



MINUTES

Ordinary Council Meeting

17 October 2023

CONFIRMATION OF MINUTES

These Minutes have been CONFIRMED by Council as the official record for the Shire of Gingin's Ordinary Council Meeting held on 17 October 2023.

**Councillor
SHIRE PRESIDENT**

Date of Confirmation: _____

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

ACKNOWLEDGEMENT OF COUNTRY



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

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**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**



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ORDER OF BUSINESS

1 DECLARATION OF OPENING

The Shire President declared the meeting open at 3.04 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

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

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), R Kelly (Executive Manager Regulatory and Development Services), V Crispe (Executive Manager Operations and Assets), J Bayliss (Manager Planning and Building), R Harper (Planning Officer), L Burt (Coordinator Governance), and K Johnston (Governance Support Officer/Minute Officer)

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

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Nil

4 PUBLIC QUESTION TIME

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Ordinary Meeting 19 September 2023

4.1.1 Edward Hartman - Neergabby Public Question Time

- Q1. Question time procedure which is under Local Government Administration Regulations 1996 7(1) formulated by (a) by the person presiding or (b) the majority of Councillors, having regard to the requirements of sub section regulation (2) and (3). Sub regulation number (2) is - The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires decision to be made by Council. My understanding is that question time takes precedence over normal business with no time limit specified, will the Shire adhere to this regulation?*
- A1. As noted, Reg.7(2) of the *Local Government (Administration) Regulations 1996* requires that public question time at any OCM (Ordinary Council Meeting) or committee meeting that is required to be open to the public is to precede the discussion of any matter that requires a decision to be made by the council or the committee. Public question time at OCMs for the Shire of Gingin is held prior to the discussion of any other agenda items and is therefore compliant with this requirement. In terms of the time allocated to public question time, the only specification contained in legislation is that there must be a minimum allocation of 15 minutes (Reg. 6(1)).
- Q2. Why does the President believe 15 minutes is sufficient when sub regulation 7(3) states: each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response?*
- A2. The Shire of Gingin currently advises members of the public that if there is insufficient time for them to physically ask a question during Public Question Time, that question will be deemed to be taken on notice provided that they provide the question/s in writing prior to leaving Council Chambers.

A written response to any question taken on notice is subsequently provided to the questioner, and both the question/s and response/s are included in the Agenda and Minutes for the next OCM. The Department of Local Government, Sport and Cultural Industries has confirmed that this approach is compliant with legislative requirements.

4.2 PUBLIC QUESTIONS

4.2.1 Kate Lane - Neergabby Guilderton Cafe

- Q1. Can Council tell me what infrastructure would need to be replaced by the removal of: plates, soufflé dishes, thermometers, teapots, jugs, baskets, cutting boards, tongs, disposable knives, frypans, saucepans, sauce bottles, chef's knives - and those items that are merely plugged into power sockets - casserole cookers, blender, rice cooker, toaster, mixer, chiller, fridges, freezer and heated display units?*

What damage can be caused by disconnecting a free-standing burner unit from the gas supply and a free-standing oven and grill plate from their individual switched connections on the 50 amp power supply?

I asked that the documents I referenced at the last meeting be included in the September minutes, this was refused. Have all the Councillors now been sent copies of them so that they can understand why the questions are being asked?

Response by Shire President

No, Councillors have not been sent a copy. You are 100% correct, those items you mentioned certainly don't require any additional work. I think the things the CEO is referring to were probably were things like the range hood which gets bolted and screwed to the wall and ceiling, cool rooms and fridges. Some of the fridges come plumbed in from my understanding.

Response by CEO

You are right Shire President. I certainly wasn't indicating in any way shape or form, plates and everything else referred to. I know that there was a lot of infrastructure upgrade that would need to be required to install the hardware and infrastructure. If we needed to go in there and to remove all that, there would be implications with new equipment being purchased and whether connections, etc. would need to be relocated, so there would be an increased cost.

- Q2. In the meeting held on 20 June 2023 I asked: " Under the terms of the lease, is the tenant, or the Shire responsible for maintaining and replacing the equipment and building repairs?" The response by the Shire President was: " Yes, under the general terms of a commercial lease they have to maintain it". As this is the case why was any money paid to Belgravia at all, as any damage to any infrastructure was their responsibility to mitigate?*

Response by Shire President

At the time, Council thought that it was a reasonable arrangement to be made to purchase the equipment in situ.

- Q3. The list of equipment I was sent, I was told that was everything that was listed and was the list of things I had read out, the only thing I didn't mention was the solar system. So, there were other things, why were they not on the list?*

Response by Shire President

I'm not sure of the things you are referring to, the solar equipment was subsequently purchased by the new lessee off Belgravia. Belgravia purchased the solar equipment from the previous tenants.

We also increased the rent to cater for the repayment over a period of about 5 – 6 years to pay off the extra we paid for the equipment, so we actually get it back. The Council was under quite a bit of community pressure to try and get the Café up and running so we did what we could and may have paid a little more than what we probably should have done. The intent was to get the Café up and running because that is what the community wanted. It was a Council resolution.

Response by CEO

That rent will stay in place for the remainder of the lease not just for a period of 5 years to repay the cost.

Response by Shire President

So, an extra \$15,000 per year from memory over the entire length of the lease.

- Q4. Also, at the June meeting I asked: "has each item, including the serial number and manufacturing date been crosschecked with equipment onsite". The response by the Shire President was: "Not as yet". Has this cross checking now been undertaken and completed?*

Response by CEO

I am not going to go out there and cross check all the equipment onsite. I have checked that they are the items that we purchased, they have not been removed and they have not been changed over. The serial numbers are not in places that are easily accessible and I don't think that is even really appropriate at this point in time. The actual tenant is in there, operating, using the equipment, it's all set up, functional and that was the outcome that Council wanted to achieve.

- Q5. At the last meeting you stated that Council was "comfortable" with the valuation of the solar system and that "we are still generating full power". Does the tenant, or the Shire pay the power bills for this building?*

Response by Shire President

The tenant pays all the power bills.

Q6. Does the excess power feed back into the grid and generate income? If so, does the tenant benefit from this or the Shire?

Response by Shire President

The tenant because we have never owned the solar system. The solar system was put in by the Enright's, the previous tenants. They asked Council to purchase the system when their lease expired, Council said we didn't want the solar system.

We asked them if they couldn't negotiate with the new lessees, it would have to be removed. The solar system is owned by the tenants and not by Council.

Q7. You didn't want to buy it from Enright at the end of their lease, but you have bought it from Belgravia?

Response by CEO

It was bought from Belgravia and Council now owns that infrastructure.

**4.2.2 Lindsie Leahy - Neergabby
Food Trucks**

Q1. Who is responsible for the fees and charges specifically trading in public places?

Response by Shire President

Council.

Q2. What rationale can be provided for our \$1100 when neighboring shires are substantially lower - Dandaragen being \$600 and Chittering \$85?

Response by Shire President

This formed part of a discussion we had at a Briefing Session recently, those two are certainly less than us and there are some that are more than us. It is important to note that there wasn't an increase last year and I think a \$52 increase over two years which equated to \$26 a year. Council made the decision which was put through with the budget under our fees and charges as being a reasonable rate.

Q3. How can we expect to encourage itinerant traders to our Shire and provide a service to our community when our fees are not competitive?

Response by Shire President

That's a discussion you will have to have with individual councillors. The response from myself is that we also take into consideration the commercial businesses operating in the town and the commercial rates they pay, which are substantially more than what an itinerant food vendor pays, plus they must pay for rubbish removal, power, water rates. It's pretty complex what individual businesses have to pay and we take all that into account when we make the decision in regards to fees and charges for itinerant food vendors. It's certainly a lot less than what a commercial rate payer pays.

- Q4. A commercial building and what the Shire provides them is completely different to what an itinerant food trader receives in terms of rubbish removal and all those things, so they are not comparable, are they?*

Response by Shire President

I think they are comparable; in fact I think an itinerant food vendor gets off very lightly but that's my opinion. Obviously, Council had that view when they set the fees and charges at budget time.

**4.2.3 Edward Hartman - Neergabby
Shire Satisfaction Survey**

- Q1. Can the President indicate as to when will the Shire be able to release the results to the public, as three months seem to be an unusually long period to collate such limited information.*

Response by Shire President

My understanding is that it is ready to be released and I think it was going to be discussed at the next Briefing Session when the new Council is in place.

Response by CEO

Correct, it's been delayed to enable new Council to consider the result.

Question Provided in Writing and Taken on Notice

**4.2.4 Lindsie Leahy - Neergabby
Food Trucks**

- Q1. Is Council happy to accept responsibility that the exorbitant fees, which arguably should be little more than an administration fee, are driving food trucks out of our Shire and consequently providing a disservice to our entire community, not just the town of Gingin?*

5 PETITIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council confirm the Minutes of the Ordinary Council Meeting held on 19 September 2023 as a true and accurate record.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

8 ANNOUNCEMENTS BY THE PRESIDING MEMBER

Deputations

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

Item 13.5 Application for Development Approval - Proposed Additions to Existing Dwelling and Outbuilding on Lot 268 (4) Burnett Road, Guilderton

Speaker: Andrew Hewitt

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

Letters of Congratulation

I wish to acknowledge that letters of congratulation from Council have been sent to the following:

- Gingin District CRC - Staying in Place Project;
- Mrs Mary Day - Medal of Order of Australia in the General Division (OAM) for commitment to community - St John Ambulance and Perth Polocrosse Club;
- Mrs Margaret Dobra - On turning 100 years young; and
- Neergabby Community Association - Neergabby Fireworks Night.

Councillor Kim Rule

I wish to acknowledge Councillor Rule as this is his last meeting. On behalf of Council, I would like to thank Councillor Rule for his service and contribution and he will be missed.

Local Government Elections

I would like to extend my best wishes to the Councillors who are standing and all the candidates contesting the election. I look forward to the results.

Staff Contribution to Traffic Accidents

I wish to acknowledge the staff's contribution to assisting with recent traffic accidents and traffic management. On behalf of Council, thank you for your services in trying conditions.

9 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

COUNCIL RESOLUTION

MOVED: Councillor Vis SECONDED: Councillor Balcombe

That Item 13.5 be brought forward for consideration as the first item of business.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

In accordance with Council's resolution, the following item was brought forward and considered as the first item of business:

- *Item 13.5 Application for Development Approval – Proposed Additions to Existing Dwelling and Outbuilding on Lot 268 (4) Burnett Road, Guilderton – see page 154.*

11 REPORTS - OFFICE OF THE CEO

11.1 AMENDMENT OF DELEGATION 3.1.3 PROSECUTION OF OFFENCES (*BUSH FIRES ACT 1954*)

File	GOV/15
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. Amended Delegation 3.1.3 (Draft) [11.1.1 - 3 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending Delegation 3.1.3 Prosecution of Offences to include delegation to the positions of Coordinator Ranger Services and Compliance Officer.

BACKGROUND

Delegation 3.1.3 empowers delegates to prosecute offences under the *Bush Fires Act 1954*. Delegates can:

1. Institute and carry on proceedings against a person for an offence alleged to be committed against the Act.
2. Serve an infringement notice for an offence against the Act (unless conditioned otherwise).
3. Withdraw an infringement notice for an offence against the Act (unless conditioned otherwise).

Unlike the *Local Government Act 1995* and numerous other pieces of legislation, the *Bush Fires Act 1954* does not contain any power of subdelegation. Therefore, delegations must be made directly to relevant officers by Council, rather than delegations being made to the CEO who then has the power to subdelegate as required.

Delegation 3.1.3 is currently delegated to the following positions:

- Chief Executive Officer;
- Community Emergency Services Manager/Chief Bush Fire Control Officer;
- Executive Manager Regulatory and Development Services;

- Manager Ranger Services;
- Ranger; and
- Senior Ranger.

In keeping with good governance practice, officers who are empowered to issue infringements should not also have the power to withdraw infringements. Restrictions in this regard are applied to each relevant position by the conditions of delegation.

COMMENT

In recent months the Manager Ranger Services has also been undertaking a compliance function in conjunction with their other duties. Following a restructure of positions within the Regulatory and Development Services department, the position of Manager Ranger Services has been dissolved and the staff member in that position has been transferred to the newly created position of Compliance Officer.

Given their background as the previous Manager Ranger Services, the Compliance Officer will continue to provide relief coverage to Ranger Services as required. The position therefore requires the same delegated powers previously granted to the Manager Ranger Services.

As part of the same restructure, a new position of Coordinator Ranger Services has also been created. The Coordinator Ranger Services will also carry out on-ground ranger duties as part of their role.

It is therefore requested that Council agree to extend Delegation 3.1.3 to include the positions of Compliance Officer and Coordinator Ranger Services, acknowledging that the defunct position of Manager Ranger Services will be removed from the list of delegates.

A draft of Delegation 3.1.3 showing the proposed amendments is attached (**see appendices**).

STATUTORY/LOCAL LAW IMPLICATIONS

Bush Fires Act 1954
Part V Miscellaneous
S.48 Delegation by local governments
S.59 Prosecution of offences
S.59A Alternative procedure – infringement notices

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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 - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council agree to amend the list of delegates for Delegation 3.1.3 Prosecution of Offences by removing the position of Manager Ranger Services and including the positions of Compliance Officer and Coordinator Ranger Services.

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

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

AGAINST: *Nil*



Delegation of authority

Delegation	3.1.3 Prosecution of Offences (DRAFT)
Category	3. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954</i> s.59 Prosecution of offences s.59A Alternative procedure - infringement notices
Function	<ol style="list-style-type: none"> 1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59]. 2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)] (as determined by conditions of delegation). 3. Authority to withdraw an infringement notice for an offence against this Act [s.59A(5)] (as determined by conditions of delegation).
Delegates	<p>CEO Community Emergency Services Manager/Chief Bush Fire Control Officer Compliance Officer Coordinator Ranger Services Executive Manager Regulatory and Development Services Ranger Senior Ranger</p>
Conditions	<p>CEO With respect to s.59A, delegation excludes the power to issue infringements.</p> <p>Executive Manager Regulatory and Development Services With respect to s.59A, delegation excludes the power to issue infringements.</p> <p>Community Emergency Services Manager/Chief Bush Fire Control Officer With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p>Compliance Officer With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p>Coordinator Ranger Services With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p>Senior Ranger With respect to s.59A, delegation excludes the power to withdraw infringements.</p> <p>Ranger With respect to s.59A, delegation excludes the power to withdraw infringements.</p>
Express power to subdelegate	Nil - subdelegation is prohibited by s.48(3)



Delegation of authority

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

DRAFT



Delegation of authority

Amendments			
Approved	Type	Amendment	References
1 Jan 2000	---	Delegation to Chief Bush Fire Control Officer and Shire Rangers repealed. Reference to issuing of infringement notices deleted (see Delegation 3.3). Delegation to Chief Executive Officer and Chief Bush Fire Control Officer to withdraw infringement notices deleted (see Delegation 3.4).	Date of amendment unknown. 01/01/2000 entered for recording purposes only.
17 Jun 2014	---	Amended by changing title and adding further delegations to the Executive Manager Regulatory Services and Manager Ranger and Fire Services (CBFCO).	Minute Item 11.1.1
29 May 2015	---	Reference to Manager Ranger and Fire Services deleted and replaced with reference to Community Emergency Services Manager.	By decision of CEO under Del. 1.17.
15 Aug 2017	---	Delegation to Executive Manager Regulatory Services deleted. Delegation to Executive Manager Planning and Development and Coordinator Ranger and Health Services added.	Minute Item 11.1.1
28 Jun 2018	---	Delegation to Coordinator Ranger and Health Services updated to new position title of Coordinator Ranger Services.	NM13966
21 May 2019	---	Reference to Executive Manager Planning and Development deleted and replaced with reference to Executive Manager Regulatory and Development Services.	Council Meeting 21/05/2019 – Item 11.1.3
15 Dec 2020	Amended delegation	Delegation amended to include the provisions of former Delegation 3.3 Bush Fires Act 1954 - Issuing Infringement Notices, to replace delegation to Coordinator Ranger Services with delegation to Manager Ranger Services, extend delegation to positions of Senior Ranger and Ranger and add conditions constraining the issuing or withdrawal of infringements by certain positions.	Minute Item 11.1.1
19 Jul 2022	Amended delegation	Formerly Delegation 3.2 Prosecution of Offences.	OCM 19 July 2022 - Item 11.1.1
17 Oct 2023	Amended delegation	Manager Ranger Services removed and Compliance Officer and Coordinator Ranger Services added to list of delegates.	OCM 17/10/2023 Item 11.1

11.2 PETITION OF ELECTORS - ESTABLISHMENT OF TOURISM COMMITTEE

File	GOV/14
Author	Aaron Cook - Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	19 September 2023 - Item 5
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to consider the Petition that was presented at the Ordinary Council Meeting held on 19 September 2023 regarding tourism initiatives.

BACKGROUND

At its Ordinary Meeting on 19 September 2023, Council received a petition, with Mr David Wilkie listed at the head petitioner, seeking Council's consideration of the following:

...the Gingin Rate Payers Collectives Members are concerned about the lack of sustainable and consistent tourism initiative and development in our electorate.

Under section 3 of the local government act the shire of Gingin is required to promote the economic social and environmental sustainability of the district. This includes tourism developments.

Some of our most positive tourism contributors in the areas include the following:

- Nature Based Camping on Private Properties estimated 2500 people per day being brought to the area.*
- Four wheel driving access to the beach attracting upward of 120,000 people a year*
- Kite surfing, windsurfing access to the beach*
- Supporting and promoting local business owners*

These initiatives appear to be hampered, restricted and choked by council policy.

The LPS 9 mentions tourism forty nine times and very little is occurring additionally the LPS9 is out of date and the Gingin Shire is currently not undertaking any revisions.

We are requesting that a tourism committee is formed including not less than five members of the public as part as an advisory and consultation team to liaise with members of the community and work with the shire to identify and support tourism developments.

We are also requesting for a twelve month postponement and full review in that time on current coastal CHRMAP.

Cl. 5.10 of the Shire's Meeting Procedures Local Law 2014 specifies as follows:

5.10 Petitions

- (1) *A petition received by a member or the CEO is to be presented to the next Ordinary council meeting, provided that the petition complies with sub clause 5.10(2).*
- (2) *A petition must –*
 - (a) *be addressed to the President;*
 - (b) *be made by electors of the district;*
 - (c) *state the request on each page;*
 - (d) *contain the names, addresses and signatures of the electors making the request, and the date each elector signed;*
 - (e) *contain a summary of the reasons for the request;*
 - (f) *state the name of the person upon whom, and an address at which, notice to the petitioners can be given;*
 - (g) *be respectful and temperate in its language;*
 - (h) *Not be defamatory or scandalous, or propose any action that is unlawful;
and*
 - (i) *comply with any form prescribed by the Act or any other written law, such as the Local Government (Constitution) Regulations 1996 if, for example, it is –*
 - (i) *a proposal to change the method of filling the office of President;*

or

 - (ii) *a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward.*
- (3) *On the presentation of a petition –*
 - (a) *the member presenting it is confined to reading the petition; and*
 - (b) *the only motion that is in order is that the petition be received and, if necessary, that it be referred for a report from the CEO.*
- (4) *At any meeting, the council or committee is not to vote on any matter that is the subject of a petition presented to that meeting, unless –*

- (a) *the matter is the subject of a report included in the agenda; and*
- (b) *the council or committee has considered the issues raised in the petition.*

The petition consists of a total of 45 signatures, comprising (as far as can be ascertained), 28 signatures from electors of the Shire of Gingin and 17 signatures from non-electors. The petition therefore represents 0.77% of the total number of electors of the district.

COMMENT

Tourism is a complex matter. The Shire of Gingin recognises that it is a major economic driver across the Shire, and especially along the coast. Generally tourism ventures are established as profit-making undertakings by private businesses and groups.

It is important to note that it is not just the operators of tourism ventures who benefit from tourism activities – for example, there are flow-on benefits to accommodation providers, food and drink outlets and sporting entities. There are many other businesses that take advantage of tourism.

The Shire undertakes actions each year to support tourism, including (but not limited to):

1. Annual funding to the Gingin and Lancelin Community Resource Centres with a outcome committed by them to promote the Shire as part of their funding obligations.
2. The preparation and maintenance of parks and reserves in all of the townsites and residential estates. This assists in promoting visitation through presenting welcoming, clean and tidy surroundings.
3. The installation and maintenance of playgrounds and facilities like skate parks, public toilets and carparks including the Gingin Outdoor Activity Space, renewed Lancelin Skate Park, upgraded Cunliffe Street carpark and surrounds, Seabird Lookout community project and Ledge Point Lookout community project.
4. Meeting increased requirements for rubbish bin provision and emptying during peak periods.
5. Providing community events and assistance to community groups to undertake their own events. Examples are Arts in the Park, Ledge Point Sandcastle Competition, Gingin British Car Day, Moore River Music Festival, Flavours of Gingin etc.
6. Provision of subsidies and assistance to sporting groups to provide facilities that are open to the public.
7. Support for community groups through the Community Funding Program via grants and meeting the cost of public liability insurance for many groups.

8. Managing the Shire's Facebook page (5,800 followers) and website, and other media outlets such as newspapers and radio.
9. Provision of information bays and notice boards.
10. Advocacy for the Ledge Point Marina and the protection of the Lancelin off-road vehicle areas.

The question that needs to be addressed is who benefits from "tourism" within the Shire of Gingin. Whilst tourism brings visitors to the Shire and this assists in creating a vibrant and welcoming place and community, the real beneficiaries are private businesses that can develop and/or expand to provide services and products to tourists.

It is not the role of a local government to facilitate the development of tourism from which a private business can profit. Private business owners are responsible for the development and promotion of their own businesses. The Shire should be expected to generally promote the area and this is undertaken through providing cash assistance and significant internal works to ensure that public assets are welcoming.

Currently Council does not have a tourism committee or advisory group as is requested by the petition. In order to achieve the petition objectives, it is suggested that it would be more appropriate for local business owners who benefit from tourism to establish a committee or incorporated group (similar to a Chamber of Commerce collective) that could then work to promote tourism activities across the Shire.

The purpose of a petition is usually to draw Council's attention to a particular matter. This petition has varied in its focus to also request delay of the Coastal Hazard Risk Management Adaptation Plan (CHRMAP) documents currently being prepared by the Shire and its consultant.

Whilst it could be argued that this matter could affect tourism, in reality it is more about how the Shire and its coastal communities are going to address coastal erosion and inundation into the future and what actions will be required to protect those communities.

The consultant is currently compiling all of the submissions that have been received regarding the CHRMAP and the Coastal Management Plan and this process is nearing completion. All late submissions, including up to 3 October 2023, have been provided to the consultant for consideration and inclusion.

Once the consultant has completed this section of the project, Council will review the recommendations and consider its next steps. This may include further consultation but no commitments either way have been or can be made until the consultant presents their findings.

STATUTORY/LOCAL LAW IMPLICATIONS

Shire of Gingin Meeting Procedures Local Law 2014
Cl. 5.10 Petitions

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	1. Attractions & Economy - Actively Pursue Tourism and Economic Development 3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	1.1 Investment Attraction - Foster relationships with key stakeholders to attract tourism/economic development initiatives that will contribute to the Shire's economy 1.6 Attractions & Events - Host/support iconic community events and attractions that will entice residents and visitors throughout the year 3.1 Climate Change & Adaption - Understand the impacts of climate change and identify actions to adapt and mitigate those impacts

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Kestel

That Council advise the Head Petitioner (Mr David Wilkie) that:

1. The petition containing a total of 28 signatures from Electors of the District requesting that a tourism committee be formed and that the CHRMAP documentation be deferred for 12 months has been received;
2. Key tourism stakeholders within the Shire are encouraged to form an incorporated body to promote tourism within the Shire and that Council would welcome the opportunity to work with and assist such a body where possible;

3. The CHRMAP and CMP recently released for stakeholder consultation are draft documents. It is anticipated that revisions may occur in response to recent community feedback – all of which have been provided to the Shire’s consultant. Postponing progression on these draft documents is viewed as premature given the consultant’s findings/recommendations in response to community feedback have not been received. All options to progress or postpone will be considered by Council at the relevant time; and
4. Local Planning Scheme No. 9 (LPS 9) has been regularly updated since gazettal on 24 September 2012. Amendment No. 14 was gazetted on 8 April 2016 as part of a 5 yearly review which incorporated modifications in line with the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations). The Shire initiated a 5 yearly review in 2020 by engaging a specialist planning consultant to assist, with that review nearing completion with community consultation anticipated to occur in the coming months. Significant dialogue has occurred with the Department of Planning, Lands and Heritage to ensure LPS 9 remains up to date and that various provision of the Regulations have been fulfilled.

CARRIED UNANIMOUSLY
8 / 0

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

AGAINST: *Nil*

12 REPORTS - CORPORATE AND COMMUNITY SERVICES

12.1 PROPOSED RESUMPTION OF LAND - PORTION OF 7 (LOT 6) IOPPOLO ROAD, BREERA

File	RDS/12
Author	Bethwyn Innes - Executive Assistant to EMCCS
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Aerial Map - 7 (Lot 6) Ioppolo Road Breera [12.1.1 - 1 page] 2. 1979 Landgate Image Ioppolo Rd Breera [12.1.2 - 1 page] 3. Aerial Map - Truncation 7 (Lot 6) Ioppolo Road Breera [12.1.3 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a proposal for resumption of a portion of land located at 7 (Lot 6) Ioppolo Road, Breera, for incorporation into an existing road reserve.

BACKGROUND

Ioppolo Road is located on the southernmost boundary of the Shire of Gingin and spans the distance between the Brand Highway (Shire of Gingin) and Great Northern Highway (Shire of Chittering). A portion of Ioppolo Road (Relevant Road Portion) truncates the southeastern corner of the property, 7 (Lot 6) Ioppolo Road, Breera (Property) before crossing the Shire boundary into the Shire of Chittering (see **Appendices**).

There has been long standing, uninterrupted and open use by the public of the Relevant Road Portion as a right of way comprising part of Ioppolo Road. This is evidenced by an aerial photograph taken in 1979 (see **Appendices**), which depicts the constructed Relevant Road Portion in the same location on the Property. Ioppolo Road, including the Relevant Road Portion, has also been repaired and maintained at the public's expense.

The long-standing use of the Relevant Road Portion as a public road has resulted in the dedication of that land at common law as a road. This indicates that the Relevant Road Portion is subject to a public right of way and constitutes a "road", as defined in section 3 of the *Land Administration Act*, which is under the care, control and management of the Shire.

The Property became part of a subdivision when it was acquired in June 2008. The current landowner purchased a subdivided lot spanning approximately 315 hectares. During this period, several discussions between the landowner and Shire representatives took place regarding the realignment of the Relevant Road Portion. Several options have been investigated and considered, including:

- realignment of the road – not progressed by the Shire of Chittering; and
- a request from the owner to fence the Relevant Road Portion - fencing or gating of a declared public road would be determined to be an obstruction.

However, it is considered that the most effective course of action is the resumption of the Relevant Road Portion by the Shire of Gingin.

COMMENT

While the landowner has conducted their own estimate of the property's value, any negotiations for the resumption will be subject to formal survey and valuation. Administration has estimated the size of the land parcel to be acquired at approximately 2,150m² (see **Appendices**).

If the sale price can be agreed upon, the land, upon transfer to the Shire of Gingin, will subsequently be designated as part of the Ioppolo Road road reserve under the Crown's jurisdiction.

To ensure an accurate assessment of the value of the parcel of land, a survey and valuation will need to be conducted before a purchase price can be negotiated.

STATUTORY/LOCAL LAW IMPLICATIONS

Land Administration Act 1997
Part 5 - Roads
Division 1 – Conventional Roads
Section 56 – Dedication of land as road

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The Shire of Gingin will oversee the coordination of this process and cover the associated expenses. Budget implications will be determined upon successful negotiation of purchase price and any further negotiations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

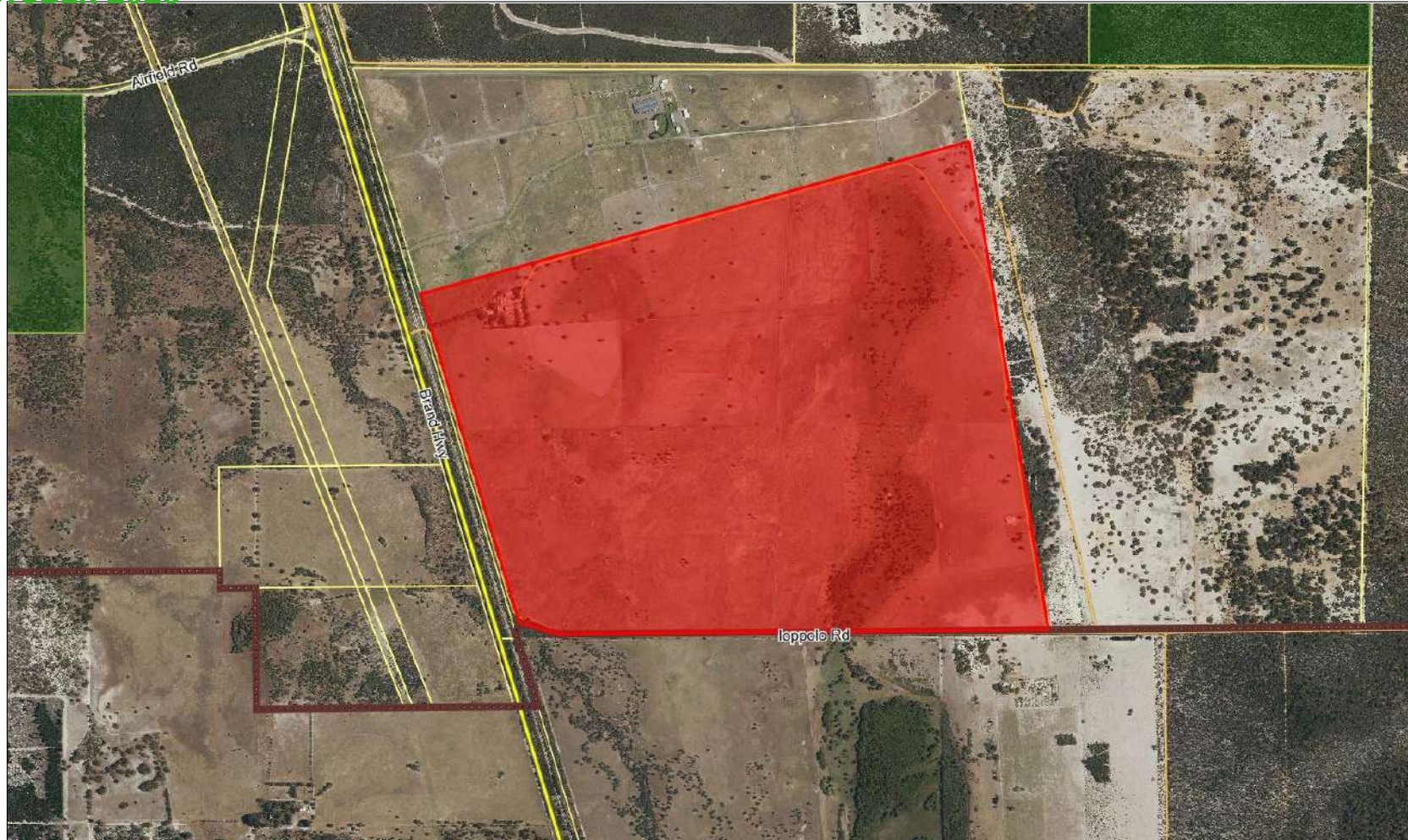
MOVED: Councillor Rule **SECONDED:** Councillor Balcombe



That Council authorise the Chief Executive Officer to commence negotiations with the landowner of 7 (Lot 6) Ioppolo Road, Breera to resume that portion of land traversed by Ioppolo Road, with compensation to be based on survey and formal valuation.

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*



 <p>SHIRE OF GINGIN HISTORY BEAUTY PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>A6062 - Lot 6 Brand Hwy, Breera</p>	<p>Scale: 1:20164</p>	<p>Date: 04/10/2023</p> 
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Buy Aerial Photo

Select a mosaic to display:

MOSAIC NAME	DATE
Chittering Shire	31/10/2021
Gingin (2035)	21/12/2017
Perth Metropolitan Area North	26/02/2016
Perth Metropolitan Area North	21/02/2015
Gingin (2035)	24/11/2014
Perth Metropolitan Area North	27/02/2014
Perth Metropolitan Area North	29/01/2013
Perth (2034)	03/12/2012
Perth Metropolitan Area North	07/04/2012
Gingin (2035)	27/02/2012
Metropolitan North	23/03/2011
Gingin (2035)	16/11/2010
Perth Metropolitan Area North	30/05/2010
Gingin (2035)	07/09/2008
Gingin (2035)	10/01/2006
Metropolitan North West	12/12/2004
Metropolitan West	21/12/2003
Gingin (2035), Ledge Point (1935)	18/06/2003
Metropolitan West	26/01/2003
Metropolitan West	09/02/2002
Metropolitan West	26/01/2001
Gingin (2035)	06/06/2000
Metropolitan West	24/02/2000
Perth Metropolitan Area	28/11/1999
Perth Metropolitan Area	31/12/1989
Perth Metropolitan Area	14/06/1983
Perth Metropolitan Area	30/08/1981
Perth Metropolitan Area	29/09/1979



Next

App State

Click to restore the map extent and layers visibility where you left off.





 <p>SHIRE OF GINGIN HISTORY BEAUTY PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>A6062 - Lot 6 Brand Hwy, Breera Truncation</p>		
			<p>Scale: 1:670</p>	<p>Date: 04/10/2023</p>	

12.2 LIST OF PAID ACCOUNTS SEPTEMBER 2023

File	FIN/25
Author	Tania Ladner - Accounts Payable / Administration Support Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Voucher List 2023-2024 - September 2023 - Public [12.2.1 - 3 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in September 2023.

BACKGROUND

Council has delegated authority to the Chief Executive Officer (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 \$12,137,090.32 were paid during the month of September 2023.

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

- | | |
|---|----------------|
| • Municipal Fund electronic funds transfers (EFT) | \$675,408.45 |
| • Municipal Fund cheques | \$576.15 |
| • Municipal Fund direct debits | \$461,105.72 |
| • Municipal Fund - Transfer to Term Deposit Investments | \$3,000,000.00 |

TOTAL MUNICIPAL EXPENDITURE **\$4,137,090.32**

- | | |
|---|----------------|
| • Reserve Fund - Transfer to Term Deposit Investments | \$8,000,000.00 |
|---|----------------|

TOTAL RESERVE FUND EXPENDITURE **\$8,000,000.00**

TOTAL EXPENDITURE **\$12,137,090.32**

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

Local Government (Financial Management) Regulations 1996
Reg. 13 – Payments from municipal fund or trust by CEO
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 2022-2032

Aspiration	4. Excellence & Accountability - Deliver Quality Leadership and Business 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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Sorensen

That Council note all payments made by the Chief Executive Officer under Delegation 1.1.13 for September 2023 totaling \$12,137,090.32 as detailed in the schedule appended to this report, comprising:

• Municipal Fund electronic funds transfers (EFT)	\$675,408.45
• Municipal Fund cheques	\$576.15
• Municipal Fund direct debits	\$461,105.72
• Municipal Fund term deposit investment	\$3,000,000.00
• Reserve Fund term deposit investment	\$8,000,000.00

**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*

MINUTES ORDINARY COUNCIL MEETING 17 OCTOBER 2023

APPENDIX 12.2.1

Payments made Under Delegated Authority 2.1 Payment of Creditors for the period 01/09/2023 - 30/09/2023

Payment Category

L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor

TYPE	DATE PAID	NAME	DETAILS	AMOUNT
RESERVE - TERM DEPOSIT INVESTMENT TOTAL				8,000,000.00
TOTAL EXPENDITURE				12,137,090.32
CREDIT CARD BREAK-UP				
AUGUST	CEO	SUBSCRIPTIONS/ADVERTISING TRAINING COURSES/CONFERENCES BANK CHARGES	MAILCHIMP - MAILCHIMP MONTHLY SUBSCRIPTION - JULY 2023 BIG 4 CARVAN PARK GERALDTON - ACCOMMODATION BRMC - DFES MEETING AT GERALDTON OFFICE CREDIT CARD FEE	107.89 180.00 4.00 <u>291.89</u>
	EMCCS	OTHER BANK CHARGES	EDIBLE BLOOMS - BEREAVEMENT FAMILY OF CEO CREDIT CARD FEE	138.95 4.00 <u>142.95</u>
	EMRDS	SUBSCRIPTIONS/ADVERTISING TRAINING COURSES/CONFERENCES OTHER BANK CHARGES	SPOT ME - SPOT ME FEES - AUGUST 2023 EVENT & CONFERENCE CO PTY LTD - WASTE & RECYCLING CONFERENCE 2023 EMRDS / PEHO / EHT ALL CONTROLS PTY LTD - 2 X INFRARED & PROBE THERMOMETERS CREDIT CARD FEE	17.33 1,900.08 1,134.10 4.00 <u>3,055.51</u>
	EMO	OPERATIONS VEHICLE BANK CHARGES	SHIRE OF GINGIN - BUILDING APPLICATION FEE ROUTE 94 - 50G DIESEL - 54.52L @ \$2.103 LITRE = \$114.66 CREDIT CARD FEE	171.65 114.66 4.00 <u>290.31</u>
	CESM	VEHICLE REFRESHMENTS/RECEPTIONS OTHER BANK CHARGES	GINGIN FUEL & TYRES - EXHAUST RAIN CAP PGG072 GINGIN IGA - CATERING SUPPLIES FOR BRIGADE TRAINING BUNNINGS WAREHOUSE - DOOR & STOR SEALS WOODRIDGE FIRE STATION. BUNNINGS WAREHOUSE - PADLOCK COWALLA FIRE STATION. OFFICEWORKS - MAGNETIC STRIPS BRIGADE LOCKER ROOM GINGIN SOUTH BFB CREDIT CARD FEE	18.00 13.06 143.64 4.00 <u>178.70</u> 3,959.36

12.3 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2023

File	FIN/25
Author	Alarna Richards - Coordinator Financial Planning & Reporting
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Monthly Financials (September 2023) - PROD 3217 v 3 [12.3.1 - 21 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Financial Reports for the period ending 30 September 2023.

BACKGROUND

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

COMMENT

The Monthly Financial Reports for the period ending 30 September 2023 present the financial performance of the Shire for the 2023/24 financial year and compare year-to-date expenditure and revenue against the corresponding year-to-date budget.

A break-up of the **\$1,271,034** variance in the Monthly Financial Report for the period ending 30 September 2023 is summarised across operations, investing and financing below, with a detailed explanation of variations within each area contained within the **Appendix 12.3.1**.

Under Budget

Operating Fund Surplus/Deficit	\$(357,178)
Operating Revenue	\$(574,191)
Operating Expenditure	\$852,258
Investing Activities – Revenue	\$0
Investing Activities – Expenditure	\$1,350,121
Financing Activities – Revenue	\$0
Financing Activities – Expenditure	\$24

It should be noted that the 2022/23 year end process is still being finalised. Further changes may be identified as part of the final audit, affecting the operating fund surplus/deficit.

Investments

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

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 6 – Financial Management

Division 3 – Reporting on activities and finance

Section 6.4 – Financial Report

Local Government (Financial Management) Regulations 1996

Part 4 – Financial Reports

Reg 34 – Financial activity statement required each month.

Shire of Gingin Delegation Register – Delegation 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 2022-2032

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 - ABSOLUTE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council endorse the Monthly Financial Reports for the period ending 30 September 2023.

**CARRIED BY ABSOLUTE MAJORITY
8 / 0**

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

AGAINST: *Nil*

SHIRE OF GINGIN

**MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending 30 September 2023**

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

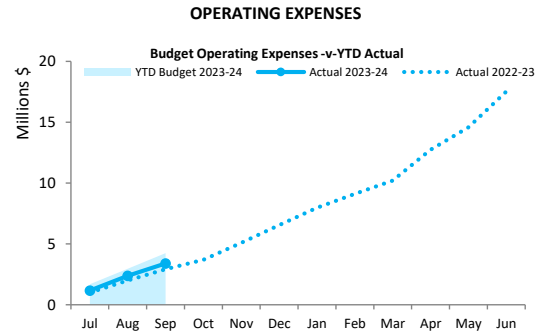
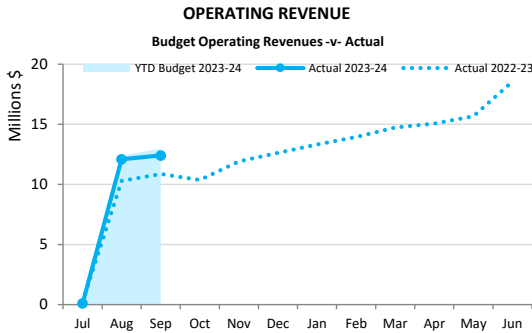
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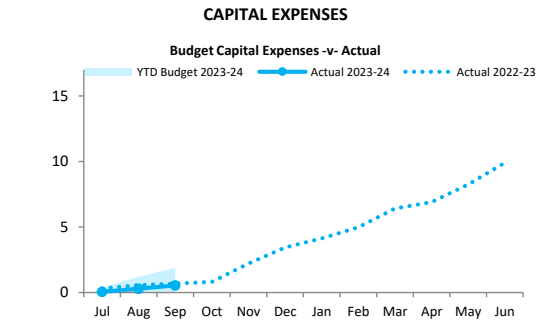
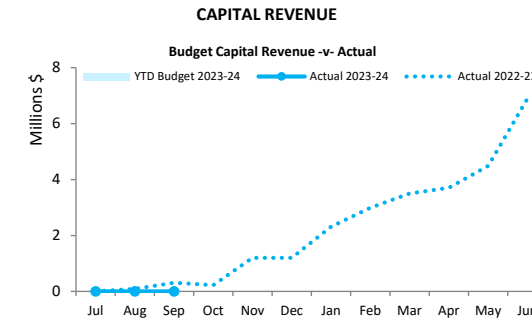
**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

SUMMARY INFORMATION - GRAPHS

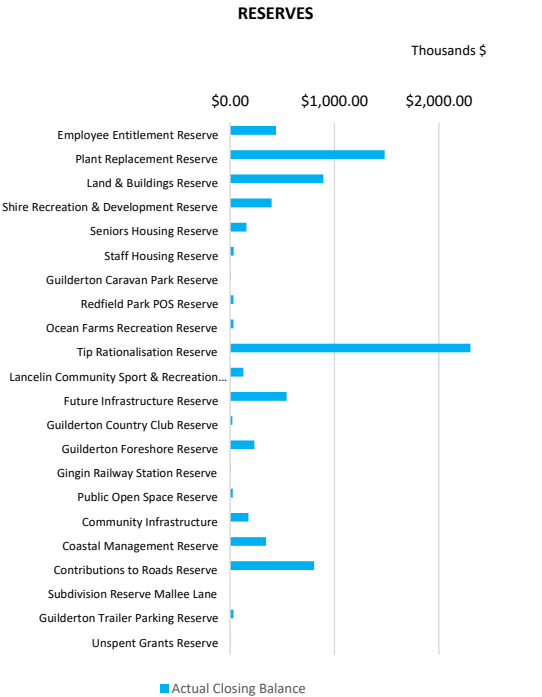
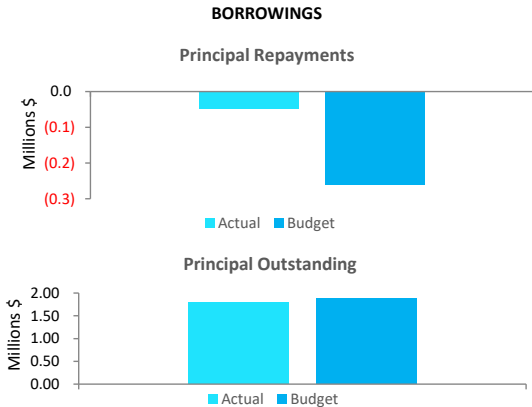
OPERATING ACTIVITIES



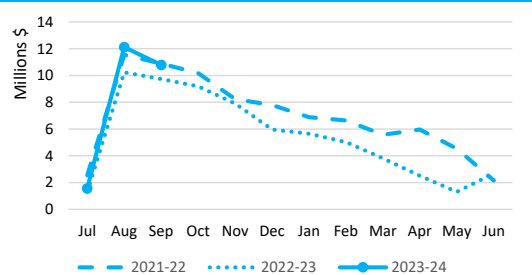
INVESTING ACTIVITIES



FINANCING ACTIVITIES



Closing funding surplus / (deficit)



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

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

EXECUTIVE SUMMARY

Funding surplus / (deficit) Components

Funding surplus / (deficit)				
	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
Opening	\$2.67 M	\$2.67 M	\$2.31 M	(\$0.36 M)
Closing	\$0.00 M	\$9.52 M	\$10.79 M	\$1.27 M

Refer to Statement of Financial Activity

Cash and cash equivalents		
	\$	% of total
Unrestricted Cash	\$5.44 M	40.2%
Restricted Cash	\$8.09 M	59.8%

Refer to Note 2 - Cash and Financial Assets

Payables		% Outstanding
	\$	
Trade Payables	\$0.59 M	
0 to 30 Days		98.2%
Over 30 Days		1.8%
Over 90 Days		0.3%

Refer to Note 5 - Payables

Receivables		
	\$	% Collected
Rates Receivable	\$7.36 M	29.8%
Trade Receivable	\$1.72 M	% Outstanding
Over 30 Days		43.1%
Over 90 Days		35.9%

Refer to Note 3 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.57 M	\$8.74 M	\$9.02 M	\$0.28 M

Refer to Statement of Financial Activity

Rates Revenue		
	\$	% Variance
YTD Actual	\$10.09 M	
YTD Budget	\$10.08 M	0.1%

Refer to Statement of Financial Activity

Operating Grants and Contributions		
	\$	% Variance
YTD Actual	\$0.11 M	
YTD Budget	\$0.51 M	(79.5%)

Refer to Note 12 - Operating Grants and Contributions

Fees and Charges		
	\$	% Variance
YTD Actual	\$2.16 M	
YTD Budget	\$2.29 M	(5.7%)

Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$5.52 M)	(\$1.84 M)	(\$0.49 M)	\$1.35 M

Refer to Statement of Financial Activity

Proceeds on sale		
	\$	%
YTD Actual	\$0.00 M	
Adopted Budget	\$0.36 M	(100.0%)

Refer to Note 6 - Disposal of Assets

Asset Acquisition		
	\$	% Spent
YTD Actual	\$0.49 M	
Adopted Budget	\$10.22 M	(95.2%)

Refer to Note 7 - Capital Acquisitions

Capital Grants		
	\$	% Received
YTD Actual	\$0.00 M	
Adopted Budget	\$4.34 M	(100.0%)

Refer to Note 7 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$2.29 M	(\$0.06 M)	(\$0.06 M)	\$0.00 M

Refer to Statement of Financial Activity

Borrowings	
Principal repayments	\$0.05 M
Interest expense	\$0.02 M
Principal due	\$1.79 M

Refer to Note 8 - Borrowings

Reserves	
Reserves balance	\$8.09 M
Interest earned	\$0.00 M

Refer to Note 10 - Cash Reserves

Lease Liability	
Principal repayments	\$0.01 M
Interest expense	\$0.00 M
Principal due	\$0.05 M

Refer to Note 9 - Lease Liabilities

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

**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

NATURE OR TYPE DESCRIPTIONS

REVENUE

RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Excludes administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, and other fees and charges.

SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges.

INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates, reimbursements etc.

PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

EXPENSES

EMPLOYEE COSTS

All costs associated with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

UTILITIES (GAS, ELECTRICITY, WATER)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets. Excluding Land.

INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

BY NATURE OR TYPE

	Ref	Adopted Budget	YTD Budget	YTD Actual	Variance \$	Variance %	Var.
	Note	(a)	(b)	(c)	(c) - (b)	((c) - (b))/(b)	
		\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	2,665,937	2,665,937	2,308,759	(357,178)	(13.40%)	▼
Revenue from operating activities							
Rates		10,077,038	10,077,038	10,089,395	12,357	0.12%	
Rates (excluding general rate)		6,299	0	0	0	0.00%	
Operating grants, subsidies and contributions	12	1,587,992	512,654	105,036	(407,618)	(79.51%)	▼
Fees and charges		4,195,911	2,287,926	2,156,531	(131,395)	(5.74%)	▼
Interest earnings		308,442	7,333	11,942	4,609	62.85%	▲
Other revenue		375,476	100,042	47,898	(52,144)	(52.12%)	▼
Profit on disposal of assets	6	76,025	0	0	0	0.00%	
		16,627,183	12,984,993	12,410,802	(574,191)	(4.42%)	
Expenditure from operating activities							
Employee costs		(6,856,559)	(1,752,872)	(1,518,579)	234,293	13.37%	▲
Materials and contracts		(7,487,183)	(2,026,297)	(1,489,700)	536,597	26.48%	▲
Utility charges		(509,110)	(127,305)	(99,733)	27,572	21.66%	▲
Depreciation on non-current assets		(6,309,532)	0	(8,203)	(8,203)	0.00%	
Interest expenses		(92,173)	(15,494)	(23,511)	(8,017)	(51.74%)	▼
Insurance expenses		(393,956)	(196,978)	(198,490)	(1,512)	(0.77%)	
Other expenditure		(645,229)	(122,335)	(59,010)	63,325	51.76%	▲
Loss on disposal of assets	6	(291,099)	0	0	0	0.00%	
		(22,584,841)	(4,241,281)	(3,397,226)	844,055	(19.90%)	▼
Non-cash amounts excluded from operating activities	1(a)	6,524,606	0	8,203	8,203	0.00%	
Amount attributable to operating activities		566,948	8,743,712	9,021,779	278,067	3.18%	
Investing activities							
Proceeds from non-operating grants, subsidies and contributions	13	4,336,989	0	0	0	0.00%	
Proceeds from disposal of assets	6	356,900	0	0	0	0.00%	
Proceeds from financial assets at amortised cost - self supporting loans	8	2,327	0	0	0	0.00%	
Payments for financial assets at amortised cost - advances	8	1,964	0	0	0	0.00%	
Payments for property, plant and equipment and infrastructure	7	(10,222,871)	(1,837,934)	(487,813)	1,350,121	73.46%	▲
Amount attributable to investing activities		(5,524,691)	(1,837,934)	(487,813)	1,350,121	(73.46%)	▲
Financing Activities							
Proceeds from new debentures	8	300,000	0	0	0	0.00%	
Transfer from reserves	10	2,917,096	0	0	0	0.00%	
Payments for principal portion of lease liabilities	9	(32,089)	(8,119)	(8,094)	25	0.31%	
Repayment of debentures	8	(262,349)	(48,112)	(48,113)	(1)	(0.00%)	
Transfer to reserves	10	(630,852)	0	0	0	0.00%	
Amount attributable to financing activities		2,291,806	(56,231)	(56,207)	24	(0.04%)	
Closing funding surplus / (deficit)	1(c)	0	9,515,484	10,786,518	1,271,034	(13.36%)	▼

KEY INFORMATION

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

Refer to Note 14 for an explanation of the reasons for the variance.

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

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

BASIS OF PREPARATION

BASIS OF PREPARATION

The financial report has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying Regulations.

The *Local Government Act 1995* and accompanying Regulations take precedence over Australian Accounting Standards where they are inconsistent.

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.

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.

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING 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 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:

- estimation of fair values of certain financial assets
- estimation of fair values of fixed assets shown at fair value
- impairment of financial assets

GOODS AND SERVICES TAX

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

ROUNDING OFF FIGURES

All figures shown in this statement are rounded to the nearest dollar.

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 30 September 2023

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

(a) Non-cash items 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*.

	Notes	Original Budgeted Closing Balance 30 June 2023	Actual Closing Balance 30 June 2023	YTD Actual 30/09/2023
		\$	\$	\$
Non-cash items excluded from operating activities				
Adjustments to operating activities				
Less: Profit on asset disposals	6	0	(226,582)	0
Less: Fair value adjustments to financial assets at amortised cost		0	(3,686)	
Movement in pensioner deferred rates (non-current)		0	(16,069)	0
Movement in employee benefit provisions (non-current)		0	(189,256)	
Movement in other provisions (non-current)			3,335,769	0
Add: Loss on asset disposals	6	0	217,662	0
Add: Depreciation on assets		4,922,951	6,084,964	8,203
Total non-cash items excluded from operating activities		4,922,951	9,202,802	8,203

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation 32* to agree to the surplus/(deficit) after imposition of general rates.

		Original Budgeted Closing Balance 30 June 2023	Actual Closing Balance 30 June 2023	YTD Actual 30 September 2023
Adjustments to net current assets				
Less: Reserves - restricted cash	10	(6,532,846)	(8,092,530)	(8,092,530)
Less: - Financial assets at amortised cost - self supporting loans	4	0	(4,291)	(4,291)
Add: Borrowings	8	550,001	261,817	213,704
Add: Lease liabilities	9	0	20,122	19,448
Total adjustments to net current assets		(5,982,845)	(7,814,882)	(7,863,669)

(c) Net current assets used in the Statement of Financial Activity

Current assets				
Cash and cash equivalents	2	8,580,267	13,161,376	13,534,658
Rates receivables	3	376,190	393,514	7,358,571
Receivables	3	1,563,864	498,724	1,723,342
Other current assets	4	409,202	474,094	520,797
Less: Current liabilities				
Payables	5	(3,392,338)	(1,942,604)	(1,477,264)
Borrowings	8	(550,001)	(261,817)	(213,704)
Contract liabilities	11	0	(922,102)	(1,519,343)
Lease liabilities	9	0	(20,122)	(19,448)
Provisions	11	(1,004,339)	(1,257,422)	(1,257,422)
Less: Total adjustments to net current assets	1(b)	(5,982,845)	(7,814,882)	(7,863,669)
Closing funding surplus / (deficit)		0	2,308,759	10,786,518

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.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**OPERATING ACTIVITIES
NOTE 2
CASH AND FINANCIAL ASSETS**

Description	Classification	Unrestricted	Restricted	Total Cash	Institution	Interest Rate	Maturity Date
		\$	\$	\$			
Municipal Bank Account	Cash and cash equivalents	2,440,028	0	2,440,028	Bendigo Bank	0.00%	At Call
Reserve Bank Account	Cash and cash equivalents	0	92,530	92,530	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
Municipal Investment 4508681	Cash and cash equivalents	3,000,000	0	3,000,000	Bendigo Bank	4.82%	20/03/2024
Reserve Investment 4508680	Cash and cash equivalents	0	2,000,000	2,000,000	Bendigo Bank	4.10%	20/10/2023
Reserve Investment 4515174	Cash and cash equivalents	0	6,000,000	6,000,000	Bendigo Bank	4.79%	26/03/2024
Total		5,442,128	8,092,530	13,534,659			
Comprising							
Cash and cash equivalents		5,442,128	8,092,530	13,534,659			
		5,442,128	8,092,530	13,534,659			

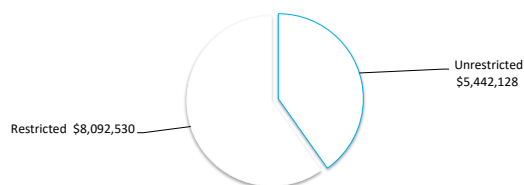
KEY INFORMATION

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 value. 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.

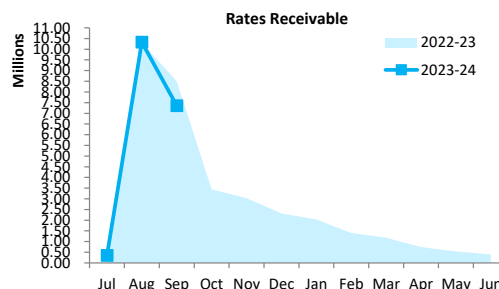
Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

Rates receivable	30 Jun 2023	30 Sep 2023
	\$	\$
Opening arrears previous years	399,663	393,514
Levied this year	9,437,442	10,089,395
Less - collections to date	(9,443,591)	(3,124,338)
Gross rates collectable	393,514	7,358,571
Net rates collectable	393,514	7,358,571
% Collected	96%	29.8%



Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	28,775	208,124	(2,071)	31,874	149,143	415,845
Percentage	6.9%	50%	-0.5%	7.7%	35.9%	
Balance per trial balance						
Sundry receivable						415,845
GST receivable						70,978
Allowance for impairment of receivables from contracts with customers						(8,871)
Legal costs - recovery of rates						80,134
Rubbish fees						1,165,256
Total receivables general outstanding						1,723,342

Amounts shown above include GST (where applicable)

KEY INFORMATION

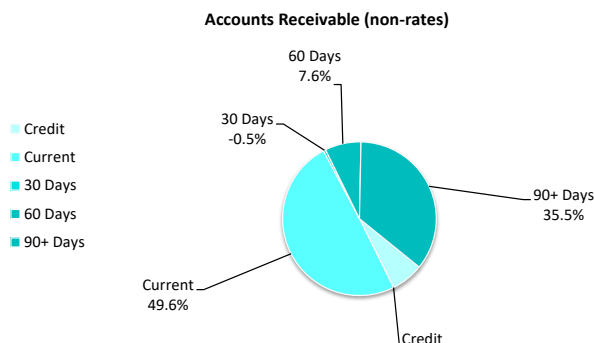
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

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.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS**

	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 30 September 2023
	\$	\$	\$	\$
Other current assets				
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	2,327	0	0	2,327
Financial assets at amortised cost - loan advances	1,964	0	0	1,964
Inventory				
Fuel	8,222	85,762	0	93,984
History books	14,690	0	0	14,690
Other Assets				
Prepayments	39,059	0	(39,059)	0
Contract assets				
Contract assets	407,832	0	0	407,832
Total other current assets	474,094	85,762	(39,059)	520,797
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.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

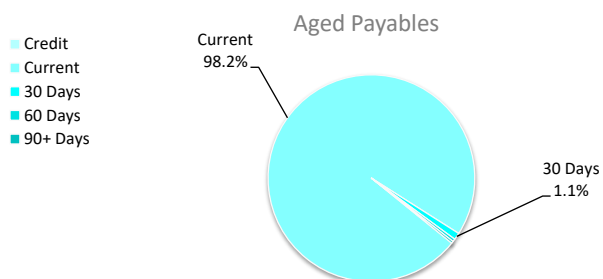
**OPERATING ACTIVITIES
NOTE 5
PAYABLES**

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	574,266	6,311	2,562	1,869	585,008
Percentage	0%	98.2%	1.1%	0.4%	0.3%	
Balance per trial balance						
Sundry creditors						585,008
ATO liabilities						14,159
Prepaid rates						119,463
Bonds & deposits						733,689
Accrued interest on long term borrowings						24,945
Total payables general outstanding						1,477,264

Amounts shown above include GST (where 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.



MINUTES ORDINARY COUNCIL MEETING 17 OCTOBER 2023

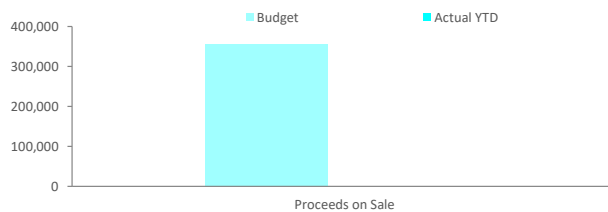
APPENDIX 12.3.1

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2023

OPERATING ACTIVITIES NOTE 6 DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Law, order, public safety								
	Beermullah BFB Light Tanker	19,053	45,000	25,947	0	0	0	0	0
	Guilderton BFB Fire Tanker	278,169	90,000	0	(188,169)	0	0	0	0
	Transport								
	GG045 Volvo Prime Mover	83,972	60,000	0	(23,972)	0	0	0	0
	GG002 Volvo Prime Mover	45,996	60,000	14,004	0	0	0	0	0
	GG034 Kubota Mower	0	7,200	7,200	0	0	0	0	0
	GG041 Kubota Mower	4,000	7,200	3,200	0	0	0	0	0
	GG056 Spray Truck	28,000	15,000	0	(13,000)	0	0	0	0
	GG066 Mercedes Benz Water Truck	60,000	20,000	0	(40,000)	0	0	0	0
	GG079 Bomag Roller	25,044	50,000	24,956	0	0	0	0	0
	GG6015 Trailer	762	1,000	238	0	0	0	0	0
	Economic services								
	Guilderton Caravan Park - Generator	1,020	1,500	480	0	0	0	0	0
	Other property and services								
	Infrastructure - Parks and Ovals								
	Recreation and culture								
	Granville Park Dam - Bridge x 2	18,225	0	0	(18,225)	0	0	0	0
	Economic Services								
	Guilderton Caravan Park - Waste Water	0	0	0	0	0	0	0	0
	Infrastructure - Other								
	Recreation and culture								
	Harold Park BBQs	4,000	0	0	(4,000)	0	0	0	0
	Economic Services								
	Guilderton Caravan Park - Bench seats in camp kitchen	3,733	0	0	(3,733)	0	0	0	0
		571,974	356,900	76,025	(291,099)	0	0	0	0

* A result of a Council approved budget variation



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**INVESTING ACTIVITIES
NOTE 7
CAPITAL ACQUISITIONS**

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	FY Budget	YTD Budget		
	\$	\$	\$	\$
Land	90,000	0	0	0
Buildings - non-specialised	662,900	12,500	23,973	11,473
Buildings - specialised	988,687	144,166	79,998	(64,168)
Plant and equipment	2,829,097	184,114	234,131	50,017
Vehicles	348,672	0	0	0
Infrastructure - roads	2,885,954	1,303,154	120,935	(1,182,219)
Infrastructure - parks & ovals	242,500	119,000	20,838	(98,162)
Infrastructure - other	493,000	75,000	7,939	(67,061)
Infrastructure - bridges	1,682,061	0	0	0
Payments for Capital Acquisitions	10,222,871	1,837,934	487,813	(1,350,121)
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	4,336,989	0	0	0
Borrowings	300,000	0	0	0
Lease liabilities	44,967	15,232	15,232	0
Other (disposals & C/Fwd)	356,900	0	0	0
Cash backed reserves	2,917,096	2,917,096	0	(2,917,096)
Contribution - operations	2,266,919	(1,094,394)	472,580	1,566,975
Capital funding total	10,222,871	1,837,934	487,813	(1,350,121)

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.

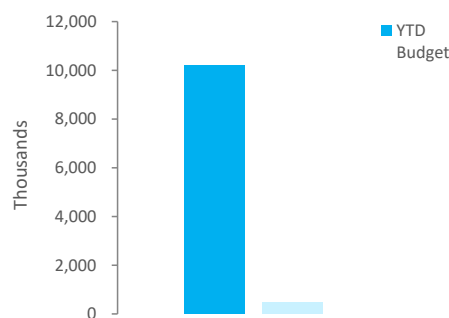
Initial recognition and measurement for assets held at cost

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

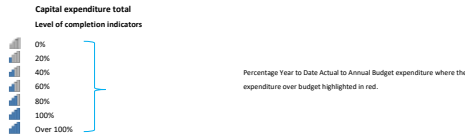


MINUTES ORDINARY COUNCIL MEETING 17 OCTOBER 2023

APPENDIX 12.3.1

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2023

INVESTING ACTIVITIES NOTE 7 CAPITAL ACQUISITIONS (CONTINUED)



	Account Description	FY Budget	Adopted YTD Budget	YTD Actual	Variance (Under)/Over
		\$	\$	\$	\$
█	BC11100-141101120		80,000	0	0
█	BC11103-141101120		90,000	45,000	33,180
█	BC11316-141103120		35,000	5,833	(5,833)
█	BC11319-141103120		30,000	5,000	(5,000)
█	BC11361-141103120		30,000	0	0
█	BC11700-141107120		280,000	0	23,349
█	BC1182-141007120		30,000	0	11,830
█	BC1192-141103120		13,500	0	0
█	BC12100-141201120		30,000	30,000	9,267
█	BC12200-141201140		75,000	12,500	18,409
█	BC13260-141302120		40,000	40,000	2,268
█	BC14200-141402120		130,000	18,333	104
█	BC5100-140501120		40,187	0	0
█	BC7700-140707140		15,000	0	5,564
█	BC8390-140803120		10,000	0	0
█	BC8701-140807140		35,500	0	0
█	BC9101-140901140		40,000	0	0
█	BC9105-140901140		20,000	0	0
█	BC9490-140904120		150,000	0	0
█	CH90201-140902140		477,400	0	0
█	LC13200-141302080		90,000	0	0
█	PO02-141203300		350,000	0	0
█	PO05-140501310		93,472	0	0
█	PO34-141203300		30,539	0	0
█	PO41-141203300		30,539	0	0
█	PO45-141203300		350,000	0	0
█	PO56-141203300		250,000	0	0
█	PO76-140501310		255,200	0	0
█	PO77-140501300		549,100	0	0
█	PO79-141203300		200,000	0	0
█	PO88-141203300		100,000	0	0
█	P6014-141203300		45,000	0	0
█	P6017-141203300		45,000	0	66,281
█	PE13260-141302300		30,000	30,000	7,968
█	PE13800-141308300		12,114	12,114	0
█	PNEW10-141203300		71,000	71,000	72,441
█	PNEW2-141203300		113,805	0	0
█	PNEW5-141203300		140,000	0	0
█	PNEW7-141203300		300,000	0	0
█	PNEW8-141402300		21,000	0	0
█	PNEW9-141203300		50,000	0	0
█	BR661-141201670		1,682,061	0	0
█	DC000-141201650		30,000	30,000	0
█	LRCI0002-140503900		40,000	0	0
█	LRCI0003-141103700		63,500	0	0
█	OC10701-141007900		60,000	0	0
█	OC11200-141102900		18,000	0	0
█	OC13261-141302900		75,000	75,000	7,939
█	PC1102-141103700		30,000	30,000	0
█	PC11100-141103700		25,000	0	8,556
█	PC11316-141103700		29,000	29,000	0
█	PC1192-141103700		50,000	50,000	0
█	PC1198-141103700		10,000	10,000	12,281
█	PC14200-141402700		20,000	0	0
█	RC0019-141201460		323,436	323,436	18,388
█	RC004-141201420		54,800	0	0
█	RC012-141201420		320,510	320,510	0
█	RC019-141201420		0	0	1,863
█	RC032-141201420		344,508	344,508	66,626
█	RC038-141201420		132,700	132,700	0
█	RC066-141201410		0	0	6,875
█	RC254-141201410		304,000	152,000	27,182
█	RRG001-		1,376,000	0	0
█	SC10300-		300,000	0	0
-		10,222,871	1,837,934	487,813	(1,350,121)

MINUTES ORDINARY COUNCIL MEETING 17 OCTOBER 2023

APPENDIX 12.3.1

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD ENDED 30 SEPTEMBER 2023

FINANCING ACTIVITIES NOTE 8 BORROWINGS

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2023	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
Health										
Gingin Medical Centre	100	36,081	0	0	(17,747)	(36,081)	18,334	0	(393)	(1,771)
Community amenities										
Tip Rationalisation Site	111	374,840	0	0	(11,216)	(22,797)	363,624	352,043	(6,038)	(23,963)
Seabird Sea Wall	127	81,001	0	0	(11,143)	(22,426)	69,858	58,575	(461)	(1,893)
Recreation and culture										
Guilderton Country Club Hall Extension	114	254,993	0	0	0	(44,105)	254,993	210,888	(4,552)	(17,433)
Regional Hardcourt Facility	120	192,913	0	0	0	(27,111)	192,913	165,802	(3,239)	(12,441)
Regional Hardcourt Facility	124A	188,721	0	0	0	(23,769)	188,721	164,952	(1,959)	(7,551)
Gingin Swimming Pool Tiling	126	49,937	0	0	(8,006)	(16,136)	41,931	33,801	(350)	(1,424)
Gingin Outdoor Activity Space	132	143,591	0	0	0	(17,066)	143,591	126,525	(517)	(1,995)
Lancelin Cunliffe Street Carpark	133	250,000	0	0	0	(20,774)	250,000	229,226	0	(11,165)
Economic services										
Guilderton Caravan Park Waste Water	New	0	0	300,000	0	0	0	300,000	0	0
Other property and services										
Altus Financials Suite	131	139,253	0	0	0	(9,516)	139,253	129,737	(678)	(2,653)
Lot 44 Weld Street, Gingin	123	116,589	0	0	0	(20,241)	116,589	96,348	(2,040)	(7,768)
		1,827,919	0	300,000	(48,113)	(260,022)	1,779,806	1,867,897	(20,226)	(90,057)
Self supporting loans										
Recreation and culture										
Ledge Point Country Club Cool Room	130	14,745	0	0	0	(2,327)	14,745	12,418	(80)	(306)
		14,745	0	0	0	(2,327)	14,745	12,418	(80)	(306)
Total		1,842,664	0	300,000	(48,113)	(262,349)	1,794,551	1,880,315	(20,306)	(90,363)
Current borrowings		262,349					213,704			
Non-current borrowings		1,580,315					1,580,847			
		1,842,664					1,794,551			

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

New borrowings 2023-24

Particulars	Amount Borrowed	Amount Borrowed	Institution	Loan Type	Term Years	Total Interest & Charges	Interest Rate	Amount (Used)		Balance Unspent
	Actual	Budget						Actual	Budget	
	\$	\$				%	\$	\$	\$	
Guilderton Caravan Park Waste Water	0	300,000		Council	10		4.54	0	300,000	0
	0	300,000						0	300,000	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.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

FINANCING ACTIVITIES

NOTE 9

LEASE LIABILITIES

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2023	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Other property and services										
Lancelin administration office	1A	0	15,232	22,634	(1,807)	(7,236)	13,426	15,398	(202)	(797)
Photocopier - Ineo 958	2	2,559	0	0	(1,918)	(2,559)	641	0	(5)	(6)
Photocopier NEW	2A	0	0	22,333	0	(4,726)	0	17,607	0	(554)
IT Server	4	42,835	0	0	(4,369)	(17,568)	38,466	25,267	(135)	(451)
Total		45,394	15,232	44,967	(8,094)	(32,089)	52,532	58,272	(342)	(1,808)
Current lease liabilities		22,207					19,448			
Non-current lease liabilities		25,274					33,086			
		47,481					52,534			

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.

**MINUTES
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17 OCTOBER 2023**

APPENDIX 12.3.1

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

OPERATING ACTIVITIES

**NOTE 10
RESERVE ACCOUNTS**

Reserve accounts

Reserve name	Actual Opening Balance	Budget Interest Earned	Actual Interest Earned	Current Budget Transfers In (+)	Actual Transfers In (+)	Current Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
LSL, Annual, Sick Leave and Staff Contingency	\$ 440,075	\$ 8,828	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 448,903	\$ 440,075
Plant and Equipment Reserve	1,479,886	28,859	0	7,500	0	(1,295,955)	0	220,290	1,479,886
Land and Buildings Reserve	893,170	17,916	0	0	0	(875,350)	0	35,736	893,170
Guilderton Caravan Park Reserve	4,842	97	0	100,000	0	0	0	104,939	4,842
Shire Recreation Development Reserve	393,010	7,883	0	0	0	(40,000)	0	360,893	393,010
Redfield Park Reserve	32,231	647	0	0	0	0	0	32,878	32,231
Ocean Farm Recreation Reserve	31,915	640	0	0	0	0	0	32,555	31,915
Tip Rationalisation Reserve	2,302,313	46,181	0	71,428	0	(37,500)	0	2,382,422	2,302,313
Lancelin Community Sport and Recreation Reserve	127,542	2,558	0	26,530	0	0	0	156,630	127,542
Community Infrastructure Reserve	35,790	718	0	8,000	0	0	0	44,508	35,790
Staff Housing	34,372	690	0	0	0	(34,372)	0	690	34,372
Future Infrastructure Reserve	542,123	10,874	0	0	0	0	0	552,997	542,123
Guilderton Country Club Reserve	21,219	426	0	8,232	0	0	0	29,877	21,219
Coastal Management Reserve - Coastal Inundation	344,272	6,906	0	100,000	0	(85,000)	0	366,178	344,272
Guilderton Foreshore Reserve	232,411	4,662	0	0	0	(50,000)	0	187,073	232,411
Unspent Grants Reserve - Youth Services Website Grant	5,136	103	0	0	0	0	0	5,239	5,136
Seniors Housing Reserve	157,126	3,152	0	25,000	0	(150,000)	0	35,278	157,126
Gingin Railway Station Reserve	5,886	118	0	0	0	0	0	6,004	5,886
Contributions to Roads Reserve - Cullalla Road Intersection	46,221	927	0	0	0	0	0	47,148	46,221
Contribution to Roads Reserve - Cowalla Road Intersection	16,434	330	0	0	0	0	0	16,764	16,434
Contribution to Roads Reserve - Chitna Road	3,081	62	0	0	0	0	0	3,143	3,081
Contribution to Roads Reserve - Balance of Muni Funds	739,584	14,835	0	0	0	(348,919)	0	405,500	739,584
Community Infrastructure Reserve - Lower Coastal Fire Control	25,878	519	0	0	0	0	0	26,397	25,878
Community Infrastructure Reserve - Gingin Logo Plates	8,497	170	0	300	0	0	0	8,967	8,497
Community Infrastructure Reserve - Gingin Ambulance	55,285	1,109	0	6,000	0	0	0	62,394	55,285
Community Infrastructure - Lancelin Ambulance	49,686	997	0	18,000	0	0	0	68,683	49,686
Public Open Space Reserve	26,681	535	0	0	0	0	0	27,216	26,681
Guilderton Trailer Parking Reserve	32,913	660	0	84,611	0	0	0	118,184	32,913
Gingin Outdoor Activity Space	4,951	99	0	0	0	0	0	5,050	4,951
Gingin Resilience Fund	0	0	0	13,750	0	0	0	13,750	0
	8,092,530	161,501	0	469,351	0	(2,917,096)	0	5,806,286	8,092,530

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**OPERATING ACTIVITIES
NOTE 11
OTHER CURRENT LIABILITIES**

	Note	Opening Balance 1 July 2023	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 30 September 2023
		\$		\$	\$	\$
Other current liabilities						
Other liabilities						
- Contract liabilities		922,102	0	597,241	0	1,519,343
Total other liabilities		922,102	0	597,241	0	1,519,343
Employee Related Provisions						
Annual leave		605,946	0	0	0	605,946
Long service leave		535,718	0	0	0	535,718
Total Employee Related Provisions		1,141,664	0	0	0	1,141,664
Other Provisions						
Provision for sick leave		115,758	0	0	0	115,758
Total Other Provisions		115,758	0	0	0	115,758
Total other current assets		2,179,524	0	597,241	0	2,776,765
Amounts shown above include GST (where applicable)						

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 12

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.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

**NOTE 12
OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS**

Provider	Unspent operating grant, subsidies and contributions liability					Operating grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget	YTD Adopted Budget	YTD Revenue
	1 July 2023		(As revenue)	30 Sep 2023	30 Sep 2023	Revenue	Budget	Actual
	\$	\$	\$	\$	\$	\$	\$	\$
Operating grants and subsidies								
General purpose funding								
Financial Assistance Grant - General Purpose	0	0	0	0	0	0	0	11,996
Financial Assistance Grant - Roads	0	0	0	0	0	0	0	13,450
Financial Assistance Grant - Bridges	350,062	0	0	350,062	350,062	0	0	0
Law, order, public safety								
DFES Operating Grant	0	0	0	0	0	224,404	56,101	36,544
Community amenities								
Coastal Hazard Risk Management Plan Grant	0	0	0	0	0	10,580	2,646	0
CAP Grant Funding	0	0	0	0	0	45,000	0	0
CMPAP Coastal Inundation Integration	0	0	0	0	0	20,000	5,001	0
Transport								
Direct Road Grant MRWA	0	0	0	0	0	261,330	261,330	0
	350,062	0	0	350,062	350,062	561,314	325,078	61,990
Operating contributions								
General purpose funding								
Rates incentive Prize Night	0	0	0	0	0	12,000	7,200	11,682
Law, order, public safety								
CESM Grant - DFES	0	0	0	0	0	96,143	39,336	0
BRMO Grant - DFES	72,084	46,508	0	118,592	118,592	111,618	0	0
MAF Mitigation - DFES	0	0	0	0	0	600,517	0	0
Gingin Resilience Project - Mindaroo Foundation	100,000	0	0	100,000	100,000	137,500	100,000	0
Community amenities								
Claymont Estate - Planning contributions	0	0	0	0	0	8,000	1,998	800
Recreation and culture								
Naming Sponsorship - Gingin Aquatic Centre - Image	0	0	0	0	0	10,000	10,000	0
Contribution income for suite of events	0	0	0	0	0	36,400	16,041	30,564
Transport								
Contribution income for Aurisch Road Maintenance	0	0	0	0	0	12,500	12,500	0
Economic services								
Guilderton Caravan Park Deposit Liability	282,340	0	0	282,340	282,340	0	0	0
Market PLI contributions	0	0	0	0	0	2,000	501	0
	454,424	46,508	0	500,932	500,932	1,026,678	187,576	43,045
TOTALS	804,486	46,508	0	850,994	850,994	1,587,992	512,654	105,036

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2023

**NOTE 13
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS**

Provider	Capital grant/contribution liabilities					Non operating grants, subsidies and contributions revenue		
	Liability	Increase in Liability	Decrease in Liability	Liability	Current Liability	Adopted Budget Revenue	YTD Adopted Budget	YTD Revenue Actual
	1 July 2023		(As revenue)	30 Sep 2023	30 Sep 2023			
	\$	\$	\$	\$	\$	\$	\$	\$
Non-operating 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
Recreation and culture								
LRCI - Unspent funds	15,101	0	0	15,101	15,101	103,500	0	0
Transport								
LRCI - Unspent Funds Roads	21,732	550,733	0	572,465	572,465	892,579	0	0
Roads to Recovery	40,596	0	0	40,596	40,596	1,641,309	0	0
Regional Road Group (Mooliabeenee Rd)	0	0	0	0	0	505,053	0	0
Wheatbelt Secondary Freight Network (KW Rd)	0	0	0	0	0	350,061	0	0
	117,616	550,733	0	668,349	668,349	4,336,989	0	0

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY						NOTE 14	
FOR THE PERIOD ENDED 30 SEPTEMBER 2023						EXPLANATION OF MATERIAL VARIANCES	
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 2023-24 year is \$20,000 or 10.00% whichever is the greater.							
Nature or type	Var. \$	Var. %	Explanation of positive cash variances		Explanation of negative cash variances		
			Timing	Permanent	Timing	Permanent	
	\$	%					
Opening funding surplus / (deficit)	(357,178)	(13.40%)	▼			Increase in Employee Leave Provisions, Reserve Transfer and additional 2022/23 supplier invoices recognised in correct financial year	
Revenue from operating activities							
Operating grants, subsidies and contributions	(407,618)	(79.51%)	▼			Adjustment to DFES ESG for 21/22	
Fees and charges	(131,395)	(5.74%)	▼			Guilderton Caravan Park fee income due to timing of season	
Interest earnings	4,609	62.85%	▲	Rates Penalty Interest			
Other revenue	(52,144)	(52.12%)	▼			Rates to lessees of Shire owned properties to be completed, Administration Reimbursements	
Expenditure from operating activities							
Employee costs	234,293	13.37%	▲	Timing of salary changes due to budget adoption in August 2023.			
Materials and contracts	536,597	26.48%	▲	Timing of payments for operating expenditure			
Utility charges	27,572	21.66%	▲	Timing of billing cycle for utilities			
Interest expenses	(8,017)	(51.74%)	▼			Timing of Accrued Interest	
Other expenditure	63,325	51.76%	▲	Timing of community grant payments			
Investing activities							
Payments for property, plant and equipment and infrastructure	1,350,121	73.46%	▲	Timing of capital projects			
Closing funding surplus / (deficit)	1,271,034	(13.36%)	▼				

13 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

13.1 SUBDIVISION REFERRAL - LOT 9500 CHERITON ROAD, GINGINUP (COUNTRY HEIGHTS ESTATE)

File	LND/106
Applicant	Dynamic Planning and Developments
Location	Lot 9500 Cheriton Road, Gingin
Owner	Claymont Development Pty Ltd
Zoning	Rural Living
WAPC No	No. 163924
Author	James Bayliss – Manager Planning and Building
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Aerial Image [13.1.1 - 1 page] 2. Location Plan [13.1.2 - 1 page] 3. Applicant's Proposal [13.1.3 - 45 pages] 4. Updated Subdivision Plan [13.1.4 - 1 page] 5. Staging Plan - Stage 2 A, 2 B & 2 C [13.1.5 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider a referral from the West Australian Planning Commission (WAPC) to subdivide Lot 9500 Cheriton Road, Gingin (formerly Lot 81) into 274 lots.

BACKGROUND

The subject land is formerly known as Lot 81 Cheriton Road, or locally known as 'Country Heights Estate'.

The development received subdivision approval (No. 153068) issued by the WAPC on 18 September 2017 (plan date stamped 8 August 2017), to create 313 freehold lots zoned Rural Living (RL 2).

The approval was reconsidered by the WAPC after an appeal to the State Administrative Tribunal (SAT) in relation to conditions imposed, which resulted in an amended approval being issued on 1 June 2018 (plan date stamped 17 May 2018).

The previously approved subdivision approval expired in September 2023. This referral seeks to renew that approval to enable the landowner to continue with progression of the subdivision.

Since obtaining the subdivision approval the developer has implemented Stage 1 and a portion of Stage 2. On that basis, the subdivision seeks to renew 274 lots as opposed to the original 313 lots.

It should be noted that since the original subdivision approval, the 'Staging Plan' has been revised to create 3 'substages' (i.e., stage 2a, 2b and 2c) as opposed to one singular stage 2.

Aerial imagery and a location plan are provided (**see appendices**).

A copy of the Applicant's proposal is provided (**see appendices**) which includes:

- Certificate of Title;
- Proposed subdivision plan;
- Prior subdivision plan;
- Applicable staging plans; and
- Planning submission accompanying earlier application.

It should be noted that, post-lodgment, the applicant provided additional information that includes a revised Staging Plan (**see appendices**) to reflect earlier endorsements.

COMMENT

Stakeholder Consultation

Community consultation is not applicable to subdivision considerations.

PLANNING FRAMEWORK

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

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

- 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 in appropriately located and designed land use, subdivision, and development; and*
- f) *provide for a suitable level of physical and community infrastructure.*

Given the subdivision has previously been supported by the Shire, it logically indicates that the objectives of the zone have been satisfied. The same principle applies to the subdivision renewal adhering to the following Development Control Policies and State Planning Policies:

- DCP 1.1 – Subdivision of Land – General Policies;
- State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP 2.5); and
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7).

As this application relates to a renewal of the earlier approval, the requirements of the abovementioned documents have been met and addressed in the earlier submission.

The Applicant's proposal provides a comprehensive overview in this regard and the officer has no additional comments.

The proposed renewal poses no changes to the previously approved subdivision application. The proposed renewal is consistent with the approved plans and conditions set out by the WAPC as of 2017.

General comment

The following points are provided by way of a general update on the progress of the estate, and are not necessarily pertinent to the planning assessment:

- Titles for Stage 2a are pending release and awaiting finalisation at Landgate. Consistent with the 'Cheriton Road Upgrade – Variation to Cost Sharing Agreement', upon release of Stage 2a titles the developer has 6 months to commence Stage 2 road upgrade works. The landowner has confirmed they will commence road upgrade works to Cheriton Road within 6 months of the titles being issued. It is expected that this will occur in the first quarter of 2024.
- A clearing permit to facilitate the road upgrade has been applied for by the landowner and is on hold pending the issue of a "bed and banks" permit. Groundwork Consulting Engineers has applied for the "bed and banks" permit. The bed and banks permit is to accommodate an upgrade of the existing drainage culverts.

- Council is advised that earlier discussions in relation to shared footpaths/bus stops being provided throughout the estate were undertaken on the basis of a rezoning to increase lot yields. The scheme amendment process is no longer proceeding, meaning lots of a more ‘urban’ nature will not be created. In this regard shared footpaths will not be provided at this juncture.

Summary

The proposed renewal will enable the delivery of a partially commenced rural residential estate in the Shire.

Considering the above, the proposed subdivision renewal of the Freehold (Green Title) subdivision approval for the subject site is considered appropriate subject to all former conditions being imposed.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Development Control Policy 1.1 - Subdivision of Land - General Principles (WAPC)

State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP 2.5)

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

Government Sewerage Policy (2019)

Development Control Policy 1.7 – General Road Planning (WAPC)

Development Control Policy 2.2 – Residential Subdivision (WAPC)

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Sorensen

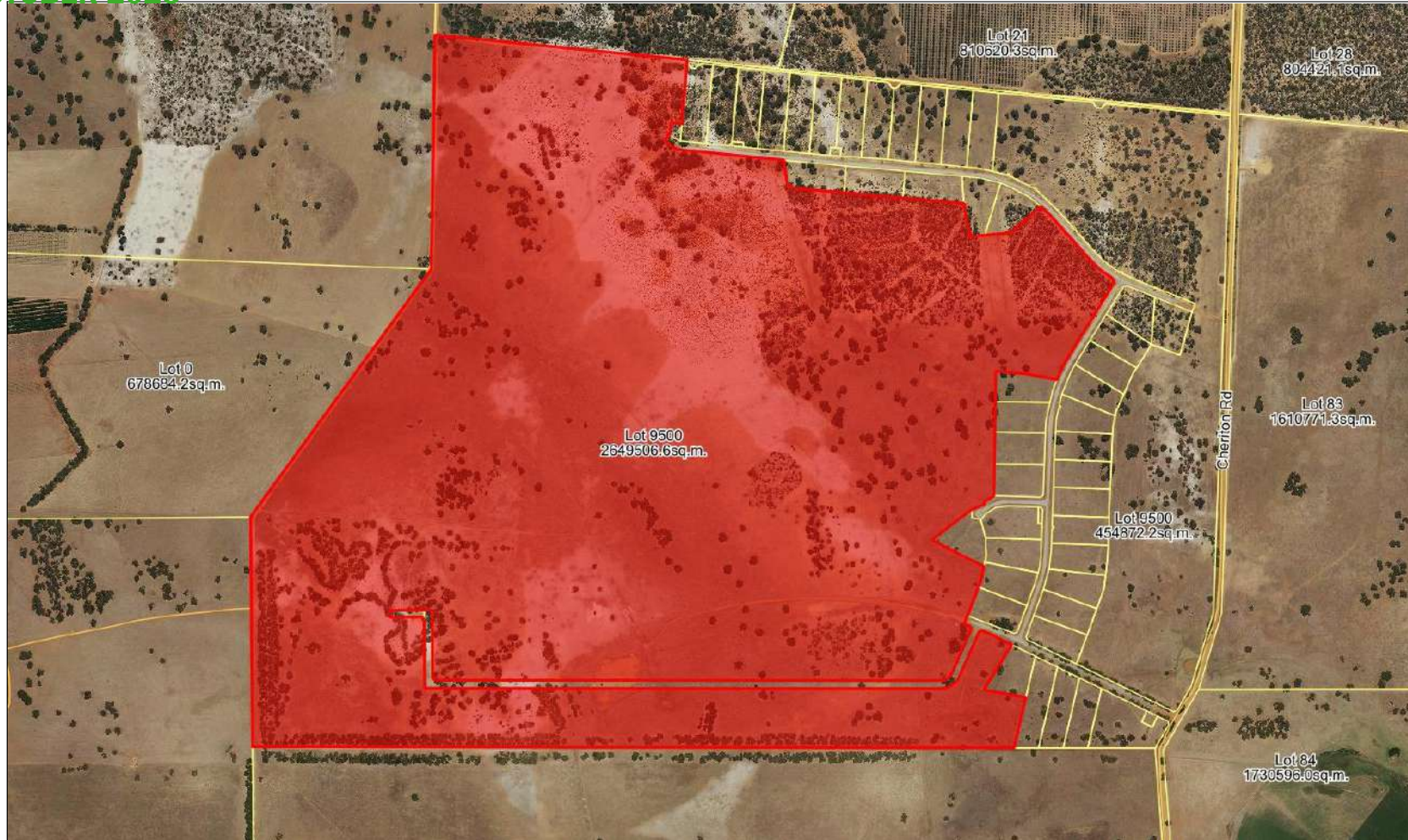
That Council advise the Western Australian Planning Commission that the proposed 274 lot subdivision of Lot 9500 Cheriton Road, Gingin is supported subject to all earlier conditions (refer WAPC No. 153068) being imposed on the subdivision renewal.



**CARRIED UNANIMOUSLY
8 / 0**

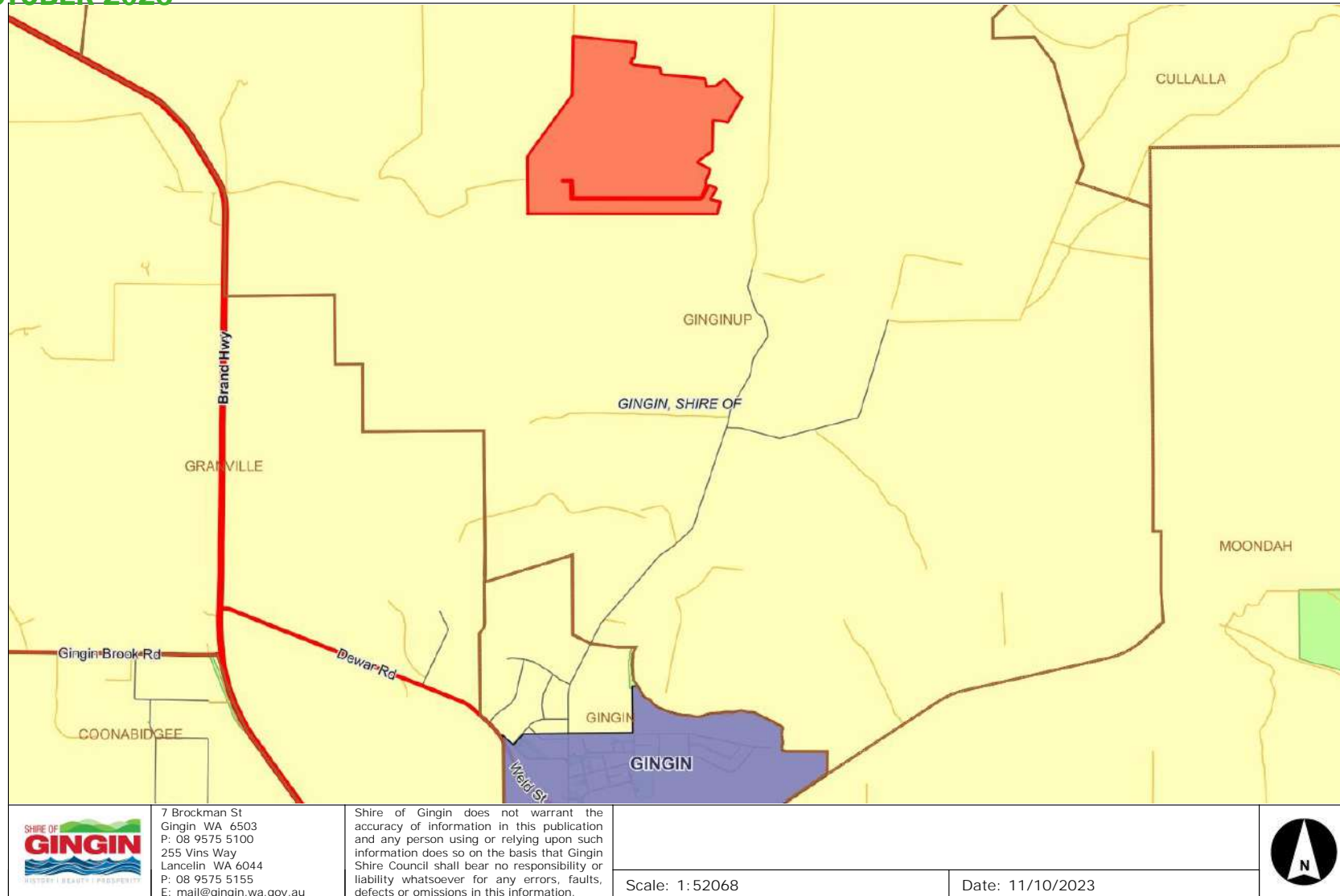
FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*

Note: The Officer Recommendation was amended by agreement of the Mover and Seconder by inserting the words (refer WAPC No. 153068).



 <p>SHIRE OF GINGIN HISTORY BEAUTY PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Scale: 1: 13649</p>	<p>Date: 11/10/2023</p>	
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Scale: 1:52068

Date: 11/10/2023





FREEHOLD SUBDIVISION APPLICATION – SUBDIVISION RENEWAL COUNTRY HEIGHTS ESTATE

Planning Report
Project Ref: 039



MINUTES ORDINARY COUNCIL MEETING 17 OCTOBER 2023

APPENDIX 13.1.3

COUNTRY HEIGHTS ESTATE

Prepared for

Claymont Development Pty Ltd
Level 1
189 St Georges Terrace
Perth WA 6000

History and Status of this Document

Revision	Date issued	Prepared by	Reviewed by	Revision type
Rev 1	27/6/23	WH	RC	For Lodgement

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1.0 Introduction

Dynamic Planning and Developments acts on behalf of Claymont Development Pty Ltd the proponent and registered proprietor of Lot 81 (No. 627) Cheriton Road, Ginginup (herein referred to as the 'subject site') in support of a proposed Freehold (Green Title) subdivision.

This planning report has been prepared to demonstrate the appropriateness of the proposed subdivision and address, in detail, the primary considerations from the Western Australian Planning Commission (WAPC) will examine as part of the application assessment. Specifically, the report will address:

- Details of the proposed subdivision.
- Detailed assessment of the proposal against the relevant planning provisions applicable under the State and local planning frameworks.
- Other relevant planning considerations including, but not limited to, bushfire, traffic, wastewater treatment and disposal, and drainage and servicing.

In addition to this planning report, the following documentation has been provided in order to assist the WAPC in the assessment of the proposed application:

- Certificate of Title (**Attachment 1**).
- Proposed subdivision plan (**Attachment 2**).
- Prior subdivision approval (**Attachment 3**).

- Applicable staging plan (**Attachment 4**).
- Planning submission accompanying the earlier application (**Attachment 5**).

It will be demonstrated in subsequent sections of this report that the proposed subdivision is entirely appropriate for approval given the precedence set by the earlier approval.



2.0 Site Details

2.1 Legal Description

The subject site is legally described as:

Lot	Plan	Vol/Folio	Street Address
9500	417740	2987/766	No Street Address

The area of the subject site is 310.413ha.

A copy of the Certificate of Title pertinent to the subject site is contained in **Attachment 1**.

2.2 Locational and Land Use Context

2.2.1 Regional and Local Context

The subject site is located within the Shire of Gingin municipal area, within the Ginginup area.

The subject site is bounded by Cheriton Road with the development of new roads that connect to the aforementioned Cheriton Road as part of implementing the prior granted approval. The site is surrounded by agricultural land uses rural and is located 9.4km north of Gingin directly via Cheriton Road.

Figures 1 and 2 depict the subject site in its regional and local context, respectively.

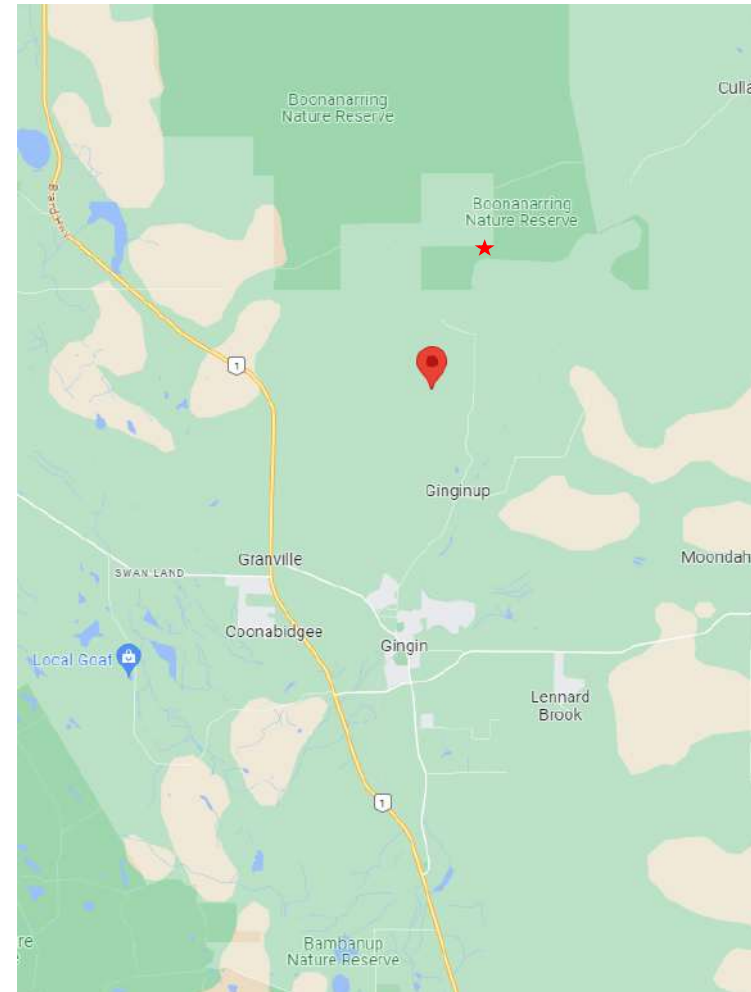


Figure 1 – Regional Context

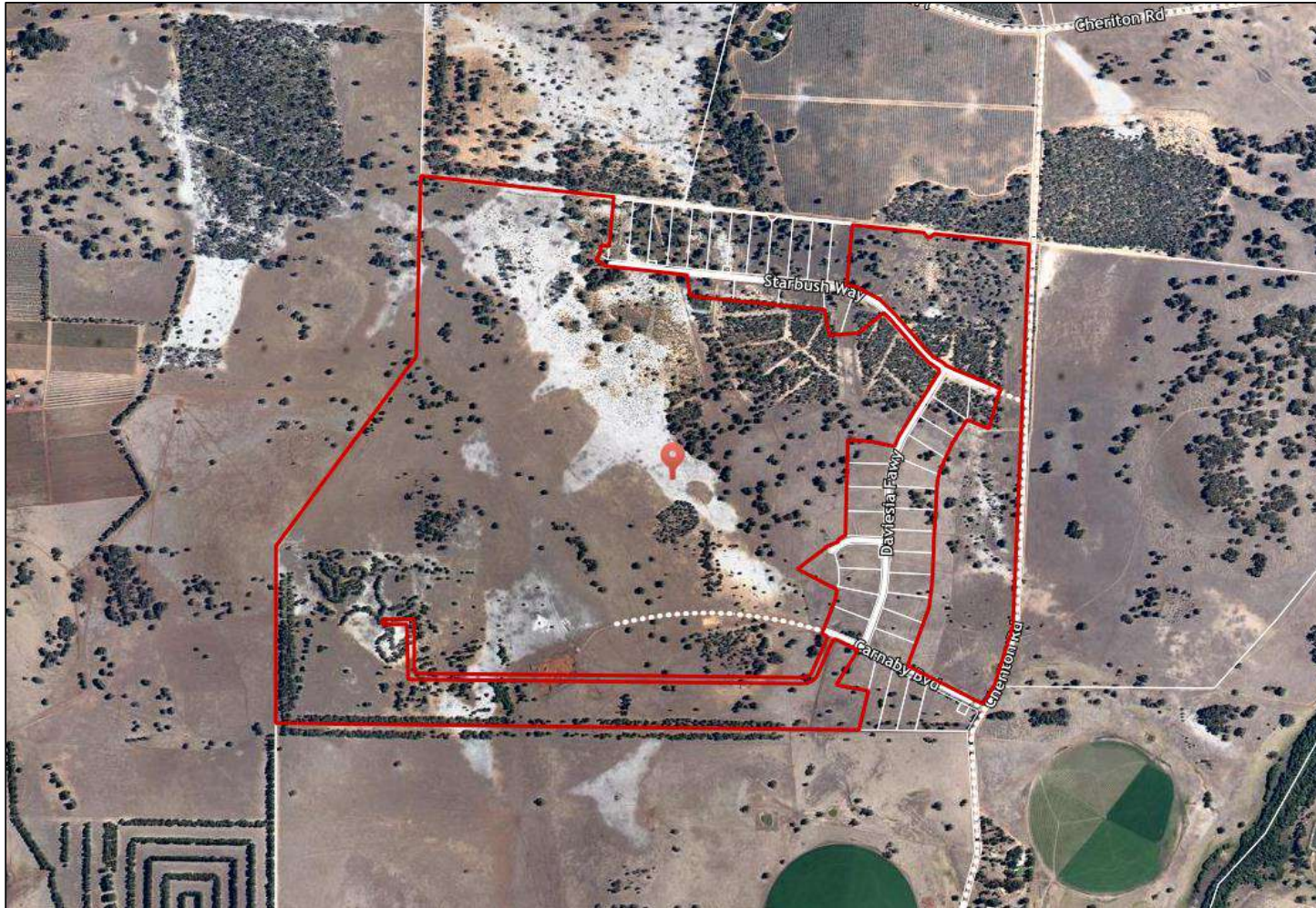


Figure 2 – Local Context

3.0 Background

The site has been the subject of considerable planning over the years, dating back to 2007. Most relevantly to the subject application was a subdivision approval that was granted in September of 2017 for a total of 313 lots – WAPC Ref 153068. A copy of this approval has been provided in Attachment 3.

Since obtaining the subdivision approval the developer has been working with the Shire to implement the approval and has carried out civil works and obtained titles for 'Stage 1' which relates to 45 green title lots as illustrated in the Staging Plan in Attachment 4. Civil works for Stage 2 are currently underway with these lots to be delivered in the near future.

Due to the slow lot sales, COVID and ability to have trades carry out the necessary subdivision works, the current approval is reaching its expiry in September of 2023 and as such we are seeking to renew the approval to allow subsequent subdivision stages to be implemented and titles obtained.

A copy of the approved subdivision layout is illustrated in Figure 3.

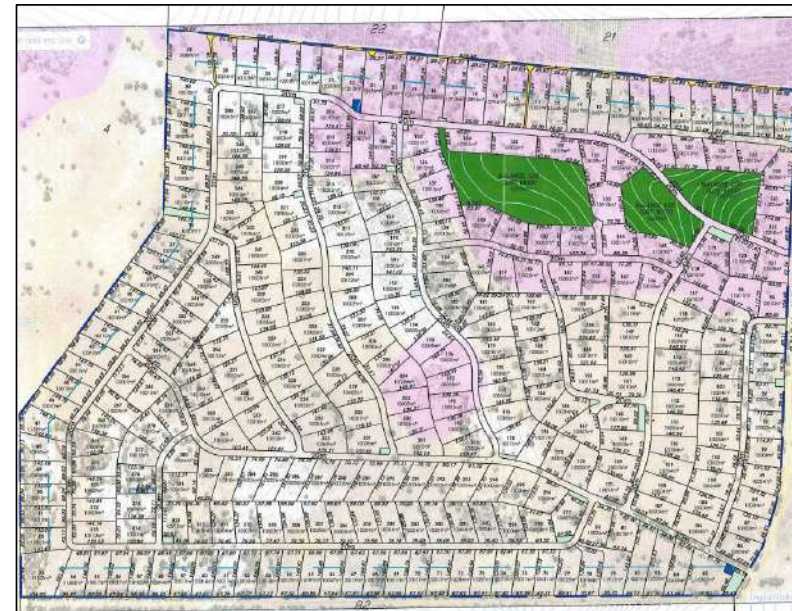


Figure 3 – Approved Subdivision Layout

4.0 Proposed Subdivision

The proposed subdivision application seeks approval for the renewal of the previously approved subdivision layout. In this regard the proposed subdivision plan is entirely consistent with the approved layout under WAPC 153068 but excludes 'Stage 1' as these lots have already been created.

A summary of the proposed subdivision is provided below in Table 2.


Proposed Subdivision	
No. of Green Title Lots	
• Residential	252
• Other – Balance Lots (Banksia Woodlands)	3
Maximum Lot Size	20,889sqm
Minimum Lot Size	10,003sqm
Average Lot Size	10,322sqm
	

Table 2 – Subdivision Summary

5.0 Planning Considerations

The below sections outline the key planning consideration with respect to the proposed subdivision renewal.

5.1 Shire of Gingin Local Planning Scheme No. 9

The subject site is zoned 'Rural Living' (RL1) under the provisions of the Shire of Gingin Local Planning Scheme No. 9 (LPS No. 9). The general objective of the 'Rural Living 1' zone is:

- 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 in appropriately located and designed land use, subdivision, and development; and*
- f) *provide for a suitable level of physical and community infrastructure.*

It is of our opinion that given the proposed subdivision has already been approved previously, by both the Shire and the WAPC that it has been demonstrated to be consistent with the objectives and requirements of the 'Rural Living 1' zone.

5.2 WAPC Development Control Policies

The previous subdivision application that was approved set out key consideration against the following WAPC Development Control Policies:

- DCP 1.1 – Subdivision of Land – General Policies
- DCP 2.2 – Residential Subdivision

As this application simply relates to a renewal of the earlier approval the proposed subdivision is considered to appropriately addressed the requirements outlined in the relevant Development Control Policies. A copy of the submission provided with the earlier approved subdivision is included in Attachment 5.

5.3 State Planning Policies

The below State Planning Policies have been considered in the subdivision application for the subject site:

- State Planning Policy 2.5 – Land Use Planning in Rural Areas (SPP 2.5)
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

Again, as this application is simply a renewal, the requirements in these documents are considered to have been met and addressed in the earlier submission provided in Attachment 5.

6.0 Conclusion

Considering the above, the proposed subdivision renewal of the Freehold (Green Title) subdivision approval for the subject site is considered appropriate and justified on the basis that:

- The proposed renewal poses no changes to the previously approved subdivision application.
- The proposed renewal is still consistent with the key planning considerations as part of Section 5.0 of this letter.
- The proposed renewal is consistent with the approved plans and conditions set out by the WAPC as of 2017.
- The proposed residential subdivision remains consistent with the objectives for the 'Rural Living' (RL1) zone and the relevant development standards contained under the provision of the Shire of Gingin LPS No. 9.
- The proposed renewal will enable the delivery of partially commenced rural-residential product in the Shire.

Based on the above and as the previous subdivision has already been accepted by the Shire and WAPC, the proposal for renewal is considered to warrant favorable consideration and granting of approval.

Appendices

**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**

APPENDIX 13.1.3

COUNTRY HEIGHTS ESTATE

Attachment 1 - Certificate of Title

WESTERN



AUSTRALIA

REGISTER NUMBER 9500/DP417740	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **2987** FOLIO **766**

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.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 9500 ON DEPOSITED PLAN 417740

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

CLAYMONT DEVELOPMENT PTY LTD OF LEVEL 1 189 ST GEORGES TERRACE PERTH WA 6000
(AF O479913) REGISTERED 10/9/2020

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. *EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 3053/1909. AS TO THE PORTION OF VICTORIA LOCATION 1373 ONLY SEE SKETCH ON VOL 1450 FOL 221.
2. *EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 6619/1920. AS TO THE PORTION OF VICTORIA LOCATION 1373 ONLY SEE SKETCH ON VOL 1450 FOL 221.
3. *K584950 MORTGAGE TO R.M.B.L. INVESTMENTS LTD REGISTERED 2/5/2008.
4. *N991499 MORTGAGE TO DANDENONG PROPERTIES PTY LTD REGISTERED 21/9/2018.
5. *O200354 MORTGAGE TO RMBL INVESTMENTS LIMITED OF LEVEL 5 225 LONSDALE STREET DANDENONG VIC 3175 REGISTERED 24/7/2019.
6. *P111239 CAVEAT BY SHIRE OF GINGIN LODGED 13/4/2022.

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.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
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: DP417740
PREVIOUS TITLE: 2572-129
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING N991499

END OF PAGE 1 - CONTINUED OVER

**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**

APPENDIX 13.1.3

RECORD OF CERTIFICATE OF TITLE

REGISTER NUMBER: 9500/DP417740

VOLUME/FOLIO: 2987-766

PAGE 2

NOTE 2: P608288 DEPOSITED PLAN 422921 LODGED

**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**

APPENDIX 13.1.3

COUNTRY HEIGHTS ESTATE

Attachment 2 – Proposed Subdivision Plan



PROPOSED FREEHOLD SUBDIVISION

LOT 81 (No. 627) CHERITON ROAD
GINGINUP
Shire of Gingin

COPYRIGHT RESERVED BASE PLAN COURTESY OF CLAYMONT



SCALE: 1:10,000 @ A3

DATE: 3rd JULY 2022

FILE: 039_03.07.2023.dwg

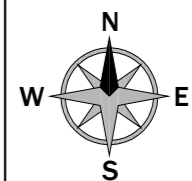
DRAW: - SB

CHECKED: -



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Attachment 3 – Prior WAPC Subdivision Approval



Your Ref :
Enquiries : Rowena O'Brien (Ph 6551 9358)

Dynamic Planning And Developments Pty Ltd
P O Box 688
INGLEWOOD WA 6932

**Approval Subject To Condition(s)
Freehold (Green Title) Subdivision**

Application No : 153068

Planning and Development Act 2005

Applicant	:	Dynamic Planning And Developments Pty Ltd P O Box 688 INGLEWOOD WA 6932
Owner	:	Claymont Westcapital Pty Ltd Level 1, 189 St Georges Terrace PERTH WA 6000
Application Receipt	:	18 December 2015

Lot Number	:	
Diagram / Plan	:	Deposited Plan 38255
Location	:	
C/T Volume/Folio	:	2572/129
Street Address	:	Lot 81 Cheriton Road, Ginginup
Local Government	:	Shire of Gingin

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped **8 August 2017** once the condition(s) set out have been fulfilled.

This decision is valid for **four years** from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **18 September 2021** or this approval no longer will remain valid.



Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 section 251 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it

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e-mail: info@dph.wa.gov.au; web address <http://www.dph.wa.gov.au>
ABN 68 565 723 484



should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.

The condition(s) of this approval, with accompanying advice, are:

CONDITIONS:

1. The proposed subdivision plan being amended in accordance with the attached plan (Attachment 1) dated 8 August 2017. (Western Australian Planning Commission)

Subdivisional works

2. Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:
 - (a) lots can accommodate their intended use;
 - (b) finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground level of the land abutting. (Local Government)
3. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management

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e-mail: info@dph.wa.gov.au; web address <http://www.dph.wa.gov.au>
ABN 68 565 723 484



Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government)

4. Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government)

5. Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government)

Drainage

6. Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost and vested in that local government under Sections 152 and 167 of the *Planning and Development Act 2005*. (Local Government)

Road and Movement Network

7. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

8. All local streets within the subdivision being truncated to the standard truncation of 8.5 metres. (Local Government)
9. Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of Cheriton Road. (Local Government)



10. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:

- (a) street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and
- (b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly

to the satisfaction of the Western Australian Planning Commission. (Local Government)

11. The landowner/applicant installing suitable rural fencing to the specification of the Shire of Gingin. (Local Government)

Servicing

12. Arrangements being made with a licensed service provider so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Licensed Service Provider/Local Government)

13. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'A reticulated sewerage service is not available to the lot. A suitable on-site effluent disposal system to the specification of the Department of Health and local government is required. Additional building requirements may apply to development on the land.' (Local Government)

14. The provision of easements for planned future water infrastructure the subject of Condition 12 as may be required by the Licensed Service Provider being granted free of cost to that body. (Licensed Service Provider/Local Government)

15. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)

16. The provision of easements pursuant to Section 167 of the *Planning and Development Act 2005* for existing or planned power infrastructure being granted free of cost to that body. (Western Power)

17. The transfer of land for the purpose of electricity supply infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without payment of compensation. (Western Power)



Bushfire

18. The landowner/applicant is to prepare, have approved by the Department of Fire and Emergency Services, and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (Department of Fire and Emergency Services)
19. At Stage one of the subdivision, information is to be provided to demonstrate that the measures contained in the Bushfire Management Plan version 1.7 (dated 4 August 2017) that address the following:
- (a) installation of 3m firebreaks in accordance with the Shire of Gingin firebreak notice;
 - (b) provision of hydrants, 2 x 92,000 litre water tanks, couplings and access for fire fighting purposes;
 - (c) installation of a 6m wide fire service access route (perimeter road) along the northern boundary of Lot 81, affecting proposed Lots 1-29;
 - (d) vesting and ownership of the reserves containing the infrastructure for fire fighting;
 - (e) agreement with the local government for the maintenance of the fire fighting assets

have been implemented during subdivisional works. (Local Government)

20. A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor.

Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land' (Western Australian Planning Commission)

Miscellaneous

21. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the *Transfer of Land Act 1893* (as amended) is to be placed on the certificates of title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows:

"No development is to take place outside of the defined building envelopes, unless otherwise approved by the local government." (Local Government)

22. The endorsed Local Development Plan dated 22 September 2016 is to be amended to the satisfaction of the Shire of Gingin. (Local Government)



23. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'The lots are subject to the provisions of a Local Development Plan.' (Local Government)

24. A notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of proposed Lots 1-85 which are located on the interface between the Rural Living zoned land and General Rural zoned land, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

'This lot is located in a rural area, and may be impacted by primary production.'

25. The landowner/applicant entering into an agreement with the local government to ensure an access easement is placed over the 6m wide fire service access route (perimeter road). The 6m wide fire service access route is not to be fenced. (Local Government)
26. The landowner/applicant entering into an agreement with the local government for the maintenance of proposed Lots 9000-9002 subject to an agreed timeframe. (Local Government)

ADVICE:

1. Condition 3 has been imposed in accordance with *Better Urban Water Management Guidelines (WAPC 2008)*. Further guidance on the contents of urban water management plans is provided in *'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions'* (Department of Water 2008).
2. In regard to Condition 7, the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision.
3. With regards to Condition 13, Aerobic Treatment Units (ATU's) are to be provided for the proposed lots.
4. In regard to Condition 15, Western Power provides only one underground point of electricity supply per freehold lot.

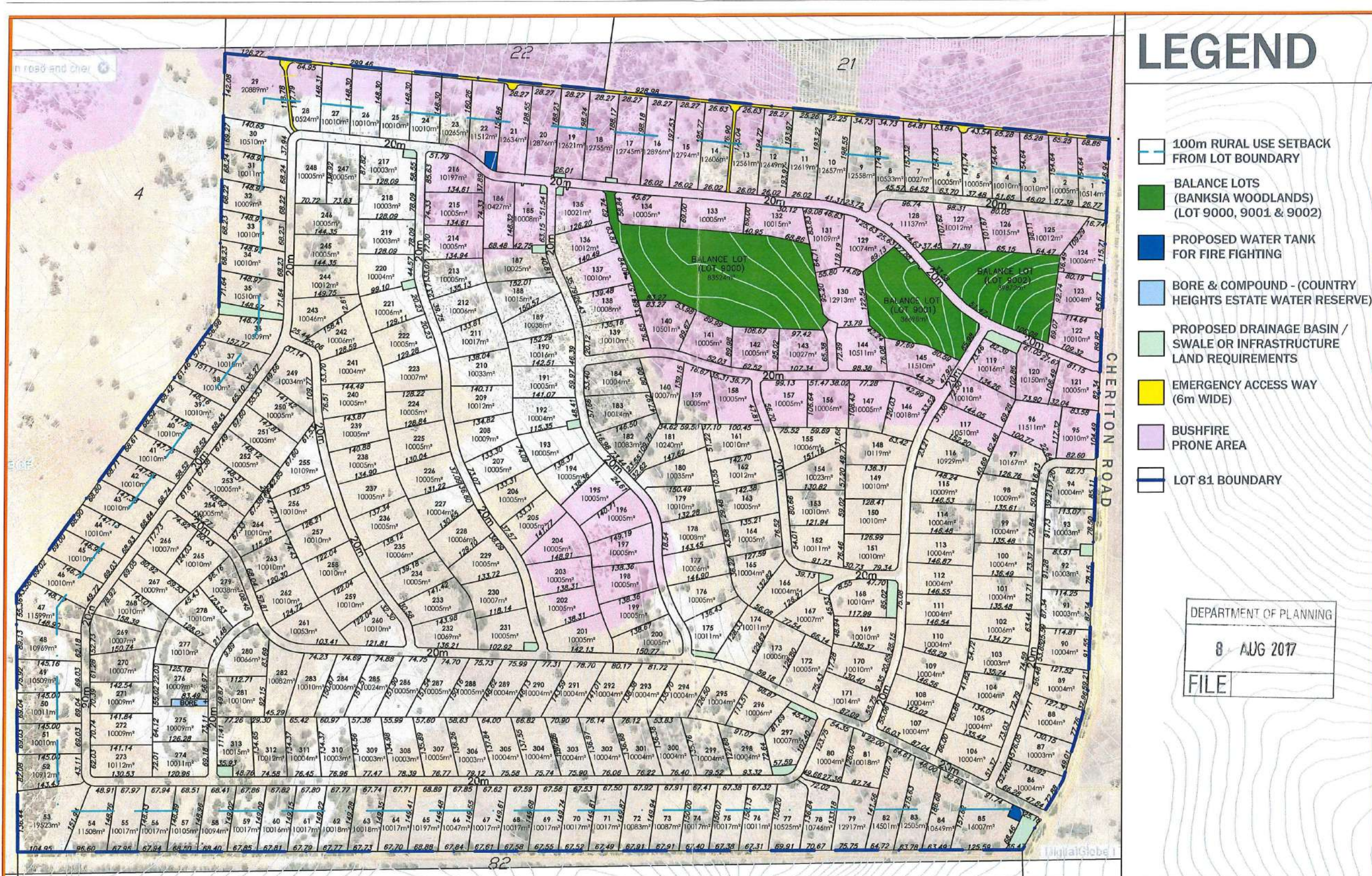


5. Prior to the commencement of subdivisional works, the landowner/applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972*. The landowner/applicant should conduct a search of the Register of Aboriginal Sites to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Indigenous Affairs with a request for advice.

A handwritten signature in black ink that reads 'Kerrine Blenkinsop'.

Kerrine Blenkinsop
Secretary
Western Australian Planning Commission

18 September 2017



LEGEND

- 100m RURAL USE SETBACK FROM LOT BOUNDARY
- BALANCE LOTS (BANKSIA WOODLANDS) (LOT 9000, 9001 & 9002)
- PROPOSED WATER TANK FOR FIRE FIGHTING
- BORE & COMPOUND - (COUNTRY HEIGHTS ESTATE WATER RESERVE)
- PROPOSED DRAINAGE BASIN / SWALE OR INFRASTRUCTURE LAND REQUIREMENTS
- EMERGENCY ACCESS WAY (6m WIDE)
- BUSHFIRE PRONE AREA
- LOT 81 BOUNDARY

DEPARTMENT OF PLANNING
8 AUG 2017
FILE

PROPOSED FREEHOLD SUBDIVISION
LOT 81 ON DP 38255,
#627 CHERITON ROAD GINGINUP
SHIRE OF GINGIN

LOT SUMMARY:

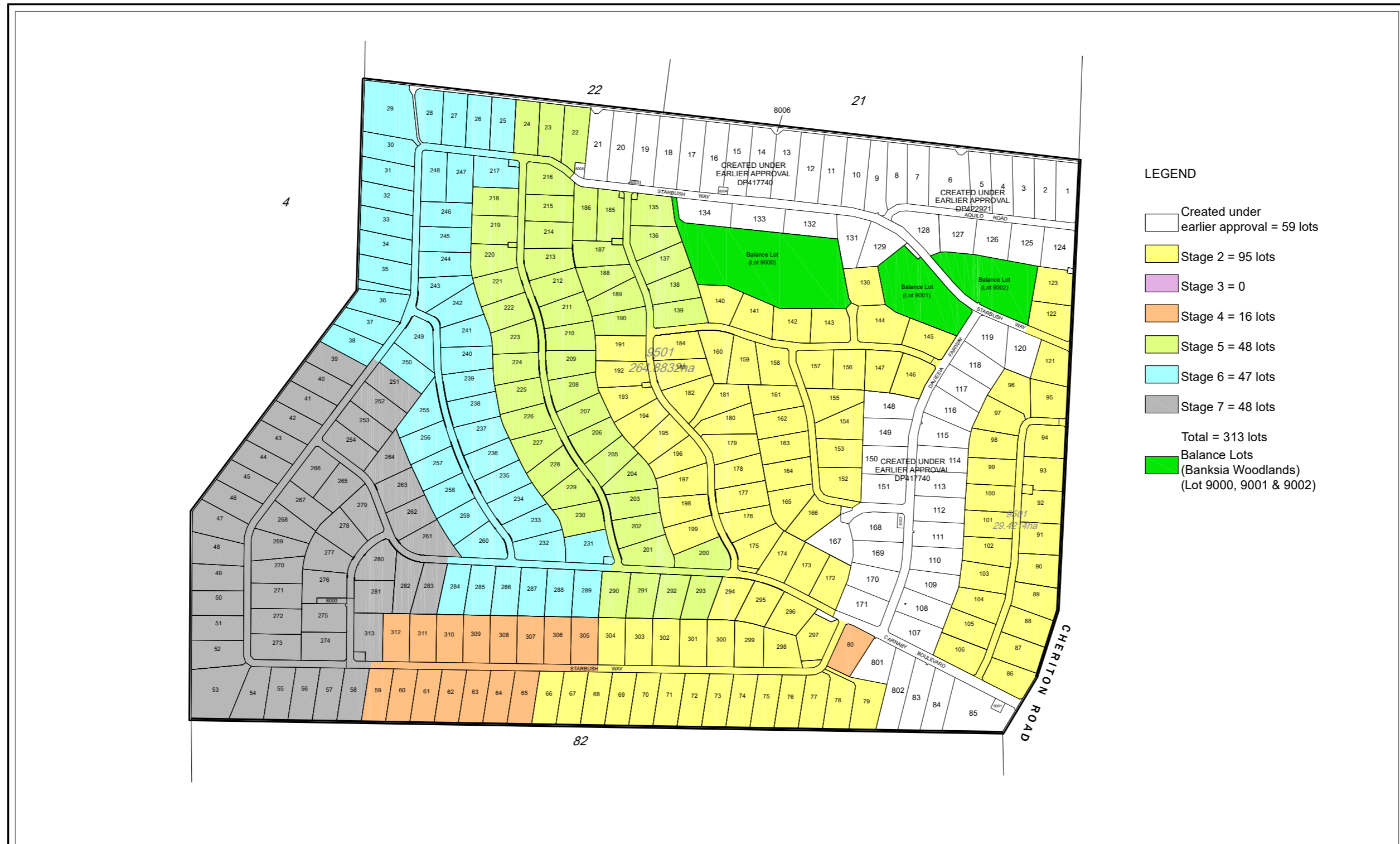
Total No. of Lots:	313
Minimum Lot Size:	10,003m ²
Maximum Lot Size:	20,889m ²
Average Lot Size:	10,322m ²
Existing Lot Size:	372.7314ha

SCALE: 1:7500 @ A3
DATE: 3/8/2017
FILE: Cheriton Subdivision Plan - V7 (Rev 2)
DRAW: William Goh
CHECKED: -



COPYRIGHT RESERVED BASE PLAN COURTESY OF CLAYMONT

Attachment 4 – Applicable Staging Plan



LEGEND

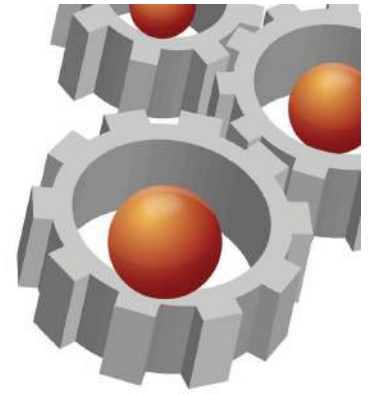
- Created under earlier approval = 59 lots
- Stage 2 = 95 lots
- Stage 3 = 0
- Stage 4 = 16 lots
- Stage 5 = 48 lots
- Stage 6 = 47 lots
- Stage 7 = 48 lots

Total = 313 lots

- Balance Lots (Banksia Woodlands) (Lot 9000, 9001 & 9002)

<p>STAGING PLAN LOT 81 (No. 627) CHERITON ROAD GINGINUP Shire of Gingin</p> <p><small>COPYRIGHT RESERVED BASE PLAN COURTESY OF CLAYMONT</small></p>	  	<p>SCALE: 1:10,000 @ A3 DATE: 3rd JULY 2023 FILE: 039_03.07.2023.dwg DRAW: - SB CHECKED: -</p>	 <p><small>E: admin@dynamicplanning.net.au T: (08) 9275 4433 W: www.dynamicplanning.net.au SUITE 15, 29 COLLIER ROAD MORLEY WA 6062 ABN: 99 169 411 705</small></p>	
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Attachment 5 – Planning Submission Accompanying Earlier Application



Our Ref: 039

15 December 2015

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Dear Sir / Madam,

LOT 81 (NO. 627) CHERITON ROAD, GINGINUP
FORM 1A APPLICATION FOR APPROVAL OF FREEHOLD SUBDIVISION

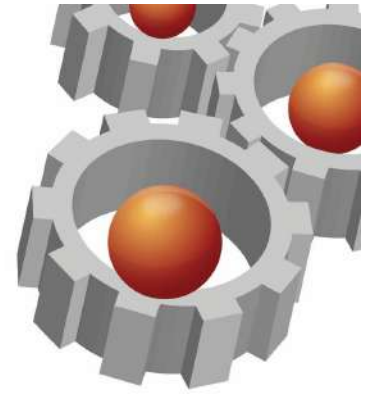
Dynamic Planning and Developments Pty Ltd (DPD) act on behalf of Claymont Land Pty Ltd (formerly Claymont Westcapital Pty Ltd) (the 'Developer'), the proponent and registered proprietor of Lot 81 (No. 627) Cheriton Road, Ginginup (herein referred to as the 'subject site').

The purpose of this application is to seek conditional approval from the Western Australian Planning Commission (WAPC) for the Freehold (Green Title) subdivision of the subject site into 314 allotments.

For submission purposes, we provide the following information as part of this application:

- Supporting submission providing details of the proposed subdivision of the subject site.
- Executed WAPC Form 1A.
- Cheque for \$14,314.08 to satisfy the requisite application fee.
- Western Australian Planning Commission (WAPC) freehold (green title) subdivision approval 28 May 2012 #145386 (**Attachment 1**).
- Shire of Gingin Ordinary Council meeting Agenda 18 June 2013 (**Attachment 2**).
- Proposed subdivision plan (**Attachment 3**).
- Department of Water Licence #GWL178900(2) (**Attachment 4**).
- Fire Management Plan prepared by Bushfire Safety Consulting (**Attachment 5**).
- Traffic Impact Assessment and supplementary information prepared by KCTT (**Attachment 6**).
- Shire of Gingin Subdivision Guide Plan August 1992 (**Attachment 7**).
- Urban Water Management Plan prepared by Groundwork Consulting Engineers (**Attachment 8**).
- Proposed Detailed Area Plan (**Attachment 9**).
- Draft Legal Agreement (Cost Sharing Agreement) prepared by Commercial Law Solutions (**Attachment 10**).

The sections below will explain the details of the proposal further.



Background

The subject site has been through a number of subdivision proposal's in the past commencing with an application for Freehold (Green Title) subdivision submitted against Lots 81 and 83 Cheriton Road (WAPC Ref: 136458). The application was granted conditional approval by the WAPC on 29 November 2007. This proposal comprised a total land area of 541.79ha being the two parent lots and sought approval for 262 rural-residential lots.

Figure 1 below illustrates an overview of this subdivision proposal.

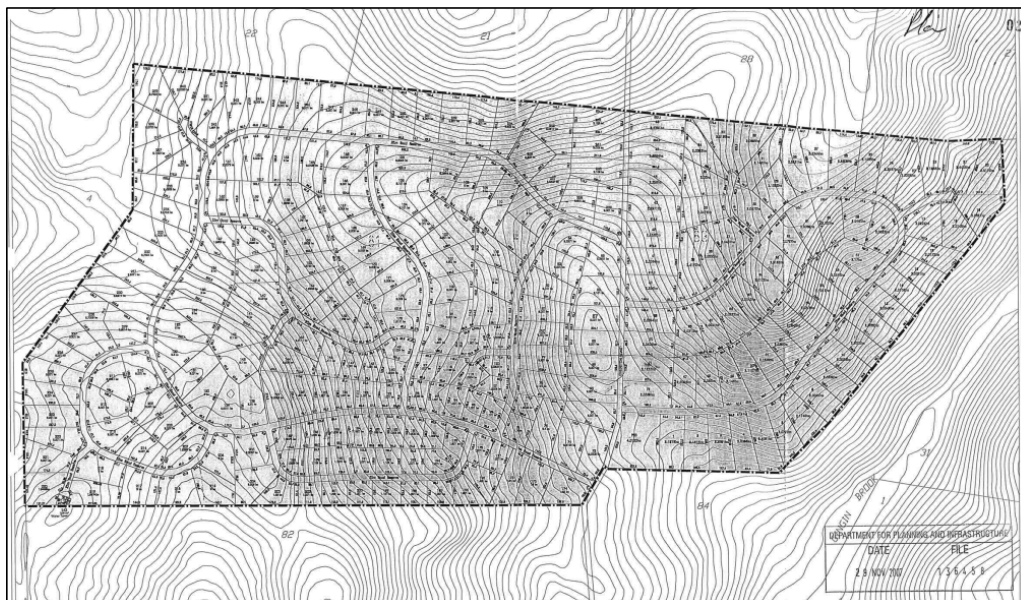


Figure 1 – Lots 81 and 83 Subdivision Approval November 2007 (WAPC Ref: 136458)

Following on from the expiration of the 2007 approval, a new application for Freehold (Green Title) subdivision was submitted on 20 December 2011 for just Lot 81 (i.e. the subject site) given the land was under separate ownership. This application was subsequently granted conditional approval on 28 May 2012 and comprised a total land area of 372.7ha and sought approval for 190 rural residential lots. Figure 2 below illustrates an overview of this subdivision proposal whilst **Attachment 1** contains a copy of the approval documentation.



DYNAMIC PLANNING
AND DEVELOPMENTS

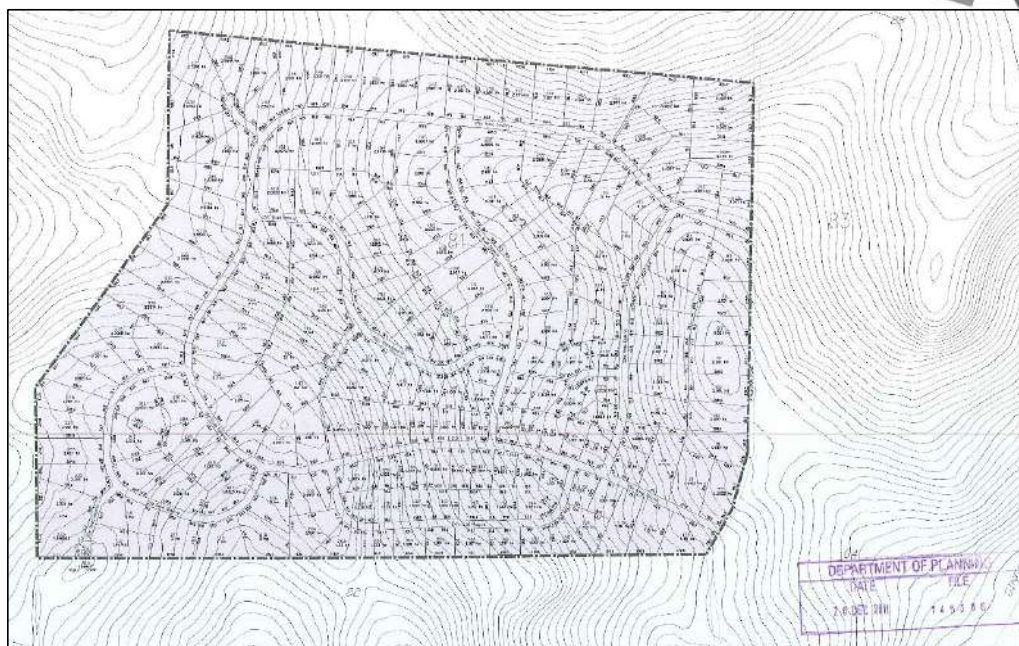
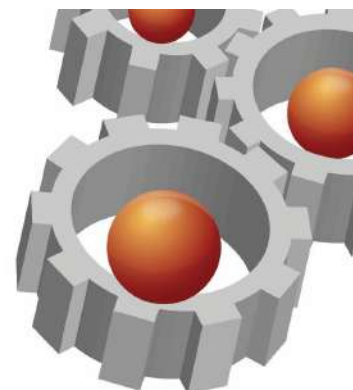


Figure 2 – Lot 81 Subdivision Approval May 2012 (WAPC Ref: 145386)

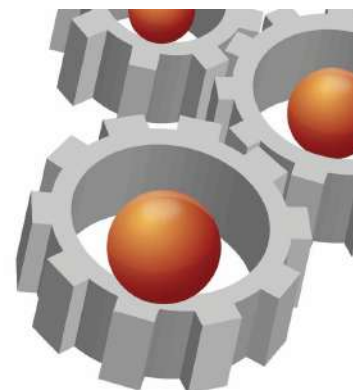
The May 2012 approval was granted on the basis of 16 Conditions and 7 Advice Notes with the approval being valid till 28 May 2016. Of the 16 Conditions, those listed below have been the subject of particular deliberation between the Shire and Claymont Westcapital Pty Ltd; this in-part resulting in the deferral of this subdivision approval being implemented:

Condition 3 - Arrangements being made with the local government for the upgrading, construction and drainage of Cheriton Road. (Local Government)

Condition 13 - Satisfactory arrangements being made to ensure that prospective purchasers of the lots created are advised of those provisions of the Local Planning Scheme which relate to the use and management of the land, including the Subdivision Guide Plan and Management Plan and required Fire Management Plan and associated details. (Local Government)

Condition 16 - Suitable arrangements being made with the Water Corporation or other licensed service provider that provision of a suitable water supply service will be available to lot(s) shown on the approved plan of subdivision. (Water Corporation / Local Government)

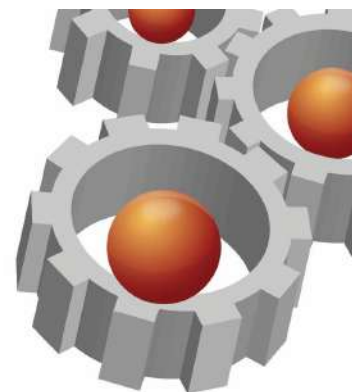
Advice Note 1 - In regard to Condition 3, the Local Government has advised that a Type 4 road construction to a 7 metre seal width is required for Cheriton Road from the northern-most extent of Lot 11 extending south to the townsite boundary.



Advice Note 2 - The Local Government has advised it will require the Deed of Agreement between the Shire and the developer to be updated at the cost of the Developer to adequately provide for funding for the upgrade of Cheriton Road.

Following the May 2012 Approval, the significance of the abovementioned conditions was further engrained when DPD sought approval from the Shire for an alternative subdivision design for the subject site from the approved 190 lots to 246 lots. This proposal was considered by the Shire at its Ordinary Meeting held on 18 June 2013 which resolved that the alternative design could only be supported subject to the following:

- 1) *Advise the Applicant that it requires the preparation of a Detailed Area Plan, to the satisfaction of the Shire's Chief Executive Officer, for Lot 81 Cheriton Road, Gingin, to be prepared in accordance with the provisions of Local Planning Scheme No. 9 which, at a minimum should include:*
 1. *Inclusion of a Dual Use Pathway Plan within the Estate;*
 2. *Provision for a bike carriageway within the construction of Cheriton Road;*
 3. *Demonstration and location of water service and associated infrastructure, including adequate separation distances; and*
 4. *Local Water Management Strategy to support the additional development and considers the turbidity and quality of water runoff from the development to the nearby Gingin Brook environs.*
- 2) *Subject to receipt of:*
 - a) *The Detailed Area Plan, referenced in 1 above;*
 - b) *A new voluntary Deed of Agreement between the Shire of Gingin and the Developer, which provides for:*
 - i. *The Construction of Cheriton Road (including CPI) including the calculation of a new ratio, given that an additional 56 Lots will be created, and;*
 - ii. *The Community Facilities contribution of \$800 per Lot to be paid biannually correlating with the sale of Lots to the satisfaction of the Shire's Chief Executive Officer.*
- 3) *Authorise the Shire's Chief Executive Officer to approve the Detailed Area Plan subject to the document being prepared to the satisfaction of the Shire's Chief Executive Officer;*
- 4) *Authorise the Shire's Chief Executive Officer and Shire President to execute the new Deed of Agreement, subject to the document being prepared to the satisfaction of the Shire's Chief Executive Officer and Shire President;*
- 5) *Upon the satisfactory execution of the new Deed of Agreement and the endorsement of the Detailed Area Plan, as referenced in Point 3 above, require the Detailed Area Plan to be forwarded to the Western Australian Planning Commission for endorsement within ten days; and*
- 6) *Acknowledge that the new Detailed Area Plan will supersede the Shire of Gingin Management Plan, Cheriton Grove, Rural Residential Development for the subject Lot.*



A copy of the Council resolution is contained as **Attachment 2** of this submission.

Since the above Council resolution, DPD and the Developer have been progressively dealing with the requirements of each item and the necessary actions required to ultimately progress to the creation of Titles. Further details on the relevance of the Conditions and Advice Notes of the May 2012 WAPC Approval and Council’s Ordinary Meeting resolution of the 18 June 2013 as part of this new subdivision application is detailed further below.

Proposal: Freehold (Green Title) Subdivision

This application seeks WAPC approval for the subdivision of the subject site into a total of 314 Green Title allotments. An overview of the key subdivision details of the proposal is summarised in Table 1 below, in conjunction with the aforementioned proposals associated with the May 2012 WAPC Approval and Council’s Ordinary Meeting resolution of the 18 June 2013.

	Current Proposal	Shire of Gingin 18 June 2013 Resolution	May 2012 Approval WAPC Approval
Total Land Area	372.731ha	372.731ha	372.731ha
No. of Green Title Lots	314	246	190
• <i>No of Stages</i>	<i>5 stages</i>	<i>5 stages</i>	<i>n/a</i>
Lot Size range	1.0ha to 2.9ha	1.0ha to 3.1ha	1.0ha to 3.1ha

Table 1 – Subdivision Design Summary: Comparison Table

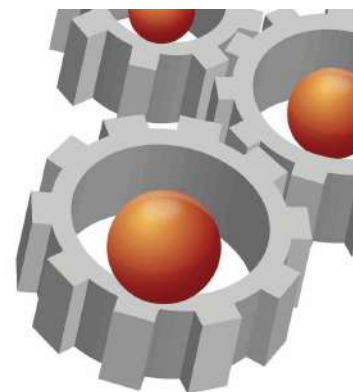
It is noted that the primary purpose for submitting a new application has been in response to the impending expiry of the May 2012 approval but to also formalise the latest subdivision design which has led to a further increase in lot yield from 246 lots to 314 lots. The increase in lot yield has been crucial to maintaining the feasibility of the project whereby costs associated with the supply of water and the upgrading, construction and drainage of Cheriton Road expected by the Shire has resulted in a significant cost consideration for the Developer.

It is noted that the Shire has been considerate of this issue and as such, has worked collaboratively with the Developer in preparation of a Detailed Area Plan (DAP) for the subject site which proposes the creation of 314 allotments in the same manner as illustrated in the proposed subdivision plan – refer **Attachment 3**. The DAP has undergone various Shire processes to receive its support and its approval is only pending the execution of a Deed between the Shire and the Developer associated with the upgrading of Cheriton Road.

Planning Considerations

Shire of Gingin – Local Planning Scheme No. 9 (District Zoning Scheme):

The subject site is zoned ‘Rural Living’ (RL1) under the provisions of the Shire of Gingin Local Planning Scheme No. 9 (LPS No. 9). The general objective of the ‘Rural Living 1’ zone is:



- 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 in appropriately located and designed land use, subdivision and development; and*
- f) *provide for a suitable level of physical and community infrastructure.*

Specific development standards associated with land zoned 'Rural Living' also apply, these standards contained under clause 5.10.5 of LPS No. 9. The majority of standards contained under clause 5.10.5 are matters applicable post-subdivision and as such, are not relevant as part of this proposal. It is worth noting however that the majority of development standards are contained within the proposed DAP.

Notwithstanding the above, sub-clause 5.10.5.1 is relevant whereby it stipulates a minimum lot size of 1.0 hectare for lots coded RL1 which are zoned 'Rural Living'. As detailed in Table 1 above, the proposal contains lots ranging in size between 1.0ha to 2.9ha therefore meeting the minimum standard applicable.

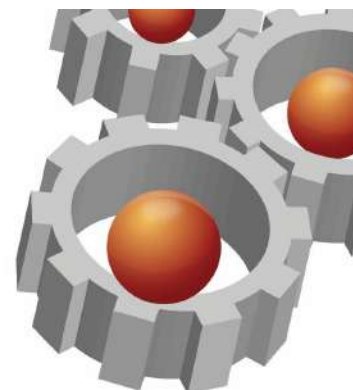
LPS No. 9 also contains Structure Plan and Detailed Area Plan provisions under clause 5.7 and 5.8 which allow the Local Government or the Western Australian Planning Commission (WAPC) the discretion to require the preparation of a Structure Plan or Detailed Area Plan (DAP) prior to considering a subdivision proposal for any area or zone in the Scheme.

The 'Cheriton Grove Management Plan' was prepared previously when the subject site was rezoned from 'Rural' to 'Rural Living'. However, the 'Cheriton Grove Management Plan' has been determined by the Shire to be outdated and no longer reflective of the planning practice required for the locality under the current planning framework and associated State and Local level policies and guidelines. To this end, the Shire at its Ordinary Meeting of Council held on 18 June 2013 resolved that the preparation of a DAP was necessary to support further subdivision of the subject site where the lot yield exceeds 190 lots (i.e. May 2012 WAPC Approval).

As noted above, a DAP has been prepared and is currently pending approval subject to a Legal Agreement being finalised and a subdivision application reflecting the lot design and layout of the DAP being progressed. Further details on the Legal Agreement and DAP is contained in the sections below.

WAPC Development Control Policy 1.1 – Subdivision of Land – General Policies (June 2004):

The WAPC Development Control Policy 1.1 (DC1.1) sets out general principles which are used by the WAPC in determining applications for the subdivision of land. In determining any applications, the WAPC will seek to ensure that the below listed broad objectives are met to allow an application to be approved:



- *To control the subdivision of land within the framework of the relevant legislation and regulations.*

For reasons outlined in this submission, the proposed subdivision of the subject site is in accordance with all relevant legislation and regulations.

- *To ensure that the subdivision of land is consistent with Statement of Planning Policy No. 1 State Planning Framework (SPP No. 1) and relevant WAPC policies and plans.*

SPP No. 1 brings together existing State and regional policies and plans which apply to land use development in WA and restates and expands upon the key principles of the State Planning Strategy in planning for sustainable land use and development. The subdivision proposal is considered to be consistent with the orderly and proper planning for the locality and the five key principles which influence good-decision making under the provisions of SPP No. 1, these being; Environment, Community, Economy, Infrastructure and Regional Development.

The proposal's consistency with other relevant WAPC Policies and plans is detailed in the sections below.

- *To ensure that all lots created have regard to the provisions of the relevant local government town planning scheme.*

As detailed above, the proposal is consistent with the 'Rural Living' (RL1) zoning applicable under the provisions of LPS No. 9. The proposed subdivision is also reflective of a separate DAP prepared for the subject site which has received 'in-principle' support from the Shire.

- *To ensure a comprehensive and co-ordinated approach to the subdivision of urban expansion areas in metropolitan Perth, regional centres and country towns.*

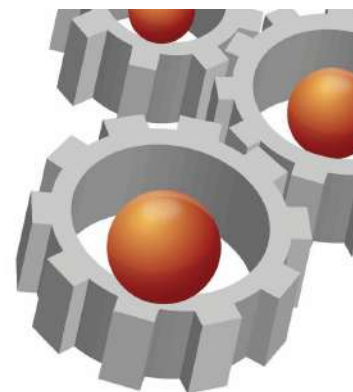
Land use planning undertaken for the subject site to-date (i.e. rezoning from 'Rural' to 'Rural Living' zone) and preliminary investigations associated with, but not limited to, water servicing and associated infrastructure, bush fire planning and necessary road upgrades, have all been coordinated to facilitate the orderly and proper planning for the subject site consistent with the intended growth of the locality.

- *To ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context.*

The proposed subdivision has been designed having regard to relevant State and Local planning policies and guidelines as well as the natural capacity of the land to support rural-residential use.

- *To ensure that the subdivision is consistent with orderly and proper planning and the character of the area.*

For reasons outlined throughout this submission, the proposal is considered to represent the orderly and proper planning for the area.



- *To facilitate development which achieves appropriate community standards of health, safety and amenity.*

The subdivision proposal has been designed having regard to applicable State and Local planning policies and guidelines as well as the capability of the land to support rural-residential use. Subject to the provision of adequate water services and associated infrastructure, implementation of relevant bush fire standards associated with setbacks, buffers and building standards and, the upgrading of the local road network to a higher standard, community standards of health, safety and amenity will be satisfied.

- *To facilitate appropriate access and movement systems for all modes of transport.*

Subject to the upgrading of the local road network as detailed further in this submission, appropriate access and movement systems will be provided for all modes of transport.

- *To ensure constructed vehicle access from the gazetted public road system to each new lot.*

The subdivision design allows each new lot to have direct vehicular access to and from a gazetted public road, this being Cheriton Road.

- *To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.*

The proposed subdivision design and layout will result in the creation of lots which can support lawful development within the confines of applicable State and Local level planning policies and guidelines.

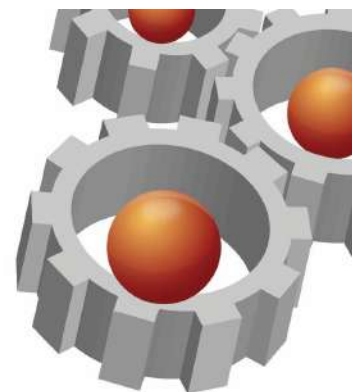
- *To secure public utility services to each new lot appropriate for intended use of the lot.*

Connection to public utility services for each proposed lot is achievable based on preliminary investigations undertaken to-date. Specifically, further detail on service infrastructure connections associated with water is provided in the sections below.

- *To make appropriate arrangements for development contributions, where necessary and relevant, for the orderly and proper planning of the locality containing the subdivision.*

Development contributions applicable as part of the proposed subdivision have already been ascertained during discussions between the Developer and Shire. At this stage, contributions will be required with regard to road upgrades for Cheriton Road as well as contributions towards community facilities amounting to \$800.00 per lot which is to be paid biannually correlating with the sale of lots.

- *To make appropriate arrangements, where necessary for planning purposes, for the ceding or transfer of land.*



As part of the aforementioned road upgrades to Cheriton Road, the resumption of land will be required (in parts) to accommodate the increase to the road reservation. The Shire has agreed 'in-principle' to facilitate necessary duties associated with any ceding or transfer of land. A separate legal agreement will also bind the Developer and the Shire to undertaking the road upgrades.

WAPC State Planning Policy 2.5 – Land Use Planning in Rural Areas (May 2012):

WAPC State Planning Policy 2.5 (SPP2.5) is a State level planning policy which should be applied for rural land to guide decision making for subdivisions in tandem with Development Control Policy 3.4 – Subdivision of rural land, where applicable.

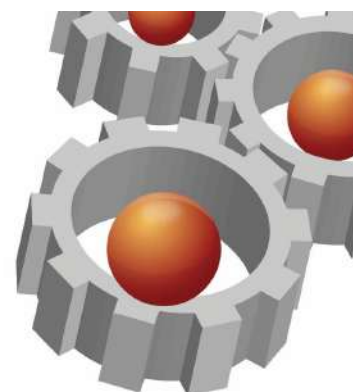
It is noted that SPP2.5 is currently the subject of review with a Draft Policy recently advertised for public comment, the submission period concluding on the 19 January 2016. The Draft Policy is mostly unchanged with the key changes associated with absorbing the policy intent of WAPC State Planning Policy 4.3 – Poultry Farms (which is not applicable as part of this proposal). Based on this and the fact that the SPP2.5 is considered premature in its status, consideration of the proposal has been limited to the current May 2012 version.

SPP2.5 specifically contains criteria associated with rural living precincts to provide guidance in relation to establishing rural living precincts and what objectives need to be met. The following policy measures as summarised in Table 2 below are applied by the WAPC for rural living proposal:

SPP2.5 Cl. 5.6 Rural Living Precincts Policy Measures	Response
a) The rural living precinct is part of a settlement hierarchy established in a WAPC endorsed planning strategy.	The subject site is land identified for town site expansion within the Shire of Gingin Local Planning Strategy (LPS), the objectives of which are <i>“to provide for limited rural residential development adjacent to the periphery of the urban expansion area of the town site, without compromising diversified agricultural activities in the rural hinterland”</i> .
b) The WAPC will consider identifying rural living precincts or supporting proposals for rural living when:	
i. <i>the precinct is adjacent to existing urban areas and has appropriate access to services, facilities and amenities;</i>	The subject site is already zoned 'Rural Living' (RL1) and has been identified in the LPS as being suitable for rural residential purposes given its location on the periphery of the urban expansion area of the town site.
ii. <i>the precinct will not conflict with rural land use activity or reduce the primary production potential of adjoining or nearby land;</i>	Subject to applying appropriate setbacks as required under LPS No. 9 to land zoned 'General Rural', land use conflict is not anticipated.
iii. <i>areas required for priority agricultural land are avoided;</i>	The subject site has not been identified as having high agricultural status. The LPS and LPS No. 9 already identify the land as being suitable for 'Rural Living' purposes.



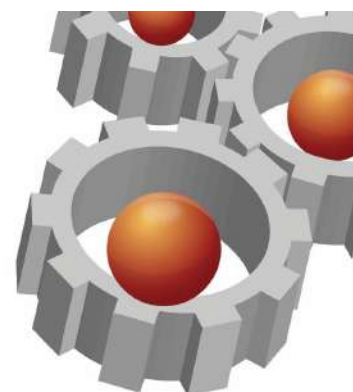
**DYNAMIC PLANNING
AND DEVELOPMENTS**



SPP2.5 Cl. 5.6 Rural Living Precincts Policy Measures	Response
iv. <i>the extent of proposed rural living settlement is guided by existing land supply and take-up and population projections;</i>	As noted, the subject site has already been zoned for 'Rural Living'. The proposed design and layout has been guided by supply and demand projections undertaken by the Developer having reference to similar proposals, namely Marchmont Estate, Gingin.
v. <i>areas required for urban expansion are avoided;</i>	Proposal does not affect any urban expansion areas associated with the Gingin town site.
vi. <i>where lots with an individual area of 4 hectares or less are proposed and a reticulated water supply of sufficient capacity is available in the locality, the precinct will be required to be serviced with reticulated domestic water provided by a/the licensed service provider, including water for fire fighting. Should an alternative to a reticulated water supply be proposed, it must be demonstrated that a reticulated water supply is not available;</i>	Licence to Take Water (Ref: GWL178900(2)) has been issued by the Department of Water for the purposes of water supply for public scheme (i.e. domestic use including water for fire fighting). The annual water entitlement assigned under the licence is 200,000kL. A copy of the licence is contained as Attachment 4).
vii. <i>where a reticulated supply is demonstrated to be not available, or the individual lots are greater than 4 hectares, the WAPC may consider a fit-for-purpose domestic potable water supply, which includes water for fire fighting. The supply must be demonstrated, sustainable and consistent with the appropriate standards for water and health;</i>	n/a
viii. <i>where an acceptable supply of potable water cannot be demonstrated, the development cannot proceed;</i>	An alternative source of water is available - Refer (vi) above.
ix. <i>it has been demonstrated the precinct can be supplied with reticulated electricity;</i>	The provision of an underground power supply service is available to the subject site and as such, can form a condition of subdivision approval.
x. <i>the precinct can be supplied with community facilities as identified under a strategy or scheme, and in compliance with SPP 3.6 as appropriate;</i>	A community facility contribution of \$800 per lot has been agreed upon between the Shire and Developer.
xi. <i>the precinct is predominantly cleared of remnant vegetation or the loss of remnant vegetation through clearing for building envelopes, bushfire protection, access and fencing is minimised and environmental assets are not compromised;</i>	The subject site is predominantly cleared with only small portions of remnant vegetation / bush fire risk areas existing. These areas have been identified as part of a Fire Management Plan prepared by Bushfire Safety Consulting (refer Attachment 5) and the 'Map of Bush Fire Prone Areas' plan available through the Department of Fire & Emergency Services. Details identified and necessary buffer and design considerations are contained in the proposed DAP.

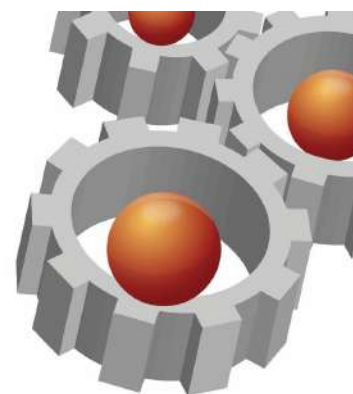


**DYNAMIC PLANNING
AND DEVELOPMENTS**



SPP2.5 Cl. 5.6 Rural Living Precincts Policy Measures	Response
xii. <i>it will promote good environmental and landscape outcomes and the soil and total water management cycle are addressed, and may include rehabilitation as appropriate;</i>	Subject to the proposed subdivision being delivered in accordance with the proposed DAP which will guide water supply, fire management and stocking rate considerations, there will be positive environmental and landscape outcomes for the subject site and locality.
xiii. <i>the land within the precinct is capable of supporting the development of a dwelling(s) and is not located in a flood prone area;</i>	Preliminary investigations do not suggest the subject site is within a flood prone area.
xiv. <i>the land within the precinct is not subject to a buffer from an adjoining land use or the impact(s) from the buffer can be managed;</i>	Buffers and setbacks are applicable to a number of the proposed lots in the form of setbacks as detailed in the proposed DAP. The buffers and setbacks relate to proximity to the 'General Rural' zone, building protection zones (BPZ) associated with bush fire risk, development setbacks contained under LPS No. 9 and bore locations. The impacts of these buffers and setbacks do not preclude the subdivision from proceeding.
xv. <i>the lots can be serviced by constructed road/s capable of providing access during all weather conditions, including access and egress for emergency purposes;</i>	The proposal will provide public road access to all lots. Subject to the upgrading of Cheriton Road as detailed previously, the road standard will be of a standard suitable for the safe use by all road users.
xvi. <i>it can be demonstrated that the precinct is not in an extreme bushfire risk area and any lesser bushfire risk can be minimised and managed without adversely affecting the natural environment; and</i>	Bushfire risk has been reviewed as part of a Fire Management Plan prepared by Bushfire Safety Consulting (refer Attachment 5). The proposed DAP provides various development conditions to ensure bushfire risk is minimised.
xvii. <i>in areas of moderate bushfire risk, dwellings will be required to be constructed to Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas (AS 3959) and separation distances are to comply with relevant guidelines for bushfire protection.</i>	The proposed DAP outlines requirements associated with minimising bushfire risk including compliance with AS3959.
c) Development standards for rural living should be addressed in local planning schemes.	Clause 5.10.5 of LPS No. 9 contains development standards applicable to rural living developments. The proposed subdivision is entirely consistent with the standards contained under Clause 5.10.5.
d) Rural strata proposals with a residential component are considered to be rural living and will be considered in accordance with the criteria listed at 5.6 (a) and (b) of this policy.	n/a

Table 2 – SPP2.5 Clause 5.6 Rural Living Precinct Policy Measures



WAPC Development Control Policy 2.2 – Residential Subdivision (August 2013):

WAPC Development Control Policy 2.2 (DC2.2) sets out WAPC’s requirements for subdivision of land into residential lots. The Policy is generally most relevant in guiding site area requirements for residential development within a metropolitan context and as such, is typically applied in conjunction with State Planning Policy 3.1 – Residential Design Codes of WA.

Notwithstanding the above, DC2.2 does loosely refer to rural residential lots in the context of requirements relating to battle-axe leg and underground power requirements. In this instance, the provisions of DC2.2 are not considered relevant and is otherwise covered under the aforementioned Development Control and State Planning Policies specific to a rural context.

WAPC State Planning Policy 3.7 – Planning for Bushfire Prone Areas (December 2015):

State Planning Policy 3.7 (SPP3.7) provides the foundation for land use planning to address bushfire risk management in WA for areas located in designated brushfire prone areas. Specifically, clause 6.4 of SPP3.7 is relevant which contains guidelines on the information that is to accompany subdivision applications.

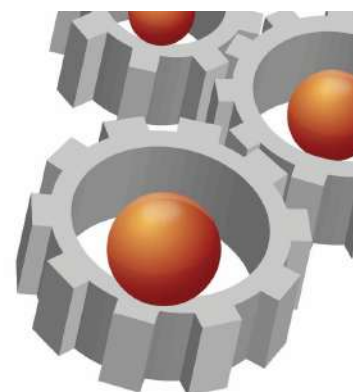
The following information is required as summarised in Table 3 below:

SPP3.7 Cl. 3.7 Information Requirements	Response
a) A BAL Contour Map to determine the indicative acceptable BAL ratings across the subject site, in accordance with the Guidelines. BAL Contour Maps should be prepared by an accredited Bushfire Planning Practitioner;	Bushfire risk has been reviewed as part of a Fire Management Plan prepared by Bushfire Safety Consulting (refer Attachment 5). The proposed DAP provides various development conditions to ensure bushfire risk is minimised. Based on the above, the proposed subdivision is deemed to have demonstrated compliance with the provisions of SPP3.7.
b) The identification of any bushfire hazard issues arising from the BAL Contour Map; and	
c) An assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the subdivision site	

Table 3 – SPP3.7 Clause 3.7 Information Requirements

Liveable Neighbourhoods – Assessment:

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites are to be assessed against the requirements of Liveable Neighbourhoods. Structure planning and subdivision for greenfield and large brownfield (urban infill) sites is currently guided by Liveable Neighbourhoods (January 2009 Update 2). However, the WAPC have recently issued Draft Liveable Neighbourhoods 2015 for public comment; the submission period concluding in November 2015.

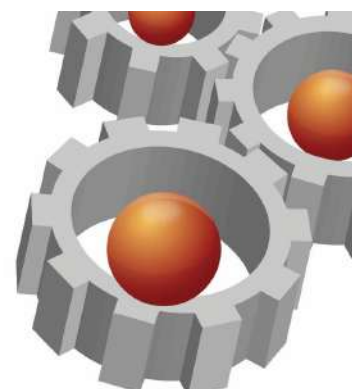


Given the premature nature of the Draft document, assessment of the proposed subdivision has been undertaken within the context of the current guiding policy – refer Table 4 below.

Liveable Neighbourhoods Criteria Large scale subdivision (generally >20ha)	Proposed Freehold (Green Title) Subdivision
<p>Element 1 – Community Design</p> <ul style="list-style-type: none"> • <i>Design Objective</i> • <i>Density Target</i> 	<p>As detailed in the preceding sections above, the subdivision proposal is consistent with the objectives of the ‘Rural Living’ zone and minimum lot size requirements applicable under the provisions of LPS No. 9. As such, the objectives of Element 1 are considered to be satisfied.</p>
<p>Element 2 – Movement Network</p> <ul style="list-style-type: none"> • <i>Traffic volumes and street hierarchy</i> • <i>Connectivity of proposed street system</i> • <i>Connectivity of street system with activity nodes</i> • <i>Street cross-sections</i> • <i>Traffic management</i> • <i>Clear network based on function, traffic volumes, vehicle speed, type, public safety and amenity</i> • <i>Public transport</i> • <i>Pedestrians, cyclists and disabled</i> • <i>Provision for safe convenient pedestrian, cyclist and vehicular access</i> • <i>Accessibility to public open spaces, shops, bus stops, primary schools, transit station</i> 	<p>The proposed subdivision design has been the subject of detailed traffic engineering analysis with respect to both the road network proposed throughout the subdivision as well as upgrades to Cheriton Road between the northern portion of Marchmont Estate and the southern boundary of the subject site. It is noted that dual-use-paths will be provided within the subject site whilst a bike carriageway is accommodated for as per Main Roads guidelines as part of the upgrades to Cheriton Road.</p> <p>Attachment 6 contains traffic engineering information in support of the proposed traffic / road network arrangements of the proposed subdivision. Documents include:</p> <ul style="list-style-type: none"> • Transport Impact Assessment (Dec 2014, Rev D). • Trip Generation Assessment (June 2015 Rev B). • Cheriton Road Layout Plan Rev B. • Cheriton Road Upgrade Staging Plan Rev G.
<p>Element 3 – Lot Layout</p> <ul style="list-style-type: none"> • <i>Lot size and variety</i> • <i>Land use description</i> • <i>Retention of existing vegetation</i> • <i>Minimise effects on local and/or nearby amenity</i> • <i>Provision of and/or proximity to school site(s) in the area</i> • <i>Climate responsive design</i> • <i>Density target</i> 	<p>The proposed lot layout and size has been guided by the provisions of cl. 5.10.5 of LPS No. 9 whilst having regard to other site constraints relating to buffers, other development standards applicable under LPS No. 9 and bushfire protection.</p> <p>The resultant product is considered to be one that provides lot sizes to suit the final user’s requirements with a high level of amenity, service infrastructure and access quality.</p>
<p>Element 4 – Public Parkland</p> <ul style="list-style-type: none"> • <i>Size and distribution of public open space</i> • <i>Public open space schedule (size and distribution of active and passive public open</i> 	<p>The provision of public open space (POS) does not form part of the subject proposal as 4.0ha of POS has been apportioned as part of the future subdivision of Lot 83 Cheriton Road. Specifically, the location of the 4.0ha</p>



**DYNAMIC PLANNING
AND DEVELOPMENTS**



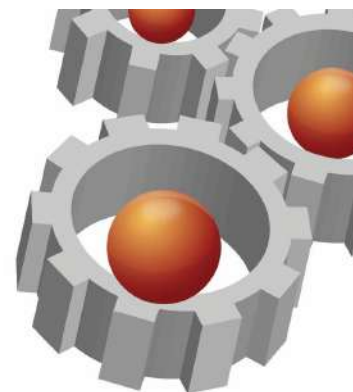
Liveable Neighbourhoods Criteria	Proposed Freehold (Green Title) Subdivision
<p>Large scale subdivision (generally >20ha)</p> <p><i>space to satisfy expected demographics of the development, integration with activity nodes)</i></p> <ul style="list-style-type: none"> • <i>Ongoing management arrangements and responsibilities</i> 	<p>POS is detailed in the Shire’s ‘Subdivision Guide Plan’ (August 1992) – refer Attachment 7).</p> <p>Notwithstanding the above, it is noted that a community facility contribution of \$800 per lot has been agreed upon between the Shire and Developer.</p>
<p>Element 5 – Urban Water Management</p> <ul style="list-style-type: none"> • <i>Urban water management strategy</i> • <i>Define best planning practices</i> • <i>Ongoing management arrangements and responsibilities</i> 	<p>An Urban Water Management Plan has been prepared by Groundwork Consulting Engineers for the subject site (refer Attachment 8) which concludes that the planning layout and associated drainage proposals are acceptable to the Shire of Gingin requirements.</p> <p>It is also noted that a Licence to Take Water (Ref: GWL178900(2)) has been issued by the Department of Water for the purposes of water supply for domestic use. The annual water entitlement assigned under the licence is 200,000kL. A copy of the licence is contained as Attachment 4).</p>
<p>Element 6 – Utilities</p> <ul style="list-style-type: none"> • <i>Servicing report</i> • <i>Power, gas pipelines and/or easement(s)</i> • <i>Telecommunications infrastructure</i> 	<p>Connection to utility services can be readily accommodated for the subject site and as such, can form a condition of subdivision approval.</p>
<p>Element 7 – Activity Centres and Employment</p> <ul style="list-style-type: none"> • <i>Identify land use distribution i.e. retail, mixed use, commercial, educational institutions, government, civic entertainment, home-based business, business</i> 	<p>The intention of ‘Rural Living’ zone is to provide for limited rural residential development adjacent to the periphery of the urban expansion area of the town site of Gingin. As such, Element 7 is not applicable.</p>
<p>Element 8 – Schools</p> <ul style="list-style-type: none"> • <i>Catchment requirements</i> • <i>Size and distribution of school sites</i> • <i>Site analysis and design</i> • <i>School site detailed area plan</i> • <i>Movement network including public transport, walking and cycling</i> 	<p>Not applicable.</p>

Table 4 – Liveable Neighbourhoods (January 2009 Update 02) Assessment

Based on the above, the proposed subdivision is considered to satisfy the high-level objectives, design principles and requirements contained within the Liveable Neighbourhoods Policy.

Detailed Area Plan (Local Development Plan):

As outlined above, the proposed subdivision application has been based on a separate DAP which has been prepared for the subject site and received ‘in-principle’ support by the Shire. The finalisation of



the DAP is currently pending the finalisation of a separate Legal Agreement associated with the road upgrade works for Cheriton Road.

The primary purpose of the DAP is to provide additional development standards and guidance on the future development of the subject site / proposed lots. In this instance, the proposed DAP provides details on the following matters in addition to the development standards contained under the provisions of LPS No. 9:

- Site planning and design – designated building envelopes, minimum fire management separation distances and limiting the number of dwellings to one per lot.
- Setbacks – where setbacks are not guided by a building envelope, fire hazard setback and/or 'General Rural' zone buffer requirement, application of 20.0m minimum front, side and rear setbacks.
- Water requirements – where lots are not connected to a reticulated supply of potable water, catchment and storage of rain-water in suitable tanks (with impervious covers) to be provided of a minimum capacity of 96,000 litres.
- Dams – construction of dams require separate planning approval.
- Fire management – ongoing compliance of future development being subject to a Fire Management Plan.
- Fencing – fencing standards for lots located on the boundary of the subject site to conform to rural fencing standards of the Shire.
- Stocking rates – stocking of lots with animals as listed in Table 2 of the Agriculture Western Australia 'Stocking Rate Guidelines for Rural Small Holdings' is prohibited unless separate approval/s are granted by the Shire.

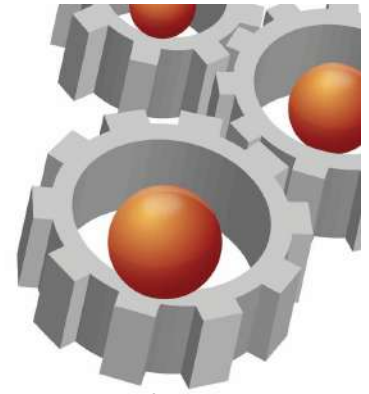
As noted above, the DAP is pending the finalisation of a separate Legal Agreement associated with the Cheriton road upgrade works. However, it is worth noting that with recent gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (P&D Regs), the preparation and approval of DAP's (or Local Developments Plans as referred to under the P&D Regs), are now bound by the new 'deemed provisions for local planning schemes'. To this end, it may be necessary for the Shire to submit as part of any response to the subject subdivision, separate commentary on the proposed DAP to allow its concurrent consideration as part of the subject subdivision application.

A copy of the DAP is contained as **Attachment 9**.

Legal Agreement – Cost Sharing Agreement:

As outlined in the preceding sections above, the Developer has been progressing the preparation of a legal agreement associated with the cost sharing of upgrades to Cheriton Road. A draft legal agreement has been prepared at the time of this submission and is being reviewed by the Shire's Solicitors. The purpose of the legal agreement is to formalise the following matters agreed to between the Developer and Shire during previous discussions held between the two Parties:

- Cheriton Road is to be upgraded in two stages in accordance with the proposed staging plan.



- Subdivision clearances by the Shire are to be connected to the practical completion of the road upgrade in accordance with the agreed staging plan.
- The road upgrade is to be undertaken by the Developer or the Shire, subject to the Developer contributing an agreed sum towards the necessary works.
- The Developer is to contribute 95% of the actual cost of the upgrade and the Shire is to contribute the balance being 5%.
- The Shire is responsible for any land resumption (if necessary) as part of the road upgrade to Cheriton Road with the purchase price of such land being included in the actual cost of the road upgrade.
- The Shire being entitled to lodge an absolute caveat on the land to secure the Developers obligations to construct both stages of the road upgrade.
- The Developer is to pay the Shire a contribution to community facilities in the sum of \$800.00 per lot, the sum of which is payable upon transfer of each lot from the Developer to the buyer at settlement.

A copy of the draft Legal Agreement is contained as **Attachment 10**.

Conclusion

In light of the above, the proposed Freehold (Green Title) subdivision of the subject site is considered appropriate and justified on the basis that:

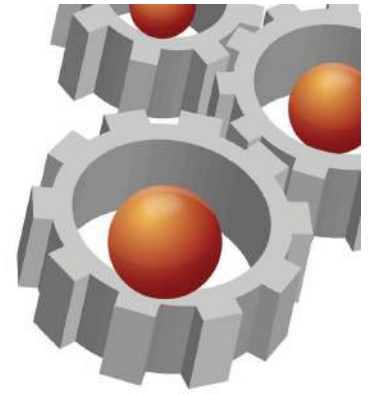
- The proposed residential subdivision is consistent with the objectives for the 'Rural Living' (RL1) zone and the relevant development standards contained under the provisions of the Shire of Gingin LPS No. 9.
- The proposal is consistent with applicable State level planning framework and guiding Policies; namely DC Policy 1.1 – Subdivision of Land, SPP2.5 – Land Use Planning in Rural Areas, DC Policy 2.2 – Residential Subdivision, SPP3.7 – Planning for Bushfire Prone Areas and Liveable Neighbourhoods.
- The proposal will deliver a rural-residential product to the locality thereby diversifying the land use options available to the local community as well as people wishing to relocate into the area.
- The proposed road upgrade works and community facility contributions which form part of the proposal will be a significant benefit to not only future occupiers of the proposal but to the local community of Gingin.

Based on the above and as the WAPC have otherwise previously granted subdivision of the subject site in a manner comparable to that proposed as part of this application, the proposal is considered to warrant favourable consideration and granting of conditional approval.

**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**



APPENDIX 13.1.3



Should you have any queries or require any clarification in regard to the matters raised, please do not hesitate to contact the undersigned or Mr. Neil Teo on 9271 1700.

Yours faithfully,

Hide Shigeyoshi
Planning Manager – Projects and Implementation

Enc.

File Ref: 151215 039 Green Title Subdivision Application ltr.doc



DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE 04-Aug-2023	FILE 163924

Legend:

- Reserve for drainage / bushfire - 20 lots
- Residential Lots - 254 lots

<p>PROPOSED FREEHOLD SUBDIVISION LOT 81 (No. 627) CHERITON ROAD GINGINUP Shire of Gingin</p> <p><small>COPYRIGHT RESERVED BASE PLAN COURTESY OF CLAYMONT</small></p>		<p>SCALE: 1:10,000 @ A3 DATE: 31st JULY 2022 FILE: 039_31.07.2023.dwg DRAW: - SB CHECKED: -</p>	 <p><small>E: admin@dynamicplanning.net.au T: (08) 9275 4433 W: www.dynamicplanning.net.au SUITE 15, 29 COLLIER ROAD MORLEY WA 6062 ABN: 99 169 411 705</small></p>	
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STAGE 2 STAGING PLAN



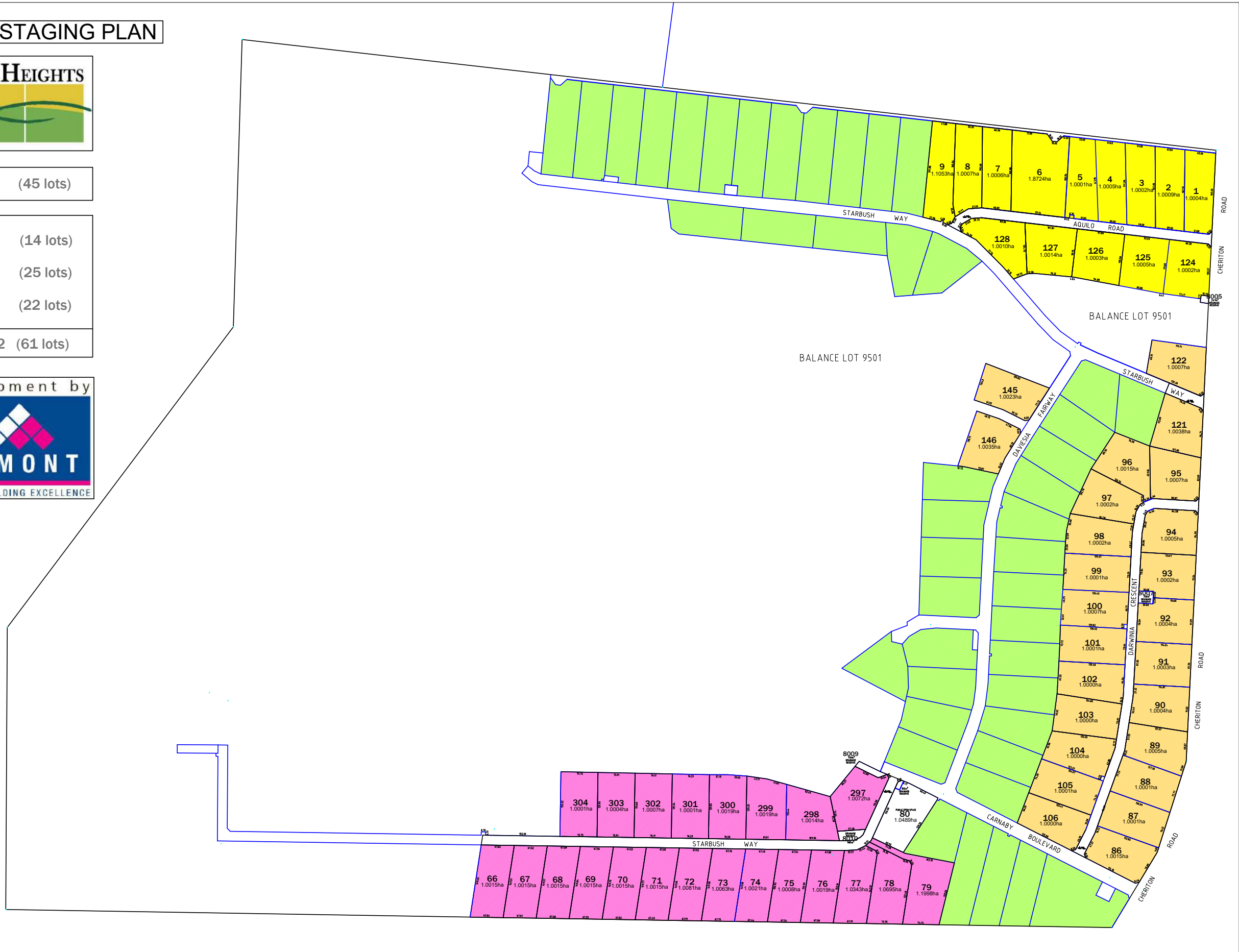
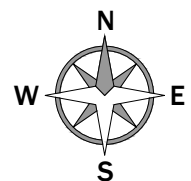
STAGE 1 (45 lots)

STAGE 2A (14 lots)

STAGE 2B (25 lots)

STAGE 2C (22 lots)

TOTAL STAGE 2 (61 lots)



13.2 WITHDRAWAL OF CAVEAT - LOT 9500 CHERITON ROAD, GINGINUP

File	LND/106
Applicant	Claymont Development Pty Ltd
Location	Lot 9500 Cheriton Road, Gingin
Owner	Claymont Development Pty Ltd
Zoning	Rural Living 1
WAPC No	No. 163924
Author	James Bayliss – Manager Planning and Building
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil
Appendices	<ol style="list-style-type: none"> 1. Aerial Image [13.2.1 - 1 page] 2. Location Plan [13.2.2 - 1 page]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider authorising the temporary withdrawal of a caveat lodged against the Certificate of Title for Lot 9500 Cheriton Road, Gingin.

BACKGROUND

The subject land is known as ‘Country Heights Estate’ and the developer is continuing to progress with subdivision works to release lots in stages. The Shire approved the clearance of conditions for Stage 2a in July 2023.

The temporary withdrawal of Caveat P677948 and Restrictive Covenant is required to facilitate the latest stage of the subdivision of the land. The Shire’s caveat will be replaced over the newly created balance lot, being Lot 9502 on Deposited Plan 426165.

Aerial imagery and a location plan are provided (**see appendices**).

COMMENT

Stakeholder Consultation

Community consultation is not applicable to this Item.

Policy 2.33 – Execution of Documents

This policy establishes guidelines for the execution of documents and the application of the Shire of Gingin Common Seal, in accordance with s.9.49A of the *Local Government Act 1995*.

Section 9.49A of the *Local Government Act 1995* requires that, in order for a document to be executed by a local government, there must either be:

1. *A Council resolution to:*
 - a. *apply the Common Seal to that particular document; or*
 - b. *permit the application of the Seal to a range of documents which includes the document in question; or*
2. *A Council resolution authorising the Chief Executive Officer or another employee, or an agent of the Shire, to sign documents on behalf of the Shire.*

The withdrawal of a caveat is classified as a category 1B document under the Policy, which means that although a specific Council resolution to affix the Seal is not required, a Council decision is still required sanctioning a particular course of action that results in the document requiring execution. In this instance, the course of action is to temporarily withdraw the caveat to enable titles for the latest stage of the subdivision to be created.

Summary

The officer suggests that Council authorise the withdrawal of the caveat lodged against the Certificate of Title for Lot 9500 Cheriton Road, Gingin.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
Part 9 – Miscellaneous provisions
Division 3 – Documents
Section 9.49A – Execution of documents

POLICY IMPLICATIONS

Policy 2.33 – Execution of Documents

BUDGET IMPLICATIONS

Administrative costs related to the caveat withdrawal are the responsibility of Claymont Development Pty Ltd.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

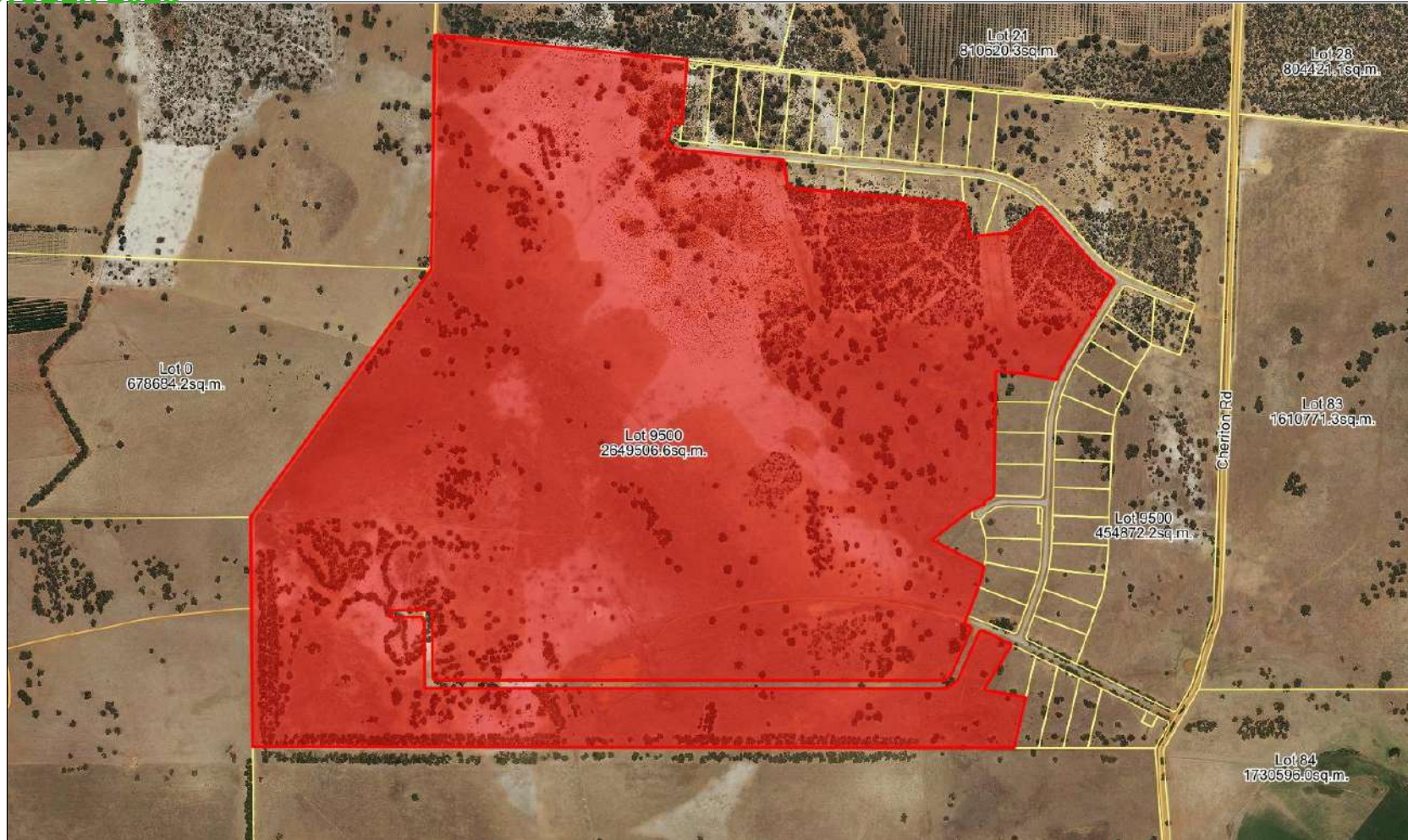
MOVED: Councillor Balcombe **SECONDED:** Councillor Vis



That Council authorise the withdrawal of Caveat P677948, and Restrictive Covenant lodged against the Certificate of Title for Lot 9500 Cheriton Road, Gingin.

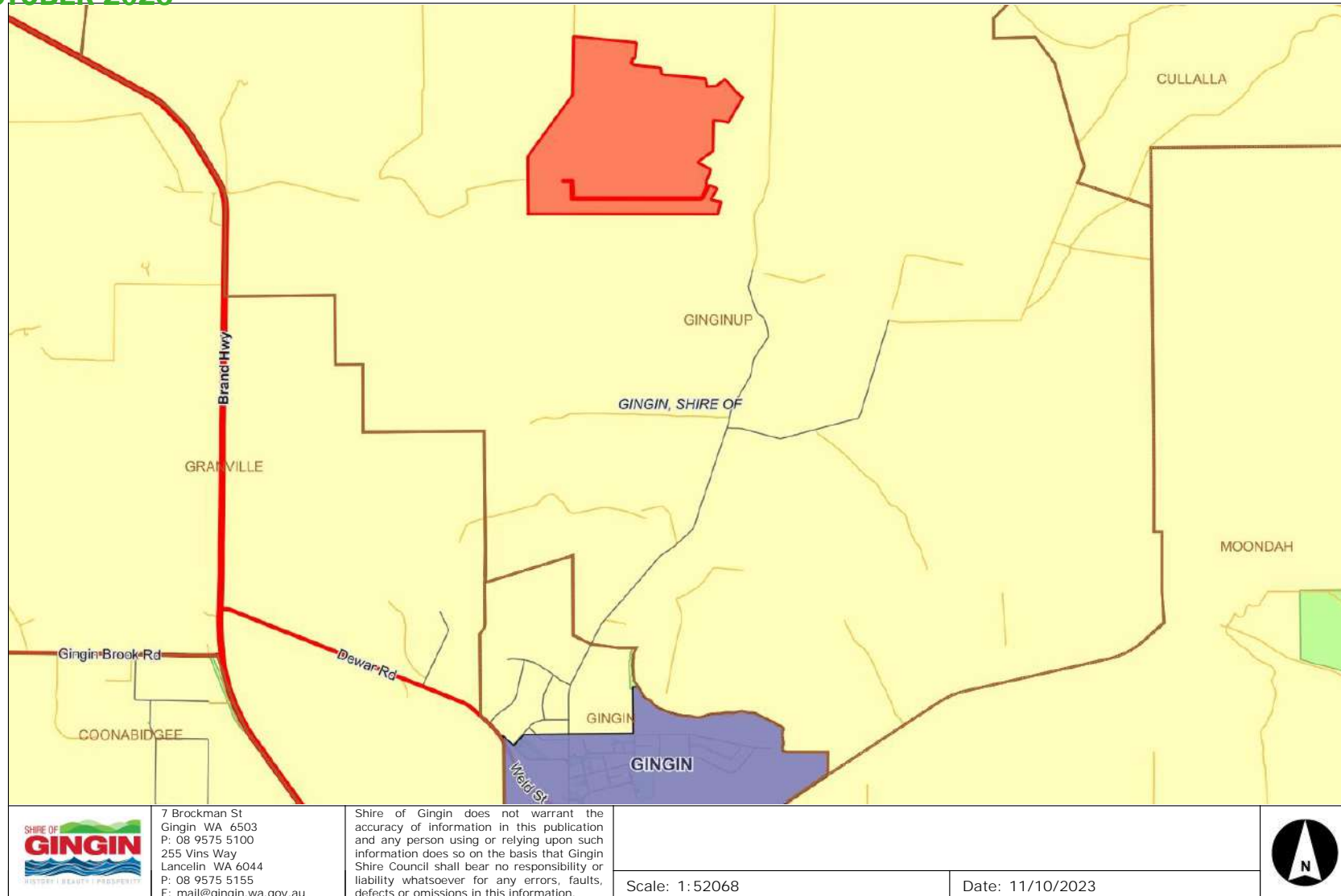
**CARRIED UNANIMOUSLY
8 / 0**

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

AGAINST: *Nil*



 <p>SHIRE OF GINGIN HISTORY BEAUTY PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Scale: 1: 13649</p>	<p>Date: 11/10/2023</p>	
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13.3 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL - PROPOSED USE NOT LISTED (CONTAINER DEPOSIT RECYCLING POINT) AT LOT 301 (13) KING DRIVE, WOODRIDGE

File	BLD/5125
Applicant	Rowe Group Pty Ltd
Location	Lot 301 (13) King Drive, Woodridge
Owner	Shire of Gingin
Zoning	Local Reserve – Shire Purposes
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	19 October 2021 - Item 15.2
Appendices	<ol style="list-style-type: none"> 1. Location Plan - 301 King Drive, Woodridge [13.3.1 - 1 page] 2. Aerial Plan - 301 King Drive, Woodridge [13.3.2 - 1 page] 3. Applicant's Proposal [13.3.3 - 12 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Amended Development Approval for a Use Not Listed (Container Collection Cage) at Lot 301 (13) King Drive, Woodridge.

BACKGROUND

At the Ordinary Council meeting on 19 October 2021, Council resolved to approve a Container Collection Cage on the subject property, of which condition a. states:

a. This approval is for a limited period of 2 years lapsing on 21 September 2023;

This proposal seeks to extend the approval period for a further 3 years (i.e., 2026).

The subject lot is located at the entrance to the Woodridge Rural Living Estate currently containing the Woodridge Community Hall, a café, tennis courts, playground, and public toilets. The portion of the lot in which the development is proposed is indicated as a caravan turning circle area with a toilet block located towards the centre of the lot. This is the predominant recreation/community area for the Woodridge Rural Living Estate. The lot is maintained by the Shire of Gingin.

The proposed development is classified as a Use Not Listed (Container Collection Cage) which is comprised of a sea container with a length of 6m, height of 2m and a width of 2.4m (20 feet), situated on the southern portion of the lot fronting Woollybush Loop.

The development operates as a bag drop facility only, with no requirement for any staff other than for container collection and maintenance works. The Container Deposit Scheme ID system is utilised in refunding participating customers, thereby allowing the bag drop facility to remain unmanned throughout the transaction process.

Council's determination is required as Administration does not have delegation to approve development on Shire-controlled reserves.

A location plan and aerial imagery is provided (**see appendices**).

The Applicant's proposal is provided (**see appendices**).

COMMENT

Stakeholder Consultation

Community consultation was undertaken as part of the original assessment process with one objection being received. The Shire has no record of any complaints over the three-year approval period. On that basis, no further consultation was undertaken.

Disposition of Property Requirements – *Local Government Act 1995* s.3.58

Following Council's approval in 2021, it was necessary to comply with the disposition of property requirements set down under s.3.58 of the *Local Government Act 1995* prior to entering in a lease agreement with the proponent for the relevant area of land. This involved obtaining a formal valuation for annual rental of the land, followed by giving public notice of the proposed disposition and inviting public submissions prior to making a final decision with respect to disposition of the property.

In this instance it is not considered that further action under s.3.58 is required, given that the same potential lessor is involved and it is unlikely that the value of the land in question has changed significantly.

It is therefore recommended that, in the event that Council approves the current Application for Amended Development Approval, it also:

1. Authorise the CEO to negotiate an appropriate lease arrangement in accordance with the current lease; and
2. Authorise the Shire President and CEO to execute the resulting lease arrangement, including affixing of the Common Seal of the Shire of Gingin.

PLANNING FRAMEWORK

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

The subject lot is zoned Public Use – Shire Purposes. LPS 9 does not afford any objectives to this zone, and therefore reference is made to the objectives for this zoning under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ‘Model Provisions’.

The zone *Reserve – Shire Purposes* is not specifically mentioned in the Model Provisions however the officer notes the objective for Reserve – Public Purposes as outlined in the Model Provisions is as follows:

To provide for a range of essential physical and community infrastructure.

As noted in the Background of this report, this lot supplies community and recreation facilities to the Woodridge Rural Living Estate. The proposal provides a service allowing the community to participate in the Containers for Change program.

As the proposal is for a Use Not Listed in the Scheme, reference is made to the applicable land use definition in either the Deemed Provisions or the Model Provisions. In this instance the Deemed Provisions define the land use *Container Collection Cage* as follows:

means a cage or other structure in which members of the public may place empty containers for the purposes of the container deposit scheme, without receiving payment of the refund amount in exchange.

The land use is run by an appointed Western Australian Return Recycle Renew Ltd (WARRRL) operator who is afforded the contract to operate under the Container Deposit Scheme for either a locality or Local Government Municipality. The officer notes that the development provides a service to the community and is therefore consistent with the relevant objective of the lot.

This report does not seek to duplicate the earlier assessment, which ultimately concluded that the development satisfied the planning framework. That assessment stands and remains accurate.

Clause 72 of the Deemed Provisions - Temporary Development Approval

Clause 72 of the Deemed Provisions notes that a local government may impose a condition on a development approval limiting the period of time for which the development approval is granted.

The officer is of the view that a further 3 year term is appropriate, with the previous conditions being otherwise unchanged.

Summary

The proposal seeks to maintain the Containers for Change service to the community in an ongoing and autonomous manner. With the above matters considered, the officer recommends that the development be supported for a limited timeframe (with a provision for extension) subject to appropriate conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No. 9

POLICY IMPLICATIONS

Local Planning Policy 1.9 - Sea Containers

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.5 Sustainable Waste Solutions - Incorporate opportunities that support responsible and sustainable disposal of waste

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Kestel

SECONDED: Councillor Sorensen

That Council:

1. Grant Development Approval for the proposed Use Not Listed (Container Deposit Recycling Point) at Lot 301 (13) King Drive, Woodridge subject to the following conditions:
 - a. This approval is for a limited period of 3 years, expiring on 19 October 2026;
 - b. The development is to be in accordance with the approved plans and any annotations in red ink made by the Shire of Gingin;

- c. The trafficable area utilized by the operator and clients shall be maintained at the cost of Eco Exchange (the operator) and where applicable repaired and/or upgraded to the satisfaction of the Shire of Gingin;
- d. The sea container shall be developed at the existing natural ground level and where necessary, site works are to be undertaken to the satisfaction of the Shire of Gingin, at the operators cost;
- e. The sea container must be emptied once a week or as soon as it reaches capacity, whichever occurs sooner and only between the hours of 8am-5pm;
- f. The operator shall liaise with the Shire's Operations and Assets Department to erect suitable vehicle signage for one-way vehicular movement to/from the site via Woolly Bush Loop at the operator's cost;
- g. The sea container shall be painted and maintained in an appropriate colour, to the satisfaction of the Shire of Gingin; and
- h. At such time as the development ceases, the approval holder (the operator) must remove the sea container and make good any damages to the subject site at their own cost.

Advice Notes:

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 6: With respect to Condition 6, the Shire's Operations and Assets Department can be contacted via phone on (08) 9575 5100 or via email at mail@gingin.wa.gov.au

Note 7: With respect to condition 7, the Applicant liaise with the Shire's Planning Department regarding the colour the sea container is to be painted

Note 8: Prior to the commencement of the development the operator must enter into a commercial lease with the Shire of Gingin to use the as approved portion of the Shire owned reserve.

2. Agree to enter into a new lease arrangement with the proponent and authorise the CEO to negotiate the terms of such arrangement consistent with the conditions of the current lease.
3. Authorise the Shire President and CEO to execute the resulting lease or licence arrangement, including affixing of the Common Seal of the Shire of Gingin.

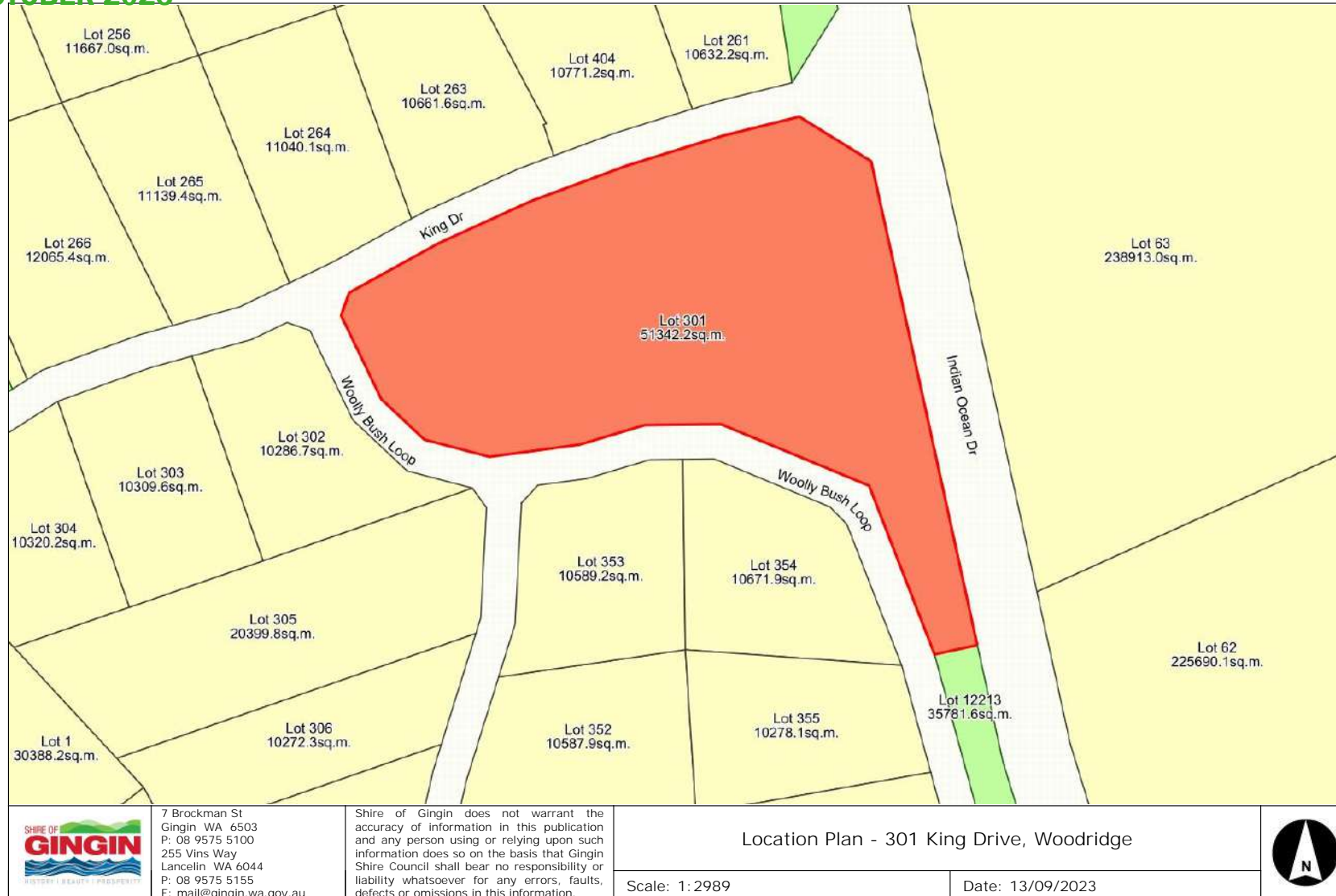
CARRIED UNANIMOUSLY
8 / 0

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

AGAINST: *Nil*

**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**

APPENDIX 13.3.1



7 Brockman St
Gingin WA 6503
P: 08 9575 5100
255 Vins Way
Lancelin WA 6044
P: 08 9575 5155
E: mail@gingin.wa.gov.au

Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.



Location Plan - 301 King Drive, Woodridge

Scale: 1:2989

Date: 13/09/2023





 <p>SHIRE OF GINGIN HISTORY BEAUTY PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Aerial Plan - 301 King Drive, Woodridge</p>	<p>Scale: 1: 2989</p>	<p>Date: 13/09/2023</p> 
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**ROWE
GROUP**

Level 3
369 Newcastle Street
Northbridge 6003
Western Australia

p: 08 9221 1991
f: 08 9221 1919
info@rowegroup.com.au
rowegroup.com.au

Job Ref: 9400
7 September 2023

Chief Executive Officer
Shire of Gingin
7 Brockman Street
Gingin WA 6503

Attention: Mr James Bayliss – Coordinator Statutory Planning

Dear Sir

**Request to Extend Development Approval Time Period
Lot 301 (No. 13) King Drive, Woodridge**

Rowe Group acts on behalf of Eco Exchange (**our Client**). We write in relation to an existing 'Use Not Listed (Container Deposit Recycling Point)' development located at Lot 301 (No. 13) King Drive, Woodridge (**the subject site**) which was approved at the Shire of Gingin's (**the Shire**) Ordinary Council Meeting on 19 October 2021 (**the Development Approval**). We have been instructed by our Client to submit a request to the Shire to extend the period of Development Approval for an additional three (3) years to September 2026, with the option to extend the term for a further three (3) years to September 2029.

This request is made under Regulation 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (**the Regulations**).

To allow this request to proceed, please find enclosed:

- A completed Shire of Gingin Application for Development Approval Form;
- A copy of the Certificate of Title; and
- A copy of the Shire's 21 October 2021 Development Approval Letter.

Subject Site

The subject site comprises one (1) land parcel and is legally described as:

- Lot 301 on Diagram 67198 Certificate of Title Volume 1684 Folio 87.

Refer **Attachment One – Certificate of Title**.

Background

The Shire granted Development Approval for the 'Use Not Listed (Container Deposit Recycling Point)' development at the subject site on 21 October 2021.



Refer **Attachment Two – 21 October 2021 Development Approval Letter**.

Condition 1 of the Development Approval relates to the limited Development Approval time period.

Condition 1 reads:

1. *This approval is for a limited period of 2 years lapsing on 21 September 2023.*

Request to Extend Development Approval Period

Under Regulation 77 (1) (b) of the Regulations, where a development approval has been granted by a local government an application may be made to a local government to amend or delete any condition to which the development approval is subject.

Our Client seeks to amend Condition 1 of the Shire's 21 October 2021 Development Approval to be read as follows:

1. *This approval is for a limited period of 5 years lapsing on 21 September 2026, with the option for the operator to extend the term for another three (3) years to September 2029.*

The Shire under Regulation 77 (4) of the Regulations may determine an Application made under Regulation 77 (1) (b) by either approving the Application, with or without conditions, or refusing the Application.

This Application requests that the Shire extend the period of the 21 October 2021 Development Approval for an additional three (3) years to September 2026, with the option to extend the term for a further three (3) years to September 2029.

We can confirm that our Client does not wish to modify the existing, operating development in any way.

Rationale for Extended Development Approval Period

The following rationale is provided in respect to extending the Development Approval time period:

- ▲ There has been no change to the planning framework with respect to the subject site since the Development Approval was issued by the Shire in October 2021.
- ▲ The subject site is still reserved as 'Public Use: Shire Purposes' under the provisions of the Shire's Local Planning Scheme No. 9 (**LPS 9**).
- ▲ The Shire has not adopted any new Local Planning Policies or Strategies that are applicable to the existing development at the subject site.
- ▲ There have been no issues with the development which has been operating for nearly two (2) years.

For the reasons outlined above, this request is not considered to prejudice the existing or proposed planning framework applicable to the subject site, or adversely impact the amenity of the locality.



Conclusion

In summary, this Application seeks to amend Condition 1 of the 21 October 2021 Development Approval to extend the Development Approval time period of the existing 'Use Not Listed (Container Deposit Recycling Point)' development located at Lot 301 (No. 13) King Drive, Woodridge (**the subject site**) for an additional three (3) years to September 2026, with the option to extend the term for a further three (3) years to September 2029.

The rationale for the extension of time is outlined in this advice. It is considered that the extension of time will not prejudice the existing or proposed development in the locality. Additionally, the current planning framework applicable to the subject site is consistent with the planning framework at the time the Development Approval was issued by the Shire. For the reasons outlined above and within this advice, it is requested that the Shire approve this request.

Should you require any further information or clarification in relation to this matter, please contact Sam Bowers on 9221 1991.

Yours faithfully,

Sam Bowers
Rowe Group



Attachment One

Certificate of Title

WESTERN



AUSTRALIA

REGISTER NUMBER 301/D67198	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

**RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893**

VOLUME **1684** FOLIO **87**

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.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 301 ON DIAGRAM 67198

**REGISTERED PROPRIETOR:
(FIRST SCHEDULE)**

SHIRE OF GINGIN OF BROCKMAN STREET, GINGIN

(T C932567) REGISTERED 7/1/1985

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. EXCEPT AND RESERVING METALS, MINERALS, GEMS AND MINERAL OIL SPECIFIED IN TRANSFER 3148/1957.

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.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
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: 1684-87 (301/D67198)
PREVIOUS TITLE: 1609-56
PROPERTY STREET ADDRESS: 13 KING DR, WOODRIDGE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

Superseded - Copy for Sketch Only


LT. 37
CT 1684 0087 F



1684 087

ORIGINAL - NOT TO BE REMOVED FROM OFFICE OF

Application C932563
Volume 1609 Folio 56

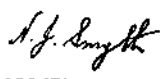



WESTERN AUSTRALIA

CERTIFICATE OF TITLE
UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

Dated 7th January, 1985

REGISTRAR OF TITLES

ESTATE AND LAND REFERRED TO

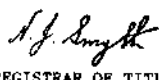
Estate in fee simple in portion of Swan Location 1374 and being Lot 301 the subject of Diagram 67198, delineated and coloured green on the map in the Third Schedule hereto, except and reserving metals, minerals, gems and mineral oil specified in Transfer 3148/1957.

FIRST SCHEDULE (continued overleaf)

~~Sandgate Developments Pty. Ltd., of care of Parker & Parker, 140 Saint George's Terrace, Perth.~~

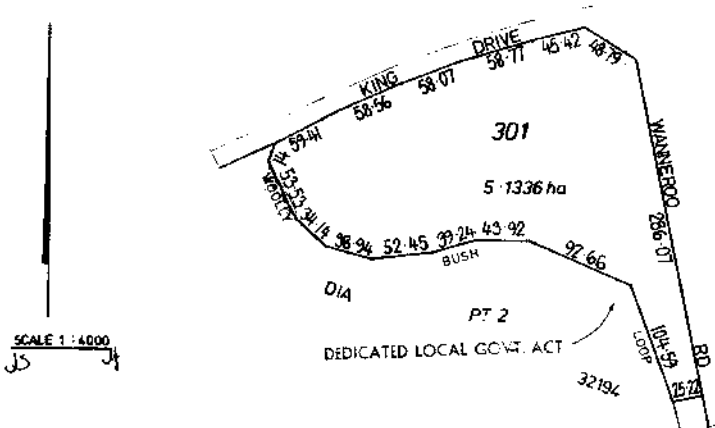
SECOND SCHEDULE (continued overleaf)

- ~~1. MORTGAGE C423907 to Mercantile Credits Ltd. Registered 16.9.82 at 9.55 etc.~~
Discharged C932565 7.1.85
- ~~2. MORTGAGE C423908 to Shire of Gingin. Registered 16.9.82 at 9.55 etc.~~
Discharged C932566 7.1.85
3. CAVEAT C458412. Lodged 17.11.82 at 11.59 etc.
Withdrawn C932564 7.1.85



REGISTRAR OF TITLES

THIRD SCHEDULE



NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

12008/12/77-45M-S/2880

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

Page 1 (of 2 pages) 1684 087 VOL. FOL.



Attachment Two

21 October 2021 Development Approval Letter



21 October 2021

Adrian Dhue
Rowe Group Pty Ltd
Level 3, 369 Newcastle Street
NORTHBRIDGE WA 6003

Via email: adrian.dhue@rowegroup.com.au

Dear Sir/Madam,

**DEVELOPMENT APPLICATION: USE NOT LISTED (CONTAINER DEPOSIT RECYCLING POINT)
ADDRESS: LOT 301 (13) KING DRIVE, WOODRIDGE**

I refer to your Application for Development Approval, received by the Shire on 18 June 2021 for the abovementioned development.

Council considered your proposal at its Meeting on 19 October 2021 and I am pleased to advise that your Application has been approved, subject to the conditions outlined on the attached Notice of Determination in accordance with the Clause 70, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

If you are aggrieved with the conditions of this approval you have the right to request the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*. A review application must be lodged to SAT within 28 days of the Shires determination. Enquiries or review applications should be made to SAT on (08) 9219 3111 or visit www.sat.justice.wa.gov.au.

Please note you may also be required to lodge a separate application and obtain a Building Permit pursuant to the *Building Act 2011* prior to commencing work.

Should you require any further information on this matter, please contact the Planning Department on (08) 9575 5100 or email mail@gingin.wa.gov.au.

Yours sincerely,


MATTHEW TALLON
STATUTORY PLANNING OFFICER

MT/KW
Our Ref: BLD/5125 P2208
Enc: Notice of Determination & Approved Plans



A: PO Box 510, Gingin WA 6503
T: (08) 9575 5100
E: mail@gingin.wa.gov.au
ABN: 85 697 704 946
W: www.gingin.wa.gov.au



**NOTICE OF DETERMINATION ON APPLICATION FOR
DEVELOPMENT APPROVAL**

**SHIRE OF GINGIN
Local Planning Scheme No. 9**

Name and Address of Owner: Shire of Gingin
7 Brockman Street, GINGIN WA 6503

Name and Address of Applicant: Rowe Group Pty Ltd
Level 3, 369 Newcastle Street
NORTHBRIDGE WA 6003

Location: Lot 301 (13) King Drive, Woodridge

Lot: 301 **Plan/Diagram:** D67198

Vol. No: 1684 **Folio No:** 87

Application Date: 2 June 2021 **Received Date:** 18 June 2021

Description of Proposed Development:

USE NOT LISTED (CONTAINER DEPOSIT RECYCLING POINT)

The Application for Development Approval is:

APPROVED subject to the following conditions:

CONDITIONS OF APPROVAL:

1. This approval is for a limited period of 2 years lapsing on 21 September 2023;
2. The development is to be in accordance with the approved plans and any annotations in red ink made by the Shire of Gingin;
3. The trafficable area utilized by the operator and clients shall be maintained at the cost of Eco Exchange (the operator) and where applicable repaired and/or upgraded to the satisfaction of the Shire of Gingin;
4. The Sea Container shall be developed at the existing natural ground level and where necessary, site works are to be undertaken to the satisfaction of the Shire of Gingin, at the operators cost;
5. The Sea Container must be emptied once a week or as soon as it reaches capacity, whichever occurs sooner and only between the hours of 8am-5pm;
6. The operator shall liaise with the Shire's Operations and Assets Department to erect suitable vehicle signage for one-way vehicular movement to/from the site via Woolly Bush Loop at the operator's cost;
7. The sea container shall be painted and maintained in an appropriate colour, to the satisfaction of the Shire of Gingin; and

8. At such time as the development ceases, the approval holder (the operator) must remove the sea container and make good any damages to the subject site at their own cost.

ADVICE NOTES:

- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4: It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 5: All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 6: With respect to Condition 6, the Shire's Operations and Assets Department can be contacted via phone on (08) 9575 5100 or via email at mail@gingin.wa.gov.au.
- Note 7: With respect to condition 7, the Applicant liaise with the Shire's Planning Department regarding the colour the sea container is to be painted.
- Note 8: Prior to the commencement of the development the operator must enter into a commercial lease with the Shire of Gingin to use the as approved portion of the Shire owned reserve.

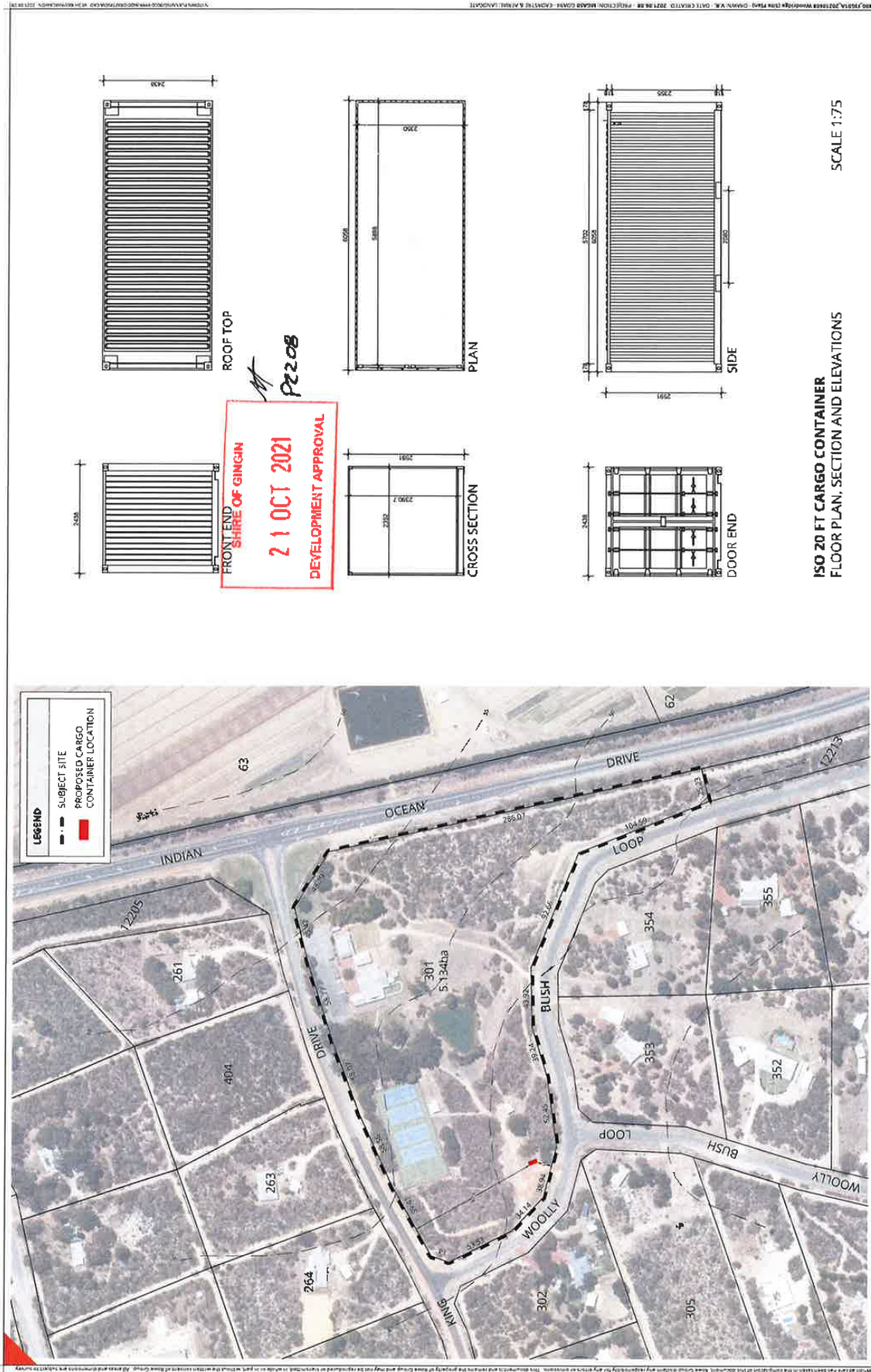
****Please note this approval is not a building permit****

Signed:

Dated: 21 October 2021



MATTHEW TALLON
STATUTORY PLANNING OFFICER
For and on behalf of the Shire of Gingin



**21 OCT 2021
DEVELOPMENT APPROVAL**

Mr P2208

**ISO 20 FT CARGO CONTAINER
FLOOR PLAN, SECTION AND ELEVATIONS**
SCALE 1:75

ROWE GROUP

0 0.5m 1m
SCALE AS SHOWN
9400-FIG-01-A

SITE PLAN
LOT 301 (NO. 13) KING DRIVE
WOODBRIDGE

**13.4 APPLICATION FOR DEVELOPMENT APPROVAL ENTRY STATEMENT WALL (SIGNAGE)
AT LOT 11 (25) OLD MOOLIABEENEE ROAD, GINGIN**

File	BLD/6903
Applicant	Andrew Tulloch
Location	25 Old Mooliabeenee Road, Gingin
Owner	Sanvidel Pty Ltd
Zoning	General Rural
WAPC No	N/A
Author	Natasha Jurmann – Statutory Planning Officer
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. Location Plan [13.4.1 - 1 page] 2. Aerial Plan - Lot 11 (25) Mooliabeenee Road, Gingin [13.4.2 - 1 page] 3. Entry Statement Design and Engineering [13.4.3 - 7 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval to install an Entry Statement Wall (Signage) on Lot 11 (25) Old Mooliabeenee Road, Gingin.

BACKGROUND

Council at its meeting 19 June 2018 approved an ‘Eco Lifestyle Village’ to be developed on the subject land. This proposal seeks to construct an entry statement/signage wall.

The proposed development has a wall height of 3 metres and a length of 8.5 metres. The signage itself is to be substantially smaller as depicted in the **appendices**.

Council consideration is required as the officer does not have delegated authority to approved the development.

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

A copy of the applicant’s proposal is provided (**see appendices**).

COMMENT

Stakeholder Consultation

There is no requirement to advertise the application as it is considered not to have any impact on adjoining landowners.

PLANNING FRAMEWORK

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

The subject land is zoned General Rural, *the objectives of which are:*

- 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.*

Officer Comment

The proposed entry statement will not impact on the specific local rural character of the area. As the primary use was previously approved there will be no new or additional uses added to the property as a result of the proposed development. The objectives are satisfied.

Local Planning Policy No.1.12 - Advertising Signs

4.1.2. Advertising signs that do not meet the standard requirements of this Policy are deemed not exempt from development approval and will require the lodgement of an application to the Shire for consideration of approval.

In this instance the development is classified as an 'entry statement/estate sign' under LPP 1.12 which is outline below:

4.2.7 Entry Statement/ Estate Sign

Entry statements and estate signs are only permitted subject to approval by the Shire. A sign can be approved as part of civil works and a building permit where conditional subdivision approval has been granted by the Western Australian Planning Commission, and meets the following:

- a) does not exceed a length of 6m and height of 2.5m;*
- b) is incorporated into a retaining wall, dividing fence wall or other feature structure;*
- c) is located wholly within private property and not on the road reserve; and*
- d) is maintained by the landowner of the property.*

The proposed development exceeds a length of 6 metres and exceed a height of 2.5m. Each entry wall is a slightly different length, however, are approximately 10 metre in length. The overall height is proposed to be 3 metres.

4.1.6. The advertising sign shall achieve the following design and location criteria:

- Be of a minor nature and subservient to the scale of a building and/or place in which they are installed.*
- Limited to one sign type per lot frontage.*
- Not cause visual clutter of the streetscape, building or place.*
- Not display offensive wording or images.*
- Only display services offered for sale and/or produced on the land.*
- Not obscure architectural attributes of a building.*
- Not cause a nuisance, by way of light spillage, to adjoining or nearby properties.*
- Not flash, pulsate or chase when illuminated.*
- Not contain colours that interfere with, or are likely to be confused with, traffic control signals whether illuminated or not.*
- Not obstruct visual sightlines or movement for motorists and pedestrians.*
- Not obstruct views of significance.*
- Not be placed on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.*

The entry statement is viewed as being proportionate to the scale of the lifestyle village is associated with and is viewed as achieving the above-mentioned criteria.

Policy Objectives

- 3.1. To ensure advertising signs are minor in scale to the buildings and place they are erected on.*

- 3.2. *To ensure that advertising signs do not adversely impact the amenity of the surrounding area and protect the cultural heritage significance of a building or place.*
- 3.3. *To ensure that advertising signs only display services offered for sale and/or produced on the land or related to the approved land use taking place.*
- 3.4. *To ensure that advertising signs are maintained to an acceptable standard and do not fall into disrepair.*
- 3.5. *To ensure advertising signs do not pose any risk to the safety of pedestrians and motorists due to design and location.*

Officer Comment

The proposed signage is minor in scale to the approved eco village and will not adversely affect the amenity of the surrounding area. The signage will advertise the eco village located on the lot, which is an approved land use and will not pose any risk to the safety of pedestrians or motorists.

Summary

Given the above assessment, the officer recommends that the application for an Entry Statement Wall (Signage) at Lot 11 (25) Old Mooliabeenee Road, Gingin be approved subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Local Planning Scheme No. 9

POLICY IMPLICATIONS

Local Planning Policy No.1.12 - Advertising Signs

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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

That Council grant Development Approval for an Entry Statement Wall (Signage) on Lot 11 (25) Old Mooliabeenee Road, Gingin subject to the following conditions:

1. The approved development plans and accompanying documentation, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued;
2. This Approval is for an Entry Statement Wall (Signage) only, to be erected in the location depicted on the approved plans;
3. The Entry Statement Wall and associated Signage shall be maintained in a good condition of presentation by the landowner. The Shire reserves the right to direct the landowner, in writing, to undertake necessary works to maintain the signs to a standard satisfactory to the Shire of Gingin should it fall into disrepair; and
4. The approved signage shall not contain any flashing, moving or pulsating lighting nor contain lighting that is distracting to road users

Advice Notes

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

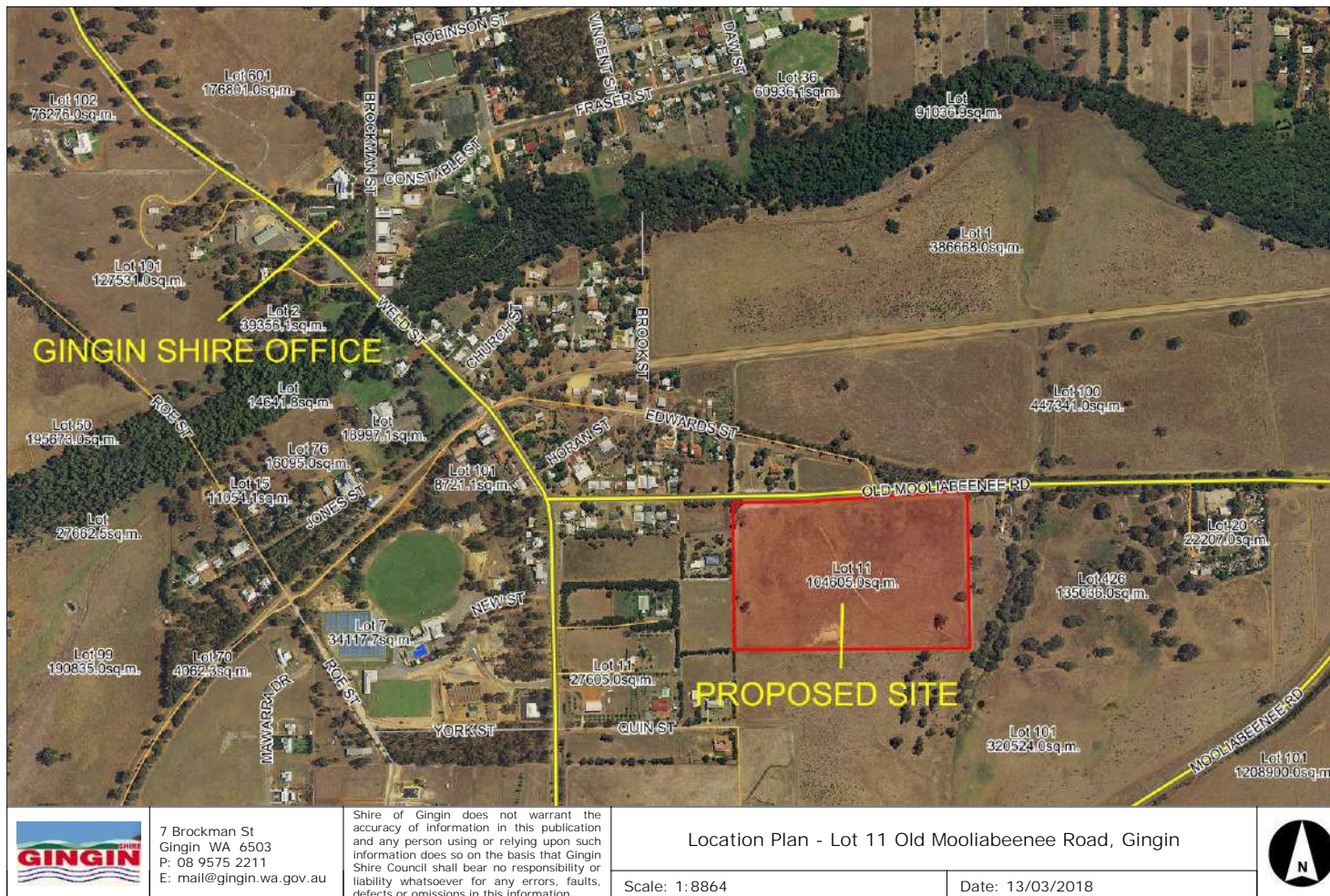
Note 2: If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.

Note 3: Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.

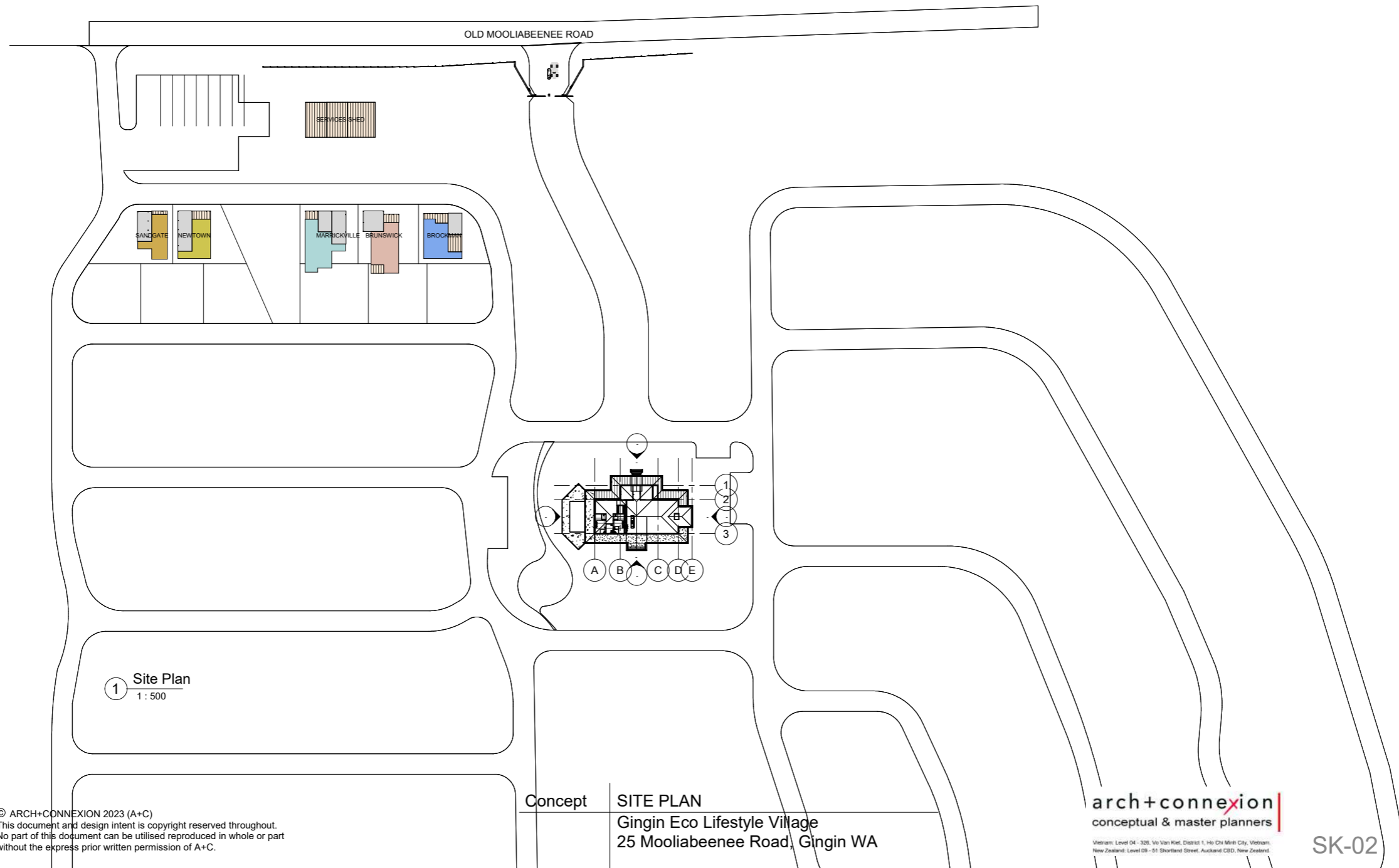
**CARRIED UNANIMOUSLY
8 / 0**

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

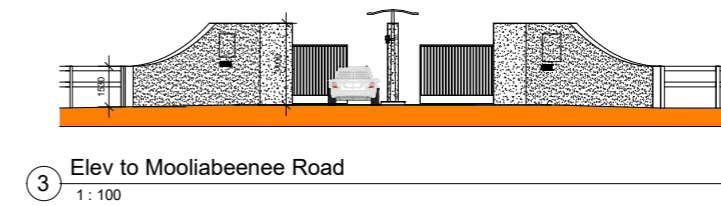
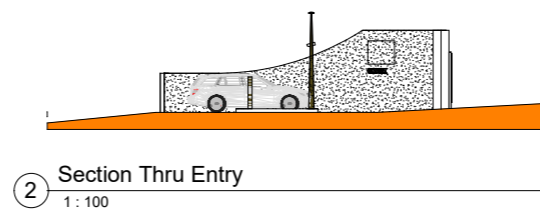
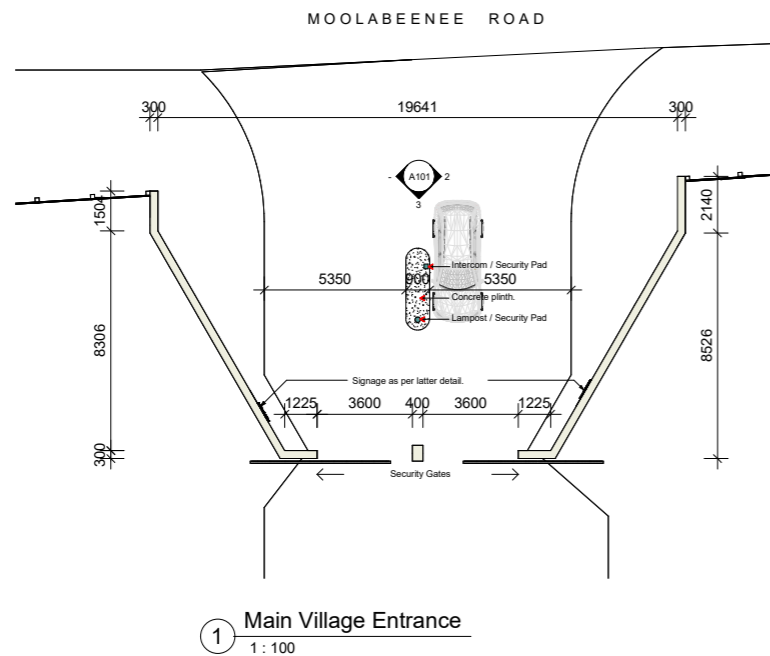
AGAINST: *Nil*







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Concept | ENTRANCE TO VILLAGE
Gingin Eco Lifestyle Village
25 Moolabeenee Road, Gingin WA

arch+connexion
conceptual & master planners
Vietnam: Level 04 - 3/26, Vu Van Kien, District 1, Ho Chi Minh City, Vietnam.
New Zealand: Level 08 - 51 Shortland Street, Auckland CBD, New Zealand.

SK-04



AM Consulting Engineers
P: U11/56 Creaney Drive, Kingsley, 6026
E: Admin@AMSES.com.au
Ph: (08) 6185 1722

4 August 2023

Project Address:
25 Mooliabeenee Rd,
Gingin,
Western Australia
6503

To whom it may concern,

RE: 25 MOOLIABEENEE RD, GINGIN, 6503, CERTIFICATION – FEATURE WALL

I am writing in relation to the project above. AM Structural Engineering Services (AMSES) was engaged to certify details for construction and use. I have reviewed the design and am satisfied it is suitable for construction. This letter certifies that the design meets the requirements of the relevant design codes. It further certifies that the structure is suitable for use.

The structure was checked against the following codes;

1. AS/NZS1170 – Design Actions
2. AS3600 – Concrete Structures
3. AS4100 – Steel Structures
4. AS4600 – Cold-form Steel Structures
5. NCC – National Construction Code

This Certification covers the following Drawings;

Item	Document Number	Description	Date	Rev.
1	AMSES-1347	Engineering Drawings (3 off.)	03/08/23	0
2	-	Architectural Drawings (1 off.)	-	-

A copy of the certified document(s) are attached to this letter. I trust that this will meet your requirements. If you have any queries please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Alex Morris'.

Alex Morris,
Structural Engineer, MIEAust
AM Structural Engineering Service
Member of Engineers Australia – Membership #4265890

CONCRETE

- ALL CONCRETE SHALL BE MANUFACTURED AND PLACED IN ACCORDANCE WITH AS3600. BLENDED CEMENT IS TO BE IN ACCORDANCE WITH AS1317.
- CONCRETE SHALL BE PROTECTED WHEN FRESHLY CAST FROM THE EFFECT OF RAIN, RUNNING WATER AND DRYING.
- CONCRETE SHALL BE MOIST CURED FOR THE FIRST 7 DAYS BY EITHER:
 - CONTINUOUS WATER PONDING,
 - WET HESSIAN OR,
 - SYNTHETIC CURING MEMBRANE
- ALL CONCRETE SHALL BE COMPACTED WITH IMMERSION TYPE VIBRATORS TO ENSURE CONCRETE FLOWS TO ALL CORNERS OF FORMWORK AND AROUND REINFORCEMENT AND DUCTS AND TO ENSURE NO VOIDS. SPARE VIBRATORS SHALL BE KEPT ON SITE.
- NO SEGREGATION OF CONCRETE IS TO OCCUR DURING PLACEMENT. NO ADDITIONAL WATER, CEMENT, AGGREGATE OR ADMIXTURES MAY BE ADDED TO THE CONCRETE ON SITE WITHOUT THE APPROVAL OF THE CONCRETE SUPPLIER. MINIMUM CONCRETE FINISH SHALL BE SMOOTH STEEL TROWEL FOR TOP OF GROUND AND SUSPENDED SLABS, OFF-FORM FOR SUSPENDED SLAB SOFFITS AND WOODEN SCREED FOR TOP OF FOOTINGS (UNLESS OTHERWISE SPECIFIED ON THE ARCHITECTURAL DRAWINGS).
- CONSTRUCTION JOINTS IN CONCRETE WORK MAY ONLY BE MADE WHERE SHOWN ON THE DRAWINGS OR WHERE OTHERWISE APPROVED BY THE STRUCTURAL ENGINEER.
- POUR BEAMS AND SLABS MONOLITHICALLY, POUR SUPPORTING COLUMNS MIN 24 HOURS PRIOR TO POURING SLAB, UNLESS OTHERWISE APPROVED BY THE STRUCTURAL ENGINEER.
- CONCRETE STRENGTH IS TO BE AS FOLLOWS:

LOCATION	CONCRETE	TYPE
FOOTINGS	N20 / 20 / 80	GB OR GP
GROUND SLAB	N25 / 20 / 80	GP ONLY
SUSPENDED SLAB	N32 / 20 / 80	GP ONLY
COLUMNS	N32 / 20 / 80	GP ONLY
BEAMS	N40 / 20 / 80	GP ONLY

- BUILDER/CONTACTOR MAY SUBSTITUTE SPECIFIED CONCRETE ITEMS. BUILDER ASSUMES ALL RESPONSIBILITY FOR SUBSTITUTED DESIGN UNLESS CONFIRMED BY AMSES IN WRITING PRIOR TO ANY MATERIALS BEING ORDERED.
- SUSPENDED SLABS TO BE PROPPED FOR A MINIMUM 21 DAYS AFTER CONCRETE POUR. CONCRETE COMPRESSIVE STRENGTH MUST BE CONFIRMED BY TESTING IN STRICT ACCORDANCE WITH AS1012.9 PRIOR TO DE-PROP.
- PROVIDE 2 LAYERS OF SUPER ALCOR OR SIMILAR TO TOP OF WALLS SUPPORTING SLABS EXCEPT AT RETAINING WALLS AND REINFORCED SHEAR WALLS.
- FOR **POLISHED CONCRETE** FLOORS USE MINIMUM N32 CONCRETE IN GROUND SLABS AND N40 IN SUSPENDED SLABS. SPECIFIC CARE SHOULD BE PAID TOWARDS ENSURING A "WET CURE" IS ACHIEVED BY THE METHODS ABOVE. ADDITIONALLY, INCREASE MESH REINFORCEMENT TO A MINIMUM OF SL81 FOR GROUND SLABS AND PROVIDE SL52 TO THE TOP FACE OF SUSPENDED SLABS IN ADDITIONAL TO ANY SPECIFIED REINFORCEMENT.

REINFORCEMENT TO CONCRETE

- ALL REINFORCEMENT SHALL BE IN ACCORDANCE WITH AS/NZS 4671. REINFORCEMENT SHALL BE GRADE 500 FOR THE FOLLOWING REINFORCEMENT TYPES: L, N, RL, SL, TM. REINFORCEMENT SHALL BE GRADE 250 FOR THE FOLLOWING TYPES: R, S.
- REINFORCEMENT SHALL BE HELD RIGIDLY AND ACCURATELY IN POSITION USING APPROVED CHAIRS, IN ACCORDANCE WITH AS 3600. USE ONLY PLASTIC CHAIRS FOR EXTERNAL CONCRETE WHERE LOCATED WITHIN 1km OF THE COAST.
- MESH FABRIC MUST BE LAPPED BY AN AMOUNT EQUAL TO THE SPACING OF THE TWO OUTERMOST TRANSVERSE WIRES PLUS 25MM AND AS SHOWN ON THE DRAWINGS (ONE "SQUARE"), OR AS OTHERWISE RECOMMENDED BY THE MANUFACTURER. WELDING OF REINFORCEMENT MAY ONLY BE DONE WITH THE APPROVAL OF THE STRUCTURAL ENGINEER AND IN ACCORDANCE WITH AS3600.
- REINFORCEMENT SPLICE, COG AND HOOK MINIMUM LENGTHS ARE AS FOLLOWS:

TYPE	MIN LAP OR SPLICE	COG		HOOK	
		a	b	a	b
N10	300	130	105	80	
N12	450	155	115	95	
N16	700	210	130	125	
N20	1000	260	170	155	

- WHERE PENETRATIONS OCCUR IN SLABS, REINFORCEMENT SHALL NOT BE CUT WITHOUT THE APPROVAL OF THE STRUCTURAL ENGINEER.
- ALL REINFORCEMENT SHOULD BE INSPECTED BY A STRUCTURAL ENGINEER PRIOR TO CONCRETE PLACEMENT.
- CLEAR COVER TO REINFORCEMENT IS TO BE:

ITEMS	FACE	EXPOSURE CLASS	MIN. COVER
FOOTINGS, GROUND SLAB	INTERNAL	A1	30mm
	EXTERNAL	A1	65mm
SUSPENDED SLAB, COLUMN	INTERNAL	A1	30mm
	EXTERNAL	B1	40mm
BEAMS	INTERNAL	A1	30mm
	EXTERNAL	B1	30mm

- EXTERNAL:** REFERS TO ALL EXPOSED CONCRETE TO WEATHER SUCH AS: BALCONY SLABS, UNDERSIDE OF EXTERNAL CANTILEVER SLABS, SLABS OVER ALFRESCO AREAS, ETC.
INTERNAL: REFERS TO ALL PROTECTED CONCRETE FROM WEATHER, CONTAINED WITHIN THE MAIN BUILDING BY WALLS AND ROOF, ETC.

EARTHWORKS

- STRIP AND REMOVE ALL VEGETATION AND TOPSOIL (AT LEAST 0.3M) IN THE AREA TO BE COVERED BY FILL MATERIAL OR BY THE STRUCTURE UNLESS EXTRA EXCAVATION IS REQUESTED BY GEOTECHNICAL CONSULTANT.
- ANY TREE STUMPS, RUBBISH, OLD EXCAVATIONS, CLAY OR DELETERIOUS FILL ETC, SHALL BE CLEARED OUT AND REPLACED WITH CLEAN AND COMPACTED GRANULAR FILL, OR AS REQUIRED BY THE GEOTECHNICAL ENGINEER.
- THE BUILDER SHALL ENSURE THAT NO EXISTING STRUCTURES OR SERVICES ON THIS OR ADJACENT PROPERTIES ARE SURCHARGED OR UNDERMINED BY THESE WORKS. IF UNSURE, CONTACT THE STRUCTURAL ENGINEER FOR PROPER ADVICE PRIOR TO PROCEEDING.
- ALL SAND FOUNDATION AND FILL MATERIAL SHALL BE CLEAN, WELL GRADED SAND, COMPACTED IN WATERED 300MM FILL TO BE TESTED FOR FULL DEPTH USING STANDARD PERTH SAND PENETROMETER TO ACHIEVE COMPACTION TEST RESULTS (WHEN TESTED WITH A STANDARD PERTH SAND PENETROMETER) OF MIN 7 BLOWS PER 300MM. NATURAL FOUNDATION SAND MATERIAL SHALL BE COMPACTED FOR A MINIMUM DEPTH OF 900MM, TO ACHIEVE COMPACTION TEST RESULT OF MIN 7 BLOWS PER 300MM.
- ALL ROOF AND SURFACE WATER SHALL BE DRAINED AWAY AND NOT ALLOWED TO POND ADJACENT TO, OR TO PERCOLATE UNDER, THE FOOTINGS.

FORMWORK

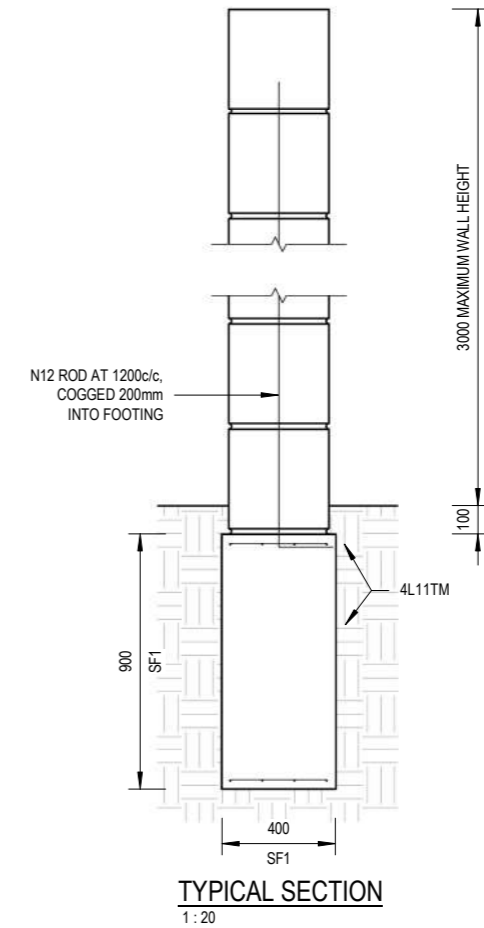
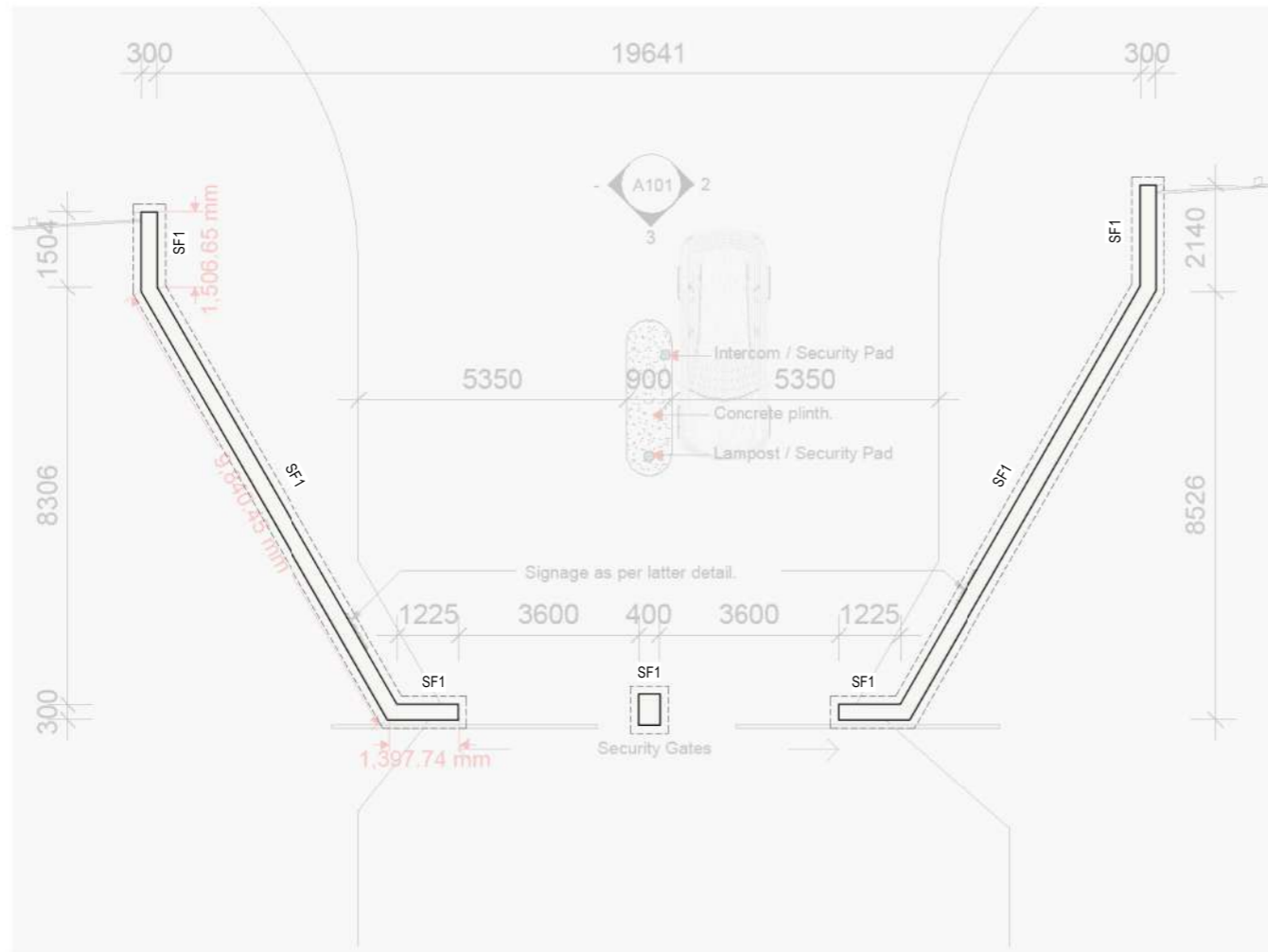
- ALL FORMWORK MATERIALS, DESIGN AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH AS 1509 - SAA FORMWORK CODE, AND THE REQUIREMENTS OF ANY STATUTORY BODY. FORMWORK SHALL BE DESIGNED TO WITHSTAND ALL POSSIBLE CONSTRUCTION LOAD COMBINATIONS.
- LIVE LOADS INCLUDED IN THE DESIGN OF THE STRUCTURE ARE AS DEFINED IN AS 1170.1 - LOADING CODE (DEAD AND LIVE LOADS), AS 1170.2 (WIND LOADS) AND AS 1170.4 (EARTHQUAKE LOADS).
- CLASS OF CONCRETE FINISH TO ARCHITECTURAL REQUIREMENTS.
- SUSPENDED SLABS TO BE KEPT PROPPED FOR A MINIMUM 21 DAYS AFTER CONCRETE POUR. CONCRETE COMPRESSIVE STRENGTH MUST BE CONFIRMED BY TESTING IN STRICT ACCORDANCE WITH AS1012.9 PRIOR TO DE-PROP.

FOOTINGS AND GROUND SLABS

- FOOTINGS AT THE LOWEST LEVEL SHALL BE POURED FIRST.
- THE DIFFERENCE IN LEVEL BETWEEN ADJACENT FOOTINGS IS NOT TO EXCEED TWO THIRDS OF THE CLEAR DISTANCE BETWEEN THEM UNLESS SPECIFICALLY NOTED IN THE DRAWINGS. THIS INCLUDES NEW FOOTINGS ADJACENT TO EXISTING FOOTINGS.
- EXCAVATIONS FOR PLUMBING WORKS WHICH ARE BELOW THE FOOTING LEVEL SHALL BE NO CLOSER TO THE FOOTINGS THAN A DISTANCE EQUAL TO THEIR DEPTH BELOW THE BOTTOM OF THE FOOTING PLUS 300MM. IF THIS CANNOT BE ACHIEVED, CONTACT THE STRUCTURAL ENGINEER.
- WHERE IT IS NOT POSSIBLE TO AVOID PLUMBING PIPES PASSING THROUGH A FOOTING, THE FOOTING SHALL BE THICKENED LOCALLY BY AN AMOUNT AT LEAST EQUAL TO THE OUTSIDE DIAMETER OF THE PIPE. REINFORCEMENT IS NOT TO BE MODIFIED.
- THE DEPTH OF FOOTINGS OR SLABS MAY BE REDUCED BY HALF IF BEDROCK PROHIBITS FULL DEPTH AS SPECIFIED.

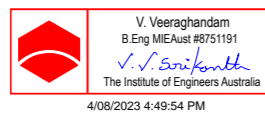
IF IN DOUBT, ASK!

							CLIENT		PROJECT	DESIGNED BY	RLI	DRAWING TITLE	GENERAL NOTES SHEET 2		
						TULLOCH CONSTRUCTION PTY LTD	FEATURE WALL				CHECKED BY				
									25 MOOLIABEENE ROAD,	APPROVED BY	ADM		DRAWING No. AMSES-1347 - S002 REV 0		
									GINGIN, 6503	DATE APPR.	03/08/23				
										SCALE AS NOTED					
										PAPER SIZE	A3				



Ground Floor
1:100

IF IN DOUBT, ASK!



NO.	DATE	DESCRIPTION	DES	CHK	APP
0	03/08/23	ISSUED FOR CONSTRUCTION	RLL	VV	ADM

CLIENT
TULLOCH
CONSTRUCTION PTY
LTD

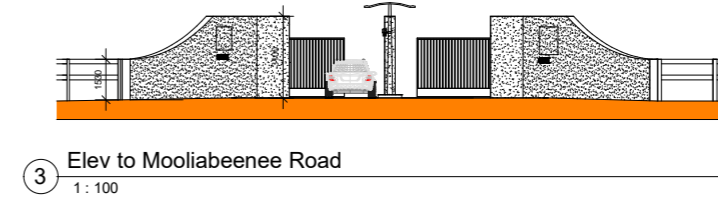
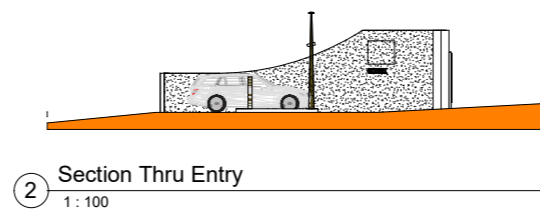
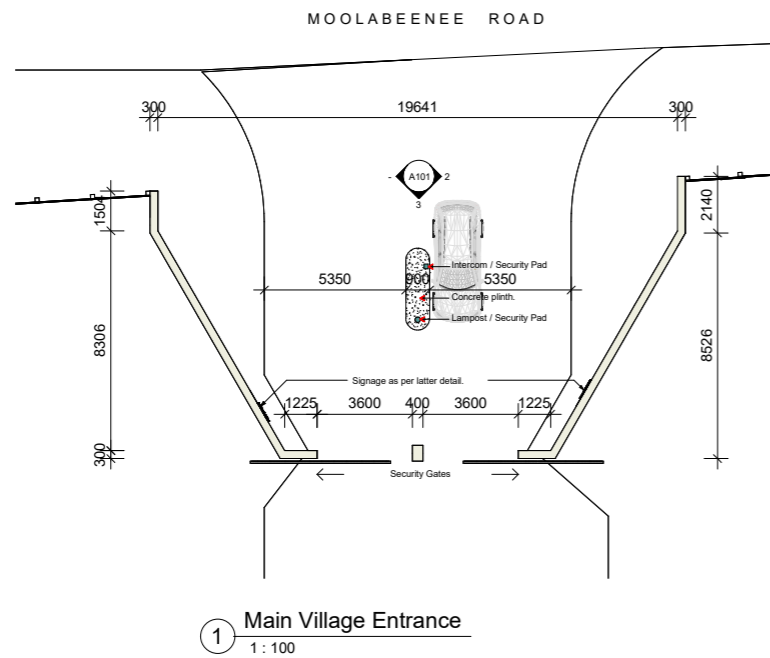


PROJECT
FEATURE WALL
25 MOOLIABEENEE
ROAD,
GINGIN, 6503

DESIGNED BY	RLL
CHECKED BY	VV
APPROVED BY	ADM
DATE APPR.	03/08/23
SCALE AS NOTED	
PAPER SIZE	A3

DRAWING TITLE
FEATURE WALL LOCATION PLAN
GENERAL ARRANGEMENT AND DETAILS

DRAWING No.	AMSES-1347 - S003	REV	0
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V. Veeraghandam
B.Eng MIEAust #8751191
V.V. Veeraghandam
The Institute of Engineers Australia
4/08/2023 4:50:00 PM

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Gingin Eco Lifestyle Village
25 Mooliabenee Road, Gingin WA

arch+connexion
conceptual & master planners
Vietnam: Level 04 - 3/26, Vu Van Kien, District 1, Ho Chi Minh City, Vietnam;
New Zealand: Level 08 - 51 Shortland Street, Auckland CBD, New Zealand

SK-04

13.5 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED ADDITIONS TO EXISTING DWELLING AND OUTBUILDING ON LOT 268 (4) BURNETT ROAD, GUILDERTON

This matter was brought forward for consideration as the first item of business. See page 12.

File	BLD/7639
Applicant	Andrew Hewitt
Location	Lot 268 (4) Burnett Road, Guilderton
Owner	Andrew Hewitt and Le-Anne Hewitt
Zoning	Residential 12.5/20
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil.
Appendices	<ol style="list-style-type: none"> 1. Aerial Plan - Lot 268 (4) Burnett Road, Guilderton [13.5.1 - 1 page] 2. Location Plan - Lot 268 (4) Burnett Road, Guilderton [13.5.2 - 1 page] 3. Development Plans [13.5.3 - 11 pages] 4. Site Photographs [13.5.4 - 4 pages] 5. Schedule of Submissions and Recommended Responses [13.5.5 - 4 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider an Application for Development Approval for additions to the existing dwelling and an outbuilding on Lot 268 (4) Burnett Road, Guilderton.

BACKGROUND

The subject lot is 890.2m² in area and gains access via Burnett Road. The property currently contains an existing dwelling, with the proposed development seeking approval to install a new rear balcony, elevated walkway from the dwelling to the front lot boundary and retaining walls.

The proposed development also comprises of an outbuilding located at the rear of the property. The outbuilding is 14 metres in length and 7 metres in width equating to an area of 98m².

The outbuilding structure has a proposed wall height of 3 metres extending to a ridge height of 3.6 metres. The outbuilding is set back 1.5 metres from side (northern) and rear (western) boundaries. The subsequent report outlines that there is conjecture in relation to the overall wall height of the outbuilding.

The development includes an additional crossover and driveway along the southern boundary. Where the driveway abuts the existing dwelling, it narrows to a width of 2.39m. The landowners should be aware that the reduced clearance may create an impediment for vehicles, boats, caravans or the like to access the outbuilding at the rear of the property – although it is not critical in a planning sense that vehicular access be provided to an outbuilding.

The topography of the land tapers from 28.5m relative level (RL) at the front boundary to 23.7 RL height at the rear boundary, resulting in approximately 5.5 metres difference in level over the length of the property. On that basis, a combination of cut and fill is proposed for the outbuilding development area.

This comprises of a rear retaining wall 1.5m from the rear boundary that is approximately 750mm in height (at the highest point) from the natural ground level (NGL). Within the 1.5m rear setback, the land continues to taper down to the rear boundary by approximately 220mm for a small portion of the outbuilding length. This is the cause of the 170mm variation to the outbuilding wall height and seems to be the main basis for stakeholder objections and the reason that Council consideration is required.

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

A copy of the Development Plans is provided (**see appendices**).

Site photographs are provided (**see appendices**).

COMMENT

Stakeholder Consultation

The applicant included an email exchange with the adjoining landowner to the north as part of their submission to the Shire. The proposal was subsequently referred to the adjoining owner for a period of 14 days, with a response objecting to the proposal being received. The tipping point of concern relates to the presence of windows and bathroom facilities (amongst some concerns with roof pitch).

The applicant provided a signed plan of no objection from the adjoining landowner to the south as part of their submission.

The two adjoining lots to the west are under singular ownership, with the landowner providing written objection to the outbuilding.

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

The following table provides an overview of concerns raised by the stakeholders and the officer's comments in response.

Issue Raised	Officer comments
Rear setback	The setback of the outbuilding from all lot boundaries is compliant.
Outbuilding amenities	The submitter's concern in relation to a bathroom being present is noted, however it is not uncommon for outbuildings to include a bathroom – in fact it is quite common. This does not mean that the structure becomes a habitable structure, nor is it a reason for refusal. It may be as innocent as the landowner wanting to wash off sand and salt water from the ocean prior to entering their dwelling...it is not a matter for the planning assessment to probe further.
Windows	Refer to 'Planning Assessment' section of this report in relation to major openings and overlooking comments.
Hardstand	The development approval does not extend to the hardstand surface being installed. It would make no difference to the planning assessment if the hardstand was turf, garden bed, crushed limestone, gravel or concrete. If the concerns relate to stormwater runoff, a development condition has been suggested to ensure water is captured on the subject property.
Outbuilding scale	The outbuilding itself complies with Local Planning Policy 2.1 – Residential Outbuildings. In a 'worst case' assessment scenario, when considering the lowest level of a portion of the rear boundary, there is a 170mm wall height variation over a small length of the outbuilding wall height. Although the assessment ought to establish a 'deemed natural ground level', if this did not occur, a variation of 170mm for the portion proposed would nevertheless be supported by the officer.

PLANNING FRAMEWORK

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

The subject land is zoned Residential 12.5/20 under LPS 9, the objectives of which are to:

- a) *Provide for a range of housing types and encourage a high standard of residential development;*

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

Clause 4.3.2 of LPS 9 requires land with a dual coding to be assessed at the lower density (R12.5) unless the property is connected to reticulated sewerage. In this instance the lot is not serviced by deep sewer.

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

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

The Shire's 'Local Planning Policy 2.1 – Residential Outbuildings' (LPP 2.1) increases the scale at which outbuildings can be approved relative to the size of the subject lot. The standards outlined under LPP 2.1 supplement those under the R-codes. While a case could be made that the development satisfies the deemed-to-comply standards of LPP 2.1 and is therefore exempt, this assessment assumes that it does not. The only area of ambiguity relates to a portion of the wall height when measured from the NGL at the lot boundary over a portion of the rear boundary. This will be discussed in greater detail below.

The R-Codes define an 'Outbuilding' as:

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

To provide context around the officer response to stakeholder comments, the definition of a 'major opening' is outlined below:

*A window, door or other opening in the exterior wall **of a habitable room** that provides external means of light or view for that room or space, but does not include an opening or openings that: ...*

The definition of a 'major opening' is relevant given stakeholders have raised concerns regarding proposed windows on the outbuilding frontages that purportedly create overlooking issues and result in the deemed-to-comply setback being 2.7 meters.

This is not the case, as the windows do not constitute ‘major openings’ as they are not part of a habitable room. They form part of a non-habitable structure (refer to the above definitions). The setback is therefore compliant and no overlooking under clause 5.4.1 arises as overlooking only occurs from habitable spaces.

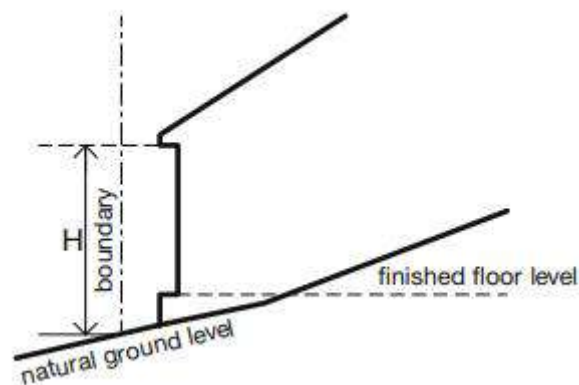
Figure series 3 of the R-Codes relates to ‘wall height for lot boundary setbacks’. The relevant notes under figure series 3 states:

*The height of the wall for the measurement of setbacks is measured from the **natural ground level at the lot boundary adjacent to the wall to the highest point of the building** vertically above that point where the wall touches the underside of the eave/gutter (Figures 3a-3g)*

*Where the lot boundary adjacent to the wall is lower than the natural ground level at the base of the wall, **the greater height is used** (Figures 3b, 3d and 3f)*

Figure 3b below provides an example that is applicable in this instance.

Figure 3b – Cross section, sloping site



Based on the above, the maximum wall height for a portion of the outbuilding is 3.97m, representing a variation of 170mm from the standard outlined under LPP 2.1 (i.e., 3.8m).

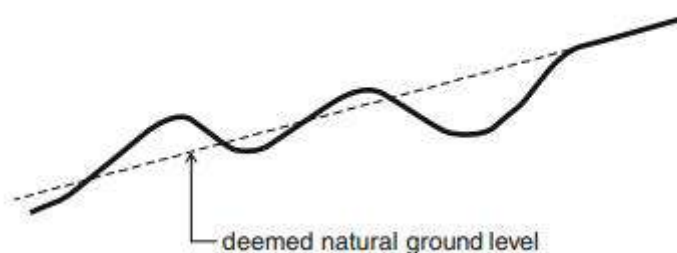
However, the ground level height varies over the length of the rear lot boundary. Figure series 7 relating to ‘building height’ therefore applies. The relevant notes under figure series 7 state:

The height of a building is taken as the highest point at any part of the development immediately above natural ground level.

Where natural ground level varies across the site, deemed natural ground level is to be used.

Figure 7b below provides an example that is applicable in this instance.

Figure 7b – Deemed natural ground level



When calculating the ‘deemed natural ground level’ of the rear boundary, the height is 24.04 RL. This would result in the maximum wall height for a portion of the outbuilding being 3.7 metres and is therefore compliant. Based on this calculation, the outbuilding would be exempt, and the comments and objections received would be irrelevant, as the development is ‘as of right’.

Notwithstanding the above and to avoid any doubt as to the suitability of the development in the context of the property, an assessment against the relevant design principle is outlined below:

Design Principle	Officer Comments
<p>P1 - Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighboring properties.</p>	<p>P1 - The proposed outbuilding is located to the rear of the property, which sits ~5.5 meters lower than the street elevation. The outbuilding will therefore have little to no visual impact on the streetscape.</p> <p>The adjoining owner suggests that their visual amenity is detrimentally affected due to the outbuilding. It is noted that the adjoining property to the north enjoys a higher elevation than the subject land. This has the consequence of reducing the effects of building bulk caused by any minor variation to the wall height. The ridge height remains compliant. If the applicant were to reduce the FFL by 170mm, which would undoubtedly result in an exemption, it would in the officer’s view have negligible visual impact on the residents of the adjoining properties.</p>

	Given the topography of the site, the use of both cut and fill to create a level pad for the outbuilding, the officer is satisfied that the visual amenity of residents and adjoining owners will not be unreasonably impacted.
--	---

The officer is of the view that the proposal meets the relevant design principle of the R-Codes.

Local Planning Policy 2.1 - Residential Outbuildings

The Shire adopted LPP 2.1 in February 2023 to complement and enhance the provisions of the R-Codes to better reflect community expectations.

Cl. 5.3 Supplementary Deem to Comply Standards outlines the maximum allowable standards for outbuildings throughout the Shire, dependent on lot size and locality. The table below outlines the standards applied to the subject lot.

APPLICABLE LOT SIZE	STANDARD	DEEMED TO COMPLY	PROPOSED
801m ² - 1000m ²	Area	100m ²	98m ² – compliant
	Wall Height	3.8m	3.7m – compliant or 3.97m – non-compliant
	Overall Height	5m	4.57m - compliant

The officer is mindful that should any further revision be insisted upon, the applicant may seek an increase in the overall height of the outbuilding as it is below the contemplated overall height for lots of this size. This would likely result in a poorer outcome for the submitters.

5.5 - Variations to Standards

5.5.3 - Where a development proposal seeks to erect an outbuilding at a greater scale than provided for in the Table above, seeks to use reflective or recycled construction material or seeks an assessment under the design principle of clause 5.4.3 of the R Codes, the Shire may require additional assessment information that addresses matters such as, but not limited to, solar access and ventilation for adjoining sites, streetscape and visual amenity impacts and reflective glare assessments.

The proposed outbuilding is compliant with lot boundary setbacks and overall height, with some ambiguity in relation to whether the wall height constitutes a variation. On that basis no additional information was requested.

5.5.4 - Development proposals that seek variations to this policy shall be determined in accordance with the objectives of this policy.

The objectives of this policy are:

- a) To provide a framework in which outbuilding development and use can take place without having adverse impacts on the streetscape, character and amenity or environmental attributes of the surrounding area.*
- b) To provide development standards for outbuildings that consider varying residential lot sizes and community needs.*
- c) To develop deemed-to-comply requirements to reflect community expectations for outbuildings on residential zoned land.*
- d) To ensure an outbuilding is associated to a dwelling and or is constructed at the same time as a dwelling.*
- e) To identify acceptable material colours and finishes for outbuildings, that maintain the amenity of residential streetscapes and for adjoining residential properties.'*

The officer is of the view that commentary within the preceding report adequately demonstrates that the above objectives have been satisfied.

Summary

It is noted that the development comprises of additions to the dwelling, which are largely uncontroversial and received no objections during the advertising process. These components will form part of this approval, notwithstanding a detailed assessment has not been outlined in the above report.

The assessment has focused on the contentious portion of the development proposal. In view of the above assessment, the development is supported subject to conditions.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development (Local Planning Scheme) Regulations 2015

Shire of Gingin Local Planning Scheme No. 9.

POLICY IMPLICATIONS

State Planning Policy 7.3 - Residential Design Codes of Western Australia

Local Planning Policy 2.1 – Residential Outbuildings

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

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

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Kestel

That Council grant Development Approval for a proposed additions to the existing dwelling and an outbuilding on Lot 268 (4) Burnett Road, Guilderton subject to the following conditions:

1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;
2. This approval is for additions to the existing dwelling, retaining walls and outbuilding only as indicated on the approved plans;
3. The approved retaining walls and footings shall be constructed wholly within the subject allotment. The external surfaces of the retaining walls shall be finished to a professional standard to the satisfaction of the Shire of Gingin;
4. The approved outbuilding is to be constructed using new materials and be of a consistent colour scheme;
5. The outbuilding is not to be used for human habitation, habitable purposes or any other industrial or commercial use;
6. Prior to use of the outbuilding, a new sealed crossover from Burnett Road is to be installed at the landowners' cost, which is to be designed and constructed to the satisfaction of the Shire of Gingin;
7. Stormwater from all roofed, driveway and hardstand areas shall not enter adjoining properties and is to be collected and contained onsite to the satisfaction of the Shire of Gingin.

Advice Notes:



- Note 1:** If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** Where an approval has lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 3:** Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 4:** This planning approval shall not be construed as an approval or support of any kind for any other planning related application on the subject land.
- Note 5:** It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 6:** Please be advised that the driveway width may jeopardise access to the rear outbuilding for vehicles, boats, caravans or the like. Encroachment onto the adjoining property is prohibited.
- Note 7:** Please be advised that adjoining landowners have raised concerns in relation to the windows delineated on the approved plans. The Shire encourages screening of these windows in good faith.
- Note 8:** This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
- Note 9:** In relation to the installation of a new crossover, please note that a crossover application form is to be submitted to the Shire's Operations and Assets Department which can be found on the Shire's website at the following link: <https://www.gingn.wa.gov.au/services/operations.aspx>.

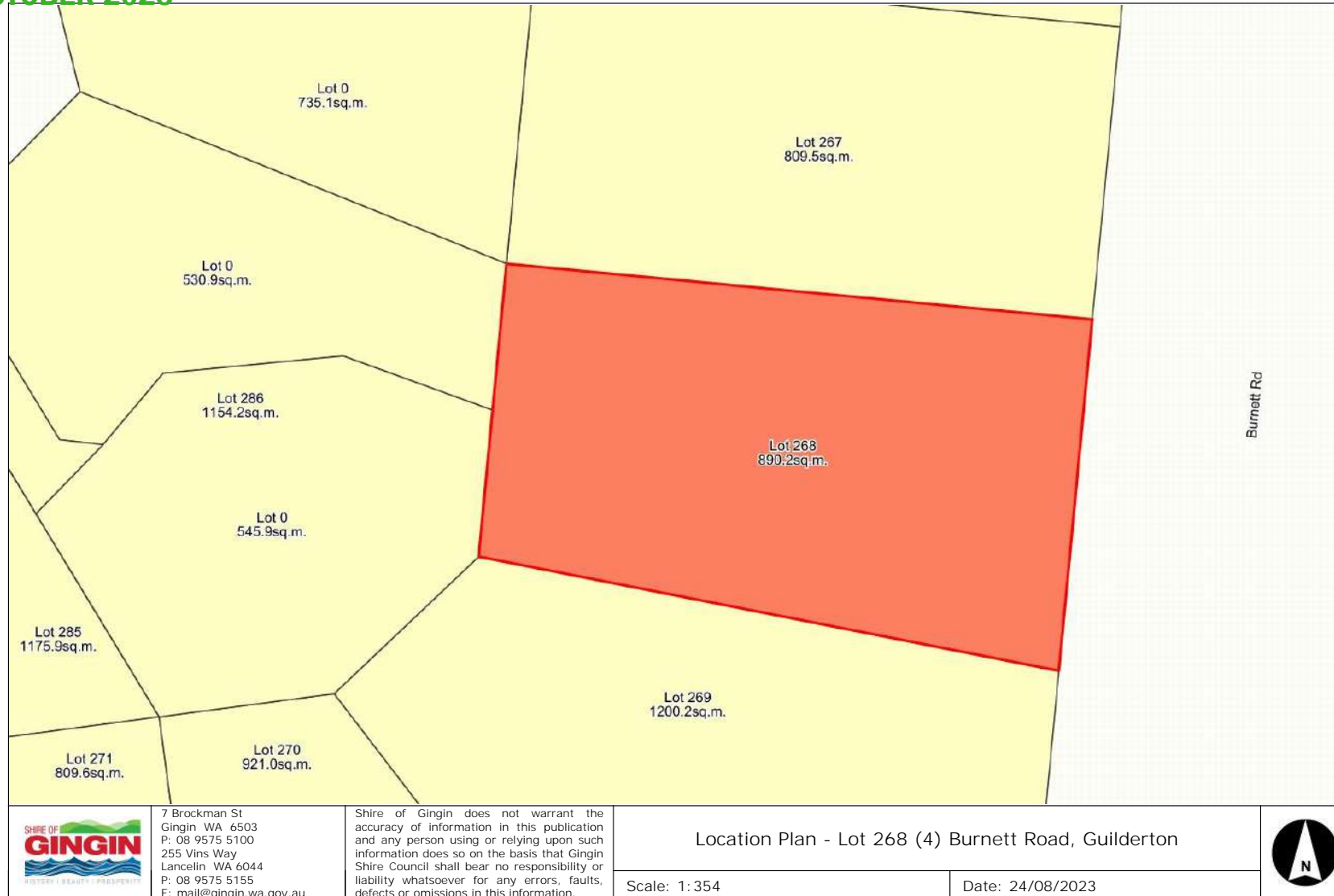
**CARRIED UNANIMOUSLY
8 / 0**

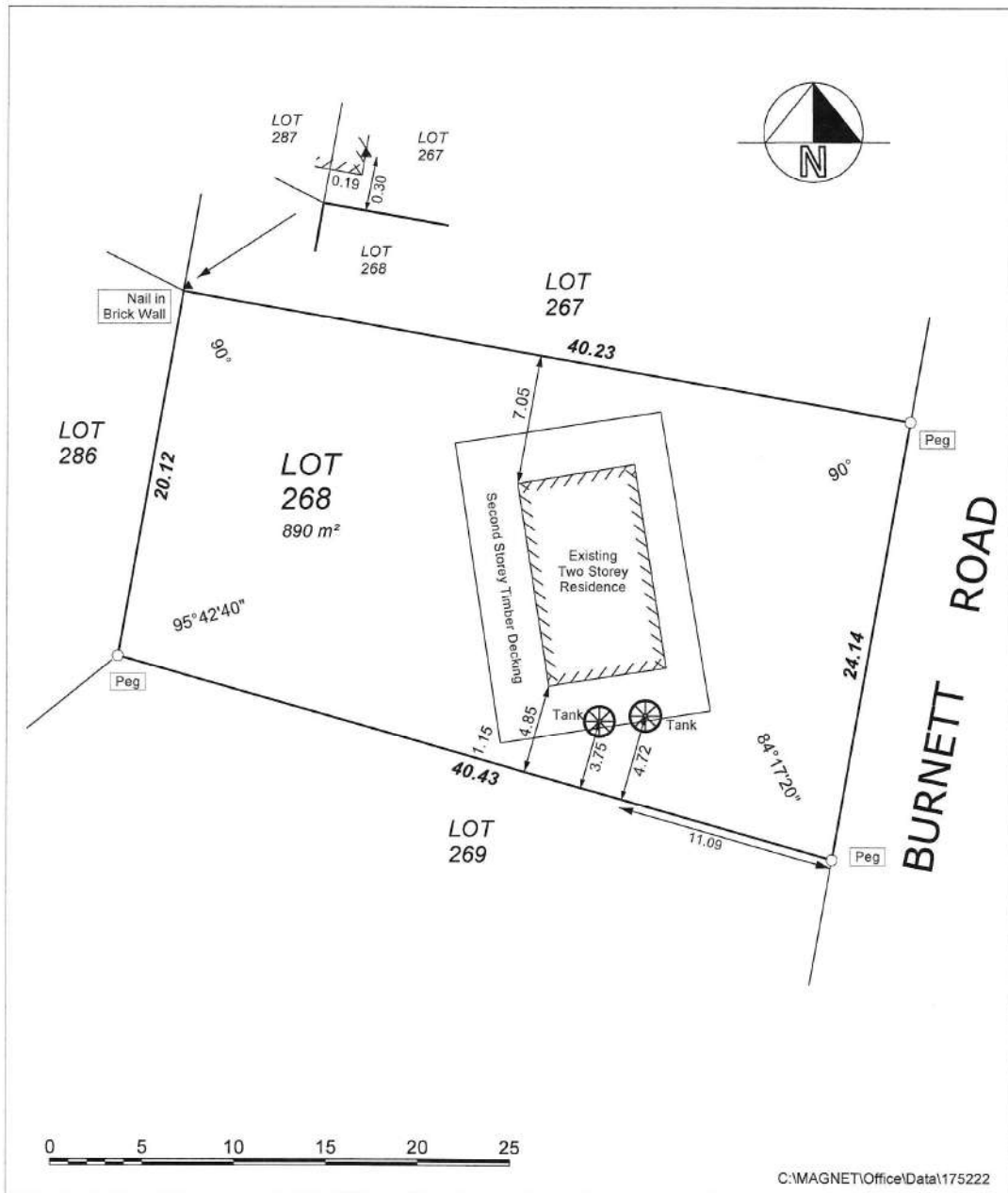
FOR: *Councillor Fewster, Councillor Rule, Councillor Balcombe, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen and Councillor Vis*

AGAINST: *Nil*



 <p>SHIRE OF GINGIN HISTORY BEAUTY PROSPERITY</p>	<p>7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au</p>	<p>Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.</p>	<p>Aerial Plan - Lot 268 (4) Burnett Road, Guilderton</p>		
			<p>Scale: 1:419</p>	<p>Date: 24/08/2023</p>	



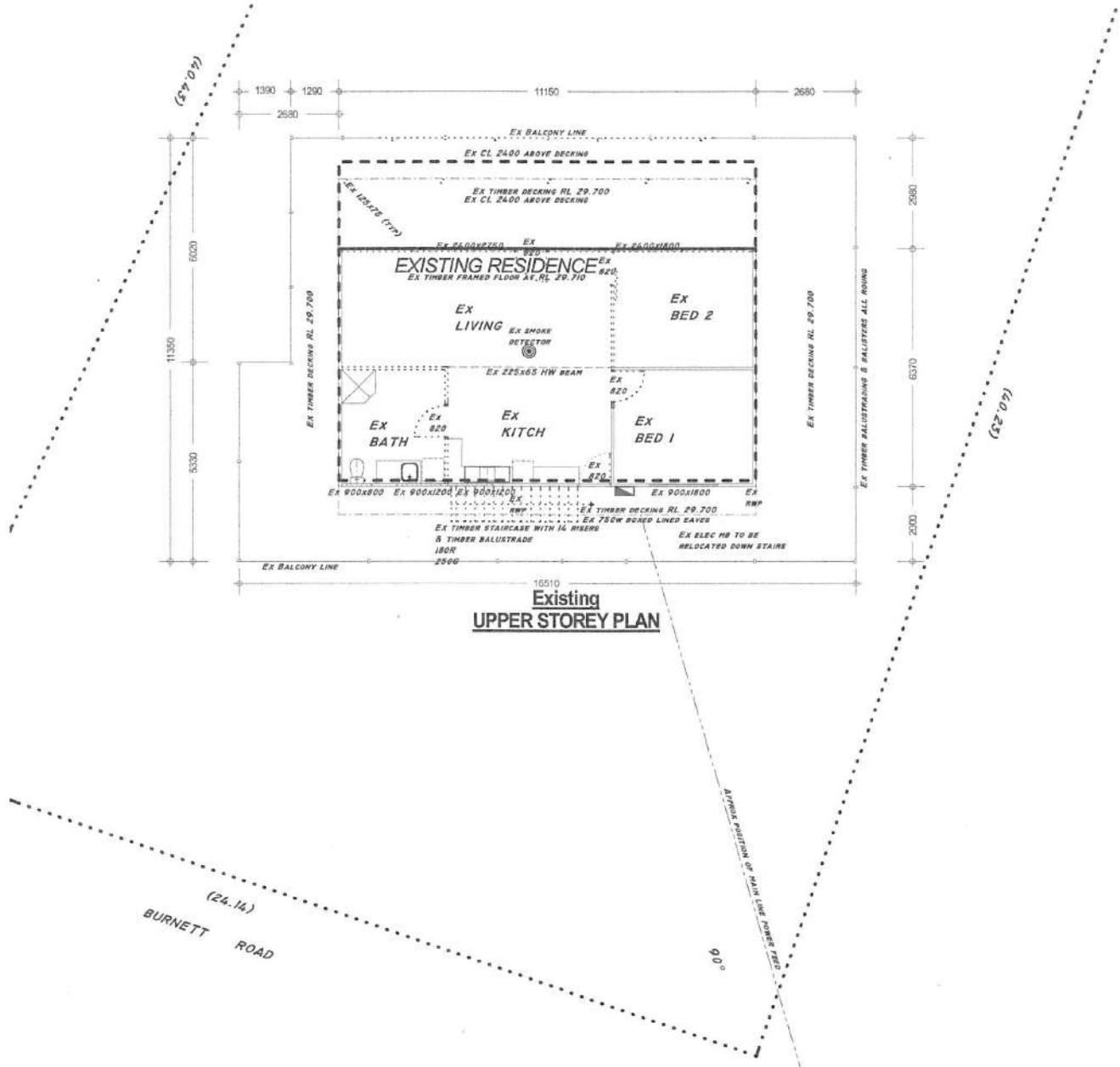


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**BOUNDARY SURVEY
LOT 268 (HN. 4) ,
BURNETT ROAD
GUILDERTON**

A.R. Williams & Partners PTY LTD
SURVEYING AND LAND DEVELOPMENT CONSULTANTS
P.O. BOX 220, MOUNT LAWLEY, W.A. 6929
TEL. (08) 9272 1736 Email : arwsurvey@bigpond.com

TITLE PARTICULARS		Date 2/12/2022	Scale 1 : 300 @ A4	Field Book FILE
Lot No. 268	CERTIFICATE OF TITLE Volume 1412 Folio 407			
Deposited Plan No. 211635		Ref. 175222	Datum ----	Dwg. No. 175222_R0.dwg
Local Authority SHIRE OF GINGIN				

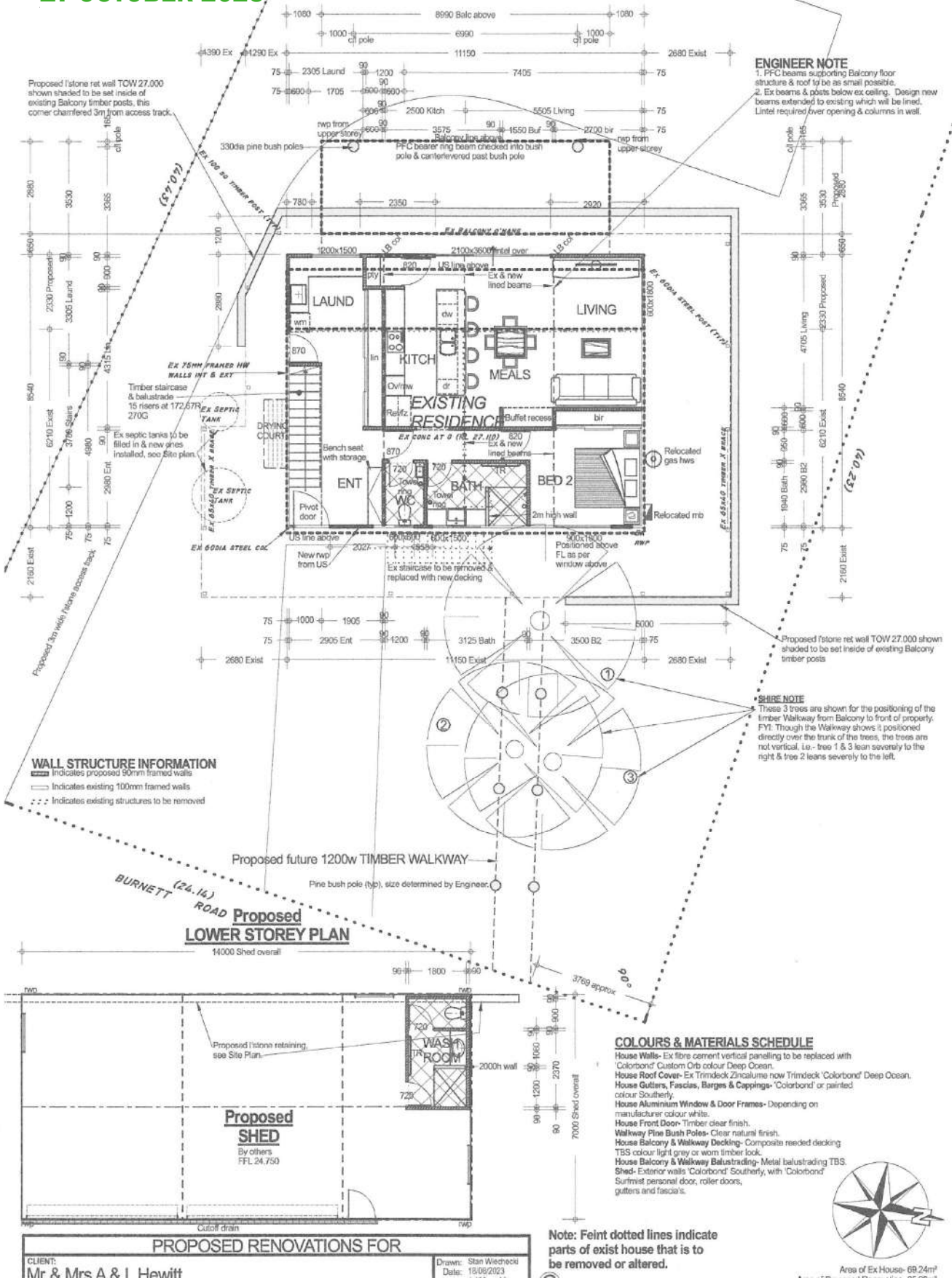


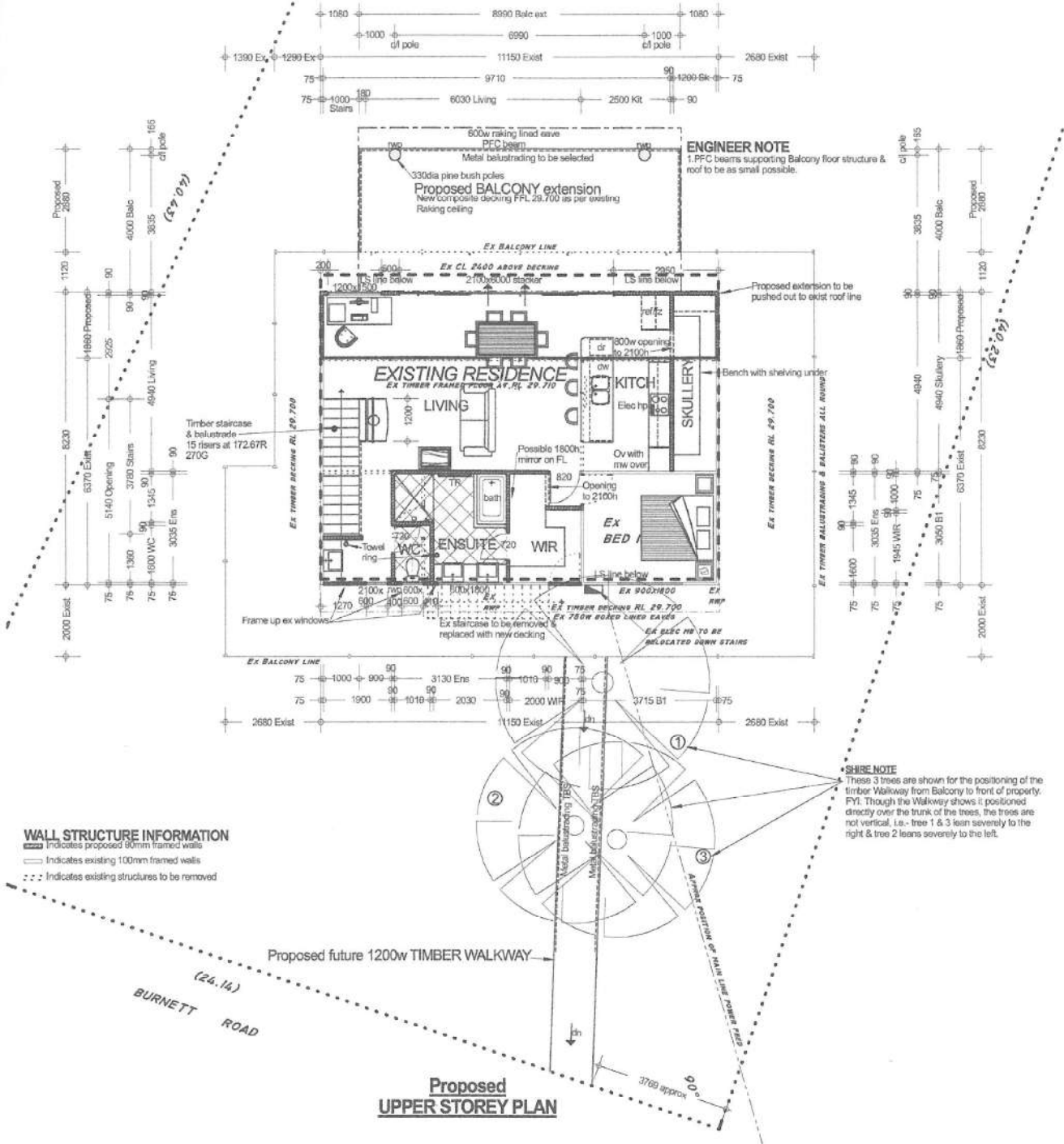
(24.14)
BURNETT ROAD

PROPOSED RENOVATIONS FOR	
CLIENT: Mr & Mrs A & I Hewitt	Drawn: Stan Wiechucki Date: 16/08/2023

Note: Feint dotted lines indicate parts of exist house that is to be removed or altered.







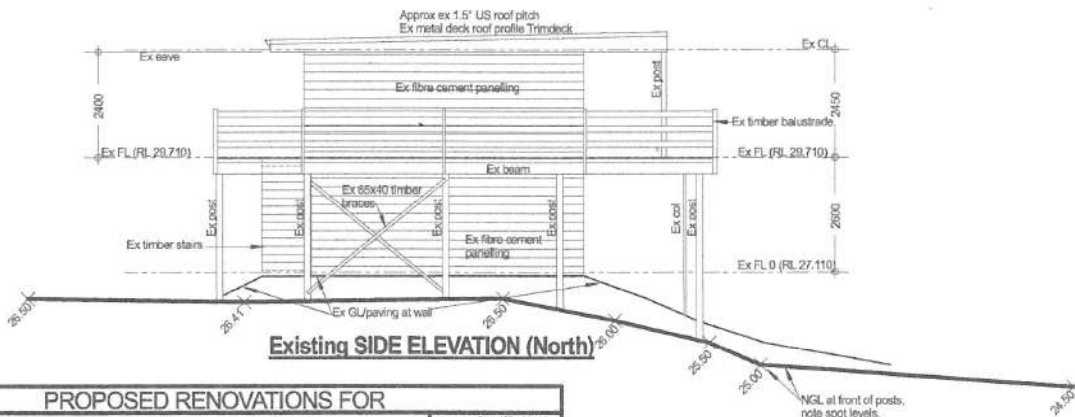
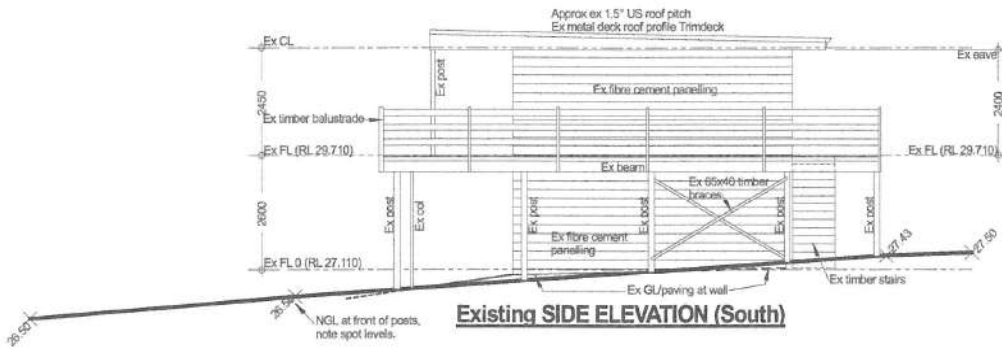
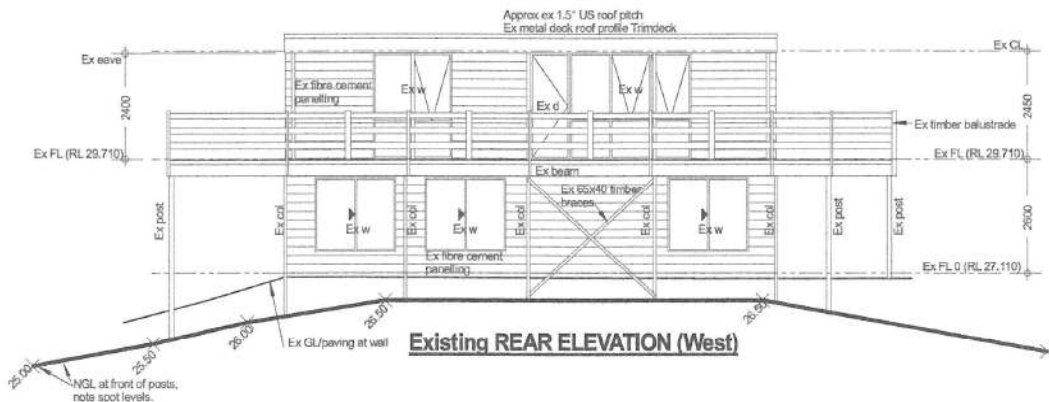
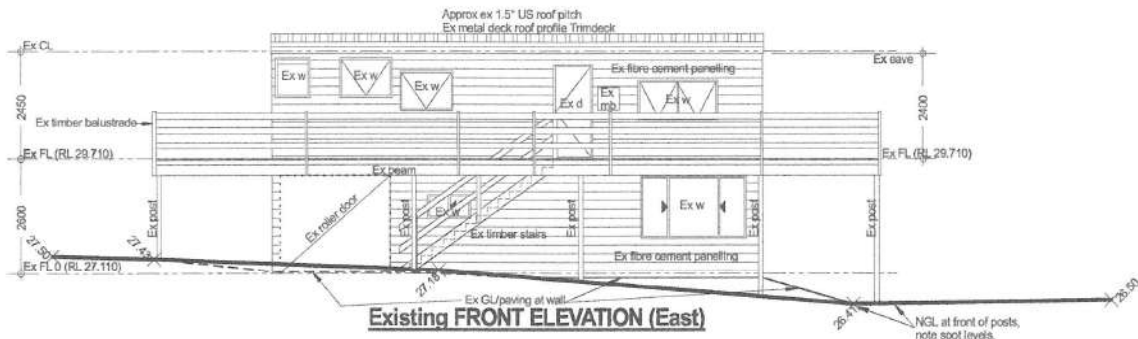
PROPOSED RENOVATIONS FOR

CLIENT: Mr & Mrs A & I Hamitt

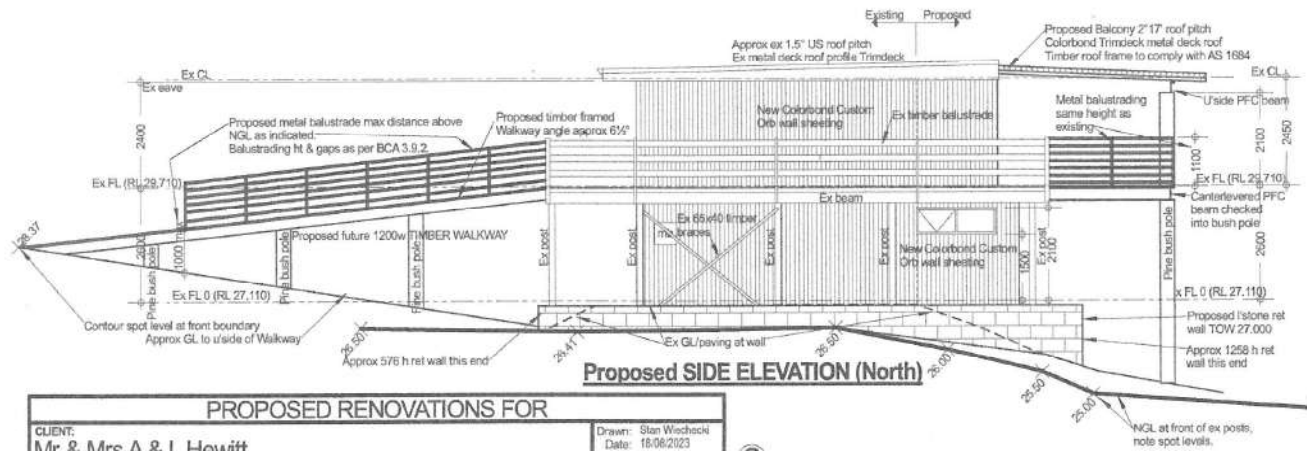
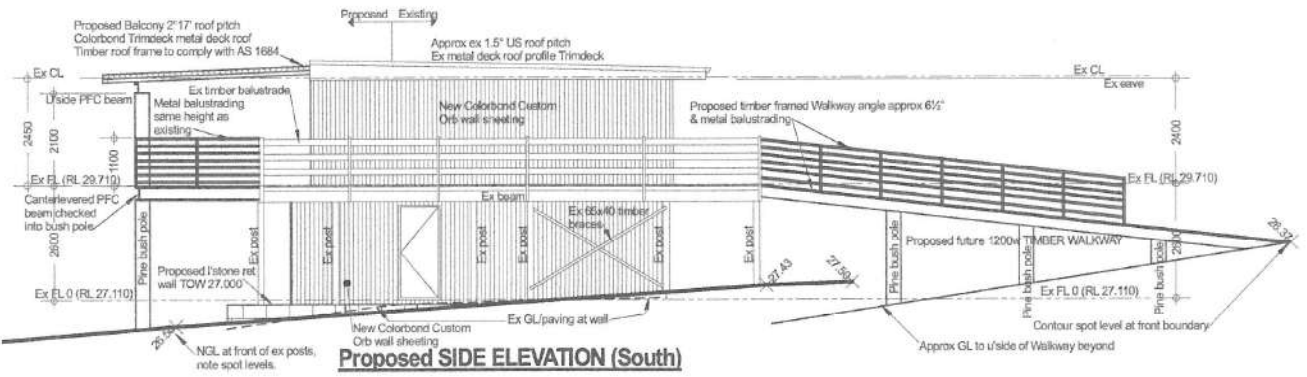
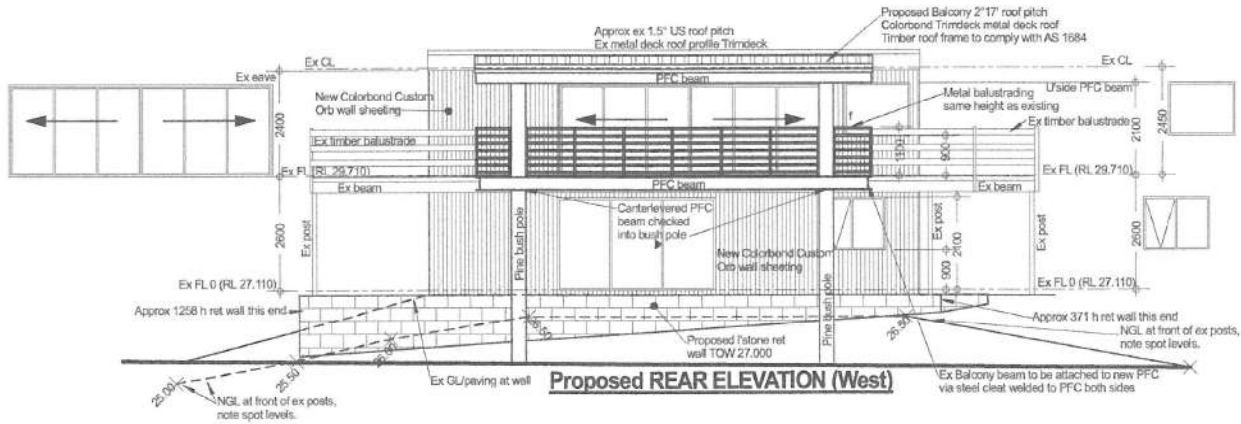
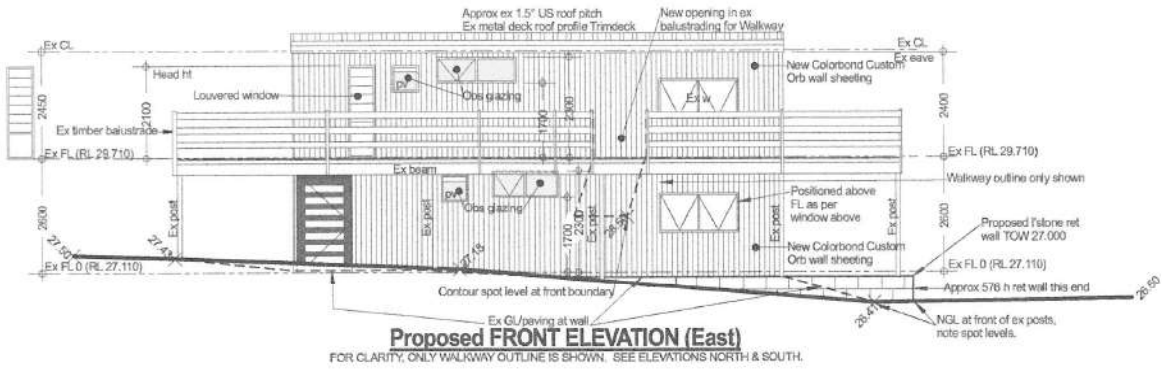
Drawn: Stan Wiebecke
Date: 16/06/2023

Note: Feint dotted lines indicate parts of exist house that is to be removed or altered.

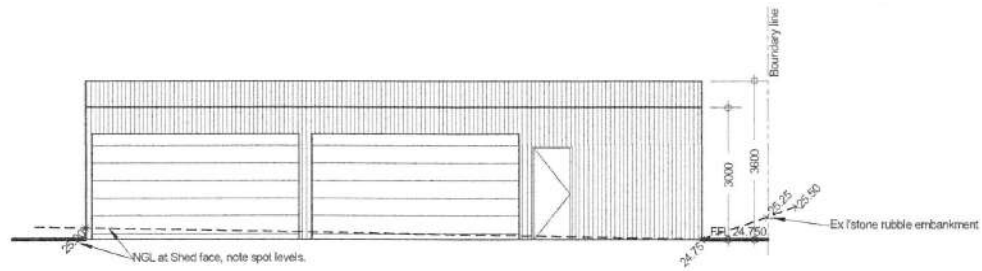




PROPOSED RENOVATIONS FOR
 CLIENT: Mr & Mrs A & I Hewitt
 Drawn: Stan Wisbeck
 Date: 16/06/2023

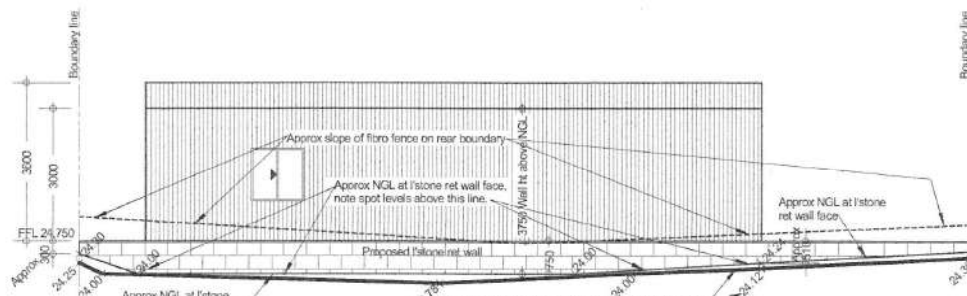


PROPOSED RENOVATIONS FOR
 CLIENT: Mr & Mrs A & J Housitt
 Drawn: Stan Wechuckl
 Date: 18/06/2023



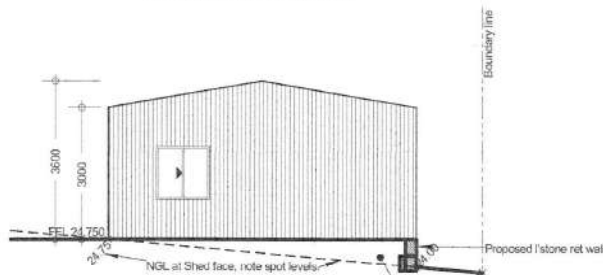
Pro SHED FRONT ELEVATION (East)

Some spot levels have been interpolated



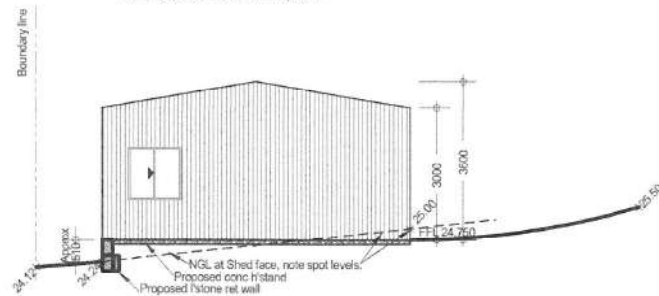
Pro SHED FRONT ELEVATION (West)

Some spot levels have been interpolated



Pro SHED SIDE ELEVATION (North)

Some spot levels have been interpolated



Pro SHED SIDE ELEVATION (South)

Some spot levels have been interpolated

PROPOSED RENOVATIONS FOR	
CLIENT: Mr & Mrs A & I Hewitt	Drawn: Stan Wacheco Date: 18/08/2023

**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**

APPENDIX 13.5.3

EXISTING LOT 268
890 m²

We, being the owners of 14 Turner Drive, Guilderton have no objection re: the proposed works of 4 Burnett Rd, Guilderton shown on these plans.

Name..... Signature.....

Name..... Signature.....

Date.....

GENERAL NOTE

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

IMPORTANT NOTE

This plan is prepared from a combination of field survey and existing records for the purpose of designing new construction on the land and should not be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose. It is not intended to be used for any other purpose.

We, being the owners of 2 Burnett Rd, Guilderton have no objection re: the overlooking from the proposed Balcony of 4 Burnett Rd, Guilderton to & from the side boundaries shown on these plans.

Name..... Signature.....

Name..... Signature.....

Date.....

STORMWATER DRAINS NOTE

1. Calculation of stormwater runoff includes rainwater collected by existing d/way, proposed access track, house roof and proposed shed roof. Note positioning of cutoff drains to access track. Check to see if calculations are correct.

Proposed SITE PLAN Including Overlooking Diagram

PROPOSED RENOVATIONS FOR

Scale 1:200

CLIENT:
Mr & Mrs A & L Hewitt
ADDRESS:
Lot 268 # 4 Burnett Rd, Guilderton.

Drawn: Stan Wiebeck
Date: 13/07/2023
Scale: 1:200 on A3
File: Hewit200
Sheet N°:

TITLE PARTICULARS

SITE / FEATURE SURVEY PLAN
LOT 268 (HN. 4) BURNETT ROAD
GUILDERTON

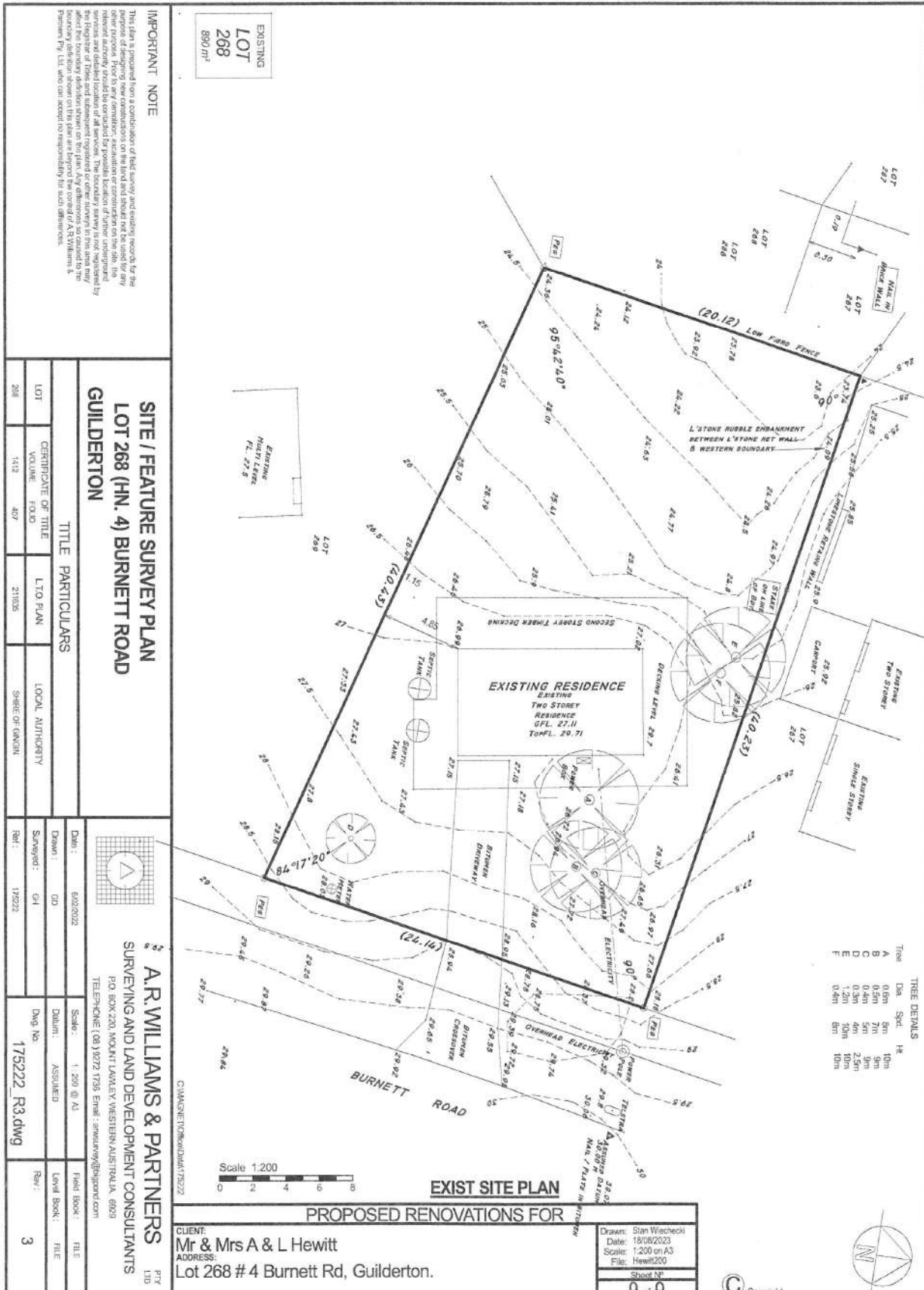
LOT	CERTIFICATE OF TITLE	L.T.O. PLAN	LOCAL AUTHORITY
204	1412 407	21165	SHIRE OF GANGLIN

A.R. WILLIAMS & PARTNERS
SURVEYING AND LAND DEVELOPMENT CONSULTANTS
PO BOX 225, MOUNT LAWLEY, WESTERN AUSTRALIA, 6929
TELEPHONE (08) 9272 1726 Email: arwilliams@bigpond.com

Drawn: GD
Checked: GH
Rev: 3

Scale: 1:200 @ A3
Level Book: FILE

Drawn: Stan Wiebeck
Date: 13/07/2023
Scale: 1:200 on A3
File: Hewit200
Sheet N°:



EXISTING
LOT
268
890 m²

IMPORTANT NOTE

This plan is prepared from a combination of field survey and existing records for the purpose of preparing new construction on the land and should not be used for any other purpose. It is not intended to be a final plan and the surveyor does not warrant or represent that the information contained herein is correct or that the boundaries shown on the plan are beyond the control of A.R. Williams & Partners Pty. Ltd. who can accept no responsibility for such differences.

**SITE / FEATURE SURVEY PLAN
LOT 268 (HN. 4) BURNETT ROAD
GUILDETON**

TITLE PARTICULARS

LOT	CERTIFICATE OF TITLE	L.T.O. PLAN	LOCAL AUTHORITY
268	VOLUME FOLD 407	21895	SUBC. OF GARDN



A.R. WILLIAMS & PARTNERS
SURVEYING AND LAND DEVELOPMENT CONSULTANTS
PO BOX 220, MOUNT LARKLYE, WESTERN AUSTRALIA 6929
TELEPHONE (08) 9272 1735 Email: arwilliams@bigpond.com

Date:	8/02/2022	Scale:	1:200 @ A3	Field Book:	TITLE
Drawn:	GD	Drawn:	ASSUMED	Level Book:	TITLE
Surveyed:	GH	Dwg No.:	175222_R3.dwg	Ref.:	3
Ref.:	175222				

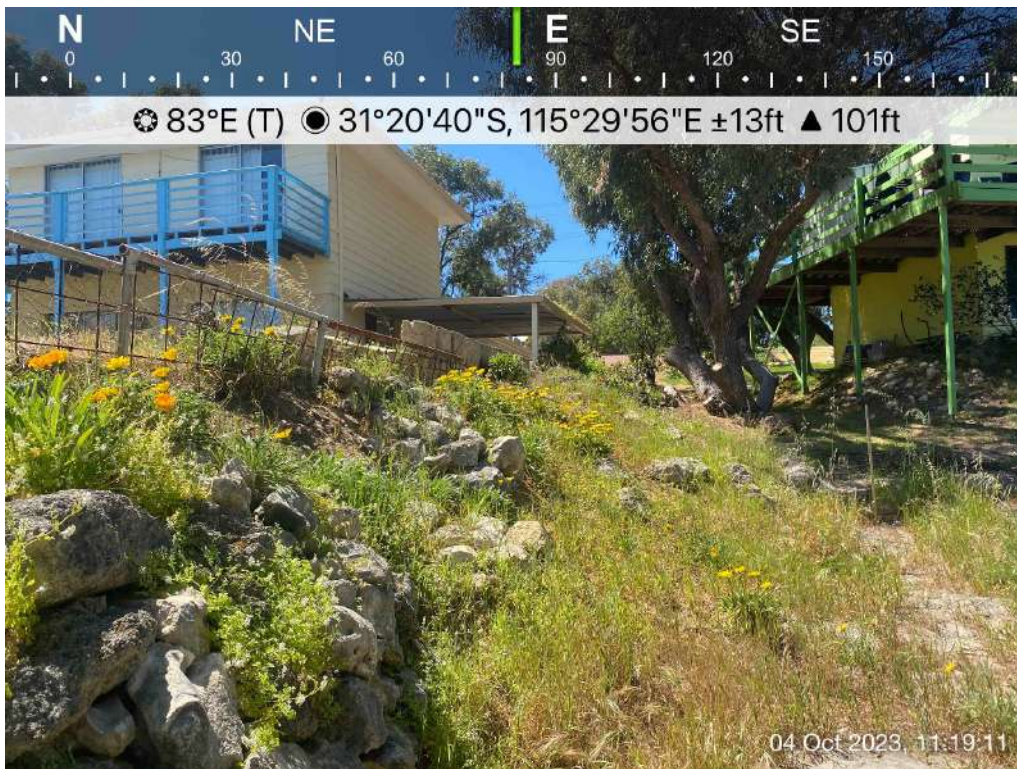
EXIST SITE PLAN
PROPOSED RENOVATIONS FOR

CLIENT:
Mr & Mrs A & L Hewitt
ADDRESS:
Lot 268 # 4 Burnett Rd, Guilderton.

Drawn: Stan Wiechicki
Date: 18/08/2023
Scale: 1:200 on A3
File: Hewitt200
Sheet No. 0 of 0



Site Photographs – Lot 268 (4) Burnett Road, Guilderton



Site Photographs – Lot 268 (4) Burnett Road, Guilderton



Site Photographs – Lot 268 (4) Burnett Road, Guilderton



Site Photographs – Lot 268 (4) Burnett Road, Guilderton



SCHEDULE OF SUBMISSIONS AND APPLICANTS RESPONSES

DEVELOPMENT APPLICATION: PROPOSED DWELLING ADDITIONS & OUTBUILDING ON LOT 268 (4) BURNETT ROAD, GUILDERTON

No.	Submitter	Submission details	Officers' response
1.	Ratepayer	<p>The submitter does not support the application and provides the following general comment:</p> <p><i>1. West wall noncompliance</i></p> <p><i>We own 2 properties to the south of the proposed shed at 4 Burnett Road, Guilderton.</i></p> <p><i>The western side of the proposed shed faces the rear boundaries of both properties and any window in the western wall will directly overlook our bedrooms and bathrooms. We have pointed out to Andrew Hewitt that the western wall of the shed at 14 metres in length and 3 metres in height would not be R code compliant if a window is included and would require a 2.7metre setback.</i></p> <p><i>Mr Hewitt agreed to no windows on the west wall and emailed us plans showing no window, however the proposal sent to us by the Gingin Council includes a window on the western wall.</i></p> <p><i>With the current 1.5metre setback of the wall our first preference is no window or a window plus screening device.</i></p> <p><i>2. Shed Washroom</i></p> <p><i>We were surprised by the inclusion of a washroom with toilet, shower and hand basin in the proposal, given that the house has 2 bathrooms. The presence of the washroom suggests an entertainment occupancy in keeping with Mr Hewitt's description of the shed as a "Man Cave" when he first approached us for signatures.</i></p> <p><i>3. Elevation and length of the retaining wall</i></p>	<p>Noted. Please refer to the table under the 'stakeholder consultation' section of the Council report. In summary:</p> <ul style="list-style-type: none"> • The rear setback is compliant and overlooking is only considered when in connection with a habitable space, which an outbuilding is not (refer to the relevant definition). • The presence of a bathroom within the outbuilding is not uncommon. This is not a reason for refusal. • The retaining wall is not 'well above' r-code compliance. Refer to the officer report in relation to the overall wall heights of the outbuilding with the retaining wall forming part of the overall assessment. • Hardstand/driveway is not subject to overlooking provisions. • The shed size itself complies with Local Planning Policy 2.1 – Residential Outbuildings.

		<p><i>In the present proposal the natural ground levels are only estimated.</i></p> <p><i>Site inspection suggests that a better balance of cut and fill (currently predominantly fill) would result in no need to have a retaining wall above 500mm. The current proposal shows the retaining wall well above R Code compliance (approx. 650-900mm).</i></p> <p>4. 4 metre wide hard stand</p> <p><i>The 4-metre-wide hard stand to the south of the shed and 1.5metres from the boundary has similar compliance issues regarding the overview of our properties.</i></p> <p>5. Shed Size</p> <p><i>At 14 metres x 7 metres (98 square metres) the proposed shed seems remarkably large given the block size. From an aesthetic point of view a smaller shed or greater setback would seem desirable.</i></p>	
2.	Ratepayer	<p>The submitter does not support the application and provides the following general comment:</p> <p><i>As the owner of 6 Burnett Road, Guilderton I have no objections regarding the overlooking from the proposed retaining walls and the walkways that are part of the renovation of and attached to the house, as shown on the drawings supplied to me by the applicants as SCN0018.</i></p> <p><i>I remain unhappy with the footprint, height, and position of the large shed in the rear of the property.</i></p> <p><i>My husband, Rodney, and I have had some discussions, both verbal and email, with Drew and Lee Hewitt regarding the shed structure.</i></p> <p><i>During those discussions there was no indication of the bathroom facilities proposed in the drawings you have sent to us. There also was no indications in the drawings sent to</i></p>	<p>Noted.</p> <p>The Shire is in receipt of the correspondence between the parties.</p> <p>The presence of a bathroom and window within the outbuilding is not uncommon. This is not a reason for refusal.</p>

	<p><i>us by the applicant seeking our support for their planning application of the window on the western elevation.</i></p> <p><i>Initially we were willing to accept the shed as per the drawings submitted to us by the applicants (SCN0018). As noted on the attached document (A Hodge - Annotated support for development at 4 Burnett Guilderton) we were never happy with the shed as proposed due to our loss of visual amenity. We sent a copy of our email of 24 August 2023 to the applicants with our annotated acceptance to Sam Smith at the Shire of Gingin.</i></p> <p><i>The additional information we have received in the documents you have sent us alters the balance in our decision. We now would like to withdraw that support as we were unaware of the bathroom facilities and the window on the western aspect. We were earlier informed by the applicants that they asked the shed manufacturer to alter the roller doors to another form of closure.</i></p> <p><i>The reflections from the steeper pitched roof, as proposed, will be more noticeable to the adjoining properties, we believe the roof profile and pitch of the shed should match the house. This will reduce the reflected glare. It will also substantially reduce the impact on the visual amenity of the adjoining properties by markedly dropping the overall height of the shed.</i></p> <p><i>I note the western wall of the shed is set back 1.5 m from the boundary as it has a major opening (window). My understanding of the R-Codes is that the wall height of a building (shed) is measured from NGL at the boundary, in this case the lowest NGL on the western boundary is 23.78. The FFL of the shed is 24.75. The difference is 970mm. The shed wall is shown as 3000mm so the R-Code "wall height" is 3970mm. The Gingin policy seems to allow a wall height of 3800mm on an 890sqm block. It would seem the FFL should be lowered by another 190mm. The roof pitching line will be lowered and if this was done in association with a lowering of the pitching angle of the roof the ridge line will</i></p>	<p>Noted. The initial drawings are not being considered as part of this proposal.</p> <p>Noted. Refer to the Council report in relation to the assessment. It is understood the tipping point of the objection related to the presence of a bathroom and windows, which as outlined is not a basis for the Shire to refuse the development.</p> <p>While you may prefer the roof pitches of the dwelling and outbuilding to match, that is a matter for the landowner/applicant to design their development. Glare and bulk by way of what is essentially a complaint outbuilding is not anticipated to be unreasonable.</p> <p>Refer to the Council report. The window does not constitute a major opening.</p> <p>Refer to the Council report in relation to the wall height and consideration of the 'deemed natural ground level' which suggests that the outbuilding is in fact compliant.</p>
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**MINUTES
ORDINARY COUNCIL MEETING
17 OCTOBER 2023**

APPENDIX 13.5.5

	<p><i>be dropped further thus reducing the visual impact on the adjoining properties.</i></p> <p><i>In the event the Shire believes a shed of this footprint is appropriate on an 890sqm residential lot in this location, we would appreciate alterations that will ameliorate the visual impacts the proposed shed will have on our quiet enjoyment of our house at 6 Burnett Road, Guilderton.</i></p> <p><i>I have attached the emails exchanged with Drew Hewitt regarding the development of their site at 4 Burnett Road Guilderton, to show that we have attempted to be very reasonable in this process. Rodney and I have no issues with the planned works on the house to make it more liveable and comfortable. We indicated at the beginning of this process that we were unhappy with the size and location of the shed proposed for the rear of the property.</i></p>	
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14 REPORTS - OPERATIONS AND ASSETS

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 COUNCILLORS' OFFICIAL REPORTS

File:	GOV/20-1
Councillor:	E Sorensen
Report Date:	17 October 2023

I would like to open by thanking those responsible for the invitation to attend the WALGA Local Government Convention 2023 in company with our Deputy President, Councillor Andrea Vis and our CEO Aaron Cook.

The proceedings commenced on Sunday afternoon with Sundowner Drinks. This involved a crowd of over 600 being 560 delegates, plus WALGA staff, plus exhibitors. I have, over the past 50 years attended many conventions for either the Institution of Engineers Australia or the West Australian Institution of Surveyors, of which I was a committee member for many years. These collectively would not have an annual attendance of 600+.

Tuesday opened with a keynote address by Demine Turban. I have in my notes the comment "strange," indeed he presents with totally different and ambitious ideals. His main presentation being caution with public communication in light of A1 within our derestriction. A comment he made that stands out is "you may own your opinion, but you do not own the truth," very applicable in respect to recent communications.

Mr Ben Harvey, Chief Reporter for the West Australian headed a discussion with State members of Parliament over a range of subjects encountered by most councillors. It was at this stage that I realized WALGA was a lot more than a professional organization but rather a major "mover and shaker" in Western Australia.

The morning tea and lunch recess gave me an opportunity to speak with several other councillors. I was surprised to find the amount of disfunction current within other country shires. I think we should consider ourselves to be fortunate in that we have good leadership and very capable CEO with excellent staff.

We work as a team and accept majority rule moving onto the next subject without carrying any animosity.

The afternoon was taken up with the WALGA AGM, opened by President Karen Chappel. These proceedings reinforced my expanded attitude of WALGA'S strength and overall governance.

The CEO of Local Government Insurance schemes gave a run-down of the last 12 months operation. I wasn't aware of the membership advantages until this.

Tuesday

Local Government Federal Minister, Kristy McBain started the day with a short talk and opened to questions. This was followed by a diverse panel which appears to be achieving to overall goals.

A session on Active Mobility and Regional Housing was of personal interest.

In closing, I would like to thank Councillor Andrea Vis and our CEO Aaron Cook for guidance throughout the convention.

17 NEW BUSINESS OF AN URGENT NATURE

Nil

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

Nil

19 CLOSURE

There being no further business, the Shire President declared the meeting closed at 3:45 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 21 November 2023, commencing at 3.00 pm.