



AGENDA

Ordinary Council Meeting

17 September 2024



NOTICE OF MEETING

Notice is hereby given that an Ordinary Council Meeting will be held in the Council Chambers at the Gingin Administration Centre on 17 September 2024 commencing at 3:00 pm.

Aaron Cook CHIEF EXECUTIVE OFFICER

DISCLAIMER

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

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

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

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

ACKNOWLEDGEMENT OF COUNTRY



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



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ORDER OF BUSINESS

- **1 DECLARATION OF OPENING**
- 2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE
- 2.1 ATTENDANCE
- 2.2 APOLOGIES
- 2.3 LEAVE OF ABSENCE
- **3 DISCLOSURES OF INTEREST**
- **4 PUBLIC QUESTION TIME**
- 4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE
- 4.1.1 Kate Lane Neergabby
 OCM 20 August 2024 Item 4.2.2 Preparation of Asset Register and Purchase of
 Kitchen Equipment from Belgravia Leisure
 - Q4. Is that specifically stated in the contract?
 - A4. The lease agreement between the Shire of Gingin and Belgravia Health & Leisure Group Pty Ltd with respect to the Guilderton General Store and Cafe specifically states that the lessee (Belgravia Health & Leisure Group Pty Ltd) must *maintain, replace, repair, clean and keep the Premises (which for the avoidance of doubt includes the Lessor's Fixtures and Fittings) in Good Repair...*

4.2 PUBLIC QUESTIONS

5 PUBLIC STATEMENT TIME

OFFICER RECOMMENDATION

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

- **6 PETITIONS**
- 7 APPLICATIONS FOR LEAVE OF ABSENCE



8 CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION

That Council confirm the Minutes of the Ordinary Council Meeting held on 20 August 2024 as a true and accurate record.

- 9 ANNOUNCEMENTS BY THE PRESIDING MEMBER
- 10 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

11 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil



12 REPORTS - OFFICE OF THE CEO

12.1 COASTAL HAZARD RISK MANAGEMENT AND ADAPTATION PLAN - RESOLUTIONS FROM SPECIAL ELECTORS' MEETING 13 AUGUST 2024

File	ENV/17
Author	Aaron Cook - Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	18 June 2024 - Item 12.3
Appendices	Nil

DISCLOSURES OF INTEREST

PURPOSE

For Council to consider the resolutions carried at the Special Electors' Meeting (SEM) held on 13 August 2024 at the Granville Civic Centre, and potential actions arising from these resolutions.

BACKGROUND

In 2020 the Shire of Gingin received grant funding from the State to undertake a review of its existing Coastal Hazard Risk Management and Adaptation Plan (CHRMAP). Council engaged a consultant, Shape Urban, in February 2021 to undertake the review process, which included incorporation into the CHRMAP of the townsite of Guilderton and the Inundation Report completed in July 2020, to simplify the document to make it more user friendly, and to prepare a Coastal Management Strategy (CMS).

Shape Urban facilitated extensive consultation and workshops across the Shire during their consultancy, as is evidenced in the attachments to that report. One of the conditions attached to the grant funding was that a Steering Committee must be formed consisting of a minimum of two representatives from the Grantors (Western Australia Planning Commission), two representatives of the Grantee (Shire of Gingin) and one community representative.

These comprised two officers from the Department of Planning, Lands and Heritage (DPLH) and an officer from the Department of Transport – Maritime (DoT) representing the Planning Commission, Councillors and Officers from the Shire of Gingin, and a representative from the Community Coastal Erosion Working Group. Accordingly, a Steering Committee was established and held a number of meetings over a period of two years.



The consultants facilitated the preparation of the documents after calling for and receiving submissions. These submissions were included in the consideration and reporting of the document. The Steering Group decided that the CMS would be delayed until after the CHRMAP was accepted by Council to avoid confusion, as many members of the public were confused as to the purpose of each document.

The CEO prepared an item for presentation to the Ordinary Council Meeting on 18 June 2024, with the documents being provided to all Councillors in conjunction with this report. At the OCM Council resolved that the item be deferred for a month to enable more time for Councillors to review the documentation.

The revised CHRMAP which was presented for endorsement is 179 pages long. The balance of the full (1113 pages) document is made up of supporting appendices comprising –

- Appendix A 2019 CHRMAP report (Cardno) 161 pages;
- Appendix B 2020 Gingin Coastal Inundation Study (Baird) -194 pages;
- Appendix C 2024 CHRMAP Gap Assessment Technical Report (Shape Urban) -193 pages;
- Appendix D 2024 CHRMAP Integration Project Stage 2 Engagement Summary Report (Shape Urban) – 124 pages;
- Appendix E 2024 CHRMAP Integration Project and Coastal Management Strategy Stage 5 Engagement Summary Report (Shape Urban) – 72 pages;
- Appendix F Coastal Management Documents Public Advertising for CHRMP and CMS – Summary of Submissions (Shape Urban) – 136 pages;
- Appendix G Hazard Maps (Cardino) 8 pages; and
- Appendix H 2023 Benefit Distribution Analysis Report (Farlane) 45 pages.

Prior to the July OCM, advice of the commitment to re-advertise the draft CHRMAP for public consultation was confirmed which resulted in the report being altered recommending to Council that the draft be released for community consultation for a period of 28 days. An amendment to the officer recommendation to the July OCM was received from an Elected Member prior to the meeting to increase this period to 120 days.

At the July OCM, two petitions were received. The first petition concerned the CHRMAP and, given cl.5.10(4) of Council's Meeting Procedures Local Law 2014 prevents Council from voting on any matter that is the subject of a petition presented to that meeting unless Council has considered the issues raised in the petition, the item listed on the Agenda for the meeting was withdrawn.

The second petition was a request for a SEM, with the listed purpose of the meeting being the same 5 components forming the first petition to Council.



In accordance with s.5.28 and 5.29 of the *Local Government Act 1995* (the Act), arrangements were made for a SEM to be held on 13 August 2024 at the Granville Civic Centre.

During the course of the SEM a number of resolutions were carried and, in accordance with Section 5.33 of the Act, this report now presents those resolutions for Council's consideration. It is emphasised that resolutions from any electors' meeting must be presented to Council for consideration - they cannot be directly actioned by Council or the Administration solely based on a resolution from the electors' meeting.

COMMENT

At the SEM held on 13 August 2024 the following resolutions were endorsed by the 171 attendees at the meeting.

RESOLUTION 1

MOVED: Michael Cramb SECONDED: Terry Shinnick

To condemn the behavior of both Cr Fewster and Mr Cook in relation to the handling of the CHRMAP.

CARRIED

Officer Comment

This resolution is noted. The intent of the motion has been raised both in writing and in other forums by Mr Cramb, and has previously been responded to by the CEO.

There is no other action to be taken in regard to this resolution.

RESOLUTION 2

MOVED: Vin O'Sullivan SECONDED: Mike Cardy

That a peer review be undertaken on the CHRMAP.

CARRIED

Officer Comment

This recommendation is a valid request that can be facilitated in the future prior to the document being represented to Council for endorsement.



RESOLUTION 3

MOVED: Mal Lobb SECONDED: Peter Murphy

That the meeting vote on all 5 items listed as the purpose for which the meeting has been called, noting that the words "to be held in July 2024" are to be removed from Item 1.

- 1. That the Council defers voting to adopt the Coastal Hazard Management Assessment Plan (CHRMAP) as is proposed for the Council meeting.
- 2. That the Councillors comply with Council policy to act for and in the interests of the ratepayers they represent and recognize the overwhelming rejection of the CHRMAP recommendations.
- 3. That the Council amend the CHRMAP to incorporate the comments and recommendations from the 2023 public consultation process and report whether the recommended proposed changes set out in Table 8 of the CHRMAP (commencing page 258) have been adopted, to what extent and why.
- 4. That the Council re-engage with the public concerning the (amended) plan as outlined by the International Association of Public Participation (IAPP) and the Coastal Hazard Risk Management and Adaptation Planning Guidelines issued by the WA Dept. of Planning, Lands and Heritage and Western Australian Planning Commission (dated July 2019).
- 5. That the Council comply with the governance requirements outlined in section VI of the IAPP and engage a Steering Committee throughout all aspects of the process.

CARRIED

Officer Comment

Comments are provided on the five items in Resolution 3 as follows:

1. The report which was included in the Agenda for the OCM on 16 July 2024 proposed to defer adoption of the CHRMAP to allow for additional public consultation. As noted above, this report was ultimately not presented for consideration due to the petition taking precedence.

This report recommends that consideration of the CHRMAP by Council be deferred until the Steering Group has been reformed, has considered the additional input from the community and updates from the Department of Planning, Lands and Heritage and has, if required, amended the document.



2. Council has in the past made decisions in the best interests of all residents and ratepayers within the Shire, not just one section of the community. The CHRMAP document is a sensitive document which has potential implications in the future if the prediction of climate change continues to come to fruition.

Local governments, as part of their mandate, are to ensure that their residents and ratepayers are informed as to any potential future implications that might affect their safety and security. This is what the CHRMAP has attempted to provide and although negative sentiment is surrounding the document currently, the positive is that people are better informed as to the potential impacts.

Deferral of consideration of the revised CHRMAP will allow for further public consultation, reinstatement of the Steering Committee, and for the draft to be peer reviewed to ultimately provide a CHRMAP which is in the best interests of all Shire of Gingin residents and ratepayers.

- 3a. The consultants considered the submissions within the current proposed CHRMAP. The appointment of the consultant and the Steering Group was for the purpose of assessing the report and feedback and proposing a path forward, and this is what occurred.
- 3b. In relation to the comment regarding Table 8 commencing on page 258. After reading through all provided documents, it is assumed this is referring to the recommendations in the Public Advertising Summary of Submissions document. These recommendations referred to both the CHRMAP and the Coastal Management Strategy (CMS). All recommendations referring to the CHRMAP in Table 8 have been included within the updated CHRMAP document.
- 4. The recommendation to Council in this report is to conduct further public consultation after the CHRMAP has been reconsidered by the Steering Group. There is no requirement for local government to give regard to the International Association of Public Participation. The consultant undertook public consultation in relation to the current amended CHRMAP and did so in a thorough manner.
- 5. There is no requirement for Council to comply with the requirements of the International Association of Public Participation, however it is proposed to reinstate the Steering Group to reconsider the CHRMAP document prior to progressing to further public consultation.

It is clear from further reflection on the CHRMAP document and the angst in the community that significant additional interaction/consultation and education is required by the Shire and importantly by the DPLH and Department of Transport so that the community is able to understand why requirements are being imposed by the State, and the impacts of some of the actions within the CHRMAP.



It is therefore proposed that the Steering Group to be reinstated. Although the actual membership of the Steering Group cannot be amended, it is proposed that an invitation be extended to the following to appoint members to attend Steering Group meetings as observers:

- Lancelin District Community Association one member;
- Lancelin Chamber of Commerce one member;
- Friends of Lancelin Coast one member;
- Ledge Point Community Association one member;
- Seabird Progress Association one member; and
- Guilderton Community Association one member.

Three observers from Lancelin are proposed given the potential significant impacts on the Lancelin coast compared to the other coastal towns.

The observers will then be required to disseminate information from the Steering Group back into the communities.

Progressing the CHRMAP forward, if the report author's recommendations are accepted the following stages will be proposed as a guide:

- 1. Prior to the end of 2024 invitations will be issued to the identified community groups to appoint a representative to attend Steering Group meetings as an observer.
- 2. The Steering Group will be reinstated once responses have been received from the identified community groups.
- 3. The CHRMAP document will be altered or amended as the Steering Group recommends.
- 5. A peer review process will occur.
- 6. The Steering Group will consider the outcomes of the peer review process and make a recommendation to Council as to whether the document is ready to be advertised for public submissions.
- 7. Council will make a decision as to whether the document is ready to be advertised for public submissions.
- 7. All submissions received will be presented to the Steering Group.
- 8. The Steering Group will submit the amended CHRMAP and all submissions received, together with a recommendation, to Council for formal consideration and action.



Council will need to consider the additional costs of potentially needing to engage a consultant again to facilitate this process. As with Shape Urban, extensive consideration and work on the document may be required including public consultation and review of any submissions received. This will need to be a consideration of Council after the Steering Group commences meeting and, if in the 2024/25 financial year, will need to be assessed as an out of budget expense. Consideration should be given to whether an application will be made for grant funding from the CAP Grants program.

It should be noted that with all the matters considered above, the process to undertake the reassessment of the revised CHRMAP will take considerable time to complete, especially if grant funding is to be sought.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 Part 3 Functions of local governments Division 1 General Section 3.1 General function

Section 3.1(1A) specifies that the general function of a local government must be performed having regard to a number of matters including the need to plan for, and to plan for mitigating, risks associated with climate change.

Planning and Development Act 2005

Shire of Gingin Local Planning Scheme No. 9

POLICY IMPLICATIONS

State Planning Policy 2.6 – Coastal Planning

BUDGET IMPLICATIONS

There are no budget implications immediately associated with this report. However if Council supports the officer recommendation, the process going forward will have implications which may require further reports for Council's formal consideration.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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



VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council agree to:

- 1. Defer consideration of the revised Coastal Hazard Risk Management Adaptation Plan (CHRMAP) until such time as Parts 2, 3 and 4 (below) are completed.
- 2. Reinstate the CHRMAP Steering Group to review the revised CHRMAP document.
- 3. Invite the following groups to appoint members to attend Steering Group meetings as observers:
 - Lancelin District Community Association one member;
 - Lancelin Chamber of Commerce one member;
 - Friends of Lancelin Coast one member;
 - Ledge Point Community Association one member;
 - Seabird Progress Association one member; and
 - Guilderton Community Association one member.
- 4. Subject the draft amended CHRMAP to a peer review process.
- 5. After the peer review process has been completed, consider a recommendation from the Steering Group as to whether the document should be advertised for public submissions.
- 6. At the completion of the public submission period, consider a recommendation from the Steering Group with respect to adoption of the amended document.



12.2 RELOCATION OF GAZEBO - HAROLD PARK LANCELIN

File	RES/21
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	16 July 2024 - Item 12.1
Appendices	 Inundation - 20 Year [12.2.1 - 1 page] Inundation - 100 year [12.2.2 - 1 page] Inundation - 500 Year [12.2.3 - 1 page]

DISCLOSURES OF INTEREST

PURPOSE

To consider the implications of the relocation of the Gazebo which is located in the dunes at Harold Park in Lancelin.

BACKGROUND

In early 2021 the Lancelin District Community Association (LDCA) requested permission to install a Gazebo on the foreshore at Harold Park so that parents could sit in the shade and watch their children during swimming lessons and provide shade to other beach users.

A meeting took place on site between LDCA representatives Mr Bevan Henderson and Mr Peter Murphy, who showed the site that they were recommending. At that stage the site had some 4–5 metres of fore dune in front of the structure. From there a Concept Enquiry was presented to Council requesting funding for the project and this was accepted along with the site location.

Once the project commenced there were issues with the construction in that the builder did not see the project through. This caused issues with the building permit and a new builder was required to be appointed. In addition, there are still facets of the build that are not compliant with the regulatory requirements.

Recently coastal erosion has affected the site and left the Gazebo in a precarious position with sections of the footings now not supported by sand and the structure at risk of being damaged due to storm swells. The dune under the Gazebo has been destroyed leaving this area of the foredune unstable and at an increased risk of erosion.

With the recommendation from the LDCA to Council to relocate the Gazebo back to the edge of Harold Park consideration must be given to the risk in doing so to a vegetated section of foredune that will in effect be sterilised and be at increased risk of erosion and further weaken the identified breach point.



COMMENT

The areas where the Gazebo has been located, and is proposed to be relocated to, are in one of two identified breach points in Lancelin within the Baird 2020 Coastal Inundation Study. These two locations are the Cunliffe Street dune from Grace Darling Park north and the dune north of the Lancelin Jetty past Harold Park.

The identified breach points are weakened areas of dune structure where in a storm event there is potential for the dune to be lost, and the storm surges enter the townsite. The inundation mapping then shows the low-lying areas where, should the dunes be breached, the water will collect and sit.

The Baird Inundation Study is available for public information on the Shire of Gingin website.

At the recent Special Electors' Meeting held on 13 August 2024, it was made clear that the Lancelin community wants the dunes to be protected to avoid potential erosion and inundation to ensure that retreat is not required. Protecting the dunes to stabilise them and encourage sand collection and vegetation growth is a form of adaptation/protection works and is considered in the draft Coastal Management Strategy.

Relocation/placement of the Gazebo in the existing dune structure will, as stated, create a weak point in the dune by removing all the vegetation under the structure. Should the erosion continue in this area, or storm surge hit the beach, and the ocean reaches the relocated Gazebo, the erosion will very quickly enter and inundate Harold Park. This will damage and affect the Park's infrastructure and place all of the houses on this section of Gingin Road, Shell Street, Sidney Street and potentially the Lancelin Primary School at serious risk of inundation.

Three maps from the Baird Inundation Study showing the potential inundation should the dune at Harold Park be breached are provided for Council's information (see appendices). Whilst there are a number of other examples of differing levels of effect based on the storm severity and the potential of sea level rise, the three provided show a 1 in 20, 100 and 500 year storm severity event, all with the predicted potential for a 0.9m sea level rise. It should be noted that this study shows the first sign of inundation is a 1 in 20 year storm event with the potential for 0.35m sea level rise and/or a 1 in 500 year storm event with no sea level rise and other variations in between.

Whilst there is strong conjecture in the community that the data utilised to form these reports is, in their opinion, invalid or incorrect, the role of a local government is to be aware of and inform the community of potential risk and for Council to make decisions in the best interests of the entire Shire of Gingin community. This includes decisions that will increase protection to persons and property.

It is the officer's opinion that relocating the Gazebo further back into the Harold Park dune is not making a decision in the best interests of residents and ratepayers.



Based on verbal advice from a builder, Council has made provision within the adopted 2024/25 budget of \$30,000 for the relocation of the Gazebo. Two quotes have been received that are in excess of the budgeted amount and therefore, depending on Council's decision, a decision to amend the budget to allow for unbudgeted expenditure will be required.

The first quote received from a Lancelin tradesman is to dismantle the structure and reerect at a cost of \$40,000. This option would allow for other sites to be considered, as once dismantled the structure could be easily moved. The second quote is from a builder in the Shire and is to lift, via a crane, and replace the structure within reach of the crane. This option has a price of \$33,000. As per the Shire of Gingin Purchasing Policy there will be requirement to seek additional written quotes and as such the prices could be reduced from the quotes advised.

Currently there are five shade structures in Harold Park, not including the public toilets. One of the important reasons for the Gazebo to be placed in its current position was for parents to be able to sit in shade whilst their children undertake swimming lessons. Should the structure be relocated further back in the dune and/or within Harold Park this outcome would not be achieved, resulting in providing a further shade structure in the Park when there are other areas in Lancelin where a gazebo would be welcomed.

For example, the new park at Cunliffe Street, the Hinchcliffe Lookout parking area and the Lancelin Off-Road Vehicle Area (ORVA) all do not have any shade provision.

Aerial mapping shows that the gazebo is currently 18 metres from the edge of the Park. As the structure is 4.5 metres wide it would need to be moved 13.5 metres to the edge of the Park. Noting again that at the time of installation the Gazebo was erected some 6 metres inside of the dunes, it is evident that erosion has in fact removed 6 metres of dune and an estimated additional 1+ metre under the Gazebo, with a total of 7+ metres being lost over a period of two years. Should erosion continue at a similar rate, then the gazebo will again be at risk within 3–4 years meaning that Council will again be required to consider relocation.

Options

1. Relocate the Gazebo by lifting the structure by crane and placing it in the far edge of the dune.

Note that a trigger point of 2 metres on the beach side of the Gazebo would need to be set so that if erosion reaches this point the structure would be removed so that it does not become dangerous and there could be time to revegetate the area.

2. Relocate the Gazebo by lifting the structure and placing it in the grassed area of Harold Park.



Note the Gazebo would be 5-10 metres from an existing shade structure.

- 3. Dismantle the Gazebo and relocate to the new Cunliffe Street grassed area near to where the memorial seat will be located.
- 4. Dismantle the Gazebo and relocate to the ORVA with the exact location to be identified.

After assessing the options, environmental impacts, potential increasing risk of storm water breach, and taking into account the strong community sentiment, the recommendation is to dismantle and relocate the structure to the Cunliffe Street new grassed area near to the memorial seat that is to be installed (Option 3). Option 4 is not supported given that the ORVA is currently not land that is owned by or vested in the Shire of Gingin.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

With the recommendation being to dismantle the Gazebo, an unbudgeted expenditure approval is required for the funds to be removed from the Coastal Erosion Reserve Account.

Account	Description	Current	Revised	Surplus /
		Budget	Budget	Deficit
BC1192A	Lancelin Harold Park	\$30,000	\$40,000	\$10,000
	Building Capital			
151107810	Land and Building	(\$216,954)	(\$226,954)	(\$10,000)
Reserve No. 5				
Net Change to surplus			\$0	



STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.1 Management of Assets - Maintain civic buildings, public places, plant, roads, cycleways, and pathways based on asset management plans and identified priorities.

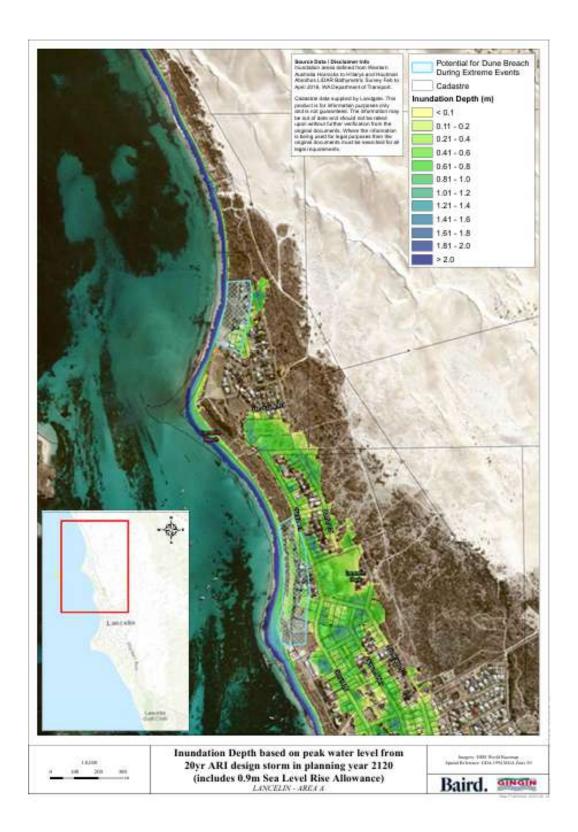
VOTING REQUIREMENTS - ABSOLUTE MAJORITY

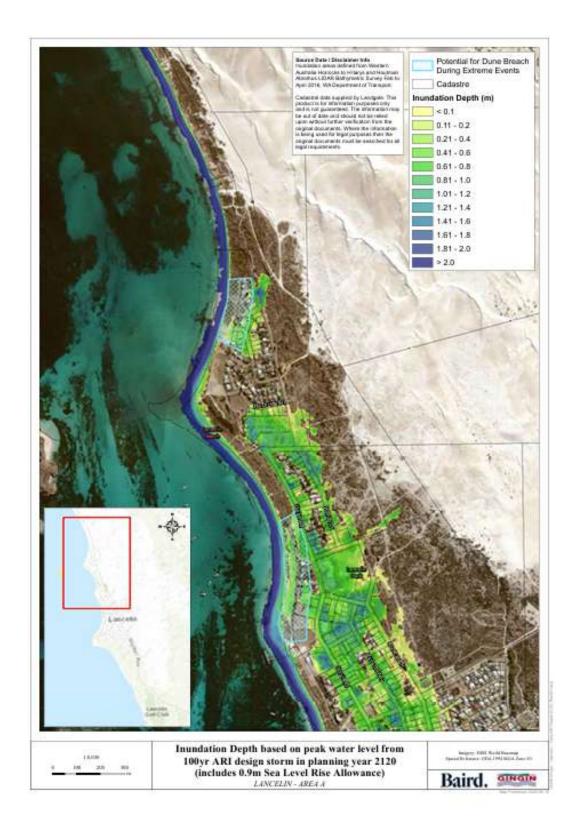
OFFICER RECOMMENDATION

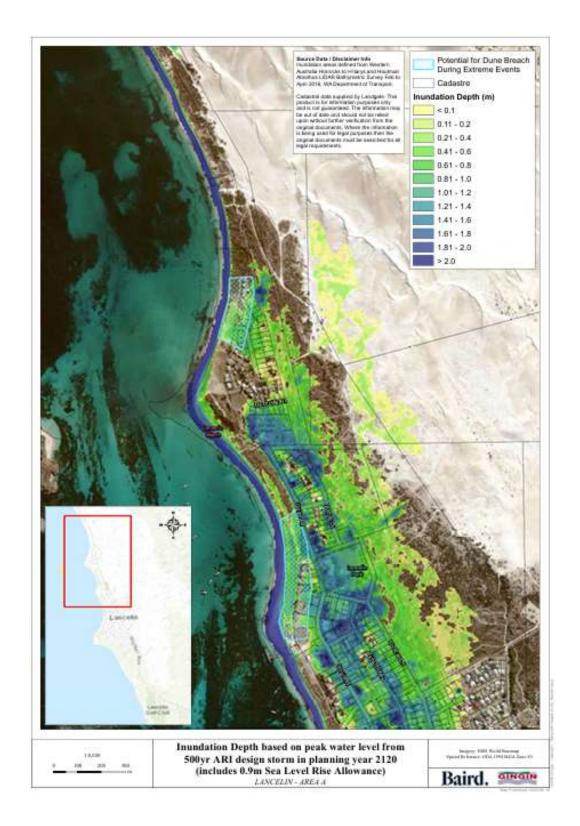
That Council:

- 1. Authorise the dismantling of the Harold Park Beach Gazebo and relocation to the Cunliffe Street new grassed area, with the final specific location to be determined by the CEO.
- 2. Approve the expenditure of up to \$40,000 as an out of budget expense with funds to be sourced from the Coastal Erosion Reserve Account, and agree to amend the 2024/25 Budget as follows:

Deficit 10,000
10.000
,
10,000)
\$0
LC









12.3 PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW

File	LAW/1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	20 August 2024 - Item 12.1
Appendices	1. Public Places and Local Government Property Local Law [12.3.1 - 36 pages]

DISCLOSURES OF INTEREST

PURPOSE

To commence the statutory process for adoption of a local law (Shire of Gingin Public Places and Local Government Property Local Law 2024) in accordance with the *Local Government Act 1995* (the Act) s.3.12.

BACKGROUND

This local law arises out of the Periodic Review of Local Laws completed by Council at its Ordinary Meeting held on 20 December 2022, as required by s.3.16 of the Act.

At the conclusion of the review, Council ultimately resolved that the existing Activities in Thoroughfares and Public Places and Trading Local Law 2004 should be repealed and replaced and that the existing Local Government Property Local Law 2004 should be amended.

However, in the process of drafting the required new and amendment local laws it became evident that, given the degree of overlap between the 2 local laws, there was a risk that replacement of one and retention of the other with some amendments could potentially lead to inconsistencies.

Council gave consideration to this matter at its meeting on 19 March 2024 (Item 12.3) and resolved to repeal the Activities in Thoroughfares and Public Places and Trading Local Law 2004 and the Local Government Property Local Law 2004, and to replace both with a new combined local law.

A draft Shire of Gingin Public Places and Local Government Property Local Law (the Local Law) was presented to Council for consideration on 20 August 2024, however Council resolved to defer the matter in order to obtain further information on certain aspects of the proposed local law. An information session with the consultant who drafted the new local law in consultation with relevant Shire officers provided all Councillors with the opportunity to ask questions in relation to any issues of concern.



At the conclusion of the information Councillors requested that, prior to being presented for formal consideration, the draft be amended as follows:

- 1. Amendment of cl. 1.6 Terms used by including reference to "boat" or "vessel" in the definition of "vehicle";
- 2. Amendment of cl. 9.4 Leaving animal or vehicle in public place to also include specific reference to "boat" or "vessel" in order to address the issue of boats being left unattended on the Moore River foreshore and impeding pedestrian access along the foreshore; and
- 3. Removal of "plant or maintain a vegetable garden, fruit tree or other edible produce" from cl. 7.6 General prohibitions and inclusion of the same in cl. 7.8 Verge treatments requiring a licence.

These matters have now been addressed, and an amended version of the proposed local law is provided for formal consideration (see appendix).

COMMENT

In considering local laws, it is important to be aware that a local law simply provides a local government with the power to require certain things or take certain actions if considered necessary. There is no obligation on a local government to enforce any provision of any local law **unless it chooses to do so**, and it is very common for all local governments to have provisions in their local laws that may not be enforced unless and until a particular matter becomes a problem.

If adopted by Council at the conclusion of the statutory public submission period, the proposed Shire of Public Places and Local Government Property Local Law 2024 will repeal and replace the existing Activities in Thoroughfares and Public Places and Trading Local Law 2004 and the existing Local Government Property Local Law 2004.

The local law merges relevant provisions of the two local laws being repealed, and includes a number of new provisions. Important new provisions include:

- 1. Creation of an offence to make a false or mis-leading declaration;
- 2. Creation of an offence to fly a UAV (eg unmanned aircraft such drone) over a public space where an emergency incident is underway, unless with the specific approval of an authorised person. While an infringement for \$500 may be issued for each occasion of unauthorised overflight, there is nothing to prevent the later withdrawal of that infringement, whether paid or not, and subsequent prosecution under the local law where the general penalty of \$5,000 may be applied by a Court;
- 3. A single process for applying for a licence (approval, permit etc), the giving of a licence, and also for giving of written notice, suspension or cancellation of a licence;



- 4. The merger eliminates any need to determine whether or not a specific offence relates to property or a public place and a decision on which local law to apply;
- 5. Other than under very limited circumstances permitted in the local law, a verge treatment, landscaping, driveway or hardstand area all now require approval of the local government. The provision applies throughout the whole of the district, and is not limited to townsites;

A draft policy is being prepared for Council's future consideration which will outline the circumstances in which staff may approve an application for a verge treatment. The policy also will also include recommendations and advice to residents which are not enforceable;

- 6. Powers concerning trade displays which were not included in previous local laws;
- 7. Powers concerning offensive material or language in signs, on road verges and trade displays; and
- 8. Power to require removal of an unsafe crossover.

There are a number of matters that Council should be aware of, as follows:

- 1. Terms used
 - a. "the local government" means the organisation, so depending on the context, it may be that where a matter is administrative (a form, notice to the administration, etc) no delegation is required. However, where a decision is required, consistent with Dept of Local Government Guidelines, it should be read as being the highest possible decision making level, which is the Council. In line with the Guidelines these decisions may be delegated to the CEO unless specified.

There are important legislative and administrative differences between appointment as an authorised person and delegation of power.

- b. Council, CEO or other specific position the function, role or power cannot be removed from that position or role, nor over-ridden.
- c. Authorised person/delegation an authorised person's function and actions are defined by the local law and enable an authorised person to act within previously defined parameters. A delegation relates to decision making – in other words, a person has been given the power to make a decision rather than the Council.



- d. Beaches the current local laws do not define a beach, nor include beaches as either local government property or as a public place, although it is implied that they are to be considered as local government property. The proposed local law specifically defines "beach" and also includes beach in the definition of public places, not as local government property or as a thoroughfare.
- e. Trading given the difficulties of several years ago and the subsequent opinion of Mcleods, the definition of "trading" was considered in detail.
- 2. Matters addressed by specific provisions
 - a. A number of matters previously dealt with in policy (and therefore unenforceable) are now addressed by the local law. For a policy to be enforceable, it must be referred to in a licence issued under the local law. It is safest to treat policy as being instructions to staff or, if directed to the community, limited to advice and recommendation.
 - b. An authorised person may require that public notice be given to the community of proposed operations. This is not "local public notice" as defined by the *Local Government (Administration) Regulations 1996*, but the extent and methods etc are determined by the authorised person. Also separate are:
 - notices such as signs;
 - written notice as outlined by the local law;
 - infringement notices etc as determined by the LG Act; and
 - provisions around "No Spray" signs.
 - c. Notice to correct, and undertaking remedial works clause 14.5 contains the powers of the Council where damage, nuisance or other non-compliance has occurred. Similar to an infringement notice or a prosecution, these also rely on knowing the identity of the offender. These clauses allow, where the offender is known, to:
 - i. Issue a notice to repair, pay for repairs or carry out works needed for compliance with the local law. Generally, if there is damage, it is suggested that paying for reinstatement or repairs is most appropriate as the local government would then control the standard of works;
 - ii. Infringe or prosecute the recipient of the notice if they do not comply with the notice.



- iii. Provide for the local government to carry out the works and recover the cost as a debt, applying interest to the outstanding amount if necessary, or taking legal action. This is consistent with the provisions of the *Local Government Act 1996* s.3.25 and 3.26 in relation to notices issued concerning Schedule 3.1 matters.
- 3. Matters arising from information session on 3 September 2024

In making the required amendments, the consultant has provided the following comments:

- a. Specific reference to "boat" or "vessel"
 - i. Rather than amending the existing definition for "vehicle", for the purposes of clarity cl. 1.6 has been amended to include a separate definition for "boat". The term "vessel" has not been used as it could lead to complications concerning whether the craft has to be registered or not. Apparently there is a difference under the *Navigable Waters Regulations 1958*.
 - ii. The new definition refers to "personal watercraft" rather than "jet ski". In the past, the Joint Standing Committee on Delegated Legislation (JSCDL) has held that terms such as "jet ski", although in popular usage and generally accepted, are a trade-marked term and should not be used in legislation.
 - iii. The definition of "owner" now makes specific reference to "boat" as well as "vehicle".
 - iv. A new definition for "personal watercraft" has been included. The definition is that used by the *Navigable Waters Regulations 1958*.
- b. Amendment of cl. 9.4 Leaving animal, vehicle or boat in public place

The amendments requested to this clause now place a limit on the length of time that a boat can be left in any public place or on local government property (including road verges) without authorisation to a maximum of 24 hours. This limitation currently applies to vehicles (including boats on trailers) under the existing Activities in Thoroughfares and Public Places and Trading Local Law, but these amendments will now extend the power to boats that are not on trailers.

If Council wishes to impose a different time limitation for unattended boats then subclause 9.4(3) will be amended to delete the words "or boat", and a new subclause 9.4(4) will need to be included as follows:



(4) A person does not contravene subclause (1) where the boat is left for a period not exceeding hours.

If this is the case then Council will need to determine what period it wishes to apply for unattended boats to be left in a public place.

Extension of area

Generally, the jurisdiction of a local government which is situated adjoining the ocean is considered to extend to the low water mark. In order for a local law to apply beyond this point, s.3.6 of the *Local Government Act 1995* requires that the approval of the Governor be obtained. With respect to the Shire's current Local Government Property Local Law the Governor's approval was received (published in the Government Gazette on 1 August 2003) for the local law to apply throughout the district and for a distance of 200 metres seawards from the low water mark at ordinary spring tides.

This provides Council with the ability, if it so wishes, to control such matters as:

- unruly or nuisance behaviour on boats that disturbs swimmers or those on shore;
- speed of water craft approaching jetties or near swimmers;
- approaches to jetties, launching ramps etc; and
- waste or obnoxious discharge of materials off-shore.

The previous approval was specifically for the Local Government Property Local Law 2004, and does not automatically continue for the proposed Public Places and Local Government Property Local Law, particularly where there are new provisions.

Now that the text of the proposed replacement local law is effectively settled, it would be appropriate to apply for approval from the Governor for the provisions of the local law to extend 200m seawards from the western boundary of the district, which is the low water mark of the Indian Ocean.

Concerns have been expressed that this extension of jurisdiction may make the Shire responsible for additional enforcement obligations. However, as explained by the consultant during the 3 September 2024 information session, the purpose of a local law is to provide a local government with the power to control matters that are not already addressed by Federal or State law.

Federal and State law always takes precedence over a local government's local laws. Anything that is currently a responsibility of Police, emergency services or any other instrumentality under Federal or State law cannot be transferred to a local government by a local law.



The extension of a local government's jurisdiction for a specified distance beyond the low water mark is a very common practice in local laws dealing with public places and local government property, and provides a local government with the ability, should it wish to do so, to control matters such as the use of boats and jet skis in areas close to shore where people swim.

Again, there is no obligation on a local government to use these powers, and if it does choose to use them, such usage can be selective and applied to specific areas.

Statutory Process

The same statutory process applies to the making of new, amendment and repeal local laws, and is as follows:

- Council must resolve to commence the process of making the local law;
- Local public notice of the proposed local law must be given inviting public submissions. A submission period of at least 6 weeks must be allowed;
- During the public submission period the proposed local law must also be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSC) and any other department responsible for administering the Act under which the local law is made for comment;
- At the conclusion of the public submission period, a summary of submissions received, and any changes recommended by the DLGSC or another department must be considered by Council. At this point Council may resolve to make the local law either as proposed, or in a form that is not significantly different from what was proposed. If, as a result of public submissions, Council wishes to make substantial changes to the proposed local law, then a further public submission period will be required;
- Once Council has resolved to make the local law, it must be published in the Government Gazette and a further copy provided to the DLGSC;
- Local public notice must be given of the adoption, gazettal and commencement date of the local law; and
- A copy of the local law, together with a copy of the required Explanatory Memorandum, must then be submitted to the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) for review.

The JSCDL will review the local law and its effects, and may recommend to Parliament that it be amended, or request that it be disallowed. If amendment is required, then the local government will be requested to provide an undertaking to progress the amendment within a specified time frame.



Purpose and Effect

The *Local Government (Functions and General) Regulations 1996* requires that, in commencing to make a local law, the person presiding at a Council meeting is to give notice of the purpose and effect of the local law by ensuring that the purpose and effect are included in the Agenda and Minutes for that meeting.

Accordingly, the purpose and effect for the Shire of Gingin Public Places and Local Government Property Local Law 2024 are:

- Purpose: To make provisions for the management of public places, thoroughfares and all local government property.
- Effect: To repeal existing local laws, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 3 - Functions of local governments

Division 2 – Legislative functions of local governments

Section 3.12 – Procedure for making local laws

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

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

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

Local Government (Functions and General) Regulations 1996

Part 1A – Local laws

Regulation 3 – Prescribed manner of giving notice of purpose and effect of proposed local law (Act s.3.12(2))

POLICY IMPLICATIONS

During the drafting of the Local Law it has also become evident that amendments are required to Council's existing Policy 7.4 Management of Verges. A new policy will be drafted and presented to Council for consideration once the Local Law comes into effect.

BUDGET IMPLICATIONS

Costs will be incurred as a result of the statutory advertising and gazettal process, which will be met from the adopted Advertising/Publications budget.



STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council agree:

- 1. In accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, to give local public notice of its intention to make the Shire of Gingin Public Places and Local Government Property Local Law 2024, and within that notice invite public submissions for a minimum 6 week period and advise of the following Purpose and Effect:
 - Purpose: To make provisions for the management of public places, thoroughfares and all local government property.
 - Effect: To repeal existing local laws, establish necessary controls for public places, thoroughfares and local government property, provide for permitted and prohibited use and activities, and create offences for non-compliance.
 - 2. To make application to the Governor under s.3.6 of the *Local Government Act 1995* to extend the application of the proposed Public Places and Local Government Property Local Law for a distance of 200 metres seawards from the western district boundary, which is bounded by the low water mark of the Indian Ocean.

Table of Contents inserted for administrative ease of use and will not be published as part of the Gazetted local law

LOCAL GOVERNMENT ACT 1995

SHIRE OF GINGIN

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2024

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SCHEDULE 1 – PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

SHIRE OF GINGIN

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2024

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Gingin resolved on ______ 2024 to adopt the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Gingin Public Places and Local Government Property Local Law 2024.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed –

- (a) Activities in Thoroughfares and Public Places and Trading Local Law 2004 published in the Government Gazette of 13 September 2004 and amended in the Government Gazette of 10 October 2006 and 11 December 2018; and
- (b) Local Government Property Local Law 2004 published in the Government Gazette of 13 September 2004 and amended in the Government Gazette of 10 October 2006 and 11 December 2018.

1.5 Transitional provisions

- (1) An application for, or the renewal of a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.
- (2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.6 Terms used

(1) In this local law -

Act means the Local Government Act 1995;

animal means any living thing that is not a human being or plant, but excludes a cat; *applicant* means a person who applies for a licence;

application means an application for a licence;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law and includes the CEO;

beach means the area of sandy shoreline from the low water mark to either the base of the sand dune or the commencement of vegetation or building or structure, and where the context permits, includes

- (a) adjacent dunes and scrubland;
- (b) shoreline consisting of rocks or cliffs; and
- (c) any provision, facilities or structure for launching boats;

boat means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a personal watercraft;

building means any building or structure which is local government property and includes but is not limited to any –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room;
- (c) jetty; and
- (d) the immediate environs of the building if the context requires, but does not include an open space, a carpark or a similar;

building permit means a permit granted under section 20 of the Building Act 2011;

bulk rubbish container means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

carriageway has the meaning given to it in the Road Traffic Code 2000;

CEO means the Chief Executive Officer of the local government;

children's playground means an area set aside for use by children and noted by the presence of any of the following –

- (a) dedicated children's playground equipment;
- (b) the presence of either sand or other form of soft fall surface; or
- (c) a sign indicating the area is a children's playground;

closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act;

commencement day means the day on which this local law comes into operation;

costs means all expenses directly associated with reinstatement or replacement, and includes

administrative expenses associated with reinstatement or replacement;

Council means the council of the local government;

crossover means a crossing giving access from a public thoroughfare to -

- (a) private land; or
- (b) a private thoroughfare serving private land;

determination means a determination made under clause 2.1;

district means the district of the local government;

emergency vehicle has the meaning given to it by the *Road Traffic Code 2000*, and includes a bush fire brigade vehicle;

entertainment means -

- (a) the action of providing or being provided with amusement or enjoyment; or
- (b) an event, performance, or activity designed to entertain others;

footpath has the meaning given to it in the Road Traffic Code 2000;

function means an event or activity characterised by all or any of the following -

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

general rural lot means a lot where a general rural use -

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

general rural - coded lot means a lot where a general rural - coded use -

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;
- *garden* means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

hire includes offer to hire and expose for hire;

intersection has the meaning given to it in the Road Traffic Code 2000;

jetty means any jetty, pier, wharf or landing place which is local government property;

kerb includes the edge of a carriageway;



lawn means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

licence means a licence, permit or approval issued under this local law;

licence document means a licence document issued under this local law;

licence holder means a person who holds a licence;

liquor has the meaning given to it in section 3 of the Liquor Control Act;

Liquor Control Act means the Liquor Control Act 1988;

local government means the Shire of Gingin;

local government property means anything except a thoroughfare -

- (a) which belongs to or is leased by the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

local planning scheme means a local planning scheme and includes any structure plan adopted or approved by the local government made under the *Planning and Development Act 2005*;

local public notice has the meaning given to it in section 1.7 of the Act;

lot has the meaning given to it in the Planning and Development Act 2005;

market means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction or activity in relation to trading;

- *nuisance* means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which
 - (a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or
 - (b) which has a disturbing effect on the state of reasonable physical, mental or social well being of another person;

owner or occupier, in relation to land, has the meaning given to it in section 1.4 of the Act, but does not include the local government;

owner where used in relation to -

- (a) a vehicle licensed under the *Road Traffic (Vehicles) Act 2012*, means the person in whose name the vehicle has been registered under the *Road Traffic (Vehicles) Act 2012*; and
- (b) any other vehicle <u>or boat</u>, means the person who owns, or is entitled to possession of, that vehicle <u>or boat</u>;

park in relation to a vehicle, has the meaning given to it by the Road Traffic Code 2000;

permitted verge treatment means any one of the treatments described in clause 7.7(3), and includes any reticulation pipes and sprinklers;

person does not include the local government;

personal watercraft means a vessel that -

(a) is propelled by means of an inboard motor powering a water jet pump; and

(b) is designed to be steered by a person sitting, standing or kneeling on the vessel and not within it:

public notice means such notice as the local government considers necessary -

- (a) stipulating duration and placement of notices as is considered relevant to inform the community;
- (b) not requiring compliance with local public notice under section 1.7 of the Act; and
- (c) which may be placed by the local government as a public notice on the local government's website or other means of informing the public;

public place means –

- (a) a thoroughfare;
- (b) any local government property;
- (c) a beach; or
- (d) a place to which the public have access;

repealed local law means a local law repealed under clause 1.4;

restricted local government property means local government property which by its nature or by sign erected by the local government property does not have public access, and includes –

- (a) a building used as a residence and the whole of the land on which it is situated;
- (b) a non-residential building occupied under an agreement with the local government and the whole or identified portion of the land on which it is situated;



- (c) land occupied under an agreement with the local government; and
- (d) buildings or land restricted by the local government for municipal purposes to ensure public safety, or for community interest or benefit;

sell includes -

- (a) offer or attempt to sell;
- (b) display for sale;
- (c) send, forward or deliver for sale or on sale;
- (d) barter or exchange;
- (e) dispose, by lot or chance or by auction;
- (f) supply, or offer, agree or attempt to supply -
 - (i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or
 - (ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- (g) authorise, direct, cause or permit to be done any act referred to in this definition;

set fee refers to fees and charges imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act;

sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

special purpose vehicle has the meaning given to it by the Road Traffic Code 2000;

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are traded and includes a vehicle;

street tree means any tree planted or self-sown in a thoroughfare, of an appropriate species and in an appropriate location, for the purposes of contributing to the appearance of the thoroughfare;

thoroughfare has the meaning given to it by the Act;

townsite means the following townsites constituted under section 26(2) of the Land Administration Act 1997 –

- (a) Gingin;
- (b) Guilderton;
- (c) Seabird;
- (d) Ledge Point; and
- (e) Lancelin;
- trading means -
 - (a) the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for, goods or services in a public place;
 - (b) displaying or offering of goods or services in a public place for the purpose of -
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction or activity in relation to them;
 - (c) the delivery of goods or services whether or not previously ordered, or taking of orders for goods or services in a public place, unless from a location within five metres of the premises of the purchaser of those goods or services or nearest alternative position; and
 - (d) the going from place to place, whether or not a public place, and -
 - (i) offering goods or services for sale or hire; or
 - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services;

UAV means unmanned aircraft, other than a balloon or kite; and for avoidance of doubt includes a drone;

vehicle includes -

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) where the context permits, an animal being ridden or driven,

but excludes -

- (c) a wheelchair or any device designed for use by a physically impaired person on a footpath; and
- (d) a pram, stroller or similar device;



verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath;

waste includes matter -

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
- (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act* 2007 to be waste; and

written notice means a notice issued in accordance with clause 14.3.

1.7 Interpretation

In this local law, a reference to local government property includes a reference to any part of local government property.

1.8 Assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in section 9(2) of the *Disability Discrimination Act* 1992 (Commonwealth).

1.9 Overriding power to hire and agree

Despite anything to the contrary in this local law, an authorised person, on behalf of the local government, may –

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

2.1 Determinations as to use of local government property

The Council may make a determination in accordance with clause 2.2 -

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of the intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that -
 - (a) the Council intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to -
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) is to apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council is to -
 - (a) consider those submissions; and
 - (b) decide -
 - (i) whether or not to amend the proposed determination; or
 - (ii) whether or not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, local public notice is to be given -
 - (a) of the effect of the amendments; and



(b) that the proposed determination has effect as a determination on and from the date of publication.

- (6) If the Council decides not to amend the proposed determination, local public notice is to be given that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person shall comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination local public notice is to be given of the revocation and the determination is to cease to have effect on the date of publication.

2.7 Activities which may be pursued on specified local government property

- A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) use a UAV;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practise
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act* 1973; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
 - (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;



- (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
 - (a) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (b) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (c) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (d) taking or using a boat, or a particular class of boat;
 - (e) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (g) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from
 - pursuing an activity referred to in subclause (1) and, in particular -
 - (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

2.9 Sign under repealed local law taken to be determination

- (1) Where a sign erected on local government property has been erected under a repealed local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 - ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A LICENCE

3.1 Activities requiring a licence

- (1) A person shall not without a licence -
 - (a) subject to subclause (3) hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect on local government property a structure for public amusement or for any performance, whether for gain or otherwise;
 - (d) teach, coach or train, for profit, any person in any facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted -
 - (i) with the consent of a person who holds a licence to conduct a function, and where the trading is carried on, under and in accordance with the licence; or
 - (ii) by a person who has a licence to carry on trading on local government property under any written law;
 - (g) conduct or set up a market on local government property or public place;
 - (h) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –



- (i) drive or ride or take any vehicle on to local government property; or
- (ii) park or stop any vehicle on local government property;
- (i) conduct a function or entertainment event on local government property;
- (j) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
- (k) light a fire on local government property except in a facility provided for that purpose;
- (I) parachute, hang glide, abseil or base jump from or on to local government property;
- (m) erect a building or a refuelling site on local government property;
- (n) make any excavation on or erect or remove any fence on local government property;
- (o) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
- (p) depasture any animal on local government property;
- (q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly;
- (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property; or
- (s) film or make a recording as part of or for commercial gain on local government property.
- (2) An authorised person may exempt a person from compliance with subclause (1) on the application of that person.
- (3) An authorised person may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Licence required for possession and consumption of liquor

- A person shall not offer for sale, consume, have in her or his possession or under her or his control on local government property, any liquor unless –
 - (a) a licence has been obtained for that purpose from the local government.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

PART 4 - BEHAVIOUR ON LOCAL GOVERNMENT PROPERTY

4.1 Application

In this Part -

local government property includes any structure, facility or item constructed or owned by the local government which may be situated on land not under the local government's management.

4.2 Restricted local government property

Nothing in this local law is to be construed as -

- (a) permitting access to or activities by the public on restricted local government property without the express approval –
 - (i) in the case of a building used as a residence and the whole of the land on which it is situated, by the occupier or authorised representative of the occupier;
 - (ii) in the case of a non-residential building occupied under an agreement with the local government, the building and the whole of the land on which it is situated, by the person occupying the building;
 - (iii) in the case of land occupied under an agreement with the local government, by the person occupying the land; and
 - (iv) in the case of a building or land restricted by the local government for municipal purposes to ensure public safety, or for community interest or benefit, by an authorised person; and
- (b) limiting the right of the occupier of restricted local government property to full use of that property for their private enjoyment as permitted by law or by agreement with the local government.

4.3 Behaviour which interferes with others

In or on any local government property, a person shall not behave in a manner which -

(a) is likely to interfere with the enjoyment of a person who might use or who might be on the property; or

(b) interferes with the enjoyment of a person using the property.

4.4 Behaviour detrimental to property

A person shall not behave in or on local government property in a way which is or might be detrimental to the property, including but not limited to –

- (a) removing any thing from the local government property including a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property, including a plant, a seat provided for the use of any person or a building.

4.5 Refusal of entry and removal

 If an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, an authorised person may –

- (a) refuse to allow that person to enter local government property;
- (b) if the person is on local government property, direct the person to leave the local government property; and
- (c) specify a period of up to 30 calendar days within which the person is not to re-enter the local government property.
- (2) A person who has been refused entry or who has been directed to leave under subclause (1) shall immediately leave the local government property quickly and peaceably.
- (3) If a person fails to comply with subclause (2), an authorised person may remove the person, or arrange for the person to be removed, from the local government property.
- (4) An authorised person may reduce the period specified in subclause (1)(c) on application of the person who has been directed not to re-enter local government property.

4.6 No unauthorised entry to function

- (1) A person shall not enter local government property on such days or during such times as the property
 - is set aside for a function, except -
 - (a) through the proper entrance for that purpose; and
 - (b) on payment of any fee chargeable for admission as determined by the hirer at the time.
- (2) An authorised person may exempt a person from compliance with subclause (1)(b).

4.7 Waste

A person shall not deposit or discard waste on local government property except -

- (a) in a place or receptacle set aside by an authorised person for that purpose; and
- (b) in accordance with any conditions that may be specified on the receptacle or a sign.

4.8 Vehicles on local government property

- (1) Unless authorised by a licence or determination, a person shall not take or cause a vehicle to be taken onto or driven on local government property unless
 - (a) subject to subclause (3), the local government property is clearly designated as a road, access way, or car park;
 - (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in
 - (i) providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
 - (c) the person is driving an emergency vehicle or special purpose vehicle in the course of his or her duties;
 - (d) the vehicle is -
 - (i) used in accordance with the conditions set down by the local government or an authorised person; and
 - (ii) of a type allowed to be taken onto the local government property by the local government or an authorised person; or
 - (e) the vehicle is a motorised wheelchair, and the driver of that vehicle is a person with a disability.

- (2) A person shall not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 20 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.
- (3) Other than in accordance with subclause (1)(b), (c), (d) or (e), a person shall not drive a vehicle on local government property or part of it that is being used for a function for which a licence has been obtained unless permitted to do so by the licence holder or an authorised person.

4.9 UAVs

- (1) A person shall not use a UAV on or from local government property except where a licence or determination specifies a particular local government property.
- (2) A person shall not use a UAV to overfly any public place during an emergency or where an emergency vehicle is in attendance, without the specific approval of an authorised person, which may be given verbally.

4.10 Archery, pistol or rifle shooting

A person shall not play or practise archery, pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise provided by a determination or licence.

4.11 Playing or practising golf

A person shall not play or practise golf on local government property except where a licence or determination specifies a particular local government property.

4.12 Prohibition relating to bicycles, skateboards etc. on local government property

Unless the local government property is clearly identified for the purpose or with the approval of an authorised person, a person shall not use or ride a bicycle or wheeled recreational device, skateboard or roller-blades, or sand board or similar devices on any local government property –

- (a) inside, or on the curtilage to, a building;
- (b) which has been prepared or is intended for another purpose; or
- (c) in or on a lakebed or waterway.

PART 5 - MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 – Swimming pool areas

5.1 Terms used

In this Division –

Code means the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities as published by the Chief Health Officer, pursuant to the provisions of section 344A(2) of the *Health (Miscellaneous Provisions) Act 1911*; and

pool area means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property.

5.2 When entry may be refused

- (1) An authorised person may refuse admission to a pool area by any person who -
 - (a) in her or his opinion is -
 - (i) under the minimum age as specified in the Code and who is not accompanied by a responsible person over the age as specified in the Code;
 - under the minimum age as specified in the Code and who is accompanied by a responsible person over the age as specified in the Code where the responsible person is incapable of, or not providing, adequate supervision of, or care for, that person;
 - (iii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition;
 - (iv) acting in a manner that is not consistent with clause 4.3; or



- (v) under the influence of liquor or a prohibited drug; or
- (b) may be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.
- (2) If a person referred to in subclause (1) is in a pool area, an authorised person may -
 - (a) direct the person to leave; and
 - (b) if the person refuses or fails to leave, remove the person or arrange for the person to be removed from the pool area.
- (3) Refusal or suspension of entry is subject to clause 4.5.

Division 2 – General

5.3 No entry to fenced, closed or restricted local government property

- (1) Unless that person is authorised to do so by an authorised person, a person shall not enter onto -
 - (a) local government property which has been fenced off or closed to the public by a sign or otherwise unless that person is authorised to do so by the local government; or
 - (b) restricted local government property except in accordance with clause 4.2.
- (2) Nothing in this local law is to be construed as preventing the access necessary by persons empowered to do so under a written law.

5.4 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or
 - change room is to be used by –
 - (a) females then a person of the male gender shall not use that entry of the toilet block or change room;
 - (b) males then a person of the female gender shall not use that entry of the toilet block or change room; or
 - (c) families then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (2) Subclauses (1)(a) and (b) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
 - (a) under the age of 8 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

5.5 Use of shower or bath facilities

A person may use a shower or bath facility in change rooms only on condition that -

- (a) the facilities shall be used by the person only for the purpose of cleansing, bathing and washing themselves; and
- (b) the facilities shall not be used for the purpose of laundering of clothing or washing of other articles.

PART 6 - JETTIES AND BRIDGES

6.1 Interpretation

This Part only applies to bridges and jetties which are local government property.

6.2 Application for consent

- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may require an application for consent made under subclause (1) to be accompanied by the set fee.
- (3) If an application for consent is not made in the manner required by the local government or the set fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent in writing to the person who applied for that consent.

6.3 When use of jetty is prohibited

A person shall not land at, use or go on any part of a jetty which is -

- (a) under construction or repair; or
- (b) closed,

unless that person has first obtained the consent of the local government.

6.4 Method of mooring boat

A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

6.5 Obstruction by vessels

- (1) A vessel shall not moor in such a manner as to -
 - (a) create an obstruction for other vessels attempting to moor; or
 - (b) by taking more than the reasonable amount of space required for the vessel moored.
- (2) When requested to provide unimpeded approach or departure for another commercial vessel or vessel in distress, a vessel shall not remain moored to a jetty in such a manner as to obstruct another vessel approaching the commercial jetty intending to moor to the jetty, or departing the jetty.

6.6 No private fixtures

- (1) A person shall not affix any private fenders, structure or item to a jetty.
- (2) Where private fixtures have been attached, an authorised person may give written notice requiring the removal of the private fixtures within a specified period.

6.7 When boat may remain moored

A person in control of a boat shall not moor or make fast the boat to a jetty unless -

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
- (c) the loading or discharging of cargo or other goods is in progress in accordance with Division 7; or
- (d) where the boat is used at that time for commercial purposes, the person has first paid any set fee for such mooring or making fast to the local government.

6.8 Authorised person may order removal of boat

Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

6.9 Restrictions on launching

A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of an authorised person.

6.10 Loading and discharging cargo

A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods –

- (a) until the cargo or other goods are ready to be loaded or discharged; or
- (b) without the consent of the local government -
 - (i) between the hours of 6.00pm to 6.00am on the next day; or
 - (ii) for longer than 2 consecutive hours.

6.11 Outgoing cargo not to be stored on jetty

A person in control of cargo or other goods intended for loading on to a boat shall -

- (a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
- (b) load them on to the boat as soon as is practicable after the boat is moored or fastened to or alongside the jetty.

6.12 Removal of incoming cargo from jetty

Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

6.13 Authorised person may direct removal of cargo

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

6.14 Handling of bulk cargo

- (1) In this clause
 - bulk cargo means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.
- (2) Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

6.15 Polluting surrounding area

A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

6.16 Limitations on fishing

A person shall not -

- (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
- (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

PART 7 - ACTIVITIES IN THOROUGHFARES

Division 1 – General

7.1 Activities allowed with a licence

(1) A person shall not, without a licence -

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
- (c) cause any obstruction to a vehicle or a person using a thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare;
- (g) fell or damage any street tree;
- (h) fell any tree onto a thoroughfare;
- (i) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose;
- (j) unless installing, or in order to maintain, a permitted verge treatment -
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install, on any part of a thoroughfare, any thing such as gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (k) provide, erect, install or use in or on any building, structure or land abutting onto a thoroughfare any hoist or other thing for use over the thoroughfare;
- (I) on a thoroughfare, park, use anything or do anything so as to create a nuisance;
- (m) place or cause to be placed on a thoroughfare a bulk rubbish container;
- (n) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;

- (o) conduct or carry on any trading on a thoroughfare;
- (p) conduct, carry on or set up a market on a thoroughfare; or
- (q) conduct or carry on an entertainment event on a thoroughfare.
- (2) An authorised person may exempt a person from compliance with subclause (1) on the application of that person.

7.2 Licence required for possession and consumption of liquor

- (1) A person shall not offer for sale, consume, have in her or his possession or under her or his control in a thoroughfare, any liquor unless
 - (a) permitted under the Liquor Control Act; and
- (b) a licence has been obtained for that purpose from the local government.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

7.3 Assignment of numbers

- (1) In this clause
 - **number** means a number with or without an alphabetical suffix indicating the street address of land as assigned by the local government from time to time, in accordance with this local law.
- (2) An authorised person may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

7.4 No driving on closed thoroughfare

A person shall not drive or take a vehicle on a thorough fare wholly or partially closed under section 3.50 or 3.50A of the Act unless -

- (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a licence.

7.5 Fencing of public place – Item 4(1) of Division 1, Schedule 3.1 of Act

A public place, as that term is defined in clause 1.6, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

Division 2 – Verge treatments

7.6 General prohibitions

A person shall not -

- (a) plant, or allow to remain, in a thoroughfare a plant that is or may become an obstruction to a reasonable sight line for a driver of any vehicle negotiating or using the thoroughfare;
- (b) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a thoroughfare unless
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) damage, or remove a street tree, or part of a street tree, irrespective of whether it was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government, unless
 - (i) the damage to, or removal of, the street tree is authorised by an authorised person in writing; or
 - (ii) the person is acting under authority of a written law;
- (d) except as permitted by this local law place, or allow to be planted, placed or remain, on a thoroughfare any thing (except water) that –
 - (i) obstructs the thoroughfare; or
 - (ii) results in a hazard for any person using the thoroughfare;
- (e) unless at the direction of an authorised person, damage, remove or interfere with any part of a thoroughfare, or any structure erected on a thoroughfare, by the local government or a person acting under the authority of a written law;



- (f) play or participate in any game or sport so as to cause danger to any person or thing or unreasonably impede the movement of vehicles or persons on a thoroughfare;
- (g) plant or maintain a vegetable garden, fruit tree or other edible produce;
- (h) plant or maintain any plant identified -
 - (i) under the Biosecurity and Agriculture Management Act 2007; or
 - (ii) in the Shire of Gingin Pest Plants Local Law 2015 as amended; or
- (i) plant trees or shrub species likely to grow in excess of 4m underneath overhead power or telephone lines.

7.7 Permitted verge treatments

- (1) A person shall not install or maintain a verge treatment which is not a permitted verge treatment.
- (2) An owner or occupier of land which abuts on a verge may install a permitted verge treatment on that part of the verge directly in front of her or his land.
- (3) A permitted verge treatment is -
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that -
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb; and
 - (iii) where no part of the garden is of a thorny, poisonous or hazardous nature; or
 - (c) other treatment approved by the local government.
- (4) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 7.9.

7.8 Verge treatments requiring a licence

- (1) A person shall not, on any part of a verge, including a driveway or crossover, instal without a licence -
 - (a) a bituminous surface or in-situ concrete;
 - (b) paving bricks or concrete slabs;
 - (c) loose aggregate materials such as pebbles, stones and gravel;
 - (d) plant or maintain a vegetable garden, fruit tree or other edible produce;
 - (e) synthetic turf of any type; or
 - (f) any structure, including but not limited to -
 - (i) a bus stop or shelter;
 - (ii) a wall;
 - (iii) a seat;
 - (iv) a planter box;
 - (v) a permanent sign;
 - (vi) rocks exceeding 300mm in any dimension; or
 - (vii) a water feature.
- (2) Where material which would create a hard or impervious surface has been installed or is intended to be installed, an authorised person may by written notice, require
 - (a) a reduction of area covered or to be covered, if shedding of storm water or flooding is likely to cause a nuisance to neighbours or users of a thoroughfare; and
 - (b) an area of open space to a maximum of 1m from the edge of a street trees.
- (3) An authorised person may exempt a person from compliance with subclause (1) on the application of that person.

7.9 Obligations of owner or occupier

An owner or occupier who installs or maintains a permitted verge treatment shall -

- (a) keep the permitted verge treatment in a good and tidy condition;
- (b) where the verge treatment is a garden or lawn, ensure that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;



- (c) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a carriageway, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
- (d) not place any obstruction on or around the verge treatment;
- (e) not disturb a footpath on the verge;
- (f) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb or tree planted by the local government;
- (g) ensure that any sprinklers or pipes installed to irrigate a verge treatment -
 - (i) do not protrude above the level of the lawn or verge treatment when not in use;
 - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
 - (iii) do not otherwise present a hazard to pedestrians or other persons; and
- (h) ensure any irrigation controllers and valves are within the boundary of the adjoining property.

7.10 Transitional provisions

- (1) In this clause
 - **former provisions** means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government.
- (2) A verge treatment is to be taken to be a permitted verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions which
 - (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions.

7.11 Power to carry out public works on verge

Where the local government or an authority which is empowered to do so under a written law disturbs a verge, the local government or the authority –

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any -
 - (i) verge treatment and, in particular, any plant or any material or other hard surface; or
 - (ii) sprinklers, pipes or other reticulation equipment.

7.12 Clearing of verge

Clearing of a verge is not permitted unless -

- (a) in accordance with any written law; and
- (b) with the approval of the local government.

7.13 Relevant considerations in determining application

In determining an application for a licence for the purpose of clauses 7.7(3)(c) and 7.12(b), the authorised person is to have regard to –

- (a) any policy adopted by Council;
- (b) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (c) the diversity of species and the prevalence of the species which are to be planted or sown.

7.14 No Spray sign

- (1) This clause applies to verges abutting lots other than a general rural lot or a general rural coded lot.
- (2) A property owner may apply for a *No Spray* sign to be installed on their verge which abuts his or her property, subject to the following conditions
 - (a) signs are to be purchased from the local government at the applicant's cost as per the set fee; and
 - (b) signs are to be installed by the local government.
- (3) A non-compliant sign may be removed by the local government without written notice.

Division 3 – Vehicle crossovers

7.15 Temporary crossovers

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a licence for the construction of a temporary crossover to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where
 - (a) a crossover does not exist; or
 - (b) a crossover does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossover.
- (2) The person responsible for the works in subclause (1) is to be taken to be -
 - (a) the builder named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
 - (b) the owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If an authorised person approves an application for a licence for the purpose of subclause (1), the licence is taken to be issued on the condition that until such time as the temporary crossover is removed, the licence holder shall keep the temporary crossover in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

7.16 Removal of redundant crossover

- (1) Where works on a lot will result in a crossover no longer giving access to a lot, the crossover is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of an authorised person.
- (2) An authorised person may give written notice to the owner or occupier of a lot requiring her or him, within the period of time stated in the notice, to
 - (a) remove any part of, or all of, a crossover which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare which may be affected by the removal.

7.17 Crossovers in unsafe locations

- Where a crossover is in an unsafe location, the local government may give written notice to the owner or occupier to –
 - (a) remove the crossover; or
 - (b) make the crossover safe.
- (2) In determining whether the crossover is in an unsafe location, the local government shall have regard to
 - (a) any guidelines or advice sought from or published by Main Roads Western Australia from time to time;
 - (b) the usage of the thoroughfare; and
 - (c) alternative treatments available to make the crossover safe.
- (3) Any written notice issued under subclause (1) is to give a minimum period of 28 days to remove or make the crossover safe, provided immediate measures are taken to advise users of the thoroughfare of the circumstances that are deemed to be unsafe.

PART 8 - ROADSIDE CONSERVATION

Division 1 - General

8.1 Interpretation

In this Part -

Handbook of Environmental Practice means the Handbook of Environmental Practice for Road Construction and Maintenance Works as published by the Roadside Conservation Committee; MRWA means Main Roads Western Australia;

- *protected flora* has the meaning given to *specially protected flora* in section 5(1) of the *Biodiversity Conservation Act 2016*;
- **Roadside Conservation Committee** means the Roadside Conservation Committee appointed by the responsible Minister; and

special environmental area means an area designated as such under clause 8.3; and *threatened flora* has the meaning given to *threatened flora* in section 5(1) of the *Biodiversity Conservation Act 2016*.

8.2 Application

This Part does not apply to townsites.

Division 2 - Flora roads

8.3 Declaration of flora road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

8.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the Handbook of Environmental Practice.

8.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA "flora road" sign.

8.6 Driving only on carriageway of flora roads

- (1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.
- (2) Subclause (1) does not apply where -
 - (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
 - (b) there is no carriageway;
 - (c) an exemption from the application of subclause (1) has been obtained from the local government; or
 - (d) the person is driving an emergency vehicle in the course of his or her duties

Division 3 - Special environmental areas

8.7 Designation of special environmental areas

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which –

- (a) has protected flora or threatened flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

8.8 Marking of special environmental areas

The local government is to mark each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

PART 9 - ACTIVITIES IN PUBLIC PLACES

Division 1 – Activities generally

9.1 Advertising

A person shall not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a licence authorising that commercial activity.

9.2 Licence to erect structures or camp

- (1) In this clause
 - *camp* unless the context requires otherwise has the meaning given to it in section 5 of the *Caravan Parks and Camping Grounds Act 1995*;

caravan has the meaning given to it in section 5 of the *Caravan Parks and Camping Grounds Act* 1995;

facility has the meaning given to it in section 5(1) of the Caravan Parks and Camping Grounds Act 1995;

park home has the meaning given to it in section 5 of the *Caravan Parks and Camping Grounds Act* 1995; and

structure includes a caravan, park home, or camp.

- (2) This clause does not apply to a caravan park or camping ground operated by the local government.
- (3) A person shall not, without a licence, on a public place
 - (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping;
 - (b) erect any tent, camp, hut or similar structure other than a shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or(c) park a vehicle for the purpose of sleeping in the vehicle.
- (4) The maximum period for which the local government may approve an application for a licence in respect of paragraph (a) or (b) of subclause (2) is that provided in regulation 11(2)(a) of the Caravan Parks and Camping Grounds Regulations 1997.

9.3 Consumption of food or drink may be prohibited

In a public place where prohibited by a sign a person shall not -

- (a) take or consume any food or drink; or
- (b) take any glass.

9.4 Leaving animal, or-vehicle or boat in public place

- (1) A person shall not leave an animal, or a vehicle or a boat, or any part of a vehicle or boat, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a licence or is authorised to do so under a written law.
- (2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person does not contravene subclause (1) where the vehicle <u>or boat</u> is left for a period not exceeding 24 hours.

9.5 Prohibitions relating to animals

- (1) In this clause, owner in relation to an animal includes -
 - (a) an owner of the animal;
 - (b) a person in possession of the animal;
 - (c) a person who has control of the animal; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal shall not -
 - (a) allow an animal, other than a cat, to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal in a public place.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare, unless that person does so under a licence or under the authority of a written law.

9.6 Taking or injuring fauna

(1) In this clause –

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

(2) A person shall not take, injure or kill or attempt to take, injure or kill any fauna which is on or above any public place, unless that person is authorised under a written law to do so.

9.7 Flora

- (1) In this clause
 - flora means all vascular plants, seeds and other flora, whether living or dead.
- (2) On or above any public place unless authorised to do so under a written law or with the written approval of an authorised person, a person shall not
 - (a) remove, damage or interfere with any flora, including collection of seed; or
 - (b) plant or deposit any flora.

Division 2 – Beaches

9.8 Application of Part 2

Part 2 of this local law applies to beaches.

9.9 Powers of authorised persons or surf life saving club members

- (1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach
 - (a) patrol any beach;
 - (b) carry out any activity on any beach;
 - (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
 - (d) temporarily enclose any area with rope, hessian or any other means for the conduct of surf life saving club activities; and
 - (e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Subject to subclause (3), the local government may authorise, under section 9.10 of the Act, one or more members of a surf life saving club to perform all or any of the functions listed in subclause (1).
- (3) Members authorised by the local government under subclause (2) must have been recommended by the surf life saving club as being competent to perform the functions referred to in that subclause in respect of which they are authorised.
- (4) Under subclause (2), the local government may authorise members generally, or in relation to particular times, days or months.

9.10 Authority of local government employee to prevail

If the local government has authorised a person under clause 9.9(1) and a member of a surf life saving club under clause 9.9(2) in relation to the same beach, where they could perform a function referred to in clause 9.9(1) contemporaneously, the authority of an authorised person employed by the local government under clause 9.9(1) is to prevail.

9.11 Persons to comply with signs and directions

- (1) A person shall
 - (a) not act in contravention of a sign erected on a beach under clause 9.9(1)(c);
 - (b) not enter an area which has been temporarily closed with rope, hessian or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club;
 - (c) comply with any direction given under clause 9.9(1)(c) or 9.9(1)(e); and
 - (d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.
- (2) Notwithstanding subclause (1) a person shall comply with the instructions given by an authorised person or by emergency services personnel in the course of his or her duties.

PART 10 - OUTDOOR EATING FACILITIES ON PUBLIC PLACES

10.1 Interpretation

In this Part -

facility means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land.

10.2 Licence required to conduct facility

A person shall not establish or conduct a facility without a licence.

10.3 Matters to be considered in determining application

In addition to clause 13.2, when determining an application for a licence for the purpose of clause 10.2, an authorised person shall consider whether or not –

- (a) the facility is conducted in conjunction with and as an extension of food premises which abut on the facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Food Act 2008* and whether the use of the premises is permitted under the local planning scheme;
- (c) users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (d) the facility would -
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - (ii) impede pedestrian access;
- (e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed; and
- (f) such other matters as the authorised person may consider to be relevant in the circumstances of the case.

10.4 Obligations of licence holder

- (1) In addition to Part 13 Division 4, the licence holder for a facility shall -
 - (a) ensure that the facility is conducted at all times in accordance with the provisions of this local law;
 - (b) ensure that the eating area is kept in a clean and tidy condition at all times;
 - (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
 - (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the facility; and
 - (e) be solely responsible for all rates and taxes levied upon the land occupied by the facility.
- (2) Whenever, in the opinion of an authorised person, any work is required to be carried out to a facility, the authorised person may give written notice to the licence holder for the facility to carry out that work within the time specified by the notice.
- (3) In subclause (2), "work" includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a facility.

PART 11 - SIGNS AND POWERS TO GIVE DIRECTIONS

11.1 Signs installed by the local government

- (1) The local government may install a sign in a public place specifying any conditions of use which apply to that public place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.
- (4) Clause 2.5 does not apply to a sign referred to in subclause (1).

11.2 Transitional provision

Where a sign in a public place has been erected under a repealed local law then, on and from the commencement day, it is to be taken to be a sign erected under clause 11.1 if –

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

11.3 Authorised person to be obeyed

- (1) A person on or in a public place who is given a lawful direction by an authorised person shall comply with that direction.
- (2) A person shall not obstruct or hinder an authorised person in the performance of that person's duties.

11.4 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by an authorised person –

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the *Local Government (Functions and General) Regulations 1996*, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;
- (b) if the value of the property is reasonably believed to have a realisable value more than 1% of the amount prescribed by regulation 30(3) of the *Local Government (Functions and General) Regulations 1996* but not exceeding the amount prescribed, by handing the property to the Western Australian Police Force; or
- (c) if the property is reasonably believed to be of less value than that in subclause (b) -
 - (i) by donation to a not for profit body incorporated under the Associations Incorporations Act 2015; or
 - (ii) if likely to be of no interest to a not for profit body, in any manner he or she thinks fit.

PART 12 - TEMPORARY SIGNS AND TRADE DISPLAYS

12.1 Definitions

In this Part, unless the context otherwise requires -

- temporary sign means a sign used for the purpose of advertisement or notification, whether free standing or requiring to be affixed to a structure of any type, and includes but is not limited to
 - (a) a bill, poster or the like;
 - (b) an advertising sign;
 - (c) an event sign; or
 - (d) an election sign; and

trade display means the display, for sale or as samples, of the goods and services available in, or with the permission of, the adjoining premises.

12.2 Application

- (1) This Part applies -
 - (a) to temporary signs complying with clause 12.3(1)(a); and
 - (b) to temporary trade displays complying with clause 12.3(2).
- (2) Any sign or trade display that is to be a permanent structure or fixture is to comply with -
 - (a) the Building Code as defined in section 3 of the Building Regulations 2012;
 - (b) any local planning scheme; and
 - (c) any other written law regulating signs within the district.

12.3 Temporary signs and trade displays

- (1) A person shall not on local government property or in a thoroughfare, without a licence -
 - (a) place a temporary sign unless the sign is compliant with any relevant Local Planning Policy Statement; or
 - (b) place a trade display.
- (2) Notwithstanding subclause (1), a licence is not required for a temporary trade display which
 - (a) does not exceed 1m in width from the property boundary;
 - (b) is placed against the property boundary, or if no adjoining business, does not exceed 5m in

length;

- (c) does not extend beyond the frontage of the business; and
- (d) complies in all other respects with clause 12.5.

12.4 Matters to be considered in determining application for licence for trade display

In determining an application for a licence for the purpose of clause 12.3(1)(b), matters the local

government is to have regard to include but are not limited to -

- (a) any other written law regulating the construction or placement of trade displays within the district;
- (b) the dimensions of the trade display;
- (c) whether or not the trade display may create a hazard to persons using a thoroughfare;
- (d) other trade displays already approved or erected in the vicinity of the proposed location of the sign or trade display; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

12.5 Conditions for trade displays

A trade display shall -

- (a) relate to the adjoining business activity;
- (b) be in place only during the hours of the business activity;
- (c) be constructed only to a such a height that it remains stable, in the opinion of an authorised person;
- (d) be secured in position in accordance with any requirements of the local government;
- (e) be placed so as not to impede or obstruct either vehicular or pedestrian traffic, or access to a place by any person;
- (f) be placed so as not to obstruct lines of sight for vehicular traffic; and
- (g) be maintained in a neat and tidy manner.

12.6 Removal of offensive sign or trade display

An authorised person may obscure, remove or require to be removed any temporary sign, trade display or items on a trade display in a public place without prior written notice where the sign or trade display –

- (a) has not been approved or is not compliant with this Part;
- (b) in the authorised person's opinion -
 - (i) contains offensive language, images or items; or
 - (ii) is unsafe to any person;
- (c) is not adequately maintained, including free of graffiti; or
- (d) remains after the termination of the licence.

PART 13 - LICENCES

Division 1 – Applying for a licence

13.1 Application for licence

- (1) Where a person is required to obtain a licence under this local law, that person shall apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law shall -
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required; and
 - (d) be forwarded to the local government together with any set fee.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a licence, including but not limited to –
 - (a) the number of persons involved in the purposes of the licence;
 - (b) proposed location or locations; and
 - (c) proposed days and hours of operation.
- (4) An authorised person may require an applicant to give public notice of the application for a licence.



(5) An authorised person may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclauses (3) or (4) have not been satisfied.

13.2 Relevant considerations in determining application for licence

- (1) In determining an application for a licence an authorised person is to have regard to -
 - (a) any relevant policies of the local government;
 - (b) the desirability of the proposed activity;
 - (c) the location of the proposed activity; and
 - (d) such other matters as an authorised person may consider to be relevant in the circumstances of the case.
- (2) An authorised person may refuse to approve an application for a licence on any one or more of the following grounds
 - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the licence is sought;
 - (b) that the applicant is not considered to be a desirable or suitable person to hold a licence;
 - (c) that -
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or
 - (d) such other grounds as the authorised person may consider to be relevant in the circumstances of the case.

13.3 Decision on application for licence

- (1) An authorised person may -
 - (a) approve an application for a licence unconditionally or subject to any conditions; or(b) refuse to approve an application for a licence.
- (2) If an authorised person approves an application for a licence, written notice of approval is to be issued to the applicant.
- (3) If an authorised person refuses to approve an application for a licence, written notice of that refusal is to be given to the applicant.
- (4) An authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the licence holder.

13.4 General restrictions on grant of licence

- (1) An authorised person shall not grant a licence if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.
- (2) An authorised person shall not grant a licence unless satisfied that -
 - (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;
 - (b) the public place at which the activity is to be provided is suitable for that purpose;
 - (c) a licence or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
 - (d) the applicant is a fit and proper person to carry on the activity.

13.5 Amendment of licence

- (1) An authorised person may, by written notice given to the licence holder, amend a licence by –
 (a) imposing any new condition; or
 - (b) changing or removing any existing condition.
- (2) An amendment may be made on application made by the licence holder or on the initiative of an authorised person.
- (3) An amendment will come into effect on the day that written notice is given to the licence holder, or some other date as specified in the notice.

13.6 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a licence under this local law.

Division 2 – Conditions of licences

13.7 Compliance with conditions

Where an application for a licence has been approved subject to conditions, the licence holder shall comply with each of those conditions, as amended.

13.8 Examples of conditions

- Examples of the conditions that an authorised person may impose on a licence under clause 13.3(1)(a) or 13.5(1)(a) are conditions relating, but not limited, to
 - (a) the payment of a set fee;
 - (b) compliance with a standard or a policy adopted by the local government;
 - (c) the duration and commencement of the licence;
 - (d) the commencement of the licence being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a licence which may be required by the local government under any written law;
 - (g) the area of the district, days and hours of operation to which the licence applies;
 - (h) where a licence is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by an authorised person.
- (2) Examples of the type and content of the conditions under which a licence may be issued include but are not limited to
 - (a) when set fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plants and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of an authorised person to cancel a booking during the course of an annual or seasonal booking, if an authorised person sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

13.9 Imposing conditions under a policy

- (1) In this clause
 - *policy* means a local government policy adopted by the Council under section 2.7(2)(b) of the Act containing conditions subject to which an application for a licence may be approved under clause 13.3(1)(a).
- (2) Under clause 13.3(1)(a) an authorised person may approve an application subject to conditions by reference to a policy.

- (3) An authorised person shall give to the licence holder a copy of the policy or, at the discretion of the authorised person, the part of the policy which is relevant to the application for a licence, with the written notice of approval referred to in clause 13.3(2).
- (4) An application for a licence is not to be taken to have been approved subject to the conditions contained in a policy until the authorised person gives the licence holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

Division 3 – Duration of licences

13.10 Duration of licence

A licence is valid for one year from the date on which it is issued, unless it is -

- (a) otherwise stated in this local law or in the licence; or
- (b) suspended or cancelled under this Division.

13.11 Renewal of licence

- (1) A licence holder may apply to the local government for the renewal of a licence.
- (2) An application for renewal shall -
 - (a) be in the form determined by the local government;
 - (b) be signed by the licence holder;
 - (c) provide the information required by the form;
 - (d) be forwarded to the local government no later than 28 days before the expiry of the licence, or within a shorter period that the local government in a particular case permits; and
 (a) be accompanied by any set for
 - (e) be accompanied by any set fee.
- (3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

13.12 Transfer of licence

- (1) An application for the transfer of a valid licence is -
 - (a) to be made in writing;
 - (b) to be signed by the licence holder and the proposed transferee of the licence;
 - (c) to include such information as an authorised person may require to enable the application to be determined; and
 - (d) to be forwarded to the local government together with any set fee.
- (2) An authorised person may -
 - (a) approve an application for the transfer of a licence;
 - (b) approve the application subject to any conditions; or
 - (c) refuse to approve the application.
- (3) Where an authorised person approves an application for the transfer of a licence, the transfer may be effected by an endorsement on the licence signed by the authorised person.
- (4) Where an authorised person approves the transfer of a licence, the local government is not required to refund any part of any set fee paid by the former licence holder.

13.13 Notice of proposed suspension of licence

- (1) If an authorised person proposes to suspend a licence under clause 13.14(1), the authorised person shall give written notice to the licence holder of the proposed suspension.
- (2) The written notice shall
 - (a) state that the authorised person proposes to suspend the licence;
 - (b) state the reasons for the proposed suspension; and
 - (c) inform the licence holder that the licence holder is entitled to make representation to the authorised person in respect of the proposed suspension within 7 days after the day on which the licence holder is given the notice.
- (3) In considering whether to suspend the licence, the authorised person shall have regard to any representations made by the licence holder within the period referred to in subclause (2)(c).

- (4) Notwithstanding subclause (2)(c) a suspension of a licence may have immediate effect if an authorised person has reasonable grounds for believing that the continued provision of the activity authorised by the licence constitutes or will constitute –
 - (a) a nuisance; or
 - (b) an unacceptable risk to the safety, health or welfare of the public.

13.14 Suspension of licence

- (1) An authorised person may, subject to clause 13.13, by written notice given to the licence holder,
 - suspend a licence if there are reasonable grounds for believing that -
 - (a) the licence holder has contravened a term or condition of a licence;
 - (b) the licence holder has contravened a provision of this local law;
 - (c) the licence holder has ceased to substantially carry on the purposes of the licence for a period in excess of 3 months without the approval of an authorised person; or
 - (d) the continued provision of the activity authorised by the licence constitutes or will constitute an unacceptable risk to the safety, health or welfare of the public.
- (2) The written notice of suspension shall -
 - (a) state the day, or the day and time, on or at which the suspension takes effect;
 - (b) state the reasons for the authorised person's decision to suspend the licence;
 - (c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(d) and
 - (d) inform the licence holder that the licence holder has a right to apply under clause 15.1 for a review of the decision to suspend the licence.

13.15 Revocation of suspension

- (1) An authorised person shall, by written notice given to the licence holder, revoke the suspension of a licence if the authorised person is satisfied that the steps specified in the suspension notice have been taken.
- (2) An authorised person may, by written notice given to the licence holder, revoke the suspension of the licence if it is appropriate to do so in the circumstances of a particular case.

13.16 Period of suspension

The suspension of a licence has effect on the day, or the day and time, specified in the written notice of suspension until one of the following happens –

- (a) the suspension is revoked under clause 13.15;
- (b) the licence is cancelled under clause 13.17 or expires; or
- (c) the licence is surrendered in accordance with the provisions of this local law.

13.17 Notice of cancellation of licence

- (1) A licence may be cancelled by an authorised person if -
 - (a) the licence was obtained improperly;
 - (b) the licence holder has persistently or frequently contravened a term or condition of the licence, or a provision of this local law or any other written law which relates to the activity permitted by the licence, whether or not the licence is or has been suspended on the grounds of a contravention;
 - (c) the licence holder has been convicted of an offence against -
 - (i) this local law; or
 - (ii) any other law relating to carrying on the purposes of the licence;
 - (d) there are reasonable grounds for believing that the continued provision of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the licence has been suspended on the grounds of that risk; or
 - (e) a written law is amended or repealed in a manner which is inconsistent with the terms and conditions of the licence and which renders the licence invalid, ineffective or contrary to law.
- (2) The written notice of cancellation shall -
 - (a) state the day, or the day and time, on or at which the cancellation takes effect;
 - (b) state the reasons for the authorised person's decision to cancel the licence; and



- (c) inform the licence holder that the licence holder has a right to apply under clause 15.1 for a review of the decision to cancel the licence.
- (3) Notwithstanding subclause (2)(c) a suspension of a licence may have immediate effect if an authorised person has reasonable grounds for believing that the continued provision of the activity authorised by
 - the licence constitutes or will constitute -
 - (a) a nuisance; or
 - (b) an unacceptable risk to the safety, health or welfare of the public.

13.18 Surrender of licence

A licence holder may, at any time by notice in writing to the local government, surrender the licence.

Division 4 – Responsibilities of licence holders and others

13.19 Production of licence

A licence holder shall produce to an authorised person her or his licence immediately after being required to do so by that authorised person.

13.20 Production of licence document for amendment

If an authorised person amends or renews a licence, the licence holder shall, if required by an authorised person, produce the licence document to the authorised person for amendment within the period specified by the authorised person.

13.21 Return of licence document if licence no longer in effect

- (1) The person who was the licence holder shall, as soon as is practicable, return the licence document to the local government if a licence –
 - (a) has expired and has not been renewed;
 - (b) has been suspended or cancelled; or
 - (c) has been surrendered.
- (2) On the cancellation of a licence under clause 13.17 the licence holder is to be taken to have forfeited any set fees paid in respect of the licence.

13.22 Other responsibilities of licence holder

A licence holder shall, in respect of a public place to which the licence relates -

- (a) ensure that an authorised person has unobstructed access to the public place for the purposes of inspecting the property or place, or enforcing any provision of this local law;
- (b) comply with an instruction from an authorised person to take the action specified in the instruction for the purpose of maintaining public safety;
- (c) leave the public place in a clean and tidy condition after its use;
- (d) report any damage or defacement of the public place to an authorised person; and
- (e) take all reasonable action to prevent the consumption of any liquor on the public place unless the licence allows it and a licence has been obtained under the Liquor Control Act for that purpose.

PART 14 - NOTICES

14.1 Notice to remedy non-compliance

Where any thing is required to be done or not permitted to be done by this local law, an authorised person may give written notice –

- (a) to the owner or the occupier of the property or of a property which abuts that portion of the thoroughfare where the thing has been done or not done; or
- (b) to any other person who may be responsible for the thing done or not done, requiring the person to comply with the requirements of this local law.

14.2 Notice regarding damage

(1) A person who unlawfully removes, damages or interferes with local government property or a portion of a thoroughfare commits an offence and may be given a written notice in accordance with clause 14.3.



- (2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property under subclause (1) where
 - (a) a vehicle or a boat caused the damage and the person was the person responsible, at the time the damage occurred, for the control of the vehicle or boat; or
 - (b) the damage occurred under a licence and the person is the licence holder in relation to that licence.

14.3 Notice requirements

- (1) A notice given under this Part shall -
 - (a) be in writing;
 - (b) be given to the person referred to in clause 14.1 or 14.2 as the case may be;
 - (c) specify the reason for giving the notice;
 - (d) specify the action that is required to be undertaken; and
 - (e) specify the time within which the work or action is to be undertaken.
- (2) At the local government's discretion, the action that may be required to be undertaken is to -
 - (a) take or cease such action as may be required for compliance with this local law;
 - (b) reinstate the property or thing to the state it was in before the removal, damage or interference;
 - (c) replace that property or thing; or
 - (d) pay for the costs of reinstatement or replacement.

14.4 Offence to fail to comply with notice

A person who fails to comply with a written notice given to him or her under this local law commits an offence.

14.5 Local government may undertake requirements of notice

If a person fails to comply with a written notice referred to in clauses 14.1 or 14.2, the local government may –

- (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference;
- (b) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and
- (c) recover all costs from the person, as a debt.

14.6 Entry into private land

This local law is subject to sections 3.25, 3.27 and schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 15 - OBJECTIONS AND REVIEW

15.1 Objection and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment, suspension or cancellation of a licence or consent.

PART 16 - OFFENCES AND PENALTIES

16.1 Offences and general penalty

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

16.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

16.3 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of a modified penalty for a prescribed offence is the number specified adjacent to the clause in Schedule 1.

16.4 Form of infringement notices

- (1) For the purposes of this local law
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Local Government (Functions and General) Regulations 1996;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations* 1996.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

16.5 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) Unless the contrary is proved, it is to be presumed that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1 – PRESCRIBED OFFENCES

[clause 13.2]

ltem	Clause	Nature of offence	Modified penalty \$		
Part 4	Part 4 – Behaviour on local government property and thoroughfares				
1	4.4	Behaviour detrimental to property	200		
2	4.5(1)(c)	Failure to comply with period of refusal or suspension	200		
3	4.5(2)	Failure to leave a venue when instructed by an authorised person	200		
4	4.9(1)	Unauthorised use of a UAV from local government property	50		
5	4.9(2)	Unauthorised overflight of a public place by a UAV	500		
6	4.12	Unauthorised use of bicycle, skateboard etc. on local government property	50		
Part 5	– Matters re	elating to particular local government property			
7	5.3	Unauthorised entry to fenced, closed or restricted local government property	200		
Part 6	- Jetties an	nd Bridges			
8	6.3	Unauthorised use of any part of jetty which is closed or under repair or construction	200		
9	6.4	Mooring of boats in unauthorised manner	200		
10	6.5	Unauthorised mooring of a boat to jetty	200		

11	6.8	Failure to remove moored boat on direction of authorised person	200
12	6.9	Launching of boat from jetty without consent	200
13	6.10	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	200
14	6.11	Unlawful storing of goods on jetty	200
15	6.12	Removing goods from jetty during other than permitted hours	200
16	6.13	Failure to remove cargo on jetty on direction of authorised person	200
17	6.14	Unauthorised deposit of bulk cargo on jetty	200
18	6.15	Failure to prevent pollution of surrounding area	500
19	6.16	Fishing from jetty or bridge so as to obstruct a boat or another person	50
Part 7	- Activities	in thoroughfares	
20	7.1(1) (a), (d), (e), (f), (g), (j)	Unauthorised activity in a thoroughfare causing damage	200
21	7.1(1)(q)	Carrying on or conducting entertainment as an individual	50
22	7.1(1)(q)	Carrying on or conducting entertainment as a group or business	200
23	7.4	Driving or taking a vehicle on a closed thoroughfare	350
24	7.6(c)	Damaging or removing whole or part of a street tree without authorisation	200
25	7.9(d)	Placing an obstruction on or around a verge treatment	50
26	7.12	Failure to obtain permit to clear a thoroughfare	500
27	7.15(1)	Failure to obtain licence for a temporary crossover	200
28	7.16	Failure to remove redundant crossover or reinstate kerb, drain, footpath, verge or thoroughfare	350
29	7.17	Failure to remove crossover in unsafe location	500
Part 8	– Roadside	conservation	
30	8.6(1)	Driving a vehicle on other than the carriageway of a flora road	200
Part 9	- Activities	in public places	
31	9.1	Advertising of commercial activity in a public space without holding a licence	500
32	9.6(2)	Taking or injuring fauna without authorisation	200
33	9.7(2)	Removing, damaging, collecting seed or depositing flora without authorisation on a road not being a flora road	200
34	9.7(2)	Removing, damaging, collecting seed or depositing flora without authorisation within a flora road declared under clause 8.3	500
35	9.11	Failure to comply with signs or directions of an authorised person	200
Part 1	0 – Outdoor	eating facilities on public places	
36	10.2	Establishment or conduct of outdoor eating facility without a permit	350
Part 1	2 – Tempora	ry signs and trade displays	
37	12.3(2)	Failure of trade display to comply with the conditions for which a licence is not required	200
			·

38	12.6	Failure to obscure or remove a temporary sign, trade display or item when required	200	
Part 13 – Licences				
39	13.1(1)	Failure to obtain a licence when required	200	
40	13.6	False or misleading statement in application for a licence	500	
Part 14 – Notices				
41	14.4	Failure to comply with a notice as an individual	200	
42	14.4	Failure to comply with a notice as a group or business	500	
Part 16 – Offences and penalties				
43	13.2	Offence not elsewhere specified	100	

Dated _____ 2024

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

Wayne FEWSTER, President

APPENDIX

12.3.1

_____, Chief Executive Officer

Not to be published in Government Gazette

Administrative notes -

- 1. Governor's approval under Local Government Act 1995 section 3.6(1) for the operation of the local law to extend 200 metres seawards was published in the *Government Gazette* on 1 August 2003.
- 2. Local law amended as published in Government Gazette No. 152 of 5 October 2018.



12.4 POLICY - LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

File	COR/28-1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. Legal Representation for Council Members and Employees Policy [12.4.1 - 5 pages]

DISCLOSURES OF INTEREST

PURPOSE

To consider adoption of a policy dealing with the provision of legal representation to Councillors and employees of the Shire of Gingin.

BACKGROUND

In response to a Councillor request, a draft policy dealing with legal representation for elected members and employees has been prepared.

In accordance with the requirements of Policy 1.4 Council Policy Management, the draft policy was circulated to all Councillors and senior staff at the Briefing Sesson on 13 August 2024 with a request that any questions, comments or suggestions be submitted to the Coordinator Governance by 6 September 2024.

No feedback has been received, and therefore the draft policy is now presented for Council's formal consideration (see appendix).

COMMENT

Section 9.56 of the *Local Government Act 1995* (the Act) provides protection from actions of tort for anything a Councillor or local government employees has, in good faith, done in the performance or purported performance of a function under the Act or under any other written law. However, the legislation does not prevent people from taking action against individual Councillors or employees if they believe that the Councillor or employee has not acted in good faith.

Section 3.1 of the Act provides that the general function of a local government is to provide for the good government of persons in its district. Section 6.7(2) provides that money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by the Act or any other written law. Under these provisions, a council can expend funds to provide legal representation for Councillors and employees, as long as it believes that the expenditure falls within the scope of the local government's function.



The draft policy has been prepared using the model policy provided by the Department of Local Government, Sport and Cultural Industries.

Attention is drawn to cl. 6 CEO Authorisation. In the draft local law originally provided to Councillors, this clause was titled Delegation to CEO, however upon reflection it is apparent that the granting of ability to the CEO to approve an application under specific circumstances should more properly be dealt with as an authorisation. The basis for this stance is that there is no specific power relating to approval of applications for legal assistance referenced in legislation, and therefore there is nothing that can be delegated.

Attention is also drawn to the inclusion of an additional subclause 6.2, which authorises the Executive Manager Corporate and Community Services to exercise the powers in subclause 6.1 in instances where the applicant is the CEO.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 Part 3 Functions of local governments Division 1 General Section 3.1 General function

Part 9 Miscellaneous provisions Division 4 Protection from liability Section 9.56 Certain persons protected from liability for wrongdoing

POLICY IMPLICATIONS

If adopted by Council, the policy will come into effect as at the date of adoption.

BUDGET IMPLICATIONS

Council includes provisions for legal expenses in its adopted annual budget. When considering any application for legal representation made under this policy, it will be necessary for Council to also consider potential budget implications at that time.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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



VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council adopt the Legal Representation for Council Members and Employees Policy as shown at Appendix 12.4.1.





POLICY LEGAL REPRESENTATION FOR COUNCIL MEMBERS AND EMPLOYEES

OBJECTIVE

To provide a clear framework under which financial assistance will be provided to Council Members and employees for legal services in connection with their roles.

SCOPE

This policy applies to all Council Members and employees

POLICY

1. Definitions

Approved lawyer is to be:

- a. an Australian Legal Practitioner as defined under the *Local Profession Uniform Law Application Act 2022*;
- b. from a law firm on the WALGA panel of legal service providers (unless Council considers this to be inappropriate due to a conflict of interest, insufficient expertise or similar);
- c. approved in writing by a resolution of Council or by the CEO under delegated authority; and
- d. appointed in accordance with the Shire's purchasing policy.

Council member or employee means a current or former commissioner, council member, non-elected member of a council committee, advisory group, working group or panel or employee of the Shire of Gingin.

Legal proceedings may be civil, criminal or investigative.

Legal representation is the provision of legal services, to or on behalf of a council member or employee, by an approved lawyer that are in respect of:

- a. a matter or matters arising from the performance of the functions of the council member or employee; and
- b. legal proceedings involving the council member or employee that have been, or may be, commenced.

1

Legal representation costs are the costs, including fees and disbursements, properly incurred in providing legal representation.

Legal services include advice, representation or documentation that is provided by an approved lawyer.

Payment by the Shire of legal representation costs may be either by:

- a. a direct payment to the approved lawyer (or the relevant firm); or
- b. a reimbursement to the council member or employee.

Shire or local government means the Shire of Gingin.

2. Payment Criteria

- 2.1 If the criteria in cl. 1 of this policy are satisfied, the Shire may approve the payment of legal representation costs in the following instances:
 - a. where proceedings are brought against a council member or employee in connection with their functions for example, an action for defamation or negligence arising out of a decision made or action taken by the council member or employee; or
 - to enable proceedings to be commenced and/or maintained by a council member or employee to permit him or her to carry out his or her functions – for example, where a council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the council member or employee; or
 - c. where exceptional circumstances are involved for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about council members or employees.
- 2.2 The Shire will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a council member or employee.
- 2.3 The Shire will not approve the payment of legal representation costs that relate to a matter of a personal or private nature.

3. Application for Payment

- 3.1 A council member or employee who seeks assistance under this policy is to make an application(s), in writing, to the council or the CEO.
- 3.2 The written application for payment of legal representation costs is to give details of:
 - a. the matter for which legal representation is sought;

2

- b. how that matter relates to the functions of the council member or employee making the application;
- c. the lawyer (or law firm) who is to be asked to provide the legal representation;
- d. the nature of legal representation to be sought (such as advice, representation in court, preparation of a document or documents etc);
- e. an estimated cost of the legal representation; and
- f. why it is in the interests of the Shire for payment to be made.
- 3.3 The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.
- 3.4 Unless exceptional circumstances apply, the application is to be made before commencement of the legal representation to which the application relates.
- 3.5 The application is to be accompanied by a signed written statement by the applicant that he or she:
 - a. has read, and understands, the terms of this policy;
 - b. acknowledges that any approval of legal representation costs is conditional on the repayment provisions of cl. 7 and any other conditions to which the approval is subject; and
 - c. undertakes to repay to the Shire any legal representation costs in accordance with the provisions of cl. 7.
- 3.6 In relation to cl. 3.5c, when a person is to be in receipt of such monies the person should sign a document which requires repayment of those monies to the local government as may be required by the local government and the terms of this policy.
- 3.7 An application is also to be accompanied by a report prepared by the CEO or, where the CEO is the applicant, by an appropriate employee.

4. Legal Representation Costs – Limit

- 4.1 The council, in approving an application in accordance with this policy, shall set a limit on the costs to be paid based on the estimated costs in the application.
- 4.2 A council member or employee may make a further application to the council in respect of the same matter.

5. Council's Powers

- 5.1 The council may:
 - a. refuse;

- b. grant; or
- c. grant subject to conditions,

an application for payment of legal representation costs.

- 5.2 Conditions under cl. 5.1 may include (but are not restricted to) a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment and repayment of legal representation costs.
- 5.3 In assessing an application, the council may have regard to any insurance benefits that may be available to the applicant under the Shire's insurance policy or policies relating to council members or employees, or the relevant equivalent.
- 5.4 The council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.
- 5.5 The council may, subject to cl. 5.6, determine that a council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:
 - a. not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
 - b. given false or misleading information in respect of the application.
- 5.6 A determination under cl. 5.5 may be made by the council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.
- 5.7 Where the council makes a determination under cl. 5.5, the legal representation costs paid by the Shire are to be repaid by the council member or employee in accordance with cl. 7.

6. CEO Authorisation

- 6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO, subject to cl. 6.2, may exercise, on behalf of the council, any of the powers of the council under cl. 5.1 and 5.2 to a maximum of \$10,000 in respect of each application.
- 6.2 In circumstances where the applicant is the CEO, the powers in cl. 6.1 are to be exercised by the Executive Manager Corporate and Community Services.
- 6.3 An application approved by the CEO under cl. 6.1 or the Executive Manager Corporate and Community Services under cl. 6.2 is to be submitted to the next ordinary meeting of the council. Council may exercise any of its powers under this policy, including its powers under cl. 5.4.

7. Repayment of Legal Representation Costs

7.1 A council member or employee whose legal representation costs have been paid by the Shire is to repay the Shire:

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- a. all or part of those costs in accordance with a determination by the council under cl. 5.7;
- b. as much of those costs as are available to be paid by way of set-off where the council member or employee received monies paid for costs, damages, or settlement, in respect of the matter for which the Shire paid the legal representation costs.
- 7.2 The Shire may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

GOVERNANCE REFERENCES

Statutory Compliance	Legal Profession Uniform Law (WA) Legal Profession Uniform Law Application Act 2022 Local Government Act 1995 s.9.56
Industry Compliance	DLGSC Guideline "Legal Representation for Council Members and Employees"
Organisational Compliance	Nil

POLICY ADMINISTRATION

Review Cyc		2 years		Next Review	2026
Department	t i	Office of the CEO - Governance			
Version	Decision Re	ference			Synopsis
Version	Decision Re	ference			Synopsis
Version	Decision Re	ference			Synopsis



12.5 AMENDMENT OF LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS - PRIMARY EVACUATION CENTRE FOR GINGIN TOWNSITE

File	EMS/21
Author	Evan Lawrence – Community Emergency Services
	Manager/Chief Bush Fire Control Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

PURPOSE

To consider amending the Shire's Local Emergency Management Arrangements by changing the Primary Evacuation Centre in Gingin from the Granville Civic Centre to the Bendigo Complex.

BACKGROUND

An audit of evacuation arrangements throughout the Shire undertaken in late 2023 identified a need to review the current evacuation arrangements for the Gingin townsite.

Currently, the Granville Civic Centre is identified in the Local Emergency Management Arrangements (LEMA) as the Primary Evacuation Centre for Gingin, with the Bendigo Complex identified as the Secondary Evacuation Centre. Based on the audit results, it is recommended that the LEMA be amended to make the Bendigo Complex the designated Primary Evacuation Centre.

COMMENT

Following are considerations which provide the rationale for this change:

Granville Civic Centre

1. Facility Inadequacies

The Granville Civic Centre does not meet the essential requirements for an Evacuation Centre, particularly in terms of accessibility. The existing facilities, including showers, toilets and disabled amenities, are insufficient to accommodate the community's needs during an emergency.



2. <u>Electrical Infrastructure Concerns</u>

The aged electrical infrastructure at the Granville Civic Centre would require significant financial investment to upgrade. This includes the necessary switching of electrical circuits to integrate the use of the Shire's existing generator set. Such upgrades are not only costly but also time-consuming, which could delay preparedness for an emergency.

3. <u>Power Requirements</u>

The Granville Civic Centre requires a power input of approximately 175 kVA to function as an Evacuation Centre during emergencies. This is significantly higher than the power draw of the current Gingin Emergency Services Centre (Level 3 Incident Control Centre) which has a maximum power draw of 29 kVA at full capacity. The disparity in power requirements further underscores the unsuitability of the Granville Civic Centre for this purpose.

Bendigo Complex

The Bendigo Complex offers superior amenities including disabled access toilets, and has the capacity to accommodate up to 25 persons. Additionally, it provides ample parking and space for caravan and horse float stowage, which are essential during evacuations.

The facility requires minimal electrical upgrades to accommodate backup generator power, making it a more practical and cost-effective choice for a Primary Evacuation Centre. Based on the above considerations, the LEMC recommends that Council approve an amendment to the current LEMA to designate the Bendigo Complex as the Primary Evacuation Centre for the Gingin townsite. The Granville Civic Centre should be reclassified as the Secondary Evacuation Centre.

This change will ensure that the community has access to a safer, more accessible and better equipped facility in times of emergency.

STATUTORY/LOCAL LAW IMPLICATIONS

Emergency Management Act 2005 Part 3 – Local arrangements Division 1 – Local emergency authorities

POLICY IMPLICATIONS

Nil



BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COMMITTEE RECOMMENDATION

That Council agree to amend the Local Emergency Management Arrangements by designating the Bendigo Complex as the Primary Evacuation Centre for the Gingin townsite, with the Granville Civic Centre being designated as the Secondary Evacuation Centre.



13 REPORTS - CORPORATE AND COMMUNITY SERVICES

13.1 FEES AND CHARGES - COMMUNITY GROUPS AND NOT FOR PROFIT ORGANISATIONS

File	GOV/15
Author	Bethwyn Innes - Executive Assistant to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community
	Services
Refer	15 March 2022 - Item 12.2
Appendices	1. Revised Fees and Charges Schedule 2024 25 [13.1.1 - 3 pages]

DISCLOSURES OF INTEREST

PURPOSE

To consider clarification of the application of facility hire fees for community and not-forprofit (NFP) groups, and a reduction in the discounted rate for these groups when conducting programs for the community where a fee is charged for attendance.

BACKGROUND

At its Ordinary Council Meeting on 15 March 2022, Council resolved to:

...agree to amend the adopted 2021/22 Schedule of Fees and Charges Schedule to exclude facility hire fees for Shire of Gingin based community groups and Shire of Gingin not for profit groups.

The intent of this decision was to support the involvement of local community/not-for profit groups in overseeing community events to encourage ongoing growth and community engagement. It applied to Public Open Space and Shire-managed halls and facilities where free community events were managed by local community and not-for-profit groups.

In the course of promoting additional free community events within the Shire, it has been noted that there is a lack of clarity surrounding the application of facility hire fees, with all community groups and not-for-profit groups currently being granted an automatic waiver of fees, irrespective of the nature of the booking (such as weekly classes) or any fees relating to public attendance (including membership fees for members of such groups).

COMMENT

Administration is now seeking to clarify the parameters within which Shire-managed facility and public open space hire fees can be waived for community and NFP groups as follows:



- The community/NFP group is located within the Shire of Gingin.
- The event is free to the general public or entry is by donation to a registered charity.
- The event is an annual or "one-off" event. Ongoing weekly hires will not be included in the fee waiver due to ongoing costs incurred by the Shire to maintain the facilities.
- The event is not limited to the membership base of the local community/NFP group.

Any community/NFP group events that fall outside of these parameters will be charged the hire fees as included in the current Fees and Charges Schedule. Currently the Schedule includes an allowance for community fees which is set at a discounted rate of 75% of the full fee. It is proposed that this discounted rate be amended to 50% and applied to community/NFP groups which do not meet the criteria listed above.

A copy of the revised Fees and Charges Schedule is provided for Council's information (see appendix).

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 Part 6 – Financial Management Division 4 – General financial provisions s.6.12 – Power to defer, grant discounts, waive or write off debts Division 5 – Financing local government activities s. 6.16 – Imposition of fees and charges

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

While the waiving of facility fees impacts revenue which assists with the ongoing maintenance of assets, no income from these events has been included in the budget.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	1. Attractions & Economy - Actively Pursue Tourism and Economic Development
Strategic Objective	1.3 Attractions and Events - Host/support iconic community events and attractions that will entice residents and visitors throughout the year.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY



OFFICER RECOMMENDATION

That Council agree to:

- 1. Waive hire fees for Shire of Gingin managed facilities and public open space for community and not-for-profit groups where:
 - a. The community or not-for-profit group is based in the Shire of Gingin;
 - b. The event is free to the general public, or entry is by donation which is donated to a registered charity;
 - c. The event is an annual or "one-off" event. Ongoing weekly events will not be included in the fee waiver due to ongoing costs incurred by the Shire to maintain the facility; and
 - d. The event is not limited to the membership base of the community/not-forprofit group.
- 2. Reduce the hire fees for Shire managed facilities and public open space for community and not-for-profit groups from 75% to 50% in the Fees and Charges Schedule 2024/25 when one or more of the above conditions are not met.

SHIRE OF GINGIN

Schedule of Fees & Charges 2024-2025

Item	Description		Rate 2024/25			
Administration (continued)		Local Community Other 2024/25 (75%)	Local Community Groups & Not for Profit Other 2024/25 (50%)	Local Community Groups & Not for Profit 2023/24	Commercial / Non- Ratepayer / Non-Resident 2024/25	
Granville Civic Centre	Weekday Hire:					
	Main Hall including stage - per hour	\$26.00	\$17.50	\$0.00	\$34.50	x
	Main Hall including stage - maximum charge (6 hours or more use)	\$129.00	\$85.50	\$0.00	\$171.50	x
	Meeting Room - per hour [includes basic kitchen use, e.g. urn/fridge]	\$13.50	\$8.50	\$0.00	\$17.50	x
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$67.50	\$45.00	\$0.00	\$90.00	x
	Kitchen full use - per hour [commercial/catering use includes oven/cool room etc.]	\$16.50	\$11.00	\$0.00	\$22.00	x
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$82.00	\$54.50	\$0.00	\$109.50	x
	Whole Area - per hour	\$48.00	\$31.50	\$0.00	\$63.50	x
	Whole Area - maximum charge (6 hours or more use)	\$237.00	\$158.50	\$0.00	\$317.00	x
	Weekend Hire:					
	Main Hall including stage - per hour	\$31.00	\$20.50	\$0.00	\$41.50	x
	Main Hall including stage - maximum charge (6 hours or more use)	\$155.00	\$103.50	\$0.00	\$207.00	x
	Meeting Room - per hour [includes basic kitchen use, e.g. urn/fridge]	\$16.50	\$11.00	\$0.00	\$22.00	x
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$81.00	\$54.00	\$0.00	\$108.00	x
	Kitchen full use - per hour [commercial/catering use includes oven/cool room etc.]	\$13.50	\$8.50	\$0.00	\$17.50	x
	Kitchen full use - full day [commercial/catering use includes oven/cool room etc.]	\$67.50	\$45.00	\$0.00	\$90.50	x
	Whole Area - per hour	\$57.00	\$38.00	\$0.00	\$76.00	x
	Whole Area - maximum charge (6 hours or more use)	\$285.00	\$190.00	\$0.00	\$380.00	x
Other Shire Owned Hall/	Hire Fees					
Community Centre Facilities	Hall Only - per hour	\$19.00		\$18.00	\$25.00	x
	Hall Only - maximum charge (6 hours or more use)	\$88.50		\$85.00	\$117.50	x
	Meeting Room - per hour [includes basic kitchen use, e.g. urn/fridge]	\$13.50		\$13.00	\$17.50	x
	Meeting Room - maximum charge (6 hours or more use) [includes basic kitchen use, e.g. urn/fridge]	\$49.00		\$47.00	\$65.50	x

SHIRE OF GINGIN

Schedule of Fees & Charges 2024-2025

Item	Description		Rate 2024/25			
Administration (continued)		Local Community Other 2024/25 (75%)	Local Community Groups & Not for Profit Other 2024/25 (50%)	Local Community Groups & Not for Profit 2023/24	Commercial / Non- Ratepayer / Non-Resident 2024/25	
	Kitchen Full Use - per hour [commercial/catering use includes oven/cool room etc.]	\$45.50		\$44.00	\$60.00	x
	Kitchen Full Use - full day [commercial/catering use includes oven/cool room etc.]	\$83.00		\$80.00	\$111.00	x
	Whole Area - per hour	\$34.50		\$33.00	\$45.50	x
	Whole Area - maximum charge (6 hours or more use)	\$178.00		\$171.00	\$237.00	x
Lancelin Hall (excluding Playgroup area)	Weekday Hire:					
	Main Hall - including stage - per hour	\$26.00	\$17.00	\$0.00	\$34.50	x
	Main Hall including stage - maximum charge (6 hours or more use)	\$98.00	\$75.00	\$0.00	\$130.00	x
	Hall Only - per hour (includes basic kitchen use e.g. urn/fridge)	\$18.50	\$12.50	\$0.00	\$25.00	x
	Hall Only - maximum charge (6 hours or more use) [includes basic kitchen use e.g. urn/fridge]	\$90.50	\$60.00	\$0.00	\$120.50	x
		•	-	-	-	•
Lancelin Hall (excluding Playgroup area)	Weekend Hire:					
	Main Hall - including stage - per hour	\$31.00	\$20.00	\$0.00	\$40.50	x
	Main Hall including stage - maximum charge (6 hours or more use)	\$122.00	\$80.50	\$0.00	\$161.50	x
	Hall Only - per hour (includes basic kitchen use e.g. urn/fridge)	\$20.00	\$13.00	\$0.00	\$26.00	x
	Hall Only - maximum charge (6 hours or more use) [includes basic kitchen use eg, urn/fridge]	\$89.50	\$60.00	\$0.00	\$120.50	x
Recreation, Public Open Space & Beach	Minor Event / Filming Permit - with up to 100 Attendees (fee charged per day)	\$93.50	62.5	\$0.00	\$125.00	x
Reserves	Medium Event / Filming Permit - with 100 to 249 Attendees (fee charged per day or less)	\$187.00	\$124.50	\$0.00	\$249.50	x
	Major Event / Filming Permit - with over 250 Attendees (fee charged per day or less)	\$281.00	\$187.00	\$0.00	\$374.50	x
Gingin Sound Shell	Music/Stage Events					
	Minor Event - up to 250 Attendees (including power) per hour	\$23.00	15.5	\$0.00	\$31.00	x
	Major Event - over 250 Attendees (including power) per hour	\$45.50	30.5	\$0.00	\$61.50	x
Administration	Event Cancellation Fee - bookings cancelled less than five business days prior to event commer less prior to commencement of booking will incur a 100% cancellation charge	ncement will incur	a 50% of booking fee cance	llation charge, boo	kings cancelled 48 hours or	x

SHIRE OF GINGIN

Schedule of Fees & Charges 2024-2025

Item Description		Rate 2024/25				Inc. GST
Administration (continued)		Local Community Other 2024/25 (75%)	Local Community Groups & Not for Profit Other 2024/25 (50%)	Local Community Groups & Not for Profit 2023/24	, ,	
	Late Booking Fee - booking requests recieved less than 10 business days prior to event commencement	\$82.00		-	\$164.50	x
Flavours of Gingin	Flavours of Gingin Long Table Dinner Tickets	\$145.50		\$145.50	\$145.50	
*Note: Community and Charitable Organisations may be exempt from payment of the Event Coordination/Administration/Hire Fees						



13.2 LANCELIN COMMUNITY AND SPORTING CLUB - REQUEST TO INCREASE TRANSFER OF RESERVE FUNDS

File	CSV/43
Author	Les Crichton - Executive Manager Corporate & Community
	Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community
	Services
Refer	19 March 2024 - Item 13.4
Appendices	1. Revised Pump Shed Quote [13.2.1 - 2 pages]

DISCLOSURES OF INTEREST

PURPOSE

To consider a request from the Lancelin Community and Sporting Club Inc. to increase a reserve transfer from the Lancelin Community and Recreation Reserve (Tower Fund) from \$7,610 to \$9,227.

BACKGROUND

At its Ordinary Council Meeting held on 19 March 2024, Council approved a request from the Lancelin Community and Sporting Club Inc. (Club) to transfer \$7,610 from the Tower Fund to fund the replacement of the pump shed currently protecting the potable water pump. The shed has significantly deteriorated beyond repair and the funds were sought to replace the shed and provide appropriate retaining to the structure.

The purpose of the Tower Fund is for the development of the building and other associated infrastructure at the Lancelin Community Sporting Complex and are to be spent upon request from the Club, and approval from Council.

COMMENT

The contractor has advised the Club that the cost to undertake the work has increased and has provided a revised quote (**see appendix**).

It is recommended that Council approve the request and amend its 2024/25 Budget accordingly.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil



POLICY IMPLICATIONS

Policy 3.17 – Asset Management Shire of Gingin Upper Coastal Sporting Facilities Master Plan

BUDGET IMPLICATIONS

As this work was not undertaken in 2023/24, the \$7,610 contribution to the Club and corresponding transfer from the Tower Reserve are included in the 2024/25 Budget.

Should Council agree to the increase, both the contribution and reserve transfer will be increased to \$9,227 with no impact to the projected Closing Surplus as detailed below –

GL/Project	Description			Current Budget	Revised Budget	(Surplus / Deficit)
CI11306	Contribution Complex	Lancelin	Sporting	9,614	11,231	1,617
151103810	Transfer from	Reserves		(125,860)	(127,477)	(1,617)
	Change to Closing Surplus					0

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business Expertise
Strategic Objective	4.1 Management of Assets - Maintain civic buildings, public places, plant, roads, cycleways, and pathways based on asset management plans and identified priorities.

VOTING REQUIREMENTS - ABSOLUTE MAJORITY



OFFICER RECOMMENDATION

That Council:

- Agree to the request from the Lancelin Community and Sporting Club Inc. to increase the transfer from the Lancelin Community and Recreation Reserve from \$7,610 to \$9,227 to fund the replacement of the pump shed on condition that the Club and its members be responsible for the ongoing maintenance and replacement of the shed; and
- 2. Amend its 2024/25 Budget as detailed below:

GL/Project	Description	Current Budget	Revised Budget	(Surplus / Deficit)	
CI11306	Contribution to Lancelin Sporting Complex	9,614	11,231	1,617	
151103810	Transfer from Reserves	(125,860)	(127,477)	(1,617)	
	Change to Closing Surplus 0				

Reliable Renovations Construction PO Box 791, York 6302

ABN 828 442 578 10

12/08/2024

Lancelin Community and Sporting Club Lancelin Rd Lancelin

Quote #231116 Revison 1 Valid for 30 days

Replace Existing Pump Shed

- 1. Remove existing shed to tip
- 2. Clean up slab and clear sand at back and sides; dig 7 wall footing holes
- 3. Supply and build retaining walls at back and sides as per plan
- 4. Supply and erect 3.6x1.8x2.1m shed over the existing pump and slab
- Colour match to surrounding structures as closely as possible (Colorbond Pale Eucalypt)
- 6. Supply and fit standard Steel lockable access door
- 7. Supply and fit colorbond gutter and downpipe
- 8. Transport materials to site
- 9. Clean up site and remove waste to tip

Total (GST inc) \$ 9,226.92

Bruce Beaton Reliable Renovations & Construction

Terms Of Trade - Payment within 5 days of invoice.

Exclusions: This Quote does not include electrical work plumbing or painting.

This Quote is subject to discovery of any structural faults or impediments in the ground or building. Such faults or impediments, if any, will be addressed and quoted at the time of discovery.

This Quote is subject common to mistake; such mistakes, if any, will be addressed and negotiated at the time they become apparent.

Phone: 0424408168

email: reliableconstruction@outlook.com.au

Reliable Renovations Construction PO Box 791, York 6302

ABN 828 442 578 10

18/07/2022

Lancelin Community and Sporting Club Lancelin Rd Lancelin

Quote #231116 Valid for 30 days

0.0001211002050.00

Replace Existing Pump Shed

- 1. Remove existing shed to tip
- 2. Clean up slab and clear sand at back and sides; dig 7 wall footing holes
- 3. Supply and build retaining walls at back and sides as per plan
- 4. Supply and erect 3.6x1.8x2.1m shed over the existing pump and slab
- Colour match to surrounding structures as closely as possible (Colorbond Pale Eucalypt)
- 6. Supply and fit standard Steel lockable access door
- 7. Supply and fit colorbond gutter and downpipe
- Transport materials to site
- 9. Clean up site and remove waste to tip

Total (GST inc) \$ 7,609.92

Bruce Beaton Reliable Renovations & Construction

Terms Of Trade - Payment within 5 days of invoice.

Exclusions: This Quote does not include electrical work plumbing or painting.

This Quote is subject to discovery of any structural faults or impediments in the ground or building. Such faults or impediments, if any, will be addressed and quoted at the time of discovery.

This Quote is subject common to mistake; such mistakes, if any, will be addressed and negotiated at the time they become apparent.

Phone: 0424408168



13.3 LENNARDS ROAD RENUMBERING

File	LND/147
Author	Les Crichton - Executive Manager Corporate & Community Services
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	 Lennards Road Map [13.3.1 - 1 page] Lennards Road Intersection Signage [13.3.2 - 1 page]

DISCLOSURES OF INTEREST

PURPOSE

For Council to consider proposed road re-numbering for properties located north of Lennards Brook currently named and numbered under Lennards Road.

BACKGROUND

Prior to and highlighted during the significant 'North Metro Complex Fire' in January 2024, concern was raised at the confusion created where Lennards Road splits into two while retaining the same name.

As detailed in the Lennards Road map (**see Appendices**) Lennards Road starts at Cockram Road and runs in an easterly direction for approximately 2.2 kilometres. This section (highlighted in blue) of the road has a bitumen seal.

It then splits into two separate roads (highlighted in orange), one crossing Lennards Brook to travel further east on the north side of the Brook, with the other continuing east along the south side of the Brook. Both roads are unsealed, and both are also known and numbered as Lennards Road.

Rural road numbering is based on the distance from the start of the road (in this case Cockram Road) to the property entrance (typically the driveway) in ten metre intervals. For example, a property with its driveway 80 metres from the start of the road would be numbered 8, and a property 2,010 metres (2.01km) from the start of the road would have a rural road number of 201.

As demonstrated with the current signage shown in the photograph provided (**see Appendices**), the application of this numbering when attempting to identify and locate a property across two roads creates confusion.



Should this information be required in case of an emergency where response times may be critical, time in determining whether the property is located on the road north or road south may cause unnecessary and potentially life-threatening delays.

It should be noted that while labelled as roads, both the north and south unsealed thoroughfares are easements, providing access to properties along their length through private land. They are not dedicated public roads.

In 2003, work was undertaken to dedicate and upgrade the southern section with the assistance of State Government funding, however this was discontinued in 2004 when agreement between impacted landowners, the State and Council could not be reached.

During this period, and in preparation for dedication, Council agreed at its June 2003 Ordinary Meeting to:

- name the short, sealed section of the road heading north from where the road splits (end of Lennards Road) as Spratton Road. The easement extending beyond this northern seal was not named; and
- name the southern easement travelling east from the end of Lennards Road as Lennards Road.

While not detailed within the report, Spratton was used in recognition of Spratton House, one of four early homesteads built by John York in the 1850's and 1860's. Interestingly, Spratton House was built on his property on Swan Location 108, located on the south side of Lennards Brook.

To remove any confusion, a proposal to rename and renumber one of these roads was advertised to all landowners along the north and south easements.

COMMENT

Given the short, sealed section of road at the start of the northern spur was named Spratton Road in 2003, the proposal recommended the remaining section of the easement be named and numbered as Spratton Road. Owners of properties on this section were notified of the proposal that properties were to be addressed as Spratton Road and renumbered applying the rural numbering methodology with road starting at where the two roads split (Figure 2).

Landowners along the southern easement were also advised of the proposal with their road name (Lennards Road) and numbering to remain unchanged.

Notifications of the proposal were sent on 18 July 2024 with landowners invited to submit their feedback by 19 August 2024.



Feedback was received by three landowners which is summarised in the following table.

No.	Submitter		Submission details	Comments
1.	Property (north)	owner	 Supportive of proposal Suggested consolidation of signage at intersection of Lennards Road & Spratton Road Seeking clarification on current intersection right of way Requested signage detail both easements are on and for private landowners use only 	Noted and agreed.
2.	Property (north)	owner	 Requested road naming reflect history of the area and the southern section be named Spratton Road given Spratton House was built on this side of the brook. 	Noted. It is acknowledged that Spratton House was located on the southern easement however the name was applied when naming the sealed section of Spratton Road. Consider installation of Historic Site signage at the building location.
3.	Property (south)	owner	Supportive of proposal	Noted.

Given the general acceptance of property owners to address this problem, and noting the historical references raised in one submission, it is recommended Council approve the proposal to:

- Retain the Lennards Road name and numbering currently applied to properties located along the southern easement beginning at south end of Spratton Road.
- Name as Spratton Road the easement extending east from north end of Spratton Road and renumber the properties on Spratton Road in accordance with the Rural Road Numbering methodology,
- Investigate installation of a Historic Site signage at the property in recognition of Spratton House.

Should Council approve the recommendation, the revised numbering will be recorded within Landgate's records which will be updated through the various mapping systems/apps available for public use.

Administration will also notify Australia Post, Water Corporation, Western Power, WA Police, DFES, and the State and Federal Electoral Commissions of the amended addressing. For privacy purposes, affected property owners will need to notify their banks, insurance companies etc. of the new street address.

The notification arrangements and requirements above were included in the advice to property owners when advised of the proposal.

STATUTORY/LOCAL LAW IMPLICATIONS

Activities in Thoroughfares and Public Places and Trading Local Law (2004) – Part 2 Activities in Thoroughfares and Public Places Division 4 Property Numbers



POLICY IMPLICATIONS

Policies and Standards for Geographical Naming in Western Australia - Landgate Shire of Gingin Policy 1.41 - Community and Stakeholder Engagement

BUDGET IMPLICATIONS

Should Council approve the recommendation, costs will be incurred for:

- the new road numbers to be assigned to each of the properties on Spratton Road;
- removal and replacement of current signage at the intersection of Lennards Road and Spratton Road; and
- a Historic Site sign at the Spratton House site.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

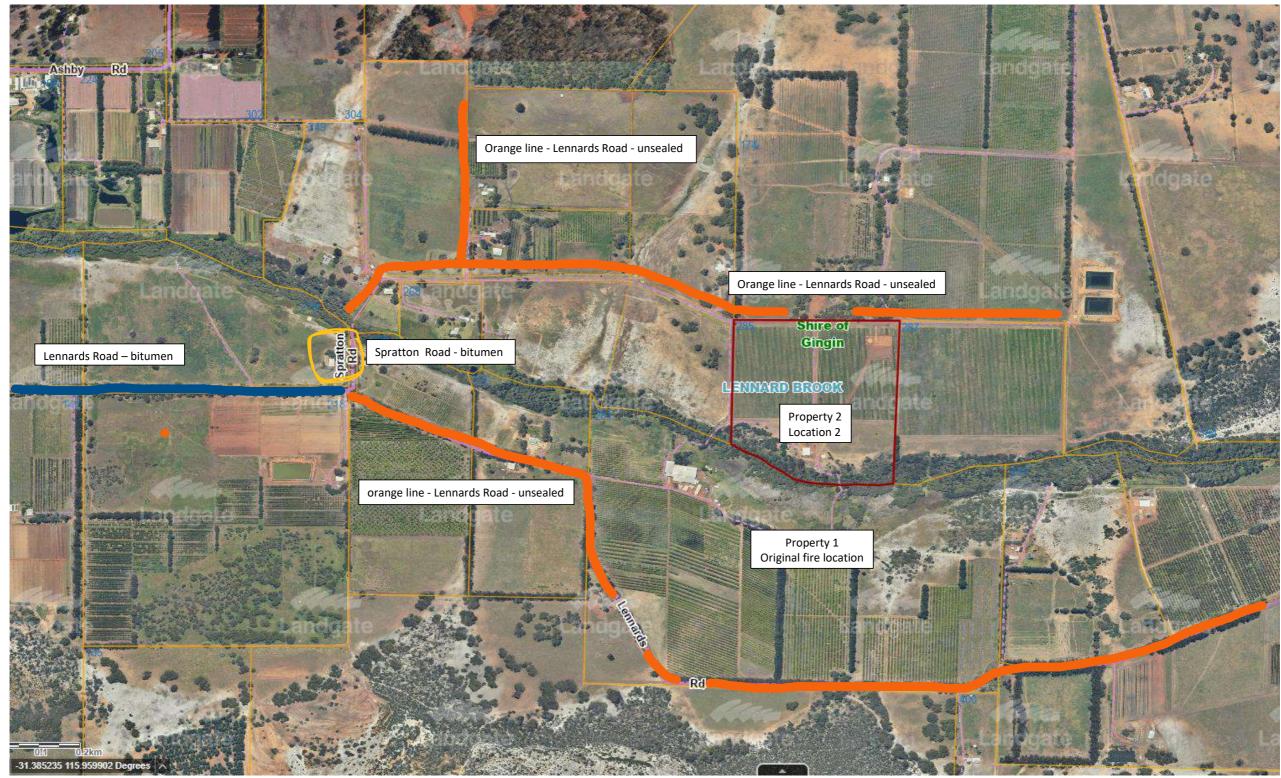
VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council agree to:

- 1. Retain the Lennards Road name and numbering currently applied to properties located along the southern easement beginning at the south end of Spratton Road;
- 2. Name as Spratton Road the easement extending east from the north end of Spratton Road, and renumber the properties on Spratton Road in accordance with the Rural Road Numbering methodology; and
- 3. Investigate installation of Historic Site signage at the property in recognition of Spratton House.

Enquiry – Shire of Gingin – Lennards Road in LENNARD BROOK



S:\CCS\Corporate Services\Rates\Current\2. Important Information\Property Street Address\Lennards Road - Renumbering\Landgate map A3.docx



Road Numbering where Lennards Road Splits





13.4 MONTHLY FINANCIAL REPORT FOR THE PERIODS ENDING 31 JULY 2024 AND 31 AUGUST 2024

File	FIN/25				
Author	Alarna Richards - Coordinator Financial Planning & Reporting				
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services				
Refer	Nil				
Appendices	 Monthly Financial Report - 31 July 2024 [13.4.1 - 24 pages] Monthly Financial Report - 31 August 2024 [13.4.2 - 24 pages] 				

DISCLOSURES OF INTEREST

PURPOSE

To present for Council endorsement the Monthly Financial Report for the periods ending 31 July 2024 and 31 August 2024.

BACKGROUND

The Monthly Financial Reports (MFR) for the period ending 31 July 2024 and 31 August 2024 are presented to Council in accordance with the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996.*

COMMENT

While the MFR for both July and August 2024 are submitted, comment is provided on the most recent being the MFR for the period ending 31 August 2024.

The August 2024 MFR presents the financial performance of the Shire for the 2024/25 financial year and compares year-to-date expenditure and revenue against the full-year budget.

A break-up of the **\$3,067,877** variance in the August 2024 MFR is summarised across operations, investing and financing below, with a detailed explanation of variations within each area contained within the **Appendices**.



<u>Under Budget</u>	
Opening Surplus/ Deficit	(25,131)
Operating Expenditure	\$750,575
Investing Activities – Expenditure	\$622,656
Financing Activities- Revenue	0
Financing Activities – Expenditure	\$47
<u>Over Budget</u>	
Operating Revenue	\$1,645,292
Investing Activities - Revenue	\$74,438

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

Investments

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

STATUTORY/LOCAL LAW IMPLICATIONS

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

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

Shire of Gingin Delegation Register – Delegation 1.1.10 Power to Invest and Manage Investments

POLICY IMPLICATIONS

Policy 3.2 – Investments

BUDGET IMPLICATIONS

Nil



STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS – SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council endorse the Monthly Financial Reports for the periods ending 31 July 2024 and 31 August 2024.

SHIRE OF GINGIN

MONTHLY FINANCIAL REPORT

For the period ended 31 July 2024

LOCAL GOVERNMENT ACT 1995 LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF GINGIN

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 JULY 2024

	Supplementary Information	Amended Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b) \$	Variance* % ((c) - (b))/(b) %	Var.
OPERATING ACTIVITIES		φ	Ŷ	Φ	φ	76	
Revenue from operating activities							
General rates	10	7,698,086	0	0	0	0.00%	
Rates excluding general rates Grants, subsidies and contributions	14	3,316,646	0	0	0	0.00%	
Fees and charges	14	1,999,451 4,790,330	356,241 357,774	414,837 161,941	58,596 (195,833)	16.45% (54.74%)	
Service charges		4,730,330	0	01,341	(135,055)	0.00%	•
Interest revenue		446,856	0	4,835	4,835	0.00%	
Other revenue		356,578	17,055	21,519	4,464	26.17%	
Profit on asset disposals Fair value adjustments to financial assets at fair	6	723,816	0	0	0	0.00%	
value through profit or loss		0	0	0	0	0.00%	
Fair value adjustments to investment property		0	0	Ō	0	0.00%	
Share of net profit of associates and joint ventures							
accounted for using the equity method		0 19,331,763	0 731,070	0 603,132	0 (127,938)	0.00%	
Expenditure from operating activities		19,331,703	731,070	603,132	(127,930)	(17.50%)	
Employee costs		(7,397,839)	(597,238)	(633,712)	(36,474)	(6.11%)	•
Materials and contracts		(8,531,189)	(863,295)	(445,231)	418,064	48.43%	
Utility charges Depreciation		(540,246)	(45,025)	(34,533)	10,492	23.30%	
Finance costs		(10,655,716) (117,085)	(796)	(2,128) (10,198)	(2,128) (9,402)	0.00% (1181.16%)	-
Insurance		(414,176)	(207,116)	(203,955)	3,161	1.53%	
Other expenditure		(727,410)	(49,437)	(17,844)	31,593	63.91%	
Loss on asset disposals	6	(79,641)	0	0	0	0.00%	
Loss on revaluation of non-current assets		0	0	0	0	0.00%	
Reversal of prior year loss on revaluation of assets		0	0	0	0	0.00%	
		(28,463,302)	(1,762,907)	(1,347,601)	415,306	23.56%	
Non-cash amounts excluded from operating activities	Note 2(b)	10,011,541	0	2,128	2,128	0.00%	
Amount attributable to operating activities		880,002	(1,031,837)	(742,341)	289,496	28.06%	
				. , ,			
INVESTING ACTIVITIES Inflows from investing activities Proceeds from capital grants, subsidies and	15						
contributions Proceeds from disposal of assets	6	7,960,605 890,909	0	0	0	0.00% 0.00%	
Proceeds from financial assets at amortised cost -	ю	690,909	0	U	0	0.00%	
self supporting loans		4,377	0	0	0	0.00%	
Distributions from investments in associates		0	0	0	0	0.00%	
Outflows from investing activities		8,855,891	0	0	0	0.00%	
Payments for financial assets at amortised cost - self supporting loans		0	0	0	0	0.00%	
Payments for investments in associates		0	0	0	0	0.00%	
Payments for property, plant and equipment	5	(3,005,743)	(19,283)	0	19,283	100.00%	.
Payments for construction of infrastructure Payments for investment property	5 5	(9,555,816) 0	(303,441) 0	0	303,441 0	100.00% 0.00%	
Payments for intangible assets	5	0	0	0	0	0.00%	
		(12,561,559)	(322,724)	0	322,724	100.00%	
Non-cash amounts excluded from investing activities	Note 2(b)	0	0	0	0	0.00%	
Amount attributable to investing activities		(3,705,668)	(322,724)	0	322,724	100.00%	
C C			. , ,				
FINANCING ACTIVITIES							
Inflows from financing activities Proceeds from new debentures	11	1,000,000	0	0	0	0.00%	
Transfer from reserves	4	1,463,162	0	0	0	0.00%	
		2,463,162	0	0	0	0.00%	
Outflows from financing activities							
Repayment of borrowings Payments for principal portion of lease liabilities	11	(258,807)	(11,425)	(11,425)	0 25	0.00%	
Transfer to reserves	12 4	(25,604) (1,613,182)	(2,134)	(2,109)	25	1.19% 0.00%	
	-	(1,897,593)	(13,559)	(13,534)	25	0.19%	
Amount attributable to financing activities					25	0.109/	
Amount attributable to financing activities MOVEMENT IN SURPLUS OR DEFICIT		565,569	(13,559)	(13,534)	25	0.19%	
Surplus or deficit at the start of the financial year	r	2,260,097	2,260,097	2,396,556	136,459	6.04%	
Amount attributable to operating activities		880,002	(1,031,837)	(742,341)	289,496	28.06%	
Amount attributable to investing activities		(3,705,668)	(322,724)	0	322,724	100.00%	
Amount attributable to financing activities Surplus or deficit after imposition of general rate	ic i	565,569 0	(13,559) 891,977	(13,534) 1,640,681	25 748,704	0.19% 83.94%	
carpins or denote and imposition or geliefed fall	~	U	031,311	1,040,001	140,104	00.3470	

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF GINGIN STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 31 JULY 2024

	Supplementary		
	Information	30 June 2024	31 July 2024
		\$	\$
CURRENT ASSETS	_		
Cash and cash equivalents	3	13,556,082	11,893,396
Trade and other receivables		1,337,198	1,557,877
Other financial assets		4,377	4,377
	8	32,614	60,417
Other assets	8	258,512	179,929
TOTAL CURRENT ASSETS		15,188,783	13,695,996
NON-CURRENT ASSETS			
Trade and other receivables		168,578	168,578
Other financial assets		97,319	97,319
Property, plant and equipment		52,698,249	52,698,248
Infrastructure		212,944,380	212,944,380
Right-of-use assets		32,354	30,227
TOTAL NON-CURRENT ASSETS	-	265,940,880	265,938,752
TOTAL ASSETS		281,129,663	279,634,748
CURRENT LIABILITIES			
Trade and other payables	9	1,771,762	1,061,090
Other liabilities	13	2,492,078	2,465,838
Lease liabilities	12	25,605	23,496
Borrowings	11	258,807	247,383
Employee related provisions	13	1,118,913	1,118,913
TOTAL CURRENT LIABILITIES		5,667,165	4,916,720
NON-CURRENT LIABILITIES			
Lease liabilities	12	7,481	7,481
Borrowings	12	2,068,040	2,068,040
Employee related provisions	11	125,827	125,827
Other provisions		5,513,899	5,513,899
TOTAL NON-CURRENT LIABILIT	TIES -	7,715,247	7,715,247
		7,710,247	1,110,241
TOTAL LIABILITIES	-	13,382,412	12,631,967
		,,	,,
NET ASSETS	-	267,747,251	267,002,781
			, , , -
EQUITY			
Retained surplus		44,617,596	43,873,126
Reserve accounts	4	7,405,097	7,405,097
Revaluation surplus	_	215,724,558	215,724,558
TOTAL EQUITY		267,747,251	267,002,781

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JULY 2024

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the Local Government Act 1995 read with the Local Government (Financial Management) Regulations 1996, prescribe that the financial report be prepared in accordance with the Local Government Act 1995 and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The Local Government (Financial Management) Regulations 1996 specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
 estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICES

Significant acccounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 31 July 2024

SHIRE OF GINGIN

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 JULY 2024

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

2 STATEMENT OF THRANCIAE ACTIVITY INFORMATION				
		Amended	Last	Year
		Budget	Year	to
(a) Net current assets used in the Statement of Financial Activity	Supplementary	Opening	Closing	Date
	Information	30 June 2024	30 June 2024	31 July 2024
Current assets		\$	\$	\$
Cash and cash equivalents	3	8,580,267	13,556,082	11,893,396
Trade and other receivables		1,940,054	1,337,198	1,557,877
Other financial assets		0	4,377	4,377
Inventories	8	389,877	32,614	60,417
Other assets	8	19,325	258,512	179,929
		10,929,523	15,188,783	13,695,996
Less: current liabilities				
Trade and other payables	9	(3,392,338)	(1,771,762)	(1,061,090)
Other liabilities	13	0	(2,492,078)	(2,465,838)
Lease liabilities	12	0	(25,605)	(23,496)
Borrowings	11	(550,001)	(258,807)	(247,383)
Employee related provisions	13	(1,004,339)	(1,118,913)	(1,118,913)
		(4,946,678)	(5,667,165)	(4,916,720)
Net current assets	-	5,982,845	9,521,618	8,779,276
Less: Total adjustments to net current assets	Note 2(c)	(5,982,845)	(7,125,062)	(7,138,595)
Closing funding surplus / (deficit)		Ó	2,396,556	1,640,681

VTD

VTD

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation* 32.

Non-cash amounts excluded from operating activities		Amended Budget	Budget (a)	Actual (b)
		\$	\$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	6	(723,816)	0	0
Add: Loss on asset disposals	6	79,641	0	0
Add: Depreciation		10,655,716	0	2,128
Total non-cash amounts excluded from operating activities		10,011,541	0	2,128

(c) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with <i>Financial Management Regulation</i> 32 to agree to the surplus/(deficit) after imposition of general rates.		Amended Budget Opening 30 June 2024	Last Year Closing 30 June 2024	Year to Date 31 July 2024
		\$	\$	\$
Adjustments to net current assets				
Less: Reserve accounts	4	(6,532,846)	(7,405,097)	(7,405,097)
Less: Financial assets at amortised cost - self supporting loans	8	0	(4,377)	(4,377)
Add: Current liabilities not expected to be cleared at the end of the year	r:		,	
- Current portion of borrowings	11	550,001	258,807	247,383
- Current portion of lease liabilities	12	0	25,605	23,496
Total adjustments to net current assets	Note 2(a)	(5,982,845)	(7,125,062)	(7,138,595)

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

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Permanent

SHIRE OF GINGIN NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD BUILD 11 JULY 2024			
POLITIE FERIDE ENDER SI DULT 2024			
The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially. The material variance adopted by Council for the 2024-25 year is \$20,000 or 10.00% whichever is the greater.			
Description	Timing and Permanent	Var. \$	Var. %
Berner free energian anti-the		\$	%
Revenue from operating activities Grants, subsidies and contributions		58,596	16.45%
Direct road grants Main Roads WA 2024-2025 grant	Timing	56,556	10.4070
	, in the second s		
Fees and charges		(195,833)	(54.74%)
Sanitary and Waste Management Charges not raised yet due to timing of Rates Billing	Timing	(135,055)	(04.1470)
	Ŭ		
Other revenue		4,464	26.17%
Building department commision and commercial lease income	Timing		
Employee costs		(36,474)	(6.11%)
Materials and contracts		418,064	48.43%
Timing on maintenance works	Timing		
Utility charges	T 11	10,492	23.30%
Timing on utility costs	Timing		
Finance costs		(9,402)	(1181.16%)
Timing on loan interest repayments	Timing		. ,
Other expenditure		31,593	63.91%
Timing of other expenditure	Timing		
Payments for property, plant and equipment		19.283	100.00%
Delays in capital projects due to budget adoption	Timing	,	
Payments for construction of infrastructure		303,441	100.00%
Delays in capital projects due to budget adoption	Timing		
Surplus or deficit at the start of the financial year		136.459	6.04%
	Bormonont	,	

Surplus or deficit at the start of the financial year 2023/24 EOFY process still in process

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION

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SHIRE OF GINGIN SUPPLEMENTARY INFORMATION

FOR THE PERIOD ENDED 31 JULY 2024

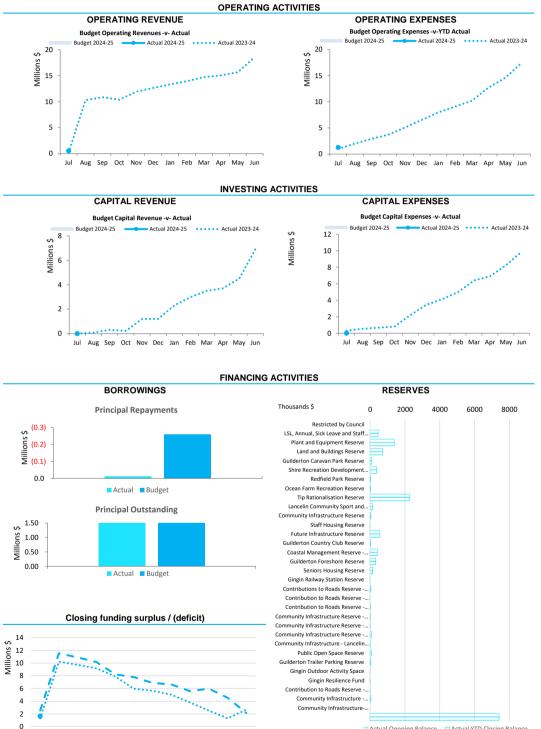
1 KEY INFORMATION

			-	•	t Components			
	Fu	nding su	rplus / (defici	t)				
		Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)			
Opening Closing		\$2.26 M \$0.00 M	\$2.26 M \$0.89 M	\$2.40 M \$1.64 M	\$0.14 M \$0.75 M			
Refer to Statement of Fin	ancial Activity							
Cash and c	ash equiv	alents		Payables		R	eceivable	26
outil and the	\$11.89 M	% of total		\$1.06 M	% Outstanding		\$0.87 M	% Collected
Unrestricted Cash	\$4.49 M	37.7%	Trade Payables	\$0.18 M	, o o a lotan an ig	Rates Receivable	\$0.69 M	9.3%
Restricted Cash	\$7.41 M	62.3%	0 to 30 Days		90.2%	Trade Receivable	\$0.87 M	% Outstandin
			Over 30 Days		9.8%	Over 30 Days		14.9%
			Over 90 Days		1.4%	Over 90 Days		12.8%
Refer to 3 - Cash and Fin	ancial Assets		Refer to 9 - Payables			Refer to 7 - Receivables		
			Key	Operating Act	ivities			
Amount attri	butable to	o operatii	ng activities					
Amended Budget	YTD Budget	YTD Actual	Var. \$					
\$0.88 M	(a) (\$1.03 M)	(\$0.74 M)	(b)-(a) \$0.29 M					
Refer to Statement of Fin		(00.7 4 10)	φ0.25 M					
Ra	tes Rever	nue	Grants	and Contr	butions	Fees	and Cha	arges
YTD Actual	\$0.00 M	% Variance	YTD Actual	\$0.41 M	% Variance	YTD Actual	\$0.16 M	% Variance
YTD Budget	\$0.00 M	0.0%	YTD Budget	\$0.36 M	16.4%	YTD Budget	\$0.36 M	(54.7%)
Refer to 10 - Rate Reven			Refer to 14 - Grants ar	d Contributions		Refer to Statement of Finar	icial Activity	
							,	
			Key	Investing Act	ivities			
Amount attri			ng activities					
	YTD	YTD	ng activities Var. \$					
Amount attri Amended Budget	YTD Budget	YTD Actual	_					
	YTD	YTD	Var. \$					
Amended Budget (\$3.71 M)	YTD Budget (a) (\$0.32 M)	YTD Actual (b)	Var. \$ (b)-(a)					
Amended Budget (\$3.71 M) Refer to Statement of Fin Prod	YTD Budget (a) (\$0.32 M) ancial Activity Ceeds on	YTD Actual (b) \$0.00 M sale	Var. \$ (b)-(a) \$0.32 M	et Acquisi			pital Gra	
Amended Budget (\$3.71 M) Refer to Statement of Fin Proo YTD Actual	YTD Budget (a) (\$0.32 M) ancial Activity Ceeds on \$0.00 M	YTD Actual (b) \$0.00 M Sale %	Var. \$ (b)-(a) \$0.32 M XTD Actual	\$0.00 M	% Spent	YTD Actual	\$0.00 M	% Received
Amended Budget (\$3.71 M) Refer to Statement of Fin Proo YTD Actual Amended Budget	YTD Budget (a) (\$0.32 M) ancial Activity Ceeds on \$0.00 M \$0.89 M	YTD Actual (b) \$0.00 M sale	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget	\$0.00 M \$12.56 M		YTD Actual Amended Budget	\$0.00 M \$7.96 M	
Amended Budget (\$3.71 M) Refer to Statement of Fin Proo YTD Actual Amended Budget	YTD Budget (a) (\$0.32 M) ancial Activity Ceeds on \$0.00 M \$0.89 M	YTD Actual (b) \$0.00 M Sale %	Var. \$ (b)-(a) \$0.32 M XTD Actual	\$0.00 M \$12.56 M	% Spent	YTD Actual	\$0.00 M \$7.96 M	% Received
Amended Budget (\$3.71 M) Refer to Statement of Fin Proo YTD Actual Amended Budget	YTD Budget (a) (\$0.32 M) ancial Activity Ceeds on \$0.00 M \$0.89 M	YTD Actual (b) \$0.00 M Sale %	Var. \$ (b)-(a) \$0.32 M ASS YTD Actual Amended Budget Refer to 5 - Capital Act	\$0.00 M \$12.56 M	% Spent (100.0%)	YTD Actual Amended Budget	\$0.00 M \$7.96 M	% Received
Amended Budget (\$3.71 M) Refer to Statement of Fin Proc YTD Actual	YTD Budget (a) (\$0.32 M) ancial Activity Cceeds on \$0.00 M \$0.89 M ssets	YTD Actual (b) \$0.00 M sale % (100.0%)	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget Refer to 5 - Capital Act Key	\$0.00 M \$12.56 M quisitions	% Spent (100.0%)	YTD Actual Amended Budget	\$0.00 M \$7.96 M	% Received
Amended Budget (\$3.71 M) Refer to Statement of Fin Prov YTD Actual Amended Budget Refer to 6 - Disposal of A	YTD Budget (a) (\$0.32 M) ancial Activity Cceeds on \$0.00 M \$0.89 M ssets buttable to YTD Budget	YTD Actual (b) \$0.00 M sale % (100.0%)	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget Refer to 5 - Capital Act Key Ig activities Var. \$	\$0.00 M \$12.56 M quisitions	% Spent (100.0%)	YTD Actual Amended Budget	\$0.00 M \$7.96 M	% Received
Amended Budget (\$3.71 M) Refer to Statement of Fin Prov YTD Actual Amended Budget Amount attri Amended Budget	YTD Budget (a) (\$0.32 M) ancial Activity Ceeeds on \$0.00 M \$0.89 M sssets butable to YTD Budget (a)	YTD Actual (b) \$0.00 M sale % (100.0%) D financir YTD Actual (b)	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget Refer to 5 - Capital Act Key ng activities Var. \$ (b)-(a)	\$0.00 M \$12.56 M quisitions	% Spent (100.0%)	YTD Actual Amended Budget	\$0.00 M \$7.96 M	% Received
Amended Budget (\$3.71 M) Refer to Statement of Fin Prov YTD Actual Amended Budget Amount attri Amended Budget \$0.57 M	YTD Budget (a) (\$0.32 M) ancial Activity Ceeds on \$0.00 M \$0.89 M sssets butable to YTD Budget (a) (\$0.01 M)	YTD Actual (b) \$0.00 M sale % (100.0%)	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget Refer to 5 - Capital Act Key Ig activities Var. \$	\$0.00 M \$12.56 M quisitions	% Spent (100.0%)	YTD Actual Amended Budget	\$0.00 M \$7.96 M	% Received
Amended Budget (\$3.71 M) Refer to Statement of Fin Prov YTD Actual Amended Budget Refer to 6 - Disposal of A Amount attri Amended Budget \$0.57 M Refer to Statement of Fin	YTD Budget (a) (\$0.32 M) ancial Activity Cceeds on \$0.00 M \$0.89 M ssets butable to YTD Budget (a) (\$0.01 M) ancial Activity	YTD Actual (b) \$0.00 M sale % (100.0%) 0 financir YTD Actual (b) (\$0.01 M)	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget Refer to 5 - Capital Act Key ng activities Var. \$ (b)-(a)	\$0.00 M \$12.56 M quisitions	% Spent (100.0%)	YTD Actual Amended Budget Refer to 5 - Capital Acquisit	\$0.00 M \$7.96 M ions	% Received (100.0%)
Amended Budget (\$3.71 M) Refer to Statement of Fin Prov YTD Actual Amended Budget Refer to 6 - Disposal of A Amended Budget \$0.57 M Refer to Statement of Fin Principal	YTD Budget (a) (\$0.32 M) ancial Activity Cceeds on \$0.00 M \$0.89 M ssets butable to YTD Budget (a) (\$0.01 M) ancial Activity	YTD Actual (b) \$0.00 M sale % (100.0%) 0 financir YTD Actual (b) (\$0.01 M)	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget Refer to 5 - Capital Act Key ng activities Var. \$ (b)-(a) \$0.00 M	\$0.00 M \$12.56 M quisitions Financing Act	% Spent (100.0%)	YTD Actual Amended Budget Refer to 5 - Capital Acquisit	\$0.00 M \$7.96 M ions	% Received (100.0%)
Amended Budget (\$3.71 M) Refer to Statement of Fin Prov YTD Actual Amended Budget Refer to 6 - Disposal of A Amount attri Amended Budget \$0.57 M Refer to Statement of Fin E Principal repayments	YTD Budget (a) (\$0.32 M) ancial Activity Cceeds on \$0.00 M \$0.89 M \$0.89 M sssets butable to YTD Budget (a) (\$0.01 M) (\$0.01 M)	YTD Actual (b) \$0.00 M sale % (100.0%) 0 financir YTD Actual (b) (\$0.01 M)	Var. \$ (b)-(a) \$0.32 M Solution Soluti	\$0.00 M \$12.56 M quisitions Financing Act Reserves \$7.41 M	% Spent (100.0%)	YTD Actual Amended Budget Refer to 5 - Capital Acquisit Le: Principal repayments	\$0.00 M \$7.96 M ions ase Liabi (\$0.00 M)	% Received (100.0%)
Amended Budget (\$3.71 M) Refer to Statement of Fin Prov YTD Actual Amended Budget Refer to 6 - Disposal of A Amount attri Amended Budget \$0.57 M Refer to Statement of Fin Principal	YTD Budget (a) (\$0.32 M) ancial Activity Cceeds on \$0.00 M \$0.89 M ssets butable to YTD Budget (a) (\$0.01 M) ancial Activity	YTD Actual (b) \$0.00 M sale % (100.0%) 0 financir YTD Actual (b) (\$0.01 M)	Var. \$ (b)-(a) \$0.32 M Ass YTD Actual Amended Budget Refer to 5 - Capital Act Key ng activities Var. \$ (b)-(a) \$0.00 M	\$0.00 M \$12.56 M quisitions Financing Act	% Spent (100.0%)	YTD Actual Amended Budget Refer to 5 - Capital Acquisit	\$0.00 M \$7.96 M ions	% Received (100.0%)

This information is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

2 KEY INFORMATION - GRAPHICAL



Actual Opening Balance Actual YTD Closing Balance

2024-25 This information is to be read in conjunction with the accompanying Financial Statements and Notes.

Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun

2022-23 2023-24 ---

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION

FOR THE PERIOD ENDED 31 JULY 2024

3 CASH AND FINANCIAL ASSETS

				Total		Interest	Maturity
Description	Classification	Unrestricted	Restricted	Cash	Institution	Rate	Date
		\$	\$	\$			
Cash Deposits							
Municipal Bank Account	Cash and cash equivalents	4,486,198	0	4,486,198	Bendigo Bank	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	405,097	405,097	Bendigo Bank	0.00%	At Call
Cash on hand	Cash and cash equivalents	2,100	0	2,100	Petty Cash/Till float	N/A	At Call
Reserve Investment 4837072	Cash and cash equivalents	0	6,000,000	6,000,000	Bendigo Bank	5.20%	24/01/2025
Reserve Investment 4837073	Cash and cash equivalents	0	1,000,000	1,000,000	Bendigo Bank	5.20%	24/01/2025
Total		4,488,298	7,405,097	11,893,396			
Comprising							
Cash and cash equivalents		4,488,298	7,405,097	11,893,396			
		4,488,298	7,405,097	11,893,396			

KEY INFORMATION

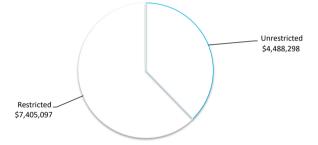
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in valu. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and

- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Ot



SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

4 RESERVE ACCOUNTS

Reserve name	Budget Opening Balance	Budget Interest Earned	Budget Transfers In (+)	Budget Transfers Out (-)	Budget Closing Balance	Actual Opening Balance	Actual Interest Earned	Actual Transfers In (+)	Actual Transfers Out (-)	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council										
LSL, Annual, Sick Leave and Staff Contingency	455,699	14,462			470,161	455,699	0	0	0	455,699
Plant and Equipment Reserve	1,380,281	43,803		(510,226)	913,858	1,380,281	0	0	0	1,380,281
Land and Buildings Reserve	714,103	22,661	500,000	(216,954)	1,019,810	714,103	0	0	0	714,103
Guilderton Caravan Park Reserve	105,014	3,333	100,000		208,347	105,014	0	0	0	105,014
Shire Recreation Development Reserve	377,898	11,993		(115,860)	274,031	377,898	0	0	0	377,898
Redfield Park Reserve	33,375	1,059			34,434	33,375	0	0	0	33,375
Ocean Farm Recreation Reserve	33,048	1,049			34,097	33,048	0	0	0	33,048
Tip Rationalisation Reserve	2,247,610	71,328	346,992	(350,000)	2,315,930	2,247,610	0	0	0	2,247,610
Lancelin Community Sport and Recreation Reserve	135,553	4,302	28,258		168,113	135,553	0	0	0	135,553
Community Infrastructure Reserve	50,660	1,608	12,000		64,268	50,660	0	0	0	50,660
Staff Housing Reserve	6,090	193			6,283	6,090	0	0	0	6,090
Future Infrastructure Reserve	561,370	17,815			579,185	561,370	0	0	0	561,370
Guilderton Country Club Reserve	30,544	969	8,829	(10,000)	30,342	30,544	0	0	0	30,544
Coastal Management Reserve - Coastal Inundation	411,494	13,059	100,000	(45,000)	479,553	411,494	0	0	0	411,494
Guilderton Foreshore Reserve	326,964	10,376	104,077	(50,000)	391,417	326,964	0	0	0	326,964
Seniors Housing Reserve	151,327	4,802	25,000	(152,622)	28,507	151,327	0	0	0	151,327
Gingin Railway Station Reserve	6,095	193			6,288	6,095	0	0	0	6,095
Contributions to Roads Reserve - Cullalla Road Intersection	47,862	1,519			49,381	47,862	0	0	0	47,862
Contribution to Roads Reserve - Chitna Road	3,191	101			3,292	3,191	0	0	0	3,191
Contribution to Roads Reserve - Balance of Muni Funds	21,496	682			22,178	21,496	0	0	0	21,496
Community Infrastructure Reserve - Lower Coastal Fire Control	26,804	851			27,655	26,804	0	0	0	26,804
Community Infrastructure Reserve - Gingin Logo Plates	9,473	301	300		10,074	9,473	0	0	0	9,473
Community Infrastructure Reserve - Gingin Ambulance	63,248	2,007	6,000		71,255	63,248	0	0	0	63,248
Community Infrastructure - Lancelin Ambulance	19,637	623	18,000		38,260	19,637	0	0	0	19,637
Public Open Space Reserve	69,174	2,195			71,369	69,174	0	0	0	69,174
Guilderton Trailer Parking Reserve	39,609	1,257	5,976		46,842	39,609	0	0	0	39,609
Gingin Outdoor Activity Space	5,628	179			5,807	5,628	0	0	0	5,628
Gingin Resilience Fund	13,750	436	10,250		24,436	13,750	0	0	0	13,750
Contribution to Roads Reserve - Aurisch Road Maintenance	12,500	397	12,500	(12,500)	12,897	12,500	0	0	0	12,500
Community Infrastructure - Development Reserve Fund Lot 601 Brockman										
Street (Brookview Estate)	45,600	1,447	48,000		95,047	45,600	0	0	0	45,600
Community Infrastructure- Development Reserve Lancelin South	0	0	52,000	0	52,000	0	0	0	0	0
	7,405,097	235,000	1,378,182	(1,463,162)	7,555,117	7,405,097	0	0	0	7,405,097

INVESTING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

5 CAPITAL ACQUISITIONS

CAPITAL ACQUISITIONS				
	Amer	ded		
	Budget	YTD Budget	YTD Actual	YTD Actual
Capital acquisitions				Variance
	\$	\$	\$	\$
Land	90.000	0	0	0
Buildings - specialised	535,308	19,283	0	(19,283)
Plant and equipment	2,025,235	0	0	(10,200)
Vehicles	355,200	0	0	0
Acquisition of property, plant and equipment	3,005,743	19,283	0	(19,283)
Infrastructure - roads	4,390,146	5,895	0	(5,895)
Infrastructure - footpaths	205,063	0	0	0
Infrastructure - parks & ovals	228,250	16,124	0	(16,124)
Infrastructure - other	1,032,776	7,084	0	(7,084)
Infrastructure - bridges	3,292,066	274,338	0	(274,338)
Infrastructure - Landfills	350,000	0	0	0
Work in progress - Infrastructure	57,515	0	0	0
Acquisition of infrastructure	9,555,816	303,441	0	(303,441)
Total capital acquisitions	12,561,559	322,724	0	(322,724)
Capital Acquisitions Funded By:				
Capital grants and contributions	7,960,605	0	0	0
Borrowings	1,000,000	0	0	0
Other (disposals & C/Fwd)	890,909	0	0	0
Reserve accounts				
Plant and Equipment Reserve	510,226	0	0	0
Land and Buildings Reserve	216,954	0	0	0
Guilderton Country Club Reserve	10,000	0	0	0
Seniors Housing Reserve	152,622	0	0	0
Contribution - operations	1,820,243	322,724	0	(322,724)
Capital funding total	12,561,559	322,724	0	(322,724)

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

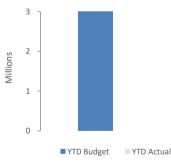
Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Initial recognition and measurement for assets held at cost Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between

mandatory revaluation dates for assets held at fair value In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions



INVESTING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

5 CAPITAL ACQUISITIONS - DETAILED

Capital expenditure total

Level of completion indicators

0%
20%
40%
60%
80%
100%
Over 100%

Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

						Variance
		Account Description	Budget	YTD Budget	YTD Actual	(Under)/Over
			\$	\$	\$	\$
dl.	BC11100-141101120	Granville Civic Centre - Building (Capital)	60,000	0	0	0
di i	BC11170-141101120	Seabird Hall - Building (Capital)	7,200	7,200	0	(7,200)
di i	BC11361-141103120	Guilderton Country Club - Building (Capital)	10,000	0	0	0
di.	BC1190-141103120	Ablution Block - Lancelin Pioneer Park - Building	8,300	0	0	0
- Illi	BC1192A-141103120	Lancelin Harold Park Gazebo - Building (Capital)	30,000	0	0	0
dl.	BC13260-141302120	Guilderton Caravan Park - Building (Capital)	120,000	10,000	0	(10,000)
di.	BC13261-141302120	Guilderton Caravan Park Office/Residence - Buildin	24,999	2,083	0	(2,083)
di.	BC14200-141402120	Gingin Administration Office - Building (Capital)	82,000	0	0	Ó
di.	BC5100-140501120	Gingin Colocation Fire Facility - Building (Capita	40,187	0	0	0
d	BC9490-140904120	Seniors Units - Lancelin - Building (Capital)	152,622	0	0	0
di.	LC13200-141302080	Guilderton Foreshore Road Reserve Land (Capital)	90,000	0	0	0
d	LF10100-141001140	Construct Transfer Station at Gingin Landfill	350,000	0	0	0
dl	P0-141402330	Purchase of CEO Vehicle 0GG - (Capital)	100,000	0	0	0
đ	P002-141203300	Replacement of Prime Mover GG002	378,550	0	0	0
d	P045-141203300	Volvo FM13 Prime Mover	378,550	0	0	0
di	P056-141203300	Flatbed Crew Cab Truck GG056 - Plant Capital	350,000	0	0	0
đ	P066-141203300	Replacement of Water Truck GG066	359,035	0	0	0
đ	P076-140501310	Beermullah Light Tanker GG076 - (Capital)	255,200	0	0	0
al.	P077-140501300	Guilderton Fire Tanker GG077 - Plant Capital	549,100	0	0	0
al.	-141102300	Generator Gingin Aquatic Centre	10,000	0	0	0
đ	BR661-141201670	Weld St Bridge - Bridge (Capital)	3,292,066	274,338	0	(274,338)
đ	BSR0001-141007900	Bus Shelter Replacement Program	16.557	0	0	()
đ	DC000-141201650	Drainage Construction	30,750	2.562	0	(2,562)
al.	DC097-141201660	Brockman Street - Gingin - Drainage Capital	40.000	3.333	0	(3,333)
al.	FC000-141201700	Footpath Construction	205.063	0	0	(1,111)
al.	OC1119-141103900	Jim Gordon V.C. Trail	10,000	0	0	0
đ	OC11302-141103900	Lancelin Bowling Greens - Infrastructure Other (Ca	253,219	0	0	0
ai.	OC11314A-141103900	Gingin Regional Hardcourt Facility - Infrastructur	7,000	0	0	0
al.	OC12290-141201900	Lancelin/Ledge Point Depot- Infrastructure Other (11,000	0	Ő	0
al.	OC13261-141302900	Guilderton Caravan Park Infrastructure Other (Capi	85,000	7,084	0	(7,084)
a.	PC1100-141103700	Gingin Granville Park Benches, Seating and Turf	34,750	0	0	(1,004)
ď	PC11390-141103700	Lancelin Recreation Grounds Power Upgade	63,500	5,291	0	(5,291)
ď.	PC1189-141103271	Ledge Point Off-Road Vehicle Area - Capital works	57,515	0,201	0	(0,201)
ď	PC13260-141302700	Guilderton Caravan Park Infrastructure	120,000	10,000	0	(10,000)
ď	R2R006-141201450	Orange Springs Road (R2R)	1,124,118	10,000	0	(10,000)
đ	R2R010-141201440	Ledge Point Road (R2R)	168,669	0	0	0
ď	R2R012-141201460	Wannamal Road West (R2R)	611,736	0	0	0
ď	R2R059-141201450	Seabird Road (R2R)	162,030	0	0	0
đ	R2R039-141201450	Sadler Road (R2R)	364,656	0	0	0
4	RC039-141201420	Cullalla Road (Capital)	428,852	0	0	0
al.	RG001-141201420	Mooliabeenee Road (RRG)	1,459,335	0	0	0
	SC10300-141201490	Guilderton Caravan Park - Replace Waste Water - de	650,000	0	0	0
đ.	TD0001-141103900	Gingin Heritage Trail Realign and Upgrade	10,000	833	0	-
đ	100001-141103/00	Total	12,561,559	322,724	0	(833) (322,724)
		IUIAI	12,301,559	322,124	0	(322,124)

Amended

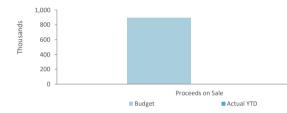
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OPERATING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

			I	Budget			Y	TD Actual	
Asset		Net Book				Net Book			
Ref.	Asset description	Value	Proceeds	Profit	(Loss)	Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Beermullah BFB Light Tanker	6,700	45,000	38,300	0	0	0	0	
	Guilderton BFB Fire Tanker	7,299	90,000	82,701	0	0	0	0	
	GG056 Truck	66,636	15,000	0	(51,636)	0	0	0	
	GG6015 VMB Trailer	762	5,000	4,238	0	0	0	0	
	GG12533 Portable Traffic Light Trailer	3,209	5,000	1,791	0	0	0	0	
	GG12534 Portable Trafflic Light Trailer	2,573	5,000	2,427	0	0	0	0	
	GG045 Primer Mover	69,853	104,546	34,693	0	0	0	0	
	GG066 Prime Mover	60,000	36,363	0	(23,637)	0	0	0	
	GG002 Prime Mover	25,334	85,000	59,666	0	0	0	0	
	Infrastructure - Parks and ovals								
	Granville Park Benches and seatin replacement	4,368	0	0	(4,368)	0	0	0	
	•	0		0	0	0	0	0	
	Land								
	Lancelin Plaza	0	500,000	500,000	0	0	0	0	
		246,734	890,909	723,816	(79,641)	0	0	0	



OPERATING ACTIVITIES

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

7 RECEIVABLES

			11 00 Rates Receivable
Rates receivable	30 Jun 2024	31 Jul 2024	≥ 18:58 - 2023-24
	\$	\$	
Opening arrears previous years	399,663	757,894	2023-24 2024-25 2024-25
Levied this year	9,437,442	0	- 7:58
Less - collections to date	(9,079,211)	(70,289)	6:58 =
Gross rates collectable	757,894	687,605	3:88 -
Net rates collectable	757,894	687,605	4:20
% Collected	92.3%	9.3%	, <u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u><u></u></u>
			2:08
			0.00

Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(1,042)	645,815	9,252	6,851	97,344	758,220
Percentage	(0.1%)	85.2%	1.2%	0.9%	12.8%	
Balance per trial balance						
Trade receivables						758,220
GST receivable						39
Allowance for credit losses of trade receivables						(32,154)
Legal costs - recovery of rates						65,713
Rubbish fees						78,454
Total receivables general outstanding						870,272
Amounts shown above include GST (where applica	ble)					

KEY INFORMATION

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



OPERATING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

8 OTHER CURRENT ASSETS

Other current assets	Opening Balance 1 July 2024	Asset Increase	Asset Reduction	Closing Balance 31 July 2024
	\$	\$	\$	\$
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	2,378	0	0	2,378
Financial assets at amotised cost - advances	1,999	0	0	1,999
Inventory				
Fuel	18,527	27,803	0	46,330
History Books	14,087	0	0	14,087
Other assets				
Prepayments	26,861	0	(26,861)	0
Contract assets			. ,	
Contract assets	231,651	0	(51,722)	179,929
Total other current assets	295,503	27,803	(78,583)	244,722
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and

- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Contract assets

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

OPERATING ACTIVITIES

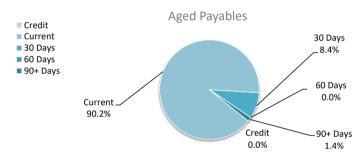
SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	164,032	15,342	0	2,563	181,937
Percentage	0.0%	90.2%	8.4%	0.0%	1.4%	
Balance per trial balance						
Sundry creditors						177,431
Prepaid rates						235,507
Bonds & deposits						619,456
Accrued interest on long term borrowings						28,695
Total payables general outstanding						1,061,089
Amounts shown above include GST (w	here applicable)				

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



10 RATE REVENUE

General rate revenue					Budget			YTD Actua	
	Rate in	Number of	Rateable	Rate	Interim	Total	Rate	Interim	Total
	\$ (cents)	Properties	Value	Revenue	Rate Revenue	Revenue	Revenue	Rate Revenue	Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$
Gross rental value									
GRV Townsites	0.098154	1,605	30,810,226	3,024,147	0	3,024,147	0	0	0
GRV Other	0.098154	1,006	18,708,225	1,836,287	0	1,836,287	0	0	0
Unimproved value									
UV Rural	0.004742	448	436,333,000	2,069,091	0	2,069,091	0	0	0
UV Other	0.004742	3	2,955,000	14,013	0	14,013	0	0	0
UV Intensive/Mining	0.006999	122	107,808,000	754,548	0	754,548	0	0	0
UV Exploraton Mining	0.004742	0	0	0	0	0	0	0	0
Sub-Total		3,184	596,614,451	7,698,086	0	7,698,086	0	0	0
Minimum payment	Minimum Payme	ent \$							
Gross rental value									
GRV Townsites	1,323	1,029	9,693,909	1,361,367	0	1,361,367	0	0	0
GRV Other	1,323	718	4,097,180	949,914	0	949,914	0	0	0
Unimproved value									
UV Rural	1,531	374	88,854,600	572,594	0	572,594	0	0	0
UV Other	1,531	36	6,771,000	55,116	0	55,116	0	0	0
UV Intensive/Mining	2,609	121	28,331,426	315,689	0	315,689	0	0	0
UV Exploraton Mining	1,531	36	135,529	55,116	0	55,116	0	0	0
Sub-total		2,314	137,883,644	3,309,796	0	3,309,796	0	0	0
Amount from general rates						11,007,882			0
Ex-gratia rates						6,850			0
Total general rates						11,014,732			0

SHIRE OF GINGIN

FINANCING ACTIVITIES

SUPPLEMENTARY INFORMATION

FOR THE PERIOD ENDED 31 JULY 2024

11 BORROWINGS

Repayments - borrowings										
					1	Principal	Princ	ipal	Intere	st
Information on borrowings			New Lo	ans	Re	epayments	Outsta	nding	Repaym	ents
Particulars	Loan No.	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Tip Rationalisation Site	111	352,042	0	0	0	(24,301)	352,042	327,741	0	(22,460)
Seabird Sea Wall	127	58,575	0	0	(11,425)	(22,993)	47,150	35,582	(735)	(1,327)
Guilderton Country Club Hall Extension	114	210,889	0	0	0	(47,310)	210,889	163,579	0	(14,228)
Regional Hardcourt Facility	120	165,802	0	0	0	(28,952)	165,802	136,850	0	(10,600)
Regional Hardcourt Facility	124A	164,953	0	0	0	(24,761)	164,953	140,192	0	(6,559)
Gingin Swimming Pool Tiling	126	33,800	0	0	0	(16,640)	33,800	17,160	0	(920)
Gingin Outdoor Activity Space	132	126,526	0	0	0	(17,310)	126,526	109,216	0	(1,750)
Lancelin Cunliffe Street Carpark	133	229,758	0	0	0	(21,175)	229,758	208,583	0	(10,232)
Altus Financials Suite	131	129,737	0	0	0	(9,702)	129,737	120,035	0	(2,468)
Lot 44 Weld Street, Gingin	123	96,348	0	0	0	(21,674)	96,348	74,674	0	(6,335)
Land for Future Gingin Sporting Precinct	134	746,000	0	0	0	(21,612)	746,000	724,388	0	(39,508)
Guilderton Caravan Park Stage 1 Upgrade	New	0	0	1,000,000	0	0	0	1,000,000	0	0
		2,314,430	0	1,000,000	(11,425)	(256,430)	2,303,005	3,058,000	(735)	(116,387)
Self supporting loans										
Ledge Point Country Club Cool Room		12,417	0	0	0	(2,377)	12,417	10,040	0	0
		12,417	0	0	0	(2,377)	12,417	10,040	0	0
Total		2,326,847	0	1,000,000	(11,425)	(258,807)	2,315,422	3,068,040	(735)	(116,387)
0		050.007					0.47.000			
Current borrowings		258,807					247,383			
Non-current borrowings		2,068,040					2,068,040			
All depentives reporte were financed by		2,326,847					2,315,423			

All debenture repayments were financed by general purpose revenue. Self supporting loans are financed by repayments from third parties.

New borrowings 2024-25

	Amount	Amount				Total				
	Borrowed	Borrowed				Interest	Interest	Amoun	t (Used)	Balance
Particulars	Actual	Budget	Institution	Loan Type	Term Years	& Charges	Rate	Actual	Budget	Unspent
	\$	\$				\$	%	\$	\$	\$
Guilderton Caravan Park Stage 1 Upgrade	0	1,000,000		Council	10	0	4.93	0	(1,000,000)	0
	0	1,000,000				0		0	(1,000,000)	0

KEY INFORMATION Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

FINANCING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

12 LEASE LIABILITIES

Movement in carrying amounts

					Prin	cipal	Prine	cipal	Inte	rest
Information on leases			New L	eases	Repay	ments	Outsta	anding	Repay	ments
Particulars	Lease No.	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Lancelin administration office	1A	7,813	0	0	(635)	(7,812)	7,178	1	(34)	(221)
IT Server	4	25,273	0	0	(1,473)	(17,792)	23,800	7,481	0	(222)
Total		33,086	0	0	(2,109)	(25,604)	30,977	7,482	(34)	(443)
Current lease liabilities		25,605					23,496			
Non-current lease liabilities		7,481					7,481			
		33,086					30,977			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

OPERATING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

13 OTHER CURRENT LIABILITIES

Other current liabilities	Note	Opening Balance 1 July 2024 \$	Liability transferred from/(to) non current \$	Liability Increase \$	Liability Reduction \$	Closing Balance 31 July 2024 \$
Other liabilities		•	Ŧ	Ŧ	Ŧ	Ŧ
Contract liabilities		655,217	0	0	(26,240)	628,977
Capital grant/contributions liabilities		1,836,861	0	0	Ó	1,836,861
Total other liabilities		2,492,078	0	0	(26,240)	2,465,838
Employee Related Provisions						
Provision for annual leave		625,961	0	0	0	625,961
Provision for long service leave		492,952	0	0	0	492,952
Total Provisions		1,118,913	0	0	0	1,118,913
Total other current liabilities		3,610,991	0	0	(26,240)	3,584,751
Amounts shown above include GST (where applicable)						

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 14 and 15

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

OPERATING ACTIVITIES

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

14 GRANTS, SUBSIDIES AND CONTRIBUTIONS

			ubsidies and c	ontributions li		contril	s, subsidies butions reve	enue
			Decrease in		Current	Amended		YTD
Provider	Liability	Liability	Liability	Liability	Liability	Budget	YTD	Reven
	1 July 2024		(As revenue)			Revenue	Budget	Actu
	\$	\$	\$	\$	\$	\$	\$	\$
nts and subsidies								
General purpose funding Financial Assistance Grant - General Purpose	0				0	4 40 0 40		
Financial Assistance Grant - General Purpose	0	0			0	142,640	0	
Law, order, public safety	0	0	0	0	0	239,583	0	
DFES Operating Grant	0	0	0	0	0	264,970	66 242	52
Community amenities	0	0	0	0	0	264,970	66,242	52
Coastal Hazard Risk Management Plan Grant	0	0	0	0	0	40 500	882	
CAP Grant Funding	0	0	-	-	0	10,580	882	
CMPAP Coastal Inundation Integration	0	0	-	-	-	45,000	-	
Recreation and culture	0	0	0	0	0	20,000	1,667	
State Library Travel Claim Lancelin Library	0	0	0	0	0	12,383	2,383	
Transport	0	0	0	0	0	12,303	2,303	
Direct Road Grant MRWA	0	0	0	0	0	273,633	273,633	323
Economic Services	0	0	0	0		273,033	213,033	323
	0	0	0		0	1,008,789	344,807	376
ributions								
General purpose funding								
Rates incentive Prize Night	0	0	0	0	0	12,000	2,400	10
Law, order, public safety								
CESM Grant - DFES	0	0	0	0	0	96,143	0	
BRMO Grant - DFES	108,981	0		108,981	108,981	111,618	0	
MAF Mitigation - DFES	108,606	0	(23,840)	84,766	84,766	500,000	0	23
Gingin Resilience Project - Mindaroo Foundation	155,290	0	(2,400)	152,890	152,890	140,000	0	2
Community amenities								
Claymont Estate - Planning contributions	0	0	0	0	0	88,000	7,333	1
Recreation and culture								
Naming Sponsorship - Gingin Aquatic Centre -	0	0	0	0	0	10,000	0	
Image Resources Contribution income for suite of events	0	0			0	-	1,534	
Transport	0	0	0	0	0	18,401	1,534	
Contribution income for Aurisch Road Maintenance	0	0	0	0	0	12,500	0	
Economic Services	0	0	0	0	0	12,300	0	
Guilderton Caravan Park Deposit Liability	443.931	0	0	443.931	443.931	0	0	
Market PLI contributions	443,931	0		- ,	- ,	2.000	167	
	816,808	0			790,568	990,662	11,434	
	010,000	U	(20,240)	150,308	130,300	550,002	11,434	30
ALS	816,808	0	(26,240)	790,568	790,568	1,999,451	356,241	414

INVESTING ACTIVITIES

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 JULY 2024

15 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

		Conital a	rant/contributio	n liabilitiaa			rants, subsi ibutions rev	
		Increase in	Decrease in	in napinties	Current	Amended		YTD
	Liability	Liability	Liability	Liability	Liability	Budget	YTD	Revenue
Provider	1 July 2024	-	(As revenue)	31 Jul 2024	31 Jul 2024	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Capital grants and subsidies								
Law, order, public safety								
DFES - Capital Grant - Buildings	40,187	0	0	40,187	40,187	40,187	0	0
DFES - Capital Grant - Vehicles	0	0	0	0	0	804,300	0	0
Law, order, public safety					0			
Ledge Point Off-road Vehicle Area	0	0	0	0	0	53,015	0	0
Recreation and culture					0			
Lancelin Bowling Club - DLGSC Grant and Bendigo Bank	:							
Grant	0	0	0	0	0	138,541	0	0
Transport					0			
LRCI - Unspent Funds Roads	67,513	0	0	67,513	67,513			
Roads to Recovery	6,504	0	0	6,504	6,504	2,298,205	0	0
Roads to Recovery Special Funding	0	0	0	0	0	0	0	0
Regional Road Group (Mooliabeenee Rd)	0	0	0	0	0	766,898	0	0
Financial Assistance Grants - Special Projects	350,061	0	0	350,061	350,061	350,061	0	0
LRCI - Cullulla Road	0	0	0	0	0	428,851	0	0
Footpaths Funding	0	0	0	0	0	100,000	0	0
Main Roads WA - Weld Street Bridge Funding	1,372,596	0	0	1,372,596	1,372,596	2,942,005	0	0
	1,836,861	0	0	1,836,861	1,836,861	7,922,063	0	0
Capital contributions								
Recreation and culture								
Lancelin Bowling Club Contribution for Lancelin Bowling								
Greens	0	0	0	0	0	38,542	0	0
	0	0	0	0	0	38,542	0	0
TOTALS	1,836,861	0	0	1,836,861	1,836,861	7,960,605	0	0

SHRE OF GIVEN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 21 JULY 2024 16 BUDGET AMENDMENTS

Amendments to original budget since budget a Description	doption. Surplus/(Deficit) GL/Project Code	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Budget Running
				\$	\$	\$	\$
Budget adoption							0
					() 0	0
							•

SHIRE OF GINGIN

MONTHLY FINANCIAL REPORT

For the period ended 31 August 2024

LOCAL GOVERNMENT ACT 1995 LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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SHIRE OF GINGIN

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD ENDED 31 AUGUST 2024

	Supplementary Information	Amended Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b) \$	Variance* % ((c) - (b))/(b) %	Var.
OPERATING ACTIVITIES		Ŷ	Ŷ	Ŷ	¥	70	
Revenue from operating activities							
General rates	10	7,698,086	7,698,086	7,696,002	(2,084)	(0.03%)	
Rates excluding general rates		3,316,646	3,309,796	3,309,796	0	0.00%	
Grants, subsidies and contributions	14	1,999,451	586,179	595,296	9,117	1.56%	
Fees and charges Service charges		4,790,330	716,898 0	2,364,974 0	1,648,076	229.89%	
Interest revenue		446,856	0	9,133	0 9,133	0.00% 0.00%	
Other revenue		356,578	61,935	42,985	(18,950)	(30.60%)	•
Profit on asset disposals	6	723,816	0	0	0	0.00%	
Fair value adjustments to financial assets at fair							
value through profit or loss		0	0	0	0	0.00%	
Fair value adjustments to investment property		0	0	0	0	0.00%	
Share of net profit of associates and joint ventures		0				0.000/	
accounted for using the equity method		0 19,331,763	0 12,372,894	0 14,018,186	0 1,645,292	0.00%	
Expenditure from operating activities		19,551,705	12,372,094	14,010,100	1,043,292	13.30 %	
Employee costs		(7,397,839)	(1,266,846)	(1,099,321)	167,525	13.22%	
Materials and contracts		(8,538,189)	(1,508,295)	(942,486)	565,809	37.51%	
Utility charges		(540,246)	(90,050)	(77,858)	12,192	13.54%	
Depreciation		(10,655,716)	0	(4,255)	(4,255)	0.00%	
Finance costs		(117,085)	(12,802)	(48,996)	(36,194)	(282.72%)	
Insurance Other expanditure		(414,176)	(207,116)	(204,590)	2,526 38,716	1.22%	
Other expenditure Loss on asset disposals	6	(727,410) (79,641)	(98,873) 0	(60,157) 0	38,716	39.16% 0.00%	
Loss on revaluation of non-current assets	0	(73,041)	0	ő	0	0.00%	
		Ū	Ũ	·	Ū.	010070	
Reversal of prior year loss on revaluation of assets		0	0	0	0	0.00%	
		(28,470,302)	(3,183,982)	(2,437,663)	746,319	23.44%	
.							
Non-cash amounts excluded from operating activities	Note 2(b)	10 011 511	0	4.055	4.055	0.000/	
Amount attributable to operating activities		10,011,541 873,002	0 9,188,912	4,255 11,584,778	4,255 2,395,866	0.00%	
Amount attributable to operating activities		075,002	9,100,912	11,304,770	2,393,000	20.07 /8	
INVESTING ACTIVITIES Inflows from investing activities Proceeds from capital grants, subsidies and	15						
contributions	15	7,960,605	0	74,438	74,438	0.00%	
Proceeds from disposal of assets	6	890,909	0	0	0	0.00%	
Proceeds from financial assets at amortised cost -							
self supporting loans		4,377	0	0	0	0.00%	
Distributions from investments in associates		0 8,855,891	0	0 74,438	0 74,438	0.00%	
Outflows from investing activities		0,055,091	v	74,430	74,430	0.00%	
Payments for financial assets at amortised cost -							
self supporting loans		0	0	0	0	0.00%	
Payments for investments in associates		0	0	0	0	0.00%	
Payments for property, plant and equipment	5	(3,005,743)	(88,177)	(8,965)	79,212	89.83%	
Payments for construction of infrastructure	5	(9,548,816)	(617,882)	(74,438)	543,444	87.95%	
Payments for investment property Payments for intangible assets	5 5	0	0	0	0	0.00%	
Payments for intangible assets	5	0 (12,554,559)	0 (706,059)	0 (83,403)	0 622,656	0.00% 88.19%	
		(12,334,333)	(100,000)	(03,403)	022,050	00.1370	
Non-cash amounts excluded from investing	Nata O(L)						
activities	Note 2(b)	0	0	0	0	0.00%	
Amount attributable to investing activities		(3,698,668)	(706,059)	(8,965)	697,094	98.73%	
FINANCING ACTIVITIES							
Inflows from financing activities Proceeds from new debentures	11	1,000,000	0	0	0	0.00%	
Transfer from reserves	4	1,463,162	0	0	0	0.00%	
	4	2,463,162	Ű	0	0	0.00%	
Outflows from financing activities		,, -					
Repayment of borrowings	11	(258,807)	(31,638)	(31,637)	1	0.00%	
Payments for principal portion of lease liabilities	12	(25,604)	(4,268)	(4,222)	46	1.09%	
Transfer to reserves	4	(1,613,182)	0	0	0	0.00%	
		(1,897,593)	(35,906)	(35,859)	47	0.13%	
Amount attributable to financing activities		565,569	(35,906)	(35,859)	47	0.13%	
		200,000	(00,000)	(00,000)	-47	0.1070	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year		2,260,097	2,260,097	2,234,966	(25,131)	(1.11%)	▼
Amount attributable to operating activities		873,002	9,188,912	11,584,778	2,395,866	26.07%	
Amount attributable to investing activities		(3,698,668)	(706,059)	(8,965)	697,094	98.73%	
Amount attributable to financing activities Surplus or deficit after imposition of general rate	c .	565,569	(35,906)	(35,859) 13,774,921	2 067 977	0.13%	
Surplus or denote after imposition of general rate	5	0	10,707,044	13,774,921	3,067,877	28.65%	-

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

* Refer to Note 3 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

SHIRE OF GINGIN STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDED 31 AUGUST 2024

	Supplementary		
	Information	30 June 2024	31 August 2024
		\$	\$
CURRENT ASSETS			
Cash and cash equivalents	3	13,556,082	12,215,889
Trade and other receivables		1,337,198	14,094,496
Other financial assets		4,377	4,377
Inventories	8	32,614	93,463
Other assets	8	258,512	179,929
TOTAL CURRENT ASSETS		15,188,783	26,588,154
NON-CURRENT ASSETS			
Trade and other receivables		168,578	168,579
Other financial assets		97,319	97,319
Property, plant and equipment		52,698,249	52,707,213
Infrastructure		212,944,380	213,018,817
Right-of-use assets		32,354	28,099
TOTAL NON-CURRENT ASSETS	-	265,940,880	266,020,027
		,,	,,-
TOTAL ASSETS		281,129,663	292,608,181
CURRENT LIABILITIES			
Trade and other payables	9	1,771,761	1,212,497
Other liabilities	13	2,653,669	3,072,349
Lease liabilities	12	25,605	21,383
Borrowings	11	258,807	227,170
Employee related provisions	13	1,118,913	1,118,913
TOTAL CURRENT LIABILITIES		5,828,755	5,652,312
NON-CURRENT LIABILITIES	10		7 404
Lease liabilities	12	7,481	7,481
Borrowings	11	2,068,040	2,068,040
Employee related provisions		125,827	125,827
Other provisions	-	5,513,899	5,513,899
TOTAL NON-CURRENT LIABILIT	IES	7,715,247	7,715,247
TOTAL LIABILITIES	-	12 544 002	12 267 550
TOTAL LIADILITIES		13,544,002	13,367,559
NET ASSETS	-	267,585,661	279,240,622
		207,303,001	213,240,022
EQUITY			
Retained surplus		44,456,006	56,110,967
Reserve accounts	4	7,405,097	7,405,097
Revaluation surplus		215,724,558	215,724,558
TOTAL EQUITY	-	267,585,661	279,240,622

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

Section 6.4(2) of the Local Government Act 1995 read with the Local Government (Financial Management) Regulations 1996, prescribe that the financial report be prepared in accordance with the Local Government Act 1995 and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The Local Government (Financial Management) Regulations 1996 specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

Local Government (Financial Management) Regulations 1996, regulation 34 prescribes contents of the financial report. Supporting information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

THE LOCAL GOVERNMENT REPORTING ENTITY

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

Judgements and estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The balances, transactions and disclosures impacted by accounting estimates are as follows:

- estimated fair value of certain financial assets
- impairment of financial assets
- estimation of fair values of land and buildings, infrastructure and investment property
- estimation uncertainties made in relation to lease accounting
 estimated useful life of intangible assets

SIGNIFICANT ACCOUNTING POLICES

Significant acccounting policies utilised in the preparation of these statements are as described within the 2023-24 Annual Budget. Please refer to the adopted budget document for details of these policies.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 31 July 2024

SHIRE OF GINGIN

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 31 AUGUST 2024

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

2 STATEMENT OF THRANCIAE ACTIVITY INFORMATION				
		Amended	Last	Year
		Budget	Year	to
(a) Net current assets used in the Statement of Financial Activity	Supplementary	Opening	Closing	Date
	Information	30 June 2024	30 June 2024	31 August 2024
Current assets		\$	\$	\$
Cash and cash equivalents	3	8,580,267	13,556,082	12,215,889
Trade and other receivables		1,940,054	1,337,198	14,094,496
Other financial assets		0	4,377	4,377
Inventories	8	389,877	32,614	93,463
Other assets	8	19,325	258,512	179,929
		10,929,523	15,188,783	26,588,154
Less: current liabilities				
Trade and other payables	9	(3,392,338)	(1,771,761)	(1,212,497)
Other liabilities	13	Ó	(2,653,669)	(3,072,349)
Lease liabilities	12	0	(25,605)	(21,383)
Borrowings	11	(550,001)	(258,807)	(227,170)
Employee related provisions	13	(1,004,339)	(1,118,913)	(1,118,913)
		(4,946,678)	(5,828,755)	(5,652,312)
Net current assets		5,982,845	9,360,028	20,935,842
Less: Total adjustments to net current assets	Note 2(c)	(5,982,845)	(7,125,062)	(7,160,921)
Closing funding surplus / (deficit)		Ó	2,234,966	13,774,921

(b) Non-cash amounts excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation* 32.

Non-cash amounts excluded from operating activities		Amended Budget	YTD Budget (a)	YTD Actual (b)
Non-cash amounts excluded from operating activities		\$	(a) \$	\$
Adjustments to operating activities				
Less: Profit on asset disposals	6	(723,816)	0	0
Add: Loss on asset disposals	6	79,641	0	0
Add: Depreciation		10,655,716	0	4,255
Total non-cash amounts excluded from operating activities		10,011,541	0	4,255

(c) Current assets and liabilities excluded from budgeted deficiency

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with <i>Financial Management Regulation</i> 32 to agree to the surplus/(deficit) after imposition of general rates.		Amended Budget Opening 30 June 2024	Last Year Closing 30 June 2024	Year to Date 31 August 2024
		\$	\$	\$
Adjustments to net current assets				
Less: Reserve accounts	4	(6,532,846)	(7,405,097)	(7,405,097)
Less: Financial assets at amortised cost - self supporting loans	8	0	(4,377)	(4,377)
Add: Current liabilities not expected to be cleared at the end of the year	:		,	
- Current portion of borrowings	11	550,001	258,807	227,170
- Current portion of lease liabilities	12	0	25,605	21,383
Total adjustments to net current assets	Note 2(a)	(5,982,845)	(7,125,062)	(7,160,921)

CURRENT AND NON-CURRENT CLASSIFICATION

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

SUBLE OF GRADE TOTATE TO THE TATEMENT OF FRANCIAL ACTIVITY FOR THE PERIDO ENDED 31 AUGUST 2024 3 EXPLANATION OF MATERIAL VARIANCES The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially. The material variance adopted by Council for the 2024-25 year is \$20,000 or 10.00% whichever is the greater.

Description	Timing and Permanent	Var. \$	Var. %	
		\$	%	
Revenue from operating activities Fees and charges		1,648,076	229.89%	•
Sanitary and Waste Management Charges raised as part of rates billing	Timing			
Other revenue Building department commission and commercial lease income	Timina	(18,950)	(30.60%)	•
Building department commission and commercial rease moome	rinning			
Employee costs Budget adoption in August 2024 and staff vacancies		167,525	13.22%	•
Materials and contracts		565,809	37.51%	•
Timing on maintenance works	Timing			
Utility charges		12,192	13.54%	
Timing on utility costs	Timing			
Finance costs		(36,194)	(282.72%)	
Timing on loan interest repayments	Timing			
Other expenditure		38,716	39.16%	
Timing of other expenditure	Timing			
Payments for property, plant and equipment		79.212	89.83%	
Delays in capital projects due to budget adoption	Timing			
Payments for construction of infrastructure		543.444	87.95%	
Delays in capital projects due to budget adoption	Timing	0.0,444	00070	
Received and the first state of the Received states		(05 404)	(4.440())	
Surplus or deficit at the start of the financial year 2023/24 EOFY process still in process however variance is due to higher caravan park deposits at EOFY - held as		(25,131)	(1.11%)	11
liabilities	Permanent			

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION

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SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

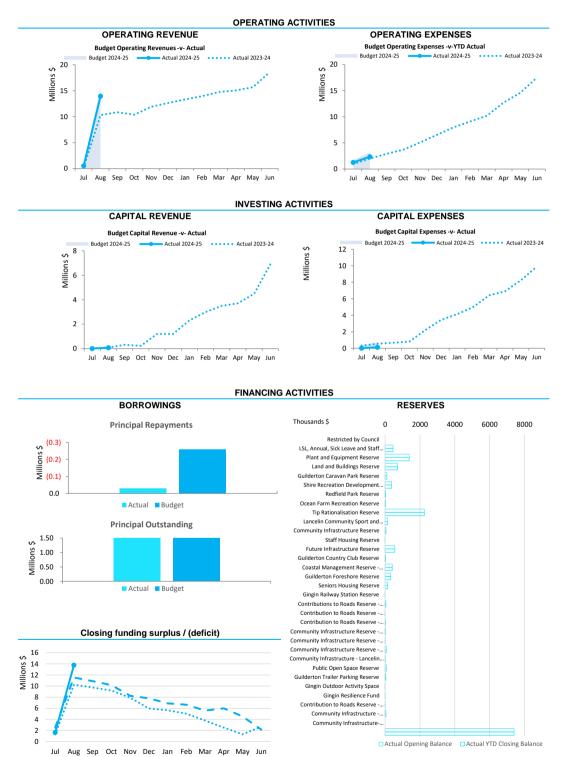
1 KEY INFORMATION

			Funding Su	rplus or Defic	t Components			
	Fu	nding su	rplus / (defici	t)				
		Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)			
Opening Closing		\$2.26 M \$0.00 M	\$2.26 M \$10.71 M	\$2.23 M \$13.77 M	(\$0.03 M) \$3.07 M			
Refer to Statement of Fin	ancial Activity							
Cash and c	ash equiv	alents		Payables		R	eceivable	es
Unrestricted Cash	\$12.22 M \$4.81 M	% of total 39.4%	Trade Payables	\$1.21 M \$0.25 M	% Outstanding	Rates Receivable	\$2.47 M \$11.62 M	% Collected 1.2%
Restricted Cash	\$7.41 M	60.6%	0 to 30 Days		101.2%	Trade Receivable	\$2.47 M	% Outstanding
			Over 30 Days		(1.2%)	Over 30 Days		72.9%
			Over 90 Days		(1.2%)	Over 90 Days		7.4%
Refer to 3 - Cash and Fin	iancial Assets		Refer to 9 - Payables			Refer to 7 - Receivables		
			Key	Operating Act	ivities			
Amount attri			ng activities					
Amended Budget	YTD Budget	YTD Actual	Var. \$ (b)-(a)					
\$0.87 M	(a) \$9.19 M	(b) \$11.58 M	\$2.40 M					
Refer to Statement of Fin		••••••	v = v					
Ra	tes Revei	nue	Grants	and Contr	ibutions	Fees	and Cha	arges
YTD Actual	\$7.70 M	% Variance	YTD Actual	\$0.60 M	% Variance	YTD Actual	\$2.36 M	% Variance
YTD Budget	\$7.70 M	(0.0%)	YTD Budget	\$0.59 M	1.6%	YTD Budget	\$0.72 M	229.9%
Refer to 10 - Rate Reven	ue		Refer to 14 - Grants ar	d Contributions		Refer to Statement of Finar	ncial Activity	
			Koy	Investing Act	ivition			
Amount ottri	butchlo t	o invoctir	-	investing Act	IVILIES			
Amount attri		YTD	-					
Amended Budget	Budget	Actual	Var. \$ (b)-(a)					
(\$3.70 M) Refer to Statement of Fin	(a) (\$0.71 M) ancial Activity	(\$0.01 M)	\$0.70 M					
	ceeds on	sale	Ass	et Acquisi	tion	Ca	pital Gra	nts
YTD Actual	\$0.00 M	%	YTD Actual	\$0.08 M	% Spent	YTD Actual	\$0.07 M	% Received
Amended Budget	\$0.89 M	(100.0%)	Amended Budget	\$12.55 M	(99.3%)	Amended Budget	\$7.96 M	(99.1%)
Refer to 6 - Disposal of A	ssets		Refer to 5 - Capital Acc	quisitions		Refer to 5 - Capital Acquisi	tions	
			Kev	Financing Act	ivities			
A	hutable t	- financi						
Amount attri	VTD	D TINANCII YTD	-					
Amended Budget	Budget (a)	Actual (b)	Var. \$ (b)-(a)					
\$0.57 M Refer to Statement of Fina	(\$0.04 M)	(\$0.04 M)	\$0.00 M					
E	Borrowing	IS		Reserves		Le	ase Liabi	lity
Principal	(\$0.03 M)	-	Reserves balance	\$7.41 M		Principal repayments	(\$0.00 M)	
repayments Interest expense	(\$0.01 M)		Interest earned	\$0.00 M		Interest expense	(\$0.00 M)	
Principal due	\$2.30 M					Principal due	\$0.03 M	
Refer to 11 - Borrowings			Refer to 4 - Cash Rese	rves		Refer to Note 12 - Lease Li	abilites	

This information is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

2 KEY INFORMATION - GRAPHICAL



2024-25 This information is to be read in conjunction with the accompanying Financial Statements and Notes.

2022-23 2023-24

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

3 CASH AND FINANCIAL ASSETS

				Total		Interest	Maturity
Description	Classification	Unrestricted	Restricted	Cash	Institution	Rate	Date
		\$	\$	\$			
Cash Deposits							
Municipal Bank Account	Cash and cash equivalents	4,808,692	0	4,808,692	Bendigo Bank	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	405,097	405,097	Bendigo Bank	0.00%	At Call
Cash on hand	Cash and cash equivalents	2,100	0	2,100	Petty Cash/Till float	N/A	At Call
Reserve Investment 4837072	Cash and cash equivalents	0	6,000,000	6,000,000	Bendigo Bank	5.20%	24/01/2025
Reserve Investment 4837073	Cash and cash equivalents	0	1,000,000	1,000,000	Bendigo Bank	5.20%	24/01/2025
Total		4,810,792	7,405,097	12,215,889			
Comprising							
Cash and cash equivalents		4,810,792	7,405,097	12,215,889			
		4,810,792	7,405,097	12,215,889			

KEY INFORMATION

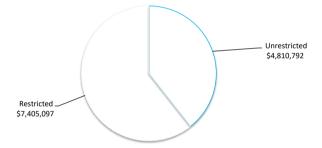
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in valu Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and

- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Ot



SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

4 RESERVE ACCOUNTS

Reserve name	Budget Opening Balance	Budget Interest Earned	Budget Transfers In (+)	Budget Transfers Out (-)	Budget Closing Balance	Actual Opening Balance	Actual Interest Earned	Actual Transfers In (+)	Actual Transfers Out (-)	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council										
LSL, Annual, Sick Leave and Staff Contingency	455,699	14,462	0	0	470,161	455,699	0	0	0	455,699
Plant and Equipment Reserve	1,380,281	43,803	0	(510,226)	913,858	1,380,281	0	0	0	1,380,281
Land and Buildings Reserve	714,103	22,661	500,000	(216,954)	1,019,810	714,103	0	0	0	714,103
Guilderton Caravan Park Reserve	105,014	3,333	100,000	0	208,347	105,014	0	0	0	105,014
Shire Recreation Development Reserve	377,898	11,993	0	(115,860)	274,031	377,898	0	0	0	377,898
Redfield Park Reserve	33,375	1,059	0	0	34,434	33,375	0	0	0	33,375
Ocean Farm Recreation Reserve	33,048	1,049	0	0	34,097	33,048	0	0	0	33,048
Tip Rationalisation Reserve	2,247,610	71,328	346,992	(350,000)	2,315,930	2,247,610	0	0	0	2,247,610
Lancelin Community Sport and Recreation Reserve	135,553	4,302	28,258	0	168,113	135,553	0	0	0	135,553
Community Infrastructure Reserve	50,660	1,608	12,000	0	64,268	50,660	0	0	0	50,660
Staff Housing Reserve	6,090	193	0	0	6,283	6,090	0	0	0	6,090
Future Infrastructure Reserve	561,370	17,815	0	0	579,185	561,370	0	0	0	561,370
Guilderton Country Club Reserve	30,544	969	8,829	(10,000)	30,342	30,544	0	0	0	30,544
Coastal Management Reserve - Coastal Inundation	411,494	13,059	100,000	(45,000)	479,553	411,494	0	0	0	411,494
Guilderton Foreshore Reserve	326,964	10,376	104,077	(50,000)	391,417	326,964	0	0	0	326,964
Seniors Housing Reserve	151,327	4,802	25,000	(152,622)	28,507	151,327	0	0	0	151,327
Gingin Railway Station Reserve	6,095	193	0	0	6,288	6,095	0	0	0	6,095
Contributions to Roads Reserve - Cullalla Road Intersection	47,862	1,519	0	0	49,381	47,862	0	0	0	47,862
Contribution to Roads Reserve - Chitna Road	3,191	101	0	0	3,292	3,191	0	0	0	3,191
Contribution to Roads Reserve - Balance of Muni Funds	21,496	682	0	0	22,178	21,496	0	0	0	21,496
Community Infrastructure Reserve - Lower Coastal Fire Control	26,804	851	0	0	27,655	26,804	0	0	0	26,804
Community Infrastructure Reserve - Gingin Logo Plates	9,473	301	300	0	10,074	9,473	0	0	0	9,473
Community Infrastructure Reserve - Gingin Ambulance	63,248	2,007	6,000	0	71,255	63,248	0	0	0	63,248
Community Infrastructure - Lancelin Ambulance	19,637	623	18,000	0	38,260	19,637	0	0	0	19,637
Public Open Space Reserve	69,174	2,195	0	0	71,369	69,174	0	0	0	69,174
Guilderton Trailer Parking Reserve	39,609	1,257	5,976	0	46,842	39,609	0	0	0	39,609
Gingin Outdoor Activity Space	5,628	179	0	0	5,807	5,628	0	0	0	5,628
Gingin Resilience Fund	13,750	436	10,250	0	24,436	13,750	0	0	0	13,750
Contribution to Roads Reserve - Aurisch Road Maintenance	12,500	397	12,500	(12,500)	12,897	12,500	0	0	0	12,500
Community Infrastructure - Development Reserve Fund Lot 601 Brockman										
Street (Brookview Estate)	45,600	1,447	48,000	0	95,047	45,600	0	0	0	45,600
Community Infrastructure- Development Reserve Lancelin South	0	0	52,000	0	52,000	0	0	0	0	0
	7,405,097	235,000	1,378,182	(1,463,162)	7,555,117	7,405,097	0	0	0	7,405,097

INVESTING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

5 CAPITAL ACQUISITIONS

CAFITAL ACQUISITIONS				
	Amer	ded		
	Budget	YTD Budget	YTD Actual	YTD Actual
Capital acquisitions				Variance
	\$	\$	\$	\$
Land	90,000	0	0	0
Buildings - specialised	535,308	88,177	8,965	(79,212)
Plant and equipment	2,025,235	0	0	0
Vehicles	355,200	0	0	0
Acquisition of property, plant and equipment	3,005,743	88,177	8,965	(79,212)
Infrastructure - roads	4,390,146	11,790	0	(11,790)
Infrastructure - footpaths	205,063	0	0	0
Infrastructure - parks & ovals	228,250	32,248	0	(32,248)
Infrastructure - other	1,025,776	25,168	74,438	49,270
Infrastructure - bridges	3,292,066	548,676	0	(548,676)
Infrastructure - Landfills	350,000	0	0	0
Work in progress - Infrastructure	57,515	0	0	0
Acquisition of infrastructure	9,548,816	617,882	74,438	(701,868)
Total capital acquisitions	12,554,559	706,059	83,403	(781,080)
Capital Acquisitions Funded By:				
Capital grants and contributions	7,960,605	0	74,438	74,438
Borrowings	1,000,000	0	0	0
Other (disposals & C/Fwd)	890,909	0	0	0
Reserve accounts				
Plant and Equipment Reserve	510,226	0	0	0
Land and Buildings Reserve	216,954	0	0	0
Guilderton Country Club Reserve	10,000	0	0	0
Seniors Housing Reserve	152,622	0	0	0
Contribution - operations	1,813,243	706,059	8,965	(697,094)
Capital funding total	12,554,559	706,059	83,403	(622,656)

SIGNIFICANT ACCOUNTING POLICIES

Each class of fixed assets within either plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Financial Management Regulation 17A (5)*. These assets are expensed immediately.

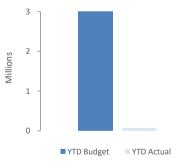
Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Initial recognition and measurement for assets held at cost Plant and equipment including furniture and equipment is recognised at cost on acquisition in accordance with *Financial Management Regulation 17A*. Where acquired at no cost the asset is initially recognise at fair value. Assets held at cost are depreciated and assessed for impairment annually.

Initial recognition and measurement between

mandatory revaluation dates for assets held at fair value In relation to this initial measurement, cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Payments for Capital Acquisitions



SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

5 CAPITAL ACQUISITIONS - DETAILED

Capital expenditure total

Level of completion indicators

đ	0%	
đ	20%	
đ.	40%	
đ	60%	
đ	80%	
al i	100%	

Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

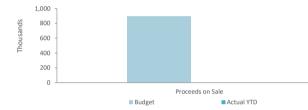
Level of completion indicator, please see table at the end of this note for further detail.		Amer	nded		
	Account Description	Budget	YTD Budget	YTD Actual	Variance (Under)/Over
		\$	\$	\$	\$
BC11100-141101120	Granville Civic Centre - Building (Capital) Kitche	60,000	0	0	C
BC11170-141101120	Seabird Hall - Building (Capital)	7,200	7,200	0	(7,200)
BC11361-141103120	Guilderton Country Club - Building (Capital)	10,000	0	0	Ċ
BC1190-141103120	Ablution Block - Lancelin Pioneer Park - Building	8,300	0	0	(
BC1192A-141103120	Lancelin Harold Park Gazebo - Building (Capital)	30,000	0	0	(
BC13260-141302120	Guilderton Caravan Park - Building (Capital)	120,000	20,000	0	(20,000)
BC13261-141302120	Guilderton Caravan Park Office/Residence - Buildin	24,999	4,166	0	(4,166
BC14200-141402120	Gingin Administration Office - Building (Capital)	82,000	0	0	()
BC5100-140501120	Gingin Colocation Fire Facility - Building (Capita	40,187	0	0	(
BC9490-140904120	Seniors Units - Lancelin - Building (Capital)	152,622	56,811	8,965	(47,846
LC13200-141302080	Guilderton Foreshore Road Reserve Land (Capital)	90,000	0	0	(,e
LF10100-141001140	Construct Transfer Station at Gingin Landfill	350,000	0	0	(
P0-141402330	Purchase of CEO Vehicle 0GG - (Capital)	100,000	0	0	(
P002-141203300	Replacement of Prime Mover GG002	378,550	Ő	0	, (
P045-141203300	Volvo FM13 Prime Mover	378,550	0	0	(
P056-141203300	Flatbed Crew Cab Truck GG056 - Plant Capital	350,000	0	0	(
P066-141203300	Replacement of Water Truck GG066	359,035	Ő	0	(
P076-140501310	Beermullah Light Tanker GG076 - (Capital)	255,200	0	0	(
P077-140501300	Guilderton Fire Tanker GG077 - Plant Capital	549,100	0	0	(
141102300	SWIM AREAS - Plant & Equipment (Capital) MUN	10,000	0	0	(
BR661-141201670	Weld St Bridge - Bridge (Capital)	3,292,066	548,676	0	(548,676
BSR0001-141007900		16,557	0,070	0	(0+0,070
DC000-141201650	Drainage Construction	30,750	5.124	0	(5,124
DC097-141201660	Brockman Street - Gingin - Drainage Capital	40,000	6,666	0	(6,666
FC000-141201700	Footpath Construction	205,063	0,000	0	(0,000
OC1119-141103900	Jim Gordon V.C. Trail	10,000	0	0	
OC11302-141103900		253,219	0	74,438	74,438
OC12290-141201900	•	11.000	11.000	74,438	(11,000
OC13261-141302900	5 1	85,000	14,168	0	(11,000
PC1100-141103700	Gingin Granville Park Benches, Seating and Turf	34,750	14,108	0	(14,100
PC11390-141103700	Lancelin Recreation Grounds Power Upgade	- ,		0	(10,582
	Ledge Point Off-Road Vehicle Area - Capital works	63,500	10,582 0	0	(10,562
PC1189-141103271 PC13260-141302700	Guilderton Caravan Park Infrastructure	57,515		0	
R2R006-141201450		120,000	20,000	0	(20,000
	Orange Springs Road (R2R)	1,124,118	0	-	(
R2R010-141201440	Ledge Point Road (R2R)	168,669	0	0	
R2R012-141201460	Wannamal Road West (R2R)	611,736	0	0	(
R2R059-141201450	Seabird Road (R2R)	162,030	0	0	(
R2R278-141201450	Sadler Road (R2R)	364,656	0	0	(
RC039-141201420	Cullalla Road (Capital)	428,852	0	0	(
RRG001-141201490	Mooliabeenee Road (RRG)	1,459,335	0	0	(
SC10300-141003900	Guilderton Caravan Park - Replace Waste Water - de	650,000	0	0	(
TD0001-141103700	Gingin Heritage Trail Realign and Upgrade	10,000	1,666	0	(1,666
	Total	12,554,559	706,059	83,403	(622,656)

OPERATING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

6 DISPOSAL OF ASSETS	5
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				Budget			Y	TD Actual	
Asset		Net Book				Net Book			
Ref.	Asset description	Value	Proceeds	Profit	(Loss)	Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Beermullah BFB Light Tanker	6,700	45,000	38,300	0	0	0	0	0
	Guilderton BFB Fire Tanker	7,299	90,000	82,701	0	0	0	0	0
	GG056 Truck	66,636	15,000	0	(51,636)	0	0	0	0
	GG6015 VMB Trailer	762	5,000	4,238	0	0	0	0	0
	GG12533 Portable Traffic Light Trailer	3,209	5,000	1,791	0	0	0	0	0
	GG12534 Portable Trafflic Light Trailer	2,573	5,000	2,427	0	0	0	0	0
	GG045 Primer Mover	69,853	104,546	34,693	0	0	0	0	0
	GG066 Prime Mover	60,000	36,363	0	(23,637)	0	0	0	0
	GG002 Prime Mover	25,334	85,000	59,666	0	0	0	0	0
	Infrastructure - Parks and ovals								
	Granville Park Benches and seatin replacement	4,368	0	0	(4,368)	0	0	0	0
	Land								
	Lancelin Plaza	0	500,000	500,000	0	0	0	0	0
		246,734	890,909	723,816	(79,641)	0	0	0	0



OPERATING ACTIVITIES

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

7 RECEIVABLES

			A Rates Receivable
Rates receivable	30 Jun 2024	31 Aug 2024	
	\$	\$	
Opening arrears previous years	399,663	757,894	
Levied this year	9,437,442	11,005,798	
Less - collections to date	(9,079,211)	(141,139)	
Gross rates collectable	757,894	11,622,553	
Net rates collectable	757,894	11,622,553	5 <u>5</u> 28 -
% Collected	92.3%	1.2%	
			2:58

Jul Aug Sep Oct Nov Dec Jan Feb Mar Apr May Jun

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(794)	91,048	115,468	102,953	24,715	333,390
Percentage	(0.2%)	27.3%	34.6%	30.9%	7.4%	
Balance per trial balance						
Trade receivables						333,390
GST receivable						67,260
Allowance for credit losses of trade receivables						(23,497)
Legal costs - recovery of rates						63,154
Rubbish fees						2,031,636
Total receivables general outstanding						2,471,943
Amounts shown above include GST (where application	able)					

KEY INFORMATION

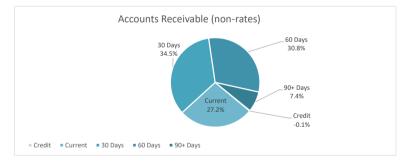
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



OPERATING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

8 OTHER CURRENT ASSETS

Other current assets	Opening Balance 1 July 2024	Asset Increase	Asset Reduction	Closing Balance 31 August 2024
	\$	\$	\$	\$
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	2,378	0	(2,378
Financial assets at amotised cost - advances	1,999	0	0	1,999
Inventory				
Fuel	18,527	27,803	33,046	5 79,376
History Books	14,087	0	(14,087
Other assets				
Prepayments	26,861	0	(26,861)) 0
Contract assets				
Contract assets	231,651	0	(51,722)	179,929
Total other current assets	295,503	27,803	(45,537	277,768
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

The Shire classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and

- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Contract assets

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

OPERATING ACTIVITIES

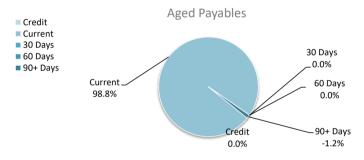
SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	250,102	0	0	(3,011)	247,091
Percentage	0.0%	101.2%	0.0%	0.0%	-1.2%	
Balance per trial balance						
Sundry creditors						247,091
ATO liabilities						12,609
Prepaid rates						18,324
Bonds & deposits						878,986
Accrued interest on long term borrowings						55,487
Total payables general outstanding						1,212,497
Amounts shown above include GST (w	here applicable	2)				

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



10 RATE REVENUE

General rate revenue					Budget			YTD Actual	
	Rate in	Number of	Rateable	Rate	Interim	Total	Rate	Interim	Total
	\$ (cents)	Properties	Value	Revenue	Rate Revenue	Revenue	Revenue	Rate Revenue	Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$
Gross rental value									
GRV Townsites	0.098154	1,605	30,810,226	3,024,147	0	3,024,147	3,024,143	0	3,024,143
GRV Other	0.098154	1,006	18,708,225	1,836,287	0	1,836,287	1,836,284	0	1,836,284
Unimproved value									
UV Rural	0.004742	448	436,333,000	2,069,091	0	2,069,091	2,069,091	(47)	2,069,044
UV Other	0.004742	3	2,955,000	14,013	0	14,013	14,013	0	14,013
UV Intensive/Mining	0.006999	122	107,808,000	754,548	0	754,548	754,548	0	754,548
UV Exploraton Mining	0.004742	0	0	0	0	0	0	(2,030)	(2,030)
Sub-Total		3,184	596,614,451	7,698,086	0	7,698,086	7,698,079	(2,077)	7,696,002
Minimum payment	Minimum Payme	ent \$							
Gross rental value									
GRV Townsites	1,323	1,029	9,693,909	1,361,367	0	1,361,367	1,361,367	0	1,361,367
GRV Other	1,323	718	4,097,180	949,914	0	949,914	949,914	0	949,914
Unimproved value									
UV Rural	1,531	374	88,854,600	572,594	0	572,594	572,594	0	572,594
UV Other	1,531	36	6,771,000	55,116	0	55,116	55,116	0	55,116
UV Intensive/Mining	2,609	121	28,331,426	315,689	0	315,689	315,689	0	315,689
UV Exploraton Mining	1,531	36	135,529	55,116	0	55,116	55,116	0	55,116
Sub-total		2,314	137,883,644	3,309,796	0	3,309,796	3,309,796	0	3,309,796
Amount from general rates						11,007,882			11,005,798
Ex-gratia rates						6,850			0
Total general rates						11,014,732			11,005,798

FINANCING ACTIVITIES

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

11 BORROWINGS

Repayments - borrowings

Repayments - borrowings										
					Princ	•	Princ	•	Interest	
Information on borrowings			New Lo	ans	Repayr	nents	Outsta	nding	Repaym	ents
Particulars	Loan No.	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Tip Rationalisation Site	111	352,042	0	0	(11,956)	(24,301)	340,086	327,741	(11,424)	(22,460)
Seabird Sea Wall	127	58,575	0	0	(11,425)	(22,993)	47,150	35,582	(735)	(1,327)
Guilderton Country Club Hall Extension	114	210,889	0	0	0	(47,310)	210,889	163,579	0	(14,228)
Regional Hardcourt Facility	120	165,802	0	0	0	(28,952)	165,802	136,850	0	(10,600)
Regional Hardcourt Facility	124A	164,953	0	0	0	(24,761)	164,953	140,192	0	(6,559)
Gingin Swimming Pool Tiling	126	33,800	0	0	(8,256)	(16,640)	25,544	17,160	(524)	(920)
Gingin Outdoor Activity Space	132	126,526	0	0	0	(17,310)	126,526	109,216	0	(1,750)
Lancelin Cunliffe Street Carpark	133	229,758	0	0	0	(21,175)	229,758	208,583	0	(10,232)
Altus Financials Suite	131	129,737	0	0	0	(9,702)	129,737	120,035	0	(2,468)
Lot 44 Weld Street, Gingin	123	96,348	0	0	0	(21,674)	96,348	74,674	0	(6,335)
Land for Future Gingin Sporting Precinct	134	746,000	0	0	0	(21,612)	746,000	724,388	0	(39,508)
Guilderton Caravan Park Stage 1 Upgrade	New	0	0	1,000,000	0	0	0	1,000,000	0	0
		2,314,430	0	1,000,000	(31,637)	(256,430)	2,282,793	3,058,000	(12,683)	(116,387)
Self supporting loans										
Ledge Point Country Club Cool Room		12,417	0	0	0	(2,377)	12,417	10,040	0	0
		12,417	0	0	0	(2,377)	12,417	10,040	0	0
Total		2,326,847	0	1,000,000	(31,637)	(258,807)	2,295,210	3,068,040	(12,683)	(116,387)
Current borrowings		258.807					227,170			
Non-current borrowings		2.068.040					2.068.040			
		2,326,847					2,295,210			
All deheature reportents were financed by	nonorol nurne									

All debenture repayments were financed by general purpose revenue. Self supporting loans are financed by repayments from third parties.

New borrowings 2024-25

	Amount	Amount				Total				
	Borrowed	Borrowed				Interest	Interest	Amount	t (Used)	Balance
Particulars	Actual	Budget	Institution	Loan Type	Term Years	& Charges	Rate	Actual	Budget	Unspent
	\$	\$				\$	%	\$	\$	\$
Guilderton Caravan Park Stage 1 Upgrade	0	1,000,000		Council	10	0	4.93	0	(1,000,000)	0
	0	1,000,000				0		0	(1,000,000)	0

KEY INFORMATION

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset until such time as the asset is substantially ready for its intended use or sale.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature. Non-current borrowings fair values are based on discounted cash flows using a current borrowing rate.

FINANCING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

12 LEASE LIABILITIES

Movement in carrying amounts

					Prin	cipal	Prine	cipal	Inte	rest
Information on leases			New L	eases	Repay	ments	Outsta	anding	Repay	ments
Particulars	Lease No.	1 July 2024	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Lancelin administration office	1A	7,813	0	0	(1,273)	(7,812)	6,540	1	(34)	(221)
IT Server	4	25,273	0	0	(2,948)	(17,792)	22,325	7,481	0	(222)
Total		33,086	0	0	(4,222)	(25,604)	28,864	7,482	(34)	(443)
Current lease liabilities		25,605					21,383			
Non-current lease liabilities		7,481					7,481			
		33,086					28,864			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is or contains a lease, if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

OPERATING ACTIVITIES

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

13 OTHER CURRENT LIABILITIES

Other current liabilities Other liabilities	Note	Opening Balance 1 July 2024 \$	Liability transferred from/(to) non current \$	Liability Increase \$	Liability Reduction \$	Closing Balance 31 August 2024 \$
		046 000	0	0	(04.640)	700 400
Contract liabilities		816,808		0	(94,612)	722,196
Capital grant/contributions liabilities		1,836,861		513,292	0	2,350,153
Total other liabilities		2,653,669	0	513,292	(94,612)	3,072,349
Employee Related Provisions						
Provision for annual leave		625,961	0	0	0	625,961
Provision for long service leave		492,952	0	0	0	492,952
Total Provisions		1,118,913	0	0	0	1,118,913
Total other current liabilities		3,772,582	0	513,292	(94,612)	4,191,262
Amounts shown above include GST (where app	licable)					

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 14 and 15

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee Related Provisions

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as employee related provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer.

Capital grant/contribution liabilities

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

OPERATING ACTIVITIES

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

14 GRANTS, SUBSIDIES AND CONTRIBUTIONS

			Ibsidies and co	ontributions li		contril	s, subsidies butions reve	nue
Provider	Liability 1 July 2024	Increase in Liability	Decrease in Liability (As revenue)	Liability	Current Liability	Amended Budget Revenue	YTD Budget	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$
ants and subsidies	÷	•	÷	•	•	Ŧ	÷	÷
General purpose funding								
Financial Assistance Grant - General Purpose	0	0	0	0	0	142,640	35,660	54,53
Financial Assistance Grant - Roads	0	0	0	0	0	239,583	59,895	25,63
Financial Assistance Grant - Bridges	0	0	0	0	0	0	0	
Law, order, public safety								
DFES Operating Grant	0	0	0	0	0	264,970	66,242	52,40
Community amenities	-	-	-	-	-	,		,
Coastal Hazard Risk Management Plan Grant	0	0	0	0	0	10,580	1,764	
CAP Grant Funding	0	0	0	-	0	45,000	.,	
CMPAP Coastal Inundation Integration	0	0	0		0	20,000	3,334	
Recreation and culture	0	0	0	0	Ŭ	20,000	0,004	
State Library Travel Claim Lancelin Library	0	0	0	0	0	12,383	2,383	
, , , , , , , , , , , , , , , , , , , ,	-	-	-	-	-	,	_,	
CSRFF Grant - Lancelin Bowling Club Synthetic								
Green- 2023-24 CSRFF July Small Grants	0	0	0	0	0	0	0	
Transport								
Direct Road Grant MRWA	0	0	0	0	0	273,633	273,633	323,86
Economic Services								
	0	0	0	0	0	1,008,789	442,911	456,43
ntributions								
General purpose funding								
Rates incentive Prize Night	0	0	0	0	0	12,000	4,800	10,72
Law, order, public safety								
CESM Grant - DFES	0	0	0	0	0	96,143	20,400	
BRMO Grant - DFES	108,981	0	(12,572)	96,409	96,409	111,618	0	12,57
MAF Mitigation - DFES	108,606	0	(76,640)	31,966	31,966	500,000	0	76,64
Gingin Resilience Project - Mindaroo Foundation	155,290	0	(5,400)	149,890	149,890	140,000	100,000	5,40
Community amenities								
Claymont Estate - Planning contributions	0	0	0	0	0	88,000	14,666	33,52
Recreation and culture								
Naming Sponsorship - Gingin Aquatic Centre -								
Image Resources	0	0	0	0	0	10,000	0	
Contribution income for suite of events	0	0	0	0	0	18,401	3,068	
Transport								
Contribution income for Aurisch Road Maintenance	0	0	0	0	0	12,500	0	
Economic Services								
Guilderton Caravan Park Deposit Liability	443,931	0	0	- ,	443,931	0	0	
Market PLI contributions	0	0	0	0	0	2,000	334	
	816,808	0	(94,612)	722,196	722,196	990,662	143,268	138,86
TALS	816,808	0	(94,612)	722.196	722.196	1,999,451	586,179	595,29

INVESTING ACTIVITIES

SHIRE OF GINGIN

SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024

15 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

						Capital g	rants, subsi	dies and
			rant/contributio	n liabilities			ibutions rev	
		Increase in	Decrease in		Current	Amended		YTD
	Liability	Liability	Liability	Liability	Liability	Budget	YTD	Revenue
Provider	1 July 2024		(As revenue)	31 Aug 2024	31 Aug 2024	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Capital grants and subsidies								
Law, order, public safety								
DFES - Capital Grant - Buildings	40,187	0	0	40,187	40,187	40,187	0	0
DFES - Capital Grant - Vehicles	0	0	0	0	0	804,300	0	0
Law, order, public safety								
Ledge Point Off-road Vehicle Area	0	0	0	0	0	53,015	0	0
Recreation and culture								
Lancelin Bowling Club - DLGSC Grant and Bendigo Bank								
Grant	0	22,958	0	22,958	22,958	138,541	0	74,438
Transport								
LRCI - Unspent Funds Roads	67,513	0	0	67,513	67,513	0	0	0
Roads to Recovery	6,504	0	0	6,504	6,504	2,298,205	0	0
Roads to Recovery Special Funding	0	0	0	0	0	0	0	0
Regional Road Group (Mooliabeenee Rd)	0	0	0	0	0	766,898	0	0
Financial Assistance Grants - Special Projects	350,061	490,334	0	840,395	840,395	350,061	0	0
LRCI - Cullulla Road	0	0	0	0	0	428,851	0	0
Footpaths Funding	0	0	0	0	0	100,000	0	0
Main Roads WA - Weld Street Bridge Funding	1,372,596	0	0	1,372,596	0	2,942,005	0	0
	1,836,861	513,292	0		977,557	7,922,063	0	74,438
Capital contributions								
Recreation and culture								
Lancelin Bowling Club Contribution for Lancelin Bowling								
Greens	0	0	0	0	0	38.542	0	0
	0	0	0		0	38,542	0	0
TOTALS	1,836,861	513,292	0		977,557	7,960,605	0	74,438
	,	, .=		,,		,		,

SHRE OF GROEN SUPPLIMENTARY INFORMATION FOR THE PERIOD ENDED 31 AUGUST 2024 14 BUDGET AMENDMENTS

	al budget since budget adoption. escription	Surplus/(Deficit) GL/Project Code	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Budget Running
					\$	\$	\$	\$
Budget adoption								0
						C	0	0
							Ū	U



13.5 LIST OF PAID ACCOUNTS AUGUST 2024

File	FIN/25
Author	Emma Edwards- Accounts Payable Officer
Reporting Officer	Les Crichton- Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Voucher List August 2024 [13.5.1 - 8 pages]

DISCLOSURES OF INTEREST

PURPOSE

For Council to note the payments made in August 2024.

BACKGROUND

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

COMMENT

Accounts totalling \$1,583,897.27 were paid during the month of August 2024.

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

The schedule details:

Municipal Fund electronic funds transfers (EFT)	\$1,325,867.39
Municipal Fund cheques	\$ 0
Municipal Fund direct debits	\$258,029.88
 Municipal Fund - Transfer to Term Deposit Investments 	
	\$0
TOTAL MUNICIPAL EXPENDITURE	\$1,583,897.27
TOTAL EXPENDITURE	\$1,583,897.27

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

In accordance with Regulation 13A of the *Local Government (Financial Management) Regulations 1996* requiring details of purchasing card expenditure, the list of payments



includes details of fuel card purchases in addition to previously supplied credit card purchases.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995 s.6.4 – Financial Report

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

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS - SIMPLE MAJORITY



OFFICER RECOMMENDATION

That Council note all payments made by the Chief Executive Officer under Delegation 1.1.13 for August 2024 totaling \$1,583,897.27 as detailed in the appendices to this report, comprising:

•	Municipal Fund electronic funds transfers (EFT)	\$1,325,867.39
•	Municipal Fund cheques	\$0
•	Municipal Fund direct debits	\$258,029.88
•	Municipal Fund term deposit investment	\$0
•	Reserve Fund term deposit investment	\$0

		ed Authority 2 <i>.1 Payment of</i> 2024 - 31/08/2024	Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff,	PF - Partially
TYPE	DATE PAID	NAME	DETAILS	AMOUNT
PAY-122	1/08/2024	Shire of Gingin	Net Pays for PE 01/08/2024	148,689.97
EFT-42284	2/08/2024	BOC Pty Ltd	Gas and Oxygen Supplies for workshop and Gingin Medical Centre	107.40
EFT-42285	2/08/2024	Complete Office Supplies Pty Ltd	Brother Label Machine Labels	196.50
EFT-42286	2/08/2024	CSStech	Monthly Management of Phones and RingCentral	165.00
EFT-42287	2/08/2024	Durty Filthy Garden Supplies	Storm damage repairs Aged Units Lancelin. Supply and fit flashing to Ledge Point Community Shed	3,944.90 L
EFT-42288	2/08/2024	Eco Exchange Pty Ltd	Eco Exchange to be refunded for the portion of rent already paid	143.00
EFT-42289	2/08/2024	Gingin District Community Resource Centre Inc	Gifts for Citizenship Ceremony and Gingin CRC Synergy	757.08 L
EFT-42290	2/08/2024	Gingin Fuel and Tyres Pty Ltd	GG019 - Transmission oil, GG063 - Nuts and Bolts, GG063 - Hydraulic oil	424.00 L
EFT-42291	2/08/2024	Gingin IGA Express	Supermarket Purchases - Gingin - July 2024	536.12 L
EFT-42292	2/08/2024	Guilderton Country Club Inc.	Electricity supply and usage reimbursement	114.48 R
EFT-42293	2/08/2024	Justin King	Rates Refund - Sale of Property, overpayment at settlement	41.12 R
EFT-42294	2/08/2024	Kleen West Distributors	Supply of toiletries for Lancelin/Ledge Point	1,999.80
EFT-42294 EFT-42295	2/08/2024	Lancelin Plumbing & Gas Pty Ltd	Clear sewer line blockage Wangaree ablution	220.00 L
EFT-42296	2/08/2024	Limestone Park Earthmoving	Mechanical Prep Works MAFGP PB Treatment ID#25302	2,578.40 L
EFT-42297	2/08/2024	NAPA a division of GPC Asia Pacific Pty Ltd	Service Kits GG08 and GG082	650.07
EFT-42298	2/08/2024	Northern Garage Doors (WA)	Service and repair roller door at Guilderton Depot	200.00
EFT-42299	2/08/2024	SD Hydraulic Hose and Fittings Pty Ltd	GG063 - Hydraulic hose, fittings and assembly	280.93
EFT-42300	2/08/2024	Seek Limited	Employment advertisement - Senior Rates Officer and Governance Support Officer	924.00
EFT-42301	2/08/2024	Sonic HealthPlus Pty Ltd	Pre Employment Medicals - Plant Operator General Hand	416.90
EFT-42302	2/08/2024	Team Global Express Pty Ltd	Courier Charges - T-Quip, Belmont to Gingin	35.56
EFT-42302 EFT-42303	2/08/2024	The National Trust of Western Australia	Gingin Railway Station: Rent 27July 2024 - 26 Aug 2024	255.37
EFT-42304	2/08/2024	Tiffany's Catering	Catering for BFB Training	512.00 L
EFT-42305	2/08/2024	Truck Centre WA Pty Ltd	GG002 - Service kit	997.94
EFT-42306	2/08/2024	Avantgarde Technologies	Essential 8 remediation project	12,853.50
EFT-42307	2/08/2024	Erik Sorensen	Members Quarterly Travel and Out of Pocket Expenses April-June 2024	487.25 C
EFT-42308	2/08/2024	Jason Weeks	Members Quarterly Travel and Out of Pocket Expenses April-June 2024	746.03 C
EFT-42309	2/08/2024	Lincoln Stewart	Members Quarterly Travel and Out of Pocket Expenses April-June 2024	1,255.40 C
EFT-42310	7/08/2024	AFGRI Equipment Pty Ltd	Slasher Spares	660.26
EFT-42311	7/08/2024	Allwest Plant Hire	Multi Roller Hire 1 - 31 July Maintenance grading	5,172.75
EFT-42312	7/08/2024	Altus Planning Pty Ltd	Preparation of Local Planning Policy - Road Upgrade & Contribution Policy	1,375.00
EFT-42313	7/08/2024	Australian Taxation Office (PAYG)	Payroll deduction for PE: 01/08/2024	39,124.00
EFT-42314	7/08/2024	Brightmark Group Pty Ltd	Cleaning Tender RFT 01/2024 - July 2024, extra clean at Granville & Lancelin Hall after bookings	28,131.22
EFT-42315	7/08/2024	CFMEU	Payroll deduction for PE: 01/08/2024	60.00 F
EFT-42315 EFT-42316	7/08/2024	Commercial Locksmiths	4x Keys for Gingin Bowling Club	110.00 F
EFT-42317	7/08/2024	Eastern Hills Chainsaws & Mowers Pty Ltd	Stihl cutter repaired and new blower	35.00
EFT-42318	7/08/2024	Genelite	Generator Service Admin and Workshop	1,969.00
EFT-42319	7/08/2024	Gingin Brook Meat Processors	Partial Refund Food Business Classification for 2023-	380.00 L,F
EFT-42320	7/08/2024	Gingin Fuel and Tyres Pty Ltd	2024 Annual Food Registration Fee New Battery and Accessories for GG074, Filters for GG084/GG082, Spill Kit granules	1,317.35 L
EFT-42321	7/08/2024	Gingin Trading	Hardware Purchases - Gingin - July 2024	2,959.60 L
EFT-42322	7/08/2024	Lancelin Trade and Rural Supplies	Hardware Purchases - Lancelin - July 2024	620.45 L
EFT-42323	7/08/2024	LD Total	Mowing - shire facilities - July 2024	20,626.55
EFT-42324	7/08/2024	LGRCEU (WA Division)	Payroll deduction for PE: 01/08/2024	44.00
EFT-42325	7/08/2024	Local Government Professionals WA - LGPWA	2024/25 Affiliate Membership. 2 x Full Memberships	1,310.00
EFT-42326	7/08/2024	Local Health Authorities Analytical Committee (LHAAC)	Analytical Services - Environmental Health Annual Fee 2024/25	1,426.11
EFT-42327	7/08/2024	Moore Septics	Gingin Waste Facility Ablution Unit Pump Out	350.00 L
EFT-42328	7/08/2024	Northern Valley News	Employment Advertisements Senior Rates Officer and Governance Support Officer	190.00 L
EFT-42329	7/08/2024	Marketforce	Careers at Council - 12 month subscription, Advertisement - Special Meeting of Electors	2,747.70
EFT-42330	7/08/2024	Rogers Auto Electrics	GG074 - Battery Fault Investigations	609.80 L
EFT-42331	7/08/2024	Seek Limited	Employment advertisement - Works Manager	484.00
EFT-42332	7/08/2024	Tiffany's Catering	Catering Draft Budget Meeting	114.40 L

		ted Authority 2 <i>.1 Payment of</i> 2024 - 31/08/2024	Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff,	PF - Partially
TYPE	DATE PAID	NAME	DETAILS	AMOUNT
EFT-42333	7/08/2024	Tony Pisconeri	Management/Supervision Services July 2024 - Seabird and Lancelin Waste Facilities	17,374.00 L
EFT-42334	7/08/2024	Waterlogic Australia Pty Ltd	Rental and service of SD5 Cool & Cold Countertop and Clean Stream	167.67
EFT-42335	7/08/2024	WEX Australia Pty Ltd	Caltex Fuel Card Purchases - July 2024	2,070.76
EFT-42336	7/08/2024	Wheatbelt Fabrication	Slasher skid plate repairs	800.00 L
EFT-42337	12/08/2024	Aurora Delta Pty Ltd	Medical Subsidy Payment July 2024	5,435.84
EFT-42338	12/08/2024	Bunnings Buildings Supplies Pty Ltd	Door Mat for Depot Office	20.72
EFT-42339	12/08/2024	Coastal Vegetation Management	MAFGP: RND2 2023/24 (Treatment ID 25289) Mogumber Road West	31,680.00 F,L
EFT-42340	12/08/2024	Element Advisory Pty Ltd	Statutory Planning Commission Deputation - Scheme Amendment 23	1,694.00
EFT-42341	12/08/2024	Frontline Fire and Rescue Equipment	Ledge Point BFB 3.4U Electrical Fault Repair	1,766.20
EFT-42342	12/08/2024	Gingin Fuel and Tyres Pty Ltd	Supply and deliver of 21,000 L of Diesel to depot, Truck wash for vehicles	36,936.00 L
EFT-42343	12/08/2024	Lancelin Beach Breaks	Accommodation and Deep Clean 2x Lancelin Aged Units Works	5,340.00 L
EFT-42344	12/08/2024	Local Government Professionals WA - LGPA	Procurement Fundamentals Workshop	850.00
EFT-42345	12/08/2024	Perth Trade Parts	GG043 - Aerial	204.23
EFT-42346	12/08/2024	Sovereign Hill Community Association Inc. SHCA	Mowing: April, May, June	720.00 R
EFT-42347	14/08/2024	Construction Training Fund	Construction Training Fund (CTF)	786.74 F
EFT-42348	14/08/2024	Department of Mines, Industry Regulation and Safety - Bond Administrator DMIR	Building Services Levy (BSL)	1,587.23 F
EFT-42349	14/08/2024	Shire of Gingin	Construction Training Fund (CTF) and Building Services Levy (BSL)	88.00 F
EFT-42350	14/08/2024	Australia Post	Reply Paid Envelope Charges up to 31/07/2024	4.00
EFT-42351	14/08/2024	Cemeteries and Crematoria Association of WA (CCAWA)	Ordinary Membership 2024/25	130.00
EFT-42352	14/08/2024	Cooee Couriers & Transport	Courier Charges - July 2024	600.60 L
EFT-42353	14/08/2024	David Wilson	Community Resilience Coordinator - Casual Contract (Minderoo)	2,400.00 F,L
EFT-42354	14/08/2024	Dieseltek	GG045 - Hydraulic check over	693.00
EFT-42355	14/08/2024	Evergreen Synthetic Grass	Supply and installation of Gold 10 rink synthetic surface - Deposit	81,881.30 PF
EFT-42356	14/08/2024	Gingin Fuel and Tyres Pty Ltd	Valve Tool Standard Handle, GG058 New Tyre	404.95 L
EFT-42357	14/08/2024	Gull Gingin Pty Ltd	Gingin Gull Fuel Purchases July 2024	217.51 L
EFT-42358	14/08/2024	Iron Mountain Australia Group Services Pty Ltd	Storage Business Cartons 2024 / 2025 - August	363.32
EFT-42359	14/08/2024	JCB Construction Equipment Australia (WA)	GG011 - Wing mirrors	218.00
EFT-42360	14/08/2024	Jeff's Mechanical Service	Routine and Pre-season service with Front Differential repair GG082 and GG West 4.4	1,976.60 L
EFT-42361	14/08/2024	Joyce McKinlay	Overpayments of Fortnightly rent paid in error	630.00 R
EFT-42362	14/08/2024	Lancelin IGA	Lancelin Supermarket Purchases July 2024	88.94 L
EFT-42363	14/08/2024	Landgate	Interim Valuations and Minor Additions	2,391.94
EFT-42364	14/08/2024	LJ Hughes	Water and Service Charges up to June 2024 Shire of Gingin Lancelin Administration Office	212.92 L
EFT-42365	14/08/2024	Miracle Recreation Equipment	Supply and replace vandalised playground equipment	6,037.90
EFT-42366	14/08/2024	Moore Australia (WA) Pty Ltd	2024 WALGA Tax PAYGW and Super Workshop 21.08.24	385.00
EFT-42367	14/08/2024	Moore River Roadhouse	Shire and Brigade Fuel/Milk Purchases July 2024	749.30 L
EFT-42368	14/08/2024	Northern Valley News	Advertising - C&C August	800.00 L
EFT-42369	14/08/2024	Regional Development Australia (RDA)	Annual subscription to RDA Wheatbelt Collaborative and Grant Guru Portal	550.00
EFT-42370	14/08/2024	Seek Limited	Employment advertisement - Executive Manager Operations & Assets (readvertised)	451.00
EFT-42371	14/08/2024	Technology One Limited	Intramaps - Software as Annual Service	13,512.13
EFT-42372	14/08/2024	The National Trust of Western Australia	Annual building insurance for Gingin Railway Station 2024/25	698.10
EFT-42373	14/08/2024	Tiffany's Catering	Catering - Council Meetings/Briefing Session, BFB Training - Guilderton, LEMC Meeting	1,057.00 L
EFT-42374	14/08/2024	Wren Oil - Romine Holdings Pty Ltd	Oil Waste Disposal and Admin Compliance Fee Gingin Depot	77.00
PAY-123	15/08/2024	Shire of Gingin	NET Pays for PE 15/08/2024	154,587.87
EFT-42375	19/08/2024	Australian Taxation Office (PAYG)	Payroll deduction for PE 15/08/2024	41,840.00
EFT-42376	19/08/2024	Avon Waste	Kerbside Collection Services 01/07/2024 - 12/07/2024 and 15/07/2024 - 26/07/2024	42,656.86
EFT-42377	19/08/2024	CFMEU	Payroll deduction for PE: 15/08/2024	60.00 F
EFT-42378	19/08/2024	Coastal Vegetation Management	MAFGP: RND2 2023/24 (Treatment ID 25258) Nabaroo	26,400.00 F
EFT-42379	19/08/2024	Cooee Pty Ltd	Rd Tip Pass Cards - Reusable - 10,000 Production/Printing	6,380.00

•	-	ted Authority 2 <i>.1 Payment of</i> 2024 - 31/08/2024	Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff,	PF - Partially
TYPE EFT-42380	DATE PAID 19/08/2024	NAME Department of Transport	DETAILS Release of Information fee for Infringement Notice July 2024	AMOUNT 18.20
EFT-42381	19/08/2024	Duncan Solutions	Guilderton Parking Meters - Annual PEMS Fee, Credit Card Transactions and monthly support for July 2024	2,123.64
EFT-42382	19/08/2024	Ecowater Services	Quarterly Service and Replacement Air Pump RB120 with Cut Off Switch	1,199.00
EFT-42383	19/08/2024	Eurofins ARL Pty Ltd	Water sampling: Shire Depot Eyewash Station Potable water	357.50
EFT-42384	19/08/2024	Gingin Fuel and Tyres Pty Ltd	GG070 4 x New tyres fitted and disposal, Slasher bolts	1,820.20
EFT-42385	19/08/2024	Hersey's Safety Pty Ltd	Depot PPE	2,006.77
EFT-42386	19/08/2024	Kleenheat Gas Pty Ltd	Supply & deliver LPG Bulk Gas	1,365.10
EFT-42387	19/08/2024	Lancelin Gull Roadhouse	Fuel Purchases - July 2024	2,416.66
EFT-42388	19/08/2024	LGRCEU (WA Division)	Payroll deduction for PE 15/08/2024	44.00
EFT-42389	19/08/2024	Lo-Go Appointments	Contract staffing - Rates w/ending 10/08/2024	1,222.85
EFT-42390	19/08/2024	McLeods Lawyers Pty Ltd	Legal Expenses: Transfer, Assignment of Lease, Advice, Compliance, Deed of Agreement	3,431.87
EFT-42391	19/08/2024	Moore Australia (WA) Pty Ltd	2 x 2024 WALGA Tax Webinar	561.00
EFT-42392	19/08/2024	Ohura Consulting	ER/IR Consultancy	4,834.50
EFT-42393	19/08/2024	Stewart & Heaton Clothing Co Pty Ltd	Ocean Farms BFB - PPE Order	478.05
EFT-42394	19/08/2024	Tiffany's Catering	Catering: Pre Special Electors Meeting	224.00
EFT-42395	19/08/2024	T-Quip	Mower Spares	752.38
EFT-42396	19/08/2024	Sharon Smith	Annual Mobile Phone Costs Aug 2024 - Aug 2025	300.00
EFT-42397	22/08/2024	Brown Automotive Gingin	GG21029 and GG070 Periodical Service	1,120.00
EFT-42398	22/08/2024	Cellarbrations Gingin	Refreshments for Council Meeting Re-Stock	238.00
EFT-42399	22/08/2024	Country Copiers	Colour Copier Fees Gingin and Lancelin	1,450.54
EFT-42400	22/08/2024	Frontline Fire and Rescue Equipment	Ocean Farms BFB - PPE	377.71
EFT-42401	22/08/2024	GrantGuru Pty Ltd	Strategic Grant Writing Course for LG	795.00
EFT-42402	22/08/2024	Jeff's Mechanical Service	GG028 - Periodical Service	650.10
EFT-42403	22/08/2024	Kleen West Distributors	Supply of toiletries and chemicals for Lower Coastal	615.56
EFT-42404	22/08/2024	Landgate	Rural UVs and Mining Tenements	516.87
EFT-42405	22/08/2024	Lo-Go Appointments	Contract Staffing - Rates w/ending 17/08/2024	1,222.85
EFT-42406	22/08/2024	McLeods Lawyers Pty Ltd	Legal Advice Governance	2,751.10
EFT-42407	22/08/2024	Moore River Tree Services	Dead Verge Tree Removal	1,760.00
EFT-42408	22/08/2024	Moore Septics	Pump out Caravan Dump Point at Gingin	1,155.00
EFT-42409	22/08/2024	ReadyTech User Group WA Inc.	2024/2025 Annual membership	847.00
EFT-42410	22/08/2024	Stewart & Heaton Clothing Co Pty Ltd	Ocean Farms BFB - PPE - Boots	373.47
EFT-42411	22/08/2024	Strettle Pty Ltd	Preparation of New/Amendment/Repeal Local Laws	1,335.40
EFT-42412	22/08/2024	Team Global Express Pty Ltd	Courier Charges 26/07/2024 - 31/07/2024, 02/08/2024, 15/08/2024	192.67
EFT-42413 EFT-42414	22/08/2024 22/08/2024	W & J Greenwell WA Rangers Association (Inc)	Purchases 09/04/2024 - 27/05/2024 Annual Membership Fee and Rangers Training Conference 2024	172.10 1,250.00
EFT-42415	26/08/2024	Advance Office Solutions	Franking Machine - 1st Quarterly rental 2024/25	643.50
EFT-42415	26/08/2024	Australian Coastal Councils Association Inc. (Annual Membership Fees 1 July 2024 to 30 June 2025	1,424.09
EFT-42417	26/08/2024	Avon Waste	Kerbside Collection Services 29/07/2024 - 09/08/2024	21,241.33
EFT-42418	26/08/2024	Belgravia PRO Pty Ltd	Guilderton Caravan Park - Pure Glamping and Hire equipment July 2024 and RMS License Fees July 2024	2,900.10
EFT-42419	26/08/2024	ByProgress Pty Ltd (Monsterball Amusements & Hire)	Deposit: Youth Event - 16 April 2025 Inflatable games, Mini Golf and Axe Throwing	1,290.00
EFT-42420	26/08/2024	Complete Office Supplies Pty Ltd	Expanding Pocket File - Finance	61.08
EFT-42421	26/08/2024	Elite Office Furniture	3 Computer chairs and 2 Tables, Lancelin Office Furniture	2,382.00
EFT-42422	26/08/2024	Guilderton Country Club Inc.	Electricity supply and usage reimbursement 11/07/2024 - 08/08/2024	101.61
EFT-42423	26/08/2024	McLeods Lawyers Pty Ltd	Legal Cost Planning Compliance	1,092.08
EFT-42424 EFT-42425	26/08/2024 26/08/2024	Stewart & Heaton Clothing Co Pty Ltd The National Trust of Western Australia	Ocean Farms BFV - PPE Order - Jackets Gingin Railway Station - Rent 27 Aug 2024 - 26 Sept 2024	531.00 255.37
EFT-42426	26/08/2024	Tiffany's Catering	Catering Council and Staff Meeting	420.00
EFT-42420 EFT-42427	26/08/2024	Henry Morris	2023/2024 Waste Facility Cell Management	12,556.00
EFT-42427	28/08/2024	Brown Automotive Gingin	Vehicle Service - 8GG, 2GG, GG040, GG046	1,610.00
PAY-123	29/08/2024	Shire of Gingin	Net Pays for the PE 29/08/2024	155,468.82
EFT-42429	30/08/2024	ADS Automation Pty Ltd	Guilderton Caravan Park - Boom Gate inspection and repair	2,189.00
			Tepali	

Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/08/2024 - 31/08/2024

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TYPE	DATE PAID	NAME	DETAILS	AMOUNT
EFT-42432	30/08/2024	Bunnings Buildings Supplies Pty Ltd	Key lock boxes for Lancelin Aged Units	174.70
EFT-42433	30/08/2024	Caraban Limestone & Sand Supplies	75mm supply of Limestone for Old Ledge Point Road and Lancelin Sporting Complex	16,033.38 L
EFT-42434	30/08/2024	Civic Legal	Legal Advice - Misconduct	27,180.90
EFT-42435	30/08/2024	Complete Office Supplies Pty Ltd	Stationery Order	131.88
EFT-42436	30/08/2024	DFES - Department of Fire and Emergency Services	Emergency Services Levy Option B - Quarter 1 Instalment (30%)	173,246.40 F
EFT-42437	30/08/2024	Direct Trades Supply Pty Ltd	Supply 60 dome top pine bollards	3,059.40
EFT-42438	30/08/2024	Durty Filthy Garden Supplies	Fit sky light sheets to ablutions: Lancelin Sporting Complex, Deliver: Landscape soil to Guilderton Caravan Park	1,470.80 L
EFT-42439	30/08/2024	Environmental Health Australia (WA)	Subscription - 2024/2025 Associate Member (WA)	425.00
EFT-42440	30/08/2024	Gingin Fuel and Tyres Pty Ltd	4 x New Tyres 8GG, GG067: Puncture repair	1,798.00 L
EFT-42441	30/08/2024	Integrity Management Solutions Pty Ltd	2024/2025 Subscription - Attain	6,050.00
EFT-42442	30/08/2024	K B Riley & Sons Pty Ltd t/a Lancelin Sands	Supply cover 200 tonne Seabird Waste Facility for cover August 2024	3,300.00 L
EFT-42443	30/08/2024	Lo-Go Appointments	Contract staffing - Rates w/ending 24/08/2024	1,222.85
EFT-42444	30/08/2024	McLeods Lawyers Pty Ltd	Section 3.25 Notice Template	642.20
EFT-42445	30/08/2024	Moore Australia (WA) Pty Ltd	Nuts and Bolts Workshop	759.00
EFT-42446	30/08/2024	Pedders Suspension - Joondalup	GG058 - Wheel Alignment	105.00
EFT-42447	30/08/2024	Perth Trade Parts	GG013 - Fuel housing/Fuel level sensor	897.01
EFT-42448	30/08/2024	Plumb It Right Pty Ltd	Guilderton Caravan Park - Replace pipes, fix toilet cisterns, repair to split pipe for HWS Chalet 6, replace ignition generator Chalet 8	1,468.50 L
EFT-42449	30/08/2024	RingCentral Australia Pty Ltd	Monthly expenses for office phone service	1.178.10
EFT-42450	30/08/2024	SD Hydraulic Hose and Fittings Pty Ltd	GG001- Hydraulic hose and parts	233.05 L
EFT-42451	30/08/2024	Sunny Signs Company Pty Ltd	Rural Road Numbers - Numerical Decals	85.80
EFT-42452	30/08/2024	Team Global Express Pty Ltd	Courier Charges 13/08/2024 and 21/08/2024	91.07
EFT-42453	30/08/2024	Timber Insight Pty Ltd	Maintenance repairs: Cowalla Bridge MB4806, Junction Bridge MB4036, Lennards Bridge BR836, Weld Street Bridge BR661	37,706.29
EFT-42454	30/08/2024	WA Limestone Contracting Pty Ltd	Seabird Waste Facility - Drill sample holes for site development and to determine soil quality	7,150.00
EFT-42455	30/08/2024	WA Stump Grinding & Tree Services	90 Day Western Power tree notices	8,025.01 L
EFT-42456	30/08/2024	WANT Plumbing Services Pty Ltd	Annual back flow testing 21 Edwards Street Seabird, Plumbing Council Chamber, Grave Digging, Unblock Gingin Caravan Dump Point	2,629.00 L
EFT-42457	30/08/2024	Western Australian Local Government Association	WALGA Planning Showcase 2024 - attendance x 2	170.00
EFT TOTAL			-	1,325,867.39

EFT TOTAL

CHEQUES

CHEQUES

0.00

DIRECT DEBIT				
DE-5328	1/08/2024	Dell Financial Services Pty Ltd	Allocation of lease payment for Aug 2024	1,651.29
DE-5331	1/08/2024	LJ Hughes	Allocation of lease payment for Aug 2024	669.50
DE-5334	1/08/2024	Precision Administration Services Pty Ltd	Payroll deduction for PE: 01/08/2024	28,918.49
DE-5338	1/08/2024	QPC Group	Temporary Printer - Lex25K Bulk Toner Cartridge	100.00
DE-5339	1/08/2024	Bendigo Bank	Bendigo Bank: Transfer Fees	62.50 L
DE-5340	1/08/2024	Bendigo Bank	Bendigo Bank: Fts De Process GST	5.78 L
DE-5341	1/08/2024	Go Go Media	Monthly ON-HOLD MESSAGES Service August 2024	75.90
DE-5342	1/08/2024	Bendigo Bank	Bendigo Bank: De Fees	14.55 L
DE-5343	1/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 30/07/2024	3,308.40 F
DE-5344	1/08/2024	Bendigo Bank	Bendigo Bank: BPay Biller Fees	382.80 L
DE-5345	2/08/2024	HP Financial Services (Australia) Pty Ltd	Printer Develop Ineo 958 Monthly payment	705.40
DE-5346	2/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 31/07/2024	7,563.75 F
DE-5347	2/08/2024	Bendigo Bank	Bendigo Bank: De Fees	3.90 L
DE-5348	2/08/2024	Bendigo Bank	Bendigo Bank: Tyro Fees June 2024	1,798.94 L
DE-5349	2/08/2024	Bendigo Bank	Bendigo Bank: Tyro Fees June 2024	102.86 L
DE-5350	3/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 01/08/2024	3,111.90 F
DE-5351	5/08/2024	Bendigo Bank	Bendigo Bank: CBA Merchant Fees	229.71 L
DE-5352	5/08/2024	Bendigo Bank	Bendigo Bank: CBA Merchant Fees	108.45 L
DE-5353	5/08/2024	Bendigo Bank	Bendigo Bank: CBA Merchant Fees	64.00 L

		ted Authority 2.1 <i>Payment of</i> 2024 - 31/08/2024	Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff,	PF - Partially
TYPE DE-5354	DATE PAID 6/08/2024	NAME Department of Transport	DETAILS Department of Transport - Police Licensing DOT -	AMOUNT 3,663.00 F
DE-5355	3/08/2024	Western Australian Treasury Corporation (WATC)	02/08/2024 LN-126-Gingin Aquatic Centre Tiling Repayment: 17	8,779.98
DE-5255	2/08/2024	Synergy	Electricity 1 Weld St, Gingin WA 6503	3,805.49
DE-5265 DE-5314	2/08/2024 15/08/2024	Synergy Water Corporation	Electricity Lot 134 Constable St, Gingin WA 6503 Water Usage and Service charges Moore River Drive	128.72 329.71
DE-5305	14/08/2024	Water Corporation	Guilderton Lot RES 26561 Water Usage and Service charges 60 King Dr Woodridge Lot 267	40.14
DE-5304	14/08/2024	Water Corporation	Water Usage and Service charges 60 King Dr Woodridge Lot 267	57.34
DE-5303	14/08/2024	Water Corporation	Water Usage and Service charges 13 King Dr Woodridge Lot 301	40.14
DE-5302	14/08/2024	Synergy	Electricity charges Lot 1 Cuncliffe St, Lancelin	257.80
DE-5301	14/08/2024	Synergy	Electricity charges Lot 390 U 54 Ledge Point Rd, Ledge Point	630.05
DE-5300	13/08/2024	Synergy	Electricity charges Jones St Ledge Point	535.74
DE-5299	13/08/2024	Synergy	Electricity charges Lot 646 Robertson St, Ledge Point	300.18
DE-5298	12/08/2024	Synergy	Electricity charges 9 King St Lancelin	287.52
DE-5306	12/08/2024	Water Corporation	Water Usage and Service charges 3 Fewster St Gingin Lot 73	51.80
DE-5296	9/08/2024	Synergy	Electricity charges Lot 323 Rock Way Lancelin	388.04
DE-5297	9/08/2024	Synergy	Electricity charges Lot 102 Gingin Rd Lancelin	325.69
DE-5294	9/08/2024	Synergy	Electricity charges Lot 324 Gingin Road Lancelin	480.70
DE-5293	7/08/2024	Synergy	Electricity charges Lot 99 Weld St Gingin	560.38
DE-5292	7/08/2024 7/08/2024	Synergy	Electricity charges Lot 501 Honeycomb Road Gingin	1,191.09 257.20
DE-5291 DE-5290	6/08/2024	Synergy Synergy	Electricity charges Lot 10 Cockram Road Gingin Electricity charges 13 King Dr Woodridge	2,039.49
DE-5289	6/08/2024	Synergy	Electricity charges Lot 32 Church Street Gingin	125.03
DE-5288	6/08/2024	Synergy	Electricity charges Brockman Street Gingin depot	1,291.15
DE-5312	15/08/2024	Water Corporation	Water Usage and Service charges 11 Constable St	5.73
DE-5286	6/08/2024	Synergy	Electricity charges 3 Fewster Street Gingin	115.93
DE-5307	12/08/2024	Water Corporation	Water Usage and Supply charges 57 Lefroy St Gingin Lot 37	51.15
DE-5287	6/08/2024	Synergy	Electricity charges Lot 580 U A Jones St, Gingin	183.95
DE-5285	6/08/2024	Synergy	Electricity charges U A 37 Lefroy St Gingin	124.92
DE-5284	6/08/2024	Synergy	Electricity charges 5 Weld St Gingin	73.14
DE-5308	12/08/2024	Water Corporation	Water Usage and Service charges 37 A Lefroy St Gingin Lot 20	883.32
DE-5283	6/08/2024	Synergy	Electricity charges 57 Lefroy St Gingin	209.89
DE-5282	6/08/2024	Synergy	Electricity charges Lot 326 Roe St Gingin	311.51
DE-5310	15/08/2024	Water Corporation	Water Usage and Service charges 6 Constable St Gingin Lot 126	120.41
DE-5309	12/08/2024	Water Corporation	Water Usage and Service charges 4 Fewster St Gingin Lot 103	93.43
DE-5311	15/08/2024	Water Corporation	Water Usage and Service charges 18-20 Brockman St	37.27
DE-5324	15/08/2024	Water Corporation	Water Usage and Service charges 7 Brockman St Gingin Lot 163 RES 2581	183.49
DE-5356	14/08/2024	Water Corporation	Water Usage and Service charges 14 Barlee St Gingin Lot 149 RES32955	665.14
DE-5357	16/08/2024	Water Corporation	Water Usage and Service charges Heffron Way Gabbadah	123.28
DE-5358	19/08/2024	Water Corporation	Water Usage and Service charges 1 Weld St Gingin	1,541.74
DE-5368	26/08/2024	Westnet Internet Services	Internet Service CEO residence 27/06/2024 - 26/07/2024	74.99
DE-5373	24/08/2024	Australia Post	Postage charges up to 31/07/2024	487.50
DE-5378	23/08/2024	Synergy	Electricity charges: Lot 1 Brockman St Gingin	134.59
DE-5376	23/08/2024	Water Corporation	Water Usage and Service charges Seaview Dr Karakin Lot 269	86.01
DE-5374	22/08/2024	Water Corporation	Water Usage and Service charges 771 McCormick St SB Lot 77	149.08
DE-5375	22/08/2024	Synergy	Electricity charges Street Lights	10,933.60
DE-5372	21/08/2024	Water Corporation	Water Usage and Service charges Dewar St GU Lot 1 RES 25007, 36048	1,734.54
DE-5370	21/08/2024	Water Corporation	Water Connection charge 2321 Wedge St GU Lot 232	52.28
DE-5371	21/08/2024	Water Corporation	Water Usage and Service charges 961 Edwards St GU Lot 96 RES 25006	1,814.81
DE-5359	19/08/2024	Water Corporation	Water Usage and Service charges 3 Horan St Gingin Lot 86	22.94

-	-	ted Authority 2.1 Payment of 2024 - 31/08/2024	Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff,	PF - Partially
TYPE	DATE PAID	NAME	DETAILS	AMOUNT
DE-5366	19/08/2024	Water Corporation	Water Usage and Service charges De Burgh St Ledge Point Lot 459, 498 RES 31377	169.15
DE-5360	19/08/2024	Water Corporation	Water Usage and Service charges Jones St Gingin Lot 500 RES 50842	11.47
DE-5364	19/08/2024	Water Corporation	Water Usage and Service charges Jones St Ledge Point Lot 744 RES 31684	215.03
DE-5361	19/08/2024	Water Corporation	Water Usage and Service charges Roe St Gingin, 24-6 R7573, 41-2	401.38
DE-5362	19/08/2024	Water Corporation	Water Usage and Service charges Weld St Gingin Lot 99	224.30
DE-5365	19/08/2024	Water Corporation	Water Usage and Service charges RES 646 DeBurgh St Ledge Point Lot 646	217.89
DE-5377	17/08/2024	Business Service Brokers T/A TeleChoice	5037665-3891 - TeleChoice Mobile charges for the period 01/07/2024 -31/07/2024	195.00
DE-5369	16/08/2024	Synergy	Electricity charges U A 3 DeBurgh St Ledge Point	188.78
DE-5367	15/08/2024	Synergy	Electricity charges U Cs 2 Atkinson Way Lancelin	301.04
DE-5379	7/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 06/08/2024	3,610.15
DE-5380	7/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 05/08/2024	4,024.60 F
DE-5381	7/08/2024	Bendigo Bank	Bank Fee: De Fees	4.05 L
DE-5383	8/08/2024	Telstra	Telstra Group Plan - up to 13/07/2024	1,637.91
DE-5384	5/08/2024	Telstra	Telephone charges Guilderton Caravan Park	240.30
DE-5385	10/08/2024	Telstra	Telstra Group Plan - up to 21/07/2024	923.85
DE-5386	22/08/2024	Vocus Communications	Vocus Communications P1187916 01/08/2024 - 31/08/2024	1,769.90
DE-5387	9/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 07/08/2024	2,355.50 F
DE-5388	9/08/2024	Helen Sampson	Management & Supervision Contract	2,538.46
DE-5389	9/08/2024	Synergy	Electricity charges Lot 9505 Lancelin Rd Lancelin	318.97
DE-5408	13/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 09/08/2024	4,655.10 F
DE-5409	14/08/2024	Credit Card - EMCCS	Credit Card Purchases - July 2024	1,395.85
DE-5410	15/08/2024	Precision Administration Services Pty Ltd	Payroll deduction for PE: 15/08/2024	28,556.13
DE-5437	14/08/2024	Bendigo Bank	Bendigo Bank: De Fees	4.20 L
DE-5438	14/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 12/08/2024	2,253.90 F
DE-5439	15/08/2024	Bendigo Bank	Bendigo Bank: Trans Fees	50.17 L
DE-5440	15/08/2024	Bendigo Bank	Bendigo Bank: De Fees	14.70 L
DE-5441	15/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 13/08/2024	1,115.60 F
DE-5442	16/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 14/08/2024	3,915.50 F
DE-5443	15/08/2024	Western Australian Treasury Corporation (WATC)	LN-111-Wannamal West Road Repayment: 36	23,380.02
DE-5444	16/08/2024	Water Corporation	Water Usage and Service charges Guilderton Caravan Park Residence	240.64
DE-5445	15/08/2024	Water Corporation	Water Usage and Service charges Brockman St Gingin Lot 600	468.12
DE-5390	12/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 08/08/2024	3,513.90 F
DE-5391	12/08/2024	Bendigo Bank	Bendigo Bank: De Fees	1.50 L
DE-5392	30/08/2024	Water Corporation	Water Usage and Service charges 63 Gingin Rd Lancelin Lot 1037 RES 24019	191.13
DE-5393	30/08/2024	Water Corporation	Water Usage and Service charges 9 King St Lancelin	68.81
DE-5394	26/08/2024	Water Corporation	Water Usage and Service charges Unit 1 / 2 Atkinson Way Lancelin	309.43
DE-5395	26/08/2024	Water Corporation	Water Usage and Service charges Unit 2 / 2 Atkinson Way Lancelin	277.21
DE-5396	26/08/2024	Water Corporation	Water Usage and Service charges Unit 3 / 2 Atkinson Way Lancelin	284.04
DE-5397	26/08/2024	Water Corporation	Water Usage and Service charges Unit 4 / 2 Atkinson Way Lancelin	286.63
DE-5398	26/08/2024	Water Corporation	Water Usage and Service charges Unit 5 / 2 Atkinson Way Lancelin	287.61
DE-5399	26/08/2024	Water Corporation	Water Usage and Service charges 2 Atkinson Way Lancelin	49.20
DE-5400	26/08/2024	Water Corporation	Water Usage and Service charges Unit 6-11 2 Atkinson Way Lancelin	308.57

-	-	ted Authority 2.1 Payment of /2024 - 31/08/2024	Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff,	PF - Partially
TYPE	DATE PAID	NAME	DETAILS	AMOUNT
DE-5401	26/08/2024	Water Corporation	Water Usage and Service charges Unit 6 / 2 Atkinson Way Lancelin	278.18
DE-5402	26/08/2024	Water Corporation	Water Usage and Service charges Unit 7 / 2 Atkinson Way Lancelin	307.47
DE-5403	26/08/2024	Water Corporation	Water Usage and Service charges Unit 8 / 2 Atkinson	286.97
DE-5404	26/08/2024	Water Corporation	Water Usage and Service charges Unit 9 / 2 Atkinson Way Lancelin	278.18
DE-5405	26/08/2024	Water Corporation	Water Usage and Service charges Unit 10 / 2 Atkinson Way Lancelin	287.94
DE-5406	26/08/2024	Water Corporation	Water Usage and Service charges Unit 11 / 2 Atkinson Way Lancelin	278.18
DE-5448	20/08/2024	Bendigo Bank	Bendigo Bank: De Fees	3.30 L
DE-5449	19/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 15/08/2024	1,706.55 F
DE-5450	20/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 16/08/2024	4,392.65 F
DE-5451	21/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 19/08/2024	1,193.75 F
DE-5453	21/08/2024	Water Corporation	Water Usage & Service charges Edwards St Guilderton Lot 425	323.29
DE-5452	14/08/2024	Credit Card - CEO	Credit Card Purchases July 2024	6,945.54
DE-5458	22/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 20/08/2024	2,836.15 F
DE-5454	23/08/2024	Helen Sampson	Management and Supervision Contract Gingin Waste Facility 10/08/2024 - 23/08/2024	2,538.46
DE-5459	23/08/2024	Bendigo Bank	Bendigo Bank: De Fees	2.70 L
DE-5460	23/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 21/08/2024	704.70 F
DE-5462	26/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 22/08/2024	3,362.20 F
DE-5464	27/08/2024	Bendigo Bank	Bendigo Bank: De Fees	1.95 L
DE-5465	27/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 23/08/2024	1,225.95 F
DE-5411	28/08/2024	Water Corporation	Water Usage and Service charges 4 Hopkins St Lancelin Lot 606 RES 32942	312.50
DE-5413	28/08/2024	Water Corporation	Water Usage and Service charges 6 Hopkins St Lancelin Lot 701 RES 53340	364.72
DE-5412	28/08/2024	Water Corporation	Water Usage and Service charges Gingin Road Lancelin Lot 102, 190 RES 24022	415.02
DE-5466	28/08/2024	Bendigo Bank	Bendigo Bank: De Fees	0.15 L
DE-5467	28/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 26/08/2024	4,830.90 F
DE-5424	29/08/2024	Synergy	Electricity charges Lot 77 Edwards St Seabird	116.46
DE-5414	29/08/2024	Water Corporation	Water and Service charges 131 Gingin Rd Lancelin Lot 324 RES 41400	71.68
DE-5416	29/08/2024	Water Corporation	Water and Service charges L500 Fisher Way Lancelin Lot 500	286.70
DE-5471	29/08/2024	Bendigo Bank	Bendigo Bank: De Fees	14.40 L
DE-5472	29/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 27/08/2024	4,864.75 F
DE-5469	29/08/2024	Precision Administration Services Pty Ltd	Payroll deduction for PE: 29/08/2024	29,061.98
DE-5415	29/08/2024	Water Corporation	Water and Service charges Atkinson Way Lancelin Lot 323 RES 44490	576.10
DE-5392	30/08/2024	Water Corporation	Water and Service charges 63 Gingin Rd Lancelin Lot 1037 RES 24019	191.13
DE-5393	30/08/2024	Water Corporation	Water and Service charges 9 King St Lancelin	68.81
DE-5419	30/08/2024	Synergy	Electricity charges 13 King Dr Woodridge	1,839.11
DE-5420	30/08/2024	Synergy	Electricity charges 106 Paperbark Ave Gabbadah	547.67
DE-5426	30/08/2024	Synergy	Electricity charges Lot 12 Dewar St Guilderton	161.00
DE-5425	30/08/2024	Synergy	Electricity charges Sovereign Hill Dr Gabbadah	112.31
DE-5421	30/08/2024	Synergy	Electricity charges Lot 244 Sovereign Hill Dr Gabbadah	186.90
DE-5457	30/08/2024	Telstra	Internet - 05/07/2024 to 04/08/2024 - Seabird Fire Brigade	107.50
DE-5473	30/08/2024	Department of Transport	Department of Transport - Police Licensing DOT - 28.08.2024	1,311.15 F
DIRECT DEBIT			-	258,029.88

TERM DEPOSIT INVESTMENTS

0.00

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/08/2024 - 31/08/2024			Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially		
TYPE	DATE PAID	NAME	DETAILS	AMOUNT	
TERM DEPOSIT	INVESTMENTS	S TOTAL		0.00	
TOTAL MUNICIP	PAL			1,583,897.27	
RESERVE - TER	RM DEPOSIT IN	VESTMENT			
RESERVE - TER	RM DEPOSIT IN	VESTMENT TOTAL		0.00	
TOTAL				1,583,897.27	
CREDIT CARD E	BREAK-UP				
July	CEO	Mailchimp WALGA WALGA McLernons Business Kmart Bendigo Bank Quest Innaloo Department of Transport Talbot Wash Bendigo Bank	Monthly Subscription Local Government Convention CEO Local Government Convention Members Gingin Medical Centre Doctors Chair Curtains: Lancelin Hall Bank Fee Accommodation DoT Training 3 month Trailer Registration Ralph Hill Information Plaque Bank Fee	117.33 1,477.80 4,433.40 549.01 364.00 6,945.54 1,132.40 17.45 242.00 4,00 1,395.85	
	EMRDS			0.00	
	CESM			0.00	
	Total			8,341.39	
PUMA CARD BR July	REAKUP	WEX Australia	GG09 - 450.22L 2GG - 56.86L GG033 - 93.66L GG06 - 34.96L GG070 - 334.17L GG082 - 12.06L GG084 - 31.73L GG05 - 41.42L Transaction Fee	867.21 104.00 192.00 67.09 679.46 23.02 60.57 76.41 1.00 2,070.76	



14 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

14.1 PROPOSED SCHEME AMENDMENT NO. 25 TO LOCAL PLANNING SCHEME NO. 9 -REZONE LOT 5905 COWALLA ROAD, WANERIE

File	LND/721				
Applicant	Harley Dykstra				
Location	Lot 5905 (1546) Cowalla Road, Wanerie				
Owner	Anthony Ruse				
Zoning	General Rural				
WAPC No	NA				
Author	James Bayliss - Executive Manager Regulatory and Development Services				
Reporting Officer	James Bayliss - Executive Manager Regulatory and Development Services				
Refer	15 February 2024 - Item 14.2				
Appendices	 15 February 2024 - Item 14.2 Location Plan - Lot 5905 (1546) Cowalla Road, Wanerie [14.1.1 - 1 page] Aerial Plan - Lot 5905 (1546) Cowalla Road, Wanerie [14.1.2 - 1 page] Applicant's Proposal [14.1.3 - 41 pages] EPA Determination - Shire of Gingin Local Planning Scheme 9 - Amendment 25 [14.1.4 - 1 page] EPA - Notice of Decision - Shire of Gingin Local Planning Scheme 9 - Amendment 25 [14.1.5 - 1 page] Schedule of Submissions and Recomended Responses [14.1.6 - 20 pages] Schedule of Submissions and Applicant's Responses 				

DISCLOSURES OF INTEREST

PURPOSE

To consider Amendment No. 25 to Local Planning Scheme No. 9 (LPS 9) to rezone Lot 5905 (1546) Cowalla Road, Wanerie from 'General Rural' to 'General Rural –10' (GR 10).

BACKGROUND

Council, at its Ordinary Meeting on 15 February 2024, resolved as follows:

1. Resolve, pursuant to Regulation 35 (2) of the Planning and Development (Local Planning Schemes) Regulations 2015, that Local Planning Scheme Amendment No. 25 is a standard scheme amendment as the proposal is generally consistent with the Local Planning Strategy.



2. Pursuant to Section 75 of the Planning and Development Act 2005, initiate proposed Amendment No. 25 to the Shire of Gingin Local Planning Scheme No. 9 to rezone Lot 5905 (1546) Cowalla Road, Wanerie from 'General Rural' to 'General Rural 10') and introduce into 'Schedule 10 – General Rural (coded) zones the following:

No.	Description of lands	Conditions
3	Lot 5905 (No. 1546)	Environmental Management.
	Cowalla Road, Wanerie	
		1. Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title.
		Land Use Settlement Pattern.
		2. Lots that share an interface with the gazetted road (Land ID 3148443) require a minimum average lot size of 15ha.
		<i>3. The subdivision lot layout is to retain remnant vegetation located on the site.</i>
		<u>Land Within 500m of Adjoining Horticultural Land</u> <u>Uses.</u>
		4. Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately set back from these land uses.
		5. Building envelopes should be located more than 300m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease or unless otherwise agreed with the Shire

3. Pursuant to Section 81 of the Planning and Development Act 2005, refer Local Planning Scheme Amendment No. 25 to the Environmental Protection Authority (EPA);



- 4. In the event no objection is raised by the EPA, pursuant to Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, refer Local Planning Scheme Amendment No. 25 to the Western Australian Planning Commission (WAPC) for consent to advertise.
- 5. Upon receiving consent to advertise by the Western Australian Planning Commission (WAPC), advertise Local Planning Scheme Amendment No. 25 in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

This report seeks to fulfil the requirements of Clause 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) by returning the proposal to Council for final consideration to support, modify or not to support the proposal having considered the submissions received.

The subject site is 272 hectares in area, located immediately north-west of the existing Rangeview Estate which is zoned 'General Rural 20' (GR 20) and which previously formed part of the parent lot. Land to the north and west is zoned General Rural (uncoded) and is used for Agriculture Intensive purposes (market garden and olive grove).

Subdivision approval was granted on 10 September 1996 to subdivide the former parent lot into 31 landholdings, ranging in size from 9.9 hectares along the southern frontage graduating up to 28.7 hectares along the eastern frontage.

The previously approved Subdivision Guide Plan provided for an extension of Rangeview Drive to Cowalla Road, through the subject land. The proposed Amendment will facilitate lodgment of a subdivision application for minimum lot sizes of 10 hectares.

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

The applicant's proposal is provided (see appendices) and includes the following:

- Scheme Amendment Report;
- Opportunities and Constraints Plan; and
- Concept Subdivision Plan.

COMMENT

Stakeholder Consultation

The proposed amendment was referred to the Environmental Protection Authority (EPA) on 5 March 2024. The EPA determined as follows:

Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. Advice Given. (Not Appealable).



The officer notes that the EPA recommends that a targeted black cockatoo habitat assessment is undertaken within the amendment area prior to subdivision, to support the identification of potential habitat trees that may be worthy of retention and protection.

The EPA's advice and determination are provided (see appendices).

In view of the EPA determining not to assess the amendment, public consultation was commenced which comprised of advertising to surrounding landowners and State agencies, publication on the Shire's website and placement of a development sign on the verge of the property for a period of 42 days in accordance with clause 47 of the Regulations. The Shire received 11 community submissions all opposed to the development. A summary of the concerns is outlined in the table below:

Issue Raised	Officer comments
Land use conflict	The officer generally concurs with the issues relating to land use conflict between residential and agricultural activities. The EPA has recommended separation distances, which the applicant suggests are capable of being satisfied. This itself does not provide the officer with comfort that conflict will not arise, however it is acknowledged that planning assessments must be based on the planning framework and if the statutory distances are able to be satisfied, the merits of a refusal on these grounds becomes problematic. The officer is of the view that no surrounding agricultural uses should be burdened by this proposal, and a requirement for title notifications at subdivision stage is common to forewarn landowners to expect a rural amenity. Furthermore, if the separation distances are not satisfied, other measures such as vegetative screening are commonly accepted to reduce the separation distances, noting that any such reductions should be supported by site specific technical studies. These have not been provided, as that would be expected at subdivision stage. The overarching point that sensitive land uses should not be introduced into the area is however generally supported by the officer. The challenge is that the land has been identified in the Local Planning Strategy for smallholdings.
Environmental concerns - Groundwater	The officer notes that the Department of Water and Environmental Regulation (DWER) did not raise concerns with respect to additional bores or water extraction. While the officer generally agrees that this proposal could create further superficial bores, in the absence of the DWER raising concern it is not a matter for the officer to state otherwise.



Property Devaluation	Property values are not a material planning consideration and there is no evidence to support these claims.
Service Capacity	Electrical connections and capacity are a matter for Western Power. It is premature to conclude that electrical concerns warrant refusal of the amendment. Furthermore, poor phone reception is not a reason to refuse planning amendments.
Population Increase	Assertions with respect to crime have no merit. The potential lot yield (depending on the coding) does not create population increases that should not be expected by land identified for smallholdings.

The officer notes that the amendment is consistent with some key aspects of the Local Planning Strategy with the land having been identified for intensification, however it clearly conflicts with others. The potential for land use conflict at the lowest GR coding, location on the periphery and pressure on critical resources such as water may create an impediment to future agricultural uses in the area.

The officer notes that the DPIRD objects to the amendment on grounds that have planning merit. The DWER has offered no information of any assistance. The other agencies have outlined matters that can be relevantly addressed as part of a subdivision.

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

A copy of the applicant's response to the submissions received is provided (see appendices).

PLANNING FRAMEWORK

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

The planning assessment that formed part of initiation generally remains the officer's view and is repeated below with further commentary post-advertising where required.

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

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



- (c) Maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and
- (d) Provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.

The proposed scheme amendment is generally consistent with the objectives of the General Rural zone, however compatibility with objective (d) should be closely scrutinised.

Local Planning Strategy 2012

The Local Planning Strategy ('Strategy') is a planning tool that enables Council to set out its vision for the municipality, and the longer term directions for land use and development. The Strategy provides a strategic direction for longer term planning, mainly on the matter of identifying general rural land for subdivision.

The objectives generally relate to protecting rural land from fragmentation through the subdivision process. Rural land is a finite resource in the Shire of Gingin and represents the only land available for diverse, sustainable rural activities. This proposal would ultimately enable subdivision of the land.

Section 2.3.6.1 – Rural Smallholdings states:

A strategic approach to planning for the Shire's rural land resources must acknowledge demand for a variety of rural lot sizes, and ensure that if rural subdivision does occur, it occurs only in defined areas. The historic pattern of rural smallholdings along the Moore River and Gingin Brook provides a logical basis for a strategic approach to rural land sizes. These existing areas of smaller rural holdings are ideally suited for rationalisation and consolidation, based on prevailing lot size, and graduating from smaller to larger at the interface with the broad acre rural/agricultural land and acknowledging the potential for some limited further rural subdivision given that:

- these areas are already largely fragmented and hence further subdivision would not result in fragmentation of broad acre rural land;
- *historically, these areas have proven to be attractive for rural small holdings; and*
- these areas have access to the major road networks in the locality. Rural land outside of these defined areas should be protected from further fragmentation, and there is a general presumption against subdivision of any other rural land in the Shire.

'Clause 2.3.6.2 – Rural Areas' states:

The Shire is characterised mainly by extensive areas of large unfragmented rural landholdings areas in the hinterland surrounding the Shire's townsite and rural residential



settlements. The rural areas include broad area agriculture and more intensive horticulture, several basic raw material sites and other primary production uses.

Rural land is a finite resource in the Shire of Gingin and represents the only land available for diverse, sustainable rural activities and potential non-rural growth and development opportunities in the very long term. The ability of rural land to sustain its primary function and utility is threatened by instances where rural land is seen as a resource for subdivision. The spread of urban development is affecting agricultural areas, which are also experiencing a gradual trend towards more intensive, smaller scale operations. This is raising issues in relation to the compatibility of small scale agricultural and horticulture with larger scale agriculture and grazing, and land clearing restrictions. The fragmentation of rural land undermines the resource in terms of its ability to sustain changing agricultural and other rural uses and provide potential for growth and development in the long term. There is a general presumption against subdivision of rural land in the Shire.

'Clause 2.5.7 – Key Issues summary' outlines:

- Introduction of non-rural land uses, such as rural living, residential, and tourist facilities, adjacent to diversified agricultural land uses may create conflicts between each of the different activities;
- Application of recommended buffer distances between rural land uses and sensitive land uses (housing) needs to be carefully considered;
- The protection of quality agricultural land is important to ensure the long-term sustainability of agricultural land use as an important economic and employment base for the Shire within its regional context;
- Subdivision of rural land can undermine agricultural production by creation of unviable land parcels, increasing land values/rates, and removing areas from production for non-rural uses such as rural living development;
- Subdivision can, in certain instances, facilitate the diversification of agriculture through providing appropriate lot sizes for different forms of agriculture;

Officer comment

The above outlines the potential conflict between sensitive uses (dwellings) permeating into agricultural areas, with objective d) of the GR zone being to limit/avoid this scenario. The amendment indicates that a future subdivision may be able to create building envelopes beyond the EPA's prescribed separation distances of 300-500m. The Shire's on-ground experience is that emissions from market gardens (predominantly dust/spray drift) extend beyond the buffers prescribed by the planning and environmental framework.

It is also noted that Rangeview Estate has largely resulted in lot sizes that are unable to accommodate a viable agricultural use. This has been evident since the artificial rating



concessions on agricultural uses were removed and has not necessarily resulted in a diversification of different forms of agriculture being realised. Producing similar lot sizes for the purpose of a rural lifestyle, or supposedly using refined practices may contribute to the issue of removal of rural land for agricultural production.

'Clause 3.3.7 – Rural Living, Rural Small Holdings and Rural Zones' states that the objectives for rural living, rural smallholdings and rural zones are to:

- Ensure that planning for rural living precincts addresses essential and community services, land management, and vegetation fragmentation and loss;
- Protect and support existing horticulture and rural small holdings enterprises along the Moore River and Gingin Brook;
- Protect the rural land in order to provide for a wide range of land uses associated with primary production; and
- Limit new settlement in rural areas.

The accompanying policy position and actions under cl 3.3. are to:

- 3. Oppose subdivision and fragmentation of rural land that is not included within the coding mechanism for rural small holdings under the Local Planning Scheme unless the subdivision is provided for in the relevant WAPC Policy.
- 4. Establish a coding mechanism under the rural zoning of the Local Planning Scheme which:
 - *i) limits the subdivision of rural land;*
 - *ii)* recognises the established settlement pattern of rural small holdings adjacent to the Moore River and Gingin Brook, where limited subdivision and rationalisation may be considered;
 - *iii)* recognises that the full extent of the rural small holdings area under the Local Strategy Plan will not be realised immediately;
 - *iv)* has due regard to prevailing rural lot size in the surrounding locality;
 - *v)* provides for rural lot sizes that graduate generally from smaller to larger at the interface with the broad acre rural/agricultural land;
 - *vi)* has due regard to land capability, physical constraints, the 100 year flood plain and protection/improvement of environmental attributes.



- 5. Where ad-hoc rezoning proposals for rural living or rural smallholdings are made, or in considering proposals for subdivision of rural land, Council will consider whether the proposal:
 - *i) is consistent with the objectives and intent of State Planning Policy;*
 - *ii) is identified in this Strategy as being suitable for rural smallholdings or more intensive subdivision;*
 - *iii)* represents a logical extension of an existing rural residential or GR coded area with similar lot sizes;
 - *iv) is supported by demonstrated demand and justified in terms of achieving productive use of rural land and/or net environmental benefit;*
 - *v)* has the ability to provide necessary services to the development costeffectively;
 - *vi)* is supported by an Outline Development Plan which satisfactorily resolves issues relevant to the site, including (but not limited to), the following:
 - a. context considerations including any connectivity or interface requirements.
 - b. waterway, drainage and floodway matters.
 - c. areas required for conservation or vegetation protection.
 - *d.* bush fire risk and the implications of bushfire hazard reduction measures on vegetation.
 - e. landscape value protection.
 - f. access to community facilities.
 - *g. demonstrated access to servicing, including the availability of a feasible potable water supply.*
 - h. impact of, or on, adjoining uses such as basic raw material sites, agricultural activities, conservation reserves, scenic tourist routes and any associated buffers.
 - *i. the identification of any development and management controls which may include minimum building standards, stocking rate limits or other site-specific considerations.*

Officer Comment

It is evident that the Strategy adopts an overarching position to prevent fragmentation of rural land via the subdivision process. An amendment such as this is a precursor to lodgment of a subdivision proposal.

It is noted that the proposal does satisfy various provisions referenced above, while being inconsistent with others.



The land is in close proximity to the existing Rangeview Estate, has a logical extension of Rangeview Drive through the subject land and is identified for rural small holding purposes under the relevant Strategy map. The proposal therefore has merit in this regard.

However, the proposal contains a coding mechanism of 10, meaning a minimum lot size of 10 hectares which represents the lowest coding available for rural zoned land and does not represent a graduation of sizes from the Moore River to the agricultural interface. In other words, the settlement pattern should permeate out from the Moore River, however this proposal does not represent that scenario. The officer does not support the proposed coding of 10 on the periphery of the identified small holdings area.

Similar to the initiation report, the below summarises points for and against. This is a particularly difficult amendment to consider as there are sound planning reasons for both positions.

The following points favour support of the proposal:

- Lot sizes at 20 hectares are generally consistent with the prevailing lots on the southern portion of Rangeview Estate and do represent an extension to the existing GR coded area. The officer notes that the applicant has not indicated a position with respect to a GR 20 coding over the entire portion of land.
- The concept plans indicate that building envelopes may be capable of being located outside of the applicable separation distances from the adjoining irrigated horticulture developments. This would need further detailed studies at subdivision stage, however if statutory buffers are met there is limited basis for refusal.
- The land is identified under the relevant Local Planning Strategy map for potential rural small holding purposes.
- There are no fundamental servicing issues identified at this stage of the process.

The following points do not favour the proposal:

- The Local Planning Strategy outlines a strong presumption against fragmenting rural land and removing that product from being used for its ultimate purpose.
- The GR 10 coding, irrespective of having been reduced in area since lodgment, will introduce sensitive uses into a locality largely used for intensive agricultural purposes, thus creating the potential for land use conflict. The planning frameworks seeks to avoid this scenario.
- Land use conflict between sensitive uses (dwellings) and agriculture intensive development is an issue experienced by the Shire, and the cycle of creating more areas of contention should be avoided.

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• The GR 10 coding at the interface of agricultural land is not viewed as being consistent with the Strategy position or LPS 9 objectives and subsequently introduces sensitive land uses into a productive agricultural region at the lowest coding available.

<u>Summary</u>

On balance, based on the information lodged and considering the Strategy position, the officer is of the view that it is reasonable for the amendment to be progressed based on a sole GR 20 coding. This position is based on limiting the number of sensitive land uses capable of being introduced to afford some comfort to nearby agricultural uses, while acknowledging that the land has been identified for this purpose. The officer's recommendation reflects this position taking into account the submissions received. This consequently alters some of the amendment conditions with respect to settlement pattern. The priority being assigned to existing and future agricultural uses results in a suggested 500m separation distance being required for all building envelopes from any adjoining agricultural use.

The officer is mindful to only deal with the application before the Shire, and not alter it or seek to confine the proposal through stringent conditions. It could be argued that the officer's recommendation has substantially altered the proposal by changing the GR coding applied for, which could be viewed as refusing the substantive proposal lodged.

It is noted that the consultation period shows there is opposition to the amendment and DPIRD has objected. The officer is of the view that there is an equally sound basis to refuse the amendment, with relevant wording provided below if Council forms that position:

That pursuant to Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, Council not support Amendment No. 25 to Local Planning Scheme No. 9 with a recommendation that the Amendment be refused by the Minister for Planning for the following reasons:

- 1. The proposal is inconsistent with the Local Planning Scheme No. 9 which seeks to protect the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive uses.
- 2. The proposed coding does not represent a logical settlement pattern on the periphery of the rural smallholdings area outlined under the Local Planning Strategy.
- 3. The protection of quality agricultural land is important to ensure the long-term sustainability of agricultural land use as an important economic and employment base for the Shire.



4. Subdivision of rural land, which this amendment would enable, can undermine agricultural production by creation of unviable land parcels, increasing and remove areas from production for non-rural uses, which is inconsistent with the Local Planning Strategy.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act (2005)

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No.9

Shire of Gingin Local Planning Strategy 2012

POLICY IMPLICATIONS

State Planning Policy No. 2.5 - Rural Planning

State Planning Policy 2.5 – Rural Planning Guidelines

State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS - SIMPLE MAJORITY



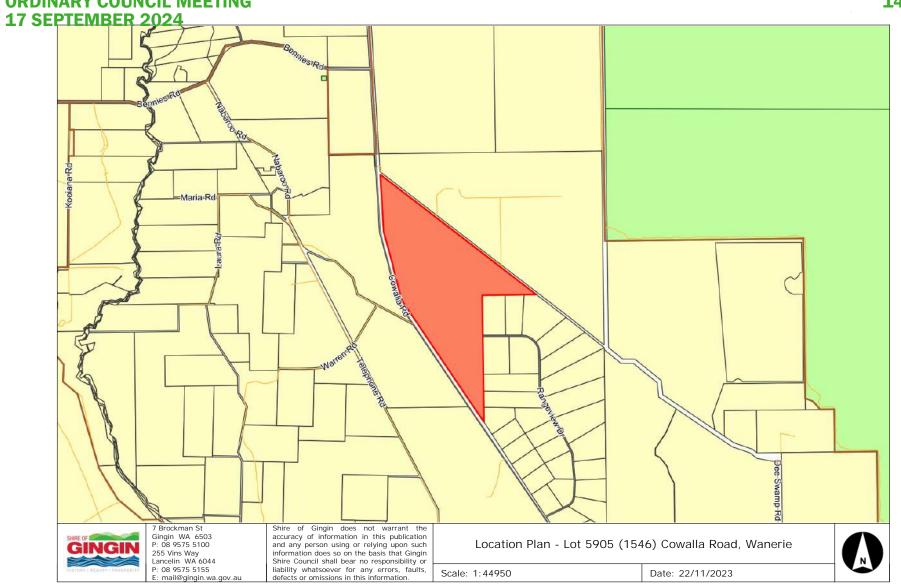
OFFICER RECOMMENDATION

That Council:

- 1. Accept the submissions received during the advertising period and endorse the recommended response.
- Pursuant to Clause 50 (3) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support Amendment No. 25 to Local Planning Scheme No. 9 to rezone Lot 5905 (1546) Cowalla Road, Wanerie from 'General Rural' to 'General Rural 20' and introduce into 'Schedule 10 General Rural (coded) zones the following:

No.	Description of lands	Conditions
3	Lot 5905 (No. 1546) Cowalla Road, Wanerie	1. Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title.
		2. Prior to submission of an application for subdivision approval, a targeted black cockatoo habitat assessment is to be undertaken to identify any sites worthy of preservation and protection.
		<i>3. The subdivision lot layout is to retain remnant vegetation located on the site.</i>
		4. Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately set back from these land uses. Building envelopes should be located more than 500m from the edge of adjoining horticulture uses.

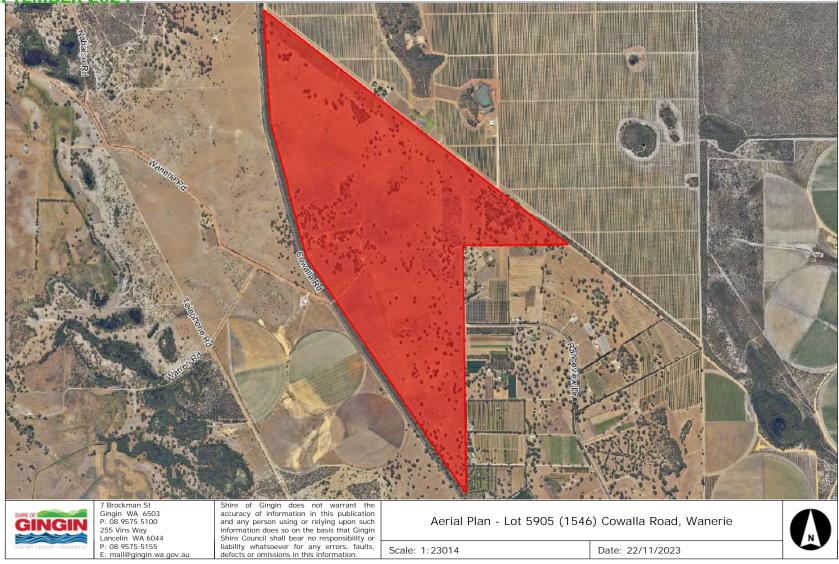
3. Pursuant to Clause 53 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, refer proposed Amendment No. 25 to Local Planning Scheme No. 9 to the Western Australian Planning Commission (WAPC) for consideration.



AGENDA **ORDINARY COUNCIL MEETING**

APPENDIX 14.1.1

APPENDIX 14.1.2



SHIRE OF GINGIN LOCAL PLANNING SCHEME AMENDMENT NO. 25

Shire of Gingin Local Planning Scheme No. 9

Lot 5905 (No. 1546) Cowalla Road, Wanerie





Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Gingin Local Planning Scheme No. 9 Amendment No.25

Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Rezoning Lot 5905 (No. 1547) Cowalla Road, Wanerie from 'General Rural (uncoded)' to 'General Rural (coded 10)'.

2. Amending Schedule 10, and including an additional General Rural (coded) zone as follows:

No.	Description of Land	Conditions
3	Lot 5905 (No. 1546) Cowalla Road, Wanerie	Environmental Management.
		 Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title.
		Land use Settlement Pattern.
		 Lots that share an interface with the gazetted Road (Land ID 3148443) require a minimum average lot size of 15ha.
		 The subdivision lot layout is to retain remnant vegetation located on the site.
		Land Within 500m of Adjoining Horticultural Land Uses.
		 Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately setback from these land uses.
		 Building envelopes should be located greater than 300m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire.

3. Amending the Scheme Map accordingly.

Dated this ______ day of ______ 20____

(Chief Executive Officer)

MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

LOCAL AUTHORITY	Shire of Gingin		
DESCRIPTION OF SCHEME	Local Planning Scheme No. 9		
TYPE OF SCHEME	Local Planning Scheme		
SERIAL NUMBER OF AMENDMENT	Amendment No. 25		
PROPOSAL	 Rezone Lot 5905 (No. 1547) Cowalla Road, Wanerie from 'General Rural (uncoded)' to 'General Rural (coded 10)' and amending the Scheme Map accordingly. Listing Lot 5905 (No.1547) Cowalla Road, Wanerie as GR 10 in Schedule 10 General Rural (coded) Zones, with land use controls and special provisions 		

DOCUMENT CONTROL

Control Version	Date	Status	Distribution	Comment
A	29/10/2023	Draft	HD	For QA
В	01/11/2023	Final	Client	For Comment
С	20/11/2023	Final	External	For Lodgement

Prepared for:	Tony Ruse	Date:	29 February 2024
Prepared by:	DV	Job No:	23651
Reviewed by:	HD	Rev:	С

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- **APPENDIX B** Certificate of Title
- **APPENDIX C** Concept Plan of Subdivision
- **APPENDIX D** Opportunities and Constrains Plan
- APPENDIX E Site Images and Context

🍋 🔵 Harley Dykstra

1 INTRODUCTION

1.1 Purpose

This Scheme Amendment Request (SAR) has been prepared by Harley Dykstra on behalf of the landowner, for Lot 5905 (No. 1546) Cowalla Road, Wanerie, Gingin ('the subject land'). The SAR respectfully requests that the Minister for Planning, Lands and Heritage approve an amendment to the Shire of Gingin's Local Planning Scheme No. 9 (LPS 9) to rezone Lot 5905 from "General Rural" to "General Rural - Coded". On account of this change, the proposed Scheme Amendment addresses a 'density coding amendment' over the lot as opposed to a change in zoning over the land.

The proposed Scheme Amendment Request would formalise a logical extension to an existing 'General Rural - Coded' precinct currently located to the south-east of the subject land. Preliminary correspondence with a planner from the Shire of Gingin indicated general compliance with the adopted Local Planning Strategy and General Rural coding proposed over the land, subject to the demonstration of an appropriate site design which responds to the site's characteristics and existing physical features. This SAR was also presented to the Shire of Gingin Council in a briefing session, where Council provided recommendations on various aspects of the proposal required to be addressed within this Scheme Amendment.

Subdivision approval was granted on 10 September 1996 to subdivide former parent lot 4375 on Plan 62760 into thirty-one (31) new lots (WAPC Ref: 99606). The subdivision approval was implemented to formalise the creation of 31 new lots, ranging in size from 9.8ha-28.7ha. The approved Subdivision Guide Plan (SGP) coordinated the subdivision design and provided opportunity for the subdivision to extend over Lot 5905 to round off the development and provide a through road connection of Rangeview Drive to Cowalla Road. A copy of the Subdivision Guide plan related to WAPC approval 99606 has been included at **Appendix A**. The subdivided land affected by WAPC ref: 99606, is currently zoned 'General Rural 20' upon the adoption and gazettal of the Shire of Gingin Local Planning Strategy and Local Planning Scheme No.9.

The proponent/landowner of the subject site is committed to developing the land on the basis of the Local Planning Strategy, which promotes two corridors of General Rural (GR) smallholdings along the two major rivers within the Shire. The proposed GR10 coding of the land also seeks to complement and complete the existing Subdivision Guide Plan over lot 4375. Future subdivision of this site will be designed to be of a quality commensurate with the physical characteristics of the site, specifically existing vegetation and topography. The ultimate gazettal of this SAR will likely facilitate a twenty-one (21) lot subdivision of the land, featuring a minimum lot size of ten (10) hectares.

1.2 Site Context

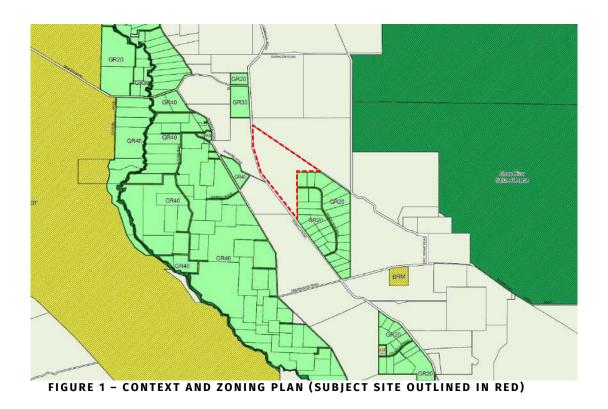
The subject site comprises of a land area of 272.2047ha, located on the eastern side of Cowalla Road, approximately 36km north-west of the Gingin town centre. The subject site is adjacent to 'General Rural 20' (GR 20) zoned land to the south-east (parent lot 4375) and 'General Rural (uncoded)' zoned land directly to the north-east and west. The Moore River Nature Reserve is located further east of

順 🔍 Harley Dykstra

the subject land, while 'General Rural - Coded' precincts are located further north, south and west of the Subject land. A *Context and Zoning Plan* depicting the subject site in its cadastral context is included at **Figure 1** below. A *Context Aerial Image* has been included in **Figure 2** while an overview of the site and its physical characteristics taken from aerial imagery, is portrayed in **Figure 3**.

The subject site comprises a single rural lot with a total area of 272.2047 hectares. The land contains an existing dwelling with a number of associated outbuildings. The balance of the site comprises of various clumps of scattered vegetation located over undulating topography, and grasslands previously used for grazing and the keeping of livestock. The Lot currently derives its access by an existing crossover onto Cowalla Road, along the south western boundary, with a fire emergency access to Rangeview Drive located east of the subject land. An unconstructed Gazetted Road borders the north eastern boundary of the lot, providing access to Lot 5904 (No. 1770) Cowalla Road, north of the subject site. **Appendix E** includes various images taken over the site, including a reference plan identifying the location and direction of each image.

The subject site is located adjacent to a General Rural coded precinct south-east of the site, and 'General Rural' landholdings located north and west of the subject land. The Shire of Gingin Local Planning Strategy has designated the subject site as Rural small holdings.



Local Planning Scheme Amendment Lot 5905 (No. 1546) Cowalla Road, Wanerie 2 | Page







FIGURE 2 - CONTEXT AERIAL IMAGE



FIGURE 3 - AERIAL IMAGE OF SITE WITH CONTOURS (SUBJECT SITE OUTLINED IN RED)

Local Planning Scheme Amendment Lot 5905 (No. 1546) Cowalla Road, Wanerie 3 | Page

APPENDIX

14.1.3



1.3 The Subject Site

The landowner of the subject land currently manages a self-replenishing Merino sheep flock which graze the land. The elderly sheep are sold as exports for meat and other uses, replaced by lambs, born and bred on site. Due to the size of the land the landowner has indicated that the current scale of agriculture is not economically self-sustainable and are required to be supported by additional parcels of land or other forms of income to generate a profitable outcome over the lot. Given that the land is not considered economically viable in association with the current use, the landowner wishes to develop the lot to promote a diversity of rural smallholding lots in accordance with the existing development to the south-east of the subject site. The proposed rural small holding lots will create housing opportunities to support rural lifestyle living and expanding cottage, horticultural and regional tourism industries.

Table 1 below provides a summary of the legal description of the land. A copy of the Certificates of title has been included at **Appendix B**.

LOT NUMBER:	DIAGRAM:	VOLUME/FOLIO:	LOT AREA:	REGISTERED PROPRIETOR:
5905	164777	334/160A	272.2047ha	ANTHONY LEIGHTON RUSE
			TARIE 1	

TABL	.E 1
------	------

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2 PROPOSED SCHEME AMENDMENT

2.1 Overview of Proposal

This SAR seeks to facilitate the rezoning of the subject land from "General Rural" to "General Rural - coded (GR 10)". The proposal represents an appropriately located 'General Rural - coded' precinct which aligns with the objectives of the Shire of Gingin Local Planning Strategy and seeks a logical extension to the existing Rangeview Drive Estate. The allocation of the 'General Rural - coded' Precinct aims to protect the landscape and environmental value of the locality while ensuring General Rural land is preserved and remains unfragmented in accordance with the objectives of the Local Planning Strategy. Future subdivision and development could potentially be in accordance with the Concept Plan of Subdivision provided, with lots to be established with a minimum lot size of 10ha as determined at subdivision stage.

Subsequent to this SAR, the land could be subdivided generally in accordance with the Concept Subdivision Plan attached at **Appendix C**. This permutation of subdivision design facilitates an extension of Rangeview Drive, through to Cowalla road, completing a through road connection, resolving current fire access arrangements. A secondary road extends from Rangeview Drive, servicing the northern portion of the lot. This road is considered a no-through-road, with a Fire Service Access Route extending through to Cowalla Road, ensuring two-way access is achievable for all lots.

2.2 Type of Amendment

Pursuant to regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended), the proposed Scheme Amendment represents a 'Standard Amendment'. The relevant clauses defining a Standard amendment are as follows:

Standard amendment means any of the following amendments to a local planning scheme -

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment.



The relevant definition of a 'Standard amendment,' considered relevant to the proposal, is:

(b) "an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission."

The requested change of zoning from 'General Rural' to 'General Rural – Coded (GR 10)' is consistent with the Shire of Gingin Local Planning Strategy and therefore should be considered a 'Standard Amendment'.

2.3 Proposed Scheme Changes

Subject to the finalisation of this proposed Scheme Amendment, the subject land will be eligible for further subdivision. To ensure any future subdivision is in accordance with the intent of the Local Planning Strategy and consistent with proper and orderly planning a number of provisions are proposed within Schedule 10 of the Shire of Gingin Local Planning Scheme. The proposed additions to Schedule 10 are outlined below:

	Schedule 10 – General Rural (Coded) Zones					
No.	Description of Land	Conditions				
3	Lot 5905 (No. 1546) Cowalla Road, Wanerie AMD XX GG XX/XX/XX	 Environmental Management. Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title. 				
		Land use Settlement Pattern.				
		 Lots that share an interface with the gazetted Road (Land ID 3148443) require a minimum average lot size of 15ha. 				
		 The subdivision lot layout is to retain remnant vegetation located on the site. 				
		Land Within 500m of Adjoining Horticultural Land Uses.				
		 Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately setback from these land uses. 				
		 Building envelopes should be located greater than 300m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire. 				

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3 PLANNING CONTEXT

3.1 State Planning Policies

3.1.1 State Planning Policy 2.5 - Rural Planning (SPP2.5)

State Planning Policy 2.5 *Rural Planning* (SPP 2.5) guides the requirements and controls for land use planning in rural areas within Western Australia. The intent and purpose of the policy 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."

SPP 2.5 provides a number of policy measures to assist decision makers in achieving the objectives of the policy which are summarised as:

- 5.1 Protection of Rural Land / Rural Uses;
- 5.3 Rural Living;
- 5.10 Managing and Improving Environmental and Landscape Attributes; and
- 5.12 Preventing and Managing Impacts in Land Use Planning

The SAR is consistent with the Policy Measures of SPP2.5, given the site has been identified as part of the Rural Smallholdings precinct within the Shire of Gingin Local Planning Strategy enabling potential for further detailed planning and subdivision of the land. Given the land has been earmarked for Rural smallholdings under the Shire of Gingin Local Planning Strategy, the SAR is considered consistent with Section 5.3, providing rural living style lots in a planned and coordinated manner.

The Concept Subdivision design, attached at **Appendix C**, demonstrates each lot is able to accommodate a sufficient land area to accommodate a dwelling with appropriate separational distance to nearby industrious horticultural land uses, and be outside of areas designated bushfire prone. An environmental assessment of the impact of the existing neighbouring horticultural uses will be conducted and submitted as part of a subdivision application, following the successful gazettal of this SAR.

3.1.2 State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3)

SPP 3.0 promotes appropriately located settlements to provide for sustainable patterns of urban growth to enable the efficient, economic and timely provision of infrastructure and services to urban areas.

In considering the objectives of SPP 3 in relation to this SAR, the proposal is considered to appropriately locate a General Rural Coded precinct in accordance with the Shire of Gingin Local Planning Strategy and providing opportunity for rural living without fragmenting larger rural landholdings within the Shire.

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3.1.3 State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7) guides the development requirements for any proposed development of land or infrastructure within designated bushfire prone areas. The intent of the policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The Guidelines for Planning in Bushfire Prone Areas Version 1.4, provide further detail and supporting information to assist decision makers and proponents in determining the appropriate land use in relation to bushfire prone areas, and ensuring that the necessary required measures are incorporated in development relating to bushfire protection.

Section 2.6 within the *Guidelines for Planning in Bushfire Prone Areas Version 1.4*, details discretionary decision making where exemptions may be sought from the requirements of SPP 3.7. The guidelines state that where there is no intensification of land-use and/or the proposal does not result in an increase to the bushfire threat, proponents can apply for an exemption from SPP3.7 requirements.

The Subject land only accommodates small portions of the site designated Bushfire Prone, identified by the Department of Fire and Emergency Services (DFES)(**Figure 4** refers). A Bushfire Management Plan has not been prepared in support of this Scheme Amendment, given the Opportunities and Constraints Plan (**Appendix D**) demonstrates each lot has a suitable portion of land located outside Bushfire prone areas. It is acknowledged that a future subdivision application will require a bushfire assessment to be undertaken to demonstrate compliance with the requirements of SPP 3.7.

3.1.4 Development Control Policy 3.4 - Subdivision of Rural Land (DCP 3.4)

Development Control Policy 3.4- *Subdivision of Rural Land* (DCP3.4) sets out the policy requirements for planning in rural zoned land. DCP 3.4 is an operational policy to assist in guiding subdivision in accordance with the provisions of State Planning Policy 2.5 *Rural Planning*.

The Policy indicates that subdivision of rural land should be consistent with the provisions of a local planning scheme/strategy and be undertaken in a proper and orderly fashion to avoid the fragmentation of rural zoned land and the creation of smaller ad-hoc rural lots.

The proposed Scheme Amendment seeks to formalise and progress the provisions outlined within the Local Planning Strategy, which identifies the subject land as 'Rural smallholdings.' The allocation of the Rural Smallholdings zone indicates the potential for further development of the land. The proposed Scheme Amendment seeks to amend the zoning of the lot from 'General Rural' to 'General Rural – Coded'. The Strategy highlights that a number of existing 'General Rural -Coded' precincts are dispersed throughout the region identified as 'Rural Smallholdings' in accordance with the Local Planning Strategy. The Strategy further indicates that an infill of 'Rural Smallholding' lots within the specified locations will not contribute to the additional fragmentation of 'Rural' zoned land, given that the land is considered to already be largely fragmented.

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3.1.5 Government Sewer Policy 2019 (GSP)

The Government Sewerage Policy (GSP) sets the State Government's position on how sewerage services are to be provided in Western Australia through the planning and development of land. Given that there is no reticulated sewer within the area and reticulated sewer cannot be feasibly extended to service the site, onsite effluent disposal will need to be addressed as a part of any future subdivision.

Figure 5 provides an extract of the Government Sewerage Policy Mapping and identifies areas classified as 'Sewer Sensitive.' As evidenced by **Figure 5**, the site is not identified as sewer sensitive neither is it located within a public drinking water area.

Section 4 of the GSP indicates the policy applies to subdivision applications which result in the creation of lots lesser than 4ha. Given that the future subdivision of land will accommodate lot sizes aligned with the GR10 coding (minimum lot size of 10ha), this Scheme Amendment and probable subsequent subdivision application is considered exempt from the requirements dictated within the Government Sewerage Policy 2019.



FIGURE 4 - DFES BUSHFIRE PRONE MAPPING





FIGURE 5 - GOVERNMENT SEWERAGE POLICY 2019 MAPPING

3.2 Local Planning Framework

3.2.1 Shire of Gingin Local Planning Scheme No. 9 (LPS 9)

The subject site is currently zoned 'General Rural' under the Shire of Gingin Local Planning Scheme No. 9 (LPS 9) (Figure 1 refers). This SAR proposes the subject land be coded to accommodate a 'General Rural Coded' zone, specifically GR10.

The objectives of the 'General Rural' zone as detailed within LPS 9 are as follows:

- a) 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;
- 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.

This SAR proposes a change in density coding within the current zone, ensuring the preservation of the rural character and amenity of the area. The zoning density modification is commensurate with

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the provisions within the Shire of Gingin Local Planning Strategy, which promotes rural smallholding lots agglomerating along the major River systems within the Shire. A successful outcome of the SAR will likely result in a subdivision generally in accordance with the concept subdivision plan, attached at **Appendix C**, which demonstrates minimal vegetation will be required to be removed to facilitate both this scheme amendment and likely future subdivision. The concept subdivision plan also demonstrates each lot is able to locate a dwelling which achieves adequate separational distances from the adjoining horticultural land uses.

LPS 9 further dictates zone-specific development standards within the 'General Rural' zone. Subdivision within the 'General Rural' zone should consider the protection of natural vegetation, the provision of services to any future lot, access, building location, bushfire management and the impact on the amenity of the area. Subdivision should also correspond with the General Rural zone lot sizes, specified in Section 4.8.6.1. of LPS 9 and summarised as follows:

Code	Minimum Lot Size
GR10	10ha
GR20	20ha
GR30	30ha
GR40	40ha
UNCODED	Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4.

On account of the change from 'General Rural' to 'General Rural – coded (GR10),' the proposed Scheme Amendment addresses a 'density coding amendment' over the lot, rather than a change in the zoning over the land.

3.2.2 Shire of Gingin Local Planning Strategy (2012)

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer-term planning direction for the Shire over a 15–20-year planning horizon. The document provides the opportunity to assist decision makers in producing strategic decisions which align with the future intent and development of the Shire. One function of the Local Planning Strategy is to outline a plan that forms the basis of land use zoning, subdivision and development throughout the Shire.

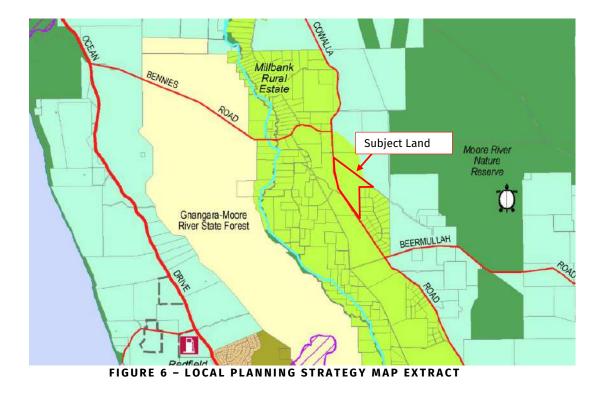
The Local Planning Strategy was developed on the premise to protect rural land from fragmentation. The Strategy seeks to confine the subdivision of rural land along two major corridors centred along the Gingin Brook and Moore River. The Strategy was implemented to prevent ad-hoc subdivision of rural land on the basis of horticultural capabilities and focus the development of land along two major corridors promoting a diversity of Rural Smallholdings in an area which has been historically proven to be attractive for this type of landholding.

The subject land forms a portion of the 'Rural Small Holdings' precinct which agglomerates along the Moore River corridor. An excerpt of the Shire of Gingin Local Planning Strategy Map, demonstrating the subject land in its context has been included in **Figure 6**. The Strategy explicitly outlines that historically subdivision was considered on the basis of land capability for horticulture under the previous Gingin Local Rural Strategy 1994. The method of basing subdivision and

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development of land was identified as conflicting with the principles of proper and orderly planning, resulting in the fragmentation of large rural landholdings. In response to these concerns the Shire developed a strategic approach to planning for the Shires rural resources which responds to existing major physical features within the Shire. This strategic approach formalised the creation of two Rural Smallholding corridors centralised along the Gingin Brook and Moore River. These areas were observed to accommodate an extensive pattern of existing rural smallholding lots and fragmented rural lots. Given the existing fragmentation, the Strategy indicates that further controlled subdivision and marginal expansion of these areas will not contribute to the further fragmentation of broad-acre rural land, but rather will provide an attractive location for smaller rural landholdings in an area directly serviced by major access routes, providing linkages to nearby rural and coastal townsites.

The Strategy indicates that the further subdivision of Rural Smallholding lots should only occur within the areas identified on the Local Planning Strategy map. The subject land has been identified to be within the 'Rural Smallholdings' area, therefore being capable of accommodating a future zoning/coding amendment under the Shire of Gingin Local Planning Scheme No. 9. This SAR is further considered to be a logical extension to the existing 'GR20' precinct directly south-east of the subject land.





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4 SITE ANALYSIS

4.1 Landform & Topography

The topography of the subject site is demonstrated as per the Conceptual Plan of Subdivision attached as **Appendix C**. The subject site accommodates one major peak located in the north western portion of the lot with a height of 128m AHD. A saddle is located in the southern portion of the lot featuring two peaks, with an approximate height of 100mAHD. The western portion of the lot features a gully with a minimum height of 64mAHD. The site generally slopes upward from Cowalla road and is screened by a 40m wide vegetation buffer along Cowalla Road.

4.2 Geomorphic Wetlands

A detailed review of the department of Biodiversity Conservation and Attractions Geomorphic Wetlands of the Swan Coastal Plain mapping dataset indicate that no geomorphic wetlands are located within close proximity of the subject site as outlined within **Figure 7** below.



FIGURE 7 - GEOMORPHIC WETLAND MAPPING OF THE SWAN COASTAL PLAIN (DBCA)

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4.3 Land Use Conflict

The Subject land is located within proximity to horticultural and market garden land uses, specifically olive groves north of the subject land, and horticultural pivots located west of the subject land. The Environmental Protection Authority has drafted a guide providing recommended separation distances between industrial and sensitive land uses. The recommended separation distance from Market Gardens, without any studies undertaken, ranges from 300m-500m, depending on the scale and intensity of the Market Garden. In consultation with the Shire of Gingin Council at a briefing session, it was recommended that a 300m buffer would be acceptable between sensitive land uses and the existing olive plantation to the north, while it was recommended that a separation distance nearing 500m would be acceptable from the Horticultural pivots located west of the site.

The Opportunities and Constraints Plan attached at **Appendix D**, provides an indication of the relevant separation distances from the adjoining industrious land uses. As evidenced on the plan, it is possible that almost every lot achieves a portion of land located outside of the 500m Buffer from the Horticultural pivots and 300m from the Olive Plantation, in accordance with the recommendations form the Shire Council. It is acknowledged that Lot 22 located on the Concept Subdivision Plan is the only lot which does not contain such a portion of land outside the 500m buffer. It is expected that as part of a subsequent subdivision application environmental studies will be undertaken to assess the relevant buffer distances to ensure this lot can achieve compliance with the relevant separational distances from industrious land uses.

4.4 Water

Historically within the Shire of Gingin the provision of water and allocation of ground water has been a contentious resource, limiting the expansion of water intensive agricultural and rural uses. While it is acknowledged the provision of water is identified as a planning consideration, it should not be the basis upon which planning decisions should be made. A successful Scheme Amendment is likely to result in the subdivision of land in accordance with the amended zoning. The Shire of Gingin Council also highlighted the need to consider the distribution and allocation of groundwater resources and licencing during the initial briefing session.

Given the likelihood that there will be additional landholdings over the land, it is expected that there will be a greater demand for the provision of potable drinking water. While specific details will be provided during subdivision stage, it can be concluded that each lot will be able to provide an adequate supply of potable water through the harvesting and storage of rainfall in rainwater tanks. Section 4.8.6.4 of the Shire of Gingin Local Planning Scheme No.9 (LPS 9) indicates that a water tank of not less than 90,000L should be installed where lots cannot be connected to a reticulated water supply. Should the Council consider it necessary, additional policy measures can be included in Schedule 10 of LPS 9, dictating specific requirements of General Rural coded areas. These specific policy measures could stipulate the need for adequate provision of potable water supply and specify the minimum size for rain water tanks. Alternatively, it is expected that a condition of a future subdivision approval would dictate this requirement.

The licencing and access to groundwater resources has also been considered in conjunction with this Scheme Amendment request. It is noted that numerous landholdings located within the neighbouring development south-east of the subject land operate uses over their lot without the

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need for access to groundwater connections or licences. It is expected that future lots resulting from subdivision, following a successful outcome of a Scheme Amendment, will also be able to operate a range of land uses which do not require a connection to the underground aquifers or water licences. A number of land uses, which do not require access to groundwater resources include: the keeping of bees, Extensive Agriculture, Educational Establishment, Hydroponics, Chalet, Staff/Workers Accommodation, Community Purpose and various rural and/or cottage industries. It is expected that due to the extensive progression of technology and innovation in relation to various industries, the proposed lot sizes and the targeted landowner groups, future landholdings will have the opportunity to operate rural land uses without the need for a connection to local groundwater aquifers within the area. If groundwater is desired to be accessed the relevant approvals and licences will be required prior to access and usage.

4.5 Existing Vegetation

The subject land comprises of largely cleared rural land used for the grazing of animals and hay production. The site accommodates various scattered trees throughout, comprising of Redgum, Tuart trees, Banksia trees, Blackboy, Blackbutt, and Tagasaste species. Given the site has been used for grazing of animals and livestock the existing vegetation is generally scattered and degraded. The site accommodates various clusters of more dense vegetation, which will be retained as part of this Scheme Amendment request. The land owner is committed to preserving existing vegetation over the site, reflected through the Concept Subdivision Plan (**Appendix C**) which provides sufficient areas within each lot suitable for the development of a single dwelling without the need to remove any existing vegetation. Additionally, the road layout has been designed to avoid the removal of any significant vegetation.

4.6 Land Capability

No detailed land capability studies have been completed in support of this SAR at this stage. Subject to Council recommendations, Geotechnical studies can be undertaken to determine the site land capability as part of any future application for specific land use and development on lots. Given the subject site adjoins already subdivided and developed 'General Rural 20' zoned land, it is considered that the subject land is capable of supporting development as proposed.

4.7 Bushfire Hazard

The objective of State Planning Policy 3.7, Planning in Bushfire Prone Areas, is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

Figure 4, and the Opportunities and Constraints Plan Attached at **Appendix D** demonstrate only small portions of the lot designated as bushfire prone identified by the Department of Fire and Emergency's Bushfire Prone mapping. Any application which results in the intensification of the land within a bushfire prone area requires a Bushfire Assessment to be undertaken to identify the bushfire risk posed to future development opportunities on the site.

As evidenced in the Concept Subdivision Plan, each lot has the capability to accommodate a single dwelling outside of any area designated bushfire prone. Therefore, given each lot can accommodate



a dwelling outside of areas designated bushfire prone, and subject to advice previously received from the DPLH a Bushfire Management Plan has not been prepared in support of this Scheme Amendment Request. It is expected that a Bushire Assessment will be required in support of a future subdivision application.

4.8 Servicing

4.8.1 Power

Three phase aerial power lines currently traverse the site, providing power connections to the existing house on the lot. Aerial power on the site will need to be redirected along the road reserve as part of the subdivision implementation process to provide a suitable power connection to each newly subdivided.

4.8.2 Water

Reticulated water services are not available within proximity to the site and cannot be feasibly extended to service the Lot. Therefore, water will need to be provided via the capture and storage of rainfall through rainwater tanks. It is expected that a future subdivision may require a tank suitable for firefighting purposes. Further, the Scheme provisions require that a water tank of not less than 90,000L should be installed where lots cannot be connected to a reticulated water supply.

4.8.3 Sewer

A sewer connection is not available within proximity of the subject site. Therefore, effluent will need to be disposed of onsite. Given each lot exceeds 4ha in size, this scheme amendment and future subdivision application are considered to be exempt from the requirements of the Government Sewerage Policy 2019, and each lot is considered capable of accommodating effluent on site.



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5 CONCLUSION

In conclusion, this SAR seeks support to enable a re-coding of Lot 5905 (No. 1546) Cowalla Road, Wanerie to 'General Rural – Coded (GR10)'. This SAR is considered to be consistent with the intent and purpose of State Planning policy 2.5 - Planning in Rural Areas, 3.7 Planning in Bushfire Prone Areas, Shire of Gingin Local Planning Scheme and the Shire of, Gingin Local Planning Strategy which identifies the site as 'Rural Smallholdings'. The General Rural Coded proposal will be consistent with the adjoining General Rural coded land south-east of the subject land, comprising of lots ranging from 9.8ha-28.7ha, appropriately rounding off the Rangeview estate in a logical manner. This 'rounding-off' will also complete existing fire access issues currently present within the Rangeview Drive Estate.

Future subdivision of the land will allow for an extension to Rangeview Drive, and an extension to the Rangeview Estate, whilst maintaining the rural character and amenity of the area. The extension to Rangeview Drive will also finalise fire access arrangements which to date remain incomplete as part of the current Rangeview estate, rectifying existing bushfire hazards for the locality.

The environmental opportunities identified onsite can appropriately be managed due to the 10ha and larger lot sizes proposed through this SAR. Each lot will have the capability to construct a dwelling without the removal of vegetation and in a suitable location in terms of site management and separation from surrounding horticultural activities.

It is therefore respectfully requested on the basis of the above justified rationale, that the Minister for Planning, Lands and Heritage approve the amendment to the Shire of Gingin Local Planning Scheme No.9 to recode Lot 5905 Cowalla Road, Wanerie from "General Rural" to "General Rural – Coded (GR 10)".

-

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Gingin Local Planning Scheme No. 9 Amendment No.25

Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

4. Rezoning Lot 5905 (No. 1547) Cowalla Road, Wanerie from 'General Rural (uncoded)' to 'General Rural (coded 10)'.

5. Amending Schedule 10, and including an additional General Rural (coded) zone as follows:

No.	Description of Land	Conditions
3	Lot 5905 (No. 1546) Cowalla Road, Wanerie	Environmental Management.
		 Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title.
		Land use Settlement Pattern.
		 Lots that share an interface with the gazetted Road (Land ID 3148443) require a minimum average lot size of 15ha.
		 The subdivision lot layout is to retain remnant vegetation located on the site.
		Land Within 500m of Adjoining Horticultural Land Uses.
		 Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately setback from these land uses.
		 Building envelopes should be located greater than 300m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire.

6. Amending the Scheme Map accordingly.



COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____20__.

SHIRE PRESIDENT

.....

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____day of _____, 20__, proceed to advertise this Amendment.

.....

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

.....

COUNCIL RECOMMENDATION

This Amendment is recommended for ______ by resolution of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____, 20____ and the Common Seal of the Shire of Gingin was hereunto affixed by the authority of a resolution of the Council in the presence of:

(Seal)

.....

.....

SHIRE PRESIDENT

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

DELEGATED UNDER S.16 OF THE P&D ACT 2005

DATE.....

.....

.....

APPROVAL GRANTED

MINISTER FOR PLANNING

DATE.....

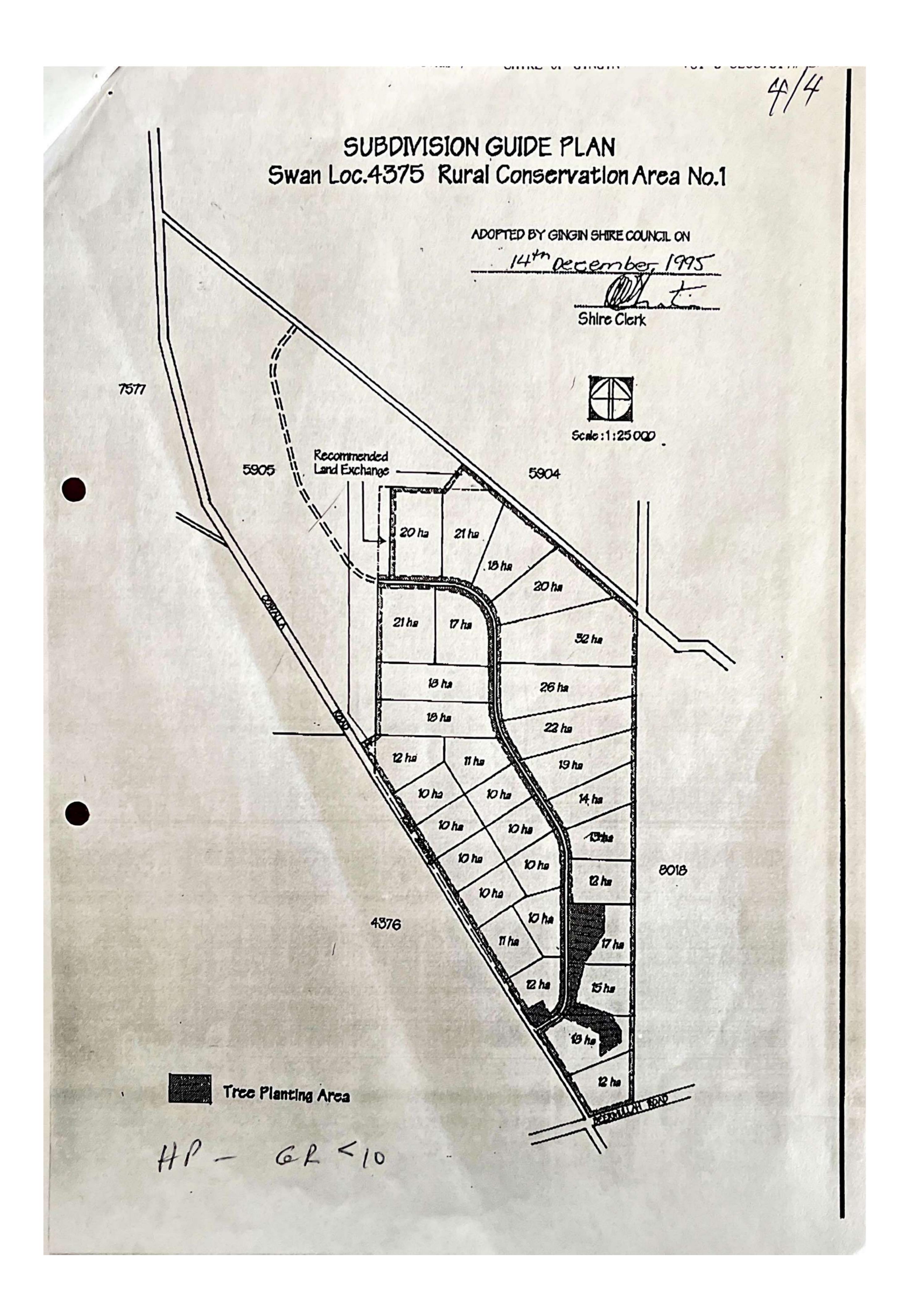






APPENDIX A

WAPC APPROVAL 99606 - SUBDIVISION GUIDE PLAN









APPENDIX B

CERTIFICATE OF TITLE



WESTERN

TITLE NUMBER Volume Folio 334 160A

AUSTRALIA

RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

Robe REGISTRAR OF TITLES

LAND DESCRIPTION:

LOT 5905 ON DEPOSITED PLAN 164777

REGISTERED PROPRIETOR: (FIRST SCHEDULE)

ANTHONY LEIGHTON RUSE OF 154 ADELMA ROAD, DALKEITH

(T A928758) REGISTERED 25/2/1975

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS: (SECOND SCHEDULE)

1. A928760 MORTGAGE TO NATIONAL BANK OF AUSTRALASIA LTD REGISTERED 25/2/1975.

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 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: PREVIOUS TITLE: PROPERTY STREET ADDRESS: LOCAL GOVERNMENT AUTHORITY: 334-160A (5905/DP164777) 334-160A 1546 COWALLA RD, WANERIE. SHIRE OF GINGIN

LANDGATE COPY OF ORIGINAL NOT TO SCALE 15/08/2023 10:21 AM Request number: 65475246



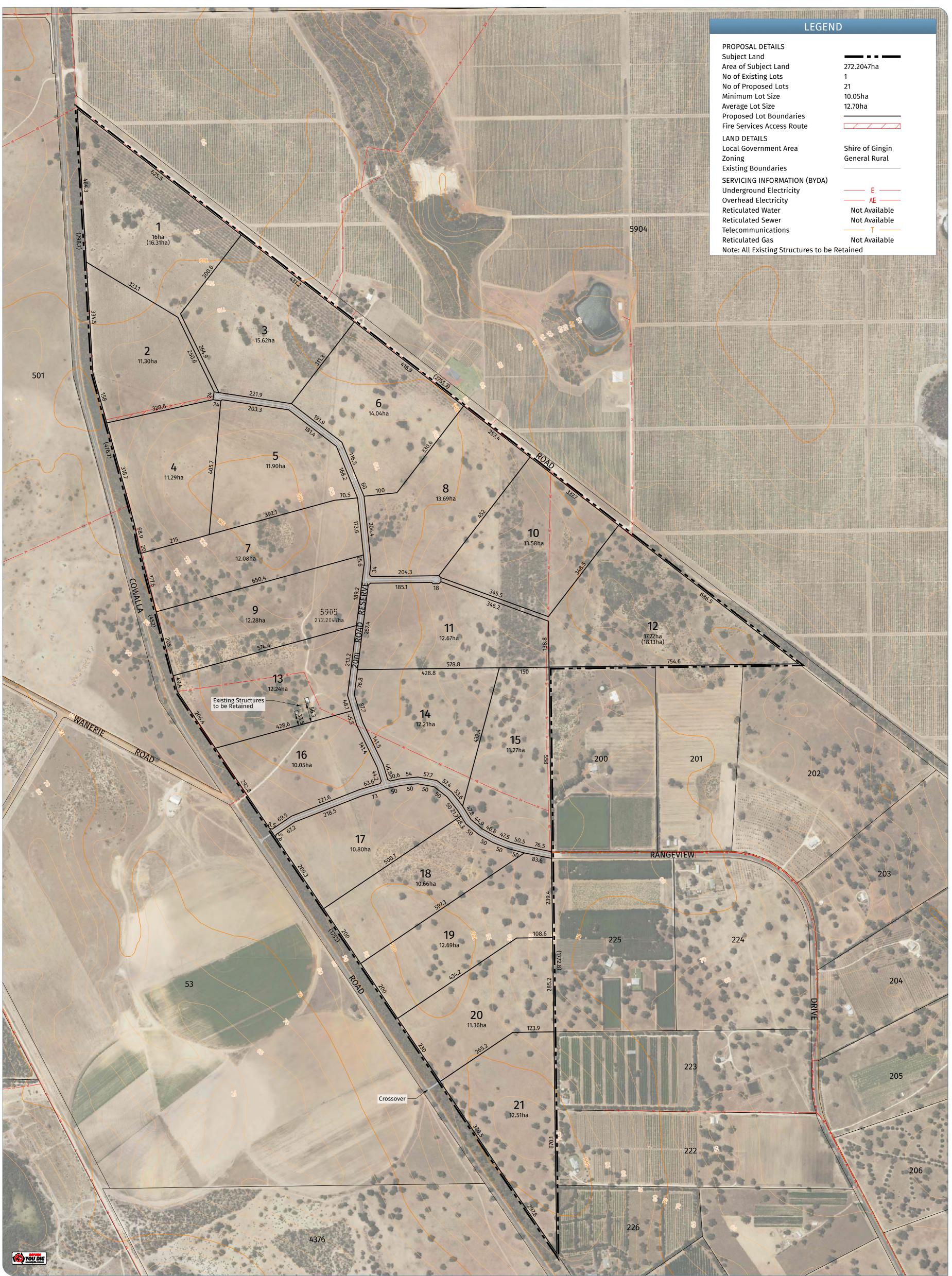






APPENDIX C

CONCEPT PLAN OF SUBDIVISION



CONCEPT SUBDIVISION

Lot 5905 (No. 1546) Cowalla Road, WANERIE

Plan No. 23561-03 Date 24/01/24 Drawn NP Checked DV Revision D Scale 1:5000 @ A	Lvl 1, 252 Fitzgerald St PERTH WA 6000 15/2 Hensbrook Loop, FORRESTDALE WA 6112 T: 08 9495 1947 E: metro@harleydykstra.com.au ALBANY BUNBURY BUSSELTON	COPYRIGHT: This document is and shall remain the property of HARLEY DWSTRA. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission. Unatthorised use of this document in any form whatsover is prohibited FORRESTDALE PERTH	Harley Dykstra
1:10000 @ A NOTE: This plan has been prepared for p	A3 contours and Dimensions s	shown are subject to survey	PLANNING & SURVEY SOLUTIONS

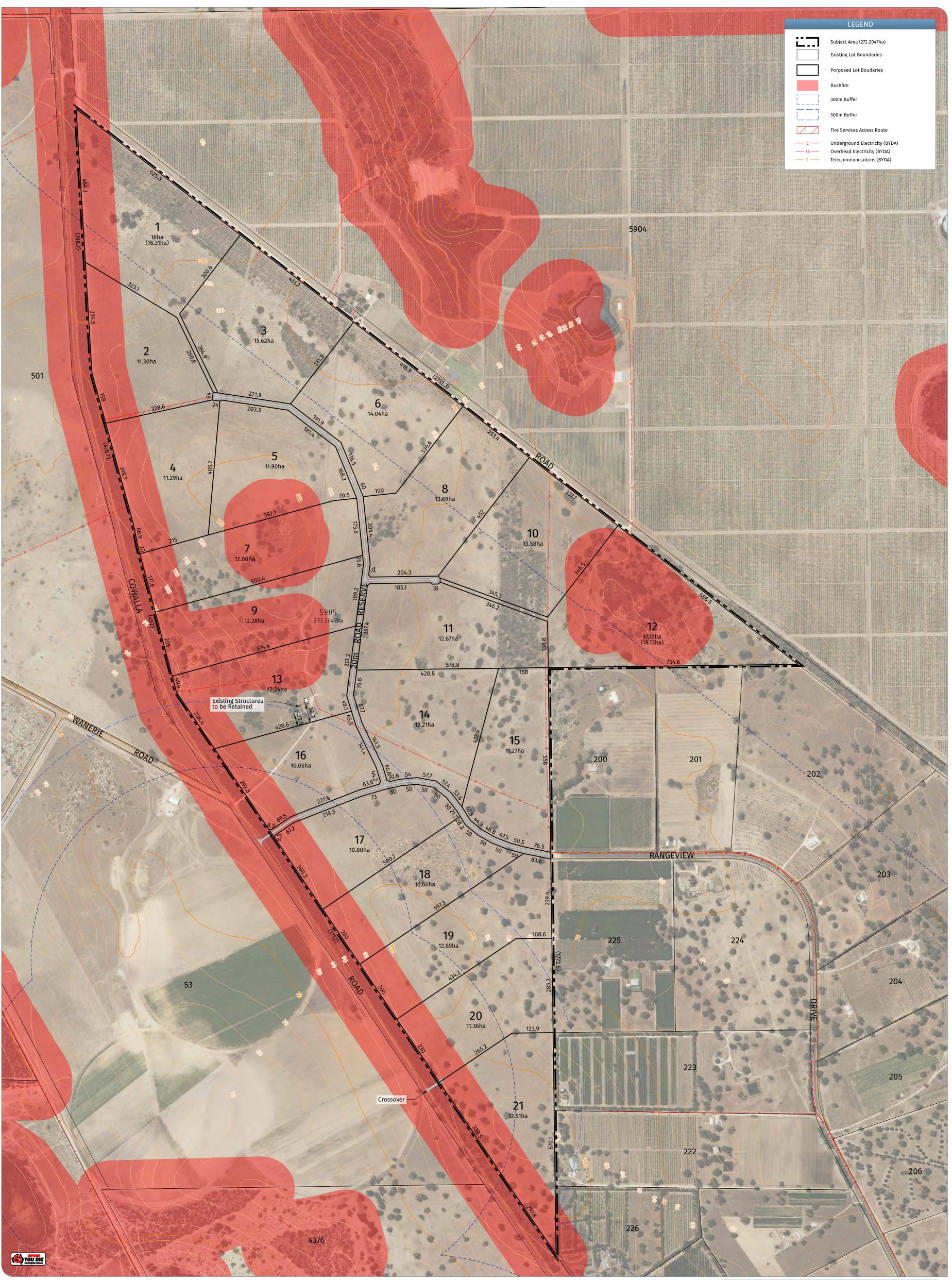






APPENDIX D

OPPORTUNTIES AND CONSTRAINTS PLAN



OPPORTUNITY & CONSTRAINTS PLAN

Lot 5905 (No. 1546) Cowalla Road, WANERIE

Plan No. Date Drawn Checked Revision	23561-01 30/01/24 NP DV D	PERTH & FORRESTDALE: Lvl 1, 252 Fitzgerald St PERTH WA 6000 15/2 Hensbrook Loop, FORRESTDALE WA 6112 T: 08 9495 1947 E: metro@harleydykstra.com.au ALBANY BUNBURY BUSSELTO	COPYRIGHT: This document is and shall remain the property of HARLEY DYKSTRA. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission Unauthorised use of this document in any form whatsover is prohibited N FORRESTDALE PERTH	Harley Dykstra
Scale	1:5000 @ <i>A</i>		bsi 150 9001 Sudaly Sudaly	
NOTE. This plan	1:10000 @ /	HJ		PLANNING & SURVEY SOLUTIONS

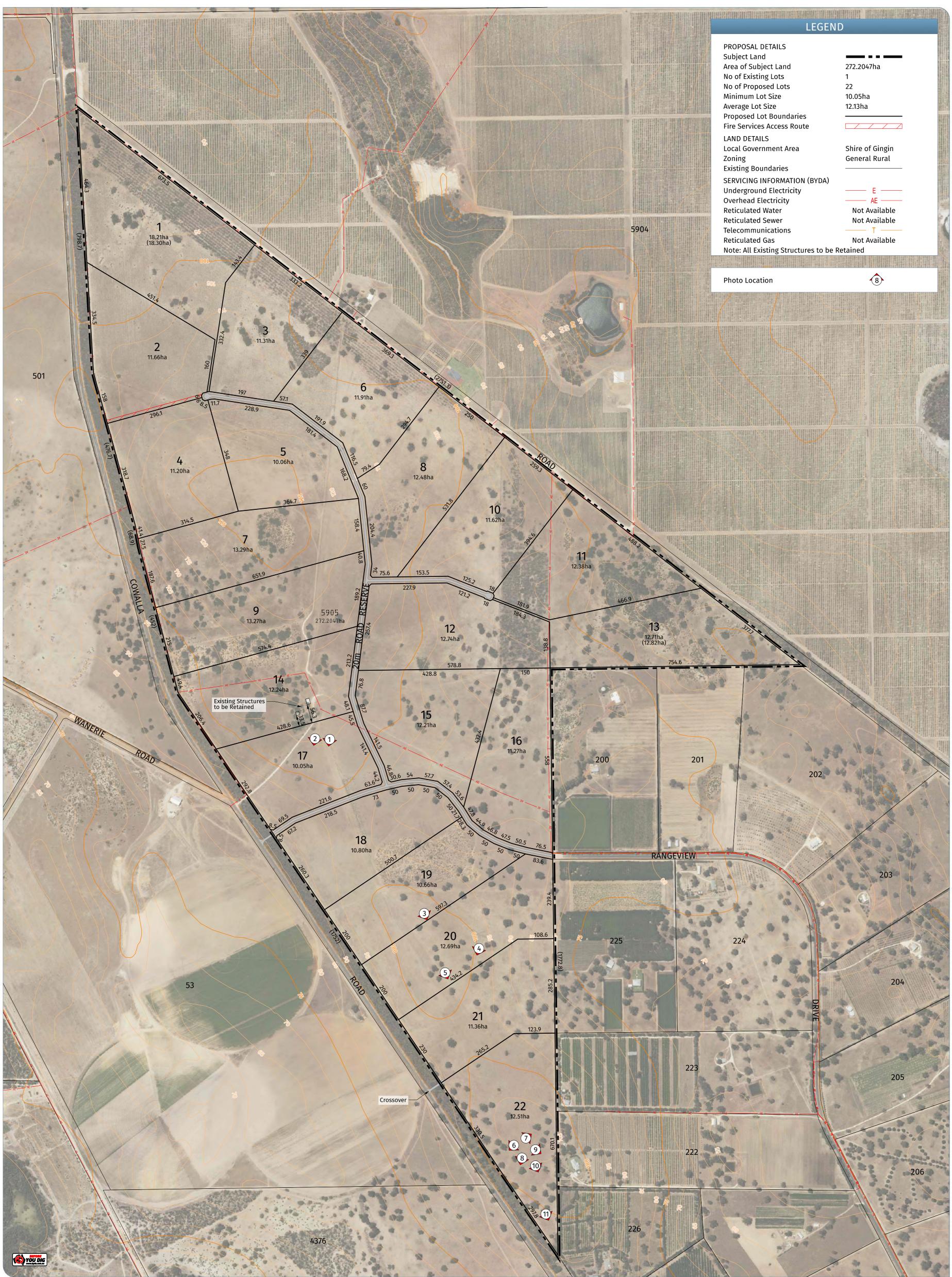






APPENDIX E

SITE IMAGES AND CONTEXT

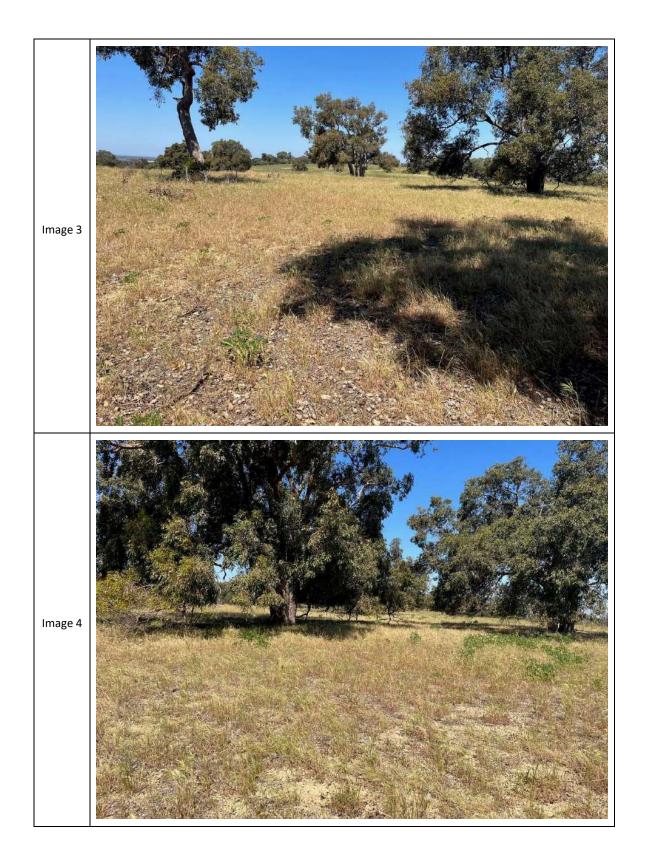


CONCEPT SUBDIVISION

Lot 5905 (No. 1546) Cowalla Road, WANERIE

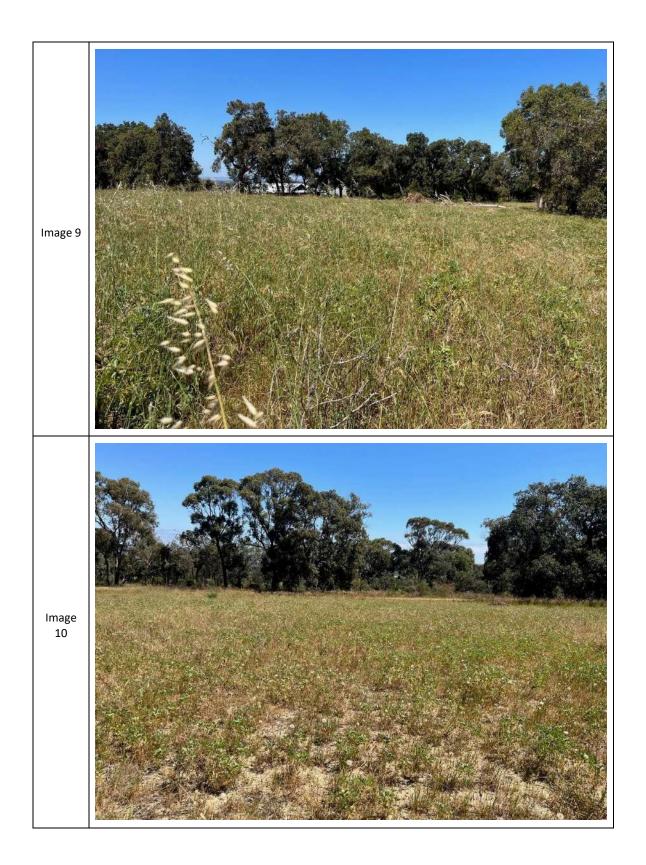
Plan No. 2356 Date 01/1 Drawn NP Checked DV Revision C Scale 1:500		COPYRIGHT: This document is and shall remain the property of HARLEY DYKSTRA. The document may only be used for the purpose for which it was commissioned and in accordance with the terms of engagement for the commission. Unauthorised use of this document in any form whatsover is prohibited DN FORRESTDALE PERTH COCO	Harley Dykstra
	000 @ A3 pared for planning purposes. Areas, Contours and Dimension	is shown are subject to survey	PLANNING & SURVEY SOLUTIONS













OFFICIAL

Environmental Protection Authority					
s.48A Referrals					
Title:	Shire of Gingin	Local Planning Scheme 9 Amendment 25			
Location:	Lot 5905 Cowa	alla Road, Wanerie			
Rural' to 'Genera		proposes to rezone Lot 5905 Cowalla Road, Wanerie from 'General al Rural (GR 10)'. The amendment also proposes to include new nedule 10 of the Scheme to guide future subdivision of the a.			
Ref ID:	APP-0025167				
Date Received:	05/03/2024	Date Sufficient Information Received: 05/03/2024			
Responsible Authority:	Shire of Gingin	a, PO Box 510, GINGIN WA 6503			
Contact:	James Bayliss				
Preliminary Environment	al Factors:	Flora and Vegetation, Terrestrial Fauna, Social Surroundings, Inland Waters			
Potential Significant Effects:		Implementation of the scheme amendment may result in the removal of native vegetation and threatened fauna habitat, and potential impacts to future sensitive land uses from intensification of and exposure to, rural activities in area (e.g. horticulture). Implementation of the scheme amendment may also result in reduced water quality and/or contaminated water discharging to the Moore River catchment.			
Protection:		Existing scheme provisions and proposed provisions can manage potential impacts to native vegetation and sensitive receptors from future development within the amendment area. Future development should also be informed by appropriate water management planning. EPA advice is provided recommending actions to protect and restore environmental values, and manage and mitigate potential environmental impacts.			
Determination:		Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. Advice Given. (Not Appealable).			

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.



20 March 2024



OFFICIAL



Environmental Protection Authority

Mr Aaron Cook Chief Executive Officer Shire of Gingin PO Box 510 **GINGIN WA 6503** Our Ref: APP-0025167 Enquiries: Maddison Howard, 6364 6424 Email: maddison.howard@dwer.wa.gov.au

Dear Mr Cook

DECISION UNDER SECTION 48A(1)(a) Environmental Protection Act 1986

SCHEME	Shire of Gingin Local Planning Scheme 9				
	Amendment 25				
LOCATION	Lot 5905 Cowalla Road, Wanerie				
RESPONSIBLE AUTHORITY	Shire of Gingin				
DECISION	Referral Examined, Preliminary Investigations and				
	Inquiries Conducted. Scheme Amendment Not to be				
	Assessed Under Part IV of the EP Act.				
Advice Given (Not Appealable)					

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides advice and recommendations.

Please note the following:

- The protection measures to be implemented as outlined in the EPA's determination (attached).
- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination and advice and recommendations is attached and will be made available to the public via the EPA website.

Yours sincerely

Prof. Matthew Tonts Chair of the Environmental Protection Authority

20 March 2024

Encl. EPA Determination Scheme advice and recommendations

> Prime House, 8 Davidson Terrace Joondalup, Western Australia 6027. Postal Address: Locked Bag 10, Joondalup DC, Western Australia 6919.

Telephone: (08) 6364 7000 | Facsimile: (08) 6364 7001 | Email: info.epa@dwer.wa.gov.au

SCHEDULE OF SUBMISSIONS AND OFFICERS RESPONSES

DEVELOPMENT APPLICATION: AMENDMENT NO. 25 TO LOCAL PLANNING SCHEME NO. 9 - REZONING OF LOT 5905 COWALLA ROAD, WANERIE

No.	Submitter	Submission details	Officers response
1.	Ratepayer	The submitter does not support the application and provides the following general comment: Believe this would cause additional strain on the electrical grid. Undue additional strain on the water aquifer as there would be another 21 bores drilled on that land to irrigate each of the houses. Potential Devalue land. Cause noise complaints from the new general rural occupants from intensive ag practices (EG air blast spraying, Mulching, Flail mowing). Increase crime as Rangeview drive could be accessed from both sides. Increased Trucks and traffic. Increased noise.	 1 - Electrical connections and capacity is a matter for Western Power. It is premature to conclude that electrical concerns warrant refusal of the amendment. 2 - The officer notes that the Department of Water and Environmental Regulation (DWER) did not raise concerns with respect to additional bores or water extraction. While the officer generally agrees that this proposal could create further superficial bores, in the absence of the DWER raising concern it is not a matter for the officer to cast judgement on. 3 - Property values are not a planning consideration. 4 - The officer general concurs with the issues relating to land use conflict between residential and agricultural activities. The EPA has recommended separation distances, which the applicant suggest is capable of being satisfied. This itself does not provide the officer with comfort that conflict will not arise, however it is acknowledged that planning framework and if the statutory distances are able to be satisfied, the merits of a refusal on these grounds becomes problematic. The officer is of the view that no surrounding agricultural uses should be burdened by

			this proposal, and title notifications at subdivision stage is common to forewarn landowners to expect a rural amenity.
2.	Ratepayer	The submitter does not support the application and provides the following general comment: <i>Please take this submission as an objection to the approval of this application on the following basis;</i>	
		1) Water - This is a significant issue currently facing properties on Rangeview. There is limited access to current ground water with availability further reducing. I run hobby/small commercial venture which require a lot of water in accordance with our water licenses. Impacting this will provide financial pressure on my property through reduced productivity and high risk of not being able to water current ventures if demand for water is increased. Further there is high likelihood this will damage my crops and future harvests.	Refer to point 2 above.
		2) Property value - Assuming there is limited or no water supply other than rainwater on these properties, this will limit the value of the blocks which will in turn adversely impact the valuation of our assets/property as the market will factor in lower then expected land values - Current real estate data shows properties on Rangeview take up to 12 months to sell. Flooding the market with more properties will damage the value of my asset.	Refer to point 3 above.
		3) Population increase - I brought my property out here since it was rural with limited traffic. This development will turn Rangeview into a thoroughfare with significant increase in traffic, people, vehicle movements and with this crime which has been seen in other areas of Gingin. Given the majority of people like myself who don't live on site, this is a serious concern since currently we brought into this road due to security.	 5 - The assertions with respect to crime have no merit. The potential lot yield is not substantial to create traffic related issues.
		4) Current infrastructure - I currently suffer from regular outages from Western Power, roads including Cowalla are falling apart, internet is slow to intermittent and mobile reception is ineffective. Having more people using these services will adversely impact the current service I experience which is poor.	Refer to point 1 above.
		5) I pay a premium council rate to run my property based on being rural. Providing more blocks around me with I am assuming will be cheaper shire rates will again raise issues on equity and fairness.	6 – The comments with respect to rates have no planning nexus.
		On the above outlined issues, I encourage the Shire to decline this development request.	
3.	Ratepayer	The submitter does not support the application and provides the following general comment:	
		Please take this submission as an objection to the approval of this application on the following basis;	

		1
	 Water - This is a significant issue currently facing properties on Rangeview. There is limited access to current ground water with availability further reducing. I run a hobby farm which requires water in accordance with my water license. Impacting the available ground water will provide financial pressure on my property through reduced productivity and high risk of not being able to water current tress if demand for water is increased by this development. 	
	2) Property values - Assuming there is limited or no water supply other than rainwater to this development, this will hinder the value of the blocks which will in turn adversely impact the valuation of our assets/property which will be compared in the market by prospective buyers.	
	<i>3)</i> Population increase - I brought my property out here since was rural with limited traffic. This development will turn Rangeview into a thoroughfare with significant increase in traffic, people and with this crime which has been seen in other areas of Gingin.	
	 4) Current infrastructure - I currently suffer from regular outages from Western Power, roads including Cowalla are falling apart, internet is slow to intermittent and mobile reception is ineffective. Having more people using these services will adversely impact the current service I experience which is poor. 	
	5) I pay a premium council rate to run my property based on being rural. Providing more blocks around me with I am assuming will be cheaper shire rates will again raise issues on equity and fairness.	
	On the above outlined issues, I encourage the Shire to decline this development request.	
Ratepayer	The submitter does not support the application and provides the following general comment:	
	Please take this submission as an objection to the approval of this application on the following basis;	
	 Current infrastructure - we currently suffer from regular outages from western power & during the past 12 months we have sustained over 10 power outages due to the current electrical infrastructure being undersized this summer we had power outages lasting over 3 days. The infrastructure of the roads are very poor falling apart in certain areas & this development will turn Rangeview drive into a thoroughfare with significant increase of traffic. The Internet is already very slow and mobile reception is ineffective having more people use these services will adversely impact the current service. 	
	2. Water - The groundwater aquifer is under significant pressure with a drying climate. There is limited access to current ground water with availability further reducing. As these proposed properties will be zoned general Rural they will have the right to put a bore down to irrigate their house and lands.	
	Ratepayer	to current ground water with availability further reducing. I run a hobby fam which requires water in accordance with my water license. Impacting the available ground water will provide financial pressure on my property through reduced productivity and high risk of not being able to water current tress if demand for water is increased by this development. Refer to point 3 above. 2) Property values - Assuming there is limited or no water supply other than rainwater to this development, this will indire the value of the blocks which will in turn adversely impact the valuation of our assets/property which will be compared in the market by prospective buyers. Refer to point 3 above. 3) Population increase - 1 brought my property out here since was rural with limited traffic. This development will turn Rangeview into a thoroughfare with significant increase in taffic, people and with this crime which has been seen in other areas of Gingin. Refer to point 5 above. 4) Current infrastructure - I currently suffer from regular outages from Western Power, roads including cowalla are falling apart, internet is slow to intermittent and mobile reception is ineffective. Having more people using these services will adversely impact the current service I experience which is poor. Refer to point 1 above. 5) I pay a premium council rate to run my property based on being rural. Providing more blocks around me with 1 am assuming will be cheeper shire rates will again raise issues on equity and fairness. Refer to point 6 above. 6) I pay a premium council rate to run my property based on being rural. Providing more blocks around me with 1 am assuming will be cheeper shire rates will again raise issues on equity and fairness. On the a

		 That will equate to another 21 bores being installed on one parcel of land. This will put undue and unnecessary further pressure on the aquifer. 3. Population Increase - we brought our rural property on Rangeview drive due to its security being a cul de sac street with limited traffic. The development will see increased traffic, people, vehicle movement and with this crime which has been seen in other areas of Gingin as we don't live on site this very concerning to have small lots behind and surrounding our property. 4. Property Value - current real estate data shows properties on the Rangeview take up to 12 months to sell so flooding the market with 21 plots of land in an area that has plenty of vacant land is wasteful and would see the prices in Rangeview drive and surrounding areas plummet in value and will damage the value of our property. On the above outlined issues, I encourage the Shire to decline the development proposal and the opening of Rangeview drive. 	Refer to point 5 above. Refer to point 3 above.
5.	Ratepayer	The submitter does not support the application and provides the following general comment: <i>Please take this submission as a Strenuous objection to the approval of this application on the following basis:</i> 1) Land Use conflicts The planning and development act states that Land Within 500m of Adjoining Horticultural Land Uses. • Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately setback from these land uses. • Building envelopes should be located greater than 500m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease operation The below is a direct quote from the proposal. The Environmental Protection Authority has drafted a guide providing recommended separation distances from Market Gardens, without any studies undertaken, ranges from 300m-500m, depending on the scale and intensity of the Market Garden. In consultation with the Shire of Gingin Council at a briefing session, it was recommended that a 300m buffer would be acceptable between sensitive land uses and the existing olive plantation to the north, while it was recommended that a separation distance nearing 500m would be acceptable from the Horticultural pivots located west of the site. As Harley Dykstra have illustrated Can I ask why there is no 500-metre boundary to the north and east of the new proposal where it adjoins 8 commercial properties which are intensive agriculture at present. Appendix D shows one setback from one property lot 53, It does not show the other 500 metre setbacks	Refer to point 4 above. 7 - Furthermore, if the separation distance are not satisfied, other measures such as vegetative screening are commonly accepted to reduce the separation distances, noting that any such reductions should be supported by site specific technical studies. These have not been provided, as that would be expected at subdivision stage. The overarching point that sensitive land uses should not be introduced into the area is however generally supported by the officer. The challenge is that the land has been identified in the Local Planning Strategy for smallholdings.

from the other properties, had these been shown it would be clear that this property cannot be reasonably sub divided and contravening the EPAs recommendations as these boundaries would in fact envelop the whole proposed area. These adjoining premises operate day and night with loud machinery including but not limited to Harvester, Mulchers, Airblast sprayers, tractors, and heavy machinery. If there is no building envelope or appropriate setback noise complaints will follow with grievances from these small rural lots.	
Lots 200,201,223,225,222,226,5904,4376,53 and 501 all surround this proposed development, and all are commercial farms and Zoned intensive agriculture by the Shire of Gingin.	
2) Water The groundwater aquifer is under significant pressure with the drying climate. As these proposed properties will be zoned general Rural 10, they will have the right to put a bore down to irrigate their house and lands. That would equate to another 21 bore being installed on that one parcel of land!!. This would put undue and unnecessary further pressure on the aquifer. The water corp has appointed a certain amount of land in each areas as general rural, Intensive agriculture and general rural (Uncoded). This has been calculated as the water balance allowable for each are in this instance the Seabird Aquifer. The rest of Rangeview drive has been set up as intensive agriculture with almost all plots of land holding a water licence and ALL plots having at least one bore. As such we have had to farm our lands according to the zoning that we purchase on. If this proposal was to be approved and the intensive agriculture bores ran dry around it would there be a payout made available (Or class action) to all who are affected and have heavily invested in this area as we would lose our ability to produce an income?.	Refer point 2 above.
The State Planning policy 2.9 planning for water states	
 The objectives of this policy are to: protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources promote and assist in the management and sustainable use of water resources 	
The proposal states that	
"A number of land uses, which do not require access to groundwater resources include: the keeping of bees, Extensive Agriculture, Educational Establishment, Hydroponics, Chalet, Staff/Workers Accommodation, Community Purpose and various rural and/or cottage industries".	

This statement is completely untrue and misleading, no home or accommodation in that area with the sandy soils, oppressive heat in summer and easterly winds could survive solely on a rainwater tank. the area surrounding the home would be a dust bowl and extremely harsh bordering on uninhabitable.	
3) Property value Current real estate data shows properties on Rangeview take up to 12 months to sell. There are estates that have been developed not far from this proposal (Millbank estate for one) where there is a lot of land unsold and undeveloped. Making another 21 plots of land in an area that has plenty of vacant land is wasteful, bad for the environment and would see the other property prices in Rangeview drive and surrounding areas plummet in value.	Refer to point 3 above.
4) Current infrastructure- Power During the past 12 months we have sustained over 10 power outages due to the current electrical infrastructure being undersized, This summer we had power outages lasting over 3 days resulting in all properties on rangeview drive suffering from crop loss as we could not irrigate in the heat of the summer. The inconvenience and financial cost is immeasurable. By adding another 21 properties to the electrical	Refer to point 1 above.
 grid it is clearly going to have a very negative effect. 5) Current infrastructure -Mobile reception The phone reception is ineffective at best with slow to no internet to check on weather and winds, having more people using this service will only adversely impact the current service. 	This strength of reception is not a planning consideration.
 6) Current infrastructure -Sewer The Moore River nature reserve is located nearby, With another 21 septic tanks and leach drains on one property there is a higher chance of this leaching into the groundwater tables. 7) Increased population- 	The same principle could be applied to any subdivision, however the probability of additional effluent disposal system is negligible in the context of the separation distance from the Moore River.
Rangeview drive is a very lucky street in that it is a cul de sac street . We have very little to no crime in this street. I put this down to the fact there is only one escape path for criminals or those up to no good. I have purchased my property at the end of Rangeview drive as it is quiet and serene, My children can play and ride on this street with little to no interaction with the general public/traffic chaos. The opening up of Rangeview drive will increase traffic significantly, turning this street into a thoroughfare. This will increase noise from trucks, cars and motorbikes at all hours.	Refer to point 5 above.
8) Current Vegetation The site accommodates various trees throughout, comprising of Redgum, Tuart trees, Banksia trees, Blackboy, Blackbutt and tagasaste species, As mentioned earlier the rest of Rangeview drive and surrounding areas are intensive agriculture, This means that clearing permits have been issued and areas cleared for farmland. In keeping with the balance of nature we must retain areas of natural beauty and diversification. Installing multiple roads will inevitably mean clearing vegetation impacting	Noted – Refer to the comments from the EPA which ought to be implemented in the proposal was to progress.

		 birdlife and bees that are so important to the surrounding areas for pollination and fruit set. The photos in Appendix E are conveniently taken away from the main bush land areas. These main areas where extensive natural bushland is located is at the proposed blocks #3,6,10,11,12,13 and 16. this is extensive grasstree and natural shrub, No photos have been taken of this area. 9) Subdivision Guide - The subdivision guide in Appendix A is from 1995 and carries no weight as the time limit for act is past. There is recommendations on that diagram indicating that lot 200, Lot 201 and Lot 226 have land exchanged to them as well. If this antiquated document was to carry any weight, I would expect these parcels of land to be exchanged to the respective landholders also as per the document. 10) Shire of Gingin Local Planning Scheme 9 (LPS#9) States that Code Minimum "UNCODED Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4." There is plenty of other properties that are exactly the same as the one in question. They operate successfully year round. This property could be sold as is for a very handsome return. This proposal has given no thought on what's best for the area as a whole or long term foresight for community and neighbours. As per the above Shire of Gingin Local Planning Scheme #9 I believe that splitting this property up for financial gain is certainly not an exceptional circumstance requirement. 	Noted – the officer has not afforded any real wight to the subdivision guide plan. This is not a subdivision proposal, however the point being made that the introduction of dwellings on smaller lots should be avoided in the rural area is noted, and generally agreed with.
6.	Ratepayer	The submitter does not support the application and provides the following general comment: <i>I strongly oppose the Scheme Amendment Request as prepared by Harley Dykstra on behave of the</i> <i>owner of Lot 5905 Cowalla Road, to change the zoning from General Rural Uncoded to General Rural</i> <i>Coded and then permit its subdivision. It is unneeded, unwanted and in no way meets the exceptional</i> <i>circumstance requirements for subdivision under WAPC Development Control Policy 3.4</i>	Refer to points 1 – 7 above.

· · · · · ·		
	From its introduction the SAR adopts an arrogant and presumptive tone implying that both the Minister for Planning and the Shire of Gingin Council will approve the Amendment without question. This cannot occur until due process is followed in a rigorous and transparent manner.	
	The SAR argues that it complies with Gingin's Local Planning Scheme No 9 in relation permitting small holdings in corridors proximating Gingin Brook and the Moore River. The proposed subdivision would be at the farthest eastern point of the Moore River corridor. Planning Schemes are historical documents reflecting aspirations and information sourced at time of preparation. They should not be inflexible and must be adapted to changes to our physical, and particularly our climatic environment.	
	Presently Lot 5905 is sandwiched between two large horticultural developments, it is topographically an unprotected hill, the strong seasonal prevailing wind would subject future inhabitants to noise, dust, and harmful agricultural chemicals.	
	There has been no increase in demand for small holdings in this area, as evidenced by the poor sale history of Rangeview properties. The Millbank Rural Estate some twenty years after its inception consists of mostly unoccupied lots. Small holdings in this area are remote from basic amenities; schools, shops, health care and are not as desirable as those in closer proximity to regional centres.	The officer concurs with the lot yield, and that
	The SAR suggests that rezoning of Lot 5905 and its subdivision would complement the Rangeview subdivision of 1995. The proposed subdivision would be of 21 lots average size 12.7ha, in the original Rangeview subdivision only 7 of the 31 lots were 10ha the majority were 15 to 25ha. The proposed subdivision would resemble suburbia and not blend with the older lower density subdivision. The conversion of Rangeview Drive into a through road would degrade the quality of life for its residents as the increased traffic would cause noise, road hazards, and increased crime.	the periphery of the smallholding area is not
	The WA Planning Commission Development Control Policy 3.4 clearly states that no development or subdivision of rural land will be permitted unless a reliable and sustainable source of drinking water is available. The recent drought confirms that Climate Change is real and will affect us all into the future. The harvesting of rainwater at Lot 5905 from domestic premises can no longer can no longer be considered a reliable source of sufficient water. Trucking of potable water is not a sustainable alternative.	
	The groundwater from the Seabird Superficial Aquafer is fully allocated and is a precious resource for future generations. The recent death of native and plantation trees indicates a falling water table. The development of 21 lots with uncontrolled access to the aquafer, average consumption 20,000k1, for home, garden etc, would extract an additional 400,000k1 of water. This is equivalent to approving a new major horticultural project. Which at least would provide food for the growing needs of Perth. In the age of Climate Change the availability of water will dictate development. For the northern corridor coastal communities where desalination is a viable option should be prioritised or existing centres with	

	1		
		reticulated water systems expanded. None essential consumption of groundwater resources should be discouraged.	
		Another limited resource in the area is electrical power. Rangeview is serviced by power lines from the north and south, however even with this dual system overloads and outages are frequent. A single power line and transformer will not meet the needs of the proposed subdivision and will impose an additional load on an already stressed system.	
		I thank you for giving my opposition to the Scheme Amendment Request as submitted by Harley Dykstra your due consideration.	
7.	Ratepayer	The submitter provides the following general comment:	
		I have several concerns about the above proposal:	Refer to points 1 – 7 above.
		The main concern is the potential for increased traffic and associated noise on Rangeview Drive. As my house is close to the road this will directly affect my day to day living. At the moment Rangeview is a quiet street with local traffic only.	
		My other concerns are;	
		increased pressure on the local water supply, power, sewerage and mobile phone coverage; conflict between residential and commercial intensive agriculture owners; and over supply of land in the area pushing prices down.	
		Please take the above comments into consideration when you make the decision regarding the proposal of subdivision and the opening of Rangeview Drive.	
8.	Ratepayer	The submitter does not support the application and provides the following general comment:	
		We bought our land in Rangeview Drive, Wanerie, 5 years ago and looked at several properties before settling on this one. The main reason for buying our place was because it was a 'no exit/no through road'. We noted the truck noise and at times heavy traffic passing properties on Cowalla Rd. We also talked to property owners on Cowalla about uninvited guests (potentially casing properties) turning up at various times of the day and night. We happily noted, that when we were parked outside our soon to be farm, 2 different locals on Rangeview stopped to ask us what we were doing and who we were. That doesn't happen on Cowalla Rd! Our community in Rangeview Drive is small and most people know their immediate neighbours and well beyond, as well as what vehicles are local. If Rangeview becomes a through road we fear we may lose the dynamic of our lovely community.	Refer to points 1 – 7 above.
		We have read through the proposal and have several concerns, about it, as follows:	

Water use and supply. The groundwater supply is already under pressure from all the agriculture in the	
a	
sort of compensation for the ag/norticulture farmers, as most have neavily invested in their properties.	
Residential Vs Commercial use. A bit like buving an apartment next to a pub and then complaining about	
when we bought here. There should be a 500mt buffer/set back from horticulture farms. Is this being	
considered? The map doesn't look like it is, and the proposal refers to 300mtrs only which includes	
several of the proposed blocks. There is already precedent for conflict between Residential & Agriculture	
Land; ref Waterville Fresh V Shire of Gingin. It would be best to prevent this before it happens again.	
Floatsielt, cumply. Dewest outering are a regular accurrence in our area. Will there be a major ungrade to	
Sewerage. The increased population and therefore the increased sewerage waste won't have a positive	
effect on the water table.	
wen.	
Supply & Demand of land. Is there a demand for small blocks in this area? The proposal is for smaller	
seen any indication of demand. Properties in the area take a while to sell. This area is 30 mins from any	
town, so not somewhere that families with school age children will jump at given the daily commutes.	
There is other land already sub-divided in better locations. Excess supply potentially will drive prices	
down and no one wants that!	
Rangeview Drive Through Road. Our road is quiet with local traffic only. I haven't met anyone in the street	
Bush Fire Prone Areas. There is only one area on Rangeview identified as Bush Fire Prone. In the event	
of a fire there is a formed farm road from one side and access off Beermullah Rd W on the other. As	
	 area, (which is necessary to supply the Perith market), and the drought conditions. ²L more bores tapping into it would just add to this. With the amount of annual reinfail in the area residents won't be able to survive on rainwater tanks alone. If people have a right to put down a bore, they will. If intensive ag' horticulture in the area loses their water supply what will become of Perth's 'tood bowl'? If these supply end to the ag' horticulture in the area loses their water supply what will become of Perth's 'tood bowl'? If these supply end to the ag' horticulture in the area loses their water supply what will become of Perth's 'tood bowl'? If these supply end to the ag' horticulture for the ag' horticulture farmers, as most have heavily invested in their properties. Residential VS Commercial use. A bit like buying an apartment next to a pub and then complaining about the late-night noise; selling residential properties in an intensive horticulture area is going to create complaints? We have machinery running at all hours, at farms near us, but knew that would be the case when we bought here. There should be a 500nt buffer/set back from horticulture farms. Is this being considered? The map doesn't look like it is, and the proposal refers to 300nts only which includes several of the proposed blocks. There is already precedent for conflict between Residential & Agriculture Land: ref Waterville Fresh V Shire of Gingin. It would be best to prevent this before it happens again. Electricity supply. Power outages are a regular occurrence in our area. Will there be a major upgrade to the area load gets put on the supply? Without prover pumps stop working and crops don't get watered. I'm sure you realise what the flow on from that is! Sewerage. The increased population and therefore the increased sewerage waste won't have a positive effect on the water table. Mobile reception. Considered to be an essential service by most Australians. In the Rangeview area this is an int

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		someone involved in Emergency Services, and based on a risk assessment there isn't a major need for a through road.	
		Uncoded land. The reason for subdividing 'uncoded land' needs to meet exceptional	
		circumstances. What are they? Not making money from the land isn't exceptional circumstances. If the	
		owner wants to sell it he should do so as one whole lot.	
		In reference to the Officer Comments from the Ordinary Council Meeting, 20 February 2024 there are more cons than pros. Please take time to read through these again as part of this letter.	
		It is therefore respectfully requested, on the basis of the above writing, that the Minister for Planning,	
		decline this proposal of subdivision and the opening of Rangeview Drive.	
9.	Ratepayer	The submitter does not support the application and provides the following general comment:	Defer to points 1 7 above
		Please take this submission as an objection to the approval of this application on the following, we	Refer to points 1 – 7 above.
		understand that there are various steps of consultation within an approval process, however given the	
		budgetary constraints within the shire, we urge you to reject this proposal at this stage.	
		The development will not only increase traffic on Cowalla Road, but will negatively impact Rangeview	
		Drive, causing a significant increase in traffic, people and general movements. We purchased our land	
		twenty years ago for the rural surroundings and the security of a no through road. We note that the	
		application references an approval dated 10 September 1996 – this is over 27 years ago, whether it has expired or not, we find the inclusion of this point inconsequential.	
		We have all experienced incredible amounts of change in that period, and we have learnt an enormous amount about our community, shire, environment and how we work with the land during this time.	
		As Shire of Gingin residents and ratepayers we welcomed the reclassification (albeit artificial rating concessions), rather than the rural lifestyle living noted in the proposal. The proposed change in land	
		use does not maintain or enhance the rural character we have come to know for twenty years.	
		We do not share the opinion that the amendment is classified as standard, and question alignment to the below amendments.	
		(a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;	
		(b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;	
		(c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to	
		the scheme area, other than an amendment that is a basic amendment;	
		(d) an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme	
		does not currently include zones of all the types that are outlined in the plan;	

Unless we are misinformed, we understand that we are still operating under the 2012 Local Planning Strategy. We understand that a new strategy is due to be released, we are a little confused as to the status of the updated Local Planning Strategy.	
 The Corporate Business plan 2022-2026 (released @ February 2022) mentions the Local Planning Strategy is currently being reviewed by the Development Commission and will be completed and implemented this year. The Annual Report FY22/23 listed that the Local Planning Strategy is on track with the LPS – Review 	
 The Annual Report 122/23 isted that the Local Planning Strategy is on track with the LF3 - Nevew to be completed 2023/24. Links within the Shire of Gingin and Department of Planning, Lands and Heritage sites refer only to the 2012 strategy. 	
 (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; Please see further following commentary. 	
The proposal notes some suggested ventures that could be investigated, they appear to be unstructured thoughts that do not consider the characteristics of the environment and area we live in. Please see some comments.	
 Bees require annual harvesting material, which can not be assumed to be sourced from the environment outside of the landholding. These plants would require water. Extensive Agriculture or regenerative farming in any case currently in the area still require access to the aquifer. Please note that the soil conditions in the area have a high level of selenium deficiency, which causes much issue with cattle and ruminants. Higher concentration levels of smaller live 	
 allotments increase the risk of spreading disease, which has a significant impact to the larger farmers and economy. Accommodation, short and temporary stay is currently restricted within the current General Rural – (Coded 10). Would it not be best to plan these designated areas or review the current and recent approvals to accommodate these requests versus demand before including this as a plausible use of land? 	
 Increased traffic in these areas will certainly impact the biodiversity of the area, examples which come to mind are Phytophthora dieback and stablefly. Xanthorrhoea are respectfully referred to as grasstree or balga. There are significant variations in rainfall within a 10km radius of Rangeview, with Rangeview often 	
 missing out on much needed rainfall due to wind patterns and land characteristics. "If groundwater is desired to be accessed the relevant approvals and licences will be required prior to access and usage." It is widely known that there are no further water licenses for business use 	

		 available in this area, furthermore in 2023 our Shire annual report noted "Water allocation issues Ongoing." It is important to note that the proposed landholders will still have access to unlicensed water use, which is not insignificant and will impact the Gingin ground water, which is in contradiction to the premise of Extensive Agriculture or Regenerative Farming, focussed on prioritising, conserving and rehabilitating the land, tailoring specific practices to local <u>ecosystems</u> and <u>climates</u>. What happens when the decline in rainwater impacts health and safety of residents, or the required catchments increase to have an impact on the groundwater? There appears to be a lot of referencing to strategy documents that are clearly outdated, however more recent than the noted subdivision approval. From what we feel, hear, read and understand (Corporate Business Plan & Community Strategy) there is shared concern preserving the nature of low density in rural areas, ensuring community consultation in planning/shaping our future (alongside targeted communications). We understand that this is a process we are all learning about and being better at. 	
10.	Ratepayer	The submitter does not support the application and provides the following general comment: We have been requested by our Client to prepare and lodge a submission objecting to the proposed Amendment No. 25 to Local Planning Scheme No. 9 ('LPS 9') that is currently being advertised for public comment. Land that is subject to the proposed Amendment (Lot 5905 Cowalla Road Wanerie) is herein referred to as the proposed Amendment area. The reason for our objection is outlined below. Summary The key points raised in this submission are as follows:	Refer to points 1 – 7 above.
		 The proposed General Rural (Coded) zone is inconsistent with the strategic planning framework. The Shire's Local Planning Strategy promotes the protection of agricultural activities, acknowledging the economic importance of the industry within the Shire. The proposed intensification of sensitive land uses in proximity to the subject site will limit existing and future rural development of the surrounding land. The GR10 code, including the proposed Conditions within Schedule 10 will allow lots of a size that cannot accommodate appropriate buffers to agricultural land uses and therefore provides a development outcome that is unable to be achieved without introducing land use conflicts. 	
		Background Our Client's land comprises an operating Olive Grove, located on a 457.5ha site. The site is situated within an established General Rural zoned area, with various other operating agricultural uses in this general location. The subject site is located directly north of Lot 5905 Cowalla Road, being the proposed Amendment area.	

This site represents an opportunity for our Client to maintain operation of the existing Olive Grove and also the opportunity for future redevelopment of the site, to support other agricultural activities, including possible market garden operations.	
Our Client's key interest in relation to the Proposal is ensuring that the continued operation and potential future aspirations for the site are ultimately realised, without being unduly impacted by encroaching sensitive land uses.	
<i>Planning Framework</i> The following sections provide an overview of the key planning framework considerations in relation to the subject site.	
Zoning	
Under the provisions of LPS 9, the subject site is zoned 'General Rural'. 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."	
Further, the minimum lot size requirements for the General Rural zone, outlined under Clause 4.8.6 of LPS 9, restricts further subdivision of General Rural (Uncoded) land to only being supported in exceptional circumstances, as identified under Western Australian Planning Commission ('WAPC') Development Control Policy 3.4. Minimum lot sizes relative to the General Rural (Coded) lots is as follows:	

Code	Minimum Lot Size		
GR10	10 Hectares		
GR20	20 Hectares		
GR30	30 Hectares		
GR40	40 Hectares		
to General Rural ('GR10'), subdivision of lots with a m sensitive land uses in proxin The proposed Amendment, been accompanied by a sub achieved with a GR10 codin the minimum 10ha that car the proposed Amendment is of buffers on the subdivisior but rather provides the mini and fails to consider the abil under the General Rural zom for all lots on the subdivisio inappropriate intensification The Proposal, in allowing th ability for existing and futur their operation. Further, the rural uses, rather than limi zoned land) to be used for co Local Planning Strategy The Shire of Gingin's Local F and into the future, providing considerations. The Strateg for the economic future of	meaning that the proposed inimum site area of 10 hector inimum site area of 10 hector mity to the subject site. If supported and gazetted, will be concept that demon on the land. The subdivision on concept. This plan does not mum (300m) buffer distance with for all surrounding General ring. This layout clearly demor on concept, demonstrating the of land uses into a production of land uses into a production of land uses into a production of land uses into a production of land	ands to rezone Lot 5905 Cowalla Road Wanerie Amendment area could accommodate further ares in area, representing an intensification of Il enable subdivision to occur. The proposal has instrates a potential spatial layout that might be on concept provides for lots that are larger than R10 coding, including lots up to 17ha. Further, and constraints plan that provides an overlay include buffers to all General Rural zoned land, to the subject site based on current operations I Rural zoned land to develop to its full potential instrates that a 500m buffer cannot be achieved that the proposed Amendment provides for the we agricultural region. Rural zone is to provide for future and potential t's land (and other surrounding General Rural tivities which may change over time. gy') provides the Shire's vision for the area now and uses, zoning, subdivision and development te of rural land for production being paramount to trend towards diversified and more intensive within the strategy, relevant to the Proposal,	

• Protection of agricultural land, broad acre grazing and crop production areas due to their	
 Protection of agricultural land, broad acre grazing and crop production areas due to their economic significance; y Ensuring the use and development of rural land is both compatible 	
and complementary to agricultural activities;	
Supporting subdivision of rural land only when consistent with State Policy; Council's settlement	
 strategy and which facilitates the ongoing productive rural use of the land; and Ensuring agricultural and urban land uses can be co-located efficiently with minimal conflict. 	
• Ensuring agricultural and urban land uses can be collocated entitlently with minimal connect.	
The Shire of Gingin's Local Planning Strategy (the 'Strategy') identifies the subject site as maintaining	
its Rural (uncoded) zoning for most of the land, with the westernmost corner shown as possibly	
accommodating Rural Smallholdings. Any consideration towards the intensification of sensitive land uses in this location needs to be considered based on its appropriateness within its location and the	
potential impacts this may have on surrounding properties.	
Any intensification of use in this location should be considered in terms of its ability to manage off site	
impacts, without limiting future rural land uses operations. This matter is discussed further below.	
Encroachment of Sensitive Land Uses	
The Environmental Protection Authority (EPA) Guidance Statement No. 3 – Separation Distances	
Between Industrial and Sensitive Land Uses ('EPA Guidance Statement') provides advice relating to	
separation distances to sensitive land uses, which in this instance include separation of 500m between agricultural uses and sensitive land uses to manage potential impacts. The Proposal allows for sensitive	
land uses with the smallest lot size available to General Rural (Coded) land to be provided, less than	
500m from the subject site. Further, the proposed wording of Conditions within Schedule 10 requiring	
building envelopes states:	
"- Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining	
horticultural land uses to ensure future development is appropriately set back from these land uses.	
 Building envelopes should be located greater than 300m from the edge of the adjoining horticultural uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire." 	
The above conditions will result in the need for buffers to be accommodated within the subject site's	
boundaries, effectively quarantining land and restricting the ability to develop the subject site to its full	
potential under the General Rural zoning. Further, the concept subdivision prepared in support of the Proposal, includes lots at 13ha to 17ha (which is larger than the minimum permissible 10ha provided	
by the GR10 code) along the northern border of the proposed Amendment area, that are unable to	
accommodate the full 500m separation distance required between horticultural and sensitive land	
uses. While this is only a concept, the Conditions proposed by the Scheme Amendment, are clearly incapable of being implemented on the lot sizes available to GR10 Coded land.	
The land is not only impacted to the north by our Client's existing Olive Grove operations, but other	
agricultural uses to the south and west, resulting in the land subject to the proposed Amendment being	

wedged between existing agricultural operations. The Proposal will result in the introduction of sensitive uses into a productive agricultural region at the lowest available coding. This not only impacts existing	
uses being carried out, but potential future uses on land surround the proposed Amendment area.	
State Planning Policy 2.5 – Rural Planning	
State Planning Policy 2.5 - Rural Planning ('SPP 2.5') applies to development within Rural areas,	
can be assessed by considering whether the surrounding land can accommodate sufficient separation	
distances without limiting future rural land uses. As discussed above, the proposed Scheme Amendment	
site is not capable of achieving this without impacting the General Rural zoned land adjoining it.	
Section 6.4 of SPP 2.5 provides matters for consideration for zoning proposals affecting rural land. The	
proposed Amendment fails to meet the requirements of section 6.4, as demonstrated below:	
• The proposed Amendment area is not suitable to be developed for the proposed use. The	
Proposal is effectively for rural living given the potential lot sizes, where the primary use of lots	
uses and agricultural uses;	
• The introduction of sensitive uses in an area bound by General Rural zoned land will affect the	
of subdivision approval);	
- The recommended buffers associated with agricultural uses will overlap significantly with	
fails to consider future impacts from potential rural uses.	
Local Planning Policy 1.6 – Agriculture Intensive	
Council's Local Planning Policy 1.6 – Agriculture Intensive (LPP 1.6) provides standards for different	
forms or irrigated horticulture to prevent adverse impacts on both the natural environment and	
surrounding uses. In this regard, LPP 1.6 provides a requirement for proposals for Irrigated Horticulture	
	 uses into a productive agricultural region at the lowest available coding. This not only impacts existing uses being carried out, but potential future uses on land surround the proposed Amendment area. State Planning Policy 2.5 - Rural Planning (SPP 2.5') applies to development within Rural areas, including to the preparation and assessment of local planning scheme amendments. SPP 2.5 includes policy measures that seek to protect rural land as a resource by preventing the creation of new or smaller rural lots on an unplanned or ad-hoc basis, particularly for intensive or emerging primary production land uses. One of the key elements in achieving the objectives of the policy is to avoid land use conflict. This can be assessed by considering whether the surrounding land can accommodate sufficient separation distances without limiting future rural land uses. As discussed above, the proposed Scheme Amendment site is not capable of achieving this without impacting the General Rural zoneel land adjoining it. Section 6.4 of SPP 2.5 provides matters for consideration for zoning proposals affecting rural land. The proposed Amendment fails to meet the requirements of section 6.4, as demonstrated below: The proposed Amendment area is not suitable to be developed for the proposed use. The Proposal is effectively for rural living given the potential lot sizes, where the primary use of lots will be for rural living accommodating a dwelling and not for primary production. This introduction of sensitive uses in an area bound by General Rural zoned land will affect the existing and future operation of primary production; The proposed Amendment area is not capable of accommodating the proposed as a condition of subdivision approval); The proposed Amendment area is not capable of accommodating the proposed as a condition of subdivision approval); The proposed Amendment area is not capable of accommodating the proposed as a condition of subd

mitigation managered to be appendicted on Purel land, then would ordinarily be required if the	
mitigation measures to be accommodated on Rural land, then would ordinarily be required if the proposed Amendment area retained its General Rural (uncoded) zoning.	
Key Concerns / Recommendations	
• The Proposal allows for encroachment of sensitive land uses within proximity to existing and likely future agricultural land uses.	
The Proposal does not appropriately address the need for buffers to sensitive land uses to be accommodated on site, given the proposed GR10 coding and the limited site area afforded to future lots to accommodate such buffers.	
• The encroachment of sensitive land uses, in conjunction with required buffers, will push those buffer requirements externally, restricting the ability for General Rural zoned properties to accommodate the intended agricultural uses.	
• The Proposal is inconsistent with the objectives of the Strategy in promoting and protecting agricultural land uses within General Rural zoned properties.	
Considering the above, we request that the Shire of Gingin consider not supporting the proposed rezoning to General Rural (Coded) zoning with a GR10 Coding on the site. This is on the basis that this proposal promotes an intensification of sensitive land uses, within proximity of existing agricultural uses, without allowing for appropriate buffers to be accommodated on site. Approval of the Proposal could	
seriously prejudice future redevelopment aspirations for our Client's land, that are consistent with the objectives of the General Rural zoning.	
Ratepayer The submitter does not support the application and provides the following general comment: Refer to points 1 – 7 above.	
As an affected person of this proposal, please consider this submission in writing by email as AN OBJECTION to the approval of this application on the following basis:	
WATER Property owners on Rangeview have limited access to ground water. The eastern side of my property borders the Beermullah Road West agricultural producer, which over time has been an olive grove and now olive and carrot farm. The impact to my natural water levels is a direct result of increased agricultural production and an increase in other properties accessing the water table. My natural soak well has decreased significantly (by more than 2/3 in depth) in the approx. 25 years I have owned the property. I do not believe that an increase in demand of additional domestic or other ownership of these proposed properties and other new industries will not impact the water table further. In addition to this, given the proximity to the market garden/agricultural land use on Cowalla Road opposite the proposed new development, and to the others along Beermullah, this can only have a similar impact on these new proposed landowners, not to mention the broader Rangeview current property owners.	

		A key consideration in the decision to purchase my property was due the cul-de-sac/no-flow-through traffic option. This proposal will result in an increase in traffic (of heavy machinery during the build, and other once completed). There are similar re-developments in the shire that have resulted in an increase of unsolicited drop-ins, break-ins, degradation of the road quality, speeding leading to safety issues etc. Cowalla Road, between Beermullah Road West and Cowalla Bridge is of such poor condition, that I cannot support a development that will incur additional traffic along this already unsafe road. The recent attempts at shoulder reconstruction between GinGin Brook Road and Beermullah Road West are at best, a slight improvement but will also be impacted, and continue to be so.	
		ACCESS TO MOBILE DATA My property sits in a mobile data blackspot and have limited (standing atop my water tank on a hill) to no access to mobile phone service. I find this unbelievable and unacceptable in this era to have to rely solely on a landline which has had at least three outages in the past 12 months. Having such an increase on the data towers will not improve this current situation. Other - Notice to residents In addition to the above outlined issues, I am disappointed that the Shire chose not to inform <u>all</u> residents of Rangeview Drive in writing of this proposal and the subsequent public notice.	
12.	DWER	The submitter provides the following general comment: The Department of Water and Environmental Regulation has assessed the following application and has no comments to provide.	Noted.
13.	DFES	 The submitter provides the following general comment: Given the scheme amendment seeks to rezone the lot to allow intensification within the subject site, the scheme amendment provides an opportune mechanism for the coordination of bushfire risk to ensure that it does not result in the introduction or intensification of development or land use in an area that has or will, on completion, have an extreme BHL and/or BAL-40 or BAL-FZ. SPP 3.7 seeks to reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process. A Bushfire Management Plan (BMP) is required to accompany strategic planning proposals, subdivision and development applications in areas above BAL-LOW or areas with a bushfire hazard level above low (refer to clause 6.2b). A BMP includes the bushfire assessment, identification of the bushfire hazard level above low for the relevant assessment and a clear demonstration that compliance with the bushfire protection criteria contained within Appendix 4 of these Guidelines, is or can be achieved. The statement in Section 3.1.3 of the scheme amendment report is not accepted, the lot is the subject of the scheme amendment and is bushfire prone and triggers an assessment against the policy. 	Noted. This can be addressed at subdivision stage.

		The BMP should be prepared as early as possible in the planning process and progressively refined or reviewed as the level of detail increases. The level of detail provided within a BMP should be commensurate with the applicable planning stage and scale of the proposal or application. Should you apply SPP 3.7 then, we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide comment prior to the (City/Shire) endorsement of the scheme amendment.	
14.	DEMIRS	The submitter provides the following general comment: The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. DEMIRS lodges no objections to the above Local Planning Scheme Amendment.	Noted.
15.	DoH	The submitter provides the following general comment: The DoH has no objection to the proposed amendment providing there is provision for adequate onsite effluent disposal areas in future planning approvals. For on-site wastewater disposal systems to be approved, the site capability needs to be demonstrated via a winter 'site-and-soil evaluation' (SSE) in accordance with Australian Standard 1547 (AS/NZS 1547). Web link: https://ww2.health.wa.gov.au/Articles/S_T/Site-and-soil-evaluation-for-onsitewastewater-management Future development is required to have access to a sufficient supply of potable water in accordance with the Australian Drinking Water Quality Guidelines 2011.	Noted.
16.	DPIRD	The submitter does not support the application and provides the following general comment: <i>DPIRD does not support the proposal.</i> <i>Please refer to the attached PDF for their comments.</i>	Noted. Refer to points 1-7 above and report for commentary.

SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: AMENDMENT NO. 25 TO LOCAL PLANNING SCHEME NO. 9 - REZONING OF LOT 5905 COWALLA ROAD, WANERIE

No.	Submitter	Submission details	Applicants response
1.	Ratepayer	The submitter does not support the application and provides the following general comment: Believe this would cause Additional strain on the electrical grid Undue additional strain on the water aquifer as there would be another 21 bores drilled on that land to irrigate each of the houses Potential Devalue land Cause noise complaints from the new general rural occupants from intensive ag practices (EG air blast spraying, Mulching ,Flail mowing) Increase crime as Rangeview drive could be accessed from both sides Increased Trucks and traffic Increased noise	 Electrical upgrades will be designed by Western Power at the time of sub-division. Scheme Amendment states that rainwater harvesting will be used to meet water needs. Any future bores would be subject to the necessary approvals. Land valuation comment noted - not a planning consideration. The land remains zoned general rural and is not proposed to change to intensive agriculture. Crime comment is unsubstantiated. The through road will improve traffic movements. Traffic impact not considered significant given low number of additional lots (21 lots). Should it be required, traffic impact assessment can be considered at time of subdivision. Noise matters are controlled under standard local laws/ local government legislation and will be subject to these requirements.
2.	Ratepayer	The submitter does not support the application and provides the following general comment:Please take this submission as an objection to the approval of this application on the following basis;1)Water - This is a significant issue currently	 Scheme Amendment states that rainwater harvesting will be used to meet water needs. Any future bores would be subject to the necessary approvals. In acknowledgement of the limited access to current groundwater availability, it is noted that the uses of the proposed Rural
		facing properties on Rangeview. There is limited access to current ground water with availability further reducing. I run hobby/small commercial venture which require a lot of water in accordance with our	Smallholdings will be influenced by the following factors:- Water Over the past 30 years, advances in soil moisture retention, driven by healthy

	water licenses. Impacting this will provide	biological processes and new technologies,
	financial pressure on my property through	have significantly reduced the water needed
	reduced productivity and high risk of not being	by commercial growers. The use of high-
	able to water current ventures if demand for	quality, low-energy compost and other
	water is increased. Further there is high	natural inputs has further lessened water
	likelihood this will damage my crops and	demands while boosting yields. Additionally,
	future harvests.	the installation of rain collection systems on
		houses, sheds, roads, and greenhouse
2)	Property value - Assuming there is limited or	facilities can substantially increase the water
,	no water supply other than rainwater on these	supply for seasonal growing, providing much
	properties, this will limit the value of the blocks	more than what is required for household
	which will in turn adversely impact the	needs.
	valuation of our assets/property as the market	Land Use
	will factor in lower then expected land values -	Rural Smallholding uses could include
	Current real estate data shows properties on	heirloom and native seed collection, native
	Rangeview take up to 12 months to	and exotic seedling production to meet the
	sell. Flooding the market with more properties	growing demand for mature tree planting,
	will damage the value of my asset.	and cultivation of wildflowers, hemp (CBD),
	win damage the value of my asset.	free-range poultry, pork, and eggs. Other
3)	Population increase. I brought my proporty out	potential uses include the production of
3)	Population increase - I brought my property out here since it was rural with limited traffic. This	
		dried fruits, mushrooms, finger limes, okra,
	development will turn Rangeview into a	leaf and root vegetables, rhubarb, and
	thoroughfare with significant increase in	beekeeping for honey and pollination
	traffic, people, vehicle movements and with	services.
	this crime which has been seen in other areas	The increasing use of biological inputs, as an
	of Gingin. Given the majority of people like	alternative to synthetic fertilizers, pesticides,
	myself who don't live on site, this is a serious	and herbicides, is particularly important in
	concern since currently we brought into this	the nutrient-deficient, sandy soils of the
	road due to security.	Swan Coastal Plain.
		With constant and rapid change in the
4)	Current infrastructure - I currently suffer from	industry, the next decade could see a 50%
	regular outages from Western Power, roads	increase in new products and technologies
	including Cowalla are falling apart, internet is	not yet invented or discovered.
	slow to intermittent and mobile reception is	Land Capability
	ineffective. Having more people using these	The soils on the Swan Coastal Plain,
	services will adversely impact the current	particularly Spearwood Sands, offer a strong
	service I experience which is poor.	foundation for nutrient retention, making
		them well-suited for horticultural vegetable
5)	I pay a premium council rate to run my	and perennial fruit tree crops with proper
	property based on being rural. Providing more	treatment.
	blocks around me with I am assuming will be	

		The state is a state of his basis
cheaper shire rates will again raise issues on		The growing adoption of biological, non-
equity and fairness.		chemical inputs enhances soil moisture
		retention, fosters healthier, more resilient
On the above outlined issues, I encourage the Shire to		plants, and contributes to carbon-positive
decline this development request.		farming by reducing the need for chemical pesticides.
		On Swan Location 5905, situated on the
		eastern ridge of the Moore River Valley,
		minimizing nutrient leakage into the Moore
		River Estuary is crucial. Retaining old Red
		Gums, Tuarts, and other native trees helps
		lower soil temperature, supports beneficial
		soil biota, and boosts biodiversity. The
		elevated site also reduces the need for
		fungicides and pesticides due to natural
		wind and sunlight exposure, while offering
		attractive views of the Darling Escarpment,
		the ocean, and the expanding northern
		suburbs.
		Markets
		Joining grower groups like SPROUT
		Tasmania, which now includes 80 medium
		and small growers, provides valuable
		insights into production successes and
		market intelligence. Additionally, growers
		can access information from sources like
		COBWA, Neurotech Solutions, Bugs and
		Biology, and Living Soils. Despite increased
		competition, small growers producing high-
		quality, reliable supplies can still thrive in the
	_	market.
	2.	Land valuation comment noted – not a
	-	planning consideration.
	3.	Scheme Amendment accords with the
		adopted Local Planning Strategy (2012)
		wherein the land is identified for rural
		smallholdings. This includes population
		predictions and targets.
	4.	Electrical upgrades will be designed by
		Western Power at the time of sub-division.
		Comments relating to other utilities noted.

			5.	Rates comment noted – not a planning consideration.
3.	Ratepayer	 The submitter does not support the application and provides the following general comment: Please take this submission as an objection to the approval of this application on the following basis; 1) Water - This is a significant issue currently facing properties on Rangeview. There is limited access to current ground water with availability further reducing. I run a hobby farm which requires water in accordance with my water license. Impacting the available ground water will provide financial pressure on my property through reduced productivity and high risk of not being able to water current tress if demand for water is increased by this development. 2) Property values - Assuming there is limited or no water supply other than rainwater to this development, this will hinder the value of the blocks which will in turn adversely impact the valuation of our assets/property which will be compared in the market by prospective buyers. 	1.	Scheme Amendment states that rainwater harvesting will be used to meet water needs. Any future bores would be subject to the necessary approvals. In acknowledgement of the limited access to current groundwater availability, it is noted that the uses of the proposed Rural Smallholdings will be influenced by the following factors:- Water Over the past 30 years, advances in soil moisture retention, driven by healthy biological processes and new technologies, have significantly reduced the water needed by commercial growers. The use of high- quality, low-energy compost and other natural inputs has further lessened water demands while boosting yields. Additionally, the installation of rain collection systems on houses, sheds, roads, and greenhouse facilities can substantially increase the water supply for seasonal growing, providing much
		 3) Population increase - I brought my property out here since was rural with limited traffic. This development will turn Rangeview into a thoroughfare with significant increase in traffic, people and with this crime which has been seen in other areas of Gingin. 4) Current infrastructure - I currently suffer from regular outages from Western Power, roads including Cowalla are falling apart, internet is slow to intermittent and mobile reception is ineffective. Having more people using these services will adversely impact the current service I experience which is poor. 	needs. Land U Rural S heirloo and ex growin and cu free-ra potenti dried fr leaf an beekee service The inc alterna	more than what is required for household needs. Land Use Rural Smallholding uses could include heirloom and native seed collection, native and exotic seedling production to meet the growing demand for mature tree planting, and cultivation of wildflowers, hemp (CBD), free-range poultry, pork, and eggs. Other potential uses include the production of dried fruits, mushrooms, finger limes, okra, leaf and root vegetables, rhubarb, and beekeeping for honey and pollination services. The increasing use of biological inputs, as an alternative to synthetic fertilizers, pesticides, and herbicides, is particularly important in

5) I pay a premium council rate to run my property	the nutrient-deficient, sandy soils of the
based on being rural. Providing more blocks around	Swan Coastal Plain.
me with I am assuming will be cheaper shire rates	With constant and rapid change in the
will again raise issues on equity and fairness.	industry, the next decade could see a 50%
win again raise issues on equity and rainless.	increase in new products and technologies
On the above outlined issues, I encourage the Shire to	not yet invented or discovered.
decline this development request.	Land Capability
decime uns development request.	
	The soils on the Swan Coastal Plain,
	particularly Spearwood Sands, offer a strong
	foundation for nutrient retention, making
	them well-suited for horticultural vegetable
	and perennial fruit tree crops with proper
	treatment.
	The growing adoption of biological, non-
	chemical inputs enhances soil moisture
	retention, fosters healthier, more resilient
	plants, and contributes to carbon-positive
	farming by reducing the need for chemical
	pesticides.
	On Swan Location 5905, situated on the
	eastern ridge of the Moore River Valley,
	minimizing nutrient leakage into the Moore
	River Estuary is crucial. Retaining old Red
	Gums, Tuarts, and other native trees helps
	lower soil temperature, supports beneficial
	soil biota, and boosts biodiversity. The
	elevated site also reduces the need for
	fungicides and pesticides due to natural
	wind and sunlight exposure, while offering
	attractive views of the Darling Escarpment,
	the ocean, and the expanding northern
	suburbs.
	Markets
	Joining grower groups like SPROUT
	Tasmania, which now includes 80 medium
	and small growers, provides valuable
	insights into production successes and
	market intelligence. Additionally, growers
	can access information from sources like
	COBWA, Neurotech Solutions, Bugs and

			3. 4. 5.	Biology, and Living Soils. Despite increased competition, small growers producing high- quality, reliable supplies can still thrive in the market. Land valuation comment noted – not a planning consideration. Scheme Amendment accords with the adopted Local Planning Strategy (2012) wherein the land is identified for rural smallholdings. This includes population predictions and targets. Electrical upgrades will be designed by Western Power at the time of sub-division. Comments relating to other utilities noted. Rates comment noted – not a planning consideration.
4. F	Ratepayer	 The submitter does not support the application and provides the following general comment: Please take this submission as an objection to the approval of this application on the following basis; 1. Current infrastructure - we currently suffer from regular outages from western power & during the past 12 months we have sustained over 10 power outages due to the current electrical infrastructure being undersized this summer we had power outages lasting over 3 days. The infrastructure of the roads are very poor falling apart in certain areas & this development will turn Rangeview drive into a thoroughfare with significant increase of traffic. The Internet is already very slow and mobile reception is ineffective having more people use these services will adversely impact the current service. 2. Water - The groundwater aquifer is under significant pressure with a drying climate. There is limited access to current ground water with 	2.	Electrical upgrades will be designed by Western Power at the time of sub-division. Comments relating to other utilities noted. Scheme Amendment states that rainwater harvesting will be used to meet water needs. Any future bores would be subject to the necessary approvals. In acknowledgement of the limited access to current groundwater availability, it is noted that the uses of the proposed Rural Smallholdings will be influenced by the following factors:- Water Over the past 30 years, advances in soil moisture retention, driven by healthy biological processes and new technologies, have significantly reduced the water needed by commercial growers. The use of high- quality, low-energy compost and other natural inputs has further lessened water demands while boosting yields. Additionally, the installation of rain collection systems on houses, sheds, roads, and greenhouse

4. On the declin	 availability further reducing. As these proposed properties will be zoned general Rural they will have the right to put a bore down to irrigate their house and lands. That will equate to another 21 bores being installed on one parcel of land. This will put undue and unnecessary further pressure on the aquifer. Population Increase - we brought our rural property on Rangeview drive due to its security being a cul de sac street with limited traffic. The development will see increased traffic, people, vehicle movement and with this crime which has been seen in other areas of Gingin as we don't live on site this very concerning to have small lots behind and surrounding our property. Property Value - current real estate data shows properties on the Rangeview take up to 12 months to sell so flooding the market with 21 plots of land in an area that has plenty of vacant land is wasteful and would see the prices in Rangeview drive and surrounding areas plummet in value and will damage the value of our property. e above outlined issues, I encourage the Shire to e the development proposal and the opening of eview drive. 	facilities can substantially increase the water supply for seasonal growing, providing much more than what is required for household needs. Land Use Rural Smallholding uses could include heirloom and native seed collection, native and exotic seedling production to meet the growing demand for mature tree planting, and cultivation of wildflowers, hemp (CBD), free-range poultry, pork, and eggs. Other potential uses include the production of dried fruits, mushrooms, finger limes, okra, leaf and root vegetables, rhubarb, and beekeeping for honey and pollination services. The increasing use of biological inputs, as an alternative to synthetic fertilizers, pesticides, and herbicides, is particularly important in the nutrient-deficient, sandy soils of the Swan Coastal Plain. With constant and rapid change in the industry, the next decade could see a 50% increase in new products and technologies not yet invented or discovered. Land Capability The soils on the Swan Coastal Plain, particularly Spearwood Sands, offer a strong foundation for nutrient retention, making them well-suited for horticultural vegetable and perennial fruit tree crops with proper treatment. The growing adoption of biological, non- chemical inputs enhances soil moisture retention, fosters healthier, more resilient plants, and contributes to carbon-positive farming by reducing the need for chemical pesticides. On Swan Location 5905, situated on the eastern ridge of the Moore River Valley, minimizing nutrient leakage into the Moore
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				River Estuary is crucial. Retaining old Red Gums, Tuarts, and other native trees helps lower soil temperature, supports beneficial soil biota, and boosts biodiversity. The elevated site also reduces the need for fungicides and pesticides due to natural wind and sunlight exposure, while offering attractive views of the Darling Escarpment, the ocean, and the expanding northern suburbs. Markets Joining grower groups like SPROUT Tasmania, which now includes 80 medium and small growers, provides valuable insights into production successes and market intelligence. Additionally, growers can access information from sources like COBWA, Neurotech Solutions, Bugs and Biology, and Living Soils. Despite increased competition, small growers producing high- quality, reliable supplies can still thrive in the market. Scheme Amendment accords with the adopted Local Planning Strategy (2012) wherein the land is identified for rural smallholdings. This includes population predictions and targets. Land valuation comment noted – not a planning consideration.
5.	Ratepayer	The submitter does not support the application and provides the following general comment: Please take this submission as a Strenuous objection to the approval of this application on the following basis: 1) Land Use conflicts The planning and development act states that Land Within 500m of Adjoining Horticultural Land Uses.	1.	The concept plan of subdivision is one design that provides a 500m buffer from the Market Gardens and a 300m buffer from the Olive Groves. Other designs could also achieve a 500m separation from both land uses. However, when the subdivision is being planned, designed, and submitted, a decision will be made on whether further environmental impact assessments of the Olive Groves and Market Gardens are

 Building envelopes are required to be identified as part 		needed to determine the best separation
of subdivision for lots within 500m of adjoining horticultural		distance for this landholding.
land uses to ensure future development is appropriately	2.	Scheme Amendment states that rainwater
setback from these land uses.		harvesting will be used to meet water needs.
 Building envelopes should be located greater than 500m 		Any future bores would be subject to the
from the edge of adjoining horticulture uses unless the		necessary approvals.
adjoining horticultural uses cease operation		In acknowledgement of the limited access to
The below is a direct quote from the proposal.		current groundwater availability, it is noted
The Environmental Protection Authority has drafted a		that the uses of the proposed Rural
guide providing recommended separation distances		Smallholdings will be influenced by the
between industrial and sensitive land uses. The		following factors:-
recommended separation distance from Market Gardens,		Water
without any studies undertaken, ranges from 300m-500m,		Over the past 30 years, advances in soil
depending on the scale and intensity of the Market Garden.		moisture retention, driven by healthy
In consultation with the Shire of Gingin Council at a briefing		biological processes and new technologies,
session, it was recommended that a 300m buffer would be		have significantly reduced the water needed
acceptable between sensitive land uses and the existing		by commercial growers. The use of high-
olive plantation to the north, while it was recommended		quality, low-energy compost and other
that a separation distance nearing 500m would be		natural inputs has further lessened water
acceptable from the Horticultural pivots located west of the		demands while boosting yields. Additionally,
site.		the installation of rain collection systems on
		houses, sheds, roads, and greenhouse
As Harley Dykstra have illustrated Can I ask why there is no		facilities can substantially increase the water
500-metre boundary to the north and east of the new		supply for seasonal growing, providing much
proposal where it adjoins 8 commercial properties which		more than what is required for household
are intensive agriculture at present. Appendix D shows one		needs.
setback from one property lot 53, It does not show the other		Land Use
500 metre setbacks from the other properties, had these		Rural Smallholding uses could include
been shown it would be clear that this property cannot be		heirloom and native seed collection, native
reasonably sub divided and contravening the EPAs		and exotic seedling production to meet the
recommendations as these boundaries would in fact		growing demand for mature tree planting,
envelop the whole proposed area. These adjoining		and cultivation of wildflowers, hemp (CBD),
premises operate day and night with loud machinery		free-range poultry, pork, and eggs. Other
including but not limited to Harvester, Mulchers, Airblast		potential uses include the production of
sprayers, tractors, and heavy machinery. If there is no		dried fruits, mushrooms, finger limes, okra,
building envelope or appropriate setback noise complaints		leaf and root vegetables, rhubarb, and
will follow with grievances from these small rural lots.		beekeeping for honey and pollination
Lots 200,201,223,225,222,226,5904,4376,53 and 501		services.
all surround this proposed development, and all are		
		The increasing use of biological inputs, as an
commercial farms and Zoned intensive agriculture by the		alternative to synthetic fertilizers, pesticides,
Shire of Gingin.		and herbicides, is particularly important in

"A number of land uses, which do not require access to		Biology, and Living Soils. Despite increased
groundwater resources include: the keeping of bees, Extensive Agriculture, Educational Establishment,		competition, small growers producing high- quality, reliable supplies can still thrive in the
Hydroponics, Chalet, Staff/Workers Accommodation,		market.
Community Purpose and various rural and/or cottage industries".	3.	Land valuation comment noted – not a planning consideration.
This statement is completely untrue and misleading, no	4.	Electrical upgrades will be designed by
home or accommodation in that area with the sandy		Western Power at the time of sub-division.
soils, oppressive heat in summer and easterly winds could	5.	Comments relating to other utilities noted.
survive solely on a rainwater tank. the area surrounding the	6.	Onsite effluent disposal will be subject to
home would be a dust bowl and extremely harsh bordering		standard local government/ Department of
on uninhabitable.		Health requirements at the time of
		development.
3) Property value	7.	Scheme Amendment accords with the
Current real estate data shows properties on Rangeview		adopted Local Planning Strategy (2012)
take up to 12 months to sell. There are estates that have		wherein the land is identified for rural
been developed not far from this proposal (Millbank estate		smallholdings. This includes population
for one) where there is a lot of land unsold and		predictions and targets.
undeveloped. Making another 21 plots of land in an area	8.	Item 4.5 of the Scheme Amendment Report
that has plenty of vacant land is wasteful, bad for the		addresses vegetation noting that "The
environment and would see the other property prices in		landowner is committed to preserving
Rangeview drive and surrounding areas plummet in value.		existing vegetation over the site, reflected
		through the Concept Subdivision Plan
4) Current infrastructure- Power		(Appendix C) which provides sufficient areas
During the past 12 months we have sustained over		within each lot suitable for the development
10 power outages due to the current electrical		of a single dwelling without the need to
infrastructure being undersized, This summer we had		remove any existing vegetation. Additionally,
power outages lasting over 3 days resulting in all properties		the road layout has been designed to avoid
on rangeview drive suffering from crop loss as we could not		the removal of any significant vegetation."
irrigate in the heat of the summer. The inconvenience and		The conditions proposed to be added to
financial cost is immeasurable. By adding another 21		schedule 10 of the Local Planning Scheme
properties to the electrical grid it is clearly going to have a		as part of this Scheme Amendment also
very negative effect.		address this concern.
	9	Noted – the history of the Subdivision Guide
5) Current infrastructure -Mobile reception	5.	is acknowledged in section 1.1 of the
The phone reception is ineffective at best with slow to no		Scheme Amendment Report.
internet to check on weather and winds, having more	10	. Scheme Amendment accords with the
people using this service will only adversely impact the		adopted Local Planning Strategy (2012)
current service.		wherein the land is identified for rural
		smallholdings. This includes population
6) Current infrastructure -Sewer		predictions and targets.

The Moore River nature reserve is located nearby, With	
another 21 septic tanks and leach drains on one property	
there is a higher chance of this leaching into the	
groundwater tables.	
5	
7) Increased population-	
Rangeview drive is a very lucky street in that it is a cul de	
sac street . We have very little to no crime in this street. I	
put this down to the fact there is only one escape path for	
criminals or those up to no good. I have purchased my	
property at the end of Rangeview drive as it is quiet and	
serene, My children can play and ride on this street with	
little to no interaction with the general public/traffic chaos.	
The opening up of Rangeview drive will increase traffic	
significantly, turning this street into a thoroughfare. This will	
increase noise from trucks, cars and motorbikes at all	
hours.	
8) Current Vegetation	
The site accommodates various trees throughout,	
comprising of Redgum, Tuart trees, Banksia trees,	
Blackboy, Blackbutt and tagasaste species, As mentioned	
earlier the rest of Rangeview drive and surrounding areas	
are intensive agriculture, This means that clearing permits	
have been issued and areas cleared for farmland. In	
keeping with the balance of nature we must retain areas of	
natural beauty and diversification. Installing multiple roads	
will inevitably mean clearing vegetation impacting birdlife	
and bees that are so important to the surrounding areas for	
pollination and fruit set. The photos in Appendix E are	
conveniently taken away from the main bush land areas.	
These main areas where extensive natural bushland is	
located is at the proposed blocks #3,6,10,11,12,13 and	
16. this is extensive grasstree and natural shrub, No photos	
have been taken of this area.	
9) Subdivision Guide -	
The subdivision guide in Appendix A is from 1995 and	
carries no weight as the time limit for act is past. There is	

		recommendations on that diagram indicating that lot 200, Lot 201 and Lot 226 have land exchanged to them as well. If this antiquated document was to carry any weight, I would expect these parcels of land to be exchanged to the respective landholders also as per the document. 10) Shire of Gingin Local Planning Scheme 9 (LPS#9) States that Code Minimum "UNCODED Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4." The current owner states that this UNCODED land is not financially viable as it is yet has held ownership of it for over 39 years. There is plenty of other properties that are exactly the same as the one in question. They operate successfully year round. This property could be sold as is for a very handsome return. This proposal has given no thought on what's best for the area as a whole or long term foresight for community and neighbours. As per the above Shire of Gingin Local Planning Scheme #9 I believe that splitting this property up for financial gain is certainly not an exceptional circumstance requirement. It is therefore respectfully requested on the basis of the	
		above justified rationale, that the Minister for Planning On the above outlined issues, Decline this proposal and the opening of Rangeview drive.	
6.	Ratepayer	The submitter does not support the application and provides the following general comment: I strongly oppose the Scheme Amendment Request as prepared by Harley Dykstra on behave of the owner of Lot 5905 Cowalla Road, to change the zoning from General Rural Uncoded to General Rural Coded and then permit its subdivision. It is unneeded, unwanted and in no way meets	 Scheme Amendment accords with the adopted Local Planning Strategy (2012) wherein the land is identified for rural smallholdings. This includes population predictions and targets. The history of the Subdivision Guide is acknowledged in section 1.1 of the Scheme Amendment Report.

 the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4 From its introduction the SAR adopts an arrogant and presumptive tone implying that both the Minister for Planning and the Shire of Gingin Council will approve the Amendment without question. This cannot occur until due process is followed in a rigorous and transparent manner. The SAR argues that it complies with Gingin' s Local Planning Scheme No 9 in relation permitting small holdings in corridors proximating Gingin Brook and the Moore River. The proposed subdivision would be at the farthest eastern point of the Moore River corridor. Planning Schemes are historical documents reflecting aspirations and information sourced at time of preparation. They should not be inflexible and must be adapted to changes to our physical, and particularly our climatic environment. Presently Lot 5905 is sandwiched between two large horticultural developments, it is topographically an unprotected hill, the strong seasonal prevailing wind would 	 Electrical upgrades will be designed by Western Power at the time of sub-division. In acknowledgement of the limited access to current groundwater availability, it is noted that the uses of the proposed Rural Smallholdings will be influenced by the following factors:- Water Over the past 30 years, advances in soil moisture retention, driven by healthy biological processes and new technologies, have significantly reduced the water needed by commercial growers. The use of high- quality, low-energy compost and other natural inputs has further lessened water demands while boosting yields. Additionally, the installation of rain collection systems on houses, sheds, roads, and greenhouse facilities can substantially increase the water supply for seasonal growing, providing much more than what is required for household needs.
subject future inhabitants to noise, dust, and harmful agricultural chemicals.	Land Use Rural Smallholding uses could include heirloom and native seed collection, native
There has been no increase in demand for small holdings in this area, as evidenced by the poor sale history of Rangeview properties. The Millbank Rural Estate some twenty years after its inception consists of mostly unoccupied lots. Small holdings in this area are remote from basic amenities; schools, shops, health care and are not as desirable as those in closer proximity to regional centres.	and exotic seedling production to meet the growing demand for mature tree planting, and cultivation of wildflowers, hemp (CBD), free-range poultry, pork, and eggs. Other potential uses include the production of dried fruits, mushrooms, finger limes, okra, leaf and root vegetables, rhubarb, and beekeeping for honey and pollination services.
The SAR suggests that rezoning of Lot 5905 and its subdivision would complement the Rangeview subdivision of 1995. The proposed subdivision would be of 21 lots average size 12.7ha, in the original Rangeview subdivision only 7 of the 31 lots were 10ha the majority were 15 to 25ha.The proposed subdivision would resemble suburbia and not blend with the older lower density subdivision. The	The increasing use of biological inputs, as an alternative to synthetic fertilizers, pesticides, and herbicides, is particularly important in the nutrient-deficient, sandy soils of the Swan Coastal Plain. With constant and rapid change in the industry, the next decade could see a 50%

conversion of Rangeview Drive into	
degrade the quality of life for its resident	
traffic would cause noise, road ha	
crime.	The soils on the Swan Coastal Plain,
The WA Planning Commission Deve	lopment Control Policy foundation for nutrient retention, making
3.4 clearly states that no developr	
	5
rural land will be permitted ur	
sustainable source of drinking wa	
recent drought confirms that Climate	
affect us all into the future. The har	
Lot 5905 from domestic premises	
longer be considered a reliable sou	
Trucking of potable water is not a su	stainable alternative. farming by reducing the need for chemical
The groundwater from the Seabird	Superficial Aquafer is pesticides.
fully allocated and is a precious	resource for future On Swan Location 5905, situated on the
generations. The recent death of	native and plantation eastern ridge of the Moore River Valley,
trees indicates a falling water table.	The development of 21 minimizing nutrient leakage into the Moore
lots with uncontrolled access to	the aquafer, average River Estuary is crucial. Retaining old Red
consumption 20,000k1, for home	e, garden etc, would Gums, Tuarts, and other native trees helps
extract an additional 400,000k1 of w	ater. This is equivalent lower soil temperature, supports beneficial
to approving a new major horticult	ural project. Which at soil biota, and boosts biodiversity. The
least would provide food for the grow	ving needs of Perth. elevated site also reduces the need for
In the age of Climate Change the a	
dictate development. For the nort	
communities where desalination is	
be prioritised or existing centres	
systems expanded. None essen	
groundwater resources should be di	
	Joining grower groups like SPROUT
Another limited resource in the are	
Rangeview is serviced by power line	
south, however even with this dual	
outages are frequent. A single power	insights and transformers
	ad aubdivision and will
will not meet the needs of the propos	
impose an additional load on an alre	COBWA, Neurotech Solutions, Bugs and
I thank you for diving my anno	Biology, and Living Soils. Despite increased
I thank you for giving my oppos	accompatition amount draware producing high
Amendment Request as submitted	quality, reliable supplies can still thrive in the
due consideration.	market.

7. Ratepayer	The submitter provides the following general comment:	- Traffic impact not considered significant
		given low number of additional lots (21 lots).
	I have several concerns about the above proposal:	Should it be required, traffic impact
		assessment can be considered at time of
	The main concern is the potential for increased traffic and	subdivision.
	associated noise on Rangeview Drive. As my house is close	 Scheme Amendment states that rainwater
	to the road this will directly affect my day to day living. At	harvesting will be used to meet water needs.
	the moment Rangeview is a quiet street with local traffic	Other services will also be connected as per
	only.	standard practice.
	only.	In acknowledgement of the limited access to
	Mu other concerns eres	6
	My other concerns are;	current groundwater availability, it is noted
	increased pressure on the local water supply, power,	that the uses of the proposed Rural
	sewerage and mobile phone coverage; conflict between	Smallholdings will be influenced by the
	residential and commercial intensive agriculture owners;	following factors:-
	and over supply of land in the area pushing prices down.	Water
	Please take the above comments into consideration when	Over the past 30 years, advances in soil
	you make the decision regarding the proposal of	moisture retention, driven by healthy
	subdivision and the opening of Rangeview Drive.	biological processes and new technologies,
	, , , , , , , , , , , , , , , , , , , ,	have significantly reduced the water needed
		by commercial growers. The use of high-
		quality, low-energy compost and other
		natural inputs has further lessened water
		demands while boosting yields. Additionally,
		the installation of rain collection systems on
		houses, sheds, roads, and greenhouse
		facilities can substantially increase the water
		supply for seasonal growing, providing much
		more than what is required for household
		needs.
		Land Use
		Rural Smallholding uses could include
		heirloom and native seed collection, native
		and exotic seedling production to meet the
		growing demand for mature tree planting,
		and cultivation of wildflowers, hemp (CBD),
		free-range poultry, pork, and eggs. Other
		potential uses include the production of
		dried fruits, mushrooms, finger limes, okra,
		leaf and root vegetables, rhubarb, and
		beekeeping for honey and pollination
		services.

	The increasing use of biological inputs, as an alternative to synthetic fertilizers, pesticides, and herbicides, is particularly important in the nutrient-deficient, sandy soils of the Swan Coastal Plain. With constant and rapid change in the industry, the next decade could see a 50% increase in new products and technologies not yet invented or discovered. Land Capability The soils on the Swan Coastal Plain, particularly Spearwood Sands, offer a strong foundation for nutrient retention, making them well-suited for horticultural vegetable and perennial fruit tree crops with proper treatment. The growing adoption of biological, non- chemical inputs enhances soil moisture retention, fosters healthier, more resilient plants, and contributes to carbon-positive farming by reducing the need for chemical pesticides. On Swan Location 5905, situated on the eastern ridge of the Moore River Valley, minimizing nutrient leakage into the Moore River Estuary is crucial. Retaining old Red Gums, Tuarts, and other native trees helps lower soil temperature, supports beneficial soil biota, and boosts biodiversity. The elevated site also reduces the need for fungicides and pesticides due to natural wind and sunlight exposure, while offering attractive views of the Darling Escarpment, the ocean, and the expanding northern suburbs. Markets Joining grower groups like SPROUT Tasmania, which now includes 80 medium and small growers, provides valuable insights into production successes and market intelligence. Additionally, growers
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		can access information from sources like COBWA, Neurotech Solutions, Bugs and Biology, and Living Soils. Despite increased competition, small growers producing high- quality, reliable supplies can still thrive in the market.
8. Ratepayer	The submitter does not support the application and provides the following general comment: We bought our land in Rangeview Drive, Wanerie, 5 years ago and looked at several properties before settling on this one. The main reason for buying our place was because it was a 'no exit/no through road'. We noted the truck noise and at times heavy traffic passing properties on Cowalla Rd. We also talked to property owners on Cowalla about uninvited guests (potentially casing properties) turning up at various times of the day and night. We happily noted, that when we were parked outside our soon to be farm, 2 different locals on Rangeview stopped to ask us what we were doing and who we were. That doesn't happen on Cowalla Rd! Our community in Rangeview Drive is small and most people know their immediate neighbours and well beyond, as well as what vehicles are local. If Rangeview becomes a through road we fear we may lose the dynamic of our lovely community. We have read through the proposal and have several concerns, about it, as follows: Water use and supply. The groundwater supply is already under pressure from all the agriculture in the area, (which is necessary to supply the Perth market), and the drought conditions. 21 more bores tapping into it would just add to this. With the amount of annual rainfall in the area residents won't be able to survive on rainwater tanks alone. If people have a right to put down a bore, they will. If intensive ag/horticulture in the area loses their water supply what will become of Perth's 'food bowl'? If these suppliers get pushed further away from Perth it will have a flow on effect to all consumers, and with no water the small	 The through road will improve traffic movements. Further, the subdivision concept plan is just one possible way the land could be divided. During the formal subdivision design process, an alternative layout might be considered. This alternative could avoid through-roads and instead use cul-de-sacs connected by emergency and pedestrian access ways. Water use and supply: Scheme Amendment states that rainwater harvesting will be used to meet water needs. Any future bores would be subject to the necessary approvals. In acknowledgement of the limited access to current groundwater availability, it is noted that the uses of the proposed Rural Smallholdings will be influenced by the following factors:-Water Over the past 30 years, advances in soil moisture retention, driven by healthy biological processes and new technologies, have significantly reduced the water needed by commercial growers. The use of high-quality, low-energy compost and other natural inputs has further lessened water demands while boosting yields. Additionally, the installation of rain collection systems on houses, sheds, roads, and greenhouse facilities can substantially increase the water supply for seasonal growing, providing much more than what is required for household needs. Land Use

	vill become untenable as well. If that were to happen	Rural Smallholding uses could include
	e would have to be some sort of compensation for the	heirloom and native seed collection, native
	orticulture farmers, as most have heavily invested in	and exotic seedling production to meet the
their	properties.	growing demand for mature tree planting,
		and cultivation of wildflowers, hemp (CBD),
Resid	dential Vs Commercial use . A bit like buying an	free-range poultry, pork, and eggs. Other
apart	tment next to a pub and then complaining about the	potential uses include the production of
late-r	night noise; selling residential properties in an	dried fruits, mushrooms, finger limes, okra,
inten	sive horticulture area is going to create complaints!	leaf and root vegetables, rhubarb, and
We h	ave machinery running at all hours, at farms near us,	beekeeping for honey and pollination
but k	new that would be the case when we bought here.	services.
There	e should be a 500mt buffer/set back from horticulture	The increasing use of biological inputs, as an
farms	s. Is this being considered? The map doesn't look like	alternative to synthetic fertilizers, pesticides,
it is, a	and the proposal refers to 300mtrs only which includes	and herbicides, is particularly important in
sever	ral of the proposed blocks. There is already precedent	the nutrient-deficient, sandy soils of the
	onflict between Residential & Agriculture Land; ref	Swan Coastal Plain.
Wate	rville Fresh V Shire of Gingin. It would be best to	With constant and rapid change in the
	ent this before it happens again.	industry, the next decade could see a 50%
		increase in new products and technologies
Elect	ricity supply. Power outages are a regular occurrence	not yet invented or discovered.
	r area. Will there be a major upgrade to the area before	Land Capability
	xtra load gets put on the supply? Without power pumps	The soils on the Swan Coastal Plain,
	working and crops don't get watered. I'm sure you	particularly Spearwood Sands, offer a strong
	se what the flow on from that is!	foundation for nutrient retention, making
		them well-suited for horticultural vegetable
Sewe	erage. The increased population and therefore the	and perennial fruit tree crops with proper
	ased sewerage waste won't have a positive effect on	treatment.
	ater table.	The growing adoption of biological, non-
		chemical inputs enhances soil moisture
Mobi	le reception. Considered to be an essential service by	retention, fosters healthier, more resilient
	Australians. In the Rangeview area this is an	plants, and contributes to carbon-positive
	mittent service at best. More people would put more	farming by reducing the need for chemical
	sure so it would need upgrading as well.	pesticides.
,		On Swan Location 5905, situated on the
Supp	ly & Demand of land. Is there a demand for small	eastern ridge of the Moore River Valley,
	in this area? The proposal is for smaller blocks than	minimizing nutrient leakage into the Moore
	urrent blocks in Rangeview Drive. This size will be hard	River Estuary is crucial. Retaining old Red
	ake a living off. I haven't seen any indication of	Gums, Tuarts, and other native trees helps
	and. Properties in the area take a while to sell. This	lower soil temperature, supports beneficial
	is 30mins from any town, so not somewhere that	soil biota, and boosts biodiversity. The
	ies with school age children will jump at given the daily	elevated site also reduces the need for

9.	Ratepayer	 commutes. There is other land already sub-divided in better locations. Excess supply potentially will drive prices down and no one wants that! Rangeview Drive Through Road. Our road is quiet with local traffic only. I haven't met anyone in the street that wants it to be a through road. Traffic travels at a reasonable and respectful speed. If it is opened up it would have the potential of becoming a race track! Bush Fire Prone Areas. There is only one area on Rangeview identified as Bush Fire Prone. In the event of a fire there is a formed farm road from one side and access off Beermullah Rd W on the other. As someone involved in Emergency Services, and based on a risk assessment there isn't a major need for a through road. Uncoded land. The reason for subdividing 'uncoded land' needs to meet exceptional circumstances. What are they? Not making money from the land isn't exceptional circumstances. If the owner wants to sell it he should do so as one whole lot. In reference to the Officer Comments from the Ordinary Council Meeting, 20 February 2024 there are more cons than pros. Please take time to read through these again as part of this letter. It is therefore respectfully requested, on the basis of the above writing, that the Minister for Planning, decline this proposal of subdivision and the opening of Rangeview Drive. 	 fungicides and pesticides due to natural wind and sunlight exposure, while offering attractive views of the Darling Escarpment, the ocean, and the expanding northern suburbs. Markets Joining grower groups like SPROUT Tasmania, which now includes 80 medium and small growers, provides valuable insights into production successes and market intelligence. Additionally, growers can access information from sources like COBWA, Neurotech Solutions, Bugs and Biology, and Living Soils. Despite increased competition, small growers producing high-quality, reliable supplies can still thrive in the market. The conditions proposed to be added to schedule 10 of the Local Planning Scheme as part of this Scheme Amendment address the buffer/ potential noise concerns. Electricity supply: Design will be undertaken by Western Power at the time of subdivision. Onsite effluent disposal will be subject to standard local government/ Department of Health requirements at the time of development. Rangeview Drive Through Road: The completion of the road network is in line with the Local Planning Strategy and will improve bushfire access/ egress. Uncoded land: Justification for the Scheme Amendment is provided in the Scheme Amendment is provided in the Scheme Amendment is in compliance with the adopted Local Planning Strategy (2012). Comments are general in nature. Water
9.	ιτατοράγοι	provides the following general comment:	in the Scheme Amendment report and noted in above responses.

Please take this submission as an objection to the approval	
of this application on the following, we understand that	
there are various steps of consultation within an approval	
process, however given the budgetary constraints within	
the shire, we urge you to reject this proposal at this stage.	
The development will not only increase traffic on Cowalla	
Road, but will negatively impact Rangeview Drive, causing	
a significant increase in traffic, people and general	
movements. We purchased our land twenty years ago for	
the rural surroundings and the security of a no through	
road. We note that the application references an approval	
dated 10 September 1996 – this is over 27 years ago,	
whether it has expired or not, we find the inclusion of this	
point inconsequential.	
We have all experienced incredible amounts of change in	
that period, and we have learnt an enormous amount about	
our community, shire, environment and how we work with	
the land during this time.	
As Shire of Gingin residents and ratepayers we welcomed	
the reclassification (albeit artificial rating concessions),	
rather than the rural lifestyle living noted in the proposal.	
The proposed change in land use does not maintain or	
enhance the rural character we have come to know for	
twenty years.	
We do not share the opinion that the amendment is	
classified as standard, and question alignment to the below	
amendments.	
(a) an amendment relating to a zone or reserve that is	
consistent with the objectives identified in the scheme for	
that zone or reserve;	
(b) an amendment that is consistent with a local planning	
strategy for the scheme that has been endorsed by the	
Commission;	
(c) an amendment to the scheme so that it is consistent	
with a region planning scheme that applies to the scheme	
area, other than an amendment that is a basic amendment;	

(d) an amendment to the scheme map that is consistent	
with a structure plan or local development plan that has	
been approved under the scheme for the land to which the	
amendment relates if the scheme does not currently	
include zones of all the types that are outlined in the plan;	
Unless we are misinformed, we understand that we are still	
operating under the 2012 Local Planning Strategy. We	
understand that a new strategy is due to be released, we	
are a little confused as to the status of the updated Local	
Planning Strategy.	
The Corporate Business plan 2022-2026 (released @	
February 2022) mentions the Local Planning Strategy is	
currently being reviewed by the Development Commission	
and will be completed and implemented this year.	
· The Annual Report FY22/23 listed that the Local	
Planning Strategy is on track with the LPS – Review to be	
completed 2023/24.	
· Links within the Shire of Gingin and Department of	
Planning, Lands and Heritage sites refer only to the 2012	
strategy.	
(e) an amendment that would have minimal impact on land	
in the scheme area that is not the subject of the	
amendment;	
(f) an amendment that does not result in any significant	
environmental, social, economic or governance impacts on	
land in the scheme area;	
Please see further following commentary.	
The proposal notes some suggested ventures that could be	
investigated, they appear to be unstructured thoughts that	
do not consider the characteristics of the environment and	
area we live in. Please see some comments.	
Bees require annual harvesting material, which can not	
be assumed to be sourced from the environment outside of	
the landholding. These plants would require water.	
• Extensive Agriculture or regenerative farming in any	
case currently in the area still require access to the aquifer.	
Please note that the soil conditions in the area have a high	
level of selenium deficiency, which causes much issue with	
cattle and ruminants. Higher concentration levels of	

smaller live allotments increase the risk of spreading	
disease, which has a significant impact to the larger	
farmers and economy.	
 Accommodation, short and temporary stay is currently 	
restricted within the current General Rural - (Coded 10).	
Would it not be best to plan these designated areas or	
review the current and recent approvals to accommodate	
these requests versus demand before including this as a	
plausible use of land?	
 Increased traffic in these areas will certainly impact the 	
biodiversity of the area, examples which come to mind are	
Phytophthora dieback and stablefly.	
Xanthorrhoea are respectfully referred to as grasstree	
or balga.	
• There are significant variations in rainfall within a 10km	
radius of Rangeview, with Rangeview often missing out on	
much needed rainfall due to wind patterns and land	
characteristics.	
 "If groundwater is desired to be accessed the relevant 	
approvals and licences will be required prior to access and	
usage." It is widely known that there are no further water	
licenses for business use available in this area, furthermore	
in 2023 our Shire annual report noted "Water allocation	
issues Ongoing."	
 It is important to note that the proposed landholders will 	
still have access to unlicensed water use, which is not	
insignificant and will impact the Gingin ground water, which	
is in contradiction to the premise of Extensive Agriculture or	
Regenerative Farming, focussed on prioritising , conserving	
and rehabilitating the land, tailoring specific practices to	
local <u>ecosystems</u> and <u>climates</u> .	
What happens when the decline in rainwater impacts	
health and safety of residents, or the required catchments	
increase to have an impact on the groundwater?	
There appears to be a lot of referencing to strategy	
documents that are clearly outdated, however more recent	
than the noted subdivision approval. From what we feel,	
hear, read and understand (Corporate Business Plan &	
Community Strategy) there is shared concern preserving	
the nature of low density in rural areas, ensuring	

,			
		community consultation in planning/shaping our future (alongside targeted communications). We understand that this is a process we are all learning about and being better at.	
		We understand that we need to seek additional revenue streams as a shire, please do not fragment the land that surrounds us any further.	
10.	Ratepayer	 The submitter does not support the application and provides the following general comment: We have been requested by our Client to prepare and lodge a submission objecting to the proposed Amendment No. 25 to Local Planning Scheme No. 9 ('LPS 9') that is currently being advertised for public comment. Land that is subject to the proposed Amendment (Lot 5905 Cowalla Road Wanerie) is herein referred to as the proposed Amendment area. The reason for our objection is outlined below. Summary The key points raised in this submission are as follows: The proposed General Rural (Coded) zone is inconsistent with the strategic planning framework. The Shire's Local Planning Strategy promotes the protection of agricultural activities, acknowledging the economic importance of the industry within the Shire. The proposed intensification of sensitive land uses in proximity to the subject site will limit existing and future rural development of the surrounding land. The GR10 code, including the proposed Conditions within Schedule 10 will allow lots of a size that cannot accommodate appropriate buffers to agricultural land uses and therefore provides a development outcome that is unable to be 	 Scheme Amendment accords with the adopted Local Planning Strategy (2012) wherein the land is identified for rural smallholdings. This includes population predictions and targets. The conditions proposed to be added to schedule 10 of the Local Planning Scheme as part of this Scheme Amendment address the buffer/ potential land use conflict concerns. In acknowledgement of the limited access to current groundwater availability, it is noted that the uses of the proposed Rural Smallholdings will be influenced by the following factors:-Water Over the past 30 years, advances in soil moisture retention, driven by healthy biological processes and new technologies, have significantly reduced the water needed by commercial growers. The use of high-quality, low-energy compost and other natural inputs has further lessened water demands while boosting yields. Additionally, the installation of rain collection systems on houses, sheds, roads, and greenhouse facilities can substantially increase the water supply for seasonal growing, providing much
		achieved without introducing land use conflicts.	more than what is required for household needs.
		Background Our Client's land comprises an operating Olive Grove, located on a 457.5ha site. The site is situated within an established General Rural zoned area, with various other	Land Use Rural Smallholding uses could include heirloom and native seed collection, native

	erating agricultural uses in this general location. The	and exotic seedling production to meet the
	bject site is located directly north of Lot 5905 Cowalla	growing demand for mature tree planting,
Ro	ad, being the proposed Amendment area.	and cultivation of wildflowers, hemp (CBD),
		free-range poultry, pork, and eggs. Other
	is site represents an opportunity for our Client to	potential uses include the production of
ma	intain operation of the existing Olive Grove and also the	dried fruits, mushrooms, finger limes, okra,
opj	portunity for future redevelopment of the site, to support	leaf and root vegetables, rhubarb, and
oth	ner agricultural activities, including possible market	beekeeping for honey and pollination
gai	rden operations.	services.
		The increasing use of biological inputs, as an
Ou	r Client's key interest in relation to the Proposal is	alternative to synthetic fertilizers, pesticides,
	suring that the continued operation and potential future	and herbicides, is particularly important in
	pirations for the site are ultimately realised, without	the nutrient-deficient, sandy soils of the
	ing unduly impacted by encroaching sensitive land uses.	Swan Coastal Plain.
		With constant and rapid change in the
Pla	nning Framework	industry, the next decade could see a 50%
	e following sections provide an overview of the key	increase in new products and technologies
	nning framework considerations in relation to the	not yet invented or discovered.
	bject site.	Land Capability
544		The soils on the Swan Coastal Plain.
70	ning	particularly Spearwood Sands, offer a strong
201		foundation for nutrient retention, making
Un	der the provisions of LPS 9, the subject site is zoned	them well-suited for horticultural vegetable
	eneral Rural'. The objectives of the General Rural zone	and perennial fruit tree crops with proper
		treatment.
arc		
"ວ)	manage land use changes so that the specific legal rural	The growing adoption of biological, non- chemical inputs enhances soil moisture
	manage land use changes so that the specific local rural aracter of the zone is maintained or enhanced:	
Che		retention, fosters healthier, more resilient
b)	analyzed and protect bread care advisultural activities	plants, and contributes to carbon-positive
	encourage and protect broad acre agricultural activities	farming by reducing the need for chemical
	ch as grazing and more intensive agricultural activities	pesticides.
	ch as horticulture as primary uses, with other rural	On Swan Location 5905, situated on the
	rsuits and rural industries as secondary uses in	eastern ridge of the Moore River Valley,
	cumstances where they demonstrate compatibility with	minimizing nutrient leakage into the Moore
the	e primary use;	River Estuary is crucial. Retaining old Red
		Gums, Tuarts, and other native trees helps
	maintain and enhance the environmental qualities of the	lower soil temperature, supports beneficial
	dscape, vegetation, soils and water bodies, to protect	soil biota, and boosts biodiversity. The
	nsitive areas especially the natural valley and	elevated site also reduces the need for
wa	tercourse systems from damage; and	fungicides and pesticides due to natural
		wind and sunlight exposure, while offering

the subject site based on current operations and fails to consider the ability for all surrounding General Rural zoned land to develop to its full potential under the General Rural zoning. This layout clearly demonstrates that a 500m buffer cannot be achieved for all lots on the subdivision concept, demonstrating that the proposed Amendment provides for the inappropriate intensification of land uses into a productive agricultural region.	
The Proposal, in allowing the smallest lots available to Rural zoned land within the Shire, will limit the ability for existing and future use of the subject site to operate without imposing restrictions that limit their operation. Further, the objective of the General Rural zone is to provide for future and potential rural uses, rather than limiting the ability for our Client's land (and other surrounding General Rural zoned land) to be used for only a small range of rural activities which may change over time.	
 Local Planning Strategy The Shire of Gingin's Local Planning Strategy (the 'Strategy') provides the Shire's vision for the area now and into the future, providing a plan to form the basis for land uses, zoning, subdivision and development considerations. The Strategy identifies the continued use of rural land for production being paramount for the economic future of the Shire with an increasing trend towards diversified and more intensive agricultural uses. Key priorities to the Shire, outlined within the strategy, relevant to the Proposal, include: Protection of agricultural land, broad acre grazing and crop production areas due to their economic significance; \u03c6 Ensuring the use and development of rural land is both compatible and complementary to agricultural activities; Supporting subdivision of rural land only when 	
 Supporting subdivision of rural rand only when consistent with State Policy; Council's settlement strategy and which facilitates the ongoing productive rural use of the land; and Ensuring agricultural and urban land uses can be co-located efficiently with minimal conflict. 	

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The Shire of Gingin's Local Planning Strategy (the 'Strategy') identifies the subject site as maintaining its Rural (uncoded) zoning for most of the land, with the westernmost corner shown as possibly accommodating Rural Smallholdings. Any consideration towards the intensification of sensitive land uses in this location needs to be considered based on its appropriateness within its location and the potential impacts this may have on surrounding properties.	
Any intensification of use in this location should be considered in terms of its ability to manage off site impacts, without limiting future rural land uses operations. This matter is discussed further below.	
Encroachment of Sensitive Land Uses The Environmental Protection Authority (EPA) Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Land Uses ('EPA Guidance Statement') provides advice relating to separation distances to sensitive land uses, which in this instance include separation of 500m between agricultural uses and sensitive land uses to manage potential impacts. The Proposal allows for sensitive land uses with the smallest lot size available to General Rural (Coded) land to be provided, less than 500m from the subject site. Further, the proposed wording of Conditions within Schedule 10 requiring building envelopes states:	
 <i>"-</i> Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately set back from these land uses. - Building envelopes should be located greater than 300m from the edge of the adjoining horticultural uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire." 	
The above conditions will result in the need for buffers to be accommodated within the subject site's boundaries,	

effectively quarantining land and restricting the ability to develop the subject site to its full potential under the General Rural zoning. Further, the concept subdivision prepared in support of the Proposal, includes lots at 13ha to 17ha (which is larger than the minimum permissible 10ha provided by the GR10 code) along the northern border of the proposed Amendment area, that are unable to accommodate the full 500m separation distance required between horticultural and sensitive land uses. While this is only a concept, the Conditions proposed by the Scheme Amendment, are clearly incapable of being	
implemented on the lot sizes available to GR10 Coded land. The land is not only impacted to the north by our Client's existing Olive Grove operations, but other agricultural uses to the south and west, resulting in the land subject to the proposed Amendment being wedged between existing agricultural operations. The Proposal will result in the introduction of sensitive uses into a productive agricultural region at the lowest available coding. This not only impacts existing uses being carried out, but potential future uses on land surround the proposed Amendment area.	
State Planning Policy 2.5 – Rural Planning State Planning Policy 2.5 – Rural Planning ('SPP 2.5') applies to development within Rural areas, including to the preparation and assessment of local planning scheme amendments. SPP 2.5 includes policy measures that seek to protect rural land as a resource by preventing the creation of new or smaller rural lots on an unplanned or ad- hoc basis, particularly for intensive or emerging primary production land uses. One of the key elements in achieving the objectives of the policy is to avoid land use conflict. This can be assessed by considering whether the surrounding land can accommodate sufficient separation distances without limiting future rural land uses. As discussed above, the proposed Scheme Amendment site is not capable of achieving this without impacting the General Rural zoned land adjoining it.	

Section 6.4 of SPP 2.5 provides matters for consideration	
for zoning proposals affecting rural land. The proposed	
Amendment fails to meet the requirements of section 6.4,	
as demonstrated below:	
• The proposed Amendment area is not suitable to	
be developed for the proposed use. The Proposal is	
effectively for rural living given the potential lot	
sizes, where the primary use of lots will be for rural	
living accommodating a dwelling and not for	
primary production. This introduction of residential	
uses will invariably bring about land use conflict	
between sensitive uses and agricultural uses;	
The introduction of sensitive uses in an area bound	
by General Rural zoned land will affect the existing	
and future operation of primary production;	
• The proposed Amendment area is not capable of	
accommodating the proposed zone, as:	
- The management of impacts associated with the	
introduction of sensitive uses will be deferred to	
later stages of planning (through the imposition of	
building envelopes imposed as a condition of	
subdivision approval);	
- The recommended buffers associated with	
agricultural uses will overlap significantly with	
proposed sensitive land uses;	
- Adequate land has not been identified to contain	
,	
impacts from existing primary production and fails	
to consider future impacts from potential rural	
uses.	
Level Dianning Deligy 1.6 Agriculture Intensive	
Local Planning Policy 1.6 – Agriculture Intensive	
Council's Local Planning Policy 1.6 – Agriculture Intensive	
(LPP 1.6) provides standards for different forms or irrigated	
horticulture to prevent adverse impacts on both the natural	
environment and surrounding uses. In this regard, LPP 1.6	
provides a requirement for proposals for Irrigated	
Horticulture within 500m of existing or future residential or	
rural residential area to accommodate vegetation buffers	
and other measures to minimise or avoid land use conflict.	
The Proposal will effectively allow for rural residential uses	

to encroach into this 500m separation, resulting in the need for stricter buffer and/or mitigation measures to be accommodated on Rural land, then would ordinarily be required if the proposed Amendment area retained its General Rural (uncoded) zoning.
 Key Concerns / Recommendations The Proposal allows for encroachment of sensitive land uses within proximity to existing and likely future agricultural land uses. The Proposal does not appropriately address the need for buffers to sensitive land uses to be accommodated on site, given the proposed GR10 coding and the limited site area afforded to future lots to accommodate such buffers. The encroachment of sensitive land uses, in conjunction with required buffers, will push those buffer requirements externally, restricting the ability for General Rural zoned properties to accommodate the intended agricultural uses. The Proposal is inconsistent with the objectives of the Strategy in promoting and protecting agricultural land uses within General Rural zoned properties.
Considering the above, we request that the Shire of Gingin consider not supporting the proposed rezoning to General Rural (Coded) zoning with a GR10 Coding on the site. This is on the basis that this proposal promotes an intensification of sensitive land uses, within proximity of existing agricultural uses, without allowing for appropriate buffers to be accommodated on site. Approval of the Proposal could seriously prejudice future redevelopment aspirations for our Client's land, that are consistent with the objectives of the General Rural zoning.

11.	Ratepayer	The submitter does not support the application and provides the following general comment:	 Water use and supply: Scheme Amendment states that rainwater harvesting will be used
			to meet water needs. Any future bores would
		As an affected person of this proposal, please consider this	be subject to the necessary approvals.
		submission in writing by email as AN OBJECTION to the	In acknowledgement of the limited access to
		approval of this application on the following basis:	current groundwater availability, it is noted
			that the uses of the proposed Rural
		WATER	Smallholdings will be influenced by the
		Property owners on Rangeview have limited access to	following factors:-
		ground water. The eastern side of my property borders the	Water
		Beermullah Road West agricultural producer, which over	Over the past 30 years, advances in soil
		time has been an olive grove and now olive and carrot farm.	moisture retention, driven by healthy
		The impact to my natural water levels is a direct result of	biological processes and new technologies,
		increased agricultural production and an increase in other	have significantly reduced the water needed
		properties accessing the water table. My natural soak well has decreased significantly (by more	by commercial growers. The use of high- quality, low-energy compost and other
		than 2/3 in depth) in the approx. 25 years I have owned the	natural inputs has further lessened water
		property. I do not believe that an increase in demand of	demands while boosting yields. Additionally,
		additional domestic or other ownership of these proposed	the installation of rain collection systems on
		properties and other new industries will not impact the	houses, sheds, roads, and greenhouse
		water table further.	facilities can substantially increase the water
		In addition to this, given the proximity to the market	supply for seasonal growing, providing much
		garden/agricultural land use on Cowalla Road opposite the	more than what is required for household
		proposed new development, and to the others along	needs.
		Beermullah, this can only have a similar impact on these	Land Use
		new proposed landowners, not to mention the broader	Rural Smallholding uses could include
		Rangeview current property owners.	heirloom and native seed collection, native
			and exotic seedling production to meet the
		TRAFFIC/POPULATION INCREASE + SAFETY CONCERNS	growing demand for mature tree planting,
		A key consideration in the decision to purchase my property	and cultivation of wildflowers, hemp (CBD),
		was due the cul-de-sac/no-flow-through traffic option. This	free-range poultry, pork, and eggs. Other
		proposal will result in an increase in traffic (of heavy	potential uses include the production of
		machinery during the build, and other once completed).	dried fruits, mushrooms, finger limes, okra,
		There are similar re-developments in the shire that have	leaf and root vegetables, rhubarb, and
		resulted in an increase of unsolicited drop-ins, break-ins,	beekeeping for honey and pollination
		degradation of the road quality, speeding leading to safety	services.
		issues etc.	The increasing use of biological inputs, as an
		Cowalla Road, between Beermullah Road West and	alternative to synthetic fertilizers, pesticides,
		Cowalla Bridge is of such poor condition, that I cannot	and herbicides, is particularly important in
		support a development that will incur additional traffic	the nutrient-deficient, sandy soils of the
		along this already unsafe road. The recent attempts at	Swan Coastal Plain.

shoulder reconstruction between GinGin Brook Road and	With constant and rapid change in the
Beermullah Road West are at best, a slight improvement	industry, the next decade could see a 50%
but will also be impacted, and continue to be so.	increase in new products and technologies
	not yet invented or discovered.
ACCESS TO MOBILE DATA	Land Capability
My property sits in a mobile data blackspot and have limited	The soils on the Swan Coastal Plain,
(standing atop my water tank on a hill) to no access to	particularly Spearwood Sands, offer a strong
mobile phone service. I find this unbelievable and	foundation for nutrient retention, making
unacceptable in this era to have to rely solely on a landline	them well-suited for horticultural vegetable
which has had at least three outages in the past 12 months.	and perennial fruit tree crops with proper
Having such an increase on the data towers will not	treatment.
improve this current situation.	The growing adoption of biological, non-
	chemical inputs enhances soil moisture
	retention, fosters healthier, more resilient
	plants, and contributes to carbon-positive
Other - Notice to residents	farming by reducing the need for chemical
In addition to the above outlined issues, I am disappointed	pesticides.
that the Shire chose not to inform all residents of	On Swan Location 5905, situated on the
Rangeview Drive in writing of this proposal and the	eastern ridge of the Moore River Valley,
subsequent public notice.	minimizing nutrient leakage into the Moore
	River Estuary is crucial. Retaining old Red
	Gums, Tuarts, and other native trees helps
	lower soil temperature, supports beneficial
	soil biota, and boosts biodiversity. The
	elevated site also reduces the need for
	fungicides and pesticides due to natural
	wind and sunlight exposure, while offering
	attractive views of the Darling Escarpment,
	the ocean, and the expanding northern
	suburbs.
	Markets
	Joining grower groups like SPROUT
	Tasmania, which now includes 80 medium
	and small growers, provides valuable
	insights into production successes and
	market intelligence. Additionally, growers
	can access information from sources like
	COBWA, Neurotech Solutions, Bugs and
	Biology, and Living Soils. Despite increased
	competition, small growers producing high-

			 quality, reliable supplies can still thrive in the market. Traffic: The completion of the road network is in line with the Local Planning Strategy and will improve traffic movements. Further, the subdivision concept plan is just one possible way the land could be divided. During the formal subdivision design process, an alternative layout might be considered. This alternative could avoid through-roads and instead use cul-de-sacs connected by emergency and pedestrian access ways.
12.	DWER	The submitter provides the following general comment: The Department of Water and Environmental Regulation has assessed the following application and has no comments to provide.	
13.	DFES	The submitter provides the following general comment: Given the scheme amendment seeks to rezone the lot to allow intensification within the subject site, the scheme amendment provides an opportune mechanism for the coordination of bushfire risk to ensure that it does not result in the introduction or intensification of development or land use in an area that has or will, on completion, have an extreme BHL and/or BAL-40 or BAL-FZ. SPP 3.7 seeks to reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process. A Bushfire Management Plan (BMP) is required to accompany strategic planning proposals, subdivision and development applications in areas above BAL-LOW or	 It is expected that BMP's will accompany subdivision applications.

14.	DEMIRS	 areas with a bushfire hazard level above low (refer to clause 6.2b). A BMP includes the bushfire assessment, identification of the bushfire hazard issues arising from the relevant assessment and a clear demonstration that compliance with the bushfire protection criteria contained within Appendix 4 of these Guidelines, is or can be achieved. The statement in Section 3.1.3 of the scheme amendment report is not accepted, the lot is the subject of the scheme amendment and is bushfire prone and triggers an assessment against the policy. The BMP should be prepared as early as possible in the planning process and progressively refined or reviewed as the level of detail increases. The level of detail provided within a BMP should be commensurate with the applicable planning stage and scale of the proposal or application. Should you apply SPP 3.7 then, we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide comment prior to the (City/Shire) endorsement of the scheme amendment. The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. DEMIRS lodges no objections to the above Local Planning Scheme Amendment. 	

15.	DoH	The submitter provides the following general comment: The DoH has no objection to the proposed amendment providing there is provision for adequate onsite effluent disposal areas in future planning approvals. For on-site wastewater disposal systems to be approved, the site capability needs to be demonstrated via a winter 'site-and-soil evaluation' (SSE) in accordance with Australian Standard 1547 (AS/NZS 1547). Web link: https://ww2.health.wa.gov.au/Articles/S T/Site-and-soil- evaluation-for-onsitewastewater-management Euture development is required to have access to a		
		Future development is required to have access to a		
		sufficient supply of potable water in accordance with the		
16	DPIRD	Australian Drinking Water Quality Guidelines 2011.		The Chire of Cingin's Local Dianning Chrotogy
16.	עאואט	The submitter does not support the application and provides the following general comment:	-	The Shire of Gingin's Local Planning Strategy highlights that a number of existing 'General Rural -Coded' precincts are dispersed throughout the region identified as 'Pural
		DPIRD does not support the proposal. Please refer to the attached PDF for their comments.		throughout the region identified as 'Rural Smallholdings' in accordance with the Local Planning Strategy. The Strategy further
			-	indicates that an infill of 'Rural Smallholding' lots within the specified locations will not contribute to the additional fragmentation of 'Rural' zoned land, given that the land is considered to already be largely fragmented. The General Rural Coded proposal will be consistent with the adjoining General Rural coded land south-east of the subject land, comprising of lots ranging from 9.8ha- 28.7ha, appropriately rounding off the Rangeview estate in a logical manner.



14.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED POULTRY FARM ON LOT 5707 INDIAN OCEAN DRIVE, LEDGE POINT

File	BLD/7733			
Applicant	Leonard Sherman			
Location	Lot 5707 Indian Ocean Drive, Ledge Point			
Owner	Mokosica Pty Ltd			
Zoning	General Rural			
WAPC No	NA			
Author	James Bayliss - Executive Manager Regulatory and			
	Development Services			
Reporting Officer	James Bayliss - Executive Manager Regulatory and			
	Development Services			
Refer	Nil			
Appendices	1. Location Plan [14.2.1 - 1 page]			
	2. Aerial Photograph [14.2.2 - 1 page]			
	3. Applicant's Proposal [14.2.3 - 41 pages]			
	4. Clearing Imagery - DBCA [14.2.4 - 1 page]			
	5. Schedule of Submissions and Recomended Responses			
	 [14.2.5 - 10 pages] 6. Schedule of Submissions - Applicant's Responses 			
	[14.2.6 - 17 pages]			

DISCLOSURES OF INTEREST

PURPOSE

To consider an Application for Development Approval for an Animal Husbandry – Intensive (Poultry Farm) on Lot 5707 Indian Ocean Drive, Ledge Point.

BACKGROUND

The subject land is 162 hectares in area and contains an existing shed set back 700m from the southern boundary which abuts Greenwood Coast Road, and 550m from the eastern boundary where the land abuts Indian Ocean Drive (IOD).

The proposed poultry farm is to be located next to an existing shed. The land topography results in the development area being largely out of view from motorists using IOD. The Applicant describes the proposal as follows:

This poultry farm's aims are to raise chickens for egg laying and to house free-range egg-producing hens. The plan is to adapt an existing shed and use it for Poultry Farm activities and construct a new shed in addition to the planned mobile free-range poultry trailers and paddock. Of the two sheds, the existing shed will be utilized as an egg packing and cool room storage facility and the proposed new shed will be serving as an incubator for raising young chicks.



Ten mobile free-range poultry trailers with an additional 5-hectare paddock area, are proposed. The property will be able to accommodate up to 6000 free-range chickens, with approximately 600 chickens in each mobile free-range poultry trailer. To the south of the existing shed area, is where a 5-hectare paddock and grazing area is suggested.

Steel floors, open-wire mesh walls, with hinged metal awnings enclosing the walls will provide shade and shelter from weather outside the mobile free-range poultry trailers. The roofing to the mobile free-range poultry trailers would be metal. The colour of the mobile free-range poultry trailers is Green.

To allow for ventilation inside the mobile free-range poultry trailers they will be built with an open-air design. It is envisaged that the chickens will graze inside a low voltage electrified fenced area which will also contain a mobile free-range poultry trailer.

All 10 mobile free-range poultry trailers will be located within the 5-hectare free range grazing paddock. (see annexure 7 site layout plan). The mobile free-range poultry trailers will be kept within the 5-hectare free range paddock area.

The storage/packaging shed is currently constructed with metal walls and roofing colour shale grey, The proposed rearing shed is to be constructed as open-air design with metal frame, steel mesh walls and roofing colour shale grey.

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

The applicant has provided a report in support of the application. The applicant's proposal is provided (see appendices).

COMMENT

Stakeholder Consultation

The application was advertised in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015.* This included advertising to surrounding landowners within a 1 kilometre radius of the development area, a development sign placed on the verge of the property and a notification on the Shire's website, all for a period of 28 days.

The Shire received one submission raising questions, which has been viewed as a general comment.

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



- 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);
- Department of Primary Industries and Regional Development (DPIRD); and
- Main Roads Western Australia (MRWA).

A number of State agencies question whether the detail provided in the application is sufficient to undertake a thorough assessment.

It is noted that the DWER provided no comment and raised no objection.

The officer did not refer the proposal to the Environmental Protection Authority (EPA) as it is typically expected that the DWER would raise any 'significant' issues that warrant this approach. Given the DWER's response, or lack thereof, and the context of details raised by the DBCA, there may be some merit in doing so prior to a determination.

SPP 2.5 outlines that the clearing provisions of the *Environmental Protection Act 1986* require that the issuer has regard to planning instruments when deciding on a clearing permit application. Planning instruments include State Planning Policies, planning schemes and local planning strategies. Clearing native vegetation is prohibited, unless undertaken with a clearing permit or the clearing is for an exempt purpose.

The first type of exemption is found in Schedule 6 of the *Environmental Protection Act 1986* and mainly refers to clearing that is required under other laws. The second type of exemption is found in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and mainly refers to clearing for routine low impact land management practices. Unless exempt, outcomes from a development application may require a clearing permit. The officer is concerned that clearing to date may have required a clearing permit, notwithstanding the applicants' assertions (see appendices). The issue of a development approval may prejudice the neutrality of a retrospective clearing permit assessment that, if not issued, may require rehabilitation works.

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

A copy of the applicant's response to the Schedule of Submissions is provided (see appendices).



PLANNING FRAMEWORK

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

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

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

The following assessment will outline that the proposed management practices and elements of the proposal lack technical rigor, which may consequently result in the environmental qualities of the landscape, vegetation and soils not being 'maintained or enhanced'. It is therefore open for Council to form the view that objective c) has not been satisfied. The remaining objectives have generally been fulfilled.

Separation Buffer

A separation distance relates to the shortest distance between the boundary of the area that may potentially be used by the development, and the boundary of the area of the sensitive land use. Separation distances are intended to avoid conflicts between incompatible land uses.

Clause 5.7 of SPP 2.5, WAPC Poultry Farms Fact Sheet and the Environmental Code of Practice all outline the importance of having adequate buffer distances between poultry farms and sensitive receptors.

The proposed land use is typically compatible with the rural environment, mainly due to rural landholdings generally being larger in area and best suited to providing adequate buffer distances to adjoining properties and sensitive land uses.



SPP 2.5 defines 'sensitive land uses' as follows:

Land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres. Generally, excludes commercial or industrial premises.

It is also prudent to outline that SPP 2.5 defines 'rural amenity' as follows:

A standard of residential amenity that is rural in nature, which may include impacts from primary production. May also include biodiversity conservation, natural resource management, some public purposes and protection of landscapes and views.

'Amenity' is defined under the EPA Guidance Statement as follows:

Factors which combine to form the character of an area and include the present and likely future amenity. For the purpose of this Guidance Statement, consideration of loss of amenity is limited to unreasonable impact on a person from gaseous, dust, noise and odorous emissions and risk.

The Model Provisions outline that 'primary production' takes on the same meaning as referenced under the *Income Tax Assessment Act 1997*, which relevantly states:

Primary production business - you carry on a primary production business if you carry on a business of:

(b) maintaining animals for the purpose of selling them or their bodily produce (including natural increase);

...

Clause '5.12.2 – Planning approach for sensitive land uses in rural zones potentially affected by a rural land use' of SPP 2.5 states:

(b) single dwellings and other sensitive land use on rural land should be afforded a reasonable standard of rural amenity.

Clause '5.12.1 - Avoiding land use conflict' states:

- (a) where a development is proposed for a land use that may generate off-site impacts, there should be application of the separation distances used in environmental policy and health guidance prescribed standards, accepted industry standards and/or Codes of Practice, followed by considering –
 - *(i) whether the site is capable of accommodating the land use; and/or*



- (ii) whether surrounding rural land is suitable, and can be used to meet the separation distances between the nearest sensitive land use and/or zone, and would not limit future rural land uses; and
- (iii) whether if clauses (i) and/or (ii) are met, a statutory buffer is not required.
- (b) where a development is proposed for a land use that may generate off-site impacts and does not meet the standard outlined in clause 5.12.1 (b) then more detailed consideration of off-site impacts will be required, in accordance with clause 5.12.3 of this policy; and
- (d) where a development is proposed that could be contemplated in the zone and has been assessed under clause 5.12.3 as having unacceptable offsite impacts that cannot be further mitigated or managed, the proposal should be refused.

Clause '5.12.3 - Determining a buffer' states:

In addition to those matters required under a scheme, where detailed consideration of offsite impacts is required in accordance with clause 5.12.1 (c), determination of a buffer should, take into account:

- (a) separation distances recommended in Government policy and guidance;
- (b) whether the design and/or operation of the proposal is in accordance with prescribed standards, accepted industry standards or codes of practice;
- (c) whether, prior to issuing an approval, any management plans associated with the proposal are capable of being implemented;
- (d) the existing or potential requirement for environmental licensing and/or works approval;
- (e) potential cumulative impacts;
- (f) Whether modelling is required where impacts on sensitive land uses outside the property boundary are anticipated to exceed the parameters used in environmental policy, prescribed standards, accepted industry standards and/or codes of practice; and
- (g) Odour modelling, when required, is to be undertaken in accordance with a methodology outlined in Government policy or guideline, or an agreed equivalent, by the proponent of the primary production or the proponent of the sensitive zone or land use.



Table 2 below is derived from *'Appendix 2 – Comparison of Separation Distances Between Rural Land Uses and Sensitive Land Uses'* under SPP 2.5 - Rural Planning Guidelines for Poultry Farms:

Environmental Protection Authority (EPA)		National Industry Standard	State Industry Standard	Consistency and explanation of variations
Current	Draft version			
300 - 1000m Provided: >1000m	300 - 1000m	250 - 500m	300 - 500m	Low variation The national and state industry standards recommended a smaller
Compliant	Compliant	Compliant	Compliant	buffer to sensitive land uses than the EPA. Meeting the recommendations of the EPA will result in satisfying the industry standard.

 Table 1 - SPP 2.5 - Separation distance comparison

Table 3 below outlines recommended distances under the 'Environmental Code of Practice for Poultry Farms in Western Australia'.

Provision	Requirement	Proposal	Assessment
Poultry Shed (same farm operator) Poultry Sheds	20m between sheds 1000m	Mobile – can be conditioned. >1000m	Compliant Compliant
(different operator) Existing or future residential zone land	500m	NA	NA
Farm boundary	100m	>100m	Compliant
Water supply bores	50m from discharge area	>50m	Compliant
Wetlands, waterways & flood ways	50m	>50m	Compliant
Water Table	2m	>2m	Compliant

 Table 2 - Environmental Code of Practise provisions



Officer Comment

The officer notes that there is no consistency between the EPA guidelines, state and national industry standards in relation to buffer distances. The proposal nevertheless adheres to the various requirements with no sensitive land uses within 1km of the site.

The planning framework outlines that 'rural amenity' may include emissions (gaseous, dust, noise and odorous emissions) from primary production so long as the impacts are not 'unreasonable'. There is no guidance to the term 'unreasonable'. The officer views the policy framework as inferring that it may be acceptable for emissions to be experienced beyond the separation distance if it is infrequent, not for extended periods of time or be of an offensive intensity.

Given the size and scale of the overall facility being rather modest (in comparison to traditional poultry farms) and the isolated location, the officer is satisfied that the existing separation distances are adequate.

Access to Water

The issuing of a water licence under the *Rights in Water and Irrigation Act 1914* to extract and use water is at the discretion of the Department of Water and Environmental Regulation (DWER).

Access to a sufficient water supply has not been clearly addressed by the proposal. The officer finds it unusual that a commercial poultry farm is not required to demonstrate a suitably sized water source to the DWER. Surprisingly, the DWER has advised that it has no comments to make on the proposal.

In the event approval is forthcoming, a condition should be imposed that ensures the applicant demonstrates to the Shire that a suitable sized water supply has been sourced and any required licences have been obtained, as this is an extension of environmental considerations that the decision maker must have regard to.

Vehicle Access

The decision maker must be satisfied that clause 67(s) of the Deemed Provisions are satisfied, which states:

- (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;



The applicant advises that the following vehicle movements are related to the operations of the poultry farm:

- A single Monthly delivery movement of incoming feed by car with an enclosed trailer.
- Delivery of one outgoing egg van twice weekly.
- A single car movement with an enclosed trailer per fortnight to clear the area of manure.
- It is suggested that all eggs be moved from the sheds to the cool room using a utility.
- The number of vehicle trips per week needed to remove dead birds will depend on the Shire's approved disposal method.

The applicant's response to the submissions received questioning vehicle movements is outlined below:

- As these are pastured poultry, approximately 3.5 t of feed is required per week. This will require a single weekly delivery movement of incoming feed by Ute with an enclosed trailer.
- Approximately 4 t of manure generated per fortnight. Therefore, a single ute movement with an enclosed trailer per fortnight to clear the area of manure and dead poultry.
- Delivery of a single outgoing egg van once weekly. This would be a 3.5 t ford transit van.
- New chickens will be hatched on site, therefore no chickens will have to be transported into the site.

The proposal outlines that the poultry trailers will be connected by an existing driveway constructed from crushed limestone that leads from Greenwood Coast Road to the development area.

The officer notes that vehicle movements for feed quadrupled between lodgment and responses to the submissions received. The officer again finds it unusual that a commercial poultry farm is capable of operating without any heavy vehicle movements. While this may be operationally viable, it is contrary to the Shire's experience having assessed several poultry farm proposals.

The information provided lacks technical rigor and should be supported by a Transport Impact Statement (TIS) to substantiate the proposed vehicle movements. In the absence of a TIS, conditions could be imposed prohibiting heavy vehicles from accessing the property. This is on the understanding that heavy vehicles create additional wear and tear on local roads in comparison to light vehicles, and road upgrades and maintenance contributions may be required should this mode of transport be used.

The officer notes that the crossover, access driveway and Greenwood Coast Road are unsealed and generally in a poor condition. MRWA has requested remedial works to this intersection which can be captured by a condition of approval.



Environmental Considerations

Relevant considerations set out in Section 5.1 of State Planning Policy 2.9 – Water Resources are as follows:

- *(ii) Aim to prevent or, where appropriate, ameliorate the following potential impacts:*
 - increased nutrient loads into receiving waters.
- (iii) Promote improved outcomes such as:
 - reduction in nutrient export to receiving waters to a level lower than existing.

Draft SPP2.9 was prepared in August 2021 and has undergone an advertising period. This policy consolidates the current water-related policy framework and will supersede the current version of SPP2.9 once gazetted.

The relevant policy outcomes from section 6 of draft SPP2.9 are as follows:

- 6.1 Planning and development maintains or enhances water quality and hydrological regimes to protect public health and support healthy ecosystems through the:
 - *iii.* appropriate siting and management of land uses;

The policy measures of draft SPP2.9 contained within section 7.2 state that an application should:

- *i) minimise export of nutrient and non-nutrient contaminants entering water resources.*
- *I) demonstrate that infrastructure and site management practices are in place to manage contaminants, particularly within sensitive water resource areas and public drinking water source areas.*

The officer is of the view that waste management practices are a critical component of a poultry operation to ensure that environmental degradation does not arise. Poultry litter and manure, spilt feed and decaying birds are all potential sources of nutrients or the accumulation of nitrogen and phosphorus over a period of time. Nutrient-rich water (stormwater) could enter the ground or surface water through run-off or seepage, and from leaching through stockpiled waste if not appropriately managed.

The applicant has commented that removal of waste/dead birds will '*depend on the Shire's approved disposal method*'. It is not the Shire's role to set out waste disposal methods on behalf of an applicant.



The officer also notes that DPIRD, DPLH and DBCA all raised concerns with the deficiencies of the proposal, which the officer concurs with. As examples, the officer notes the following deficiencies/concerns:

- It is unclear how poultry waste will be collected and stored and for what period of time until the material is removed from site.
- The surface of the storage area has not been outlined, which creates a scenario where nutrients may leach into the soil over time if hardstand or site infrastructure is not appropriately designed.
- While the transportable poultry trailers have the ability to be rotated within the development area, ongoing soil monitoring to ensure nutrient build up does not accumulate over time should be clearly articulated.
- Commentary within the proposal indicates that stored manure may be covered with tarps during wet weather. This is not viewed as a suitable method to avoid soil leachates or to prevent an environmental conducive to stable fly breeding.
- The DPLH and the DBCA have noted that the site contains "*remnant native vegetation and is located within the Carnaby's Black Cockatoo distribution area*". It is evident from aerial photography that portions of the site have recently been cleared, and the exemptions referenced by the applicant may be misconstrued. Unfortunately the DWER has provided no assistance in this regard and surprising has offered no comment. However, the manner in which the exemptions have purportedly been applied are not consistent with the Shire's experience.
- DPIRD raises concern with the soil type having low grazing capacity. On this basis the suitability of a free range intensive grazing may not be suitable without rigorous management practices, which simply haven't been clearly articulated. The applicant has suggested that test pits have been dug onsite which indicates that DPIRD commentary is inaccurate, yet the soil logs have not been provided to substantiate the claims.
- The proposed EMP contains various information that does not align with the details of the proposal as outlined below:
 - Reference to stormwater systems being maintained in accordance with planning approval. The officer has not identified any stormwater systems proposed.



- That manufacturer's specifications are followed for the implementation, maintenance, and use of best practice equipment for temperature, ventilation, cooling, and water consumption monitoring and control. The proposal does not include temperature control or cooling and has no reference to water consumption monitoring.
- As stipulated in the planning approval, structures and equipment are in place and kept up to date to provide for the management of noise, dust, and odors. The officer notes that there is no planning approval stipulating any requirements, nor does the proposal indicate what equipment is required to be kept up to date or provide commentary on the management of dust for example.
- The requirements outlined in the planning permission are carried out, including maintaining road drains, stormwater runoff areas, and culverts. Again, there is no planning permission nor does the proposal provide any detail in relation to road drains, culverts or stormwater run-off areas.
- *The Shire's approved landscaping plan is put into action.* There is no Shire approved landscaping plan nor has the proposal inferred that landscaping is to be installed.
- The planning approval governs the disposal of dead birds. Daily use of a freezer or composter are used. It is not clear if dead birds are being frozen or composted.

Environmental Management Plan (EMP)

It is common to capture operational aspects of a development of this nature via a condition of approval. This enables a compliance mechanism should onsite practices become unacceptable or differ from what an applicant has proposed. Detailed and accurate management practices are therefore integral to ensure that amenity and environmental impacts do not arise.

The officer has concerns with the operational details lodged. The extent of anomalies creates concern that the proposal in its current form is not suitable for approval.

Summary

Irrespective of the modest scale of the development, the nature of the land use creates a risk to the environment with LPS 9 emphasising the protection of the landscape, vegetation and soils from damage. The proposal is not viewed as satisfactorily addressing these items.



The proposal has not demonstrated an ability to secure a sufficient water source and accompanying licence. The impact on surface and groundwater is viewed as an extension of environmental considerations.

Traffic data is vague and not substantiated with any technical support. The suitability of Greenwood Coast Road to service a commercial poultry farm is questionable.

The waste management and grazing details provide no confidence to the officer that soil erosion and nutrient leachates will not arise, which is concerning given the DBCA notes that the soil types have low grazing capacity.

The land has been cleared of native vegetation, with the DBCA raising concerns in relation to the legality of the clearing in an area identified as being wholly native vegetation which may potentially include foraging habitat suitable for black cockatoos and may contain a threatened ecological community (banksia woodland). The officer is of the view that the clearing should be referred to the Investigations branch of the DWER to investigate.

In view of the above assessment, it is recommended that the proposed poultry farm be refused.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

Environmental Protection Act 1986 (EP Act)

Environmental Protection (Noise) Regulations 1997 (Noise Regulations).

Planning and Development (Local Planning Scheme) Regulations 2015

POLICY IMPLICATIONS

State Planning Policy 2.5 - Rural Planning (SPP 2.5) and the Accompanying Guidelines

State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

Western Australian Planning Commission (WAPC) - Poultry Farms Fact Sheet

Environmental Code of Practice for Poultry Farms in Western Australia (Environmental Code of Practice)

Note: The Environmental Code of Practice is not a legislative or regulatory document and is intended to encourage a strong environmental ethic within the industry and its adoption is voluntary. However, SPP 2.5 stipulates that poultry farms should take into consideration the guidelines within this code in relation to design, siting, and management of poultry farms.



Environmental Protection Authority - Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses No. 3 (2005) (EPA Guidance Statement)

Environmental Protection Authority – Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses (2015) (draft)

Environmental Protection Authority – Environmental Guidance for Planning and Development – Guidance Statement No. 33' (EPA Guidance Statement No. 33).

Australian Government (Department of Agriculture, Fisheries and Forestry) - National Farm Biosecurity Manual for Poultry Production.

Department of Water and Environmental Regulation - Odour Emission Guidelines (June 2019) (Odour Emissions guidelines)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS - SIMPLE MAJORITY



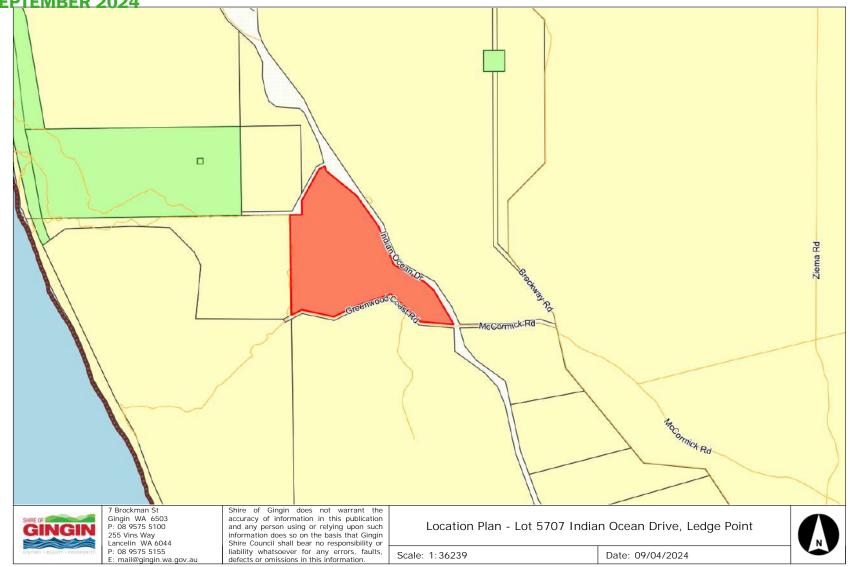
OFFICER RECOMMENDATION

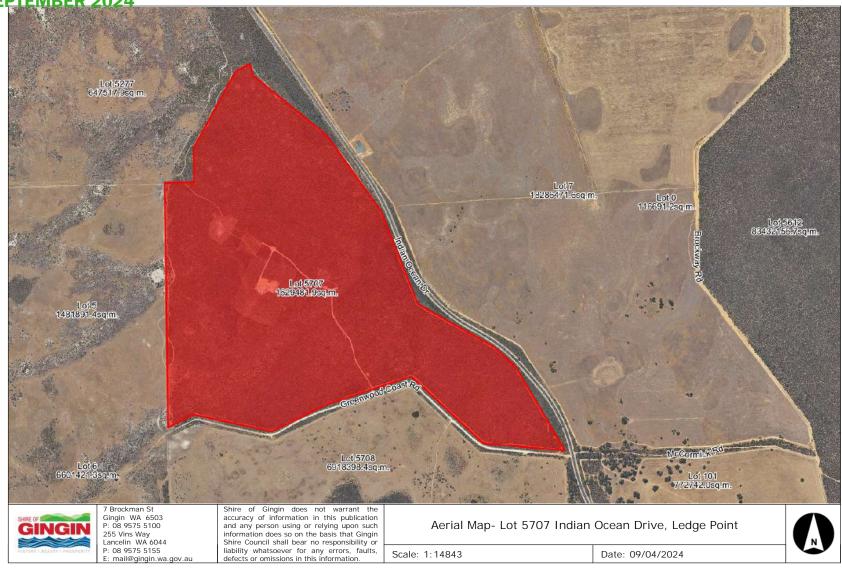
That Council refuse to grant Development Approval for an Animal Husbandry – Intensive (Poultry Farm) on Lot 5707 Indian Ocean Drive, Ledge Point under clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The development has not demonstrated compliance with Clause 67(2)(a) of the Deemed Provisions and clause 3.2.7 objective (c) of Local Planning Scheme No. 9, as the development does not maintain or enhance the landscape, vegetation and soils from damage.
- 2. The development has not demonstrated compliance with Clause 67(2)(c), (o) and (q) of the Deemed Provisions, as the supporting information has not sufficiently demonstrated that adverse environmental impacts will not arise.
- 3. The development has not demonstrated compliance with Clause 67(2)(b) of the Deemed Provisions, as approval of the development is viewed as being inconsistent with the principles of orderly and proper planning.

Advice Notes

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.*





Proposed Free Range Egg Producing Poultry Farm Lot 5707 Greenwood Coast Road Breton Bay Shire of Gingin

March 2024 Report prepared By LS Design



L.S Design

March 2024

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Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd

L.S Design

March 2024

1.0 INTRODUCTION

Leonard Sherman of Lot 5707 Greenwood Coast Road Breton Bay subject site, submits this application for planning approval within the Shire of Gingin for a proposed poultry farm.

The application is for a use that the Shire of Gingin Local Planning Scheme No. 9 (LPS9) designates as "Animal Husbandry – Intensive."

1.1 Preface

This proposal requests permission to build ten mobile free-range poultry trailers, a shed as well as use an existing shed for on-site bird rearing and processing. This application is the first of two stages in a design that will eventually house 12,000 chickens on the property spread across 20 mobile free-range poultry trailers. Each trailer is 2.5 m wide ,11 m long and 2.5 m high (See ANNEXURE 6 Development application Plans)

Each mobile free-range poultry trailer will provide a place to shelter and will be fenced off with a 1m high, low voltage electric fence allowing the chickens to free range on a section of the 5-hectare paddock (See ANNEXURE 7 Site layout Plan). The mobile free-range poultry trailers will be moved within the 5-hectare area of the free-range paddock and remain on the property. The visual amenity of the area specifically Indian Ocean Drive is preserved because only vegetation can be seen when looking directly at Lot 5707 Greenwood Coast rd from Indian Ocean drive. Currently there is an existing approved 5.5 m high shed next to the proposed mobile free-range poultry trailers and paddocks site that is invisible from anywhere along Indian Ocean Drive. This is due to the proposed development area being set back 550 m and being elevated 34 m above Indian Ocean Drive. (see ANNEXURE 10 Site Photos Indian Ocean Drive)

Also, because of the infrequent use of vehicles to service the small Proposed Free range Egg producing Poultry farm are a Van and enclosed trailer, the traffic interaction with Indian Ocean Drive as a transport corridor is minimal. Therefore, safe and efficient travel is achieved.

It is envisaged that Stage 1 will set up the site infrastructure and processing activities required for the poultry farm in order to facilitate future expansion dependent on demand.

Presented is the reasoning, planning context, specifics, and pros of the proposal's with in the established planning framework. We respectfully request Council's approval of this application, supported by information supplied below.

2.0 THE SITE

2.1 The proposed Site

The proposed site has an area of 162.97 hectares. It contains an existing approved shed set back 700 m from the front of the property and 550m from the Eastern boundary (Indian Ocean Drive) of the lot. The proposed poultry farm will be located next to the existing shed (See ANNEXURE 7 Site layout Plan) Access to the proposed Poultry Farm is directly from Greenwood Coast rd approximately 660m North of the Western (Greenwood Coast rd) site boundary. The land topography comprises the front half of the lot being undulating with the back half of the lot

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significantly elevated. Because of the significant elevation (34 m above the front) of the back half of the lot ,the existing 5.5 m high shed located on the back half of the lot is invisible, from any point along Indian Ocean drive. (see appendix 10 Site photos Indian Ocean drive). The proposed mobile free-range poultry trailers being a height of 2.5 m will also will be invisible from Indian Ocean drive. The site has had a controlled burn which has left larger trees scattered throughout the property. The area for the proposed poultry farm is only grass like. The site is serviced with power.

2.2 Title

Lot 5707 Greenwood coast rd, Breton Bay, in the shire of Gingin, is where the proposed Poultry Farm is situated.

Details of the site are Lot 5707 on plan 207687, Title Certificate: Volume 1890, Folio 142; Annexure 2 contains a copy of the Title certificate

2.3 The Site and Adjacent Development

The site is located in the rural area Breton Bay. Adjoining properties to Lot 5707 Greenwood Coast rd are zoned General Rural. All neighboring properties in the area are zoned general rural and have no dwellings on them. The closest dwelling in the area is 6.8 kilometers, from the proposed Poultry Farm. (see Annexure 1 for a Location Plan) identifying the land. Annexure 3 contains a contour plan, A Zoning Plan is included as Annexure 4, Annexure 5 contains the management plans., Annexure 6 contains the proposed Mobile Free Range Trailer plans. Annexure 7 contains the Site Layout Plan, Annexure 8 Proposed Rearing Shed Plan, Annexure 9 Proposed Rearing Shed Elevations

3.0 PROPOSAL

For the purpose of a proposed poultry farm, ten mobile free-range poultry trailers, a rearing shed and a free-range paddock are included in the application for planning approval that the council is to review.

This poultry farm's aims are to raise chickens for egg laying and to house free-range egg-producing hens.

The plan is to adapt an existing shed and use it for Poultry Farm activities, and construct a new shed in addition to the planned mobile free-range poultry trailers and paddock. Of the two sheds, the existing shed will be utilized as an egg packing and cool room storage facility and the proposed new shed will be serving as an incubator for raising young chicks.

For floor plans and elevations of the proposed mobile free-range poultry trailers, see Annexure 6, which contains them., Annexure 8 and 9 contain the plan and elevations of the proposed rearing shed, Annexure 7 provides a comprehensive site plan of the site's current and planned development.

An overview, operating specifics, and other information on the proposed establishment of a poultry farm are provided below.

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3.1 Mobile free-range poultry trailers and Paddock Area

Ten mobile free-range poultry trailers with an additional 5-hectare paddock area, are proposed. The property will be able to accommodate up to 6000 free-range chickens, with approximately 600 chickens in each mobile free-range poultry trailer. To the South of the existing shed area, is where a 5-hectare paddock and grazing area is suggested. (see Annexure 7 the Site Layout Plan).

Steel floors, open-wire mesh walls, with hinged metal awnings enclosing the walls will provide shade and shelter from weather outside the mobile free-range poultry trailers. The roofing to the mobile free-range poultry trailers would be metal. The colour of the mobile free-range poultry trailers is Green. To allow for ventilation inside the mobile free-range poultry trailers they will be built with an open-air design. It is envisaged that the chickens will graze inside a low voltage electrified fenced area which will also contain a mobile free-range poultry trailer. All 10 mobile free-range poultry trailers will be located within the 5-hectare free range grazing paddock. (see annexure 7 site layout plan). The mobile free-range poultry trailers will be kept within the 5-hectare free range paddock area.

The storage. packaging shed is currently constructed with metal walls and roofing colour shale grey,

The proposed rearing shed is to be constructed as open-air design with metal frame, steel mesh walls and roofing colour shale grey. (see Appendix 8 and 9 for drawings).

3.2 State Planning Policy 4.3 requirements

- 1. The position and scale of all current, authorised, and proposed buildings are shown on the site plan that is part of Annexure 7. Annexure 3 contains a contour plan illustrating any noteworthy drainage features.
- 2. Profile and materials of construction of the mobile free-range poultry trailers is metal framed and clad with wire mesh. (see in Annexure 6)
- 3. There are no residential or rural residential zones within one kilometer of the proposed mobile free-range poultry trailers, and the separation from the next dwelling is greater than 6.8 kilometers.
- 4. Greenwood Coast Road is the designated vehicle entry point for the location.
- 5. The Site Layout Plan (Annexure 7) show the site's circulation zones.
- 6. The following vehicle movements are related to the operations of the poultry farm:
 - A single Monthly delivery movement of incoming feed by car with an enclosed trailer
 - Delivery of one outgoing egg van twice weekly.
 - A single car movement with an enclosed trailer per fortnight to clear the area of manure.
 - It is suggested that all eggs be moved from the sheds to the cool room using a utility.
 - The number of vehicle trips per week needed to remove dead birds will depend on the Shire's approved disposal method.

Farm Operations:

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- 1. The poultry farm is expected to be staffed by myself and my wife.
- 2. Approximately 6,000 free-range birds in ten mobile free-range poultry trailers are the subject of this application.
- 3. Since all poultry manure is to be removed off site, separate effluent disposal is not necessary for the mobile free-range poultry trailers (see the accompanying Manure and Waste Management Plan). Because of minimal staff on site, staff restrooms should be connected to a septic tank, leach drain, or effluent disposal system, depending on what the Shire of Gingin has allowed.
- 4. There are currently no plans to sell to the general public.
- 5. The majority of activity is anticipated to occur every day between 7 a.m. and 5 p.m. at the poultry farm, which is open seven days a week. There is no labor or activity to be done at night, unless there is an urgent situation.
- 6. The property has had a controlled burn by the Gingin and Ledge point volunteer fire brigades
- 7. Existing uses on site are the existing shed and grazing.

3.3 Access for vehicles

The proposed free-range paddock and mobile free-range poultry trailers will be connected by an existing driveway that leads from Greenwood coast rd to the existing shed area. The foundation of this driveway is compacted. limestone.

3.4 Fencing

Each mobile free-range poultry trailer requires 1.0-meter-tall chicken low voltage electrified fencing surrounding it.



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4.0 PLANNING

An overview of the administrative and strategic planning framework (. Gingin Shire, Local Planning Scheme No. 9.) related to the proposed development and the site is given below

Land use

The development's goal is to create a poultry farm. The use class "Animal Husbandry - Intensive," which is established under Schedule 1(2) of the Scheme in the Council's Scheme, can be used to define the proposed land use.

"Means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;"

Zoning

"General Rural" is the zone assigned to the subject property under the terms of the Shire of Gingin LPS9. Included (see ANNEXURE 4 Zoning Plan (LPS9Map Extract)) is a key excerpt from the LPS9 Zoning Map that shows the zoning of the location and the adjacent land.

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 Aims of the Scheme

(h)Facilitate more intensive and diversified use of rural land for higher value products, including horticulture, intensive animal husbandry and farm forestry, which are compatible with surrounding farming practices.

(I)Ensure that the use and development of rural land is both compatible and complementary to traditional livestock, grazing and agricultural activities

(I)Promote processing and value adding industries to be located within the Shire.

(t)Recognise the importance of highways and main roads (Brand Highway and Indian Ocean Drive) as transport corridors ensuring safe and efficient travel with minimised traffic interaction

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The visual amenity of the area specifically Indian Ocean Drive is preserved because only vegetation can be seen when looking directly at Lot 5707 Greenwood Coast rd. Currently there is an existing 5.5 m high shed next to the proposed mobile free-range poultry trailers and paddocks site that is invisible from anywhere along Indian Ocean Drive. This is due to the area being set back 550 m and being elevated 34 m above Indian Ocean Drive. (see ANNEXURE 10 Site Photos Indian Ocean Drive)

Also, because the infrequent use of vehicles to service the small scale Proposed Free range Poultry farm are a Van and enclosed trailer, the traffic interaction with Indian Ocean Drive as a transport corridor is minimal. Therefore, safe and efficient travel is achieved.

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4.2 Poultry Farm State Planning Policy (SPP 4.3)

Guidelines for evaluating applications for land near poultry farms and factors to be taken into account when reviewing proposals for both new and existing poultry farms are provided in SPP 4.3.

Several of the goals listed in the policy are as follows:

- To minimise the impact of poultry farms on residential, rural residential and other potentially incompatible land uses
- To ensure that new poultry farms are established in locations suitable to their operational requirements;

Along with defining the perimeter of the poultry farm, the policy specifies the proper setbacks for chicken sheds to rural residential areas. For new chicken houses and adjacent land, the following minimum buffer distances apply:

- 100 metres from the boundary of the Poultry Farm
- 300 metres from any existing or future rural-residential zone; and
- 500 metres from any existing or future residential zone;

There is no proposed building within 100 meters of a boundary in this application, and the closest residence is over 6,800 meters away from the proposed Poultry farm. Accordingly, the Shire of Gingin does not need to establish or approve an Odour Management Plan.

4.3 Western Australia's Poultry Farms Environmental Code of Practice

This Code was prepared for the Western Australian Broiler Growers Association and the Poultry Farmers Association of Western Australia with the support of the Departments of Environment, Agriculture, Planning and Infrastructure, Health; Western Australian Local Government Association; Shire of Gingin and Shire of Serpentine Jarrahdale.

2.1 Siting and buffers

As poultry farms require ready access to feed suppliers and processors, rural land within a suitable distance of the metropolitan area should be sought. At the time of preparing the Code, the following Perth regions were identified as possible future localities for poultry farming – Wanneroo, Bullsbrook, Muchea, Gingin, Mundijong, Chittering, Serpentine and Baldivis.

Statement of Planning Policy 4.3 - Poultry Farms Policy (1998) provides guidelines for the siting and location of new poultry farms and expansion of existing farms. Applicants should refer to and incorporate the requirements of SPP 4.3 into their applications. An extract from the guideline follows.

"New poultry farms should avoid

• existing or proposed residential areas and land identified for future residential development in current planning strategies or town planning schemes; and

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 existing or proposed rural-residential areas identified in current planning strategies or town planning schemes."

Minimum buffer distances for new poultry sheds and neighbouring land are as follows:

- 500 metres from any existing or future residential zone;
- 300 metres from any existing or future rural-residential zone; and
- 100 metres from the boundary of the poultry farm".

Whilst it is unlikely that a poultry farm would be sited within or next to a commercial or industrial zone, the same criteria applicable to rural zoning applies, i.e. an internal clearance of 100m from the shed to each boundary would need to be maintained and a minimum distance of 500m to the nearest residential zone would be required. In addition, approval would be subject to the discretionary power of the local council.

After achieving a separation distance of more than 100 meters from the property line, the proposed free-range poultry sheds and paddocks comply with the previously mentioned codes of practice. (see ANNEXURE 7 Site Lay out Plan)

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4.5 The Gingin Local Planning Strategy

The vision for the Shire of Gingin is that of a prosperous growing community, building on existing towns and services, having a diversified local economy integrated with a sustainable and productive natural resource base.

The key advantages of the Shire are its:

- strategic location adjacent to the Perth Metropolitan Region;
- primary production sector and rural land assets;
- ability to strengthen its economy through continued investment in agriculture, fishing, tourism and industry;

The following important Key Issues are identified by the strategy:

- The protection of quality agricultural land is important to ensure the long-term sustainability of agricultural land use as an important economic and employment base for the Shire within its regional context
- There is a need to increase local resident employment opportunities and reduce the need for residents to leave the Shire for work. This will be partly facilitated through the retention and promotion of a variety of employment opportunities in existing and new developments;

Specifically, the goals listed are:

- Facilitate more intensive and diversified use of rural land for higher value products, including horticulture, intensive animal husbandry, basic raw material extraction and farm forestry, which are compatible with land capability attributes and surrounding farming practices;
- Ensure that the use and development of rural land is both compatible and complementary to agricultural activities
- Promote the establishment of processing and value adding industries in the Shire;
- Support the appropriate placement of rural industries / processing within the rural zone

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5.0 PROPOSAL PROS

The proposed development is set out below showing how it conforms to the appropriate planning framework.

5.1 Local Planning Strategy

The development plan is in line with the Shire's Local Planning Strategy's goals, objectives, and vision. Among the goals are the following:

Facilitate more intensive and diversified use of rural land for higher value products, including – intensive animal husbandry – which are compatible with land capability attributes and surrounding farming practices.

Multiple sheep and cattle pasture areas are adjacent to the location. The usage is regarded as being in harmony with the land uses nearby. The suggested pasture and mobile free-range poultry trailers and paddock areas) are 6.8 kilometers from any residential areas.

This poultry farm will also assist with challenges mentioned in the Shire's Local Planning Strategy by helping to develop and diversify the rural economy. with an intensive rural activity.

5.3 Local Planning Scheme

The following objectives of the Scheme are met by this proposal:

(*h*)Facilitate more intensive and diversified use of rural land for higher value products, including horticulture, intensive animal husbandry and farm forestry, which are compatible with surrounding farming practices.

(I)Ensure that the use and development of rural land is both compatible and complementary to traditional livestock, grazing and agricultural activities

(I)Promote processing and value adding industries to be located within the Shire.

(t)Recognise the importance of highways and main roads (Brand Highway and Indian Ocean Drive) as transport corridors ensuring safe and efficient travel with minimised traffic interaction

The development is classified as a "A" use, or discretionary use, under the terms of Table 1 - Zoning Table and satisfies the site requirements of Table 2 - The General Rural Zone aims to achieve the following

(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;



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(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.

Because the mobile free-range poultry trailers and paddocks aims to establish a small poultry enterprise on the site that will allow the specific local rural character of the zone to be maintained, it aligns with the goals of the General Rural zone. The visual amenity of the area specifically Indian Ocean Drive are preserved due to a 34m elevation and 550 m set back and will occupy a very small1.25 % of the Lot area.

Also, because the infrequent use of vehicles to service the small scale Proposed Free range Poultry farm are a Van and enclosed trailer, the traffic interaction with Indian Ocean Drive as a transport corridor is minimized. Therefore, safe and efficient travel is achieved.

5.1 State Planning Policy 4.3 Poultry Farms (SPP4.3)

The site on which Proposed mobile free-range poultry trailers and grazing paddock is situated complies with SPP4.3 policy clause 5.1

The Proposed mobile free-range poultry trailers and grazing paddock are situated more than 17.3 kilometers from any residential area, both current and future, 6800 meters from any rural residential area, and more than 100 meters from the closest boundary of the Proposed mobile free-range poultry trailers and grazing paddock.

There is no Priority 1 surface or ground water catchment near the Proposed mobile free-range poultry trailers and grazing paddock.

The Proposed mobile free-range poultry trailers and grazing paddock is situated on land zoned General rural.

The site is not close to any planned or current rural residential communities.

5.2 EPA Separation Distances

According to Environmental Protection Authority (EPA) Guidance No. 3: Statement, a sensitive land use and the poultry business (intensive farming) should be separated by a general distance of 300–1,000 meters, depending on the size of the area., No odour assessment has been done because the closest sensitive premise (home) is more than 6,800 meters away from the proposed mobile free-range poultry trailers and paddock, therefore they comply with this distance requirement.

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5.4 Environmental Considerations

Lot 5707 Greenwood Coast rd recently had a controlled burn carried out by the by the Gingin and Ledge point Volunteer fire brigade under Regulation 5, Item 3 Clearing for fire hazard reduction. Therefore, the area for the Proposed mobile free-range poultry trailers and grazing paddock has only grass like vegetation on it.

The site of the Proposed mobile free-range poultry trailers and grazing paddock are located next to an existing shed. This location has a previous exemption to be cleared under Regulation 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. (A guide to the exemptions and regulations for clearing native vegetation Under part V of the Environmental Protection Act 1986)

Regulation 5, Item 1 Clearing to construct a building

Clearing of native vegetation for the lawful construction of a building or other structure is exempt as long as other relevant approvals have been obtained, including any planning approvals and building license

Also, historically the site was used for pasture (as can be seen from old livestock fencing and gates encircling the entire lot still in place) and therefore has an exemption to be further used as pasture under the Regulations:

Regulation 5, Item 14 Clearing to maintain existing cleared areas for pasture, cultivation or forestry

Clearing of land that was lawfully cleared within the 20 years prior to the clearing if - (a) the land has been used as pasture or for cultivation or forestry within those 20 years; and (b) the clearing is only to the extent necessary to enable the land to be used to the maximum extent to which it was used in those 20 years.

The proposed free-range areas (mobile free-range poultry trailers and paddock areas) have higher than the minimum requirements for the separation distance to the water table/ground water The area of the free-range paddock is located 34 m above the elevation of the ground level along Indian Ocean drive. The depth to the ground water at Indian Ocean drive is 15 m Therefore the depth to the ground water at the proposed free range poultry paddock is 49 m.

The region's soils are classified as degraded limestone sands yellow in colour.

5.6 Environmental Code of Practice for Poultry Farms

The Code of Practice's siting and buffer standards have been met by the proposal.

The following information is given with reference to Table 1 of the Environmental Code of Practice for Poultry Farms in WA.

More than a hundred meters separate the sheds and planned free-range pasture from any property borders.

Within 300 meters of this proposed chicken farm, there is no rural residential zone, e Within 500 meters of this proposed chicken farm, there is no residential zone, either now or in the future.

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The water table is located between 49 meters below natural ground level,

No water supply bores are located 50 meters or less from the suggested poultry sheds or free-range area.

The 20-meter buffer will be met by the proposed mobile free-range sheds.

There are no wetlands waterways or floodways, in the vicinity of the proposed mobile free-range poultry trailers and paddock areas).

The Environmental Code of Practice's management requirements will be followed in the planning and construction of mobile free-range poultry trailers and paddock areas, as well as in the handling of stock feed, water, waste products, and other areas of poultry farm operations.



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6.0 CONCLUSION

The proposal asks the Shire for permission to operate a small Free-range poultry farm, which will leave a minimal development footprint of 1.25 % of the Lot area. on the subject site. The specific local rural character of the zone will be maintained and will allow for the continuation of current rural activities

The visual amenity of the area specifically Indian Ocean Drive is preserved because only vegetation can be seen when looking directly at Lot 5707 Greenwood Coast rd. Currently there is an existing 5.5 m high shed next to the proposed mobile free-range poultry trailers and paddocks site that is invisible from anywhere along Indian Ocean Drive. This is due to the area being set back 550 m and being elevated 34 m above Indian Ocean Drive. (see ANNEXURE 10 Site Photos Indian Ocean Drive)

Also, because the infrequent use of vehicles to service the small scale Proposed Free range Poultry farm are a Van and enclosed trailer, the traffic interaction with Indian Ocean Drive as a transport corridor is minimal. Therefore, safe and efficient travel is achieved.

Given the agricultural operations in the area and the fact that proposed mobile free-range poultry trailers area is 13.4 kilometers from any residential area, both current and future, and 6800 meters from any rural residential area (Farm house) this is a very practical site for a small poultry farm.

The development aligns with the goals and purposes of the applicable strategic plans and the legislative planning framework in the Shire.

Using best practices, this farm will run its operations and keep an eye on its procedures to make sure they're kept up to date.

As a result, this development application respectfully requests planning approval.



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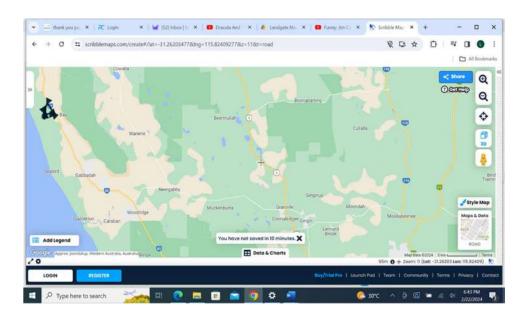
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ANNEXURE 1 Location Plan



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ANNEXURE 2 Certificate of Title.



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ANNEXURE 3 Contour Plan

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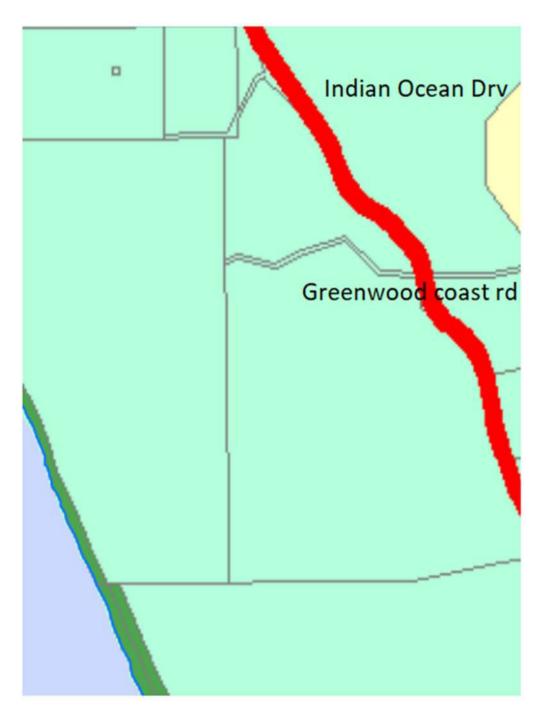
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ANNEXURE 4 Zoning Plan (LPS9Map Extract)

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ANNEXURE 5 Environmental Management Plans

Overview

Odour Management Plan

Facilities Standards Management Plan

Plan for Traffic Management

Plan for the Management of Feed, and Water, Supply

Manure Management:

Plan for Landscaping Management

Dust Management

Management of Chemicals

Management Plan for Community Participation

Management of Birds

Noise Management

Overview

The poultry farm at Lot 5707 Greenwood Coast Road in Breton Bay has this environmental management plan for its operations. Any unfavorable event that could have an effect on the environment or the local population is meant to be minimized by the management plan. This plan would assess of all management strategies. annually. `Guidelines for best practices in management are supported by this strategy

Odour Management

The aim: To make sure that farm operations don't emit odours that negatively affect neighbors in an unreasonable way.

- 1. Only quality feed is used, guaranteeing an output of guaranteed quality.
- 2. Dead birds are gathered from inside the sheds and paddocks every day, or more frequently if circumstances demand.
- 3. Water, age of birds are monitored, logged and reviewed for factors that may generate odour.

Management of Facilities Standards

The aim is to optimize operational efficiency and safety while minimizing off-site effects through the maintenance and improvement of buildings, site drainage, and equipment.

- 1. To guarantee that there is no contamination of surface or groundwater, stormwater systems are maintained in compliance with the requirements of planning approvals.
- 2. Manufacturers' specifications are followed for the implementation, maintenance, and use of best practice equipment for temperature, ventilation, cooling, and water consumption monitoring and control.
- 3. The property must retain all stormwater drainage.

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- 4. The maintenance of sheds and their surroundings complies with planning permission criteria and best practice guidelines.
- 5. As stipulated in the planning approval, structures and equipment are in place and kept up to date to provide for the management of noise, dust, and odors.

Plan for Traffic Management

The aim: Safe and efficient travel is to be achieved without excessive off-site noise or dust by maintaining and improving roads and adhering to planning permission.

- 1. Traffic interaction with Indian Ocean Drive as a transport corridor is minimal. Therefore, safe and efficient travel is achieved.
- 2. The maintenance of all vehicles and equipment, make sure that noise levels and pollutants stay within the parameters set by the manufacturers and adhere to the regulations.
- 3. Drivers understand their transport accident emergency plan
- 4. All requirements outlined in the planning permission are carried out, including maintaining road drains, stormwater runoff areas, and culverts.
- 5. To reduce noise and dust levels, a 5 km/h speed limit is marked and posted across the farm.

Plan for the Management of Feed, and Water Supply

The aim: in order to safeguard animal welfare and avoid negative effects on the environment.

it is important to maintain the quality and consistency of feed, water, and mobile free-range poultry trailer conditions.

- 1. A water dripper system is used to supply potable water. Weekly cleanings or as needed is required for water tanks fitted to each mobile free-range poultry trailer. To guarantee that there is always water accessible, water tanks are check and filled regularly.
- 2. The purpose of installing feed trough systems is to supply clean, fresh food without any contamination or dust production. Weekly cleanings or more often as needed are required for feed trough systems.
- 3. Vermin and rodents are managed by targeted, ecologically safe baiting, employing materials and techniques that adhere to regulations. Wild-bird proofing is put and maintained on sheds and mobile free-range poultry trailers.
- 4. Feed spill cleanup tools and techniques are on hand, and spills of this kind are cleared out every day.

Manure Management:

The aim: To minimise potential off-site effects regarding manure.

- 1. It is not permitted to distribute manure from the chicken buildings throughout the lot.
- 2. Manure removed from Free range poultry trailers and rearing shed are disposed off site.
- 3. To guarantee that water leaks are found and fixed as soon as possible, daily shed inspections must be conducted.



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Plan for Landscaping Management

The aim: As outlined in the planning approval, to preserve and improve landscaping, and other environmental management systems.

To be put into practice.

- 1. replacing sick or dead plants on a regular basis;
- 2. Controlled soil/dust erosion.
- 3. irrigation systems put in place.
- 4. The Shire's approved landscape plan is put into action.



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Dust Management

The aim: To reduce the amount of dust that could have an impact off-site

- 1. Maintaining he heath of planted areas with irrigation and barriers to minimize the impact of dust on nearby to neighbouring properties.
- 2. Unsealed access areas on the property that generate an excessive amount of dust from vehicle movement must be wetted down or otherwise appropriately remedied to lessen the likelihood of dust creation.

Management of Chemicals

The aim: To ensure all hazards associated with fuels and chemicals are kept safe and off site impacts do not occur.

- 1. Store chemicals properly to avoid spills and soil contamination.
- 2. Every agricultural chemical used in chicken facilities are licensed for the specific use.
- 3. The handling and storage of LPG and other fuels is done accordance to specifications and legal regulations.

Management Plan for Community Participation

The Aim: Regular communication regarding complaints received by neighbors.

- 1. Regular meeting with neighbors and Shire to address any reoccurring complaints.
- 2. All employees of the concerned firm and farm show a dedication to mutual communication with all parties involved.
- 3. Redress procedures are documented in a complaint record that includes the type of complaint, complainant information, and measures done. Whenever feasible, the log is examined on a regular basis to find and address reoccurring issues.

Management of Birds

The aim: To keep the birds in good condition and ensuring that they are not vulnerable to predators.

- 1. Daily bird mortality records to be kept ,monitoring and reporting unusual loses
- 2. To prevent paralysis, birds will receive a vaccination at day one of life, and to prevent blindness, they will receive treatment between one to two weeks of hatching.
- 3. Rise in odor, or moisture content of droppings are monitored and reviewed Following up with bird removal, or poor health conditions treated.
- 4. The planning approval governs the disposal of dead birds. Daily use of a freezer or composter are used.
- 5. A veterinarian will be called upon as needed to treat illnesses and to provide vaccinations and treatments on a regular basis.
- 6. Mobile trailers to be inspected regularly for defects.

Noise Management

The aim: Utilizing suitable construction, maintenance, and operational techniques to guarantee that farm operations prevent the transmission of excessive noise

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APPENDIX

- 1. Farm noise levels in accordance with the Environmental Protection (Noise) Regulations' noise standards.
- 2. Tractors, farm vehicles, ventilation fans, transport vehicles, and other equipment are serviced, repaired regularly.
- 3. Unless the Shire gives official permission or in an emergency, feed deliveries are not made before 7:00 a.m. or after 5:00 p.m.

Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd



L.S Design

March 2024

ANNEXURE 6 Proposed Mobile Free Range Trailer plans

Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd

L.S Design March 2024 VEW A SCALE 1: 100 DRAMN BY LS SCALE 1 : 100 MOBILE FREE RANCE SHED FFL 54,0 CHKD BY LS NIT: 5 SCALE 1 : 100 1:100 SCALE ON A3 SHEET WEW B FFL 54.0 VERA CLIENT LOUND SNURS 8 MOKOSICA PL WETHL CLAD DODRS 4 2500 2104 FR. 540 SITE ADDRESS SITEADRESS Let 5N7 BEEMINOD COLIST NO BE DESCRIPTION PROPOSED MOBILE POULTY TRAILER Lot STAT GREENWOOD COAST RD BRETON 12500 SHEET WETHL OLAD DOORS TO DRD. SID FLOCE MATERIALS SIE FLOOR CLAD T WEIN au 08/03/24 DATE î. 08024PPF2 DRAWING No. REV

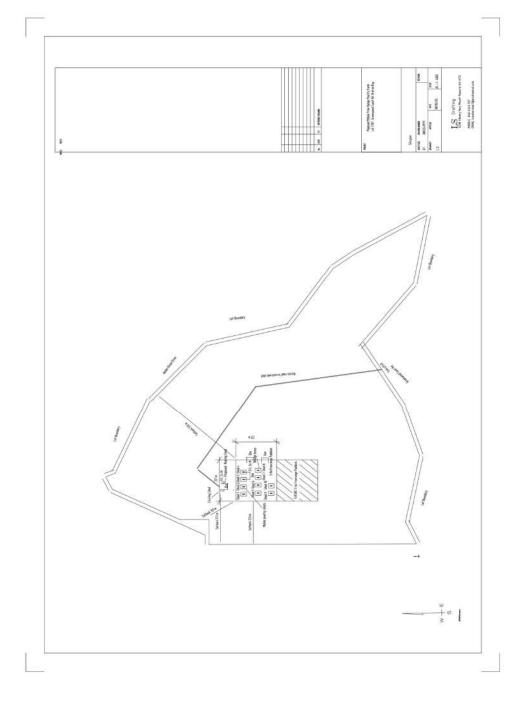
ANNEXURE 7 Site Lay out Plan

Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd

319

32

Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd





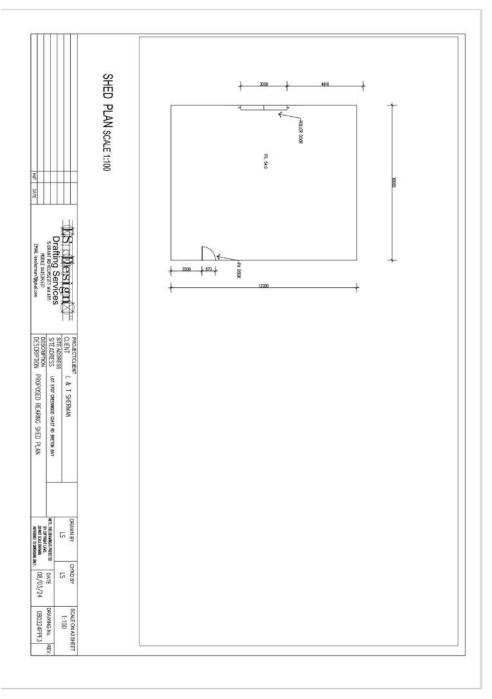


L.S Design

APPENDIX 14.2.3

L.S Design

March 2024



ANNEXURE 8 Proposed Rearing Shed Plan

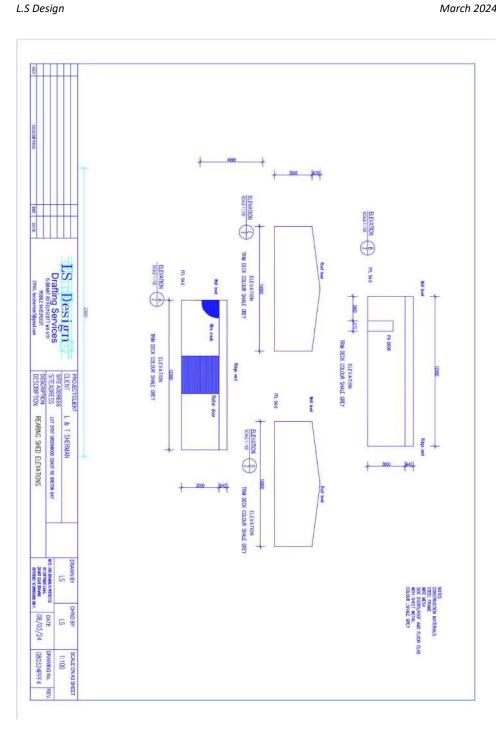


L.S Design

March 2024

ANNEXURE 9 Proposed Rearing Shed Elevations

March 2024



Annexure 9 Indian Ocean Drive

Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd





March 2024

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ANNEXURE 10 Site Photos Indian Ocean Drive



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March 2024



(Photo 1 Eastern boundary of Lot 5707 Greenwood Coast rd.) aproximately 600 m North of intersection of Greenwood Coast rd. along Indian Ocean Drive looking North .

Looking (North West) in direction of existing 5.5 m high shed which is invisible.

L.S Design



March 2024



(Photo 2 Eastern boundary of Lot 5707 Greenwood Coast rd.) approximately 1400 m North of intersection of Greenwood Coast rd. along Indian Ocean Drive.

Looking (West) in direction of existing 5.5 m high shed which is invisible.



L.S Design

March 2024



(Photo 3 Eastern boundary of Lot 5707 Greenwood Coast rd.) approximately 2100 m North of intersection of Greenwood Coast rd. along Indian Ocean Drive traveling South.

Looking (South West) in direction of existing 5.5 m high shed which is invisible.



L.S Design

March 2024



(Photo 4 Eastern boundary of Lot 5707 Greenwood Coast rd.) approximately 1800 m North of intersection of Greenwood Coast rd. along Indian Ocean Drive traveling South Looking (South West) in direction of existing 5.5 m high shed which is invisible.

Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd



L.S Design

March 2024



(Photo 5 Eastern boundary of Lot 5707 Greenwood Coast rd.) approximately 1500 m North of intersection of Greenwood Coast rd. along Indian Ocean Drive traveling North.

Looking (West) in direction of existing 5.5 m high shed which is invisible.

Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd



L.S Design

March 2024



(Photo 6 Eastern boundary of Lot 5707 Greenwood Coast rd.) approximately 300 m South of intersection of Greenwood Coast rd along Indian Ocean Drive traveling North.

Looking (North West) in direction of existing 5.5 m high shed which is invisible.



2000

2014



2019

2021

SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: PROPOSED ANIMAL HUSBANDRY ON Lot 5707 INDIAN OCEAN DRIVE, LEDGE POINT

No.	Submitter	Submission details	Officers' response
1.	DBCA	The submitter provides the following general comment:	
		Biodiversity values	Noted. The officer concurs with the DBCA.
		Lot 5707 contains native vegetation which may potentially include foraging habitat suitable for black cockatoos. Black cockatoos are listed as threatened species under Western Australia's Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Consideration should therefore be given to the obligations for assessment of the proposal in accordance the BC Act and the EPBC Act. Please be aware that the proponent will therefore have notification responsibilities under the EPBC Act. The proponent should contact the Commonwealth Department of Climate Change, Energy, the Environment and Water, for further information on these responsibilities, prior to development. Supporting Information DBCA considers that insufficient information has been provided to	
		enable an adequate assessment of the potential impacts to the flora, vegetation and fauna habitat that may occur as a consequence of the proposed development. The subject lot may contain suitable habitat for black cockatoo and threatened flora species. Flora and fauna survey information in accordance with the Environmental Protection Authority's "Technical Guide – Flora and Vegetation Surveys for Environmental Impact Assessment (2016)" and "Technical Guidance – Terrestrial Vertebrate Fauna Surveys for Environmental Impact Assessment" (2020) would assist in determining the values present on site. Without this information DBCA is not in a position to provide comment on the potential impacts to these values. Native Vegetation Clearing	

		It is noted from aerial photography analysis that areas of vegetation within the subject lot have been cleared beyond those required to be cleared for building envelopes, access roads and to meet bush fire protection measures. Clearing outside the Hazard Reduction Notice (HRN) specifications issued by the Shire are not exempt from requiring a clearing permit through the Department of Water and Environmental Regulation in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. The proponent should be made aware that in accordance with the Clearing of Native Vegetation Regulations, no clearing of vegetation to facilitate the bushfire protection measures can proceed unless authorised by an appropriate permit.	
		In addition, DBCA questions the assertion provided on page 14 of the supporting documentation that "historically the site was used for pasture (as can be seen from old livestock fencing and gates encircling the entire lot still in place) and therefore has an exemption to be further used as pasture under the Regulations" as it is evident from aerial photography analysis that the subject lot has not undergone any previous historical clearing prior to that undertaken as recently as 2021. Accordingly, it is likely that the majority of the vegetation is in excellent condition and therefore any exemptions would not be applicable.	
		It is recommended that the Shire notify the Department of Water and Environmental Regulation regarding any potential unauthorised clearing that may have already occurred on site so that an investigation can be undertaken.	
2.	DoH	The submitter provides the following general comment: 1. Food Safety In accordance with the Food Act 2008, the proposed business is required to be registered as a food business with the Shire of Gingin and comply with Standard 4.2.5 – Primary Production and Processing Standard for Eggs and Egg Products.	Noted.
		2. Wastewater and Drinking Water Management Disposal of wastewater generated on site is required to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. All drinking water provided on site must	

		meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011. S	
3.	DPIRD	The submitter provides the following general comment:	
		DPIRD has some reservations with the proposal for the following reasons:	Noted.
		This property is located ¹ on a dune system landscape with poor-quality sands. These can be challenging soils for the proposed activity of free-range poultry. The soillandscape units for the dune system are:	
		• Quindalup South third dune phase - Loose calcareous sand with little surface organic staining and incipient cementation at depth	
		• Quindalup South Qr phase - Shallow calcareous sands over limestone with much rock outcrop,	
		• Spearwood, Sh phase - Weakly clayey yellow to yellowish brown sands over limestone at 1-2m	
		The proposed poultry farm would be located on Quindalup South phases. The soils of these phases have a low grazing capacity. The Quindalup South third dune phase soils tend to repel water (moderate to high - 95%), with extremely low water storage capacity (90%) and extreme risk of wind erosion (90%). The Quindalup South Qr phase soils have a lower tendency to repel water (moderate – 90%), with extremely low water storage capacity (100%), phosphorus export (high to very high - 35%) and high risk of wind erosion (70%). This additional information on these units is attached. ¹ <u>https://www.agric.wa.gov.au/resourceassessment/nrinfo-natural- resource-information-western-australia</u>	
		These soils will need to be carefully managed to prevent soil degradation. Repeated grazing and scratching of poultry over heavily accessed areas can leave soil exposed and devoid of vegetation. This is particularly the case with soil immediately adjacent to sheds. Rotating the range-land by using fencing/gate controls or mobile housing systems can minimise soil and pasture damage.	

The stocking rate and frequency of rotation of the grazing area will need to match the capacity of soil. Unduly restricted or overstocked ranges can lead to a build-up of manure that may exceed the soil's capacity to break down nutrients, damage pasture, break down soil structure and increase the risk of erosion. The ability for the soil to support pastures may be reduced.	
To prevent soil degradation DPIRD recommends that:	
• The number of Mobile Free-Range Trailers should initially be fewer than proposed. The site should be monitored (there is no need for shire staff to visit the site, as the proponent should provide photos across the free-range area and quadrats of ground cover). A progressive increase in trailer numbers, and subsequently the poultry stocking rate, based on evidence that the risk of wind is being managed.	
• the mobile housing should be frequently moved. Regularly moving the infrastructure (housing/feeding/water) will disperse manure nutrients over the paddock area, reducing nutrient concentration and soil erosion around the paddock infrastructure.	
 an erosion management plan should be developed, with contingencies, which may include a reduction in the stocking rate when required. 	
• pasture in the grazing areas should be managed to ensure a minimum of 50% ground cover, with a target of 70% groundcover.	
The Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines, June 2018 ² outlines some information that may assist the proponent.	
Native vegetation	
The application states that exemptions apply for the clearing of native vegetation. The proponent should check with the Department of Water and Environmental Regulation (DWER) to confirm these exemptions apply.	
Groundwater	

		Whilst it is likely that the clearance distance to groundwater is met, there is a lack of quantitative evidence in the application to support this. The application provides a depth to groundwater, at Indian Ocean Drive, is 15m. The location of the bore and when it was measured, would determine if this information is useful. Consequently, the view that the free-range paddock is 34m above Indian Ocean Drive, that the depth to groundwater is 49m, may or may not be correct. Groundwater is usually not flat and is influenced by topography. In this area, a perched aquifer could be present.	
		Manure management	
		The application indicates that all the poultry manure will be removed off-site but does not provide detail about where the manure will be taken to for disposal.	
		² https://agriculture.vic.gov.au/data/assets/pdf_file/0007/92522 5/Victorian-low-density-mobile-outdoorpoultry-farm-planning-permit- guidelines.pdf	
		Soil testing of the area each year would inform the proponent about the manure spread patterns across the range and the nutrient status of the soil. This could be used to guide the placement of the mobile housing units within the area.	
		Other considerations	
		The development of a Stable Fly management plan should be considered.	
4.	DEMIRS	The submitter provides the following general comment:	
		The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.	Noted.
		DEMIRS lodges no objections to the above development application.	

5.	Aboriginal Heritage	The submitter provides the following general comment: A review of the Register of Places and Objects as well as the	Noted.
		Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Database concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites.	
		Therefore, based on the current information held by DPLH, no approvals under the Aboriginal Heritage Act 1972 (AHA) are required in this instance.	
		Please note that limited Aboriginal heritage surveys have been completed over the subject land, as such it is unknown if there is Aboriginal heritage present. Therefore, the proponent, Mr Leonard Sherman, needs to be made aware of their obligations under the AHA.	
		 I wish to advise the following: The approval of a development application does not impact the Aboriginal heritage of the area. Given that the approval of the development application will facilitate development in the area, the proponent (Mr Leonard Sherman) is encouraged to come to Aboriginal Heritage Conservation for their own advice, prior to the commencement of any works. It should be emphasised to the proponents that the approval of the development application does not count as approval for works under the AHA. 	
6.	DWER	The submitter provides the following general comment: The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections and no further comments.	Noted.
7.	DPLH	The submitter provides the following general comment:	
		Clause 5.7 of SPP 2.5 acknowledges animal premises as a rural land use, supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed. In this regard, it appears that the proposed poultry farm is able to achieve a suitable separation distance from the nearest sensitive premises and is	Noted.

broadly consistent with the objectives for the General Rural zone under the Shire's Local Planning Scheme No.9.
From the information provided, it is difficult to determine how much native vegetation would need to be cleared to accommodate the proposed land use. The property appears to be almost entirely covered by remnant native vegetation and is located within the Carnaby's Black Cockatoo distribution area. Eastern portions of the subject site are also mapped as Cockatoo Breeding Area and contain a Threatened Ecological Community (Banksia Woodland). Given the extent and potential significance of native vegetation on the site, it is recommended that the decision maker seek further clarification on the extent of clearing required to accommodate the proposed activity. In addition to environmental issues, SPP 2.5 Clause 5.7(d) also identifies a range of other matters that must be considered in assessing proposals for animal premises. The Department considers that insufficient information has been provided with respect to the following matters, which should be further clarified by the applicant and considered by the decision-maker in determining whether potential impacts can be managed:
<i>i.</i> Transport arrangements – While the application discusses vehicle movements associated with the operations, this appears to underestimate the likely freight and logistics involved with the land use.
<i>ii.</i> Handling and disposal of deceased or retired animals – The application discusses the disposal of dead birds using either a freezer or composter, however it is not clear which is to be used, nor the general storage and off-site disposal arrangements.
<i>iii.</i> Servicing and effluent disposal – It is unclear what the proposed arrangements for obtaining a potable water supply sufficient to meet the requirements of the land use. There is no suggestion of a reticulated supply, and no indication of rainwater tanks on site plans.
<i>iv.</i> Biosecurity – Arrangements for on-site storage of manure prior to disposal off-site are not adequately detailed. Indoor (sealed) or outdoor manure storage should be clarified, along with any associated stable fly management requirements as required.

		Given the site's location within a Bushfire Prone Area and adjacent Indian Ocean Drive, we also note the applicability of State Planning Policy 3.7: Planning in bushfire prone areas (SPP 3.7) with respect to bushfire management, and the Indian Ocean Drive Planning Guidelines with respect to visual landscape impact. The decision- maker should also be satisfied that the application is consistent with the requirements of these planning instruments.
9.	MRWA	The submitter provides the following general comment:
		Main Roads has no objection subject to the following conditions being imposed:
		Conditions
		1. Prior to the issue of building approval, the developer must construct Greenwood Coast Road Indian Ocean Drive Intersection Upgrade to Main Roads requirements.
		<u>Justification for Condition</u> The development is the nexus for the works/upgrades to be completed. Condition has been applied to reflect Main Roads role as the road authority
		2. Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Indian Ocean Drive being lodged on the certificates of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads WA, in accordance with the plan dated 7/6/2024 (Attachment A) and the covenant is to specify:
		"No vehicular access is permitted to or from A to B"
		3. No works are permitted within the Indian Ocean Drive Reservation, unless Main Roads has issued a working on Roads Permit.

4. Stormwater shall not be discharged into the Indian Ocean Drive Reservation or the future widened road reservation.
5. The landowner/applicant shall make good any damage to the existing verge vegetation within the Indian Ocean Drive road reserve.
Advice
a) In relation to condition 1: The applicant is required to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
b) According to Main Roads Driveway Policy maintenance of a driveway crossover remains the responsibility of the Lot owner. Should it become apparent that damage is being done to the Indian Ocean Drive as result of turning movements or a change in the usage of the access, Main Roads reserves the right to ask the applicant to maintain or improve the driveway crossover as necessary.
c) The upgrading/widening of the Indian Ocean Drive is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided. For further information on the Indian Ocean Drive future, please refer the following fact sheet: indian- ocean-drive-fact-sheet-april-2021.pdf (mainroads.wa.gov.au)
d) For further detail considerations on development adjacent to the IOD, please refer to the Shires planning documents and the WAPC IOD Planning Guideline Indian Ocean Drive Planning Guideline (digital.wa.gov.au)
Main Roads encourage applicants to meet with Main Roads to discuss access arrangements to the state primary road network early in the development process.
The support of this application is valid for a period of four (4) years from the date of this letter. Any changes or date extensions relating to

		this application must be referred to Main Roads for comment and recommendation.	
10.	Stakeholder	The submitter provides the following general comment:	Noted.
		 Is there a buffer zone for chicken farms restricting use of land in that buffer zone and if so, what is the distance of the buffer zone? 	The report outlines various distance, being between 250m – 1000m.
		• Will there be any encumbrance or restricted use to Greenwood coast rd, lot 6 of A1619 Swan or 10 Dewar Way Ledge Point resulting from this proposed development	In the event approval is forthcoming, conditions requiring upgrade works to Greenwood Coast Road are probable. The officer sees no nexus between the development and 10 Dewar Way, Ledge Point.

SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: PROPOSED ANIMAL HUSBANDRY ON Lot 5707 INDIAN OCEAN DRIVE, LEDGE POINT

No.	Submitter	Submission details	Applicants response
			The proposed development is a small-scale operation which we aim to introduce and evaluate its performance against our management strategies designed for the area. Notably, the development will not be visible in the surrounding area. The questions that follow have each been addressed independently to help clarify the benefits of the proposal, including its compatibility with the planning framework .All in all we believe it will be of direct benefit to the community of Gingin
1.	DBCA	The submitter provides the following general comment:	Biodiversity values
		Biodiversity values Lot 5707 contains native vegetation which may potentially include foraging habitat suitable for black cockatoos. Black cockatoos are listed as threatened species under Western Australia's Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Consideration should therefore be given to the obligations for assessment of the proposal in accordance the BC Act and the EPBC Act. Please be aware that the proponent will therefore have notification responsibilities under the EPBC Act. The proponent should contact the Commonwealth Department of Climate Change, Energy, the Environment and Water, for further information on these responsibilities, prior to development.	It is important to highlight the proposed development footprint is 5 hectares of a 162-hectare lot which, represents 3 % of the total lot size. No native vegetation needs to be cleared to accommodate the proposed land use and does not take away any foraging habitat suitable for black cockatoos. On P14 of the Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast Rd, it describes a recent; "controlled burn carried out by the by the Gingin and Ledge point Volunteer fire brigade under Regulation 5, Item 3 Clearing for fire hazard reduction. Therefore, the area for the Proposed mobile freerange poultry trailers and grazing paddock has only grass like vegetation on it. This also applies the future paddock. • "The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections".

Support	ing Information	
provided potentia habitat propose suitable flora sp accorda Authorit Surveys (2016)" Vertebra Assess values p is not in	onsiders that insufficient information has been d to enable an adequate assessment of the il impacts to the flora, vegetation and fauna that may occur as a consequence of the d development. The subject lot may contain habitat for black cockatoo and threatened ecies. Flora and fauna survey information in nce with the Environmental Protection y's "Technical Guide – Flora and Vegetation for Environmental Impact Assessment and "Technical Guidance – Terrestrial ate Fauna Surveys for Environmental Impact nent" (2020) would assist in determining the present on site. Without this information DBCA a position to provide comment on the potential to these values.	 Supporting Information The Proposed mobile free-range poultry trailers and grazing paddock has only grass like vegetation on it."which is not suitable habitat for "black cockatoo". Therefore, there are no "impacts to the flora, vegetation and fauna habitat". "Traditionally the Swan Coastal Plain is not often used by Carnaby's," : Peck A.(2018) 'BirdLife Australia 2018 Black-Cockatoo breeding survey report'P16.
It is note of veget beyond envelop protecti Reducti Shire ar through Regulat 2004. 1 accorda Regulat bushfire authoris In additi page 1	Yegetation Clearing ed from aerial photography analysis that areas ation within the subject lot have been cleared those required to be cleared for building es, access roads and to meet bush fire on measures. Clearing outside the Hazard on Notice (HRN) specifications issued by the e not exempt from requiring a clearing permit the Department of Water and Environmental ion in accordance with Schedule 6 of the mental Protection Act 1986 or Environmental on (Clearing of Native Vegetation) Regulations he proponent should be made aware that in nce with the Clearing of Native Vegetation ions, no clearing of vegetation to facilitate the protection measures can proceed unless and by an appropriate permit.	 "The surveys also provide important information to government agencies such as The Department of Biodiversity, Conservation and Attractions (DBCA) to aid them in planning decisions"; Peck A.(2018) 'BirdLife Australia 2018 Black-Cockatoo breeding survey report'P2. The Department of Sustainability. Environment, Water, Population and Communities published a map showing no breeding areas were present on or near the subject lot. This map can be viewed on the following link: https://www.dcceew.gov.au/sites/default/files/ document s/referral-guidelines-wa-black- cockatoo-map-2.pdf

		seen from old livestock fencing and gates encircling the entire lot still in place) and therefore has an exemption to be further used as pasture under the Regulations" as it is evident from aerial photography analysis that the subject lot has not undergone any previous historical clearing prior to that undertaken as recently as 2021. Accordingly, it is likely that the majority of the vegetation is in excellent condition and therefore any exemptions would not be applicable.	<i>Native Vegetation Clearing</i> It is evident that historically Lot 5707 was used for pasture as were the adjoining lots. This can be seen from aerial photography analysis. It also has to be noted that there was a recent controlled burn carried out across the lot by the by the Gingin and Ledge point Volunteer fire brigade under Regulation 5, Item 3 Clearing for fire hazard reduction.
		It is recommended that the Shire notify the Department of Water and Environmental Regulation regarding any potential unauthorised clearing that may have already occurred on site so that an investigation can be undertaken.	 Applicable Exemption Page 14 of the Proposed Free Range Egg Producing Poultry Farm: "Lot 5707 Greenwood Coast rd, describes; "historically the site was used for pasture (as can be seen from old livestock fencing and gates encircling the entire lot still in place) and therefore has an exemption to be further used as pasture under the Regulations: Regulation 5, Item 14 Clearing to maintain existing cleared areas for pasture, cultivation or forestry Clearing of land that was lawfully cleared within the 20 years prior to the clearing if – (a) the land has been used as pasture or for cultivation or forestry within those 20 years; and (b) the clearing is only to the extent necessary to enable the land to be used to the maximum extent to which it was used in those 20 years." "The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections and no further comments."
2.	DoH	The submitter provides the following general comment:	

	1		
		1. Food Safety In accordance with the Food Act 2008, the proposed business is required to be registered as a food business with the Shire of Gingin and comply with Standard 4.2.5 – Primary Production and Processing Standard for Eggs and Egg Products.	 Food Safety The proposed business will be registered as a food business with the Shire of Gingin as required.
		2. Wastewater and Drinking Water Management Disposal of wastewater generated on site is required to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. All drinking water provided on site must meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011. S	 Disposal of wastewater generated on site to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) will be achieved through a Shire approved septic tank. Drinking water to be Boresourced water that has been properly sanitized as needed.
3.	DPIRD	The submitter provides the following general comment:	"Proposed activity of free-range poultry"
		DPIRD has some reservations with the proposal for the following reasons:	• The DPIRD has named the "soillandscap
		This property is located ¹ on a dune system landscape with poor-quality sands. These can be challenging soils for the proposed activity of free-range poultry. The soillandscape units for the dune system are:	units" for the proposed poultry farm as being "located on Quindalup South phases". However; a number of test pits have shown the proposed poultry farm would be located on
		 Quindalup South third dune phase - Loose calcareous sand with little surface organic staining and incipient cementation at depth 	Spearwood, Sh phase - Weakly clayey yellow to yellowish brown sands over limestone at 1- 2m. The Spearwood, Sh phase is a more robust sand in terms of water retention and grazing
		• Quindalup South Qr phase - Shallow calcareous sands over limestone with much rock outcrop,	capacity reducing significantly the risk of wind erosion :"Most of the agricultural sites
		• Spearwood, Sh phase - Weakly clayey yellow to yellowish brown sands over limestone at 1-2m	are located in the Spearwood Sands" p2 R. B. SALAMA ET AL.4;2005:p24
		The proposed poultry farm would be located on Quindalup South phases. The soils of these phases have a low grazing capacity. The Quindalup South third dune phase soils tend to repel water (moderate to high - 95%), with extremely low water storage capacity	• The soils will be carefully managed to prevent soil degradation by rotating the range-land by using mobile housing systems that minimise soil and pasture damage

 pasture in the grazing areas should be managed to ensure a minimum of 50% ground cover, with a target of 70% groundcover. The Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines, June 2018² outlines some information that may assist the proponent. Native vegetation The application states that exemptions apply for the clearing of native vegetation. The proponent should check with the Department of Water and Environmental Regulation (DWER) to confirm these exemptions apply. Groundwater Whilst it is likely that the clearance distance to groundwater is met, there is a lack of quantitative evidence in the application to support this. The application provides a depth to groundwater, at Indian Ocean Drive, is 15m. The location of the bore and when it was measured, would determine if this information is useful. Consequently, the view that the free-range paddock is 34m above Indian Ocean Drive, 	 Native vegetation The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections and no further comments. Groundwater The depth to the ground water as measured at the Department of water and environmental regulation bore 61730028 at the corner of Greenwood Coast rd and Indian Ocean drv is 17 m below ground level. This measurement was taken in 2024 and can be seen on the graph on the attached link: https://kumina.water.wa.gov.au/waterinformati
 Farm Planning Permit Guidelines, June 2018² outlines some information that may assist the proponent. Native vegetation The application states that exemptions apply for the clearing of native vegetation. The proponent should check with the Department of Water and Environmental Regulation (DWER) to confirm these 	• The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections and no further comments.
 an erosion management plan should be developed, with contingencies, which may include a reduction in the stocking rate when required. pasture in the grazing areas should be managed to ensure a minimum of 50% ground cover, with a target of 70% groundcover. The Victorian Low Density Mobile Outdoor Poultry 	
(housing/feeding/water) will disperse manure nutrients over the paddock area, reducing nutrient concentration and soil erosion around the paddock infrastructure.	

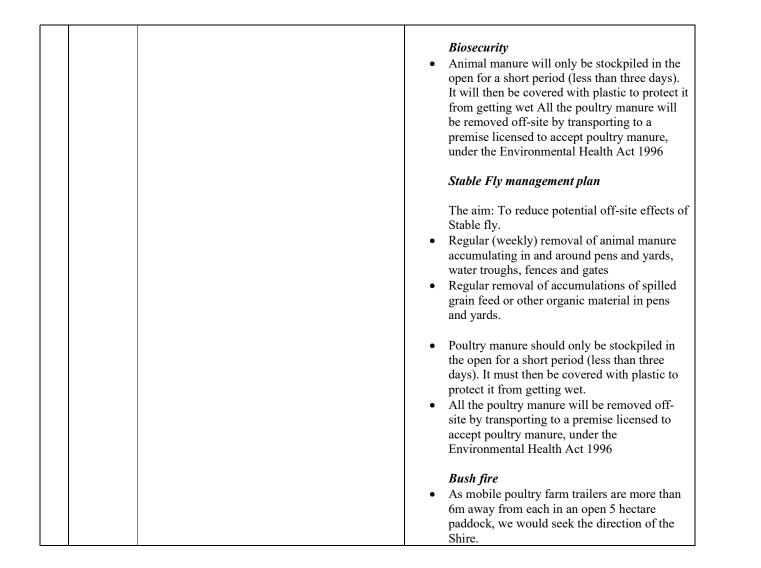
Manure management	Manure management
The application indicates that all the poultry manure will be removed off-site but does not provide detail about where the manure will be taken to for disposal. ² <u>https://agriculture.vic.gov.au/</u>	• All the poultry manure will be removed off- site by transporting to a premise licensed to accept poultry manure, under the Environmental Health Act 1996.
Soil testing of the area each year would inform the proponent about the manure spread patterns across the range and the nutrient status of the soil. This could be used to guide the placement of the mobile housing units within the area.	
Other considerations	Other considerations
The development of a Stable Fly management plan should be considered.	Stable Fly management plan
	 The aim: To reduce potential off-site effects of Stable fly. Regular (weekly) removal of animal manure accumulating in and around pens and yards, water troughs, fences and gates. Regular removal of accumulations of spilled grain feed or other organic material in pens and yards. Poultry manure should only be stockpiled in the open for a short period (less than three days). It must then be covered with plastic to protect it from getting wet. All the poultry manure will be removed offsite by transporting to a premise licensed to accept poultry manure, under the Environmental Health Act 1996.

4.	DEMIRS	The submitter provides the following general comment: The Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. DEMIRS lodges no objections to the above development application.	DEMIRS lodges no objections to the above development application.
5.	Aboriginal Heritage	The submitter provides the following general comment: A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Database concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites. Therefore, based on the current information held by DPLH, no approvals under the Aboriginal Heritage Act 1972 (AHA) are required in this instance. Please note that limited Aboriginal heritage surveys have been completed over the subject land, as such it is unknown if there is Aboriginal heritage present. Therefore, the proponent, Mr Leonard Sherman, needs to be made aware of their obligations under the AHA.	(DPLH) Aboriginal Heritage Database concludes that the subject area does not intersect with any known Aboriginal heritage Places or Registered Sites.

		 I wish to advise the following: The approval of a development application does not impact the Aboriginal heritage of the area. Given that the approval of the development application will facilitate development in the area, the proponent (Mr Leonard Sherman) is encouraged to come to Aboriginal Heritage Conservation for their own advice, prior to the commencement of any works. It should be emphasised to the proponents that the approval of the development application does not count as approval for works under the AHA. 	
6.	DWER	The submitter provides the following general comment: The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections and no further comments.	The Department of Water and Environmental Regulation (DWER) has considered the proposal and has no objections and no further comments.
7.	DPLH	The submitter provides the following general comment: Clause 5.7 of SPP 2.5 acknowledges animal premises as a rural land use, supported and encouraged on rural land provided rural amenity and environmental impacts can be effectively managed. In this regard, it appears that the proposed poultry farm is able to achieve a suitable separation distance from the nearest sensitive premises and is broadly consistent with the objectives for the General Rural zone under the Shire's Local Planning Scheme No.9. From the information provided, it is difficult to determine how much native vegetation would need to be cleared to accommodate the proposed land use. The property appears to be almost entirely covered by remnant native vegetation and is located within the Carnaby's Black Cockatoo distribution area. Eastern portions of the subject site are also mapped as Cockatoo Breeding Area and contain a Threatened	 <i>"how much native vegetation would need to be cleared"</i> No native vegetation needs to be cleared to accommodate the proposed land use. On P14 of the Proposed Free Range Egg Producing Poultry Farm: "Lot 5707 Greenwood Coast rd recently had a controlled burn carried out by the by the Gingin and Ledge point Volunteer fire brigade under Regulation 5, Item 3 Clearing for fire hazard reduction. Therefore, the area for the Proposed mobile free-range poultry trailers and grazing paddock has only grass like vegetation on it."
		Ecological Community (Banksia Woodland). Given the extent and potential significance of native vegetation	 Described on P3 of the Proposed Free range mobile poultry trailers Lot 5707 Greenwood

Given the site's location within a Bushfire Prone Area	documents/referral-guidelines-wa-black-
and adjacent Indian Ocean Drive, we also note the	cockatoo-map-2.pdf
applicability of State Planning Policy 3.7: Planning in	cockatoo map 2.pdr
bushfire prone areas (SPP 3.7) with respect to bushfire management, and the Indian Ocean Drive Planning	"environmental issues"
Guidelines with respect to visual landscape impact.	• Adjoining properties to Lot 5707 Greenwood
The decision-maker should also be satisfied that the	Coast rd are pasture with cattle grazing. On
application is consistent with the requirements of	Page 14 of the Proposed Free range mobile
these planning instruments.	
	poultry trailers Lot 5707 Greenwood Coast Rd
	it describes ; "historically the site was used for
	pasture (as can be seen from old livestock
	fencing and gates encircling the entire lot still
	in place) and therefore has an exemption to be
	further used as pasture under the Regulations:
	Regulation 5, Item 14 Clearing to maintain
	existing cleared areas for pasture, cultivation
	or forestry Clearing of land that was lawfully
	cleared within the 20 years prior to the
	clearing if $-(a)$ the land has been used as
	pasture or for cultivation or forestry within
	those 20 years; and (b) the clearing is only to
	the extent necessary to enable the land to be
	used to the maximum extent to which it was
	used in those 20 years."
	• The Department of Water and Environmental
	Regulation (DWER) has considered the
	proposal and has no objections and no further
	comments.
	comments.
	Transport arrangements
	• This application is for a 6000-bird small-scale
	poultry farm that would produce the following
	traffic patterns:
	uarrie pauerris.

	 As these are pastured poultry, approximately 3.5 t of feed is required per week. This will require a single weekly delivery movement of incoming feed by Ute with an enclosed trailer. Approximately 4 t of manure generated per fortnight. Therefore, a single ute movement with an enclosed trailer per fortnight to clear the area of manure and dead poultry. Delivery of a single outgoing egg van once weekly. This would be a 3.5 t ford transit van New chickens will be hatched on site, therefore no chickens will have to be transported into the site.
	• There is only a handful of small vehicle movements.
	• Main Roads has no objection;(See conditions)
	 Handling and disposal of deceased or retired animals Dead birds should be stored in the cool room or similar facility until nearing time of offsite disposal. Dead birds will be placed in a weather and vermin proof receptacle (e.g. 240 litre wheeled bin) for removal to a by-products/ rendering facility.
	 Servicing and effluent disposal Drinking water to be Bore-sourced water that has been properly sanitized as needed.



			 <i>Visual amenity</i> On P16 of the Proposed Free range mobile poultry trailers Lot 5707 Greenwood Coast rd; "The visual amenity of the area specifically Indian Ocean Drive is preserved because only vegetation can be seen when looking directly at Lot 5707 Greenwood Coast rd. Currently there is an existing 5.5 m high shed next to the proposed mobile free-range poultry trailers and paddocks site that is invisible from anywhere along Indian Ocean Drive. This is due to the area being set back 550 m and being elevated 34 m above Indian Ocean Drive. (see ANNEXURE 10 Site Photos Indian Ocean Drive)" Main Roads has no objection. (See conditions)
9.	MRWA	 The submitter provides the following general comment: Main Roads has no objection subject to the following conditions being imposed: <u>Conditions</u> 1. Prior to the issue of building approval, the developer must construct Greenwood Coast Road Indian Ocean Drive Intersection Upgrade to Main Roads requirements. <u>Justification for Condition</u> The development is the nexus for the works/upgrades to be completed. Condition has been applied to reflect Main Roads role as the road authority 	Main Roads has no objection subject to the following conditions being imposed: (See conditions.)

2. Pursuant to Section 150 of the Planning and Development Act 2005 and Division 3 of the Planning and Development Regulations 2009 a covenant preventing vehicular access onto Indian Ocean Drive being lodged on the certificates of title of the proposed lots at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of Main Roads WA, in accordance with the plan dated 7/6/2024 (Attachment A) and the covenant is to specify:
"No vehicular access is permitted to or from A to B"
3. No works are permitted within the Indian Ocean Drive Reservation, unless Main Roads has issued a working on Roads Permit.
4. Stormwater shall not be discharged into the Indian Ocean Drive Reservation or the future widened road reservation.
5. The landowner/applicant shall make good any damage to the existing verge vegetation within the Indian Ocean Drive road reserve.
Advice
a) In relation to condition 1: The applicant is required to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
b) According to Main Roads Driveway Policy maintenance of a driveway crossover remains the responsibility of the Lot owner. Should it become

		apparent that damage is being done to the Indian Ocean Drive as result of turning movements or a change in the usage of the access, Main Roads reserves the right to ask the applicant to maintain or improve the driveway crossover as necessary.	
		c) The upgrading/widening of the Indian Ocean Drive is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability for the information provided. For further information on the Indian Ocean Drive future, please refer the following fact sheet: indian-ocean- drive-fact-sheet-april-2021.pdf (mainroads.wa.gov.au)	
		d) For further detail considerations on development adjacent to the IOD, please refer to the Shires planning documents and the WAPC IOD Planning Guideline Indian Ocean Drive Planning Guideline (digital.wa.gov.au)	
		Main Roads encourage applicants to meet with Main Roads to discuss access arrangements to the state primary road network early in the development process.	
		The support of this application is valid for a period of four (4) years from the date of this letter. Any changes or date extensions relating to this application must be referred to Main Roads for comment and recommendation.	
10.	Stakeholder	 The submitter provides the following general comment: Is there a buffer zone for chicken farms restricting use of land in that buffer zone and if so, what is the distance of the buffer zone? Will there be any encumbrance or restricted use to Greenwood coast rd, lot 6 of A1619 Swan or 10 	• The Code of Practice's siting and buffer standards have been met by the proposal. The following information is given with reference to Figure 2 of the Environmental Code of Practice for Poultry Farms in WA. The buffer to the rural zone is 100 m. The Proposed mobile freerange poultry trailers and grazing paddock are situated more than 100 meters from the closest boundary of the Proposed mobile

Dewar Way Ledge Point resulting from this proposed development	free-range poultry trailers and grazing paddock within Lot 5707 Greenwood Coast Rd.
	• The proposed application has not found any restrictions that may affect Greenwood Coast rd.



14.3 PROPOSED EXTENSION OF EXISTING GYM - LOT 125 (30) BROCKMAN STREET, GINGIN

File	BLD/7808				
Applicant	Gingym – Karen Grant				
Location	Lot 125 (30) Brockman Street, Gingin				
Owner	Karen and Paul Grant				
Zoning	Town Centre				
WAPC No	N/A				
Author	Ross Harper – Planning Officer				
	James Bayliss - Executive Manager Regulatory and				
	Development Services				
Reporting Officer	James Bayliss - Executive Manager Regulatory and				
	Development Services				
Refer	Nil				
Appendices	 Location Plan [14.3.1 - 1 page] Aerial Map [14.3.2 - 1 page] Applicant's Proposal [14.3.3 - 7 pages] Schedule of Submissions and Recomended Responses [14.3.4 - 1 page] 				

DISCLOSURES OF INTEREST

PURPOSE

To consider an Application for Development Approval for a proposed extension to Recreation Private (Gym) at Lot 125 (30) Brockman Street, Gingin.

BACKGROUND

The proposal seeks to connect to, and extend, the existing gym located on Lot 402 (22) Brockman Street, Gingin. The existing gym was approved by Council on 19 May 2020 and has operated successfully since.

The subject land is located directly to the north of the existing gym, with the building being designed in such a way as to share various facilities to create what will present as a singular building to accommodate recreational activities.

The proposed building extension is 12.4 metres in width and 23.6 metres in length and comprises of the following:

- Gymnasium area being 12 metres x 14 metres;
- Dance floor being 11 metres x 12 metres; and



• additional toilet facility.

The subject site is vacant and was previously owned by the Shire and accommodated the parking of vehicles.

A location plan and aerial imagery is provided (see appendices).

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

COMMENT

Stakeholder Consultation

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

A copy of the Schedule of Submissions is attached (see appendices).

PLANNING FRAMEWORK

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

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

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

The land use 'Recreation - Private' is a D (discretionary) use within the Town Centre zone, and is defined as follows:



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

Officer Comment

The land use is of a commercial recreation nature. It is an anticipated use in the Town Centre zone and is consistent with the existing use on adjacent land. The proposal is viewed as achieving the relevant objectives.

The proposal has been assessed against Table 2 - Site Requirements of LPS 9 below:

Zone	Minimum S	imum Setback		Maximum Plot Ratio	Maximum Site	Minimum Landscaping
	Front	Side	Rear		Coverage	
Rural Industry	Permitted: Nil Provided:	Permitted: Nil Provided:	Permitted: 6m Provided:	Permitted: 1	Permitted: 75%	50% of all setback areas
	6.3m Compliant	>nil	2.4m Non- compliant	Compliant	Compliant	Landscaping is proposed within front setback. No landscaping proposed within rear setback

The proposal satisfies the provisions above, with the exception of the rear setback. The rear setback is proposed with the same dimensions as the existing facility, and the officer is of the view that no adverse impacts arise from this variation.

Landscaping is provided along the Brockman Street frontage as a continuation of the existing landscaping located on the adjacent lot.

4.8 Zone Specific Development Standards

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

Clause	Provision	Officer Comment		
4.8.2.1	Development within the Town	The proposed expansion of the		
	Centre zone shall have regard for	Gingym is viewed as satisfying the		
	the particular character, townscape	above provisions. The design is a		
	and sense of place of the local area.	continuation of that previously		



	1	opproved and is appointent with the
4.8.2.2	Where development or re- development of properties in the Town Centre zone is envisaged, the incorporation of residential uses up to a density of R40 will be considered, to create greater diversity of use, increased security and to stimulate additional life and	approved and is consistent with the existing streetscape.
	vitality within the centre of the town. Any such residential development shall comply with the design elements for multiple dwellings in the Residential Design Codes.	
4.8.2.3	Where a mixed-use development is proposed, the residential use shall be confined to an upper storey.	
4.8.2.4	Build Materials Each façade or wall of a building facing any street or public place shall be constructed of brick, stone, concrete or glass or combinations of two or more of these materials or similar material as approved by the local government to the wall height of the building or to a minimum height of 3 metres.	
4.8.2.5	Refuse Storage Areas All developments shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a close fence, wall or screen landscaping no less than 1.8 metres in height.	
4.8.2.6	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.	



Car Parking

Clause 4.7.2.3 of LPS 9 states:

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

Table 3 – Parking Requirements of LPS 9 does not include a car parking provision for the land use Recreation – Private, however in applying a suitable standard the calculation for 'club premises' is used.

Column 1 – Use / Development	Column 2 – Minimum number of carparking spaces required.	Required / Provided
Club Premises	1 per 4 persons	Total – 11cps. 2 of which is a
		disabled parking bay.
Total		Provided: 13 bays
		Required: 5 bays

The parking calculation has been based off the earlier calculations, which related to up to 20 persons onsite at any one time. This equates to the need for 5 bays, with the proposal accommodating for 13 bays, two of which are dedicated ACROD bays. The officer is of the view that the car parking spaces proposed are sufficient.

<u>Summary</u>

In view of the above assessment, it is recommended that the application be approved subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

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

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Nil



BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council grant Development Approval for a Recreation Private (Gym) on Lot 125 (30) Brockman Street, Gingin subject to the following conditions:

- 1. The land use and development shall be in accordance with the approved plans and specifications (including any amendments marked in RED) unless otherwise conditioned by this approval.
- 2. Prior to commencement of the approved use, landscaping as outlined on the approved plans shall be installed and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin.
- 3. Prior to commencement of the approved use, the internal access way, car parking and manoeuvring areas shall be constructed, sealed and line marked in accordance with the approved plans and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin.
- 4. Prior to commencement of the approved use, a new sealed crossover from Brockman Street is to be installed to cater for dual access/egress to the satisfaction of the Shire of Gingin at the applicant/landowners cost.
- 5. Prior to commencement of the approved use, a Noise Management Plan shall be submitted to and approved by the Shire of Gingin. The approved Noise Management Plan is to be implemented for the life of the development to the satisfaction of the Shire of Gingin.
- 6. Stormwater from all roofed, paved and hardstand areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin.



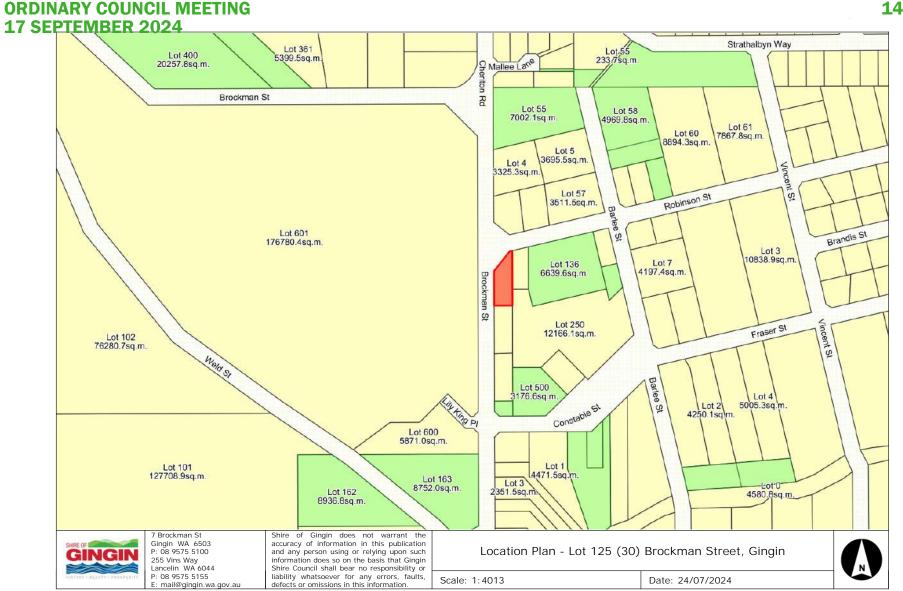
- 7. No group or private training sessions are to be undertaken outdoors on the subject site.
- 8. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Gingin.
- 9. Goods or materials must not be permanently stored within the areas dedicated to parking, landscaping or vehicle manoeuvring.

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: This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consent and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Public Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5: Please be advised that it is the responsibility of the owner to ensure that noise levels are compliant with the *Environmental Protection (Noise) Regulations* 1997.
- Note 6: The Noise Management Plan shall include (at a minimum) the following:
 - a. The hours of operation and anticipated peak hours;
 - b. Control of excessive noise relative to early and late hours;
 - c. Methods of attenuating noise external to the gym (e.g. materials with noise attenuating qualities, keeping windows and doors closed during noise sensitive hours);
 - d. Complaints management, register and response;
 - e. Ongoing excessive noise issue response future noise attenuation commitments.



- Note 7: Should noise levels become excessive and fail to comply with the Noise Management Plan Shire officers will request the preparation of an Acoustic Engineer's Report with all recommended noise attenuation being undertaken to the satisfaction of the Shire of Gingin.
- Note 7: Further to this approval, the applicant is required to comply with the *Health Act 2016* and the Shire's *Health Local Law 2017.*
- Note 8: Disabled access should be provided in accordance with the Building Code of Australia.
- Note 9: This approval does not authorise the display of advertising signage for the approved land use.



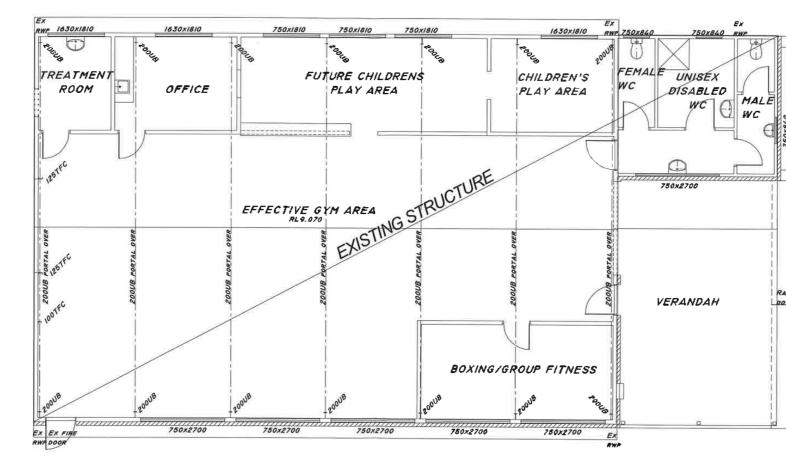
AGENDA ORDINARY COUNCIL MEETING

APPENDIX 14.3.2



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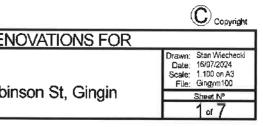


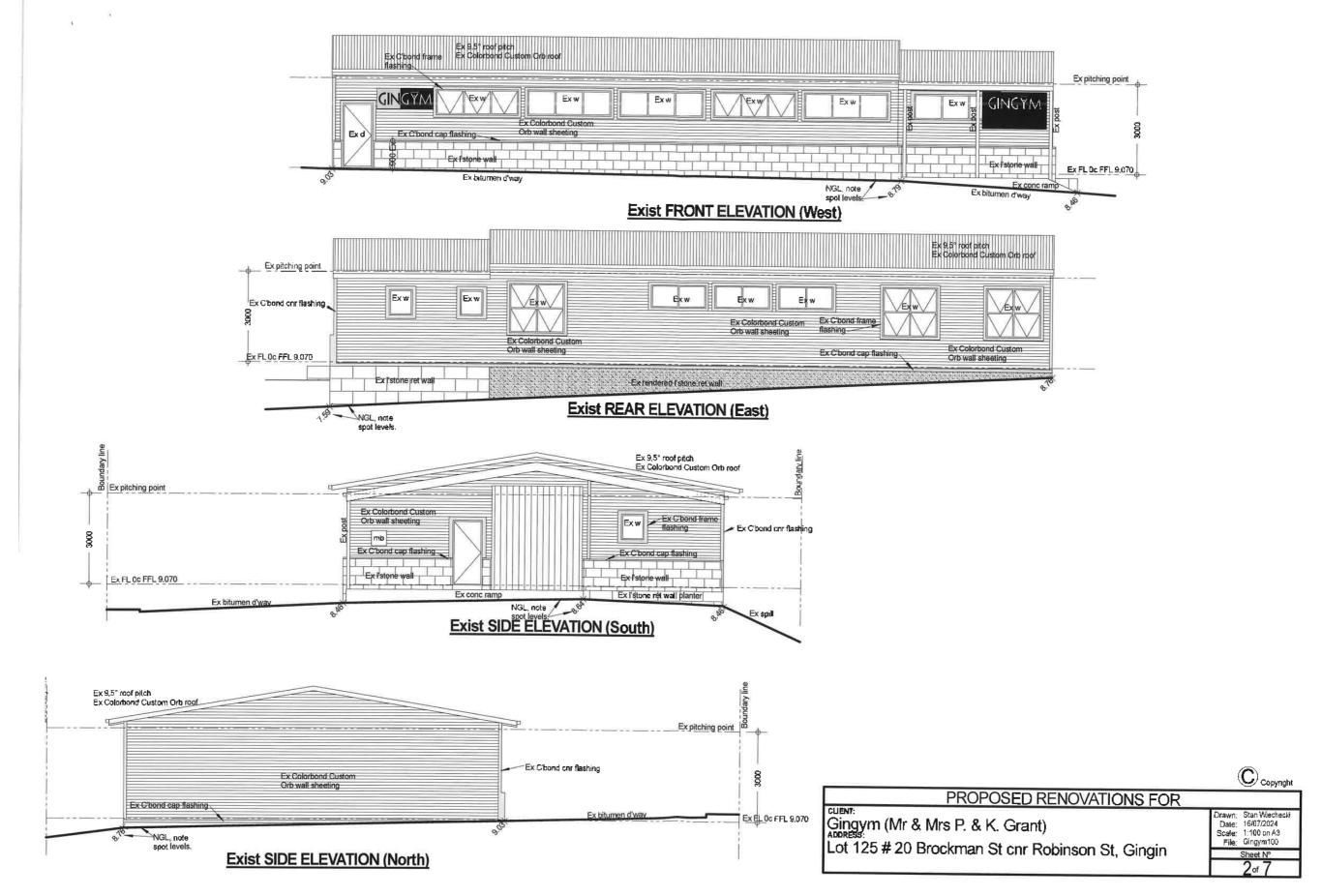
EXISTING GYMNASIUM PLAN

	PROPOSED REI
CLIENT: Gingym (Mr & Mi Address:	rs P. & K. Grant)
Lot 125 # 20 Bro	ckman St <mark>cnr</mark> Rob

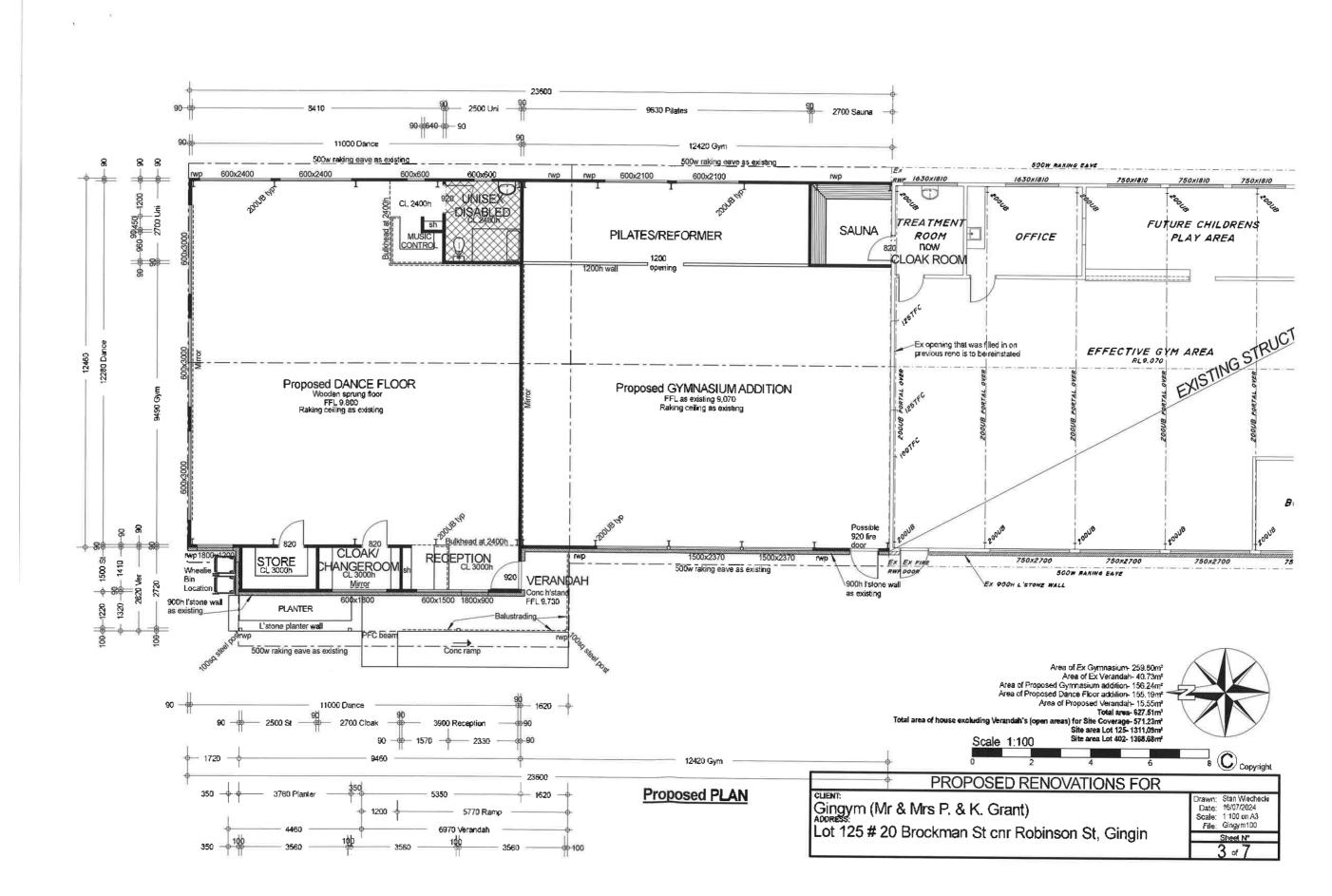




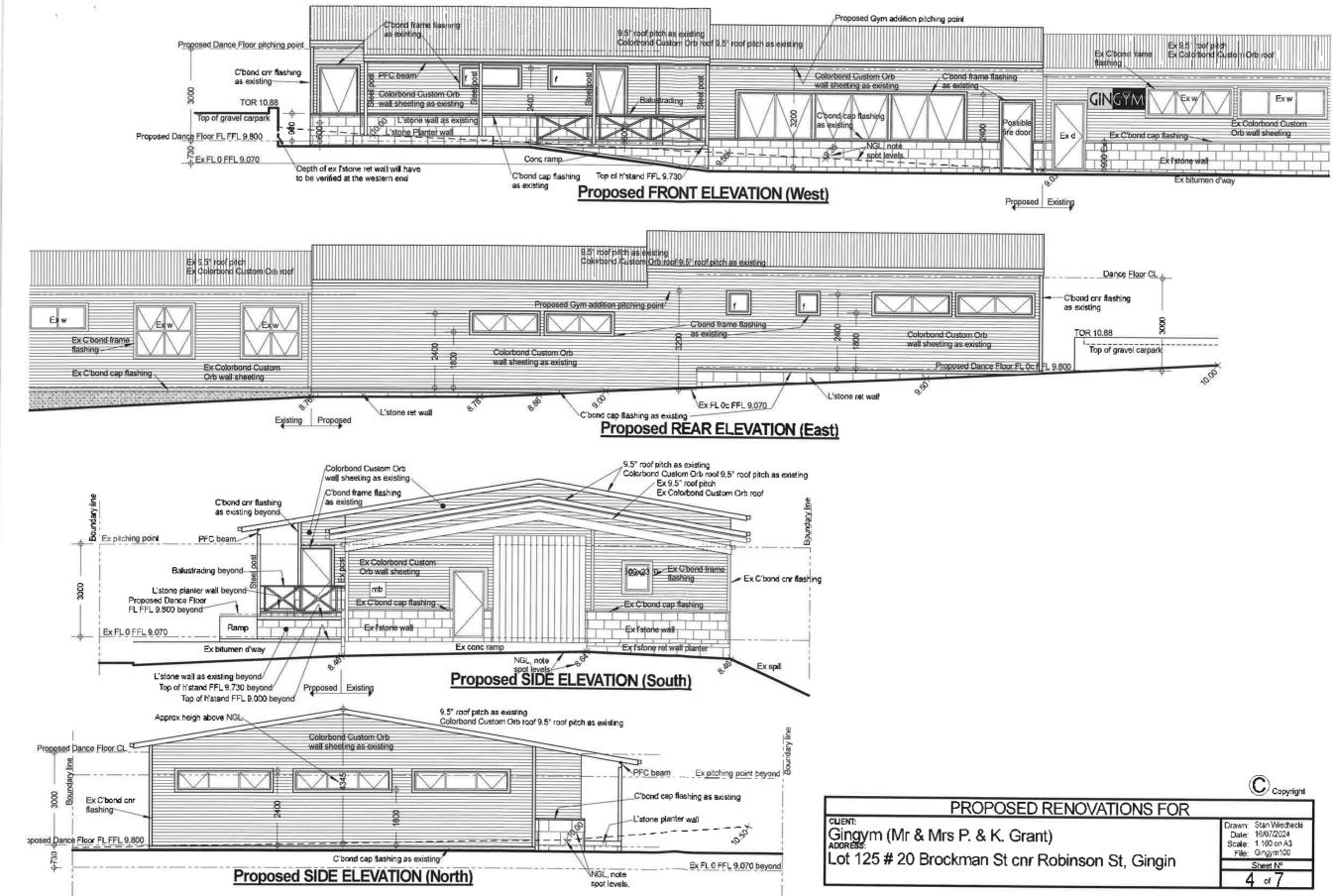






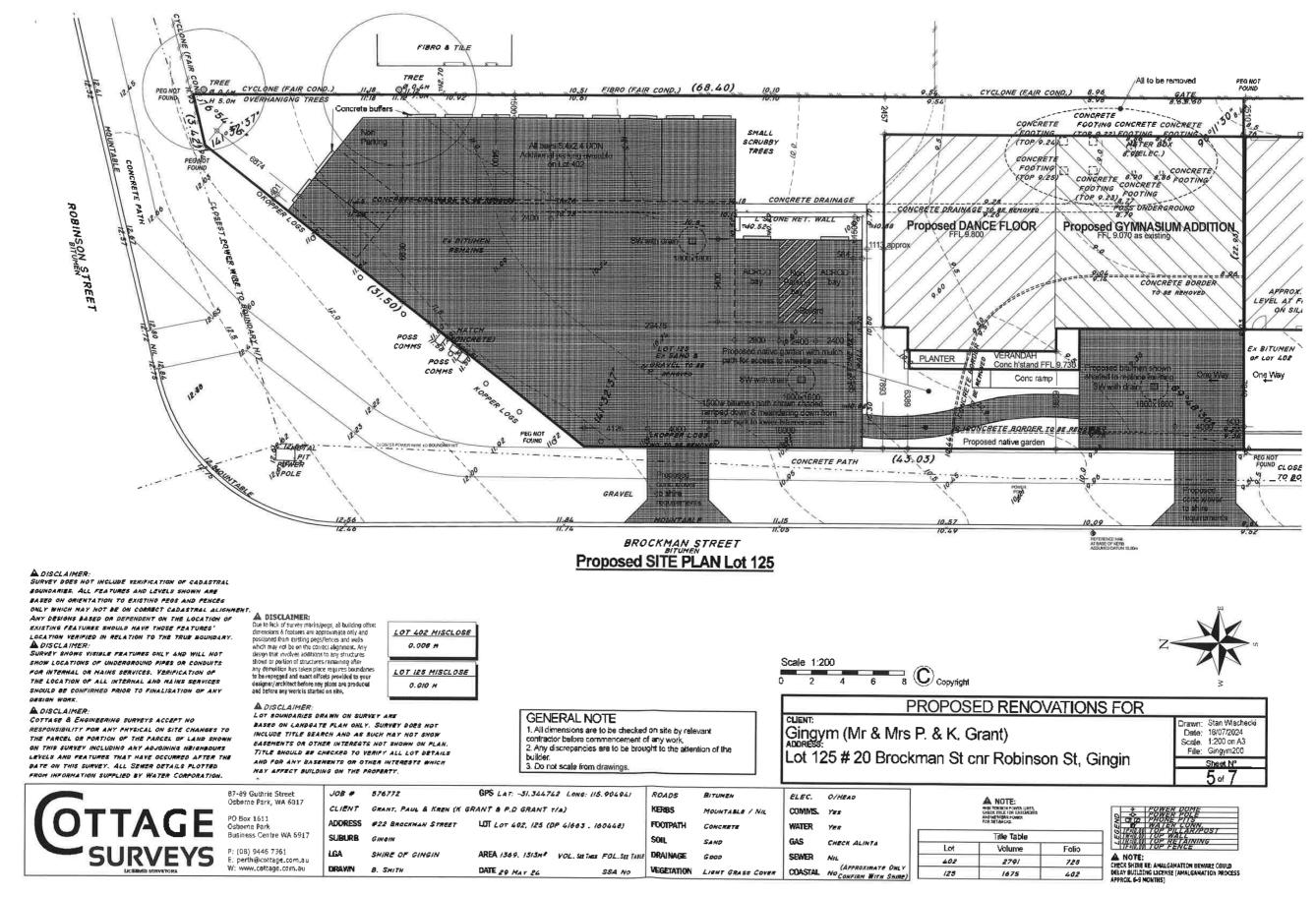


APPENDIX 14.3.3

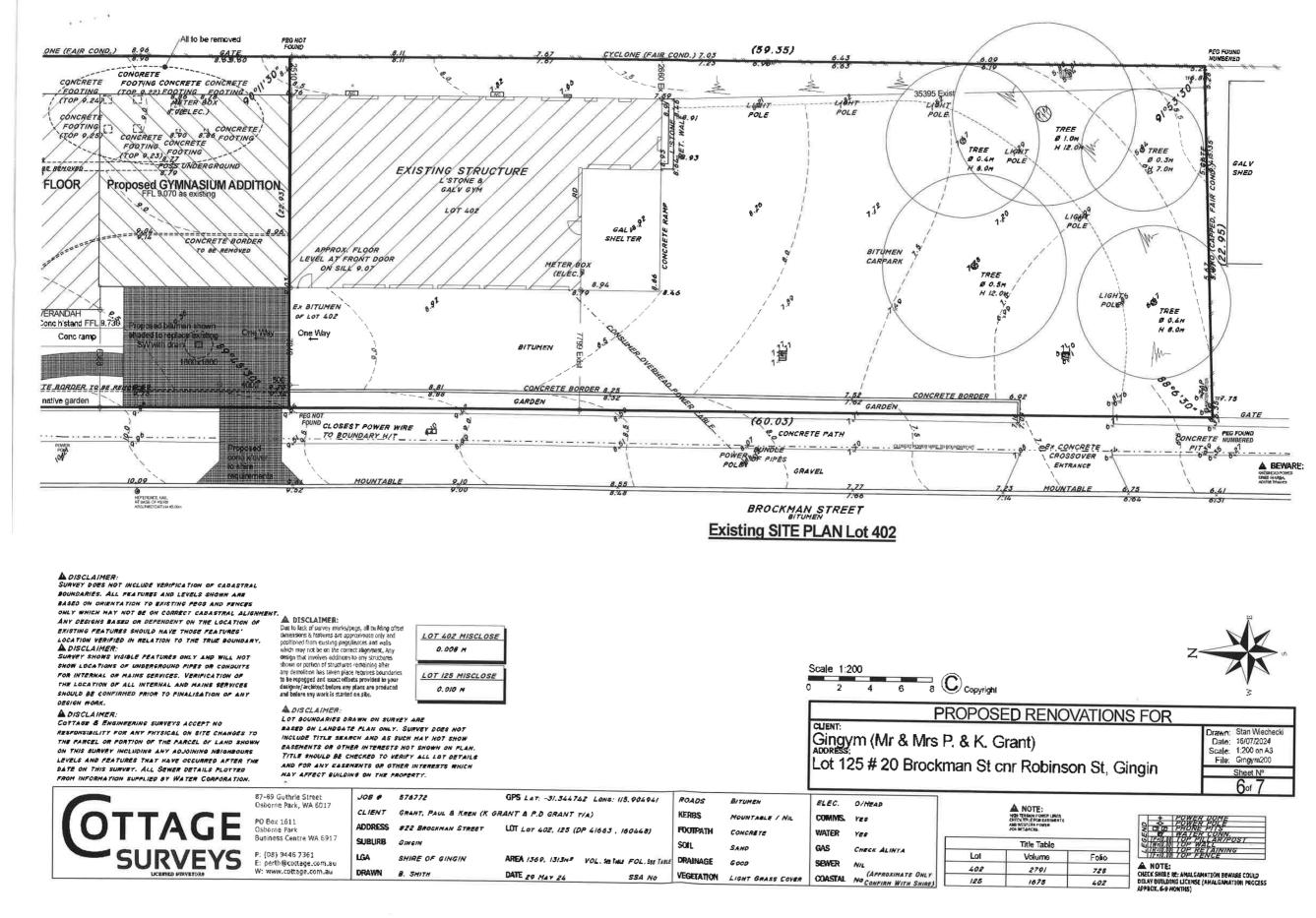




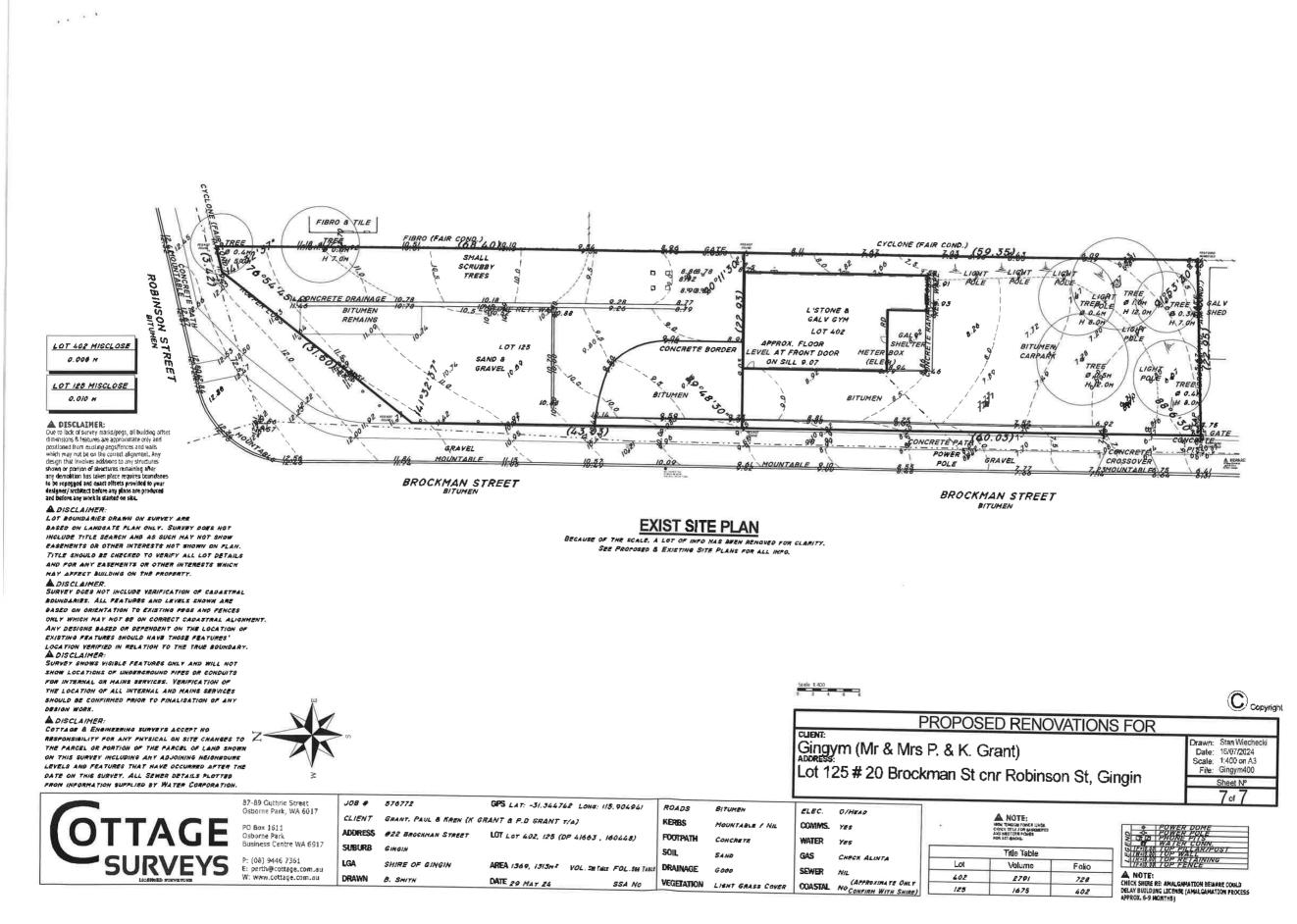
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innen St. Cinnin	Drawn: Stan Wiecheola Date: 16/07/2024 Scale: 1.100 on A3 File: Gingym100
inson St, Gingin	Sheet N° 4 of 7



APPENDIX 14.3.3









SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: PROPOSED PRIVATE RECREATION (GYM) ON LOT 125 (30) BROCKMAN STREET, GINGIN

No.	Submitter	Submission details	Applicants response
1.	Stakeholder	The submitter supports the application and provides the following general comment:	
		We strongly support expansion of the gym facility and support the owners in this endeavour.	
		Please ensure 24/7 operation approval is subject to noise controls for vehicles and gym equipment noise between 9pm and 7am every day.	



14.4 RURAL PURSUIT (KEEPING OF HORSES) - LOT 18 (124) STARBUSH WAY, GINGINUP

File	BLD/7500	
Applicant	Benjamin Connors & Tori Alice Cullen	
Location	Lot 18 (124) Starbush Way, Ginginup	
Owner	Benjamin Connors & Tori Alice Cullen	
Zoning	Rural Living	
WAPC No	N/A	
Author	Joe Algeri – Altus Planning (Planning Consultant)	
Reporting Officer	James Bayliss - Executive Manager Regulatory and Development Services	
Refer	Nil	
Appendices	 Location Plan [14.4.1 - 1 page] Aerial Plan [14.4.2 - 1 page] Applicant's Proposal [14.4.3 - 12 pages] Applicant's responses to Schedule of Submissions [14.4.4 - 4 pages] 	

DISCLOSURES OF INTEREST

PURPOSE

To consider a Retrospective Application for Development Approval for a proposed Rural Pursuit (Keeping of Two Horses) on Lot 18 (124) Starbush Way, Ginginup.

BACKGROUND

The subject lot is 1.2 ha in area and currently accommodates a single house.

The proposed development consists of a horse paddock/yard at the rear of the property which is approximately $1,800m^2$ in area.

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

The Applicant's proposal, which consist of a Management Plan is provided (see appendices).

COMMENT

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



The Shire received two submissions during the advertising period objecting to the development. In addition, the application was referred to the Department of Primary Industries and Regional Development (DPIRD) to provide advice in relation to stocking rates, with the Department also objecting to the proposal.

Copies of the Schedule of Submissions and the Applicant's Responses are provided at (see Appendices).

PLANNING FRAMEWORK

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

The property is zoned 'Rural Living 1' as per Schedule 8 of 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 animals (horses, sheep and cattle in this instance) 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.

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The use class 'Rural Pursuit' is a 'D' 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.

Zone Specific Development Standards

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

4.8.5.6 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.

No vegetation is proposed to be removed as part of the application, but it is noted that there are some mature Eucalyptus trees in the horse paddock.

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.

Stocking rates are considered against the Agriculture Western Australia Stocking Rate Guidelines for Small Rural Holdings 2000 (Stocking Rate Guidelines) and are addressed in the report below.

Country Heights Local Development Plan (LDP)

The LDP was approved by the Shire in 2018 and amended on 19 July 2022. Section 9 of the LDP refers to 'Stocking Rates' and states:

a. Stocking of lots forming part of the LDP with animals as listed in Table 2 of the Agriculture Western Australia 'Stocking Rates Guidelines for Rural Small Holdings' (as amended) is prohibited unless approval has been granted by the Local Authority.

The LDP also designates the site as being subject to a 50m setback from the rear (northern) lot boundary.

Stocking Rates

The DPIRD has assessed the proposal against the Stocking Rate Guidelines, as required by the LDP and LPS 9, and provided the following comment:

Livestock stocking rates are standardised using Dry Sheep Equivalents (DSE), where a 50 kg wether is the accepted standard. In the context of rural small holdings, stocking rates refer to the numbers of livestock that can be consistently kept on an area of pasture all year round with minor additional feed and without causing environmental degradation such as wind or water erosion, tree decline, or increasing nutrients in waterways or groundwater.



A horse is 10 DSE. Therefore, the proposed stocking rate of 2 horses is 20 DSE.

The mapped soil landscape unit for the property is the Dandaragan Buccleugh sandy phase (222DaBHs), which is described as "gently undulating to undulating rises and hills. Red and brown deep sands". This has a land capability assessment for grazing of B1, which has a maximum sustainable dry stocking rate of 6 DSE/ha.

Only areas of open pasture can be counted when assessing the area available for livestock. Areas covered by infrastructure (e.g. houses, sheds, tracks, roads, debris etc) and native vegetation cannot be included in the available area.

Bare areas of ground are by default zero DSE/ha and cannot be stocked or included in the calculation of available area.

Aerial imagery (NRInfo and Google Earth) as well as Figures 2 and 3 in the Horse Management Plan all show that the paddock is bare.

Measurement of the aerial imagery show that the paddock is approximately 1600m2 (0.16ha). This differs from the 1830m2 claimed in the Horse Management Plan.

Calculations of stocking rate scenarios:

- Bare soil: 0.16 ha x 0 DSE/ha = 0 DSE
- Dry stocking rate*: 0.16 ha x 6 DSE/ha = 0.96 DSE
- Irrigated stocking rate*: 0.16 ha x 20 DSE/ha = 3.2 DSE

* The dry and irrigated stocking rates assume that there is a minimum of 70% groundcover (which there is not).

As all scenarios show that the maximum sustainable stocking rate for the property is far less than the proposed stocking rate, DPIRD cannot support the proposal.

Irrigation requires very large amounts of water (up to 15,000 kL/ha/year) and requires a water licence and associated water allocation. Irrigation systems must also be professionally designed and installed to ensure an even coverage of groundcover across the irrigated area.

Water licensing is administered by the Department of Water and Environmental Regulation (DWER). The application states that the water supply is sourced from Groundwater Licence Number GWL178900. A search of the online water register shows that this licence is assigned to Claymont Development Pty Ltd and linked to a broader area and not only the specific property in question (124 Starbush Way, Ginginup).



This situation will need to be clarified by contacting DWER, as there will be other users of this licence and therefore likely a reduced allocation available as well as possible restrictions associated with use of the water for irrigation.

There must be a minimum of 50% groundcover maintained evenly across the property at all times of the year to prevent land degradation through soil erosion, with a target of 70% groundcover.

Any clearing requires a relevant permit from DWER. Damage to vegetation caused by livestock is considered to be clearing. Native vegetation must be fenced off to protect the vegetation from the livestock. DPIRD does not support clearing of native vegetation on small rural holdings.

Based on the above comments DPIRD objects to the proposal. To summarise, based on their stocking rate calculations, the proposed is unable to even support 1 horse.

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

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

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

Whilst the keeping of horses more broadly is arguably consistent with the rural environment and landscape in objective (a) of the Rural Living zone under LPS 9, objectives(c) and (d) seeks to prevent threats to the amenity of the zone and impacts on vegetation caused by the grazing of livestock. Therefore, in this instance and in the context of the stocking rates, the proposal does not protect the rural environment and landscape.

Applicable stocking rates are formed on the basis that land is capable of adequately accommodating livestock all year round with minor additional feed and without causing environmental degradation. The Management Plan does not address any of these matters in sufficient detail.

These stocking rates are also expressly referenced at clause 4.8.5.8 of LPS 9.

As DPIRD has indicated, damage to vegetation by livestock is also considered clearing. Whilst the mature Eucalyptus trees currently appear healthy, there is concern that horses in a relatively confined space will inevitably damage these trees, and a site inspection indicated that the existing grass trees have been damaged already.



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

The proposed development is considered to be inconsistent with orderly and proper planning principles by departing from the applicable planning framework without having demonstrated any basis for doing so.

(h) Any structure plan or local development plan that relates to the development.

The Country Heights LDP reaffirms the requirement for proposals to have regard to the Stocking Rates Guidelines for the keeping of livestock.

(*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.

The keeping of horses is not considered to be incompatible in a semi-rural setting such as the Country Heights Estate. However, the scale of the proposal in the subject application is out of character with its context. Amenity impacts by way of noise, odour or dust associated with the rural pursuit would contribute to the development being considered incompatible within the estate.

- (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;

Amenity' is defined under the Deemed Provisions as:

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

The development, by exceeding the applicable stocking rates, is likely to have a detrimental environmental impact through land degradation. This view is supported by the DPIRD.

This is further supported by 'Water Quality Protection Guideline No. 13 – Environmental Guidelines for Horse Facilities and Activates' which states:

"Overstocking properties can cause significant environmental damage through soil erosion, vegetation damage and contaminants leaching from animal wastes."



As such, the environment over time is likely to be adversely impacted due to land degradation caused by the development.

In terms of the impacts on the character of the locality, the existing amenity of the locality is characterised by the first stages of a low density, semi-rural estate that features 1ha lots that are currently in the process of being progressively developed.

A rural pursuit that consists of horses which are overstocked on an individual property will have an impact on the character of the estate. This estate, like others in the Rural Living zone, has several planning controls which preserve the semi-rural environment that the local community expects will be maintained.

Given the above, the development is considered to have detrimental impact on the amenity of the locality.

(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;

The overstocking of land could lead to soil erosion and land degradation. The Management Plan submitted with the application does not contain sufficient information to determine that the issues can be suitably mitigated.

(y) Any submissions received on the application;

Two submissions were received during the advertising period raising concern that all horse activity should be restricted to the 50m rural use setback. The current Management Plan makes clear that the horses, when on-site, will be restricted to a nominated horse paddock which is also consistent with the rural use setback requirement.

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

The comments of DPIRD have already been discussed under the Stocking Rates section above.

General Comments:

The Management Plan in support of the development is lacking detail. In response to matters raised in the submissions received, the Applicants have attempted to address some issues, but detail remains deficient. The principal concerns remain the excessive stocking of the land which requires the full importation of feed and, unhelpfully, there is no information relating to the exact periods when the horses will be removed from site. Specifically, the Management Plan states that the horses will maintain a spelling agistment year-round at an off-site location but no other details are provided as to how often and how long this is anticipated to be.



Upon review, the State Administrative Tribunal has dealt with numerous cases for the refusal of similar rural pursuits, in various local governments, whereby the applicable stocking rates were exceeded and the applicants claimed any negative consequences could be managed. The author of this report has assisted other local governments in two such cases - *Wakeman and Shire of Toodyay* [2015] WASAT 22 plus *Lambert & Anor and City of Armadale* [2017] WASAT 144. The result in both these and other similar cases was for the Tribunal to dismiss the applications and reaffirm the refusals.

Notwithstanding all the above, there are some positive aspects of application in this instance:

- The public submissions received object only to the horses being located outside of the rural use setback area (which the proposal complies with).
- There is no overarching restriction on the maximum DSE that should apply to the land as is the case in other localities within the Shire such as Sovereign Hill Estate, pursuant to cl. 4.8.5.9 of LPS 9.

An alternative application with a far more detailed and robust management regime which is for 1 horse (or a small pony) may have better prospects for positive consideration. However, a decision-maker should only deal with the application before it, on its merits, and not alter it or seek to confine it through conditions.

<u>Summary</u>

In view of the above assessment, weighing up the balance of the information at hand, the overall development ought to be refused as it is not consistent with the applicable planning framework due to the overstocking of the land and consequences which flow from that.

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

Agriculture Western Australia Stocking Rate Guidelines for Small Rural Holdings 2000

BUDGET IMPLICATIONS

Nil



STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.1 Climate Change and Adaptation - Understand the impacts of
	climate change and identify actions to adapt and mitigate those
	impacts.

VOTING REQUIREMENTS - SIMPLE MAJORITY

OFFICER RECOMMENDATION

That Council refuse Development Approval for a Retrospective Rural Pursuit (Keeping of Two Horses) on Lot 18 (No. 124) Starbush Way, Ginginup under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- 1. The calculated stocking rates are inconsistent with those in the Agriculture Western Australia Stocking Rates Guidelines for Rural Small Holdings 2000, as referenced in clause 4.8.5.8 of Local Planning Scheme No.9 and reaffirmed in the Country Heights Local Development Plan; and
- 2. The proposed development does not satisfy the objectives of the Rural Living Zone at clause 3.2.6 of Local Planning Scheme No. 9 as the overstocking of horses will not protect the rural environment and landscape by virtue of land degradation and the inadvertent clearing of vegetation. As a result, this threatens the character and amenity of the locality.

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*.



APPENDIX 14.4.2





LOT18 STARBUSH WAY HORSE MANAGEMENT PLAN

LOT 18 (NO.124) STARBUSH WAY, GINGINUP

SHIRE OF GINGIN

AUGUST 2024

Issue Two

LOT 18 (NO.124) STARBUSH WAY, GINGINUP

Shire of Gingin

LOT18 STARBUSH WAY HORSE MANAGEMENT PLAN

Issue 2: August 2024

Prepared for:

Shire of Gingin Compliance Officer

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LOT18 STARBUSH WAY HORSE MANAGEMENT PLAN

1. INTRODUCTION

The purpose of this report is to support the planning application for the approval of a Rural Pursuit Category "D" discretionary use Rural Living Zone at Lot #18 Starbush Way Ginginup to support the ad hoc stabling of two Horses.

This report describes the environmental characteristics of the site and how the property and horses will be effectively managed, when the horses visit.

The intention of this report is to provide a suitable level of information to the Shire of Gingin to enable an informed assessment and positive outcome for the owners of Lot #18 Starbush Way.

The owners of Lot 18 Starbush Way have developed this report.

2. SITE DESCRIPTION/DETAILS

The subject site comprises a total legal land area of 1.2685ha. The site is currently vacant, one residential dwelling under construction at the southern end of the lot, established trees to be retained.

Horses will be kept in a dedicated horse stable at the northern end Lot #18 located within the Rural Zone Setback 100m of the lot.

The stable area is fenced as detailed in section <u>five</u> of this document.

LOT18 STARBUSH WAY HORSE MANAGEMENT PLAN

2.1 SITE PLAN

As noted below in mark up of an aerial view, the Horse Stable Area is located at the northern end of Lot #18. Total area is 1,830 Square Meters.



Figure 1 – Site Plan



2.2 SOIL TYPES

The mapped soil landscape unit for the property is Dandaragan Buccleugh sandy phase (222DaBHs), which is described as 'gently undulating to undulating rises and hills. Red and brown deep sands". This has a land capability assessment for grazing of B1, which has a maximum sustainable dry stocking rate of 6 DSE/ha. However, the stocking rate should not be considered for feed supply as the horses are visiting the property on occasion, with an agistment held at another location and are high input (horses stabled and hand fed)

2.3 PERIMETER FIRE BREAK AREA

The subject site has 3m wide firebreak around the entire perimeter in good condition maintained by owners.

3. NUMBER & TYPE OF HORSES

A maximum of 2 Domestic Horses is proposed to visit the subject site at any one time. The horses maintain a spelling agistment year-round at an offsite location & only stabled on site in an adhoc fashion to allow for ground work & animal care.

4. FOOD & WATER

4.1 FOOD

Horses are provided sufficient Hay for free grazing from Hay Feeder within the stable yard. Other food is provided as required.



All Horse Food will be provided by way of direct supply throughout the year, removing the reliance on local grazing or on property pastures.

Feed Is sourced from local farmers or stock distributors and sufficient feed stock for several weeks is stored on site to mitigate any possible constraints.

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5. STABLES & INFRASTRUCTURE

Horses will be stabled in the Horse yard 1,830sqr meters (Figure 1) and from time to time moved into the round yard and moved off property for spelling (agistment) & training elsewhere.



Figure 2: Arial View of the Horse Yard with fencing and firebreak in view.

5.1 HORSE TRAINING AND ROUND YARD

A round yard will be used during working periods to work the horses in a secure environment on property this is located within the rural set back of the property.

Horses will be removed off site for training and riding otherwise.

6. MANURE MANAGEMENT

Manure will not be allowed to accumulate in stable yard or work areas. Manure will be regularly collected and mixed with other soil on the property before being spread across several locations on the property to mitigate any odour or other concerns.

Quarterly, an excavator will be used to turn and remove excess build up from stable & yards to ensure healthy soil conditions in the longer term.

Additionally extra manurer will be removed from the property.

7. DUST CONTROL

To mitigate the possibility of Dust problems originating from the Property during dry periods automated sprinklers are installed on the perimeter fence of the stable yards to mitigate elevated dust levels from the Horse movements. The sprinklers are timer activated multiple times per day during high heat periods, this reduces the drying of the soils and development of excessive dust. Additionally, shrubs and native trees are established and protected in the yards and in the area surrounding to mitigate further Dust challenges.

8. WEED CONTROL

Weed control will be carried out on the property by the owners. Control measures include regular inspections of stable yards to gauge the amount of type of weeds present; selective sprays to kill certain weeds.

9. VERMIN CONTROL

Equestrian facilities commonly attract vermin such as small rodents due to the availability of food and good breeding and nesting areas. Proper management can significantly reduce and eliminate vermin.

The following management measures will be implemented:

- Any area where fodder is kept will be sealed to ensure no vermin can gain access; and
- Trim weeds and plants around buildings to eliminate potentially places where rodents can hide/nest.

10. FLY MANAGEMENT

To prevent fly problems, appropriate manure management is essential. The regular collection of manure will eliminate the warm, moist conditions required by the larvae to hatch and grow, combined with offsite spells this will significantly reduce the number of flies.

11. FENCING

A Primary three strand Solar Battery Electric Fence is installed around the perimeter of the stable. The installed wire also doubles as a "sight wire" and is known by brand name "SHOCKCOAT."

Additional standard rural fencing on the perimeter of the property is also installed.



Figure 3: Stable Yard Fencing

12. OFF SITE SPELLING

To further support the condition of the property and mitigate negative outcomes the horses are usually held at a spelling location not on property.

13. CONCLUSION

The purpose of this report is to support the planning application for the approval of a Rural Pursuit Category "D" discretionary use Rural Living Zone at Lot #18 Starbush Way Ginginup to support the occasional stabling of two Horses.

It is the intention of the owners to occasionally stable two horses as detailed in Section <u>Three</u> as "Hobby Farm" animals for leisure keeping. The owners are proficient horse owners with a long history of ownership and positive animal welfare outcomes.

This report identifies stabling practices; manure, pasture, and fly management; dust, weed, vermin control & site management measures to ensure appropriate processes are implemented to protect the environment and comply with the Shire of Gingin & ensure no impact to the surrounding neighbourhood.

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SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: RURAL PURSUIT (KEEPING OF HORSE) ON LOT 18 (124) STARBUSH WAY, GINGINUP

No.	Submitter	Submission details	Applicants response
1.	Ratepayer	The submitter does not support the application and provides the following general comment:We do not support (keeping of horses) at Lot 18 unless all horse activity is restricted to north of the building envelope in the rural setback zone.	The horses training (round yard and pen) are north of the house within the rural setback zone. We will follow the management plan to make certain any dust, flies, odour and noise does not affect you in your home.
		We don't want horse riding, training etc outside that area including firebreaks because it will cause dust, flies, odour and noise close to our home.	
2.	DPIRD	 The submitter does not support the application and provides the following general comment: DPIRD objects to the proposal and offers the following comments: Livestock stocking rates are standardised using Dry Sheed Equivalents (DSE), where a 50 kg wether is the accepted standard. In context or rural small holdings, stocking rates refer to the numbers of livestock that can be consistently kept on an area of pasture all year round with minor additional feed and without causing environmental degradation such as wind or water erosion, tree decline, or increasing nutrients in waterways or ground water. A horse is 10 DSE. Therefore, the proposed stocking rate of 2 horses in 20 DSE. The mapped soil landscape unit for the property is Dandaragan Buccleugh sandy phase (222DaBHs), which is described as 'gently undulating to undulating rises and hills. Red and brown deep sands". This has a land capability assessment for grazing of B1, which has a maximum sustainable dry stocking rate of 6 DSE/ha. Only areas of open pasture can be counted when assessing the area available for livestock. Areas covered by infrastructure (e.g. houses, sheds, tracks, roads, debris etc) and native vegetation cannot be included in the available area. Bare areas of ground are by default zero DSE/ha and cannot be stocked or included in the calculation of available area. 	 The horses are <i>high input</i> (horses stabled and hand fed) and will not be consistently kept on site, we have updated the management plan to reflect this more clearly, the horses will kept off property in an agistment centre as required. Feed is sourced off property local stock feeders. The owners will apply for a PIC registration. The area measurement is correct, the area is not exactly square. see below screen. This reasonably aligns to the in-person measurements undertaken. (Image #1)

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	Measurement of the aerial imagery show that the paddock is approximately 1600m ² (0.16ha). This differs from the 1830m ² claimed in the Horse Management Plan.
	Calculations of stocking rate scenarios:
	 Bare Soil: 0.16 ha x 0 DSE/ha = 0 DSE
	 Dry stocking rate*: 016 ha x 6 DSE/ha = 0.96 DSE
	 Irrigated stocking rate*: 0.16 ha x 20 DSE/ha = 3.2 DSE
	* The dry and irrigated stocking rates assume that there is a minimum of 70%
	groundcover (which there is not).
	As all scenarios show that the maximum sustainable stocking rate for the property
	is far less than the proposed stocking rate, DPIRD cannot support the proposal.
	Irrigation requires very large amounts of water (up to 15,000 kL/ha/year) and
	requires a water licence and associated water allocation. Irrigation systems must
	also be professionally designed and installed to ensure an even coverage of groundcover across the irrigated area.
	gioundcover across the imgated area.
	Water licencing is administered by the Department of Water and Environmental
	Regulation (DWER). The application states that the water supply is sourced from
	Groundwater Licence Number GWL178900. A Search of the online water register
	shows that this licence is assigned to Claymont Development Pty Ltd and linked to
	a broader area and not only the specified property in question (124 Starbush Way,
	Ginginup).
	This situation will need to be clarified by contacting DWER, as there will be other users of this licence and therefore likely a reduced allocation available as well as
	possible restriction associated with use of the water for irrigation.
	There must be a minimum of 50% groundcover maintained evenly across the
	property at all times of the year to precent land degradation through soil erosion,
	with a target of 70% groundcover.
	Any clearing requires a relevant permit from DWER. Damage to vegetation caused
	by livestock is considered to be clearing. Native vegetation must be fenced off to
	protect the vegetation from the livestock. DPIRD does not support clearing of
	native vegetation on small rural holdings.
	Western Australia has a mandatory livestock ownership, identification, and
	movement system, known as the National Livestock Identification Scheme (NLIS).
	This requires owners of animals, including horses, to register even if these animals
	are kept as pets. DPIRD's Brands Office then allocates a property identification

		code (PIC) to owners, to indicate who owns the animals and where they are kept. This is important for managing any outbreaks of emergency animal diseases such as foot and mouth disease. More information about NLIS can be found at https://www.agric.wa.gov.au/livestock- movement-identification/livestock-ownership-identification-and-movement- western-australia?nopaging=1	
3.	Ratepayer	We do not support the keeping of horses at lot 18 Starbush way Ginginup. We do not want horse training etc on the property. There is already 3 horses on the property. The waste is thrown in one section of the property, flies etc will accumulate even more in the heat. There is no shelter for horses etc. As it is there is a accumulation of debris etc that is not being maintained on the property and I don't see that they will maintain anything in the proposal they sent. Maybe one horse only.	 There were only two horses on the property, the third horse that we did not own was removed as soon as possible as per our communication to the council, currently there are no horses on the property they are at their spelling location off site. There will only be two horses kept on the property part time as per the management plan. The waste is currently collected and removed from the property or composted, we will continue to do this. We are not piling up the waste anywhere on the property and we will not do this in the future. The horses use the available trees as shelter as is common for livestock. The property is maintained as per council requirements with fire breaks done at the correct time of year. We have spoken to our builder and requested a site clean, this week. We have contacted the builder on previous occasions and requested the skip bin be emptied and attended to collect any debris / rubbish we could left by the builder, we expect to be living in the home very shortly. We will maintain everything as set out in the proposal.



Image #1.



14.5 ROAD NAMING - BROOKVIEW ESTATE, GINGIN

File	LND/195	
Applicant	Gingin Developments Pty Ltd	
Location	Lot 9000 Brockman Street, Gingin (Brookview Estate)	
Owner	Gingin Developments Pty Ltd	
Zoning	Parks and Recreation	
	Residential	
	Town Centre	
WAPC No	NA	
Author	James Bayliss - Executive Manager Regulatory and	
	Development Services	
Reporting Officer	James Bayliss - Executive Manager Regulatory and	
	Development Services	
Refer	efer 20 August 2024 - Item 14.8	
Appendices	 Applicant's Proposal [14.5.1 - 1 page] Revised Road Name Layout Plan [14.5.2 - 1 page] 	

DISCLOSURES OF INTEREST

PURPOSE

To consider road names within Brookview Estate (Lot 9000 Brockman Street, Gingin).

BACKGROUND

The Western Australian Planning Commission (WAPC) granted conditional approval for subdivision of the land on 21 April 2023 to create 99 residential lots, 3 town centre lots and a public open space reserve.

Civil works for Stage 3 of the overall development have commenced, and it is therefore timely that internal road naming be considered. Road names are endorsed by the Minister for Lands through the Geographic Names Committee (GNC).

Council, at its ordinary meeting on 20 August 2024, resolved not to support proposed road names on the basis that those selected had no nexus to the local area. The revised road names have used a theme related to local heritage sites or properties within the Shire.

The Applicant's Proposal and revised Road Naming Layout Plan is provided (see appendices).

The proposed subdivisional road names are outlined in the table below:



Name	Meaning
Beedamanup Avenue	Beedamanup Homestead - A substantial two-storey home was built for John Dewar on the Dewar Flats and is believed to have been used as an Inn, as well as a farmhouse, as it stood on the main track north from Gingin.
Tibberton Road	Site of the home of early settlers - The house was situated on the south side of the Gingin Brook. Joshua and Emma Edwards built a home there.
Wakedale Parkway	Wakedale Farm - Wakedale Farm is a 3rd generation family farm located in Gingin.
Cleveland Approach	Cleveland is significant as the site of the original c.1867 homestead built by William Thomas King, providing a home for his wife and family of ten children, demonstrating a way of life and associations with an early settler.
Fernwood Way	Fernwood was one of the earliest properties on the Moore River. It is the site of two unmarked graves, those of William and Mary Hatch. The Hatch's held a wine selling licence and sold produce to travellers on the Stock Route until the railway diverted the trade.

Table 1 – Proposed Road Names – Stage 3

COMMENT

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

The above-mentioned policy is rather extensive, however suitable names are generally those that are not duplicated, discriminatory or contentious and that relate to a theme relevant to the local area. The officer is of the view that the proposed names are generally consistent with the guiding policy.

<u>Summary</u>

In view of the above, it is considered appropriate to support the road names submitted by the applicant.



STATUTORY/LOCAL LAW IMPLICATIONS

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

POLICY IMPLICATIONS

Landgate - Policies and standards for geographical naming in Western Australia

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

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

VOTING REQUIREMENTS - SIMPLE MAJORITY



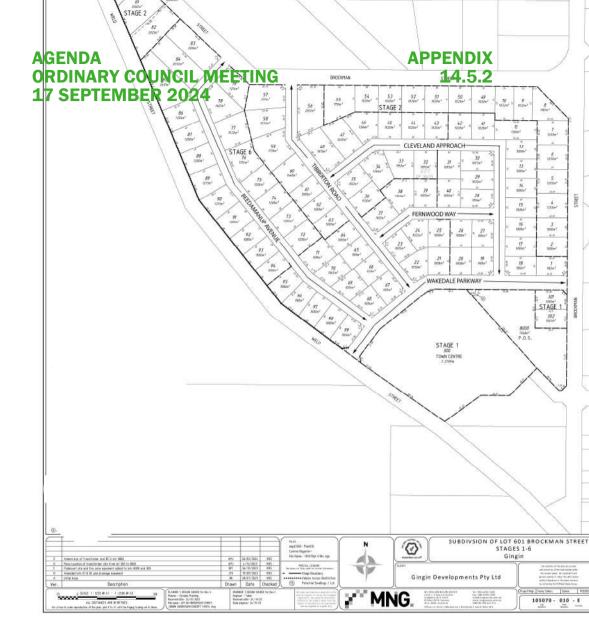
OFFICER RECOMMENDATION

That Council endorse the road names for Brookview Estate as outlined below:

Name	Meaning
Beedamanup Avenue	Beedamanup Homestead - A substantial two-storey home was built for John Dewar on the Dewar Flats and is believed to have been used as an Inn, as well as a farmhouse, as it stood on the main track north from Gingin.
Tibberton Road	Site of the home of early settlers - The house was situated on the south side of the Gingin Brook. Joshua and Emma Edwards built a home there.
Wakedale Parkway	Wakedale Farm - Wakedale farm is a 3rd generation family farm located in Gingin.
Cleveland Approach	Cleveland is significant as the site of the original c.1867 homestead built by William Thomas king, providing a home for his wife and family of ten children, demonstrating a way of life and associations with an early settler.
Fernwood Way	Fernwood was one of the earliest properties on the Moore River. It is the site of two unmarked graves, those of William and Mary Hatch. The Hatch's held a wine selling license and sold produce to travelers on the Stock Route until the railway diverted the trade.

Brookview Estate, Gingin - Suggested Road Name List Theme: Heritage Sites/Properties within the Gingin Shire

	meme: nemage sites/risperves waim are omgin sime		
Proposed Name		Background/origin/meaning/justification	Source of info
Beedamanup	Avenue	Beedamanup Homestead - A substantial two-storey home was built for John Dewar on the Dewar	https://inherit.dplh.wa.gov.au/public/inventory/details/7a88529c-0f99-4153-87ce-c18e3e1c9e84
		Flats and is believed to have been used as an Inn, as well as a farmhouse, as it stood on the main	
		track north from Gingin.	
Tibberton	Road	Site of the Home of Early Settlers - The house was situated on the south side of the Gingin Brook.	https://inherit.dplh.wa.gov.au/Public/Inventory/Details/5e73432d-1526-45fc-95a4-2b6e1ce0f102
		Joshua and Emma Edwards built a home there.	
Wakedale	Parkway	Wakedale Farm - Wakedale farm is a 3rd generation family farm located in Gingin 1 hour north of	https://halfacow.farm/farms/wakedale_farm/about/
		Perth. We produce Black Angus Cattle and Prime Lamb.	
Cleveland	Approach	Cleveland is significant as the site of the original c.1867 homestead built by William Thomas king,	https://inherit.dplh.wa.gov.au/public/inventory/details/d507bc0b-2fe7-4cdc-933d-0da85cd82c32
		providing a home for his wife and family of ten children, demonstrating a way of life and associations	
		with an early settler.	
Fernwood	Way	Fernwood was one of the earliest properties on the Moore River. It is the site of two unmarked	https://inherit.dplh.wa.gov.au/public/inventory/printsinglerecord/181335d6-4a82-400b-b664-6712d308539c
		graves, those of William and Mary Hatch. The Hatch's held a wine selling license and sold produce to	
		travellers on the Stock Route until the railway diverted the trade.	





14.6 ACCESS TO SHIRE OF GINGIN LANDFILL SITES

File	WST/3
Author	Tanya Anderson – Coordinator Resource Recovery and
	Environmental Health
Reporting Officer	James Bayliss - Executive Manager Regulatory and
	Development Services
Refer	Nil
Appendices	Nil

DISCLOSURES OF INTEREST

PURPOSE

To determine the number of free visits to Shire of Gingin landfill sites that will be allocated to each class of tip pass.

BACKGROUND

At the Ordinary Council Meeting on 20 August 2024, Council resolved to endorse the Waste Reform and Strategic Planning Project Report (the Report), and the Community Waste Consultation Outcomes Report prepared for the Shire by ASK Waste Management.

Council also resolved to endorse the introduction of a revised tip pass system, subject to presentation of a further officer report addressing the number of free tip passes to be issued per annum.

COMMENT

Waste has long been an undervalued resource within the Shire and is critical to resolving longstanding deficiencies associated with existing waste management practises.

Recommendation 8 from the Report outlines the need for a review of the current unlimited landfill access that has historically been provided to Shire of Gingin ratepayers.

As detailed in the August report to Council, the purpose of reviewing the tip pass system is due to the costs associated with retaining three landfill sites that require infrastructure upgrades. Upgrades include building transfer stations, installation of a weighbridge(s) and creation of best practice operational and landfill closure management plans as examples.

Furthermore, new licensing requirements imposed by the Department of Water and Environmental Regulation (DWER) place greater responsibilities on the Shire such as installation of groundwater monitoring bores, perimeter fencing, increased landfill cover and daily pushing obligations to be undertaken by contractors.



It is not financially sustainable for the Shire to continue to allow unfettered public access to three landfill sites, all open 5 days per week. Ratepayers currently enjoy an unlimited number of free trips to all landfill sites to dispose of domestic waste.

Section 7.5 of the Report outlines that anecdotal evidence from Shire employees suggests that the Shire's free tip pass system is misused with customers undertaking multiple runs to avoid fee payment, passes being given to people outside of the Shire for use, and commercial waste being declared as residential waste to avoid gate fees.

The Shire is potentially losing significant income annually through the tip pass system. Assuming rural average waste generation rates, approximately 3,600 tonnes per annum of commercial waste would be expected to be received at the Shire's facilities attracting a gate fee. This is estimated to provide additional annual revenue of more than \$800,000 per year. The 2022/2023 budget estimated an income of only \$91,000 through gate fees.

The 2024/25 financial year will see all households issued with a revised tip pass card intended to be retained rather than replaced every year. This card provides entry to each landfill facility and each trip will be digitally recorded to provide a greater understanding of the usage of each landfill site, which will assist with forecasting throughput tonnages.

The card utilises a QR code linked to each assessment number (property) to ensure greater accountability by users and accuracy of data entry collection by site managers.

Administration recommends the following limits being placed on passes.

Domestic pass (kerbside bin service provided)

• 6 annual free trips for a standard 6x8 trailer/ute loads for domestic/green waste.

Domestic pass (kerbside bin service not provided)

• 26 annual free trips for a standard 6x8 trailer/ute loads for domestic/green waste.

Commercial

• 6 standard 6x8 trailer/ute loads for general waste.

Vacant Land

• 6 standard 6x8 trailer/ute loads for green waste.

Those with multiple properties will receive multiple passes, however these will be specific to each property. It is expected that, as with the renewal of any system, teething issues will be experienced and addressed as issues arise.



The above proposal is viewed as a more equitable and sustainable cost recovery mechanism. The revised tip pass provides flexibility for 'top ups' for those seeking additional trips, which can be applied to the card upon receipt of payment in accordance with the Schedule of Fees and Charges. This will be facilitated in-house.

Alternatively, if Council views the suggested 6 annual free trips as being too restrictive then the alternative below is suggested, which provides 12 free passes, and that this should gradually decrease annually while households adjust to eventually align with the officers recommendation.

<u>Alternate</u>

Domestic pass (kerbside bin service provided)

• *12 x annual free trips for a standard 6x8 trailer/ute loads for domestic/green waste*

Domestic pass (kerbside bin service not provided)

• 26 x annual free trips for a standard 6x8 trailer/ute loads for domestic/green waste.

Commercial pass

• 6 x standard 6x8 trailer/ute loads for general waste.

Vacant Land pass

• 6 x standard 6x8 trailer/ute loads for green waste.

Rationalising access is viewed as aligning the Shire with the State's Waste Avoidance and Resource Recovery Strategy 2030 by satisfying the following six key outcomes.

- 1. Avoid waste generation.
- 2. Increase material recovery and decrease contamination.
- 3. Minimise residual waste that is generated and the amount disposed of to landfill.
- 4. Remove organics from landfill.
- 5. Implement better practice as per State guidelines.
- 6. Minimise impacts on health and the environment.

The first three are behavioural changes that must be supported by the community and the Shire is responsible for educating and communicating the message of waste recycling and the significance of the circular economy with respect to future waste management.



Drop-in sessions will be run by the Coordinator Resource Recovery and Environmental Health at each of the three waste facilities on the following schedule to begin an education program. The officer will also be available to answer questions from the public in relation to waste services in general.

- Friday 20 September 2024 Lancelin Waste Facility 9am -12noon
- Saturday 21 September 2024 Seabird Waste Facility 9am 12noon
- Sunday 22 September 2024 Gingin Waste Facility 9am 12noon

STATUTORY/LOCAL LAW IMPLICATIONS

Environmental Protection Act 1986

Environmental Protection Regulations 1987

Environmental Protection (Rural Landfill) Regulations 2002

Waste Avoidance and Resource Recovery Act 2007

Local Government Act 1995

Shire of Gingin Waste Local Law 2016 (as amended)

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2024-2034

Aspiration	3. Planning & Sustainability - Plan for Future Generations		
Strategic	3.5 Sustainable Waste Solutions - Facilitate and plan for the		
Objective	ve responsible and sustainable disposal of waste.		

VOTING REQUIREMENTS - SIMPLE MAJORITY



OFFICER RECOMMENDATION

That Council agree to allocate the following standards for free visits to all Shire of Gingin landfill sites:

- 1. Domestic pass (kerbside bin service provided) 6 x annual free trips for a standard 6x8 trailer/ute loads for domestic/green waste.
- Domestic pass (kerbside bin service not provided)
 26 x annual free trips for a standard 6x8 trailer/ute loads for domestic/green waste.
- Commercial pass
 6 x standard 6x8 trailer/ute loads for general waste.
- 4. Vacant Land pass 6 x standard 6x8 trailer/ute loads for green waste.



15 REPORTS - OPERATIONS AND ASSETS

Nil

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

- **17 COUNCILLORS' OFFICIAL REPORTS**
- **18 NEW BUSINESS OF AN URGENT NATURE**
- 19 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC

20 CLOSURE