thryptomene - Thryptomene Baeckeacea

5 Cockies Tounges - Templetonia Retusa

6 Grey Cottonheads - Conostylis Candicans

7 Native Wisteria - Hardenbergia Comptoniana

8 Lomandra Maritima

9 Dragon Tree - Draceana Draco

10 Pinebark - Mulch

11 Lawn - Velvetene

N

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
LANDSCAPING PLAN

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

PUBLISH DATE:
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SHEET 5 of 23



OVERSHADOWING PLAN
1:500

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
OVERSHADOWING PLAN

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

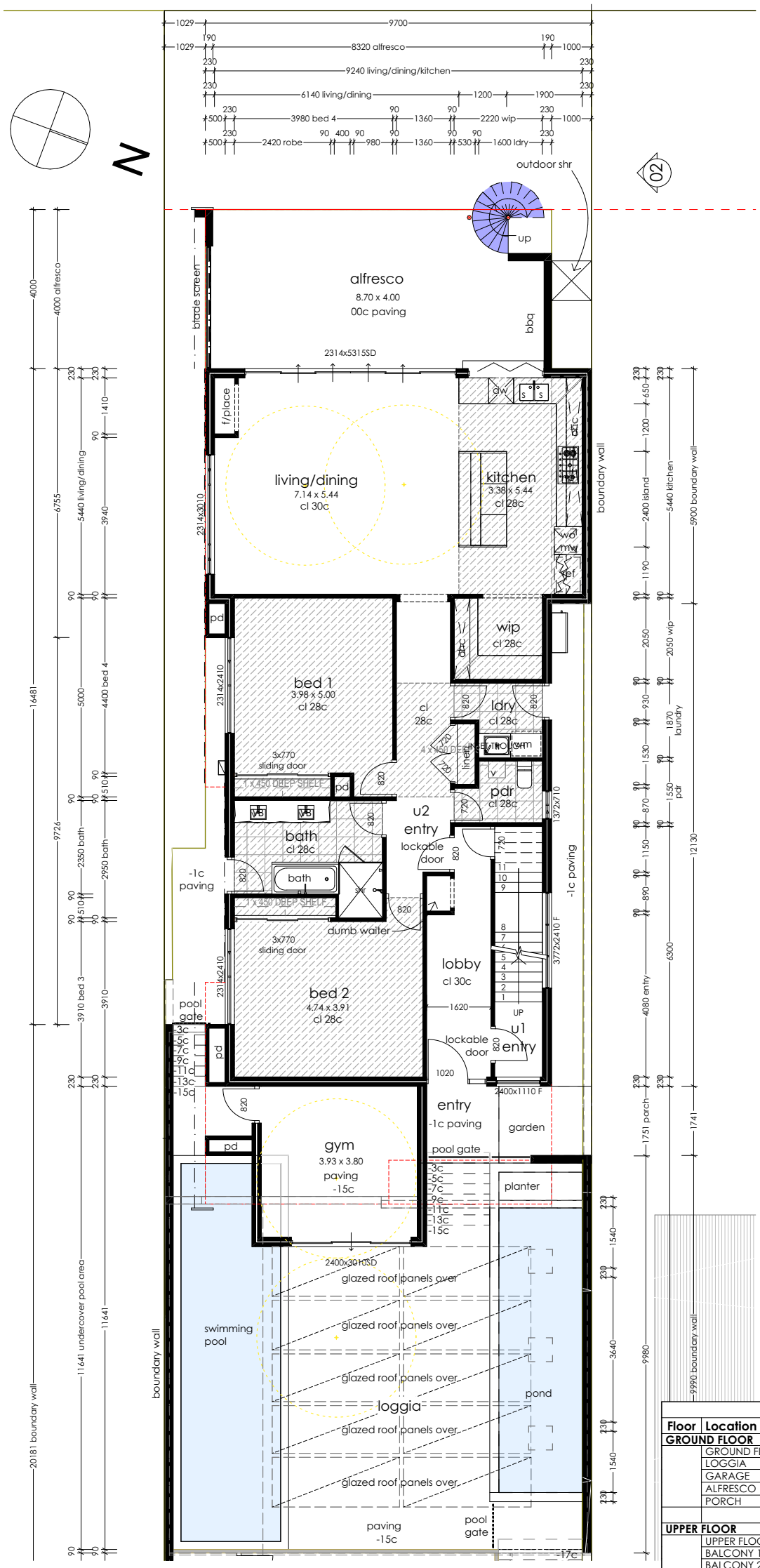
PUBLISH DATE:
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AMENDMENTS:
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SHEET 6 of 23



BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

1. ALUMINIUM MESH FLYSCREENS OVER ALL WINDOW AND SLIDING DOOR OPENINGS
2. FLYSCREENS FITTED EXTERNALLY AND SHALL HAVE A MAXIMUM APERTURE OF 2mm
3. 5MM TOUGHENED OR LAMINATED GLASS TO ALL WINDOWS WITHIN 400mm OF THE GROUND, DECK OR CARPORT ROOF THROUGHOUT
4. 2MM WEEPHOLES TO BRICKWORK
5. AWNING WINDOWS TO HAVE INTERNAL ALUMINIUM FLYSCREENS
6. ALL DOORS MUST BE BEHIND SCREEN OR TO BE NON-COMBUSTIBLE OR A SOLIDCORE DOOR
7. EMBER SEAL TO THE GARAGE DOOR AND ANY PART OF THE DOOR WITHIN 400mm OF THE GROUND MUST BE MADE OF A NON- COMBUSTIBLE MATERIAL
8. NON-COMBUSTIBLE MESH COVERS TO FLUMES/WALL VENTS
9. ALL ROOF PENETRATIONS MUST HAVE NO GAPS GREATER THAN 3mm, AND BE SEALED BY A NON-COMBUSTIBLE MATERIAL
10. ALL EXTERNAL WALL JOINTS SHALL BE SEALED OR COVERED TO PREVENT GAPS GREATER THAN 3mm
11. 50mm GLASSWOOL BLANKET TO ENTIRE ROOF (COLORBOND ROOF)
FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME (TILED ROOF)

UNIT 3A

Floor Areas			
Floor	**Location**	**Area**	**Perimeter**
GROUND FLOOR			
	GROUND FL...	446.73	182876
	LOGGIA	102.02	52714
	GARAGE	134.19	82747
	ALFRESCO	72.94	63000
	PORCH	8.57	17055
		764.45 m²	
UPPER FLOOR			
	UPPER FLOOR	508.41	181780
	BALCONY 1	89.27	73166
	BALCONY 2	14.60	23460
		612.28 m²	
		1376.73 m²	

GROUND FLOOR
1:100

SHEET 7 of 23

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e: riccard@bigpond.net.au

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT: **EMERY/de GRUSSA**
SITE ADDRESS: LOT 9 (No 84) GINGIN ROAD LANCELIN

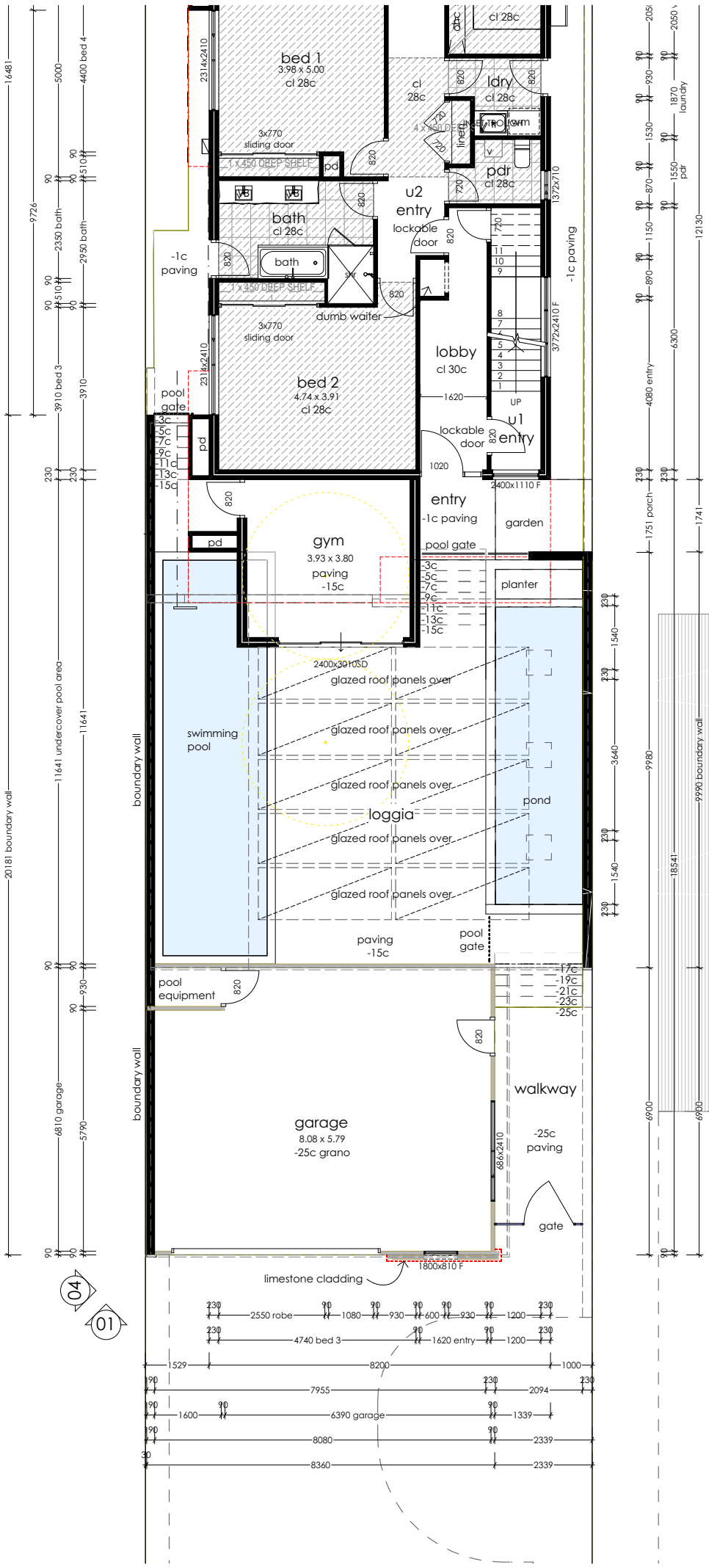
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DRAWN: RICCADONNA DESIGN
STATUS: DEVELOPMENT APPLICATION
PUBLISH DATE: Sunday, 18 July 2021
SCALE: AS SHOWN
REVISION: B
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AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION

BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

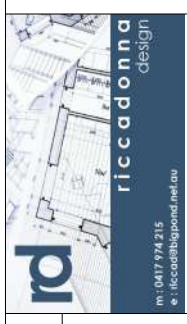
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    FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME (TILED ROOF)

UNIT 3A



UND FLOOR

SHEET 8 of 23



PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT: **EMERY/de GRUSSA**

SITE ADDRESS: LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE: U3A & U3B GROUND FLOOR 2

DRAWN: RICCADONNA DESIGN

STATUS: DEVELOPMENT APPLICATION

PUBLISH DATE: Sunday, 18 July 2021

SCALE: AS SHOWN

REVISION: B

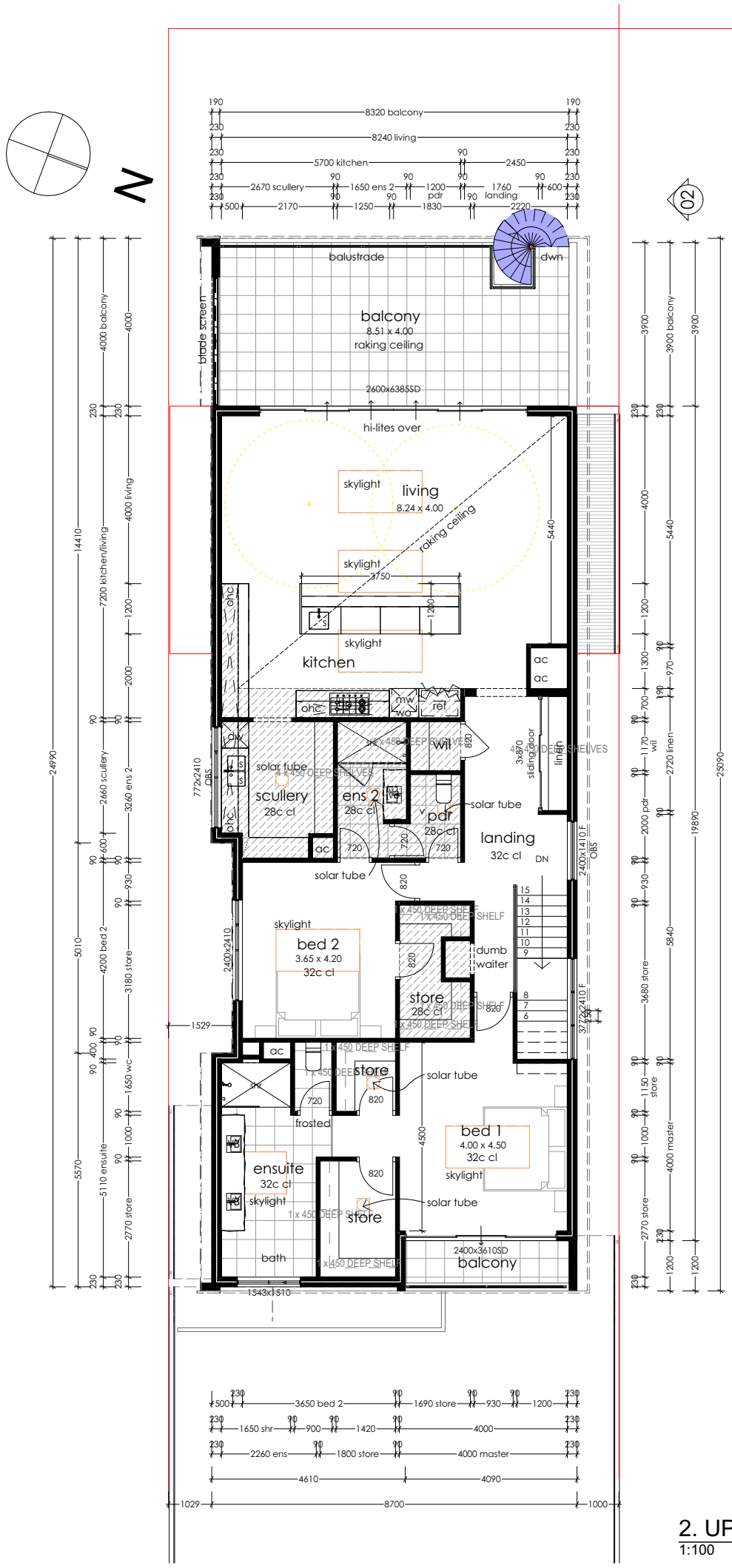
AMENDMENTS:
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BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

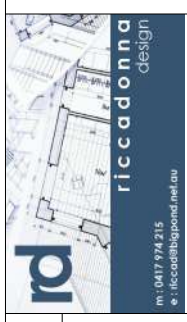
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FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME (TILED ROOF)

UNIT 3B



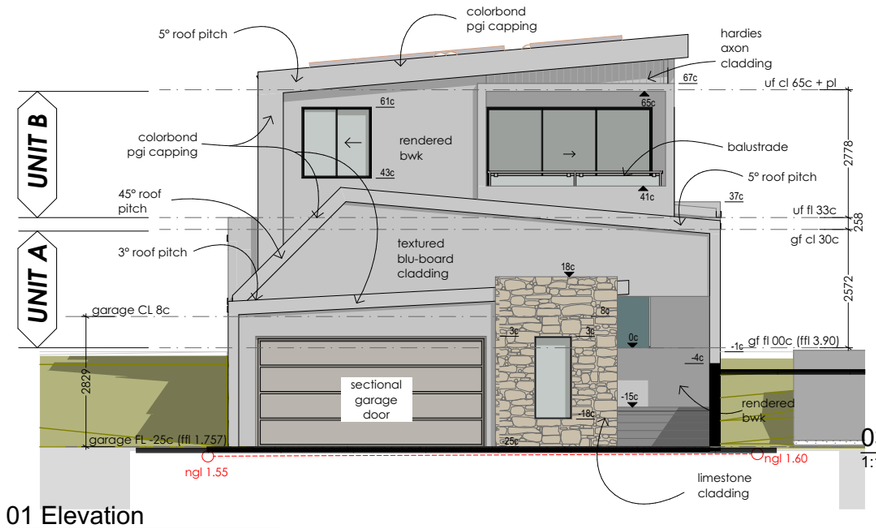
2. UPPER FLOOR
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SHEET 9 of 23

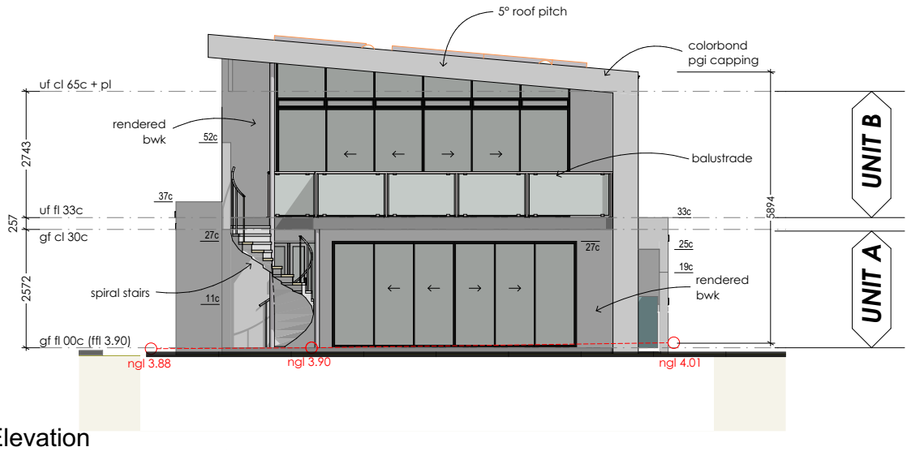


PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

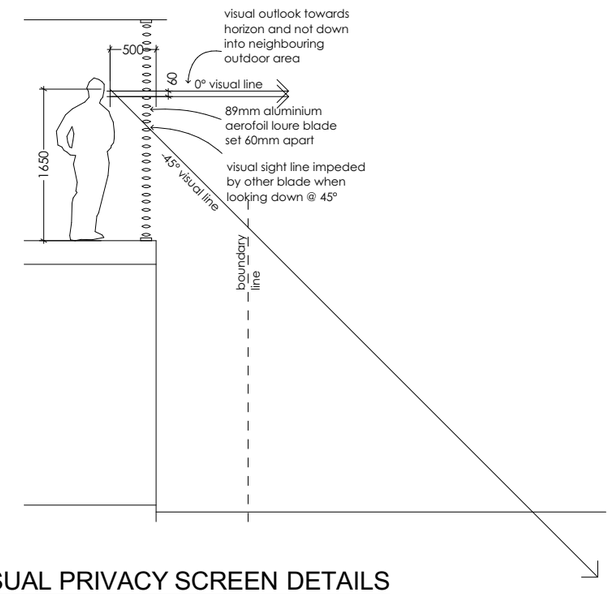
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SITE ADDRESS: LOT 9 (No 84) GINGIN ROAD LANCELIN
DRAWING TITLE: U3A & U3B UPPER FLOOR
DRAWN: RICCADONNA DESIGN
STATUS: DEVELOPMENT APPLICATION
PUBLISH DATE: Sunday, 18 July 2021
SCALE: AS SHOWN
REVISION: B
AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION
C:\Users\CLAIRE\CLAIRE WORK\84 GINGIN ROAD LANCELIN\Catherines Beachside Holiday Accom - DA REV B (1).pln



01 Elevation
1:100



03 Elevation
1:100



VISUAL PRIVACY SCREEN DETAILS

BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

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11. 50mm GLASSWOOL BLANKET TO ENTIRE ROOF (COLORBOND ROOF)
FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME (TILED ROOF)

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
U3A & U3B ELEVATIONS

DRAWN: RICCADONNA DESIGN
SCALE: AS SHOWN
STATUS: DEVELOPMENT APPLICATION
REVISION: B
PUBLISH DATE: Sunday, 18 July 2021

AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION

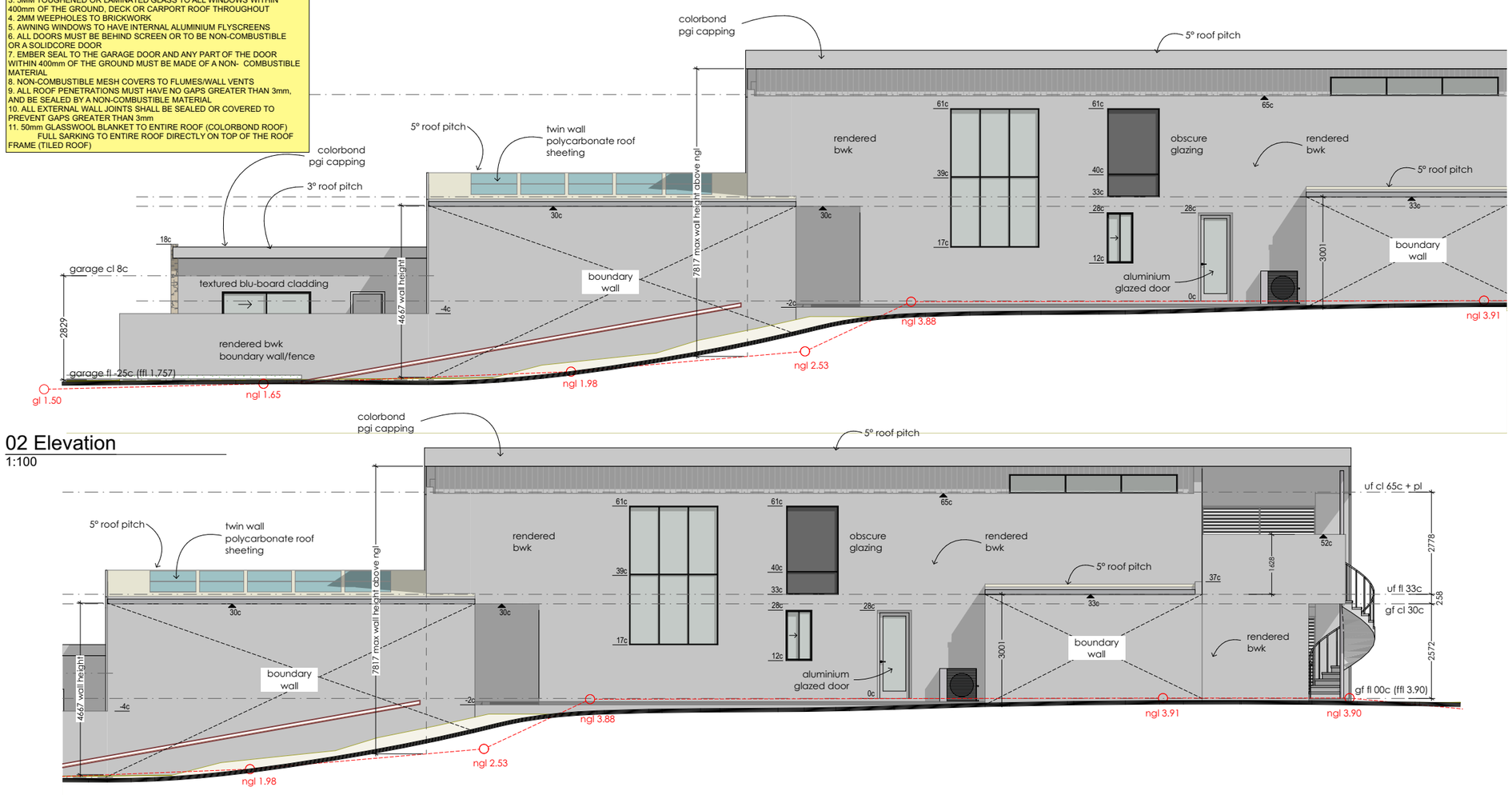
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e : riccad@bigpond.net.au

SHEET 10 of 23

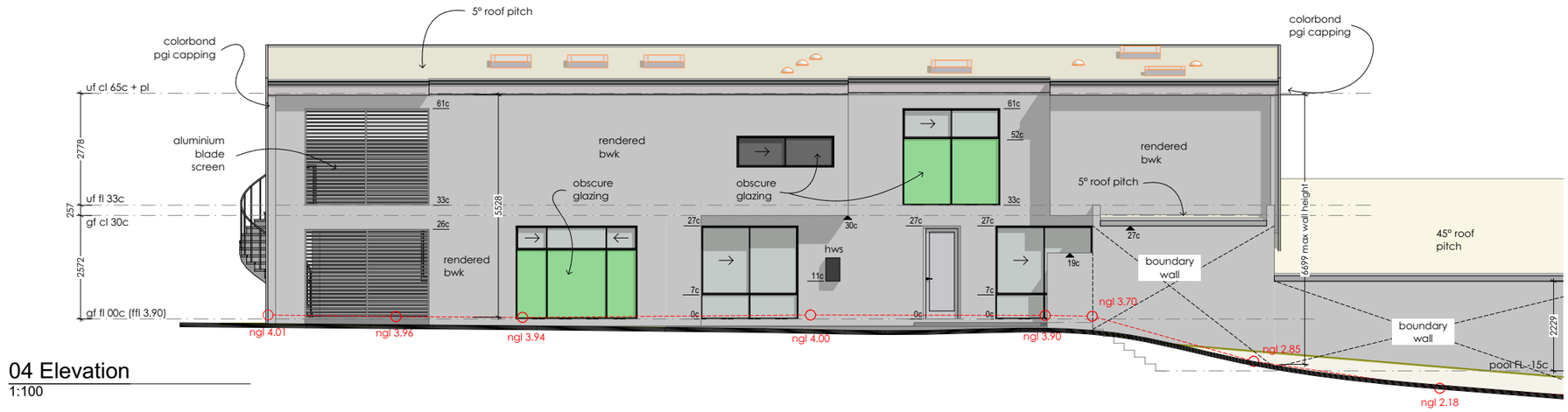
BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

1. ALUMINIUM MESH FLYSCREENS OVER ALL WINDOW AND SLIDING DOOR OPENINGS
2. FLYSCREENS FITTED EXTERNALLY AND SHALL HAVE A MAXIMUM APERTURE OF 2mm
3. 5MM TOUGHENED OR LAMINATED GLASS TO ALL WINDOWS WITHIN 400mm OF THE GROUND, DECK OR CARPORT ROOF THROUGHOUT
4. 2MM WEEPHOLES TO BRICKWORK
5. AWNING WINDOWS TO HAVE INTERNAL ALUMINIUM FLYSCREENS
6. ALL DOORS MUST BE BEHIND SCREEN OR TO BE NON-COMBUSTIBLE OR A SOLIDCORE DOOR
7. EMBER SEAL TO THE GARAGE DOOR AND ANY PART OF THE DOOR WITHIN 400mm OF THE GROUND MUST BE MADE OF A NON- COMBUSTIBLE MATERIAL
8. NON-COMBUSTIBLE MESH COVERS TO FLUMES/WALL VENTS
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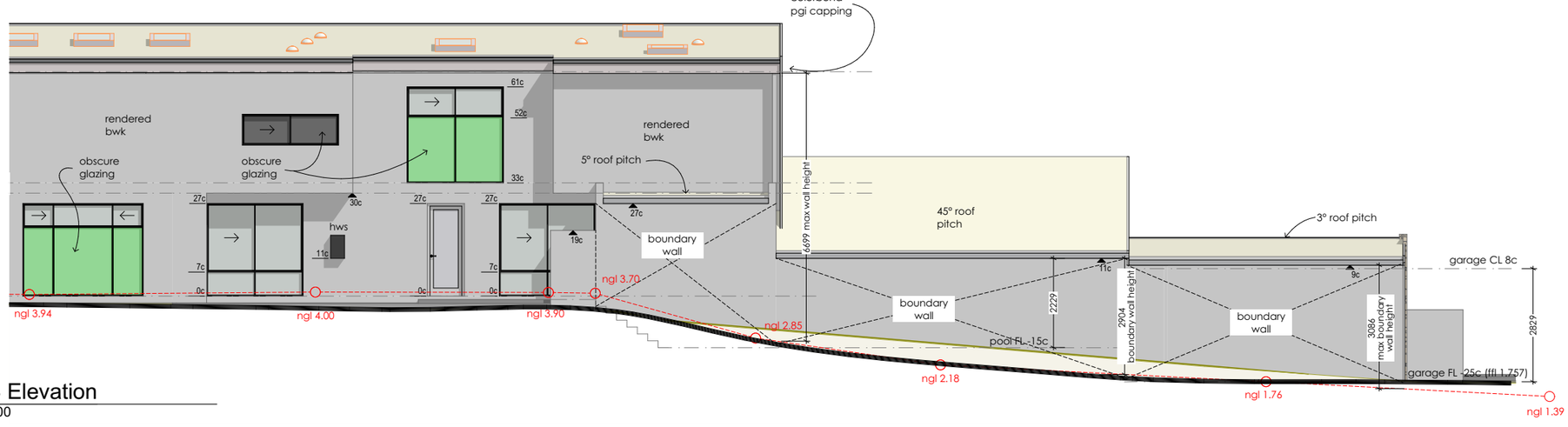


02 Elevation
1:100

)2 Elevation
:100



04 Elevation
1:100



04 Elevation
1:100

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
U3A & U3B ELEVATIONS 3

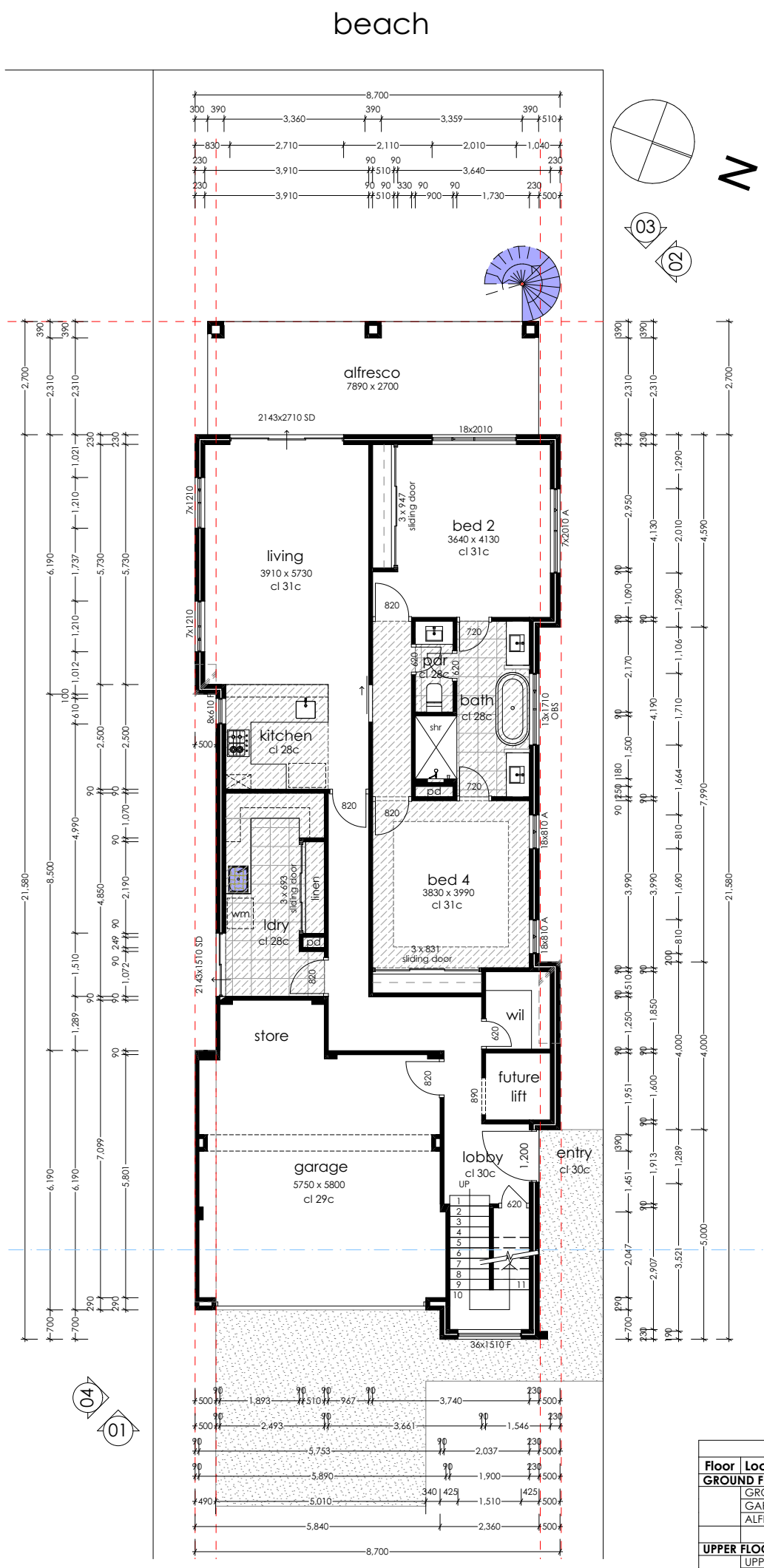
DRAWN: RICCADONNA DESIGN
SCALE: AS SHOWN
STATUS: DEVELOPMENT APPLICATION
REVISION: B
PUBLISH DATE: Sunday, 18 July 2021

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AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION

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GROUND FLOOR
1:100

BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

1. ALUMINIUM MESH FLYSCREENS OVER ALL WINDOW AND SLIDING DOOR OPENINGS
2. FLYSCREENS FITTED EXTERNALLY AND SHALL HAVE A MAXIMUM APERTURE OF 2mm
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FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME (TILED ROOF)

UNIT 2A

Floor Areas			
Floor	**Location**	**Area**	**Perimeter**
GROUND FLOOR			
	GROUND FL...	132.42	62,020
	GARAGE	40.49	27,099
	ALFRESCO	21.30	21,180
		194.21 m²	
UPPER FLOOR			
	UPPER FLOOR	162.48	62,180
	BALCONY 1	19.67	22,366
	BALCONY 2	10.10	13,080
		192.25 m²	
		386.46 m²	

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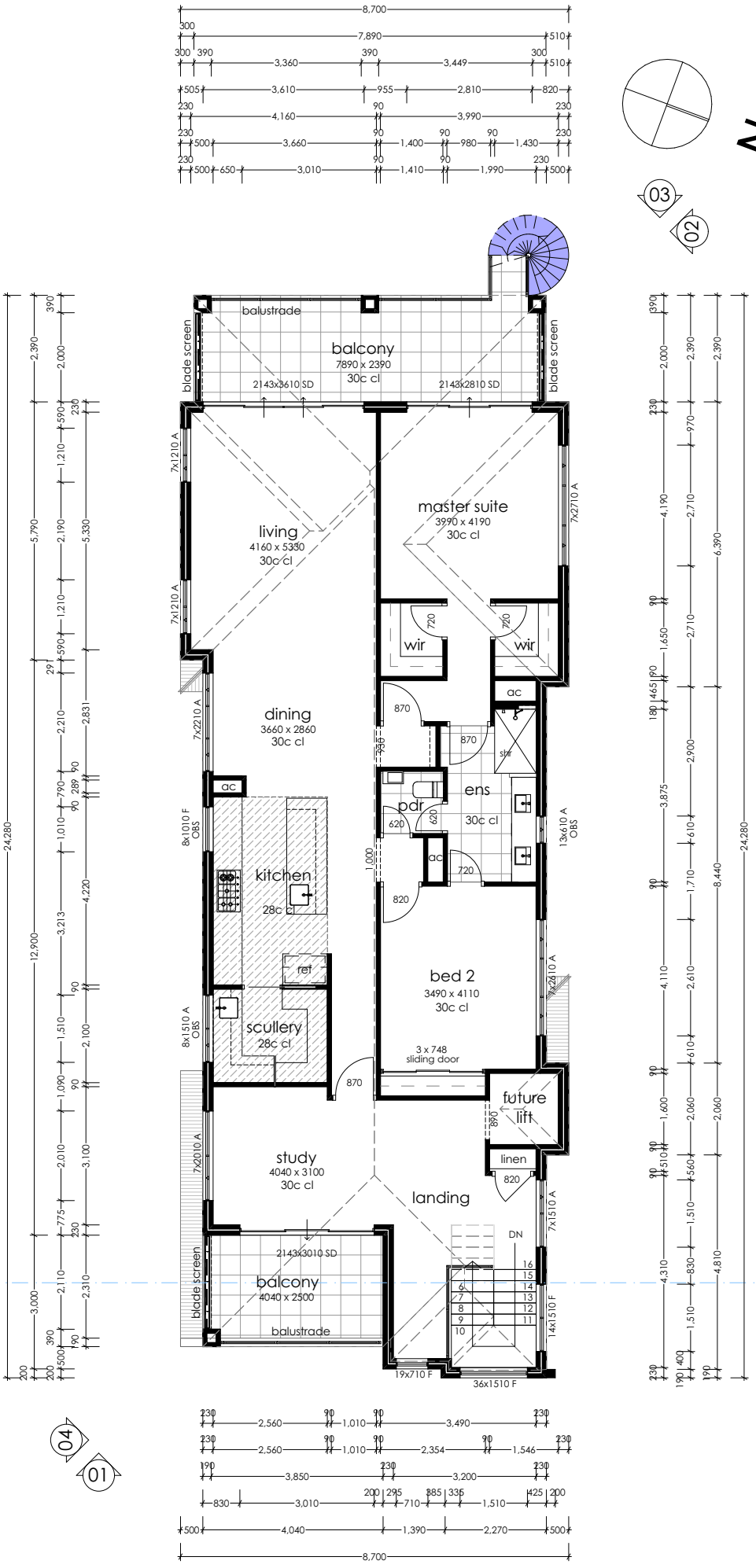
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PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT: **EMERY/de GRUSSA**
SITE ADDRESS: LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE: U2A & U2B GROUND FLOOR
DRAWN: RICCADONNA DESIGN
STATUS: DEVELOPMENT APPLICATION
PUBLISH DATE: Sunday, 18 July 2021
SCALE: AS SHOWN
REVISION: B
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AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION



BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

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11. 50mm GLASSWOOL BLANKET TO ENTIRE ROOF (COLORBOND ROOF) FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME (TILED ROOF)

UNIT 2B
(CARETAKER)

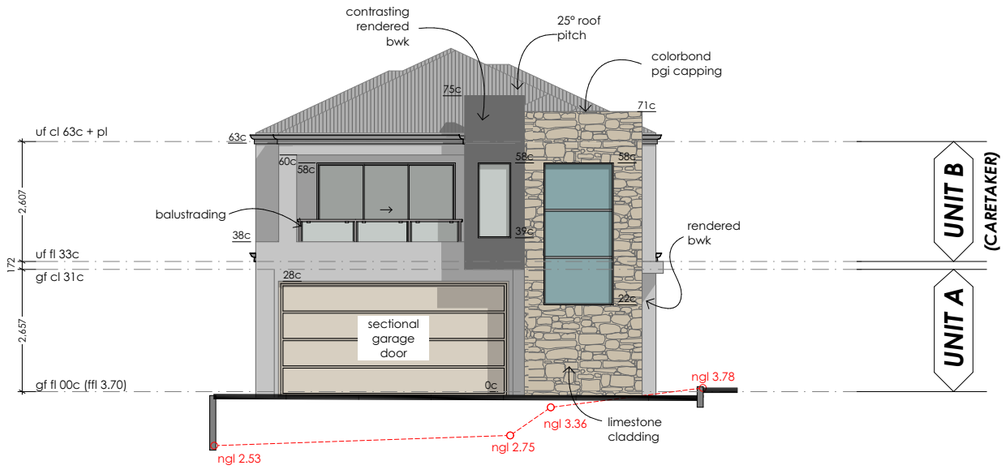
2. UPPER FLOOR
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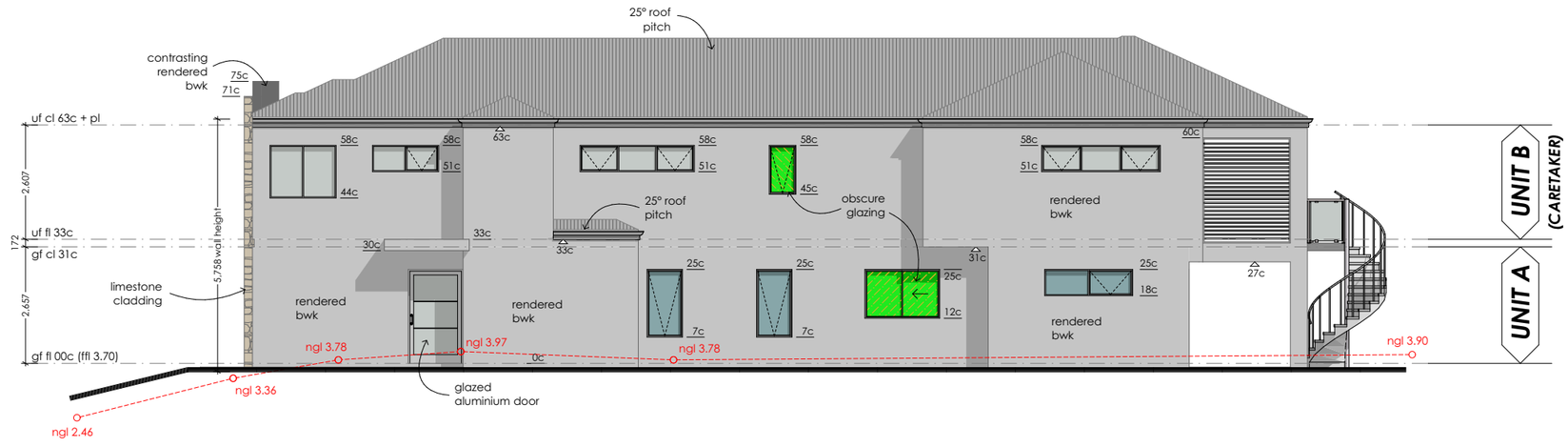
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PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT: **EMERY/de GRUSSA**
SITE ADDRESS: LOT 9 (No 84) GINGIN ROAD LANCELIN
DRAWING TITLE: U2A & U2B UPPER FLOOR
DRAWN: RICCADONNA DESIGN
STATUS: DEVELOPMENT APPLICATION
PUBLISH DATE: Sunday, 18 July 2021
SCALE: AS SHOWN
REVISION: B
AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV B 15.12.20 DEVELOPMENT APPLICATION
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01 Elevation
1:100



02 Elevation
1:100

BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

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PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
U2A & U2B ELEVATIONS

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

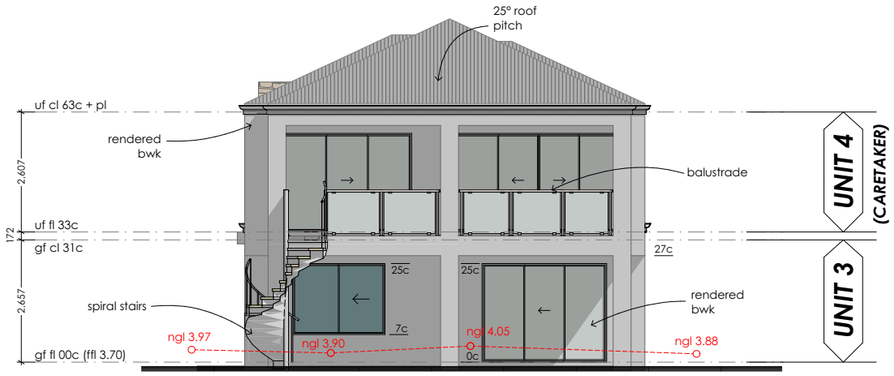
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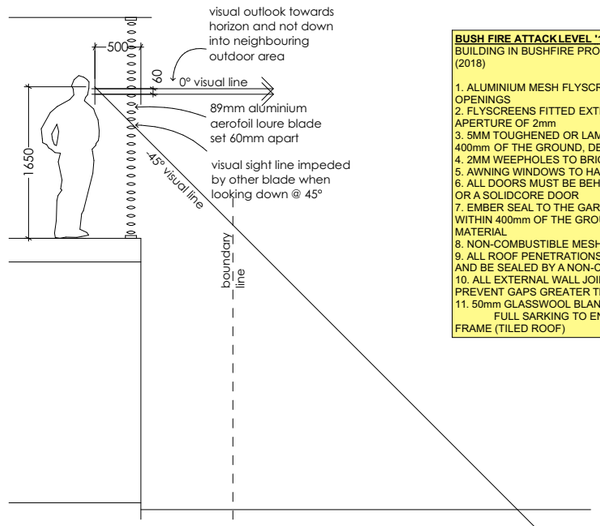
AMENDMENTS:
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SHEET 15 of 23



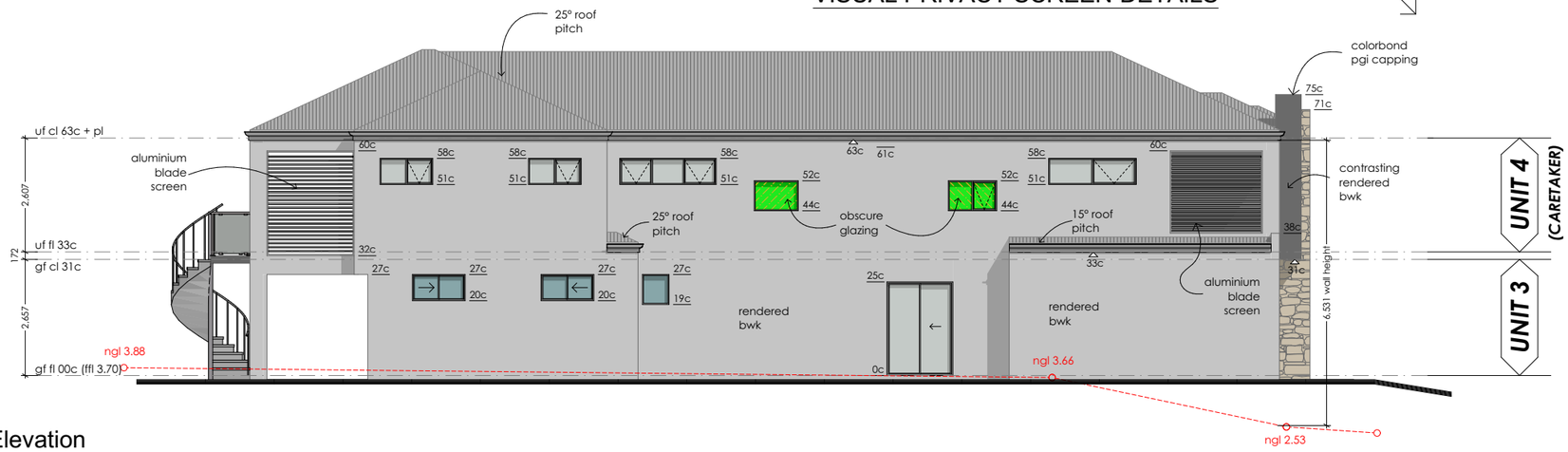
03 Elevation
1:100



VISUAL PRIVACY SCREEN DETAILS

BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
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04 Elevation
1:100

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
U2A & U2B ELEVATIONS 2

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

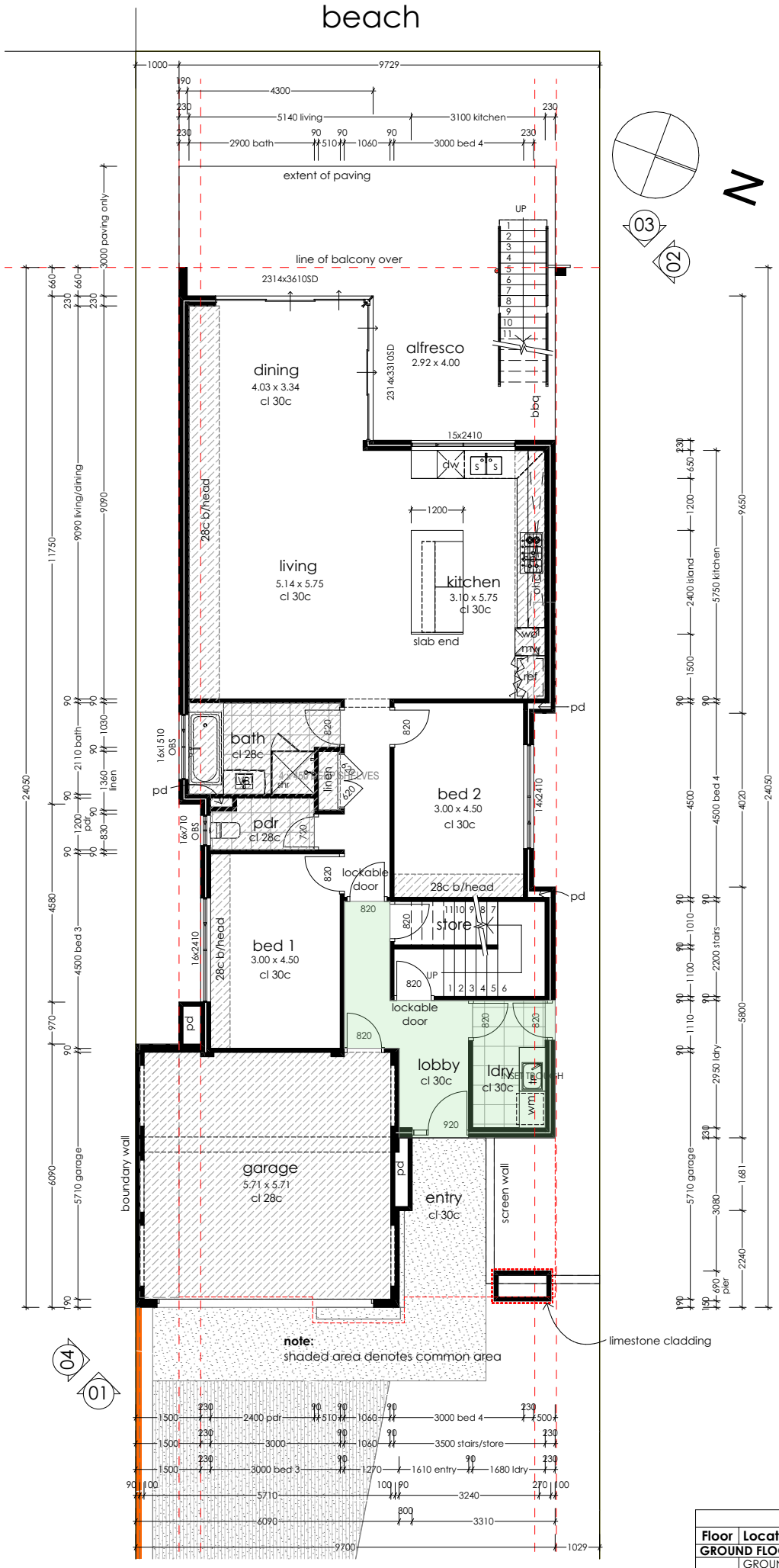
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BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
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UNIT 1A

OUND FLOOR

Floor Areas			
Floor	**Location**	**Area**	**Perimeter**
GROUND FLOOR			
	GROUND FL...	139.95	57,339
	GARAGE	37.13	24,960
	ALFRESCO	16.84	16,420
	PORCH	5.06	9,561
		198.98 m²	
UPPER FLOOR			
	UPPER FLOOR	170.32	59,220
	BALCONY 1	34.80	25,400
		205.12 m²	
		404.10 m²	

SHEET 17 of 23

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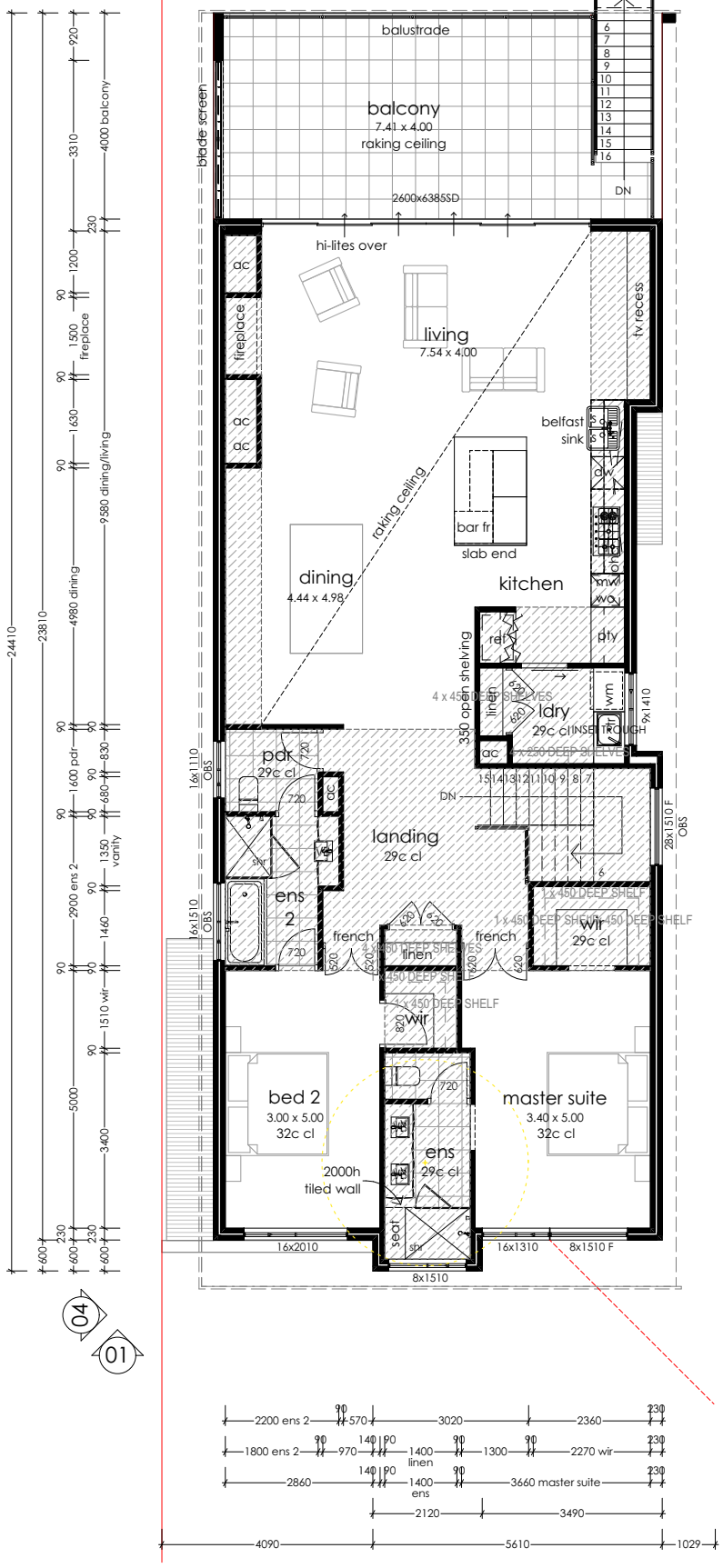
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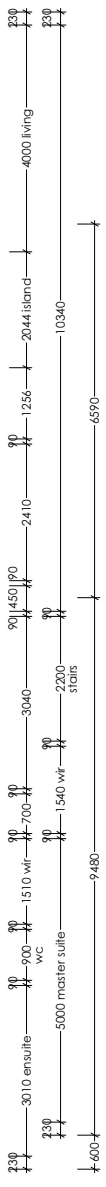
CLIENT: **EMERY/de GRUSSA**
SITE ADDRESS: LOT 9 (No 84) GINGIN ROAD LANCELIN
DRAWING TITLE: U1A & U1B GROUND FLOOR
DRAWN: RICCADONNA DESIGN
STATUS: DEVELOPMENT APPLICATION
PUBLISH DATE: Sunday, 18 July 2021
SCALE: AS SHOWN
REVISION: B
AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
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BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
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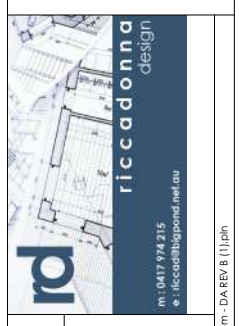
UNIT 1B





UPPER FLOOR
1:100

SHEET 18 of 23



PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
U1A & U1B UPPER FLOOR

DRAWN:
RICCADONNA DESIGN

STATUS:
DEVELOPMENT APPLICATION

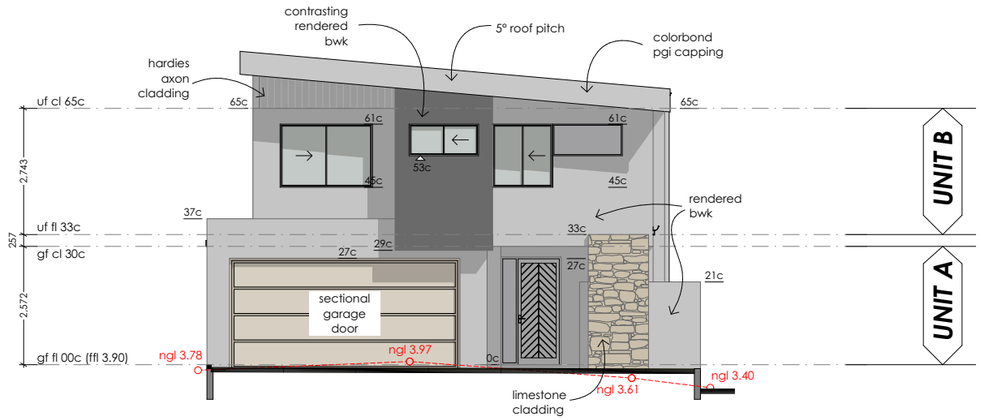
PUBLISH DATE:
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SCALE:
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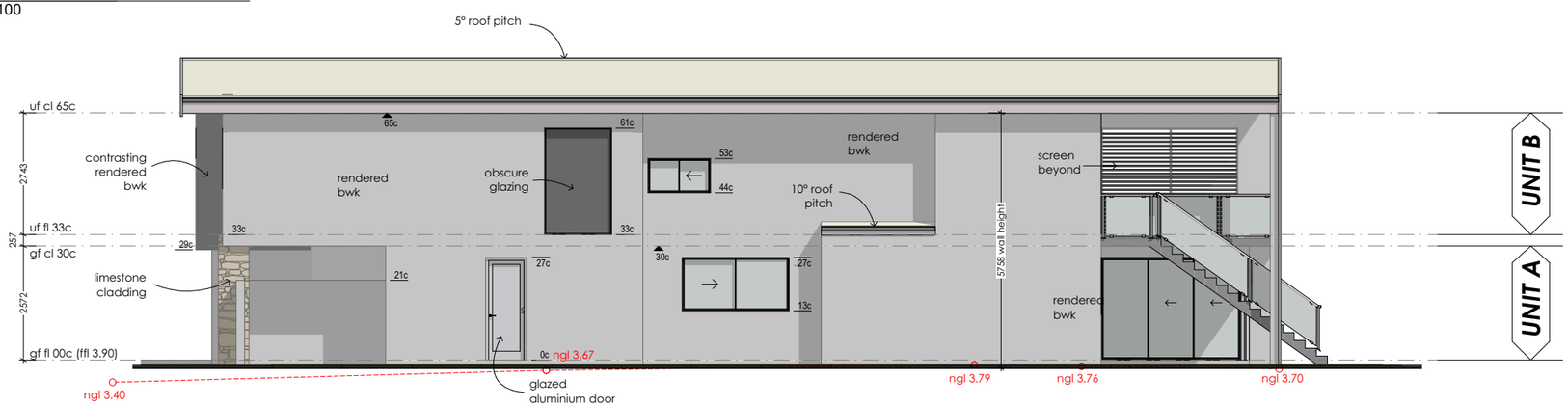
REVISION:
B

AMENDMENTS:
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01 Elevation
1:100



02 Elevation
1:100

BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
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PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
U1A & U1B ELEVATIONS

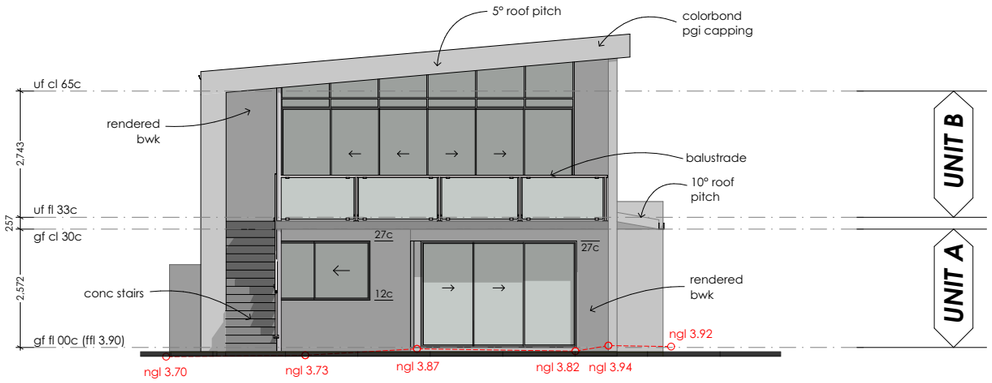
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SCALE: AS SHOWN
STATUS: DEVELOPMENT APPLICATION
REVISION: B
PUBLISH DATE: Sunday, 18 July 2021

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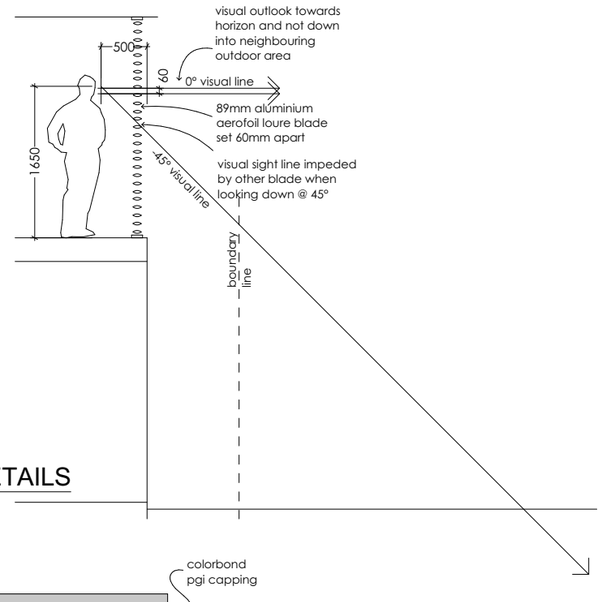
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REV b 15.12.20 DEVELOPMENT APPLICATION

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e : riccad@bigpond.net.au

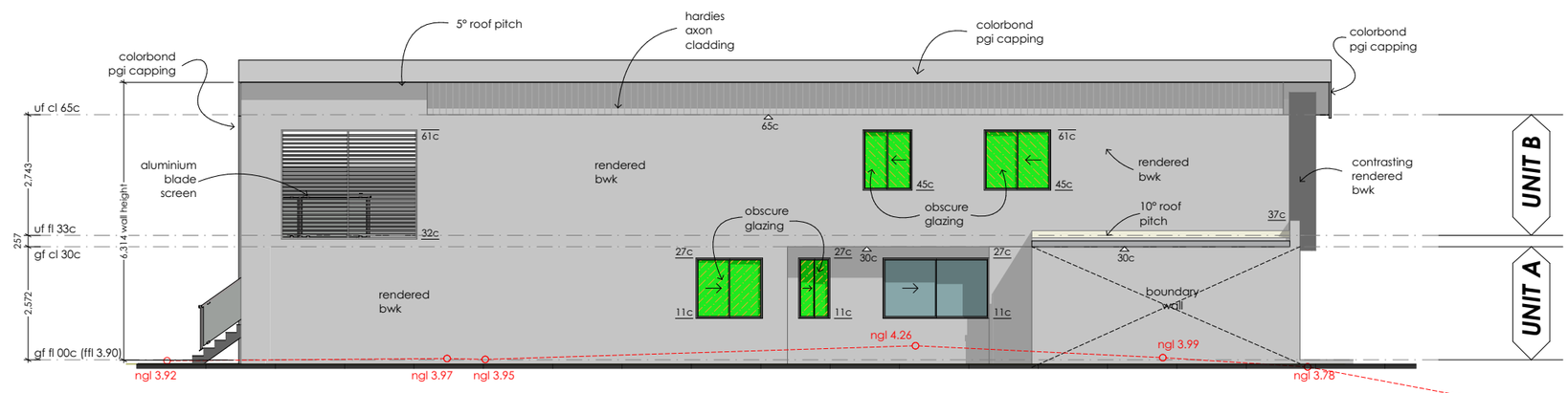
SHEET 19 of 23



03 Elevation
1:100



VISUAL PRIVACY SCREEN DETAILS



04 Elevation
1:100

BUSH FIRE ATTACK LEVEL '12.5' REQUIREMENTS
BUILDING IN BUSHFIRE PRONE AREAS. AUSTRALIAN STANDARD AS3959 (2018)

1. ALUMINIUM MESH FLYSCREENS OVER ALL WINDOW AND SLIDING DOOR OPENINGS
2. FLYSCREENS FITTED EXTERNALLY AND SHALL HAVE A MAXIMUM APERTURE OF 2mm
3. 5MM TOUGHENED OR LAMINATED GLASS TO ALL WINDOWS WITHIN 400mm OF THE GROUND, DECK OR CARPORT ROOF THROUGHOUT
4. 2MM WEEPHOLES TO BRICKWORK
5. AWNING WINDOWS TO HAVE INTERNAL ALUMINIUM FLYSCREENS
6. ALL DOORS MUST BE BEHIND SCREEN OR TO BE NON-COMBUSTIBLE OR A SOLIDCORE DOOR
7. EMBER SEAL TO THE GARAGE DOOR AND ANY PART OF THE DOOR WITHIN 400mm OF THE GROUND MUST BE MADE OF A NON- COMBUSTIBLE MATERIAL
8. NON-COMBUSTIBLE MESH COVERS TO FLUMES/WALL VENTS
9. ALL ROOF PENETRATIONS MUST HAVE NO GAPS GREATER THAN 3mm, AND BE SEALED BY A NON-COMBUSTIBLE MATERIAL
10. ALL EXTERNAL WALL JOINTS SHALL BE SEALED OR COVERED TO PREVENT GAPS GREATER THAN 3mm
11. 50mm GLASSWOOL BLANKET TO ENTIRE ROOF (COLORBOND ROOF)
FULL SARKING TO ENTIRE ROOF DIRECTLY ON TOP OF THE ROOF FRAME (TILED ROOF)

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
U1A & U1B ELEVATIONS 2

DRAWN: RICCADONNA DESIGN
SCALE: AS SHOWN
STATUS: DEVELOPMENT APPLICATION
REVISION: B
PUBLISH DATE: Sunday, 18 July 2021

AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION

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SHEET 20 of 23

Dulux SW1E3
Lexicon®

MAIN RENDER TEXTURE

Dulux SN4G2
Milton Moon

CONTRASTING RENDER TEXTURE

Dulux SN4B4
Celtic Sky

JAMES HARDIES - AXON CLADDING

Dulux C1
Colorbond® Surfmist®

ROOF COVER
GUTTERS
FASCIA/CAPPING
GARAGE DOOR

WHITE LUSTRE

WINDOW FRAMES

Dulux C4
Colorbond® Shale Grey™

FENCING

ECO OUTDOOR - BODEGA



FEATURE STONE CLADDING

MIDLAND BRICK BOULEVARD GRANITE CHALK



PAVING

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
EXTERNAL FINISHES SCHEDULE

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

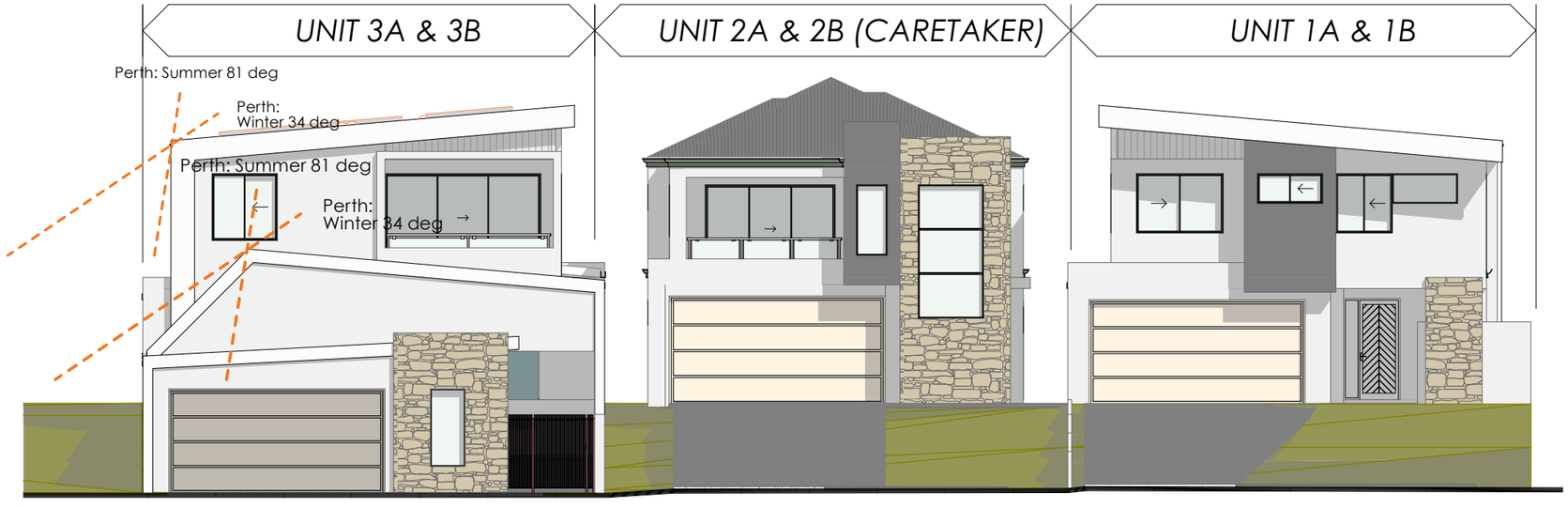
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Sunday, 18 July 2021

AMENDMENTS:
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REV b 15.12.20 DEVELOPMENT APPLICATION

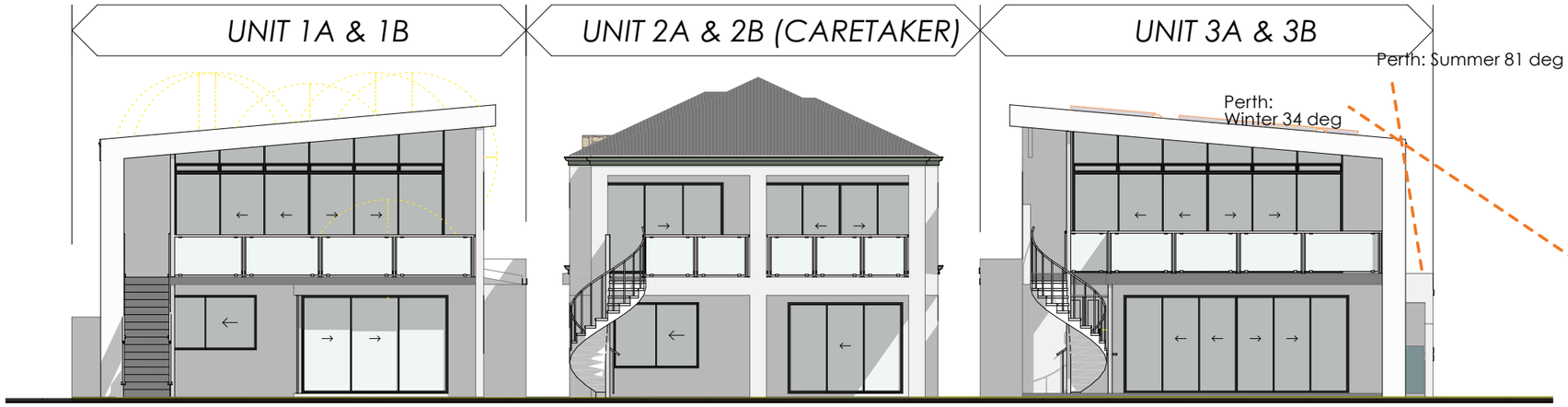
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SHEET 21 of 23



STREETSCAPE - GINGIN ROAD
1:100



BEACH FRONTAGE
1:100

PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
OVERALL ELEVATIONS

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

PUBLISH DATE:
Sunday, 18 July 2021

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AMENDMENTS:
REV A 23.11.20 DEVELOPMENT APPLICATION
REV b 15.12.20 DEVELOPMENT APPLICATION

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m : 0417 974 215
e : riccad@bigpond.net.au

SHEET 22 of 23





PROPOSED HOLIDAY ACCOMODATION DEVELOPMENT

CLIENT:
EMERY/de GRUSSA

SITE ADDRESS:
LOT 9 (No 84) GINGIN ROAD LANCELIN

DRAWING TITLE:
3D IMAGERY

DRAWN:
RICCADONNA DESIGN

SCALE:
AS SHOWN

STATUS:
DEVELOPMENT APPLICATION

REVISION:
B

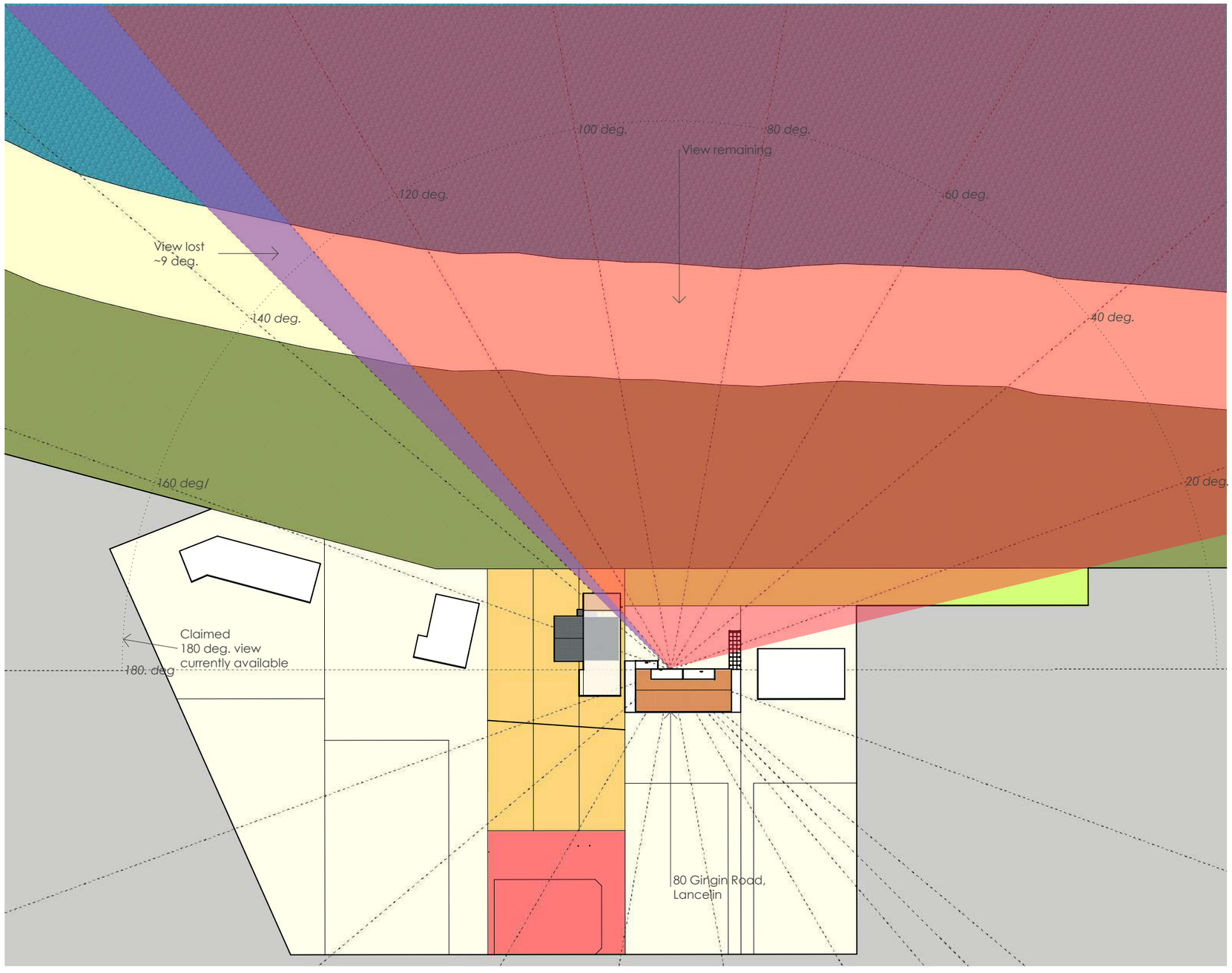
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AMENDMENTS:
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REV b 15.12.20 DEVELOPMENT APPLICATION

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SHEET 23 of 23

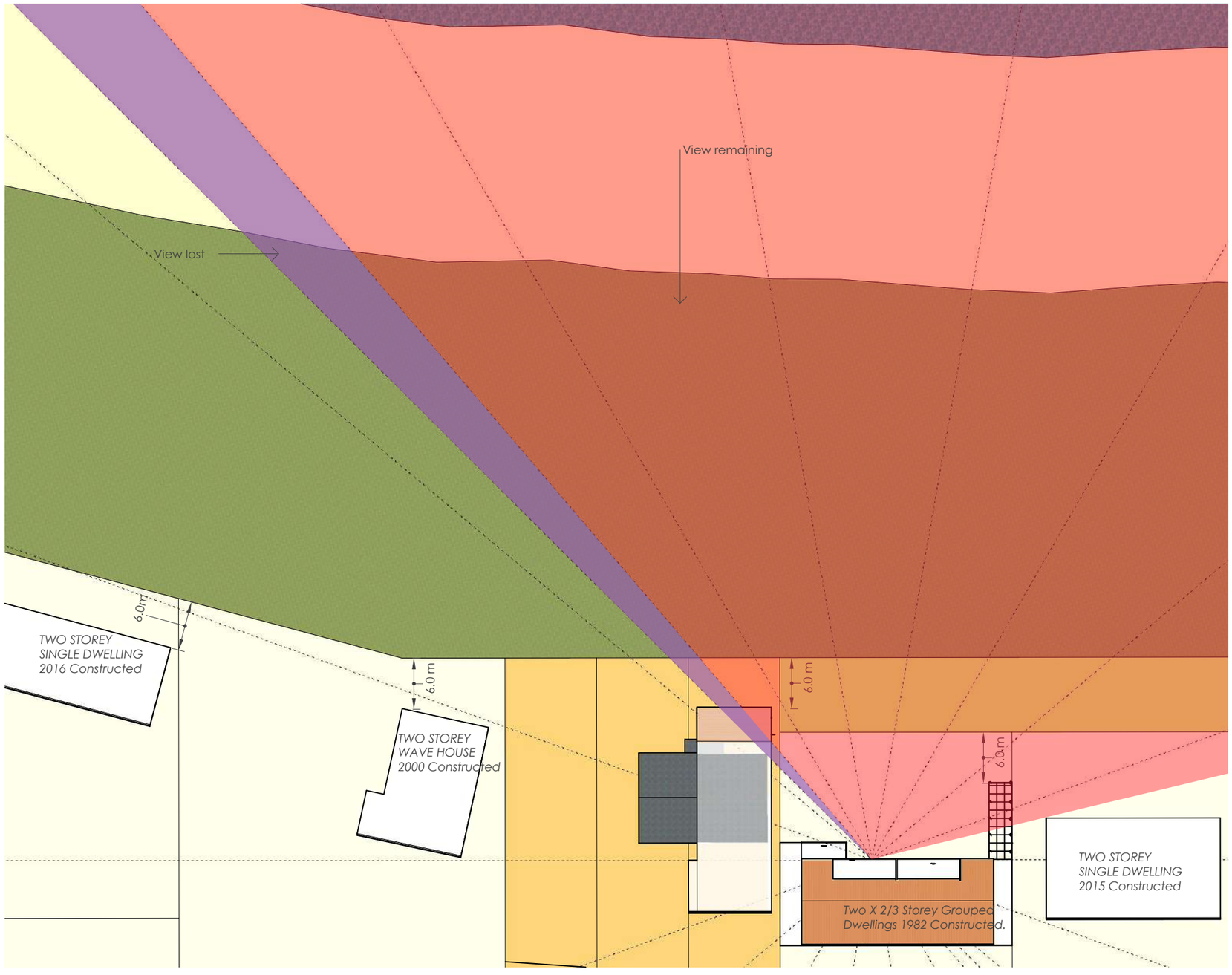


hemsley planning

168 Stirling Highway Nedlands | July 28, 2021

1:800

84 Gingin Road, Lancelin
Visual Impact Assessment

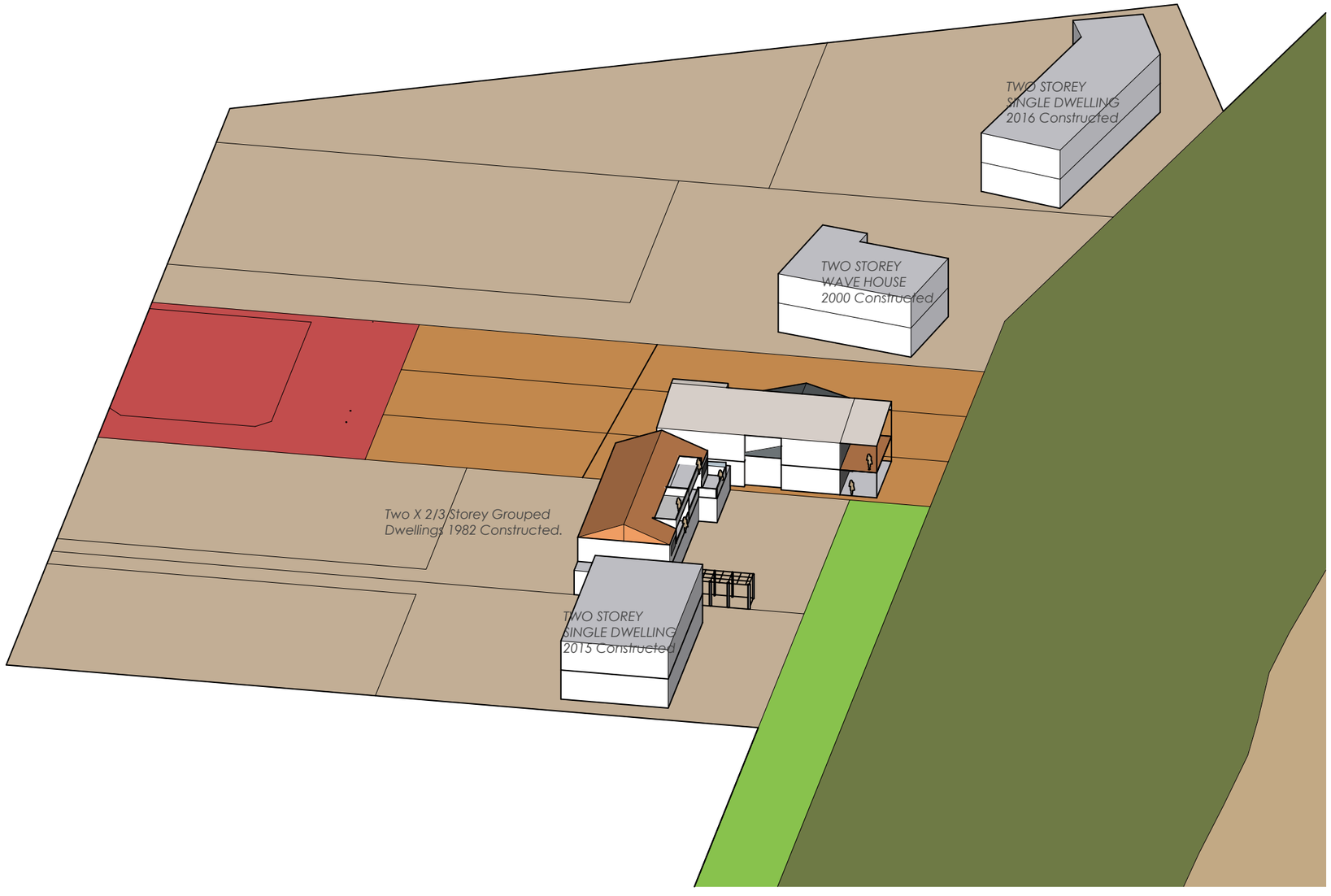


hemsley planning

168 Stirling Highway Nedlands | July 28, 2021

1:400

84 Gingin Road, Lancelin
Visual Impact Assessment



hemsley planning

168 Stirling Highway Nedlands | July 28, 2021

1:300

84 Gingin Road, Lancelin
Visual Impact Assessment



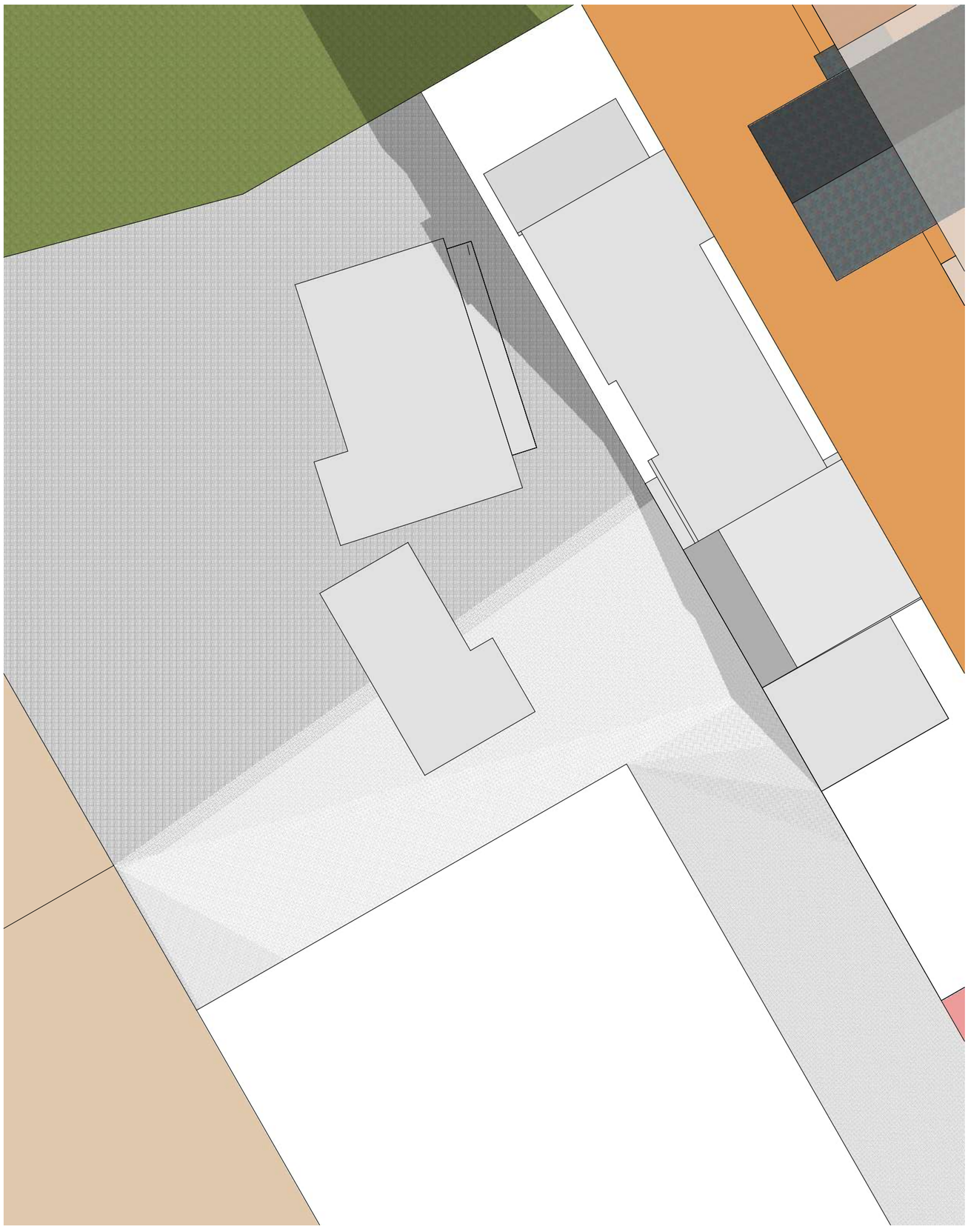
hamsley planning

168 Stirling Highway Nedlands | August 4, 2021

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84 Gingin Road, Lancelin

Midday Winter Solstice



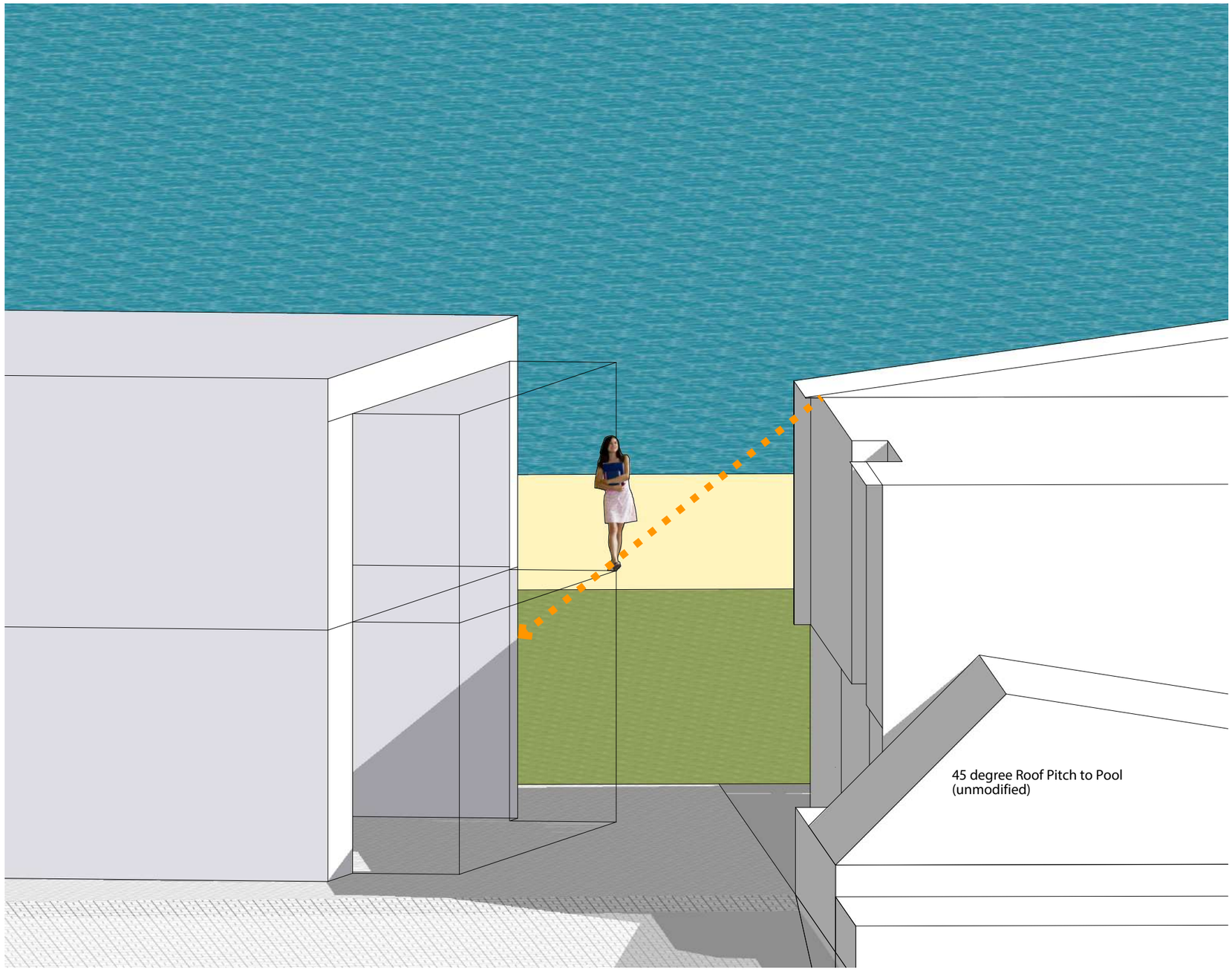
84 Gingin Road, Lancelin

9am Winter Solstice

1:200

hemsley planning

168 Stirling Highway Nedlands | August 4, 2021



hemsley planning

168 Stirling Highway Nedlands | August 4, 2021

84 Gingin Road, Lancelin

Midday Winter Solstice



hamsley planning

168 Stirling Highway Nedlands | August 4, 2021

1:200

84 Gingin Road, Lancelin

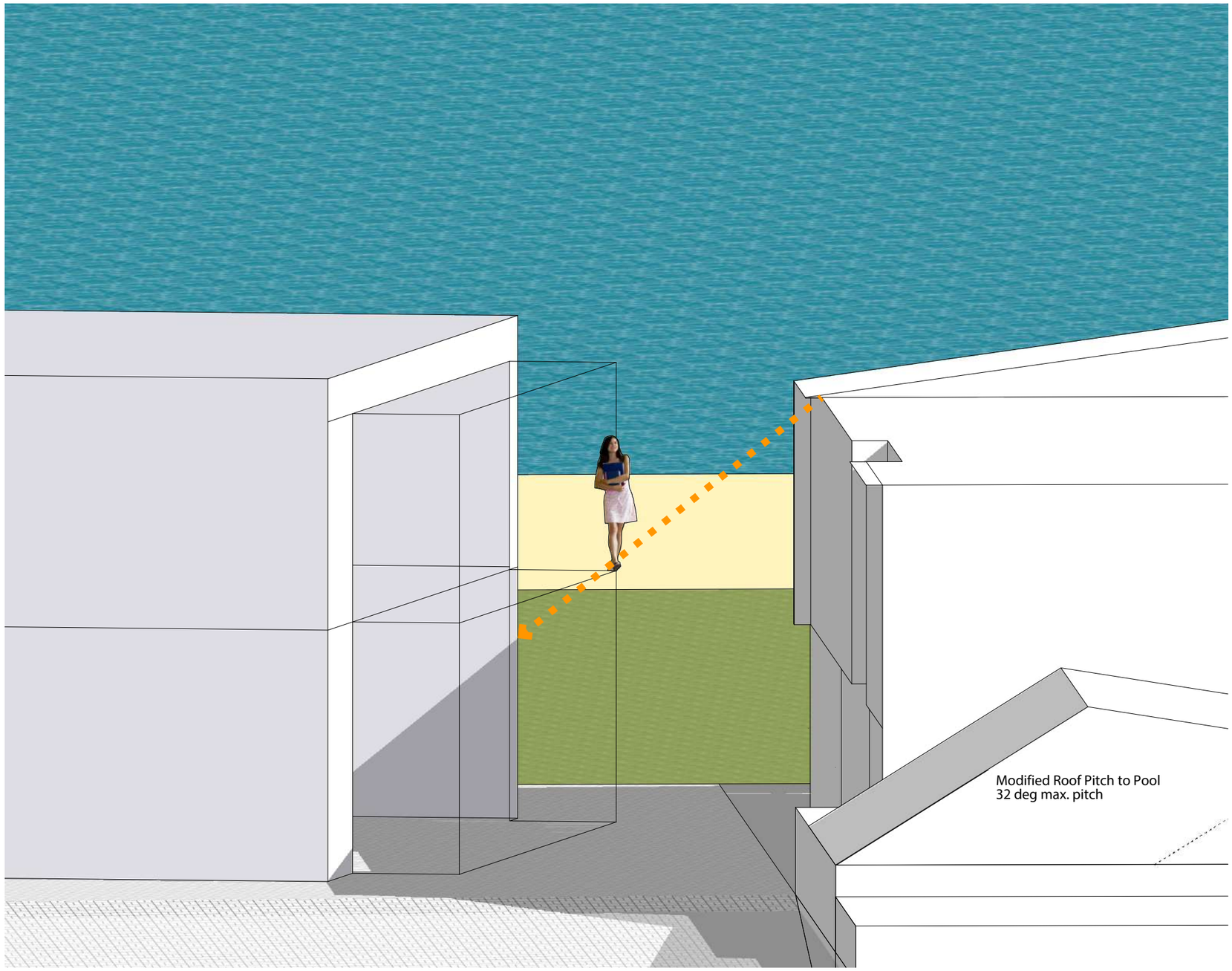
Midday Winter Solstice



hamsley planning
168 Stirling Highway Nedlands | August 4, 2021

1:200

84 Gingin Road, Lancelin
9am Winter Solstice



hemsley planning

168 Stirling Highway Nedlands | August 4, 2021

84 Gingin Road, Lancelin

Midday Winter Solstice

Catherine Beachside Holiday Accommodation **Management Plan**

No. 84 (Lot 9) Gingin Road, Lancelin

This Management Plan has been prepared by the Owners of No. 84 (Lot 9) Gingin Road, Lancelin.

This Management Plan is a preliminary document that is to be revised and refined once the Holiday Accommodation is completed. The onsite-caretaker of the Holiday Accommodation will then update this document to reflect the specific business practices to the satisfaction of the Shire of Gingin.

It will be a requirement for of all occupants of Holiday Accommodation to comply with the House Rules and Code of Conduct as detailed below as updated from time to time. It will be the responsibility of the Caretaker(s) to ensure that the House Rules and Code of Conduct are communicated to all Owners and Guests.

This Code of Conduct applies to the planned five (5) accommodation units that are rented for the purposes of Holiday Accommodation as defined by LPS9 at No. 84 (Lot 9) Gingin Road, Lancelin.



Code of Conduct

1.0 Holiday Accommodation - Terms and Conditions between Owners and Guests

The Terms and Conditions upon which a unit is offered, booked and occupied for Holiday Accommodation under the contract between the Owner(s) and Guest(s) must adequately cover and be consistent with this Code of Conduct and provisions set out below:

1.1 Formalities:
The Terms and Conditions:

a)Must be in writing;
b)May be in electronic, printed or other legally compliant form;
c) Must include the information and cover the matters in Part 1 of this Code of Conduct;
d)May incorporate information by reference including Booking Conditions, Occupancy Agreement, House Rules, By Laws and information made available to the Guest from websites; and
e)May cover such other matters generally required in relation to Holiday Rental of the Property and any special conditions provided they are not inconsistent with this Code of Conduct.

1.2 General Content

a)The Terms and Conditions must include:

i. A description sufficient to identify the particular unit;
ii. Guest(s) name, usual residential address, email and phone number(s);
iii. dates of occupancy and check-in/check-out times;
iv. total rental payable and any other charges;
v. amount and timing for payment of deposit and balance of moneys due;
vi. provisions on variation, cancellation and forfeiture or refund of moneys paid; and
vii. contact details for the Caretaker or their nominated representative.

b)The Terms and Conditions must not offend the unfair contract terms and other provisions of the Australian Consumer Law.

1.3 Licence not a tenancy

The Terms and Conditions must include:

a)Guests are granted a limited permission to occupy the Property for holiday purposes;

b)This is not a residential tenancy agreement under the residential tenancy legislation; and

c) Failure to comply with the Guest's obligations in the Terms and Conditions may result in termination of permission to occupy the Property and eviction.

1.4 Maximum number of Guests and maximum duration of stay.

a)The maximum number of Guests permitted at a Property must not exceed a maximum of 2 adults per bedroom; and

b)The number of Visitors permitted at a Property must not be such as may conflict with residential amenity and must comply with all the other requirements of this Code of Conduct including the Terms and Conditions and House Rules.

c) The maximum length of stay for any individual Guest must not exceed 3 months.

1.5 General obligations of Guests and Visitors

Guests and Visitors must:

a)Comply with all House Rules and By-Laws;

b)Respect the residential amenity and security of the Property and neighbours;

c) Refrain from any anti-social behaviour determined at the discretion of the caretaker(s);

d)Guests must control and be responsible for Visitors and ensure that Visitors comply with the House Rules;

e)Pet dogs may be permitted to accompany a guest staying in ground floor units subject to prior approval on the basis they are, house trained, weigh less than 10kgs and are kept inside between sunset and sunrise, and not left at a premises unaccompanied;

f) Comply with any instructions from the Caretaker or their agent during their stay; and

g) Notify the Caretaker of any disputes or complaints as soon as is

practicable.

1.6 Noise and Residential Amenity

a)Guests must not create noise which is offensive to neighbours especially between 10pm-8am and during arrival and departure at any time throughout the occupancy.

b)Offensive noise is prohibited and may result in:

i. termination of permission to occupy the unit;
ii. eviction;
iii. loss of rental paid; and
iv. extra charges for security and other expenses which may be deducted from Security Deposits or Bonds.

c) Guests must abide by any noise abatement conditions, standards and orders issued by police or any regulatory authority to minimise impacts upon the residential amenity of neighbours and local community.

1.7 Functions and parties

a)Any unit or building is not a "party house" and such activities are strictly prohibited; and

b)Any gathering, celebration or entertainment permitted at the Property must not conflict with residential amenity and must comply with all House Rules enforced as the discretion of the Caretaker or their agent.

1.8 Vehicle Access and Parking

a) Guests and Visitors must comply with parking regulations and show consideration to neighbours;

b) Information on any constraints on access or any parking restrictions to ensure ease of access with minimum disturbance to other residents or neighbouring properties;

c) Guests are required to pre-book an additional parking bays if required by advising number of vehicle to accompany a stay;

d)Guests will be required to supply vehicle/trailer registration numbers when requested.

1.9 Recycling and Garbage

a)Guests must dispose of garbage and recycling in accordance with the usual practice at the Property and in the allocated bins located in the garage;

b) Guests must not leave excess rubbish in public or common areas; and

c) Guests should be co-operative in complying with requirements in relation to the relevant private contractor garbage and recycling collection days, and any special requirements relating to the disposal of garbage or waste minimisation.

1.10 Complaints and dispute resolution procedure

Information on complaints handling including:

a) Guest's obligations to report any problems or incidents promptly; and

b) Complaints and dispute resolution procedure.

1.11 Consequences of not meeting the Terms and Conditions

a) The consequences of not complying with the Terms and Conditions requirements can include enforcement action from the Owners, Caretaker, nominated agent, Shire of Gingin or, in some instances, the Police.

b) Enforcement action is subject to the Australian Consumer Law and other relevant legislation.

c) Such enforcement action could result in termination of permission to occupy the Property, eviction, loss of rental paid, deductions from security deposits and extra charges.

d) It is therefore important for all Guests to be aware of their obligations and of their responsibilities to make any Visitors to the Property aware of these requirements to maintain the amenity of the Property and its neighbourhood.

2.0 Holiday Rental - House Rules for Guests and Visitors

House Rules are provided at the Property to ensure that Guests and Visitors know and comply with the specific Rules governing their permission to enter and occupy the Property. House Rules are to be displayed in a conspicuous place in the Property so they can be easily viewed by Guests and Visitors, such as in the Property's kitchen. Matters contained in House Rules should include those set out in this Part and should be adapted and augmented to suit the particulars of the Property, such as specific instructions for car parking arrangements and the like and rules appropriate for any special equipment, facilities or local risks.

2.1 General requirements

a) Guest and Visitors must comply with all House Rules, By-Laws and instructions from the Caretaker and security services during their stay; and

b) Guests must notify the Caretaker of any disputes or complaints from neighbours as soon as is practicable.

2.2 Noise and Residential amenity

a) Guests and Visitors must not create noise which is offensive to occupiers of neighbouring properties especially between 10pm - 8am and during arrival and departure at any time throughout the occupancy;

b) Offensive noise is prohibited and may result in termination of permission to occupy the Property, eviction, loss of rental paid and extra charges for security and other expenses which may be deducted from Security Deposit or Bond under the Terms and Conditions; and

c) Guests and Visitors must not engage in anti-social behaviour and must minimise their impact upon the residential amenity of neighbours and local community.

2.3 Check-in and check out

a) Guests shall check-in and check-out generally between the hours of 6.00am and 11.00pm on any day, with occasional exceptions for early or late arrivals or departures.

2.4 Visitors

a) Guests are responsible for ensuring the limits set on Visitor numbers is complied with at all times; and
b) Guests are responsible for ensuring that Visitors comply with these House Rules.

2.5 Gatherings or functions

a) The Property is not a "party house" and any such activities are strictly prohibited; and
b) Any gathering, celebration or entertainment permitted at a unit must not conflict with residential amenity and must comply with all the other requirements.

2.6 Parking

a) Guests and Visitors are to comply with parking regulations and other requirements set out below and show consideration to neighbours and other vehicles; and
b) Parking arrangements at the Property are as follows:

i. All guests are required to pre-book a parking bay if required prior to check-in.
ii. The Caretaker is to notify the guest of parking bay access and location.
iii. Guests may only use the allocated parking bay provided.
iv. Guests must adhere to the developments' parking management plan if prepared.
v. Guests must refrain from parking on the street or on verges where possible.

2.7 Garbage and recycling

a) Guests and Visitors are to dispose of garbage and recycling in accordance with the usual practice at the property (as set out below) in the allocated bins, and excess rubbish must not be left in public or common areas such as lobbies; and
b) Garbage and recycling arrangements at the property are as follows:

i. All garbage and recycling is to be placed in the bin stores located at ground floor level in each buildings garage.

2.8 Security

a) Whenever absent from the unit, close all windows and doors to maintain security and prevent rain and water damage.

2.9 Swimming pool

a) Use of the pool is subject to consent by the caretaker.
b) The swimming pool/spa must not be used by guests after sunset.
c) No glassware is permitted in the pool.
a) Persons under 18 may not use the pool with adult supervision.Guests must ensure they have a towel at all times within the gymnasium and should clean equipment after use.

2.10 BBQ

a) Any communal BBQ facilities must be cleaned after use.
b) The BBQ area must not be used between the hours of 10.00pm and 7.00am.

2.11 Smoking

Smoking is not permitted indoors and within communal any communal area.

2.12 Damages and breakages

Damages and breakages must be reported to the Caretaker.

2.13 On departure arrangements

Arrangements for keys, security, dishwashing, rubbish, etc are: [to be confirmed with secured operator]

2.14 Emergency Contact

In the event of an emergency relating to the Property, please telephone Caretaker X on XXX XXXXX.

2.15 Compliance

a) Breach of these House Rules is a breach of the Terms and Conditions of occupancy.

b) The Owners and Caretaker reserve the right to terminate permission to occupy and to evict from the Property, Guests or Visitors who refuse to follow these House Rules or who cause a nuisance.

Bushfire Attack Level Assessment Report

Prepared by a BPAD Accredited Practitioner

BPAD Bushfire Planning & Design

Fire Protection Association Australia Life Property Environment

FPA AUSTRALIA



AS 3959 BAL Assessment Report

This report has been prepared by an Accredited BPAD Practitioner using the Simplified Procedure (Method 1) as detailed in Section 2 of AS 3959 – 2018. FPA Australia makes no warranties as to the accuracy of the information provided in the report. All enquiries related to the information and conclusions presented in this report must be made to the BPAD Accredited Practitioner.

Property Details and Description of Works

Address Details	**Unit no**	**Street no** 84	**Lot no**	**Street name/Plan Reference** Gingin Road	
	Suburb Lancelin			**State** WA	**Postcode** 6044
Local government area	Shire of Gingin				
Main BCA class of the building	Class 1a	**Use(s) of the building**	Proposed home		
Description of the building or works	House				

Report Details

Report / Job Number	Report Version	Assessment Date	Report Date
5	2	15 February 2021	25 February 2021

BPAD Accredited Practitioner Details

Name
Mike Regan

Company Details
M.R. Mulching
PO Box 308
Lancelin WA 6044
ABN : 34 500 363 556

I hereby declare that I am a BPAD accredited bushfire practitioner.
Accreditation No. 49074
Signature
Date 25 FEB 2021

Authorised Practitioner Stamp

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

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Site Assessment& Site Plans

The assessment of this site /development was undertaken on 6 November 2020 by a BPAD AccreditedPractitioner for the purpose of determining the Bushfire Attack Level in accordance with AS3959–2018Simplified Procedure (Method 1).

84 Gingin Road, Lancelin WA 6044



My Annotations
100m Buffer Zone
Vegetation
Excluded, e, -0.1
Excluded, e, -1.9
Excluded, f, -0.6
G. Grassland, -0.6
G. Grassland, -1.8
Proposed Building
Proposed Building
Distances
Plot 1 - 29.9m
Plot 2 - 20.8m
Plot 3 - 11.0m
Plot 4 - 11.0m
Plot 5 - 82.3m
Plot 6 - 90.0m
Camera Points
Photo Point 1
Photo Point 2
Photo Point 3
Photo Point 4
Photo Point 5
Photo Point 6
Image
RGB
Red Band_1
Green Band_2
Blue Band_3
Populated Places (Geoscience Australia)
Place Names (Geoscience Australia)
Local Government Authority
State Roads
Other Roads
Water Lines, Major (Geoscience Australia)
Lakes, Waterbodies and Reservoirs (Geoscience Australia)
Perennial
Non-perennial
Dam or Reservoir
Coast and Sea
water
land

Map Printed from FireMaps on Thu Feb 25 19:46:11 AWST 2021

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Vegetation Classification

All vegetation within 150m of the site / proposed development was classified in accordance with Clause 2.2.3 of AS3959-2018. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.

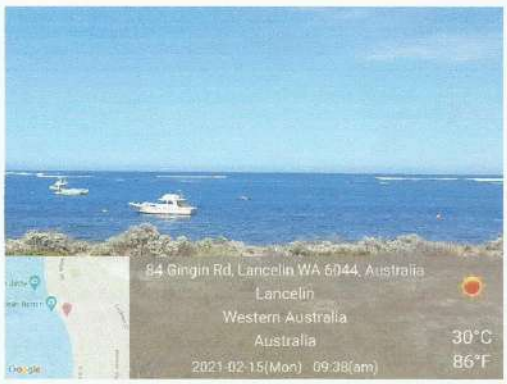
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Vegetation Classification or Exclusion Clause		
Excludable - 2.2.3.2(e) Non Vegetated Areas		
Description / Justification for Classification		
Areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.		

Photo ID: 2	Plot: 2	
Vegetation Classification or Exclusion Clause		
Class G Grassland – Low open shrubland G-19		
Description / Justification for Classification		
Overstorey foliage cover is >10%, includes shrubs and trees.		

BAL Assessment Report

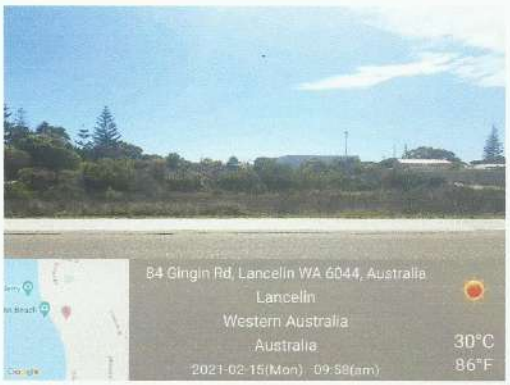
Fire Protection Association Australia Life Property Environment

Photo ID: 3 Plot: 3	
Vegetation Classification or Exclusion Clause Excludable - 2.2.3.2(f) Low Threat Vegetation	
Description / Justification for Classification Excluded – Managed grassland and low threat vegetation.	
Photo ID: 4 Plot: 4	
Vegetation Classification or Exclusion Clause Excludable - 2.2.3.2(f) Low Threat Vegetation	
Description / Justification for Classification Excluded – Managed grassland and low threat vegetation.	
Photo ID: 5 Plot: 5	
Vegetation Classification or Exclusion Clause Excludable - 2.2.3.2(e) Non Vegetated Areas	
Description / Justification for Classification Areas permanently cleared of vegetation, including waterways, exposed beaches, roads, footpaths, buildings and rocky outcrops.	

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Photo ID:	6	Plot:	6
Vegetation Classification or Exclusion Clause			
Class G Grassland – Low open shrubland G-19			
Description / Justification for Classification			
Overstorey foliage cover is >10%, includes shrubs,			



BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Relevant Fire Danger Index

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

Fire Danger Index			
FDI 40 ☐	FDI 50 ☐	FDI 80 ☒	FDI 100 ☐
Table 2.7	*Table 2.6*	*Table 2.5*	*Table 2.4*

Potential Bushfire Impacts

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

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Excluded – 2.2.3.2e	-0.1° down slope	29.9m	BAL – LOW
2	Grassland – G19 Low Open Shrubland	-0.6° down slope	20.8m	BAL – 19
3	Excluded – 2.2.3.2f	-0.6° down slope	11.0m	BAL – LOW
4	Excluded – 2.2.3.2f	-0.6° down slope	11.0m	BAL – LOW
5	Excluded – 2.2.3.2e	-1.8° down slope	82.3m	BAL – LOW
6	Grassland – G19 Low Open Shrubland	-1.8° down slope	90.0m	BAL – 12.5

Table 1: BAL Analysis

Determined Bushfire Attack Level (BAL)

The Determined Bushfire Attack Level (highest BAL) for the site / proposed development has been determined in accordance with clause 2.2.6 of AS 3959-2018 using the above analysis.

Determined Bushfire Attack Level	**BAL – 19**

BAL Assessment Report

Fire Protection Association Australia Life Property Environment

Appendix 1: Plans and Drawings		
Plans and drawings relied on to determine the bushfire attack level		
Drawing / Plan Description		
Job Number	**Revision**	**Date of Revision**

If building or other plans have been relied upon to determine the actual location of the building and therefore the determination of the separation distance/s from the classified vegetation, the plans should be referenced above and where possible included in this appendix as a point of reference to enable validation of the BAL.

Where shielding in accordance with Clause 3.5 of AS 3959 is proposed to be used:

- Current detailed site plan showing building's design in relation to bushfire threat must be provided; and
- identify the elevation shielded, if any, for the application of Clause 3.5 of AS 3959.

Appendix 2: Additional Information / Advisory Notes

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

Where advice in relation to the application of the construction provisions detailed in AS 3959-2018 are included in this Appendix, they must only be of an advisory nature. A clear statement must also be included identifying that the advice is advisory only.

Bushfire Attack Level (BAL) Certificate

Determined in accordance with AS 3959-2018

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

Property Details and Description of Works

Address Details	**Unitno**	**Streetno**	**Lotno**	**Streetname/ Plan Reference**		
		84		Gingin Road		
	Suburb				**State**	**Postcode**
	Lancelin				WA	6044
Local government area	Shire of Gingin					
Main BCA class of the building	Class 1a	**Use(s) of the building**		Proposed Home		
Description of the building or works	House					

Determination of Highest Bushfire Attack Level

AS 3959 Assessment Procedure	Vegetation Classification	Effective Slope	Separation Distance	BAL
Method 1	Class G Grassland	-0.6° down slope	20.8m	BAL – 19

BPAD Accredited Practitioner Details

Name
Mike Regan

Company Details
M.R. Mulching
ABN: 34 500 363 556

I hereby certify that I have undertaken the assessment of the above site and determined the Bushfire Attack Level stated above in accordance with the requirements of AS 3959-2018.

I hereby declare that I am a BPAD accredited bushfire practitioner.
Accreditation No. A1074
Signature
Date 25 FEB 2021

Authorised Practitioner Stamp

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

SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

DEVELOPMENT APPLICATION: PROPOSED HOLIDAY ACCOMMODATION ON LOT 9 (84) GINGIN, LANCELIN

No.	Submitter	Submission details	Recommended response
1.	Ratepayer	The submitter **does support** the proposal and provides the following general comment: "*Personally, I am pleased to see some real development being proposed. The town certainly needs more development in many aspects, it's been a sleepy hollow for far too long.*"	Noted
2.	Ratepayer	The submitter **does not support** the proposal and provides the following general comment: *"Please see written response from Planning Solutions in separate email of 3.5.21"*	Noted.
4.	Ratepayer	The submitter **does not support** the proposal and provides the following general comment: *"I object to the proposed development at Lot 9 (84) Gingin Road Lancelin as I do not believe that the proposed development meets the intent or objective of the Tourism Zoning or complies with the provisions of that zoning.* *The proposed holiday accommodation has been designed to present as 3 separate residential dwellings. Each building will be on a separate title meaning that it could be sold and managed separately from the proposed caretakers dwelling. The application does not present any substantial information of how the potential units will be managed as tourist accommodation to comply with the provisions under the Planning Scheme. It is my belief that the application is a residential development presented as "Holiday Accommodation" thus allowing the bulk and scale of the development to far exceed many of the*	Noted. Refer to the Council report and officer comments regarding zone objectives. 1. Any approval would reference the land use in association with the approved plans. If the land use is for 'tourist accommodation' is it must comply with that definition which incorporates length of stay provisions. Any departure from that would be an offence under the *Planning and Development Act 2005*. The officer does not concur that sale of land equates to independent use for residential purposes. The approval runs with the land, not an owner.

		provision of the Residential Design Codes for the underlying residential density of R12.5. If this development were approved and constructed Council would have little to no enforcement powers to prevent the dwellings being sold separately and consequently ensure that they were used as holiday accommodation and not for permanent residents. Nor could the Council ensure that there was any consistent management of the proposed "holiday accommodation" as would be anticipated by the provisions of the zoning. <u>Objectives of the Tourism Zoning</u> *Development "of an appropriate scale where they will not impact detrimentally on the surrounding or wider area"* *The proposed development significantly effects the amenity of the existing adjoining dwelling particularly in relation to overshadowing. The design of the proposal presents as 3 separate dwellings and the size of the dwellings far exceed what might be considered typical for a tourism unit. The subject site could accommodate 6 holiday units and still achieve a greater setbacks to adjoining boundaries. It is not typical for holiday accommodation to require vehicle garaging, sculleries or walk in pantries as shown in the plans. Additionally, the bulk and scale of the development allows little open space for landscaping further negatively impacting on the visual amenity of the existing area.* *Provision - 4.8.7.2 Development proposals will be considered by the local government with particular regard to the impact of the proposed development on visual and natural amenity, the availability of reticulated sewerage and/or the suitability of the land for on-site effluent disposal, the provision of sufficient landscape buffers and the density of the development.* *The application has provided no detail of how on-site effluent disposal will be managed. The Government sewerage policy details (as an example) that a 6 person*	Prospective or new landowners would be required to adhere to the development approval, which is referenced under orders and requisitions during the settlement process. Furthermore, notifications of title can also alert prospective purchasers regarding use or enjoyment of land. In this instance, relevant title notifications have been suggested. In addition, an up-to-date register of guests is to be kept which is to be made available to the Shire upon request should it be asserted that unauthorised occupancy is occurring. Noted. Refer to the Council report and officer comments regarding zone objectives. Noted. Effluent disposal can be addressed via a condition of approval.

		house in an area of sandy soils with a secondary treatment system would require 180 metres (excluding setbacks) for a disposal field. The proposed dwellings appear to have an area of disposal field far less than required. Additionally, if the units were used for holiday accommodate as required under the scheme the occupancy is likely to be far greater than 6 persons (per lot/per effluent disposal field). Disposal fields are also not be used for any other purposes and if the units are for holiday accommodation it is highly likely that they will be used for car /boat parking, washing line areas, children play areas. Building 3 has no open space other that the disposal field. The proposal has failed to demonstrate that the density and associated onsite effluent disposal does not compromise public health. *The development has no landscape buffers and the scale is out of context with the beach side setting of Lancelin.* *Provision 4.8.7.5 Where strata titling is proposed, appropriate management arrangements in a management statement which ensures that all units will be let out for tourism.* *Provision 4.8.7.9 Proposals for subdivision and development for Residential land uses in the Tourism zone will be determined in accordance with Residential R12.5 code unless combined with a Tourism proposal.* *Provision 4.8.7.12 To reduce the likelihood of tourism accommodation being used as permanent or semi-permanent accommodation, a maximum length of stay provision of three months in any twelve-month period should apply to the tourism units on all developments.* *The design of this development is very different from typical tourism development that may be strata titled but managed as a collective and include communal facilities and services. If the proposed lots were sold separately*	Refer to the 'landscaping plan' forming part of the submission bundle. This demonstrates significant land set aside for landscaping. The officer is unaware of a standardised tourism-based model and built form that development of this nature should conform with.

		the strata title act would not require a managing body and Council would have little to no authority to ensure compliance. It is argued that the proposal is a residential development by default and uses the Tourism Zoning under the Town Planning Scheme to achieve a higher density residential development. *Provision 4.8.7.10 In considering proposals in the Tourism Zone, local government shall have regard for the zone objectives, the scale and bulk of the proposal and its integration with surrounding land uses.* *The proposal does not provide sufficient detail to demonstrate that it meets the objectives of the zone and the scale and bulk of the development does not integrate with the surrounding land uses. Six tourism units could be built on the site and still achieve more open space, greater setbacks and less overshadowing.* • *The scale and bulk of the buildings are far above what would be anticipated under the R12.5 zoning;* • *The size of the rear battle-ax lots are less than the minimum permitted;* • *The width of the lots are less than the minimum permitted;* • *The parapet wall of the pool enclosure and garage is not permitted under the R12.5 zoning* • *The open space for building 3 (which adjoins existing house to the south) does not meet the required area permitted under the R12.5 zoning.* *The proposed development and in-particular the scale of bulk of building (dwelling) 3 will significantly overshadow and have a negative impact to the amenity of the adjoining existing dwelling. See below:* *Further detail re overshadowing of my property:* *86B Gingin Road, Lancelin* *Survey strata Lot 2 on Stata Plan 26363* *753m2 land area. Approx 300m2 is driveway*	The officer disagrees. The proposal provides adequate information. The officer generally agrees with the comments relating to the R12.5 coding, however notes that LPS 9 provisions for the Tourism zone does not require adherence to the R12.5 coding for tourism based development. Furthermore, adjoining land does not conform with R12.5 coding and therefore strict adherence to this would not be consistent with prevailing development in the locality. The officer acknowledges the overshadowing implications and various ways by which the calculations can be interpreted under the R-Codes. One interpretation results in the deemed-to-comply provisions being met and therefore no variation requires a design principles assessment.

		Overshadowing 257.297m2 proposed *Overshadowing % = 34% of site area (including driveway)* *56% of site area (excluding driveway)* *Max – 25% of site area under the R Codes* *Of note balcony and downstairs studio of my property are North facing. I rent the downstairs studios as a separate entity at times, they only have North facing view. It is the Primary outdoor living area that is affected by the overshadowing. There is also a plan for solar panels, development will affect efficiency of these panels"*	The officer notes the north-facing balcony on the adjoining dwelling, however also notes that this is one of multiple outdoor living areas available to occupants. This is not to say that broad-brush overshadowing is acceptable, but rather that the impact on the use/enjoyment of this dwelling may not be as substantial as implied. The officer also notes that this dwelling is not permanently resided in which means that any overshadowing will be less likely to impact on the submitter's enjoyment of the land. Furthermore, the officer notes that the dwelling is let out for short stay accommodation, and as such occupants will not be present for extended periods of time and any impacts from reduced solar access will be lessened as opposed to impacts on permanent occupants.
5.	Planning Solutions on behalf of 2 x Ratepayers	The submitter **does not support** the proposal and provides the following general comment: *Please see attached.*	The officer has addressed the issues raised within this submission as part of the report to Council. Furthermore, the applicant has provided greater clarification regarding the extent of impacts on views of significance.
6.	DPLH	The submitter provides the following general comment: "*The Department of Planning, Lands and Heritage has provided advice previously to the landowner and advised that subdivision would not be supported due to the site's coastal vulnerability. While the application indicates that subdivision will be sought concurrently with this application, the Department is not aware of any application being received at this time.* *State Planning Policy 2.6: State Coastal Planning Policy (the policy) and associated guidelines seek to manage*	Noted.

		subdivision and development within the coastal zone and prevent land use changes that expose a greater number of individuals and assets to coastal hazard risk and natural coastal processes. Given this position, and previous advice, it is unlikely that the Western Australian Planning Commission would support subdivision in the manner proposed. *SPP 2.6 does provide some scope to consider infill development within coastal hazard risk areas in line with an endorsed Coastal Risk Management and Adaptation Plan (CHRMAP). If the Shire is of mind to approve the application, notification on title is recommended to advise current and/or future landowners of the coastal hazard risk. Additionally, a condition of approval should provide a trigger point for its expiry upon being impacted by a coastal related event, in response to the vulnerability of the site and managed retreat measures set out in the CHRMAP (Attachment 1 – Recommended Conditions).* *It is also noted that a site and soil evaluation has not accompanied the proposal. This information is typically required to demonstrate that the site is capable of accommodating on-site effluent disposal under the Government Sewerage Policy (2019)."*	

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ACN 143 573 184 ABN 23 143 573 184
Planning Solutions (Aust) Pty Ltd

PS ref: 7521

3 May 2021

Chief Executive Officer
PO Box 510
Gingin WA 6503

Attention: Planning Services

Dear Sir/Madam,

OBJECTION
PROPOSED HOLIDAY ACCOMMODATION DEVELOPMENT
LOT 9 (84) GINGIN ROAD, LANCELIN

Planning Solutions acts on behalf of Steve and Sue Dixon, and Leo and Sarah Callisto, the respective owners of:

- Strata Lot 1 on Strata Plan 14048 (No. 80A) Gingin Road, Lancelin; and
- Strata Lot 2 on Strata Plan 14048 (No. 80B) Gingin Road, Lancelin.

We refer to the development application lodged with the City of Gingin for a holiday accommodation development comprising five short-stay units and one caretaker's dwelling at Lot 9 (84) Gingin Road Lancelin (**the subject site**).

We thank the City of Gingin for the opportunity to provide a comment on the above proposal, which has been advertised for public comment until 3 May 2021. On behalf of our clients, **we wish to register our strong objection** to the proposed development due its significant impact on our clients' views and amenity and due to its clear inconsistency with State Planning Policy 2.6 – State Coastal Planning Policy (**SPP2.6**). The following submission details the reasons for our objection.

EXECUTIVE SUMMARY

This submission concludes the proposed development does NOT meet the objectives of the planning framework and should not be supported in its current form. The grounds for our objection are as follows:

1. *The siting of the proposed development in close proximity to the rear boundary and the coastal reserve. The outcome is such that the proposed development would protrude approximately 12m further forward than the properties to the north, inconsistent with the prevailing alignment of development and the context and character of the area. The development is inconsistent with discretionary planning requirements such as State Planning Policy 7 and Clause 4.8.7.10 of Local Planning Scheme No. 9 which requires Tourism development to be integrated with its surroundings. The rear setback also causes adverse amenity impacts to our clients' amenity and views from the rear of their dwelling.*
2. *The proposed development is inconsistent with State Planning Policy 2.6 – State Coastal Planning Policy as the development is located within an area which is subject to coastal inundation in the next 100 years. There are opportunities on the site to develop outside of this risk area.*
3. *The proposed development is setback 60m from the street, causing a lack of surveillance and lack of engagement with the street.*

BACKGROUND AND CONTEXT

Affected Property – 80 Gingin Road, Lancelin

Our clients' property is located immediately north of the development site at 80 Gingin Road, Lancelin, comprising two townhouse style dwellings which both have a frontage to the ocean. Mr and Mrs Dixon purchased their property in 2000 (No. 80A); Mr and Mrs Callisto (No. 80B) purchased the property in 2004 and use the property as their primary place of residence. Both dwellings are two storeys and are both set back approximately 23m from the foreshore reserve to the east. The property was originally created in 1978 when subdivided from a larger parcel of land which extended to Miragliotta Road to the north. Importantly, as part of this subdivision, an 8.75m wide strip of land was ceded from the property pursuant to Section 20A of the *Town Planning and Development Act 1928*. This land is recorded on the diagram as a reserve for recreation. The reserve extended northwards up to No. 64 Gingin Road. **This reserve places our clients' property 8.75m behind the line of the subject site** as it fronts the foreshore.

A copy of the relevant titles and diagrams are attached for reference purposes (**refer Attachment 1**).

Development Site

The development site has a total site area of approximately 2,914m² and is bounded by Gingin Road to the east and the foreshore reserve to the west. The subject site is the northernmost 'Tourist' zone site on Gingin Road, with all properties to the north (including our clients' property) zoned 'Residential' and coded R12.5/20.

The subject site has an unusual topography with a flat portion of land in the front two thirds of the site and a flat portion of land in the rear third of the site, separated by a ridge line which causes a 2m level difference between the front and rear portions of the site.

The proposed development comprises five short stay units and one caretakers' dwelling whilst the front portion of the site remains vacant. However, a subdivision plan included with the development application shows the creation of one additional survey strata lot at the street frontage.

GROUNDS FOR OBJECTION

The grounds for objection can be summarised into three main issues.

1. The proposed rear setback creates a severe inconsistency with the local character of the area and impinges on views of our clients' property.
2. The proposed development is inconsistent with *State Planning Policy 2.6 – State Coastal Planning Policy* as it situates development in a portion of the site which is at the highest risk of coastal processes.
3. The development is located in the rear third of the site creating a lack of engagement and surveillance of the street.

We elaborate on these issues below.

Issue 1 – Proposed rear setback is inconsistent with local context

Firstly, it is acknowledged the setback of the proposed development meets the requirement under the Shire of Gingin Local Planning Scheme No. 9 (**LPS9**) which stipulates a minimum rear setback of 6m in the Tourism zone. This is a generic setback requirement applicable to all Tourism zoned properties, not contingent on local context.

Notwithstanding the compliance with the LPS9 requirement, there is a broader array of considerations that factor into any planning decision. The rear setback and the siting of the development should not simply be deemed acceptable because it meets this generic setback requirement. A detailed consideration of other aspects of the planning framework is required. Before discussing this framework, we wish to establish how the proposal impacts the amenity of our clients' property and how it is inconsistent with the character of the area.

Impact on amenity of 80 Gingin Road, Lancelin

The proposed development, and particularly the rear setback, has an undue and adverse impact on the amenity of our clients' property. As outlined above, our clients' property has a setback of approximately 23m from the foreshore reserve boundary, whilst the proposed development is setback just 6m. This results in our clients' backyard and outdoor living area being enveloped by a large two storey wall, which extends for a length of 24m.

Our clients are also deeply concerned about the prospect of a loss of views towards the foreshore and the beach. Currently, the rear balcony of 80B Gingin Road enjoys almost 180 degrees views of the beachfront. With the proposed development being set forward approximately 17m closer to the foreshore than No. 80 Gingin Road, this causes a substantial reduction to the view angle, limiting views to approximately 120 degrees. Moreover, the views in this direction are highly valued by our clients as it captures the coastline as it sweeps around to the south. A photograph with an outline of the proposed development is provided in **Figure 1** below, illustrating the significant loss of view from our clients' rear balcony.

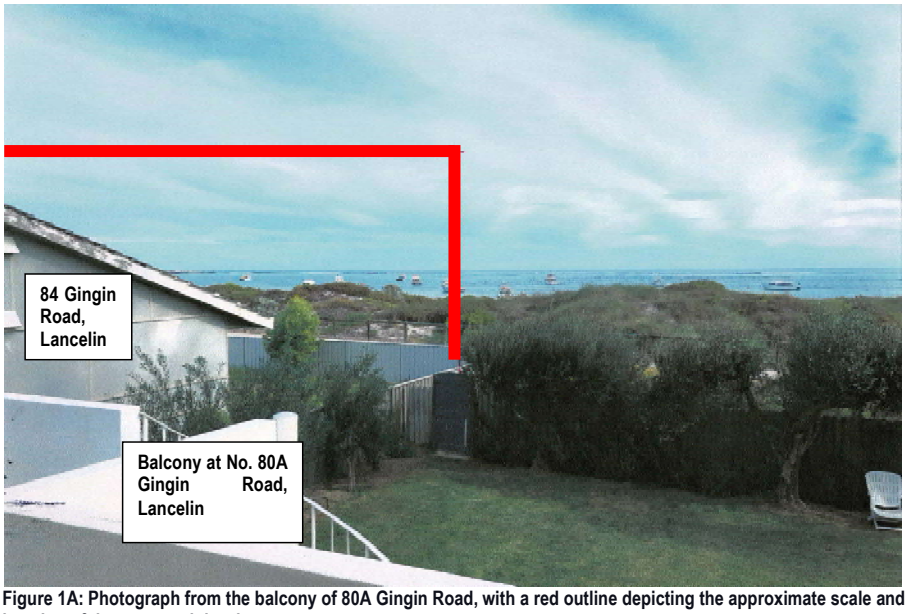


Figure 1A: Photograph from the balcony of 80A Gingin Road, with a red outline depicting the approximate scale and location of the proposed development.

The matter of whether the loss of views may be given consideration in determining a development application was considered by the State Administrative Tribunal in ***APP Corporation Pty Ltd and City of Perth*** *[2008] WASAT 291,* where the Tribunal referenced a four-step assessment in relation to 'view sharing' derived from ***Tenacity Consulting Pty Ltd and Warringah Council*** *[2004] NSWLEC 140*. This four-step assessment comprises the following means to determine whether the right to a view can be said to be worthy of protection:

1. Assessment of the quality of the affected view. Water views are more highly valued than land views.
2. Views from front and rear boundaries are more easily protected.
3. Assessment of the extent of impact, whether minor, moderate, severe or devastating.
4. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

With regards to points 1, 2 and 3, we note:

- The views in question are that of the Lancelin beachfront and are a very high quality and high value as can be observed from Figure 1 above.
- The impacts on views in this instance arises as a result of the development being too close to the foreshore boundary at the rear. There is approximately 60m on the east side of the site which is not proposed to be developed. The proponent is therefore able to set the development further back to better accommodate our clients' views.
- The impacts are considered severe, reducing the view angle from approximately 180 to 120 degrees.

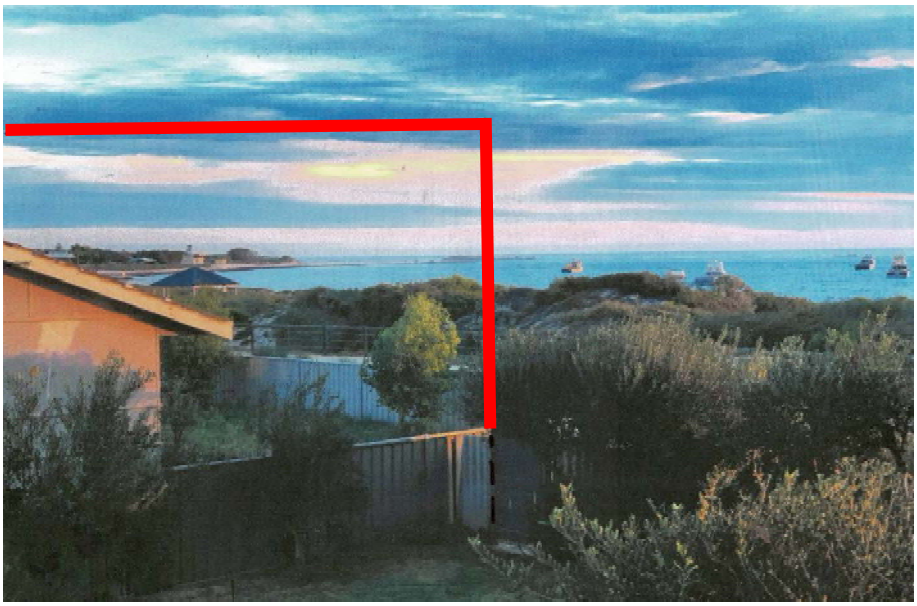


Figure 1B: Photograph from the balcony of 80B Gingin Road, with a red outline depicting the approximate scale and location of the proposed development.

Inconsistency with prevailing foreshore setbacks

Figure 2 below shows the proposed development in the context of other surrounding beachfront properties, including our clients' property to the north. It is evident the proposal is inconsistent with the prevailing character of this area by protruding substantially further forward than the five adjoining properties to the north. The proposed development has a setback of 6m, whilst the developments to the north range from 18m to 23m.

It should be noted the property to the south comprises a building which has an approximate 6m setback to the foreshore reserve. However, the development is angled such that it is further setback (approximately 8m) on the northern side of the building. This is also the point at which the line of the reserve deviates to the west.



Figure 2: Alignment of proposed development in comparison to its surroundings

Although the setback on the development site meets the LPS9 rear setback requirement, there are other elements of the planning framework that require consideration over and above the setback. The key requirements are as follows:

State Planning Policy 7 – Design of the Built Environment

State Planning Policy 7 – Design of the Built Environment (**SPP7**) sets out the objectives, measures, principles and processes which apply to the design and assessment of built environment proposals through the planning system. For clarity, section 4 of SPP7 notes that the policy is applicable to development applications. In this respect, consideration is required against the 10 principles of good design, as outlined in SPP7.

Design Principle 1 – Context and Character is a particularly important consideration in this instance. The principle means:

> *"Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place."*

The beachfront properties in this part of Gingin Road have a generally consistent setback which allows equitable views to the beachfront for all properties in this area. By protruding significantly further forward than the prevailing setback line, the proposed development creates a severe inconsistency with the prevailing setbacks and interrupts the character of this local area. This impacts on the amenity and enjoyment of the surrounding properties.

It is noted the package of information made available for public comment does not include any analysis of the 10 principles of good design or State Planning Policy 7. Moreover, the design bears a complete disregard to this principle. There is no evidence of a context analysis having been undertaken and it appears the proposal simply applies the minimum setback with no consideration given to its surroundings. This is clearly inconsistent with principle 1 of SPP7.

We consider the inconsistency with principle 1 of SPP7 is grounds for refusal of the application. At a minimum, we request the Shire engages an independent design reviewer to provide feedback on this matter.

Tourism Zone requirements

LPS9 prescribes a series of development standards for the Tourism zone. Of relevance to this proposal, Clause 4.8.7.10 of LPS9 states:

> *In considering proposals in the Tourism Zone, local government shall have regard for the zone objectives, the scale and bulk of the proposal and its integration with surrounding land uses.*

In connection with the above, objective (f) of the Tourism zone is to:

> *"encourage tourism development that is generally sympathetic to the natural and **built features of the surrounding area.**"*
>
> *[emphasis added]*

The proposal is inconsistent with the above requirement and objective respectively. It is clear from Figure 1 and Figure 2 above that the proposed development is not sympathetic to its surroundings, nor does it seek to integrate with the existing built form. The setback to the foreshore is completely inconsistent with the prevailing built form in the locality and ought to be refused on this basis.

Issue 2: Inconsistency with State Planning Policy 2.6 – State Coastal Planning Policy

As the proposed development is located within the coastal foreshore area, consideration is required against State Planning Policy 2.6 – State Coastal Planning Policy (**SPP2.6**).

SPP2.6 seeks to ensure development within the coastal area takes into account coastal processes, hazard, sea level rise, climate change, visual impacts and other coastal considerations. SPP2.6 comprises the following objectives:

1. *ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;*
2. *ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;*
3. *provide for public coastal foreshore reserves and access to them on the coast; and*
4. *protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.*

Importantly, the Shire's Local Planning Scheme stipulates that SPP2.6 is to be read as if it were part of the Scheme. Specifically, Clause 4.7.4.1 and 4.7.4.2 of LPS9 state:

> *"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."*

Accordingly, a greater weight must be applied to SPP2.6 in consideration of this application.

SPP2.6 requires the consideration of sea level rise over a 100 year timeframe. In this respect, the Shire has prepared a Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) for its coastline, including the Lancelin townsite. The CHRMAP includes mapping which models areas impacted by coastal processes between 2016 and 2110. As shown in **Figure 3** below, the proposed development is located almost entirely within the 2110 coastal hazard line and at risk of inundation in the 100 year timeframe.



Figure 3: Excerpt from Shire of Gingin CHRMAP with the blue line showing the coastal hazard line at 2110. The proposed development is almost entirely located forward of that hazard line.

SPP2.6 requires development to be located in the least vulnerable portion of the site (clause 5.6). **This has not been achieved** because the development is located in the rear third of the site, nearest to the ocean. We emphasise this is not a requirement which should be glossed over given SPP2.6 is to be read as if it is part of LPS9.

SPP2.6 also prescribes a risk management and adaptation approach which is based on a hierarchy of actions, depicted in **Figure 4** below. In the first instance, it is recommended development avoids the risk. If this is unavoidable, then retreating, accommodating and protecting may be considered (in that order). The proposed development is located in the most vulnerable portion of the site and in a vulnerable portion of the proposed survey strata lots, being closer to the coastline than what could otherwise be developed on the lot. **It is clear there are opportunities to avoid risk by setting the development further back from the foreshore boundary.**

The applicant's report acknowledges the sea level rise considerations and claims that the siting of the development in the seaward part of the site is to avoid the risk of storm surge from the lower topography in the landward part of the site. This justification is flawed for the following reasons:

- Although the land is higher in the western part of the site, there is still capacity to set the buildings back further from the western boundary whilst still building in the high part of the site (specifically, the ridge line is 35m from the rear boundary whereas the development extends back approximately 30m from the rear boundary). Additionally, the applicant has the option of raising the levels in the middle of the site. This would not be a difficult task given the land to the north is already retained approximately 1.5m higher to the north (our clients' site).
- The application includes a fourth survey strata lot in the front portion of the site which the applicant claim allows for a potential chalet or other holiday accommodation development. **The provision of further development in this portion of the site would appear to contravene the applicant's justification that the development is needing to be further set away from the storm surge risk.**



Figure 4: SPP2.6 hierarchy of adaptation measures

In summary, the applicant has not provided sufficient information to demonstrate the proposed development is not at risk of coastal inundation and other risks. The proposed development is situated well within the project 100 year coastal hazard line, whilst the portion of the site outside the risk area is left vacant. This proposal has the capacity to set a precedent for the area, which could result in significant risks for the Shire if the area becomes inundated in the future. SPP2.6 advocates for the approach of the precautionary principle. As it has not been proven the development is 'safe', we urge the Shire to refuse the proposal, or require it be setback further to avoid coastal hazards.

Issue 3 – Streetscape

As a result of squeezing the development into the rear third of the site, the proposed development is setback approximately 60m from the street. This is a poor outcome as it limits surveillance of the street and creates a development outcome which does not sufficiently engage with Gingin Road.

If the intention is to develop a fourth building in the front of the lot, the applicant should be required to undertake this in the first stage of development so as not to create a poor outcome for the streetscape.

RECOMMENDATIONS & ALTERNATIVE DESIGN OUTCOMES

The subject site has an unusual topography with a flat portion of land in the front two thirds of the site and a flat portion of land in the rear third of the site with a 2m level difference between the front and rear. It is evident the proponent's intention is to develop on the higher land only. This results in a situation where the entire development is squeezed into the rear third of the site. It is setback 60m from the street and lacks surveillance or proper engagement with Gingin Road.

To resolve these issues, the proponent could relocate the buildings approximately 10m further away from the rear boundary and closer to the street. It is noted this would require some filling and raising of levels in the middle of the site. Our clients would have no in-principle objection to such an outcome. According to the survey, our clients' property has a retaining wall at 3.35m AHD on the common boundary between the two properties whilst the levels on the development site are 1.70 – 2.00m AHD. Our clients would have no objection if the land on the development

site were filled up to the level of the existing retaining wall. It is considered this would be a reasonable compromise for all concerned and would also not require the proponent to reduce the floor area of the proposed development. This would also come closer to meeting the requirements of SPP2.6, as outlined above.

Additionally, our clients would have no objection to a staggered setback for the three dwellings. As outlined above, the property to the south at 86 Gingin Road, Lancelin is setback approximately 8.5m on the north side of the building, grading back to 6m on the south side of the building. In this respect, it would make sense that the south building on the subject site were setback 8.5m, with the north building setback 15m and the middle building somewhere in between. **Figure 5** below depicts our recommended setbacks. Staggering the setbacks in this manner would show greater regard for the character and context to the prevailing beachfront setbacks.

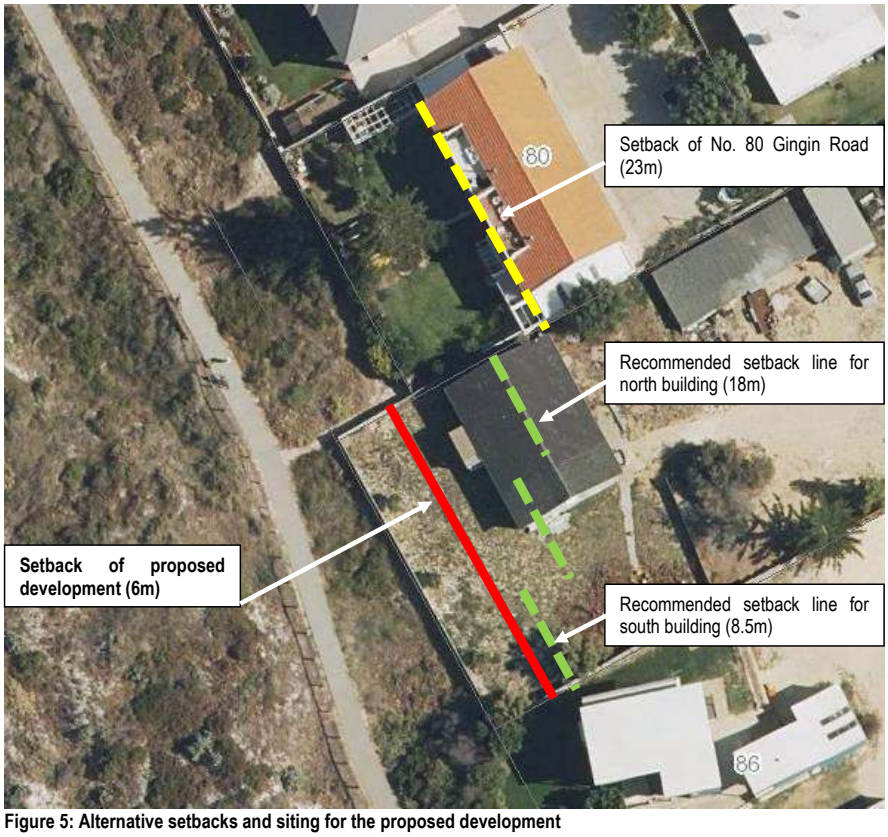


Figure 5: Alternative setbacks and siting for the proposed development

CONCLUSION

We **object** to the proposed development in its current form. The development site is a Tourism zoned site which abuts a low density residential site. In this instance, a careful transition between these two properties should be adopted. Instead, the proposed development shows a disregard for the local context and character and for the amenity of our clients' property at 80 Gingin Road, Lancelin.

Furthermore, the proposed development is inconsistent with State Planning Policy 2.6 – State Coastal Planning Policy as the development is located within an area which is subject to coastal inundation in the next 100 years. There are opportunities on the site to develop outside of this risk area.

For these reasons, we respectfully request that the proposed development in its current form be **refused** or redesigned with a greater rear setback.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the undersigned.

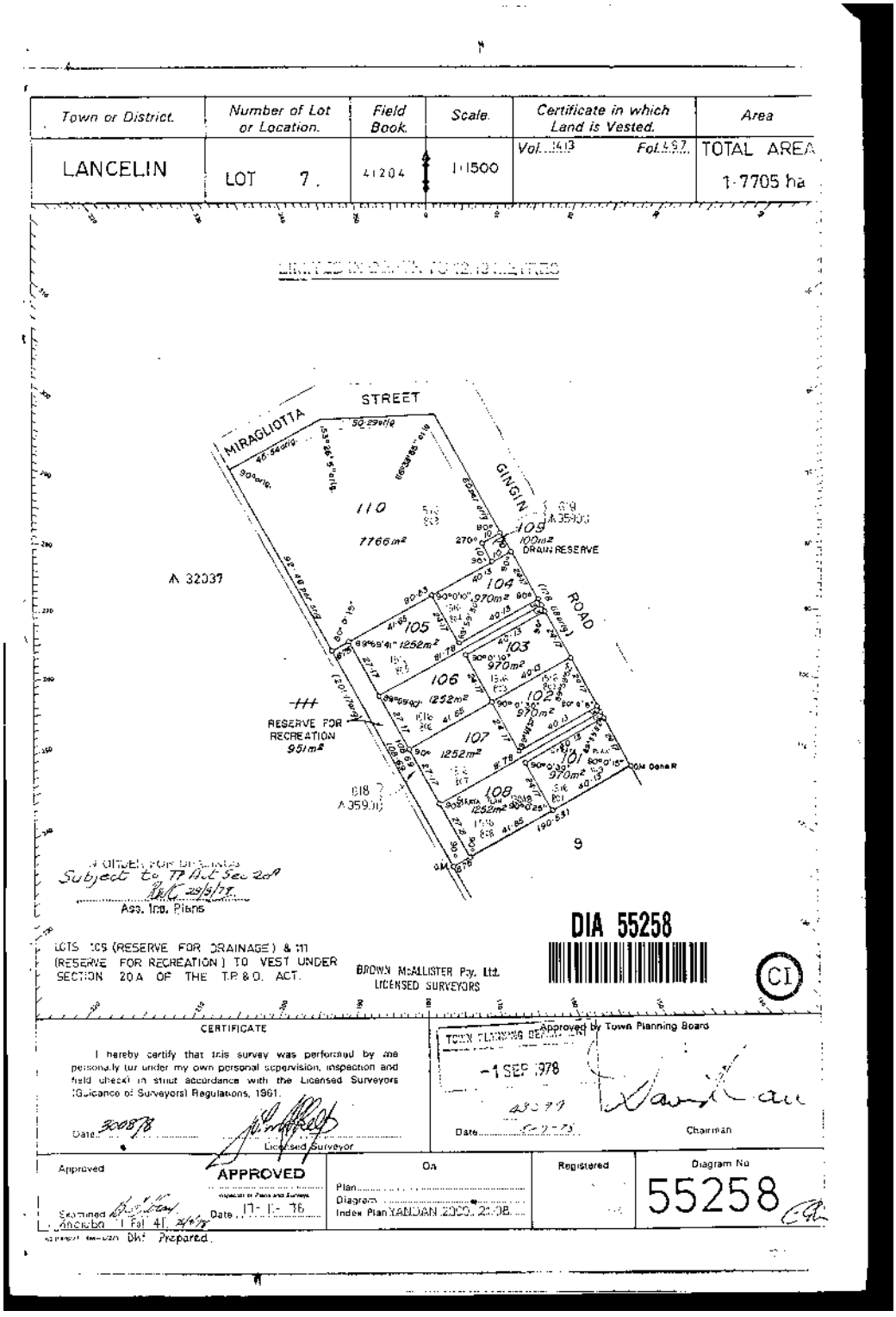
Yours faithfully,



TRENT WILL
ASSOCIATE

210501 7521 Objection Letter

ATTACHMENT 1
TITLES AND DIAGRAMS SHOWING HISTORY OF RESERVE ADJACENT TO 80 GINGIN ROAD, LANCELIN



LANDGATE COPY OF ORIGINAL NOT TO SCALE 28/04/2021 12:34 PM Request number: 61936125
Landgate
www.landgate.wa.gov.au

Reserve Details Report -35991

Reserve	35991	**Legal Area (ha)**	0.0951
Name	N/A	**Status**	CURRENT
Type	N/A	**Current Purpose**	PUBLIC RECREATION
File Number	01645-1978-01RO		
Notes	N/A		
Additional Reserve Information	N/A		

Class	Responsible Agency	Date of Last Change
C	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)	28/02/2000

Management Order	Document Number
VEST: SHIRE OF GINGIN	H371316

Land Use
PUBLIC RECREATION

Local Government Authority
SHIRE OF GINGIN

CLT Number	Parcel Identifier	Street Address, Suburb	File Number	PIN	Area (m^2)
LR3021/838	Lot 618 On Diagram 55258	No Street Address Information Available	01645-1978-01RO.	570625	951.038

Previous Certificates of Title	Status

Document Number/Gazette Page	Date	Type	Text
H371316	24/02/2000	Current Vesting	VEST: SHIRE OF GINGIN
871	30/03/1979	Formerly	FORMERLY PTN LANCELIN 7,LOT 111,D:55258
871	30/03/1979	Original Gazettal and page	ORIGINAL GAZETTE
N/A	30/03/1979	Current Area	0.0951
N/A	30/03/1979	Class	C
N/A	30/03/1979	Current Purpose	PUBLIC RECREATION

WESTERN AUSTRALIA

REGISTER NUMBER	
618/D55258	
DUPLICATE EDITION	DATE DUPLICATE ISSUED
N/A	N/A

VOLUME LR3021 FOLIO 838

RECORD OF CERTIFICATE OF CROWN LAND TITLE

UNDER THE TRANSFER OF LAND ACT 1893
AND THE LAND ADMINISTRATION ACT 1997
NO DUPLICATE CREATED

The undermentioned land is Crown land in the name of the STATE OF WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 618 ON DIAGRAM 55258

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: RESERVE UNDER MANAGEMENT ORDER

PRIMARY INTEREST HOLDER: SHIRE OF GINGIN OF 7 BRACKMAN ROAD, GINGIN
(XE H371316) REGISTERED 24/2/2000

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. RESERVE 35991 FOR THE PURPOSE OF PUBLIC RECREATION
H371316 MANAGEMENT ORDER. CONTAINS CONDITIONS TO BE OBSERVED. REGISTERED 24/2/2000.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

----------END OF CERTIFICATE OF CROWN LAND TITLE----------

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:	LR3021-838 (618/D55258)
PREVIOUS TITLE:	LR3021-838
PROPERTY STREET ADDRESS:	NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY:	SHIRE OF GINGIN
RESPONSIBLE AGENCY:	DEPARTMENT OF PLANNING, LANDS AND HERITAGE (SLSD)

NOTE 1: A000001A CORRESPONDENCE FILE 01645-1978-01RO.

END OF PAGE 1 - CONTINUED OVER

LANDGATE COPY OF ORIGINAL NOT TO SCALE 28/04/2021 12:34 PM Request number: 61936125
Landgate
www.landgate.wa.gov.au

ORIGINAL CERTIFICATE OF CROWN LAND TITLE

REGISTER NUMBER: 618/D55258 VOLUME/FOLIO: LR3021-838 PAGE 2

NOTE 2:	LAND PARCEL IDENTIFIER OF LANCELIN TOWN LOT/LOT 618 ON SUPERSEDED PAPER CERTIFICATE OF CROWN LAND TITLE CHANGED TO LOT 618 ON FREEHOLD TITLE DIAGRAM 55258 ON 17-AUG-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.
NOTE 3:	THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE.

LANDGATE COPY OF ORIGINAL NOT TO SCALE 28/04/2021 12:34 PM Request number: 61936125

Landgate
www.landgate.wa.gov.au

Document Number/Gazette Page	Date	Type	Text
N/A	30/03/1979	Correspondence File Number	01645-1978-01RO
N/A	30/03/1979	Lot/Town Lot	LANCELIN LOT 618
N/A	30/03/1979	Public Plan	BF37(2) 21.08
N/A	30/03/1979	Street Name	NEAR GINGIN ROAD, BETWEEN CUNLIFFE AND MIRAGLIOTTA STREETS

date: Apr 28, 2021, 12:29:16 PM

13.6 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED PATIO (COVERED SPECTATOR VIEWING) ON LOT 52 RACECOURSE ROAD, COONABIDGEE

File	BLD/2164
Applicant	Nusteel Patios and Sheds
Location	Lot 52 Racecourse Road, Coonabidgee
Owner	Shire of Gingin
Zoning	General Rural 30
WAPC No	N/A
Author	James Bayliss – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	3 June 2003 - Item 10.1.2 15 July 2003 – Item 10.3.3
Appendices	1. Aerial Map - Lot 52 Racecourse Road, Coonabidgee [**13.6.1** - 1 page] 2. Location Map - Lot 52 Racecourse Road, Coonabidgee [**13.6.2** - 1 page] 3. Applicant's Proposal [**13.6.3** - 4 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for a proposed Patio (Covered Spectator Area) on Lot 52 Racecourse Road, Coonabidgee.

BACKGROUND

The subject land currently contains a harness racing and racehorse track which is used infrequently, various equestrian yards used by the Gingin Campdraft, storage sheds, Scout Hall, ablutions facility and various yards and pens.

This proposal has been instigated by the Gingin Campdraft to install a patio 15 metres in length, 8 metres in width with a wall height of 3.3 metres tapering to a ridge height of 4.7 metres. The structure will function as a covered spectator area adjacent to the main arena.

It is pertinent to note that Lot 1119 Racecourse Road, Coonabidgee was gifted in freehold title to the Shire of Gingin by Mr F A Wedge circa 1971. Lot 1220 Racecourse Road was gifted to the Shire of Gingin in 1954 from the Gingin Turf Club.

It was intended that the land would be utilised for community purposes, specifically those relating to equine and sporting activities. This proposal is viewed as being consistent with the intended use of the land.

The Executive Management Team have considered the proposal and provided in-principle support to the project subject to the following:

- *Development and Building applications being submitted prior to works commencing; and;*

- *The Gingin Campdraft accepting responsibility for ongoing maintenance and renewal of the shelter.*

Consideration by Council is required given the land is owned in freehold by the Shire of Gingin. Landowner consent is required to accompany any application for development approval, which in this case comprises of Council consent.

An aerial photograph and location plan are provided as **Appendix 13.6.1** and **Appendix 13.6.2** respectively.

The applicant's proposal is provided as **Appendix 13.6.3**.

COMMENT

Stakeholder Consultation

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

PLANNING FRAMEWORK

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

The subject lot is zoned "General Rural 30" under LPS 9. The objectives of the General Rural zone are to:

a) manage land use changes so that the specific local rural character of the zone is maintained or enhanced;

b) encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;

c) maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and

d) provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.

The proposed patio does not contravene any of the above objectives and has negligible impact from a planning perspective.

Setbacks

In accordance with 'Table 2 – Site Requirements' of LPS 9, all development shall be set back a minimum of 20 metres from all lot boundaries. The proposed patio is set back well in excess of 20 metres.

The general development requirements for land zoned General Rural are outlined below with officer comments.

Part 4 - General Development Requirements	Officer comment
4.8.6.2 No more than one single dwelling house shall be erected on a lot zoned General Rural unless the Local Government is satisfied that an additional house is necessary or desirable for the continuation of a bona fide agricultural activity, and is satisfied that the land can be adequately serviced, surrounding amenity is not adversely impacted on or any other consideration it considers relevant.	NA
4.8.6.3 The presence of more than one dwelling unit on a lot in the General Rural zone shall not be considered by itself to be sufficient grounds for subdivision.	NA
4.8.6.4 No dwelling shall be erected unless the lot is connected to a reticulated water supply or the local government is satisfied that there is an adequate potable water supply consisting of a roof water tank of not less than 90,000 litres, a bore, well, spring, soak or dam.	NA

4.8.6.5 Fencing shall conform to the standard of rural fencing in the district, and the use of solid panel fencings except in the immediate vicinity of the residence will only be permitted with the approval of local government.	NA
4.8.6.6 No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence.	NA
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 siting of the proposed patio will have no impact on the natural vegetation or visual amenity of the site.
4.8.6.8 The keeping of horses, sheep, goats and other grazing animals, where permitted, shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.	NA
4.8.6.9 Local government may, at its discretion, permit the land uses "retirement village" and "aged persons accommodation" in the General Rural zone, but only within the Gingin townsite (as defined by the suburb boundary), and subject to appropriate zoning of the site at a later stage.	NA

The above provisions are largely not relevant to the proposed development. The patio (covered spectator area) is viewed as being consistent with the planning framework.

Summary

The officer is of the view that the proposed development is complimentary to use of the site by the Gingin Campdraft and is supported subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Rule SECONDED: Councillor Johnson

That Council grant Development Approval for a proposed Patio (Covered Spectator Area) on Lot 52 Racecourse Road, Coonabidgee subject to the following conditions:

1. **The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;**

2. **This approval is for a Patio (Covered Spectator Area) only as indicated on the approved plans; and**

3. **The patio is to be kept in good condition to the satisfaction of the Shire of Gingin for the life of the development.**

ADVICE NOTES:

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

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

Note 3: Where an approval has so lapsed, no development must be carried out without further approval of the local government having first been sought and obtained.

Note 4: Further to this approval, the applicant/landowner(s) may be required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and the *Public Health Act 2016*, which are to be approved by the Shire of Gingin.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*



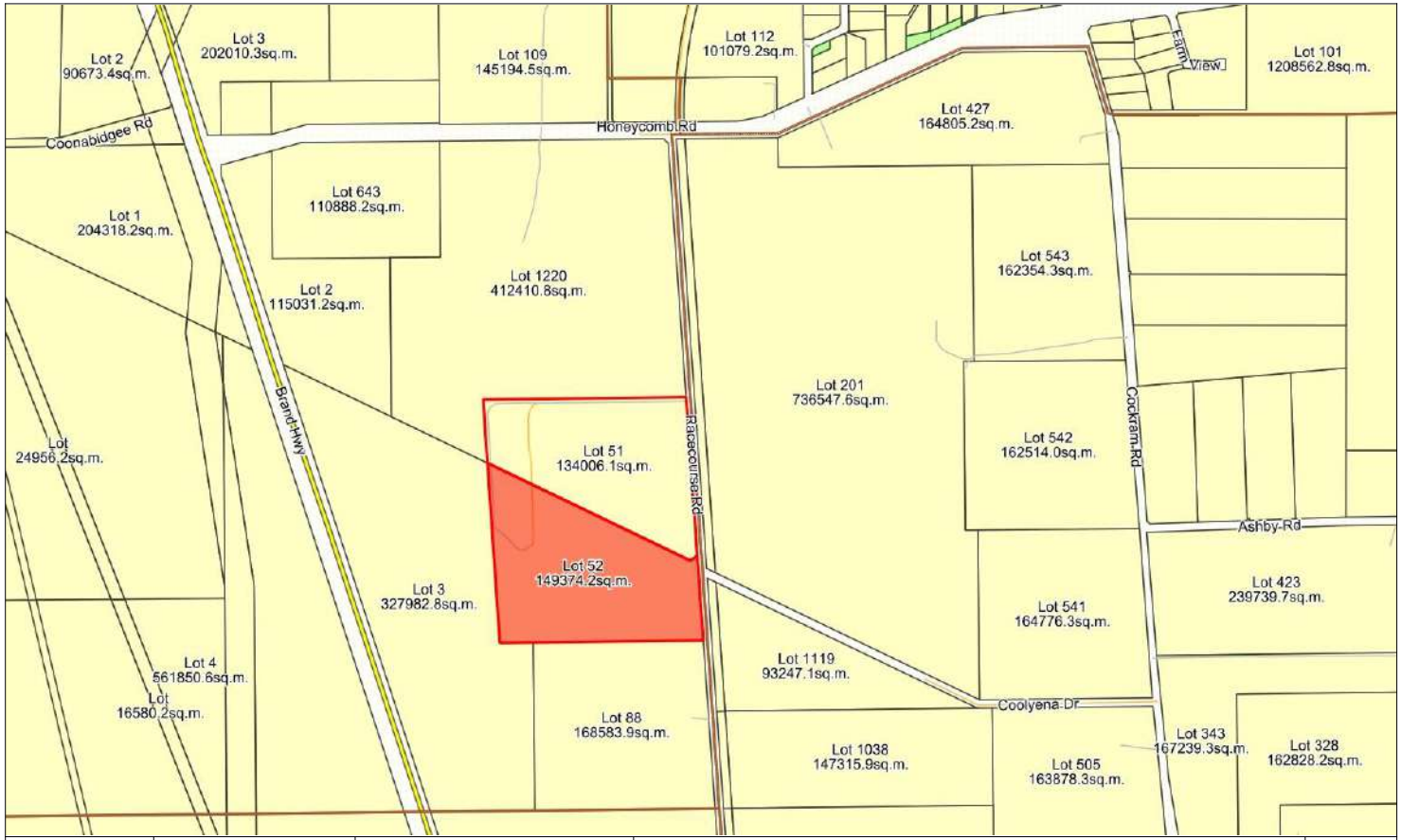
SHIRE OF GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au

Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.

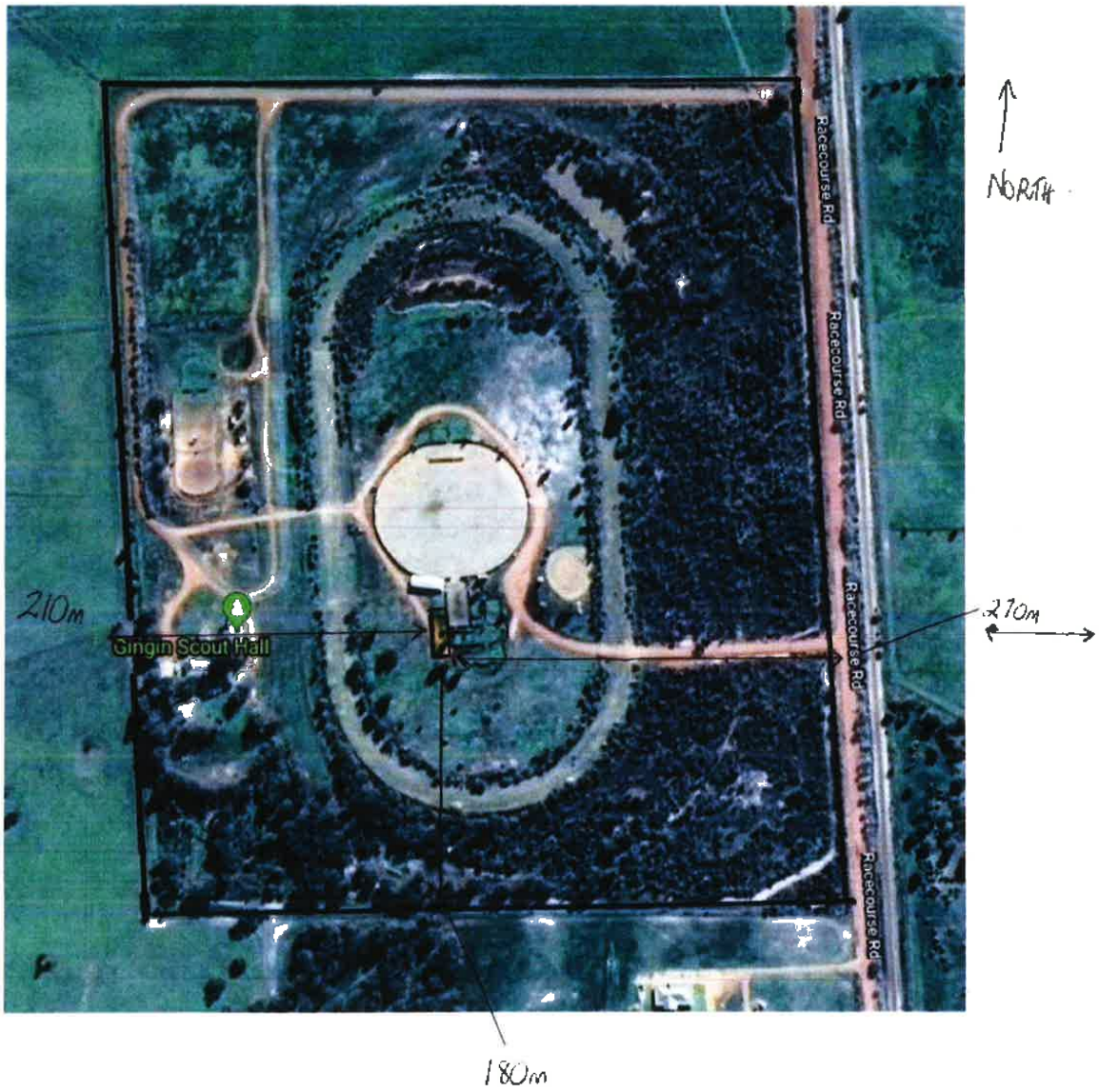
Aerial Map - Lot 52 Racecourse Road, Coonabidgee

Scale: 1:4215

Date: 31/08/2021



SHIRE OF GINGIN	7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Location Map - Lot 52 Racecourse Road, Coonabidgee Scale: 1:12862 | Date: 31/08/2021	N



GINGIN CAMPDRAFT

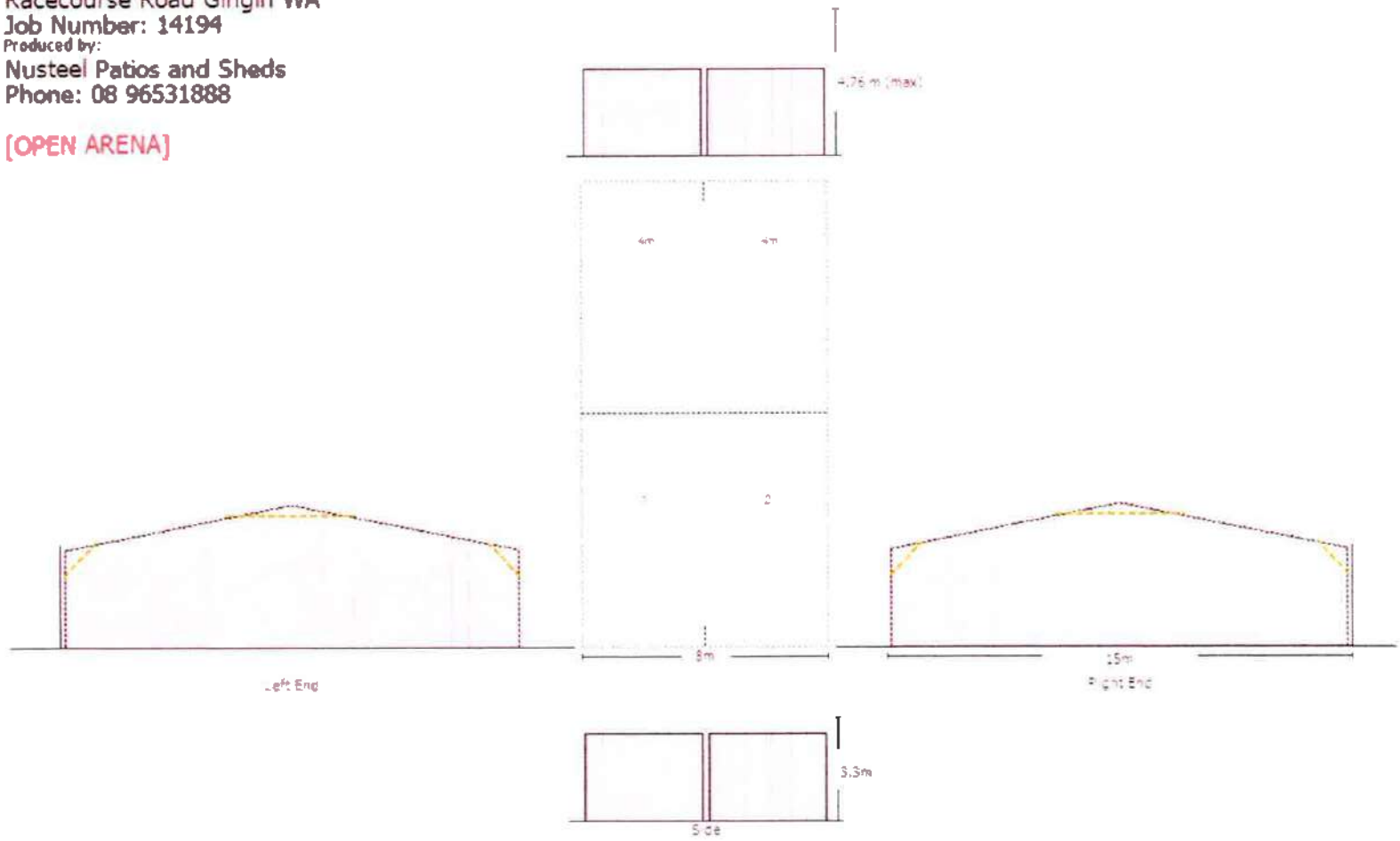
GINGIN CAMPDRAFT CLUB.

SITE PLAN



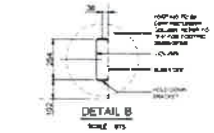
Building For:
Dan Roservert Gingin Campdraft Club
Racecourse Road Gingin WA
Job Number: 14194
Produced by:
Nusteel Patios and Sheds
Phone: 08 96531888

[OPEN ARENA]

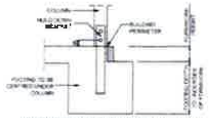


The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds' products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.

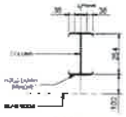
The design and detail shown on these drawings are applicable to this project only and may not be reproduced in whole or any part or be used for any other purpose without the written permission of FBHS (Aust) Pty Limited with whom copyright resides.
The local distributor you are dealing with is an authorised independent distributor of Fair Dinkum Sheds' products and enters into agreements with its customers on its own behalf and not as an agent of Fair Dinkum Sheds.



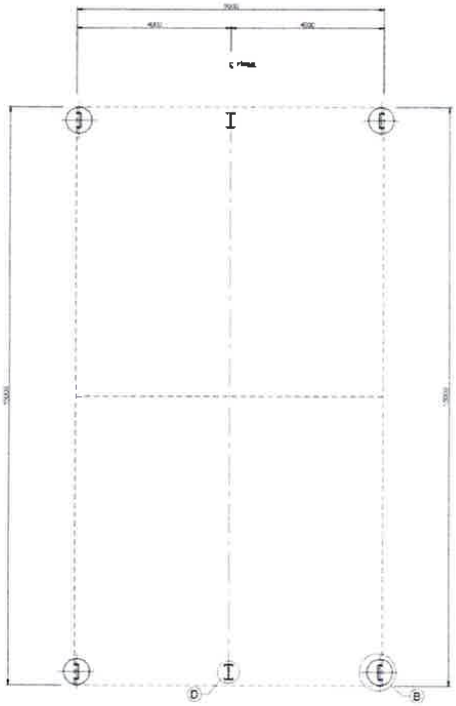
DETAIL B



CORNER SECTION DETAIL (TYP.)



DETAIL D



1 HOLD DOWN BRACKET LAYOUT

IF YOU HAVE A ROLLER DOOR IN THE GABLE END OF YOUR SHED, CONTACT YOUR DISTRIBUTOR TO SEE IF MULLION NEEDS TO BE ROTATED FOR USE AS A DOOR JAMB.

NOT PART OF COUNCIL APPLICATION DOCUMENTATION

JOB NO MOOR161194 | DATE 1/12/2021 | DESIGNED TH | DRAWN SG

STEEL BUILDING BY
NUSTEEL PATIOS AND SHEDS
08 96531886
FOR
DAN ROSERVERT GINGIN CAMPDRAFT CLUB
AT
RACECOURSE ROAD
GINGIN WA

fair dinkum SHEDS

BRACKET LAYOUT

13.7 PROPOSED SUBDIVISIONS (LAND ACQUISITIONS) BY THE DEPARTMENT OF BIODIVERSITY, CONSERVATION AND ATTRACTIONS

File	ENV/32
Author	Kylie Bacon – Manager Statutory Planning
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Location & Provisional Subdivision Plans [**13.7.1** - 10 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

The Department of Biodiversity, Conservation and Attractions (DBCA) is seeking to purchase portions of the following five private lots to assist and facilitate the satisfying of offset requirements imposed under the *Environmental Protection and Biodiversity Conservation Act 1999* (the Act). DBCA are therefore seeking Council's support for the subdivision of the following lots:

- Lot 5324 Cowalla Road, Cowalla;
- Lot 2 Pin Pin Road, Beermullah;
- Lot 11 Breera Road, Breera;
- Lot 2 Orange Springs Road, Orange Springs; and
- Lot 8037 Duringen Road, Cowalla.

The portions of properties subject to purchase have been identified due to their underlying environmental characteristics and are to be transferred to the State of Western Australia (WA) and included into the State's Conservation Estate under DBCA management. Furthermore, the respective landowners have voluntarily entered into agreements for the sale of the property.

Location Plans and Provisional Subdivision Design Plans are provided in **Appendix 13.7.1**.

BACKGROUND

The following table summarises the properties that are subject to the potential subdivision:

Proposal	Property Details	Orginal Lot Size (Hectares)	Local Planning Scheme No. 9 (LPS 9) Zoning	Summary of Proposal
1	Lot 5324 Cowalla Road, Cowalla	782 Ha	General Rural Uncoded	Subdivision creating two new lots being the remnant vegetation (722 Ha) and balance portion remaining in private ownership (60 Ha).
Comment	The portion that is subject to DBCA's purchase features Banksia Threatened Ecological Community (TEC) and vegetation suitable as Black Cockatoo habitat, and is proposed to be created as Nature Reserve and included in the State's conservation estate. The purchase is for offset purposes required by Main Roads WA in accordance with their offset requirements for a number of proposed infrastructure projects.			
2	Lot 2 Pin Pin Road, Beermullah	638 Ha	General Rural Uncoded	Subdivision creating three new lots being the remnant vegetation (146 Ha & 19 Ha) and balance portion remaining in private ownership (473 Ha).
Comment	The portion that is subject to DBCA's purchase contains Banksia TEC and is assessed to be suitable Black Cockatoo foraging habitat with 79 trees identified as being potential breeding trees. The remnant vegetation located on Lot 20 of the subdivision plan (north-west corner) has been identified for its Conservation Category wetland value and is a suitable habitat for the Western Swamp Tortoise and sits adjacent to the south of an existing release site. Following the transfer of the subject portions to the State of WA it is to be amalgamated into the adjacent Moore River Nature Reserve and included in the State's conservation estate under DBCA management.			
3	Lot 11 Breera Road, Breera	180 Ha	General Rural Uncoded	Subdivision creating two new lots being the remnant vegetation (143 Ha) and balance

				portion remaining in private ownership (37 Ha)
Comment	The portion that is subject to DBCA's purchase contains Banksia TEC and Declared Rare Flora and is a DBCA targeted acquisition for inclusion in the State's conservation estate. The subject portion proposed for acquisition is to serve several smaller offset requirements for individual proponents.			
4	Lot 2 Orange Springs Road, Orange Springs	192 Ha	General Rural Uncoded	Subdivision creating two new lots being the remnant vegetation (167 Ha) and balance portion remaining in private ownership (25 Ha)
Comment	DBCA is in negotiations with the landowner for the purchase of a 167 Ha portion of the property which has been identified as a suitable offset required by Main Roads WA in accordance with their offset requirements for a number of proposed infrastructure projects. A flora assessment has not yet been completed, however the land is expected to contain Banksia TEC consistent with the vegetation types of adjacent properties. A flora assessment is to be completed prior to an agreement being reached to ground-proof existing flora types. Should agreement be reached, the subject portion will be transferred to the State of WA to be amalgamated into the adjacent Moore River National Park and included in the State's conservation estate under DBCA management.			
5	Lot 8037 Duringen Road, Cowalla	601 Ha	General Rural Uncoded	Subdivision creating two lots being the remant vegetation (310 Ha) and balance portion remaining in private ownership (291 Ha)
Comment	The portion that is subject to DBCA's purchase features Banksia TEC and vegetation suitable as Black Cockatoo habitat and is proposed to be created as a Nature Reserve and included in the State's conservation estate. The purchase is for offset purposes required by Main Roads WA in accordance with their offset requirements for a number of proposed infrastructure projects. Lot 8037 Duringen Road sits immediately east of Lot 5324 Cowalla Road, Cowalla (Subdivision proposal 1 above). DBCA is also amalgamating the purchased portions of Lot 8037 and 5324 into a single lot.			

COMMENT

Strategic Community Plan 2019-2029

The Shire's Strategic Community Plan identifies the Natural Environment as one of its focus areas. The outlined objective is '*to develop the Shire's capacity to support the conservation of natural assets and undertake sustainable resource management*'. An outcome in achieving the above is through Conservation where *'the Shire's ecological services and natural assets are respected and enhanced'*, with a priority of *'advocating to ensure the Shire is not disadvantage by environmental offsets from urban areas or other State infrastructure'*.

It is considered that DBCA's request to subdivide the five properties in question does not disadvantage the Shire with respect to allocating environmental offsets within the Shire's locality. Specifically, the request is supported by and aims to achieve not only the Natural Environment objective within the Shire's Strategic Community Plan, but also other objectives and key actions from the strategic and statutory documents outlined below.

Furthermore, the native vegetation that has been identified for subdivision is of such significant value that a request to clear the remnant vegetation for agricultural purposes would most likely not be approved. Therefore, the existing rural properties are not being disadvantaged as they are already limited (regardless of the subdivision occurring or not) in their development/operational footprint.

Local Planning Strategy (LPS)

The Shire of Gingin's Local Planning Strategy (LPS or Strategy) identifies the natural environment within the shire as *"forms a major component of the Shire of Gingin's landscape and lifestyle with the principle economic activities in agriculture, fishing and tourism being dependent on the quality of the environment"*.

The Strategy outlies the key environmental objectives in terms of native vegetation conservation which are:

- Promote and pursue a sustainable balance between the competing demands of land required for natural vegetation and land required for rural/agricultural purposes.
- Protect the natural environment and biodiversity while ensuring appropriate development opportunities within the Shire are realised.
- Protect the integrity and health of the Moore River and the estuarine environment, the riparian zone and the adjacent remnant vegetation between the coast and the Indian Ocean Drive.

The Strategy's following actions aim to achieve the above environmental objectives with respect to subdividing rural land in order to protect native vegetation.

- Where ad-hoc rezoning proposals for Rural Living or rural small holdings are made, or in considering proposals for subdivision of rural land Council will consider whether the proposal:

    - Is supported by demonstrated demand and justified in terms of achieving productive use of rural land and/or net environmental benefit.

The proposed subdivision requests from DBCA achieve net environmental benefit for the conservation of high biodiversity value and carbon, while not impacting upon the productive use of rural land. It is made clear throughout this report that there is a sustainable balance between the competing demands of land required for natural vegetation and land required for rural/agricultural purposes.

Local Planning Scheme No. 9 (LPS 9)

The subject lots are zoned General Rural (Uncoded) under LPS 9. The objectives of the General Rural zone are to:

a) manage land use changes so that the specific local rural character of the zone is maintained or enhanced;

b) encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;

c) maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and

d) provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone

It is considered that DBCA's request to subdivide rural land for the purpose of protecting environmentally sensitive areas does not impact upon the General Rural objectives outlined above for the reasons that have been outlined in this report.

LPS 9 does not support further subdivision of uncoded General Rural zoned land unless it meets the exceptional circumstance requirements under the West Australian Planning Commission (WAPC) Development Control Policy 3.4 Rural Subdivision (DC Policy 3.4). This is further explained and supported below.

State Planning Policy 2.5 Rural Planning (SPP 2.5) and Guidelines

The purpose of SPP 2.5 is 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'*.

Furthermore, the policy aims to ensure that any negative impact on environmentally sensitive areas is minimised by *'supporting the establishment of environmental corridors in strategies and schemes, including connection of State and local reserves and waterways and wetlands within private conservation areas'.* The proposed subdivision of environmentally sensitive areas achieves this protection as the land is to be either amalgamated into adjacent existing Nature Reserves and/or become new reserves created to be included in the State's conservation estate.

Further guidance on subdividing rural land relies on the direction of the WAPC's Development Control Policy 3.4 Rural Subdivision (DC Policy 3.4), which is outlined below.

Development Control Policy 3.4 Rural Subdivision (DC Policy 3.4)

DC Policy 3.4 guides the subdivision of rural land to achieve the key objectives of *State Planning Policy 2.5: Rural Planning*. The following objective is applicable with respect to subdividing rural land for environmental conservation:

- Protect and sustainably manage environmental, landscape and water resource assets.

DC Policy 3.4 also outlines and guides subdivision:

- For other unusual or unanticipated purposes which, in the opinion of the West Australian Planning Commission (WAPC), do not conflict with this and other relevant policies and are necessary to the public interest.

In this instance it is considered that the proposed subdivision requests from DBCA are appropriate and justified as they achieves environmental benefit which overall is also a benefit to the public interest.

Section 6.5 of the Policy provides guidance on the conservation of biodiversity and natural heritage, where lots may be created to conserve significant environmental features and remnant vegetation provided that:

a) the application includes advice from the Department of Parks and Wildlife, National Trust of Australia (WA), or another relevant agency, endorsing the suitability of the new lot for the intended purpose of retaining environmental values including;

i) the adequacy of the lot size proposed (if it is less than 40 hectares) to retain the conservation value in perpetuity; and

ii) in-principle agreement to administer the necessary conservation covenant.

b) generally at least 85 per cent of the area of the conservation lot has high environmental values or is covered by endemic or regenerated vegetation and/or wetland;

c) the proposed conservation lot has an appropriate shape having regard for the native vegetation, natural features, bush fire management, water resources, property management and existing or proposed structures;

d) a conservation covenant in perpetuity with the Department of Parks and Wildlife, the National Trust of Australia (WA), or an alternative authority acceptable to the WAPC, is registered on the certificate of title as a condition of subdivision for the proposed conservation lot and that the covenant includes provisions that:

(i) prohibit further clearing (other than for necessary land and fire management requirements);
(ii) clearly delineate a building envelope and/or building exclusion area which is also shown on the subdivision plan; and
(iii) prohibit stocking outside any existing cleared area.

e) bushfire risk can be managed in accordance with WAPC guidelines without resulting in loss of conservation values; and

f) the balance lot is suitable for the continuation of the rural land use and retains where practical, native or regenerated vegetation as an integral part of sustainable primary production, provided that this does not result in the division of significant endemic vegetation in order to include a portion of that vegetation within the agricultural lot.

It is considered that the subdivision request from DBCA meets the above objectives as the subdivisions are for the purpose of retaining native vegetation that has a high conservation value and will form part of the State's conservation estate. The remaining rural land remains unaffected with respect to its continuation, as to the areas where the rural land use can operate are already limited because of the significant native vegetation surrounding them. It would be highly unlikely that any clearing permits would be granted because of the conservation value of the land. Furthermore, the respective landowners have voluntarily entered into agreements for the sale of the property.

Department of Water and Environmental Regulation (DWER) Draft Native Vegetation Policy

The draft policy proposes strategic direction to modernise native vegetation management in Western Australia.

The aim is to inspire and support various sectors to conserve and restore native vegetation by providing a regionally tailored approach in planning for and coordinating its management. This includes a coordinated approach to offsets, revegetation, and threat management to list a few.

DBCA's request to subdivide existing General Rural zoned land achieves the objectives and intent of the draft policy, particularly through its Action 1.6 which states as follows (only those that are applicable have been listed):

1.6 Address ongoing loss of native vegetation in the Wheatbelt through whole of government approaches:

a) Prepare a whole of government strategy for a nett improvement in Wheatbelt native vegetation extent – through coordination of restoration (including offsets); reserve and roadside management; and regulation.

Includes defining the policy making pathway(s), spatial boundaries and stakeholder engagement approach.

b) Establish a whole of government approach to Wheatbelt restoration to coordinate offsets, carbon farming, natural resource management funding, regenerative agriculture and other funding streams with conservation investment.

The subdivision of rural land for those areas that have high conservation value assists in contributing to the nett improvement of preserving native vegetation that is of significance with its surrounding national park(s) and reserve(s), and through offsets.

Summary

The conservation of environmental assets is seen as enhancing the sustainability of rural areas. Areas of environmental significance (including remnant vegetation, riparian vegetation, waterways and wetlands) provide aesthetic and sustainability benefits for the Shire of Gingin and the proposed subdivisions are on-ground actions that establish a stewardship for the protection of native vegetation.

It is considered that the proposed subdivision of rural land meets the exceptional circumstance requirements of DC Policy 3.4 and the aims and objectives of the statutory and strategic documents outlined above. The subdivision achieves environmental and cultural benefits without compromising existing rural operations.

STATUTORY/LOCAL LAW IMPLICATIONS

Strategic Community Plan 2019-2029
Local Planning Strategy (LPS)
Local Planning Scheme No. 9 (LPS 9)

POLICY IMPLICATIONS

State Planning 2.5 Rural Planning and Guidelines
Development Control Policy 3.4 Rural Subdivision (DC Policy 3.4)
DWER Draft Native Vegetation Policy

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Natural Environment
Objective	2. To develop the Shire's capacity to support the conservation of natural assets and undertake sustainable resource management.
Outcome	2.1 Conservation: The Shire's ecological services and natural assets and respected and enhanced.
Key Service Area	Conservation and Environmental Management Strategic Town Planning
Priorities	2.1.3 Advocate to ensure the Shire is not disadvantage by environmental offsets from urban areas or other State infrastructure.

VOTING REQUIREMENTS - SIMPLE MAJORITY

M Tallon (Statutory Planning Officer) left the meeting at 4.15pm and returned to the meeting at 4.16pm.

K Bacon (Manager Statutory Planning) entered the meeting at 4.16pm.

OFFICER RECOMMENDATION

That Council, in order to facilitate the satisfying of offset requirements imposed under the *Environmental Protection and Biodiversity Conservation Act 1999*:

1. Advise the Department of Biodiversity, Conservation and Attractions that it has no objection to the subdivision of the following lots as proposed:

    - Lot 5324 Cowalla Road, Cowalla;
    - Lot 2 Pin Pin Road, Beermullah;
    - Lot 11 Breera Road, Breera;
    - Lot 2 Orange Springs Road, Orange Springs; and
    - Lot 8037 Duringen Road, Cowalla.

2. Support the amalgamation of the purchased portions of Lot 8037 and 5324 into a single lot.

PROCEDURAL MOTION

MOVED: Councillor Fewster **SECONDED: Councillor Peczka**

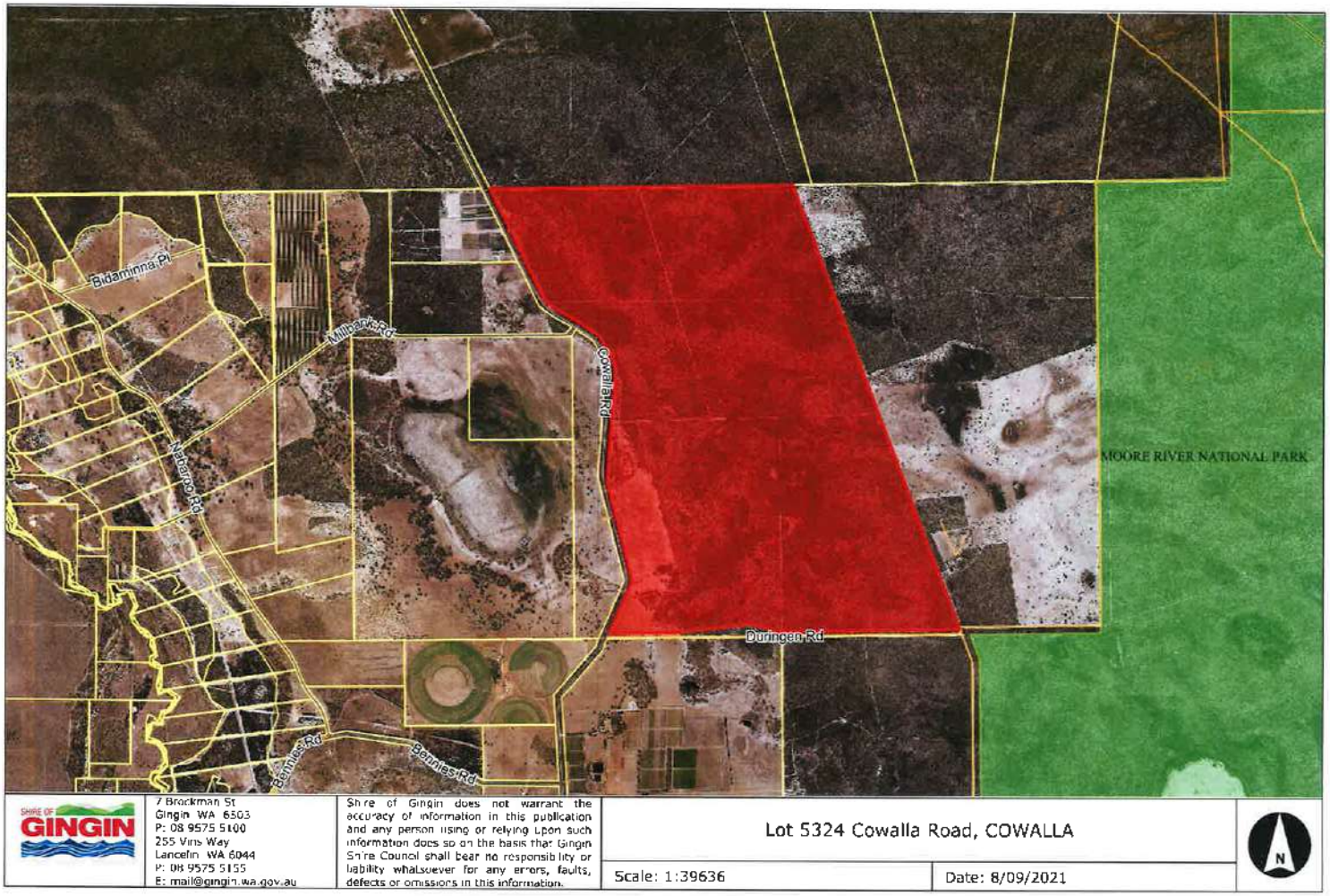
That consideration of this item be deferred to the Council meeting on 19 October 2021.

CARRIED UNANIMOUSLY
7 / 0

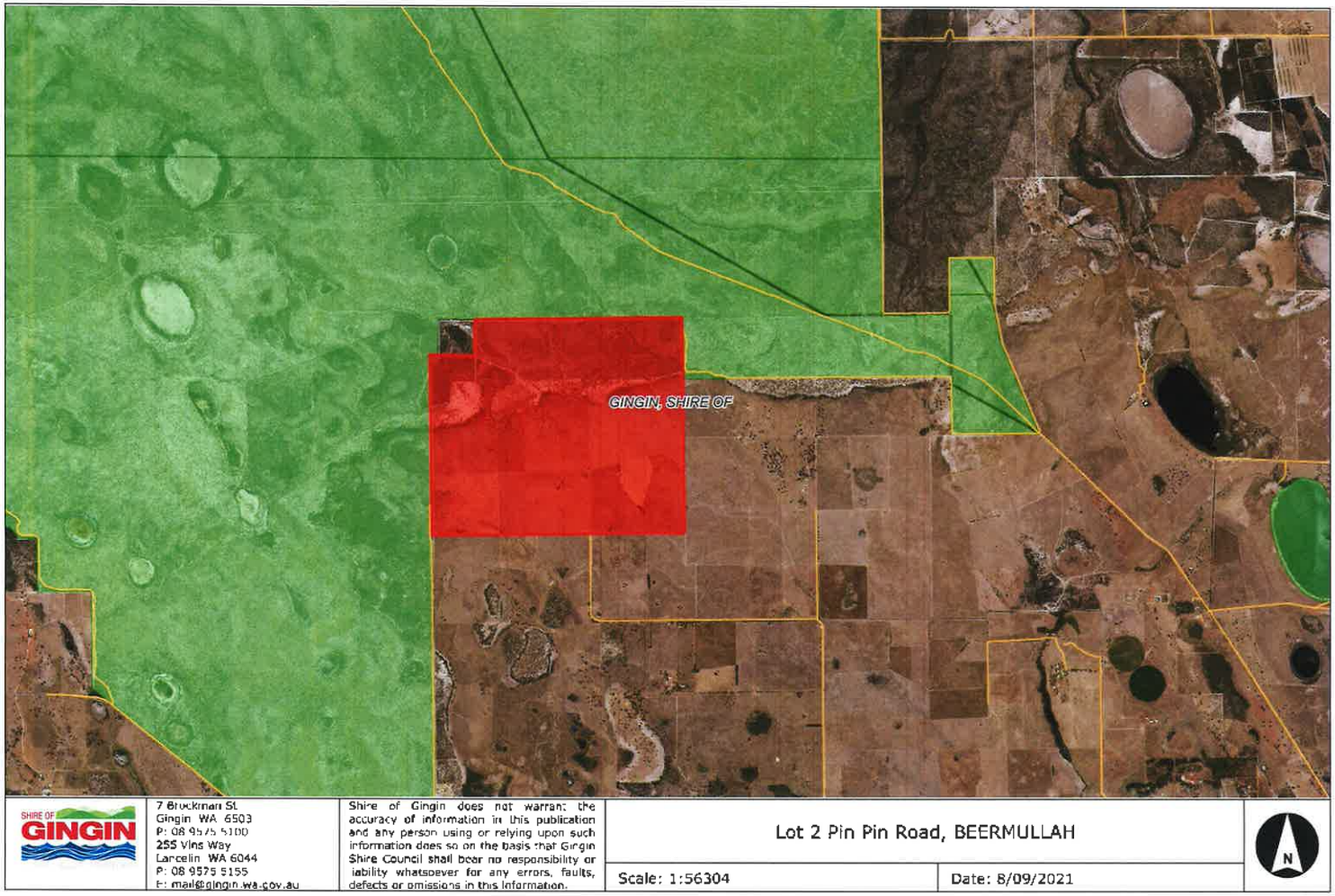
FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

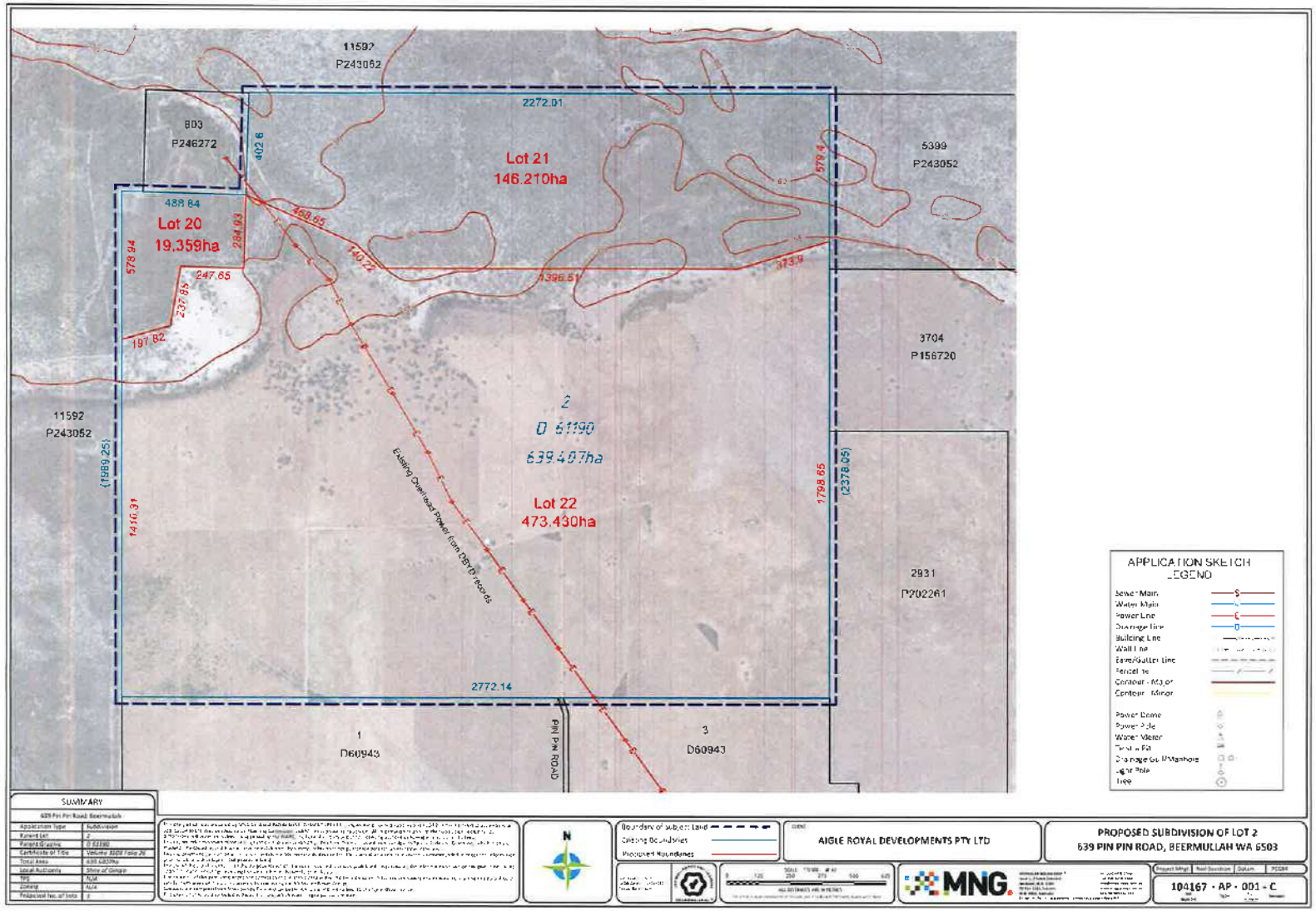
AGAINST: *Nil*

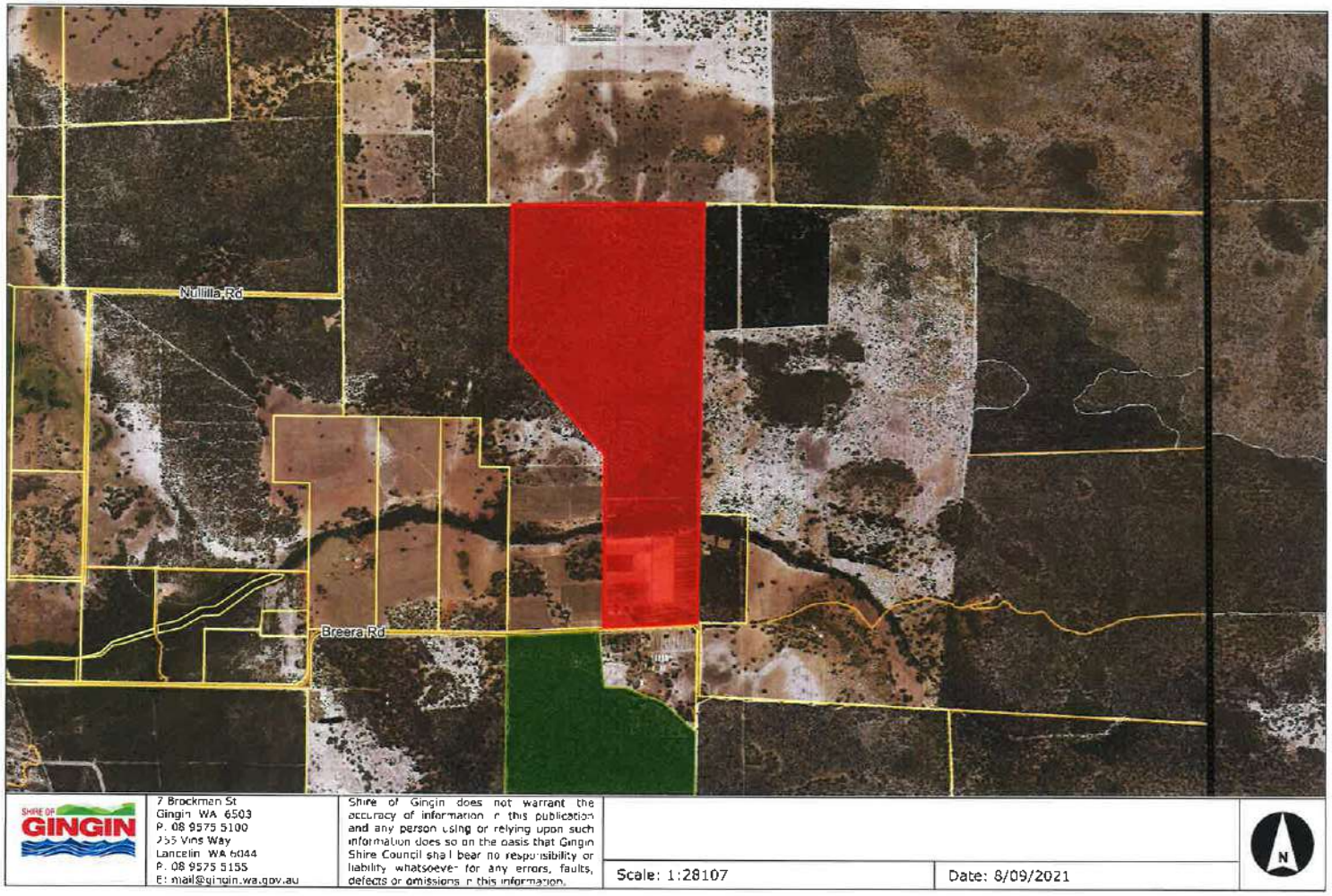
J Bayliss (Statutory Planning Officer) left the meeting at 4.17pm and did not return.

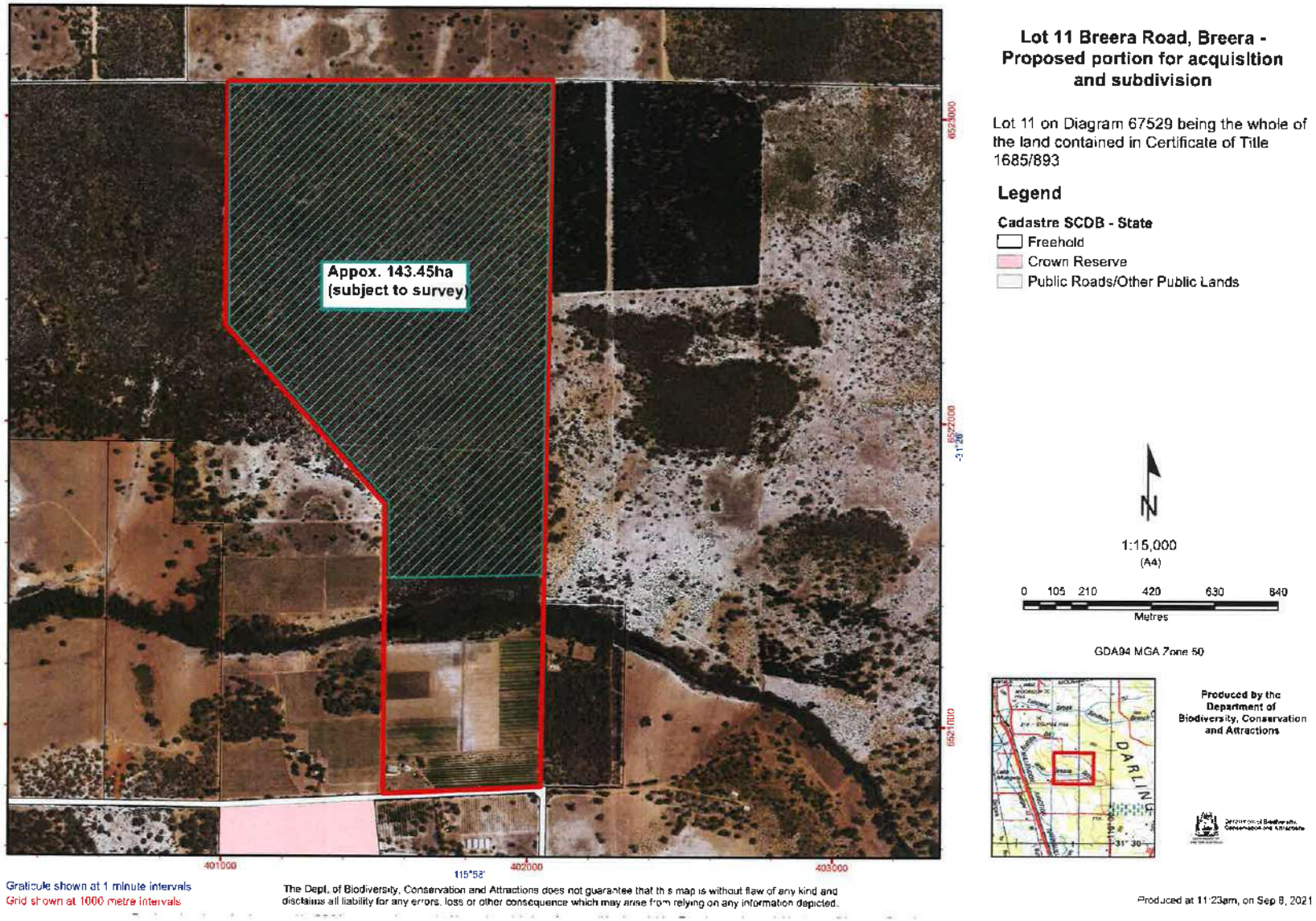

Bidaminna Pl
Nilibar Rd
Cowalla Rd
Nabarlpo Rd
MOORE RIVER NATIONAL PARK
Duringen Rd
Bennies Rd
Bennies Rd
SHIRE OF GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au
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Lot 5324 Cowalla Road, COWALLA
Scale: 1:39636
Date: 8/09/2021
N

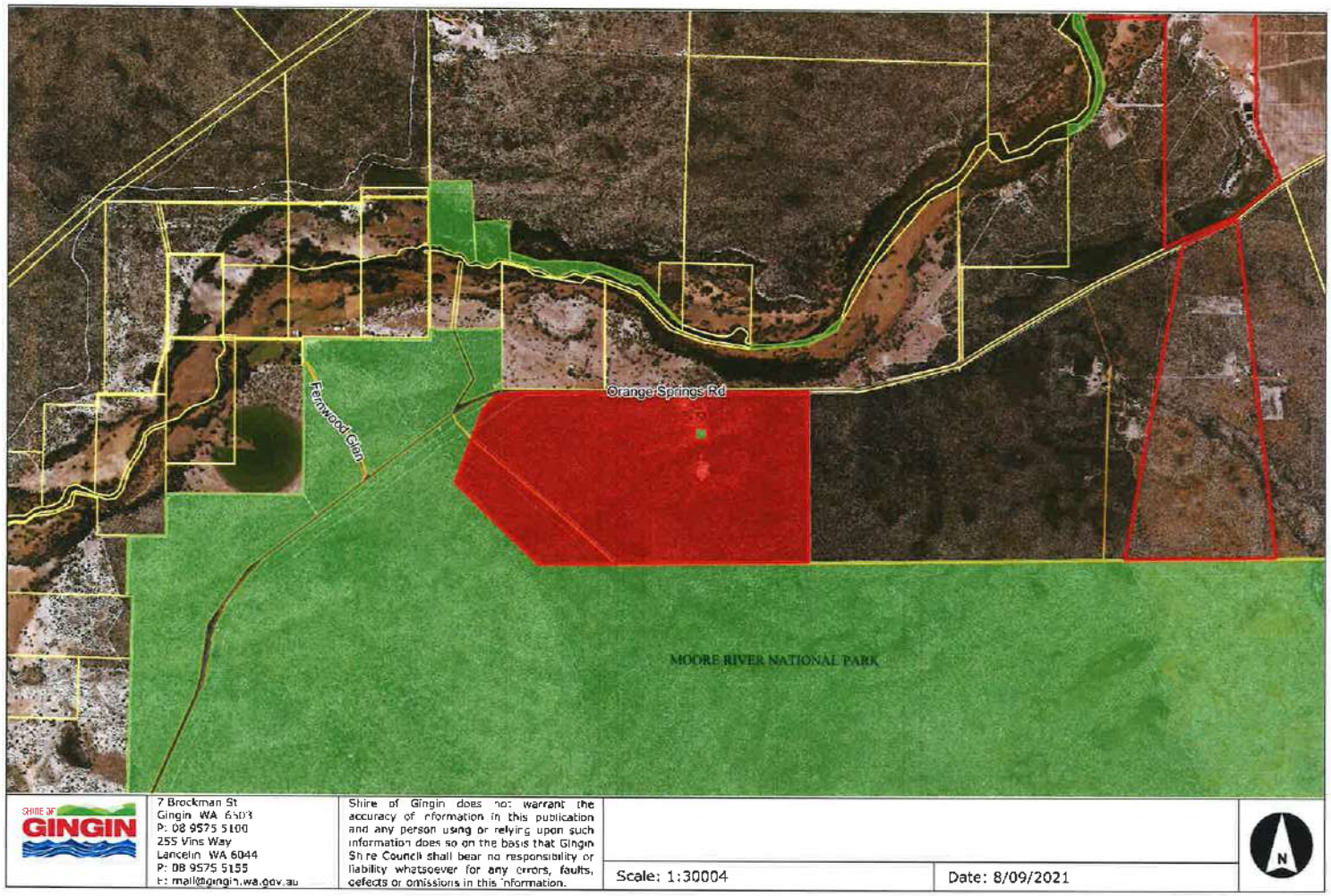

Dorn Purchase Boundary
DORN, KEVIN WILLIAM
P206224 5324
722 ha (subject to survey)
Legend
Acquisition List 17052021 selection 2
Cadastre SCDB - State
Freehold
Crown Reserve
UCL
Public Roads/Other Public Lands
N
1:15,000
(A3)
0 90 180 320 480 640
Metres
GDA94 MGA Zone 50
Produced by Lei Zhang,
Department of
Biodiversity, Conservation
and Attractions
Produced at 9:43am, on May 27, 2021

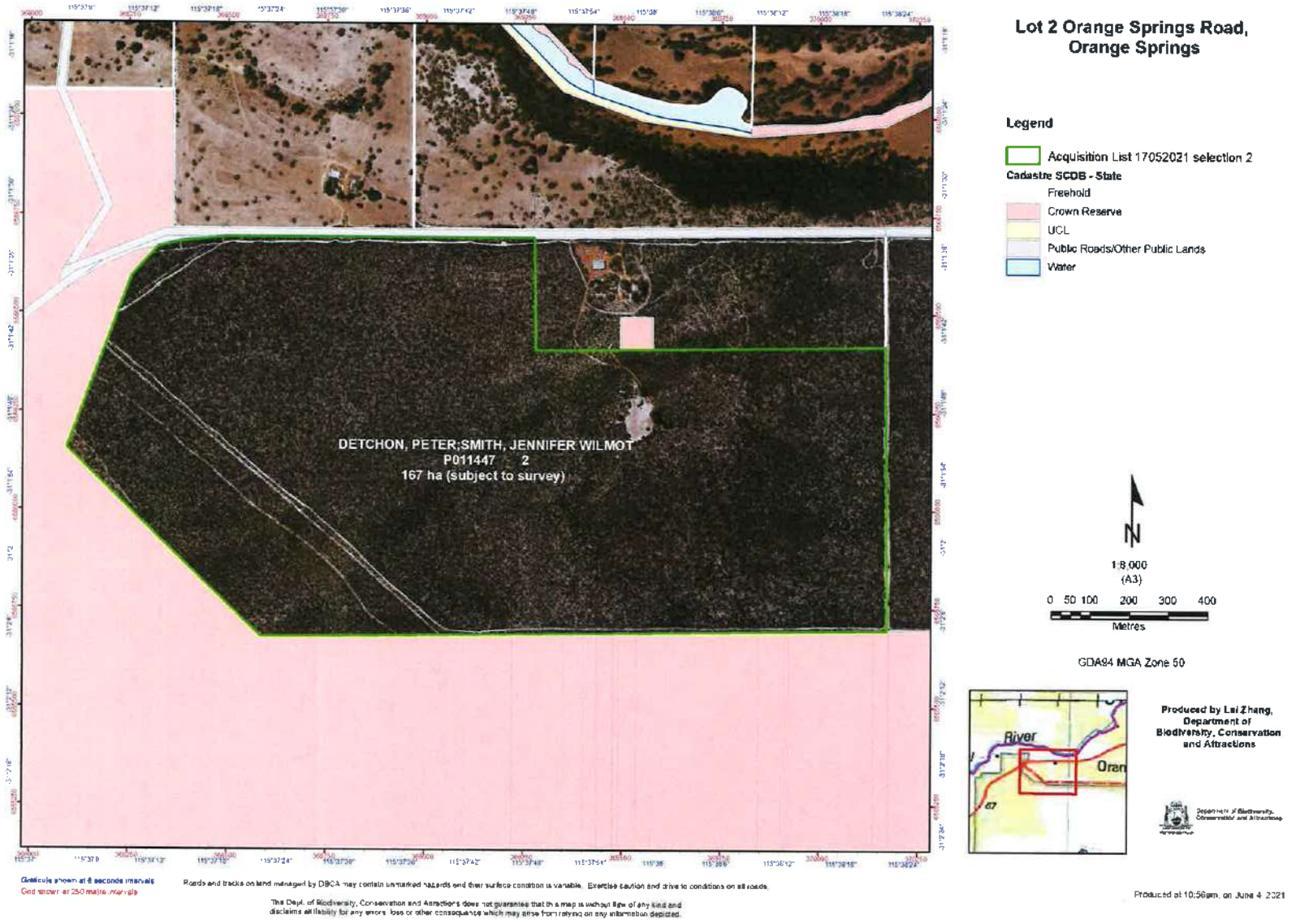

GINGIN, SHIRE OF
SHIRE OF GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vlns Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au
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Lot 2 Pin Pin Road, BEERMULLAH
Scale: 1:56304
Date: 8/09/2021
N

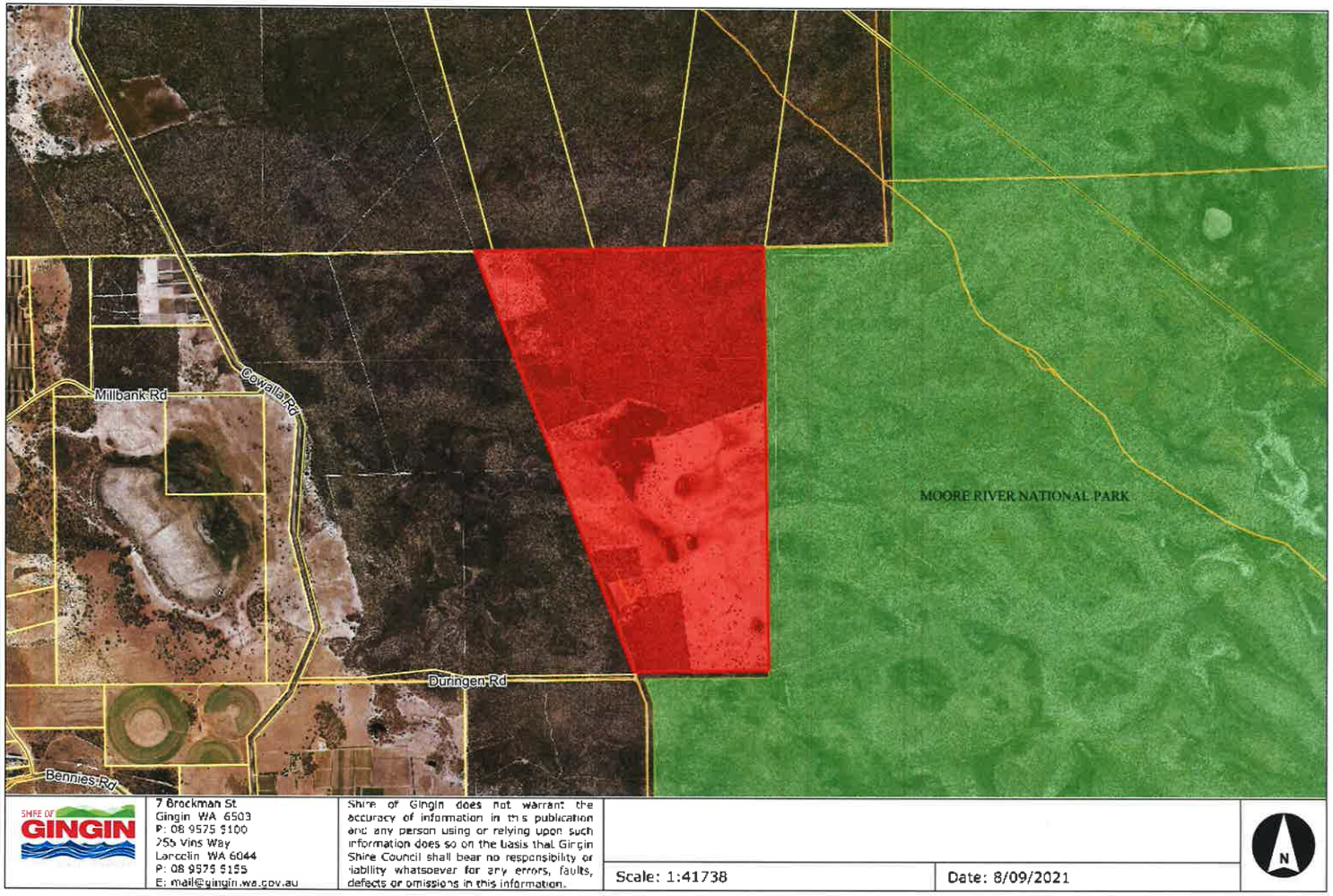

11592
P243052
2272.01
803
P246272
402.6
Lot 21
146.210ha
5399
P243052
488.84
Lot 20
19.359ha
284.93
578.94
247.65
237.85
197.82
1396.51
373.9
3704
P156720
11592
P243052
(1989.25)
1416.31
2
D 61190
639.407ha
Lot 22
473.430ha
Existing Overhead Power from DBYD Plan 65
1798.65
(2378.05)
2931
P202261
2772.14
1
D60943
PIN PIN ROAD
3
D60943
APPLICATION SKETCH
LEGEND
SUMMARY
AIGLE ROYAL DEVELOPMENTS PTY LTD
PROPOSED SUBDIVISION OF LOT 2
639 PIN PIN ROAD, BEERMULLAH WA 6503
MNG
104167 - AP - 001 - C

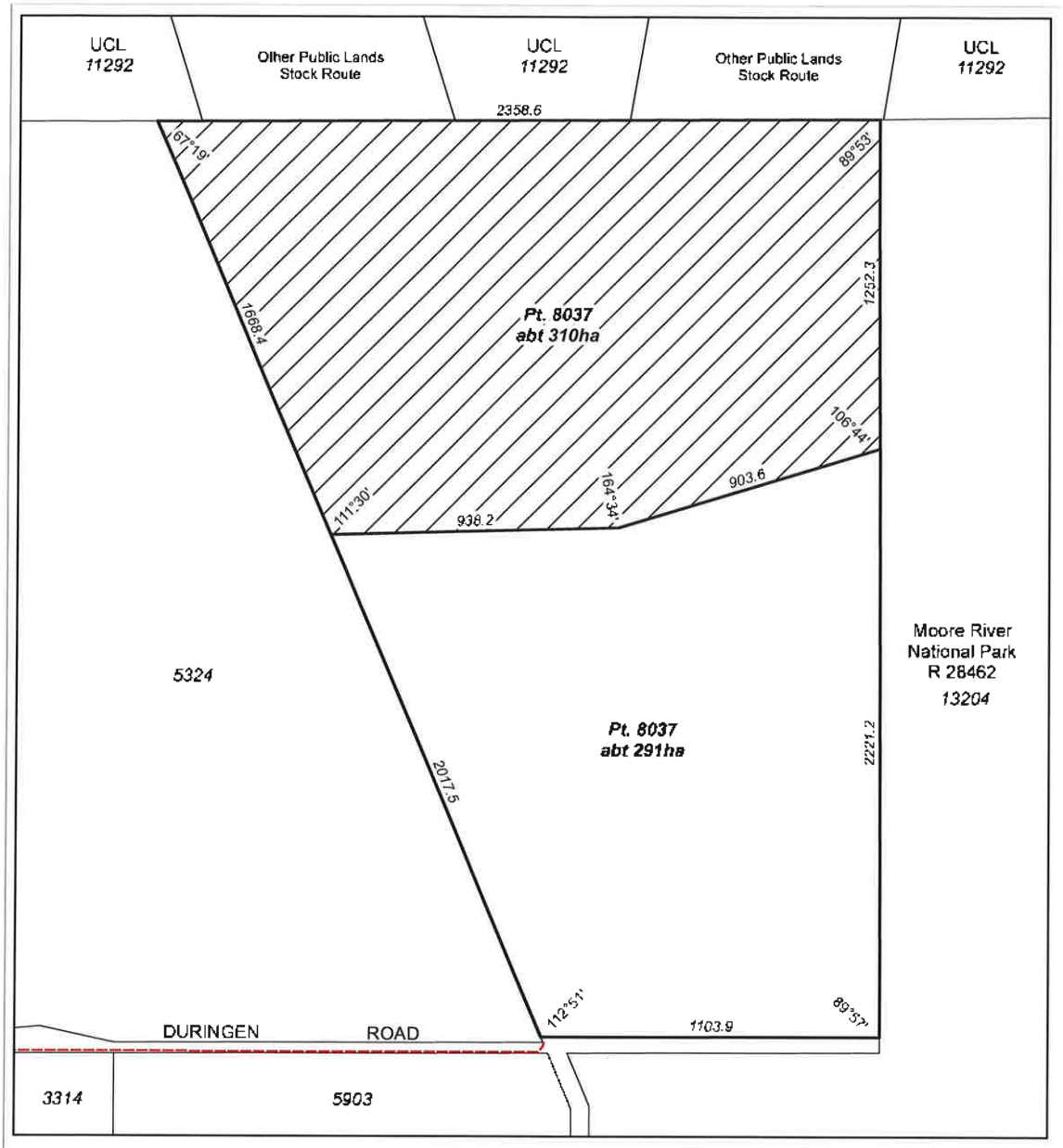

Nulilla Rd
Breera Rd
SHIRE OF GINGIN
7 Brockman St
Gingin WA 6503
P. 08 9575 5100
255 Vins Way
Lancelin WA 6044
P. 08 9575 5155
E: mail@gingin.wa.gov.au
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Scale: 1:28107
Date: 8/09/2021
N


Appox. 143.45ha
(subject to survey)
6523000
6522000
6521000
401000
402000
403000
115°52'
Graticule shown at 1 minute intervals
Grid shown at 1000 metre intervals
The Dept. of Biodiversity, Conservation and Attractions does not guarantee that th s map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted.
Lot 11 Breera Road, Breera -
Proposed portion for acquisition
and subdivision
Lot 11 on Diagram 67529 being the whole of the land contained in Certificate of Title 1685/893
Legend
Cadastre SCDB - State
Freehold
Crown Reserve
Public Roads/Other Public Lands
N
1:15,000
(A4)
0 105 210 420 630 840
Metres
GDA94 MGA Zone 50
DARLING
31° 30'
Produced by the Department of Biodiversity, Conservation and Attractions
Produced at 11:23am, on Sep 8, 2021


Fernwood Glen
Orange Springs Rd
MOORE RIVER NATIONAL PARK
SHIRE OF GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au
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Scale: 1:30004
Date: 8/09/2021
N


Lot 2 Orange Springs Road,
Orange Springs
Legend
Acquisition List 17052021 selection 2
Cadastre SCDB - State
Freehold
Crown Reserve
UCL
Public Roads/Other Public Lands
Water
DETCHON, PETER;SMITH, JENNIFER WILMOT
P011447 2
167 ha (subject to survey)
N
1:8,000
(A3)
0 50 100 200 300 400
Metres
GDA94 MGA Zone 50
River
Produced by Lei Zhang,
Department of
Biodiversity, Conservation
and Attractions
Produced at 10:56am. on June 4 2021
Graticule shown at 6 seconds intervals
Grid shown at 250 metre easting
Roads and tracks on land managed by DBCA may contain unmarked hazards and their surface condition is variable. Exercise caution and drive to conditions on all roads.
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Millbank Rd
Cowalla Rd
Duringen Rd
Bennies Rd
MOORE RIVER NATIONAL PARK
SHIRE OF GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au
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Scale: 1:41738
Date: 8/09/2021
N



NOTE:
All dimensions are approximate and are subject to survey.
Total area of Lot 8037 is abt 601ha

PROPOSED SUBDIVISION

Legend

Land subject to SUBDIVISION - abt 310ha

Location(s): Portion of Lot 8037 on Deposited Plan 172537 as shown on Certificate of Title 1472/107

Owner(s): Alfred George Bunting and Gwyneth Evelyn Bunting

N

0 0.25 0.5 1 1.5 2

Kilometres

SCALE: 1:20,000

Department of Biodiversity, Conservation and Attractions

PARKS AND WILDLIFE

13.8 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED FRONT FENCE ON LOT 244 (57) GINGIN ROAD, LANCELIN

File	BLD/6961
Applicant	Emma Lobb
Location	244 (57) Atkinson Way, Lancelin
Owner	Emma Lobb
Zoning	Residential 12.5/20
WAPC No	NA
Author	James Bayliss – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	1. Location Map - 244 (57) Atkinson Way, Lancelin [**13.8.1** - 1 page] 2. Applicant's Proposal [**13.8.2** - 4 pages]

DISCLOSURES OF INTEREST

Councillor Lobb disclosed a Proximity Interest in Item 13.8 as the property is her daughter's house.

Councillor Lobb left the meeting at 3.42pm.

PURPOSE

To consider an Application for Development Approval for a proposed front fence on Lot 244 (57) Atkinson Way, Lancelin.

BACKGROUND

The subject property is 965.7m^2 in area and is located adjacent to the intersection between Atkinson Way and Vins Way. The site currently contains a single house and outbuilding. It should be noted that land on the opposite side of Atkinson Way consists of the Lancelin town centre.

The proposed front fence is 19.5 metres in length, 1.8 metres in height and visually impermeable. The design includes a visually permeable steel access gate 1.2 metres in height and 2.65 metres in width, with similar infill panels extending 1.5 metres either side of the gate.

The fence design does not satisfy the deemed-to-comply criteria of 'Clause 5.2.4 – Street Walls and Fences' or 'Clause 5.2.5 – Sightlines' of the Residential Design Codes Volume 1 (R-Codes).

Council consideration is required as the officer does not have delegated authority to refuse applications for development approval.

A location plan is provided as **Appendix 13.8.1**.

A copy of the applicant's proposal is provided as **Appendix 13.8.2**.

COMMENT

Stakeholder Consultation

Stakeholder consultation was not undertaken in relation to the development proposal.

PLANNING FRAMEWORK

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

The subject land is zoned Residential 12.5/20 under LPS 9, the objectives of which are to:

a) *Provide for a range of housing types and encourage a high standard of residential development;*

b) *Maintain and enhance the residential character and amenity of the zone;*

c) *Limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity; and*

d) *Ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors.*

Clause 4.3.2 of LPS 9 requires land with a dual coding to be assessed at the lower density (R12.5) unless the property is connected to reticulated sewerage. In this instance the lot is not serviced by deep sewer, however the density provisions are largely not relevant to the consideration of the proposed front fence.

Residential Design Codes Explanatory Guidelines (the Guidelines)

The Explanatory Guidelines are used to explain and assist interpretation and application of the R-Codes for decision makers. Elements of the Guidelines have been provided below to provide context to the officer's design principles assessment. The below references are taken directly from 'Clause 5.2 - Street Walls and Fences' of the Explanatory Guidelines:

"In recent times and with the trend for larger houses and smaller lots, there is a tendency for some owners to construct high walls or fences at or near the street. This is often justified by the proponent for reasons of privacy, security or protection from traffic noise or headlights.

High walls and solid fences on the front boundary are undesirable because they visually affect the streetscape and generally separate residents from their street and what occurs in it."

The Explanatory Guidelines go on to state, with specific reference to Part 5 of the R-Codes which was the subject of the above assessment:

"Where a dwelling fronts onto an arterial road carrying high traffic volumes, or where protection is needed from headlight glare from such a road, there may be a case to justify a high wall especially to provide privacy to an outdoor living area. In these circumstances a solid wall of up to 1.8m high would be acceptable for a minimal proportion of the frontage, on approval by the decision-maker and provided the remainder of the frontage provides for views to the street. Design principles are provided in the R-Codes Volume 1 to guide circumstances where a decision-maker could grant such approval."

The officer has considered the intent of the relevant design principles having regard to the above.

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

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

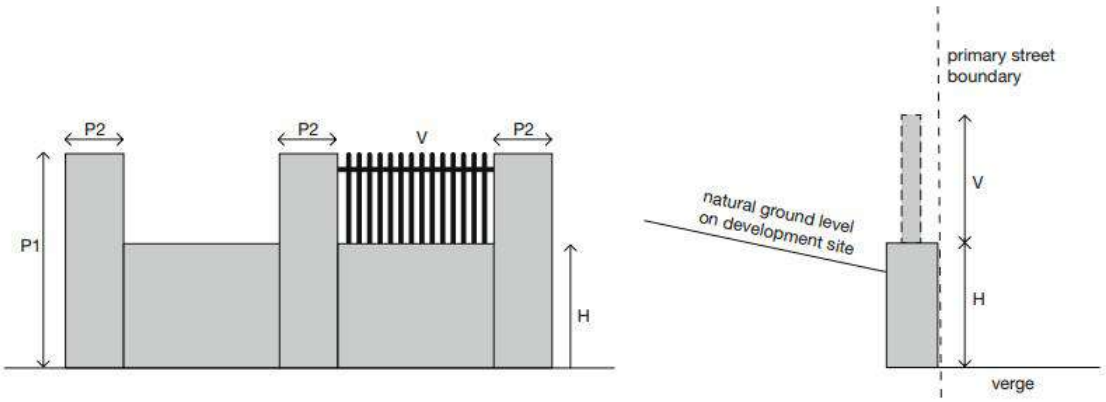
The front fence is the portion located within the front setback (i.e. within 7.5m from the front boundary). The portion of fence beyond the front setback is considered a dividing fence and is regulated by the *Dividing Fences Act 1961*.

"C4.1 Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence (refer Figure 12).

C4.2 Solid pillars that form part of front fences not more than 1.8m above natural ground level provided the horizontal dimension of the pillars is not greater than 400mm by 400mm and pillars are separated by visually permeable fencing in line with C4.1 (Refer Figure 12)."

Figure 12 is outlined below:

Figure 12 – Measuring visually permeable fences above 1.2m (Clause 5.2.4)



Notes
H maximum **height** of visually impermeable fencing 1.2m*
P1 maximum pillar height of 1.8m*
P2 pillar dimension 400mm x 400mm maximum
V area above 1.2m to be **visually permeable***
* measured from **natural ground level** on the **primary street** side of the fence

Appendix 1 of the R-Codes defines 'visually permeable' as follows:

"In reference to a wall, gate, door, screen or fence that the vertical surface when viewed directly from the street or other public space has:

- *continuous vertical or horizontal gaps of 50 mm or greater width occupying not less than one third of the total surface area;*
- *continuous vertical or horizontal gaps less than 50 mm in width, occupying at least one half of the total surface area in aggregate; or*
- *a surface offering equal or lesser obstruction to view."*

Given the front fence does not satisfy the deemed-to-comply criteria an assessment against the associated Design Principles is provided in the table below.

Design Principles	Officer Comments
5.2.4 Street Walls and Fences *P4 - Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with*	The officer notes that the proposed fence is not low in height nor does it permit surveillance of the street. In fact the design seeks to achieve the opposite. The provision of a solid 1.8m high fence is not viewed as contributing positively to or enhancing the existing streetscape.

appropriate consideration to the need: • *for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and* • *for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.*	However, the officer does note that the northern portion of the property would benefit from the additional height fencing to attenuate traffic impacts from the intersection between Atkinson Way and Vins Way, notwithstanding that the road does not cater for high volumes of traffic in comparison to primary or district distributors. However, the design variation should not extend for the entire length of the front boundary as it will adversely affect the existing streetscape, which is characterised by a limited number of front fences in general and enjoys open surveillance between residences, the street and the town centre. This development is viewed as being out of character in the immediate locality. • Neither Atkinson Way nor Vins Way are classified as a primary or district distributor or integrator arterial road. Both roads are classified as local roads. On that basis the attenuation of traffic impacts from the local roads may not be a relevant consideration in the context of the design principles. The officer would be prepared to support a portion of the front fence being 1.8 metres in height and impermeable, however not the length of the street frontage. • The officer notes that the property is not restricted to having an outdoor living area within the front yard. For similar reasons to the above, the fence design for attenuation of privacy and noise should largely be rejected given the streets are designated as a local.
5.2.5 Sight lines *P5 Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.*	The officer notes that the panelling adjacent to the driveway is proposed to be visually permeable. The verge of the subject property does not contain a pedestrian footpath and therefore public safety is not viewed as being compromised.

The officer has provided comments alongside the applicant's justification in the below table:

Applicants Justification	Officer Comments
Visual Privacy – as our property is at the end of a road t junction that being Vins Way, we have headlights flooding our front bedrooms making visual disturbance.	Visual Privacy – The officer concurs that privacy and protection from vehicle glare given the proximity to the intersection between Atkinson Way and Vins Way is a valid planning ground to support the variation. However, the planning framework suggest that only a portion of the front fence, the portion that would minimise headlight glare, ought to be solid with the remaining portion being visually permeable.
Security – we would like to secure our dog and children. I also have a lot of people approaching my property due to my proximity to the shops and bus stop asking for help and to borrow numerous things, as my partner works away and I am home alone with 2 children under 2 I would prefer to discourage this.	Security – The officer does not concur that solid fencing 1.8m in height is required to contain a dog and children within the confines of the property. This outcome can still be achieved with a compliant fence design. Furthermore, solid fencing would in fact create less passive surveillance between the street and the property, thereby having an adverse effect on security.
Wind Break – we would like to make use of our entire property for growing sustainable edible produce, utilising a front fence with added height to 1.8 metres will provide a wind break for our fruit and vegetables to grow more productively.	Wind Break - The officer does not concur that solid fencing 1.8m in height is required to act as a wind break to enable fruit and vegetables to grow. Fencing infill slats or a solid fence 1.2 metres in height will still function as a wind break. The R-codes seek to ensure street surveillance occurs to minimise opportunities for concealment and entrapment, which this fence design would enable.

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

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

In this instance, Clause 67(n) of the Deemed Provisions is considered to be relevant, and requires that due regard be given to the 'amenity of the locality'. Amenity is defined under the Deemed Provisions as:

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

Clause 67(m) of the Deemed Provisions also requires that due regard be given to the following:

(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 officer notes that land opposite is zoned 'Town Centre' and may contain some form of commercial development in the future. It may be open for Council, on that basis, to conclude that the future amenity of Atkinson Way will be somewhat different to what it is presently. Atkinson Way currently contains limited front fencing, and certainly limited examples of solid impermeable fences of this nature. Council may form a view that solid fencing such as that proposed is appropriate on land in such close proximity to a town centre and that the future amenity will therefore not be compromised.

Summary

In view of the above design principles assessment, the proposed fence is not viewed as being consistent with the planning framework and is therefore recommended for refusal.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Shire of Gingin Local Planning Scheme No. 9.

POLICY IMPLICATIONS

State Planning Policy 7.3 - Residential Design Codes of Western Australia

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council refuse Development Approval for a front fence on Lot 244 (57) Atkinson Way, Lancelin for the following reasons:

1. The front fence design is inconsistent with clauses 3.2.1 (b) and 4.2.2 of LPS 9 as it will have an adverse effect on the amenity of the Residential zone and does not satisfy the Design Principles of Clause 5.2.4 of the Residential Design Codes Volume 1.

2. The front fence design is inconsistent with Clause 67(m) of the *Planning and Development (Local Planning Scheme) Regulations 2015* as the height, scale and appearance are not compatible within its setting.

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*.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION

MOVED: Councillor Peczka SECONDED: Councillor Johnson

That Council grant Development Approval for a front fence on Lot 244 (57) Atkinson Way, Lancelin subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;

2. This approval is for a front fence only as indicated on the approved plans;

3. The approved front fence must be constructed wholly within the subject allotment. The external surfaces of the front fence shall be finished to a professional standard, to the satisfaction of the Shire of Gingin.

Advice Notes:

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

Note 2: This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect;

Note 3: 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 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

CARRIED UNANIMOUSLY
6 / 0

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

AGAINST: *Nil*

REASON FOR ALTERNATIVE MOTION

1. Fence material selection is in accord with modern and environmental fence materials selected.

2. Visual amenity and impacts on the said property are a priority.

3. Security of property is achieved with fence height and material selected.

Councillor Lobb returned to the meeting at 3.46pm and was advised of Council's decision.


Lot 177
1343.3sq.m.
Lot 176
1299.0sq.m.
Lot 242
964.2sq.m.
Lot 251
1228.9sq.m.
Lot 243
1011.9sq.m.
Lot 250
1011.9sq.m.
Lot 244
965.7sq.m.
Lot 249
873.3sq.m.
Lot 248
1011.8sq.m.
Lot 600
2005.3sq.m.
Lot 247
993.6sq.m.
Lot 255
993.5sq.m.
Lot 10
876.8sq.m.
Lot 445
2607.9sq.m.
Lot 918
786.7sq.m.
Lot 919
1000.3sq.m.
Lot 920
765.0sq.m.
Lot 263
993.4sq.m.
Lot 264
1011.7sq.m.
Lot 265
1011.7sq.m.
Vins Way
Atkinson Way
Lancelin Plza
Cockram St
Bateman Way
Riley St
SHIRE OF GINGIN
7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Location Map - 244 (57) Atkinson Way, Lancelin
Scale: 1:930
Date: 24/08/2021
N

Emma Lobb
57 Atkinson Way
Lancelin WA 6044

18th August 2021

Shire of Gingin
7 Brockman Street
Gingin WA 6503

RE: Proposed Front Fence at 57 Atkinson way Lancelin

To whom it may concern,

In my application for the above proposed fence there are design elements that are not deemed-to-comply as per the Residential design Codes. These elements are listed below;

- Element 5.2.4 Street Walls and Fences
  The front fence is not visually permeable above 1.2m. The proposed fence is 1.8m in height and to be made out of solid construction.

The reason for this design component is for;

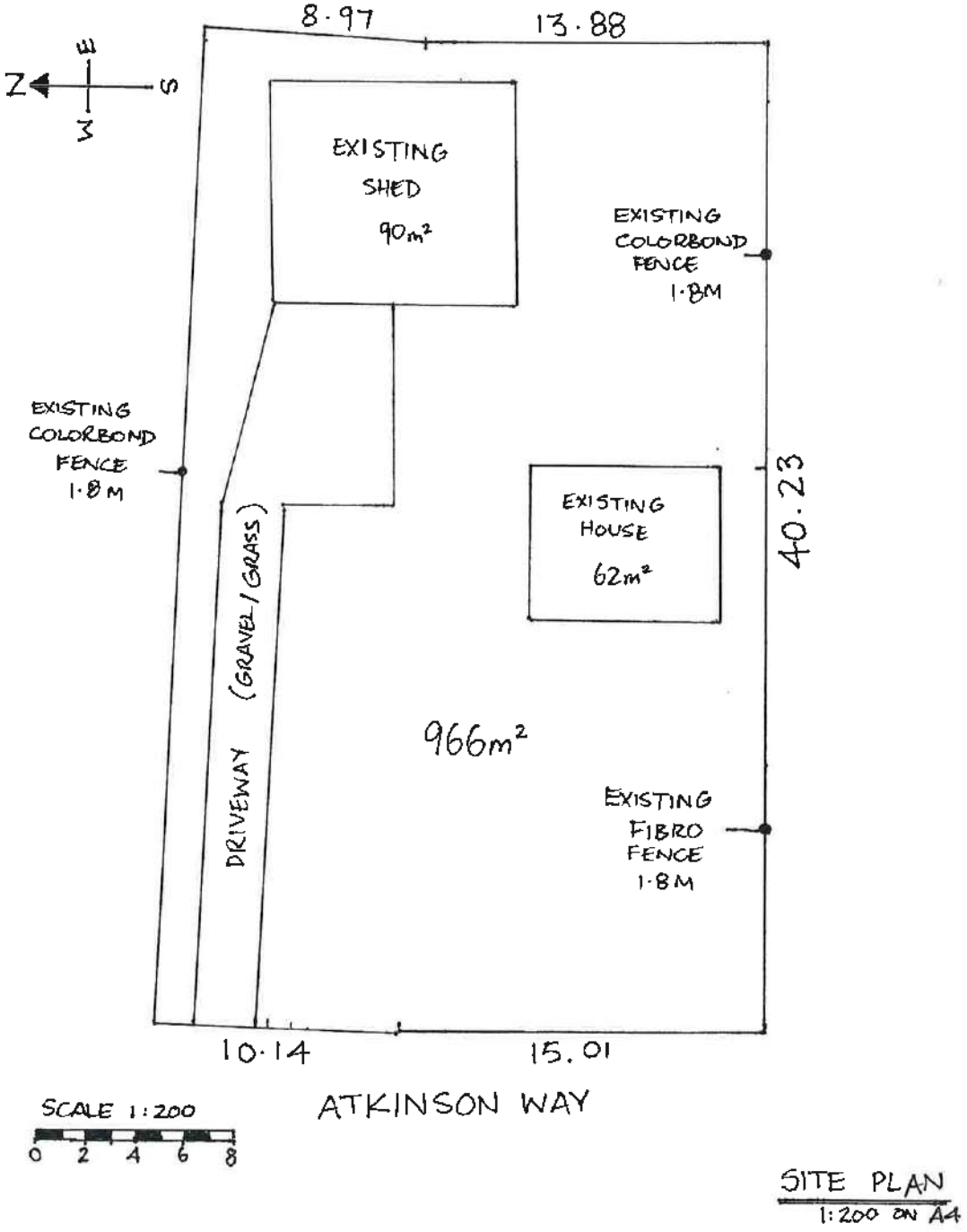
- Visual privacy – as our property is at the end of a road T junction that being Vins Road, we have headlights flooding our front bedrooms making visual disturbance.
- Security - we would like to secure our dog and children. I also have a lot of people approaching my property due to my proximity to the shops and bus stop asking for help and to borrow numerous things, as my partner works away and I am home alone with 2 children under 2 I would prefer to discourage this.
- Wind break – We would like to make use of our entire property for growing sustainable edible produce, utilising a front fence with the added height to 1.8m will provide wind break for our fruit and vegetables to grow more productively.

Although we are not complying with the visual permeability in this larger portion of the fence, we believe the construction will be natural looking and visually pleasing in the location addressed. Look forward to hearing from you soon.

Kind regards,

Emma Lobb

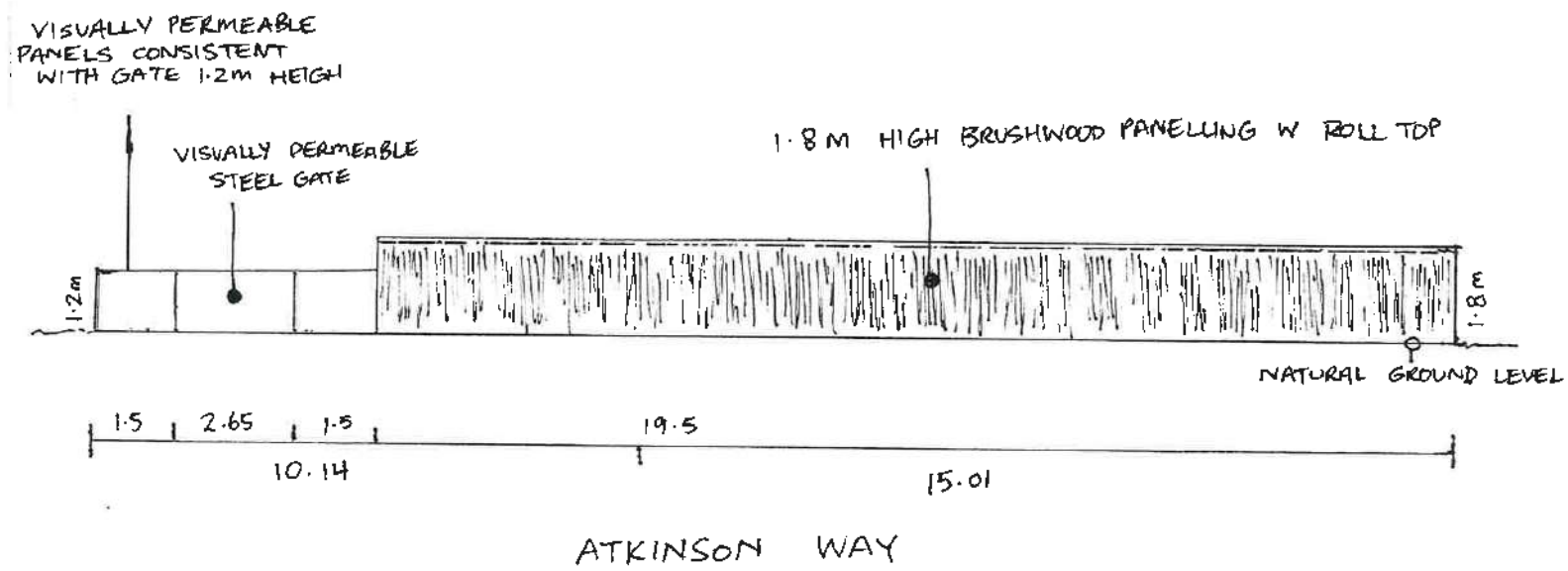
MS EMMA LOBB
LOT 244 #57 ATKINSON WAY LANCELIN



SITE PLAN
1:200 ON A4

MS EMMA LOBB
LOT 244 # 57 ATKINSON WAY LANCELIN

FRONT ELEVATION DRAWING NORTH-SOUTH



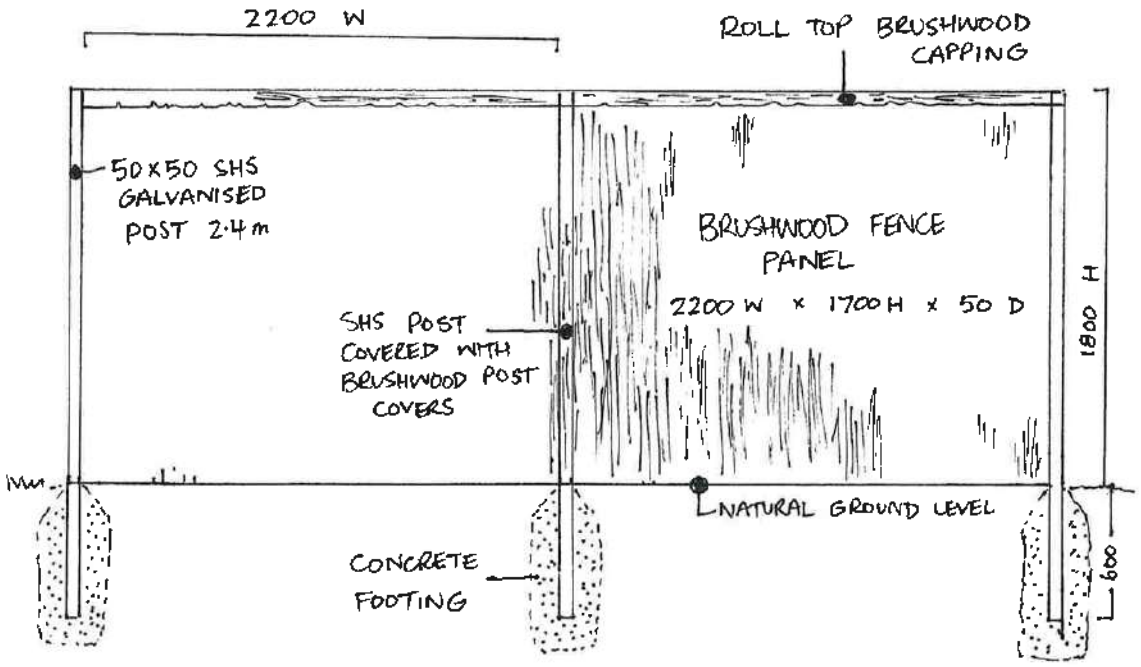
SCALE 1:100

0 1 2 3 4

PROPOSED FRONT FENCE ELEVATION
1:100 ON A4

MS EMMA LOBB
LOT 244 #57 ATKINSON WAY LANCELIN

CONSTRUCTION SPECIFICATIONS



SCALE 1:25 ON A4

0 0.5 1 1.5 2

13.9 PROPOSED TWO LOT SUBDIVISION OF LOT 58 (5) HOY ROAD, COONABIDGEE

File	LND/416
Applicant	Scanlan Surveys – to the WAPC
Location	Lot 58 (5) Hoy Road, Coonabidgee
Owner	Glen Brocklehurst
Zoning	Rural Industry
WAPC No	161169
Author	Matthew Tallon – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	1. Subdivision Proposal and Plan [**13.9.1** - 4 pages]

DISCLOSURES OF INTEREST

Councillor Fewster disclosed a Financial Interest in Item 13.9 as his brother-in-law is the proponent.

Councillor Fewster left the meeting at 4.19pm and Councillor Rule assumed the Chair.

PURPOSE

This report seeks Council's determination to provide comments to the Western Australian Planning Commission (WAPC) with advice on a proposed two lot subdivision in the Frogmore (Coonabidgee) Rural Industry Estate at Lot 58 (5) Hoy Road, Coonabidgee. The proposal is being presented to Council as the Shire's Local Planning Scheme provides minimal standards with respect to the densification of the Estate.

BACKGROUND

The Shire is in receipt of a two lot subdivision application referral from the WAPC (the determining authority for subdivision applications). The subject lot is zoned Rural Industry and consists of an area of 2.495 hectares (ha) containing a Workshop and storage development to the southern portion of the lot. The subdivision proposal seeks two 1.2 ha lots with separate road frontage to Hoy Road (parent lot) and Todman Road (new lot).

The WAPC seeks the Shire's comments with respect to the proposal.

The Subdivision Proposal Report and plan are made available as **Appendix 13.9.1.**

COMMENT

Stakeholder Consultation

No stakeholder consultation is necessary on the Shire's behalf as the WAPC is seeking the Shire's comments during its statutory timeframe for determining the application. The Shire provides comment on subdivision proposals where a WAPC approval is sought within its local government area.

PLANNING FRAMEWORK

Local Planning Strategy (LPS)

The Shire's Local Planning Strategy (LPS) identifies the vision for the municipality, and longer-term directions for land use and development. The LPS also accounts for the rural areas of the municipality and plans for the land use, settlement pattern, management and development of these extensive non-urban areas. The LPS provides Council with a decision-making framework to progressively implement, through the Local Planning Scheme, decisions on Scheme amendments, subdivision assessments, and development control mechanisms.

Section 3.3.2 (2) of the LPS identifies the following relevant Policy Position and Action specific to the Rural Industry Estate:

Facilitate the preparation of a structure plan and possible accompanying design guidelines to promote the consolidation, presentation and improved servicing of Gingin Rural Industrial estate.

This is noted as medium priority. The Shire has not progressed this matter since the initial formulation of the "Frogmore Draft Outline Development Plan" in 2003.

Local Planning Scheme No. 9 (LPS 9)

The subject lot is zoned Rural Industry under LPS 9, with the following objective:

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

The Frogmore Rural Industry Estate was initially subdivided in 2003 via an endorsed Draft Outline Development Plan and subsequent subdivision. The prevailing lot sizes are 2 to 4 ha in area, with a survey strata arrangement on one lot fronting Gingin Brook Road and the smallest freehold lot consisting of a lot area of 1.6 ha.

LPS 9 affords the following development standards to the Rural Industry zone:

4.8.4.1 Lot sizes shall be between 1 and 4 hectares.

4.8.4.2 Local government may, at its discretion, consider permitting the land use "single house". In doing so, local government will be guided by the development standards in clause 4.8.9, excepting clauses 4.8.9.4 and 4.8.9.5.

4.8.4.3 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.

4.8.4.4 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.

Specific attention is drawn to clause 4.8.4.1 by the applicant, seeking approval with respect to the provision of a lot area no less than 1 ha and public road frontage to both lots. The intention of the zone is clear via the single objective and limited development standards listed under LPS 9.

With respect to the site requirements of the Rural Industry zone, a 1.2 ha lot area is sufficient with respect to accommodating a range of applicable land uses within the Rural Industry zone.

State Planning Policy 2.5 - Rural Planning

This Policy applies to the subdivision of Rural zoned land, and is noted as the Rural Industry zone is a form of Rural zoning.

The existing Frogmore Rural Industry Estate combines light industrial and housing within the lots and in proximity to the Gingin townsite. The proposed two lot subdivision is located centrally within the Estate and comprises of a sufficient lot area (as noted under LPS 9), road frontage access and servicing.

WAPC Rural Planning Guidelines

The Rural Industry zone is noted within the Rural Planning Guidelines as a 'Rural Enterprise' zone. The intention of the zone is to supply larger lots for light industrial development and housing incidental to those uses.

The above assessment notes that the proposal can meet the requirements of the Rural Industry zone for an area of 1.2ha given its substantial road frontage and of the existence of services adequate to carry out the type of activities anticipated in the zone.

The Gingin townsite does not provide any industrial zoned land, and most light industrial activity in proximity to town is within the Frogmore Estate. The lot sizes are large, with the proposed subdivision highlighting the area that is excess to the owner's requirements for their light industrial activity. It is important that the locality can supply various lot sizes in accordance with LPS 9 to accommodate varying needs for landowners.

Development Control Policy 4.1 - Industrial Subdivision

This policy applies widely to industrial subdivision. However it is critical to note that the Rural Industry Estate is a rural type of zoning and does not provide for the more invasive activities permitted in a General Industry zone.

As the land is within the Frogmore Rural Industry Estate this policy must be given due regard when considering proposals for subdivision within the Estate.

This policy statement provides guidance on matters considered by the WAPC when determining applications for industrial subdivision throughout the State. These include such matters as the design and shape of industrial lots, road layout, servicing and open space requirements.

The subject lot is within an existing Estate and is zoned accordingly. As such, the relevant components of this Policy are considered to assess the suitability of the lot.

The objectives of this Policy are as follows:

- *To encourage the development of well-designed industrial areas serving the full range of general and special industrial needs throughout the State.*
- *To provide for the safe and efficient movement of traffic to and from each site within the industrial area.*
- *To provide for infrastructure services and public open space consistent with the operational needs of industrial users and the workforce.*
- *To protect the amenity of adjacent land uses, where necessary, from the effects of industrial development.*

3.3 LOT SIZES AND SHAPES *3.3.1 Each proposed lot should offer maximum utility in terms of building space and accessibility bearing in mind the requirements of modem industrial activities.*	The subject lot is located on a corner with frontage to two local roads within the Rural Industry Estate.

3.3.2 In certain circumstances, the Commission may request information on preliminary development designs before making a decision on an industrial subdivision. This request is likely to be made for proposals which involve irregular shaped lots or where there may be access problems.	Noted. The future lot (if approved) is subject to the provisions of LPS 9 for the Rural Industry zone.
3.3.3 The Commission recognises that lot sizes for the different types of industrial subdivision will vary according to function and purpose. No minimum lot sizes are specified within this policy, as the land area required for a particular industrial activity or activities should reflect the most efficient and beneficial utilisation of the land involved. In considering appropriate lot sizes for an industrial subdivision, the Commission will have regard to the following factors:	The proposal is not for a new industrial area, it seeks a new lot in an existing Rural Industry Estate.
a) the subdivision, where it involves the creation of a significant number of lots, should provide for variety in lot size;	a. N/A
b) the size of lots should provide sufficient space to accommodate the industrial operations and buildings envisaged, make allowance for possible future expansion, and allow the site to function properly and efficiently in terms of development requirements of the local authority(s) concerned. These requirements may relate to such factors as safe ingress and egress, vehicular movement within the curtilage of the site, parking, deliveries, storage and bin areas, boundary setback requirements and landscaped areas;	b. A lot area of 1.2ha is sufficient in accommodating a range of applicable land uses/development in accordance with the site requirements under LPS 9.
c) the overall pattern of lot sizes in the locality and the type of industrial activity characteristic of the locality in which the subdivision is located;	c. Lot sizes range throughout the Estate with the predominant lots comprising of 2ha. The officer notes that there is an existing 1ha lot subdivision from a 2ha parent lot in the estate and a

d) planning policies and other requirements of the Commission, the local authority and other consultees (primarily relevant servicing authorities) which relate to specific areas, localities or activities.	survey strata title arrangement of lots well under 1ha along Gingin Brook Road. d. Noted.

Although the subject lot is required to provide an adequate sealed crossover servicing the lot, the officer notes that this can be captured at such a time development approval is sought should the WAPC support the subdivision application to create the two lots.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The subject lot is indicated as being Bushfire Prone via the Department of Fire and Emergency Services (DFES) online mapping. The policy and subsequent guidelines require a notification to be placed on the Titles of the subject lots via an approval under the Planning Framework which notifies any future purchaser of the risk to the property.

As such, it is appropriate for the Shire to recommend this to be included as a condition of approval should the WAPC support the proposal. The officer has included this condition as per the WAPC Model Subdivision Conditions Schedule within the Officer's recommendation.

Summary

With respect to the Frogmore Rural Industry Estate, the direction for future subdivision and intensification is on a case-by-case basis with a general focus on lot size, vehicular access and the supply of services. As noted, the proposed subdivision is consistent with the considerations of DCP 4.1 and LPS 9. As such, it is recommended that Council support the proposal subject to some conditions which are relevant under the WAPC model subdivision conditions schedule.

STATUTORY/LOCAL LAW IMPLICATIONS

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

POLICY IMPLICATIONS

State Planning Policy 2.5 - Rural Planning
Rural Planning Guidelines
Development Control Policy 4.1 – Industrial Subdivision

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure & Development
Objective	To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.
Outcome	3.1 Development
Key Service Area	Strategic Town Planning
Priorities	Support strategies that facilitate commercial development

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe SECONDED: Councillor Lobb

That Council support the proposed subdivision subject to the following recommended condition:

1. **A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate(s) of title of the proposed lot(s). The notification is to state as follows:**

   "This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner"

CARRIED UNANIMOUSLY
6 / 0

FOR: *Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*
AGAINST: *Nil*

Councillor Fewster returned to the meeting at 4.21pm and was advised of Council's decision. Councillor Fewster resumed the Chair at 4.22pm.

M Tallon (Statutory Planning Officer) left the meeting at 4.21pm and did not return.

SCANLAN SURVEYS
LICENSED SURVEYORS

ABN 88 009 402 608
ACN 009 402 608

23 Spring Park Road, MIDLAND WA 6056
PO Box 429, MIDLAND WA 6936
(08) 9250 2261
www.scanlansurveys.com.au

DATE: 23/03/2021

WAPC
Locked Bag 2506
PERTH WA 6001

Dear Assessing Officer,

RE: PROPOSED GREEN TITLE SUBDIVISION – 5 HOY ROAD, COONABIDGEE

We are proposing to subdivide this property in Coonabidgee into two green title lots. We have been liaising with the Shire of Gingin (contact has been Kylie Bacon) regarding subdivision at this property and have obtained preliminary support for the two lots.

The Shire of Gingin has asked for confirmation/clarification of how this subdivision is in accordance with the Rural Industry zoning and certain planning schemes. Please find our responses detailed below:

Clause 4.8.4.1 of LPS 9
The proposed lots meet the subdivisible area requirements of between 1ha to 4ha and are compliant.

DCP 4.1
The main policy objectives are:

1. To encourage the development of well-designed industrial areas serving the full range of general and special industrial needs throughout the State.
2. To provide for the safe and efficient movement of traffic to and from each site within the industrial area.
3. To provide for infrastructure services and public open space consistent with the operational needs of industrial users and the workforce.
4. To protect the amenity of adjacent land uses, where necessary, from the effects of industrial development.

Our response to each of these points, as well as the other points within DPC 4.1:

WILLIAM SCANLAN
LICENSED SURVEYOR
M.I.S. (AUSTRALIA)
bill@scanlansurveys.com.au

JOHN SCANLAN
LICENSED SURVEYOR
BACHELOR OF SURVEYING (CURTIN)
john@scanlansurveys.com.au

- The proposed subdivision is separating the existing business (hydraulics) onto Lot 110.
- Proposed Lot 111 currently serves as a hardstand area; however, has development potential for a multitude of services.
- At present, the business operating on the parent lot does not require the use of the hardstand area to function. The business operates separate to the hardstand and is separated by a fence (confirmed via street view). This separation of use is also visible via aerial imagery.
- The area proposed for Lot 111, because it has been used as a vehicle hardstand, demonstrates the capacity of the area for Lot 111 to allow large transport vehicles access to and from the lot with manoeuvrability not being an issue.
- The size and shape of the Lot 111, with near 100m frontage and 125m depth, will continue to allow vehicles of an industrial nature to enter and exit the block in a safe and efficient manner.
- The lot shape and size is both standard (squared) with adequate street frontage (not battle-axe) and is consistent with other lots in the estate.
- As the entire area, the Frogmore Rural Industrial area, is industrial, the creation of another lot will not have an impact on the adjacent land uses.
- The road reserve is approximately 20m wide.
- There is adequate access to and from both lots; there are no access issues to these lots.
- Cul-de-sac/battle-axe lots are **not** being proposed.
- The lots are not serviced by a reticulated water supply; however, all lots in the estate have on-site water tanks.
- The lots are not serviced by deep sewer; however, all lots in the estate have the requirement to have alternative means of disposal (effluent).

In this capacity, the subdivision meets the criteria of DCP 4.1.

The Shire has also requested information pertaining to SPP 2.5 – Rural Planning. We note that the policy focuses on rural areas that are likely to be impacted by subdivision. Whilst this policy has been raised as potentially requiring review in relation to our subdivision, we believe this subdivision meets the DCP4.1 / SSP 2.5 overlap of subdivisions in rural industrial areas. We do not believe that there is any further criteria to meet under SSP 2.5 – Rural Planning, especially as the industrial estate (Frogmore Rural Industrial area) is existing.

In terms of uses for proposed Lot 111, there are a number of industrial developments which could be established on the lot. Much like the neighbouring lots, hydraulics, long-term storage, concreting, vehicle hire, manufacturing, electrical and other similar enterprises can be established out of this lot. We do not believe there will be any issue with a new industrial business utilising Lot 111. The final use of the lot will be subject to a development application approved by the Shire.

In addition to the above, we would like to note that we are proposing to create Lot 111 as an entirely cleared lot (current state). This means that the 1.2475 ha can be utilised in full for industrial purposes. We note that other lots within the estate have lesser area to work with after considering the environmental assets impacting the overall use of lots. Please refer to the attached imagery showing lots which have smaller workable areas that our proposal.



Site Soil Evaluation:

As the entire estate is on effluent disposal, and as the parent lot is approved for effluent disposal, we do not believe there is any requirement for a site soil evaluation. Proposed Lot 110 will maintain its on-site disposal and Lot 111, with a development application, will have on-site disposal as well. A 70A Notification advising that the lot/s don't have access to deep sewer and that alternative methods of disposal are required is expected to be a condition on the approval which supports this. We request that the WAPC, Department of Health and Shire of Gingin do not request this as the site has already been approved for on-site disposal.

Bushfire Prone Area:

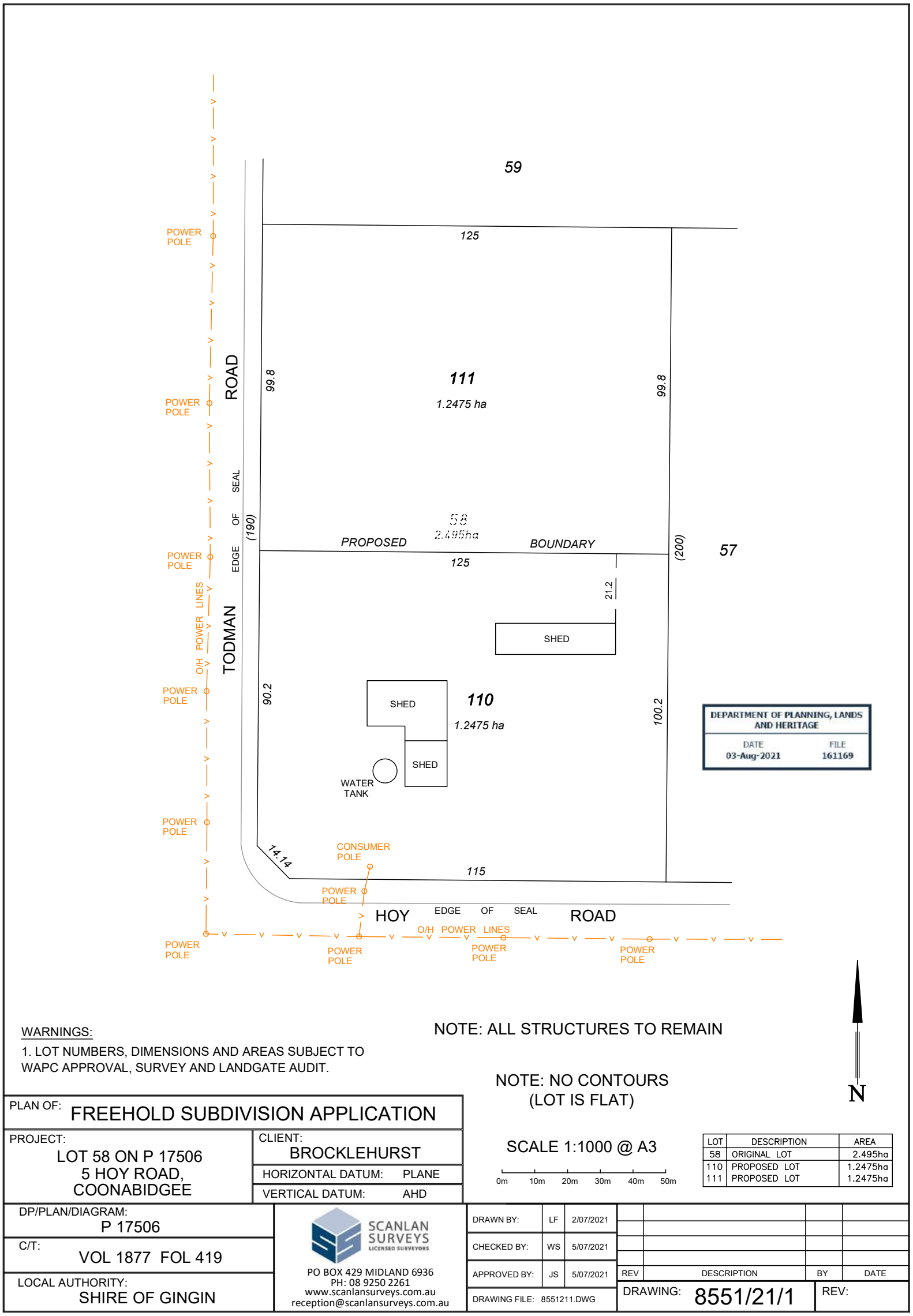
Much like the site soil evaluation, the entire industrial estate is within a bushfire prone area. Whilst we would normally look to submit a bushfire report for a subdivision, the fact that the bushfire risks are not on our lots (the lots have no vegetation, grasslands etc) and that the bushfire areas emerge from the adjacent lots which cannot be managed/modified by the landowner, we request that the subdivision application not require a bushfire report. As the proposed lots are only just within a bushfire prone area, we anticipate they will be BAL12.5 at most. A 165 Notification, advising the lots fall within a bushfire prone area, should be sufficient for the subdivision.

For the abovementioned mentioned reasons, we believe there is no reason for this subdivision to be refused. The proposal is line with the referred to policies. If the WAPC or any of the relevant authorities have any concerns, please advise our office and we will look to resolve any concerns. If you have any queries, don't hesitate to contact our office.

Yours sincerely,

W. Scanlan

Scanlan Surveys Pty Ltd


59
125
POWER POLE
111
1.2475 ha
99.8
99.8
ROAD
SEAL
OF
EDGE
(190)
58
2.495ha
PROPOSED
BOUNDARY
125
(200)
57
21.2
SHED
TODMAN
O/H POWER LINES
90.2
SHED
110
1.2475 ha
SHED
WATER TANK
100.2
DEPARTMENT OF PLANNING, LANDS AND HERITAGE
DATE 03-Aug-2021
FILE 161169
14.14
CONSUMER POLE
115
POWER POLE
HOY
EDGE
OF
SEAL
ROAD
O/H POWER LINES
POWER POLE
POWER POLE
POWER POLE

14 REPORTS - OPERATIONS AND ASSETS

14.1 RESTRICTED ACCESS VEHICLE APPLICATION

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

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an application from Main Roads WA (MRWA) regarding the use of Restricted Access Vehicles (RAV) - Network PBS TD 3B with an Accredited Mass Management Scheme (AMMS) of Level 3 on Orange Springs Road.

BACKGROUND

A RAV application has been received from MRWA seeking approval to use Network PBS TD 3B, AMMS Level 3 Vehicles on Orange Springs Road from Brand Highway to the new mine access road being 15.7km from Brand Highway.

A Network PBS TD 3B, AMMS Level 3 RAV is a heavy vehicle combination consisting of a Tri Drive Prime Mover and three tri-axle dolly trailer combination. This combination is permissible up to a length of 42 metres and a gross weight of not more than 153 tonnes.

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

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

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

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

COMMENT

Orange Springs Road is currently a sealed road with the following standards:

- Length of road between Brand Highway and new mine access is approximately 15.7km;
- Typical cross section width is 12.0m (7.0m sealed carriageway, 2 x 0.5m sealed shoulder and 2 x 2.0m unsealed shoulder);
- Road was upgraded to its current standard in 2021 and has a remaining useful life of 40 years based on Typical Useful Life and current environmental factors; and
- Condition Rating of the road is 1 (Very Good, Remaining Life 80%-100%).

There are no identified issues to date with Orange Springs Road regarding stacking distances (distance from railway crossings to intersections not being sufficient to stop a RAV combination), horizontal curves, vertical curves or sight distances within the Shire of Gingin.

Consideration must, however, be given to the extra wear on the pavement due to the additional 74 tonnes per combination. The additional weight per axle will increase deterioration of the road leading to higher maintenance costs, decrease in the pavement's useful life, and premature replacement of the asset.

The road was designed based on the current demand, environment and expected level of service. Furthermore, the Shire of Gingin does not receive any additional grant funding to deal with AMMS approvals and resulting increased deterioration of local government assets.

The Shire may impose conditions on the AMMS application should it be approved, and HVS recommends that a 'CA07' condition (requiring that a letter from the local government must be carried in the vehicle at all times and be presented on request) be imposed on all AMMS approvals. As the Shire of Gingin has an annual renewal process for RAV (and AMMS) applications, this gives the Shire a control mechanism whereby if the pavements deteriorate at a rate that is deemed to be too rapid by Shire Officers, then the AMMS can be removed by not approving the AMMS application the following year. All RAV and AMMS approvals expire on 30 June annually with pavements being assessed at the time of renewal.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

If Council were to approve this application, then it would result in potentially significant increased maintenance costs for this section of road proportionate to the increase in traffic volume.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

Focus Area	Infrastructure and Development
Objective	3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner
Outcome	3.2 Community Infrastructure The Shire provides fit for purpose community infrastructure in a financially responsible manner.
Key Service Areas	Community Infrastructure
Priorities	N/A

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council refuse the Restricted Access Vehicle application for Performance Based Standard (PBS) Tri-Drive (TDAccredited Mass Management Scheme (Level 3) Application from Main Roads WA for Orange Springs Road for a distance of 15.7km from Brand Highway to the new mine access (End SLK) due to the infrastructure not being designed for this purpose.

SUBSTANTIVE MOTION WITH AMENDMENT

Insert the words "application for Performance Based Standard (PBS) Tri-Drive (TD) Level 3B with" after the words "Restricted Access Vehicle" and insert "15.70" after the words "End SLK".

MOVED: Councillor Fewster **SECONDED: Councillor Rule**

That Council refuse the Restricted Access Vehicle application for Performance Based Standard (PBS) Tri-Drive (TD) Level 3B with Accredited Mass Management Scheme (Level 3) Application from Main Roads WA for Orange Springs Road for a distance of 15.7km from Brand Highway to the new mine access (End SLK 15.70) due to the infrastructure not being designed for this purpose.

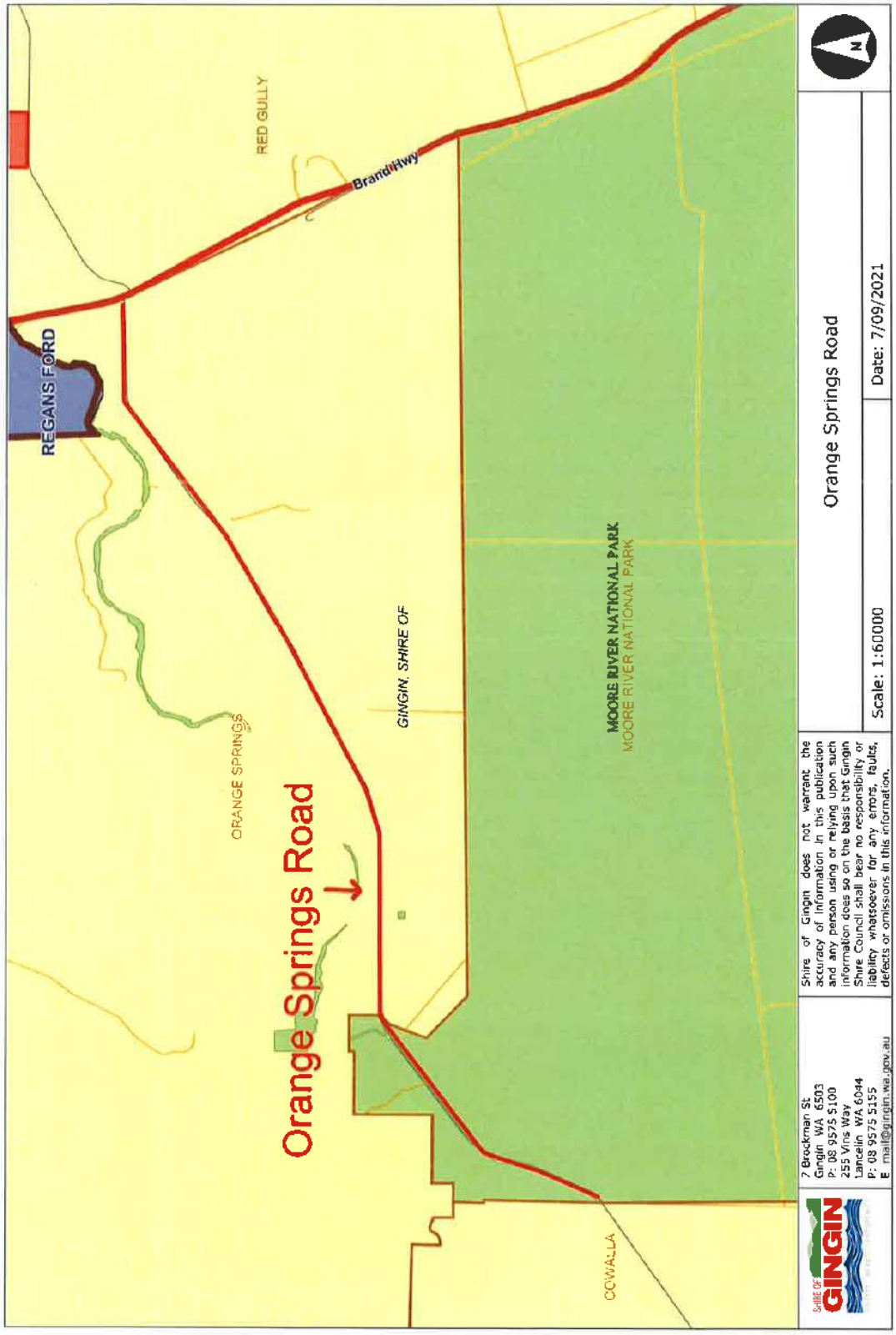
CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Court, Councillor Johnson, Councillor Lobb and Councillor Peczka*

AGAINST: *Nil*

REASON FOR AMENDMENT

The Officer's Recommendation only refused the AMMS Level 3 portion of the application and didn't refer to the PBS part of the application, meaning that technically PBS TD 3B traffic could still use Orange Springs Road (which was never designed for traffic of that nature) without the concessional (AMMS) loading.


RED GULLY
Brand Hwy
REGANS FORD
ORANGE SPRINGS
Orange Springs Road
GINGIN, SHIRE OF
MOORE RIVER NATIONAL PARK
MOORE RIVER NATIONAL PARK
COWALLA
Orange Springs Road
Scale: 1:60000
Date: 7/09/2021
Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au
SHIRE OF GINGIN

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 COUNCILLORS' OFFICIAL REPORTS

16.1 PRESENTATION OF BOOKS

File:	GOV/21-1
Councillor:	Linda Balcombe
Report Date:	21 September 2021

During my attendance at the 2021 WALGA Local Government Convention I received two books, being "To Dwell in Unity (Commemoration of 150 years in Local Government" by Christopher Berry (two copies received) and "The Tree Society of Western Australia" by Mark Hipkins (one copy received).

One copy of "To Dwell in Unity" will be passed on to the Lancelin Library, with the other copy and "The Tree Society of Western Australia" to be given to the Gingin Library.

17 NEW BUSINESS OF AN URGENT NATURE

Nil

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

Nil

19 CLOSURE

There being no further business, the Shire President declared the meeting closed at 04.36 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 19 October 2021, commencing at 3pm.