



MINUTES

Ordinary Council Meeting

19 March 2024

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 19 March 2024.

**Councillor C W Fewster
PRESIDENT**

Date of Confirmation: _____

DISCLAIMER

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

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

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

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

ACKNOWLEDGEMENT OF COUNTRY



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

TABLE OF CONTENTS

1	DECLARATION OF OPENING	5
2	RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES.....	5
2.3	LEAVE OF ABSENCE.....	5
3	DISCLOSURES OF INTEREST	5
4	PUBLIC QUESTION TIME	6
4.1	RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE	6
4.2	PUBLIC QUESTIONS	8
5	PUBLIC STATEMENT TIME.....	11
6	PETITIONS	12
7	APPLICATIONS FOR LEAVE OF ABSENCE	12
8	CONFIRMATION OF MINUTES	12
9	ANNOUNCEMENTS BY THE PRESIDING MEMBER	13
10	UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS.....	13
11	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....	13
12	REPORTS - OFFICE OF THE CEO.....	13
12.1	2023 COMPLIANCE AUDIT RETURN.....	14
12.2	ESTABLISHMENT OF CEO SELECTION PANEL	29
12.3	AMENDMENT OF ACTIONS ARISING FROM 2022 PERIODIC REVIEW OF LOCAL LAWS	42
13	REPORTS - CORPORATE AND COMMUNITY SERVICES.....	46
13.1	ANNUAL BUDGET REVIEW - 2023/24	46
13.2	MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 29 FEBRUARY 2024.	58
13.3	LIST OF PAID ACCOUNTS FEBRUARY 2024.....	85
13.4	LANCELIN COMMUNITY AND SPORTING CLUB TRANSFER OF FUNDS REQUEST	96
14	REPORTS - REGULATORY AND DEVELOPMENT SERVICES.....	120
14.1	APPLICATION FOR DEVELOPMENT APPROVAL - SINGLE HOUSE ON LOT 48 BREERA ROAD, BREERA.....	120
14.2	SHIRE OF GINGIN LOCAL PLANNING SCHEME NO. 9 - PROPOSED SCHEME AMENDMENT NO. 23 - PT LOT 9501 CHERITON ROAD, GINGIN	185
14.3	TEMPORARY WITHDRAWAL OF CAVEAT - MOORE RIVER SOUTH	328
15	REPORTS - OPERATIONS AND ASSETS	331
16	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	331
17	COUNCILLORS' OFFICIAL REPORTS.....	331

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**



17.1 DAP MEETING, ARTS IN THE PARK AND WASTE REFORM COMMUNITY PRESENTATION	331
17.2 WASTE REFORM COMMUNITY PRESENTATION	331
17.3 SEABIRD PROGRESS ASSOCIATION AGM AND DAP MEETING	331
17.4 GINGIN DISTRICT HIGH SCHOOL BOARD MEETING.....	332
17.5 WASTE REFORM COMMUNITY PRESENTATION	332
17.6 LANCELIN DUAL USE WALKWAY AND LANCELIN PRIMARY SCHOOL BOARD MEETING.....	332
18 NEW BUSINESS OF AN URGENT NATURE.....	332
19 MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC	332
19.1 RFT 01/2024 PROVISION OF CLEANING AND SANITARY SERVICES	333
20 CLOSURE.....	335

ORDER OF BUSINESS

1 DECLARATION OF OPENING

The President declared the meeting open at 3:01 pm and welcomed all in attendance.

2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors – C W Fewster (President), L Balcombe (Deputy President), F Johnson, R Kestel, F J Peczka, E Sorensen, L Stewart, J Weeks and N Woods

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), L Burt (Coordinator Governance), and K Johnston (Governance Support Officer/Minute Officer)

Gallery – There were 13 members of the public present in the Gallery.

2.2 APOLOGIES

Nil

2.3 LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF INTEREST

Councillor Fewster

Item: 14.2 Shire of Gingin Local Planning Scheme No.9 - Proposed Scheme Amendment No.23 - PT Lot 9501 Cheriton Road, Gingin

Interest: Indirect Financial

Reason: My daughter and son in law own an adjoining property.

Councillor Kestel

Item: 14.2 Shire of Gingin Local Planning Scheme No.9 - Proposed Scheme Amendment No.23 - PT Lot 9501 Cheriton Road, Gingin

Interest: Proximity

Reason: I am the owner of an adjoining property.

4 PUBLIC QUESTION TIME

The President made the following statement:

“Item 4.1.1 in today’s Agenda provides details of written responses provided to Mrs Kate Lane with respect to questions asked by her at the Ordinary Council Meeting held on 20 February 2024, which were taken on notice by the Presiding Member.

Mrs Lane has queried the responses provided.

The comments in question are contained in Item 12.2 Consideration of Motions Arising from Annual Meeting of Electors – 6 February 2024 and appear on pg 27 of the Minutes as follows:

At the Electors’ Meeting Mrs Lane also made a statement that contained incorrect comments about the responses provided by the CEO and the cost of the solar panels on the building. Again, this information has been provided and explained previously but has not sufficed to satisfy Mrs Lane.

In hindsight, it is agreed that the wording used in the Officer’s Report is not correct.

As has previously been stated, the value of the solar panels at the Moore River Café and Store is \$13,636.36. The CEO believed that at the Annual Meeting of Electors Ms Lane referred to a value of “over \$30,000” rather than “over \$13,000”. It is accepted that this is not the case and we apologise to Ms Lane for this misunderstanding.

At today’s meeting, Council will be asked to confirm the Minutes of its Ordinary Meeting held on 20 February 2024, subject to the relevant paragraph being removed.”

4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE

Ordinary Meeting 20 February 2024

4.1.1 Kate Lane - Neergabby Guilderton Café

Q1. In today’s Agenda it states, “at the Electors’ Meeting Mrs Lane made a statement that contained incorrect comments about the responses provided by the CEO and the cost of the solar panels on the building.” Will you please specify exactly which comments you consider to be incorrect?

A1. You commented that Mr Crichton stated that the items purchased by the Shire were for new equipment. This is incorrect. His comment was that the copies of the invoices provided to you were for the new equipment that Belgravia purchased. The Shire President has also confirmed several times that Belgravia installed new equipment.

As such, the items in question had been used by Belgravia for several months when the Shire purchased them.

You stated that a vague list of items was provided to you, yet this was incorrect as it was a comprehensive list of all items purchased.

You mentioned the items purchased were semi portable items of equipment, café consumables and solar panels. The items that were listed were a wide range of built in kitchen equipment, some smaller items, consumables and the solar panels. I am unaware as to what semi portable items of equipment are in this manner.

You stated that no satisfactory answer has been provided but this is your opinion not fact.

There were comments regarding the cool rooms etc, but these were not purchased from Belgravia as they were Council owned prior, but Belgravia did have to spend money on them to get them operational and this cost was not part of the \$75,000 purchase.

You commented that Council does not seem to know what it has bought or not bought, and this is incorrect.

Q2. Under the Freedom of Information Act, I obtained a Purchase List from the Shire Executive which stated that the cost of the solar panels was \$13,636,36. Today's Agenda states that my comment that the cost was "in excess of \$13,000" is incorrect. Was the information supplied to me regarding this false and will Council please reveal the correct amount and explain why I was misled?

A2. The agenda did not state that the cost of the solar panels was "in excess of \$13,000" is incorrect.

Q3. That was not the question I asked. Which of the statements that were made by yourself and the CEO at the meeting on October 17 2023 was true and which one was false?

A3. The Shire President's noted comments were incorrect and Mr Cook's comment was correct.

4.1.2 Kerry Butler - Gingin Gingin Medical Centre

Q1. What is the Shire putting towards the Doctors Surgery to facilitate whomever we can in that surgery?

A1. The amount of subsidy paid by the Shire of Gingin to the Doctor at the Gingin Medical Centre is commercial in confidence and will not be released.

4.2 PUBLIC QUESTIONS

4.2.1 Ed Hartman - Neergabby Satisfaction Survey

Q1. Is the Shire able to give a definite timeline as to the release of the said survey and an explanation as to reasons for the delay?

Response by the President

My understanding was that we had released it and I apologise to the public if we haven't. It is supposed to be on the webpage however we will check so I will take the question on notice.

Q2. Will the Shire release the findings of the survey in its entirety warts and all, in line with the Shire's open governance policy?

Response by the President

It will be a summarised and abridged version so it will be condensed but is still thorough.

4.2.2 Jenni Kenworthy – Gingin Industrial Estate Shire Fees and Charges

Q1. Why do Council employees only have to pay \$72.00 annual membership at the pool when all other adults 16 years and over pay \$144.00?

Response by the President

It is my understanding that it's been the policy since the pool was built. It is not something has been recently introduced, it goes back many years. It forms part of our fees and charges and is reviewed every Budget and it is up to individual Councillors to raise if they feel it is an issue.

Q2. Why does the Shire not issue a Department of Transport receipt if the licence that I am paying is not in my name?

Response by the President

That is an administrative issue, I will take it on notice and have the staff respond.

**4.2.3 Kate Lane - Neergabby
Guilderton Café and Code of Conduct**

Q1. Over the last few months, I have been asking questions regarding the re-assignment of the lease of Guilderton Shop and Café. As recorded in the minutes, some of the answers given were either incorrect, or contradicted at later meetings. Is this not far below the expected standards of behaviour specified in the Shire's Code of Conduct section 10b which states that Councillor "must not make a statement that the member knows or could reasonably be expected to know, is false or misleading?"

Response by the President

I guess it is fair to assume that the information you are going to get from Councillors is correct. If it is not correct then we will need to know what is incorrect.

Q2. Would you like me to go through what has been incorrect?

Response by the President

Most of it has been covered off on. You have raised the issues many times and they have been dealt with time and time again. If you would like to itemise your questions, I will take them on notice.

Q2. During your tenure as Shire President there has been growing dissatisfaction within the community regarding the running of Gingin Shire. Do you agree that this is an opportune moment for Council to attempt to restore the public's trust in their governance by adopting a "new brooms" policy and appointing not just a new CEO but also a new President and Deputy President?

Response by the President

No

**4.2.4 Darryl Butler - Gingin
CU@Park Floorboards**

Q1. Can you please confirm or deny that the repair of the floor at the CU@Park has been done in concrete rather than replacing the old existing timber floorboards?

Response by the President

Yes, it has been done with concrete.

Q2. How does that affect the building's heritage rating?

Response by the President

The advice we were given is that it hasn't affected the heritage status. The structure and facade of the building have not been altered, replacing the wooden floor with concrete flooring wasn't an issue.

Q3. I will assume that it is still on the heritage list and will remain so?

Response by the President

On the Municipal List, yes.

**4.2.5 Kerry Butler - Gingin
Medical Centre and Railway Station Floorboards**

Q1. In December 2023, \$20,625 I believe, was given to the Doctor for the Doctor's Surgery. So, the building, the subsidy, the whole lot, is that correct or is there more than that and is it confidential?

Response by the President

It is more than that however it is commercial in confidence.

Q2. If we are giving the Doctor that much money, why can't we have any input into what he does?

Response by the President

It is the Doctor's business; he can run it how he chooses. The subsidy is a lot less than a lot of country Shires are paying to have Doctors in their communities. Some Councils are providing a house, a car plus a subsidy on top of that.

Q3. Have the floorboards been fixed up at the Railway Station Café?

Response by the Executive Manager Corporate and Community Services

Not yet however we are in discussions with the National Trust who are the owners of the building, and they have a scope of works for more than just the floorboards as there are several areas that need some work. The call for expressions of interest that is out now, ultimately will be subject to that work being completed by the National Trust.

Q4. *So, they are going to be fixed before anybody else can go into that building, is that correct?*

Response by the Executive Manager Corporate and Community Services

Yes

**4.2.6 Jenni Kenworthy – Gingin Industrial Estate
Netball Courts**

Q1. *Regarding the netball court repairs, I did notice they were up to get repaired however the quotes were too high and I was wondering whether they will be fixed before the start of the netball season?*

Response by the President

I don't believe there is any budget allocation for the netball courts however I will take the question on notice.

5 PUBLIC STATEMENT TIME

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

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

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

**5.1 Kate Lane - Neergabby
Leasing of Guilderton Café and General Store**

Made a statement in relation to the leasing of the Guilderton Café and General Store and the inaccurate information that was received.

**5.2 Kerry Butler - Gingin
CU@Park Floorboards**

Made a statement expressing hope that the floorboards from CU@Park will go out for public tender.

**5.3 Henry Dykstra – Harley Dykstra Pty Ltd
Item 14.2 Shire of Gingin Local Planning Scheme No.9 - Proposed Scheme
Amendment No.23 – Pt Lot 9501 Cheriton Road, Gingin**

Made a statement in relation to Item 14.2 Shire of Gingin Local Planning Scheme No.9 - Proposed Scheme Amendment No.23 – Pt Lot 9501 Cheriton Road, Gingin regarding items which in his view were not included in the report.

6 PETITIONS

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council confirm the Minutes of the Ordinary Council Meeting held on 20 February 2024 and the Special Council Meeting held on 5 March 2024 as a true and accurate record, subject to the following paragraph being deleted from Item 12.2 Consideration of Motions Arising from Annual Meeting of Electors - 6 February 2024 (Pg 27):

At the Electors' Meeting Mrs Lane also made a statement that contained incorrect comments about the responses provided by the CEO and the cost of the solar panels on the building. Again, this information has been provided and explained previously but has not sufficed to satisfy Mrs Lane.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

9 ANNOUNCEMENTS BY THE PRESIDING MEMBER

The CEO and I attended a Regional Development Australia Committee Meeting in Lancelin on Wednesday 13 March 2024 and we also attended the Northern Growth Alliance Meeting on Thursday 14 March 2024.

I attended the Wheatbelt North Regional Road Group Meeting in Northam on Monday 18 March 2024.

Two Waste Reform Community Presentations were held in Seabird and Gingin on Monday 18 March 2024 and both were well attended.

10 UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

Nil

11 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

12 REPORTS - OFFICE OF THE CEO

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Balcombe **SECONDED:** Councillor Woods

That Item 14.2 be brought forward for consideration.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

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

- *Item 14.2 Shire of Gingin Local Planning Scheme No.9 – Proposed Scheme Amendment No.23 – PT Lot 9501 Cheriton Road, Gingin – see page 185.*

Item 12.1 was considered after Item 14.2.

12.1 2023 COMPLIANCE AUDIT RETURN

File	COR/29
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	Nil
Appendices	1. Compliance Audit Return 2023 [12.1.1 - 12 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To receive and consider the Audit Committee's recommendation with respect to the Shire of Gingin's Compliance Audit Return for the period 1 January 2023 to 31 December 2023.

BACKGROUND

In accordance with Regulation 14 of the *Local Government (Audit) Regulations 1996*, all local governments are required to complete an annual Compliance Audit Return for submission to the Department of Local Government, Sport and Cultural Industries.

Regulation 14(3A) of the *Local Government (Audit) Regulations 1996* specifies that the Compliance Audit Return is to be reviewed by Council's Audit Committee. The results of the review are to be presented to Council and the Compliance Audit Return submitted to Council for adoption, with the adopted Return then to be submitted to the Department by 31 March of each year.

The completed 2023 Compliance Audit Return (**see Appendix**) was presented to the Audit Committee on 5 March 2024. After considering the report, the Committee resolved to:

1. *Acknowledge the results of the 2023 compliance audit process; and*
2. *Recommend that Council adopt the 2023 Compliance Audit Return for the period 1 January 2023 to 31 December 2023.*

COMMENT

The Shire of Gingin's 2023 Compliance Audit Return (CAR) was conducted in-house. The completed Return shows that the standard of compliance is good, with just one matter being identified as non-compliant.

Section: Optional Questions

5. *Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3) and (4) of the Local Government Act 1995? [LGA s.5.96A(1), (2), (3) & (4)]*

Finding

The audit found that the Shire had not complied with s.5.96A(1)(f) and (h), in that the confirmed minutes of Audit Committee meetings were not published on the Shire's website.

Administration Response Provided to Audit Committee

Section 5.96A relates to information that a local government must publish on its official website. It specifies individual items of information that must be published, including confirmed minutes of council and committee meetings, and notice papers and agendas relating to council or committee meetings.

Subsection 5.96A(2) states that the CEO must not publish council or committee notice papers, agendas and confirmed minutes if the meeting or that part of the meeting to which the information refers was closed to members of the public. However, subsection 5.96A(3) then further specifies that a record of decisions made at a meeting or part of a meeting that is closed to the public must still be published.

The following comments are provided:

1. The Shire of Gingin has previously received advice from the Department of Local Government, Sport and Cultural Industries that a Council-established body is not deemed to be a "committee" for the purposes of s.5.8 of the *Local Government Act 1995* (the Act) unless it has been granted delegated decision-making powers. This does not apply to a local government's Audit Committee, which is specifically established under s.7.1A. Therefore, Council's Audit Committee is its only committee at this point in time.
2. Section 5.23 of the Act states that all council meetings and all meetings of any committee to which a local government power or duty has been delegated must be open to the public. Council's Audit Committee has not been granted any delegated power or duty, and therefore Audit Committee meetings are not open to the public.
3. Nevertheless, subsection 5.96A(3) requires that a record of decisions made at a committee meeting that isn't open to the public must be published on the Shire's website. Strictly speaking, this means that a redacted version of committee minutes containing only the report heading and the committee's recommendation to Council should be published. However a review of a number of other local governments whose Audit Committee meetings are also closed to the public has shown that, whilst some do not publish any committee meeting information, of those that do most simply publish their Audit Committee minutes in full, with the exception of matters that are confidential in nature.

This matter was also identified by the last Compliance Audit Return (for the 2022 calendar year), but unfortunately was not rectified at the time.

Action has now been taken to publish the minutes for all Audit Committee meetings held in 2023, and Governance procedures have been amended to ensure that this is attended to going forward.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government (Audit) Regulations 1996

Reg 14 – Compliance audits by local governments

Reg 15 – Compliance audit return, certified copy of etc. to be given to Executive Director

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 - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson

SECONDED: Councillor Woods

That Council:

1. Acknowledge the results of the 2023 compliance audit process; and
2. Adopt the 2023 Compliance Audit Return for the period 1 January 2023 to 31 December 2023.

CARRIED UNANIMOUSLY

9 / 0

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



Gingin – Compliance Audit Return

Commercial Enterprises by Local Governments				
No	Reference	Question	Response	Comments
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2023?	N/A	No major trading undertaking entered into in 2023.
2	s3.59(2)(b) F&G Regs 7,8A, 8, 10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2023?	N/A	No major land transaction entered into in 2023.
3	s3.59(2)(c) F&G Regs 7,8A, 8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2023?	N/A	No land transaction preparatory to entry into a major land transaction entered into in 2023.
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2023?	N/A	No major trading undertaking, major land transaction or land transaction preparatory to a major land transaction entered into in 2023.
5	s3.59(5)	During 2023, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A	No major land transaction or major trading undertaking entered into in 2023.

Delegation of Power/Duty				
No	Reference	Question	Response	Comments
1	s5.16 (1)	Were all delegations to committees resolved by absolute majority?	N/A	No delegations made to committees.
2	s5.16 (2)	Were all delegations to committees in writing?	N/A	No delegations made to committees.
3	s5.17	Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995?	N/A	No delegations made to committees.
4	s5.18	Were all delegations to committees recorded in a register of delegations?	N/A	No delegations made to committees.
5	s5.18	Has council reviewed delegations to its committees in the 2022/2023 financial year?	Yes	
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995?	Yes	

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes	
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2022/2023 financial year?	Yes	OCM 20/06/2023 Item 11.1
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996, regulation 19?	Yes	As far as can be ascertained.

Disclosure of Interest				
No	Reference	Question	Response	Comments
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes	Minutes show that council members left the meeting in all cases where interests were disclosed that required them to do so.
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting?	N/A	There were no occasions where participation approval was sought.
3	s5.73	Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made?	Yes	
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes	
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2023?	Yes	

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



6	s5.77	On receipt of a primary or annual return, did the CEO, or the Mayor/President, give written acknowledgment of having received the return?	Yes	
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995?	Yes	
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28?	Yes	
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person?	Yes	
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A?	Yes	
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	
13	s5.89A(6)	When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people?	N/A	No disclosures made.
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) of the Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	
15	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes	As far as can be ascertained.

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



16	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A	No such application made.
17	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered?	N/A	No such application made.
18	s5.104(1)	Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members candidates that incorporates the model code of conduct?	Yes	OCM 20/04/2021 Item 11.1.1
19	s5.104(3) & (4)	Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995?	Yes	OCM 20/04/2021 Item 11.1.1
20	s5.104(7)	Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website?	Yes	
21	s5.51A(1) & (3)	Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? If yes, has the CEO published an up-to-date version of the code of conduct for employees on the local government's website?	Yes	

Disposal of Property				
No	Reference	Question	Response	Comments
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) of the Local Government Act 1995 (unless section 3.58(5) applies)?	Yes	
2	s3.58(4)	Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes	

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



Elections				
No	Reference	Question	Response	Comments
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate in accordance with regulations 30G(1) and 30G(2) of the Local Government (Elections) Regulations 1997?	Yes	
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997?	N/A	No disclosures received from unsuccessful candidates.
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997?	Yes	

Finance				
No	Reference	Question	Response	Comments
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995?	Yes	SCM 24/10/2023 Item 12.1
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority?	N/A	No delegations made to Audit Committee.
3	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?	Yes	OCM 19/12/2023 Item 12.3

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



4	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes	
5	s7.12A(4)(a) & (4)(b)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters? Was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A	No significant matters identified.
6	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website?	N/A	No significant matters identified.
7	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June 2023 received by the local government within 30 days of completion of the audit?	Yes	Auditor's report dated 05/12/2023. Received by Council OCM 19/12/2023.

Local Government Employees				
No	Reference	Question	Response	Comments
1	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A?	N/A	No CEO vacancy. The Shire of Gingin does not have designated senior employee positions.
2	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A	No CEO vacancy.
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4) of the Local Government Act 1995?	N/A	No CEO vacancy.
4	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	The Shire of Gingin does not have designated senior employee positions.
5	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	The Shire of Gingin does not have designated senior employee positions.

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



Official Conduct				
No	Reference	Question	Response	Comments
1	s5.120	Has the local government designated an employee to be its complaints officer?	Yes	The CEO is the Shire's Complaints Officer.
2	s5.121(1) & (2)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a) of the Local Government Act 1995?	N/A	No such findings have been made.
3	S5.121(2)	Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995?	N/A	No Complaints Register required, as no findings have been made.
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	N/A	No Complaints Register required, as no findings have been made.

Tenders for Providing Goods and Services				
No	Reference	Question	Response	Comments
1	F&G Reg 11A(1) & (3)	Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	
2	s3.57 F&G Reg 11	Subject to Local Government (Functions and General) Regulations 1996, regulation 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in regulation 11(1) of the Regulations?	Yes	1 tender invited in 2023, all others via WALGA Preferred Supplier Panels.
3	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)?	Yes	

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



4	F&G Reg 12	Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract?	N/A	No multiple contracts entered into.
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents, or each acceptable tenderer notice of the variation?	Yes	
6	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16?	Yes	
7	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes	
8	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A	No such tenders received.
9	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes	
10	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes	
11	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22?	N/A	No expressions of interest sought.
12	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	No expressions of interest sought.
13	F&G Reg 23(3) & (4)	Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer?	N/A	No expressions of interest sought.

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24?	N/A	No expressions of interest sought.
15	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions & General) Regulations 1996 regulations 24AD(4) and 24AE?	N/A	No panel of pre-qualified suppliers proposed.
16	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	No panel of pre-qualified suppliers proposed.
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	No panel of pre-qualified suppliers proposed.
18	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG?	N/A	No panel of pre-qualified suppliers proposed.
19	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	No panel of pre-qualified suppliers proposed.
20	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A	No panel of pre-qualified suppliers proposed.
21	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	No panel of pre-qualified suppliers proposed.
22	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F?	Yes	

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



Integrated Planning and Reporting				
No	Reference	Question	Response	Comments
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	15/03/2022
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	15/11/2022
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)?	Yes	

Optional Questions				
No	Reference	Question	Response	Comments
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2023? If yes, please provide the date of council's resolution to accept the report.	Yes	18/07/2023
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2023? If yes, please provide date of council's resolution to accept the report.	Yes	21/06/2022
3	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt	N/A	No such disclosures made.

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



		of the gift? Did the disclosure include the information required by section 5.87C of the Act?		
4	s5.90A(2) & (5)	Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?	Yes	OCM 16/06/2020 Item 11.1.3
5	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?	Yes	With the exception of Audit Committee decisions. Audit Committee Minutes have now been published, and internal procedures have been amended to ensure that this is not missed in the future.
6	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes	Adopted OCM 21/07/2015 Item 11.1.1. Last reviewed OCM 16/01/2024 Item 11.4.
7	s5.127	Did the local government prepare a report on the training completed by council members in the 2022/2023 financial year and publish it on the local government's official website by 31 July 2023?	Yes	
8	s6.4(3)	By 30 September 2023, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2023?	Yes	Submitted 29/09/2023.
9	s.6.2(3)	When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?	Yes	SCM 17/08/2023 Item 11.1.

Chief Executive Officer

Date

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 12.1.1

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return - Gingin



Department of
**Local Government, Sport
and Cultural Industries**

Mayor/President

Date

12.2 ESTABLISHMENT OF CEO SELECTION PANEL

File	PER/8-61
Author	Aaron Cook - Chief Executive Officer
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	PER/8-61
Appendices	1. Standards for CEO Recruitment, Performance & Termination [12.2.1 - 7 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the establishment of a CEO Selection Panel, appointment of Council members to the Panel and engagement of a suitably qualified consultant so that the process of recruitment can commence.

BACKGROUND

The Shire's current CEO, Mr Aaron Cook, tendered his resignation to the Shire President on 1 March 2024. The resignation provides Council with an extended notice period, over the normal required 12 weeks, to allow for completion of the necessary recruitment process and a potential hand over period.

In June 2021 Council adopted Standards for CEO Recruitment, Performance and Termination as required under the *Local Government (Administration) Regulations 1996*. The Standards require that Council establish a Selection Panel to work through the recruitment process. A copy of the adopted Standards is provided as an **appendix**.

The recruitment process must be conducted in accordance with the requirements of the Standards.

COMMENT

Establishment of Selection Panel

The appointment of the Selection Panel is an integral part of the process of recruiting the next Chief Executive Officer and it is considered vital to have the Panel in place as a matter of urgency. It should be noted that timeframes involved with the various processes may well necessitate the calling of both Special Council and Panel meetings at short notice.

The number of elected members appointed to the Panel is to be decided by Council, but membership must include at least 1 independent person who is not a council member, an employee of the local government or a human resources consultant engaged by the local government. Whilst the Standards don't impose any limit on the number of Councillors to be appointed as members, it is considered that more than 3 or 4 would make the Panel unwieldy and nonproductive.

It is therefore recommended that Council appoint a Selection Panel of 4 Councillors, plus one independent Panel member who is to be recommended to Council by the Selection Panel following a public call for expressions of interest. Whilst not mandatory, it is usual for the President to be a member of a CEO Selection Panel given the close working relationship between the positions of President and CEO as mandated under the *Local Government Act 1995* and it is strongly recommended that Council follow this practice. It is also recommended that serious consideration be given to appointing the Deputy President as a Panel member.

It is not envisaged that the Selection Panel will have any delegated decision-making powers. Rather it will provide recommendations with respect to the various components of the recruitment process to Council for determination.

As soon as Council appoints its representatives to the Panel, an urgent meeting will be called to consider and make recommendations to Council with respect to:

1. The process to be followed and the selection criteria to be applied to the appointment of the required independent Panel member; and
2. Commence engagement with the appointed consultant to facilitate the recruitment process.

The Panel will assess applications received for the independent Panel member position and make a recommendation to Council with respect to the preferred applicant. As soon as the position is filled, a Panel meeting will be called to progress the recruitment process.

The first task of the panel, with the assistance of the appointed consultant, will be to draft a position description for the position of CEO which sets out the duties and responsibilities of the position and the selection criteria for the position. This position description must then be adopted by an absolute majority decision of Council.

Following the conclusion of the application period, the Selection Panel will, with the assistance of the appointed consultant, conduct the assessment of applicants and provide to Council a summary of its assessment of each applicant and a recommendation as to which applicant is considered suitable to be appointed to the position of CEO.

Alternatively, if the Panel considers that none of the applicants are suitable for the position, then it must recommend that a new recruitment and selection process be carried out, together with the changes (if any) that the Panel considers should be made to the duties and responsibilities of the position or the selection criteria.

The process of recruitment once the recruitment consultant is appointed will take an estimated minimum of 8 weeks. In reality an allowance should be made for 10 weeks taking into account negotiations and contract preparations. It would then be expected that the successful applicant would be required to provide 12 weeks notice to their current employer from the date of contract signing. Based on a recruitment process of 20-22 weeks, the estimated start date for a new CEO is 23 August 2024. Therefore, the sooner the process is commenced the better as far as the Shire of Gingin is concerned.

Appointment of Council Members to CEO Selection Panel

On the assumption that one of the Panel member positions will be filled by the President, there will be 3 vacancies to be filled by Councillors (if Council elects not to appoint the Deputy President).

Councillors will be asked to indicate their interest in being appointed to the Panel, and if more nominations than vacancies are received, then an informal “first past the post” election process will be conducted at the meeting with the results being included in the recommendation for formal endorsement.

Engagement of Consultant

Upon request of the Shire President quotes were sought from Lester Blades, Lydia Highfield Consulting, Beilby Downing Teal and Mills Recruitment. All consultants are professionals in the local government sector and are suitably qualified to undertake the process.

There is a wide variation in the quotations received. Owing to the commercially sensitive nature of the information provided, the only quotation amount referenced in this report is that submitted by the recommended consultant, however other information can be made available to Councillors at the meeting.

Following a comprehensive assessment of the quotations received, it is proposed that Council accept the quote of \$12,900 (ex GST) submitted by Mills Recruitment.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 5 Administration

Division 4 Local government employees

S. 5.39A Model standards for CEO recruitment, performance and termination

Local Government Act 1995

Part 6 – Financial management

Division 4 – General financial provisions

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

Local Government (Administration) Regulations 1996

Part 4 Local government employees

Reg. 18FA Modal standards for CEO recruitment, performance and termination (Act s.5.39A(1))

Local Government (Administration) Regulations 1996

Schedule 2 Model standards for CEO recruitment, performance and termination

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The engagement of a consultant to facilitate the CEO recruitment process is not provided for in the adopted 2023/24 Budget and sufficient funds are not available from the consultancy allocation. It is proposed that an amount of \$6,000 be transferred from surplus funds in the budgets for Members’ Training and Development and Members’ Other Expenses in accordance with the table below.

GL/Project	Description	Current Budget	Revised Budget	(Surplus/ Deficit)
120402520	OTH GOV – Other Consultancy	\$32,727	\$38,727	\$6,000
TD04014	MEMBERS – Training & Development	\$45,300	\$41,300	(\$4,000)
120401880	MEMBERS – Other Expenses	\$7,500	\$5,500	(\$2,000)
		Closing Surplus		\$0

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

Councillors Johnson, Kestel, Peczka, Sorensen, Stewart, Weeks and Woods indicated their interest in being appointed to the CEO Selection Panel.

A ballot was conducted for two Councillor positions with the following result being declared:

1. *Councillor Johnson – 5 votes; and*
2. *Councillor Kestel – 5 votes.*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson SECONDED: Councillor Balcombe

That Council:

1. **Agree to establish a CEO Selection Panel consisting of 4 Councillors (including the Shire President and Deputy Shire President) and 1 independent member to oversee the engagement of a successful candidate to the position of CEO of the Shire of Gingin; and**
2. **Confirm the appointment of the following 4 Councillors to the CEO Selection Panel:**
 - a. **Councillor Fewster;**
 - b. **Councillor Balcombe;**
 - c. **Councillor Johnson; and**
 - d. **Councillor Kestel; and**
3. **Agree to engage Mills Recruitment to facilitate the CEO recruitment process for the quoted cost of \$12,900 (ex GST); and**
4. **Agree to amend the adopted 2023/24 Budget to enable the engagement referred to in 3 above in accordance with the following table:**

GL/Project	Description	Current Budget	Revised Budget	(Surplus/ Deficit)
120402520	OTH GOV - Other Consultancy	\$32,727	\$38,727	\$6,000
TD04014	MEMBERS - Training & Development	\$45,300	\$41,300	(\$4,000)
120401880	MEMBERS - Other Expenses	\$7,500	\$5,500	(\$2,000)
		Closing Surplus		\$0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**



FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

**Shire of Gingin Standards for CEO Recruitment,
Performance and Termination**

Division 1 – Preliminary provisions

1. Citation

These are the *Shire of Gingin Standards for CEO Recruitment, Performance and Termination*.

2. Terms used

(1) In these standards –

Act means the *Local Government Act 1995*;

additional performance criteria means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

applicant means a person who submits an application to the local government for the position of CEO;

contract of employment means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

contractual performance criteria means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

job description form means the job description form for the position of CEO approved by the local government under clause 5(2);

local government means the Shire of Gingin;

selection criteria means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

selection panel means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

(2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 – Standards for recruitment of CEOs

3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.
- (2) This Division does not apply –
 - (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
 - (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.
- (2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out –
 - (a) the duties and responsibilities of the position; and
 - (b) the selection criteria for the position determined in accordance with subclause (1).

6. Advertising requirements

- (1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.
- (2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

7. Job description form to be made available by local government

If a person requests the local government to provide to the person a copy of the job description form, the local government must –

- (a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or
- (b) if the person advises the local government that the person is unable to access that website address –
 - (i) email a copy of the job description form to an email address provided by the person; or

- (ii) mail a copy of the job description form to a postal address provided by the person.

8. Establishment of selection panel for employment of CEO

- (1) In this clause –

independent person means a person other than any of the following –

- (a) a council member;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government.
- (2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.
 - (3) The selection panel must comprise –
 - (a) council members (the number of which must be determined by the local government); and
 - (b) at least 1 independent person.

9. Recommendation by selection panel

- (1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.
- (2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government –
 - (a) a summary of the selection panel's assessment of each applicant; and
 - (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.
- (3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government –
 - (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
 - (b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.
- (4) The selection panel must act under subclauses (1), (2) and (3) –
 - (a) in an impartial and transparent manner; and
 - (b) in accordance with the principles set out in section 5.40 of the Act.

- (5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has –
 - (a) assessed the applicant as having demonstrated that the applicant’s knowledge, experience, qualifications and skills meet the selection criteria; and
 - (b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and
 - (c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant’s character, work history, skills, performance and any other claims made by the applicant.
- (6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

10. Application of cl. 5 where new process carried out

- (1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.
- (2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria –
 - (a) clause 5 does not apply to the new recruitment and selection process; and
 - (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve –

- (a) the making of the offer of employment to the applicant; and
- (b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

12. Variations to proposed terms of contract of employment

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the ***negotiated contract***) containing terms different to the proposed terms approved by the local government under clause 11(b).
- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

13. Recruitment to be undertaken on expiry of certain CEO contracts

(1) In this clause –

commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

(2) This clause applies if –

(a) upon the expiry of the contract of employment of the person (the **incumbent CEO**) who holds the position of CEO –

(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day; and

(b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

14. Confidentiality of information

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

Division 3 – Standards for review of performance of CEOs

15. Overview of Division

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.

16. Performance review process to be agreed between local government and CEO

(1) The local government and the CEO must agree on –

(a) the process by which the CEO's performance will be reviewed; and

- (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

17. Carrying out a performance review

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must –
 - (a) collect evidence regarding the CEO’s performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
 - (b) review the CEO’s performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of –

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO – how the local government proposes to address and manage those issues.

Division 4 – Standards for termination of employment of CEOs

20. Overview of Division

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

21. General principles applying to any termination

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO’s employment, including –

- (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
- (b) notifying the CEO of any allegations against the CEO; and
- (c) giving the CEO a reasonable opportunity to respond to the allegations; and
- (d) genuinely considering any response given by the CEO in response to the allegations.

22. Additional principles applying to termination for performance-related reasons

- (1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.
- (2) The local government must not terminate the CEO's employment unless the local government has –
 - (a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the **performance issues**) related to the performance of the CEO; and
 - (b) informed the CEO of the performance issues; and
 - (c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and
 - (d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.
- (3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

23. Decision to terminate

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

24. Notice of termination of employment

- (1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.
- (2) The notice must set out the local government's reasons for terminating the employment of the CEO.

12.3 AMENDMENT OF ACTIONS ARISING FROM 2022 PERIODIC REVIEW OF LOCAL LAWS

File	LAW/1
Author	Lee-Anne Burt - Coordinator Governance
Reporting Officer	Aaron Cook - Chief Executive Officer
Refer	22 December 2022 - Item 11.4
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider amending the course of action agreed to by Council at its Ordinary Council Meeting on 22 December 2022 with respect to the Activities in Thoroughfares and Public Places and Trading Local Law 2004, the Bush Fire Brigades Local Law 2004, the Cemeteries Local Law 2014 and the Local Government Property Local Law 2004.

BACKGROUND

Section 3.16 of the *Local Government Act 1995* requires that every local government must review each of its local laws at least once every 8 years. The Shire of Gingin engaged a consultant to facilitate a periodic review of local laws in 2022. Council received the consultant's review report at its meeting on 22 December 2022 (Item 11.4) and resolved to commence the repeal, repeal and replacement or amendment of local laws in accordance with the recommendations contained within the report, as follows:

Local Law	Action
Activities in Thoroughfares and Public Places and Trading Local Law 2004	Repeal and replace
Bee Keeping Local Law 2004	Repeal
Bush Fire Brigades Local Law 2004	Repeal and replace
Cemeteries Local Law 2014	Repeal and replace
Control of Vehicles (Off-road Areas) Local Law 2021	Amend
Dogs Local Law 2004	Repeal and replace
Extractive Industries Local Law 2004	Repeal and replace
Fencing Local Law 2016	Repeal and replace
Health Local Law 2017	Retain without amendment
Keeping and Control of Cats Local Law 2016	Repeal and replace
Local Government Property Local Law 2004	Amend
Meeting Procedures Local Law 2014	Retain without amendment
Parking and Parking Facilities Local Law 2004	Amend
Pest Plants Local Law 2015	Retain without amendment
By-laws Relating to Signs and Bill Posting	Repeal
Waste Local Law 2016	Retain without amendment

Unfortunately, budgetary constraints meant that work could not commence on drafting of the required local laws until adoption of the 2023/24 budget, however the consultant who completed the initial review was engaged to undertake the drafting work in August 2023.

Since that point, the consultant has been working with Administration to progress this project and it is anticipated that the proposed new, amendment and repeal local laws will be ready for presentation to Council at its Ordinary Meeting on either 16 April 2024 or 21 May 2024. However, it has become apparent that changing circumstances have had an impact on the recommended outcomes for 4 of the existing local laws, and that Council's further consideration is therefore required.

COMMENT

Activities in Thoroughfares and Public Places and Trading Local Law 2004 (Activities Local Law); Local Government Property Local Law 2004 (Property Local Law)

At its December 2022 meeting Council resolved to proceed with the repeal and replacement of the Activities Local Law, and to amend the Property Local Law.

However, the consultant has advised that, in the process of drafting the required new and amendment local laws it has become evident that there is a significant degree of "overlap" between the 2 existing laws which means that they need to work seamlessly together. There is a risk that replacement of one law and retention of the other with some amendments could create the potential for inconsistencies.

On that basis it is now considered that it would be preferable to combine them into a single local law. It should be noted that this is an option that has been employed by a number of local governments in recent years.

Provided that there is no objection to this proposal, the consultant will proceed with the drafting of a single local law for Council's consideration.

Bush Fire Brigades Local Law 2004

The consultant's review report recommended that the Bush Fire Brigades Local Law be repealed and replaced. This recommendation was made on the basis that the current Local Law, which is based on WALGA's template local law, *mandates an administrative overload that few volunteer bush fire brigades are able to meet and stipulates many requirements that are likely to be irrelevant to the majority of brigades.*

The review report advised that many of the matters currently addressed by the local law could be managed through the development of an Operations Manual and an Administration Manual for brigades.

At the time that the review report was undertaken, a number of local governments had adopted a simplified Bush Fire Brigades Local Law which appeared to be working well. Unfortunately, it has since become evident that most of these have subsequently been rejected by the Joint Standing Committee on Delegated Legislation (JSCDL).

The consultant has advised that the JSCDL is currently applying interpretations to sections of the *Bush Fires Act 1954* which has to the rejection of amendments to local laws that have been accepted on multiple occasions previously. This is despite the fact that the current interpretation has been disputed by McLeods on behalf of another local government.

The JSCDL is currently supporting the WALGA template local law, which is the basis for the Shire of Gingin's current Bush Fire Brigades Local Law.

Based on the above, the consultant now advises that the easiest and most cost-effective course of action at this point will be for the Shire of Gingin to retain its existing local law. In taking this position, Council should be aware that there is a strong likelihood that there may be instances of non-compliance particularly in relation to matters like the requirement for brigades to appoint an auditor. However it is equally likely that this type of non-compliance has occurred in the past. In addition, it is pointed out that the local law does not contain any penalties for non-compliance.

Cemeteries Local Law 2014

With respect to the Cemeteries Local Law, work was commenced on an amendment local law in accordance with Council's resolution.

However, in late 2023 the Department of Local Government, Sport and Cultural Industries, which administers the *Cemeteries Act 1986*, announced a review of the Act.

On that basis it is proposed that any further action with relation to amendment of the Cemeteries Local Law be deferred pending completion of the Act review process.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995

Part 3 – Functions of local governments

Division 2 – Legislative functions of local governments

Section 3.16 – Periodic review of local laws

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Funds are included in Council’s adopted 2023/24 budget for the drafting of new, amendment and repeal local laws in accordance with Council’s resolution of 22 December 2024.

It is not anticipated that the proposed changes will have a significant budget impact in the event that Council is supportive of the officer’s recommendation.

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 Johnson **SECONDED:** Councillor Sorensen

That Council agree:

1. To repeal the Activities in Thoroughfares and Public Places and Trading Local Law 2004 and the Local Government Property Local Law 2004 and to replace both local laws with a new combined local law;
2. To retain the Bush Fire Brigades Local Law 2004 without amendment; and
3. To defer any further action with respect to the repeal and replacement of the Cemeteries Local Law 2014 until the results of the current review of the *Cemeteries Act 1986* are known.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

13 REPORTS - CORPORATE AND COMMUNITY SERVICES

13.1 ANNUAL BUDGET REVIEW - 2023/24

File	FIN/25
Author	Alarna Richards – Coordinator Financial Planning & Reporting
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. 2023-24 Budget Review [13.1.1 - 8 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider the Shire of Gingin's financial position as at 29 February 2024 and performance for the period 1 July 2023 to 29 February 2024 in relation to the adopted annual budget and projections estimated for the remainder of the year.

BACKGROUND

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2023 to 29 February 2024 shown in the **appendices** has been prepared incorporating year to date budget variations and forecasts to 30 June 2024 and is presented for Council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

The material variance levels which have been reported for the budget review have utilised the same materiality levels as monthly reporting to determine the extent of explanation for the purpose of the budget review or are based upon management judgement where explanations are considered appropriate.

COMMENT

A draft version of the budget review was presented to Council at the briefing session on Tuesday 6th March 2024.

This budget review report includes at Note 4 a summary of predicated variances for nature categories contained within the Statement of Budget Review.

The Budget Review also considers and takes into account the regular statements of financial activity reports which are presented to Council every month.

The analysis of the Budget Review and proposed amendments are attached (see **Appendices**), comprising:

- Statement of Budget Review by Nature;
- Basis of Preparation;
- Summary Graphs
- Net Current Funding Position;
- Predicted Variances; and

The overall outcome of the budget review and proposed amendments will result in a predicted closing surplus of \$0.

When adopting the 2023/24 Budget, Council adopted a 10% (minimum \$20,000) threshold for the reporting of material variances when assessing Statements of Financial Activity and the Annual Budget Review.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government (Financial Management) Regulations 1996
Part 3 – Annual budget
Reg. 33A – Review of budget

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

As detailed within the body of this report.

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 Johnson **SECONDED:** Councillor Kestel

That Council:

1. Adopt the Budget Review for the 2023/24 financial year as presented in the Appendices; and
2. Amend the 2023/24 adopted budget accordingly.

Account Classification	Nature	Increase by/ Decrease by	Amount
Operating Revenue	General Rates	Increase by	\$29,261
Operating Revenue	Grants, subsidies, and contributions	Increase by	\$139,549
Operating Revenue	Fees and Charges	Increase by	\$78,204
Operating Revenue	Interest revenue	Increase by	\$84,000
Operating Revenue	Other Revenue	Increase by	\$70,047
Operating Expenditure	Employee Costs	Increase by	(\$83,000)
Operating Expenditure	Materials and Contractors	Increase by	(\$609,922)
Operating Expenditure	Utility Charges	Decrease by	\$4,595
Operating Expenditure	Depreciation	Increase by	(\$3,847,054)
Non Cash Amounts	Depreciation	Increase by	\$3,847,054
Operating Expenditure	Other Expenditure	Increase by	(\$12,822)
Capital Revenue	Capital grants, subsidies, and contributions	Increase by	\$327,267
Capital Revenue	Proceeds from disposal of assets	Decrease by	(\$13,636)

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

Capital Expenditure	Land and buildings	Decrease by	\$261,323
Capital Expenditure	Plant and Equipment	Decrease by	\$102,050
Capital Expenditure	Infrastructure-Roads	Decrease by	\$11,473
Capital Expenditure	Infrastructure - Other	Increase by	(\$152,625)
	Proceeds from new borrowings	Increase by	\$32,000
	Transfer from Reserve Account	Increase by	\$180,388
	Payments from principal portion of lease liability	Decrease by	\$4,726
	Transfer from Reserve Account	Increase by	(\$95,700)
	Change to surplus or deficit		\$0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

SHIRE OF GINGIN

BUDGET REVIEW REPORT

FOR THE PERIOD ENDED 29 FEBRUARY 2024

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

TABLE OF CONTENTS

Statement of Budget Review	2
Note 1 Basis of Preparation	3
Note 2 Summary Graphs - Budget Review	4
Note 3 Net Current Funding Position	5
Note 4 Predicted Variances / Future Budget Amendments	7

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 13.1.1

SHIRE OF GINGIN
STATEMENT OF BUDGET REVIEW
FOR THE PERIOD ENDED 29 FEBRUARY 2024

Budget v Actual						
Note	Adopted Budget	Updated Budget Estimates (a)	Year to Date Actual	Estimated Year at End Amount (b)	Predicted Variance (a) - (b)	
	\$	\$	\$	\$	\$	
OPERATING ACTIVITIES						
Revenue from operating activities						
General rates	10,077,038	10,077,038	10,101,979	10,106,299	29,261	▲
Rates excluding general rates	6,299	6,299	0	6,299	0	
Grants, subsidies and contributions	1,587,992	1,587,992	814,562	1,727,541	139,549	▲
Fees and charges	4,195,911	4,195,911	3,601,915	4,274,115	78,204	▲
Interest revenue	308,442	308,442	135,631	392,442	84,000	▲
Other revenue	375,476	383,476	469,174	453,523	70,047	▲
Profit on asset disposals	76,025	76,025	10,400	76,025	0	
	16,627,183	16,635,183	15,133,661	17,036,244	401,061	
Expenditure from operating activities						
Employee costs	(6,856,559)	(6,856,559)	(4,339,798)	(6,939,559)	(83,000)	▼
Materials and contracts	(7,487,183)	(7,530,533)	(5,519,669)	(8,140,455)	(609,922)	▼
Utility charges	(509,110)	(509,110)	(346,621)	(504,515)	4,595	▲
Depreciation	(6,309,532)	(6,309,532)	(601,712)	(10,156,586)	(3,847,054)	▼
Finance costs	(92,173)	(92,173)	(60,552)	(92,173)	0	
Insurance	(393,956)	(393,956)	(396,075)	(393,956)	0	
Other expenditure	(645,229)	(695,042)	(249,525)	(707,864)	(12,822)	▼
Loss on asset disposals	(291,099)	(291,099)	0	(291,099)	0	
	(22,584,841)	(22,678,004)	(11,513,952)	(27,226,207)	(4,548,203)	
Non-cash amounts excluded from operating activities	6,524,606	6,524,606	591,312	10,371,660	3,847,054	▲
Amount attributable to operating activities	566,948	481,785	4,211,021	181,697	(300,088)	
INVESTING ACTIVITIES						
Inflows from investing activities						
Capital grants, subsidies and contributions	4,336,989	4,336,989	1,458,144	4,664,256	327,267	▲
Proceeds from disposal of assets	356,900	356,900	14,400	343,264	(13,636)	▼
Proceeds from self supporting loans and advances	4,291	4,291	2,135	4,291	0	
	4,698,180	4,698,180	1,474,679	5,011,811	313,631	
Outflows from investing activities						
Purchase of land and buildings	(1,741,587)	(2,479,587)	(1,189,921)	(2,218,264)	261,323	▲
Purchase of plant and equipment	(3,177,769)	(3,177,769)	(718,658)	(3,075,719)	102,050	▲
Purchase and construction of infrastructure-roads	(2,885,954)	(2,885,954)	(2,430,788)	(2,874,481)	11,473	▲
Purchase and construction of infrastructure-bridges	(1,682,061)	(1,682,061)	0	(1,682,061)	0	
Purchase and construction of infrastructure-other	(735,500)	(735,500)	(121,313)	(888,125)	(152,625)	▼
	(10,222,871)	(10,960,871)	(4,460,680)	(10,738,650)	222,221	
Non-cash amounts excluded from investing activities	0	0	0	0	0	
Amount attributable to investing activities	(5,524,691)	(6,262,691)	(2,986,001)	(5,726,839)	535,852	
FINANCING ACTIVITIES						
Cash inflows from financing activities						
Proceeds from new borrowings	300,000	1,015,000	0	1,047,000	32,000	▲
Transfers from reserve accounts	2,917,096	3,025,259	0	3,205,647	180,388	▲
	3,217,096	4,040,259	0	4,252,647	212,388	
Cash outflows from financing activities						
Payments for principal portion of lease liabilities	(32,089)	(32,089)	(19,134)	(27,363)	4,726	▲
Repayment of borrowings	(262,349)	(262,349)	(178,551)	(262,349)	0	
Transfers to reserve accounts	(630,852)	(630,852)	(20,746)	(726,552)	(95,700)	▼
	(925,290)	(925,290)	(218,431)	(1,016,264)	(90,974)	
Amount attributable to financing activities	2,291,806	3,114,969	(218,431)	3,236,383	121,414	
MOVEMENT IN SURPLUS OR DEFICIT						
Surplus or deficit at the start of the financial year	2,665,937	2,665,937	2,308,759	2,308,759	(357,178)	▼
Amount attributable to operating activities	566,948	481,785	4,211,021	181,697	(300,088)	
Amount attributable to investing activities	(5,524,691)	(6,262,691)	(2,986,001)	(5,726,839)	535,852	
Amount attributable to financing activities	2,291,806	3,114,969	(218,431)	3,236,383	121,414	
Surplus or deficit after imposition of general rates	0	0	3,315,348	0	0	▲

**SHIRE OF GINGIN
NOTES TO AND FORMING PART OF THE BUDGET REVIEW REPORT
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

1. BASIS OF PREPARATION

This budget review has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

Local Government Act 1995 requirements

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

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

Local Government (Financial Management) Regulations 1996, regulation 33A prescribes contents of the budget review.

Accounting policies which have been adopted in the preparation of this budget review have been consistently applied unless stated otherwise. Except for cash flow and statement of financial activity, the budget review 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 of Gingin controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

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

Judgements and estimates

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

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

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

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

SIGNIFICANT ACCOUNTING POLICES

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

**SHIRE OF GINGIN
SUMMARY GRAPHS - BUDGET REVIEW
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

2. SUMMARY GRAPHS - BUDGET REVIEW



This information is to be read in conjunction with the accompanying financial statements and notes.

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.1.1

SHIRE OF GINGIN
NOTES TO THE BUDGET REVIEW REPORT
FOR THE PERIOD ENDED 29 FEBRUARY 2024

3 NET CURRENT FUNDING POSITION EXPLANATION OF DIFFERENCE IN NET CURRENT ASSETS AND SURPLUS/(DEFICIT)

	Audited Actual 30 June 2023	Adopted Budget 30 June 2024	Updated Budget Estimates 30 June 2024	Year to Date Actual 29 February 2024	Estimated Year at End Amount 30 June 2024
	\$	\$	\$	\$	\$
(a) Composition of estimated net current assets					
Current assets					
Cash and cash equivalents	13,161,376	7,673,441	7,521,754	12,497,052	7,521,754
Financial assets	4,291	4,377	4,377	2,156	4,377
Trade and other receivables	958,703	896,054	896,054	2,617,064	896,054
Inventories	22,913	27,406	27,406	15,629	27,406
Other assets	422,967	39,059	39,059	109,801	39,059
	14,570,250	8,640,337	8,488,650	15,241,702	8,488,650
Less: current liabilities					
Trade and other payables	(1,985,146)	(1,940,781)	(1,940,781)	(1,362,044)	(1,940,781)
Contract liabilities	(454,424)	0	0	(727,191)	0
Capital grant/contribution liability	(467,678)	0	0	(464,265)	0
Lease liabilities	(20,122)	0	0	(8,408)	0
Borrowings	(261,817)	(300,000)	(300,000)	(83,266)	(300,000)
Employee related provisions	(1,257,422)	(930,057)	(930,057)	(1,257,422)	(930,057)
	(4,446,609)	(3,170,838)	(3,170,838)	(3,902,596)	(3,170,838)
Net current assets	10,123,641	5,469,499	5,317,812	11,339,106	5,317,812
Less: Total adjustments to net current assets	(7,814,882)	(5,469,499)	(5,317,812)	(8,023,758)	(5,317,812)
Closing funding surplus / (deficit)	2,308,759	0	0	3,315,348	0

(b) Non-cash amounts excluded from operating activities

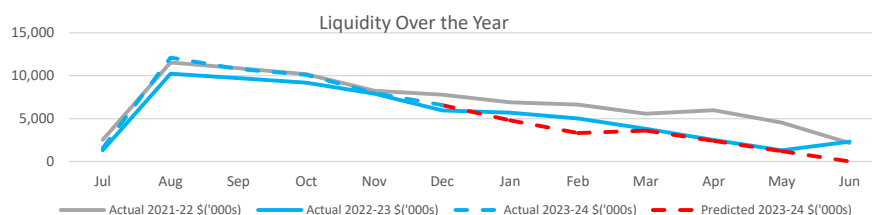
The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with *Financial Management Regulation 32*.

	Audited Actual 30 June 2023	Adopted Budget 30 June 2024	Updated Budget Estimates 30 June 2024	Year to Date Actual 29 February 2024	Estimated Year at End Amount 30 June 2024
	\$	\$	\$	\$	\$
Adjustments to operating activities					
Less: Profit on asset disposals	(226,582)	(76,025)	(76,025)	(10,400)	(76,025)
Less: Fair value adjustments to financial assets at fair value through profit or loss	(3,686)	0	0	0	0
Add: Loss on disposal of assets	217,662	291,099	291,099	0	291,099
Add: Depreciation on assets	6,084,962	6,309,532	6,309,532	601,712	10,156,586
Non-cash movements in non-current assets and liabilities:					
Pensioner deferred rates	(16,069)	0	0	0	0
Employee benefit provisions	(189,256)	0	0	0	0
Non-cash amounts excluded from operating activities	5,867,031	6,524,606	6,524,606	591,312	10,371,660

(c) Current assets and liabilities excluded from budgeted deficiency

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

	Audited Actual 30 June 2023	Adopted Budget 30 June 2024	Updated Budget Estimates 30 June 2024	Year to Date Actual 29 February 2024	Estimated Year at End Amount 30 June 2024
	\$	\$	\$	\$	\$
Adjustments to net current assets					
Less: Reserve accounts	(8,092,530)	(5,765,122)	(5,613,435)	(8,113,276)	(5,613,435)
Less: Financial assets at amortised cost - self supporting loans	(4,291)	(4,377)	(4,377)	(2,156)	(4,377)
Less: Current assets not expected to be received at end of year					
Add: Current liabilities not expected to be cleared at end of year					
- Current portion of borrowings	261,817	300,000	300,000	83,266	300,000
- Current portion of contract liability held in reserve					
- Current portion of lease liabilities	20,122	0	0	8,408	0
- Employee benefit provisions					
- Current portion of provisions held in reserve					
Add: Contract liability not expected to be cleared at end of year					
Add: Change in accounting policy					
Total adjustments to net current assets	(7,814,882)	(5,469,499)	(5,317,812)	(8,023,758)	(5,317,812)



**SHIRE OF GINGIN
NOTES TO THE BUDGET REVIEW REPORT
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

3 COMMENTS/NOTES - NET CURRENT FUNDING POSITION (CONTINUED)

SIGNIFICANT ACCOUNTING POLICIES

CASH AND CASH EQUIVALENTS

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks, other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are shown as short term borrowings in current liabilities.

FINANCIAL ASSETS AT AMORTISED COST

The Shire of Gingin 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.

TRADE AND OTHER RECEIVABLES

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

Trade and other receivables are recognised initially at the amount of consideration that is unconditional, unless they contain significant financing components, when they are recognised at fair value.

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

Due to the short term nature of current receivables, their carrying amount is considered to be the same as their fair value. Non-current receivables are indexed to inflation, any difference between the face value and fair value is considered immaterial.

The Shire of Gingin applies the AASB 9 simplified approach to measuring expected credit losses using a lifetime expected loss allowance for all trade receivables. To measure the expected credit losses, rates receivable are separated from other trade receivables due to the difference in payment terms and security for rates receivable.

INVENTORIES

General

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

Contract assets primarily relate to the Shire of Gingin's right to consideration for work completed but not billed at the end of the period.

CONTRACT LIABILITIES

Contract liabilities represent the Shire of Gingin's obligation to transfer goods or services to a customer for which the Shire of Gingin has received consideration from the customer.

Contract liabilities represent obligations which are not yet satisfied. Contract liabilities are recognised as revenue when the performance obligations in the contract are satisfied.

PROVISIONS

Provisions are recognised when the Shire of Gingin 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.

CURRENT AND NON-CURRENT CLASSIFICATION

An asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Shire of Gingin's operational cycle. In the case of liabilities where the Shire of Gingin does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current or non-current based on the Shire of Gingin's intentions to release for sale.

TRADE AND OTHER PAYABLES

Trade and other payables represent liabilities for goods and services provided to the Shire of Gingin prior to the end of the financial year that are unpaid and arise when the Shire of Gingin 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.

PREPAID RATES

Prepaid rates are, until the taxable event has occurred (start of the next financial year), refundable at the request of the ratepayer. Rates received in advance are initially recognised as a financial liability. When the taxable event occurs, the financial liability is extinguished and the Shire of Gingin recognises revenue for the prepaid rates that have not been refunded.

EMPLOYEE BENEFITS

Short-Term Employee Benefits

Provision is made for the Shire of Gingin'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 of Gingin'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 net current funding position. Shire of Gingin's current obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the net current funding position.

Other long-term employee benefits

Long-term employee benefits provisions 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 of Gingin's obligations for long-term employee benefits where the Shire of Gingin does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, are presented as current provisions in the net current funding position.

**SHIRE OF GINGIN
NOTES TO THE REVIEW OF THE ANNUAL BUDGET
FOR THE PERIOD ENDED 31 DECEMBER 2023**

4 PREDICTED VARIANCES

		Variance	
		\$	
Revenue from operating activities			
4.1	General rates	29,261	▲
	Increase in interim rates – interim rates were not accounted for in the adopted budget.	29,261	
4.2	Grants, subsidies and contributions	139,549	▲
	Financial Assistance Grants not included in the prepayment received and recognised on 30 June 2023.	101,785	
	Additional revenue from grants and sponsorships including additional grant for events and purchase of standpipe monitoring system	37,764	
4.3	Fees and charges	78,204	▲
	Increase in fees income; development growth has seen additional income relating to building, planning, health and waste applications; retrospective building applications;	117,704	
	Decrease in waste site tipping revenue. The budget was overestimated due to significant once off revenue in the previous year.	(39,500)	
4.4	Interest revenue	84,000	▲
	Interest on term investments has seen a steady increase to the budget forecast, penalty interest on ratable property increases.	84,000	
4.5	Other revenue	70,047	▲
	Cash in lieu of car parking; off set by transfer to the public open space reserve.	47,752	
	Unexpected administration reimbursements ie worker's compensation, insurance claims.	22,295	
Expenditure from operating activities			
4.6	Employee costs	(83,000)	▼
	Increase in employee costs as stable fly inspector role brought in-house, offset by reduction in training courses.	(83,000)	
4.7	Materials and contracts	(609,922)	▼
	Increase in materials and contractor costs due to increased service standard levels requested by council, timing of new contractual arrangements (tenders), deterioration of council assets and urgent unbudgeted maintenance works.	(292,875)	
	Increase in road maintenance materials and contractor costs due to cost escalation, partly offset by transfer from the roads reserve.	(471,256)	
	Increase in event costs including the Flavours of Gingin, partly offset by additional income.	(40,613)	
	Decrease in pest control contractor costs, brought in-house.	89,000	
	Reduction in legal expenses.	80,000	
	Reduction in materials and contractors in administration, regulatory services and information technology areas.	25,822	
4.8	Utility charges	4,595	▲
	Decrease in projected utilities costs.	4,595	
4.9	Depreciation	(3,847,054)	▼
	Increase in depreciation costs relating to property, plant and equipment and infrastructure based on prior year revaluations and initial recognition of landfill provision; non cash excluded from operating result.	(3,847,054)	
4.10	Other expenditure	(12,822)	▼
	Increase in other expenditure including contributions for community grants and programs; offsets include transfer from reserve funds and additional income.	(12,822)	
	Non-cash amounts excluded from operating activities	3,847,054	▲
	Non-cash amounts excluded from operating activities: depreciation costs relating to property, plant and equipment and infrastructure based on prior year revaluations and initial recognition of landfill provision.	3,847,054	
Inflows from investing activities			
4.2	Capital grants, subsidies and contributions	327,267	▲
	Increase in capital grants relating to Lancelin bowling greens project	177,083	
	Increased allocation of Regional Road Group funding for Mooliabeenee Road capital works.	150,184	
4.3	Proceeds from disposal of assets	(13,636)	▼
	Decrease in proceeds on disposal of plant items from budget estimates.	13,636	
Outflows from investing activities			
4.4	Purchase of land and buildings	261,323	▼
	Additional allocation for stamp duty for land purchase at Lot (7) Dewar Road Gingin for future sporting precinct; additional loan funds required	(32,000)	
	Savings in building projects, in addition to delays causing some projects to be reallocated to the 24/25 budget.	293,323	
4.5	Purchase of plant and equipment	102,050	▲
	Purchase of plant and equipment subject to a special resolution of council in May 2023; no purchase made in 22/23 and not accounted for in 23/24 adopted budget.	(75,000)	
	Savings in plant and equipment replacement due to changes made in response to supply chain delays.	177,050	
4.6	Purchase and construction of infrastructure-roads	11,473	▲
	Road construction cost escalation for Wannamal Road West	(121,632)	
	Savings in other capital road work projects.	168,105	
	Additional costs required for finalisation of Mooliabeenee Road capital works – line marking.	(35,000)	
4.7	Purchase and construction of infrastructure-other	(152,625)	▲
	Lancelin bowling green project – additional costs offset by grant funding.	(265,625)	

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.1.1

SHIRE OF GINGIN

NOTES TO THE REVIEW OF THE ANNUAL BUDGET FOR THE PERIOD ENDED 31 DECEMBER 2023

4 PREDICTED VARIANCES

		Variance
		\$
	Savings in other infrastructure capital projects including reallocation of budget to address urgent repairs at Guilderton Carvan Park;	113,000
	Cash inflows from financing activities	
4.8	Proceeds from new borrowings	32,000 ▲
	Additional allocation for stamp duty for land purchase at Lot (7) Dewar Road Gingin for future sporting precinct; additional loan funds required	32,000
4.9	Transfers from reserve accounts	180,388 ▲
	Reserve transfer to fund purchase of plant and equipment subject to a special resolution of council in May 2023; no purchase made in 22/23 and not accounted for in 23/24 adopted budget.	75,000
	Reduction in transfer from plant reserve required to fund plant and equipment purchases due to changes made in response to supply chain delays.	(227,829)
	Increase in transfer from the roads reserve to fund increased contract costs due to cost escalation.	328,202
	Transfer from unspent grants reserve – youth website; as agreed by grantor for alternative youth initiatives.	5,015
	Cash outflows from financing activities	
4.10	Payments for principal portion of lease liabilities	4,726 ▲
	Reduction in lease liability payments for photocopier; no longer under a lease arrangement offset by higher materials and contracts budget.	4,726
4.1	Transfers to reserve accounts	(95,700) ▼
	Interest on the reserve account has shown increase to the budget forecast increasing allocation to reserves.	(45,000)
	Community Emergency Services Manager vehicle allocation for 23/24 no longer being transferred to reserve, but will offset the vehicle purchase.	7,500
	Road maintenance deed of agreement yearly contribution accounted for in adopted budget to offset current year expenditure, to be transferred to the roads reserve.	(12,500)
	Cash in lieu of car parking contribution transfer to public open space reserve.	(45,700)
4.2	Surplus or deficit at the start of the financial year	(357,178) ▼
	Increase in employee leave provisions, reserve transfer and additional 2022/23 supplier invoices recognised in correct financial year.	(357,178)
4.3	Surplus or deficit after imposition of general rates	0 ▼

13.2 MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING 29 FEBRUARY 2024.

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 Financial Report February 2024 [13.2.1 - 24 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To present for Council endorsement the Monthly Financial Report for the period ending 29 February 2024.

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 Report for the period ending 29 February 2024 presents the financial performance of the Shire for the 2023/24 financial year and compares year-to-date expenditure and revenue against the corresponding year-to-date budget.

A break-up of the **\$1,984,261** variance in the Monthly Financial Report for the period ending 29 February 2024 is summarised across operations, investing and financing below, with a detailed explanation of variations within each area contained within the **Appendix**.

Under Budget

Operating Fund Surplus/Deficit	(\$357,178)
Investing Activities – Expenditure	\$648,388

Over Budget

Operating Revenue	\$286,356
Operating Expenditure	(30,703)
Investing Activities -Revenue	\$1,458,144
Financing Activities – Expenditure	\$(20,746)

An explanation outlining a summary of the variances across each of the above areas is provided in Note 3, and those specific to capital works is provided within the supplementary information on page 13.

As this report is being read in conjunction with the 2023/24 Budget Review please note, as the Budget Review is not yet adopted, all budget amounts shown in the monthly financial report are the Original Budget plus any amendments that have already been adopted by council resolution to the 29th February 2024.

Investments

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

STATUTORY/LOCAL LAW IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Policy 3.2 – Investments

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 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 Woods **SECONDED:** Councillor Johnson

That Council endorse the Monthly Financial Report for the period ending 29 February 2024.

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

SHIRE OF GINGIN

**MONTHLY FINANCIAL REPORT
For the period ended 29 February 2024**

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Statements required by regulation

Statement of Financial Activity	2
Statement of Financial Position	3
Note 1 Basis of Preparation	4
Note 2 Statement of Financial Activity Information	5
Note 3 Explanation of Material Variances	6

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 13.2.1

**SHIRE OF GINGIN
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

	Supplementary Information	Amended Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance* \$ (c) - (b)	Variance* % ((c) - (b))/(b)	Var.
OPERATING ACTIVITIES							
Revenue from operating activities							
General rates	10	10,077,038	10,077,038	10,101,979	24,941	0.25%	▲
Rates excluding general rates		6,299	0	0	0	0.00%	
Grants, subsidies and contributions	14	1,587,992	989,444	814,562	(174,882)	(17.67%)	▼
Fees and charges		4,195,911	3,372,140	3,601,915	229,775	6.81%	▲
Interest revenue		308,442	140,829	135,631	(5,198)	(3.69%)	▲
Other revenue		383,476	267,374	469,174	201,800	75.47%	▲
Profit on asset disposals	6	76,025	480	10,400	9,920	2066.67%	▲
		16,635,183	14,847,305	15,133,661	286,356	1.93%	
Expenditure from operating activities							
Employee costs		(6,856,559)	(4,623,548)	(4,339,798)	283,750	6.14%	▲
Materials and contracts		(7,530,533)	(5,123,502)	(5,519,669)	(396,167)	(7.73%)	▼
Utility charges		(509,110)	(339,480)	(346,621)	(7,141)	(2.10%)	
Depreciation		(6,309,532)	(2,704,083)	(601,712)	2,102,371	77.75%	▲
Finance costs		(92,173)	(61,964)	(60,552)	1,412	2.28%	
Insurance		(393,956)	(393,956)	(396,075)	(2,119)	(0.54%)	
Other expenditure		(695,042)	(349,007)	(249,525)	99,482	28.50%	▲
Loss on asset disposals	6	(291,099)	0	0	0	0.00%	
		(22,678,004)	(13,595,540)	(11,513,952)	2,081,588	15.31%	
Non-cash amounts excluded from operating activities	Note 2(b)	6,524,606	2,703,603	591,312	(2,112,291)	(78.13%)	▼
Amount attributable to operating activities		481,785	3,955,368	4,211,021	255,653	6.46%	
INVESTING ACTIVITIES							
Inflows from investing activities							
Proceeds from capital grants, subsidies and contributions	15	4,336,989	0	1,458,144	1,458,144	0.00%	▲
Proceeds from disposal of assets	6	356,900	14,400	14,400	0	0.00%	
Proceeds from financial assets at amortised cost - self supporting loans		4,291	2,135	2,135	0	0.00%	
		4,698,180	16,535	1,474,679	1,458,144	8818.53%	
Outflows from investing activities							
Payments for property, plant and equipment	5	(5,696,356)	(1,900,114)	(1,908,578)	(8,464)	(0.45%)	
Payments for construction of infrastructure	5	(5,264,515)	(3,208,954)	(2,552,102)	656,852	20.47%	▲
		(10,960,871)	(5,109,068)	(4,460,680)	648,388	12.69%	
Amount attributable to investing activities		(6,262,691)	(5,092,533)	(2,986,001)	2,106,532	41.37%	
FINANCING ACTIVITIES							
Inflows from financing activities							
Proceeds from new debentures	11	1,015,000	0	0	0	0.00%	
Transfer from reserves	4	3,025,259	0	0	0	0.00%	
		4,040,259	0	0	0	0.00%	
Outflows from financing activities							
Repayment of borrowings	11	(262,349)	(178,551)	(178,551)	0	0.00%	
Payments for principal portion of lease liabilities	12	(32,089)	(19,134)	(19,134)	0	0.00%	
Transfer to reserves	4	(630,852)	0	(20,746)	(20,746)	0.00%	▼
		(925,290)	(197,685)	(218,431)	(20,746)	(10.49%)	
Amount attributable to financing activities		3,114,969	(197,685)	(218,431)	(20,746)	(10.49%)	
MOVEMENT IN SURPLUS OR DEFICIT							
Surplus or deficit at the start of the financial year		2,665,937	2,665,937	2,308,759	(357,178)	(13.40%)	▼
Amount attributable to operating activities		481,785	3,955,368	4,211,021	255,653	6.46%	▲
Amount attributable to investing activities		(6,262,691)	(5,092,533)	(2,986,001)	2,106,532	41.37%	▲
Amount attributable to financing activities		3,114,969	(197,685)	(218,431)	(20,746)	(10.49%)	▼
Surplus or deficit after imposition of general rates		0	1,331,087	3,315,348	1,984,261	149.07%	▲

KEY INFORMATION

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

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

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

**SHIRE OF GINGIN
STATEMENT OF FINANCIAL POSITION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

	Supplementary Information	30 June 2023 \$	29 February 2024 \$
CURRENT ASSETS			
Cash and cash equivalents	3	13,161,376	12,497,052
Trade and other receivables		958,703	2,617,064
Other financial assets		4,291	2,156
Inventories	8	22,913	15,629
Contract assets	8	383,908	109,801
Other assets	8	39,059	0
TOTAL CURRENT ASSETS		14,570,250	15,241,702
NON-CURRENT ASSETS			
Trade and other receivables		169,380	169,380
Other financial assets		100,015	100,015
Property, plant and equipment		51,756,372	53,422,563
Infrastructure		218,636,014	220,848,070
Right-of-use assets		44,774	40,728
TOTAL NON-CURRENT ASSETS		270,706,555	274,580,756
TOTAL ASSETS		285,276,805	289,822,458
CURRENT LIABILITIES			
Trade and other payables	9	1,985,146	1,362,044
Other liabilities	13	922,102	1,191,456
Lease liabilities	12	20,122	8,408
Borrowings	11	261,817	83,266
Employee related provisions	13	1,257,422	1,257,422
TOTAL CURRENT LIABILITIES		4,446,609	3,902,596
NON-CURRENT LIABILITIES			
Lease liabilities	12	25,274	33,086
Borrowings	11	1,580,847	1,580,847
Employee related provisions		5,318,798	5,318,798
TOTAL NON-CURRENT LIABILITIES		6,924,919	6,932,731
TOTAL LIABILITIES		11,371,528	10,835,327
NET ASSETS		273,905,277	278,987,131
EQUITY			
Retained surplus		49,827,476	54,888,584
Reserve accounts	4	8,092,530	8,113,276
Revaluation surplus		215,985,271	215,985,271
TOTAL EQUITY		273,905,277	278,987,131

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

1 BASIS OF PREPARATION AND SIGNIFICANT ACCOUNTING POLICIES

BASIS OF PREPARATION

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

Local Government Act 1995 requirements

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

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

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

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

THE LOCAL GOVERNMENT REPORTING ENTITY

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

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

Judgements and estimates

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

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

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

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

SIGNIFICANT ACCOUNTING POLICIES

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

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 29 February 2024

**SHIRE OF GINGIN
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

2 STATEMENT OF FINANCIAL ACTIVITY INFORMATION

(a) Net current assets used in the Statement of Financial Activity	Supplementary Information	Amended Budget	Last Year	Year to Date
		Opening	Closing	Date
		30 June 2023	30 June 2023	29 February 2024
		\$	\$	\$
Current assets				
Cash and cash equivalents	3	8,580,267	13,161,376	12,497,052
Trade and other receivables		1,940,054	958,703	2,617,064
Other financial assets		0	4,291	2,156
Inventories	8	389,877	22,913	15,629
Contract assets	8	0	383,908	109,801
Other assets	8	19,325	39,059	0
		10,929,523	14,570,250	15,241,702
Less: current liabilities				
Trade and other payables	9	(3,392,338)	(1,985,146)	(1,362,044)
Other liabilities	13	0	(922,102)	(1,191,456)
Lease liabilities	12	0	(20,122)	(8,408)
Borrowings	11	(550,001)	(261,817)	(83,266)
Employee related provisions	13	(1,004,339)	(1,257,422)	(1,257,422)
		(4,946,678)	(4,446,609)	(3,902,596)
Net current assets		5,982,845	10,123,641	11,339,106
Less: Total adjustments to net current assets	Note 2(c)	(5,982,845)	(7,814,882)	(8,023,758)
Closing funding surplus / (deficit)		0	2,308,759	3,315,348

(b) Non-cash amounts excluded from operating activities

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

Non-cash amounts excluded from operating activities	Amended Budget	YTD Budget (a)	YTD Actual (b)
	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	6	(76,025)	(480)
Add: Loss on asset disposals	6	291,099	0
Add: Depreciation		6,309,532	2,704,083
Total non-cash amounts excluded from operating activities		6,524,606	2,703,603
			591,312

(c) Current assets and liabilities excluded from budgeted deficiency

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

Adjustments to net current assets	Amended Budget	Last Year	Year to Date
	Opening	Closing	Date
	30 June 2023	30 June 2023	29 February 2024
	\$	\$	\$
Less: Reserve accounts	4	(6,532,846)	(8,092,530)
Less: Financial assets at amortised cost - self supporting loans	8	0	(4,291)
Add: Current liabilities not expected to be cleared at the end of the year:			
- Current portion of borrowings	11	550,001	261,817
- Current portion of lease liabilities	12	0	20,122
Total adjustments to net current assets	Note 2(a)	(5,982,845)	(7,814,882)
			(8,023,758)

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.

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.2.1

SHIRE OF GUNDAH
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 29 FEBRUARY 2024

3 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.

Description

Revenue from operating activities

General rates

Additional Rateable Properties

Grants, subsidies and contributions

DFES funding for BRMO and CEMM positions

Emergency resilience grant recognition - timing of project deliverables;

MAF Mitigation funding recognition - timing of works;

Fees and charges

Additional health regulatory licences, building licence fees, planning application fees and rates instalment administration fees income;

Commercial property lease, additional income - gross revenue share; mobile telephone tower leases charged in full;

Profit on asset disposals

Timing of assets processing.

Expenditure from operating activities

Employee costs

Timing of salary changes due to budget adoption in August 2023; vacancy of positions.

Materials and contracts

Information technology licenses paid in advance; emergency repairs to freezer and cool room at Gulderton Store; timing of works for sand replenishment projects; timing of maintenance for all vehicles and plant; timing of maintenance works parks, garden and recreation areas; increase in road maintenance costs.

Depreciation

Timing on assets processing.

Other expenditure

Timing of community grant payments.

Non-cash amounts excluded from operating activities

Timing on assets processing.

Inflows from investing activities

Proceeds from capital grants, subsidies and contributions

Timing of grants for DFES fire vehicle change overs;

Roads to Recovery funding for Weld Street Bridge - project delayed;

Timing of recognition of grant funding for road projects.

Outflows from investing activities

Payments for construction of infrastructure

Timing of capital projects.

Outflows from financing activities

Transfer to reserves

End of year process.

Surplus or deficit at the start of the financial year

Increase in employee leave provisions, reserve transfer and additional 2022/23 supplier invoices recognised in correct financial year.

Due to variances described above

Timing and Permanent	Var. \$	Var. %	
	\$	%	
Permanent	24,941	0.25%	▲
Timing	(174,882)	(17.67%)	▼
Timing	229,775	6.81%	▲
Timing	9,920	2066.67%	▲
Timing	283,750	6.14%	▲
Timing	(396,167)	(7.73%)	▼
Timing	2,102,371	77.75%	▲
Timing	99,482	28.50%	▲
Timing	(2,112,291)	(78.13%)	▼
Timing	1,458,144	0.00%	▼
Timing	656,852	20.47%	▲
Timing	(20,746)	0.00%	▼
Permanent	(357,178)	(13.40%)	▼

**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
TABLE OF CONTENTS**

1	Key Information	8
2	Key Information - Graphical	9
3	Cash and Financial Assets	10
4	Reserve Accounts	11
5	Capital Acquisitions	12
6	Disposal of Assets	14
7	Receivables	15
8	Other Current Assets	16
9	Payables	17
10	Rate Revenue	18
11	Borrowings	19
12	Lease Liabilities	20
13	Other Current Liabilities	21
14	Grants and contributions	22
15	Capital grants and contributions	23
16	Budget Amendments	24

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 13.2.1

**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

1 KEY INFORMATION

Funding Surplus or Deficit Components

Funding surplus / (deficit)				
	Amended 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	\$1.33 M	\$3.32 M	\$1.98 M

Refer to Statement of Financial Activity

Cash and cash equivalents			Payables		Receivables		
	\$	% of total	\$	% Outstanding		\$	%
Unrestricted Cash	\$4.38 M	35.1%	Trade Payables	\$0.39 M	Rates Receivable	\$1.93 M	81.6%
Restricted Cash	\$8.11 M	64.9%	0 to 30 Days		Trade Receivable	\$0.68 M	% Outstanding
			Over 30 Days		Over 30 Days		31.5%
			Over 90 Days		Over 90 Days		8.7%

Refer to 3 - Cash and Financial Assets Refer to 9 - Payables Refer to 7 - Receivables

Key Operating Activities

Amount attributable to operating activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$0.48 M	\$3.96 M	\$4.21 M	\$0.26 M

Refer to Statement of Financial Activity

Rates Revenue			Grants and Contributions			Fees and Charges		
YTD Actual	\$	% Variance	YTD Actual	\$	% Variance	YTD Actual	\$	% Variance
YTD Actual	\$10.10 M		YTD Actual	\$0.81 M		YTD Actual	\$3.60 M	
YTD Budget	\$10.08 M	0.2%	YTD Budget	\$0.99 M	(17.7%)	YTD Budget	\$3.37 M	6.8%

Refer to 10 - Rate Revenue Refer to 14 - Grants and Contributions Refer to Statement of Financial Activity

Key Investing Activities

Amount attributable to investing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
(\$6.26 M)	(\$5.09 M)	(\$2.99 M)	\$2.11 M

Refer to Statement of Financial Activity

Proceeds on sale			Asset Acquisition			Capital Grants		
YTD Actual	\$	%	YTD Actual	\$	% Spent	YTD Actual	\$	% Received
YTD Actual	\$0.01 M		YTD Actual	\$4.46 M		YTD Actual	\$1.46 M	
Amended Budget	\$0.36 M	(96.0%)	Amended Budget	\$10.96 M	(59.3%)	Amended Budget	\$4.34 M	(66.4%)

Refer to 6 - Disposal of Assets Refer to 5 - Capital Acquisitions Refer to 5 - Capital Acquisitions

Key Financing Activities

Amount attributable to financing activities			
Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)
\$3.11 M	(\$0.20 M)	(\$0.22 M)	(\$0.02 M)

Refer to Statement of Financial Activity

Borrowings		Reserves		Lease Liability	
Principal repayments	(\$0.18 M)	Reserves balance	\$8.11 M	Principal repayments	(\$0.02 M)
Interest expense	(\$0.06 M)	Interest earned	\$0.02 M	Interest expense	(\$0.00 M)
Principal due	\$1.66 M			Principal due	\$0.04 M

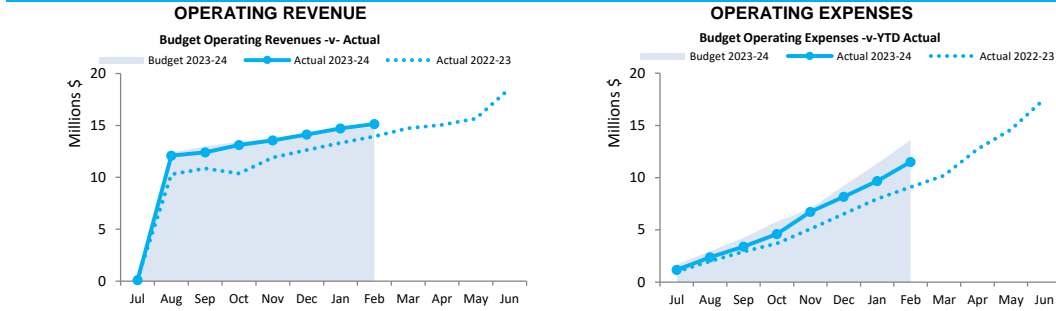
Refer to 11 - Borrowings Refer to 4 - Cash Reserves Refer to Note 12 - Lease Liabilities

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

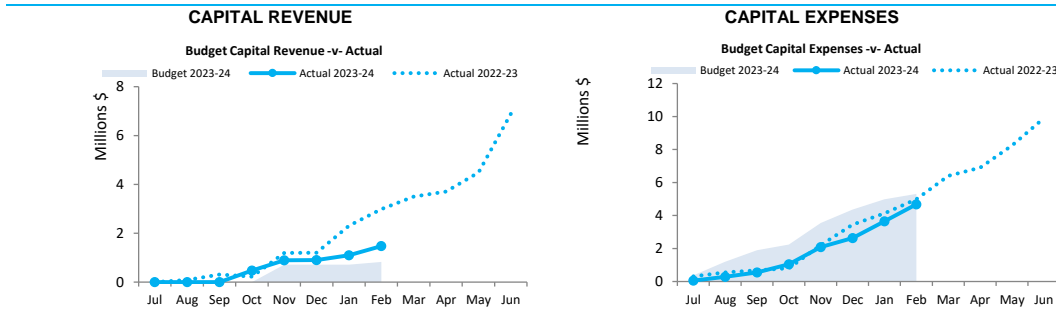
**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

2 KEY INFORMATION - GRAPHICAL

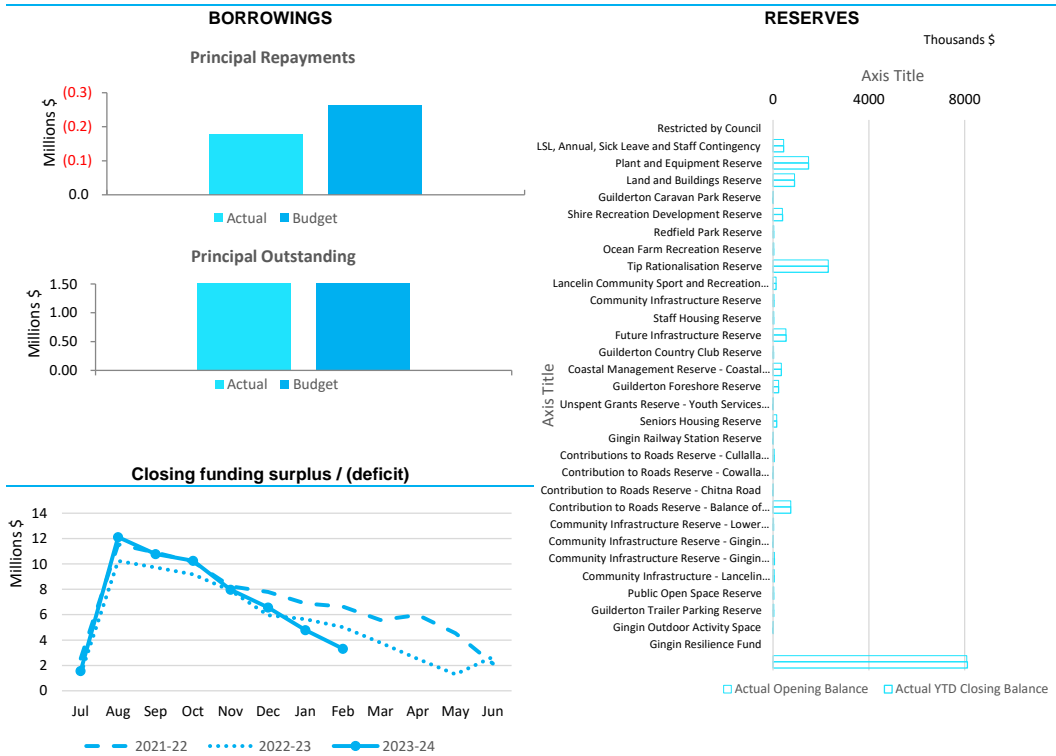
OPERATING ACTIVITIES



INVESTING ACTIVITIES



FINANCING ACTIVITIES



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

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.2.1

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 29 FEBRUARY 2024

3 CASH AND FINANCIAL ASSETS

Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Institution	Interest Rate	Maturity Date
Cash Deposits							
Municipal Bank Account	Cash and cash equivalents	1,381,476	0	1,381,476	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	2,300	0	2,300	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 4608145	Cash and cash equivalents	0	2,020,745	2,020,745	Bendigo Bank	5.01%	19/06/2024
Reserve Investment 4515174	Cash and cash equivalents	0	6,000,000	6,000,000	Bendigo Bank	4.79%	26/03/2024
Total		4,383,776	8,113,276	12,497,052			
Comprising							
Cash and cash equivalents		4,383,776	8,113,276	12,497,052			
		4,383,776	8,113,276	12,497,052			

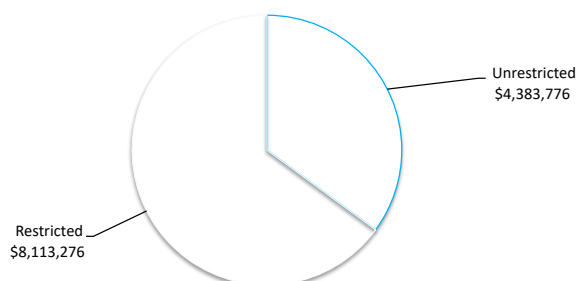
KEY INFORMATION

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



MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.2.1

SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

4 RESERVE ACCOUNTS

Reserve name	Budget	Budget	Budget	Budget	Budget	Actual	Actual	Actual	Actual	Actual
	Opening Balance	Interest Earned	Transfers In (+)	Transfers Out (-)	Closing Balance	Opening Balance	Interest Earned	Transfers In (+)	Transfers Out (-)	YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Restricted by Council										
LSL, Annual, Sick Leave and Staff Contingency	440,075	8,829	0	0	448,904	440,075	1,128	0	0	441,203
Plant and Equipment Reserve	1,438,722	28,859	7,500	(1,295,955)	179,126	1,479,886	3,794	0	0	1,483,680
Land and Buildings Reserve	893,170	17,916	0	(875,350)	35,736	893,170	2,290	0	0	895,460
Guilderton Caravan Park Reserve	4,842	97	100,000	0	104,939	4,842	12	0	0	4,854
Shire Recreation Development Reserve	393,010	7,883	0	(55,000)	345,893	393,010	1,007	0	0	394,017
Redfield Park Reserve	32,231	647	0	0	32,878	32,231	83	0	0	32,314
Ocean Farm Recreation Reserve	31,915	640	0	0	32,555	31,915	82	0	0	31,997
Tip Rationalisation Reserve	2,302,313	46,181	71,428	(37,500)	2,382,422	2,302,313	5,903	0	0	2,308,216
Lancelin Community Sport and Recreation Reserve	127,542	2,558	26,530	0	156,630	127,542	327	0	0	127,869
Community Infrastructure Reserve	35,790	718	8,000	0	44,508	35,790	92	0	0	35,882
Staff Housing Reserve	34,372	689	0	(34,372)	689	34,372	88	0	0	34,460
Future Infrastructure Reserve	542,123	10,874	0	0	552,997	542,123	1,390	0	0	543,513
Guilderton Country Club Reserve	21,219	426	8,232	0	29,877	21,219	54	0	0	21,273
Coastal Management Reserve - Coastal Inundation	344,272	6,906	100,000	(85,000)	366,178	344,272	883	0	0	345,155
Guilderton Foreshore Reserve	232,411	4,662	79,931	(50,000)	267,004	232,411	596	0	0	233,007
Unspent Grants Reserve - Youth Services Website Grant	5,136	103	0	0	5,239	5,136	13	0	0	5,149
Seniors Housing Reserve	157,126	3,152	25,000	(150,000)	35,278	157,126	403	0	0	157,529
Gingin Railway Station Reserve	5,886	118	0	0	6,004	5,886	15	0	0	5,901
Contributions to Roads Reserve - Cullalla Road Intersection	46,221	927	0	0	47,148	46,221	118	0	0	46,339
Contribution to Roads Reserve - Cowalla Road Intersection	16,434	330	0	(16,476)	288	16,434	42	0	0	16,476
Contribution to Roads Reserve - Chitna Road	3,081	62	0	0	3,143	3,081	8	0	0	3,089
Contribution to Roads Reserve - Balance of Muni Funds	739,584	14,835	0	(375,793)	378,626	739,584	1,896	0	0	741,480
Community Infrastructure Reserve - Lower Coastal Fire Control	25,878	519	0	0	26,397	25,878	74	0	0	25,952
Community Infrastructure Reserve - Gingin Logo Plates	8,497	170	300	0	8,967	8,497	14	0	0	8,511
Community Infrastructure Reserve - Gingin Ambulance	55,285	1,109	6,000	0	62,394	55,285	142	0	0	55,427
Community Infrastructure - Lancelin Ambulance	49,686	997	18,000	(49,813)	18,870	49,686	127	0	0	49,813
Public Open Space Reserve	26,681	535	0	0	27,216	26,681	68	0	0	26,749
Guilderton Trailer Parking Reserve	32,913	660	4,680	0	38,253	32,913	84	0	0	32,997
Gingin Outdoor Activity Space	4,951	99	0	0	5,050	4,951	13	0	0	4,964
Gingin Resilience Fund	0	0	13,750	0	13,750	0	0	0	0	0
	8,051,366	161,501	469,351	(3,025,259)	5,656,959	8,092,530	20,746	0	0	8,113,276

**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS

Capital acquisitions	Amended		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land	805,000	805,000	759,283	(45,717)
Buildings - non-specialised	662,900	185,500	138,917	(46,583)
Buildings - specialised	1,050,687	680,500	291,720	(388,780)
Plant and equipment	2,829,097	229,114	541,040	311,926
Vehicles	348,672	0	177,618	177,618
Acquisition of property, plant and equipment	5,696,356	1,900,114	1,908,578	8,464
Infrastructure - roads	2,885,954	2,885,954	2,430,788	(455,166)
Infrastructure - parks & ovals	242,500	179,000	90,577	(88,423)
Infrastructure - other	454,000	144,000	30,737	(113,263)
Infrastructure - bridges	1,682,061	0	0	0
Acquisition of infrastructure	5,264,515	3,208,954	2,552,102	(639,923)
Total capital acquisitions	10,960,871	5,109,068	4,460,680	(631,459)
Capital Acquisitions Funded By:				
Capital grants and contributions	4,336,989	0	1,458,144	1,458,144
Borrowings	1,015,000	0	0	0
Other (disposals & C/Fwd)	356,900	14,400	14,400	0
Reserve accounts				
Plant and Equipment Reserve	1,295,955	0	0	0
Land and Buildings Reserve	875,350	0	0	0
Staff Housing Reserve	34,372	0	0	0
Seniors Housing Reserve	150,000	0	0	0
Contribution to Roads Reserve - Cowalla Road Intersectic	16,476	0	0	0
Contribution to Roads Reserve - Balance of Muni Funds	375,793	0	0	0
Community Infrastructure - Lancelin Ambulance	49,813	0	0	0
Contribution - operations	2,454,223	5,094,668	2,988,136	(2,106,532)
Capital funding total	10,960,871	5,109,068	4,460,680	(648,388)

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.

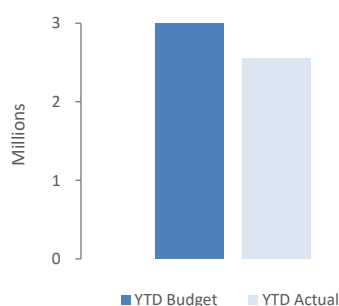
Initial recognition and measurement for assets held at cost

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



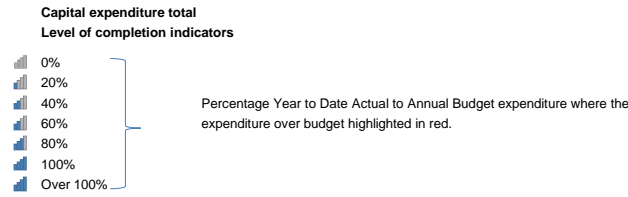
MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.2.1

SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS - DETAILED



		Amended			Variance
Account Description		Budget	YTD Budget	YTD Actual	(Under)/Over
		\$	\$	\$	\$
	BC10100-141001140	0	0	(42)	(42)
	BC11100-141101120	80,000	40,000	1,370	(38,630)
	BC11103-141101120	90,000	90,000	81,721	(8,279)
	BC11316-141103120	35,000	35,000	11,925	(23,075)
	BC11318-141103120	23,000	23,000	0	(23,000)
	BC11319-141103120	30,000	30,000	0	(30,000)
	BC11361-141103120	30,000	30,000	28,850	(1,150)
	BC11700-141107120	280,000	160,000	89,725	(70,275)
	BC1182-141007120	30,000	30,000	11,830	(18,170)
	BC1192-141103120	13,500	13,500	8,475	(5,025)
	BC12100-141201120	30,000	30,000	32,876	2,876
	BC12200-141201140	75,000	75,000	75,777	777
	BC13260-141302120	79,000	79,000	2,891	(76,109)
	BC13660-141306140	0	0	32,450	32,450
	BC14200-141402120	130,000	110,000	16,494	(93,506)
	BC5100-140501120	40,187	0	0	0
	BC7700-140707140	15,000	15,000	11,127	(3,873)
	BC8390-140803120	10,000	10,000	0	(10,000)
	BC8701-140807140	35,500	35,500	0	(35,500)
	BC9101-140901140	40,000	40,000	25,168	(14,832)
	BC9105-140901140	20,000	20,000	0	(20,000)
	BC9490-140904120	150,000	0	0	0
	CH90201-140902140	477,400	0	0	0
	LC11300-141103080	715,000	715,000	746,293	31,293
	LC13200-141302080	90,000	90,000	12,990	(77,010)
	P002-141203300	350,000	0	0	0
	P005-140501310	93,472	0	32,737	32,737
	P034-141203300	30,539	0	30,539	30,539
	P041-141203300	30,539	0	30,539	30,539
	P045-141203300	350,000	0	0	0
	P056-141203300	227,305	(22,695)	38,636	61,331
	P058-141203300	71,000	71,000	72,441	1,441
	P059-141203300	71,000	71,000	72,441	1,441
	P076-140501310	255,200	0	0	0
	P077-140501300	549,100	0	0	0
	P079-141203300	200,000	0	0	0
	P088-141203300	100,000	0	0	0
	P6014-141203300	45,000	0	68,044	68,044
	P6017-141203300	45,000	45,000	66,281	21,281
	PE11200-141102300	0	0	6,268	6,268
	PE13260-141302300	30,000	30,000	7,968	(22,032)
	PE13800-141308300	12,114	12,114	0	(12,114)
	PNEW12-141203300	70,000	0	58,572	58,572
	PNEW2-141203300	136,500	22,695	0	(22,695)
	PNEW5-141203300	140,000	0	138,929	138,929
	PNEW7-141203300	300,000	0	0	0
	PNEW8-141402300	21,000	0	20,264	20,264
	PNEW9-141203300	50,000	0	0	0
	BR661-141201670	1,682,061	0	0	0
	DC000-141201650	30,000	30,000	0	(30,000)
	LRCI0002-140503900	40,000	30,000	250	(29,750)
	LRCI0003-141103700	63,500	0	0	0
	OC10701-141007900	60,000	60,000	13,798	(46,203)
	OC11200-141102900	18,000	18,000	0	(18,000)
	OC13261-141302900	36,000	36,000	16,690	(19,310)
	PC1102-141103700	30,000	30,000	3,243	(26,757)
	PC11100-141103700	25,000	25,000	22,933	(2,068)
	PC11316-141103700	29,000	29,000	0	(29,000)
	PC1170-141103700	15,000	15,000	12,098	(2,902)
	PC1192-141103700	50,000	50,000	32,613	(17,387)
	PC1198-141103700	10,000	10,000	12,281	2,281
	PC14200-141402700	20,000	20,000	7,408	(12,592)
	R2R019-141201460	323,436	323,436	302,806	(20,630)
	RC004-141201420	54,800	54,800	33,233	(21,567)
	RC012-141201420	320,510	320,510	442,142	121,632
	RC032-141201420	344,508	344,508	324,224	(20,284)
	RC038-141201420	132,700	132,700	109,791	(22,909)
	RC066-141201410	0	0	6,875	6,875
	RC254-141201410	304,000	304,000	205,108	(98,892)
	RRG001-141201490	1,376,000	1,376,000	1,006,610	(369,390)
	SC10300-141003900	300,000	0	0	0
	Total	10,960,871	5,109,068	4,460,680	(648,388)

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

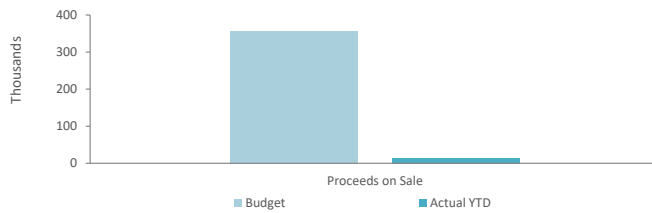
APPENDIX 13.2.1

SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

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									
	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
	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	7,200	7,200	0
	GG041 Kubota Mower	4,000	7,200	3,200	0	4,000	7,200	3,200	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
	Guilderton Caravan Park - Generator	1,020	1,500	480	0	0	0	0	0
Infrastructure - Parks and ovals									
	Granville Park Dam - Bridge x 2	18,225	0	0	(18,225)	0	0	0	0
	Harold Park BBQs	4,000	0	0	(4,000)	0	0	0	0
	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)	4,000	14,400	10,400	0



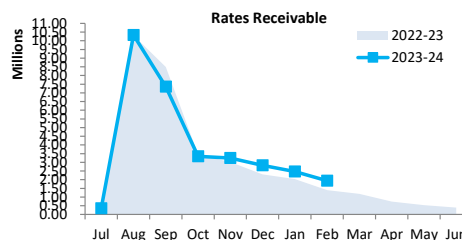
**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

OPERATING ACTIVITIES

7 RECEIVABLES

Rates receivable

	30 June 2023	29 Feb 2024
	\$	\$
Opening arrears previous years	399,663	393,515
Levied this year	9,437,442	10,101,979
Less - collections to date	(9,443,590)	(8,560,585)
Gross rates collectable	393,515	1,934,909
Net rates collectable	393,515	1,934,909
% Collected	96.0%	81.6%



Receivables - general

	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(2,366)	217,570	40,020	31,628	27,380	314,233
Percentage	(0.8%)	69.2%	12.7%	10.1%	8.7%	

Balance per trial balance

Trade receivables						314,233
GST receivable						157,688
Allowance for credit losses of trade receivables						(8,871)
Legal costs - recovery of rates						68,876
Rubbish fees						150,229
Total receivables general outstanding						682,155

Amounts shown above include GST (where applicable)

KEY INFORMATION

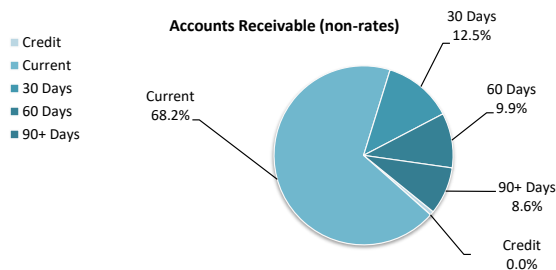
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

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.



**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

OPERATING ACTIVITIES

8 OTHER CURRENT ASSETS

Other current assets	Opening Balance 1 July 2023	Asset Increase	Asset Reduction	Closing Balance 29 February 202
	\$	\$	\$	\$
Other financial assets at amortised cost				
Financial assets at amortised cost - self supporting loans	2,327	0	(1,157)	1,170
Financial assets at amortised cost - advances	1,964	0	(978)	986
Inventory				
Fuel	8,223	264,762	(272,046)	939
History Books	14,690	0	0	14,690
Other assets				
Prepayments	39,059	0	(39,059)	0
Contract assets				
Contract assets	383,908	0	(274,107)	109,801
Total other current assets	450,171	264,762	(587,348)	127,586

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.

**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

OPERATING ACTIVITIES

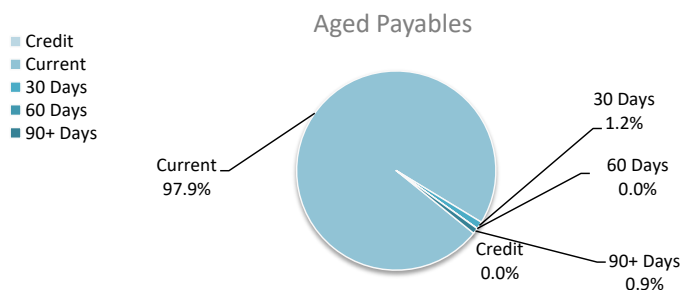
9 PAYABLES

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	378,124	4,623	120	3,557	386,424
Percentage	0.0%	97.9%	1.2%	0.0%	0.9%	
Balance per trial balance						
Sundry creditors						386,424
ATO liabilities						25,576
Prepaid rates						113,544
Bonds & deposits						820,626
Accrued interest on long term borrowings						15,874
Total payables general outstanding						1,362,044

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
19 MARCH 2024**

APPENDIX 13.2.1

SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

OPERATING ACTIVITIES

10 RATE REVENUE

General rate revenue

RATE TYPE	Rate in	Number of	Rateable	Rate	Budget	Total	Rate	YTD Actual	Total
	\$ (cents)	Properties	Value	Revenue	Interim	Revenue	Revenue	Interim	Revenue
				\$	\$	\$	\$	\$	\$
Gross rental value									
GRV Townsites	0.092598	1,595	30,572,286	2,830,933	0	2,830,933	2,830,933	11,247	2,842,180
GRV Other	0.092598	979	18,179,385	1,683,375	0	1,683,375	1,683,375	12,452	1,695,827
Unimproved value									
UV Rural	0.004848	463	366,649,000	1,777,514	0	1,777,514	1,777,514	27,502	1,805,016
UV Other	0.004848	3	2,686,000	13,022	0	13,022	13,022	0	13,022
UV Intensive/Mining	0.007376	131	97,379,000	718,268	0	718,268	718,268	(24,661)	693,607
UV Exploraton Mining	0.004848	0	0	0	0	0	0	(1,599)	(1,599)
Sub-Total		3,171	515,465,671	7,023,112	0	7,023,112	7,023,112	24,941	7,048,053
Minimum payment									
Minimum Payment \$									
Gross rental value									
GRV Townsites	1,248	1,033	9,760,775	1,289,184	0	1,289,184	1,289,184	0	1,289,184
GRV Other	1,248	744	4,222,360	928,512	0	928,512	928,512	0	928,512
Unimproved value									
UV Rural	1,444	346	76,307,000	499,624	0	499,624	499,624	0	499,624
UV Other	1,444	1	180,000	1,444	0	1,444	1,444	0	1,444
UV Intensive/Mining	2,461	118	23,639,885	290,398	0	290,398	290,398	0	290,398
UV Exploraton Mining	1,444	31	101,934	44,764	0	44,764	44,764	0	44,764
Sub-total		2,273	114,211,954	3,053,926	0	3,053,926	3,053,926	0	3,053,926
Amount from general rates						10,077,038			10,101,979
Ex-gratia rates						6,299			0
Total general rates						10,083,337			10,101,979

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.2.1

SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

FINANCING ACTIVITIES

11 BORROWINGS

Repayments - borrowings

Information on borrowings	Loan No.	1 July 2023	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
Particulars		\$	\$	\$	\$	\$	\$	\$	\$	
Gingin Medical Centre	100	36,082	0	0	(36,081)	(36,081)	1	1	(785)	(1,771)
Tip Rationalisation Site	111	374,839	0	0	(22,797)	(22,797)	352,042	352,042	(15,765)	(23,963)
Seabird Sea Wall	127	81,002	0	0	(22,426)	(22,426)	58,576	58,576	(1,160)	(1,893)
Guilderton Country Club Hall Extension	114	254,993	0	0	(21,666)	(44,105)	233,327	210,888	(11,694)	(17,433)
Regional Hardcourt Facility	120	192,913	0	0	(13,333)	(27,111)	179,580	165,802	(8,413)	(12,441)
Regional Hardcourt Facility	124A	188,721	0	0	(11,763)	(23,769)	176,958	164,952	(5,079)	(7,551)
Gingin Swimming Pool Tiling	126	49,937	0	0	(16,136)	(16,136)	33,801	33,801	(869)	(1,424)
Gingin Outdoor Activity Space	132	143,590	0	0	(8,502)	(17,066)	135,088	126,524	(1,346)	(1,995)
Lancelin Cunliffe Street Carpark	133	250,000	0	0	(10,007)	(20,774)	239,993	229,226	(7,507)	(11,165)
Altus Financials Suite	131	139,253	0	0	(4,735)	(9,516)	134,518	129,737	(1,781)	(2,653)
Lot 44 Weld Street, Gingin	123	116,589	0	0	(9,947)	(20,241)	106,642	96,348	(5,151)	(7,768)
Land for Future Gingin Sporting Precinct	New	0	0	715,000	0	0	0	715,000	0	0
Guilderton Caravan Park Waste Water	New	0	0	300,000	0	0	0	300,000	0	0
		1,827,919	0	1,015,000	(177,394)	(260,022)	1,650,525	2,582,897	(59,550)	(90,057)
Self supporting loans										
Ledge Point Country Club Cool Room		14,745	0	0	(1,157)	(2,327)	13,588	12,418	(205)	(306)
		14,745	0	0	(1,157)	(2,327)	13,588	12,418	(205)	(306)
Total		1,842,664	0	1,015,000	(178,551)	(262,349)	1,664,113	2,595,315	(59,755)	(90,363)
Current borrowings		261,817					83,266			
Non-current borrowings		1,580,847					1,580,847			
		1,842,664					1,664,113			

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		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	0	4.54	0	(300,000)	0
Land for Future Gingin Sporting Precinct	0	715,000		Council	20	0	-	0	(715,000)	0
	0	1,015,000				0		0	(1,015,000)	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.

**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

FINANCING ACTIVITIES

12 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
		\$	\$	\$	\$	\$	\$	\$	\$	
Lancelin administration office	1A	0	15,232	22,634	(4,891)	(7,236)	10,341	15,398	(465)	(797)
Photocopier - Ineo 958	2	2,559	0	0	(2,559)	(2,559)	-0	0	(6)	(6)
Photocopier NEW	2A	0	0	22,333	0	(4,726)	0	17,607	0	(554)
IT Server	4	42,835	0	0	(11,683)	(17,568)	31,152	25,267	(326)	(451)
Total		45,394	15,232	44,967	(19,134)	(32,089)	41,492	58,272	(797)	(1,808)
Current lease liabilities		20,122					8,408			
Non-current lease liabilities		25,274					33,086			
		45,396					41,494			

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.

**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

OPERATING ACTIVITIES

13 OTHER CURRENT LIABILITIES

	Opening Balance 1 July 2023	Liability transferred from/(to) non current	Liability Increase	Liability Reduction	Closing Balance 29 February 2024
Note	\$	\$	\$	\$	\$
Other current liabilities					
Other liabilities					
Contract liabilities	454,424	0	320,760	(47,993)	727,191
Capital grant/contributions liabilities	467,678	0	1,396,652	(1,400,065)	464,265
Total other liabilities	922,102	0	1,717,412	(1,448,058)	1,191,456
Employee Related Provisions					
Provision for annual leave	721,704	0	0	0	721,704
Provision for long service leave	535,718	0	0	0	535,718
Total Provisions	1,257,422	0	0	0	1,257,422
Total other current liabilities	2,179,524	0	1,717,412	(1,448,058)	2,448,878

Amounts shown above include GST (where applicable)

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

KEY INFORMATION

Provisions

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

Employee Related Provisions

Short-term employee benefits

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

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

Other long-term employee benefits

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

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

Contract liabilities

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

Capital grant/contribution liabilities

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

**SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024**

OPERATING ACTIVITIES

14 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Unspent grant, subsidies and contributions liability					Grants, subsidies and contributions revenue		
	Liability	Increase in	Decrease in	Liability	Current	Amended	YTD	YTD
	1 July 2023	Liability	Liability	29 Feb 2024	Liability	Budget	Budget	Revenue
	\$	\$	(As revenue)	\$	\$	\$	\$	\$
Grants and subsidies								
General purpose funding								
Financial Assistance Grant - General Purpose	0	0	0	0	0	0	0	35,989
Financial Assistance Grant - Roads	0	0	0	0	0	0	0	40,350
DFES Operating Grant	0	0	0	0	0	224,404	168,303	161,761
Coastal Hazard Risk Management Plan Grant	0	0	0	0	0	10,580	7,056	0
CAP Grant Funding	0	0	0	0	0	45,000	9,000	45,000
CMPAP Coastal Inundation Integration	0	0	0	0	0	20,000	13,336	0
Direct Road Grant MRWA	0	0	0	0	0	261,330	261,330	267,159
DWER Grant for Standpipe Monitoring System	0	0	0	0	0	0	0	900
	0	0	0	0	0	561,314	459,025	551,159
Contributions								
General purpose funding								
Rates incentive Prize Night	0	0	0	0	0	12,000	12,000	16,182
Law, order, public safety								
CESM Grant - DFES	0	0	0	0	0	96,143	58,272	45,468
BRMO Grant - DFES	72,084	111,618	(47,316)	136,386	136,386	111,618	111,618	47,316
MAF Mitigation - DFES	0	209,142	0	209,142	209,142	600,517	150,129	71,064
Gingin Resilience Project - Mindaroo Foundation	100,000	0	(677)	99,323	99,323	137,500	137,500	677
Community amenities								
Claymont Estate - Planning contributions	0	0	0	0	0	8,000	5,328	2,400
Recreation and culture								
Naming Sponsorship - Gingin Aquatic Centre - Image Resources	0	0	0	0	0	10,000	10,000	10,000
Contribution income for suite of events	0	0	0	0	0	36,400	31,736	57,655
Transport								
Contribution income for Aurisch Road Maintenance	0	0	0	0	0	12,500	12,500	12,500
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	1,336	142
	454,424	320,760	(47,993)	727,191	727,191	1,026,678	530,419	263,403
TOTALS	454,424	320,760	(47,993)	727,191	727,191	1,587,992	989,444	814,562

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 13.2.1

SHIRE OF GINGIN
SUPPLEMENTARY INFORMATION
FOR THE PERIOD ENDED 29 FEBRUARY 2024

INVESTING ACTIVITIES

15 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

Provider	Capital grant/contribution liabilities					Capital grants, subsidies and contributions revenue		
	Liability	Increase in	Decrease in	Liability	Current	Amended	YTD	YTD
	1 July 2023	Liability	Liability	29 Feb 2024	Liability	Budget	Budget	Revenue
	\$	\$	(As revenue)	\$	\$	\$	\$	\$
Capital grants and subsidies								
Law, order, public safety								
DFES - Capital Grant - Buildings	40,187	0	0	40,187	40,187	0	0	0
DFES - Capital Grant - Vehicles	0	0	0	0	0	0	0	0
Recreation and culture								
LRCI - Unspent funds	15,101	0	(15,101)	0	0	0	0	0
Transport								
LRCI - Unspent Funds Roads	21,732	550,733	(504,952)	67,513	67,513	892,579	0	578,132
Roads to Recovery	40,596	268,713	(302,806)	6,504	6,504	1,641,309	0	302,806
Regional Road Group (Mooliabeenee Rd)	0	577,206	(577,206)	(0)	(0)	505,053	0	577,206
Financial Assistance Grants - Special Projects	350,062	0	0	350,062	350,062	350,061	0	0
	467,678	1,396,652	(1,400,065)	464,265	464,265	4,336,989	0	1,458,144

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.2.1

SHIRE OF GINGIN SUPPLEMENTARY INFORMATION FOR THE PERIOD ENDED 29 FEBRUARY 2024

16 BUDGET AMENDMENTS

Amendments to original budget since budget adoption. Surplus/(Deficit)

Description	GL/Project Code	Council Resolution	Classification	Non Cash Adjustment \$	Increase in Available Cash \$	Decrease in Available Cash \$	Amended Budget Running Balance \$
Budget adoption							0
Management approval 06/11/2023 to reduce budget for Gully Traps	OC13261	N/A	Capital expenses	0	10,000	0	10,000
Management approval 06/11/2023 to reduce budget for Replacement of bench seats	OC13261	N/A	Capital expenses	0	29,000	0	39,000
Management approval 06/11/2023 to increase budget for repairs to Chalet verandah roofing	BC13260	N/A	Capital expenses	0	0	(39,000)	0
CCM 19/09/2023 - Item 18.1 Purchase of land for Future Gingin Sporting Precinct	LC11300	CCM 19/09/2023 Item 18.1	Capital expenses	0	0	(715,000)	(715,000)
CCM 19/09/2023 - Item 18.1 Purchase of Land for Future Gingin Sporting Precinct - Lot 7 Dewar Road, Granville	151103550	CCM 19/09/2023 Item 18.1	Capital revenue	0	715,000	0	0
SCM 06/02/24 - 13.1 Unbudgeted Expenditure - Purchase of Kubota Track Loader	PNEW2	SCM 16/02/2024	Capital expenses	0	22,695		22,695
SCM 06/02/2024 - 13.1 Unbudgeted Expenditure- Purchase of Kubota Track Loader	P056	SCM 16/02/2024	Capital expenses	0		(22,695)	0
SCM 06/02/2024 - 13.2 Unbudgeted Expenditure- Critical Bridge Maintenance Works	MB000	SCM 16/02/2024	Operating expenses	0	43,350		43,350
SCM 06/02/2024 - 13.2 Unbudgeted Expenditure- Critical Bridge Maintenance Works- Reserve 31 Road Reserve - \$26,874	151201810	SCM 16/02/2024	Capital revenue	0		(26,874)	16,476
SCM 06/02/2024 - 13.2 Unbudgeted Expenditure- Critical Bridge Maintenance Works- Reserve #28 Cowalla Road \$16,476	151201810	SCM 16/02/2024	Capital revenue	0		(16,476)	0
OCM 20 February 2024 - Item 13.3 LCSC - Air Conditioner Unit Replacement	BC11318	OCM 20/02/2024	Capital expenses	0		23,000	23,000
OCM 20 February 2024 - Item 13.3 Lancelin Community Sporting Complex - Air Conditioner Unit Replacement	131103350	OCM 20/02/2024	Operating revenue	0	(8,000)		15,000
OCM 20 February 2024 - Item 13.3 Lancelin Community Sporting Complex - Air Conditioner Unit Replacement	151103810	OCM 20/02/2024	Capital revenue	0	(15,000)		0
OCM 20 February 2024 - Item 13.4 Unbudgeted Expenditure - Release of Reserve Funds for Ambulance Purchases	120704870	OCM 20/02/2024	Operating expenses	0		49,813	49,813
OCM 20 February 2024 - Item 13.4 Unbudgeted Expenditure - Release of Reserve Funds for Ambulance Purchases	150707810	OCM 20/02/2024	Capital revenue	0	(49,813)		0
					747,232	(747,232)	0

13.3 LIST OF PAID ACCOUNTS FEBRUARY 2024

File	FIN/25
Author	Alarna Richards- Coordinator Financial Planning and Reporting
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	Nil
Appendices	1. Voucher List 2023-2024 - February 2024 [13.3.1 - 8 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

For Council to note the payments made in February 2024.

BACKGROUND

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

COMMENT

Accounts totalling \$2,740,721.24 were paid during the month of February 2024.

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

- | | |
|---|----------------|
| • Municipal Fund electronic funds transfers (EFT) | \$1,887,310.98 |
| • Municipal Fund cheques | \$400.05 |
| • Municipal Fund direct debits | \$853,010.21 |
| • Municipal Fund - Transfer to Term Deposit Investments | \$0 |

TOTAL MUNICIPAL EXPENDITURE	\$2,740,721.24
------------------------------------	-----------------------

- | | |
|---|-----|
| • Reserve Fund – Transfer to Term Deposit Investments | \$0 |
|---|-----|

TOTAL RESERVE FUND EXPENDITURE	\$0
---------------------------------------	------------

TOTAL EXPENDITURE	\$2,740,721.24
--------------------------	-----------------------

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

In accordance with Regulation 13A of the *Local Government (Financial Management) Regulations 1996* requiring details of purchasing card expenditure, the list of payments includes details of fuel card purchases in addition to previously supplied credit card purchases.

STATUTORY/LOCAL LAW IMPLICATIONS

Local Government Act 1995
s.6.4 – Financial Report

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

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

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 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 Balcombe

That Council note all payments made by the Chief Executive Officer under Delegation 1.1.13 for February 2024 totaling \$2,740,721.24 as detailed in the schedule appendices to this report, comprising:

• Municipal Fund electronic funds transfers (EFT)	\$1,887,310.98
• Municipal Fund cheques	\$400.05
• Municipal Fund direct debits	\$853,010.21
• Municipal Fund term deposit investment	\$0
• Reserve Fund term deposit investment	\$0

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

TYPE	DATE PAID	NAME	Payment Category	DETAILS	AMOUNT
EFT-40864	2/02/2024	Andrew Cole Pty Ltd	L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	GG070 - electrical repairs to lights and aerials	2223.10
EFT-40865	2/02/2024	Ashley Reed		A5737 Rate refund assessment in credit	410.00
EFT-40867	2/02/2024	Brown Automotive Gingin		GG074 40,000Km Service	775.00 L
EFT-40868	2/02/2024	Bullsbrook Windscreens and Window Tinting		Refit firefighting pump fuel tanks to factory specifications	
EFT-40869	2/02/2024	Cellarbrations Gingin		GG096 - windscreen chip repairs	90.00
EFT-40870	2/02/2024	Commercial Locksmiths		Civic Reception Lunch - Japanese visit	121.00 L
EFT-40871	2/02/2024	Complete Office Supplies Pty Ltd		Padlock for Wangaree office	756.97
EFT-40872	2/02/2024	Eagleye Technical Services		Stationery Order for departments and stationery room restock	1480.76
EFT-40873	2/02/2024	Emerg Solutions Pty Ltd		Power and communications upgrade	5276.70 L
EFT-40874	2/02/2024	Gingin Fuel & Tyres		BART SMS annual fee Gingin South VBFB	165.00
EFT-40875	2/02/2024	Gingin Grading Service Pty Ltd		GG029 - Spare tyre and tyre repair	4673.60 L
EFT-40876	2/02/2024	Gingin Trading		Cartage Fill - Seabird and Gingin Waste Facilities 2023-2024	3300.00 L
EFT-40877	2/02/2024	Gingin Tree Services		Gingin Trading November & December 2023	4473.51 L
EFT-40878	2/02/2024	Hot Works Yanchep		Tree pruning - Gabbadah Park	2860.00 L
EFT-40879	2/02/2024	JCB Construction Equipment Australia (WA)		GG12552 - Mud guard repairs	1036.15
EFT-40880	2/02/2024	Kleen West Distributors		GG011 - Service and bucket sensor check	4055.10
EFT-40881	2/02/2024	LD Total		Toilet tissue, Lancelin and Ledge Point Jan 24	1999.80
EFT-40882	2/02/2024	Lo-Go Appointments		Apply fertilizer and wetting agent for Hockey Oval Gingin Sporting Complex	6731.30
EFT-40883	2/02/2024	Lynley Fewster		Temp Contracts - Community Development Officer and Rates Department	5253.13
EFT-40884	2/02/2024	Moore River Electrical Services		Reimbursement of costs for DOT training - 8-12 January 2024	271.32 R
EFT-40885	2/02/2024	Novatec Energy Solutions Pty Ltd		Emergency repairs to power board and electrical box.	220.00 L
EFT-40886	2/02/2024	Novatec Energy Solutions Pty Ltd		A/C repair - Community Resource Centre	330.00
EFT-40887	2/02/2024	Novatec Energy Solutions Pty Ltd		Kiosk supplies - Aquatic Centre	870.20
EFT-40888	2/02/2024	Novatec Energy Solutions Pty Ltd		Cleaning ablutions, gazebos, depot clean and BBQs Lancelin / Ledge Jan 24	12991.00
EFT-40889	2/02/2024	Novatec Energy Solutions Pty Ltd		Medical - Heavy Plant Operator	399.30
EFT-40890	2/02/2024	Novatec Energy Solutions Pty Ltd		Freight charges - various parcels - Operations Depot	109.72
EFT-40891	2/02/2024	Novatec Energy Solutions Pty Ltd		Japanese Shire Visit - Stable Fly Research	500.00 L
EFT-40892	2/02/2024	Novatec Energy Solutions Pty Ltd		Department of Transport Licencing - printer and toner	496.50
EFT-40893	2/02/2024	Novatec Energy Solutions Pty Ltd		GG045 - Universal joints and service kit	4997.11
EFT-40894	2/02/2024	Novatec Energy Solutions Pty Ltd		GG028 - service kit	
EFT-40895	2/02/2024	Novatec Energy Solutions Pty Ltd		A 196 Rate refund pension rebate	799.00
EFT-40896	6/02/2024	Australian Taxation Office (PAYG)		Payroll deduction for PE: 01/02/2024	57028.00
EFT-40897	6/02/2024	CFMEU		Payroll deduction for PE: 01/02/2024	36.00
EFT-40898	6/02/2024	CFMEU		Payroll deduction for PE: 01/02/2024	44.00
EFT-40899	6/02/2024	LGRCEU (WA Division)		Ramms - Asset management pick up	18,210.06
EFT-40900	6/02/2024	Asset Infrastructure Management		Trestle tables x 6 for the Lancelin Community Hall	390.90
EFT-40901	6/02/2024	Bunnings Buildings Supplies Pty Ltd		Lot 20 Dewar purchase - O&E preparation	550.00
EFT-40902	6/02/2024	Country Values Real Estate		Replace power pole and switchboard at visitors centre.	3,707.00 L
EFT-40903	6/02/2024	Eagleye Technical Services		Australia Day gifts Advertisement Shire President's Notice; Community funding 2024/2025 x2; February & March editions of the Gingin Buzz.	559.00 L
EFT-40904	6/02/2024	Gingin District Community Resource Centre Inc (CRC)		PGG06 January diesel	103.51 L
EFT-40905	6/02/2024	Gingin Fuel & Tyres		EFT - Gingin West VBFB - Refreshments Incident# 654392 - 13/01/2024	205.60 R
EFT-40906	6/02/2024	Gingin West Volunteer Bush Fire Brigade		Incident# 655953 - 26/01/2024 & 28/01/2024	
EFT-40907	6/02/2024	Guilderton & Districts Volunteer Bush Fire Brigade		EFT - Guilderton & Districts VBFB : St John First Aid Training x 3	375.75 R
EFT-40908	6/02/2024	Guilderton & Districts Volunteer Bush Fire Brigade		EFT - Guilderton & Districts VBFB : Display frame & recovery shackles x 3	
EFT-40909	6/02/2024	Haulmore Trailer Rentals Pty Ltd		Trailer rental - January	7,144.91
EFT-40910	6/02/2024	Helen Sutherland		Books for the Lancelin Library from multiple stores.	298.93 R
EFT-40911	6/02/2024	Hersey's Safety Pty Ltd		Tie down straps	554.40
EFT-40912	6/02/2024	JCB Construction Equipment Australia (WA)		JCB spares	2,409.05
EFT-40913	6/02/2024	Lancelin Trade and Rural Supplies		Lancelin Trading November & December 2023	5,454.10 L
EFT-40914	6/02/2024	Lo-Go Appointments		Temporary contract - Rates Officer	1,181.31
EFT-40915	6/02/2024	Novatec Energy Solutions Pty Ltd		Inspect/replace air conditioning unit	2,900.00
EFT-40916	6/02/2024	Nutrien Water		Replaced damaged sprinklers throughout lower coastal parks/turfed areas.	338.58
EFT-40917	6/02/2024	OCP Sales		Two-way radio hire - Flavours of Gingin 2023	484.00
EFT-40918	6/02/2024	Presidential Facility Services Pty Ltd		Cleaning ablutions, gazebos, CEO house ,BBQs, Lancelin and Ledge point -Jan 24	6,930.00
EFT-40919	6/02/2024	Sherrin Rentals Pty Ltd		Water truck hire	9,335.70
EFT-40920	6/02/2024	Truck Centre WA Pty Ltd		GG045 flange / bolts & steering pump issue	5,418.41
EFT-40921	7/02/2024	Brenda Kretschmer		A1378 rates overpayment	193.40
EFT-40922	7/02/2024	Bullsbrook Windscreens and Window Tinting		Lancelin playgroup building - Tinting	1,000.00
EFT-40923	7/02/2024	CB Traffic Solutions Pty Ltd		Traffic Management 15th - 31st Dec	8,195.69
EFT-40924	7/02/2024	Coastline Cleaning Services		Cleaning ablutions Lancelin/Ledge Dec 23 monthly cleaning contract	4,428.00 L
EFT-40925	7/02/2024	Commercial Locksmiths		Traffic counter padlocks	841.50
EFT-40926	7/02/2024	Exteria		3 x Tables units & park seats for Harold Park.	8,497.50
EFT-40927	7/02/2024	Frontline Fire and Rescue Equipment		Fire fighter PPE/PPC	211.66
EFT-40928	7/02/2024	Gingin Florist		Flowers for Australia Day 2024	200.00 L
EFT-40929	7/02/2024	Gingin Fuel & Tyres		Fuel cards for October 2023 diesel at 2.17L/L; T/L V-990 Valve TR618A Tractor valves;	45,622.11 L
EFT-40930	7/02/2024	Gingin Fuel & Tyres		Fuel Cards Diesel 1.899/L and 1.999/L; Replacement Tyre GG06	
EFT-40931	7/02/2024	Gingin Tree Services		Supply & deliver 24,000 litres of diesel to the Depot on 1.2.24	
EFT-40932	7/02/2024	GR Thomson Truck Hire		Tree pruning, road clearance and stump removal Lancelin.	3,300.00 L
EFT-40933	7/02/2024	Indian Coast Resort Pty Ltd		Water truck for grading Breera Road	1,237.50
EFT-40934	7/02/2024	Instant Products Hire		A1606 - Rates refund paid twice	296.90
EFT-40935	7/02/2024	Jupiter Health and Medical Services (Lancelin Medical Centre)		Toilets	902.31
EFT-40936	7/02/2024	Leon Hodges		Reimbursement of accommodation costs - Dr Adnan Shehzad at Lancelin medical centre (29/12/2023 - 11/01/2024)	800.00
EFT-40937	7/02/2024	Moray & Agnew Perth		A5233 Rate Refund overpayment of rates	2,193.42
EFT-40938	7/02/2024	Presidential Building Services Pty Ltd		Preparation of deed template - transfer responsibility of Shire Assets	986.48
EFT-40939	7/02/2024	Sherrin Rentals Pty Ltd		CEO House - including external repairs to patio replace timber wall plates, internal patch & paint	11,495.00
EFT-40940	7/02/2024	Tiffany's Catering		Hire multi roller for maintenance grading	8,385.30
EFT-40941	7/02/2024	Truck Centre WA Pty Ltd		Council Briefing Session - 6 February 2024	180.00 L
EFT-40942	8/02/2024	Gingin District High School		Performed lane keeping system calibration for newly fitted w/screen	417.78
EFT-40943	12/02/2024	Gingin Fuel & Tyres		Refund - long-term bond	273.62
EFT-40944	12/02/2024	Gingin Fuel & Tyres		Gingin Waste Management Facility, Caravan dump point, Gingin Weld street	1,610.00
EFT-40945	12/02/2024	Gingin Fuel & Tyres		Brake fluid/ and anderson plug	56.63 L

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

TYPE	DATE PAID	NAME	DETAILS	AMOUNT	
EFT-40954	12/02/2024	Gingin IGA Express	Refreshments, stationery, newspapers and cleaning supplies - December 2023 and January 2024	1,529.39	L
EFT-40955	12/02/2024	Gravity Discovery Centre Foundation Inc	Refund for double payment received	580.00	
EFT-40956	12/02/2024	Instant Products Hire	Australia Day 2024	1,181.18	
EFT-40957	12/02/2024	Joordalup Marquees	Australia Day chair hire	574.00	
EFT-40958	12/02/2024	Karin Scheiwiller	A3193 - Dog Registration Refund - Unsterilised to Sterilised	150.00	
EFT-40959	12/02/2024	Lancelin Gull Roadhouse	Lancelin Gull November 2023 diesel charges	1,994.64	L
EFT-40960	12/02/2024	Lancelin IGA	Cleaning, office & refreshment supplies for Lancelin Shire Office and Lancelin/Ledge Point Depot for October, November 2023 & January 2024	131.47	L
EFT-40961	12/02/2024	Local Government Professionals WA - LGPA	Registration of delegates for 2024 LG Finance Pro Conference 20 & 21 March 2024	2,990.00	
EFT-40962	12/02/2024	McLeod's Barristers and Solicitors	Dog Act prosecution	1,604.90	
EFT-40963	12/02/2024	Moore River Electrical Services	Disconnect/ reconnect power for stage 2 of BBQ install	825.00	
EFT-40964	12/02/2024	Northern Valleys Fruit Pops	Gingin Aquatic Centre - Kiosk items	162.00	
EFT-40965	12/02/2024	Officeworks	Stationery order	563.25	
EFT-40966	12/02/2024	PFDF Food Services Pty Ltd	Gingin Aquatic Centre - Kiosk items	987.88	
EFT-40967	12/02/2024	Robert Kelly	Reimbursement of mobile phone charges	147.83	R
EFT-40968	12/02/2024	Shire of Gingin	Refund of Councillor nomination fee	400.00	
EFT-40969	12/02/2024	Stephen Fewster	Refund - Facility bond	500.00	
EFT-40970	12/02/2024	Team Global Express Pty Ltd	Various freight charges	48.64	
EFT-40971	12/02/2024	Tony Pisconeri	Seabird & Lancelin Waste Facilities Management Contract - January 24	17,374.00	
EFT-40972	12/02/2024	Uniforms at Work	Compliance Officer uniform	241.00	
EFT-40973	12/02/2024	Winc	Stationery order	72.47	
EFT-40939	12/02/2024	Altus Planning Pty Ltd	Planning Advice	1,028.50	
EFT-40940	12/02/2024	Barbara Horton	A2241 - Pension Rebate refund after rates paid in full.	799.00	
EFT-40941	12/02/2024	Belgravia PRO Pty Ltd	Guilderton Caravan Park - December payments - Pure glamping 85% - Hire equipment	12,224.45	
EFT-40942	12/02/2024	Brook Marsh Pty Ltd Licensed Surveyors	Proposal sketch for DPLH and pegging of boundary on the foreshore reserve	14,289.00	
EFT-40943	12/02/2024	Brooks Hire Service	Roller Hire - 07/11/2023-15/12/2023	10,427.47	
EFT-40944	12/02/2024	Brown Automotive Gingin	8GG High vis decals & GG073 60,000km Service	765.00	L
EFT-40945	12/02/2024	Bullsbrook Windscreens and Window Tinting	Tint windows admin office.	1,040.00	
EFT-40946	12/02/2024	Coffeez N Motion	Australia Day Awards 2024	1,138.50	L
EFT-40947	12/02/2024	Complete Office Supplies Pty Ltd	Stationery order	668.55	
EFT-40948	12/02/2024	CSStech	Mobile & Office phone management	165.00	
EFT-40949	12/02/2024	Dry Kirkness (Audit) Pty Ltd	Provision of audit services for 2022-23 R2R and LRCI annual reports.	1,650.00	
EFT-40950	12/02/2024	Dylan Meldrum	A2743 Rates Refund ratepayer over paid rates	1,606.11	
EFT-40951	12/02/2024	Eurofins ARL Pty Ltd	Food business inspection - sampling of food product	269.50	
EFT-40974	15/02/2024	ASK Waste Management Pty Ltd	Lancelin Landfill Licence	8,349.00	
EFT-40975	15/02/2024	Avon Waste	Kerbside collection services; Skip Bin CU@Park renovations	21,759.07	
EFT-40976	15/02/2024	Belgravia PRO Pty Ltd	Guilderton caravan park - Management fee	39,653.16	
EFT-40977	15/02/2024	Brown Automotive Gingin	GG058 - Service	240.00	L
EFT-40978	15/02/2024	Caraban Limestone & Sand Supplies	Guilderton groin sand renourishment	1,824.24	
EFT-40979	15/02/2024	Cromag Pty Ltd T/A Sigma Chemicals	Chlorine and glass vials for Aquatic Centre	1,125.30	
EFT-40980	15/02/2024	Durty Filthy Garden Supplies	Supply and install flume caps & dividing fence panels to Lancelin aged units.	1,133.55	
EFT-40981	15/02/2024	Eagleeye Technical Services	Supply electrical cabinet lock & latch for medical centre. Change out double GPO in Granville Park.	341.00	L
EFT-40982	15/02/2024	Edham Alibegovic	Anti-graffiti coating - Granville Park Mural	1,200.00	
EFT-40983	15/02/2024	Frank Johnson	Travel expenses - 01/10/2023 to 31/12/2023	292.49	C
EFT-40984	15/02/2024	Frank Peczka	Travel expenses - 01/10/2023 to 31/12/2023	768.99	C
EFT-40985	15/02/2024	Full Flow Plumbing and Gas	Repair drink fountain at Guilderton foreshore	451.00	
EFT-40986	15/02/2024	Gingin Fuel & Tyres	GG058 - tyre repair; GG12553 - replacement tyre; GG061 - tyre puncture; Tools for GG01; Tyres for CEMV Vehicle	1,076.10	L
EFT-40987	15/02/2024	Gingin Grading Service Pty Ltd	Seabird & Gingin Waste Facilities -25 tonne's of sand from pit - Gingin Tip.	3,630.00	L
EFT-40988	15/02/2024	Gingin Museum & Historical Society Inc.	Community Funding - Gingin Historical Society Inc. Virtual Museum	2,750.00	
EFT-40989	15/02/2024	Gingin Trading	Gingin Trading January 2024	2,027.32	L
EFT-40990	15/02/2024	Greenway Solutions Pty Ltd t/as Greenway Turf Solutions	Soil samples from multiple turfed areas around Gingin Townsite and Lancelin Oval for chemical and biological analysis.	2,420.00	
EFT-40991	15/02/2024	Hills Tracks and Blinds	Blinds - CEO House	4,725.00	
EFT-40992	15/02/2024	ID RENT PTY LTD	Roller hire - Moolabeenee Road	7,961.05	
EFT-40993	15/02/2024	Lancelin Gull Roadhouse	Lancelin Gull January 2024 - diesel charges	1,481.92	L
EFT-40994	15/02/2024	Lincoln Stewart	Travel Expenses - 01/10/2023 to 31/12/2023	810.18	C
EFT-40995	15/02/2024	LJ Hughes	Lancelin Office - Quarter rates paid for A1039 and reimbursement of water charges.	1,434.97	
EFT-40996	15/02/2024	Lo-Go Appointments	Temporary contract - Rates Officer	590.66	
EFT-40997	15/02/2024	McLeod's Barristers and Solicitors	Legal cost planning compliance - 6561	497.20	
EFT-40998	15/02/2024	Michael King Auto Electrics	GG026 - Airconditioning repaired	773.62	
EFT-40999	15/02/2024	Moore River Electrical Services	Emergency exit lighting - Lancelin, Ledge	792.00	
EFT-41000	15/02/2024	Moore River Roadhouse	Fuel, vehicle & refreshment charges for January 2024 - BFB's - January 2024	2,632.05	L
EFT-41001	15/02/2024	Noise & Vibration Measurement Systems (NVMS)	Calibration noise equipment - Biennial, B&K sound level meter, B&K calibrator & replacement wind screen	1,383.80	
EFT-41002	15/02/2024	Novatec Energy Solutions Pty Ltd	Supply and install air-conditioning unit Guilderton	2,200.00	
EFT-41003	15/02/2024	Nutrien Ag Solutions Limited	Dynamic lifter x 4 to prepare soil for planting turf in bare areas of Granville Park.	74.89	
EFT-41004	15/02/2024	Presidential Facility Services Pty Ltd	Cleaning services, Lancelin/Ledge	5,841.00	
EFT-41005	15/02/2024	Robbro WA Pty Ltd	Carting gravel Moolabeenee Road January 2024	106,216.00	L
EFT-41006	15/02/2024	Sherrin Rentals Pty Ltd	Water truck - hire	7,779.75	
EFT-41007	15/02/2024	Shire of Dandaragan	Contribution to State NRM Program Community Stewardship Grant - Shires of Dandaragan, Coorow & Gingin for Managing Coastal Impacts of Vehicles North of Perth	13,200.00	
EFT-41008	15/02/2024	Sovereign Hill Community Association Inc.	Mowing October/ November/ December 2023	720.00	
EFT-41009	15/02/2024	Strettle Pty Ltd	Preparation of New/Amendment/Repeal Local Laws as resolved by Council	880.00	
EFT-41010	15/02/2024	Team Global Express Pty Ltd	Freight charges for 30/10/2023 - Hersey's Safety	76.65	
EFT-41011	15/02/2024	Thomas Kusters	Unblock sewer pipe Pioneer Park, Lancelin & ablation block Harold Park, Lancelin. Install new tap, Lancelin aged units. Repair leaking pipe, Ledge point oval ablations. Install flick mix tap, Lancelin Aged Units.	844.00	
EFT-41012	15/02/2024	Tiffany's Catering	Avon-Midland Zone Meeting 23 February 2024 - Catering	440.00	L

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024			Payment Category	
TYPE	DATE PAID	NAME	L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	
			DETAILS	AMOUNT
EFT-41013	15/02/2024	T-Quip	Toro belt tensioner	234.20
EFT-41014	15/02/2024	Truck Centre WA Pty Ltd	GG002 - Airdrier kit	2,104.34
EFT-41015	15/02/2024	WA BOS Semi Trailer Equipment Pty Ltd	Refurbishment of GG6014 side tipper	74,847.91
EFT-41016	15/02/2024	Fewsters Earthmoving	Gravel carting Mooliabeenee Road - January 2024	75,845.00
EFT-41017	15/02/2024	WANT Plumbing Services Pty Ltd	Repairs to broken water pipe in abluion block. Inspect & repair hot water systems. Supply and install drink fountain. Install isolation valve and drain pipe for drink fountain. Repair leaking mains water pipe. Inspect hot water system issues. Unblock toilets/ urinal and drains after electric pump issue	4,774.00 L
EFT-41018	15/02/2024	WANT Tree Services	Emergency supply of posi track x 2 and operator for storm cleanup	1,980.00 L
EFT-41019	15/02/2024	Western Australian Local Government Association	Training Registration - WALGA Meeting Practices for Good Governance Outcomes	1,276.00
EFT-41020	15/02/2024	Western Stabilisers	Pulverise cement stabilisation, mobilise and demobilise Mooliabeene capital works	221,637.35
EFT-41021	15/02/2024	Irene Neville	Refund - Key Bond only	200.00
EFT-41022	19/02/2024	Australian Taxation Office (PAYG)	Payroll deduction for PE: 15/02/2024	51,190.00
EFT-41023	19/02/2024	CFMEU	Payroll deduction for PE: 15/02/2024	60.00
EFT-41024	19/02/2024	LGRCEU (WA Division)	Payroll deduction for PE: 15/02/2024	44.00
EFT-41025	19/02/2024	Bunnings Buildings Supplies Pty Ltd	Decking paint for Hinchcliffe Lookout Lancelin. 2 x door handle sets for aged units. Box Silicon for drainage	981.09
EFT-41026	19/02/2024	Caraban Limestone & Sand Supplies	50 tonne screened sand for floor works	612.74
EFT-41027	19/02/2024	Country Copiers	Colour copier fees	1,489.51
EFT-41028	19/02/2024	CSE Crosscom Pty Ltd	Radio inspection	2,250.27
EFT-41029	19/02/2024	DB Ferguson Earthmoving Pty Ltd	Clean out of bull pens after bull sale using skid steer loader.	880.00 L
EFT-41030	19/02/2024	Eagleye Technical Services	Inspect fallen electrical cables & organize repair. Inspect fire shed for any damage to electrics	1,556.50 L
EFT-41031	19/02/2024	Frontline Fire and Rescue Equipment	Assorted hoses, fittings & volunteer PPE/PPC	678.20
EFT-41032	19/02/2024	Full Flow Plumbing and Gas	Inspect faulty hot water system at moore men's shed. Supply and swap old 25L hot water unit with a 50L unit which will then be re positioned outside, alter pipework, and install to regulations	1,925.00
EFT-41033	19/02/2024	G T Harley Fencing	Boundary fence Cheriton Road replacement	4,411.80 L
EFT-41034	19/02/2024	Gingin Fuel & Tyres	battery clamps, oils and greases	882.45 L
EFT-41035	19/02/2024	Gingin Tree Services	Tree pruning	2,530.00 L
EFT-41036	19/02/2024	Greenway Solutions Pty Ltd t/as Greenway Turf	Crabgrass infestation at Gingin Oval and GOAS Park - contractor spraying area	737.00
EFT-41037	19/02/2024	Hempfield Small Motors	Pull start housing	67.10
EFT-41038	19/02/2024	Hersey's Safety Pty Ltd	Flat slings 2 metre x 2 tonne	35.20
EFT-41039	19/02/2024	Karen Grant	Cleaning of shire facilities	2,351.25 L
EFT-41040	19/02/2024	Kevin Vine	Cleaning of shire facilities for lower coastal	15,799.58 L
EFT-41041	19/02/2024	Kirsty Luscombe	Refund - Caravan Park reservation 489446	156.00
EFT-41042	19/02/2024	Kleen West Distributors	Supply of toiletries for Shire of Gingin facilities, Gingin & lower coastal	4,753.60
EFT-41043	19/02/2024	LD Total	Landscape maintenance services for January 2024	31,016.02
EFT-41044	19/02/2024	Leslie Hill	Refund - Caravan Park reservation 241776	74.00
EFT-41045	19/02/2024	Moore River Electrical Services	Install emergency exit lighting Seabird Community hall. Repair and replace lighting fixtures at Tulley View abluion block	1,017.50
EFT-41046	19/02/2024	Rosmech Sales & Service Pty Ltd	GG063 - Valve repair kits/ nozzles	1,123.67
EFT-41047	19/02/2024	Sherrin Rentals Pty Ltd	Loader hire	6,165.50
EFT-41048	19/02/2024	St John Ambulance Western Australia Ltd	MIP- St Johns Attendance	580.80
EFT-41049	19/02/2024	Stewart & Heaton Clothing Co Pty Ltd	Fire fighter PPE/PPC	683.91
EFT-41050	19/02/2024	Thomas Kusters	Install tap set to Lancelin aged units. Replace tap spindle, Harold Park	278.00
EFT-41051	19/02/2024	WCS Concrete Pty Ltd	Kerbing concrete Treasure Trove	403.26 L
EFT-41052	19/02/2024	We're The Glue Pty Ltd	Cost for regular renewal of email signature management	1,691.16
EFT-41053	19/02/2024	Westcoast Construction & Demolition	Remove brick pillar and replace with smaller steel pillar	3,520.00
EFT-41054	23/02/2024	Altus Planning Pty Ltd	Planning Advice - DR 50/2023	415.25
EFT-41055	23/02/2024	Belgravia PRO Pty Ltd	Guilderton Caravan Park payments January 2024. - Pure glamping 855	4,631.83
EFT-41056	23/02/2024	Cat Haven	Cat adoption report from Cat Haven - July 2023 -June 2024	22.00
EFT-41057	23/02/2024	Central Regional Tafe	Tafe Course - Certificate IV in Local Government LGA40120	335.71
EFT-41058	23/02/2024	Complete Office Supplies Pty Ltd	Stationery orders	758.76
EFT-41059	23/02/2024	Digitalrez Australia	Guilderton Caravan Park online bookings / access fee	643.16
EFT-41061	23/02/2024	Gingin District Community Resource Centre Inc	Provision of Library Services - Jan -June 2024	7,488.11 L
EFT-41062	23/02/2024	Gingin Fuel & Tyres	Replacement tyre for GG01	1,279.00 L
EFT-41063	23/02/2024	Iron Mountain Australia Group Services Pty Ltd	Storage business cartons 2023 / 2024	345.96
EFT-41064	23/02/2024	K B Riley & Sons Pty Ltd t/a Lancelin Sands	Seabird Waste Facility - Sand cover supply & delivery.	3,340.43 L
EFT-41065	23/02/2024	Kevin Vine	Cleaning service December	11,605.51 L
EFT-41066	23/02/2024	Kleenheat Gas Pty Ltd	Guilderton Caravan Park- Supply & deliver LPG Bulk Gas	3,648.56
EFT-41067	23/02/2024	Ledge's Kanga Service and Skip Bin Hire	Annual jetty bin collection 2023 - ongoing contract.	2,200.00
EFT-41068	23/02/2024	Lo-Go Appointments	Temp contract - Community Development Officer	1,104.22
EFT-41069	23/02/2024	McLeod's Barristers and Solicitors	Planning legal expenses- removal of redgum trees	301.95
EFT-41070	23/02/2024	Muresk Institute (Department of Training and Workforce Development)	Reimbursement - Animal Welfare in Emergencies Program - Training course.	2,891.00 F
EFT-41071	23/02/2024	PFD Food Services Pty Ltd	Kiosk items - upcoming carnivals	936.55
EFT-41072	23/02/2024	Presidential Facility Services Pty Ltd	Cleaning	1,320.00
EFT-41073	23/02/2024	Royal Life Saving Western Australia	Bronze requel held at Gingin Aquatic Centre	150.15
EFT-41074	23/02/2024	Rural Valuations W.A. Pty Ltd	Proposed resumption of land, Breera valuation.	2,200.00
EFT-41075	23/02/2024	Team Global Express Pty Ltd	Various freight charges	232.91
EFT-41076	23/02/2024	The Flying Spanner	GG074 - Rotate tyres and carryout wheel alignment	201.00
EFT-41077	23/02/2024	Uniforms at Work	Uniform - Stable Fly Officer	142.20
EFT-41078	23/02/2024	Waterlogic Australia Pty Ltd	Gingin administration office & council kitchen - rental and service of SD5 cold countertop & clean stream	161.38
EFT-41079	23/02/2024	WEX Australia Pty Ltd	Fuel card purchases January 2024	3,376.52
EFT-41080	26/02/2024	A1 Fire Risk Services (WA) Pty Ltd	F/E inspection various locations	9,156.90
EFT-41081	26/02/2024	AMPAC Debt Recovery WA Pty Ltd	Debt recovery costs for November 2023	1,342.95
EFT-41082	26/02/2024	Auro Pty Ltd	Rate refund - former owner A6562 paid twice	1,490.00
EFT-41083	26/02/2024	Aurora Delta Pty Ltd	Pre-employment medicals - CSO and AP	185.00
EFT-41084	26/02/2024	Barbara Horton	Pension rebate refund - A2241	799.00
EFT-41085	26/02/2024	Bindoon Hill Gravel Supply	Gravel supply sub base Mooliabeene Road capital works, stabilization gravel	343,508.08
EFT-41086	26/02/2024	Boya Equipment	GG080 service 250 hrs	800.02

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

			Payment Category	
			L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	
TYPE	DATE PAID	NAME	DETAILS	AMOUNT
EFT-41087	26/02/2024	Brown Automotive Gingin	GG09 - Service 258K	700.00
EFT-41088	26/02/2024	Bull Motor Bodies	DFES Spec managers pod for replacement CESM vehicle	36,010.27
EFT-41089	26/02/2024	Central Regional Tafe	Regional Tafe courses	907.01
EFT-41090	26/02/2024	Cromag Pty Ltd T/A Sigma Chemicals	Liquid chlorine for Aquatic Centre	1,036.20
EFT-41091	26/02/2024	CU@Park	Granville Park ablutions- cleaning services	1,900.96
EFT-41092	26/02/2024	Ergolink	2 x medium back office chairs in black fabric	845.50
EFT-41093	26/02/2024	Exterior Enhancement	Gingin Administration Building - Re-point front retainer wall and pathway.	4,000.00
EFT-41094	26/02/2024	Frontline Fire and Rescue Equipment	Assorted hoses, fittings & volunteer PPE/PPC	3,061.67
EFT-41095	26/02/2024	Gingin Fuel & Tyres	Replacement tyre and tube GG083	385.00
EFT-41096	26/02/2024	Greenway Solutions Pty Ltd t/as Greenway Turf Solutions	Purchase growth retardant and fungicide to treat areas and includes manual drum pump. Purchase / apply quality liquid wetting agent, pre-emergent herbicide, calcium neutraliser, and kelp solution to all turf areas within the Shire.	29,821.00
EFT-41097	26/02/2024	Halsall & Associates Pty Ltd	Guilderton Caravan Park and foreshore area - provision of a master plan incorporating the Guilderton foreshore and Caravan Park.	19,470.00
EFT-41098	26/02/2024	J. & K. Hopkins	Q14815 - Office furniture HR	2,027.00
EFT-41099	26/02/2024	Jeffs Mechanical Service	GG028 - Service	677.05
EFT-41100	26/02/2024	JLT Risk Solutions Pty Ltd	Risk Co-ordinator fee July 2023 to June 2024	8,348.12
EFT-41101	26/02/2024	Jupiter Health and Medical Services (Lancelin Medical Centre)	Reimbursement of accommodation costs for Dr at Lancelin Medical Centre	800.00
EFT-41102	26/02/2024	Kim Lew	Reimbursement - A6864 Rates Paid Twice - New Owners paid incorrectly	1,490.00
EFT-41103	26/02/2024	Lancelin Trade and Rural Supplies	Lancelin Trading January 2024	767.25
EFT-41104	26/02/2024	Lesley Collins	Rate Refund Pension Rebate - A3231	124.50
EFT-41105	26/02/2024	Lorraine Bibby	Rate Refund Pension Rebate - A4955	778.68
EFT-41106	26/02/2024	McLeod's Barristers and Solicitors	Legal advice - various matters	4,737.70
EFT-41107	26/02/2024	Meredith Taylor	Reimbursement for "Name that Newsletter" staff competition prizes	111.95
EFT-41108	26/02/2024	Northern Valleys Fruit Pops	Kiosk items	162.00
EFT-41109	26/02/2024	Nutrien Water	Purchase reticulation materials for Gingin admin landscaping project.	1,248.66
EFT-41110	26/02/2024	Officeworks	Stationery Orders	568.37
EFT-41111	26/02/2024	PFD Food Services Pty Ltd	Pool - Kiosk items	659.93
EFT-41112	26/02/2024	Sarah During	Rate refund - A2577	117.00
EFT-41113	26/02/2024	Sunny Signs Company Pty Ltd	Self adhesive stickers x 2	9.90
EFT-41114	26/02/2024	Team Global Express Pty Ltd	Various freight charges	185.25
EFT-41115	26/02/2024	The National Trust of Western Australia	Gingin Railway Stn - Rent 28 February 2024 - 27 March 2024	255.37
EFT-41116	26/02/2024	Tiffany's Catering	Catering - Council Meeting	120.00
EFT-41117	26/02/2024	Usher Bay Pty Ltd T/As Lancelin Mechanical	Service to GG 043	613.50
EFT-41118	26/02/2024	Western Australian Local Government Association	Onsite delivery of Elected Member training - Planning Practices - Essentials	5,836.60
EFT-41119	29/02/2024	A2B Removals	Removalist fees for equipment and furniture, including insurance in preparation for works as per agreement.	5,513.75
EFT-41120	29/02/2024	Access Icon Pty Ltd T/As Cascada	Drainage covers, pits, soak wells- Weld Street	4,972.00
EFT-41121	29/02/2024	AFGRI Equipment Pty Ltd	GG001 - Minor service	3,082.46
EFT-41122	29/02/2024	AMPAC Debt Recovery WA Pty Ltd	Debt recovery costs	272.25
EFT-41123	29/02/2024	Avon Waste	Kerbside collection services - ongoing contract 2023/2024	20,824.95
EFT-41124	29/02/2024	Branches Holiday Homes	Police housing accommodation 18/12/2023 - 02/01/2024 (15 nights) Police housing accommodation 22/01/2024 - 29/01/2024 (7 nights) - Two properties	6,200.00
EFT-41125	29/02/2024	Brooks Hire Service	Water truck hire - Mooliabeenee	5,963.85
EFT-41126	29/02/2024	Brown Automotive Gingin	5Gg - Service ; GG013 - Service ; GG052 - Service ; GG046 - service	1,285.00
EFT-41127	29/02/2024	Bullsbrook Water Carriers	Supply 27kl potable water to Lancelin sport complex.	1,100.00
EFT-41128	29/02/2024	Bunnings Buildings Supplies Pty Ltd	Purchase various materials for Gingin admin landscaping project.	732.06
EFT-41129	29/02/2024	CB Traffic Solutions Pty Ltd	Traffic Management - 1st Jan - 15th Jan	27,039.93
EFT-41130	29/02/2024	Cellarbrations Gingin	8 x Bags of Ice, Refreshments for Council Meeting 20/02/2024	108.00
EFT-41131	29/02/2024	Colas Western Australia Pty Ltd	Additional m2 for the intersections above the tender	9,325.68
EFT-41132	29/02/2024	Conplant Pty Ltd	GG029 - Joy stick controller	3,474.88
EFT-41133	29/02/2024	Daimler Trucks Perth	Service- Air brake system fault	8,096.11
EFT-41134	29/02/2024	Department of Biodiversity, Conservation and Attractions	Annual rental - Lease 1922/100 01/01/2024 - 31/12/2024.	1,688.64
EFT-41135	29/02/2024	Department of Planning, Lands & Heritage - DPLH	A6793 - 22/23 Rates Incorrectly Billed	93.00
EFT-41136	29/02/2024	Eagleye Technical Services	Inspect faulty bore pump at the equestrian grounds repair to bore switch board to meet industry standards at Granville Park	440.00
EFT-41137	29/02/2024	Game Vault Perth	Deposit for Youth Event 10/04/2024	885.00
EFT-41138	29/02/2024	Gingin District Community Resource Centre Inc (CRC)	Advertising Council to Community Newsletter in Gingin Buzz	2,200.00
EFT-41139	29/02/2024	Gingin Florist	Norma Gray 100th birthday flowers	100.00
EFT-41140	29/02/2024	Gingin Fuel & Tyres	PGG02 Unleaded 10.4471 Liters (\$1.879/l) BBQ gas bottle for Aquatic Centre	64.13
EFT-41141	29/02/2024	Gingin Tree Services	Weld Street - Large section of Ficus trees / hedge cut to fence height and squared up all foliage / logs chipped and removed, pruned up and shaped. all foliage chipped and removed.	3,465.00
EFT-41142	29/02/2024	Gull Gingin Pty Ltd	Unleaded fuel reserve for small plant - Jerry cans, small plant vehicles, catering LEMC meeting	413.01
EFT-41143	29/02/2024	Hanson Construction Materials Pty Ltd	70 tonne 5ml aggregate	2,039.27
EFT-41144	29/02/2024	Henry Morris	2023/2024 Waste Facility Cell Management - Gingin/Seabird and Lancelin Facilities - ongoing contract	36,354.00
EFT-41145	29/02/2024	Hersey's Safety Pty Ltd	Safety equipment	3,814.84
EFT-41146	29/02/2024	Inline Farm Fencing	Wet hire of loader for firefighting operations	495.00
EFT-41147	29/02/2024	Kevin Vine	Cleaning for MIP	237.60
EFT-41148	29/02/2024	Landgate	Rental valuations chargeable schedule NO: G2023/11	484.35
EFT-41149	29/02/2024	LD Total	Mowing December	31,365.16
EFT-41150	29/02/2024	Local Government Professionals WA - LGPA	Employment advertisement - Environmental Health Officer on LG Pro website and Executive Manager Regulatory & Development Services on LG Pro website.	330.00
EFT-41151	29/02/2024	Lo-Go Appointments	Temp Contract - Community Development Officer	1,863.37
EFT-41152	29/02/2024	McLeod's Barristers and Solicitors	Various matters	599.50
EFT-41153	29/02/2024	Moore Catchment Council	23/24 Funding Assistance Scheme - Provision of environmental services	5,500.00
EFT-41154	29/02/2024	Moore River Music Club Inc	23/24 Community Grant - Moore River Music Festival	1,000.00

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

TYPE	DATE PAID	NAME	DETAILS	AMOUNT
EFT-41155	29/02/2024	Northern Valley News	2x Advertisements - Community Funding 2024/2025 - February & March Editions	450.00
EFT-41156	29/02/2024	Novatec Energy Solutions Pty Ltd	Replace split system A/C and inspect faulty air con in finance office and issue a report on condition	3,305.50
EFT-41157	29/02/2024	Plumb It Right Pty Ltd	Guilderton Caravan Park- Plumbing, out off hour emergency call out for all toilets and showers blocked in ablution block. Found sewer pump not working, used hydraulic manhole lifter to safely lift lids to gain access to pumps.	715.00 L
EFT-41158	29/02/2024	RingCentral Australia Pty Ltd	Administration phone system	3,701.15
EFT-41159	29/02/2024	Seabird Progress and Sports Association Inc	23/24 Community Grants - Seabird Summer Splashdown	1,000.00
EFT-41160	29/02/2024	Shana-Kura Derench	Design of materials for Lancelin Arts Festival, Youth Week and Volunteers Week	480.00 L
EFT-41161	29/02/2024	Sonic Health Plus Pty Ltd	Pre employment medical - Probationary Ranger	399.30
EFT-41162	29/02/2024	Stewart & Heaton Clothing Co Pty Ltd	Fire fighter ppe/ppc	373.47
EFT-41163	29/02/2024	Team Global Express Pty Ltd	Various freight charges	696.15
EFT-41164	29/02/2024	Thomas Kusters	Connect and install water service to Ledge depot.	811.00 L
EFT-41165	29/02/2024	T-Quip	Service/ oil leak	2,636.40
EFT-41166	29/02/2024	Wayne Connelly	A5935 - Rates Refund	86.29
EFT-41167	29/02/2024	Western Australian Local Government Association	Short Course - The Role of Mayors and Presidents	434.50
EFT-41168	29/02/2024	Zipform	Courier for envelope overs	66.00
EFT TOTAL				1,887,310.98
CHEQUES				
CHQ	12/02/2024	Shire of Gingin (Petty Cash)	Replenishment of petty cash float January 2024	400.05
CHEQUES TOTAL				400.05
DIRECT DEBIT				
DE-4484	1/02/2024	Precision Administration Services Pty Ltd	Payroll deduction for PE: 01/02/2024	31,436.66
PAY-104	1/02/2024	Shire of Gingin	Net Pays for PE 30/01/2024	176,978.61
DE-4485	1/02/2024	Department of Transport	Department of Transport - Police Licensing DOT	3,337.85
DE-4487	1/02/2024	Bendigo Bank	Bendigo Bank - BPay Biller Fee	597.52
DE-4488	1/02/2024	Bendigo Bank	Bendigo Bank - De Fees	16.05
DE-4489	1/02/2024	Bendigo Bank	Bendigo Bank - Fts De Process Gst	7.19
DE-4490	1/02/2024	Bendigo Bank	Bendigo Bank: Transfer Fees	62.50
DE-4501	1/02/2024	Go Go Media	Monthly on-hold messages service February 2024	75.90
DE-4386	1/02/2024	Synergy	749 590 200 - Electricity - 09.11.2023 - 10.01.2024 Gingin Constable St Park	113.82
DE-4486	2/02/2024	Department of Transport	Department of Transport - Police Licensing DOT - 31.01.2024	2,577.30
DE-4494	2/02/2024	Department of Justice	Lodgement fee for registering Invoice 32318704	171.70
DE-4495	2/02/2024	Bendigo Bank	Bendigo Bank: Tyro Fees Dec23	66.00
DE-4496	2/02/2024	Bendigo Bank	Bendigo Bank: Tyro Fees Dec23	859.51
DE-4497	2/02/2024	Bendigo Bank	Bendigo Bank: Tyro Fees Dec23	86.56
DE-4401	2/02/2024	Synergy	803 650 860 - Electricity - 14.12.2023 - 10.01.2024 - Guilderton Holiday Park	5,633.54
DE-4502	3/02/2024	Western Australian Treasury Corporation	LN-126-Gingin Aquatic Centre Tiling Repayment: 16	8,779.98
DE-4481	5/02/2024	HP Financial Services (Australia) Pty Ltd	Printer Develop Ineo 958 Monthly payment	705.40
DE-4504	5/02/2024	Bendigo Bank	Bendigo Bank: Merchant Fee Test	2.00
DE-4505	5/02/2024	Department of Transport	Department of Transport - Police Licensing DOT - 01.02.2024	2,040.45
DE-4406	5/02/2024	Synergy	892 753 630 - Electricity - 11.01.2023 - 12.01.2023 - Gingin Recreation Ground	1,707.38
DE-4403	5/02/2024	Synergy	569 943 230 - Electricity - 09.11.2023 - 10.01.2024 Gingin Depot	976.12
DE-4405	5/02/2024	Synergy	832 987 230 - Electricity - 09.11.2023 - 10.01.2024 - Gingin	379.86
DE-4414	5/02/2024	Synergy	387 083 850 - Electricity - 11.11.2023 - 12.01.2024 - Gingin Railway Station	360.12
DE-4408	5/02/2024	Synergy	270 788 950 - Electricity - 10.11.2023 - 10.01.2024 - CEO Residence	203.45
DE-4407	5/02/2024	Synergy	329 288 310 - Electricity - 10.11.2023 - 10.01.2024 -, Gingin	112.55
DE-4404	5/02/2024	Synergy	338 814 320 - Electricity - Gingin	109.77
DE-4402	5/02/2024	Synergy	928 598 050 - Electricity - 09.11.2023 - 10.11.2024 - Gingin Pioneer Pavilion	73.28
DE-4506	5/02/2024	Bendigo Bank	Bendigo Bank: De Fees	4.50
DE-4507	5/02/2024	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	39.99
DE-4508	5/02/2024	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	214.15
DE-4509	5/02/2024	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	1,210.67
DE-4510	5/02/2024	Bendigo Bank	Bendigo Bank: CBA Merchant Fee	1,849.90
DE-4511	5/02/2024	Telstra	486 9948 600 - Telstra to 13.01.20243 - Guilderton Caravan Park	240.00
DE-4531	5/02/2024	Water Corporation	90 07260 28 7 - Water - 15.11.2023 - 18.01.2024 - 67kL@\$2.8670	177.18
DE-4564	5/02/2024	Water Corporation	90 07259 58 5 - Water - 15 Nov 2023 - 18 Jan 2024 92 kL at \$1.9530	226.01
DE-4567	5/02/2024	Water Corporation	90 07260 03 3 -15 Nov 2023 - 18 Jan 2024 12 kL at \$1.9530 \$23.44, 150 kL at \$2.6020 \$390.30, 250 kL at \$5.7750\$1,443.75, 143 kL at \$9.9300 \$1,419.99	3,323.81
DE-4562	5/02/2024	Water Corporation	90 07259 90 5 - Water - 15 Nov 2023 - 18 Jan 2024 59 kL at \$1.9530	161.56
DE-4499	6/02/2024	Credit Card - EMCCS	CESM/CBFCO - Credit Card Purchases January 2024 Unleaded 37.25L	1,687.60
DE-4423	6/02/2024	Synergy	285 816 500 - Electricity - 14.12.2023 - 10.01.2024 Granville Civic Centre	2,153.44
DE-4421	6/02/2024	Synergy	123 649 900 - Electricity - 10.11.2023 - 11.01.2024 - Standpipe	1,263.05
DE-4422	6/02/2024	Synergy	107 291 460 - Electricity - 11.11.2023 - 11.01.2024 - Gingin Tip	310.07
DE-4512	6/02/2024	Bendigo Bank	Bendigo Bank: De Fees	3.60
DE-4513	6/02/2024	Department of Transport	Department of Transport - Police Licensing DOT - 02.02.2024	3,817.00
DE-4516	7/02/2024	Department of Transport	Department of Transport - Police Licensing DOT - 05.02.2024	7,140.65
DE-4517	7/02/2024	Bendigo Bank	Bendigo Bank: De Fees	3.00
DE-4420	7/02/2024	Synergy	285 816 690 - Electricity - 14.12.2023 - 10.01.2024 - Gingin Aquatic Centre	2,528.64
DE-4518	7/02/2024	Synergy	803 180 850 - Electricity - 14.12.2023 - 10.01.2024	1,154.62
DE-4519	8/02/2024	Department of Transport	Department of Transport - Police Licensing DOT - 06.02.2024	9,669.25

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

TYPE	DATE PAID	NAME	Payment Category	DETAILS	AMOUNT
DE-4419	8/02/2024	Synergy	L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	211 396 890 - Electricity - 16.11.2023 - 17.01.2024 - Wangaree Community Centre	535.36
DE-4416	8/02/2024	Synergy		120 900 800 - Electricity - 16.11.2023 - 17.01.2024 - Wangaree Park Lancelin	519.79
DE-4418	8/02/2024	Synergy		788 472 510 - Electricity - 16.11.2023 - 17.01.2024 - Harold Park Lancelin	454.66
DE-4520	8/02/2024	Synergy		182 037 150 - Electricity - 16.11.2023 - 17.01.2024 - Lancelin Shire Office	837.28
DE-4522	9/02/2024	Water Corporation		90 07262 23 1 - Water - 14.11.2023 - 18.01.2024 14kL @ 2.8670 Railway Station	40.14
DE-4523	9/02/2024	Water Corporation		90 07261 73 0 - Water - 15.01.2023 - 18.01.2024 - Lions Men in Sheds 4kL@2.8670	11.47
DE-4530	9/02/2024	Water Corporation		90 07262 25 8 - Water - 14.11.2023 - 18.01.2024 - MUSEUM - 5kL@2.8670	14.34
DE-4532	9/02/2024	Water Corporation		90 07261 46 6 - Water - 15.11.2023 - 18.01.2024 - Art Gallery - 205kL@2.8670	2,134.39
DE-4559	9/02/2024	Helen Sampson		Management of the Gingin Waste Facility ongoing contract 2022/2024	2,538.46
DE-4560	9/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 07.02.2024	1,942.30
DE-4428	9/02/2024	Synergy		135 163 910 - Electricity - 17.11.2023 - 20.03.2024 - Lancelin / Ledge Point Depot	224.44
DE-4430	9/02/2024	Synergy		226 673 150 - Electricity - 16.11.2023 - 17.01.2024 -Lancelin South Public Open Space	355.19
DE-4431	9/02/2024	Synergy		376 853 180 - Electricity - 22.12.2023 - 18.01.2024 - Gingin Colocation Fire Facility	1,241.81
DE-4561	9/02/2024	Water Corporation		90 07265 71 5 - Water - 20.11.2023 - 23.01.2024 - Guilderton Caravan Park Residence	1,717.79
DE-4565	9/02/2024	Water Corporation		90 07263 31 4 - Water - 14 Nov 2023 - 18 Jan 2024 - 576 kL at \$2.8670 - Gingin	1,700.62
DE-4566	9/02/2024	Water Corporation		90 07262 28 2 - Water - 14 Nov 2023 - 18 Jan 2024 194 kL at \$2.8670 Gingin Aquatic	556.20
DE-4534	10/02/2024	Telstra		334 8777 339 - Telstra - to 21.01.2024 - Mobile Telephone Account Allocations	907.86
DE-4535	10/02/2024	Telstra		161 4466 975 - Telstra - TIM Messaging to 21.01.2024	2,427.73
DE-4427	12/02/2024	Synergy		235 925 790 - Electricity - 15.11.2023 - 18.01.2024 - Grace Darling Park	318.76
DE-4524	12/02/2024	Water Corporation		90 07261 08 7 - Water - 16.11.2023 - 19.01.2024 -Playgroup 120kL @#2.8670	344.04
DE-4525	12/02/2024	Water Corporation		90 07260 71 1 - Water - 16.11.2023 - 19.01.2024 Aged Units Gingin - 74kL@2.8670	212.16
DE-4526	12/02/2024	Water Corporation		90 07260 68 2 - Water - 16.11.2023 - 19.01.2024 - Treasure Trove - 1kL@2.8670	5.74
DE-4527	12/02/2024	Water Corporation		90 07261 38 6 - Water - 16.11.2023 - 19.01.2024 - Gingin Administration Office - 201kL@2.8670	576.27
DE-4528	12/02/2024	Water Corporation		90 07261 13 2 - Water - 16.11.2023 - 19.01.2024 - Line Yard 61kL@2.8670	174.89
DE-4529	12/02/2024	Water Corporation		90 07261 17 5 - 16.11.2023 - 19.01.2024 - Gingin CWA 19kL@2.8670	54.47
DE-4536	12/02/2024	Telstra		332 1096 000 - Telstra - to 13.01.2024 - Group Plan	840.32
DE-4424	12/02/2024	Synergy		937 316 820 - Electricity - 18.11.2023 - 19.01.2024 - Key Biscayne Park Ledge Point	772.45
DE-4425	12/02/2024	Synergy		265 816 880 - Electricity - 22.12.2023 - 18.01.2024 - Ledge Point Golf Club	1,721.42
DE-4426	12/02/2024	Synergy		322 473 230 - Electricity - 18.11.2023 - 19.01.2024 - Ledge Point Recreation Ground	463.77
DE-4568	12/02/2024	Bendigo Bank		Bendigo Bank: De Fees	5.25
DE-4570	12/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 08.02.2024	3,567.95
DE-4571	12/02/2024	Water Corporation		90 13060 50 5 - Water - 16 Nov 2023 - 19 Jan 2024 127 kL at \$9.4510 - Gingin Medical Centre	1,249.51
DE-4415	13/02/2024	Synergy		801 430 010 - Electricity - 18.11.2023 - 19.01.2024 - Aged Units - Lancelin	157.71
DE-4434	13/02/2024	Water Corporation		90 07314 19 3 - Water Corp - 20.11.2023 - 22.01.2024 336kl @ \$2.8670	963.31
DE-4436	13/02/2024	Water Corporation		90 21402 73 9 - Water Corp - St John Ambulance - 20.11.2023 - 22.01.2024 - 14kL at \$2.8670	40.14
DE-4435	13/02/2024	Water Corporation		90 07317 09 5 - Water Corp - Standpipe - 20.11.2023 - 22.01.2024 - 22kL at \$2.8670	63.07
DE-4572	13/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 09.02.2024	11,890.25
DE-4515	14/02/2024	Credit Card - EMO		EMO - Credit Card purchases for January 2024	502.80
DE-4514	14/02/2024	Credit Card - CEO		CEO - Credit Card purchases for January 2023	1,177.33
DE-4500	14/02/2024	Credit Card - EMRDS		EMRDS - Credit Card Purchases January 2024	225.00
DE-4498	14/02/2024	Credit Card - CESM		CESM/CBFCO Credit Card purchases -January 2024 Diesel 54.508L	167.96
DE-4533	14/02/2024	Synergy		319 788 270 - Electricity - 22.11.2023 - 22.01.2024 - Ledge Point Ablution Block	186.10
DE-4573	14/02/2024	Guilderton Holiday Park		Reservation number 424118	54.50
DE-4574	14/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 12.02.2024	3,247.80
DE-4591	14/02/2024	Water Corporation		90 07264 54 4 - Water - 20 Nov 2023 - 23 Jan 2024 49 kL at \$2.8670 - Ablution Block - Guilderton Foreshore	140.48
DE-4592	14/02/2024	Water Corporation		90 07265 72 3 - Water - 20 Nov 2023 - 23 Jan 2024 189 kL at \$2.8670 - Guilderton	541.86
DE-4593	14/02/2024	Water Corporation		90 07265 70 7 - Water - 20 Nov 2023 - 23 Jan 2024 84 kL at \$7.9710 - Shop Guilderton	718.79
DE-4594	14/02/2024	Water Corporation		90 07265 88 9 - Water - 21 Nov 2023 - 23 Jan 2024 8223 kL at \$2.8670 - Guilderton Caravan Park	23,575.34
DE-4595	14/02/2024	Water Corporation		90 07265 85 4 - Water - 20 Nov 2023 - 23 Jan 2024 8 kL at \$2.8670 - Guilderton Hall	72.17
DE-4503	15/02/2024	Western Australian Treasury Corporation (WATC)		LN-111-Wannamal Repayment: 35	23,380.02
DE-4596	15/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 13.02.2024	2,870.80
DE-4598	15/02/2024	Bendigo Bank		Bendigo Bank: Fees	15.75
DE-4601	15/02/2024	Bendigo Bank		Bendigo Bank, Bendigo Bank: (T) BPNT DIR DR Trans Fees	58.59
DE-4602	15/02/2024	Precision Administration Services Pty Ltd		Payroll deduction for PE: 15/02/2024	31,347.66
PAY-105	15/02/2024	Shire of Gingin		Net Pays for PE 13/02/2024	166,472.76
DE-4633	15/02/2024	Water Corporation		90 13198 14 1 - Water - 22 Nov 2023 - 24 Jan 2024 94 kL at \$2.8670 - Gabbadah Park	269.50
DE-4597	16/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 14.02.2024	4,730.35
DE-4599	16/02/2024	Bendigo Bank		Bendigo Bank: Fees	7.05
DE-4618	17/02/2024	Business Service Brokers T/A TeleChoice		Mobile charges for the period 01/02/2024 - 29/02/2024	195.30
DE-4624	19/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 15.02.2024	3,265.60
DE-4629	19/02/2024	Water Corporation		90 23157 82 9 - Water - 22 Nov 2023 - 25 Jan 2024 - Seabird	17.20
DE-4630	19/02/2024	Water Corporation		90 07309 73 0 - Water - 22 Nov 2023 - 25 Jan 2024 - Douglas Park, Seabird	447.25
DE-4625	20/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 16.02.2024	4,196.40
DE-4634	20/02/2024	Bendigo Bank		Bendigo Bank: De Fees	4.80
DE-4635	20/02/2024	Bendigo Bank		Bendigo Bank: Windcave	0.03
DE-4555	21/02/2024	Water Corporation		90 07292 88 7 - Water - 23 Nov 2023 - 30 Jan 2024 35 kL at \$2.8670 - Ablution Block - Ledge Point	100.35
DE-4556	21/02/2024	Water Corporation		90 07293 82 0 - 23 Nov 2023 - 30 Jan 2024 225 kL at \$2.8670 -Ledge Point Country Club	645.08
DE-4557	21/02/2024	Water Corporation		90 07293 83 9 - 23 Nov 2023 - 30 Jan 2024 45 kL at \$2.8670 - L381 Ledge Point	129.02
DE-4558	21/02/2024	Water Corporation		90 10083 72 8 - Water - 23 Nov 2023 - 30 Jan 2024 56 kL at \$2.8670 - Hydrant Reserve	160.55
DE-4626	21/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 19.02.2024	3,969.95
DE-4636	21/02/2024	Water Corporation		90 18529 24 5 - Water - 23 Nov 2023 - 30 Jan 2024 41 kL at \$2.8670 - Foreshore - Ledge	120.42
DE-4545	22/02/2024	Synergy		301 688 750 - Electricity - 3 Jan 2024 - 01 Feb 2024 - Granville Park Gingin	133.58
DE-4553	22/02/2024	Water Corporation		90 07282 42 7 - Water - 27 Nov 2023 - 31 Jan 2024 210 kL at \$2.8670 - Grace Darling	739.09
DE-4575	22/02/2024	Water Corporation		90 10957 08 5 - Water - 1 Jan 2024 - 29 Feb 2024 - Aged Units - Lancelin	46.33
				Service charge for 1 connection \$46.33	

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

TYPE	DATE PAID	NAME	Payment Category L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	DETAILS	AMOUNT
DE-4576	22/02/2024	Water Corporation		90 17163 58 7 - Water -29 Nov 2023 - 5 Feb 2024 150 kL at \$1.9530 Aged Units - Lancelin	292.95
DE-4577	22/02/2024	Water Corporation		90 10678 72 1 - Water -29 Nov 2023 - 5 Feb 2024 31 kL at \$1.9530 - Aged Units - Lancelin	286.68
DE-4578	22/02/2024	Water Corporation		90 10678 71 3 - Water - 29.11.2023 - 05.02.2024 63kL@\$1.9530 - Aged Units - Lancelin	317.93
DE-4579	22/02/2024	Water Corporation		90 17169 29 2 - Water - 29 Nov 2023 - 5 Feb 2024 15 kL at \$1.9530 Aged Units - Lancelin	271.06
DE-4580	22/02/2024	Water Corporation		90 17169 28 4 - Water - 29 Nov 2023 - 5 Feb 2024 18 kL at \$1.9530 Aged Units - Lancelin	291.56
DE-4581	22/02/2024	Water Corporation		90 10678 70 5 - Water - 29 Nov 2023 - 5 Feb 2024 16 kL at \$1.9530 Aged Units - Lancelin	287.66
DE-4582	22/02/2024	Water Corporation		90 10678 69 2 - Water - 29 Nov 2023 - 5 Feb 2024 7 kL at \$1.9530 Aged Units - Lancelin	263.24
DE-4583	22/02/2024	Water Corporation		90 10678 68 4 - Water - 29 Nov 2023 - 5 Feb 2024 30 kL at \$1.9530 - Aged Units - Lancelin	315.00
DE-4587	22/02/2024	Water Corporation		90 17169 32 1 - Water - 29 Nov 2023 - 5 Feb 2024 7 kL at \$1.9530 Aged Units - Lancelin	270.08
DE-4588	22/02/2024	Water Corporation		90 17169 31 3 - Water - 29 Nov 2023 - 5 Feb 2024 20 kL at \$1.9530 - Aged Units - Lancelin	295.47
DE-4589	22/02/2024	Water Corporation		90 17169 27 6 - Water - 29 Nov 2023 - 5 Feb 2024 7 kL at \$1.9530 Aged Units - Lancelin	263.24
DE-4590	22/02/2024	Water Corporation		90 17169 30 5 - Water - 29 Nov 2023 - 5 Feb 2024 4 kL at \$1.9530 - Aged Units - Lancelin	264.22
DE-4623	22/02/2024	Vocus Communications		Gingin Administration Office & Gingin Colocation Fire Facility - Fibre Internet & IP Allocation - 01 Feb 2024 - 29 Feb 2024	1,769.90
DE-4627	22/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 20.02.2024	4,596.25
DE-4637	22/02/2024	Helen Sampson		Management of the Gingin Waste Facility -ongoing contract 2022/2024	2,538.46
DE-4548	23/02/2024	Water Corporation		90 07281 69 4 - Water - 27 Nov 2023 - 1 Feb 2024 243 kL at \$2.8670 - Toilets	696.68
DE-4550	23/02/2024	Water Corporation		90 07284 56 1 - Water - 28 Nov 2023 - 1 Feb 2024 52 kL at \$2.8670 - Wangaree Community Centre	149.08
DE-4551	23/02/2024	Water Corporation		90 07284 68 4 - Water - 27 Nov 2023 - 1 Feb 2024 127 kL at \$2.8670 - Lancelin Hinchliffe Hall	610.34
DE-4552	23/02/2024	Water Corporation		90 13899 93 3 - Water - 28 Nov 2023 - 1 Feb 2024 120 kL at \$2.8670 - Ablution Block-Lancelin Back Beach	344.04
DE-4628	23/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 21.02.2024	965.85
DE-4638	23/02/2024	Bendigo Bank		Bendigo Bank: De Fees	3.90
DE-4537	24/02/2024	Australia Post		Postage charges up to January 2024	1,475.39
DE-4549	26/02/2024	Water Corporation		90 14617 78 2 - Water - 24 Nov 2023 - 2 Feb 2024 477 kL at \$2.8670 - Seaview Park Community Hall	1,367.56
DE-4639	26/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 22.02.2024	929.75
DE-4640	26/02/2024	Westnet Internet Services		Internet Services - CEO Residence - 27 Feb 2024 to 26 Mar 2024	74.99
DE-4544	27/02/2024	Synergy		669 547 310 - Electricity - 14 Nov 2023 - 15 Jan 2024 - Frogmore Depot	402.26
DE-4584	27/02/2024	Water Corporation		90 07286 50 8 - Water - 28 Nov 2023 - 5 Feb 2024 133 kL at \$2.8670 - Lancelin Pioneer Park	562.01
DE-4585	27/02/2024	Water Corporation		90 07285 86 3 - Water - 29 Nov 2023 - 5 Feb 2024 36 kL at \$2.8670 - Lancelin / Ledge Point Depot	103.21
DE-4586	27/02/2024	Water Corporation		90 07284 13 1 - Water - 29 Nov 2023 - 5 Feb 2024 23 kL at \$2.8670 Lancelin Hall	181.12
DE-4643	27/02/2024	Bendigo Bank		Bendigo Bank: De Fees	5.85
DE-4644	27/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 23.02.2024	2,634.20
DE-4540	28/02/2024	Synergy		328 979 240 - Electricity - 06 Dec 2023 - 07 Feb 2024 - Ablution Block - Tully View	142.36
DE-4645	28/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 26.02.2024	2,918.00
DE-4538	29/02/2024	Water Corporation		90 14990 89 4 - Water - 1 Dec 2023 - 7 Feb 2024 Ocean Farm Fire Shed -205 kL	587.74
DE-4539	29/02/2024	Water Corporation		90 18507 03 8 - Water - 1 Dec 2023 - 7 Feb 2024 3 kL at \$2.8670 - LGA RES 35092	11.47
DE-4541	29/02/2024	Synergy		948 161 960 - Electricity - 25 Oct 2023 - 24 Nov 2023	12,168.93
DE-4542	29/02/2024	Synergy		948 161 960 - Electricity - 25 Nov 2023 - 24 Dec 2023	11,801.49
DE-4543	29/02/2024	Synergy		948 161 960 - Electricity - 25 Dec 2023 - 24 Jan 2024	11,985.20
DE-4614	29/02/2024	Synergy		836 441 510 - Electricity - 06 Dec 2023 - 05 Feb 2024 - Redfield Park Fire Station	897.13
DE-4615	29/02/2024	Synergy		520 356 120 - Electricity - 06 Dec 2023 - 05 Feb 2024 - Sovereign House & Ablution	201.44
DE-4616	29/02/2024	Synergy		187 761 900 - Electricity - 06 Dec 2023 - 05 Feb 2024 - Sovereign Hill Playground	239.49
DE-4649	29/02/2024	QPC Group		1x Develop Ineo 958 Printer S/N: A796141000030 Black Click Charges 18,375x	192.02
DE-4650	29/02/2024	Telstra		2000 43467 4378 INV187 9728 008 - 05.01.2024 - 04.02.2024 - Seabird Fire Shed	102.20
DE-4651	29/02/2024	Bendigo Bank		Bendigo Bank: De Fees	16.05
DE-4652	29/02/2024	Department of Transport		Department of Transport - Police Licensing DOT - 27.02.2024	2,995.15
DE-4648	29/02/2024	Precision Administration Services Pty Ltd		Payroll deduction for PE: 29/02/2024	31,609.57
PAY-106	29/02/2024	Shire of Gingin		Net Pays for PE 27/02/2024	164,147.41

**DIRECT
DEBIT
TOTAL**

853,010.21

**TERM
DEPOSIT
INVESTME
NTS**

**TERM
DEPOSIT
INVESTME
NTS
TOTAL**

0.00

MINUTES ORDINARY COUNCIL MEETING 19 MARCH 2024

APPENDIX 13.3.1

Payments made under Delegated Authority 2.1 Payment of Creditors for the period 01/02/2024 - 29/02/2024

			Payment Category	
			L - Local, R - Reimbursement, F - Funded, S - Staff, PF - Partially Funded, C - Councillor	
TYPE	DATE PAID	NAME	DETAILS	AMOUNT
TOTAL MUNICIPAL				2,740,721.24
RESERVE - TERM DEPOSIT INVESTMENT				
RESERVE - TERM DEPOSIT INVESTMENT TOTAL				0.00
TOTAL EXPENDITURE				2,740,721.24
CREDIT CARD BREAK-UP				
January	CEO	Quest Apartments Mailchimp Gingin Recreation Group Inc Bendigo Bank	Accommodation DOT Training Monthly subscription - December 2023 Hire of Bendigo Complex - Avon Midland Country Zone Meeting Credit Card- Bendigo Bank Fee- December 2023	949.53 113.80 110.00 4.00 <u>1,177.33</u>
	EMCCS	Campbells Fuel Management Technology Crystal Technologies EG Group Bendigo Bank	Aquatic Centre Kiosk items Fuel Management vehicle tags Paper cups for water dispenser Fuel 9GG Credit Card- Bendigo Bank Fee- December 2023	1,277.20 209.00 130.39 67.01 4.00 <u>1,687.60</u>
	EMRDS	Kmart Survey Monkey Bendigo Bank	Australia Day flowers 1 Month subscription Credit Card- Bendigo Bank Fee- December 2023	131.00 90.00 4.00 <u>225.00</u>
	EMO	Angad Gingin Try Booking Toodyay Bakery Caltex Bendigo Bank	Catering - End of year Depo Level 1 bridge inspection Catering Diesel 5GG Credit Card- Bendigo Bank Fee- December 2023	209.50 100.50 94.90 93.90 4.00 <u>502.80</u>
	CESM	Gingin Trading Gingin Fuel and Tyres Bendigo Bank	Cleaning supplies & camlock poly fitting Diesel PGG06 Credit Card- Bendigo Bank Fee- December 2023	60.45 103.51 4.00 <u>167.96</u>
	Total			<u><u>3,760.69</u></u>
PUMA January		WEX Australia	GG05 - 165.02L GG005 - 57.33L GG033 - 172.50L GG034 - 31.94L GG.69 - 40.29L GG077 - 75.06L 4GG - 54.59L PGG051 - 49.31L GG06 - 99.49L Plant Item - Diesel - 461.78L Card Fees	314.37 112.88 367.00 68.36 76.51 147.04 110.38 105.02 194.40 967.56 2.50 <u>2,466.02</u>
	Total			<u><u>2,466.02</u></u>

13.4 LANCELIN COMMUNITY AND SPORTING CLUB TRANSFER OF FUNDS REQUEST

File	CSV/43
Author	Cher Groves - Recovery and Leasing Officer
Reporting Officer	Les Crichton - Executive Manager Corporate and Community Services
Refer	N/A
Appendices	<ol style="list-style-type: none"> 1. LLFC Playground Concept Plan 1 [13.4.1 - 5 pages] 2. Pump Shed Concept Plan [13.4.2 - 6 pages] 3. Bus Shed Door Concept Plan [13.4.3 - 5 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider three Concept Enquiries from the Lancelin Community and Sporting Club Inc.

1. Playground Equipment
2. Pump Shed and Retaining
3. Shed Door

with funding to be transferred from the Tower Fund to cover the project costs.

BACKGROUND

The Lancelin Sporting Complex is located within Reserve 28303. The reserve is vested in the care, control, and management of the Shire of Gingin and is leased to the Lancelin Community Sporting Club Inc (LCSCI). The reserve accommodates an 18-hole golf course, a clay target facility, an outdoor multipurpose court (netball/basketball/tennis), football ground and clubroom, and the Lancelin Sporting Complex. The complex includes a club room, kitchen, cool room, multipurpose indoor court (basketball etc.) toilets and change rooms.

The permitted purpose of the lease is sporting and recreation for the members of the Lessee and Lessee's guests and uses reasonably ancillary thereto. The provision of a playground aligns with this purpose.

As a facility included within Lancelin, development of the Lancelin Sporting Complex and Grounds is also guided by the Upper Coastal Sporting Facilities Master Plan adopted by Council at its Ordinary Meeting held on 19 October 2021. The Master Plan has had several changes, the latest presented to Council on 21 February 2023, where Council resolved to:

1. Endorse the following changes to the Upper Coastal Sporting Facilities Master Plan Stage 1 from

<i>Current Master Plan – Stage 1</i>
<i>Second multi-court (netball/basketball) – Lancelin</i>
<i>Plus, additional line marking to existing netball court</i>
<i>Sports lighting to outdoor courts (subject to power source)</i>
<i>Disabled access ramp (upper to mid-level)</i>
<i>Lighting to football oval – 3 No (subject to power source)</i>
<i>Resurfacing 3 existing courts (excludes fencing)</i>
<i>Lighting to 3 existing courts (subject to power source)</i>

to

<i>Revised Master Plan – Stage 1</i>
<i>Second multi-court (netball/basketball) – Lancelin</i>
<i>Inclusion of Lancelin Golf Club</i>
<i>Inclusion of Lancelin Bowling Club</i>
<i>Disabled access ramp (upper to mid-level) – Lancelin</i>
<i>Lighting to football oval – 3 No (subject to power source) - Lancelin</i>
<i>Synthetic Bowling Green – 10 Rink – Lancelin</i>
<i>Additional golf cart storage – Lancelin</i>
<i>Relocation of Pegasus Gun Club – Lancelin</i>

2. Review the timing of the installation of a path between Lancelin Townsite and the Lancelin Sporting Complex within its footpath program priorities.
3. Finalise the identification of available land (if any) as potential sites for the relocation of the Pegasus Shooting Club on or before 30 June 2023.
4. Include the Lancelin Sporting and Community Club in its consultation with the development of the Lancelin South as it relates to the provision of sporting facilities within and adjacent to the development area.

COMMENT

Three Concept Enquiries

1. Playground Equipment (see **Appendix 1**)
2. Pump Shed (see **Appendix 2**)
3. Shed Door (see **Appendix 3**)

have been received from the Lancelin Community and Sporting Complex Inc. (LCSC) requesting for funds to be released from the Lancelin Community Sport and Recreation Reserve to fund the three projects.

The Lancelin Community Sport and Recreation Reserve was originally created to assist in providing financial support for upgrades to the Lancelin Community and Sporting Complex. Funds are derived from lease payments received from the telecommunications towers located on the reserve, and the fund has a current balance of \$127,868.59.

Project 1 – Playground Equipment

To replace the playground equipment that services the football oval and netball courts.

The applicant states that the Lancelin Ledge Point Pirates Football Club (LLPPFC) will be responsible for the maintenance and safety checks for the proposed playground. This group was responsible for the maintenance of the previous playground equipment which was removed in 2023 as it had become rusted and unsafe for public use.

Installation, but not funding, of the previous playground by the LCSC was approved by Council in March 2012 subject to the club undertaking regular maintenance to limit possible injury and failure of the structure due to the close proximity to the ocean.

There are approximately five winter sports fixtured home games for the Lancelin Ledge Point Pirates Football, Hockey, and Netball Clubs in 2024 plus the Grand Final for the Central Midlands Association.

The proposal has been reviewed by the Executive Management Team and supported conditional on maintenance and replacement of the equipment being responsibility of the LCSC/LLPPFC.

Estimated costs \$35,409

Request for \$23,606 (2/3 of project costs) to be funded by the Lancelin Community Sport and Recreation Reserve.

Project 2 – Pump Shed

To replace the rusted-out pump shed that is protecting the potable water pump.

The Shire received a request in 2021 to replace the shed however given funding was provided by Council for the pumps some years earlier, the request was not supported.

Further deterioration of the shed has rendered it irreparable, and this application seeks to replace it, together with appropriate retaining.

The proposal has been reviewed by the Executive Management Team and supported conditional on maintenance and replacement of the shed being responsibility of the LCSC.

Estimated costs \$7,610

Request for \$7,610 to be funded by the Lancelin Community Sport and Recreation Reserve.

Project 3 – Shed Door

To install a personnel door in the bus shed, as the roller door is electric with no means of opening the door when there is no power.

The proposal has been reviewed by the Executive Management Team and not supported as the Community Bus is revenue generating and should assist with this purpose.

Estimated costs \$2,004

Request for \$2,004 to be funded by the Tower Fund.

It should be noted these proposed projects are not referenced within the Upper Coastal Sporting Facilities Master Plan, and a number of other projects were identified during its development as higher priority works. These include upgrade of the multipurpose courts, lights for the football grounds, and universal access from the upper to mid-level areas.

With implementation of the Upper Coastal Sporting Facilities Master Plan dependent on the success of attracting external funding, it was critical for the Master Plan to be developed in accordance with funding eligibility criteria, in particular the State Government's Community Sporting and Recreation Facilities Fund (CSRFF) guidelines. Priority consideration for CSRFF funding will be given to:

- New or upgraded facilities which will maintain or increase physical activity or result in a more rational use of facilities;
- Projects that lead to facility sharing and rationalisation; and
- Multi-purpose facilities that reduce the infrastructure required to meet similar needs and increase sustainability.

The proposals do not appear to demonstrate an ability to meet any of the above criteria.

STATUTORY/LOCAL LAW IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 3.17 – Asset Management

Shire of Gingin Upper Coastal Sporting Facilities Master Plan

BUDGET IMPLICATIONS

Project 1 . proposes a sum of \$23,606 to be funded by the Lancelin Community Sport and Recreation Reserve.

Project 2. proposes a sum of \$7,610 to be funded by the Lancelin Community Sport and Recreation Reserve.

The two supported Concept Enquiries proposes a total cost of \$43,019 to undertake the proposed upgrades with \$31,216 to be funded by the Lancelin Community Sport and Recreation Reserve.

As there is no provision within the Shire’s 2023/24 Budget for these contributions, the Budget will require amendment to recognise the unbudgeted expense and use of Reserve funding.

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	2. Connections & Wellbeing - Grow and Nurture Community Connectedness and Wellbeing
Strategic Objective	1.5 Infrastructure Investment - Lobby State and Federal Government to establish infrastructure and development opportunities in our Shire

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

SUBSTANTIVE MOTION/OFFICER RECOMMENDATION

Councillor Weeks foreshadowed his intention to move an Alternative Motion to approve the release of funds from the Lancelin Community Sport and Recreation Reserve for installation of a personnel door in the bus shed should the motion under debate be lost.

MOVED: Councillor Kestel SECONDED: Councillor Balcombe

That Council

1. Agree to the request by the Lancelin Community Sporting Club Inc. for the release of \$31,216 from the Lancelin Community Sport and Recreation Reserve to contribute:

- a. \$23,606 towards the \$35,409 cost to install a new playground
- b. \$7,610 to replace the pump shed;

on condition that the LCSC and its member clubs be responsible for the ongoing maintenance and replacement of this equipment.

2. Not agree to the request by the Lancelin Community Sporting Club Inc. for the release of \$2,004 from the Lancelin Community Sport and Recreation Reserve (Tower Fund) for the purpose of installing a personnel door in the bus shed.

3. Agree to amend the adopted 2023/24 Budget as follows:

GL/Project	Description	Current Budget	Revised Budget	(Surplus/Deficit)
	Other expenses - Recreation	\$0	\$31,216	\$31,216
151103810	Transfer from Reserves -	(\$15,000)	(\$46,216)	(\$31,216)
		Closing Surplus		\$0

AMENDMENT MOTION

MOVED: Councillor Fewster **SECONDED:** Councillor Johnson

That Council agree to amend the Substantive Motion by replacing Part 3 with the following:

3. Agree to fund the installation of a personnel door in the bus shed for the amount of \$2,004 from the Land and Building Reserve and amend the 2023/24 Budget as follows:

GL/Project	Description	Current Budget	Revised Budget	(Surplus/Deficit)
	Other expenses - Recreation	\$0	\$33,220	\$33,220
1511103810	Transfer from Reserves -	(\$17,204)	(\$48,220)	(\$33,220)
		Closing Surplus		\$0

**CARRIED BY ABSOLUTE MAJORITY
9/0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

The amendment was incorporated into the Substantive Motion, which was then put to the vote.

COUNCIL RESOLUTION

MOVED: Councillor Kestel **SECONDED:** Councillor Balcombe

That Council

1. Agree to the request by the Lancelin Community Sporting Club Inc. for the release of \$31,216 from the Lancelin Community Sport and Recreation Reserve to contribute:
 - a. \$23,606 towards the \$35,409 cost to install a new playground
 - b. \$7,610 to replace the pump shed;

on condition that the LCSC and its member clubs be responsible for the ongoing maintenance and replacement of this equipment.

2. Not agree to the request by the Lancelin Community Sporting Club Inc. for the release of \$2,004 from the Lancelin Community Sport and Recreation Reserve (Tower Fund) for the purpose of installing a personnel door in the bus shed.
3. Agree to fund the installation of a personnel door in the bus shed for the amount of \$2,004 from the Land and Building Reserve and amend the 2023/24 Budget as follows:

GL/Project	Description	Current Budget	Revised Budget	(Surplus/Deficit)
	Other expenses - Recreation	\$0	\$33,220	\$33,220
151103810	Transfer from Reserves -	(\$17,204)	(\$48,220)	(\$33,220)
		Closing Surplus		\$0

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

Reason for Amendment

Council was of the view that it was responsible for the provision of funding for the installation of a personnel door in the bus shed.

COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

PRIOR TO COMPLETING THIS FORM

It is essential to have read the 'Frequently Asked Questions' for 'Community Projects for Shire Lands & Assets' prior to completing and submitting a 'Concept Enquiry'. In completing and submitting this form to the Shire of Gingin you are acknowledging that you have read and understood the purpose, process and associated information for a 'Concept Enquiry'. If further explanation is required please contact the Shire's Community Development Team via

Email: mail@gingin.wa.gov.au OR Telephone: (08) 9575 5100

CONCEPT ENQUIRY

Project Title	Bus Shed Personal Door
---------------	------------------------

CONTACT DETAILS	
Contact Person (Applicant)	Norman Skoglund
Committee Role (if applicable) Applicant must be Chair/President; Vice; Secretary or Treasurer	President
Committee Organisation (if applicable)	Lancelin Community & Sporting Club Inc
Postal Address	PO Box 188 Lancelin WA 6044
Contact Number	0408 954 660
Email	normskoglund@gmail.cpm
<i>Note: Please provide as much information as possible about the project as this will assist with the Shire's review of the 'Concept Enquiry'. The Shire may seek additional information from the contact person listed above if required.</i>	

<p>1. What is the proposed project? <i>Provide specific detail.</i></p> <p>Install a personal door in existing bus shed.</p>

COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

2. (a) What is the current issue or need that has initiated this project/concept?

In the event of a person being inside the building and working on the community bus with the roller door down due to inclement weather and the power was to go off there is no way for that person to evacuate the building. This is a serious occupational health matter that needs rectifying and as a Complex we have a duty of care to our members and the community.

2. (b) What difference will the project make?

E.g. what would occur if the project didn't happen?

We could have an incident in the future that would be a negligent act of a person's duty of care expectation.

3. What are the expected cost for the proposed project?

Provide quotes and project budget where possible.

\$2004.72 including GST.

4. (a) How do you/the community organisation foresee that the project will be funded?

E.g. Who is contributing to the project? Funding partners, cash and in-kind contributions, etc.?

As this is a much needed addition to a Shire asset the Complex Committee has agreed it should be funded from the Tower Fund.



COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

4. (b) How will the ongoing costs be funded?
E.g. Maintenance, replacement, operation costs, etc.

There will not be any ongoing costs involved.

5. Is there any other information that may be valuable to provide with regards to the proposed project?
E.g. Photos, maps, diagrams, etc. Attach as applicable.

Diagram attached

SEND THIS COMPLETED FORM TO:

Post:
Mr Aaron Cook – Chief Executive Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503
Ref: 'Concept Enquiry' for Project

Email:
mail@gingin.wa.gov.au
Subject Line: 'Concept Enquiry' for Project



Reliable Renovations Construction
PO Box 791, York 6302

ABN 828 442 578 10

18/07/2022

Lancelin Community and Sporting Club
Lancelin Rd
Lancelin

Quote #231117

Valid for 30 days

Bus Shed Personal Access Door

1. Frame up South West corner of shed for new door
2. Supply and fit standards 2040x820 galv steel door frame
3. Supply manufacture and fit lockable steel door colour matched to existing Colorbond
4. Clean up site and remove waste to tip

Total (GST inc) \$ 2,004.72

Bruce Beaton
Reliable Renovations & Construction

Terms Of Trade - Payment within 5 days of invoice.

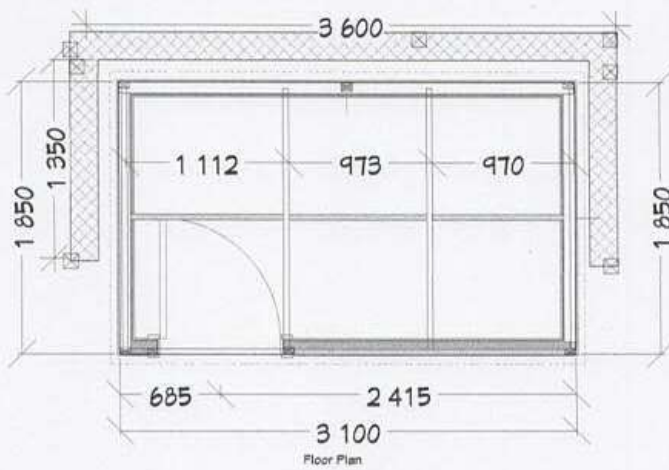
Exclusions: This Quote does not include electrical work plumbing or painting.

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

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

Phone: 0424408168

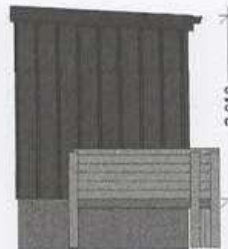
email: reliable@iinet.net.au



Specification
 Retaining wall is 400 above natural ground level
 (constructed as per Fibrewall specs attached)
 Framing is 16x35x1.6 galv RH5 (bracketed and screwed)
 Cladding is 0.42 bmt Trimclad Colorbond Pale Eucalypt
 (to match surrounding structures)



Front Elevation



End Elevation

NO.	REVISIONS	DATE
SHEET TITLE: Multirou		
PROJECT DESCRIPTION: Lakeview Community and Sporting Club		
DRAWING PROVIDED BY: WILLIAMSON ENGINEERING CONSULTANTS		
DATE: 10/12/2023		
SCALE: 1:300		
SHEET: A-1		

COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

PRIOR TO COMPLETING THIS FORM

It is essential to have read the 'Frequently Asked Questions' for 'Community Projects for Shire Lands & Assets' prior to completing and submitting a 'Concept Enquiry'. In completing and submitting this form to the Shire of Gingin you are acknowledging that you have read and understood the purpose, process and associated information for a 'Concept Enquiry'. If further explanation is required please contact the Shire's Community Development Team via

Email: mail@gingin.wa.gov.au OR Telephone: (08) 9575 5100

CONCEPT ENQUIRY

Project Title	Replace Existing Pump Shed
---------------	----------------------------

CONTACT DETAILS

Contact Person (Applicant)	Norman Skoglund
Committee Role <i>(if applicable)</i> Applicant must be Chair/President; Vice; Secretary or Treasurer	President
Committee Organisation <i>(if applicable)</i>	Lancelin Community & Sporting Club Inc
Postal Address	PO Box 188 Lancelin WA 6044
Contact Number	0408 954 660
Email	normskoglund@gmail.com

Note: Please provide as much information as possible about the project as this will assist with the Shire's review of the 'Concept Enquiry'. The Shire may seek additional information from the contact person listed above if required.

1. What is the proposed project?

Provide specific detail.

Replace the existing pump shed that is rusted as well as water and storm damaged. Temporary repairs have been made but this is only a band aid solution so the Committee have agreed that a new shed is required before damage can occur to people or cars in the car park.

COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

2. (a) What is the current issue or need that has initiated this project/concept?	
The shed is old, rusty and falling apart and is not on the Shire's asset register. Storm damage has resulted in temporary repairs which is not ideal going forward. Currently water can enter the building at ground level as no proper retaining wall was ever installed.	
2. (b) What difference will the project make? <i>E.g. what would occur if the project didn't happen?</i>	
If not replaced a storm could result in sheets of the shed separating and being blown around with the possibility of causing injury to people or damaging cars. In the event of the roof coming off then electrical installations would be exposed to the weather which could have detrimental effects to the whole complex.	
3. What are the expected cost for the proposed project? <i>Provide quotes and project budget where possible.</i>	
\$7,609.92 including GST.	
4. (a) How do you/the community organisation foresee that the project will be funded? <i>E.g. Who is contributing to the project? Funding partners, cash and in-kind contributions, etc.?</i>	
The Complex Committee has agreed that the project be funded through the Tower Fund and the building then be placed on the Shire's asset register.	



COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

4. (b) How will the ongoing costs be funded?
E.g. Maintenance, replacement, operation costs, etc.

No ongoing costs in the foreseeable future as the existing shed was put in situ 40 years ago.

5. Is there any other information that may be valuable to provide with regards to the proposed project?
E.g. Photos, maps, diagrams, etc. Attach as applicable.

Diagrams attached

SEND THIS COMPLETED FORM TO:

Post:
Mr Aaron Cook – Chief Executive Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503
Ref: 'Concept Enquiry' for Project

Email:
mail@gingin.wa.gov.au
Subject Line: 'Concept Enquiry' for Project



Reliable Renovations Construction
PO Box 791, York 6302

ABN 828 442 578 10

18/07/2022

Lancelin Community and Sporting Club
Lancelin Rd
Lancelin

Quote #231116

Valid for 30 days

Replace Existing Pump Shed

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

Total (GST inc) \$ 7,609.92

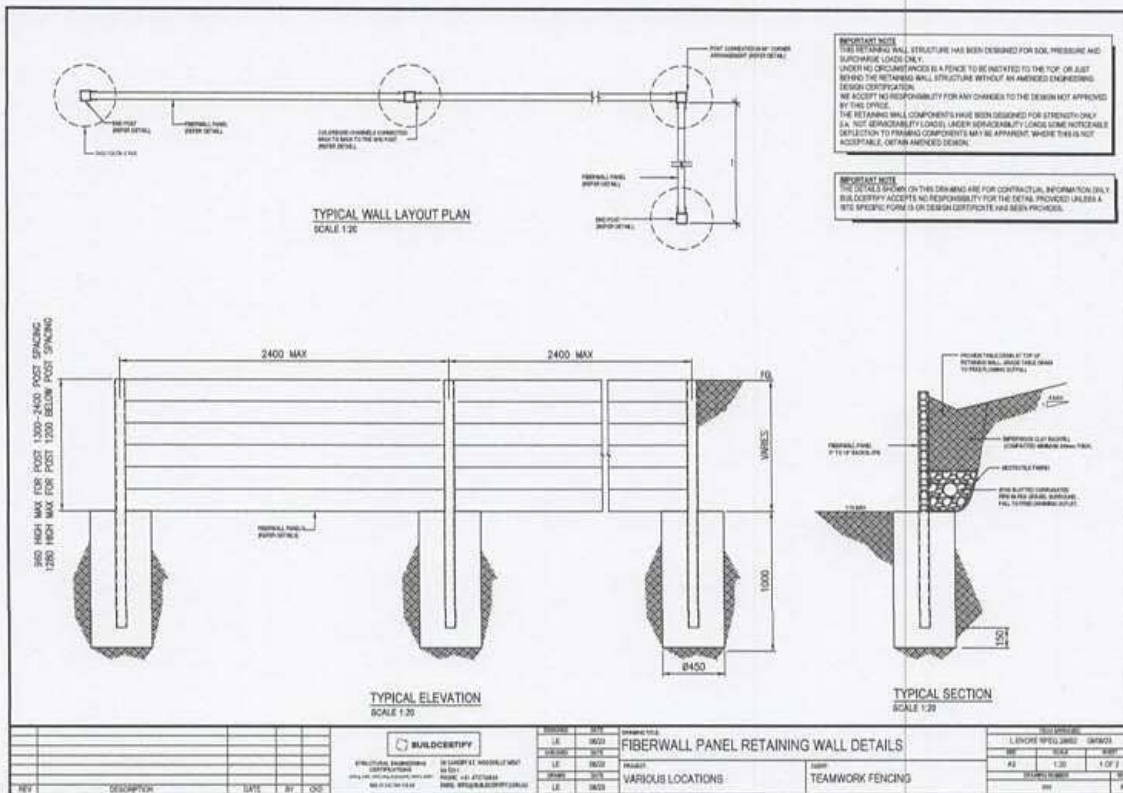
Bruce Beaton
Reliable Renovations & Construction

Terms Of Trade - Payment within 5 days of invoice.

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

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

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



			FIBERWALL PANEL RETAINING WALL DETAILS		REVISIONS	
SPECIALIST ENGINEERING CAPTAIN/TEAM 17/174 100/100/100/100/100/100 06 22 22 22 22 22			10/02/24 10/02/24 10/02/24 10/02/24		L1000E TPEE 2400 (2400) 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000	
DESCRIPTION:			VARIOUS LOCATIONS:		TEAMWORK FENCING	
DATE: BY:			10/02/24		10/02/24	

TYPICAL END POST DETAIL
SCALE 1:5

TYPICAL FIBERWALL WALL DETAIL
SCALE 1:5

POST CONNECTION CONTINUOUS PANEL ARRANGEMENT
SCALE 1:5

POST CONNECTION 90° CORNER ARRANGEMENT
SCALE 1:5

GENERAL NOTES

1. THE ALLOWABLE BEARING CAPACITY OF THE FOUNDATION MATERIAL SHALL NOT BE LESS THAN 100kPa.
2. FOOTINGS SHALL BE CONSTRUCTED INTO UNDISTURBED SOIL OR CONTROLLED FILL.
3. THE WALL DESIGN PARAMETERS FOR THE BACKFILL ARE AS FOLLOWS:
#1.5 SF
7% HUMIDITY
4. FOOTING CONCRETE SHALL BE CLASSIFIED TO AS 3600 AND AGGREGATE WITH 100 SLUMPS AND 20mm AGGREGATE.
5. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS STATED.

ADDITIONAL NOTES

1. THE RETAINING WALL DETAILS HAVE BEEN PREPARED ON THE BASIS OF STRENGTH AND SERVICEABILITY REQUIREMENTS ONLY. ASSESSMENT OF THE DURABILITY OF THE RETAINING WALL COMPONENTS IN SERVICE SHALL BE MADE BY OTHERS.
2. THE RETAINING WALL HAS BEEN DESIGNED FOR A MAXIMUM SURCHARGE LOADING OF 10kPa. DO NOT EXCEED THE REQUIREMENT. THE DESIGN OF THE RETAINING WALL HAS BEEN PREPARED FOR COMPLIANCE WITH THE FOLLOWING AUSTRALIAN STANDARDS:
 - AS 4576 EARTH RETAINING STRUCTURES - CONCRETE STRUCTURES
 - AS 4576 EARTH RETAINING STRUCTURES - REINFORCED CONCRETE STRUCTURES
3. WHERE THERE IS DISTURBED GROUND, SOFT SOIL, OR OBSTACLES PRESENT IN FRONT OF THE PROPOSED FOOTING, THE FOOTING WILL BE UNDESIRABLE AND AN ANCHORED FOOTING DESIGN WILL BE REQUIRED.
4. THE RETAINING WALL FOOTING IS BASED ON A STEEP SLOPE OR ON DRIVE ASH CONCRETE SOIL. ANCHORED FOOTING CONDITIONS SHALL BE CONFIRMED DURING CONSTRUCTION. WHERE ROCK IS PRESENT AN ANCHORED FOOTING DESIGN WILL BE REQUIRED.
5. THE RETAINING WALL IS NOT SUITABLE ON A STEEP SITE WHERE A LAND SLIP HAS BEEN IDENTIFIED.
6. THE RETAINING WALL HAS NOT BEEN DESIGNED FOR INCORPORATION IN A TRENCH CONFIGURATION WHERE A TRENCH RETAINING WALL IS PROVIDED A SITE SPECIFIC DESIGN WILL BE REQUIRED.
7. WHERE A BUILDING STRUCTURE (INCLUDING POOL) LOCATED WITHIN 100mm OF THE TOP OF THE RETAINING WALL, A SITE SPECIFIC DESIGN WILL BE REQUIRED.

				FIBERWALL PANEL RETAINING WALL DETAILS		REVISIONS	
AUSTRALIAN BUILDING CERTIFICATION 100/100 WILSON ROAD, SUITE 101, WILSON PROMENADE, WILSON PROMENADE, WILSON PROMENADE, WILSON PROMENADE PHONE: 08 8377 1000 WWW.BUILDCERTIFY.COM.AU				REVISION NO. 01 DATE 18/03/2024	DRAWN BY JLM CHECKED BY JLM	PROJECT NO. 24001	DRAWN DATE 18/03/2024
REV	DESCRIPTION	DATE	BY	CHK	VARIOUS LOCATIONS	TEAMWORK FENCINGS	SHEET NO. 01 OF 01

COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

PRIOR TO COMPLETING THIS FORM

It is essential to have read the 'Frequently Asked Questions' for 'Community Projects for Shire Lands & Assets' prior to completing and submitting a 'Concept Enquiry'. In completing and submitting this form to the Shire of Gingin you are acknowledging that you have read and understood the purpose, process and associated information for a 'Concept Enquiry'. If further explanation is required please contact the Shire's Community Development Team via

Email: mail@gingin.wa.gov.au OR Telephone: (08) 9575 5100

CONCEPT ENQUIRY

Project Title	Bus Shed Personal Door
---------------	------------------------

CONTACT DETAILS	
Contact Person (Applicant)	Norman Skoglund
Committee Role (if applicable) Applicant must be Chair/President; Vice; Secretary or Treasurer	President
Committee Organisation (if applicable)	Lancelin Community & Sporting Club Inc
Postal Address	PO Box 188 Lancelin WA 6044
Contact Number	0408 954 660
Email	normskoglund@gmail.cpm
<i>Note: Please provide as much information as possible about the project as this will assist with the Shire's review of the 'Concept Enquiry'. The Shire may seek additional information from the contact person listed above if required.</i>	

<p>1. What is the proposed project? <i>Provide specific detail.</i></p> <p>Install a personal door in existing bus shed.</p>

COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

2. (a) What is the current issue or need that has initiated this project/concept?

In the event of a person being inside the building and working on the community bus with the roller door down due to inclement weather and the power was to go off there is no way for that person to evacuate the building. This is a serious occupational health matter that needs rectifying and as a Complex we have a duty of care to our members and the community.

2. (b) What difference will the project make?

E.g. what would occur if the project didn't happen?

We could have an incident in the future that would be a negligent act of a person's duty of care expectation.

3. What are the expected cost for the proposed project?

Provide quotes and project budget where possible.

\$2004.72 including GST.

4. (a) How do you/the community organisation foresee that the project will be funded?

E.g. Who is contributing to the project? Funding partners, cash and in-kind contributions, etc.?

As this is a much needed addition to a Shire asset the Complex Committee has agreed it should be funded from the Tower Fund.



COMMUNITY PROJECTS FOR SHIRE LANDS & ASSETS

CONCEPT ENQUIRY

4. (b) How will the ongoing costs be funded?
E.g. Maintenance, replacement, operation costs, etc.

There will not be any ongoing costs involved.

5. Is there any other information that may be valuable to provide with regards to the proposed project?
E.g. Photos, maps, diagrams, etc. Attach as applicable.

Diagram attached

SEND THIS COMPLETED FORM TO:

Post:
Mr Aaron Cook – Chief Executive Officer
Shire of Gingin
PO Box 510
GINGIN WA 6503
Ref: 'Concept Enquiry' for Project

Email:
mail@gingin.wa.gov.au
Subject Line: 'Concept Enquiry' for Project



Reliable Renovations Construction
PO Box 791, York 6302

ABN 828 442 578 10

18/07/2022

Lancelin Community and Sporting Club
Lancelin Rd
Lancelin

Quote #231117

Valid for 30 days

Bus Shed Personal Access Door

1. Frame up South West corner of shed for new door
2. Supply and fit standards 2040x820 galv steel door frame
3. Supply manufacture and fit lockable steel door colour matched to existing Colorbond
4. Clean up site and remove waste to tip

Total (GST inc) \$ 2,004.72

Bruce Beaton
Reliable Renovations & Construction

Terms Of Trade - Payment within 5 days of invoice.

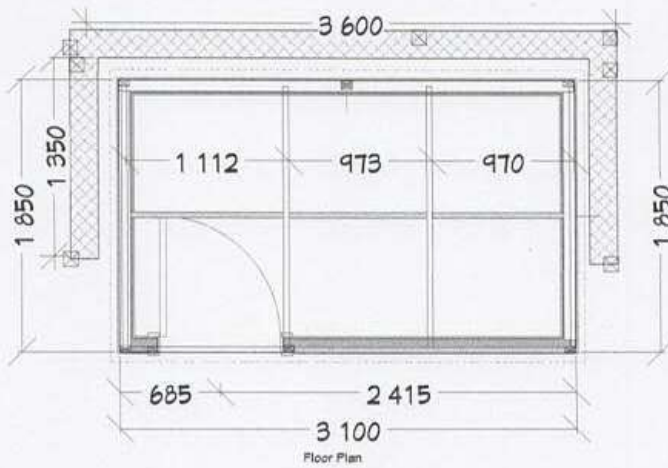
Exclusions: This Quote does not include electrical work plumbing or painting.

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

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

Phone: 0424408168

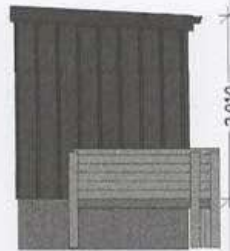
email: reliable@iinet.net.au



Specification
 Retaining wall is 400 above natural ground level
 (constructed as per Fibrewall specs attached)
 Framing is 16x35x1.6 galv RH5 (bracketed and screwed)
 Cladding is 0.42 bmt Trimclad Colorbond Pale Eucalypt
 (to match surrounding structures)



Front Elevation



End Elevation

NO.	REVISIONS	DATE
SHEET TITLE: Multiflow		
PROJECT DESCRIPTION: Lakeview Community and Sporting Club		
DRAWING PROVIDED BY: WILLIAMSON ENGINEERING CONSULTANTS		
DATE: 10/12/2023		
SCALE: 1:300		
SHEET: A-1		

14 REPORTS - REGULATORY AND DEVELOPMENT SERVICES

14.1 APPLICATION FOR DEVELOPMENT APPROVAL - SINGLE HOUSE ON LOT 48 BREERA ROAD, BREERA

File	BLD/6998
Applicant	Withheld
Location	Lot 48 Breera Road, Breera
Owner	Withheld
Zoning	General Rural
WAPC No	NA
Author	James Bayliss – Manager Planning and Building
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Item 13.5 - 15 November 2023
Appendices	<ol style="list-style-type: none"> 1. Breera Road Reserve Alignment [14.1.1 - 1 page] 2. Location Plan [14.1.2 - 1 page] 3. Aerial Photo [14.1.3 - 1 page] 4. Applicant's Proposal - Lot 148 Breera Road, Breera (Redacted) [14.1.4 - 37 pages] 5. Schedule of Submissions & Recommended Responses [14.1.5 - 7 pages] 6. DWER Decision Report [14.1.6 - 10 pages]

DISCLOSURES OF INTEREST

Nil

PURPOSE

To reconsider an Application for Development Approval for a proposed Single House and Outbuilding on Lot 148 Breera Road, Breera.

BACKGROUND

Council refused this proposal at its Ordinary Meeting on 15 November 2023 and resolved, in part, as follows:

1. *Having regard to Clauses 67(2) (a), (c), (n), and (o) of the Deemed Provisions, the proposed development is unacceptable given the removal of vegetation may adversely impact on biodiversity and conservation values of the natural environment.*

Since then, the applicant has revived discussions with the Department of Water and Environmental Regulation (DWER) and the Office of the Appeals Convenor. This discussion has been based around the applicant providing the required Flora and Fauna Surveys in order for the refused clearing permit to be reconsidered.

It is unlikely that the DWER or Appeals Convenor will review the matter further in the absence of a development approval, or the prospect of the development approval being issued. The applicant therefore seeks for the earlier decision to be refused to be reconsidered, and the matter be held in abeyance for the required survey to be undertaken.

The officer has no fundamental objection to this approach, however if Council is of the view that the location of the proposed dwelling is inappropriate regardless of the environmental impacts, the decision to refuse the proposal should be reaffirmed to avoid unnecessary costs being incurred by the commissioning of an environmental survey.

The Shire received an Application for Development Approval on 7 May 2020 for a Single House and Outbuilding on the subject lot, which is 23 hectares in area. The proposal has been held in abeyance since that time due to the Department of Water and Environmental Regulation (DWER) refusing to issue a clearing permit to remove vegetation that would enable the dwelling to be constructed.

The landowner subsequently appealed DWER's refusal to the Office of the Appeals Convenor under the *Environmental Protection Act 1986*. The officer has recently been in contact with the Appeals Convenor, who confirmed that DWER's refusal has been reaffirmed. On that basis, even in the event that development approval is forthcoming, the proposed development will be unable to lawfully proceed.

The submitted plans do not include floor or elevation plans, largely due to uncertainty associated with the suitability of the location sought.

The subject land is located within an Environmentally Sensitive Area (ESA) which contains native vegetation including Threatened Ecological Community (TEC), and a Conservation Category Wetland (CCW) runs through the property. Given the environmental significance of the site, DWER and the Department of Biodiversity, Conservation and Attractions (DBCA) were consulted for technical expert advice which is outlined further in this report.

The development is proposed to be set back 9.6 metres, tapering to 14.4 metres from the side (western) lot boundary and 11.07 metres from the front (southern) lot boundary. The officer notes that the Breera Road reserve configuration is unusual (**see appendices**) where it abuts the south-western corner of the land. As a result, the setback variation partially abuts both road reserve and neighbouring land (Lot 30 Breera Road, Breera).

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

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

COMMENT

Stakeholder Consultation

The application was advertised to DWER, DBCA and the Department of Fire and Emergency Services (DFES) for a period of 42 days in accordance with clause 66 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

A copy of the schedule of submissions is provided (**see appendices**).

Adjoining landowners were not advertised to as their comments of support were provided by the proponent as part of the information submitted in 2020. These comments were provided four years ago, so it could be beneficial to revisit the consultation process if Council sees fit.

PLANNING FRAMEWORK

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

Lot 148 Breera Road is currently zoned General Rural. The objectives of the General Rural Zone are to:

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

The officer is of the view that the development is inconsistent with objective c) for reasons outlined within this report.

Single House is a 'P - permitted' use in the General Rural Zone, meaning that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the scheme.

Setbacks

In accordance with Table 2 – Site Requirements of LPS 9, a 20m lot boundary setback provision applies to development within the General Rural zone. The proposed development is set back 9.6 metres tapering to 14.4 metres from the side (western) lot boundary and 11.07 metres from the front (southern) lot boundary. The variations being sought are not considered to be minor and the officer is of the view that the development is likely to have an impact on the visual amenity and streetscape as viewed from Breera Road.

Relevant development standards under ‘Clause 4.8.6 – General Rural Zone’ are addressed below:

4.8.6.6 No natural vegetation shall be removed without prior written approval of local government, unless its removal is necessary for construction of a building, firebreak or boundary fence.

Officer comment:

The officer notes that native vegetation requires removal. The environmental issues associated with this are addressed further below.

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

Officer comment:

The location of the development in the south-western corner of the lot abutting Breera Road, in conjunction with a reduced setback to the primary street, is considered to create an impact on the visual landscape amenity of the site as viewed from the street and adjoining properties.

With the exception of an existing dwelling on neighbouring land which is visible from Breera Road, the streetscape is made up of dense and generally undisturbed vegetation. The proposed development would likely cause an adverse impact on the visual appearance of the Breera Road streetscape and therefore the officer is of the view that the development does not satisfy this development standard.

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

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

- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*

Officer comment:

When considering the above matters, emphasis is placed on the probable impacts the development will have on the natural environment given clearing of native vegetation is required in order to not only make way for the built structures, but for installation of asset protection zones (APZs) around those structures for fire mitigation purposes. The officer has addressed the provisions concurrently as they all relate to environmental considerations in some respect.

The DBCA provided the following comments in relation to the Conservation Category Wetland and Threatened Ecological Communities:

Conservation Category Wetland

The area under application occurs within Conservation Category Wetland (CCW) 'UFI-15110', which is part of an extensive palusplain system which connects to the Breera Brook (situated approximately 757 metres from the application area) and flows into Chandala Brook (situated approximately 1.5 kilometres from the application area). The wetland is part of the 'Mungula consanguineous suite' (DBCA 2019b). Only 12.6 per cent of these CCW's currently remain, of which only 4.1 per cent are palusplain wetlands (DBCA 2019b).

A wetland mapping review undertaken in 2017 identified this wetland as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b). The wetland is valued for its vegetation buffer, vegetation composition, proximity to both priority and threatened ecological communities, threatened fauna habitat value, hydrological connection and its value as a site of indigenous significance (DBCA 2019b). The proposed clearing of 0.25 hectares of vegetation within the buffer of the CCW may impact the values of the wetland.

Threatened Ecological Communities

DBCA advised that the inspection of the application area and its surrounds undertaken by DWER Officers identified specific characteristics that may be indicative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act.

The DBCA recommended that surveys be undertaken to ascertain the presence of this TEC within the application area and advised that inspection by Species and Communities Program specialists is likely to be required to verify the presence or absence of this TEC within the application area (DBCA 2019a). There is no evidence that further surveys have been undertaken to confirm the presence of the above TEC.

The DWER provided the following comments in relation to Water Resource Management:

The site is located within the Ellen Brook Surface Water Area, proclaimed under the Rights in Water and Irrigation Act 1914, and Breera Brook runs through the property. Over this portion of the waterway is a mapped CCW and TEC.

An onsite wastewater disposal system is required for the proposed single house as reticulated sewage is unavailable in the area. According to table 3 in Water Quality Protection Note 70: Wastewater treatment and disposal – domestic systems, onsite sewage systems should be set back at least 100 metres from waterways and wetlands, measured from the edge of the damp land vegetation.

The required setbacks for onsite sewage systems to the Breera Brook and CCW are not achievable at the location proposed for the building envelope. Setbacks less than 100 metres may be considered, however the proponent has not provided any details on the wastewater system or justification that water contamination risks from domestic wastewater can be managed.

The officer notes that the DBCA and DWER are relevant authorities to provide technical expert advice on environmental matters associated with the development and that both agencies do not support the proposal in its current form.

The development will result in clearing of approximately 2500m² (0.25 hectares) of native vegetation. The removal of native vegetation requires a clearing permit obtained from DWER. The proponent submitted an application for a clearing permit to DWER's Native Vegetation Branch in August 2018. Based on the potential impact the proposal will have on conservation significant flora, TECs and a CCW, DWER refused the application. The DWER's decision report is provided (**see appendices**).

The officer is aware that the proponent has appealed the DWER's decision to the Office of the Appeals Convenor (OAC), whereby the Minister for Environment will determine the Appeal.

As such, in the event that the Shire supports the development, the proponent is unable to proceed given the owner is not currently able to lawfully clear the relevant area. While it is not appropriate for a planning assessment to simply reaffirm the conclusion reached as part of the clearing permit assessment, environmental impacts are nevertheless a relevant planning consideration.

On balance of the information, it is probable that the development will have an adverse effect on the natural environment or water course, or at least sufficient information has not been provided that provides a high level of confidence that it will not.

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

The subject site is indicated as being bushfire prone as per DFES online mapping. A relevant objective of SPP 3.7 is outlined below:

5.4 Achieve an appropriate balance between bushfire risk management measures and biodiversity conservation values, environmental protection and biodiversity management and landscape amenity, with consideration of the potential impacts of climate change.

The proponent lodged a Bushfire Management Plan (BMP) which identifies the development area as being a BAL FZ (extreme). The BAL rating is able to be reduced to a BAL 29 (high) with the introduction of hazard separation zones (HZP) and asset protection zones (APZ) from all sides of the dwelling, which consequently requires the removal of native vegetation.

SPP 3.7 is to be read in conjunction with the *Guidelines for Planning in Bushfire Prone Areas* which are designed to assist in the interpretation of SPP 3.7's objectives and policy measures. Section 2.3 Bushfire Risk Management and Environmental Consideration relevantly states:

In instances where biodiversity management conflicts with bushfire risk management measures and significant clearing of native vegetation is the only means of managing bushfire risk the proposal should generally not be supported.

The officer is of the view that the potential conservation significance of the existing natural environment, as outlined by the DWER and DBCA, outweighs the proposed bushfire risk measures (clearing).

As such the development is inconsistent with SPP 3.7.

Summary

Notwithstanding the above, if an environmental survey is commissioned and ultimately convinces the DWER to issue a clearing permit, the main basis for the refusal would fall away. There do not appear to be any adverse implications associated with the Shire holding the proposal in abeyance until the above is resolved. The officer is of the view that the proposal should not be held indefinitely, but that a 12 month grace period be allowed. If after that period of time little progress has been made, the earlier decision should be reaffirmed and the applicant can then exercise their appeals right through the State Administrative Tribunal (SAT).

STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No. 9

Planning and Development (Local Planning Schemes) Regulation 2015

POLICY IMPLICATIONS

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2022-2032

Aspiration	3. Planning & Sustainability - Plan for Future Generations
Strategic Objective	3.2 Preservation & Management of Endangered Habitat & Coastal Reserves - Sustainable policy/actions supporting preservation activities

VOTING REQUIREMENTS - SIMPLE MAJORITY

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

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



That Council agree that the proposed Single House and Outbuilding on Lot 148 Breera Road, Breera be held in abeyance for a period of 12 months to enable the applicant to secure a clearing permit.

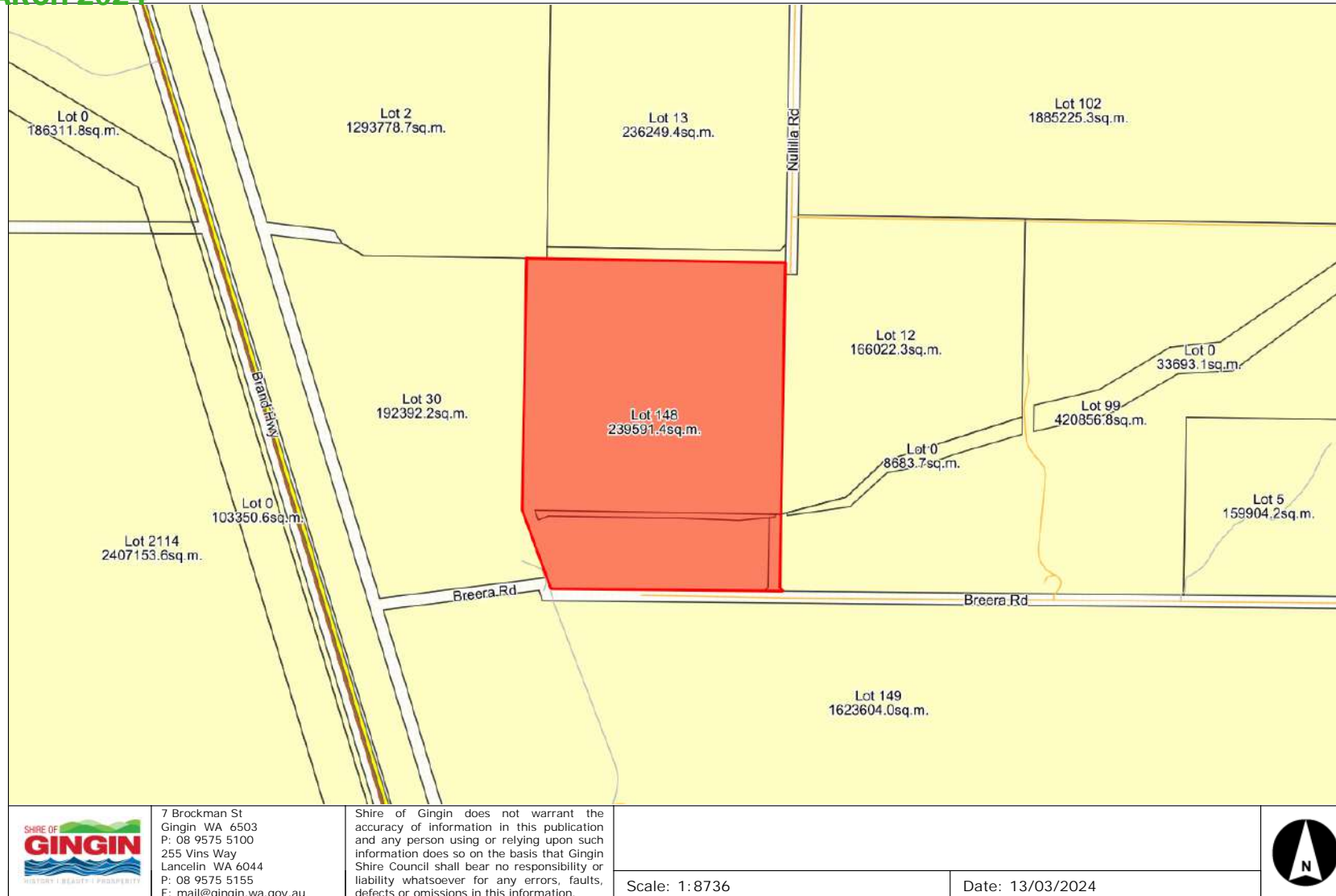
CARRIED
7 / 2

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

AGAINST: *Councillor Stewart and Councillor Weeks*



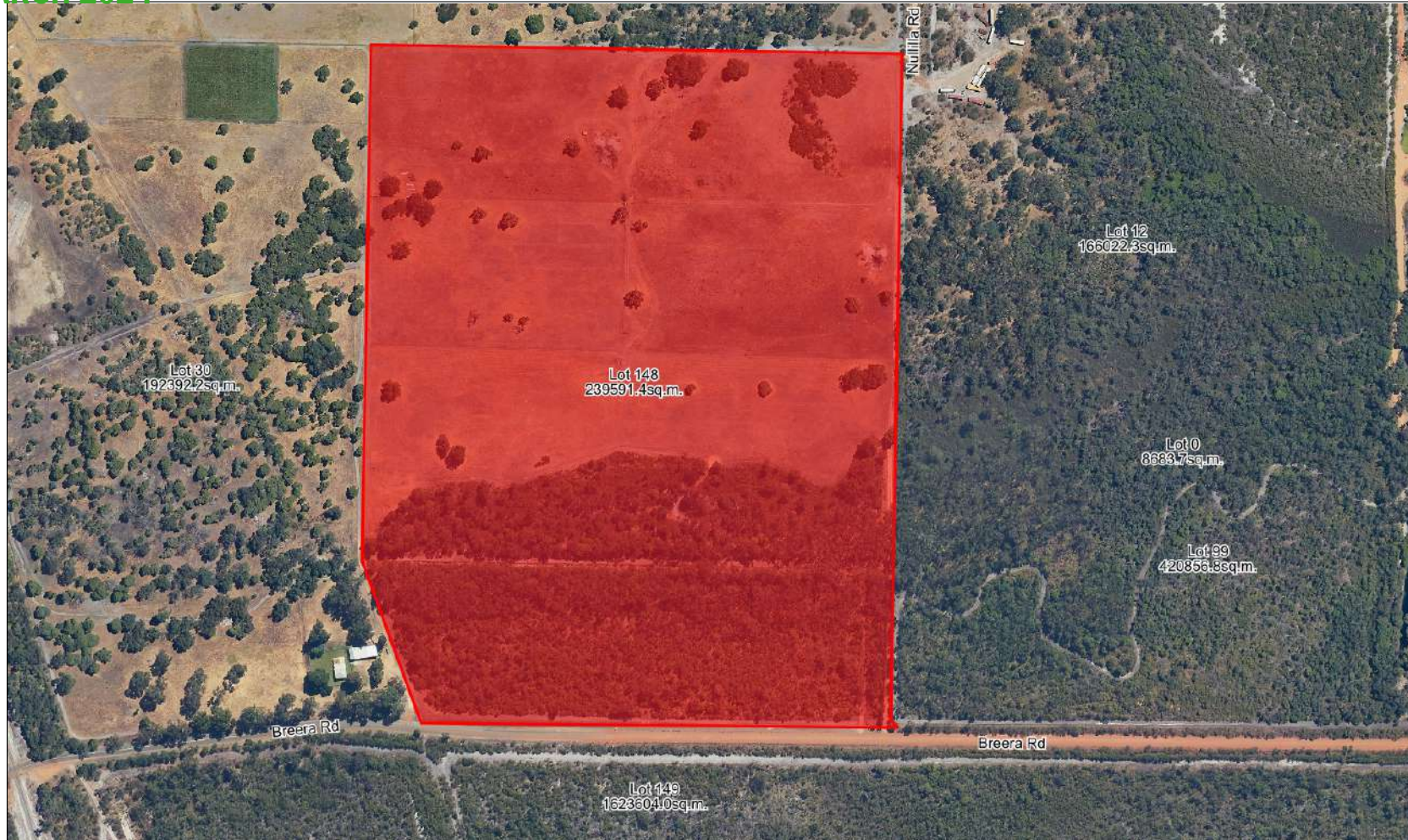
	7 Brockman St Gingin WA 6503 P: 08 9575 5100 255 Vins Way Lancelin WA 6044 P: 08 9575 5155 E: mail@gingin.wa.gov.au	Shire of Gingin does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that Gingin Shire Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.	Scale: 1: 1127	Date: 30/10/2023	
---	---	--	----------------	------------------	---





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.





 <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: 4473</p>	<p>Date: 13/03/2024</p>	
---	--	---	-----------------------	-------------------------	---

PROPOSED BUILDING ENVELOPE (D/A) Lot 148 Breera Rd, Gingin

JUSTIFICATION RE PROPOSED SETBACKS

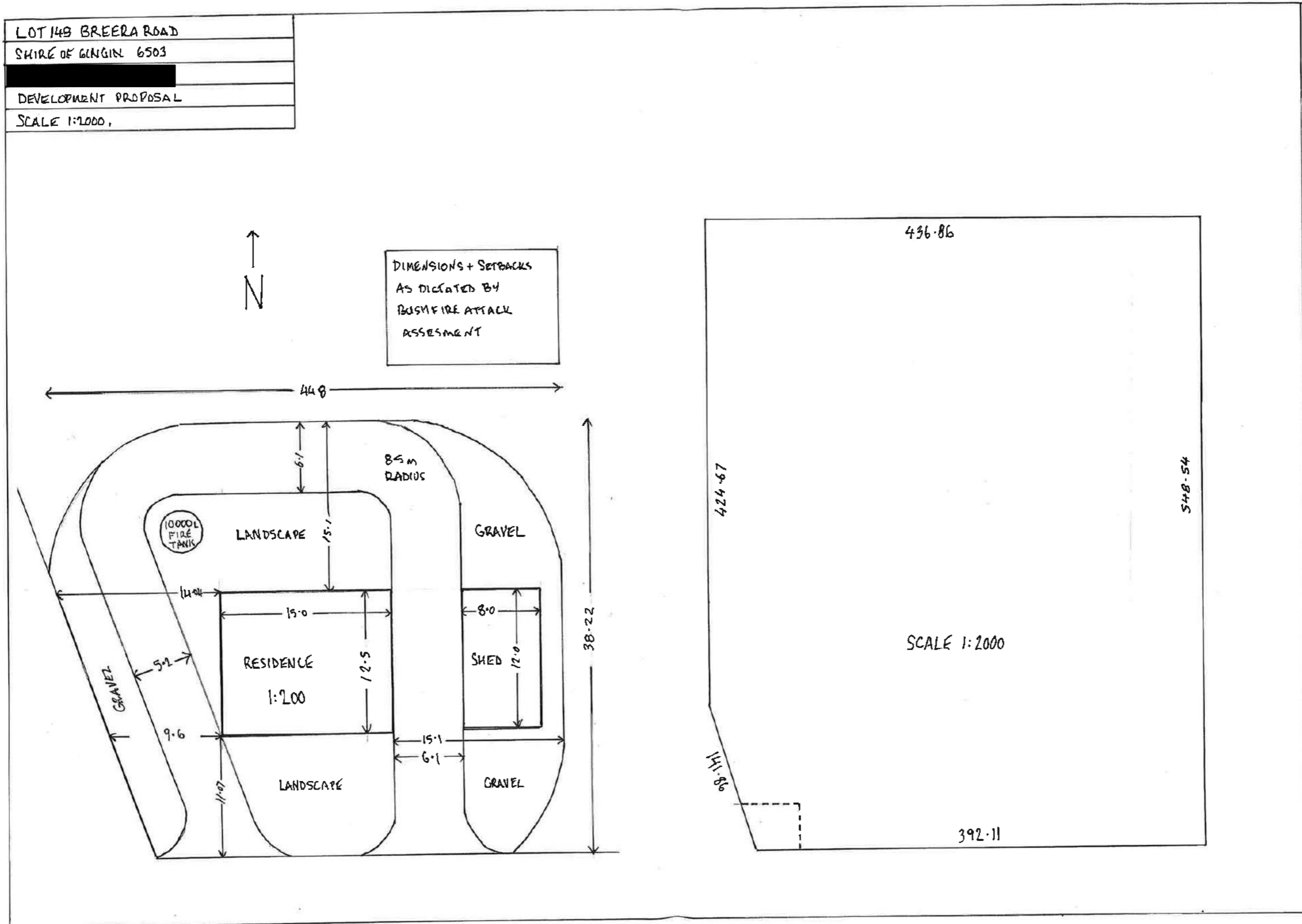
Dear Planning Officer

- The proposed variation from the 20 metre setback policy is largely based on my workings with DWER in an effort to reduce the footprint and required clearing for a building site.
- The original proposed area subject to the clearing permit application was some .25 of a hectare. This has now been reduced some 1000sqm and includes a reduced setback on the western boundary.
- There are no objections from the neighbour adjoining.

In summary by reducing both the proposed size of the building envelope and combining reduced setbacks this would require minimal clearing as much of this area is already cleared.

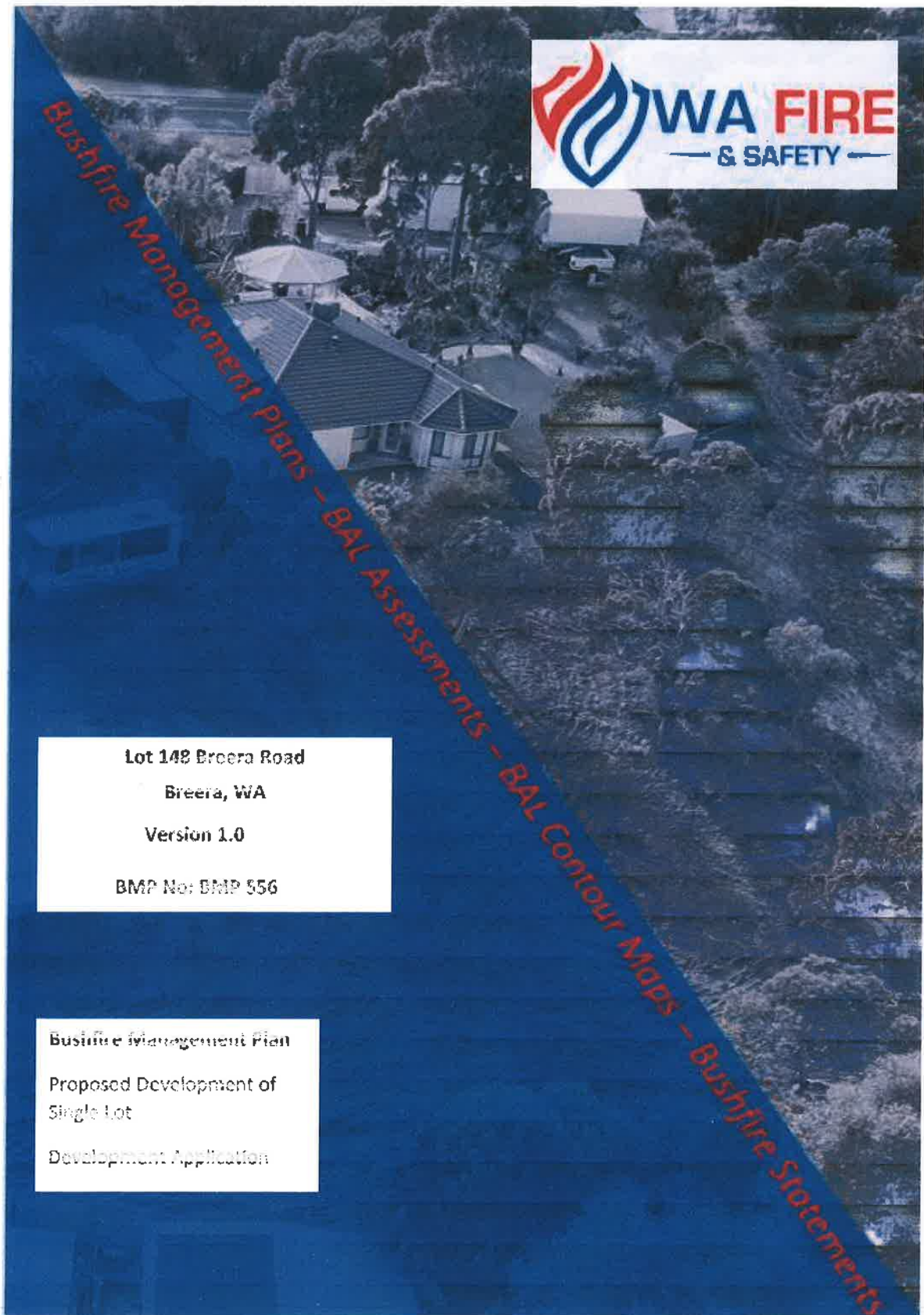
Yours truly,





**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment



Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Table of Contents

1.0 Introduction and Proposal Details	5
1.1 Site Location	6
1.2 Aims and Objectives	6
1.3 Document Preparation.....	6
2.0 Environmental Considerations	8
2.1 Native vegetation – Modification and Clearing	9
2.2 Revegetation/Landscape Plans	10
3.0 Bushfire Assessment Results.....	11
3.1 Vegetation Classification	11
3.2 Slope	14
3.3 Fire Danger Index.....	15
3.4 BAL-Assessment	15
3.5 Additional Bushfire Hazard Issues	17
4.0 Compliance and Justifications	18
4.1 SPP 3.7 Objectives and Application of Policy Measures.....	18
4.2 Compliance table.....	18
5.0 Bushfire Risk Management Strategies	24
6.0 Roles and Responsibilities	26
Appendices.....	27
Appendix 1 – Information and SPP3.7 Standards for APZ's	27
Appendix 2 – City of Kalamunda FHRN 2019/20.....	29
Appendix 3 – Vehicular Access Requirements	35
Appendix 4 – Water Supply	35

List of figures

- Figure 1: Copy of planning proposal
- Figure 2: Proposed Location
- Figure 3: Map of bushfire prone areas for the subject site
- Figure 4: Determined BAL Results
- Figure 5: Prescribed BAL Results
- Figure 6: Detailed Contour Map

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Bushfire Management Plan/Statement addressing the Bushfire Protection Criteria Coversheet

Site Address: Lot 148 Breera Road, Breera, Western Australia

Site Visit: Yes No **Date of site visit:** 18 January 2020

Report Author: Dwayne Griggs Level 1
Accredited BPAD 40466

Report Reviewer: Roddy Cameron Level 2
Accredited BPAD 37279

**(BMP) Bushfire Management Plan
Number:** BMP 556

BMP Date: 12 March 2020

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Have any of the bushfire protection criteria elements been addressed using a performance principle (tick no if only acceptable solutions have been used to address all the bushfire protection criteria elements)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the proposal any of the following (see SPP 3.7 for definitions)?		
Unavoidable development (in BAL-40 or BAL-FZ)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Strategic planning proposal (including rezoning applications)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
High risk land-use	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Vulnerable land-use	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Note: Only if one (or more) of the above answers in the tables is yes should the decision maker (e.g. local government or the WAPC) refer the proposal to DFES for comment.

If then why has it been given one of the above listed classifications (E.g. Considered vulnerable land- use as the development is for accommodation of the elderly, etc.)?

The information provided within this bushfire management plan to the best of my knowledge is true and correct:

Dwayne Griggs, WA Fire & Safety, 12 March 2020



Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Document control

Report version	Purpose	Author/reviewer and accreditation details	Date submitted
1.0	Proposed subdivision of single lot	Author Dwayne Griggs BPAD40466 Reviewer Roddy Cameron BPAD 37279	12 March 2020

Disclaimer

The Bushfire Management Plan prepared by WA Fire & Safety (Dwayne Griggs BPAD40466), is solely intended for the use of:

1. [REDACTED]
2. Local Government/LGA – Shire of Gingin

The enclosed strategies intended for the mitigation of the bushfire risk for this development are the minimum standard and the risk is assessed to the ability of the bushfire consultant and provided information from all stakeholders at the time of the accepted task.

This BMP considers the bushfire aspects of planning only and does not consider all the environmental aspects involved. The environmental survey has not been completed and further consultation and/or approval for vegetation clearances is up to the local council.

The setbacks and distances for the APZ should be confirmed at the time of vegetation modification for the portable dwelling(s) and after the vegetation clearance a final inspection may be required to provide a to confirm distance, thus ensuring the correct risk mitigation distances has been achieved, the decision for a final inspection is up to the local council.

There is no guarantee that in the event of a bushfire that property loss will not occur, and the author has used the information provided, appropriate guidelines and due care to provide what they believe is the best possible solution to combat a relatively unpredictable fire threat.

WA Fire & Safety (Dwayne Griggs) and Roddy Cameron (BPAD37279) excludes all liability for any damage, loss, injury or claim from any fire event, by the acceptance of this BMP the property owner is made aware and agrees to this exclusion of liability.

The ongoing responsibility falls on the property leaser for the correct site maintenance to maintain the BAL Levels and continue to mitigate the risks involved with extreme fire behaviour. The poor maintenance of vegetation, fuel loads, APZ requirements, Local government fire break notices and fire risk mitigation strategies provided within this BMP can severely impact the level of risk that a fire event can have. If the landowner believes that any factors have changed or possibly modified the potential risk, then a new BMP should be requested.

This Bushfire Management Plan is Valid for 3 years from the date completed.

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 14.1.4

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Compliance Statement

This document has been prepared in accordance to the State Planning Policy 3.7 Planning in bushfire prone areas and the Guidelines for planning in bushfire prone areas.

Bushfire management Plan Author:

WA Fire & Safety

Dwayne Griggs - BPAD40466 Level 1

Phone: 0415684681 Email Admin@wafiresafety.com.au



Reviewed By:

Roddy Cameron - BPAD36638 Level 2



Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

1.0 Introduction and Proposal Details

This BMP has been requested by [REDACTED] for the proposed development of Lot 148 Breera Road, Breera, Western Australia, within the LGA of the Shire of Gin Gin.

The 23.97ha size site is currently identified as bushfire prone on the current map of bushfire prone areas (figure 3) and is undeveloped native Class D Scrubland, with areas of class A Forest.

This proposed development is for the approval of a 200m² class 1a dwelling and 100m² non-associated class 10a Shed within the lot.

The assessed bushfire risk for the site is extreme, site is however manageable with BAL-29 achievable for the dwelling with vegetation separation, (HSZ) Hazard separation Zone and an APZ (Asset Protection Zone) of approximately 15m from all sides of the dwelling. Determined BAL rating is BAL-FZ on the day of the site visit and further vegetation modification is required to achieve BAL-29.

1.1 Site Location

The proposed development is located 375m east off Brand Highway in Breera and Approximately 10.5km SSE of Gingin city centre (Figure 2).

1.2 Aims and Objectives

The aim of this Bushfire Management Plan is to identify issues, requirements and provide bushfire risk mitigation measures for the proposed development. Aims for this site include:

- avoid increasing the threat to people, property and infrastructure
- reduce the developments vulnerability from extreme bushfire behaviour
- allow ingress and egress for fire and emergency services
- consider and minimize environmental impacts.

The objectives of this Bushfire Management Plan are to:

- demonstrate suitability for development
- display bushfire risk levels, fuels, vegetation types and the impact before and after
- show Bushfire management strategies recommended for the site
- demonstrate compliance with the bushfire protection criteria and the use of acceptable solutions for the site.

1.3 Document Preparation

Dwayne Griggs from WA Fire & Safety a BPAD Level 1 accredited practitioner with the Fire Protection Association of Australia has conducted the site assessment and prepared this BMP.

Roddy Cameron a BPAD Level 2 accredited Practitioner has reviewed and approved this BMP.

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

FIGURE 1: Copy of Site Plan

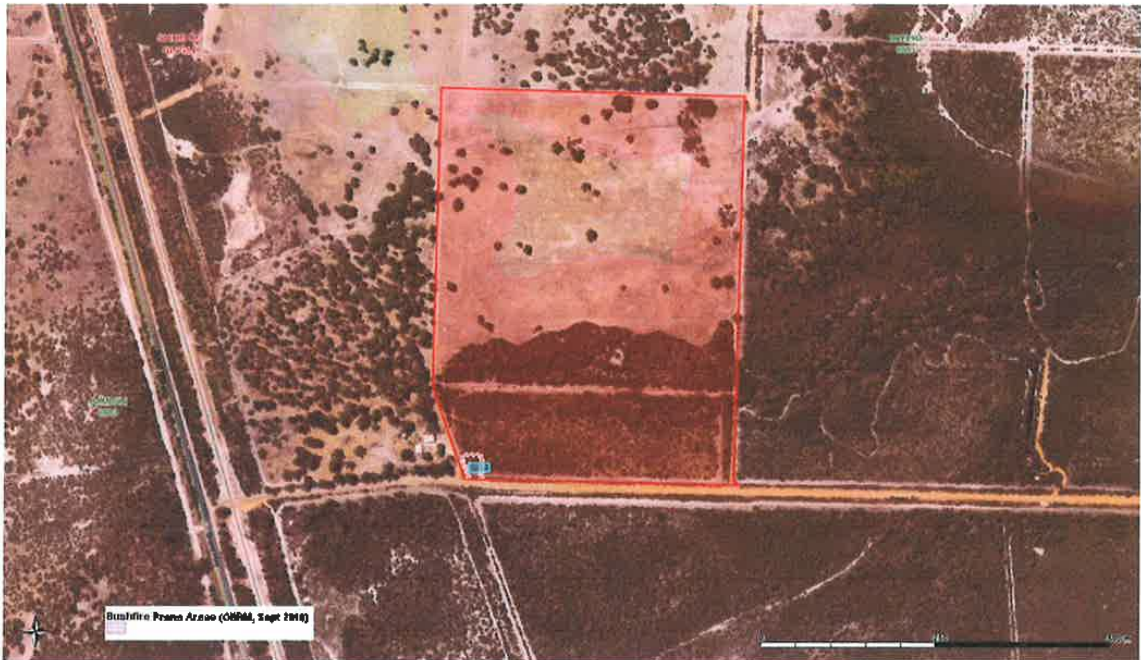


FIGURE 2: Proposed Location



Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

FIGURE 3: Map of Bushfire Prone Areas for the subject site



2.0 Environmental Considerations

Limited considerations below have been assessed with multiple issues:

- a) Department of Biodiversity, Conservation and Attractions (DBCA)



Figure 3 DBCA-019 – Wetlands Swan Coastal Plain

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

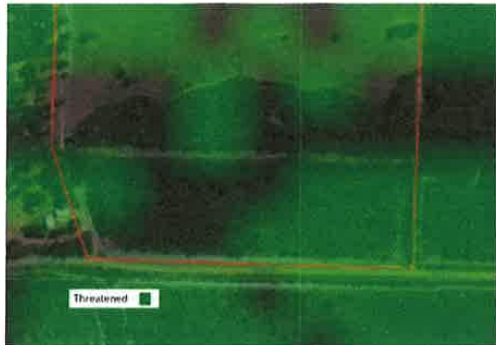


Figure 4 DBCA-038 – Threatened ecological communities

- b) Department of Planning, Lands and Heritage NIL
- c) Department of Water and Environmental Resources (DWER)



Figure 6 DWER-046 – Environmentally Sensitive Areas

- d) Department of Primary Industries and Regional Development (DPIRD)
Requested 03/02/2020

2.1 Native vegetation – Modification and Clearing

Vegetation modification of approximately 789m² of native class D Scrubland is required to achieve BAL-29 within the proposed lot, in this proposed location.

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

There are other alternative bushfire management design solutions that may reduce the extent of vegetation clearing inside lot including further to the north, however the proposed location will reduce the risk to people and property as the first priority and limit the vegetation clearance or modification to only around 50% of the area used at 735m² with a total footprint setback distance from the front boundary of 38.6m.

The proposed layout will result in an appropriate balance between bushfire risk mitigation and vegetation retention having priority given to evacuation routes and timings from the proposed dwelling.

2.2 Revegetation/Landscape Plans

Revegetation inside the APZ will be designed and maintained as per the standards for APZ's (Appendix 1) and the Shire of Gingin firebreak orders (Appendix 2).

The intention is to have a low fuel state inside the 15m APZ area with the Driveway and gravel areas providing a further HSZ that is easily maintained.



Lot 146 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

3.0 Bushfire Assessment Results

The site requires a BAL assessment in accordance with clause 6.5 of SPP 3.7. The assessment of this site / development was undertaken by Dwayne Griggs of WA Fire & Safety, a BPAD Accredited Level 1 Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959 - 2019 Simplified Procedure (Method 1). All vegetation within 100m of the proposed site has been assessed and classified in accordance with AS3959.




3.1 Vegetation Classification




Vegetation and land use within 100 m of the site has been classified as per descriptions included in *AS 3959 – 2018 Construction of Buildings within Bushfire Prone Areas*.

FIGURE 4: Vegetation Classification Map





Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

<p>Photo ID:1 Plot number: 1 Vegetation classification or exclusion clause: Class A Forest Description / justification for classification > 30% canopy cover, Understorey of Grass, shrubs and smaller trees. Average height of 15m Some areas of closed Scrub</p>	
<p>Photo ID:2 Plot number: 1 Vegetation classification or exclusion clause Class A Forest Description / justification for classification > 30% canopy cover, Understorey of Grass, shrubs and smaller trees. Average height of 15m Some areas of closed Scrub</p>	
<p>Photo ID:3 Plot number:2 Vegetation classification or exclusion clause Class D Scrub Description / justification for classification >30% canopy cover, Understorey of Grass, shrubs and smaller trees. Average height of 4m Poor soil fertility</p>	

<p>Photo ID:4 Plot number: 2 Vegetation classification or exclusion clause Class D Scrub Description / justification for classification >30% canopy cover, Understorey of Grass, shrubs and smaller trees. Average height of 4m Poor soil fertility</p>	
<p>Photo ID:5 Plot number: 3 Vegetation classification or exclusion clause Class D Scrub Description / justification for classification >30% canopy cover, Understorey of Grass, shrubs and smaller trees. Average height of 4m Poor soil fertility</p>	
<p>Photo ID:6 Plot number: 4 Vegetation classification or exclusion clause Class A Forest Description / justification for classification >30% canopy cover, Understorey of Grass, shrubs and smaller trees. Average height of 12m Minimal fuels, classified due to canopy cover.</p>	

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

<p>Photo ID:7 Plot number: 5 Vegetation classification or exclusion clause Class G Grassland Description / justification for classification <10% canopy cover, Insufficient fuels to increase risk from bushfire</p>	
<p>Photo ID:8 Plot number: 5 Vegetation classification or exclusion clause Class A Forest Description / justification for classification >30% canopy cover, Understorey of Grass, shrubs and smaller trees. Average height of 12m</p>	

3.2 Slope

This site is mainly flat ground, very slight decline to the north/north east.

Table 3A: Vegetation Classification and Slopes

Vegetation Plot	Classification	Effective Slope
Plot 1	Class A Forest	0-5
Plot 2	Class D Scrub	0-5
Plot 3	Class D Scrub	0/Upslope
Plot 4	Class A Forest	0/Upslope
Plot 5	Class G Grassland	0/Upslope
Plot 6	Class A Forest	-4

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

3.3 Fire Danger Index

The nominated fire danger index (FDI) for Western Australia is 80.

3.4 BAL-Assessment

Table 3B provides the distances and determined radiant heat impact in the form of a BAL rating for the class 1a dwelling before vegetation modification or establishment of APZ.

Table 3B: Determined BAL Ratings

Method 1 BAL determination				
Plot	Applied vegetation classification	Effective slope under the classified vegetation (degrees)	Separation distance to the classified vegetation (metres)	Highest BAL
1	Class A	0-5	44.8m	BAL-19
2	Class D	0-5	0m	BAL-FZ
3	Class D	0/Upslope	21.4m	BAL-19
4	Class A	0/Upslope	27.5m	BAL-29
5	Class G	0/Upslope	16.9m	BAL-19

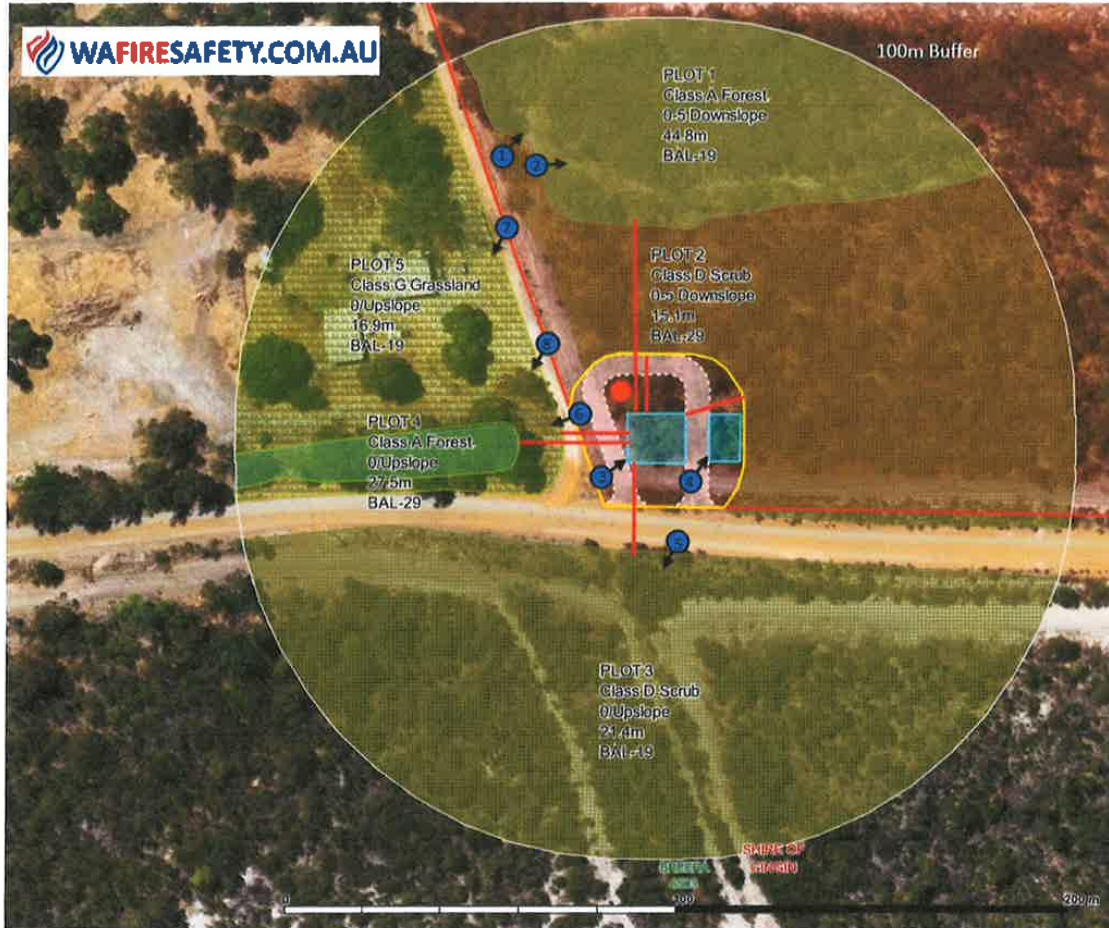
Table 3C provides the prescriptive BAL rating for the class 1a dwelling with an established APZ of 15.1m that includes a HSZ of the driveway, vegetation modification and landscaping.

Table 3C: Prescriptive BAL ratings.

Method 1 BAL determination				
Plot	Applied vegetation classification	Effective slope under the classified vegetation (degrees)	Separation distance to the classified vegetation (metres)	Highest BAL
1	Class A	0-5	44.8m	BAL-19
2	Class D	0-5	15.1m	BAL-29
3	Class D	0/Upslope	21.4m	BAL-19
4	Class A	0/Upslope	27.5m	BAL-29
5	Class G	0/Upslope	16.9m	BAL-19

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

FIGURE 5: Prescribed BAL Assessment Results



Line Of Measure
Effective Angle / linear distance



Proposed Building



**Asset Protection
Zone (if Applicable)**



Site Boundary



Vegetation Plot



Photo Location & Direction



North



Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

4.0 Compliance and Justifications

4.1 SPP 3.7 Objectives and Application of Policy Measures

The intent of *State Planning Policy (SPP) 3.7 Planning in Bushfire Prone Areas* (Department of Planning and Western Australian Planning Commission, 2015) is to ensure that bushfire risks are considered in a timely manner and that planning documents demonstrate the appropriate application of the various policy measures. Table 3 summarises the intent and objectives of SPP 3.7 and provides evidence of how the site complies.

Table 3: Evidence of compliance with SPP 3.7 intent and objectives

SPP Reference	Description	Evidence of Compliance
Intent	<ul style="list-style-type: none"> Ensure that risks associated with bushfires are planned using a risk-based approach 	<ul style="list-style-type: none"> Preparation of a bushfire management plan in accordance with SPP 3.7 BAL assessment indicates risks associated with bushland are manageable
Objective 1	<ul style="list-style-type: none"> Avoid any increase in the threat of bushfire to people, property and infrastructure 	<ul style="list-style-type: none"> BAL assessment indicates risks associated with bushland are manageable Structures within 100 m of vegetation assigned BAL-rating as per AS-3959 – 2018
Objective 2	<ul style="list-style-type: none"> Reduce vulnerability to bushfire 	<ul style="list-style-type: none"> BAL assessment indicates risks associated with bushland are manageable Structures within 100 m of vegetation assigned BAL-rating as per AS-3959 – 2018
Objective 3	<ul style="list-style-type: none"> Ensure that higher order strategic planning documents and proposals consider bushfire protection requirements at an early stage 	<ul style="list-style-type: none"> Planning at the site is largely complete, with bushfire risk being considered at an appropriate stage of the development This bushfire management plan documents the risks as they stand
Objective 4	<ul style="list-style-type: none"> Achieve an appropriate balance between bushfire risk management and biodiversity conservation 	<ul style="list-style-type: none"> Biodiversity values will remain in the surrounding bushland area Site environmental values have been considered during previous stages of the planning approvals process

4.2 Compliance table

The Bushfire protection criteria have been provided to assist in the assessment of proposed bushfire risk management measures required for development applications in bushfire prone areas. Table 4 demonstrates the Site's Compliance with Bushfire Protection Criteria.

Bushfire Management Plan – BAL Contour

Table 4: Compliance with bushfire protection criteria

Bushfire protection criteria Intent	Acceptable solutions	Proposed bushfire management strategies/solutions
<p>Element 1: Location Ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure</p>	<p>A1.1 Development location</p> <ul style="list-style-type: none"> • Bushfire hazard assessment is or on completion will be moderate or low • BAL Rating is BAL-29 or lower 	<p>BMP concludes that each lot has been provided a location that allows the achievement of BAL-29.</p>
<p>Element 2: Siting and design To ensure that the siting and design of development minimises the level of bushfire impact</p>	<p>A2.1 Asset Protection Zone Every habitable building is surrounded by, and every proposed lot can achieve an APZ depicted on plans that meets the following:</p> <ul style="list-style-type: none"> • Width – bushfire radiant heat does not exceed radiant heat of 29 kW/m² (BAL-29) as measured from any external wall or supporting post or column in all circumstances • Location – APZ contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot(s) will be managed in a low-fuel state on an ongoing basis, in perpetuity • Management – the APZ is managed in accordance with the requirements of 'Standards for Asset Protection Zones' (Schedule 1) 	<p>APZ is to be maintained in perpetuity to a distance of 15.1m inside the boundary or to the boundary west / south and in accordance with Appendix 1 and the Shire of Gingin firebreak orders 19/20.</p>

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Bushfire protection criteria Intent	Acceptable solutions	Proposed bushfire management strategies/solutions
<p>Element 3: Vehicular access</p> <p>Vehicular access servicing a subdivision/development is available and safe during a bushfire event</p>	<p>A3.1 Two access routes. Two different vehicular access routes are provided, both of which connect to the public road network, provide safe access and egress to two different destinations and are always available to all residents/the public and under all weather conditions</p> <p>A3.2 Public road Public roads will be constructed in accordance with requirements detailed in Table 4, Column 1 on page 64 of the guidelines</p> <p>A3.3 Cul-de-sac (including a dead-end-road) A cul-de-sac and/or a dead-end road should be avoided in bushfire prone areas. Where no alternative exists (i.e. the lot layout already exists and/or will need to be demonstrated by the proponent), the following requirements are to be achieved:</p> <ul style="list-style-type: none"> • Requirements in Table 4, Column 2 on page 64 of the guidelines • Maximum length: 200 metres (if public emergency access is provided between cul-de-sac heads maximum length can be increased to 600 metres provided no more than eight lots are serviced and the emergency access way is no more than 600 metres) • Turn-around area requirements, including a minimum 17.5 metre diameter head. 	<p>Access and egress is by Breera road to the west and Brand Highway to the north and south.</p> <p>secondary access and egress can also be by Breera Road to the east, inside boundary line to Nullilla Road to the north.</p> <p>N/A, No additional roads will be constructed</p> <p>Dead end road, Complies with access to Nullilla Road to the north via boundary road that will comply with Appendix 3, Column 3, Private driveway.</p>

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

FIGURE 6: Magnified contour map



3.5 Additional Bushfire Hazard Issues

Below are the identified bushfire hazard issues relating to this site:

- The development is bounded by class D scrub on the north and east.
- Road access/egress is not available to the east along Breera Road, the secondary access and egress will be to the north east along Nullilla Road.
- Asset Protection Zones are to be established early and maintained in perpetuity to ensure all applicable buildings maintain BAL-29.
- The indicative BAL ratings are to demonstrate compliance only and individual BAL Assessment may be required at a later stage.
- Future Class 1a dwelling is to be constructed to applicable AS3959 standard, the non-associated class10a shed has been placed at more than 6m from dwelling and forms part of the HSZ.
- As this development is above BAL-LOW the relevant bushfire protection criteria apply and will need to be addressed (section 4.0).

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Bushfire protection criteria Intent	Acceptable solutions	Proposed bushfire management strategies/solutions
	<p>A3.4 Battle-axe Battle-axe access leg should be avoided in bushfire prone areas. Where no alternative exists, (this will need to be demonstrated by the proponent) all of the following requirements are to be achieved:</p> <ul style="list-style-type: none"> • Requirements in Table 4, Column 3 • Maximum length: 600 metres • Minimum width: six metres. <p>A3.5 Private driveway longer than 50 metres A private driveway is to meet all the following requirements:</p> <ul style="list-style-type: none"> • Requirements in Table 4, Column 3 • Required where a house site is more than 50 metres from a public road • Passing bays: every 200 metres with a minimum length of 20 metres and a minimum width of two metres (i.e. the combined width of the passing bay and constructed private driveway to be a minimum six metres) • Turn-around areas designed to accommodate type 3.4 fire appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres) and within 50 metres of a house • Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes • All-weather surface (i.e. compacted gravel, limestone or sealed). 	<p>N/A</p> <p>N/A</p>
A3.6 Emergency access way		N/A

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Bushfire protection criteria Intent	Acceptable solutions	Proposed bushfire management strategies/solutions
	<p>An access way that does not provide through access to a public road is to be avoided in bushfire prone areas. Where no alternative exists (this will need to be demonstrated by the proponent), an emergency access way is to be provided as an alternative link to a public road during emergencies. An emergency access way is to meet all of the following requirements:</p> <ul style="list-style-type: none"> • Requirements in Table 4, Column 4 on page 64 of the guidelines • No further than 600 metres from a public road • Provided as right of way or public access easement in gross to ensure accessibility to the public and fire services during an emergency • Must be signposted. <p>A3.7 Fire service access routes/ perimeter roads Fire service access routes are to be established to provide access within and around the edge of the subdivision and related development to provide direct access to bushfire prone areas for fire fighters and link between public road networks for fire-fighting purposes. Fire service access routes are to meet the following requirements:</p> <ul style="list-style-type: none"> • Requirements Table 4, Column 5 on page 64 of the guidelines • Provided as right of ways or public access easements in gross to ensure accessibility to the public and fire services during an emergency • Surface: all-weather (i.e. compacted gravel, limestone or sealed) • Dead end roads are not permitted 	<p>N/A</p>

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Bushfire protection criteria Intent	Acceptable solutions	Proposed bushfire management strategies/solutions
<p>Element 4: Water Water is available to the subdivision, development or land use to enable people, property and infrastructure to be defended from bushfire</p>	<ul style="list-style-type: none"> • Turn-around areas designed to accommodate type 3.4 appliances and to enable them to turn around safely every 500 metres (i.e. kerb to kerb 17.5 metres) • No further than 600 metres from a public road • Allow for two-way traffic • Must be signposted <p>A3.8 Firebreak width Lots greater than 0.5 hectares must have an internal perimeter firebreak of a minimum width of three metres or to the level as prescribed in the local firebreak notice issued by the local government.</p> <p>A4.1 Reticulated areas The subdivision, development or land use is provided with a reticulated water supply in accordance with the specifications of the relevant water supply authority and Department of Fire and Emergency Services</p> <p>A4.2 Non-reticulated areas</p> <p>A4.3 Individual lots within non-reticulated areas</p>	<p>Width 3–4m (no more than 4m wide) 4m Vertical clearance. inside and along all boundaries. Turning radius of up to 10m Trafficable Surface (as per the Shire of Gingin Firebreak orders 19/20)</p> <p>N/A</p> <p>N/A</p> <p>Water tank with 10kL Firefighting reserve Within 30m of Dwelling (Appendix 4 – Water Supply)</p>

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

5.0 Bushfire Risk Management Strategies



- Notes:
1. Driveway will form APZ/HSZ with 8.5m turn radius and comply with Appendix 3, column 3 of BMP.
 2. Water tank will have 10kL fire fighting reserve with BIC Female coupling or as per Appendix 4.
 3. Landscaping will be in a low fuel state in perpetuity and comply with Appendix 1&2.
 4. Gravel and non-vegetated areas form part of APZ/HSZ and will be free from fuels at all times.
 5. APZ is non- associated, non-combustible and will be part of the APZ/HSZ for the site, comply with Appendix 1&2.
 6. APZ is to be 15.1m from the dwelling or to the boundary line all areas inside must comply with Appendix 1&2.
 7. Class 1a Dwelling AS3959 construction standards apply, BAL-29.
 8. Access/egress will be west to Brand Hwy and East Breera, boundary to Nuttilla Rd to north.
 9. Firebreak width 3m, vertical clearance of 4m, comply with Appendix 2.

Location: Lot 148 Breera Road, Breera Western Australia
 LGA: Shire of Gingin
 Assessment Date: 18 January 2020
 Prepared by: Dwayne Griggs, Level 1 BPAD0466
 Reviewed by: Roddy Cameron, Level 2 BPAD37279
 BMP Version: BMP556

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Table 5A: Bushfire risk management strategies

<p>Asset Protection Zones (APZ)</p>	<p><i>Developer:</i> Developer will site, establish and APZ early and maintain till property handover is completed. Landowners responsibility & Mitigation works for the site include: APZ of BAL-29 can be maintained with managed vegetation, reticulated lawns/gardens and non-flammable features. Grass maintained at less than 5cm in height Fine Fuel loads of 6mm or less maintained at less than 2t/Ha Clear Separation of tree crowns adjoining or nearby No tall shrubs less than 2m from structure Trees to be low pruned (under Pruned) to at least 2m in height No trees/shrubs less than 2m in height to be within 2m of dwelling and tall shrubs less than 2m are not in groups with a gap of 3x the height at maturity from dwelling No trees crowns or branches overhanging dwelling. Paths or non-flammable features to be immediately adjacent to dwelling Wood piles or flammable materials stored at safe distance. Sheds or Class 10s Structures should contain no flammable items. Tree canopy cover down to 15%.</p>
<p>Driveway</p>	<p>Driveway will be on Breera Road and will be less than 50m, fire appliance will operate from the road, access round driveway will comply and be clear at all times.</p>
<p>Access/Egress</p>	<p>Access and egress in two directions, West along Breera Rd to Brand Hwy (north & South) Access East on Breera, north up boundary line to Nullifilla Road (north)</p>
<p>Fire Breaks</p>	<p>Firebreaks will comply with 3m width and 4m vertical clearances at all times, Appendix 2.</p>
<p>Water tank</p>	<p>Water tanks are to be accessed from the driveway when required 10KL Firefighting water supply or reserve will be required. Appendix 4.</p>

Bushfire Management Plan – BAL Contour

6.0 Roles and Responsibilities

Responsibilities for bushfire preparedness and response within the development area are shared by the Builder, the Landowners, the Shire of Gingin and the bushfire consultant. (Table 6A).

Table 6A: Roles and responsibilities

DEVELOPER/LANDOWNER/CONSULTANT – PRIOR TO OCCUPANCY	
No.	Implementation action
1	Establish an Asset Protection Zone (APZ) to the dimensions (Table 3C) and standard stated in this BMP. (Appendix 1) and (Appendix 2).
2	Maintain the APZ and HSZ to required standard.
3	Install a Water tank with a Minimum 10kL fire fighting reserve as per BMP and (Appendix 5)
4	Construct all buildings within the BCA and AS3959 where required.
LANDOWNER – ONGOING	
No.	Management action
1	Maintain the Asset Protection Zone (APZ) and Hazard Separation Zone (HSZ) in a low fuel state to the dimensions and standard stated in the BMP. (Appendix 1) and (Appendix 2)
2	Comply with the relevant local government annual firebreak notice issued under s33 of the Bush Fires Act 1954 and the Shire of Gingin firebreak orders 19/20 (Appendix 2)
3	Maintain vehicular access routes and defensible spaces within the lot to allow free movement for emergency personnel at all times in all conditions.
4	Maintain the emergency water supply tank, water level, its associated fittings in good working condition at all times.
LOCAL GOVERNMENT (Shire of Gingin) – ONGOING MANAGEMENT	
No.	Management action
1	Fuel load reduction and management of surrounding vegetation and reserves, where required.
2	Inspection and issue of works orders or fines for non-compliance, this includes firebreaks, APZ's/HSZ's and water supply.

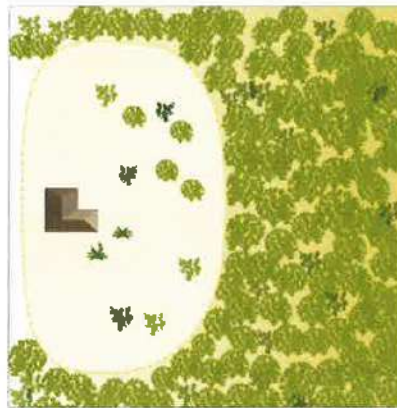
Appendices

Appendix 1 – Information and SPP3.7 Standards for APZ's

An APZ is an area surrounding a building that is managed to reduce the bushfire hazard to an acceptable level. The width of the required APZ varies with slope and vegetation. The APZ should at a minimum be of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m² (BAL-29). It should be lot specific. Hazard separation in the form of using subdivision design elements (refer to E2) or excluded and low threat vegetation adjacent to the lot may be used to reduce the dimensions of the APZ within the lot.

Hazard on three sides

APZ



The APZ includes a defensible space which is an area adjoining the asset within which firefighting operations can be undertaken to defend the structure. Vegetation within the defensible space should be kept at an absolute minimum and the area should be free from combustible items and obstructions. The width of the defensible space is dependent on the space which is available on the property, but as a minimum should be 3 metres.

The APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity. The APZ may include public roads, waterways, footpaths, buildings, rocky outcrops, golf courses, maintained parkland as well as cultivated gardens in an urban context, but does not include grassland or vegetation on a neighbouring rural lot, farmland, wetland reserves and unmanaged public reserves.

APZs can adversely affect the retention of native vegetation. Where the loss of vegetation is not acceptable or causes conflict with landscape or environmental objectives, such as waterway foreshore areas and wetland buffers, reducing lot yield may be necessary in order to minimise the removal and modification of remnant vegetation.

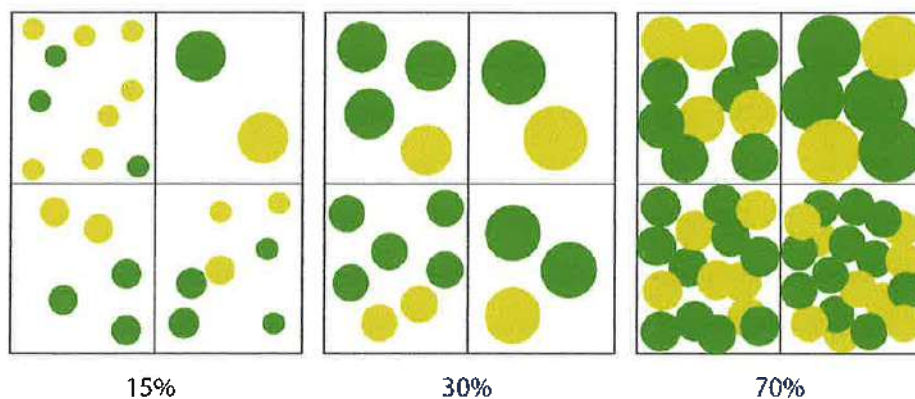
It is the responsibility of the landowner/proponent to maintain their APZ in accordance with Schedule 1 'Standards for Asset Protection Zones'. It is further recommended that maintenance of APZs is addressed through the local government firebreak notice, issued under s33 of the Bushfires Act 1954, and preferably included in a Bushfire Management Plan specifically as a how-to guide for the landowner.

19 MARCH 2024

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan -- BAL Assessment

- **Fences:** within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.

Objects: within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.
- **Fine Fuel load:** combustible dead vegetation matter less than 6 millimetres in thickness reduced to and maintained at an average of two tonnes per hectare.
- **Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy (see Canopy cover below).



- **Shrubs (0.5 metres to 5 metres in height):** should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m² in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.
- **Ground covers (<0.5 metres in height):** can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 millimetres in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.
- **Grass:** should be managed to maintain a height of 100 millimetres or less.

Appendix 2 – Shire of Gingin Firebreak Orders 2019/20

YOUR LEGAL REQUIREMENTS

1. For your property

You are legally required annually to undertake the following at your property (unless a 'Recommendation' is indicated). Failure to do so will result in the issuing of an infringement.

- A** If your property is less than 0.4 Ha (option 1)
- B** If your property is less than 0.4 Ha (option 2)
- C** If your property is 0.4 Ha - 8 Ha
- D** If your property is 8 Ha or more

Property Size	A	B	C	D
Install firebreaks that are 3m of bare earth for all external boundaries of the property including any areas planned for stubble burning		✓	✓	✓
Install firebreaks that are a width of 20m for areas cleared for the purpose of burning (stubble burning excluded).			✓	✓
Burn or slash all grass to a height no greater than 50mm.	✓			
Trim all vegetation that overhangs driveways, access ways and firebreaks to leave a minimum vertical access clearance of 4m.	✓	✓	✓	✓
For your assets it is RECOMMENDED that you maintain a 20m APZ surrounding all buildings, large hay stacks and fuel storage areas. Refer to page 15 for further information.	✓	✓		
For your assets it is REQUIRED that you maintain a 20m APZ surrounding all buildings, large hay stacks and fuel storage areas. Refer to page 15 for further information.			✓	✓
For your assets trim back all vegetation overhanging structures.	✓	✓	✓	✓

Compliance is required by 1 November and must be maintained until 31 May annually.

2. Any other Requirements

From time to time your property may be deemed to have an excessive fuel load (e.g. excessive non-slashed grass, etc.) and as such, you may be instructed by Shire Rangers, at the behest of the Chief Bushfire Control Officer, to undertake additional works in order to reduce the hazard.

These works would only be requested in the instance that the large fuel load on your property poses an excessive risk to your assets and/or neighbouring properties.

If you are requested to undertake these works then they MUST BE CARRIED OUT. Failure to do so will result in the issuing of an infringement.

3. To Vary your Firebreak

Occasionally it is not possible to install a firebreak adjacent to your external boundary due to naturally occurring obstacles. In that instance then it is acceptable to install the firebreak around the obstacle. If the firebreak is required to be greater than 5m away from the boundary then a Firebreak Variation is required.

A variation for your firebreaks (including the reasons for your application) may be applied for between **1 June and 15 October annually**. If approved then all firebreak conditions will be as per your variation.

Refer to the Firebreak Variation guidelines on pages 13 and 14 for more information.

4. If you have a Plantation less than 3 Ha

Install firebreaks that are:

- Immediately inside all external boundaries.
- A minimum width of 10m of bare earth.
- Have a clear vertical axis.

Adjacent non-plantation areas within the same property boundary are subject to the firebreak requirements set in part 2 of this section of these Firebreak Orders.

Compliance is required by 1 November and must be maintained until 31 May annually.

5. If you have a Plantation greater than 3 Ha

Install firebreaks that are:

- A minimum width of 15m of bare earth and immediately inside all external boundaries.
- A minimum width of 6m of bare earth for all internal firebreaks for compartments not larger than 30 ha.
- Maintained in a trafficable condition for emergency vehicles (e.g. firetrucks) with a minimum vertical axis clearance of 4m for all internal firebreaks.

Adjacent non-plantation areas within the same property boundary are subject to the firebreak requirements set in part 2 of this section of these Firebreak Orders.

Maintain a water supply of 25,000L for every 50 ha of plantation or part thereof. Water sources are required to be positioned to provide a maximum 20 minute refill turnaround from anywhere within the plantation. The water source point must have a hardstand area for heavy trucks to park on whilst drawing water.

Compliance is required by 1 November and must be maintained until 31 May annually.

6. Burning your Garden Waste

In accordance with the Bush Fires Act 1954 if you want to burn your garden waste during Restricted Burning Periods then you need to:

- Obtain a permit from a Gingin area Fire Control Officer and follow the directions on that permit.
- Let your neighbours know prior to burning.
- Only burn dry garden waste from your property.

No burning is allowed at all during the Prohibited Burning Period and no Permits will be issued to burn by Fire Control Officers during that period.

During the Restricted Burning period you cannot burn on Sundays or public holidays.

Failure to comply may result in a \$3,000 fine.

Firebreaks provide safe access for firefighters and their vehicles. The landowner is responsible for the standard and quality of firebreaks on their land. You can choose to install your firebreaks yourself or engage a contractor (refer pg. 12 for a list of contractors in the Gingin Shire area).

It is your responsibility to ensure that your firebreaks are maintained throughout the firebreak season which occurs from November through to the end of May annually. Any regrowth and fallen tree limbs, etc. need to be removed from your firebreaks during this period.



Firebreak is correct width of a minimum of 3m of bare earth

There is a clear vertical access of a minimum of 4m to allow access for emergency vehicles



Clear vertical access of a minimum of 4m **NOT** maintained to allow access for emergency vehicles

Fuel load (leaf litter) is present on firebreak which should be a 3m width of bare earth

Firebreaks can

Detour around single large trees without a variation (as long as you comply with the required dimensions of your firebreak).

Be achieved by chemical application, ploughing and grading. However loose soil may erode in steep areas and will require constant maintenance. Stepping and grading the firebreak into the incline will reduce this effect.

Firebreaks can't

Detour around multiple large trees without a variation.

Be outside the boundaries of your land.

Be on roads, verges, bridle paths, looppaths, dual access ways or reserves.

Be an existing emergency access way unless it is on your land and was required as a condition of planning approval.

Firebreak Variations

You might apply to vary your firebreak if

It would be impractical or dangerous to construct a firebreak on your land due to its landscape.

A normal firebreak would encroach on a reticulated lawn. You need to keep the lawn green and maintained to a height of less than 25mm from **1 November to 31 May** each and every year.

A normal firebreak would encroach on reticulated feed paddocks. You need to keep the paddocks green and maintained to a height of less than 50mm from **1 November to 31 May** each and every year.

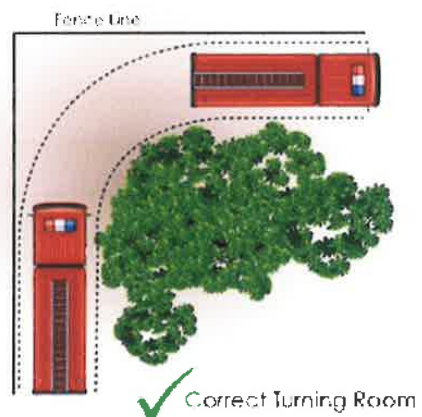
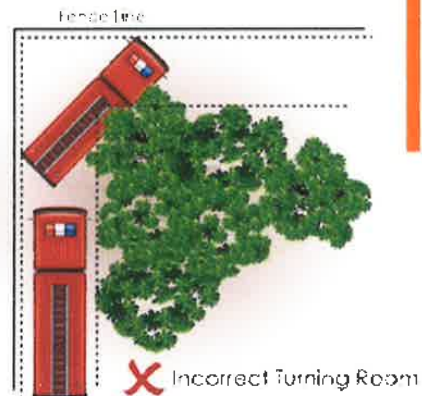
A normal firebreak would encroach on reticulated garden beds, orchards or other sustained cultivation. You need to ensure clear trafficable access for emergency vehicles to your buildings and land.

Trees were previously planted where the firebreak would normally be placed so alternative siting of the firebreak is required.

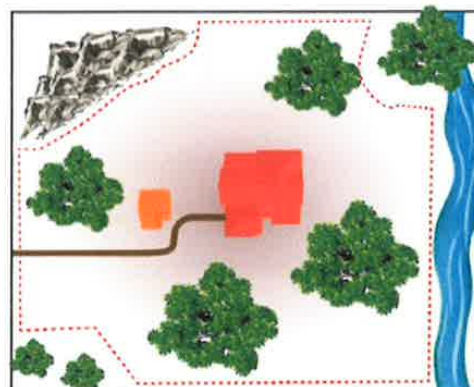
Parcels of land that are contiguously rated do not require a variation and a shared firebreak may be installed around the boundary of all the lots.

Do your Firebreaks allow for turning room for emergency vehicles?

Long emergency vehicles such as firetrucks need more room when they need to turn a corner. Consequently, your firebreaks should be curved at the corners so that a firetruck can comfortably navigate any corner on your property in the event of an emergency where they require access to your property.



Example of a Firebreak Variation



- Fire Break
- Stream
- Rocky Outcrop
- Driveway
- Property Boundary
- Vegetation

Asset Protection Zone

Creating and maintaining an Asset Protection Zone (APZ) is one of the most effective things you can do to reduce your risk in a bush fire.

An APZ is:

A zone created between the bush and your property which will reduce the risk of your house and/or assets being damaged or destroyed by direct flame or the intense heat that is given off during a fire.

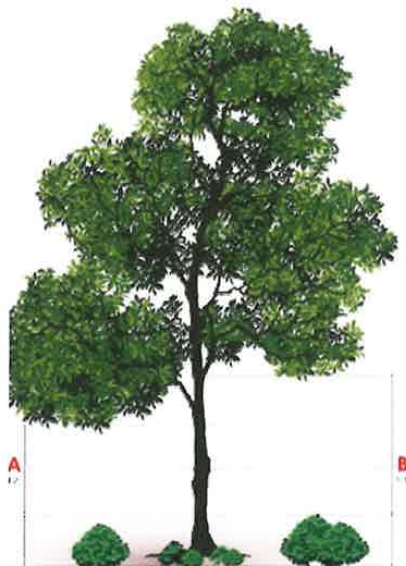
An APZ serves to:

Reduce the likelihood of hot embers (that can be carried in the wind during a fire) from igniting items that can burn on or around your home and/or assets. Additionally a well maintained APZ can provide a safer and more accessible area for you and/or firefighters to defend your property.

Maintaining your garden:

The following guidelines have been set out by the WA State Government for property owners which specify recommendations for the spacing and height of vegetation. Small variations in spacing and height will occur dependent upon the type of plants you have, your exposure to the wind and the slope of your property. Refer to figure 1 [page 16] for a visual guide.

Figure 2: Shrub Foliage Separation from Tree Foliage.




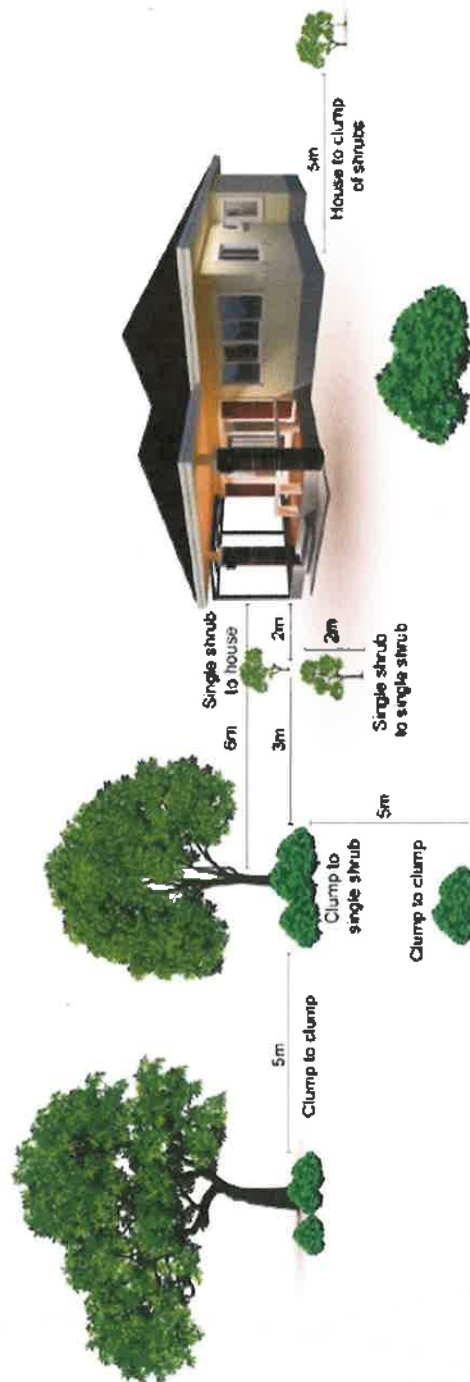
- A** Maximum clearance between free foliage and the top of an individual shrub = 2 x height of shrub foliage, i.e. 6m in this case.
- B** Maximum clearance between free foliage and a clump of shrubs = 3 x height of shrub foliage, i.e. 9m in this case.
-  The height of the shrub foliage is 3m.

Figure 1: APZ - Vegetation Separation Distances.



Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Fire Danger Rating (FDR)

The FDR advises what the level of bushfire threat could be on any given day and is supplied daily by the Bureau of Meteorology.

The FDR is available at www.bom.gov.au or www.emergency.wa.gov.au.



When the FDR is:	Permits are automatically canceled.
Very High	No burning (including garden refuse) is allowed.
Severe	You can't use any BBQ or cooker in the open air that requires solid fuel (wood or charcoal). This includes wood-fired ovens or stoves.
Extreme	Campfires aren't allowed.
Catastrophic	Campfires aren't allowed.

Fire Bans

A fire ban may be called for a variety of reasons and can be placed by either the Shire of Gingin, the Chief Bushfire Control Officer or DFES.

There are also different types of fire bans with the two predominant bans used during the Prohibited Burning Period being:

- Total Fire Ban (enacted by DFES)
- Harvest & Vehicle Movement Ban (enacted by the Shire of Gingin)

If a ban has been placed you must adhere to it's conditions or you may be fined.

For information on Fire Bans visit the Shire's website - www.gingin.wa.gov.au

To find out if the Shire has declared a Harvest & Vehicle Movement Ban, subscribe to the Shire's **FREE SMS service**. Contact the Shire on (08) 9575 5100 to subscribe.

Burning Periods

Depending upon the time of year, burning may be restricted or even not permitted. Burning Periods define what activities are allowed during these different periods of risk. The Shire may vary Burning Periods depending upon the weather and other conditions so it's essential that you adhere to the dates set for Prohibited, Restricted and Unrestricted Burning Periods as listed in these Firebreak Orders.

JAN	FEB	MAR	APR
MAY	JUN	JUL	AUG
SEP	OCT	NOV 21 st	DEC 22 nd

- Prohibited Burning Period**
All burning and fires are prohibited during this time including cooking and campfires without a valid permit.
- Restricted Burning Period**
(No burning on Sundays/Public Holidays)
You need a permit to burn grass, paddocks and bush. Details about permits can be found on pages 20 to 24.
- Unrestricted Burning Period**
(Burning allowed on any day)
There are no fire restrictions on burning; however, health legislation is still applicable. Let your neighbours know you intend to burn and consider the smoke impact.

19 MARCH 2024

Lot 148 Breera Road, Breera, Western Australia
Bushfire Management Plan – BAL Assessment

Your Fire: Your Responsibility

If you conduct a controlled burn on your property you are responsible if that fire gets out of control even during non-prohibited periods of the year.

If a Bushfire Control Officer thinks that your fire is out of control then you may be asked to extinguish it. If a Volunteer Bushfire brigade is required to extinguish the fire then costs may be incurred.

If your burn escapes then you must report the incident to the Shire within 7 days including how it escaped, any losses and the equipment used to suppress the fire.

It is recommended that before you burn you have appropriate insurance to cover you, your land and your public liability responsibilities.

We recommend you undertake weed control after burning to help maintain the reduced fuel loading.

Burning Permits

If you want to burn grass, paddocks and bush during the Restricted Burning Period then you will need a burning permit. To apply for a permit call your local Fire Control Officer **at least 1 week before your burn**. They will assess your proposed burn and issue a written permit (if approved).

Before you apply

Have your address ready.

Know the size of your burn and ensure materials are dry.

Check your firebreaks are maintained and that the burn area is trafficable.

Check your firefighting equipment and resources are in good working order.

Have the contact numbers of 3 able bodied people who will be at the burn.

Remove plastics, treated wood, tyres and other materials (you can only burn vegetation).

Fines & Penalties

As per the Bushfires Act 1954.

Offence	Infringement	Maximum Penalty
Failure to produce permit to burn	\$100	\$500
Failure to comply with the directions of a Fire Control Officer	\$250	\$2,000
Offences relating to lighting a fire in the open air	\$250	\$3,000
Obstruction of an authorised officer	\$250	\$5,000
Disposal of burning cigarettes etc.	\$100	\$5,000
Apply to another Fire Control Officer for a permit where a permit has already been refused or granted subject to special conditions	\$250	\$10,000
Failure of occupier to extinguish bush fire	\$250	\$10,000
Selling fire to the bush during prohibited burning time	\$250	\$10,000 and/or 12 month imprisonment

Remember the Environment

Some properties have environmental issues that need to be considered. These include but are not limited to:

Threatened ecological communities.

Environmentally sensitive areas.

Areas protected under the *Environmental Protection Act 1986*.

Specific development or subdivision approval conditions.

If you think that your land may be affected by environmental concerns, please contact the Shire on **9575 5100**.

Shire of Gingin Ranger Services 9575 5140
(All Areas)

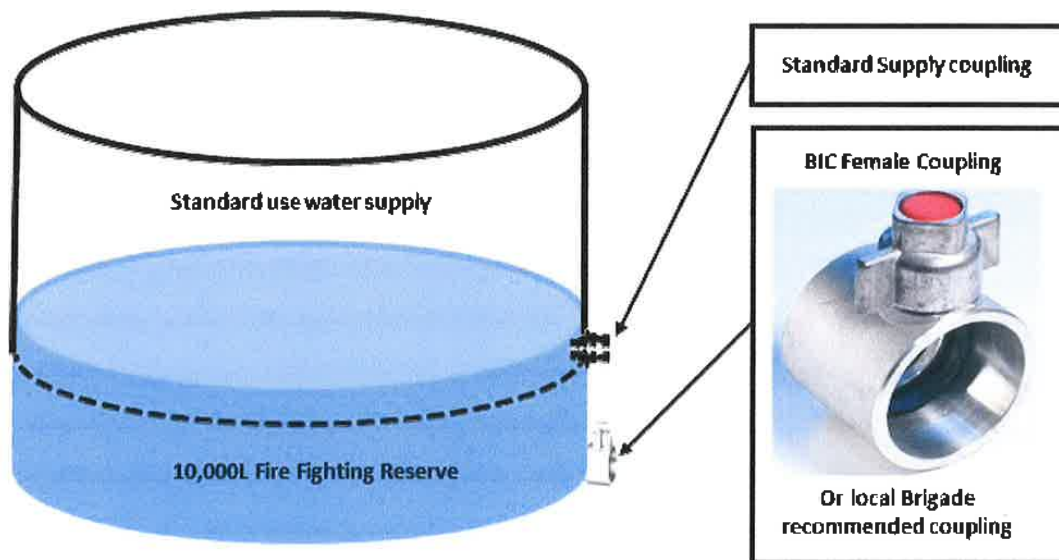
Appendix 3 – Vehicular Access Requirements

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

*Refer to E3.2 Public roads: Trafficable surface

Appendix 4 – Water Supply

Water tank, 10kL or more of dedicated firefighting reserve



SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

PROPOSED DEVELOPMENT APPLICATION – PROPOSED SINGLE HOUSE AND OUTBUILDING ON LOT 48 BREERA ROAD, BREERA.

No.	Submitter	Submission Detail	Recommended Response
1.	Submitter Parks and Wildlife Service	<p>The submitter makes the following general comment:</p> <p>I refer to your correspondence of 27 July 2020 in relation to the above development application. The Parks and Wildlife Service of the Department of Biodiversity, Conservation and Attractions (the department) provides the following comments.</p> <p>Clearing of native vegetation</p> <p>The proposed building envelope and associated Building Protection Zone (BPZ) will result in the clearing of up to 0.25ha of native vegetation. The clearing of native vegetation in Western Australia is prohibited, unless the clearing is authorised by a clearing permit obtained from the DWER, or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or Environmental Protection (Clearing of Native Vegetation) Regulations 2004. DBCA understands that an application for a clearing permit was submitted by the proponent to DWER’s Native Vegetation Branch (CPS 8184/1) in August 2018. DWER have undertaken a comprehensive assessment of the values of the subject area and received input from DBCA’s specialist branches in relation to threatened ecological communities (TEC) and wetland values of the area under assessment.</p> <p>Based on the potential impact of the proposal on conservation significant flora, threatened ecological communities and a conservation category wetland, DWER has recently decided to refuse the application on this basis. A copy of the DWER Decision report is provided for your information. The decision report sets out the justification for the refusal of the clearing application and</p>	Noted. Refer to Council report.

		<p>contains advice provided by DBCA in relation to TEC and wetland values.</p> <p>A summary of this advice is provided below:</p> <p>Conservation Category Wetland</p> <p>The area under application occurs within Conservation Category Wetland (CCW) 'UFI15110', which is part of an extensive palusplain system which connects to the Breera Brook (situated approximately 757 metres from the application area) and flows into Chandala Brook (situated approximately 1.5 kilometres from the application area). The wetland is part of the 'Mungula consanguineous suite' (DBCA 2019b). Only 12.6 per cent of these CCW's currently remain, of which only 4.1 per cent are palusplain wetlands (DBCA 2019b). A wetland mapping review undertaken in 2017 identified this wetland as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b). The wetland is valued for its vegetation buffer, vegetation composition, proximity to both priority and threatened ecological communities, threatened fauna habitat value, hydrological connection and its value as a site of indigenous significance (DBCA 2019b). The proposed clearing of 0.25 hectares of vegetation within the buffer of the CCW may impact the values of the wetland.</p> <p>Threatened Ecological Communities</p> <p>DBCA advised that the inspection of the application area and its surrounds undertaken by DWER Officers identified specific characteristics that may be indicative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act. The DBCA recommended that surveys be undertaken to ascertain the presence of this TEC within the application area and advised that inspection by Species and Communities Program specialists is likely</p>	
--	--	---	--

		to be required to verify the presence or absence of this TEC within the application area (DBCA 2019a). There is no evidence that further surveys have been undertaken to confirm the presence of the above TEC.	
2.	Submitter DWER	<p>The submitter makes the following general comment:</p> <p>Thank you for providing the above referral for the Department of Water and Environmental Regulation (Department) to consider. The Department has identified that the proposed development will impact on environment and water values and management. Key issues and recommendations that should be addressed are provided below:</p> <p><u>Acid Sulfate Soils Advice</u></p> <p>Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to high risk of ASS occurring within 3 metres of the natural soil surface. The Department advises that a model ASS related condition is not considered necessary in this instance as there is no indication in the proposal to suggest that dewatering or ground disturbance is proposed.</p> <p><u>Native Vegetation Clearing Advice</u></p> <p>Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (the Clearing Regulations).</p>	Noted. Refer to Council report.

		<p>Based on the information provided, no exemption applies to the proposed clearing and a clearing permit is required.</p> <p>The Department received a Clearing Permit application (CPS 8184/1) on 31 August 2018 from the applicant to clear 0.25 hectares of native vegetation at this location for the purposes of constructing a dwelling. The Department's assessment of the application noted that the proposed clearing may impact on conservation significant flora, threatened ecological communities and a conservation category wetland. The applicant was provided the opportunity to provide biological surveys to better inform the extent of environmental impacts. The required surveys have not been provided and the Department is therefore likely to refuse the application on this basis.</p> <p>It is noted that the clearing footprint specified in the development application is slightly smaller than that applied for within the clearing permit application. Despite the smaller footprint the above potential impacts remain.</p> <p><u>Water Resource Management Advice</u></p> <p>The site is located within the Ellen Brook Surface Water Area, proclaimed under the <i>Rights in Water and Irrigation Act 1914</i>, and Breera Brook runs through the property. Over this portion of the waterway is a mapped Conservation Category Wetland (CCW) and Threatened Ecological Community (TEC).</p> <p>An on-site wastewater treatment and disposal system is required for the proposed single house as reticulated sewerage is unavailable in the area. According to Table 3 in <i>Water Quality Protection Note 70: Wastewater treatment and disposal - domestic systems</i> (DoW, 2016), onsite sewage systems should be set back at least 100 metres from waterways and wetlands, measured from the edge of dampland vegetation.</p>	
--	--	---	--

		<p>The required setbacks for on-site sewage systems to the Breera Brook and CCW are not achievable at the location proposed for the building envelope. Setbacks less than 100 metres may be considered, however, the proponent has not provided any details on the wastewater system or justification that water contamination risks from domestic wastewater can be managed.</p> <p>As such, the Department objects to the proposal in its current form. The Department of Biodiversity, Conservation and Attractions (DBCA) should be consulted further regarding the CCW and TEC matters.</p>	
3.	Submitter DFES	<p>The submitter makes the following general comment:</p> <p><i>I refer to your email dated 12 June 2020 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by WA Fire & Safety and dated 12 March 2020, for the above development application. The BMP is accompanied by a letter from the proponent titled "Justification Re Proposed Setbacks" for the above development application (DA).</i></p> <p><i>It should be noted that this advice relates only to State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). It is the responsibility of the proponent to ensure that the proposal complies with all other relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining necessary approvals that may apply to the proposal including planning, building, health or any other approvals required by a relevant authority under other written laws.</i></p> <p><i>Assessment</i></p>	Noted. Refer to Council report.

	<p>• <i>DFES acknowledge that the development application has been referred to DFES seeking expert technical advice on bushfire risk where refusal of the application is contemplated by the decision maker.</i></p> <p><i>1. Policy Measure 6.5 a) (ii) Preparation of a BAL contour map</i></p> <p><i>Issue Assessment Action</i> <i>Vegetation classification Evidence to support the exclusion of the firebreak/driveway on the adjoining lot as managed to low threat in accordance with AS3959 is required.</i></p> <p><i>It is unclear if there is an enforceable mechanism for the decision maker to consider management of the neighbouring lot to the west to a low-threat standard in perpetuity. This is required to provide certainty that the proposed management measures within the BMP can be enforced by the decision maker. Insufficient information. The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</i></p> <p><i>If unsubstantiated, the vegetation classification should be revised to apply the worst-case scenario as per AS3959, or the resultant BAL ratings may be inaccurate.</i></p> <p><i>2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</i></p> <p><i>Element Assessment Action Siting & Design</i> <i>A2.1 – not demonstrated</i> <i>Should the decision maker consider that there is no enforceable mechanism in place to ensure the vegetation exclusion on the adjoining lot to the west can be managed to low threat, the proposed development should be modified to ensure bushfire protection measures can be achieved wholly within the lot boundaries.</i></p> <p><i>The acceptable solution requires an Asset Protection Zone to be contained wholly within the lot boundaries on which the building is situated except in instances where the neighbouring lot will be managed</i></p>	
--	--	--

	<p><i>in a low-fuel state on an ongoing basis, in perpetuity. The decision maker to be satisfied.</i></p> <p><i>Water A4.3 – not demonstrated</i> <i>The BMP states that a tank with 10,000L reserved for firefighting purposes will be installed to comply with Element 4.</i> <i>The acceptable solution is for a dedicated tank to be installed for firefighting purposes for the following reasons:</i></p> <ul style="list-style-type: none"> <i>• In the event of an emergency incident firefighters may drain the entire domestic tank in suppression efforts. Until the tank is refilled residents cannot return to their homes.</i> <i>• When a tank, used mainly for domestic purposes, is entirely emptied the sediment at the bottom of the tank may be disturbed when re-filling which can make the water unpotable.</i> <i>• There is no guarantee that the tank will have the reserve of 10,000L as this is at the discretion of the land owner. Modification to the BMP is required.</i> <p><i>Recommendation – not supported modifications required</i></p> <p><i>It is critical that the bushfire management measures within the BMP are refined, to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire. The proposed development is not supported for the following reasons:</i></p> <p><i>1. The development design has not demonstrated compliance to Element 2: Siting and Design; and - Element 4: Water.</i></p>	
--	---	--



Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 8184/1
Permit type: Area Permit

1.2. Applicant details

Applicant's name: Withheld
Application received date: 31 August 2018

1.3. Property details

Property: Lot 148 On Deposited Plan 411514
Local Government Authority: Shire of Gingin
Localities: Breera

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.25012		Mechanical Removal	Building or structure

1.5. Decision on application

Decision on Permit Application: Refuse

Decision Date: 24 July 2020

Reasons for Decision:

The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing is at variance with principles (e) and (f), may be at variance with principles (a), (c) and (d), is not at variance with principle (j) and is not likely to be at variance with the remaining principles.

Through the assessment it was determined that the application area may support populations of conservation significant flora species, is situated within a Conservation Category Wetland (CCW) identified as 'UFI-15110', may contain an occurrence of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' or 'Forests and woodlands of deep seasonal wetlands of the Swan Coastal Plain' threatened ecological community (TEC) and is likely a significant remnant of native vegetation in an extensively cleared area. The applicant has not provided flora and vegetation surveys to confirm the presence or absence of the aforementioned values.

The proposed construction of a dwelling within Lot 148 on Deposited Plan 411514 requires Development Approval to be obtained from the Shire of Gingin. It is understood that an application for Development Approval has been made but to date has not been approved.

The Delegated Officer noted that the siting of a dwelling within a vegetated area of land would likely require additional clearing to maintain a level of bushfire prevention beyond the area applied for and as such, additional clearing and impacts to the surrounding vegetation may occur.

The Delegated Officer considers that the proposed clearing is likely to result in unacceptable environmental impacts to flora species of conservation significance, a CCW and may result in impacts to a TEC. The Delegated Officer has therefore determined to refuse the application.

2. Site Information	
Clearing Description	The application seeks approval to clear 0.25 hectares of native vegetation within Lot 148 on Deposited Plan 411514, for the purpose of constructing a dwelling. An inspection of the application area, undertaken by officers of the Department of Water and Environmental Regulation (DWER) on 6 December 2018, determined that part of the application area has previously been cleared for the creation of firebreaks.
Vegetation Description	<p>The application area is mapped as occurring within the Yanga Complex (Hedde et al. 1980). This complex is defined as predominantly a closed scrub of <i>Melaleuca</i> species and low open forest of <i>Casuarina obesa</i> (Swamp Sheoak) on the flats subject to inundation (Hedde et al. 1980). On drier sites the vegetation reflects the adjacent vegetation complexes of Bassendean and Coonambidgee (Hedde et al. 1980).</p> <p>The 2018 DWER inspection of the application area and the surrounding vegetation identified the vegetation community in this area as mixed <i>Melaleuca</i> sp. woodland with <i>Eucalyptus rudis</i> (Flooded Gum) over <i>Acacia saligna</i> (Orange wattle), <i>Pteridium esculentum</i> (Bracken) over mixed herbs and sedges.</p>
Vegetation Condition	<p>The 2018 DWER inspection determined that the vegetation in the application area ranges from Excellent to Degraded (Keighery 1994) condition, described as follows:</p> <ul style="list-style-type: none"> • Excellent: Vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species (Keighery 1994). • Very Good: Vegetation structure altered; obvious signs of disturbance (Keighery 1994). • Good: Vegetation structure significantly altered by very obvious signs of multiple disturbance; retains basic structure or ability to regenerate (Keighery 1994). • Degraded: Basic vegetation structure severely impacted by disturbance; scope for regeneration but not to a state approaching Good condition without intensive management (Keighery 1994). <p>The outer edges of the application area (western and southern edges) appeared to be in a Good to Degraded (Keighery 1994) condition. Moving towards the north and east of the application area, the vegetation condition transitions from Very Good to Excellent (Keighery 1994) condition.</p>
Soil type	The application area is mapped as occurring within the Yanga 8x phase (Department of Primary Industries and Regional Development, 2017). This land system is defined as a flat plain with occasional low dunes, subject to seasonal inundation, deep white and pale yellow sands interspersed with swamp and generally underlain by siliceous / humic pans at depth (Department of Primary Industries and Regional Development 2017).
Comment	The local area referred to in the below assessment is defined as the area within a ten kilometre radius of the application area.



Figure 1: The application area (depicted in blue) against lot boundaries (depicted in yellow).

3. Minimisation and mitigation measures

The applicant has positioned the application area within an area which has already been partially cleared to support the establishment of firebreaks. The applicant has advised that they have reduced their rural setbacks to between five and ten metres, though it is noted that this is likely to be subject to the approval of the Shire of Gingin.

4. Assessment of application against clearing principles, planning instruments and other relevant matters

(a) Native vegetation should not be cleared if it comprises a high level of biodiversity.

Proposed clearing may be at variance with this Principle

As discussed in Section 2, the vegetation found in the application area varies in condition from Excellent to Degraded (Keighery 1994) condition. A review of available databases determined that 26 flora species of conservation significance have been recorded in the local area, comprising of five Threatened flora species, one Priority 1 flora species, five Priority 2 flora species, ten Priority 3 flora species and five Priority 4 flora species (Western Australian Herbarium 1998-). Noting the vegetation within the application area is in Excellent to Degraded (Keighery, 1994) condition, it was considered the vegetation may support the following priority flora based on similarities between the mapped vegetation and soil types the known habitat requirements of the following species:

- *Grevillea evanescens* (Priority 1) is known from 15 records from the Swan Coastal Plain Interim Biogeographic Regionalisation of Australia (IBRA) region (Western Australian Herbarium 1998-). Advice received from the Department of Biodiversity, Conservation and Attractions (DBCA;2019a) indicates that there is the potential for this species to occur in the application area as it has been recorded from sites where flora species reflect higher water retention for longer periods of time
- *Tettraria* sp. Chandala (G.J. Keighery 17055) (Priority 2) is known from four records within the Swan Coastal Plain IBRA region (Western Australian Herbarium 1998-). Advice received from the DBCA (2019a) states that this species occurs within winter-wet sites and swamps and therefore it is likely that this species occurs within the application area (DBCA 2019a). The DBCA (2019a) also advised that since *Tettraria* sp. Chandala (G.J. Keighery 17055) is only known from four locations, any impacts to individuals of this species are likely to be significant to the conservation status of this species; and
- *Isotropis cuneifolia* subsp. *glabra* (Priority 3) is known from 17 records from the Avon Wheatbelt and Swan Coastal Plain IBRA regions. Advice received from the DBCA (2019a) states that this species occurs within winter-wet sites and swamps and suitable habitat for this species appears to be present in the application area (DBCA 2019a).

DWER's assessment and DBCA's advice (2019a) also indicate that three Threatened flora species have the potential to occur in the application area. These species are discussed further under Principle (c).

A review of available databases determined that the application area is situated the following distances from recorded occurrences of priority ecological communities (PEC):

- Approximately 157 metres north-west from the nearest recorded occurrence of the Priority 3 '*Banksia* Dominated Woodlands of the Swan Coastal Plain IBRA Region' PEC. This ecological community is also listed as an 'Endangered' TEC under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- Approximately 157 metres north-west from the nearest recorded occurrence of the Priority 3 '*Banksia* Dominated Woodlands of the Swan Coastal Plain IBRA Region' PEC. This ecological community is also listed as an 'Endangered' TEC under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act);
- Approximately 5.6 kilometres north-west from the nearest recorded occurrence of the Priority 2 'Wooded wetlands which support colonial waterbird nesting areas' PEC; and
- Approximately 1.2 kilometres south west from the nearest recorded occurrence of the Priority 2 '*Banksia* woodland of the Gingin area restricted to soils dominated by yellow to orange sands' PEC.

Noting the species observed during the DWER (2018) site inspection, the proposed clearing area is not likely to represent the abovementioned PEC's. Given the extent of the proposed clearing and the separation distances between the application area and the above PEC's, no impacts to these PEC's are anticipated to result from the clearing activities. A review of aerial photography of the local area found the clearing of the application area will not result in the loss of ecological linkages promoting species diversity and recruitment within the above PEC's. However, it is noted that the application area is within a mapped proposed ecological linkage (Government of Western Australia, 2009) as part of the Gnaragar Sustainability Strategy as discussed Principle (b) below.

Advice received from the DBCA (2019b) stated that the application area may be representative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC. This is discussed further under Principle (d).

The application area occurs within CCW 'UFI-15110'. A wetland mapping review undertaken in 2017 identified this wetland as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b). This matter is discussed further under Principle (f).

As discussed under Principle (b), a review of available databases found that nine fauna species of conservation significance have been recorded in the local area. The proposed clearing is not likely to impact on significant habitat for any conservation significant species. The impact of the proposed clearing on habitat for these species is discussed further under Principle (b).

Based on the presence of a CCW, and the potential presence of Priority flora, Threatened flora and a TEC, the Delegated Office considers that the application area may comprise a high level of biodiversity and the clearing may therefore be at variance with this Principle.

(b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna.

Proposed clearing is not likely to be at variance with this Principle

A review of available databases determined that nine fauna species of conservation significance have been recorded in the local area (Department of Biodiversity, Conservation and Attractions -2007 - onwards). These species are listed below:

- *Calidris melanotos* (Pectoral Sandpiper) (listed as 'Migratory birds protected under an international act' under the *Biodiversity Conservation Act 2016* (BC Act) and 'Marine, Migratory' under the EPBC Act);
- *Calyptorhynchus latirostris* (Carnaby's Cockatoo) (listed as 'Endangered' under the BC Act and the EPBC Act);
- *Galaxiella munda* (Western Dwarf Galaxias) (listed as 'Vulnerable' under the BC Act);
- *Neelaps calonotos* (Black-striped Snake) (Priority 3);
- *Oxyura australis* (Blue-billed Duck) (Priority 4);
- *Plegadis falcinellus* (Glossy Ibis) (listed as 'Migratory birds protected under an international act' under the BC Act and 'Marine, Migratory' under the EPBC Act);

- *Tringa glareola* (Wood Sandpiper) (listed as 'Migratory birds protected under an international act' under the BC Act and 'Marine, Migratory' under the EPBC Act);
- *Tringa nebularia* (Common Greenshank) (listed as 'Migratory birds protected under an international act' under the BC Act and 'Marine, Migratory' under the EPBC Act); and
- *Westralunio carteri* (Carter's Freshwater Mussel) (listed as 'Vulnerable' under the BC Act and the EPBC Act).

The site inspection undertaken by Officers from DWER (2018) did not identify tree species comprising nesting habitat for the Carnaby's Cockatoo. Some species suitable as foraging habitat were observed but overall it is considered that the application area provides minimal foraging habitat. The application area is therefore unlikely to comprise significant habitat for this species.

The Black-striped Snake is known to occur within *Banksia* woodlands and sandy areas of the Perth region (Western Australian Museum 2019). Whilst sandy soils was observed within the application area during the site inspection, the application area did not contain *Banksia* woodlands and is therefore not considered suitable habitat for this species.

The remaining conservation significant fauna habitat types include:

- In Australasia, the Pectoral Sandpiper prefers shallow fresh to saline wetlands and is found in coastal lagoons, estuaries, bays, swamps, lakes, inundated grasslands, saltmarshes, river pools, creeks, floodplains and artificial wetlands (Department of the Environment and Energy 2018a).
- The Blue-billed Duck is found in temperate wetlands where it leads an almost wholly aquatic lifestyle and is seldom seen on land (Birdlife Australia 2019). The Glossy Ibis's preferred habitat comprises fresh water marshes at the edges of lakes and rivers, lagoons, flood plains, wet meadows, swamps, reservoirs, sewage ponds, rice fields and cultivated areas under irrigation (Department of the Environment and Energy 2018b).
- The Wood Sandpiper occurs within well-vegetated, shallow, freshwater wetlands including swamps, billabongs, lakes, pools and waterholes (Department of the Environment and Energy 2019c). This species is typically associated with emergent aquatic plants or grass, dominated by taller fringing vegetation, such as dense stands of rushes or reeds, shrubs, or dead or live trees, especially *Melaleuca* sp. and River Red Gums (*Eucalyptus camaldulensis*) and often with fallen timber (Department of the Environment and Energy 2019c).
- The Common Greenshank is typically found in a wide variety of inland wetlands and sheltered coastal habitats of varying salinity, including swamps, lakes, dams, rivers, creeks, billabongs, waterholes and inundated floodplains, claypans and saltflats (Department of the Environment and Energy 2019d).
- The Western Dwarf Galaxias prefers swift-flowing streams near submerged vegetation (Fishes of Australia 2019). The water in these streams is usually acidic (pH 3.0 - 6.0) and darkly tannin-stained with wide temperature fluctuations during the seasons (Fishes of Australia 2019). This species also occurs occasionally in ponds, swamps and roadside drains (Fishes of Australia 2019).
- The current distribution of Carters Freshwater Mussel includes freshwater streams, rivers, reservoirs and lakes within 50 – 100 kilometres of the coast of South Western Australia, from Gingin Brook southward to the Kent River, Goodga River and Waychinicup River (Klunzinger et al. 2015).

The application area occurs within conservation category wetland 'UFI-15110' with both standing and flowing water observed approximately 60 metres north of the application area during the site inspection undertaken by DWER Officers (DWER 2018). Therefore the application area may provide supporting habitat for the abovementioned species. However, the application area occurs on the outer edges of the wetland which has undergone disturbance in the past to support the establishment of firebreaks. Given this and the fact that the application area only represents approximately 0.3 per cent of the wetland's overall mapped extent, it is considered that the application area is unlikely to comprise significant habitat for these fauna species.

As noted in Principle (a) above, the application is within a mapped proposed ecological linkage (Government of Western Australia, 2009) as part of the Gnangara Sustainability Strategy which aims to design ecological linkages that allow for landscape-level connectivity and to design ecological linkages of importance at sub-regional level that are focussed around key assets. It is considered that the proposed clearing of 0.25 hectares is not likely to impact the ecological linkage values determined by the strategy.

Based on the above, the clearing under application is not likely to be at variance with this Principle.

(c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora.

Proposed clearing may be at variance with this Principle

Advice received from the DBCA (2019a) outlines that the threatened flora species *Grevillea curviloba*, which is known from 19 records within the Swan Coastal Plain IBRA Region, has the potential to occur in the application area (DBCA 2019a). This species has been recorded from sites where flora species reflect higher water retention for longer periods of time (DBCA 2019a).

The DBCA (2019a) also advised that an additional two threatened flora species (*Chamelaucium lullfitzii* and *Ptychosema pusillum*) are known to occur within five kilometres of the application area. The first threatened flora species is known from 17 records within the Swan Coastal Plain IBRA Region. The second threatened flora species is known from 7 records from the Geraldton Sandplains and Swan Coastal Plain IBRA Regions. The DBCA (2019a) advised that the preferred habitat for these species is *Corymbia calophylla* (Marri), *Banksia attenuata* (Slender Banksia), *Eucalyptus todtiana* (Coastal Blackbutt), *Jacksonia sternbergiana* (Stinkwood), *Xanthorrhoea preissii* (Grass Tree) and *Banksia sessilis* (Parrot Bush) over low mixed shrubs and sedges on grey to yellow sands. If this habitat type is present within the application area, it is likely that these species could occur in this area (DBCA 2019a). The DWER site inspection did not identify the preferred species for *Chamelaucium lullfitzii* and *Ptychosema pusillum* within the application area (DWER 2018).

Given the potential for threatened flora species *Grevillea curviloba* to occur within the application area, the proposed clearing activities may be at variance with this Principle.

(d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.

Proposed clearing may be at variance with this Principle

A review of available databases determined that the application area is situated the following distances from recorded occurrences of the following state listed TEC's:

- Approximately 3.7 kilometres south-east from the nearest recorded occurrence of the 'Herb rich saline shrublands in clay pans' TEC, listed as 'Vulnerable' by the Western Australian Minister for Environment and 'Critically Endangered' under the EPBC Act;
- Approximately 4.1 kilometres northwest from the nearest recorded occurrence of the '*Banksia attenuata* woodlands over species rich dense shrublands' TEC, listed as 'Endangered' by the Western Australian Minister for Environment and under the EPBC Act;
- Approximately 1.1 kilometres east from the nearest recorded occurrence of the 'Perth to Gingin Ironstone Association' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act; and
- Approximately 3.7 kilometres south east of the nearest recorded occurrence of the 'Forests and woodlands of deep seasonal wetlands of the Swan Coastal Plain' TEC, listed as 'Vulnerable' by the Western Australian Minister for Environment.

Given the vegetation types observed during the 2018 site visit (DWER, 2018) it is considered that vegetation within the application is not representative of the above listed mapped occurrences of TEC's. Therefore, no impacts to these mapped TEC's are anticipated to result from the clearing activities. A review of aerial photography of the local area found the clearing of the application area will not result in the loss of ecological linkages promoting species diversity and recruitment within the above TEC's.

The DBCA (2019a) advised that the inspection of the application area and its surrounds undertaken by DWER Officers identified specific characteristics that may be indicative of the 'Communities of Tumulus Springs (Organic Mound Springs, Swan Coastal Plain)' TEC, listed as 'Critically Endangered' by the Western Australian Minister for Environment and 'Endangered' under the EPBC Act. The DBCA recommended that surveys be undertaken to ascertain the presence of this TEC within the application area and advised that inspection by Species and Communities Program specialists is likely to be required to verify the presence or absence of this TEC within the application area (DBCA 2019a).

The presence of *Melaleuca rhaphiophylla* (swamp paperbark) as a dominant species noted in the site inspection (DWER, 2018) may also indicate the presence of 'Forests and woodlands of deep seasonal wetlands of the Swan Coastal Plain' TEC.

Given the potential for the application area to comprise the whole or part of, or be necessary for the maintenance of a TEC, the proposed clearing may be at variance with this Principle.

(e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

Proposed clearing is at variance with this Principle

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750 (i.e. pre-European settlement) (Commonwealth of Australia 2001). This is the threshold level below which species loss appears to accelerate exponentially at an ecosystem level.

As indicated in Table 1, the Swan Coastal Plain IBRA region retains approximately 38.5 per cent of its pre-European extent (Government of Western Australia 2018a). The vegetation complex mapped over the application area (Yanga Complex) currently retains approximately 16 per cent of its pre-European vegetation extent (Government of Western Australia 2018b). The local area retains approximately 52.7 per cent of its pre-European extent.

As discussed under Principles (a), (c) and (d), the application area may comprise a high level of biodiversity, may be necessary for the maintenance of threatened flora species and may comprise or be necessary for the maintenance of a TEC. As discussed under Principle (f), the application area comprises part of Conservation Category Wetland 'UFI-15110', which is identified as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b).

When the above is considered alongside the highly cleared nature of the Yanga Complex, the application area likely represents a significant remnant of native vegetation. Based on the above, the proposed clearing is at variance with this Principle.

Table 1: Vegetation extents

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Current Extent in DBCA Managed Lands (ha)	(%)
IBRA Bioregion*					
Swan Coastal Plain	1,501,221.93	578,997.37	38.57	222,766.51	14.84

Swan Coastal Plain Vegetation Association

38: Yanga Complex	26,176.45	4,245.98	16.22	520.68	1.99
-------------------	-----------	----------	-------	--------	------

(f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

Proposed clearing is at variance with this Principle

The inspection of the application area and its surrounds undertaken by DWER Officers determined there are no watercourses in the application area (DWER 2018). The DWER Officers identified vegetation that is growing in association with a wetland (DWER 2018).

The DBCA (2019b) advised that the area under application occurs within Conservation Category Wetland (CCW) 'UFI-15110', which is part of an extensive palusplain system which connects to the Breera Brook (situated approximately 757 metres from the application area) and flows into Chandala Brook (situated approximately 1.5 kilometres from the application area). The wetland is part of the 'Mungula consanguineous suite' (DBCA 2019b). Only 12.6 per cent of these CCW's currently remain, of which only 4.1 per cent are palusplain wetlands (DBCA 2019b). A wetland mapping review undertaken in 2017 identified this wetland as one of the highest value wetlands within the Swan Coastal Plain Mapping Area (DBCA 2019b). The wetland is valued for its vegetation buffer, vegetation composition, proximity to both priority and threatened ecological communities, threatened fauna habitat value, hydrological connection and its value as a site of indigenous significance (DBCA 2019b). The proposed clearing of 0.25 hectares of vegetation within the buffer of the CCW may impact the values of the wetland.

Given the application area includes vegetation growing in, or in association with, an environment associated with a wetland, the proposed clearing under application is at variance with this Principle.

(g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Proposed clearing is not likely to be at variance with this Principle

No significant land degradation impacts were visible in historically disturbed portions of the application area or adjacent firebreaks during the inspection of this area undertaken by DWER Officers (DWER 2018).

Given the extent and nature of the clearing under application, the most likely land degradation impact which would result from the clearing activities would be anticipated to be surface erosion. While the proposed clearing may result in land degradation impacts through erosion, these impacts would be expected to be temporary in nature, with the establishment of the dwelling and its associated infrastructure expected to stabilise the application area and mitigate any long term land degradation impacts. It is therefore not anticipated that the clearing under application would result in long-term land degradation impacts which would impact the ecological values of the surrounding vegetation on an enduring basis.

Based on the above, the clearing under application is not likely to be at variance with this Principle.

(h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.

Proposed clearing is not likely to be at variance with this Principle

A review of available databases determined that the application area is situated approximately 4.6 kilometres east south-east of the Yeal Nature Reserve, approximately 4.5 kilometres south south-east of the Nullilla Nature Reserve, approximately 2.5 kilometres south east of the Bambanup Nature Reserve, approximately 9.3 kilometres north east of the Gngangara-Moore River State Forest, 5.2 kilometres north north-west of the Chandala Nature Reserve, approximately 2.6 kilometres west of the Breera Road Nature Reserve, approximately 1.4 kilometres north east of the Timaru Nature Reserve and approximately 4.2 kilometres north west of unnamed conservation reserve R 50678. When consideration is given to the separation distances between the application area and the above conservation reserves, no impacts to the ecological values of the above conservation reserves are anticipated to result from the proposed clearing activities. A review of aerial photography of the local area found the clearing of the application area will not result in the loss of ecological linkages promoting species diversity and recruitment within the above conservation reserves or have a significant impact on the mapped linkage and values identified as within the Gngangara Ecological Linkages (Government of Western Australia, 2009). The proposed clearing is not likely to be at variance with this Principle.

(i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

Proposed clearing is not likely to be at variance with this Principle

The assessment of Principle (g) determined the clearing activities under application could result in temporary surface erosion impacts. These land degradation impacts could result in the sedimentation of local surface water resources within conservation category wetland 'UFI-15110'. However these land degradation impacts, as discussed under Principle (g), would be expected to be temporary in nature and mitigated through the establishment of the dwelling and its associated infrastructure, which would be

expected to stabilise the application area. Therefore, any impacts to surface water quality resulting from the clearing activities would not be expected to be ongoing.

A review of available databases determined the groundwater resources underlying the application area are mapped as having a total dissolved solids content of 500 – 1000 milligrams per litre. Given the extent of the application area and the knowledge that the local area retains approximately 52.7 per cent of its pre-European clearing extent, the clearing under application is not anticipated to adversely impact the quality of local groundwater resources.

Based on the above, the proposed clearing is not likely to be at variance with this Principle.

(j) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

Proposed clearing is not at variance with this Principle

The Yanga 8x land system shows a high potential for flooding in response to disturbance (Department of Primary Industries and Regional Development 2017). A review of available databases determined the application area is situated within the Swan Avon – Lower Swan catchment area. This catchment has an area of approximately 3,966 square kilometres.

As discussed in Principle (f), the application area is associated with a mapped CCW and but is devoid of any mapped watercourses. DWER's site inspection (2018) noted the application area contains vegetation growing in association with a wetland. It is possible that the application area may be seasonally inundated which would may not have been visible during the inspection in summer. A review of the topographical contours of the local area also determined that the application area is situated within a low-lying flat plain environment which only varies 5 metres in elevation over a distance of approximately 1.3 kilometres. These factors are expected to limit both surface water accumulation within the application area and the potential for surface water runoff out of the application area as a result of the proposed clearing.

While the high potential of the Yanga 8x land system for flooding is acknowledged and the value of wetlands in providing flood mitigation, consideration is given to the extent of the vegetation within application area and the extent of vegetation remaining within the immediate vicinity. The proposed clearing is unlikely to alter the flooding regime of the local area.

Based on the above, the proposed clearing is not at variance with this Principle.

Planning instruments and other relevant matters.

A review of available databases determined that the application area is situated within the 'Gingin Brook Waggy' (FID-22575) Aboriginal Heritage Site of Significance. This Aboriginal Site of Significance is recognised for its historical and mythological value, its uses as a camp site and a hunting place and its value for both plant and water resources. The applicant is advised that any clearing undertaken within the above Aboriginal Heritage Site of Significance will be subject to the requirements of the *Aboriginal Heritage Act 1972*. The applicant is advised to contact the Department of Planning, Lands and Heritage for more information on this matter.

The construction of a dwelling within the application area requires a Development Approval (DA) from the Shire of Gingin. A DA has been lodged with the Shire of Gingin but to date has not been approved.

The assessment above is for the proposed clearing of 0.25012 ha which is inclusive of a dwelling and cleared areas around the dwelling including a driveway, gravelled area, shed and landscaped area, some of which may constitute a Building Protection Zone (BPZ). The BPZ is described by Department of Fire and Emergency Services (DFES) as an area for managing and reducing fuel loads for a minimum of 20 meters around a building to increase its likely survival from a bushfire. Under Regulation 5, Item 15 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* clearing to create or maintain a BPZ may be exempt from requiring a permit. The Delegated Officer considers that the siting of the residence in this location, close to vegetated areas, makes it highly likely that additional clearing beyond the assessed clearing footprint will be required to manage long-term bushfire risk.

5. Applicants submissions

To address the impacts identified through DWER's assessment of the application, a request for more information was sent to the applicant on 15 March 2019. The correspondence noted the environmental values identified within the preliminary assessment and requested the applicant provide information on avoidance and minimisation efforts to reduce the likely impacts and to provide any additional information addressing the findings of the preliminary report. The correspondence also noted that a large portion within Lot 148 was already cleared and should be considered as an alternative location for the proposed dwelling.

The applicant provided a response on 14 April 2020 noting the following:

- The original proposed clearing area remains preferred due to anticipated costs of running services to the cleared area at the rear of the property and planning for fire events.
- The original proposed clearing area contains rubbish within the vegetation which would be removed at a later date regardless and may damage vegetation.
- A request should be sent to DBCA noting the comparison of the two sites and noting funding should be requested if DWER maintains its position (of not granting a permit and requiring surveys).
- A building envelope could be re-shaped to improve the chance of a permit being granted.

In response to the above comments provided and a discussion with the applicant, it was determined that commissioning consultants to undertake biological surveys within the application area may resolve some of the concerns raised by DWER. It is

noted however that concerns for potential impacts on the CCW and the TEC considered to be potentially associated with this wetland may not be able to be addressed. It was noted that the reduction of the application area may also mitigate DWER's concerns for environmental impacts but would still need to meet Shire of Gingin development requirements.

6. References

- Birdlife Australia (2019) Blue-billed Duck, *Oxyura australis*. Available from: <http://www.birdlife.org.au/bird-profile/blue-billed-duck>. Accessed February 2019.
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra. Department of Biodiversity, Conservation and Attractions (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed February 2019.
- Department of Biodiversity, Conservation and Attractions (2019a) Department of Biodiversity, Conservation and Attractions Advice Request Proforma – Species and Communities Branch and TEC advice. Maintained within DWER Document Control System (A1766273).
- Department of Biodiversity, Conservation and Attractions (2019b) Department of Biodiversity, Conservation and Attractions Advice Request Proforma – Wetlands advice. Maintained within DWER Document Control System (A1766271). Department of the Environment and Energy (2019a) Species Profile and Threats Database; *Calidris melanotos* — Pectoral Sandpiper. Available from: http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=858. Accessed February 2019.
- Department of the Environment and Energy (2019b) Species Profile and Threats Database; *Plegadis falcinellus* — Glossy Ibis. SPRAT Profile. Available from: http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=991. Accessed February 2019.
- Department of the Environment and Energy (2019c) Species Profile and Threats Database; *Tringa glareola* — Wood Sandpiper. SPRAT Profile. Available from: http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=829. Accessed February 2019.
- Department of the Environment and Energy (2019d) Species Profile and Threats Database; *Tringa nebularia* — Common Greenshank. Available from: http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=832. Accessed February 2019.
- Department of Primary Industries and Regional Development (2017). NRInfo Digital Mapping. Department of Primary Industry and Regional Development. Government of Western Australia. URL: <https://maps.agric.wa.gov.au/nrm-info/>. Accessed February 2019.
- Department of Water and Environmental Regulation (2018) Site Inspection Report, Native Vegetation Regulation, CPS 8184/1. Maintained within DWER Document Control System (A1768160).
- Fishes of Australia (2019) Western Dwarf Galaxias, *Galaxiella munda*, McDowall 1978. Available from: <http://fishesofaustralia.net.au/home/species/3683#moreinfo>. Accessed February 2019.
- Government of Western Australia (2009) Ecological Linages Proposed for the Gngangara Groundwater System. Available from: https://www.water.wa.gov.au/_data/assets/pdf_file/0003/4647/86231.pdf
- Government of Western Australia (2018a) 2017 Statewide Vegetation Statistics (formerly the CAR Reserve Analysis) – Full Report. Current as of December 2017 (based on most recent date of input datasets). Remote Sensing and Spatial Analysis Section. Geographic Information Services and Corporate Records Branch. Department of Biodiversity, Conservation and Attractions. February 2018.
- Biodiversity, Conservation and Attractions (DBCA), Perth. Published February 2018.
- Government of Western Australia (2018b) 2017 South West Vegetation Complex Statistics Report, Current as of October 2017. Remote Sensing and Spatial Analysis Section. Geographic Information Services and Corporate Records Branch. Department of Biodiversity, Conservation and Attractions. February 2018.
- Heddl, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Klunzinger, M.W., Beatty, S.J., David, L.M., Pinder, A.M. and Lymberry, A.J. (2015) Range decline and conservation status of *Westralunio carteri*, Iredale, 1934 (Bivalvia: Hyriidae) from south-western Australia. Australian Journal of Zoology, 2015, 63, 127-135.
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Biodiversity, Conservation and Attractions. <http://florabase.dpaw.wa.gov.au/> (accessed February 2019).

GIS Databases:

- Aboriginal Sites of Significance
- DAFWA_Subsystems_V5
- Department of Biodiversity, Conservation and Attractions, Managed Tenure
- Environmentally Sensitive Areas 2015
- Geomorphic Wetlands Management Category
- Groundwater Salinity - Statewide
- Hydrography Linear – Linear
- Remnant Vegetation all regions
- SAC bio datasets
- SAPPR Interim Measures – High Value Wetlands
- Swan Coastal Plain – Vegetation Complex Mapping
- TPFL Data December 2018
- WAHerb Data December 2018
- WA TEC PEC Boundaries

14.2 SHIRE OF GINGIN LOCAL PLANNING SCHEME NO. 9 - PROPOSED SCHEME AMENDMENT NO. 23 - PT LOT 9501 CHERITON ROAD, GINGIN

This matter was brought forward for discussion. See page 13.

File	LND/136
Author	Element WA – Consultant for the Shire of Gingin
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	20 June 2023 Item 11.4
	21 February 2023 Item 13.1
	17 May 2022 Item 13.1
Appendices	<ol style="list-style-type: none"> 1. Schedule of Submissions [14.2.1 - 24 pages] 2. Response to Submissions - Scheme Amendment No. 23 [14.2.2 - 99 pages]

DISCLOSURES OF INTEREST

Councillor Fewster disclosed an indirect financial interest in Item 14.2 as he has a daughter and son in law who own adjoining property and left Council Chambers at 3.29 pm.

Councillor Kestel disclosed an impartiality interest in Item 14.2 as he owns adjoining property and left Council Chambers at 3.29 pm.

Councillor Balcombe assumed the chair at 3.29 pm.

PURPOSE

To consider submissions received as a result of consultation undertaken in respect to proposed Scheme Amendment No. 23 (Amendment No. 23) to the Shire of Gingin’s (the Shire) Local Planning Scheme No. 9 (LPS 9) and to make a recommendation to the Minister for Planning on whether to support, support with modifications or not support the amendment.

BACKGROUND

At the 17 May 2022 Ordinary Council Meeting, Council refused to initiate proposed Amendment No. 23 to the Shire’s LPS 9 on the grounds that the proposed development is inconsistent with the Local and State Planning Framework and does not represent orderly and proper planning.

The Applicant subsequently made an application to the Minister for Planning under section 76 of the *Planning and Development Act 2005* (the Act), for the Minister to review Council's decision.

At the 21 February 2023 Ordinary Council Meeting, Council considered the section 76 submission received from the Minister for Planning, asserting that the Shire had failed to adopt an amendment to its LPS 9 where it ought to have been adopted. The purpose of that report was for Council to provide a resolution as to how it would like to respond back to the Minister's Office. Council reaffirmed its resolution of 17 May 2022 to refuse to initiate the proposed scheme amendment and the Minister's office was advised accordingly of Council's resolution.

On 7 June 2023, the Shire received correspondence from the Minister's Office advising that, upon due consideration of all the relevant facts and submissions including the resolution made at the Shire's Ordinary Council meeting on 21 February 2023, the Minister had decided to give an order under section 76 of the Act that the Shire initiate Amendment No. 23 to LPS 9 as considered on 17 May 2022 and in accordance with the Applicant's representation attached to the section 76 application.

At the 22 June 2023 Ordinary Council Meeting, Council considered the correspondence from the Minister ordering the Shire to initiate Amendment No. 23 and resolved to initiate the amendment as a standard amendment in compliance with the Minister's order and to undertake the necessary administrative steps to progress the amendment including giving public notice with a public submission period of not less than 42 days.

The purpose of this report is for Council to:

1. Consider the submissions received in respect of Amendment No. 23 and to endorse the officer responses to those submissions; and
2. Determine whether or not to support Amendment No. 23 without modifications, with modifications to address issues raised in the submissions or to not support the amendment.

The section 76 order and the Applicant's representation, together with the Applicant's Scheme Amendment proposal originally submitted to the Council meeting on 17 May 2022 are available upon request.

It should be noted that minor changes have been made to the clauses referenced in earlier Council reports to appropriately reflect Clause 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), which relate to the 'Consideration of submissions on standard amendments'.

Proposed Amendment

The subject land is Part Lot 9501 Cheriton Road, Gingin, with the portion considered for rezoning comprising an area of 24.02 hectares.

The subject land is situated approximately 1.5 km from the Gingin Town Centre and on the western side of Cheriton Road. The existing Rural Living estate known as the Marchmont Estate lies to the south of the subject land and to the east are two Rural Living (RL 4) lots. Land further to the north and west is zoned 'General Rural'.

The proposal consists of rezoning a portion of the subject land from its current zoning of General Rural to Rural Living (RL2) comprising of 12 lots, each being a minimum lot size of two hectares. The subdivision concept includes a road reserve on the northern boundary separating the lots to the south from the existing 'General Rural' zoned lot to the north. This road reserve will also link up with Sloans Road providing access to Dewar Road.

Consideration of Submissions

In accordance with the Act, Amendment No. 23 was referred to the Environmental Protection Authority (EPA) to determine if an environmental assessment was required prior to advertising. The EPA advised that an assessment was not required.

The Regulations require 'standard' scheme amendments to be advertised for a period of 42 days. Amendment No. 23 was advertised from 22 September 2023 to 7 November 2023 (42 days), as follows:

- The Amendment and public notice were displayed on the Shire's website;
- A public notice was published in the local newspaper in September 2023;
- A public notice was displayed at the Shire's offices for the duration of advertising; and
- Letters were sent to landowners and occupiers within a 300 metre radius of the subject land.

A total of 32 submissions were received during the advertising period, with 28 submissions from residents, members of the community and planning consultants and 4 from government agencies.

A summary of the submissions received during the advertising period and associated comments are detailed in the Schedule of Submissions (**see appendices**). Full copies of the submissions are also provided (**see appendices**).

Of the 32 submissions, 4 expressed non-objection, 5 provided comments, 4 were supportive and 19 opposed the proposal.

The key themes, issues and concerns raised by submitters are detailed in the table below.

Inconsistency with Applicable Planning Framework

The proposal is inconsistent with the planning framework, with respect to:

- The Shire's LPS 9 aims, General Rural Zone objectives and zone specific standards;
- The Shire's Local Planning Strategy;
- State Planning Policy 2.5 – Rural Planning;
- State Planning Policy 3.0 – Urban Growth and Settlement;
- Gingin Townsite and Rural Surrounds Structure Plan; and
- Wheatbelt Gingin Regional Land Supply Assessment.

Drainage and Stormwater Management Concerns

Drainage and stormwater management concerns (including flows from the existing Marchmont Estate onto the subject land) that will be exacerbated by more development in the area.

Local Amenity Impact

The adverse impact of the proposal on rural amenity and lifestyles of existing residents, the scenic value of the locality, noise and visual pollution.

Traffic Impacts

Issues relating to the adequacy of the existing road network to accommodate the proposal.

Loss and Fragmentation of Prime Agricultural Land

In the absence of demonstrable demand, the unnecessary conversion of prime agricultural land for residential development.

Submitters noted that the Cheriton Valley should be protected for agricultural purposes and for local food production.

Lack of Demand for Additional Allocation of Rural Living zoned land

Based on available data, current approvals, and aerial observations it can be concluded that there is sufficient zoned land (or land specifically identified for rezoning) to satisfy demand for rural living into the foreseeable future within the Shire.

Financial Implications

Concerns relating to the financial burden of the proposal on residents and the Shire, particularly with regard to drainage and road maintenance.

Incompatibility with Surrounding Land Uses

Land use conflict with existing uses i.e. Gingin Pistol Club and existing primary production operations.

A detailed response has been provided to the submissions received on Amendment No. 23 by Harley Dykstra Planning and Survey Solutions on behalf of the landowner of the subject land and is attached as an **appendix**.

The key themes and issues raised by submitters on Amendment No. 23 are addressed below.

COMMENT

Inconsistency With Applicable Planning Framework

Shire of Gingin Local Planning Strategy 2012

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer term planning direction for the Shire over a 15 – 20 year planning horizon. One function of the Local Planning Strategy is to outline the broad strategy for both residential and rural land use within the Shire.

When considered objectively, Amendment No. 23 is considered to be consistent with many key aspects and intentions of the Local Planning Strategy. This notwithstanding, there are some notable inconsistencies with key provisions and plans as identified below that are considered to be material to Council’s position on and the final Ministerial determination on the amendment.

Under Clause 2.2.3 Townsites, and specifically sub-clause 2.3.3.1 Gingin, the Local Planning Strategy indicates the following:

*‘The planned expansion of Gingin Townsite was reviewed in 2012 with the Shire adopting a Gingin Townsite and Rural Surrounds Structure Plan in December 2012. **The Structure Plan is a detailed spatial framework for guiding future Scheme amendments and provides additional guidance to that contained in this Local Planning Strategy.**’ (author emphasis added)*

The subject land is not identified for rural-residential development under the Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan). The Structure Plan was approved by Council at its meeting on 18 December 2012 and was subsequently endorsed by the Western Australian Planning Commission (WAPC), with the WAPC approval expiring on 19 October 2025. It is potentially noteworthy that the Structure Plan has now been in place for more than a decade and its expiration is relatively imminent.

A general objective of the Local Planning Strategy is to:

'Promote and support frontal urban growth and infill development in a manner that concentrates settlement and growth within and around existing townsites, and fully utilises identified urban expansion areas and existing services.'

The Local Planning Strategy identifies as a policy position and action the need to prepare townsite expansion plans and subsequent structure plans for identified urban expansion areas for each of the Shire's townsites. It further notes that where townsite expansion plans (when endorsed by the WAPC) are to be read in conjunction with the Local Planning Strategy, and to the extent there is any conflict, the intent of the Local Planning Strategy prevails. Having regard to the Local Planning Strategy provisions, it would be inappropriate to rely on the Gingin townsite strategic map in isolation to not support Amendment 23.

With respect to the Gingin townsite, the following key objective is identified:

'Provide for limited rural living development adjacent to the periphery of the urban expansion area of the townsite, without compromising primary production in rural areas.'

Complementary policy positions and actions have also been developed to achieve the abovementioned objective, including:

4. *Give consideration to limited rural living development to adjoin the periphery of the townsite, having due regard to:*
 - i. *The extent of planned townsite expansion identified by a townsite structure plan endorsed by Council and the WAPC;*
 - ii. *Optimising the use and catchment of existing townsite services / facilities;*
 - iii. *Protection of the character, function and integrity of adjoining / nearby rural land and land uses;*
 - iv. *Environmental capability and management;*
 - v. *Staged development cognisant of demand and supply;*
 - vi. *Locational criteria and other matters as identified in the State Planning Policy 2.5 relating to rural residential settlement;*
 - vii. *Enhancement of landscape and natural values; and*
 - viii. *Fire protection.*

The Gingin townsite strategic map, which forms part of the Local Planning Strategy, identifies the subject land as remaining rural, with the land to the east (now rezoned RL4 comprising two lots of 6.1379ha and 5.5170ha) identified as: *Transition area. Lot sizes suited to 2000m² - 1ha subject to site considerations.* The overall Shire wide strategic map (Figure 2) 'Shire of Gingin - Local Planning Strategy Map', which also forms part of the Local Planning Strategy, on face value identifies part of the subject land as 'Rural Residential.'

It should be noted that in response to a preliminary enquiry to the Department of Planning, Lands and Heritage (DPLH) regarding the potential for the subject land to be rezoned to Rural Living, on 10 June 2020, the DPLH advised as follows:

“... a case could be made to support the rezoning of Area 1, but Area 2 is potentially more problematic. Area 1 represents a logical rounding off of the Rural Living zoned land to the south. It would appear, though it will need to be proven, that there is some demand for this product in the area, being that about 75% of land in the Marchmont Estate has been developed to date”.

The planning justification for Amendment 23 relies significantly on Strategy objectives and the overall Shire wide Local Planning Strategy strategic map which the Applicant considers indicates an extension to the existing rural living zone relative to the location of the subject land. However, having regard to the scale and generalised Shire wide nature of the Local Planning Strategy strategic map, the intent of Amendment No. 23 is not supported by more detailed mapping and provisions within the Local Planning Strategy, including the Structure Plan and Gingin townsite strategic map. In other words, the Local Planning Strategy strategic map lacks the specificity offered by other aspects of the endorsed Local Planning Strategy and Structure Plan in respect to the proposed rezoning of the subject land.

If the scheme amendment progresses to finalisation there will be the need to:

1. Confirm available potable water supply with the Water Corporation;
2. Demonstrate and address wastewater disposal to be consistent with the Government Sewerage Policy;
3. Demonstrate that future development and built form will be consistent with the existing standard of the Marchmont Estate; and
4. Address traffic management and stormwater/drainage management.

Gingin Townsite and Rural Surrounds Structure Plan 2012

The Structure Plan identifies that the demand for rural lifestyle lots will likely continue in Gingin and increase due to greater demand as the Perth Metropolitan Area expands further north. This has become evident with the expansion of the Tonkin Highway which has facilitated a shorter commute to the Perth Metropolitan Area. Better transport corridors are also increasing the appeal of Gingin as an attractive place to live.

The Structure Plan identifies the need for expansion of current rural living areas to meet future demand but restricts expansion to within the periphery of the existing townsite. The Structure Plan also specifies that *Rural living expansion is identified within areas identified by the draft Local Planning Strategy and contained areas adjacent to the townsite along major roads into the town to create an interface between rural and town land uses and built form.*

As indicated above, the subject land sits adjacent to the periphery of the townsite as identified in the Structure Plan and is not identified for rural living purposes on the Structure Plan map.

It is important to note that Clause 3.1.1 of the Structure Plan also states the following with regard to the Structure Plan:

*The Local Planning Strategy provides the general spatial framework for the Gingin Townsite and Rural Surrounds Structure Plan. The **Structure Plan refines and expands** upon the **key opportunities identified** in the **Local Planning Strategy** and provides **more detailed guidance** for future planning in the town. (author emphasis added)*

The reference to the Structure Plan providing more detailed guidance for future planning in the town is considered to be material to Council's position and the final Ministerial determination on the amendment.

The Structure Plan notes that the scenic identity of the town is strongly valued by the local community and that the landscapes provide *"an important visual element that contributes to the rural ambience and character of the town."*

Clause 2.9 – Growth Trends states the following:

The growth in rural living development presents an opportunity to provide alternative lifestyle lots for community members who wish to experience a rural lifestyle in close proximity to Perth and its conveniences. However, it also presents a threat to the retention of viable agricultural land. Continued pressure for rural fragmentation requires balance against the need to protect agricultural industry on large, viable rural lots.

State Planning Policy 2.5 – Rural Planning

State Planning Policy 2.5 (SPP 2.5) establishes the objectives for the management and protection of rural and rural living land in Western Australia.

The objectives of SPP 2.5 are as follows:

- a) *support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- b) *provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- c) *outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- d) *provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- e) *avoid and minimise land use conflicts;*

- f) promote sustainable settlement in, and adjacent to, existing urban areas; and*
- g) protect and sustainably manage environmental, landscape and water resource assets.*

More specifically, clause 5.3 of SPP 2.5 sets out policy measures regarding rural living development.

The Applicant's proposal has sought to demonstrate that the proposed scheme amendment is consistent with the policy objectives, with additional justification as to how it supports the provisions of SPP 2.5 and is consistent with the objectives of State Planning Policy 3 – Urban Growth and Settlement (SPP 3). Additional responsive information is provided in their detailed response to submissions as attached as an **appendix**.

The Amendment No. 23 proposition put forward by the Applicant appropriately addresses most of the relevant objectives of SPP 2.5 and also those contained within State Planning Policy 3.6 - Urban Growth and Settlement (SPP 3), with the exception of clear consistency with the Shire's Local Planning Strategy and Structure Plan as identified above.

Conclusion

From a strategic viewpoint, the proposal has demonstrated an ability to achieve the majority of objectives guiding rural living development within the applicable Local and State planning framework, including those relating to rural living expansion in close proximity to the Gingin Townsite.

The primary exceptions to this are demonstrating consistency with the more specific provisions and spatial mapping in the Shire's Local Planning Strategy and Structure Plan, which in their present form do not support the advancement and approval of Amendment 23.

Drainage and Stormwater Management Concerns

Key considerations in respect to drainage and stormwater management are addressed below.

Local Water Management Strategy

As advised to Council previously, the proponent has submitted a Local Water Management Strategy (LWMS) which has been reviewed by the Shire. It has been identified that the LWMS will need to be updated to reflect the following at a minimum:

- Stormwater Management (Local Water Management Strategy)
 - Clarification of the rate of infiltration that was used for the modelling. It is proposed that the median infiltration rate (2.4m/day) be used for modelling; and
 - Detailed Drainage Management Plan to be submitted to the satisfaction of the Shire of Gingin prior to subdivision and development (LWMS page 23).

- Subdivision and Construction Works
 - While broad in nature, the construction techniques are broadly covered. The detailed technical specifications can be further addressed at the detailed design stage.
- The LWMS does not specifically state what measures are proposed to minimise the impact of works on native vegetation, this is to be amended.

It is noted in respect to water management that the Department of Water and Environmental Regulation (DWER) has confirmed via its submission on Amendment No. 23 that the LWMS has been assessed and can be considered 'endorsed' by the Department.

On the basis of the above it is considered that there are appropriate technical solutions that can be further developed as part of the preparation and implementation of an Urban Water Management Plan (UWMP) in response to the drainage and stormwater management concerns expressed by submitters prior to subdivision and development occurring. On this basis, drainage and stormwater management concerns do not represent any impediment to the progression of the scheme amendment.

Local Amenity Impact

Key considerations in respect to potential local amenity impacts are addressed below.

Interface with General Rural Zoned Land

The lots will be separated from General Rural zoned land to the north by the newly constructed road. Nearby land use consists of broad acre agricultural activities.

If Amendment 23 is approved, as part of any future Local Development Plan (LDP) and subdivision proposal, the lots will need to identify building envelopes taking into consideration the reduced separation buffer between the proposed dwellings to be constructed and the adjoining rural land use. This would also address the requirement under clause 4.8.5.3 of LPS 9. Furthermore, as part of the conditions of subdivision, it would be a requirement that a Section 70A Notification be placed on the Titles of the future rural living lots, advising prospective purchasers of the potential impacts from primary-production activities associated with surrounding agricultural land.

Landscape Protection and Visual Corridors

If Amendment 23 is approved, as part of any future LDP and at the subdivision design stage, the requirement for building envelopes/exclusion areas will need to be addressed in relation to the significant environmental features of the site, including achieving sustainable separation from water resources and a reduced separation buffer from the General Rural zoned land to the north.

Furthermore, in the event subdivision occurs, a landscaping plan will be required as a condition of subdivision approval to detail the landscaping requirement for street trees to provide an effective visual screen.

Although there will be a level of impact on the outlook and amenity of existing north facing lots in the existing Marchmont Estate, having regard to the natural topography of the site and its surrounds and the requirements for future subdivision and development that would be set out in Schedule 8 – Rural Living Zones, local amenity concerns are not considered to be significant enough to represent any impediment to the progression of the scheme amendment.

Traffic Impacts

Key considerations in respect to traffic impacts are addressed below.

Traffic Impact Assessment

As advised to Council previously, the proponent has submitted a Traffic Impact Assessment (TIA) which has been reviewed by the Shire. It has been identified that the TIA will need to be updated to reflect the following at a minimum:

- the TIA is now several years old and traffic movements have increased. Updated figures will need to be addressed to provide a current average weekday daily traffic volumes;
- a 10 metre by 10 metre truncation will need to be provided in the southwest corner of the subject land; and
- the applicant / landowner will need to enter into a deed of agreement (at their cost) for the upgrade of Sloans Road.

These matters can be addressed at the subdivision stage if the amendment is approved.

Sloans Road Upgrade

The Applicant has objected to the inclusion of provisions 5B and 5C relating to the upgrading of Sloans Road, both of which, in their view, relate to the provision of a road network that services needs beyond the rezoning area. They have requested that the two provisions be deleted from the amendment on the basis that:

- Road related considerations are more appropriately considered through conditions set as part of the normal subdivision application and approval process;
- The costs and associated allocation of responsibility for the road upgrades are not known. On this basis the details of any Deed of Agreement are also not known. Given this uncertainty, this requirement should not be imposed as part of a scheme amendment; and
- A Deed of Agreement requirement should not be imposed in a local planning scheme as there are no acceptable mechanisms that would be in place to resolve any associated disputes. This has the potential to compromise the procedural fairness that is provided for all parties to resolve such matters via the planning system.

In this instance, the linking of the proposed subdivisional road along the northern boundary of the subject land from Cheriton Road to Sloans Road is a key planning and future cost consideration for the Shire. This includes the necessary upgrading of the currently unsealed section of Sloans Road to an appropriate standard to accommodate the additional traffic flows that would occur as a result of the proposed subdivision, if approved. On this basis, in the event that Council supports the proposed amendment, it is suggested that provisions 5B and 5C be retained in order to articulate the importance of these upgrades and the Shire's position in respect to the scheme amendment proponent's responsibilities. It should be noted however, that the DPLH, WAPC and Minister for Planning may take a view that such provisions within a local planning scheme are not appropriate, do not meet the key principles of 'need and nexus' for infrastructure contributions and are more appropriately dealt with at the subdivision stage.

Given the limited amount of traffic that would be generated by an additional 12 lots and the likely modest impact on the local road network, it is considered that traffic concerns do not represent any impediment to the progression of the scheme amendment.

In the event that Council supports the amendment, the above requirements can be addressed by conditioning any subdivision approval to be supported by an approved TIA to the satisfaction of the Shire of Gingin.

Loss and Fragmentation of Prime Agricultural Land

The subject land does not constitute priority agricultural land and subdivision and development of the land for rural living purposes at the scale proposed (12 lots at approximately 2ha in area each) will have minimal impact on primary agricultural production activities. In isolation, concerns in relation to loss and fragmentation of prime agricultural land do not represent any impediment to the progression of the scheme amendment.

The above notwithstanding, the interpretation of the intent of the Shire's Local Planning Strategy that is being sought by the Applicant in this instance does have the potential to set a precedent for incremental expansion of the 'Rural Living' zone further into broadacre agricultural land to the north and potentially in other opportunistic locations within the Shire as part of future proposals.

Although Amendment No. 23 is not considered to be reasonably categorised as 'ad hoc' in isolation, it may, if supported and approved, be used as a precedent for supporting other more 'ad hoc' proposals, with the potential to impact primary agricultural activities.

Lack of Demand for Additional Allocation of Rural Living Zoned Land

Key considerations in respect to the demand for additional allocation of rural living zoned land are addressed below.

Gingin Rural Living Land Supply Assessment 2019

The Gingin Rural Land Supply Assessment was prepared by the DPLH in 2019 to provide guidance for land-use planning to ensure land supply meets projected population growth. The Land Supply Assessment represents the most current land supply data.

The Land Supply Assessment indicates that the current stock of residential and rural living zoned land exceeds the projected demand generated by population growth.

A factor in supporting the rezoning for additional rural living land is being able to demonstrate the need for demand and supply.

Anecdotally, based on the current availability of RR2 lots, there is evidence of a shortage of RR2 lots available within close proximity to the Gingin townsite. On this basis it is likely that the lots would be sold and developed within a relatively short timeframe. In this regard reference can be made to the Prestige Estate Demand Analysis provided at Appendix F of the detailed response to the submissions received on Amendment No. 23 by Harley Dykstra Planning and Survey Solutions on behalf of the landowner of the subject land as attached as an **appendix**.

It is noted that the location of the proposed future lots would capitalise on existing services and infrastructure within the Gingin townsite, providing an attractive asset for future purchase. Furthermore, the larger lot size of two hectares, when compared to the existing one hectare lots in the Marchmont Estate, would provide an appropriate interface/transition to the General Rural zoned land to the north.

The proposed future lots would make a modest positive contribution to housing supply and variety within Gingin and offer an attractive product for prospective purchasers seeking serviced lots in close proximity to the Gingin townsite.

On the basis of the above it is considered that concerns in relation to a lack of demand for additional allocation of rural living zone land do not represent any impediment to the progression of the scheme amendment.

Financial Implications

Drainage and road infrastructure will be delivered to the Shire's standards under normally applicable subdivision processes and will then be passed on to the Shire for ongoing management and maintenance in the same manner as they would for other comparable developments and subdivisions.

On this basis, concerns expressed in relation to the financial burden of the proposal on residents and the Shire, particularly with regard to drainage and road maintenance do not represent any impediment to the progression of the scheme amendment.

Incompatibility With Surrounding Land Uses

As per the above comments in respect to local amenity impact, potential incompatibility with surrounding land uses, including ongoing agricultural production, is considered to be manageable through normally applicable planning processes and requirements and is not considered to represent any impediment to the progression of the scheme amendment.

This includes consideration of the Gingin Pistol Club which will be separated by a minimum of approximately 400 metres from the nearest proposed lot, which as indicated by the Applicant is additionally able to locate its building envelope further set back within its boundaries to provide for additional separation. The Applicant has indicated they have no objection to advising future purchasers within the subdivision regarding the existence and proximity, noise and daily activities of the Club to further ensure there will be no compatibility issues. This can be addressed in due course at the subdivision stage if necessary.

Redevelopment Considerations

Government Sewerage Policy 2019

The proposal will need to demonstrate compliance with this policy, taking into consideration that the eastern half of the site is located in a Sewerage Sensitive Area (SSA), being in proximity to the Gingin Brook.

The submitted LWMS, which includes a Site and Soil Evaluation (as endorsed by DWER), demonstrates that both the scheme amendment and subsequent subdivision of the two hectare lots satisfy the requirements of the Government Sewerage Policy.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The subject land is not located in a bushfire prone area and no further investigation in relation to bushfire risk has been undertaken.

Services

Services such as power, water and telecommunications will need to service the proposed lots that would result from any approval of Amendment 23.

Concerns have been expressed in relation to the ability of the Water Corporation network to supply potable water to the future lots created as a result of the amendment. In this respect, Amendment 23 was not formally referred to the Water Corporation for comment.

In respect to water supply the Applicant has indicated that the landowner of the subject land installed the Water Corporation water supply pipework servicing the Marchmont Estate and extending within Cheriton Road to the southern boundary of Lot 9501 as part of the Marchmont Estate subdivision. This water supply pipework already extends along Howes Lane via McHavloe Drive. The water supply infrastructure was designed (as a requirement of the Water Corporation) to be of sufficient capacity to enable it to be extended to facilitate future subdivision along Cheriton Road and therefore is expected to be readily able to service the proposed lots at the subdivision stage.

Given the limited number of lots proposed and the relative topography of the subject land to the adjacent serviced Marchmont Estate, connection to the Water Corporation network is not expected to be problematic. This will be confirmed at the subdivision stage and is not considered to represent any impediment to the progression of the scheme amendment.

Conclusion

On balance, Amendment No. 23 has been demonstrated to meet many of the objectives, intents and requirements of the Shire's Strategic Planning Framework and relevant aspects of the State Planning Framework, including applicable State Planning Policies. However, Amendment No. 23 is not considered to have demonstrated sufficient alignment with relevant parts of the Shire's Local Planning Strategy and the Gingin Townsite and Rural Surrounds Structure Plan which establish key planning parameters for future rural residential development around the Gingin townsite.

A further concern is that the interpretation of the intent of the Shire's Local Planning Strategy that is being sought by the Applicant in this instance does have the potential to set a precedent for incremental expansion of the 'Rural Living' zone further into broadacre agricultural land to the north and potentially in other opportunistic locations within the Shire as part of future proposals. Although the amendment is not considered to be reasonably categorised as 'ad hoc' in isolation, it may, if supported and approved, be used as a precedent for supporting other more 'ad hoc' proposals, with the potential to impact primary agricultural activities.

Amendment No. 23 is recommended to not be supported on the basis of the above concerns.

In order to provide an appropriate level of certainty for future strategic planning and consideration of future proposals for all stakeholders, Council may wish to consider progressing the review of its Local Planning Strategy and Local Planning Scheme as a priority. As part of this process, the subject land forming part of Amendment No. 23 may be identified for rural living purposes and a new proposal can be advanced at that time.

Notwithstanding the above, if Council is satisfied that Amendment No. 23 is sufficiently consistent with the Shire's Local Planning Strategy and Gingin Townsite and Rural Surrounds Structure Plan, an alternative recommendation to support Amendment No. 23 without modification is provided below.

Alternative Recommendation

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, consider the submissions received in respect of Amendment No. 23 to Local Planning Scheme No. 9 and endorse the Officer Response to those submissions in Appendix 14.2.1 – Schedule of Submissions.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support Amendment No. 23 to Local Planning Scheme No. 9 with a recommendation that the Amendment be approved by the Minister for Planning.

STATUTORY/LOCAL LAW IMPLICATIONS

Planning and Development Act 2005

Part 5 Local Planning Schemes

Division 2 Minister's powers in relation to local planning schemes

Section 76 Minister may order local government to prepare or adopt scheme or amendment.

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Gingin Local Planning Scheme No.9

Shire of Gingin Local Planning Strategy 2012

Gingin Townsite and Rural Surrounds Structure Plan

State Planning Policy No. 2.5 – Rural Planning

State Planning Policy 3 – Urban Growth and Settlement

Government Sewerage Policy 2019

POLICY IMPLICATIONS

Shire of Gingin Policy 7.8 – Guidelines for Roadworks, Drainage and Subdivision Development

BUDGET IMPLICATIONS

Scheme amendment fees will be payable by the proponent.

In the event that Amendment No. 23 is approved by the Minister for Planning, longer term subdivision and development of the subject land will incur additional costs through the provision of normal urban services, road and drainage infrastructure maintenance. These additional costs will be offset by additional rates revenue.

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

SUBSTANTIVE MOTION/OFFICER RECOMMENDATION

MOVED: Councillor Stewart SECONDED: Councillor Weeks

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, consider the submissions received in respect of Amendment No. 23 to Local Planning Scheme No. 9 and endorse the Officer Response to those submissions in Appendix 14.2.1 – Schedule of Submissions.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, not support Amendment No. 23 to Local Planning Scheme No. 9 with a recommendation that the Amendment be refused by the Minister for Planning.

AMENDMENT MOTION

MOVED: Councillor Balcombe SECONDED: Councillor Sorensen

That the substantive motion be amended by including the following Parts 3, 4 and 5 after Part 2:

3. Advise the Department of Planning, Lands and Heritage (DPLH) that the Shire of Gingin engaged an independent planning consultant to review the merits of the proposal in response to the applicant's representations to the Minister for Planning and subsequent direction to initiate Amendment No. 23 for advertising.

4. The independent planning consultant (Element WA) ultimately concluded that Amendment No. 23 should be refused by the Minister for Planning, consistent with Councils earlier position that the proposal is inconsistent with the local planning framework.
5. Advise the DPLH that Council reaffirms that Amendment No. 23 to LPS 9 does not represent a matter of state significance that warrants intervention from the Minister for Planning. The Shire of Gingin is the appropriate body to determine how the Gingin townsite expands due to its superior understanding of the local framework and context in which the proposal relates.
6. Advise the landowner that until such time as the Local Planning Framework appropriately identifies the subject land as part of the planned expansion for the Gingin townsite, likeminded proposals should not be advanced.

CARRIED UNANIMOUSLY
7 / 0

FOR: *Councillor Balcombe, Councillor Johnson, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

The amendment was incorporated into the Substantive Motion, which was then put to the vote.

COUNCIL RESOLUTION

MOVED: Councillor Stewart **SECONDED:** Councillor Weeks

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, consider the submissions received in respect of Amendment No. 23 to Local Planning Scheme No. 9 and endorse the Officer Response to those submissions in Appendix 14.2.1 – Schedule of Submissions.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, not support Amendment No. 23 to Local Planning Scheme No. 9 with a recommendation that the Amendment be refused by the Minister for Planning.
3. Advise the Department of Planning, Lands and Heritage (DPLH) that the Shire of Gingin engaged an independent planning consultant to review the merits of the proposal in response to the applicant's representations to the Minister for Planning and subsequent direction to initiate Amendment No. 23 for advertising.

The independent planning consultant (Element WA) ultimately concluded that Amendment No. 23 should be refused by the Minister for Planning, consistent with Councils earlier position that the proposal is inconsistent with the local planning framework.

4. Advise the DPLH that Council reaffirms that Amendment No. 23 to LPS 9 does not represent a matter of state significance that warrants intervention from the Minister for Planning. The Shire of Gingin is the appropriate body to determine how the Gingin townsite expands due to its superior understanding of the local framework and context in which the proposal relates.
5. Advise the landowner that until such time as the Local Planning Framework appropriately identifies the subject land as part of the planned expansion for the Gingin townsite, likeminded proposals should not be advanced.

**CARRIED UNANIMOUSLY
7 / 0**

FOR: *Councillor Balcombe, Councillor Johnson, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

Reason for Amendment

- To expand on the recommendation provided by Element WA, to ensure that the DPLH and the Applicant are acutely aware of Councils opposition to the proposed amendment.
- To inform the DPLH and Minister for Planning that a third-party independent consultant has reaffirmed that the earlier decisions of Council have a sound planning basis.
- To ensure that orderly and proper planning principles are upheld, and that the Shire is not exposed to the gradual erosion of the integrity of the Local Planning Framework.
- The Shire of Gingin is not in a financial position to contribute to any servicing or infrastructure (road) upgrades that may be expected in order for the proposal to progress.
- To stress to the Minister for Planning that Section 76 powers should not be exercised on proposals with no state significance, particularly when Council has made a sound planning decision reinforced by an independent planning consultant.
- To provide clarity to the landowner that likeminded proposals should only be advanced if and when the property is identified as part of the expansion of Gingin.

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**



Councillor Fewster and Councillor Kestel returned to Council Chambers at 3.34 pm and were advised of Council's decision.

Councillor Fewster resumed the Chair at 3.34 pm.

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

NO	SUBMITTER	SUBMISSION DETAILS	SHIRE OF GINGIN RESPONSE
1	DPIRD	<p>COMMENT:</p> <p>The Department of Primary Industries and Regional Development (DPIRD) has concerns about the proposal being unplanned and it being inconsistent with the objectives of State Planning Policy 2.5 – Rural Planning (SPP2.5). Does not support the subdivision.</p> <p>Does not consider it to be consistent with the Shire’s Local Planning Strategy (LPS) and believes that the more detailed local mapping (Gingin townsite strategic map) should prevail.</p> <p>Drainage system must be designed to maintain and control surface water flow rates and volumes (within and from developed sites) at their pre-development levels.</p> <p>Concerned about entire lot being developed (including Area 2) as it contains a number of water courses. No supportive of areas of potential high surface water movement being incorporated into ‘Rural Living’ zones and would prefer these areas to be managed (rehabilitated) landscape protection zone.</p>	<p>Noted and agreed in part. Amendment No. 23 is consistent with some key aspects and intentions of the Shire’s Local Planning Strategy but there are some notable inconsistencies with key provisions and plans (refer to Council report and comments made in respect to Submission 5 below). It is further noted that inconsistency with aspects of the Shire’s Local Planning Strategy represents an inconsistency with the objectives of SPP 2.5 and by extension other aspects of the applicable State Planning Framework.</p> <p>Noted. A Local Water Management Strategy (LWMS) provided in support of Amendment 23 has been endorsed by DWER. If Amendment 23 is ultimately approved an Urban Water Management Plan (UWMP) will be required at the subdivision stage to address water management considerations in detail.</p> <p>Noted. Amendment No. 23 should be considered on its standalone merits. If Amendment 23 is ultimately approved then a precedent may be set that allows for further incremental expansion of the ‘Rural Living’ zone in relation to the Gingin townsite.</p>
2	DWER	<p>NO OBJECTION:</p> <p>DWER has considered the proposal and has no objections and no further comments. The associated LWMS (Barley Environmental Service, December 2021) has also been assessed and can be considered ‘endorsed’ by the Department.</p>	Noted.
3	DMIRS	<p>NO OBJECTION:</p> <p>The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p> <p>DMIRS lodges no objections to the scheme amendment.</p>	Noted.

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

4	Harley Dykstra, applicant	<p>COMMENT:</p> <p>On behalf of the landowner/applicant submits an objection to the inclusion of special provision 5B and 5C, both of which relate to the provision of a road network that services needs beyond the particular rezoning area.</p>	<p>Noted. In this instance, the linking of the proposed subdivisional road along the northern boundary of the subject land from Cheriton Road to Sloans Road is a key planning and future cost consideration for the Shire. This includes the necessary upgrading of the currently unsealed section of Sloans Road to an appropriate standard to accommodate additional traffic flows that would occur as a result of the proposed subdivision, if approved.</p> <p>On this basis, in the event that Council supports the proposed amendment, it is suggested that provisions 5B and 5C be retained in order to articulate the importance of these upgrades and the Shire's position in respect to the scheme amendment proponents responsibilities.</p> <p>It should be noted however, that the Department of Planning, Lands and Heritage (DPLH), Western Australian Planning Commission (WAPC) and Minister for Planning may take a view that such provisions within a local planning scheme are not appropriate, do not meet the key principles of 'need and nexus' for infrastructure contributions and are more appropriately dealt with at the subdivision stage.</p>
5	Dynamic Planning & Developments	<p>OBJECTION: Objection on behalf of Claymont and Country Heights Estate.</p> <p>The subject site is not identified in the current strategic planning framework for consideration as 'Rural Living' zoned land, including under the Shire's LPS and the Gingin Townsite and Rural Surrounds Structure Plan.</p> <p>There is a considerable amount of existing zoned 'Rural Living' land in and around the Shire Gingin that has not been developed and it will be a number of years before saturation is achieved.</p> <p>The proposal is inconsistent with SPP2.5 and the associated guidelines, which requires that rural living areas be identified in a local planning strategy, scheme or structure plan before that are contemplated and that additional rural development should be guided by existing land supply and take up.</p> <p>The proposal to create additional 'Rural Living' zoned land is inconsistent with the aims of the Shire's Local Planning Scheme No. 9 (LPS 9) which</p>	<p>Noted and agreed. From a strategic viewpoint, the proposal has demonstrated an ability to achieve the majority of objectives guiding rural living development within the applicable Local and State planning framework, including those relating to rural living expansion in close proximity to the Gingin Townsite. The primary exceptions to this are demonstrating consistency with the more specific provisions and spatial mapping in the Shire's Local Planning Strategy and Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan), which in their present form do not support the advancement and approval of Amendment 23.</p> <p>More specifically, the subject land is not identified as 'Rural Living' zoned land in the Structure Plan and is therefore inconsistent with key provisions and plans in the Shire's Local Planning Strategy.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>promotes the planned expansion of all townsites, the protection of the rural land resource with a presumption against unplanned fragmentation of rural land and supporting the subdivision of rural land that is consistent with the preferred settlement strategy.</p>	<p>Noted. Amendment No. 23 is required to be considered on its standalone merits. There is undeveloped 'Rural Living' zones land around the Shire of Gingin that has likely not been developed for a variety of reasons. There is also anecdotal evidence of market demand for larger RR2 lots which are in short supply near the Gingin townsite and the proposed 12 future lots would make a modest positive contribution to housing supply in a serviceable location close to existing facilities (refer to Council report). Market competition to other rural living estates is not a relevant planning consideration.</p> <p>Noted and agreed. Inconsistency with aspects of the Shire's Local Planning Strategy represents an inconsistency with the objectives of SPP 2.5 and the aims of LPS 9 in respect to the planned expansions of all townsites.</p> <p>The impact of the proposal on the rural land resource is considered to be relative minor given the size and location of the subject land on the periphery of the Gingin townsite and its adjacency to existing rural living developments which impacts agricultural use.</p>
6	Ratepayer	<p>OBJECTION:</p> <p>Objection to any further subdivision or rezoning to accommodate residential development within the area known as the Cheriton Valley on the grounds that rural living opportunities can be met from existing subdivisions and we should preserve the spectacular and highly regarded rural landscape and amenity of the area for present and future generations.</p> <p>Gingin is well served with options to purchase fully serviced blocks in the existing subdivisions of Marchmont, Honeycomb, Country Heights (around 200 blocks in stages 2, 3 and 4).</p> <p>The proposed development on Mooliabeenie Road and in the Townsite itself. The addition of the new "Brookview" subdivision adds more options to the mix.</p>	<p>Noted. See comments in relation to Submission 5 in respect to land supply and take up.</p> <p>Although there will be a level of impact on the outlook and amenity of existing north facing lots in the existing Marchmont Estate, having regard to the natural topography of the site and its surrounds and the requirements for future subdivision and development that would be set out in Schedule 8 – Rural Living Zones, local amenity concerns are not considered to be significant enough to represent any impediment to the progression of the scheme amendment.</p>
7	Ratepayer	<p>OBJECTION:</p> <p>Objections raised as per Submission 6.</p>	<p>Noted. Refer to comments in relation to Submissions 5 and 6.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

8	Ratepayer	<p>OBJECTION: Objections raised as per Submission 6.</p>	Noted. Refer to comments in relation to Submissions 5 and 6.
9	Ratepayer	<p>COMMENT: Comments on historic dealings between developer, landowners and purchasers on another previous subdivision (Marchbank).</p>	Noted. Matters raised are not relevant planning considerations.
10	Ratepayer	<p>OBJECTION: After conducting due diligence and considering the local planning framework, the submitter purchased property in Marchmont Estate as there were no plans to rezone or develop the adjacent rural land. They value the rural outlook of their property and their areas role as a buffer between rural living and rural land. Comments provided on the accuracy of information distributed by the developer to community members. The submitter expressed concerns relating to:</p> <ul style="list-style-type: none"> • The impact of the proposal on existing rural amenity and property values for residents on Mchavloe Drive and Howes Lane, particularly development along the northern aspect. • That Shire ratepayers would be expected to contribute financially to the construction and/or upgrade of Sloans Road where it connects to the proposed subdivision. The submitter does not support funding of upgrades relating to subdivisions that solely benefit the developer. • Drainage impacts due to soil and gradient at the proposal site. • Homeowners on Mchavloe Drive and Howes Lane will no longer be able to redirect water along eastern and western boundaries to the land to the north and this will have financial implications for the Shire to finance a new drainage solution/upgrade to Mchavloe Drive and Howes Lane. • The proposal being inconsistent with the Shire's LPS. 	<p>Noted. Comments in relation to the landowners due diligence process and in relation to the purchase of their land are not a relevant planning consideration. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>Property values are not a relevant planning consideration.</p> <p>Noted. See comments in relation to Submissions 5 in respect to planning framework compliance.</p> <p>Refer to rural amenity impact comments under Submission 6.</p> <p>Upgrades to Sloan Road by the scheme amendment proponent would be appropriately addressed by the inclusion of provisions 5B and 5C in Schedule 8 – Rural Living Zones of LPS 9. Refer to comments in relation to Submission 4.</p> <p>Drainage and water management considerations have been addressed in a Local Water Management Strategy (LWMS) prepared by the Applicant and endorsed by the Department of Water and Environmental Regulation (DWER). If Amendment 23 is ultimately approved, it is considered that there are appropriate technical solutions that can be implemented in response to drainage and stormwater management concerns expressed by submitters prior to subdivision and development occurring.</p> <p>These technical solutions will be addressed during the preparation and implementation of an Urban Water Management Plan (UWMP) that will assist in resolving any existing issues with drainage for surrounding</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

			properties and will also ensure that any overland flow rates will remain in their existing states post development.
11	Ratepayers (Comprises two interrelated submissions)	<p>SUPPORT:</p> <p>Proposal provides a unique opportunity to create a town bypass route that relieves existing traffic using Mchavloe Drive and Cheriton Road to access Brand Highway with minimal disruption to the landscape. This will also reduce Shire upkeep costs on existing roads.</p> <p>Amendment No. 23 will increase the attractiveness of Gingin as a sought-after location for families that would increase the values of properties and increase the revenue of the Shire so more money could be spent on upgrades. The proposed bypass road would be a fraction of the cost of the original one and is a must to keep traffic away from homes.</p> <p>The proposal will ensure that lots will transition in an orderly manner from Marchmont that are 1 acre to 1 hectare to the rezoned area lot sizes of 2 hectares. This will keep the country look on that road.</p> <p>The proposal makes sense under the Shire of Gingin LPS for the future of rural residential. Expansion would only be possible adjacent to the existing town and townsite services and this rezoning will tick all the boxes.</p>	<p>Comments in respect to the creation of a potentially desirable town bypass route are noted. Whilst a potential outcome if Amendment 23 is approved, such a bypass arrangement is not identified in the currently applicable strategic planning framework and on this basis is not a material consideration in relation to the scheme amendment.</p> <p>Comments in relation to the attractiveness of Gingin for families are an expression of opinion and along with property values are not a relevant planning consideration.</p> <p>Amendment 23, if approved, would allow for an appropriate subdivision arrangement that transitions lot sizes from the adjacent Marchmont Estate to the adjoining General Rural zoned land to the north.</p> <p>Noted. See comments in relation to Submission 5 in respect to planning framework compliance.</p>
12	Ratepayer	<p>OBJECTION:</p> <p>The blocks on the northernmost boundary of Marchmont Estate were purchased due to uninterrupted views and no through traffic. The blocks were sold with no caveats on future subdivision. This was why the blocks were more appealing and expensive to buy.</p> <p>Submitter notes amenity values of the rural landscape and environment of the Cheriton Valley and expresses concerns relating to:</p> <ul style="list-style-type: none"> • The impact of the proposal on local amenity. • Acoustic impact of the development on health due to background noise and impact on quiet rural amenity. • Environmental impacts of development on the waterway, underground water table and wildlife. Notes Shire's responsibility to protect the environment. 	<p>Noted. Comments in relation to the landowners purchase of their land are not a relevant planning consideration. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance.</p> <p>Refer to rural amenity impact comments under Submission 6.</p> <p>Refer to drainage and water management comments under Submission 10.</p> <p>Given the existing rural nature of the subject land, it is considered that future subdivision and development would be unlikely to have a significant impact on endemic wildlife.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

13	Ratepayer	<p>OBJECTION: Objections raised as per Submission 6.</p>	<p>Noted. Refer to comments in relation to Submissions 5 and 6.</p>
14	Ratepayer	<p>OBJECTION: The submitter purchased land after establishing there was no local government plan for future development on their rural outlook in the mid to long term. Concerned that the urban sprawl of Gingin town could destroy the ambience, beauty and tranquillity of the Cheriton Valley, which would adversely impact the community. Concerned regarding the potential cost to the Shire (therefore ratepayers) for upgrading drainage of Mchavloe Drive. At present it drains onto the submitters property which then flows through and out onto the rural land. Notes additional costs for Shire to upgrade existing roads to service the proposal. Notes ample rural living and urban land already available in the Gingin town planning scheme and that there is also the Country Heights development 5 to 6 kms north along Cheriton Road.</p>	<p>Noted. Comments in relation to the landowners purchase of their land are not a relevant planning consideration. All planning proposals need to be considered, assessed and determined based on their planning merits. Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up. Refer to rural amenity impact comments under Submission 6. Refer to drainage and water management comments under Submission 10. Given the existing rural nature of the subject land, it is considered that future subdivision and development would be unlikely to have a significant impact on endemic wildlife.</p>
15	Ratepayer	<p>OBJECTION: Purchased land on the basis that the property adjoined rural zoned land with no information available indicating that the land to the north would be changed from rural to rural living. Rezoning of the land to the north will affect their amenity as they enjoy the rural aspect to the north, the views are amazing and will be lost if the rezoning goes ahead, not to mention associated drainage issues with water as it leaves their property. Traffic flows on Mchavloe Drive will not be affected as the majority of traffic from Country Heights will and should pass through the town centre. Drainage will be a major issue. There are enough drainage issues within the Marchmont Estate as it is, the rate payers should not have to fund extra works to satisfy the development and ongoing maintenance.</p>	<p>Noted. Comments in relation to the landowners purchase of their land are not a relevant planning consideration. All planning proposals need to be considered, assessed and determined based on their planning merits. Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up. Refer to rural amenity impact comments under Submission 6. Comments in respect to the creation of a potential town bypass route alleviating traffic on Mchavloe Drive are noted. Whilst a potential outcome if Amendment 23 is approved, such a bypass arrangement is not identified in the currently applicable strategic planning framework and on this basis is not a material consideration in relation to the scheme amendment.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

	<p>Notes that the proposed subdivision will take up prime agricultural land that should be protected from development.</p> <p>Notes the proposal is inconsistent with the objectives of the General Rural Zone in the Shire’s LPS9 in respect to the protection of agricultural activities and maintenance and enhancement of environmental qualities.</p> <p>The Cheriton Valley with all its rural and scenic appeal should be free from any further subdivision as this valley encompasses the Gingin Brook and has been identified as prime agricultural / grazing land. Future generations and tourists should be able to enjoy the valley as it is. There is more than enough rural living zoned land at the top of the valley (Country Heights Estate).</p> <p>Property values will decrease markedly along Mchavloe Drive if this rezoning goes ahead.</p>	<p>Refer to drainage and water management comments under Submission 10.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p> <p>Property values are not a relevant planning consideration.</p>
--	--	---


**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p><i>please grazing land immediately with back fence on proposed</i></p>  <p><i>rejoicing land.</i></p>	
--	--	---	--

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p><i>Scenic value, and landscape to our North.</i></p> 	
<p>16</p>	<p>Ratepayer</p>	<p>OBJECTION: As a farmer across the road, the submitter is concerned with the water runoff caused by the potential subdivision, in particular the runoff from future roads and drainage. The water is already traversing through the submitter's block from runoff on Lot 9501. Currently the water hits Cheriton Road and is then directed through a culvert which eventually finds its way to the submitter's block and in heavy rainfall, floods the bottom 2 paddocks closest to the brook. These two blocks are lost for any form of agriculture. Water runoff from Marchmont Estate heads the same way to exacerbate the problem. If the plan is to trap water in dams, then they eventually overflow, causing the same problem.</p>	<p>Noted. Comments in relation to the purchase of land in the Marchmont Estate are not a relevant planning consideration. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Refer to rural amenity impact comments under Submission 6.</p> <p>Refer to drainage and water management comments under Submission 10.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>The Cheriton Valley is pristine agricultural land that supports grazing, cropping, horticulture and future agricultural enterprises consistent with the intent of the Shire's LPS.</p> <p>Concerned about the impact on the scenic value of an already utilised Tourist drive. If the land continues to be carved up, they will end up with a valley of urban sprawl and lose part of our food bowl.</p> <p>Expresses concern for those who purchased and developed land in Marchmont Estate and paid a premium for a rural outlook on the basis that the land in question would not be developed.</p> <p>The developers originally submitted plan referred to the olive grove (Lot 106 Cheriton Road) to the south east of Lot 9501 as abandoned and not viable or words to that effect. The submitter operates that grove with success, employing locals and others producing a local product which promotes Gingin through marketing endeavours both nationally and internationally. The submitter promotes picking groups to make their own olive oil. This brings on average, 200 people to Gingin to have a rural experience. They also utilise the retailers and accommodation services in town.</p> <p>The developer also made mention of the "abandoned" vineyard to the north of the proposed subdivision. After discussing this with the owners of the vineyard, the submitter notes that the landowners were horrified to hear this, as the vineyard was in fallow, with the intention to resurrect the vineyard.</p>	<p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p> <p>Property values are not a relevant planning consideration.</p>
17	Ratepayer	<p>OBJECTION:</p> <p>The submitter notes that in rejecting the proposed several times, the local Council has acted in the best interests of its residents and ratepayers, providing the correct channels for its community.</p> <p>Strongly oppose the proposed amendment for the following reasons:</p> <ul style="list-style-type: none"> This application has been previously submitted to Council and has failed to meet the necessary planning requirements of LPS9 to warrant approval. All previous correspondence and submissions regarding this proposal should be taken into consideration and referred to again. 	<p>Comments in relation to the conduct of Council are noted.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Refer to rural amenity impact comments under Submission 6.</p> <p>Refer to drainage and water management comments under Submission 10.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<ul style="list-style-type: none"> • It would be historically, environmentally and morally irresponsible for any level of government to consider rezoning or subdividing such beautiful fertile productive agricultural land. • The Cheriton Valley should be protected for agricultural purposes and for local food production. • Potential for fossils in the valley and ravines and identified during excavation of dams on the property. Queries whether findings have been followed up formally. • Lot 9501 Cheriton Road, Gingin has not been identified as property for potential rezoning in the Shires LPS or LPS9. This type of development is ad hoc and inconsistent with these documents. • There is no evidence or data provided to warrant further subdivision. Population figures past and present do not provide an immediate need for further subdivision, especially at the detriment of such fertile agricultural land. • Potential adverse impacts of the proposal on the submitter’s property relating to social and lifestyle impacts, noise and visual pollution, dust hazards, drainage issues, traffic, increased demand on water supply and undue stress to existing livestock. • The submitter’s property is zoned Rural and they carry out rural practices. Concerned at the extra pressure, risks and associated problems with running existing primary production operations that will occur. An example being during seeding where dust and noise is prevalent, potential new owners in a proposed nearby development would not welcome or understand these practices. • There is also increased risk and cause for concern for potential risks of future dog attacks and threat to livestock. 	<p>The potential for fossils during prior works on the subject land and in respect to potential future dog attacks are not relevant planning considerations in respect to the amendment.</p>
18	Altus Planning	<p>OBJECTION: Objection on behalf of various landowners</p> <p>The Shire’s LPS9 aims, General Rural Zone objectives and zone specific standards indicates a clear stance for the protection of rural land from fragmentation. A conservative approach should be adopted in this regard unless there are exceptional circumstances and/or overwhelming planning justification for the proposal in strategic terms.</p>	<p>Amendment 23 is not considered to be reasonably categorised as ‘ad hoc’ in isolation. Nevertheless it may, if supported and approved, be used as a precedent for supporting other ‘ad hoc’ proposals, with the potential to impact primary agricultural activities and further compromise the intent of the Shire’s Local Planning Framework.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

	<p>Under the Shire’s LPS, it is evident that the agricultural function of rural land should remain preeminent in the consideration of any growth of the townsite. The strategy mapping of the Gingin townsite does not include the subject site within any identified areas for rural residential use, whereas two other separate areas comprise approximately 160 ha of land have been strategically identified as being suitable for rural living purposes.</p> <p>The proposal lacks a realistic analysis or justification demonstrating plausible demand for the additional allocation of rural living zoned land that would justify a departure from the intent and objectives of the LPS, which is to limit subdivision or use of land that will divert existing productive uses to those non-rural in nature.</p> <p>Under the Gingin Townsite and Rural Surrounds Structure Plan, the subject site is excluded from potential rezoning to rural living. The subject site is also not within the townsite boundary and nor is it within the structure plan boundary. Additional rural living areas comprising approximately 200ha are designated for rural living zoning. It can be rationally concluded that the subject site was not considered for possible rural living expansion, even at a time when demand could be demonstrated.</p> <p>The Wheatbelt Gingin Regional Land Supply Assessment (2019) indicates an oversupply of residential (rural living) land without the demand to support it and that under the current population growth scenario that there is sufficient stock for residential and rural living land to meet population growth in the long term. This supports the rationale to limit further rezoning of land for rural living purposes. Historic modelling also suggests a substantial stock of undeveloped residential land within the locality of Gingin and low dwelling approvals (during the 2016/2017 financial year) compared to other localities just south of Gingin.</p> <p>The proposed rezoning is inconsistent with the intentions and policy measures prescribed under SPP2.5 relating to the protection of agricultural land unless alternative uses are planned for in an existing strategy and scheme. In this instance the proposal does not align with the existing local planning framework or strategic approach and is not supported by evidence</p>	<p>Refer to rural amenity impact comments under Submission 6.</p> <p>Refer to drainage and water management comments under Submission 10.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p> <p>Potential incompatibility with surrounding land uses, including ongoing agricultural production is considered to be manageable through normally applicable planning processes and requirements and is not considered to represent any impediment to the progression of the scheme amendment.</p> <p>This includes consideration of the Gingin pistol club which will be separated by a minimum of approximately 400 metres from the nearest proposed lot, which as indicated by the Applicant is additionally able to locate its building envelope further setback within its boundaries to provide for additional separation.</p> <p>The Applicant has indicated they have no objection to advising future purchasers within the subdivision regarding the existence and proximity, noise and daily activities of the club to further ensure there will be no compatibility issues. This can be addressed in due course at the subdivision stage if necessary.</p>
--	---	--

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>of demand that correlates with current land supply, uptake or population projections.</p> <p>The proposed rezoning is at odds with the principles for urban growth and settlement as set out in State Planning Policy 3 – Urban Growth and Settlement (SPP3) which affirms that unplanned and speculative development should not be supported where not identified under the applicable planning framework.</p> <p>The proposed rezoning is ad hoc and not consistent with the applicable planning framework. Given that other land is prioritised for this purpose, and the lack of evidence for demand or anticipated future growth, it constitutes a proposal that does not align with orderly and proper planning principles.</p> <p>An assessment of Census data indicates that whilst the population of Gingin has increased, the number of unoccupied dwellings has also increased which signifies an oversupply of private dwellings over demand. Based on current approvals and aerial observations it can be concluded that there is sufficient zoned land (or land specifically identified for rezoning) to satisfy demand into the foreseeable future within the Shire.</p> <p>The proposed reasoning inadequately addresses compatibility and land use conflicts with existing uses (ex. Gingin Pistol Club Safety Buffer Zone), drainage and stormwater management concerns (including flows from the existing Marchmont Estate onto the subject land), accelerated agricultural decline including a potentially undesirable precedent for similar ad hoc proposals on nearby rural land.</p>	
19	Ratepayer	<p>OBJECTION:</p> <p>Within the townsite and further north of Cheriton Road there are already vacant and unopened blocks zoned rural living within Country Heights. Land to the east of Country Heights is already zoned Rural Living. They believe that the particular planning amendment is not warranted and rezoning would negatively impact the town in the following ways.</p>	<p>It is unlikely the 12 additional lots would reduce efficiencies in waste management or road maintenance and any associated additional costs would be offset by additional Shire property rates.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Refer to rural amenity impact comments under Submission 6.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<ul style="list-style-type: none"> Waste management, road maintenance and bulk rubbish collection would be stretched reducing efficiencies and increase cost to the Shire (ratepayers). Having multiple partially developed areas within the vicinity of the Gingin townsite presents a negative aesthetic outlook where developments are left with a sandy block, weed ridden and increase imposition on neighbours. Increased footprint of mains water supply will negatively impact the availability of water in addition will further reduce the flow pressure which is already at levels not acceptable to householders. The drainage in Mchavloe Drive is already an issue, where property owners are impacted with flooding whenever there is a sizable rain event. This flooding would worsen with the proposed rezoning. Currently when they have a big downpour both sides of Mchavloe Drive flood, across the corner of their property and also on the corner of Mchavloe Drive and Cheriton Road. This then flows north down Cheriton Road. Several other properties on Mchavloe Drive have the same issues with flooding. This would have to be resolved sooner in full before any rezoning went ahead. Marchmont Estate is a premium estate of the town, with strict caveats in place. Therefore they would be expecting the same caveats for any adjoining rezoning. The water run-off from Cheriton Valley, helps the water levels in the Gingin Brook and the Shire's ground water supply. Rezoning would affect this. The Cheriton Valley is a landmark of the town of Gingin, rezoning it will take away the rural outlook of the Valley more broadly. 	<p>Refer to drainage and water management comments under Submission 10.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p> <p>Potential incompatibility with surrounding land uses, including ongoing agricultural production is considered to be manageable through normally applicable planning processes and requirements and is not considered to represent any impediment to the progression of the scheme amendment.</p> <p>In respect to water supply the Applicant has indicated that the landowner of the subject land installed the Water Corporation water supply pipework servicing the Marchmont Estate and extending within Cheriton Road to the southern boundary of Lot 9501 as part of the Marchmont Estate subdivision. This water supply pipework already extends along Howes Land via Mchavloe Drive. The water supply infrastructure was designed (as a requirement of the Water Corporation) to be of sufficient capacity to enable it to be extended to facilitate future subdivision along Cheriton Road and therefore is expected to be readily able to service the proposed lots at the subdivision stage.</p> <p>Given the limited number of lots proposed and the relative topography of the subject land to the adjacent serviced Marchmont Estate, connection to the Water Corporation network is not expected to be problematic. This will be confirmed at the subdivision stage and is not considered to represent any impediment to the progression of the scheme amendment.</p> <p>The use of caveats and/or building guidelines is a matter for the amendment proponent to consider in due course if Amendment 23 is ultimately supported.</p>
20	Ratepayer	SUPPORT:	<p>Comments in respect to the creation of a potentially desirable town bypass route are noted. Whilst a potential outcome if Amendment 23 is approved, such a bypass arrangement is not identified in the currently</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>The proposed blocks are of an attractive size to attract residents to our beautiful town and can only add to the prosperity and future development of our town.</p> <p>A new alternative road linking Cheriton Road and Sloans Road presents an opportunity for the town to eliminate the build-up of traffic through town which is already increasing as the Country Heights subdivision further to the north continues to grow as blocks are sold and houses are under construction.</p> <p>The proposed road is an opportunity for the town to create a bypass route from Cheriton Road to the Brand Highway which could be invaluable as another exit in times of any fire emergencies.</p> <p>The proposal is consistent with the Shire of Gingin LPS position with respect to limiting future rural residential expansion adjacent to the existing towns and townsite services.</p> <p>As a holder of potential subdividable land which fits this strategy position, I am fully supportive of this proposal on that basis.</p>	<p>applicable strategic planning framework and on this basis is not a material consideration in relation to the scheme amendment.</p> <p>Comments in relation to the size of any future lots and the attractiveness of Gingin for future residents are expressions of opinion and along with property values are not a relevant planning consideration.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Amendment 23, if approved, would allow for an appropriate subdivision arrangement that transitions lot sizes from the adjacent Marchmont Estate to the adjoining General Rural zoned land to the north.</p>
21	Ratepayer	<p>OBJECTION:</p> <p>The submitter's property has a north easterly outlook which they value and was one of the main reasons they chose Marchmont Estate to live. The submitter notes they have a view right across to Cheriton Estate and the Homestead.</p> <p>Rezoning of the land to the north of Mchavloe Drive would detract from the beauty of Marchmont estate and surrounding properties and decrease property values. Views from properties along the northern boundary of Mchavloe Drive are magnificent and should not be sacrificed for development.</p> <p>Submitter does not believe that traffic flow on Mchavloe Drive will be affected as the majority of traffic from Country Heights Estate will and should pass through the town centre, as it currently does. They do not have any issues with the current traffic flow along their road.</p> <p>The proposed subdivision will take up prime agricultural land, something that must be protected from development.</p>	<p>Noted. The preservation of views and comments in relation to the purchase of land in the Marchmont Estate are not relevant planning considerations. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>Although there will be a level of impact on the outlook and amenity of existing north facing lots in the existing Marchmont Estate, having regard to the natural topography of the site and its surrounds and the requirements for future subdivision and development that would be set out in Schedule 8 – Rural Living Zones, local amenity concerns are not considered to be significant enough to represent any impediment to the progression of the scheme amendment.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Refer to rural amenity impact comments under Submission 6.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>The Shire's LPS9 – 3.2.7 General Rural zone encourages the protection of agricultural activities and the maintenance and enhancement of environmental qualities.</p> <p>With increasing development on Gingin's doorstep, notes need to protect the history, beauty and prosperity of the town and surrounds and some of it should be left as it is to retain that vision. The Cheriton Valley must be protected from any further subdivisions.</p>	<p>Comments in respect to the creation of a potential town bypass route alleviating traffic on Mchavloe Drive are noted. Whilst a potential outcome if Amendment 23 is approved, such a bypass arrangement is not identified in the currently applicable strategic planning framework and on this basis is not a material consideration in relation to the scheme amendment.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p> <p>Property values are not a relevant planning consideration.</p>
22	Ratepayer	<p>COMMENT:</p> <p>The submitter's residence is on the lower end of Mchavloe Drive, near Dewar Road. Notes that there has been an increase in traffic of late, which makes it impossible for children and the elderly to use the street. The latter would be very disadvantaged if they relied on mobility aids as there is no footpath and the drains have very steep sides which continue onto Dewar Road.</p>	<p>Noted. The matters raised in respect to pre-existing roads are not relevant planning considerations in relation to the proposed amendment.</p>
23	Ratepayer	<p>OBJECTION:</p> <p>Concern with another subdivision encroaching into the historic Cheriton Valley regarded as one of the most aesthetic and picturesque areas for tourism in the town of Gingin.</p> <p>There is already a number of subdivisions existing and proposed surrounding the township of Gingin which already and will in the future have lots available for development and that will be adequate to provide for future housing for people moving into the area.</p> <p>Existing houses in Marchmont Estate adjoining the proposed subdivision will overlook backyards and their views will be obscured by the development.</p> <p>The new subdivision could be the first stage for further larger developments to the north of Lot 9502 and more encroachment into the valley.</p>	<p>Noted. The preservation of views and comments in relation to the purchase of land in the Marchmont Estate are not relevant planning considerations. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>The nature and scale of the development that would result from Amendment 23, if approved, would have minimal impact on the aesthetic values of the immediate and wider locality.</p> <p>Although there will be a level of impact on the outlook and amenity of existing north facing lots in the existing Marchmont Estate, having regard to the natural topography of the site and its surrounds and the requirements for future subdivision and development that would be set out in Schedule 8 – Rural Living Zones, local amenity concerns are not</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>Environmental concerns with their country lifestyle being spoilt with the extension of suburbia.</p> <p>Drainage is an issue of most concern. See plans -: Physiography Figure 4 in the Legend – Water Course, which is marked going across Cheriton Road towards the east and marked on Hydrology Plan Figure 5 if this is to be the drainage system under Maintenance 5.4.</p> <p>All excess water draining from lots down to Cheriton Road and heading north where the drain goes under the road to the east into the Cheriton property adjacent to Lot 104 then flows to Lot 107 and 106 then towards the brook (there is a road reserve between Lot 104 and the Cheriton property going down to the brook which could be an alternative to alleviate this problem).</p> <p>This swale goes through the submitter’s property and there is no drainage easement for this to occur or to be utilised on the private property. It is not a creek or watercourse.</p> <p>When Marchmont Estate was established and the Cheriton Road upgraded the first rains increased the flow tremendously. These issues were not adequately resolved. With extra runoff from the proposed building sites and road on Lot 9501 this will again increase the flow of water.</p> <p>Submitter and neighbour request further consultation on the resolution of water management issues.</p> <p>If this subdivision were to go ahead this would cause serious erosion to the submitter’s property and others.</p>	<p>considered to be significant enough to represent any impediment to the progression of the scheme amendment.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Amendment 23, if supported and approved, may be used as a precedent for supporting other ‘ad hoc’ proposals, with the potential to impact primary agricultural activities and the rural landscape, and to further compromise the intent of the Shire’s Local Planning Framework.</p> <p>Refer to rural amenity impact comments under Submission 6.</p> <p>Refer to drainage and water management comments under Submission 10. Potential erosion would be a consideration in the preparation of any UWMP at the subdivision stage.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p>
24	Ratepayer	<p>SUPPORT:</p> <p>The rural living proposed rounds off neatly with the existing rural living directly to the east.</p> <p>The increased traffic flow from the new suburb being created by Country Heights Estate will impact the town. There is the possibility the new road will ultimately provide a seamless route from Cheriton Road to the Brand Highway that will alleviate traffic flow in the town and local town roads. This opportunity could be used to create a by-pass route from Cheriton Road to Brand Highway with minimal disruption to the landscape profile.</p>	<p>Amendment 23, if approved, would allow for an appropriate subdivision arrangement that transitions lot sizes from the adjacent Marchmont Estate to the adjoining General Rural zoned land to the north.</p> <p>Comments in respect to the creation of a potentially desirable town bypass route are noted. Whilst a potential outcome if Amendment 23 is approved, such a bypass arrangement is not identified in the currently applicable strategic planning framework and on this basis is not a material consideration in relation to the scheme amendment.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>There are at present no 2 hectare lots in Gingin or its immediate surrounds, this rezone will correct that demand shortfall.</p> <p>The submitter notes concern from residents of the Marchbank Estate relating to view impacts which in their view is not a valid consideration. Notes also that in their view impacts to views will be minimal.</p> <p>The proposal location north of Marchmont is a logical direction for growth of the Gingin townsite having regard to the constraints and landowners intentions that relate to other properties.</p>	<p>Although there will be a level of impact on the outlook and amenity of existing north facing lots in the existing Marchmont Estate, having regard to the natural topography of the site and its surrounds and the requirements for future subdivision and development that would be set out in Schedule 8 – Rural Living Zones, local amenity concerns are considered to be satisfactorily addressed.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p>
25	Ratepayer	<p>SUPPORT:</p> <p>Since early 2010, the submitter has farmed Cheriton. During that period Gingin Shire approved the Country Heights development located on Cheriton Road, a subdivision with provision for a total of 313 lots upon completion.</p> <p>Lots 104 and 107, have been rezoned to Rural Living by the Gingin Shire. Lots 104 and 107 also boundary directly onto Cheriton Road and are opposite the proposed Amendment 23 (A 23) development. Both the lots and part of Lot 9501 share opposing road frontage onto Cheriton Rd of approximately the same dimensions, which would indicate the amendment should be in keeping with the Shire’s vision when approving the development of Lots 104 and 107.</p> <p>A23 presents as a well-planned, low impact interface between rural living and general rural farmlands which neatly round off the existing rural living zoned lots 104 and 107. The inclusion of a planned new road on the proposal provides a definitive boundary between the township and general farming country beyond.</p> <p>A23 offers a potential distinct benefit for the whole community. Of increasing relevance, is the stream of heavy and trade traffic, flowing through the Gingin townsite to service the Country Heights development.</p> <p>The essence of the quiet, secluded Cheriton valley “No Through Road” has been compromised in a more impactful way since work commenced on Country Heights, than the threat A23 presents, being comparatively only a very small development.</p>	<p>Comments in relation to other estates and subdivisions, and contextual considerations in respect to the subject land are noted.</p> <p>Comments in respect to the creation of a potentially desirable town bypass route are noted. Whilst a potential outcome if Amendment 23 is approved, such a bypass arrangement is not identified in the currently applicable strategic planning framework and on this basis is not a material consideration in relation to the scheme amendment.</p> <p>Concerns raised in relation to alternative bypass alignments and associated safety concerns are matters to be addressed separately by the Shire and are not relevant planning considerations in respect to Amendment 23.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

	<p>The proposal incorporates an attractive possibility that either in the short or medium term, a road link may be constructed to allow traffic from the developing Country Heights Estate to utilise Sloans Road, to alleviate traffic burden away from the town centre’s bottleneck and from support roads currently in use which were not designed to carry a high traffic burden. i.e. Mchavloe Drive, which has noticeably taken on the role of a “makeshift town bypass”.</p> <p>The increased traffic flow from the Country Heights suburb under construction will only continue to compound over successive years. With the Country Heights development presently only at 10% capacity, and projections to comprise a total of 313 lots upon completion, the Shire structure plan to alleviate the projected increase in vehicle movements per day, consists of a proposed bypass route potentially 20-30 years from coming to fruition, if ever.</p> <p>The A23 proposed access road is an opportunity for a timelier solution to address a Shire created problem, that being a shortcoming to concurrently plan the necessary support infrastructure for such a development, to ensure the town does not unduly suffer from the congestion of projected vehicle movements from a large development situated on a known single access service road.</p> <p>Cheriton Road residents and users, and town residents alike have a vested interest in seizing the opportunity to address a future bypass road ahead of the curve. The bypass route in the 2012-2031 structure plan proposed by the Shire exits onto Cheriton Road just 600 metres to the north of the planned A23 proposed bypass exit but will comparatively cost the Shire significantly more to construct on account of the more challenging terrain it traverses and being at least three times the length. Of equal concern, the Shire proposed exit is in alarming proximity to a blind corner, which may necessitate considerable work to realign Cheriton Road to construct a safer exit intersection.</p> <p>The terrain over which the proposed Shire access route has been planned does not present as either the best or most economical solution for a bypass route, nor will the implementation timespan fulfil the locality need for the alternative access.</p>	
--	---	--

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		A23 is a logical low impact extension of town development which satisfies relevant development criteria and represents an orderly transition to the farmland beyond. It will not impact practice on the adjoining farmland. The proposal offers opportunity for a strategically advantageous bypass provision within the development, which will assist to ease local traffic burden and as such A23 has their full support.	
26	Ratepayer	<p>OBJECTION:</p> <p>The proposed amendment is inconsistent with the following planning documents:</p> <ul style="list-style-type: none"> • Local Planning Strategy (the Strategy); • Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan); • Local Planning Scheme No. 9 (LPS 9); • Gingin Regional Land Supply Assessment (2019) (Land Supply Assessment); • State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0); • State Planning Policy 2.5 – Rural Planning (SPP 2.5); and • State Planning Policy 2.5 – Rural Planning Guidelines (the Guidelines). <p>Departure from the applicable planning framework referenced above, with no cogent reason for doing so, is inconsistent with the principles of orderly and proper planning.</p> <p>The applicant has not accurately outlined the provisions of the LPS, particularly the Strategy maps. The applicant claims that the development is consistent with and identified within the strategy, which is categorically inaccurate.</p> <p>Progression of the amendment will isolate Lot 380 Howes Lane, Gingin. This site is zoned 'General Rural' and will become detached from the rural hinterland. This does not represent a logical interface or transition between rural living and uncoded rural land.</p> <p>Fragmenting this land holding into smaller lots represents ad hoc and unplanned subdivision. This will prematurely remove productive agricultural</p>	<p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Refer to rural amenity impact comments under Submission 6.</p> <p>Lot 380 Howes Lane was not included in Amendment 23 and would be isolated from the remainder of 'General Rural' zoned land to the east of Sloans Road if the amendment is ultimately approved. Lot 380 Howes Lane has an area of only approximately 5.26ha and as confirmed by the current owners is used as a hobby farm. Given the small size of the lot and the current use, the potential zoning anomaly does not present any significant planning issues. In due course, if Amendment 23 is approved and the landowners of Lot 380 Howes Lane wish to rezone the land to 'Rural Living', this can be addressed via a further scheme amendment or as part of any subsequent review of the Shire's Local Planning Framework.</p> <p>Amendment 23 if supported Amendment 23 is not considered to be reasonably categorised as 'ad hoc' in isolation and taken in context would not result in a significant loss or fragmentation of productive agricultural land. Nevertheless it may, if supported and approved, be used as a precedent for supporting other 'ad hoc' proposals, with the potential to impact primary agricultural activities and further compromise the intent of the Shire's Local Planning Framework.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>land, a finite resource, from being used for its intended agricultural purpose. The planning framework has been strategically prepared to protect rural land from premature urbanisation and subdivision.</p> <p>The proposal is inconsistent with the endorsed settlement pattern that guides the expansion of Gingin and is inconsistent with the current strategic planning framework. The development will set an undesirable precedent for further similar proposals on the periphery of Gingin, and possibly other towns within the Shire.</p> <p>Simply being on the periphery of a town is not an adequate reason to support an amendment. The various inconsistencies with the planning framework cannot be diminished or ignored due to the site's location. Proposal must be consistent with the suite of applicable planning documents.</p> <p>Creating additional rural living zoned land will contribute to an already oversupply within Gingin, a fact that is supported by the WAPC's Land Supply Assessment (2019). As an example, occupancy take-up in Country Heights rural living estate is ~10% of the allocated lots. The level of development uptake and occupancy has not reached the required threshold to consider allocating further rural living zoned land within the locality. Scheme amendments such as the proposed must be supported by a need for land supply. An oversupply of rural living zoned land will have undesirable consequences including the endangerment of the viability of future stages of Country Heights Estate. Furthermore, the above issue is compounded considering Lot 83 Cheriton Road, Ginginup is also allocated for ~70 two-hectare rural living zoned lots.</p>	
27	Ratepayer	<p>NO OBJECTION:</p> <p>In principle they have no objection to the proposed new subdivision off Cheriton Road provided the proposed access road from Cheriton Road to Sloane Road is completed prior to any other work on the subdivision.</p> <p>Development of Country Heights Estate and a local heavy haulage business have had a noticeable detrimental impact on the volume and type of traffic using Mchavloe Drive as a through route to/from Brand Highway.</p>	<p>Noted. The provision of the proposed access road and upgrades to Sloans Road would need to be addressed by the scheme amendment proponent at any future subdivision stage.</p> <p>Comments in respect to the current usage of Mchavloe Drive and the creation of a potential town bypass route are noted. These are matters to be addressed separately by the Shire and are not relevant planning considerations in respect to Amendment 23.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

		<p>Mchavloe Drive was not designed as a through route but was built to service a few family homes in the Marchmont Estate, it is a neighbourhood road which is used by children, dog walkers, joggers and cyclists.</p> <p>The roadway is relatively narrow and sinuous, includes an unmarked right-angled junction with Howes Lane and two steep inclines however there are no pavements and in many places no flat verge useable as a refuge.</p> <p>In their view Mchavloe Drive should have a 3.5 ton weight limit except for deliveries to properties on the road. It also needs a signposted 50kph speed limit for traffic turning off Dewar Road and Cheriton Road.</p>	
28	Ratepayer	<p>OBJECTION:</p> <p>The submitter is opposed to the rezoning submission and expresses concern regarding impacts of the proposal on amenity and lifestyle.</p> <p>When purchasing their property, the submitter had many choices of available blocks and chose their lot knowing it would not have residential to the rear of the lot.</p> <p>Opposes proposed amendment due to drainage issues that affect Marchmont estate, the land being prime agricultural land for farming not housing, traffic being diverted away from the town centre and reducing the amount of local business. Concerns that subdivision would incur an immediate devaluation of property which would be unfair and only result in the gain for someone else.</p> <p>The Cheriton Valley is natural, prime land which needs to be preserved and valued as much as possible. In the direct area, there are multiple rural residential lots available to support the growth of the town for a long time to come and this rezoning is not required and will have no benefit for the town, shire and current residents.</p> <p>The natural and current water discharge for most of the residents on McHavloe Drive is towards the rear of properties. If the rezoning was approved this would no longer be acceptable and the immediate impacts would not only be a financial burden on all property owners but a lot of work for unrealistic results. More than 3 proposals have already been rejected for this rezoning and subdivision and it will be in the best interest to reject for a final time.</p>	<p>The preservation of views and comments in relation to the purchase of land in the Marchmont Estate are not relevant planning considerations. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>Although there will be a level of impact on the outlook and amenity of existing north facing lots in the existing Marchmont Estate, having regard to the natural topography of the site and its surrounds and the requirements for future subdivision and development that would be set out in Schedule 8 – Rural Living Zones, local amenity concerns are not considered to be significant enough to represent any impediment to the progression of the scheme amendment.</p> <p>Refer to rural amenity impact comments under Submission 6.</p> <p>Property values are not a relevant planning consideration.</p> <p>Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.</p> <p>Refer to drainage and water management comments under Submission 10.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

29	Gingin Pistol Club (SSWA) Inc	<p>COMMENT:</p> <p>They would like to bring to the Shire’s attention that the proposed subdivision falls within the Gingin Pistol Club’s Danger Template.</p> <p>Allowing this subdivision to go ahead would put pressure on the club as with the increase in population around this area they face the potential to have noise complaints lobbied against the Club, to which up to date they have had none.</p> <p>Request that the proposed purchasers of the subdivision be advised that the club exists and that current shooting days are Thursday nights and biweekly Sunday afternoons. The club currently has 115 registered members plus juniors thus creating the need for these two registered shoots.</p> <p>The Gingin Pistol Club has been active in the community since 1970 and in the current position since 1978.</p>	<p>Noted. The Gingin pistol club is separated by a minimum of approximately 400 metres from the nearest proposed lot, which as indicated by the Applicant is additionally able to locate its building envelope further setback within its boundaries to provide for additional separation.</p> <p>The Applicant has indicated they have no objection to advising future purchasers within the subdivision regarding the existence and proximity, noise and daily activities of the club to further ensure there will be no compatibility issues.</p> <p>This can be addressed in due course at the subdivision stage if necessary.</p>
30	Ratepayer - Late Submission	<p>OBJECTION:</p> <p>The submitter purchased their property on the understanding there was to be no residential (rural living) development on the rural land on their northern boundary.</p> <p>There are numerous other locations within the Shire’s planning framework that have been identified for rural living blocks. Since these have remained undeveloped or partially undeveloped, some for many years, there is no justification or demand to rezone this area.</p> <p>Quality rural land in the Shire should be protected from piecemeal development as per the intention of the planning framework. The Council has correctly rejected applications in the past which financially benefit the applicant only, reduce amenity and land value for other residents, and fragment prime rural land, rendering it unusable for future agricultural purposes.</p>	<p>Noted. Comments in relation to the purchase of land in the Marchmont Estate are not relevant planning considerations. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>Although there will be a level of impact on the outlook and amenity of existing north facing lots in the existing Marchmont Estate, having regard to the natural topography of the site and its surrounds and the requirements for future subdivision and development that would be set out in Schedule 8 – Rural Living Zones, local amenity concerns are not considered to be significant enough to represent any impediment to the progression of the scheme amendment.</p> <p>The land forming part of Amendment 23 is not considered to be prime agricultural land.</p> <p>Refer to rural amenity impact comments under Submission 6.</p>

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

MARCH 2024

			Refer to comments in relation to Submission 5 in respect to planning framework compliance and in respect to land supply and take up.
31	Ratepayer	<p>OBJECTION:</p> <p>The submitters purchased their property in December 2021 on an "as is" basis.</p> <p>As the property was zoned General Rural it suited their retirement requirements for a hobby farm inclusive of sheep, Alpacas, chickens etc.</p> <p>The seller of the property is also the developer of the proposed subdivision to the north of their boundary and without their knowledge or consent made application to rezone lot 380 Howes Lane from General Rural to Rural living.</p> <p>They object in the strongest terms to a third party being able to apply to rezone their property without their consent or knowledge.</p>	<p>Noted. Lot 380 Howes Lane was not included in Amendment 23 and is not proposed to be rezoned from 'General Rural' to 'Rural Living' as part of the amendment proposal.</p> <p>Comments in relation to the purchase of land in the are not relevant planning considerations. All planning proposals need to be considered, assessed and determined based on their planning merits.</p> <p>Contractual arrangements between land vendors and purchasers typically sit outside of the planning framework and in this instance are not relevant planning considerations.</p> <p>Although not the case in this instance, scheme amendment proponents are permitted to include land owned by other parties in rezoning proposals. The planning system provides for such other owners to be notified and to be provided with the opportunity to comment on the proposal as has occurred in this instance.</p>
32	DBCA	<p>NO OBJECTION:</p> <p>The Department of Biodiversity, Conservation and Attractions – Swan Region Office has no comments on the proposal.</p>	Noted.

23 January 2024

Shire of Gingin
Po Box 510
Gingin, WA, 6503

Dear Sir/Madam,

**RESPONSE TO SUBMISSIONS ON PROPOSED SCHEME AMENDMENT NO. 23
LOCAL PLANNING SCHEME NO. 9 - PT LOT 9501 CHERITON ROAD, GINGIN**

This letter has been prepared to address the comments and draft conditions received by the Shire of Gingin in relation to the above-mentioned scheme amendment. A comprehensive response in relation to each of the comments has been provided below.

The following attachments have been included as part of this document:

- **Appendix A** - Submission (Altus Planning)
- **Appendix B** - Submission (Dynamic Planning)
- **Appendix C** - Submission (DPIRD)
- **Appendix D** - Submission (Ratepayer)
- **Appendix E** - Schedule of Submissions
- **Appendix F** - Prestige Estates Demand Analysis

1 COMMENTS PROVIDED BY MINISTER FOR PLANNING (SECTION 76 2023)

Hon Rita Saffioti MLA, Minister for Planning

I consider that the proposal to rezone a portion of Lot 9501 Cheriton Road, Gingin from General Rural to Rural Living zone is in keeping with State Planning Policy and the Shire of Gingin's Local Planning Strategy and, as such, it is appropriate that the proposal be initiated to allow for the amendment to be advertised for public comment and further detailed assessment to be undertaken through the scheme amendment process.

2 COMMENTS PROVIDED BY COORDINATOR STRATEGIC PLANNING (REPORT TO COUNCIL 2022)

Coordinator Strategic Planning for Shire of Gingin

The overall Shire of Gingin - Local Planning Strategy Map, which also forms part of the Local Planning Strategy, identifies part of the subject site as 'Rural Residential.'

The Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan) identifies that the demand for rural lifestyle



lots will likely continue in Gingin and increase due to greater demand as the Perth Metropolitan Area expands further north. This has become evident with the expansion of the Tonkin Highway which has facilitated a shorter commute to the Perth Metropolitan Area. Better transport corridors are increasing the appeal of Gingin as an attractive place to live. From a strategic viewpoint, the proposal has demonstrated an ability to achieve the objectives guiding rural living development. However, it is important to note that two hectare lots as proposed are currently in short supply in close proximity to the town centre.

The location of the lots capitalises on existing services and infrastructure within the Gingin townsite, providing an attractive asset for future purchasers. Furthermore, the larger lot size of two hectares, when compared to the existing one hectare lots of Marchmont, provides a good interface/transition to the General Rural zoned land to the north.

The site is identified as a logical extension of rural living lots under the Local Planning Strategy, with support in providing limited rural living lots adjacent to the periphery of the urban expansion area of the townsite, provided that it does not compromise the primary production in adjoining rural areas.

The proposed amendment offers an additional 12 rural living lots being a minimum of two ha in area. The number of lots proposed is not excessive, and the proposed larger lot size facilitates the transition and landscape connections of the rural residential landscape (experienced in the locality) to the rural landscape without compromising the character and function of its rural land uses.

The extension of the rural living zone capitalises on the existing townsite services and facilities and offers land supply of a larger rural living lot size in proximity to the town.

Therefore, the officer supports the initiation of Amendment No. 23.

3 RESPONSE TO SUBMISSIONS

The following table provides the applicants response to the submissions received as part of the advertising process for the proposed Scheme Amendment 23. to the Shire of Gingin Local Planning Scheme No. 9.

Due to the high number of similar submissions, comments have been collated into corresponding categories as depicted within **Table 1** below (Following page):

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

2

LOCAL PLANNING SCHEME NO. 9

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. Clause 1.6 of LPS9 sets out the aims of the Scheme, in particular the aims relevant to this proposal are as follows:

(a) Promote the planned expansion of all townsites, and encourage the consolidation and expansion of services and facilities within townsites.

(f) Protect the rural land resource by promoting a strong presumption against unplanned fragmentation of rural land.

(j) Support subdivision of rural land which is consistent with the preferred settlement strategy and which facilitates the ongoing productive rural use of the land.

The subject site is currently zoned 'General Rural' and the objectives of the zone pursuant to clause 3.2.7 are as follow:

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.

Zone specific development standards pursuant to clause 4.8.6 which is applicable to the 'General Rural (Uncoded)' zone indicates that:

"Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4."

This again indicates a clear stance for the protection of rural land from fragmentation. Whilst the Applicant is of the view that the rezoning is justified, it is submitted that a conservative approach should be adopted unless there are exceptional circumstances and/or overwhelming planning justification for the proposal in strategic terms.

Dynamic Planning (On Behalf of Claymont & Country Heights Estate) (PDF Attached)

1. Approval of the proposed scheme amendment to create additional 'Rural Living' zoned land would be inconsistent with a number of aims of the scheme, specifically:

- Promoting the planned expansion of all townsites – the subject site has not been contemplated in any strategic planning documents for rural living development and as such isn't considered to be a planned expansion of the Gingin townsite.
- Protecting the rural land resource by promoting a presumption against unplanned fragmentation of rural land – again, as the site is not identified in the strategic planning framework approval of the amendment would result in unplanned fragmentation of rural land.
- Supporting the subdivision of rural land that is consistent with the preferred settlement strategy – the site is not identified for rural living in the Gingin Townsite and Rural Surrounds Structure Plan and as such the scheme amendment and eventual subdivision would be inconsistent with the preferred settlement strategy.

LOCAL PLANNING SCHEME NO. 9

Applicant Response

1. Also relevant to this proposal under Clause 1.6 of LPS9 are the following aims:

(b) Encourage population growth to take place in townsites, particularly where reticulated infrastructure is available or planned, to maximise infrastructure utility and investment and create focused demand for infrastructure improvement.

(e) Recognise the unique servicing, management, land use and socio-economic issues associated with rural residential settlement.

(k) Ensure that agricultural and urban land uses can be co-located efficiently with minimal conflict.

(r) Protect the natural environment and biodiversity while ensuring appropriate development opportunities within the scheme area are realised.

Similarly to the requirements of the General Zone, the requirements of the Rural Living zone are as follows:

a) protect the rural environment and landscape;

b) accommodate single dwellings at very low densities on individual allotments beyond the urban areas;

c) restrict and limit the removal of natural vegetation and encourage revegetation where appropriate;

d) prevent threats to the amenity of the zone and impacts on wildlife and native vegetation caused by the grazing of livestock;

e) avoid increased fire risk to life and property through inappropriately located and designed land use, subdivision and development; and

f) provide for a suitable level of physical and community infrastructure.

The requirements for both zones seek to protect the natural environment, the only real difference being that the General Rural zone seeks to ensure the continued use of the land for broad acre agricultural uses.

As will be demonstrated throughout the following responses, it is considered that there is in fact overwhelming planning justification for the proposal in strategic terms, due to the demand and shortage in supply for Rural Residential (RR) 2 hectare lots (2HA) within the Gingin Townsite and surrounding areas.

Applicant Response

1. Disagreed.

- The proposed area for rezoning was included within the Local Planning Strategy (LPS) Map, as depicted in **Figure 1** below. This fact has been supported and confirmed by both the current Strategic Planning Manager at the Shire of Gingin and the previous Minister for Planning (Hon Rita Saffioti) as evidenced in their statements within the Shire's 2022 report to council and the Section 76 notification provided by the minister.
- As above, this land was included in the strategic planning framework it is therefore not considered to be unplanned fragmentation of rural land.
- It should be noted that 1. the subject land is not located within the boundary of the Gingin Townsite and Rural Surrounds Structure Plan and it is therefore was not intended to have been allocated as part of this plan; and 2. perhaps more pertinently, the strategic intention of the GTRS structure plan was to allocate land for Urban Investigation/Expansion; this was its focus, it was never intended to be the defining document for allocation for Rural Living/Rural Residential (RL/RR) areas for the wider Gingin area.

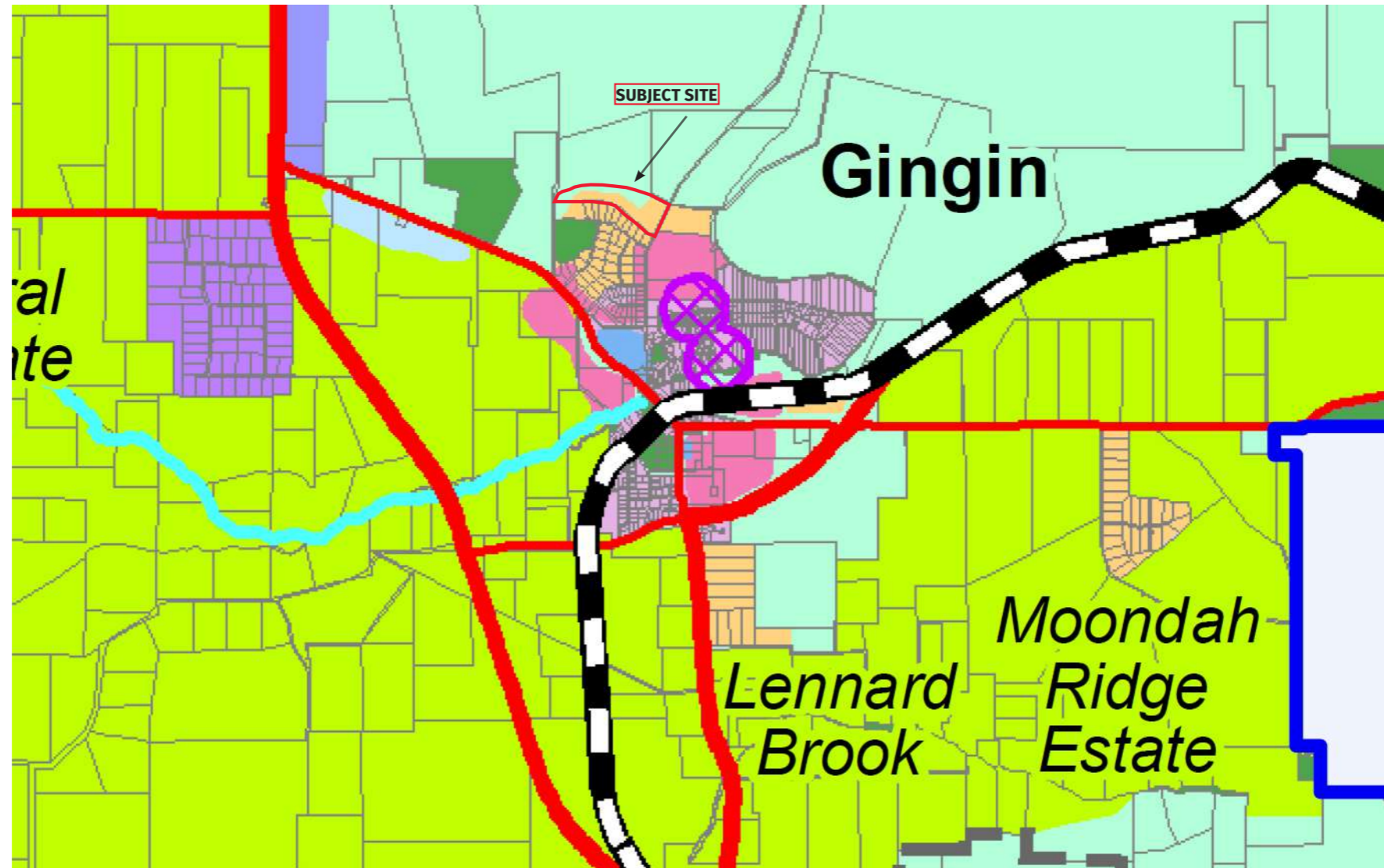


Figure 1. Local Planning Strategy Map

Department of Primary Industries and Regional Development (PDF Attached)

1. The new lots will be zoned 'Rural Living'. DPIRD notes that 'Rural Pursuit' is a discretionary use in this zone, with potential activities that include: the rearing or agistment of animals; the stabling, agistment or training of horses;

To guide the future use of these lots, information is provided for the Stocking Rates (Attachment 1) and the soil-landscape units (Attachment 2). DPIRD notes that 'Civic Use' is permitted in this zone. DPIRD suggests that in a future amendment to the Local Planning Scheme, this use is changed to 'D' or 'A' to give the shire more discretion for granting this type of development in this zone.

Applicant Response

1. This suggestion is reasonable and the applicant does not object to this use being a 'D' Discretionary or 'A' use. The stocking rates attachment has been noted.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

4

Ratepayer (PDF Attached)

1. The relevant aims contained within LPS 9 are outlined below with a brief comment:

(a) Promote the planned expansion of all town sites and encourage the consolidation and expansion of services and facilities within town sites.

(f) Protect the rural land resource by promoting a strong presumption against unplanned fragmentation of rural land.

The development would need to be identified under the Strategy and the Structure Plan to qualify as a 'planned' expansion of the townsite. Neither document identify this land for the proposed purpose. Furthermore, the land is not within or abutting the Gingin townsite.

2. The Cheriton Valley contains various agriculture extensive pursuits, a vineyard and olive grove. This amendment will introduce multiple sensitive receptors into the agricultural region, threatening the continuation or expansion of agricultural activities due to separation distances restrictions.

Applicant Response

1. It should be noted that townsite expansion as it is referred to in the LPS and strategy does not actually refer to rural living which is evident in the fact that rural living areas are proposed to be provided for in areas *adjacent to the periphery of urban expansion areas*. For example, Clause 3.3.1 of the local planning strategy sets the policy positions and actions in relation to expansion of townsites in the Shire of Gingin:

1. *Prepare Townsite Expansion Plans and subsequent Structure Plans for identified urban expansion areas for each townsites.*
2. *Further development in Townsite Expansion Areas is to be supported by associated Local Structure Plans*
3. *Prepare/assist coastal planning having consideration for climate change including potential sea level rise and inundation.*
4. *Planning for the lower coastal rural living areas which promote social and economic services.*
5. *Provide for re-subdivision/redevelopment of low-density residential areas where they are supported with full infrastructure services, including sewerage.*
6. *Encourage residential development at the higher code in accordance with a detailed structure plan that provides for servicing and co-ordination of design for the provision of aged living.*
7. *Maintain updated Municipal Heritage Inventory.*

Note that regional rural living areas are not included for identification under these actions. Furthermore, under Clause 3.3 of the strategy (which refers to the Gingin Townsite Strategy Map specifically) then sets the objectives for the Gingin Townsite:

1. *Identify appropriate land areas adjacent to the urban townsite available for development of a mixed business estate.*
2. *Facilitate the preparation of a structure plan and possible accompanying design guidelines to promote the consolidation, presentation and improved servicing of Gingin Rural Industrial estate.*
3. *Co-ordinate and facilitate the provision of a reticulated sewer system to service new and infill urban areas.*
4. ***Give consideration to limited rural living development to adjoin the periphery of the townsite, having due regard to:***
 - i) the extent of planned townsite expansion identified by a townsite structure plan endorsed by Council and the WAPC;***
 - ii) optimising the use and catchment of existing townsite services/facilities;***
 - iii) protection of the character, function and integrity of adjoining/nearby rural land and land uses;***
 - iv) environmental capability and management;***
 - v) staged development cognisant of demand and supply;***
 - vi) locational criteria and other matters as identified in State Planning Policy 2.5 relating to rural residential settlement;***
 - vii) enhancement of landscape and natural values; and***
 - viii) fire protection. provide opportunities for landscape protection and landscaped connections throughout the town.***
5. *Consider land areas for General Industry for the creation of additional local employment.*

Action 4 clearly states that consideration for rural living development should adjoin the periphery of the townsite; this action would not have a purpose if all areas of rural living were already allocated/identified within the Townsite map, nor would the criteria that this action is required to give 'due regard' for.

2. State Planning Policy 2.5 Clause 4.4 states that building envelopes can be used for rural living areas to *avoid areas such as bushfire risk areas, areas of biodiversity value, areas at risk of pesticide spray drift or areas subject to inundation*. The 2HA lot size is therefore well equipped to utilise this strategy to ensure that buildings will not be located nearby to surrounding sensitive uses such as vineyards/olive groves. Additionally, under the Environmental Protection Authority's (EPA) Guidelines for Separation of Agricultural and Residential Land Uses, provisions are included for the use of vegetative buffers and fencing in order to allow residential areas to reduce their separation distances from nearby sensitive uses. The combination of these strategies ensures that the proposed 12 additional lots can achieve the necessary clearance without any adverse impacts to surrounding rural areas or any future agricultural pursuits that may be proposed.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

5

LOCAL PLANNING STRATEGY

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. Section 2.1 of the Strategy highlights the State and regional context of the Shire, which indicates a strong economic base for agriculture, fishing, and horticulture. Whilst the Shire has the ability provide opportunities for rural living developments, the importance of functioning rural land cannot be undermined given the importance of land resources for rural industries, regional industrial development, basic raw materials and groundwater resources.

Specifically, Section 2.3.3.1 makes reference to the Gingin townsite and is described as follows:

“The area surrounding the town of Gingin offers three important elements for the production of intensive agricultural produce: suitable soils, ideal climatic conditions and fresh groundwater. As a result Gingin is well-placed to take advantage of this potential, which can improve the local economy and sustain population growth in the town.”

As above, it is evident that the agricultural function of rural land should remain preeminent in the consideration of any growth of the townsite. The Strategy mapping of the Gingin Townsite is illustrated below in Figure 2. It is noted that the subject site is not included within any identified areas for Rural Residential use.

2. Section 2.3.5 of the Strategy discusses Rural Living land supply within the Shire. It is noted that due consideration must be balanced between the costs for services and maintenance, loss of rural land, land management and other amenity and environmental impacts.

3. When considering the current extent of rural living land and the amount of allocated yet undeveloped rural living land, the Strategy promotes the limitation of such development to areas identified on the Strategy map. If there is a substantial increase in demand that can be identified, then it might be appropriate to locate additional Rural Living communities close to Gingin and /or Lancelin townsite.

4. Given that the subject site is not identified for rural living purposes, investigation has been conducted using Census data to determine whether there is plausible demand for additional allocation of rural living zoned land. This is discussed in further detail below. It is noted that the proposal does not provide a realistic analysis or justification for demand.

Further to the above, Section 2.3.6.2 of the Strategy reflects the Shire’s stance on Rural land, as highlighted below:

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

Section 2.5.7 also highlights the issues of rural subdivision as follows:

“Subdivision of rural land can undermine agricultural production by creation of unviable land parcels, increasing land values/rates, and removing areas from production for non-rural uses such as rural living development;”

This affirms the intention to limit subdivision or use of land that will divert existing productive uses to those non-rural in nature.

LOCAL PLANNING STRATEGY

1. Although this remains true, it should be noted that in the past 11 years since this strategy was produced, Gingin has not really taken significant advantage of this potential which is evident in the relatively stagnant population growth and meager improvements in its local economy.

The applicant would therefore argue that while intensive agricultural pursuits should certainly remain a key consideration in the growth of the wider Gingin area, there are in fact some key areas located in close proximity to the Gingin Townsite that would benefit from an increase in RR2 zoned lots to better meet the current demand for this rural-living lifestyle and to capitulate on the population increases and corresponding boosts to the local economy that are being experienced by surrounding regional areas that have planned for this demand.

As noted above, the Gingin Townsite Strategy Map is intended to investigate the existing and potential townsite urban expansion whereas the broader LPS Strategy Map identifies the townsite and the existing and potential land uses beyond the townsites.

2. To provide a clearer picture, Section 2.3.5 of the strategy states the following:

Rural living development forms an important part of the housing market in peri-urban locations, however the high cost of services and maintenance; loss of rural land; land management considerations; water availability, impact on rural landscapes and environment and an increased exposure to bushfire hazard are matters that need to be considered carefully in their planning.

The minor area proposed for rezoning has ready access to services, will require minimal additional water, is not subject to any threat from bushfire and will not impact on surrounding rural landscapes.

3. The actual wording of the strategy on this matter is as follows:

Given the current extent of rural living land, and the amount of undeveloped rural living allocated land, there is a strong rationale to limit the expansion of this form of development to existing areas and those identified on the Figure 2, at least in the short to medium term (i.e. 10 – 15 years). In the event increasing demand is identified, it may be appropriate to locate additional rural living communities close to Gingin and/or Lancelin townsites.

It should be noted that Figure 2 of the Local Planning Strategy (LPS) is not the Gingin Townsite map as implied by the submission but is actually the broader strategy map. The other relevant points from the above passage include the timeframe (10-15 years) in which we are currently at year 11, and the suggestion that if demand is identified it “may be appropriate to locate additional rural living communities close to Gingin and/or Lancelin townsites”, which correlates exactly with what is being proposed.

4. Although a strong justification for the demand is not provided within the initial proposal (although has been within following sections of this response), as the proposal is only for 12 additional lots, a statement was included from correspondence received from DPLH:

Area 1 represents a logical rounding off of the Rural Living zoned land to the south. It would appear, though it will need to be proven, that there is some demand for this product in the area, being that about 75% of land in the Marchmont Estate has been developed to date.

The area of Lot 9501 proposed for the rezoning of 12 RR lots has been the subject of numerous reports and studies concerning the soils, fertility and water quality as well as nutrient testing of the wider lot. In a recent review of these studies conducted by the environmental consultants at Geo & Hydro, the following observations were noted:

On the subject area, nutrients in four collected soils in both surveys were consistently far lower than the rest of the farm. Further analyses on the subject land by Nutrien (2020) are also tabulated and support this assessment of its condition (Table 1).

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

6

5. Lastly, Section 3.3.7 highlights the objectives and policy position regarding the Rural Living zone. The fifth action for the policy position sets out consideration that Council needs to exercise for ad-hoc rezoning proposals relating to the rural living zone. It is considered that the proposal does not meet the following:

- i) is consistent with the objectives and intent of State Planning Policy;
- ii) is identified in this Strategy as being suitable for rural smallholdings or more intensive subdivision;
- ...
- iv) is supported by demonstrated demand and justified in terms of achieving productive use of rural land and/or net environmental benefit;

Dynamic Planning (On Behalf of Claymont & Country Heights Estate) (PDF Attached)

1. The Shire of Gingin Local Planning Strategy – this document suggests that the subject site is intended to be retained for agricultural purposes. Further, the Local Planning Strategy also seeks to restrict the expansion of rural living land due to the extent of existing planned areas that were undeveloped at the time (Clause 2.3.5).

2. Whilst we note that the Local Planning Strategy is now 11 years old, there is still a considerable amount of undeveloped land that has been identified for 'Rural Living' development, these areas include:

- Lot 104 & 107 Cheriton Road.
- Significant portions of the Country Heights Estate.
- Lot 83 Cheriton Road.
- Lot 100 & 1 Old Mooliabeenee Road.

Department of Primary Industries and Regional Development (PDF Attached)

1. DPIRD supports the view that urban expansion should occur on the periphery of a townsite and that the creation of new rural lots through ad hoc, unplanned subdivision is inconsistent with the objectives of the State Planning Policy 2.5. DPIRD is guided by the Local Planning Strategy maps when it assesses the loss of productive rural land to other uses.

2. DPIRD does not support the view that this area was identified in the Shire of Gingin's Local Planning Strategy, 2012, as future 'Rural Residential'. The difference between the Gingin townsite strategic map (a local map), which does not show the 'Rural Residential' area extending into Lot 9501 and the overall Shire of Gingin Local Planning Strategic map (a regional map, which does) demonstrates why generalization and accuracy are related to map scale. DPIRD would

Importantly, it is considered that the urbanization of the subject land on the new boundary into Gingin residential will not significantly lower the suitability of the remaining farm to its current grazing usage, with it retaining all areas of high quality.

Furthermore, the area proposed for rezoning has not been identified for priority agricultural use, regional industrial development, basic raw materials or groundwater resources within the LPS, nor any of the planning framework documents.

5. The proposed amendment to the scheme **does not constitute an ad-hoc proposal**; this assertion is made multiple times throughout the submissions which fails to acknowledge that the subject site is identified on the Shire's official Local Strategy Map.

Although the proposed rezoning is not 'ad-hoc' due to its identification within the LPS and subsequent recognition of this fact by the Planning Minister and Manager of Planning at the Shire, the applicant disagrees with the submissions statement that the proposal does not meet the listed provisions as will be discussed further in following sections. It is also relevant that the provisions of Section 3.3.7 not listed by the submission indicate that the proposed area is actually well-suited for rural living, particularly:

- iii) represents a logical extension of an existing rural residential or GR coded area with similar lot sizes;
- v) has the ability to provide necessary services to the development cost-effectively;

Applicant Response

1. As noted in the submission, the strategy provides the expression of the Shire's vision over the next 15 - 20 years and is coming up on its 12th year. This document has defined the planning for the Shire with little changes in its proposals over this time. The development context of Western Australia has changed considerably over this period and it is not outlandish to revisit the proposals included within the strategy after 12 years of operation. This is equally true for the Shire's LPS and the Gingin Townsite Structure Plan both of which have not been updated since their adoption in 2012.

To put this in some regional context, The Shire of Chittering Planning Strategy was endorsed in 2019, the Shire of Danderagan's was endorsed in 2020, and the Shire of Toodyay was endorsed in 2018.

2. It should be noted that all of the RR2 lots identified within the strategy have actually since been rezoned, developed and sold on the market. Therefore, it can reasonably be presumed that the slow growth of population within the Gingin Townsite and Surrounds is actually due to the shortage of lot products that are most in demand for the area and that there is potentially an oversupply of residential and 1HA lots. As Gingin is a regional area with minimal access to services and employment opportunities, this is not surprising. The attractive feature that appeals to rural living is very much tied to the rearing and agistment of animals, small-scale farms and other rural pursuits that are not possible or feasible for 1HA lots.

Applicant Response

1. The subject site is both proposed on the periphery of the Gingin Townsite and is identified within the broader LPS map.

2. DPIRD comments regarding the LPS map are noted, however, please see comments above regarding the differing purposes of the broader strategy map and the townsite maps, which focus on the expansion of urban development.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

7

assert that when there is a perceived inconsistency between a local map and a regional map, especially in the same document, the detail and position of boundaries of planning zones, presented within the local map prevails. DPIRD concludes this subdivision is unplanned and thus inconsistent with the objectives of the State Planning Policy 2.5. DPIRD does not support this subdivision.

Ratepayer (PDF Attached)

1. The applicant has magnified the 'Local Planning Strategy Map' to outline an encroachment of the adjoining rural living hatching into the subject land. The strategy covers an area of 3,223 km. There are many examples on this map where the zone hatchings extend beyond precise lot boundaries (due to the scale).

Applicant Response

1. The applicant does not support this assertion that the map extends across boundaries due to scale, this may be an acceptable assertion for the areas that only slightly leave their boundaries, but to suggest that the considerable overflow in other areas is accidental or an intentional misreading is illogical. If it were indeed due to scale, then it would at least leave the boundaries of different lots by a similar amount, as it does for the areas where it is indeed due to scale. It is also highly unlikely that the Coordinator of Strategic Planning at the Shire would be fooled by this if it were the case.

Furthermore, Clause 3.3.7 of the strategy sets the policy positions and actions for rural living areas as follows:

1. *Limit expansion of rural living development to existing areas in the Shire and those identified on the Local Planning Strategy Map. **The proposed area for rezoning is identified on the strategy map.***
2. *Require new rural living precincts to have greater regard for essential and community services, Ongoing Shire of Gingin Local biodiversity protection and bushfire risk. **Is located in proximity to essential and community services and poses no biodiversity or bushfire risk.***
3. *Where ad-hoc rezoning proposals for rural living or rural smallholdings are made, or in considering proposals for subdivision of rural land, Council will consider whether the proposal:
i) is consistent with the objectives and intent of State Planning Policy; **Is consistent with SPP2.5 & SPP3 (details below).**
iii) represents a logical extension of an existing rural residential or GR coded area with similar lot sizes; **Represents a logical transition between RR1 and Rural lot sizes.**
iv) is supported by demonstrated demand and justified in terms of achieving productive use of rural land and/or net environmental benefit; **There are currently no RR2 lot sizes available within proximity to the Gingin Townsite (further details below).**
v) has the ability to provide necessary services to the development cost-effectively; **All services are located adjacent to the subject site and can be readily connected.**
vi) is supported by an Outline Development Plan which satisfactorily resolves issues relevant to the site, including (but not limited to), the following: **While no ODP exists for the site none of the following measures are considered to be an issue for the subject site:**
 - a. context considerations including any connectivity or interface requirements; **Suitable interface with existing RR1 areas.**
 - b. waterway, drainage and floodway matters; **An LWMS exists and UWMP will be prepared for the subject site.**
 - c. areas required for conservation or vegetation protection; **All vegetation can be retained as part of proposed subdivision.**
 - d. bush fire risk and the implications of bushfire hazard reduction measures on vegetation; **Subject site is not within a bushfire prone area.**
 - e. landscape value protection; **Minimal impact to landscape and view corridors maintained.**
 - f. access to community facilities; **Close proximity to community services within townsite.**
 - g. demonstrated access to servicing, including the availability of a feasible potable water supply; **Services can be readily connected.**
 - h. impact of, or on, adjoining uses such as basic raw material sites, agricultural activities, conservation reserves, scenic tourist routes and any associated buffers; **No impact to sensitive uses, basic materials or agricultural pursuits.**
 - i. the identification of any development and management controls which may include minimum building standards, stocking rate limits or other site specific considerations; **Can be included as conditions of approval or within a Local Development Plan.***

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

8

The strategy contains specific maps for each townsite, at a legible scale. The Gingin Townsite Strategy Map is the relevant mapping tool that sets out the vision for the expansion of Gingin and has been omitted from the proposal. The assertion being made by the applicant that the amendment is identified in the strategy is therefore inaccurate.

GINGIN TOWNSITE & RURAL SURROUNDS STRUCTURE PLAN

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. As eluded to in the Strategy Section, the Structure Plan excludes the subject site from potential rezoning to Rural Living. Whilst the Strategy highlights expansion of rural living areas around the fringes of the townsite, the Structure Plan clearly delineates those expansion areas. The structure plan map demonstrates that the subject site is not within the townsite boundary nor is it within the structure plan boundary. In addition, the structure plan map further illustrates areas that have been included within the structure plan for Rural Living purposes. Noting that the Structure Plan was informed by the Strategy, the two documents should be read together. The structure plan indicates an area of approximately 200 ha which is designated for the Rural Living zoning. Referring to the Strategic Map from the Strategy, it is evident that the consideration of townsite expansion had already been captured within the Structure Plan as indicated by the additional Rural Living area identified to the south-west.

2. The strategy map also identifies two separate areas where rural residential land is planned but yet to be rezoned under the current Scheme. This accounts for approximately 160 ha of land that strategically has been identified as suitable for Rural Living purposes.

The Gingin Townsite and its expansion was considered and reviewed in accordance with the Strategy. As a result, the Gingin Townsite and Rural Surrounds Structure Plan (Structure Plan) was subsequently adopted, as highlighted below:

"The planned expansion of Gingin Townsite was reviewed in 2012 with the Shire adopting a Gingin Townsite and Rural Surrounds Structure Plan in December 2012. The Structure Plan is a detailed spatial framework for guiding future Scheme amendments and provides additional guidance to that contained in this Local Planning Strategy."

Given that the subject site has not been identified within the townsite boundary, nor is it included within the Structure Plan, it can be rationally concluded that the subject site was not considered for possible rural living expansion, even at a time when demand could be demonstrated.

Dynamic Planning (On Behalf of Claymont & Country Heights Estate) (PDF Attached)

1. Gingin Townsite and Rural Surrounds Structure Plan – this document is intended to guide to expansion of the Gingin

GINGIN TOWNSITE & RURAL SURROUNDS STRUCTURE PLAN

Applicant Response

1. It should be noted that although the Gingin Townsite & Rural Surrounds Structure Plan was intended to be incorporated into the Local Planning Strategy as part of the finalisation of that document, this did not eventuate nor was the plan ever formally endorsed by the WAPC. Regarding the relationship between the structure plan and strategy, Clause 3.3.1 of the strategy specifies:

Townsite Expansion Plans (when endorsed by the WAPC), are to be read in conjunction with the Local Planning Strategy. To the extent there is any conflict, the intent of the Local Planning Strategy prevails.

Furthermore, it should be noted that the purpose of the Townsite Expansion Plans and subsequent structure plans was to limit the expansion of the townsite to its periphery and to prevent land that was suitable for future urban development from being rezoned or further subdivided before this potential could be realised. Additionally, it sought to prevent the allocation of rural living land in seemingly unsuitable locations (such as the Country Heights Estate which is located more than 5km from the Gingin townsite and had no access to any services at its time of allocation).

2. The fact that 160HA of land identified within the strategy map is yet to be rezoned is not inherently an indication of demand or lack-there-of for rural residential lots; it should also be attributed to the individual landowners preferences, finances and ability to prepare the land for development. To provide some further context to this:

The Country Heights Estate was rezoned for RR in approximately 1990, however the development and sale of these lots only began in the previous couple of years which a constitutes a lag of approximately 30 years for these lots to become available on the market. This considerable delay in bringing allocated RR lots to the available market has similarly occurred in the areas now being developed for the Brookview Estate and the Honeycomb Estate. Contrastingly, the Marchmont Estate of which the applicant is the both the developer and landowner was progressed from rezoning to full development within a period of 20 years. Notedly, the Marchmont Estate has also sold more than 90% of its available lots to this date. This evidence points to the fact that there is a strong demand for rural living lots that are available on the market, particularly when they are located in a suitable location (services can be inexpensively connected) and are within close proximity to the community services available within the townsite.

The proposed area for rezoning is considered development ready and the applicant is committed to progressing the subdivision of the proposed area.

In addition to the above, when considering the areas proposed within the structure plan that have been rezoned, such as Moodah Ridge (27 proposed, 27 sold and developed), Lennard Brook (9 proposed, 8 sold and developed), Marchmont Height (45 proposed, 36 sold and developed) and Country Heights (260 proposed, 59 developed and 24 sold) the evidence shows that not only is there is a strong demand for development ready lots on the market, but there is a considerable demand for 2HA or greater sized rural living land within close proximity to the Gingin townsite. For example, all of the RR2 developed lots within the Gingin townsite have been sold and developed. In fact the only area currently rezoned for RR lots within 5km of the Gingin town centre that has less than 80% of its proposed lots created, and less than 50% of its created lots sold is Country Heights Estate, which is located approximately 5km from the Gingin Town Centre. This would indicate that distance from the Townsite is perhaps a much stronger indicator for demand for lots than is being acknowledged.

Applicant Response

1. The subject site is not included within the structure plan area.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

9

Townsite and surrounding rural areas. This document does not identify the subject site as an area appropriate for 'Rural Living' development.

2. In light of the lack of identification in the strategic planning framework, the subject site is not considered suitable for a rezoning to 'Rural Living'. In this regard, should the amendment be approved, it would undermine existing planned rural living areas and decision making that has occurred based on the approved strategic planning framework. It may also set an undesirable precedent that any existing rural land in proximity to the Gingin townsite can be considered for 'Rural Living' development.

Ratepayer (PDF Attached)

1. The subject land is not identified for rural living purposes in either plan. This is consistent with the applicable map under the Local Planning Strategy thereby reaffirming that this is not an oversight, but an intentional omission.

2. The extent of the encroachment proposed will fragment a large, viable agricultural lot. The site has been used for agricultural pursuits since gazettal of Gingin as a townsite. The site abuts other large, intact viable agricultural land holdings/uses. Decisions on amendments must be carefully balanced. No information has been presented that warrants fragmentation or endangerment of existing agriculture pursuits in the Cheriton Valley. Simply being on the periphery of an existing estate with convenience to services is not the only consideration for rezonings. Unplanned sprawl into the agricultural landscape is inconsistent with the Structure Plan.

3. It is understood that the landowner has circulated information to select community members during the consultation process. Such information has interfered with the objectiveness of the public consultation process and exaggerates traffic along Cheriton Road and McHavloe Drive. The claim that the subdivisional road would function as a 'much needed' bypass road and that McHavloe Drive is already suffering from increased traffic is fictitious. It is most certainly not my experience living adjacent to McHavloe Drive for the past 6 years.

4. Notwithstanding that a bypass road from Cheriton Road to Dewar Road was considered as part of the 1999 Gingin Expansion Plan, this desire fell away as part of the current 2012 version. For background, there was previously indecision regarding the route heavy vehicles would use to access the Fernview Landfill site on Cullalla Road South. Council initially supported use of Cheriton Road based on a bypass road diverting heavy vehicles from the townsite, hence the inclusion in 1999 Gingin Expansion Plan. This position was ultimately vacated in favour of heavy vehicles using Wannamal Road West, thus the need for a bypass linking Dewar Road and Cheriton Road fell away. What the landowner did not disclose in the information distributed to select community members is that he previously sought approval for a road reserve along the very same alignment of the subdivisional road forming part of this amendment. Many landowners that experienced that process have advised me that they are dismayed that once again the landowner is seeking approval for essentially the same proposal. A proposal to fragment the Cheriton Valley under the guise of generously offering a location for a bypass road that is not required.

5. The proposed subdivisional road is less than 400m from McHavloe Drive. It offers no real benefit as a secondary access route as it only removes 400m off the distance travelled.

The landowners ultimate desire to progress 'Stage 2' north of the subdivisional road seems to defeat the purpose of diverting vehicles from Marchmont Estate, as it would still dissect future rural living lots.

2. As the subject site was identified within the LPS and offers a lot size not currently available, it would not undermine the existing areas nor would it set a precedent for 'any' land to be considered.

Applicant Response

1. As noted above, the purpose of the Townsite Expansion Plans and subsequent structure plans was to protect areas suitable for future urban development land from being fragmented, limit the expansion of the townsite to the periphery of the existing townsite and to prevent the allocation of rural living land in seemingly unsuitable locations. As the subject site is located in a suitable location and was identified as such on the strategy map, it is considered a logical and viable parcel of land for additional rural living land.

2. As noted above, the proposed subject site is not suitable for intensive agricultural purposes being so close to surrounding residential uses and as such is suited only really for the grazing and pasture of animals. As the proposed area for rezoning is only for 12 additional lots (approximately 30HA) it will not constitute a significant loss to grazing land. The proposal will not conflict with primary production activities undertaken on nearby General Rural zoned land and is considered a suitable transitional land use between surrounding rural land to the north and west and existing rural living lots and residential land uses to the south and east. In this regard, it is noted that nearby rural land use comprise broad acre agricultural activities rather than commercial intensive agricultural enterprises, with the surrounding rural land separated from the subject site by existing and proposed roads.

3. It is considered unlikely that the applicant would be able to convince residents of Cheriton Road and McHavloe Drive that a traffic problem exists in excess of their experience. The multiple submissions describing traffic problems along these roads do not seem to be citing the information provided within a letter but speaking to their actual experiences.

4. As many ratepayers have submitted comments within this submission referring to adverse impacts from heavy traffic along Howes Lane and McHavloe Drive it appears there is some merit to a bypass road that would reduce the use of this residential street being used as a through-route by vehicles travelling between Cheriton Road and Dewar/Sloan Road. The comments submitted have not referred to heavy vehicles rather heavy traffic which have made conditions unsafe for pedestrians.

5. The benefit derived from any future subdivisional road included as part of the proposed are for rezoning would be due to the removal of through-traffic from Howes Lane and McHavloe Drive onto the new connection between Cheriton Road and Sloans Road.

The applicant has no desire to progress any further subdivisions north of the subject site and as such, any potential subdivisional road would also have the added benefit of acting as a hard border between the rural living area and rural area to the north. In any case, the rationale for the rezoning of the subject site is able to stand on its own planning merits, whether or not a bypass road is required.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

10

WHEATBELT GINGIN REGIONAL LAND SUPPLY ASSESSMENT (URBAN DEVELOPMENT PROGRAM) 2019

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. The Wheatbelt Gingin Regional Land Supply Assessment (Gingin LSA) was prepared as part of the Urban Development Program which models land supply and development in order to provide context for land-use planning and infrastructure provisions.

One of the key findings from the LSA is as follows:

"The largest area of undeveloped and unrated residential land exist in Gingin..."

"Approximately 3,620 hectares of land is zoned for rural living purposes, of which 53 per cent is developed. The majority of undeveloped stocks of rural living land are across the localities of Gabbadah, Karakin and Nilgen."

"Given the current stock of undeveloped land zoned for rural living purposes, the local planning strategy outlines a strong rationale to limit the re-zoning of land for rural living purposes in the short to medium term (10-15 years)."

This is indicative of an oversupply of residential (rural living) land without the demand to support it. Within the Shire, 53% of Rural Living land is undeveloped, supporting the rationale to limit further rezoning of land for Rural Living purposes.

2. In addition to the rationale that the IRIS modelling identified in December 2017, the most substantial stock of undeveloped residential land is located within the locality of Gingin. One of the demand indicators for land supply is dwelling approvals which suggest owner-occupier or investor confidence. During the 2016/2017 financial year, there were only 0-5 approvals within the locality of Gingin, comparably less than other localities just south of Gingin. Table 3 of the Gingin LSA indicates the development outlook of the Shire. Table 3 makes reference to the subdivision application for rural living and residential lots which illustrates that a significant number were approved but not progressed by proponents.

3. Similarly, Section 5.6, Table 4 of the Gingin LSA indicates that within the Gingin locality, there were 13 vacant (or undeveloped) Rural Living lots and 81 vacant Residential lots as of 2018. It should also be noted that the Table did not include subdivision approval statistics where development had not progressed. In addition, Section 5.9 of the Gingin LSA further indicated that under the current population growth scenario, there is sufficient stock for residential and rural living land to meet population growth in the long term. It is considered that the LSA provides a current snapshot of an oversupply of residential and rural living lots combined with a lack of demand. The LSA outlines that Gingin is sufficiently serviced by the current housing stock and allocated land parcels.

Dynamic Planning (On Behalf of Claymont & Country Heights Estate) (PDF Attached)

1. At present the Country Heights Estate has been selling lots since the end of 2018 and whilst recent demand has been strong there has only been a total of 59 lots that have been created with another 252 yet to be created. In this regard, at the existing rate of 12 lots being created per year the estate will have another 21 years until all lots are created. With the above in mind, creating additional 'Rural Living' zoned land would increase this project lifecycle at Country Heights Estate and undermine the initial investments made by the developer in the estate which is significant and includes a \$6.7 million dollar upgrade of Cheriton Road from the estate back into the Gingin Townsite. Additional lots created at the subject site would benefit from the road upgrades whilst taking sales away from Country Heights Estate before the initial investment is recouped.

2. Further evidence addressing the sufficiency of the existing 'Rural Living' land supply is the Gingin Regional Land Supply Assessment that was completed in 2019. This report was completed by the Western Australian Planning Commission

WHEATBELT GINGIN REGIONAL LAND SUPPLY ASSESSMENT (URBAN DEVELOPMENT PROGRAM) 2019

Applicant Response

1. When taken out of context, these figures can certainly make it appear that rural living land is currently oversupplied within the Shire of Gingin, however, as noted above the Shire of Gingin covers an area of approximately 321,100 hectares and includes the suburbs of Guilderton, Lancelin, Ledge Point and Seabird, alongside Gingin itself.

As noted in the strategy, more than half of the rural living settlements in the Shire are marginally set back from the coast near the towns of Lancelin, Seabird and Guilderton and furthermore, a large percentage of the rural living land within areas close to the coast are utilised primarily as 'holiday homes or short stay accommodation and do not contribute to the residential population for these areas.

2. It should be noted here that this statement is in relation to residential zoned land and not rural living land which as discussed above is not considered to meet the realistic demand for residential areas. There is indeed a demand for RR2 lots within close proximity to services which is not currently being provided by the areas identified within the current planning documents nor is there any indication that they will be delivered in the near future. As noted above, all of the RR2 developed lots within the Gingin townsite have been sold. However, there is a significant shortage of developed RR2 lots available within close proximity to the Gingin townsite, and arguably within the Shire of Gingin as a whole.

For example, while the Shire of Gingin has just 790ha of RR zoned land (3620ha) developed, the Shire of Chittering has 3490ha of RR zoned land (7420ha) developed. This disparity is even more critical when the size difference between the two Shire's is considered (Chittering covers just 37% of the land area that is covered by Gingin. When the wider context is considered, it begins to become apparent that the slow development of RR lots within Gingin may in fact be due to the unsuitable location of allocated land, failure for the potential of the land to be realised, and the significant shortage of 2HA sized lots which are considered to better meet the realistic demand for rural living land in regional areas.

Further information regarding availability of RR2 lots within the Shire of Gingin is available within the Prestige Estate Demand Analysis provided at **Appendix F**.

3. The fact that there is still land considerable areas of RR land identified within the Shire yet to be developed or rezoned is not does not indicate a lack of demand for rural residential lots (as evident in the strong uptake of surrounding regional areas such as Chittering), it should also be attributed to the individual landowners preferences, finances and ability to prepare the land for development or provide for the land to be rezoned.

Applicant Response

1. The Country Heights Estate is considered to be a questionable location for RR lots as it is not located surrounding the Gingin Townsite nor does it provide easy access to any services (there is no public transport connecting the site to the town) and has also failed to deliver any of its allocated RR2 lots; simply put the location of this estate is not well suited to RR1 lots hence the slow uptake of this product. The developer of this estate is right to fear that the 12 2HA lots proposed for rezoning will be sold before lots within the Country Heights Estate, which is a testament to their superior location and ability to meet the realistic demands that exist for the area. However, this is not a valid argument to prevent their creation as they are better suited to increasing the demand for services within the Gingin Townsite and are far better suited to meeting the intentions of the LPS for RR land.

2. The 53% identified within the RLA relates to the entire Shire of Gingin and is misleading figure when proper context is considered. 100% of all 2HA land that has been progressed within proximity to the Gingin Townsite has been both developed

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

11

and identified that at the time of the report the existing available 'Rural Living' zoned land in the Shire (3,620 Ha) was only 53% developed suggesting a considerable timeframe before pressure on this land supply is experienced.

Ratepayer (PDF Attached)

1. Key findings of the GRLSA are:

Given the current stock of undeveloped land zoned for rural living purposes, the local planning strategy outlines a strong rationale to limit the re-zoning of land for rural living purposes in the short to medium term (10 -15 years).

Clause 5.9 -Adequacy of Supply

There are sufficient stocks of residential and rural living land identified to meet population growth into the long term.

The Land Supply Assessment explicitly identifies that an adequate rural living land stock currently exists to meet population demand into the long term.

2. It is understood that the developer of Country Heights has invested millions of dollars on infrastructure supporting the estate. It is assumed that infrastructure expenses would be incurred by the developer on the undertaking that land would be released and developed consistent with the local and state planning framework, in response to current land supply data. To suggest that 'only 12 lots' does not represent an oversupply to the market depends on which lens you are looking through. The loss of 12 potential sales represents lost revenue to Country Heights, an amount that would go some way in recouping the costs that have been incurred to date. By supporting an amendment that is not planned or promoted in any planning document will no doubt erode the confidence in prospective developers pursuing future ventures within the Shire of Gingin.

STATE PLANNING POLICY 2.5 RURAL PLANNING

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. State Planning Policy 2.5 (SPP2.5) Clause 2 sets out the intention of the policy "to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape value."

In particular, the policy measures prescribed by Clause 5.1 is to primarily seek the protection of rural land as a State resource. The relevant measures include:

(a) Requiring that land use change from rural to all other uses too be planned and provided for in a planning strategy or scheme.

(g) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land; and

This highlights the importance of protecting rural land and if any other uses are considered, they must be planned for in existing Strategy or Scheme. It is noted that the proposal does not align with the existing local planning framework or strategic approach.

2. The preamble of Clause 5.3 highlights the following regarding rural living development.

"...rural living estates must be carefully planned, as they can be an inefficient means of accommodating people. Once rezoned, rural living estates consume and sterilise what was rural land, and may have unintended or adverse social, environmental, servicing or management impacts."

In addition, Clause 5.3 provides criteria which apply to decision-making for rural living proposals:

and sold, indicating a strong demand for this lot size.

Applicant Response

1. As noted above, the Shire of Gingin covers an area of approximately 321,100 hectares and includes the suburbs of Guilderton, Lancelin, Ledge Point and Seabird, alongside Gingin itself. As noted in the LPS, more than half of the rural living settlements in the Shire are marginally set back from the coast near the towns of Lancelin, Seabird and Guilderton, and furthermore, a large percentage of the rural living land within areas close to the coast are utilised primarily as 'holiday homes or short stay accommodation and do not contribute to the residential population for these areas. There is currently no RR2 lots available within proximity to the Gingin Townsite or surrounding areas.

2. The intention of the planning frameworks are not to protect the interests of individual developers who invest money into infrastructure to support their landholdings, nor are they intended to ensure that invested money can be recouped. They are intended to protect and promote the wider area as a whole, including in the interests of future residents and landowners, and ultimately to ensure that the realistic demand for RR can be met in appropriate locations. As demonstrated, the demand for RR2 lots are not being met no matter which lens you are looking through.

As the Country Heights Estate was rezoned in 2008 yet only began selling lots in 2018, and likewise due to its particularly unsuitable location for rural living lots, it is not a good indicator of the demand for this land type for the Gingin Townsite and surrounding areas.

STATE PLANNING POLICY 2.5 RURAL PLANNING

Applicant Response

1. The proposal will not conflict with primary production activities undertaken on nearby General Rural zoned land and is considered a suitable transitional land use between surrounding rural land to the north and west, exiting rural living lots and residential land use. In this regard, it is noted that nearby rural land use comprises broad acre agricultural activities rather than commercial intensive agricultural enterprises, with surrounding rural land separated from the subject site by existing and proposed roads.

As noted above, the area proposed for rezoning was identified within the LPS and will not compromise primary production on rural land. Additional relevant measures prescribed under Clause 5.1 also include:

(f) promote sustainable settlement in, and adjacent to, existing urban areas;

This is particularly relevant to the proposal, given it shall facilitate sustainable settlement in close proximity to the existing Gingin townsite.

2. The rezoning of the subject site will not conflict with the primary production activities conducted on nearby land. Land to the south is already zoned for Rural Living and accommodates an existing rural living subdivision and Parks and Recreation reserve. Land to the east of the subject site is also zoned for Rural Living.

Additional relevant measures prescribed under Clause 5.3(c) also include:

i. The land be adjacent to, adjoining or close to existing urban areas with access to services, facilities and amenities;

ii. The proposal will not conflict with the primary production of nearby land, or reduce its potential;

viii. The precinct has reasonable access to community facilities, particularly education, health and recreation;

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

12

(a) rural living proposals shall not be supported where they conflict with the objectives of this policy or do not meet the criteria listed at 5.3 (b) and (c);

(b) the rural living precinct must be part of a settlement hierarchy established in an endorsed planning strategy;

(c) the planning requirements for rural living precincts are that –

(ii) the proposal will not conflict with the primary production of nearby land, or reduce its potential;

(iv) the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections;

It has been highlighted that the proposal is not supported by evidence of demand that correlates with current land supply, uptake, and population projections.

3. In respect to demand, the Guidelines of SPP2.5 Section 4.5 provide further matters to be considered:

a) Is the projected demand based on evidence of actual use and development of the land? Consider monitoring annual building approvals to determine the actual level of development?

b) In keeping with SPP 3, whether settlement planning that incorporates a development 'footprint' or boundary may be an option?

c) Have previous similar developments achieved a sufficient level of occupancy? An occupancy/ development completion rate of approximately 60 percent for existing developments is suggested before new development is proposed.

It is submitted that the proposal does not sufficiently demonstrate demand for the additional Rural Living lots as the figures drawn by the Applicant are somewhat skewed.

Dynamic Planning (On Behalf of Claymont & Country Heights Estate) (PDF Attached)

1. The associated Rural Planning Guidelines and specifically Clause 4.5 addresses the demand for rural residential development and notes that scheme amendments and proposals contemplating additional rural residential development should be guided by existing land supply and take up. It specifically notes that 'an occupancy/ development completion rate of approximately 60% for existing developments is suggested before new development is proposed'. In this regard and as noted above, Country Heights Estate is some way off being at 60% complete with 59 lots created and 252 lots still to be created.

STATE PLANNING POLICY 3 URBAN GROWTH AND SETTLEMENT

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. State Planning Policy 3 (SPP3) sets out the principle and consideration for the planning of urban growth and settlement. Section 5.1 of the policy addresses the need for proper planning to create a strong and sustainable community. In particular:

"For the regions, the State Planning Strategy promotes the consolidation and expansion of existing settlements to make regional communities sustainable in the long-term. There is likewise a need to avoid ad-hoc and disbursed new settlements and the expansion of existing settlements which are remote from existing and planned services and will create competition with towns better placed to accommodate growth and expansion."

In addition, Section 5.2 also indicates the importance of land use being identified within the local planning strategy,

ix. the land is predominantly cleared of remnant vegetation, or the loss of remnant vegetation State Planning Policy 2.5 Rural Planning December 2016 6 through clearing for building envelopes, bushfire protection and fencing is minimal and environmental values are not compromised;

3. When greater context is provided and the fact that the proposal constitutes only 12 2HA lots which are in much needed supply, it becomes more and more apparent that the proposal is a logical one that does not threaten the principles of proper and orderly planning.

a) As discussed above, there are currently no 2HA RR lots available anywhere within the Gingin Townsite or surrounding areas. All of the 2HA lots that have currently been rezoned within these areas have subsequently been developed and sold. A simple aerial shot of these areas is enough to demonstrate the houses that have already been built on these lots.

b) Building envelopes are a normal requirement of rural living areas and would certainly be required for the subject site to ensure there is no loss of vegetation or impact to surrounding amenity. Additionally, building envelopes can be utilised to ensure adequate separation distances from any existing or potential future agricultural uses that may occur on rural land to the north and west of the subject site.

c) Over 80% of all RR lots within the Gingin Townsite and surrounds have been developed and 100% of the available 2HA RR lots have been developed. To base this percentage on the RR lots included within the entire Shire of Gingin is misleading and does not speak to the demand for this product within proximity to the Gingin Townsite.

No figures were provided in relation to demand as part of the initial proposal as this was not considered warranted for a proposal constituting 12 additional lots. However, these figures have now been provided throughout this response and have demonstrated a very clear demand for 2HA RR lots within the Gingin Townsite and surrounding areas.

Applicant Comment

1. As noted above, the Country Heights Estate is not considered to be a good indicator for the demand for this land type for the Gingin Townsite and surrounding areas. Additionally, the 53% identified within the RLA relates to the entire Shire of Gingin and is misleading figure when proper context is considered. 100% of all 2HA land that has been progressed within proximity to the Gingin Townsite has been both developed and sold, indicating a strong demand for lot size.

STATE PLANNING POLICY 3 URBAN GROWTH AND SETTLEMENT

Applicant Response

1. SPP 3 identifies the need for rural residential development to be located and designed in a sustainable way which is integrated within the overall pattern of settlement. Specifically, SPP 3 states that planning for rural residential development should:

- Avoid productive agricultural land, important natural resources, areas of high bush fire risk or environmental sensitivity;
- Avoid future urban areas or areas particularly suitable for urban development in terms of their characteristics and proximity to urban services;
- Give preference to locations near existing settlements with available services and facilities in order to support the local community and avoid locations where services are not available or costly extensions are necessary;

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

13

housing demand and mix.

“Local strategies should reflect and build on the urban growth and settlement policies set out in regional strategies and the land release plans and apply these at the more detailed local level taking into account local needs and variations. Local strategies should seek to identify sufficient land to meet future population and housing needs for at least a 10 year period.”

The following Section highlights the importance of orderly structure planning to guide planned expansion of urban growth and settlement patterns. Of particular importance, is the reaffirmation that unplanned and speculative development must not be supported.

The orderly planning of urban growth and settlement should be facilitated by structure plans, which should take into account the strategic and physical context of the locality, provide for the development of safe, convenient and attractive neighbourhoods which meet the diverse needs of the community, and facilitate logical and timely provision of infrastructure and services. Structure plans may consist of a hierarchy of plans ranging from broad district structure plans to more detailed plans for neighbourhoods and precincts.

Proposals for future urban growth will be determined having regard to—

- *the State Planning Strategy, relevant statements of planning policy, and regional and subregional strategies in the State Planning Framework;*
- *population projections provided by the Department for Planning and Infrastructure;*
- *land release plans published by the Commission; and*
- *local planning strategies prepared by local government and endorsed by the Commission.*

Speculative proposals for new urban subdivision and development in areas not identified in regional and local planning strategies and land release plans will not generally be supported.

Section 5.6 sets out the management of rural residential growth.

- *“avoid productive agricultural land, important natural resources, areas of high bush fire risk or environmental sensitivity;*
- *take a realistic approach by allocating land based on forecast estimates of demand for rural living not on the speculative development of land.”*

Accordingly, there are no provisions in the state policy framework, in either SPP2.5 or SPP3.0, that gives credence to the proposal. Rather, it is at odds with a number of well-established planning principles relevant to the rural planning of the state.

INSUFFICIENT BASIS FOR SUPPORT

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. No evidence or indication has been provided suggesting the incapability of the subject land for ongoing agricultural purposes. No evidence has been provided that demonstrates a genuine current or future demand for further rural living land, in fact, recent data and statistic suggest otherwise.

2. It should also be noted that the current proposal follows previous attempts by the Applicant to pursue a partial rural living subdivision of the land in 2010. At that time, the land was zoned ‘Rural’ under the Shire’s former Town Planning Scheme No.8 and the Shire’s Strategy, LPS9 and the Structure Plan were all in draft form. The subdivision was refused (together with a proposed road linking Cheriton Road to Sloans Road on the same alignment proposed as part of the current proposal).

In addition, rather than influence the final form of the Strategy and LPS9, the evolving planning framework consolidated the rural status of the subject land. The basis for the refusal of the subdivision at the time should equally apply to the

- *Minimise potential for conflict with incompatible activities associated with productive rural uses or natural resource management;*
- *Only include locations which are suitable for this type of development, such as land which is topographically varied, visually attractive and with distinctive environmental attributes or otherwise has potential for lifestyle pursuits; and*
- *Take a realistic approach by allocating land based on forecast estimates of demand for rural living not on the speculative development of land.*

This proposed scheme amendment is considered to be consistent with the above criteria set out in SPP 3. Specifically, the proposal:

- Does not significantly impact on the use of productive agricultural land and is not located on environmentally sensitive land, or land with high bushfire risk.
- Does not encroach on an area that is suitable for future urban development.
- Is well located in relation to its proximity to the existing Gingin townsite and the associated services and community facilities available within the townsite.
- Will not bring about conflict with incompatible activities on adjoining land.
- It is topographically varied and visually attractive and hence has suitable attributes for rural living subdivision.
- Will create only 12` additional lots for rural living purposes in a suitable location and of a lot size that is not otherwise available in this location.

As noted in the above sections there are multiple provisions within both state planning policies that give credence to the proposal, in fact far more so than the number of provisions that were highlighted by the submission (though not proven) as being at odds with it.

INSUFFICIENT BASIS FOR SUPPORT

Applicant Response

1. While the land is certainly capable for agricultural purposes, it is not suitable for intensive agricultural purposes being so close to surrounding residential uses and as such is suited only really for grazing and pasture of animals. Furthermore, as noted above the subject area is recorded as having a far lower soil quality than the remaining portion of the land and is not expected to impact on the soil quality of remaining land if rezoned.

As the proposed area for rezoning is only for 12 additional lots (approximately 30HA) it appears the agricultural value of this portion of land is being grossly overexaggerated by those fearing a decrease in property values or competition with existing estate developments in the area. There is in fact a strong demand for RR2 lots evident by the fact that there are none available whatsoever in the area. This has resulted in the Gingin townsite and surrounding areas failing to capitalise on the rural residential boom that has benefited nearby localities such as Chittering since the COVID19 pandemic.

2. The applicant would disagree and would suggest that the failure of the local area to attract residents and therefore

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

consideration of the rezoning now; there is no new additional justification that should lead to any different conclusion or outcome. In fact, current circumstances are less favourable to the proposal.

A study of the most recent Census data comparing between 2016 and 2021 for the locality of Gingin indicates that whilst the population in Gingin has increased in 2021 from 852 persons to 902 persons, the unoccupancy rate within the Gingin locality has also increased from 13.8% (48 unoccupied private dwellings) to 17.9% (68 unoccupied private dwellings).

Gingin	2016	2021 (Latest Census Data)
Population	852 persons	902 persons ↑
Unoccupancy Rate	13.8%	17.9% ↑

This indicates that whilst the population has increased, the number of unoccupied dwellings has also increased which signifies an oversupply of private dwellings over demand.

3. The Strategy (Figure 2) identifies two separate areas where 160ha of rural residential land is planned but yet to be rezoned under the current Scheme. Similarly, the Structure Plan further indicates an area of approximately 200 ha which is similarly designated for Rural Living zoning. The Gingin LSA provided a snapshot of land that is for residential use, either for Rural Living or Residential.

Specifically, Lot 81 Cheriton Road is zoned Rural Living 1 and is located approximately 5km north of subject site. Subdivision approval has been granted to create 313 lots and currently, less than 7% of the lots have been developed (as visible through aerial imagery). Lot 83 Cheriton Road is zoned Rural Living 2, also approximately 5km north of the subject site and was approved in 2008 to create 72 rural residential lots. This approval has not yet been progressed by the proponent.

4. Lot 601 Brockman Street recently obtained subdivision approval for 99 Residential lots. In addition to the above, there are two sites within the surrounding locality which have an approval to create 21 residential lots (Lot 112 Honeycomb Road) and 39 residential lots (Lot 7 Strathalbyn Way) respectively. Both approvals have not yet been progressed by their respective proponents. An inspection of recent aerial imagery confirms this remains the case. Given the above examples, it can be reasonably concluded that there is sufficiently zoned land (or land specifically slated for rezoning) to satisfy demand into the foreseeable future within the Shire. Demonstrated demand is a relevant principle as cited in the Strategy and SPP2.5.

IMPERMANENCE SYNDROME AND THE DECLINE OF AGRICULTURE

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. The term 'Impermanence syndrome' describes the accelerated agricultural decline near urban or other developing areas due to farmers' disinvestment in their agricultural operations in anticipation of other development and subdivision opportunities.

Whilst in this instance the Applicant is currently farming the land, ad-hoc and piecemeal rezonings may give the impression to other rural property owners that there is a 'rolling front' of potential subdivision which discourages continued agriculture investment and best-practice. Disinvestment begins long before farmers actually exit farming and pursue such rezonings and subdivisions. Put in simple terms, approval of the proposal may set an undesirable

promote the growth of the local economy is a valid reason to reconsider made by the council over twelve years ago.

Not only are the Census statistics provided and indication of this failure but as stated they are also misleading; the majority of the unoccupied dwellings are in fact traditional residential dwellings which are not where the demand for regional properties exists

Rather, these figures demonstrate that there is a severe shortage of development ready available rural living lots on the current market and this shortage is severely impacting the population growth of the local Gingin area.

3. The fact that this land is yet to be rezoned is not an indication of a lack of demand for rural living lots as these lots have failed to make it to the market. As noted above, all of the 2HA RR lots that have been rezoned and developed have subsequently been sold and the majority of the suitably located 1HA RR lots that have been rezoned have also been sold.

The Country Heights Estate (Lot 81 & 83 Cheriton Road) is located more than 5km from the Gingin town centre and has no nearby services or amenity to act as a drawcard to this estate, particularly for the 1HA lot size that the majority of the land was rezoned for. The fact that the 2HA lots which were approved in 2008 (25 years ago) have failed to progress is not a valid reason to prevent other far more suitable landholdings that are in proximity to services and amenity from being rezoned.

4. The submissions comments regarding the residential lots either available on the market or not yet progressed by their submissions are not considered relevant to this proposal as there is considerable mounting evidence that it is this lot product is where an oversupply exists and there is very little demand for landholdings smaller than 1HA within regional areas.

IMPERMANENCE SYNDROME AND THE DECLINE OF AGRICULTURE

Applicant Response

1. To suggest that 12 additional lots will result in a 'rolling front' of subdivision proposals is not relevant to the current proposal; the proposed area for rezoning is for just 12 additional lots located in an area that was identified in the LPS map and is therefore not an ad-hoc rezoning proposal.

This proposal has considerable merit in meeting an unfulfilled demand for 2HA lots within close proximity to the Gingin Townsite and should not be rejected on the basis of a very generic and unsubstantiated argument, or supposition that a precedent should be set for surrounding farmers. Local farmers are within their legal rights to make similar proposals regarding their landholdings which would then be assessed by the local council on their individual merits.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

15

precedent for similar, ad-hoc applications to follow, not based on strategic planning merit, but rather, an expectation that rural land can and should be subdivided because of reduced agricultural viability and a better return on investment. Avoidance of this very scenario underpins SPP2.5 and the objectives of the Shire's Strategy.

2. As observed in *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226 at [180], 'at the heart of orderly and proper Planning' is a public planning process which permits the assessment of individual development applications against existing planning policies 'so that the legitimate aspirations found in the planning framework may be translated into reality'. It is respectfully submitted that the proposal cannot be tied to legitimate aspirations in the relevant policy framework in this instance; it is an ad-hoc and piecemeal proposal with no planning merit.

Department of Primary Industries and Regional Development (DPIRD) (PDF Attached)

1. If this application is approved, the balance of the Lot will be on the boundary of Gingin townsite. DPIRD can foresee a future application to further expand the 'Rural Living' zone. DPIRD has some concerns about the entirety of this lot being considered for 'Rural Living' purposes. This area contains a number of water courses, DPIRD would not support areas of potential high surface water movement being incorporated into 'Rural Living' zones and would prefer these areas be identified as a managed (rehabilitated) landscape protection zone.

ENVIRONMENTAL/DRAINAGE CONCERNS

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. The Client group is concerned that the changing Rural Living / Rural interface will have unintended consequences in respect to the drainage of the land, particularly in regard to the significant stormwater that currently flows from the existing Marchmont Estate onto the subject land. Whilst there is little consequence from stormwater that flows onto the existing rural land, this could be problematic when existing flows impact smaller, developed rural living lots under the proposal. It is accepted that there are always potential engineering solutions, however, the client group who currently reside on Howes Lane and McHavloe Drive advise that the Applicant was also the developer of the Marchmont Estate. Specifically, they have advised that the drainage civil works were inadequate and as a result \$750,000 of geotextile drainage works at ratepayers' expense, was undertaken by the Shire due to the unfavourable soil type and gradient of the land. Several other drainage works remain outstanding to resolve the ongoing scouring.

Department of Primary Industries and Regional Development (DPIRD)

1. The site landscape has slope ranging from 4% to 16% and the placement of hard surfaces (i.e. tracks, building) into this landscape increase the risk of surface water movement which could lead to soil erosion. Figure 5 (Scheme Amendment No. 23, p81) show that contour banks have been used to ensure workings have been kept to the contour and surface water was controlled. DPIRD requests a drainage system be designed to maintain and control surface flow rates and volumes (within and from the developed sites) at their pre-development levels. The planning for this project must be 'supported by ... an approved Local Water Management Strategy [that is prepared and implemented] to the satisfaction of the Shire of Gingin'. (p140)

Department of Water & Environmental Regulation (DWER) NO OBJECTION

DWER has considered the proposal and has no objections and no further comments. The associated LWMS (Bayley Environmental Service, December 2021) has also been assessed and can be considered 'endorsed' by the Department.

2. While it appears that the local landowner group behind this submission does not regard the aspirations of the planning framework for *promotion and growth of the local population and economy in a logical and sustainable manner* to be legitimate or to have planning merit, the applicant, Minister for Planning and Shire's Coordinator for Strategic Planning would disagree.

The proposed rezoning has been tied to numerous planning aspirations within the planning framework, is not an ad-hoc proposal and has considerable planning merit in meeting the demand for RR2 lots in the wider area.

Applicant Response

1. Area 2 is not included as part of this proposal nor has it been identified within the LPS map and the applicant has no intention to propose this area for rezoning.

ENVIRONMENTAL/DRAINAGE CONCERNS

Applicant Response

1. A Local Water Management Strategy (LWMS) has been prepared by the applicant as part of the proposal and an Urban Water Management Plan (UWMP) will also need to be prepared as part of any subdivision of the land. It is the responsibility of the Shire to approve the UWMP which will need to ensure that all stormwater entering or leaving the site is appropriately managed and that no adverse impacts are experienced by surrounding properties. The Better Urban Water Management framework and standards have improved considerably since the Marchmont Estate was developed and the strategies to deal with stormwater drainage and management have become much more stringent. The presence of existing watercourses located within the area proposed for rezoning will further assist in diverting any overflows along their natural channels.

Applicant Response

1. As noted above, a LWMS has been prepared as part of the proposal and will be supported by a detailed UWMP as part of any subdivision of the subject site.

Applicant Response

Noted.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

16

Department of Biodiversity Conservation and Attractions (DBCA)

The Department of Biodiversity, Conservation and Attractions – Swan Region Office has no comments on the proposal.

Applicant Response

Noted.

The Department of Mines, Industry Regulation and Safety (DMIRS)

The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. DMIRS lodges no objections to the scheme amendment.

Applicant Response

Noted.

Ratepayer Objection

Drainage is an issue of most concern. See plans -: Physiography Figure 4 in the Legend – Water Course, which is marked going across Cheriton Road towards the east and marked on Hydrology Plan Figure 5 if this is to be the drainage system under Maintenance 5.4.

Applicant Response

See comments relating to LWMS/UWMP above.

All excess water draining from lots down to Cheriton Road and heading north where the drain goes under the road to the east into the Cheriton property adjacent to Lot 104 then flows to Lot 107 and 106 then towards the brook (there is a road reserve between Lot 104 and the Cheriton property going down to the brook which could be an alternative to alleviate this problem).

This swale goes through the submitter's property and there is no drainage easement for this to occur or to be utilised on the private property. It is not a creek or watercourse.

When Marchmont Estate was established and the Cheriton Road upgraded the first rains increased the flow tremendously. These issues were not adequately resolved. With extra runoff from the proposed building sites and road on Lot 9501 this will again increase the flow of water. Submitter and neighbour request further consultation on the resolution of water management issues. If this subdivision were to go ahead this would cause serious erosion to the submitter's property and others.

Applicant Response

See comments relating to LWMS/UWMP above.

Ratepayer Objection

As a farmer across the road, the submitter is concerned with the water runoff caused by the potential subdivision, in particular the runoff from future roads and drainage. The water is already traversing through the submitter's block from runoff on Lot 9501. Currently the water hits Cheriton Road and is then directed through a culvert which eventually finds its way to the submitter's block and in heavy rainfall, floods the bottom 2 paddocks closest to the brook. These two blocks are lost for any form of agriculture. Water runoff from Marchmont Estate heads the same way to exacerbate the problem. If the plan is to trap water in dams, then they eventually overflow, causing the same problem.

Applicant Response

See comments relating to LWMS/UWMP above.

Ratepayer Objection

The water run-off from Cheriton Valley, helps the water levels in the Gingin Brook and the Shire's ground water supply. Rezoning would affect this.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

17

OTHER CONSIDERATIONS (AMENITY/TRAFFIC/FINANCIAL IMPLICATIONS)

Altus Planning (On Behalf of Landowner Group) (PDF Attached)

1. For example, the proposed rezoning encroaches on the Gingin Pistol Club's Safety Buffer Zone. The Pistol Club is located approximately 300m west of the subject land and has currently scheduled twice weekly practises and additional competition firing activities. Noise emissions from the Pistol Club could lead to a compatibility issue but moreover, the range danger area (fallout/safety zone) which currently impacts the subject land could lead to a more catastrophic risk to human life in a worst-case scenario. The supporting information for the proposal does not address these potential concerns.

Ratepayer (PDF Attached)

1. The process to date has damaged the integrity of the Gingin Shire Councils autonomy. The democratic decisions of Council have been overridden by the Minister based on misrepresentations under the Section 76 application. While it is appreciated that the ultimate decision on scheme amendments rests with the Minister, exercising a power to invalidate a local government should be reserved for matters of particular state significance - not to appease aggrieved applicants and landowners that embark on proposals that clearly conflict with the planning framework. Council is elected to represent their constituents and should be supported when administering the planning framework, especially when pressured by a persistent developer.

Ratepayer Objection

The blocks on the northernmost boundary of Marchmont Estate were purchased due to uninterrupted views and no through traffic. The blocks were sold with no caveats on future subdivision. This was why the blocks were more appealing and expensive to buy.

Submitter notes amenity values of the rural landscape and environment of the Cheriton Valley and expresses concerns relating to: The impact of the proposal on local amenity, acoustic impact of the development on health due to background noise and impact on quiet rural amenity, environmental impacts of development on the waterway, underground water table and wildlife. Notes Shire's responsibility to protect the environment.

Ratepayer Support

Proposal provides a unique opportunity to create a town bypass route that relieves existing traffic using McHavloe Drive and Cheriton Road to access Brand Highway with minimal disruption to the landscape. This will also reduce Shire upkeep costs on existing roads.

Amendment No. 23 will increase the attractiveness of Gingin as a sought-after location for families that would increase the values of properties and increase the revenue of the Shire so more money could be spent on upgrades. The proposed bypass road would be a fraction of the cost of the original one and is a must to keep traffic away from homes. The proposal will ensure that lots will transition in an orderly manner from Marchmont that are 1 acre to 1 hectare to the rezoned area lot sizes of 2 hectares. This will keep the country look on that road.

OTHER CONSIDERATIONS (AMENITY/TRAFFIC/FINANCIAL IMPLICATIONS)

Applicant Response

The Gingin Pistol club will be separated a minimum of 400m from the nearest proposed lot, which is additionally able to locate its building envelope further setback within its boundaries to provide for additional separation. Furthermore, the suggestion that the proposed 12 2HA lots could lead to catastrophic risk is unfounded and has not been raised by the Gingin Pistol Club itself. The applicant has no objection to advising future purchasers within the subdivision regarding the existence and proximity, noise and daily activities of the club to further ensure there will be no compatibility issues.

Applicant Response

Generally it is correct that the powers of the Minister are reserved for matters of State significance, however, there should always be room within the political landscape for individuals to voice their objection when it is felt that democratic decisions are not being made.

Applicant Response

The planned subdivision road will be approximately 400m separated from the nearest dwellings in the adjoining estate and located much lower in the landform than these adjoining lots. Furthermore, the 12 new building envelopes will be significantly separated (approximately 200m) from these adjoining homes and will also be positioned much lower in the landscape. Therefore, there will be no impact to the adjoining views or amenity of the existing homes within the adjoining estate. Additionally, a sales analysis conducted on the lots within Marchmont Estate has not been able to verify the claims that the lots on the periphery were sold at a higher rate than others within the estate.

For example: 6 Howes Lane sold in 2017 for app. \$250,000 and backs onto the proposed area for rezoning, 29 McHavloe Drive sold in 2011 for \$270,000 and does not back onto any rural areas, and 8 Sloans Road sold for \$250,000 in 2021 and backs onto Rural areas at two sides.

Applicant Response

Noted.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

18

Ratepayer Objection

After conducting due diligence and considering the local planning framework, the submitter purchased property in Marchmont Estate as there were no plans to rezone or develop the adjacent rural land.

The submitter expressed concerns relating to:

- The impact of the proposal on existing rural amenity and property values for residents on McHavloe Drive and Howes Lane, particularly development along the northern aspect.
- That Shire ratepayers would be expected to contribute financially to the construction and/or upgrade of Sloans Road where it connects to the proposed subdivision. The submitter does not support funding of upgrades relating to subdivisions that solely benefit the developer.
- Drainage impacts due to soil and gradient at the proposal site.
- Homeowners on McHavloe Drive and Howes Lane will no longer be able to redirect water along eastern and western boundaries to the land to the north and this will have financial implications for the Shire to finance a new drainage solution/upgrade to McHavloe Drive and Howes Lane.

Ratepayer Objection

The submitter purchased land after establishing there was no local government plan for future development on their rural outlook in the mid to long term.

Concerned that the urban sprawl of Gingin town could destroy the ambience, beauty and tranquillity of the Cheriton Valley, which would adversely impact the community.

Concerned regarding the potential cost to the Shire (therefore ratepayers) for upgrading drainage of McHavloe Drive. At present it drains onto the submitters property which then flows through and out onto the rural land. Notes additional costs for Shire to upgrade existing roads to service the proposal.

Notes ample rural living and urban land already available in the Gingin town planning scheme and that there is also the Country Heights development 5 to 6 kms north along Cheriton Road.

Ratepayer Support

A new alternative road linking Cheriton Road and Sloans Road presents an opportunity for the town to eliminate the build-up of traffic through town which is already increasing as the Country Heights subdivision further to the north continues to grow as blocks are sold and houses are under construction. The proposed road is an opportunity for the town to create a bypass route from Cheriton Road to the Brand Highway which could be invaluable as another exit in times of any fire emergencies.

Ratepayer Support

The submitter's residence is on the lower end of McHavloe Drive, near Dewar Road. Notes that there has been an increase in traffic of late, which makes it impossible for children and the elderly to use the street. The latter would be very disadvantaged if they relied on mobility aids as there is no footpath and the drains have very steep sides which continue onto Dewar Road.

Ratepayer Objection

Objection to any further subdivision or rezoning to accommodate residential development within the area known as the Cheriton Valley on the grounds that rural living opportunities can be met from existing subdivisions and we should preserve the spectacular and highly regarded rural landscape and amenity of the area for present and future generations. Gingin is well served with options to purchase fully serviced blocks in the existing subdivisions

Applicant Response

- The proposed 12 additional 2HA RR lots will have minimal if any impacts to the surrounding amenity. Property values are not a valid planning consideration.
- Any potential connection upgrade to Sloans Road would benefit all users of this road rather than solely those of the subdivision.
- See comments relating to drainage above.

Applicant Response

12 2HA RR lots are not considered to constitute 'urban sprawl' and will have minimal if any impacts to the surrounding amenity.

The Cheriton Valley is located further north along Cheriton Road.

See comments relating to drainage above.

See comments relating to availability of 2HA rural living land above.

Applicant Response

Agreed.

Applicant Response

Noted.

Applicant Response

There are currently no RR2 lots available within the Gingin Townsite or surrounding area. The oversupply of residential and RR1 lots within the stated estates are considered as evidence that this lot size does not meet the current demand for rural living land. The area known as the Cheriton Valley is actually further north along Cheriton Road.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

19

of Marchmont, Honeycomb, Country Heights (around 200 blocks in stages 2, 3 and 4). The proposed development on Mooliabeenie Road and in the Townsite itself. The addition of the new "Brookview" subdivision adds more options to the mix.

Ratepayer Objection

The submitter notes that in rejecting the proposal several times, the local Council has acted in the best interests of its residents and ratepayers, providing the correct channels for its community.

Strongly oppose the proposed amendment for the following reasons:

- a) This application has been previously submitted to Council and has failed to meet the necessary planning requirements of LPS9 to warrant approval. All previous correspondence and submissions regarding this proposal should be taken into consideration and referred to again.
- b) It would be historically, environmentally and morally irresponsible for any level of government to consider rezoning or subdividing such beautiful fertile productive agricultural land.
- c) The Cheriton Valley should be protected for agricultural purposes and for local food production.
- d) Potential for fossils in the valley and ravines and identified during excavation of dams on the property. Queries whether findings have been followed up formally.
- e) Lot 9501 Cheriton Road, Gingin has not been identified as property for potential rezoning in the Shires LPS or LPS9. This type of development is ad hoc and inconsistent with these documents.
- f) There is no evidence or data provided to warrant further subdivision. Population figures past and present do not provide an immediate need for further subdivision, especially at the detriment of such fertile agricultural land.
- g) Potential adverse impacts of the proposal on the submitter's property relating to social and lifestyle impacts, noise and visual pollution, dust hazards, drainage issues, traffic, increased demand on water supply and undue stress to existing livestock.
- h) The submitter's property is zoned Rural and they carry out rural practices. Concerned at the extra pressure, risks and associated problems with running existing primary production operations that will occur. An example being during seeding where dust and noise is prevalent, potential new owners in a proposed nearby development would not welcome or understand these practices.
- i) There is also increased risk and cause for concern for potential risks of future dog attacks and threat to livestock.

Ratepayer Objection

Within the townsite and further north of Cheriton Road there are already vacant and unopened blocks zoned rural living within Country Heights. Land to the east of Country Heights is already zoned Rural Living. They believe that the particular planning amendment is not warranted and rezoning would negatively impact the town in the following ways.

- a) Waste management, road maintenance and bulk rubbish collection would be stretched reducing efficiencies and increase cost to the Shire (ratepayers).
- b) Having multiple partially developed areas within the vicinity of the Gingin townsite presents a negative aesthetic outlook where developments are left with a sandy block, weed ridden and increase imposition on neighbours.
- c) Increased footprint of mains water supply will negatively impact the availability of water in addition will further reduce the flow pressure which is already at levels not acceptable to householders.

Applicant Response

- a) Noted - refer to above response on previous proposal.
- b) Noted - refer to above responses on landscape and agricultural impact.
- c) The proposed area is considered to be minimal and is currently only used for grazing and pasture of livestock. There is still sufficient land within the remaining portion of Lot 9501 to satisfy this practice.
- d) Noted - no substantiation provided.
- e) The land was identified within the strategy map, as detailed in above responses.
- f) As noted above, there is a considerable demand for RR2 lots and the failure to allocate sufficient land for RR2 is considered to be a key reason for the slow population growth within the Shire of Gingin.
- g) See comments relating to amenity and drainage above.
- h) Noted - refer to responses above regarding land use compatibility.
- i) Noted - no substantiation provided.

Applicant Response

- a) It is unlikely that 12 additional lots would reduce efficiencies in waste management or road maintenance nor would it increase costs to ratepayers as the additional ratepayers would be also be contributing to rates.
- b) As noted above, the applicant is experienced in developing and bringing lots to market in a timely manner unlike some of the other estates who have failed to progress their land leading to the negative aesthetic outlook mentioned.
- c) 12 additional lots are unlikely to make a significant difference to water pressure or availability.
- d) As noted above, a LWMS has been prepared as part of the proposal and will be supported by a detailed UWMP as part of any subdivision of the subject site to ensure there will be no adverse impacts from flooding or poor drainage.
- e) The implementation of a UWMP will assist in resolving any existing issues with drainage for surrounding properties.
- f) The use of covenants and/or building guidelines is a choice that the developer may make.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

20

- d) The drainage in McHavloe Drive is already an issue, where property owners are impacted with flooding whenever there is a sizable rain event. This flooding would worsen with the proposed rezoning. Currently when they have a big downpour both sides of McHavloe Drive flood, across the corner of their property and also on the corner of McHavloe Drive and Cheriton Road. This then flows north down Cheriton Road.
- e) Several other properties on McHavloe Drive have the same issues with flooding. This would have to be resolved sooner in full before any rezoning went ahead.
- f) Marchmont Estate is a premium estate of the town, with strict caveats in place. Therefore they would be expecting the same caveats for any adjoining rezoning.
- g) The water run-off from Cheriton Valley, helps the water levels in the Gingin Brook and the Shire's ground water supply. Rezoning would affect this.
- h) The Cheriton Valley is a landmark and rezoning it will take away the rural outlook of the Valley more broadly.
- g) The implementation of a UWMP will ensure that any overland flows will remain in their existing states post-development.
- h) The proposed are for rezoning will create a more suitable transition between rural and rural living areas and will not impact on the amenity of the Cheriton Valley. It should be noted that the Cheriton Valley is actually located further north along Cheriton Road.

Ratepayer No Objection

In principle they have no objection to the proposed new subdivision off Cheriton Road provided the proposed access road from Cheriton Road to Sloan Road is completed prior to any other work on the subdivision.

Development of Country Heights Estate and a local heavy haulage business have had a noticeable detrimental impact on the volume and type of traffic using McHavloe Drive as a through route to/from Brand Highway.

McHavloe Drive was not designed as a through route but was built to service a few family homes in the Marchmont Estate, it is a neighbourhood road which is used by children, dog walkers, joggers and cyclists.

The roadway is relatively narrow and sinuous, includes an unmarked right-angled junction with Howes Lane and two steep inclines however there are no pavements and in many places no flat verge useable as a refuge.

In their view McHavloe Drive should have a 3.5 ton weight limit except for deliveries to properties on the road. It also needs a signposted 50kph speed limit for traffic turning off Dewar Road and Cheriton Road.

Ratepayer Comment

The submitter's residence is on the lower end of McHavloe Drive, near Dewar Road. Notes that there has been an increase in traffic of late, which makes it impossible for children and the elderly to use the street. The latter would be very disadvantaged if they relied on mobility aids as there is no footpath and the drains have very steep sides which continue onto Dewar Road.

Ratepayer Objection

The submitters purchased their property in December 2021 on an "as is" basis.

As the property was zoned General Rural it suited their retirement requirements for a hobby farm inclusive of sheep, Alpacas, chickens etc.

The seller of the property is also the developer of the proposed subdivision to the north of their boundary and without their knowledge or consent made application to rezone lot 380 Howes Lane from General Rural to Rural living. They object in the strongest terms to a third party being able to apply to rezone their property without their consent or knowledge.

Applicant Response

Noted.

Applicant Response

Noted.

Applicant Response

This is simply untrue. The application to rezone Lot 380 for rural living was submitted in August 2021, prior to the sale of the land. The applicant also advises that the purchasers were made aware of this proposal, that it was included within the sale of contract and that the purchasers were in agreement of the proposal due to their own potential for future subdivision. When the purchasers subsequently changed their mind the applicant was happy to remove their land from the proposal. Furthermore, Lot 380 was removed from the application prior to consent to advertise.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

21

Ratepayer Support

Lots 104 and 107, have been rezoned to Rural Living by the Gingin Shire. Lots 104 and 107 also boundary directly onto Cheriton Road and are opposite the proposed Amendment 23 (A 23) development. Both the lots and part of Lot 9501 share opposing road frontage onto Cheriton Rd of approximately the same dimensions, which would indicate the amendment should be in keeping with the Shire's vision when approving the development of Lots 104 and 107. A23 presents as a well-planned, low impact interface between rural living and general rural farmlands which neatly round off the existing rural living zoned lots 104 and 107. The inclusion of a planned new road on the proposal provides a definitive boundary between the township and general farming country beyond. A23 offers a potential distinct benefit for the whole community. Of increasing relevance, is the stream of heavy and trade traffic, flowing through the Gingin townsite to service the Country Heights development. The essence of the quiet, secluded Cheriton valley "No Through Road" has been compromised in a more impactful way since work commenced on Country Heights, than the threat A23 presents, being comparatively only a very small development.

The proposal incorporates an attractive possibility that either in the short or medium term, a road link may be constructed to allow traffic from the developing Country Heights Estate to utilise Sloans Road, to alleviate traffic burden away from the town centre's bottleneck and from support roads currently in use which were not designed to carry a high traffic burden. i.e. McHavloe Drive, which has noticeably taken on the role of a "makeshift town bypass". The increased traffic flow from the Country Heights suburb under construction will only continue to compound over successive years. With the Country Heights development presently only at 10% capacity, and projections to comprise a total of 313 lots upon completion, the Shire structure plan to alleviate the projected increase in vehicle movements per day, consists of a proposed bypass route potentially 20-30 years from coming to fruition, if ever. The A23 proposed access road is an opportunity for a timelier solution to address a Shire created problem, that being a shortcoming to concurrently plan the necessary support infrastructure for such a development, to ensure the town does not unduly suffer from the congestion of projected vehicle movements from a large development situated on a known single access service road.

Cheriton Road residents and users, and town residents alike have a vested interest in seizing the opportunity to address a future bypass road ahead of the curve. The bypass route in the 2012-2031 structure plan proposed by the Shire exits onto Cheriton Road just 600 metres to the north of the planned A23 proposed bypass exit but will comparatively cost the Shire significantly more to construct on account of the more challenging terrain it traverses and being at least three times the length. Of equal concern, the Shire proposed exit is in alarming proximity to a blind corner, which may necessitate considerable work to realign Cheriton Road to construct a safer exit intersection. The terrain over which the proposed Shire access route has been planned does not present as either the best or most economical solution for a bypass route, nor will the implementation timespan fulfil the locality need for the alternative access.

A23 is a logical low impact extension of town development which satisfies relevant development criteria and represents an orderly transition to the farmland beyond. It will not impact practice on the adjoining farmland. The proposal offers opportunity for a strategically advantageous bypass provision within the development, which will assist to ease local traffic burden and as such A23 has their full support.

Applicant Response

Noted.

Response to Submissions - Scheme Amendment No. 23

Pt Lot 9501 Cheriton Road, Gingin

22

4 SUBMISSION ON BEHALF OF APPLICANT

While the above responses have been formulated on the behalf of the applicant/landowner and a response is therefore not required in relation to the applicants' submission, we would still like to take this opportunity to restate the applicants' objection to the inclusion of special provision 5B and 5C, both of which relate to the provision of a road network that services needs beyond this particular rezoning area. We request that these two special provisions be deleted from the amendment for the following reasons:

- The matter of road design, road construction standard and road upgrading requirements do not belong in a Local Planning Scheme. The proper approach to these is through the subdivision application and approval process, and relevant conditions associated therewith.
- The Shire is not in a position at the moment to know what the likely costs of this bypass road will be, and what level of responsibility they expect from both the developer and the local authority. Given that the details of any potential Deed of Agreement are not yet known, it isn't appropriate to utilise a Scheme Amendment to stipulate that a Deed of Agreement is required in relation to something that is unknown.
- The local authority and WAPC have adequate ability to control the ultimate subdivision layout of the land affected by the rezoning proposal, and also have adequate control and ability to impose subdivisional road standards, requirements and construction responsibilities through the subdivision process.
- Imposing a Deed of Agreement requirement through statutory provisions of the Scheme is an inappropriate use of the Town Planning Scheme. Ultimately, if there happens to be an impasse between the landowner and the local authority in relation to the Deed of Agreement, there is no third party to which either party of the Deed can go to for arbitration or review. This is at odds with the normal procedural fairness that is provided for all parties via the planning legislation and frameworks.

Please also note that, notwithstanding the objection to the above-mentioned Proposed Scheme Provisions, the landowner is currently progressing preliminary engineering investigations, design work and costings in relation to the planned subdivisional road, and also in relation to its potential additional function as a Bypass Road. The landowner will, in good faith, continue the discussions and negotiations with the Shire technical staff in order to advance an outcome that is mutually optimal and fair for both the landowner/applicant and the local authority/community.

5 CONCLUSION

Approval is respectfully sought for the proposed amendment to rezone Pt Lot 9501 Cheriton Road from 'General Rural' to 'Rural Living (RL2)'. The proposed Scheme Amendment is justified as follows:

- The proposal is consistent with the strategic planning intent for the subject site set out in the Shire's local planning framework and is able to satisfy relevant state planning policies.
- There is a realistic and evident demand for RR2 rural living lots within close proximity to the Gingin Townsite and surrounding areas.
- The proposed area for rezoning will make efficient use of existing servicing infrastructure, help to promote local population growth and stimulation of the local economy, and assist in supporting the provision of a range of townsite services and facilities.

On the basis of the description and rationale provided within this document, it is therefore respectfully requested that a favourable recommendation to approve the proposed Scheme Amendment No. 23 to the Shire of Gingin Local Planning Scheme No. 9 is provided to the Western Australian Planning Commission following review of this application.

Should any further information be required to assist with this application please do not hesitate to contact the undersigned at this office.

Yours faithfully,



Miranda Bowman
Town Planner
Harley Dykstra Pty Ltd
E-mail: mirandab@harleydykstra.com.au
T: 08 9495 1947

**APPENDIX A
SUBMISSION (ALTUS PLANNING)**



Form 3A Submission form

Regulation 24(1)
(a), 26(6)(a), 40(1)(a)
and 49(1)(a)

Version: 2.0 (February 2021)

Planning and Development Act 2005

TO: The Chief Executive Officer of the

Shire of Gingin _____

SUBMISSION ON LOCAL PLANNING SCHEME/SCHEME AMENDMENT

Number 23 _____

Name: Joe Algeri _____

Organisation / Company: Altus Planning _____
(if applicable)

Address: 68 Canning Highway, South Perth WA 6151 _____

Phone: 9474 1449 _____

State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.

Submission prepared on behalf of a group of landowners _____

ADDRESS OF PROPERTY AFFECTED (if applicable).
(Include lot number and nearest street intersection).

Various, see below.

SUBMISSION

(Provide your comments in full and any arguments to support them (attach additional pages if necessary).)

Please see attached submission prepared on behalf of:

- Mr Ian & Mrs Nicole Griffiths - 6 Howes Lane, Gingin
- Rachel Birighitti – 50 McHavloe Drive, Gingin
- Mrs Robyn Kestel – 40 McHavloe Drive, Gingin
- Mr Terry & Mrs Lorraine Green – 38 McHavloe Drive, Gingin
- Mr Ben & Mrs Tobie Reed – 24 McHavloe Drive, Gingin
- Mr Tom & Mrs Sue Alston – 14 McHavloe Drive, Gingin
- Mr Boyd & Mrs Jenny Grosskope – 83 Cheriton Road, Gingin

Date 07-Nov-2023 _____

Signature _____



**Submission for Shire of Gingin Local
Planning Scheme No. 9 – Scheme
Amendment No. 23**

Part Lot 9501 Cheriton Road, Gingin 6503

November 2023

Disclaimer:

This report has been prepared by Altus Planning solely for the benefit and use of the client. This document may not be reproduced or copied in whole or part without the express written consent of Altus Planning and the client.

Prepared for:

Ben Reed and Tobie Reed;
Boyd Grasskoff and Jenny Grosskope;
Ian Griffiths and Nicole Griffiths;
Rachel Birighitti;
Robyn Kestel;
Terry Green and Lorraine Green;
Tom Alston and Sue Alston.

Prepared by:

Altus Planning
68 Canning Highway
SOUTH PERTH WA 6151
Phone: 9474 1449
contact@altusplan.com.au
www.altusplan.com.au

Document Version Control

Ver.	Date	Description	Author	Reviewed
1	19/10/2023	Initial client draft	LY/JA	JR/JA
2	6/11/2023	Lodgement version	JA	JA

Contents

1.0 Executive Summary 1

2.0 Background 1

 2.1 Purpose 1

 2.2 Site Description 1

3.0 Planning Framework 2

 3.1 Local Planning Scheme No. 9 2

 3.2 Local Planning Strategy 4

 3.3 Gingin Townsite and Rural Surrounds Structure Plan (2012) 7

 3.4 Wheatbelt Gingin Regional Land Supply Assessment (Urban
 Development Program) 2019 9

 3.5 State Planning Policy 2.5 Rural Planning 10

 3.6 State Planning Policy 3 Urban Growth and Settlement 12

4.0 Analysis 14

 4.1 Consideration of the Planning Framework 14

 4.2 Insufficient basis for support 14

 4.3 Supply and Demand of Rural Living and Residential Land 16

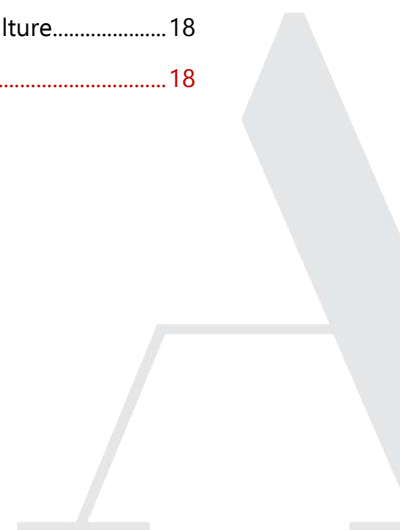
 4.4 Other considerations 17

 4.4.1 Compatibility and land use conflicts 17

 4.4.2 Drainage and stormwater management 17

 4.4.3 Impermanence syndrome and the decline of agriculture 18

5.0 Conclusion 18



1.0 Executive Summary

Altus Planning has been engaged by the client group to investigate the merits of the proposed amendment No. 23 to the Shire of Gingin's Local Planning Scheme No. 9 to rezone part of Lot 9501 Cheriton Road, Gingin from 'General Rural' to 'Rural Living 2'.

Through our analysis of the existing planning framework and supporting information, we conclude that the proposal is inconsistent with the planning framework and should not be supported as it contradicts with orderly and proper planning principles.

2.0 Background

2.1 Purpose

This submission has been prepared by Altus Planning and objects to the proposed Scheme Amendment No. 23 (**amendment**) to the Shire of Gingin (**Shire**) Local Planning Scheme No. 9 (**LPS9** or **Scheme**) at part of Lot 9501 Cheriton Road, Gingin (**subject site** or **site**) to rezone the land from 'General Rural' to 'Rural Living No.2' (**proposal**). The amendment was published on 22 September 2023 and is available for public comment until 8 November 2023.

The submission has been prepared on behalf of the collective neighbouring landowners as follows:

- Mr Ian & Mrs Nicole Griffiths - 6 Howes Lane, Gingin
- Rachel Birighitti – 50 McHavloe Drive, Gingin
- Mrs Robyn Kestel – 40 McHavloe Drive, Gingin
- Mr Terry & Mrs Lorraine Green – 38 McHavloe Drive, Gingin
- Mr Ben & Mrs Tobie Reed – 24 McHavloe Drive, Gingin
- Mr Tom & Mrs Sue Alston – 14 McHavloe Drive, Gingin
- Mr Boyd & Mrs Jenny Grosskope – 83 Cheriton Road, Gingin

2.2 Site Description

The proposed subject site measures approximately 24.02ha in aggregate and sits along Cheriton Road, approximately 1.5km north of the Gingin Townsite. The proposed site was previously part of the parent lot just south of the subject site which was later subdivided and developed for Rural Living use.

The general locality consists of mostly rural lots to the north and rural living lots south of the site, also known as the Marchmont Estate.

The subject site is largely cleared with some scattered vegetation.



Figure 1 : Aerial/cadastral of subject site and surrounds (Source: Landgate 2023).

3.0 Planning Framework

3.1 Local Planning Scheme No. 9

Clause 1.6 of LPS9 sets out the aims of the Scheme, in particular the aims relevant to this proposal are as follows:

- (a) *Promote the planned expansion of all townsites, and encourage the consolidation and expansion of services and facilities within townsites.*
- ...
- (f) *Protect the rural land resource by promoting a strong presumption against unplanned fragmentation of rural land.*
- ...
- (j) *Support subdivision of rural land which is consistent with the preferred settlement strategy and which facilitates the ongoing productive rural use of the land.*

The aims of the Scheme indicates that any expansion of townsites must be planned and where it involves rural land, there is a presumption against unplanned fragmentation. From these aims it can be inferred that any expansion of the Town, particularly where it involves the loss of productive agricultural land, should be planned and in alignment with the Shire's strategic approach.

The subject site is currently zoned 'General Rural' and the objectives of the zone pursuant to clause 3.2.7 are as follow:

- 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.*

Zone specific development standards pursuant to clause 4.8.6 which is applicable to the 'General Rural (Uncoded)' zone indicates that:

"Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4."

This again indicates a clear stance for the protection of rural land from fragmentation. Whilst the Applicant is of the view that the rezoning is justified, it is submitted that a conservative approach should be adopted unless there are exceptional circumstances and/or overwhelming planning justification for the proposal in strategic terms.

3.2 Local Planning Strategy

The Shire of Gingin's Local Planning Strategy (**Strategy**) was prepared and gazetted in February 2012. As per Section 1.1, the Strategy provides an expression of the Shire's vision over the next 15 – 20 years. The Strategy is also:

"A plan that will form the basis for land use, zoning, subdivision and development throughout the Shire, to be implemented through the statutory planning system, including amendments to Council's Local Planning Scheme."

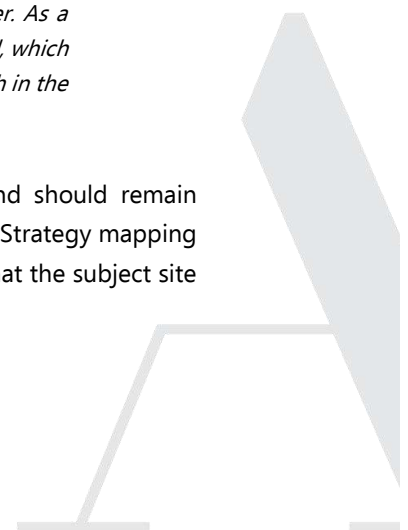
The Strategy is intended to provide a foundation for decision-making and assist in the decision making process relating to Scheme amendments, subdivision assessments and development control mechanisms.

Section 2.1 of the Strategy highlights the State and regional context of the Shire, which indicates a strong economic base for agriculture, fishing, and horticulture. Whilst the Shire has the ability provide opportunities for rural living developments, the importance of functioning rural land cannot be undermined given the importance of land resources for rural industries, regional industrial development, basic raw materials and groundwater resources.

Specifically, Section 2.3.3.1 makes reference to the Gingin townsite and is described as follows:

"The area surrounding the town of Gingin offers three important elements for the production of intensive agricultural produce: suitable soils, ideal climatic conditions and fresh groundwater. As a result Gingin is well-placed to take advantage of this potential, which can improve the local economy and sustain population growth in the town."

As above, it is evident that the agricultural function of rural land should remain preeminent in the consideration of any growth of the townsite. The Strategy mapping of the Gingin Townsite is illustrated below in **Figure 2**. It is noted that the subject site is not included within any identified areas for Rural Residential use.



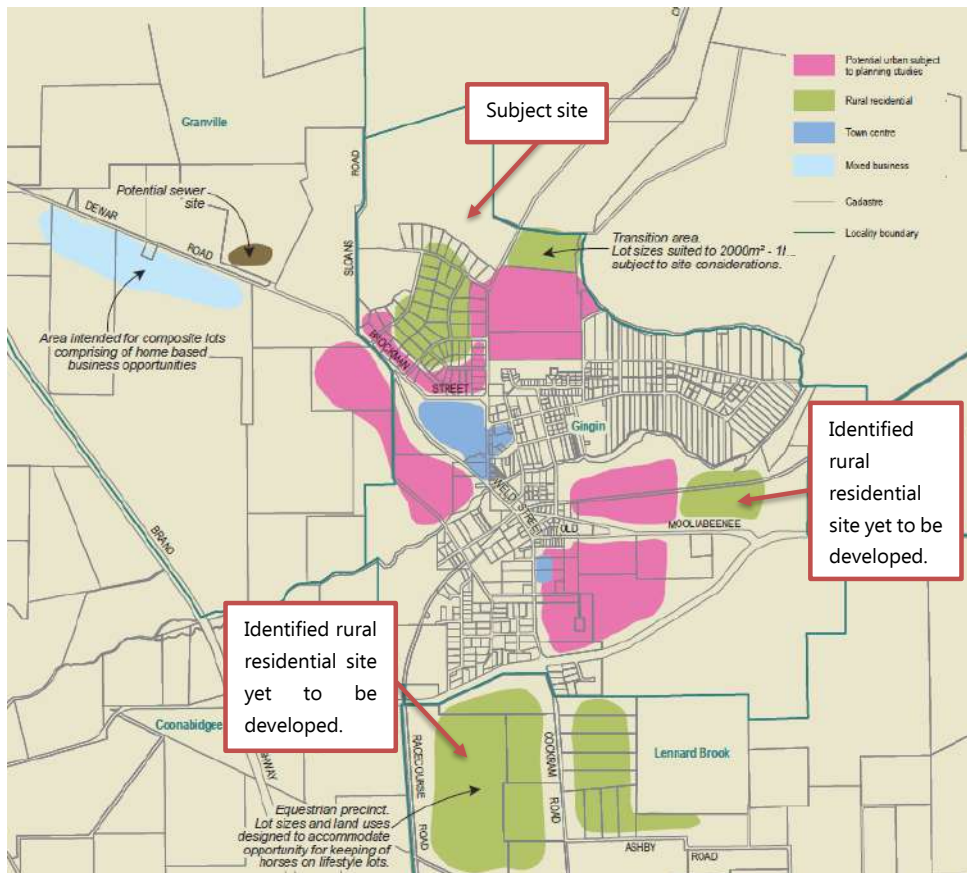


Figure 2: Gingin Townsite Strategic Map (Source: Shire of Gingin Local Planning Strategy).

Figure 2 also identifies two separate areas where rural residential land is planned but yet to be rezoned under the current Scheme. This accounts for approximately 160 ha of land that strategically has been identified as suitable for Rural Living purposes.

The Gingin Townsite and its expansion was considered and reviewed in accordance with the Strategy. As a result, the Gingin Townsite and Rural Surrounds Structure Plan (**Structure Plan**) was subsequently adopted, as highlighted below:

“The planned expansion of Gingin Townsite was reviewed in 2012 with the Shire adopting a Gingin Townsite and Rural Surrounds Structure Plan in December 2012. The Structure Plan is a detailed spatial framework for guiding future Scheme amendments and provides additional guidance to that contained in this Local Planning Strategy.”

Helpfully, the Structure Plan also resolves any contention in respect to the perceived lack of clarity of the defined townsite boundary and zoning within the Strategy.

Section 2.3.5 of the Strategy discusses Rural Living land supply within the Shire. It is noted that due consideration must be balanced between the costs for services and maintenance, loss of rural land, land management and other amenity and environmental impacts.

When considering the current extent of rural living land and the amount of allocated yet undeveloped rural living land, the Strategy promotes the limitation of such development to areas identified on the Strategy map. If there is a substantial increase in demand that can be identified, then it might be appropriate to locate additional Rural Living communities close to Gingin and /or Lancelin townsite¹.

Given that the subject site is not identified for rural living purposes, investigation has been conducted using Census data to determine whether there is plausible demand for additional allocation of rural living zoned land. This is discussed in further detail below. It is noted that the proposal does not provide a realistic analysis or justification for demand.

Further to the above, Section 2.3.6.2 of the Strategy reflects the Shire's stance on Rural land, as highlighted below:

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

¹ Local Planning Strategy pg11.



in the long term. There is a general presumption against subdivision of rural land in the Shire."

Section 2.5.7 also highlights the issues of rural subdivision as follows:

"Subdivision of rural land can undermine agricultural production by creation of unviable land parcels, increasing land values/rates, and removing areas from production for non-rural uses such as rural living development;"

This affirms the intention to limit subdivision or use of land that will divert existing productive uses to those non-rural in nature.

Lastly, Section 3.3.7 highlights the objectives and policy position regarding the Rural Living zone. The fifth action for the policy position sets out consideration that Council needs to exercise for ad-hoc rezoning proposals relating to the rural living zone. It is considered that the proposal does not meet the following:

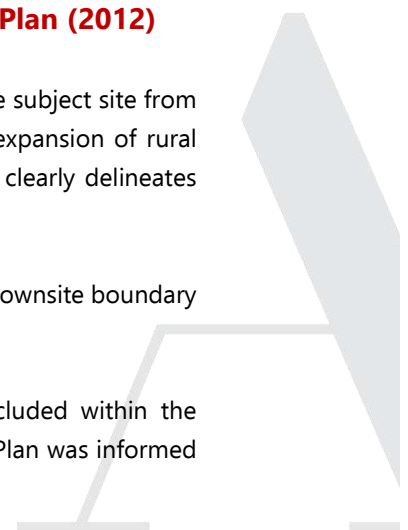
- i) is consistent with the objectives and intent of State Planning Policy;*
- ii) is identified in this Strategy as being suitable for rural smallholdings or more intensive subdivision;*
- ...*
- iv) is supported by demonstrated demand and justified in terms of achieving productive use of rural land and/or net environmental benefit;*
- ...*

3.3 Gingin Townsite and Rural Surrounds Structure Plan (2012)

As eluded to in the Strategy Section, the Structure Plan excludes the subject site from potential rezoning to Rural Living. Whilst the Strategy highlights expansion of rural living areas around the fringes of the townsite, the Structure Plan clearly delineates those expansion areas.

Figure 3 below demonstrates that the subject site is not within the townsite boundary nor is it within the structure plan boundary.

In addition, Figure 3 further illustrates areas that have been included within the structure plan for Rural Living purposes. Noting that the Structure Plan was informed



by the Strategy, the two documents should be read together. Figure 3 indicates an area of approximately 200 ha which is designated for the Rural Living zoning.

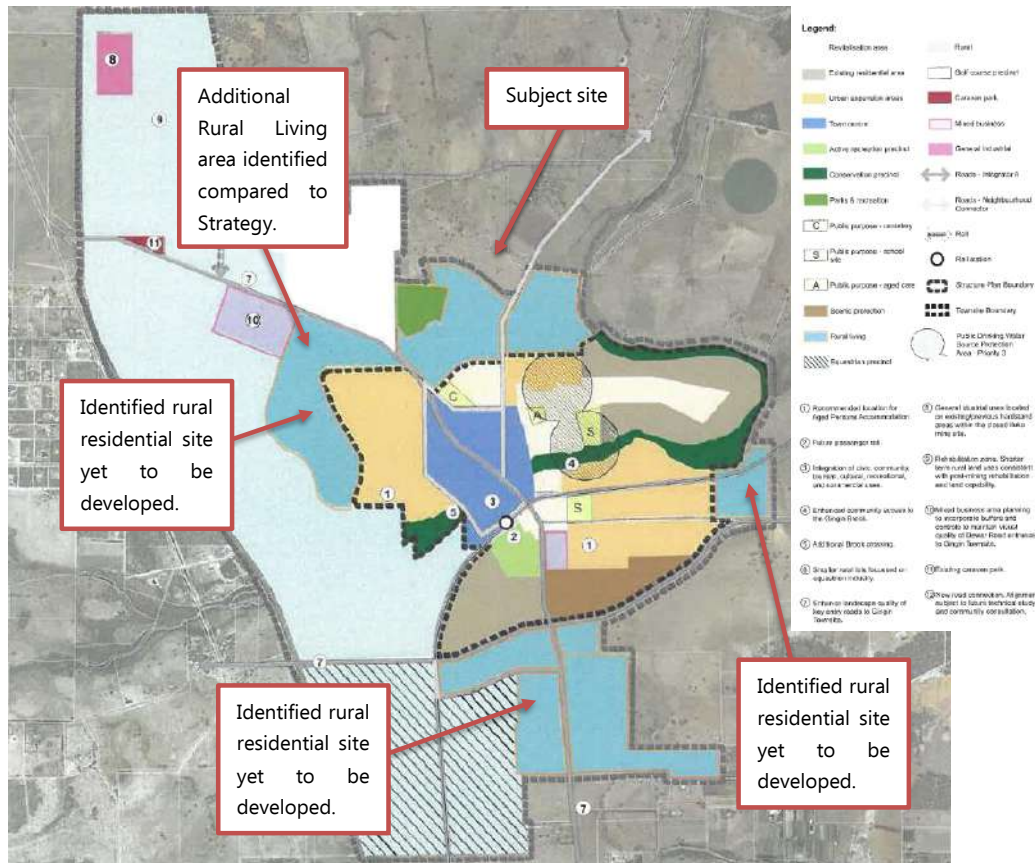


Figure 3: Gingin Townsite and Rural Surrounds Structure Plan Map (Source: DPLH).

Referring to the Strategic Map from the Strategy (Figure 2), it is evident that the consideration of townsite expansion had already been captured within the Structure Plan as indicated by the additional Rural Living area identified to the south-west.

Given that the subject site has not been identified within the townsite boundary, nor is it included within the Structure Plan, it can be rationally concluded that the subject site was not considered for possible rural living expansion, even at a time when demand could be demonstrated.

3.4 Wheatbelt Gingin Regional Land Supply Assessment (Urban Development Program) 2019

The Wheatbelt Gingin Regional Land Supply Assessment (**Gingin LSA**) was prepared as part of the Urban Development Program which models land supply and development in order to provide context for land-use planning and infrastructure provisions.

One of the key findings from the LSA is as follows:

"The largest area of undeveloped and unrated residential land exist in Gingin..."

"Approximately 3,620 hectares of land is zoned for rural living purposes, of which 53 per cent is developed. The majority of undeveloped stocks of rural living land are across the localities of Gabbadah, Karakin and Nilgen."

"Given the current stock of undeveloped land zoned for rural living purposes, the local planning strategy outlines a strong rationale to limit the re-zoning of land for rural living purposes in the short to medium term (10-15 years)."

This is indicative of an oversupply of residential (rural living) land without the demand to support it. Within the Shire, 53% of Rural Living land is undeveloped, supporting the rationale to limit further rezoning of land for Rural Living purposes.

In addition to the rationale that the IRIS modelling identified in December 2017, the most substantial stock of undeveloped residential land is located within the locality of Gingin².

One of the demand indicators for land supply is dwelling approvals which suggest owner-occupier or investor confidence. During the 2016/2017 financial year, there were only 0-5 approvals within the locality of Gingin, comparably less than other localities just south of Gingin.

² Wheatbelt Gingin Regional Land Supply Assessment pg19.

Table 3 of the Gingin LSA indicates the development outlook of the Shire. Table 3 makes reference to the subdivision application for rural living and residential lots which illustrates that a significant number were approved but not progressed by proponents.

Similarly, Section 5.6, Table 4 of the Gingin LSA indicates that within the Gingin locality, there were 13 vacant (or undeveloped) Rural Living lots and 81 vacant Residential lots as of 2018. It should also be noted that the Table did not include subdivision approval statistics where development had not progressed.

In addition, Section 5.9 of the Gingin LSA further indicated that under the current population growth scenario, there is sufficient stock for residential and rural living land to meet population growth in the long term.

It is considered that the LSA provides a current snapshot of an oversupply of residential and rural living lots combined with a lack of demand. The LSA outlines that Gingin is sufficiently serviced by the current housing stock and allocated land parcels.

3.5 State Planning Policy 2.5 Rural Planning

State Planning Policy 2.5 (**SPP2.5**) Clause 2 sets out the intention of the policy "to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape value."

In particular, the policy measures prescribed by Clause 5.1 is to primarily seek the protection of rural land as a State resource. The relevant measures include:

(a) Requiring that land use change from rural to all other uses too be planned and provided for in a planning strategy or scheme.

...

(g) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land; and

This highlights the importance of protecting rural land and if any other uses are considered, they must be planned for in existing Strategy or Scheme. It is noted that the proposal does not align with the existing local planning framework or strategic approach.

The preamble of Clause 5.3 highlights the following regarding rural living development.

“...rural living estates must be carefully planned, as they can be an inefficient means of accommodating people. Once rezoned, rural living estates consume and sterilise what was rural land, and may have unintended or adverse social, environmental, servicing or management impacts.”

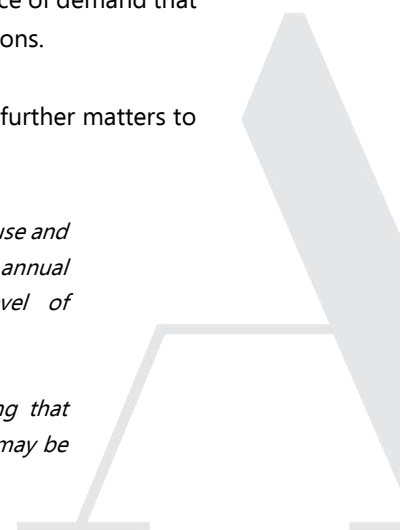
In addition, Clause 5.3 provides criteria which apply to decision-making for rural living proposals:

- (a) rural living proposals shall not be supported where they conflict with the objectives of this policy or do not meet the criteria listed at 5.3 (b) and (c);*
- (b) the rural living precinct must be part of a settlement hierarchy established in an endorsed planning strategy;*
- (c) the planning requirements for rural living precincts are that –*
 - ... (ii) the proposal will not conflict with the primary production of nearby land, or reduce its potential;*
 - ... (iv) the extent of proposed settlement is guided by existing land supply and take-up, dwelling commencements and population projections;*

It has been highlighted that the proposal is not supported by evidence of demand that correlates with current land supply, uptake, and population projections.

In respect to demand, the Guidelines of SPP2.5 Section 4.5 provide further matters to be considered:

- *Is the projected demand based on evidence of actual use and development of the land? Consider monitoring annual building approvals to determine the actual level of development?*
- *In keeping with SPP 3, whether settlement planning that incorporates a development ‘footprint’ or boundary may be an option?*



- *Have previous similar developments achieved a sufficient level of occupancy? An occupancy/ development completion rate of approximately 60 percent for existing developments is suggested before new development is proposed.*

It is submitted that the proposal does not sufficiently demonstrate demand for the additional Rural Living lots as the figures drawn by the Applicant are somewhat skewed. This is further discussed in the Section below.

Clause 6.4 c) I of the policy further sets out consideration for zoning amendment proposal:

(i) only support proposals which are consistent with endorsed planning strategies, or in exceptional circumstances, where the proposal meets the objectives and intent of WAPC policy;

....

It is submitted that there are no exceptional circumstances that apply to the proposal.

3.6 State Planning Policy 3 Urban Growth and Settlement

State Planning Policy 3 (**SPP3**) sets out the principle and consideration for the planning of urban growth and settlement. Section 5.1 of the policy addresses the need for proper planning to create a strong and sustainable community. In particular:

“For the regions, the State Planning Strategy promotes the consolidation and expansion of existing settlements to make regional communities sustainable in the long-term. There is likewise a need to avoid ad-hoc and disbursed new settlements and the expansion of existing settlements which are remote from existing and planned services and will create competition with towns better placed to accommodate growth and expansion.”

In addition, Section 5.2 also indicates the importance of land use being identified within the local planning strategy, housing demand and mix.

Local strategies should reflect and build on the urban growth and settlement policies set out in regional strategies and the land release plans and apply these at the more detailed local level taking into account local needs and variations. Local strategies should seek to



identify sufficient land to meet future population and housing needs for at least a 10 year period.

The following Section highlights the importance of orderly structure planning to guide planned expansion of urban growth and settlement patterns. Of particular importance, is the reaffirmation that unplanned and speculative development must not be supported.

The orderly planning of urban growth and settlement should be facilitated by structure plans, which should take into account the strategic and physical context of the locality, provide for the development of safe, convenient and attractive neighbourhoods which meet the diverse needs of the community, and facilitate logical and timely provision of infrastructure and services. Structure plans may consist of a hierarchy of plans ranging from broad district structure plans to more detailed plans for neighbourhoods and precincts.

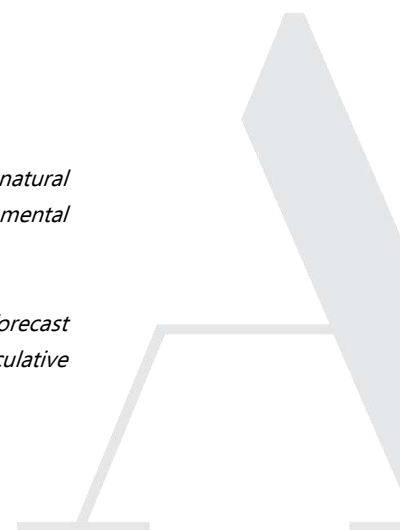
Proposals for future urban growth will be determined having regard to—

- the State Planning Strategy, relevant statements of planning policy, and regional and subregional strategies in the State Planning Framework;*
- population projections provided by the Department for Planning and Infrastructure;*
- land release plans published by the Commission; and*
- local planning strategies prepared by local government and endorsed by the Commission.*

Speculative proposals for new urban subdivision and development in areas not identified in regional and local planning strategies and land release plans will not generally be supported.

Section 5.6 sets out the management of rural residential growth.

- "avoid productive agricultural land, important natural resources, areas of high bush fire risk or environmental sensitivity;*
-*
- take a realistic approach by allocating land based on forecast estimates of demand for rural living not on the speculative development of land."*



Accordingly, there are no provisions in the state policy framework, in either SPP2.5 or SPP3.0, that gives credence to the proposal. Rather, it is at odds with a number of well-established planning principles relevant to the rural planning of the state.

4.0 Analysis

4.1 Consideration of the Planning Framework

Upon review of the relevant planning framework in the above section, the proposal is contrary to the applicable aims, intentions, objectives and aspirations. These considerations must be assessed both individually and collectively.

In particular, the general stance against any unplanned fragmentation of rural land cannot be overemphasised. Development that encroaches and erodes the primary agricultural use of rural land adversely impacts what is a limited resource that is consequently lost forever.

In addition to the above, the rural land resources within the Shire are the primary economic driver supporting agricultural and horticultural production, a point highlighted at Section 2.3.6.2 of the Strategy.

Any rezoning proposals should firstly align with the planned strategic approach of the Local Government and the supporting evidence in this regard should be clear and unequivocal.

The Shire's Strategy and Gingin Townsite and Rural Surrounds Structure Plan do not identify the subject site for Rural Living purposes. Given that other land is prioritised for such consideration, combined with a lack of evidence for demand or anticipated future growth, suggests that this is an ad-hoc proposal that does not align with orderly and proper planning principles.

4.2 Insufficient basis for support

Notwithstanding that adherence to the planning framework should be the central tenant of consideration to determine the merits of the proposal, the Applicant justifies the rezoning on the basis of its proximity to infrastructure and the existing Marchmont Estate rural living subdivision.

No evidence or indication has been provided suggesting the incapability of the subject land for ongoing agricultural purposes.

No evidence has been provided that demonstrates a genuine current or future demand for further rural living land, in fact, recent data and statistic suggest otherwise.

It should also be noted that the current proposal follows previous attempts by the Applicant to pursue a partial rural living subdivision of the land in 2010. At that time, the land was zoned 'Rural' under the Shire's former Town Planning Scheme No.8 and the Shire's Strategy, LPS9 and the Structure Plan were all in draft form.

The subdivision was refused (together with a proposed road linking Cheriton Road to Sloans Road on the same alignment proposed as part of the current proposal).

In addition, rather than influence the final form of the Strategy and LPS9, the evolving planning framework consolidated the rural status of the subject land.

The basis for the refusal of the subdivision at the time should equally apply to the consideration of the rezoning now; there is no new additional justification that should lead to any different conclusion or outcome. In fact, current circumstances are less favourable to the proposal.

A study of the most recent Census data comparing between 2016³ and 2021⁴ for the locality of Gingin indicates that whilst the population in Gingin has increased in 2021 from 852 persons to 902 persons, the unoccupancy rate within the Gingin locality has also increased from 13.8% (48 unoccupied private dwellings) to 17.9% (68 unoccupied private dwellings).

Gingin	2016	2021 (Latest Census Data)
Population	852 persons	902 persons ↑
Unoccupancy Rate	13.8%	17.9% ↑

³ Census data for Gingin locality in 2016. <https://www.abs.gov.au/census/find-census-data/quickstats/2016/UCL521022>

⁴ Census data for Gingin locality in 2021. <https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL50548>

This indicates that whilst the population has increased, the number of unoccupied dwellings has also increased which signifies an oversupply of private dwellings over demand.

4.3 Supply and Demand of Rural Living and Residential Land

The Strategy (**Figure 2**) identifies two separate areas where 160ha of rural residential land is planned but yet to be rezoned under the current Scheme.

Similarly, the Structure Plan (**Figure 5**) further indicates an area of approximately 200 ha which is similarly designated for Rural Living zoning.

The Gingin LSA provided a snapshot of land that is for residential use, either for Rural Living or Residential.

Specifically, Lot 81 Cheriton Road is zoned Rural Living 1 and is located approximately 5km north of subject site. Subdivision approval has been granted to create 313 lots and currently, less than 7% of the lots have been developed (as visible through aerial imagery).

Lot 83 Cheriton Road is zoned Rural Living 2, also approximately 5km north of the subject site and was approved in 2008 to create 72 rural residential lots. This approval has not yet been progressed by the proponent⁵.

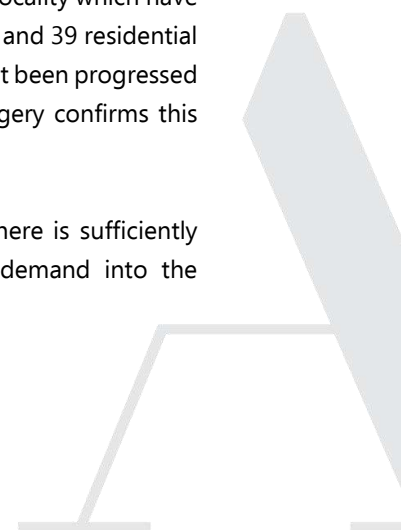
Lot 601 Brockman Street recently obtained subdivision approval for 99 Residential lots.

In addition to the above, there are two sites within the surrounding locality which have an approval to create 21 residential lots (Lot 112 Honeycomb Road) and 39 residential lots (Lot 7 Strathalbyn Way) respectively⁶. Both approvals have not yet been progressed by their respective proponents. An inspection of recent aerial imagery confirms this remains the case.

Given the above examples, it can be reasonably concluded that there is sufficiently zoned land (or land specifically slated for rezoning) to satisfy demand into the

⁵ Wheatbelt Gingin Regional Land Supply Assessment Table 3 pg 30.

⁶ Wheatbelt Gingin Regional Land Supply Assessment Table 3 pg 30.



foreseeable future within the Shire. Demonstrated demand is a relevant principle as cited in the Strategy and SPP2.5.

4.4 Other considerations

Unplanned or unanticipated rezoning and subsequent subdivision of rural land outside of identified townsites and strategic planning boundaries, can have several additional impacts that also warrant consideration.

4.4.1 Compatibility and land use conflicts

The interface between various land uses and zones can often be problematic. In a scenario whereby the boundary between Rural and Rural Living keeps altering, new conflicts can emerge.

For example, the proposed rezoning encroaches on the Gingin Pistol Club's Safety Buffer Zone. The Pistol Club is located approximately 300m west of the subject land and has currently scheduled twice weekly practises and additional competition firing activities.

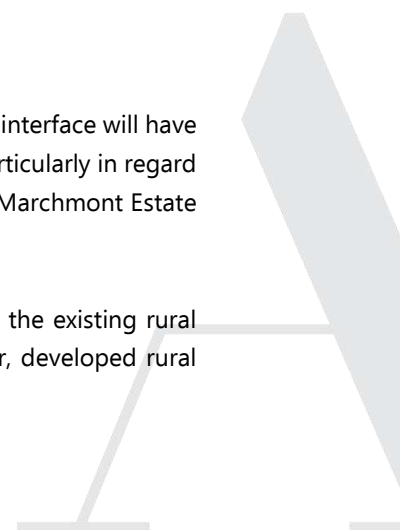
Noise emissions from the Pistol Club could lead to a compatibility issue but moreover, the range danger area (fallout/safety zone) which currently impacts the subject land could lead to a more catastrophic risk to human life in a worst-case scenario.

The supporting information for the proposal does not address these potential concerns.

4.4.2 Drainage and stormwater management

The Client group is concerned that the changing Rural Living / Rural interface will have unintended consequences in respect to the drainage of the land, particularly in regard to the significant stormwater that currently flows from the existing Marchmont Estate onto the subject land.

Whilst there is little consequence from stormwater that flows onto the existing rural land, this could be problematic when existing flows impact smaller, developed rural living lots under the proposal.



It is accepted that there are always potential engineering solutions, however, the client group who currently reside on Howes Lane and McHavloe Drive advise that the Applicant was also the developer of the Marchmont Estate. Specifically, they have advised that the drainage civil works were inadequate and as a result \$750,000 of geotextile drainage works at ratepayers' expense, was undertaken by the Shire due to the unfavourable soil type and gradient of the land. Several other drainage works remain outstanding to resolve the ongoing scouring.

4.4.3 Impermanence syndrome and the decline of agriculture

The term 'Impermanence syndrome' describes the accelerated agricultural decline near urban or other developing areas due to farmers' disinvestment in their agricultural operations in anticipation of other development and subdivision opportunities.

Whilst in this instance the Applicant is currently farming the land, ad-hoc and piecemeal rezonings may give the impression to other rural property owners that there is a 'rolling front' of potential subdivision which discourages continued agriculture investment and best-practice. Disinvestment begins long before farmers actually exit farming and pursue such rezonings and subdivisions.

Put in simple terms, approval of the proposal may set an undesirable precedent for similar, ad-hoc applications to follow, not based on strategic planning merit, but rather, an expectation that rural land can and should be subdivided because of reduced agricultural viability and a better return on investment.

Avoidance of this very scenario underpins SPP2.5 and the objectives of the Shire's Strategy.

5.0 Conclusion

Having thoroughly examined all the relevant details of the proposal to rezone this General Rural into Rural Living zoned land, the conclusion is reached that the proposed amendment should not proceed as it is without merit and contrary to the relevant planning framework.

This policy framework can be simply distilled to the principle that productive rural land should be discouraged from fragmentation and sterilisation, unless such rezoning has been carefully planned and foreshadowed with a clear strategic pathway.

As it currently stands, the subject site is not identified within any strategic planning framework nor structure planning for a future Rural Living zone. Whilst the Strategy suggest potential consideration for rural living lots within the townsite fringe, the Structure Plan re-affirms the exclusion of the subject site from such consideration.

In addition, having considered the supply and demand of rural living land within the Shire, it can be established from a strategic level and evidence-based research that there is no indication for such demand.

The reasons highlighted in this submission demonstrate the lack of strategic approach to support the proposed amendment and a lack of evidence-based demand analysis presented by the proposal. As such, we are of the opinion that the proposed amendment should not be supported as it contradicts orderly and proper planning principles.

As observed in *Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226 at [180], 'at the heart of orderly and proper Planning' is a public planning process which permits the assessment of individual development applications against existing planning policies 'so that the legitimate aspirations found in the planning framework may be translated into reality'. It is respectfully submitted that the proposal cannot be tied to legitimate aspirations in the relevant policy framework in this instance; it is an ad-hoc and piecemeal proposal with no planning merit.

We trust that this information will assist in the final decision-making process for the proposed amendment.

Altus Planning



**APPENDIX B
SUBMISSION (DYNAMIC PLANNING)**



Form 3A Submission form

Regulation 24(1)
(a), 26(6)(a), 40(1)(a)
and 49(1)(a)

Version: 2.0 (February 2021)

Planning and Development Act 2005

TO: **The Chief Executive Officer of the**

Shire of Gingin

SUBMISSION ON LOCAL PLANNING SCHEME/SCHEME AMENDMENT

Number 23

Name: Joe Algeri

Organisation / Company: Altus Planning
(if applicable)

Address: 68 Canning Highway, South Perth WA 6151

Phone: 9474 1449

State how your interests are affected, whether as a private citizen, on behalf of a company or other organisation, or as an owner or occupier of property.

Submission prepared on behalf of a group of landowners

ADDRESS OF PROPERTY AFFECTED (if applicable).
(Include lot number and nearest street intersection).

Various, see below.

SUBMISSION

(Provide your comments in full and any arguments to support them (attach additional pages if necessary).)

Please see attached submission prepared on behalf of:

- Mr Ian & Mrs Nicole Griffiths - 6 Howes Lane, Gingin
- Rachel Birighitti – 50 McHavloe Drive, Gingin
- Mrs Robyn Kestel – 40 McHavloe Drive, Gingin
- Mr Terry & Mrs Lorraine Green – 38 McHavloe Drive, Gingin
- Mr Ben & Mrs Tobie Reed – 24 McHavloe Drive, Gingin
- Mr Tom & Mrs Sue Alston – 14 McHavloe Drive, Gingin
- Mr Boyd & Mrs Jenny Grosskope – 83 Cheriton Road, Gingin

Date 07-Nov-2023

Signature _____



OBJECTION SUBMISSION



PROPOSED SCHEME AMENDMENT 23 OBJECTION SUBMISSION LETTER

OUR REF: 039

Our Ref: 039

6 November 2023

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

Dear Sir/Madam,

SUBMISSION – PROPOSED SCHEME AMENDMENT NO. 23
PART LOT 9501 CHERITON ROAD, GINGIN

Dynamic Planning and Developments Pty Ltd (DPD) acts on behalf of the registered proprietor of Country Heights Estate who are presently implementing a rural living subdivision in Ginginup.

The purpose of this submission is to object to the proposed scheme amendment at Part Lot 9501 Cheriton Road, Ginginup.

Site Context

Part Lot 9501 Cheriton Road is located on the outskirts of the Gingin Townsite. The subject site is boarded by Cheriton Road to the east, existing Rural Living lots to the south, Sloans Road to the west and existing agricultural properties to the north. It is important to note that the subject site is located within close proximity to our clients landholding – Country Heights Estate. The location of the proposed Scheme Amendment relative to Country Heights Estate has been illustrated in Figure 1 below.

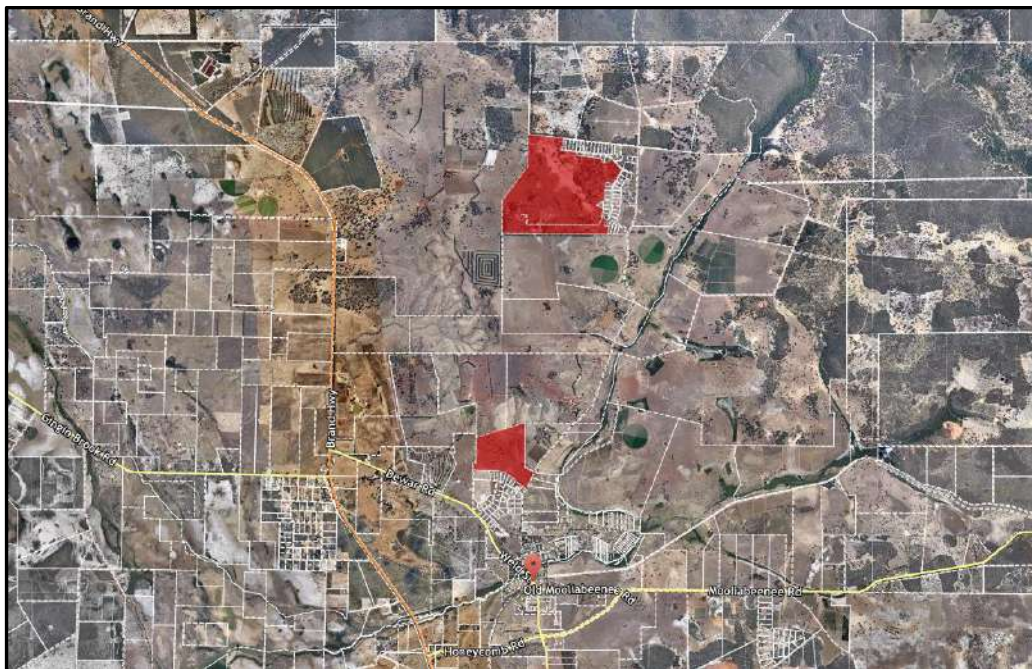


Figure 1 – Site Context of Proposed Scheme Amendment

Proposed Scheme Amendment

The proposed Scheme Amendment No. 23 at Lot 9501 Cheriton Road, Ginginup (herein referred to as the 'subject site') seeks to rezone part of Lot 9501 from 'General Rural' to 'Rural Living RL2' which will allow the subdivision of the subject land into 2 Hectare lots for the purposes of rural living, similar to the proposed Country Heights Estate.

Purpose of Submission

The purpose of this submission is to object to the proposed Scheme Amendment No. 23 as we do not consider it appropriate for approval at this point in time for the following reasons:

1. The subject site is not identified in the current strategic planning framework for consideration as 'Rural Living' zoned land.

The Shire of Gingin have a number of strategic planning documents that are intended to guide the future direction for land use and development within the Shire and as such are relevant documents in the consideration of any scheme amendment seeking to rezone land. The relevant documents include:

- Shire of Gingin Local Planning Strategy – this document suggests that the subject site is intended to be retained for agricultural purposes. Further, the Local Planning Strategy also seeks to restrict the expansion of rural living land due to the extent of existing planned areas that were undeveloped at the time (Clause 2.3.5). Whilst we note that the Local Planning Strategy is now 11 years old, there is still a considerable amount of undeveloped land that has been identified for 'Rural Living' development, these areas include:
 - Lot 104 & 107 Cheriton Road.
 - Significant portions of the Country Heights Estate.
 - Lot 83 Cheriton Road.
 - Lot 100 & 1 Old Mooliabeenee Road.
- Gingin Townsite and Rural Surrounds Structure Plan – this document is intended to guide to expansion of the Gingin Townsite and surrounding rural areas. This document does not identify the subject site as an area appropriate for 'Rural Living' development.

In light of the lack of identification in the strategic planning framework, the subject site is not considered suitable for a rezoning to 'Rural Living'. In this regard, should the amendment be approved, it would undermine existing planned rural living areas and decision making that has occurred based on the approved strategic planning framework. It may also set an undesirable precedent that any existing rural land in proximity to the Gingin townsite can be considered for 'Rural Living' development.

2. The existing zoned 'Rural Living' land in and around the Shire of Gingin has a number of years before saturation is reached.

Whilst we cannot speak to all of the available 'Rural Living' zoned land, we are able to comment on the demand and likely project lifecycle for the Country Heights Estate and this indicates that the existing allocation of 'Rural Living' zoned land has a number of years before reaching saturation.

At present the Country Heights Estate has been selling lots since the end of 2018 and whilst recent demand has been strong there has only been a total of 59 lots that have been created with another 252 yet to be created. In this regard, at the existing rate of 12 lots being created per year the estate will have another 21 years until all lots are created.

Further evidence addressing the sufficiency of the existing 'Rural Living' land supply is the Gingin Regional Land Supply Assessment that was completed in 2019. This report was completed by the Western Australian Planning Commission and identified that at the time of the report the existing available 'Rural Living' zoned land in the Shire (3,620 Ha) was only 53% developed suggesting a considerable timeframe before pressure on this land supply is experienced.

With the above in mind, creating additional 'Rural Living' zoned land would increase this project lifecycle at Country Heights Estate and undermine the initial investments made by the developer in the estate which is significant and includes a \$6.7 million dollar upgrade of Cheriton Road from the estate back into the Gingin Townsite. Additional lots created at the subject site would benefit from the road upgrades whilst taking sales away from Country Heights Estate before the initial investment is recouped.

3. Inconsistency with State Planning Policy 2.5 – Rural Planning and the associated guidelines.

State Planning Policy 2.5 is relevant to the decision making of the proposed scheme amendment and we contend that the proposed rezoning is not consistent with the provisions of this policy as Clause 5.3 requires that rural living areas be identified in a local planning strategy, scheme or structure plan before they are contemplated.

Further, the associated Rural Planning Guidelines and specifically Clause 4.5 addresses the demand for rural residential development and notes that scheme amendments and proposals contemplating additional rural residential development should be guided by existing land supply and take up. It specifically notes that '*an occupancy/development completion rate of approximately 60% for existing developments is suggested before new development is proposed*'. In this regard and as noted above, Country Heights Estate is some way off being at 60% complete with 59 lots created and 252 lots still to be created.

4. Inconsistent with the aims of Local Planning Scheme No. 9.

Approval of the proposed scheme amendment to create additional 'Rural Living' zoned land would be inconsistent with a number of aims of the scheme, specifically:

- Promoting the planned expansion of all townsites – the subject site has not been contemplated in any strategic planning documents for rural living development and as such isn't considered to be a planned expansion of the Gingin townsite.
- Protecting the rural land resource by promoting a presumption against unplanned fragmentation of rural land – again, as the site is not identified in the strategic planning framework approval of the amendment would result in unplanned fragmentation of rural land.

- Supporting the subdivision of rural land that is consistent with the preferred settlement strategy – the site is not identified for rural living in the Gingin Townsite and Rural Surrounds Structure Plan and as such the scheme amendment and eventual subdivision would be inconsistent with the preferred settlement strategy.

Conclusion

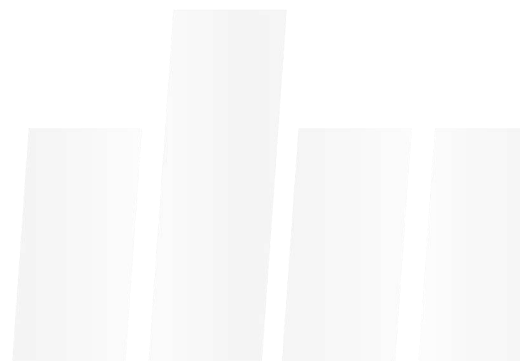
In light of the above, we consider that the proposed Scheme Amendment No. 23 should be refused as it has been demonstrated to be inconsistent with the strategic planning framework and detrimental to existing planned 'Rural Living' development in and around the Gingin townsite. Specifically, the proposed scheme amendment warrants refusal as:

- The subject site is not identified in the current strategic planning framework for consideration as 'Rural Living' zoned land.
- The existing zoned 'Rural Living' land in and around the Shire of Gingin has a number of years before saturation is reached.
- Inconsistency with State Planning Policy 2.5 – Rural Planning and the associated guidelines.
- Inconsistent with the aims of Local Planning Scheme No. 9.

Should you have further queries or seek clarification with regard to the matters raised above, please do not hesitate to contact us.



**Reagan Cake
Planning Coordinator**



APPENDIX C
SUBMISSION (DPIRD)



Department of
**Primary Industries and
Regional Development**

Your reference: LND/136
Our reference: LUP 1701
Enquiries: Greg Doncon

Natasha Jurmann
Statutory Planning Officer
PO Box 510
Gingin WA 6503

Email: mail@gingin.wa.gov.au

Date: 17 Oct 2023

Dear Natasha

Local Planning Scheme Amendment: Shire of Gingin Local Planning Scheme No. 9 Scheme Amendment No. 23

Thank you for inviting the Department of Primary Industries and Regional Development (DPIRD) to comment on the proposed planning scheme amendment for the purpose of rezoning Part Lot 9501 Cheriton Road, Gingin from **'General Rural' to 'Rural Living No. 2 (RL2)'**

DPIRD has some concerns about this proposal and offers the following comments:

Local Planning Strategy

DPIRD supports the view that urban expansion should occur on the periphery of a townsite and that the creation of new rural lots through ad hoc, unplanned subdivision is inconsistent with the objectives of the State Planning Policy 2.5. DPIRD is guided by the Local Planning Strategy maps when it assesses the loss of productive rural land to other uses.

DPIRD does not support the view that this area was identified in the Shire of Gingin's Local Planning Strategy, 2012, as future 'Rural Residential'. The difference between the Gingin townsite strategic map (a local map), which does not show the 'Rural Residential' area extending into Lot 9501 and the overall Shire of Gingin Local Planning Strategic map (a regional map, which does) demonstrates why generalization and accuracy are related to map scale. DPIRD would assert that when there is a perceived inconsistency between a local map and a regional map, especially in the same document, the detail and position of boundaries of planning zones, presented within the local map prevails. DPIRD concludes this subdivision is unplanned and thus

444 Albany Highway Albany WA 6330
Telephone 08 9892 8444 landuse.planning@dpird.wa.gov.au

dpird.wa.gov.au

ABN: 18 951 343 745

inconsistent with the objectives of the State Planning Policy 2.5. DPIRD does not support this subdivision.

Environmental Management

The site landscape has slope ranging from 4% to 16% and the placement of hard surfaces (i.e. tracks, building) into this landscape increase the risk of surface water movement which could lead to soil erosion. Figure 5 (Scheme Amendment No. 23, p81) show that contour banks have been used to ensure workings have been kept to the contour and surface water was controlled. DPIRD requests a drainage system be designed to maintain and control surface flow rates and volumes (within and from the developed sites) at their pre-development levels. The planning for this project must be 'supported by ... an approved Local Water Management Strategy [that is prepared and implemented] to the satisfaction of the Shire of Gingin'. (p140)

Future for Area 2

If this application is approved, the balance of the Lot will be on the boundary of Gingin townsite. DPIRD can foresee a future application to further expand the 'Rural Living' zone. DPIRD has some concerns about the entirety of this lot being considered for 'Rural Living' purposes. This area contains a number of water courses, DPIRD would not support areas of potential high surface water movement being incorporated into 'Rural Living' zones and would prefer these areas be identified as a managed (rehabilitated) landscape protection zone.

Local Planning Scheme

The new lots will be zoned 'Rural Living'. DPIRD notes that 'Rural Pursuit' is a discretionary use in this zone, with potential activities that include:

- the rearing or agistment of animals;
- the stabling, agistment or training of horses;

To guide the future use of these lots, information is provided for the Stocking Rates (Attachment 1) and the soil-landscape units (Attachment 2).

DPIRD notes that 'Civic Use' is permitted in this zone. DPIRD suggests that in a future amendment to the Local Planning Scheme, this use is changed to 'D' or 'A' to give the shire more discretion for granting this type of development in this zone.

For more information, please contact Greg Doncon on 90813117 or greg.doncon@dpird.wa.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Timothy Overheu". The signature is written in a cursive style with a large, stylized 'T' and 'O'.

Mr Timothy Overheu
**Acting Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**

Attachment 1: Stocking rate

Attachment 2: Dandaragan Buccleugh Subsystem

Attachment 1: Stocking rate¹²

The mapped soil landscape unit is the Dandaragan Buccleugh Subsystem (222DaBH), which has a land capability rating for grazing of B1 which corresponds to a maximum sustainable stocking rate of 6 DSE/ha.

Management plans need to demonstrate how the proposed stocking rate can meet the base stocking rate for a property.

DPIRD cannot support a proposal where the effective stocking rate (stocking rate after the application of management strategies) is unable to meet the base stocking rate for a property.

General points:

- Only areas of open pasture area can be counted when assessing the area available for livestock.
- Areas covered by infrastructure (eg: houses, sheds, tracks, roads, debris etc) and native vegetation cannot be included in the available area.
- Bare areas of soil are by default zero DSE/ha.
- Native vegetation must be protected from livestock by fencing it off. The fence must protect a minimum area equal to the tree canopy radius plus 20% of the canopy radius.
- Where stabling of horses/ponies is proposed, stables must be covered and have an impermeable base (permeability no greater than 1×10^{-9} m/s)
- Groundcover must be a minimum of 50%, with a target of 70% groundcover. This must be maintained at all times of the year.
- A nutrient management plan is required for stock numbers in excess of the base stocking rate, to ensure no leaching of excess nutrients offsite via surface or groundwater.
- Western Australia has a mandatory livestock ownership, identification and movement system, known as the National Livestock Identification Scheme (NLIS). This requires owners of animals, including horses and ponies, to register even if these animals are kept as pets. DPIRD's Brands Office then allocates a property identification code (PIC) to owners, to indicate who owns the animals and where they are kept. This is important for managing any outbreaks of emergency animal diseases such as foot and mouth disease.

¹ *Stocking rate guidelines for rural small holdings*. DPIRD. <https://www.agric.wa.gov.au/small-landholders-western-australia/stocking-rate-guidelines-rural-small-holdings>

² van Gool, D, Angell, K & Stephens, L 2000, 'Stocking rate guidelines for rural small holdings, Swan Coastal Plain and Darling Scarp and surrounds, Western Australia', Miscellaneous publication 2/00, Department of Agriculture and Food, Western Australia, Perth. https://library.dpird.wa.gov.au/misc_pbns/3/

Attachment 2: Dandaragan Buccleugh Subsystem³

SOUTH WEST AGRICULTURE REGION REPORT Printed: 7/20/2022

Map Unit Symbol: 222DaBH **Name:** Dandaragan Buccleugh subsystem

Type: soil-landscape **Rank:** subsystem **Status:** current

Brief description: Gently undulating to undulating rises and hills. Red and brown deep sands

Soil: Red and brown deep sands

Soil notes: Deep red to brown coarse sands and deep brown to yellow fine to medium sand.

Landform: Gently undulating to undulating rises and hills



General photo located in Dandaragan system

Landform pattern:

Landform element:

Relief/modal slope class(s):

Slope:

Morphological type(s):

Occurs in Projects

Code	Name	Mapped (ha)	Scale	Reference	Finish	Reliability
GGE	Gingin East soil survey	74,856	1:100000	Scholz, G.G.H. (Unpublished). Land resource map of East Gingin	1990	Low data quality, midscale or imprecise mapping

³ NRInfo for Western Australia. [Online soil mapping interface]

<https://dpird.maps.arcgis.com/apps/webappviewer/index.html?id=662e8cbf2def492381fc915aaf3c6a0f>

Information modelled from broad scale mapping generalised for whole of map unit as at: 20-07-2022.

Assists, but does not replace on site assessment recommended for an area on an individual property.

Department of Primary Industry and Regional Development (Feedback Welcome: soil.maps@dpird.wa.gov.au)

Map Unit Report: Dandaragan Buccleugh subsystem (222DaBH)

Zone Land Units

WA Soil Groups by Qualifier and Landscape Position in Zone (percent of Map Unit)

WASG Name	Qualifier	Landscape pos	%	MY Soil Name	Simple Landscape
Brown deep sand	poor sand, very deep	slopes 5-10%	30	Coloured sands	Gentle slopes
Red deep sand	poor sand, very deep	slopes 5-10%	18	Coloured sands	Gentle slopes
Brown deep sand	good sand, very deep	slopes 5-10%	10	Coloured sands	Gentle slopes
Brown deep sand	good sand, very deep	slopes 3-5%	6	Coloured sands	Gentle slopes
Red deep sand	poor sand, very deep	slopes 10-15%	5	Coloured sands	Moderate slopes
Brown deep sand	good sand, very deep	slopes 10-15%	5	Coloured sands	Moderate slopes
Brown deep sand	poor sand, very deep	slopes 10-15%	5	Coloured sands	Moderate slopes
Pale deep sand	gritty sand, rock substrate	Poorly drained drainage depression	4	Pale sands	Waterways
Yellow deep sand	fair sand, very deep	slopes 3-5%	3	Coloured sands	Gentle slopes
Brown deep sand	poor sand, very deep	slopes 3-5%	3	Coloured sands	Gentle slopes
Red deep sand	poor sand, very deep	slopes 3-5%	2	Coloured sands	Gentle slopes
Semi-wet soil	deep sand	Poorly drained drainage depression	2	Semi-wet soils	Waterways
Yellow/brown deep sandy duplex	low permeability subsoil	slopes 5-10%	2	Deep sandy duplexes	Gentle slopes
Pale shallow sand	coarse gritty sand	crests & slopes <3%	2	Shallow sand	Gentle slopes
Yellow deep sand	fair sand, very deep	rise >2m	1	Coloured sands	Gentle slopes
Deep sandy gravel	poor sand, deep rock substrate	crests & slopes <3%	1	Gravels	Gentle slopes
Brown deep sand	good sand, very deep	rise >2m	1	Coloured sands	Gentle slopes

Summary MySoil by Simple Landscape (percent of Map Unit)

Simple Landscape	%	Semi-wet soils	Pale sands	Coloured sands	Shallow sand	Gravels	Deep sandy duplexes
Gentle slopes	79			74	2	1	2
Moderate slopes	15			15			
Waterways	6	2	4				

Land Management Units (percent of Map Unit)

LMU	%
Coloured sands on Gentle slopes	74
Coloured sands on Moderate slopes	15
Deep sandy duplexes on Gentle slopes	2
Gravels on Gentle slopes	1
Shallow sand	2

Information modelled from broad scale mapping generalised for whole of map unit as at: 20-07-2022.

Assists, but does not replace on site assessment recommended for an area on an individual property.

Department of Primary Industry and Regional Development (Feedback Welcome: soil.maps@dpird.wa.gov.au)

Map Unit Report: Dandaragan Buccleugh subsystem (222DaBH)

LMU	%
Waterways	6

Soil Series: none allocated

Land Qualities summary - % Map Unit

	Land Quality	Most limiting			Least limiting
1	pH				
1	acidification risk	presently acid: 35%	high: 65%	moderate: 0%	low: 0%
1	0-10 acidity	very strongly acid: 0%	strongly acid: 0%		
1	0-10 alkalinity	strongly alkaline: 0%	alkaline: 0%		
1	50-80 acidity	very strongly acid: 0%	strongly acid: 0%		
1	50-80 alkalinity	strongly alkaline: 0%	alkaline: 0%		
2	SALINITY				
2	surface salinity	extreme: 0%	high: 0%	moderate: 0%	slight to nil: 100%
2	salinity risk	presently saline: 0%	high: 0%	moderate: 0%	nil or partial: 100%
3	SOME PLANT LIMITS				
3	sub surface compact	high: 28%	moderate: 72%	low: 0%	
3	rooting depth	very shallow: 0%	shallow: 0%	moderately shallow: 2%	very deep to mod: 98%
3	water repel	high: 7%	moderate: 89%	low: 0%	nil: 4%
3	water storage	extremely low: 7%	very low: 63%	low: 22%	high to moderate: 8%
4	EROSION				
4	water erosion	extreme: 0%	very high: 2%	high: 19%	nil to moderate: 79%
4	wind erosion	extreme: 0%	very high: 3%	high: 89%	nil to moderate: 8%
4	flood risk (water flow)	high: 6%	moderate: 0%	low: 0%	very low: 94%
4	instability	high: 0%	moderate: 0%	low: 0%	nil to very low: 100%
5	WATER & DRAINAGE				
5	waterlogging	very high: 0%	high: 2%	moderate: 4%	nil to low: 94%
5	site drainage	very poor: 0%	poor: 2%	moderate: 4%	high: 94%
5	phosphorus export	extreme: 6%	very high: 0%	high: 15%	low to moderate: 79%
6	OTHER QUALITIES				
6	excavation ease	very low: 0%	low: 0%	moderate: 19%	high: 81%
6	microbial purification	very low: 6%	low: 4%	moderate: 89%	high: 1%

Land capability assessment (Class %, code and description)

Land Use	Class 1+2 %	Class 3 %	Class 4+5 %	Code	Capability Rating desc
Annual horticulture	0	79	21	B1	>70% of the area is Class 1, 2 or 3
Dry Cropping	0	76	24	B1	>70% of the area is Class 1, 2 or 3
Grazing	2	87	11	B1	>70% of the area is Class 1, 2 or 3
Perennial horticulture	74	5	21	A1	>70% of the area is Class 1 or 2
Vineyards	74	5	21	A1	>70% of the area is Class 1 or 2

Information modelled from broad scale mapping generalised for whole of map unit as at: 20-07-2022.

Assists, but does not replace on site assessment recommended for an area on an individual property.

Department of Primary Industry and Regional Development (Feedback Welcome: soil.maps@dpird.wa.gov.au)

APPENDIX D
SUBMISSION (RATEPAYER)

7 November 2023

Aaron Cook – Chief Executive Officer
Shire of Gingin
PO Box 510
Gingin WA 6503

Dear Mr Cook,

**OBJECTION TO SCHEME AMENDMENT NO.23
PT LOT 9501 CHERITON ROAD, GINGIN**

Reference is made to proposed Scheme Amendment No. 23, lodged with the Shire of Gingin to rezone Pt Lot 9501 Cheriton Road, Gingin from 'General Rural' to 'Rural Living 2'. As¹, I make this submission opposing the scheme amendment.

The below submission contains several extracts taken directly from the planning framework to demonstrate that there is a policy basis to my concerns.

The following points provide a summary of the reasons for objection:

- The proposed amendment is inconsistent with the following planning documents:
 - Local Planning Strategy (the Strategy);
 - Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan);
 - Local Planning Scheme No. 9 (LPS 9);
 - Gingin Regional Land Supply Assessment (2019) (Land Supply Assessment);
 - State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0);
 - State Planning Policy 2.5 – Rural Planning (SPP 2.5); and
 - State Planning Policy 2.5 – Rural Planning Guidelines (the Guidelines).

Departure from the applicable framework referenced above, with no cogent reason for doing so, is inconsistent with the principles of orderly and proper planning.

- The applicant has not accurately outlined the provisions of the Local Planning Strategy, particularly the Strategy maps. The applicant claims that the development is consistent with and identified within the Strategy, which is categorically inaccurate.
- Progression of the amendment will isolate Lot 380 Howes Lane, Gingin. This site is zoned 'General Rural' and will become detached from the rural hinterland. This does not represent a logical interface or transition between rural living and uncoded rural land.
- Fragmenting this land holding into smaller lots represents ad hoc and unplanned subdivision. This will prematurely remove productive agricultural land, a finite resource, from being used for its intended agricultural purpose. The planning framework has been strategically prepared to protect rural land from premature urbanisation and subdivision.
- The proposal is inconsistent with the endorsed settlement pattern that guides the expansion of Gingin and is inconsistent with the current strategic planning framework. The development will set an undesirable precedent for further similar proposals on the periphery of Gingin, and possibly other towns within the Shire.
- Simply being on the periphery of a town is not an adequate reason to support an amendment. The various inconsistencies with the planning framework cannot be diminished or ignored due to the site's location. Proposal must be consistent with the suite of applicable planning documents.

- Creating additional rural living zoned land will contribute to an already oversupply within Gingin, a fact that is supported by the WAPC's Land Supply Assessment (2019).
As an example, occupancy take-up in Country Heights rural living estate is ~10% of the allocated lots. The level of development uptake and occupancy has not reached the required threshold to consider allocating further rural living zoned land within the locality. Scheme amendments such as the proposed must be supported by a need for land supply. An oversupply of rural living zoned land will have undesirable consequences including the endangerment of the viability of future stages of Country Heights Estate. Furthermore, the above issue is compounded considering Lot 83 Cheriton Road, Ginginup is also allocated for ~70 two-hectare rural living zoned lots.

I will next expand on the above-mentioned points.

Background

The current zoning and configuration of Marchmont Estate was designed to provide a logical transition from 'Residential' to 'Rural Living' and then to 'General Rural' zoned land. The locality does not require any further rural living zoned land to create a suitable transition to the rural area, one already exists.

Lot 380 Howes Lane will become detached from the surrounding rural land holdings. This is not a logical transition or well-planned interface. Alienating this property diminishes the existing transition between the zones.

Those who purchased on the periphery of Marchmont Estate did so at a premium, on the basis that Gingin would expand only as the various planning documents suggests. Due diligence as part of land acquisition relies on the planning framework being upheld and administered. Confidence in this process should not be eroded by ad-hoc decision making.

Unplanned sprawl hinders the ability of undeveloped and allocated land within the Strategy from being developed for its zoned purpose. Many landholdings on the periphery of the townsite (i.e., Lot 7 Edgard Street, 105 and 106 Cheriton Road) are supported for infill development. Unplanned sprawl undermines the incentive for these allocated land holdings to be developed.

It should be noted that this proposal does not represent infill development or a logical 'rounding off' of a gap in an earlier subdivision. The proposal represents unplanned sprawl into a rural landholding that is not identified on any relevant strategic map or related instrument.

It is understood that various community members considered a similar proposal in 2010 by the same applicant and landowner. It is also understood that Council at the time refused the proposed road reserve on the same alignment, and the accompanying subdivision proposal to fragment this site.

Assumedly, the applicant/landowner aware of the Shire's position opposed to fragmenting rural land and that this site is not part of the settlement hierarchy envisioned for Gingin. Therefore, the applicant/landowner should not be shocked by Council's decision not to initiate virtually the same proposal that was also rejected over a decade ago. Since that time the planning framework has become more robust in protecting rural land. Being persistent does not mean that the decision should somehow change, especially when the proposal lacks merit.

Shire of Gingin Local Planning Strategy (2012) (the Strategy)

The Local Planning Strategy was endorsed in 2012 and continues to provide a relevant strategic direction for the Shire of Gingin. The Shire has not experienced dynamic or significant growth like many parts of the metropolitan area. The Strategy has remained entirely relative with no pressing need for change.

Clause 2.3.5 – Rural Living Land Supply states:

Given the current extent of rural living land, and the amount of undeveloped rural living allocated land, there is a strong rationale to limit the expansion of this form of development....

Clause 2.3.6.2 – Rural Areas states:

Rural land is a finite resource in the Shire of Gingin and represents the only land available for diverse, sustainable rural activities and potential non-rural growth and development opportunities in the very long term. The ability of rural land to sustain its primary function and utility is threatened by instances where rural land is seen as a resource for subdivision.

The amount of allocated rural living zoned land in close proximity to the proposed site is substantial. There is no demand that warrants creation of more. This proposal is simply viewing the Cheriton Valley as a resource for piecemeal subdivision. The land has high agricultural usability and the Strategy suggests the land should be protected from premature urbanisation, not seen as resource for subdivision.

The Shire's other rural living estates, all 8 of them, are typically located on land that is not conducive to agricultural pursuits. Prematurely fragmenting good quality agriculture land is inconsistent with the Strategy.

Strategy Mapping

The applicant has magnified the 'Local Planning Strategy Map' (by my calculation over 500%) to outline an encroachment of the adjoining rural living hatching into the subject land. This is seemingly the basis for the claim that the amendment is consistent with and identified under the Strategy mapping.

The Strategy map covers an area of 3,223km. There are many examples on the broad brush 'Local Planning Strategy Map' where zone hatchings extend beyond precise lot boundaries (due to the scale).

As an example, if using the locality map as a basis for identifying specific land parcels, the Gingin Brook is identified for future use as a railway line, it's simply illogical. This is not an appropriate map to guide the amendment and to do so does not represent a sensible application of the Strategy maps.

The Strategy contains specific maps for each townsite, at a legible scale. The 'Gingin Townsite Strategic Map' is the relevant mapping tool that sets out the vision for the expansion of Gingin and has been omitted from the proposal. The assertion being made by the applicant that the amendment is identified in the Strategy is therefore categorially inaccurate. This position is not a strict interpretation of the Strategy mapping, rather the proper interpretation of the Strategy mapping.

Both maps have been provided as **Attachment 1** and **Attachment 2** respectively.

It should be noted that various land is set aside for rural living purposes within the 'Gingin Townsite Strategic Map' to fulfil the objectives of the Strategy. The subject land is not identified.

The proposal is inconsistent with the Local Planning Strategy.

Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan)

The 'Gingin Townsite and Rural Surrounds Structure Plan' represents the next progressive document in the strategic planning framework and presents a vision until 2031. It is also endorsed by the WAPC.

Clause 2.9 – Growth trends states:

The growth in rural living development presents an opportunity to provide alternative lifestyle lots for community members who wish to experience a rural lifestyle in close proximity to Perth and its conveniences. However, it also presents a threat to the retention of viable agricultural land. Continued pressure for rural fragmentation requires balance against the need to protect agricultural industry on large, viable rural lots.

Two relevant maps are:

Figure 8 - Gingin Townsite and Rural Surrounds Structure Plan; and

Rural Living - Future Planning - Scheme amendment and subdivision guide plans.

These above figures are provided as Attachment 3 and Attachment 4 respectively.

The subject land is not identified for rural living purposes in either plan. This is consistent with the applicable map under the Local Planning Strategy thereby reaffirming that this is not an oversight, but an intentional omission.

The extent of the encroachment proposed will fragment a large, viable agricultural lot. The site has been used for agricultural pursuits since gazettal of Gingin as a townsite. The site abuts other large, intact viable agricultural land holdings/uses.

Decisions on amendments must be carefully balanced. No information has been presented that warrants fragmentation or endangerment of existing agriculture pursuits in the Cheriton Valley. Simply being on the periphery of an existing estate with convenience to services is not the only consideration for rezonings. Unplanned sprawl into the agricultural landscape is inconsistent with the Structure Plan.

ROAD

It is understood that the landowner has circulated information to select community members during the consultation process. Such information has interfered with the objectiveness of the public consultation process and exaggerates traffic along Cheriton Road and McHavloe Drive.

The claim that the subdivisional road would function as a 'much needed' bypass road and that McHavloe Drive is already suffering from increased traffic is fictitious. It is most certainly not my experience living adjacent to McHavloe Drive for the past 6 years.

Section 2.8.1 – Road states:

Previous proposals for a bypass road between Cheriton and Dewar Roads, as shown in the 1999 Gingin Expansion Plan, have not been included in strategic road planning.

Notwithstanding that a bypass road from Cheriton Road to Dewar Road was considered as part of the 1999 Gingin Expansion Plan, this desire fell away as part of the current 2012 version as referenced above.

For background, there was previously indecision regarding the route heavy vehicles would use to access the Fernview Landfill site on Cullalla Road South. Council initially supported use of Cheriton Road based on a bypass road diverting heavy vehicles from the townsite, hence the inclusion in 1999 Gingin Expansion Plan. This position was ultimately vacated in favour of heavy vehicles using Wannamal Road West, thus the need for a bypass linking Dewar Road and Cheriton Road fell away.

What the landowner did not disclose in the information distributed to select community members is that he previously sought approval for a road reserve along the very same alignment of the subdivisional road forming part of this amendment. Many landowners that experienced that process have advised me that they are dismayed that once again the landowner is seeking approval for essentially the same proposal. A proposal to fragment the Cheriton Valley under the disguise of generously offering a location for a bypass road that is not required.

The proposed subdivisional road is less than 400m from McHavloe Drive. It offers no real benefit as a secondary access route as it only removes 400m off the distance travelled. The landowners ultimate desire to progress 'Stage 2' north of the subdivisional road seems to defeat the purpose of diverting vehicles from Marchmont Estate, as it would still dissect future rural living lots.

The structure plan represents the settlement hierarchy for the expansion of Gingin. The proposal is inconsistent with the Structure Plan.

Local Planning Scheme No. 9

The purpose of LPS 9 is to, amongst other things:

- *set out the local government's planning aims and intentions for the Scheme area;*

...

- *control and guide land use and development;*

The aims are important in setting the context and explaining the general intentions underlying the scheme. The aims provide a broad indication of what the scheme is trying to achieve and the general directions for land use and development in the Shire.

The relevant aims contained within LPS 9 are outlined below with a brief comment:

- (a) *Promote the planned expansion of all town sites and encourage the consolidation and expansion of services and facilities within town sites.*

The development would need to be identified under the Strategy and the Structure Plan to qualify as a 'planned' expansion of the townsite. Neither document identify this land for the proposed purpose. Furthermore, the land is not within or abutting the Gingin townsite.

- (f) *Protect the rural land resource by promoting a strong presumption against unplanned fragmentation of rural land.*

The proposal fragments rural land which LPS 9 specifically aims to prevent.

- (j) *Support subdivision of rural land which is consistent with the preferred settlement strategy, and which facilitates the ongoing productive rural use of the land.*

The preferred settlement strategy is that which is outlined under the Structure Plan. The proposed amendment is therefore undoubtedly inconsistent with the aims of LPS 9.

Clause 3.2.7 of LPS 9 outlines the objectives of the 'General Rural' zone, one of which states:

- d) *Provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.*

The Cheriton Valley contains various agriculture extensive pursuits, a vineyard and olive grove. This amendment will introduce multiple sensitive receptors into the agricultural region, threatening the continuation or expansion of agricultural activities due to separation distances restrictions.

The proposal is inconsistent with the aims and the intent of LPS 9

Gingin Regional Land Supply 2019 (Land Supply Assessment)

This document was prepared by the DPLH in 2019 to provide guidance for land-use planning to ensure land supply meets projected population growth. The Land Supply Assessment represents the most current land supply data.

The Land Supply Assessment outlines that the current stock of residential and rural living zoned land exceeds the projected demand generated by population growth.

The proposed amendment report concedes that the Land Supply Assessment establishes a position to limit expansion of rural living development to those identified on the Strategy map and further concedes that this site is not identified on the Land Supply Assessment maps.

Key findings of the GRLSA are:

Given the current stock of undeveloped land zoned for rural living purposes, the local planning strategy outlines a strong rationale to limit the re-zoning of land for rural living purposes in the short to medium term (10-15 years).

Clause 5.9 - Adequacy of Supply

There are sufficient stocks of residential and rural living land identified to meet population growth into the long term.

The Land Supply Assessment explicitly identifies that an adequate rural living land stock currently exists to meet population demand into the long term.

Clause 6 - Rural Living

The local planning strategy also establishes a policy position to limit expansion of rural living development to existing areas in the Shire and those identified on the local planning strategy map.

Map 6 and 7 (see attachment 5 & 6 respectively) of the Land Supply Assessment outline the forecast development outlook. The subject property is not identified in this forecast.

The land supply assessment acknowledges that the Strategy position is to limit rural living areas to those identified on the Strategy Map. To emphasise the point, the subject site is not identified on the following maps:

- Local Planning Strategy - Gingin Townsite Map
- Gingin Townsite and Rural Surrounds Structure Plan: Future Planning - Scheme Amendments
- Gingin Townsite and Rural Surrounds Structure Plan: Subdivision Guide Plan
- Land Supply Assessment – Map 6
- Land Supply Assessment – Map 7

The findings of the Land Supply Assessment are consistent with the Strategy position, being that sufficient rural living zoned land currently exists and that unplanned expansion shall not be supported.

The proposal creates additional rural living land that is not identified in the forecast development outlook of the Land Supply Assessment. The proposal will therefore add to an existing surplus of rural living zoned land.

The proposal is inconsistent with the Land Supply Assessment.

State Planning Policy 2.5 – Rural Planning (SPP - 2.5)

SPP 2.5 includes policy measures aimed at protecting rural land.

Clause 5.1 - Protection of rural land and land uses

The WAPC will seek to protect rural land as a State resource by:

- (a) *Requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme;*

The proposed amendment represents a land use change that is not identified in the Strategy, I.PS 9, the Structure Plan or Land Supply Assessment. The proposal is categorially inconsistent with this policy measure.

Clause 5.3 – Rural Living

- (a) *Rural living proposals shall not be supported where they conflict with the objectives of this policy or do not meet the criteria listed at 5.3 (b) and (c);*
- (b) *The rural living precinct must be part of a settlement hierarchy established in an endorsed planning strategy;*

The proposal does not form part of the approved settlement hierarchy established under the Strategy. The wording above leaves little doubt as to how the proposal should therefore be determined. The proposal undoubtedly conflicts with this policy measure.

The proposed amendment is inconsistent with SPP 2.5.

State Planning Policy 2.5 – Rural Planning Guidelines (Guidelines)

The Guidelines provide explanatory detail to assist the implementation of SPP 2.5.

Clause 4.5 - Addressing demand

There should be genuine demand for potential land uses in a local government area before land is allocated in strategies or initiated through a scheme amendment. Rural residential land should be guided by existing land supply and take-up, dwelling commencements, and population projections to help prevent development that is ad-hoc, isolated from amenities and difficult to service".

Matters to consider in relation to demand include:

- *Is the projected demand based on evidence of actual use and development of the land?*
- *Is the evidence based on a sufficient period of time to allow for fluctuations in demand?*
- *Have previous similar developments achieved a sufficient level of occupancy? An occupancy/development completion rate of approximately 60 percent for existing developments is suggested before new development is proposed.*

Country Heights constitutes a similar development situated within the locality. The estate has an approximate ~10% occupancy / development completion rate which is far from the 60% occupancy rate referenced above. The proposal is premature.

Further rural living land supply should only be contemplated based on factual evidence of demand. The current Land Supply Assessment, as outlined above, concludes that a surplus of allocated rural living zoned land is currently available to meet populations forecasts into the long-term. This plainly proves that projected demand does not exist. The applicants' comments in this regard are speculative.

The proposed amendment is inconsistent with SPP 2.5 Guidelines.

State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0)

SPP 3.0 sets out the principles and considerations which apply to planning for urban growth and settlement in Western Australia. The purpose of the policy is to facilitate sustainable patterns of urban growth and settlement.

Clause 5.6 - Managing Rural-Residential Growth

Planning for rural residential (living) development should - ...

- *Take a realistic approach by allocating land based on forecast estimates of demand for rural living not on the speculative development of land.*

As outlined above, the current Land Supply Assessment concludes that the Shire is serviced by an excess of rural living zoned land. This is simply another SPP provision that the proposal does not satisfy. To suggest there is demand for this amendment is purely speculation. Any claim to the contrary is inconsistent with the Land Supply Assessment commissioned and approved by the WAPC.

The proposed amendment is inconsistent with SPP 3.0.

Country Heights Estate – Rural Living Land Allocation

Country Heights represents a similar development of 313 rural living lots. Combined with the neighbouring Lot 83 Cheriton Road, Ginginup there are ~385 allocated rural living zoned lots in the immediate locality. This provides a significant stock of rural living zoned land to meet population projections and satisfy demand into the future.

It is understood that the developer of Country Heights has invested millions of dollars on infrastructure supporting the estate. It is assumed that infrastructure expenses would be incurred by the developer on the undertaking that land would be released and developed consistent with the local and state planning framework, in response to current land supply data.

To suggest that 'only 12 lots' does not represent an oversupply to the market depends on which lens you are looking through. The loss of 12 potential sales represents lost revenue to Country Heights, an amount that would go some way in recouping the costs that have been incurred to date.

By supporting an amendment that is not planned or promoted in any planning document will no doubt erode the confidence in prospective developers pursuing future ventures within the Shire of Gingin.

The same principle applies to Lot 83 Cheriton Road, Ginginup. Why would this preexisting development proceed on the risk that land supply will be released on an ad hoc and unplanned basis?

This amendment would therefore set an undesirable precedent.

Orderly and Proper Planning

The term 'orderly and proper planning' is one that is used often by town planners, decision-makers and tribunals as a test to determine whether approval of an application should be given. Below provides a brief and logical overview of what orderly and proper planning encompasses:

If the exercise of discretion is to be an orderly one, the planning principles identified as relevant to an application should not be lightly departed from without the demonstration of a sound basis for doing so which basis is itself grounded in planning law or principle. A broad range of considerations may be relevant in that context. (Marshall v Metropolitan Redevelopment Authority [2015] WASC 226)"

It requires the consideration of whether an application is consistent with the aims, objectives and measures that are set out in the local and state planning framework. The methodical overview and scrutiny of the proposal against the local and state planning framework outlined above reveals that the proposed amendment is inconsistent with every planning document that guides the decision-making process.

There is no cogent reason to depart from the principles contained within the suite of planning documents. No information has been presented that indicates why a departure from the Strategy, the Structure Plan, Land Supply Assessment and various SPPs is warranted.

To support the proposed amendment would not be disciplined, consistent (with previous decisions) or reflect the planning framework. Progression of the proposed amendment would represent a departure from the planning framework with no sound planning evidence to support such departure.

Progression of the amendment is wholly inconsistent with the principles of orderly and proper planning.

General Comment

To speculate that a subdivision road may offer some additional benefit as a bypass road to connect to Cheriton Road has no nexus to the planning framework as it stands.

It does not recognise the intent of the bypass road, being to remove heavy vehicles from the townsite as a result of a historical landfill proposal that no longer applies to the locality. If there was a need and a statutory requirement for a 'bypass' road to service vehicles associated with Country Heights, the developer of Country Heights would have been required to install one.

Summary

The above submission has demonstrated, with specific examples, multiple inconsistencies with the local and state planning framework.

There is a theme and consistency throughout the local planning framework that this property does not form part of the settlement pattern to expand the Gingin townsite and rural surrounds. The local planning framework provides a strong presumption against the premature fragmentation of rural land, particularly large parcels with agricultural usability. The local planning framework emphasises that the Shire of Gingin is serviced by a surplus of rural living zoned land and that further subdivision will not be supported.

There is a theme throughout the state planning framework that land supply should correlate with demand, not be based on speculation. That occupancy and development uptake for similar developments must reach at least 60% prior to new development being created. The state planning framework advises that rezoning and expansion must form part of the preferred settlement hierarchy, or it 'shall not be supported'.

The theme within the Land Supply Assessment supports the position of the local planning framework, being that a surplus of allocated rural living zoned land exists. It outlines that the existing stock of allocated rural living zoned land sufficiently caters for population projections into the long term.

Support of the proposed amendment is premature and would unfairly prioritise the landowners' desire to subdivide the land at the detriment of existing and identified developments. The proposal will jeopardise agriculture pursuits within the Cheriton Valley, adversely impact the amenity of adjoining landowners and ultimately adversely impact the community as whole should precedent be set.

Support of this amendment would therefore be inconsistent with the local and state planning framework. No facts have been presented by the applicant that warrant a departure. The principles of orderly and proper planning must be applied and upheld.

The process to date has damaged the integrity of the Gingin Shire Councils autonomy. The democratic decisions of Council have been overridden by the Minister based on misrepresentations under the Section 76 application. While it is appreciated that the ultimate decision on scheme amendments rests with the Minister, exercising a power to invalidate a local government should be reserved for matters of particular state significance – not to appease aggrieved applicants and landowners that embark on proposals that clearly conflict with the planning framework.

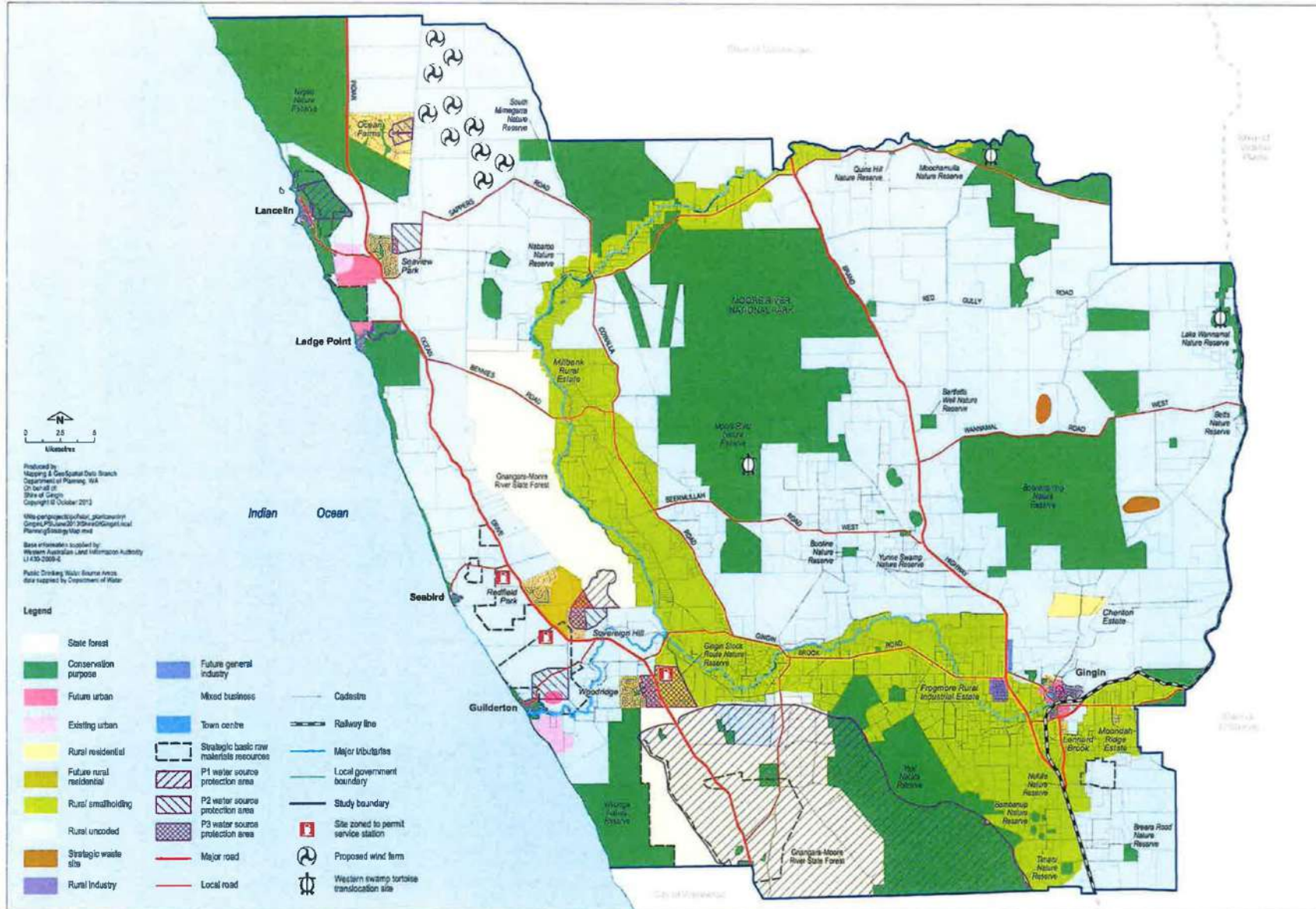
Council is elected to represent their constituents and should be supported when administering the planning framework, especially when pressured by a persistent developer.

In view of the above, it is respectfully requested that Council, the DPLH and the Minister for Planning resolve not to progress this amendment.

Regards,

ATTACHMENT 1

Shire of Gingin - local planning strategy

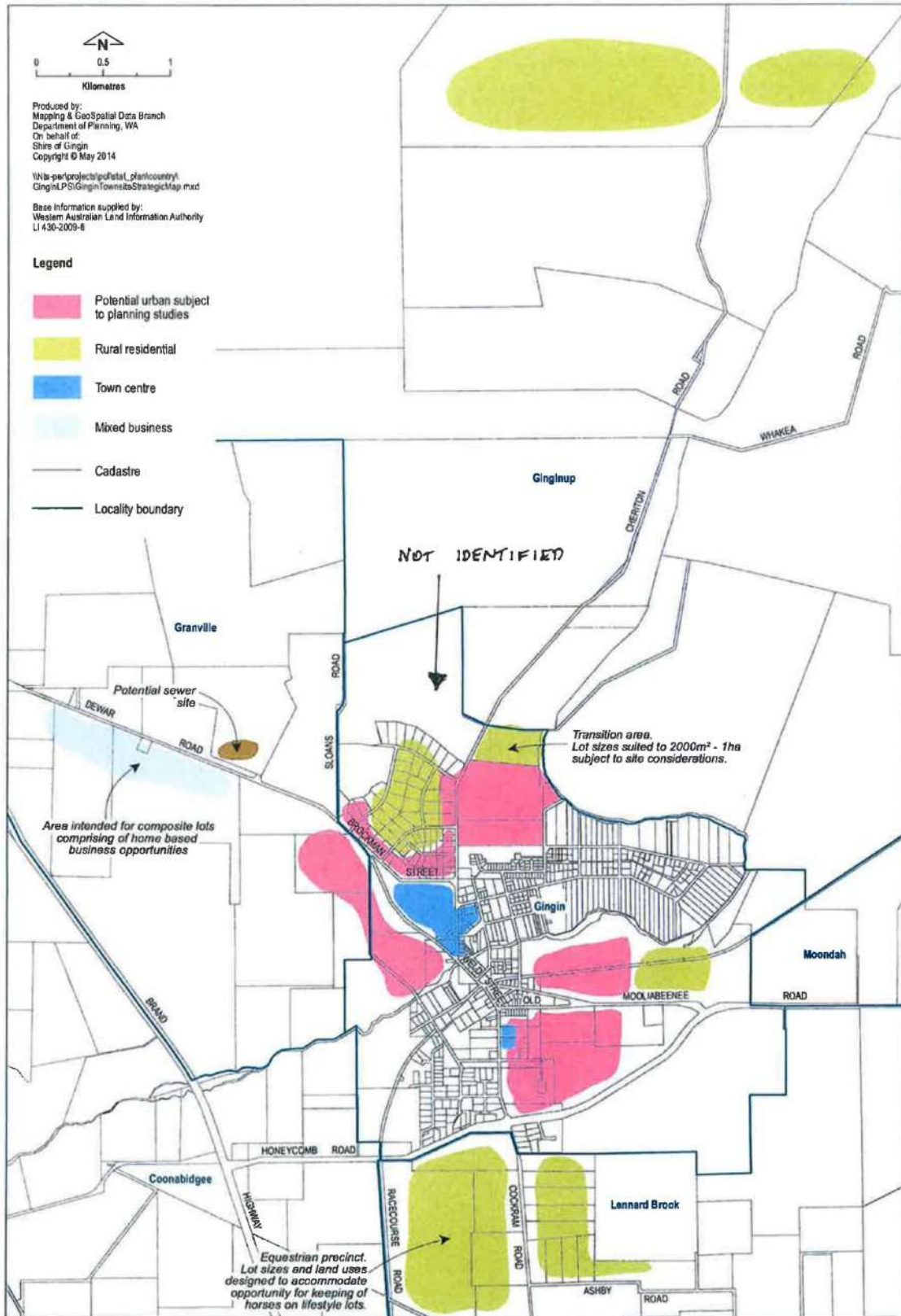


Shire of Gingin - Local Planning Strategy map

Figure 2

ATTACHMENT 2

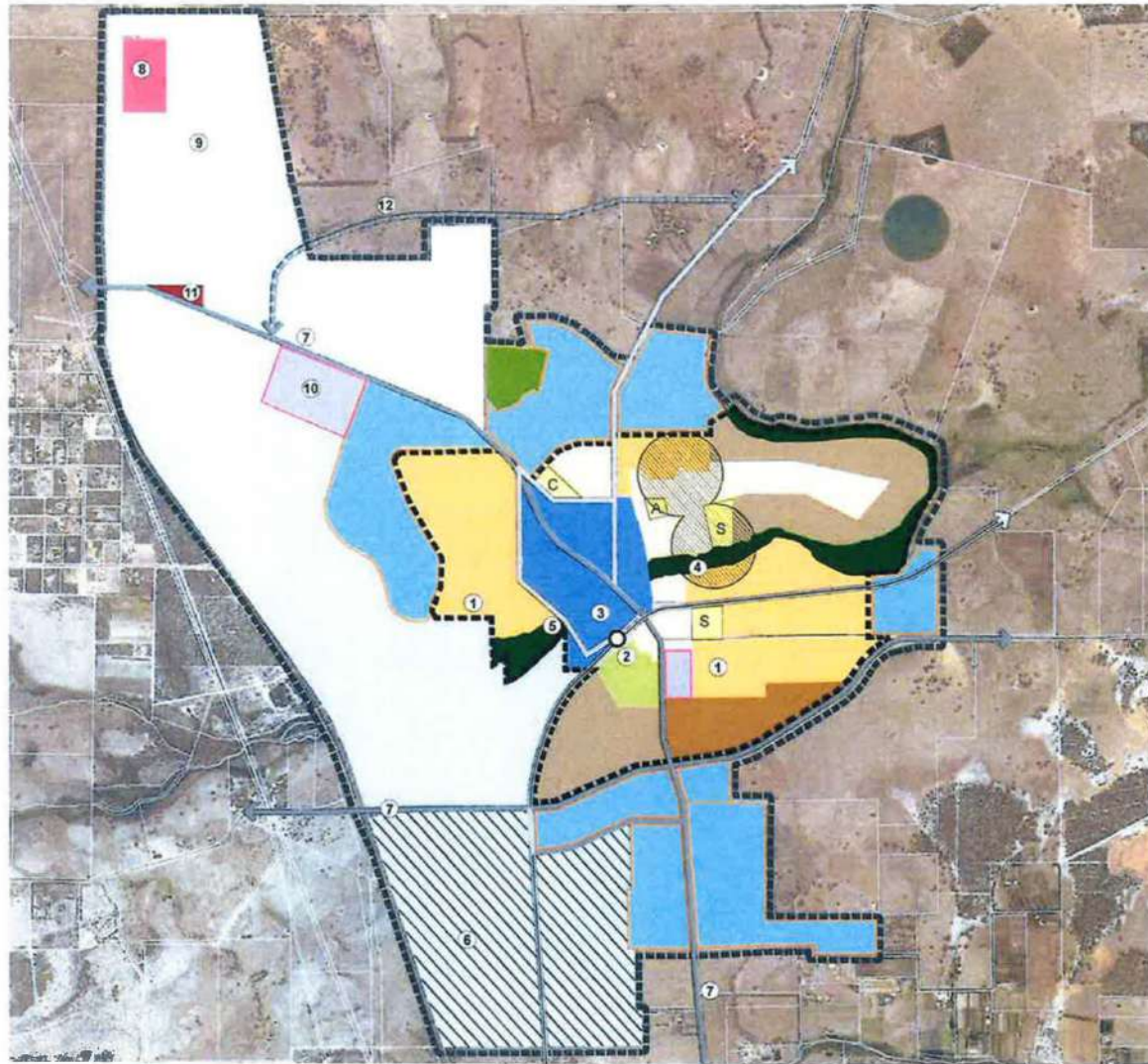
Shire of Gingin - local planning strategy



Gingin townsite strategic map

Figure 3

ATTACHMENT 3

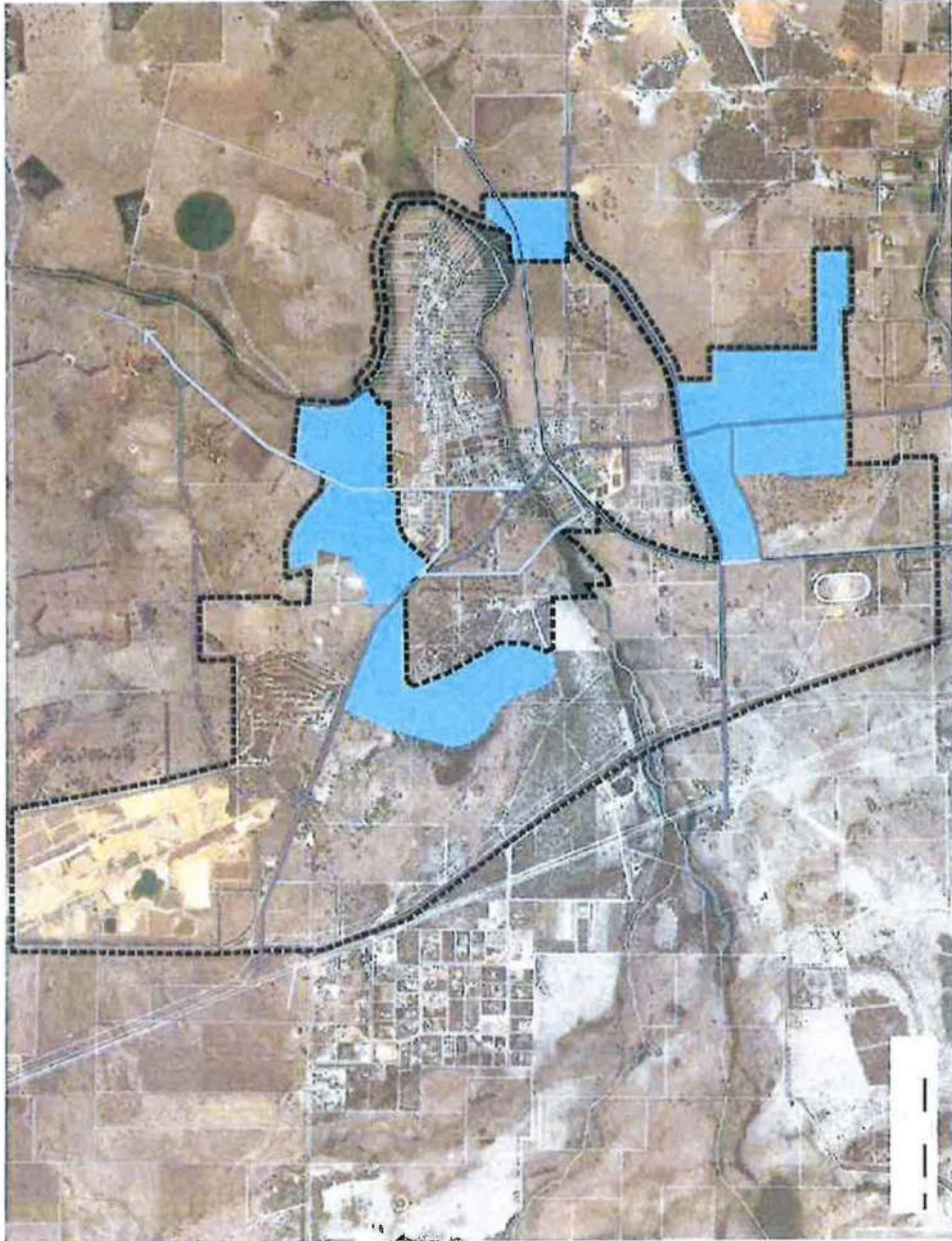


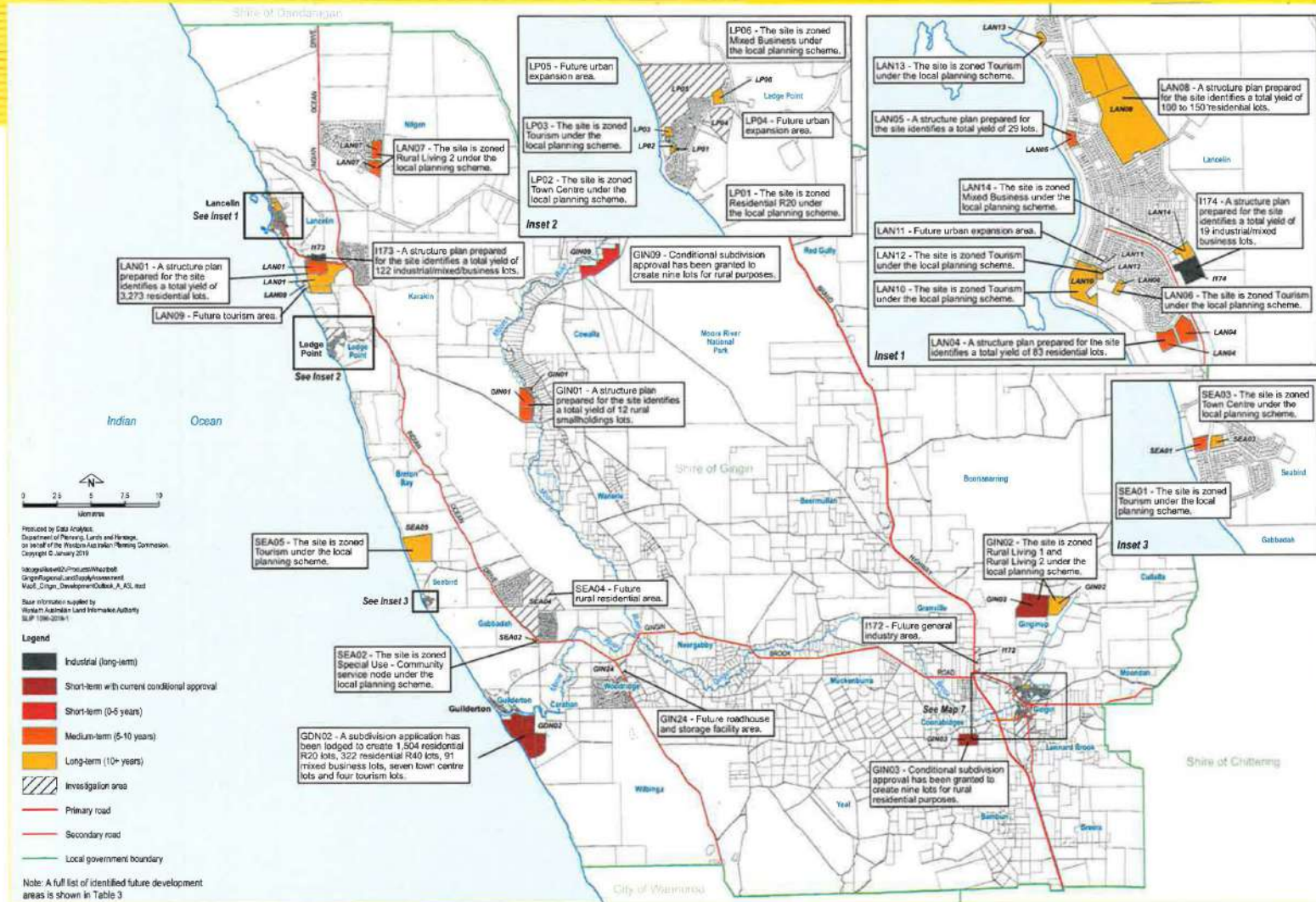
Gingin 2031

Figure 8 - Gingin Townsite and Rural Surrounds Structure Plan

ATTACHMENT 4

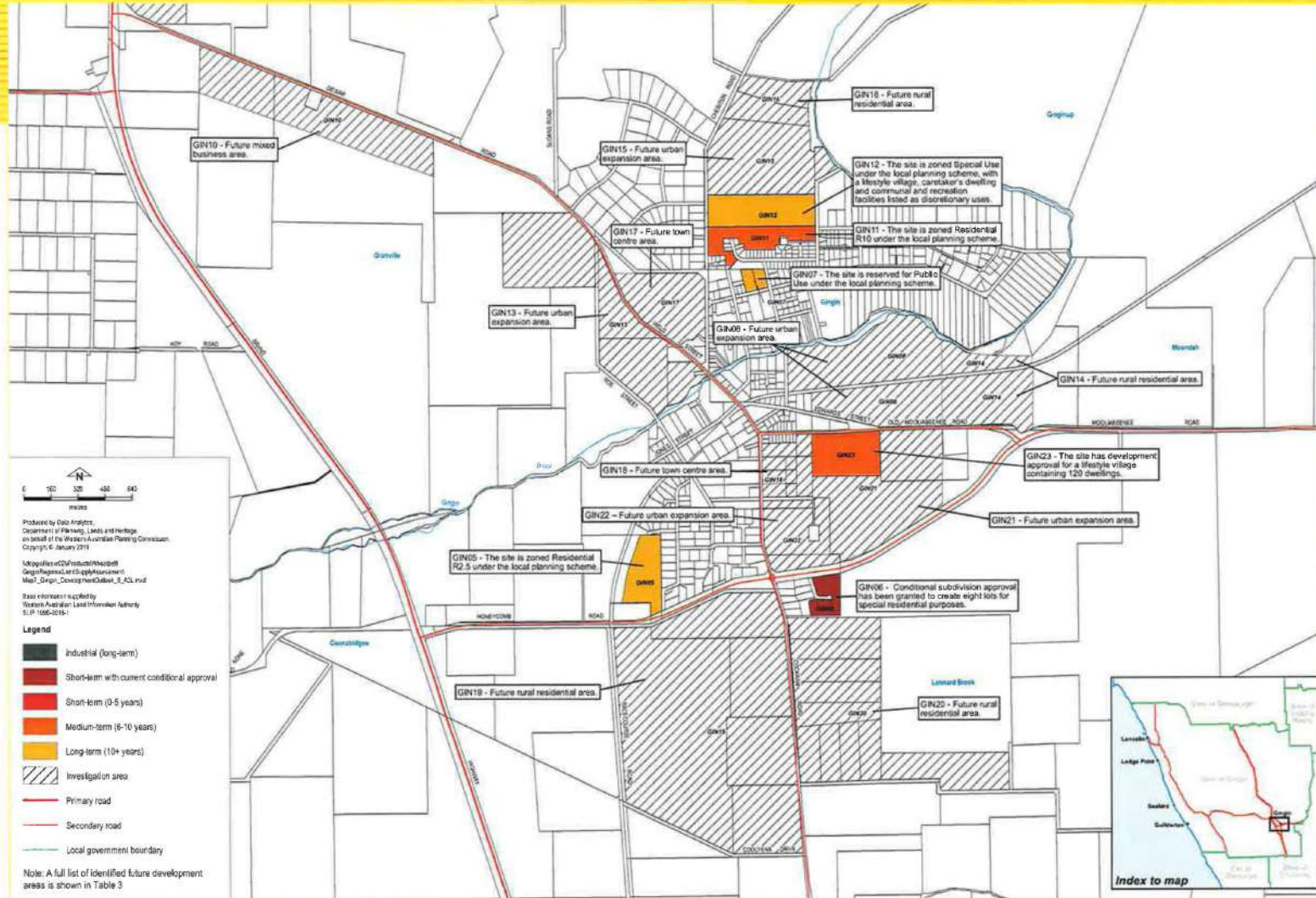
Rural Living – Future Planning – Scheme amendment and subdivision guide plans
Gingin Townsite and Rural Surrounds Expansion Plan





Map 6: Development outlook (staging) A

ATTACHMENT 5



ATTACHMENT 6

Map 7: Development outlook (staging) B

**APPENDIX E
SCHEDULE OF SUBMISSIONS**

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

NO	SUBMITTER	SUBMISSION DETAILS	APPLICANT RESPONSE
1	DPIRD	<p>COMMENT:</p> <p>The Department of Primary Industries and Regional Development (DPIRD) has concerns about the proposal being unplanned and it being inconsistent with the objectives of State Planning Policy 2.5 – Rural Planning (SPP2.5). Does not support the subdivision.</p> <p>Does not consider it to be consistent with the Shire’s Local Planning Strategy (LPS) and believes that the more detailed local mapping (Gingin townsite strategic map) should prevail.</p> <p>Drainage system must be designed to maintain and control surface water flow rates and volumes (within and from developed sites) at their pre-development levels.</p> <p>Concerned about entire lot being developed (including Area 2) as it contains a number of water courses. No supportive of areas of potential high surface water movement being incorporated into ‘Rural Living’ zones and would prefer these areas to be managed (rehabilitated) landscape protection zone.</p> <p>See attached PDF.</p>	
2	DWER	<p>NO OBJECTION:</p> <p>DWER has considered the proposal and has no objections and no further comments. The associated LWMS (Barley Environmental Service, December 2021) has also been assessed and can be considered ‘endorsed’ by the Department.</p>	
3	DMIRS	<p>NO OBJECTION:</p> <p>The Department of Mines, Industry Regulation and Safety (DMIRS) has determined that this proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials.</p> <p>DMIRS lodges no objections to the scheme amendment.</p>	
4	Harley Dykstra, applicant	<p>COMMENT:</p> <p>On behalf of the landowner/applicant submits an objection to the inclusion of special provision 5B and 5C, both of which relate to the provision of a road network that services needs beyond the particular rezoning area.</p>	<p>HD do not address this one.</p>
5	Dynamic Planning & Developments	<p>OBJECTION: Objection on behalf of Claymont and Country Heights Estate.</p> <p>The subject site is not identified in the current strategic planning framework for consideration as ‘Rural Living’ zoned land, including under the Shire’s LPS and the Gingin Townsite and Rural Surrounds Structure Plan.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>There is a considerable amount of existing zoned 'Rural Living' land in and around the Shire Gingin that has not been developed and it will be a number of years before saturation is achieved.</p> <p>The proposal is inconsistent with SPP2.5 and the associated guidelines, which requires that rural living areas be identified in a local planning strategy, scheme or structure plan before that are contemplated and that additional rural development should be guided by existing land supply and take up.</p> <p>The proposal to create additional 'Rural Living' zoned land is inconsistent with the aims of the Shire's Local Planning Scheme No. 9 (LPS9) which promotes the planned expansion of all townsites, the protection of the rural land resource with a presumption against unplanned fragmentation of rural land and supporting the subdivision of rural land that is consistent with the preferred settlement strategy.</p> <p>See attached PDF.</p>	
6	Ratepayer	<p>OBJECTION:</p> <p>Objection to any further subdivision or rezoning to accommodate residential development within the area known as the Cheriton Valley on the grounds that rural living opportunities can be met from existing subdivisions and we should preserve the spectacular and highly regarded rural landscape and amenity of the area for present and future generations.</p> <p>Gingin is well served with options to purchase fully serviced blocks in the existing subdivisions of Marchmont, Honeycomb, Country Heights (around 200 blocks in stages 2, 3 and 4).</p> <p>The proposed development on Mooliabeenie Road and in the Townsite itself. The addition of the new "Brookview" subdivision adds more options to the mix.</p>	
7	Ratepayer	<p>OBJECTION:</p> <p>Objections raised as per Submission 6.</p>	
8	Ratepayer	<p>OBJECTION:</p> <p>Objections raised as per Submission 6.</p>	
9	Ratepayer	<p>COMMENT:</p> <p>Comments on historic dealings between developer, landowners and purchasers on another previous subdivision (Marchbank).</p> <p>No planning considerations applicable.</p>	
10	Ratepayer	<p>OBJECTION:</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>After conducting due diligence and considering the local planning framework, the submitter purchased property in Marchmont Estate as there were no plans to rezone or develop the adjacent rural land.</p> <p>They value the rural outlook of their property and their areas role as a buffer between rural living and rural land.</p> <p>Comments provided on the accuracy of information distributed by the developer to community members.</p> <p>The submitter expressed concerns relating to:</p> <ul style="list-style-type: none"> • The impact of the proposal on existing rural amenity and property values for residents on Mchavloe Drive and Howes Lane, particularly development along the northern aspect. • That Shire ratepayers would be expected to contribute financially to the construction and/or upgrade of Sloans Road where it connects to the proposed subdivision. The submitter does not support funding of upgrades relating to subdivisions that solely benefit the developer. • Drainage impacts due to soil and gradient at the proposal site. • Homeowners on Mchavloe Drive and Howes Lane will no longer be able to redirect water along eastern and western boundaries to the land to the north and this will have financial implications for the Shire to finance a new drainage solution/upgrade to Mchavloe Drive and Howes Lane. • The proposal being inconsistent with the Shire's LPS. 	
11	Ratepayers (Comprises two interrelated submissions)	<p>SUPPORT:</p> <p>Proposal provides a unique opportunity to create a town bypass route that relieves existing traffic using Mchavloe Drive and Cheriton Road to access Brand Highway with minimal disruption to the landscape. This will also reduce Shire upkeep costs on existing roads.</p> <p>Amendment No. 23 will increase the attractiveness of Gingin as a sought-after location for families that would increase the values of properties and increase the revenue of the Shire so more money could be spent on upgrades. The proposed bypass road would be a fraction of the cost of the original one and is a must to keep traffic away from homes.</p> <p>The proposal will ensure that lots will transition in an orderly manner from Marchmont that are 1 acre to 1 hectare to the rezoned area lot sizes of 2 hectares. This will keep the country look on that road.</p>	

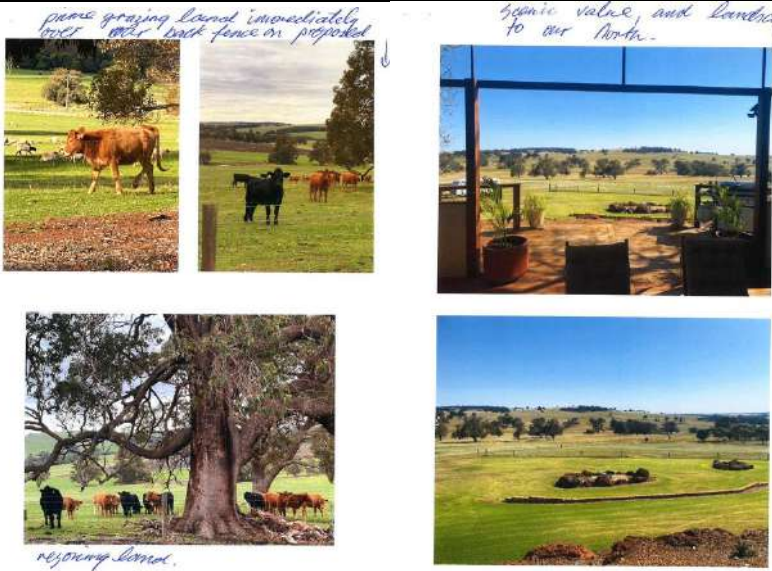
**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		The proposal makes sense under the Shire of Gingin LPS for the future of rural residential. Expansion would only be possible adjacent to the existing town and townsite services and this rezoning will tick all the boxes.	
12	Ratepayer	<p>OBJECTION:</p> <p>The blocks on the northernmost boundary of Marchmont Estate were purchased due to uninterrupted views and no through traffic. The blocks were sold with no caveats on future subdivision. This was why the blocks were more appealing and expensive to buy.</p> <p>Submitter notes amenity values of the rural landscape and environment of the Cheriton Valley and expresses concerns relating to:</p> <ul style="list-style-type: none"> • The impact of the proposal on local amenity. • Acoustic impact of the development on health due to background noise and impact on quiet rural amenity. • Environmental impacts of development on the waterway, underground water table and wildlife. Notes Shire's responsibility to protect the environment. 	
13	Ratepayer	<p>OBJECTION:</p> <p>Objections raised as per Submission 6.</p>	
14	Ratepayer	<p>OBJECTION:</p> <p>The submitter purchased land after establishing there was no local government plan for future development on their rural outlook in the mid to long term.</p> <p>Concerned that the urban sprawl of Gingin town could destroy the ambience, beauty and tranquillity of the Cheriton Valley, which would adversely impact the community.</p> <p>Concerned regarding the potential cost to the Shire (therefore ratepayers) for upgrading drainage of Mchavloe Drive. At present it drains onto the submitters property which then flows through and out onto the rural land. Notes additional costs for Shire to upgrade existing roads to service the proposal.</p> <p>Notes ample rural living and urban land already available in the Gingin town planning scheme and that there is also the Country Heights development 5 to 6 kms north along Cheriton Road.</p>	
15	Ratepayer	<p>OBJECTION:</p> <p>Purchased land on the basis that the property adjoined rural zoned land with no information available indicating that the land to the north would be changed from rural to rural living.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

	<p>Rezoning of the land to the north will affect their amenity as they enjoy the rural aspect to the north, the views are amazing and will be lost if the rezoning goes ahead, not to mention associated drainage issues with water as it leaves their property.</p> <p>Traffic flows on Mchavloe Drive will not be affected as the majority of traffic from Country Heights will and should pass through the town centre.</p> <p>Drainage will be a major issue. There are enough drainage issues within the Marchmont Estate as it is, the rate payers should not have to fund extra works to satisfy the development and ongoing maintenance.</p> <p>Notes that the proposed subdivision will take up prime agricultural land that should be protected from development.</p> <p>Notes the proposal is inconsistent with the objectives of the General Rural Zone in the Shire's LPS9 in respect to the protection of agricultural activities and maintenance and enhancement of environmental qualities.</p> <p>The Cheriton Valley with all its rural and scenic appeal should be free from any further subdivision as this valley encompasses the Gingin Brook and has been identified as prime agricultural / grazing land. Future generations and tourists should be able to enjoy the valley as it is. There is more than enough rural living zoned land at the top of the valley (Country Heights Estate).</p> <p>Property values will decrease markedly along Mchavloe Drive if this rezoning goes ahead.</p>	
--	---	--

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p><i>please grazing land immediately over 100m back fence in proposed</i></p>  <p><i>scenic value, and landscape to our North.</i></p> <p><i>rejoicing land.</i></p>	
<p>16</p>	<p>Ratepayer</p>	<p>OBJECTION:</p> <p>As a farmer across the road, the submitter is concerned with the water runoff caused by the potential subdivision, in particular the runoff from future roads and drainage. The water is already traversing through the submitter's block from runoff on Lot 9501. Currently the water hits Cheriton Road and is then directed through a culvert which eventually finds its way to the submitter's block and in heavy rainfall, floods the bottom 2 paddocks closest to the brook. These two blocks are lost for any form of agriculture. Water runoff from Marchmont Estate heads the same way to exacerbate the problem. If the plan is to trap water in dams, then they eventually overflow, causing the same problem.</p> <p>The Cheriton Valley is pristine agricultural land that supports grazing, cropping, horticulture and future agricultural enterprises consistent with the intent of the Shire's LPS.</p> <p>Concerned about the impact on the scenic value of an already utilised Tourist drive. If the land continues to be carved up, they will end up with a valley of urban sprawl and lose part of our food bowl.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>Expresses concern for those who purchased and developed land in Marchmont Estate and paid a premium for a rural outlook on the basis that the land in question would not be developed.</p> <p>The developers originally submitted plan referred to the olive grove (Lot 106 Cheriton Road) to the south east of Lot 9501 as abandoned and not viable or words to that effect. The submitter operates that grove with success, employing locals and others producing a local product which promotes Gingin through marketing endeavours both nationally and internationally. The submitter promotes picking groups to make their own olive oil. This brings on average, 200 people to Gingin to have a rural experience. They also utilise the retailers and accommodation services in town.</p> <p>The developer also made mention of the “abandoned” vineyard to the north of the proposed subdivision. After discussing this with the owners of the vineyard, the submitter notes that the landowners were horrified to hear this, as the vineyard was in fallow, with the intention to resurrect the vineyard.</p>	
17	Ratepayer	<p>OBJECTION:</p> <p>The submitter notes that in rejecting the proposed several times, the local Council has acted in the best interests of its residents and ratepayers, providing the correct channels for its community.</p> <p>Strongly oppose the proposed amendment for the following reasons:</p> <ul style="list-style-type: none"> • This application has been previously submitted to Council and has failed to meet the necessary planning requirements of LPS9 to warrant approval. All previous correspondence and submissions regarding this proposal should be taken into consideration and referred to again. • It would be historically, environmentally and morally irresponsible for any level of government to consider rezoning or subdividing such beautiful fertile productive agricultural land. • The Cheriton Valley should be protected for agricultural purposes and for local food production. • Potential for fossils in the valley and ravines and identified during excavation of dams on the property. Queries whether findings have been followed up formally. • Lot 9501 Cheriton Road, Gingin has not been identified as property for potential rezoning in the Shires LPS or LPS9. This type of development is ad hoc and inconsistent with these documents. • There is no evidence or data provided to warrant further subdivision. Population figures past and present do not provide an immediate need for further subdivision, especially at the detriment of such fertile agricultural land. 	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<ul style="list-style-type: none"> • Potential adverse impacts of the proposal on the submitter’s property relating to social and lifestyle impacts, noise and visual pollution, dust hazards, drainage issues, traffic, increased demand on water supply and undue stress to existing livestock. • The submitter’s property is zoned Rural and they carry out rural practices. Concerned at the extra pressure, risks and associated problems with running existing primary production operations that will occur. An example being during seeding where dust and noise is prevalent, potential new owners in a proposed nearby development would not welcome or understand these practices. • There is also increased risk and cause for concern for potential risks of future dog attacks and threat to livestock. 	
18	Altus Planning	<p>OBJECTION: Objection on behalf of various landowners</p> <p>The Shire’s LPS9 aims, General Rural Zone objectives and zone specific standards indicates a clear stance for the protection of rural land from fragmentation. A conservative approach should be adopted in this regard unless there are exceptional circumstances and/or overwhelming planning justification for the proposal in strategic terms.</p> <p>Under the Shire’s LPS, it is evident that the agricultural function of rural land should remain preeminent in the consideration of any growth of the townsite. The strategy mapping of the Gingin townsite does not include the subject site within any identified areas for rural residential use, whereas two other separate areas comprise approximately 160 ha of land have been strategically identified as being suitable for rural living purposes.</p> <p>The proposal lacks a realistic analysis or justification demonstrating plausible demand for the additional allocation of rural living zoned land that would justify a departure from the intent and objectives of the LPS, which is to limit subdivision or use of land that will divert existing productive uses to those non-rural in nature.</p> <p>Under the Gingin Townsite and Rural Surrounds Structure Plan, the subject site is excluded from potential rezoning to rural living. The subject site is also not within the townsite boundary and nor is it within the structure plan boundary. Additional rural living areas comprising approximately 200ha are designated for rural living zoning. It can be rationally concluded that the subject site was not considered for possible rural living expansion, even at a time when demand could be demonstrated.</p> <p>The Wheatbelt Gingin Regional Land Supply Assessment (2019) indicates an oversupply of residential (rural living) land without the demand to support it and that under the current population growth scenario that there is sufficient stock for residential and rural living land to meet population growth in the long term. This supports the rationale to limit further</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>rezoning of land for rural living purposes. Historic modelling also suggests a substantial stock of undeveloped residential land within the locality of Gingin and low dwelling approvals (during the 2016/2017 financial year) compared to other localities just south of Gingin.</p> <p>The proposed rezoning is inconsistent with the intentions and policy measures prescribed under SPP2.5 relating to the protection of agricultural land unless alternative uses are planned for in an existing strategy and scheme. In this instance the proposal does not align with the existing local planning framework or strategic approach and is not supported by evidence of demand that correlates with current land supply, uptake or population projections.</p> <p>The proposed rezoning is at odds with the principles for urban growth and settlement as set out in State Planning Policy 3 – Urban Growth and Settlement (SPP3) which affirms that unplanned and speculative development should not be supported where not identified under the applicable planning framework.</p> <p>The proposed rezoning is ad hoc and not consistent with the applicable planning framework. Given that other land is prioritised for this purpose, and the lack of evidence for demand or anticipated future growth, it constitutes a proposal that does not align with orderly and proper planning principles.</p> <p>An assessment of Census data indicates that whilst the population of Gingin has increased, the number of unoccupied dwellings has also increased which signifies an oversupply of private dwellings over demand. Based on current approvals and aerial observations it can be concluded that there is sufficient zoned land (or land specifically identified for rezoning) to satisfy demand into the foreseeable future within the Shire.</p> <p>The proposed reasoning inadequately addresses compatibility and land use conflicts with existing uses (ex. Gingin Pistol Club Safety Buffer Zone), drainage and stormwater management concerns (including flows from the existing Marchmont Estate onto the subject land), accelerated agricultural decline including a potentially undesirable precedent for similar ad hoc proposals on nearby rural land.</p> <p>See attached PDF.</p>	
19	Ratepayer	<p>OBJECTION:</p> <p>Within the townsite and further north of Cheriton Road there are already vacant and unopened blocks zoned rural living within Country Heights. Land to the east of Country</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>Heights is already zoned Rural Living. They believe that the particular planning amendment is not warranted and rezoning would negatively impact the town in the following ways.</p> <ul style="list-style-type: none"> • Waste management, road maintenance and bulk rubbish collection would be stretched reducing efficiencies and increase cost to the Shire (ratepayers). • Having multiple partially developed areas within the vicinity of the Gingin townsite presents a negative aesthetic outlook where developments are left with a sandy block, weed ridden and increase imposition on neighbours. • Increased footprint of mains water supply will negatively impact the availability of water in addition will further reduce the flow pressure which is already at levels not acceptable to householders. • The drainage in Mchavloe Drive is already an issue, where property owners are impacted with flooding whenever there is a sizable rain event. This flooding would worsen with the proposed rezoning. Currently when they have a big downpour both sides of Mchavloe Drive flood, across the corner of their property and also on the corner of Mchavloe Drive and Cheriton Road. This then flows north down Cheriton Road. • Several other properties on Mchavloe Drive have the same issues with flooding. This would have to be resolved sooner in full before any rezoning went ahead. • Marchmont Estate is a premium estate of the town, with strict caveats in place. Therefore they would be expecting the same caveats for any adjoining rezoning. • The water run-off from Cheriton Valley, helps the water levels in the Gingin Brook and the Shire's ground water supply. Rezoning would affect this. • The Cheriton Valley is a landmark of the town of Gingin, rezoning it will take away the rural outlook of the Valley more broadly. 	
20	Ratepayer	<p>SUPPORT:</p> <p>The proposed blocks are of an attractive size to attract residents to our beautiful town and can only add to the prosperity and future development of our town.</p> <p>A new alternative road linking Cheriton Road and Sloans Road presents an opportunity for the town to eliminate the build-up of traffic through town which is already increasing as the Country Heights subdivision further to the north continues to grow as blocks are sold and houses are under construction.</p> <p>The proposed road is an opportunity for the town to create a bypass route from Cheriton Road to the Brand Highway which could be invaluable as another exit in times of any fire emergencies.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>The proposal is consistent with the Shire of Gingin LPS position with respect to limiting future rural residential expansion adjacent to the existing towns and townsite services.</p> <p>As a holder of potential subdividable land which fits this strategy position, I am fully supportive of this proposal on that basis.</p>	
21	Ratepayer	<p>OBJECTION:</p> <p>The submitter's property has a north easterly outlook which they value and was one of the main reasons they chose Marchmont Estate to live. The submitter notes they have a view right across to Cheriton Estate and the Homestead.</p> <p>Rezoning of the land to the north of Mchavloe Drive would detract from the beauty of Marchmont estate and surrounding properties and decrease property values. Views from properties along the northern boundary of Mchavloe Drive are magnificent and should not be sacrificed for development.</p> <p>Submitter does not believe that traffic flow on Mchavloe Drive will be affected as the majority of traffic from Country Heights Estate will and should pass through the town centre, as it currently does. They do not have any issues with the current traffic flow along their road.</p> <p>The proposed subdivision will take up prime agricultural land, something that must be protected from development.</p> <p>The Shire's LPS9 – 3.2.7 General Rural zone encourages the protection of agricultural activities and the maintenance and enhancement of environmental qualities.</p> <p>With increasing development on Gingin's doorstep, notes need to protect the history, beauty and prosperity of the town and surrounds and some of it should be left as it is to retain that vision. The Cheriton Valley must be protected from any further subdivisions.</p>	
22	Ratepayer	<p>COMMENT:</p> <p>The submitter's residence is on the lower end of Mchavloe Drive, near Dewar Road. Notes that there has been an increase in traffic of late, which makes it impossible for children and the elderly to use the street. The latter would be very disadvantaged if they relied on mobility aids as there is no footpath and the drains have very steep sides which continue onto Dewar Road.</p>	
23	Ratepayer	<p>OBJECTION:</p> <p>Concern with another subdivision encroaching into the historic Cheriton Valley regarded as one of the most aesthetic and picturesque areas for tourism in the town of Gingin.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>There is already a number of subdivisions existing and proposed surrounding the township of Gingin which already and will in the future have lots available for development and that will be adequate to provide for future housing for people moving into the area.</p> <p>Existing houses in Marchmont Estate adjoining the proposed subdivision will overlook backyards and their views will be obscured by the development.</p> <p>The new subdivision could be the first stage for further larger developments to the north of Lot 9502 and more encroachment into the valley.</p> <p>Environmental concerns with their country lifestyle being spoilt with the extension of suburbia.</p> <p>Drainage is an issue of most concern. See plans -: Physiography Figure 4 in the Legend – Water Course, which is marked going across Cheriton Road towards the east and marked on Hydrology Plan Figure 5 if this is to be the drainage system under Maintenance 5.4.</p> <p>All excess water draining from lots down to Cheriton Road and heading north where the drain goes under the road to the east into the Cheriton property adjacent to Lot 104 then flows to Lot 107 and 106 then towards the brook (there is a road reserve between Lot 104 and the Cheriton property going down to the brook which could be an alternative to alleviate this problem).</p> <p>This swale goes through the submitter’s property and there is no drainage easement for this to occur or to be utilised on the private property. It is not a creek or watercourse.</p> <p>When Marchmont Estate was established and the Cheriton Road upgraded the first rains increased the flow tremendously. These issues were not adequately resolved. With extra runoff from the proposed building sites and road on Lot 9501 this will again increase the flow of water.</p> <p>Submitter and neighbour request further consultation on the resolution of water management issues.</p> <p>If this subdivision were to go ahead this would cause serious erosion to the submitter’s property and others.</p>	
24	Ratepayer	<p>SUPPORT:</p> <p>The rural living proposed rounds off neatly with the existing rural living directly to the east.</p> <p>The increased traffic flow from the new suburb being created by Country Heights Estate will impact the town. There is the possibility the new road will ultimately provide a seamless route from Cheriton Road to the Brand Highway that will alleviate traffic flow in the town and local town roads. This opportunity could be used to create a by-pass route from Cheriton Road to Brand Highway with minimal disruption to the landscape profile.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>There are at present no 2 hectare lots in Gingin or its immediate surrounds, this rezone will correct that demand shortfall.</p> <p>The submitter notes concern from residents of the Marchbank Estate relating to view impacts which in their view is not a valid consideration. Notes also that in their view impacts to views will be minimal.</p> <p>The proposal location north of Marchmont is a logical direction for growth of the Gingin townsite having regard to the constraints and landowners intentions that relate to other properties.</p>	
25	Ratepayer	<p>SUPPORT:</p> <p>Since early 2010, the submitter has farmed Cheriton. During that period Gingin Shire approved the Country Heights development located on Cheriton Road, a subdivision with provision for a total of 313 lots upon completion.</p> <p>Lots 104 and 107, have been rezoned to Rural Living by the Gingin Shire. Lots 104 and 107 also boundary directly onto Cheriton Road and are opposite the proposed Amendment 23 (A 23) development. Both the lots and part of Lot 9501 share opposing road frontage onto Cheriton Rd of approximately the same dimensions, which would indicate the amendment should be in keeping with the Shire’s vision when approving the development of Lots 104 and 107.</p> <p>A23 presents as a well-planned, low impact interface between rural living and general rural farmlands which neatly round off the existing rural living zoned lots 104 and 107. The inclusion of a planned new road on the proposal provides a definitive boundary between the township and general farming country beyond.</p> <p>A23 offers a potential distinct benefit for the whole community. Of increasing relevance, is the stream of heavy and trade traffic, flowing through the Gingin townsite to service the Country Heights development.</p> <p>The essence of the quiet, secluded Cheriton valley “No Through Road” has been compromised in a more impactful way since work commenced on Country Heights, than the threat A23 presents, being comparatively only a very small development.</p> <p>The proposal incorporates an attractive possibility that either in the short or medium term, a road link may be constructed to allow traffic from the developing Country Heights Estate to utilise Sloans Road, to alleviate traffic burden away from the town centre’s bottleneck and from support roads currently in use which were not designed to carry a high traffic burden. i.e. Mchavloe Drive, which has noticeably taken on the role of a “makeshift town bypass”.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>The increased traffic flow from the Country Heights suburb under construction will only continue to compound over successive years. With the Country Heights development presently only at 10% capacity, and projections to comprise a total of 313 lots upon completion, the Shire structure plan to alleviate the projected increase in vehicle movements per day, consists of a proposed bypass route potentially 20-30 years from coming to fruition, if ever.</p> <p>The A23 proposed access road is an opportunity for a timelier solution to address a Shire created problem, that being a shortcoming to concurrently plan the necessary support infrastructure for such a development, to ensure the town does not unduly suffer from the congestion of projected vehicle movements from a large development situated on a known single access service road.</p> <p>Cheriton Road residents and users, and town residents alike have a vested interest in seizing the opportunity to address a future bypass road ahead of the curve. The bypass route in the 2012-2031 structure plan proposed by the Shire exits onto Cheriton Road just 600 metres to the north of the planned A23 proposed bypass exit but will comparatively cost the Shire significantly more to construct on account of the more challenging terrain it traverses and being at least three times the length. Of equal concern, the Shire proposed exit is in alarming proximity to a blind corner, which may necessitate considerable work to realign Cheriton Road to construct a safer exit intersection.</p> <p>The terrain over which the proposed Shire access route has been planned does not present as either the best or most economical solution for a bypass route, nor will the implementation timespan fulfil the locality need for the alternative access.</p> <p>A23 is a logical low impact extension of town development which satisfies relevant development criteria and represents an orderly transition to the farmland beyond. It will not impact practice on the adjoining farmland. The proposal offers opportunity for a strategically advantageous bypass provision within the development, which will assist to ease local traffic burden and as such A23 has their full support.</p>	
26	Ratepayer	<p>OBJECTION:</p> <p>The proposed amendment is inconsistent with the following planning documents:</p> <ul style="list-style-type: none"> • Local Planning Strategy (the Strategy); • Gingin Townsite and Rural Surrounds Structure Plan (the Structure Plan); • Local Planning Scheme No. 9 (LPS 9); • Gingin Regional Land Supply Assessment (2019) (Land Supply Assessment); • State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3.0); • State Planning Policy 2.5 – Rural Planning (SPP 2.5); and 	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<ul style="list-style-type: none"> • State Planning Policy 2.5 – Rural Planning Guidelines (the Guidelines). <p>Departure from the applicable planning framework referenced above, with no cogent reason for doing so, is inconsistent with the principles of orderly and proper planning.</p> <p>The applicant has not accurately outlined the provisions of the LPS, particularly the Strategy maps. The applicant claims that the development is consistent with and identified within the strategy, which is categorically inaccurate.</p> <p>Progression of the amendment will isolate Lot 380 Howes Lane, Gingin. This site is zoned 'General Rural' and will become detached from the rural hinterland. This does not represent a logical interface or transition between rural living and uncoded rural land.</p> <p>Fragmenting this land holding into smaller lots represents ad hoc and unplanned subdivision. This will prematurely remove productive agricultural land, a finite resource, from being used for its intended agricultural purpose. The planning framework has been strategically prepared to protect rural land from premature urbanisation and subdivision.</p> <p>The proposal is inconsistent with the endorsed settlement pattern that guides the expansion of Gingin and is inconsistent with the current strategic planning framework. The development will set an undesirable precedent for further similar proposals on the periphery of Gingin, and possibly other towns within the Shire.</p> <p>Simply being on the periphery of a town is not an adequate reason to support an amendment. The various inconsistencies with the planning framework cannot be diminished or ignored due to the site's location. Proposal must be consistent with the suite of applicable planning documents.</p> <p>Creating additional rural living zoned land will contribute to an already oversupply within Gingin, a fact that is supported by the WAPC's Land Supply Assessment (2019). As an example, occupancy take-up in Country Heights rural living estate is ~10% of the allocated lots. The level of development uptake and occupancy has not reached the required threshold to consider allocating further rural living zoned land within the locality. Scheme amendments such as the proposed must be supported by a need for land supply. An oversupply of rural living zoned land will have undesirable consequences including the endangerment of the viability of future stages of Country Heights Estate. Furthermore, the above issue is compounded considering Lot 83 Cheriton Road, Ginginup is also allocated for ~70 two-hectare rural living zoned lots.</p> <p>See attached PDF.</p>	
27	Ratepayer	NO OBJECTION:	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		<p>In principle they have no objection to the proposed new subdivision off Cheriton Road provided the proposed access road from Cheriton Road to Sloane Road is completed prior to any other work on the subdivision.</p> <p>Development of Country Heights Estate and a local heavy haulage business have had a noticeable detrimental impact on the volume and type of traffic using Mchavloe Drive as a through route to/from Brand Highway.</p> <p>Mchavloe Drive was not designed as a through route but was built to service a few family homes in the Marchmont Estate, it is a neighbourhood road which is used by children, dog walkers, joggers and cyclists.</p> <p>The roadway is relatively narrow and sinuous, includes an unmarked right-angled junction with Howes Lane and two steep inclines however there are no pavements and in many places no flat verge useable as a refuge.</p> <p>In their view Mchavloe Drive should have a 3.5 ton weight limit except for deliveries to properties on the road. It also needs a signposted 50kph speed limit for traffic turning off Dewar Road and Cheriton Road.</p>	
28	Ratepayer	<p>OBJECTION:</p> <p>The submitter is opposed to the rezoning submission and expresses concern regarding impacts of the proposal on amenity and lifestyle.</p> <p>When purchasing their property, the submitter had many choices of available blocks and chose their lot knowing it would not have residential to the rear of the lot.</p> <p>Opposes proposed amendment due to drainage issues that affect Marchmont estate, the land being prime agricultural land for farming not housing, traffic being diverted away from the town centre and reducing the amount of local business. Concerns that subdivision would incur an immediate devaluation of property which would be unfair and only result in the gain for someone else.</p> <p>The Cheriton Valley is natural, prime land which needs to be preserved and valued as much as possible. In the direct area, there are multiple rural residential lots available to support the growth of the town for a long time to come and this rezoning is not required and will have no benefit for the town, shire and current residents.</p> <p>The natural and current water discharge for most of the residents on McHavloe Drive is towards the rear of properties. If the rezoning was approved this would no longer be acceptable and the immediate impacts would not only be a financial burden on all property owners but a lot of work for unrealistic results. More than 3 proposals have already been</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		rejected for this rezoning and subdivision and it will be in the best interest to reject for a final time.	
29	Gingin Pistol Club (SSWA) Inc	<p>COMMENT:</p> <p>They would like to bring to the Shire’s attention that the proposed subdivision falls within the Gingin Pistol Club’s Danger Template.</p> <p>Allowing this subdivision to go ahead would put pressure on the club as with the increase in population around this area they face the potential to have noise complaints lobbied against the Club, to which up to date they have had none.</p> <p>Request that the proposed purchasers of the subdivision be advised that the club exists and that current shooting days are Thursday nights and biweekly Sunday afternoons. The club currently has 115 registered members plus juniors thus creating the need for these two registered shoots.</p> <p>The Gingin Pistol Club has been active in the community since 1970 and in the current position since 1978.</p>	
30	Ratepayer - Late Submission	<p>OBJECTION:</p> <p>The submitter purchased their property on the understanding there was to be no residential (rural living) development on the rural land on their northern boundary.</p> <p>There are numerous other locations within the Shire’s planning framework that have been identified for rural living blocks. Since these have remained undeveloped or partially undeveloped, some for many years, there is no justification or demand to rezone this area.</p> <p>Quality rural land in the Shire should be protected from piecemeal development as per the intention of the planning framework. The Council has correctly rejected applications in the past which financially benefit the applicant only, reduce amenity and land value for other residents, and fragment prime rural land, rendering it unusable for future agricultural purposes.</p>	
31	Ratepayer	<p>OBJECTION:</p> <p>The submitters purchased their property in December 2021 on an "as is "basis.</p> <p>As the property was zoned General Rural it suited their retirement requirements for a hobby farm inclusive of sheep, Alpacas, chickens etc.</p> <p>The seller of the property is also the developer of the proposed subdivision to the north of their boundary and without their knowledge or consent made application to rezone lot 380 Howes Lane from General Rural to Rural living.</p>	

**SCHEDULE OF SUBMISSIONS
PROPOSED SCHEME AMENDMENT NO. 23 – PT LOT 9501 CHERITON ROAD, GINGIN**

		They object in the strongest terms to a third party being able to apply to rezone their property without their consent or knowledge.	
32	DBCA	NO OBJECTION: The Department of Biodiversity, Conservation and Attractions – Swan Region Office has no comments on the proposal.	

APPENDIX F
PRESTIGE ESTATE DEMAND ANALYSIS

Dear Mr Schofield,

Further to our conversation regarding comparison lots for sale in or around Gingin, as at the 19/12/2023, current rural living blocks for sale or under contract, 2ha or greater, we share the following information in support of the proposed subdivision and development of your parcel of land known as Lot 9501:

- Gingin, Lefroy St – 6.01ha, Under Contract – Circa \$389,000
- **Coonabidgee. 106 Todman Rd – 2.77ha - Price Guide - \$399,000**
- **Bindoon – Closest suburb with 2 rural living lots for sale, one at 2.18ha and one at 4ha.**
- Granville – There are currently no blocks for sale with an area of 2ha or greater.
- Ginginup – There are currently no blocks for sale with area of 2ha or greater.
- Lennard Brook – There are currently no blocks for sale with an area of 2ha or greater.
- Moondah – There are currently no blocks for sale with an area of 2ha or greater.
- Mooliabeenee – There are currently no blocks for sale with an area of 2ha or greater.
- Brambun - There are currently no blocks for sale with an area of 2ha or greater.
- Breera - There are currently no blocks for sale with an area of 2ha or greater.
- Muckenburra – There are currently no blocks for sale with an area of 2ha or greater.
- Yeal - There are currently no blocks for sale with an area of 2ha or greater.

As you can see, currently in Gingin and surrounding areas, there are only three available lot for sale no less than 2.18ha up to 4ha in overall area.

LOTS 1HA OR LESS FOR SALE

There is an abundance of smaller residential lots available for sale, lots I refer to as standard residential lots (Under an acre or 1ha):

- The Brookview Estate - Lots range from quarter acre (1000m²) to just over half acre (2,028m²) for \$155,000 to \$229,000.00 and there are only 6 lots just over 2000m² in the estate. No comparison to you your proposed subdivision for Lot 9501. Standard residential living in a rural location. See attached price list and site plan.
- Country Heights Estate – 1ha - \$215,000 to \$305,000.00 (Price List attached).
Lot sizes ranging from 2.50 to 2.51 acres = 1ha.

There is a demand for vacant land 2ha+ in Gingin. Buyers have a very limited selection of land to purchase in or around Gingin between 2ha and 3ha, to be precise, currently two blocks are available to purchase. For buyers who would like to purchase a rural living block, with an outlook, within proximity to Gingin town centre, services, and amenities, this proposed subdivision will satisfy potential buyer's needs. Your proposed subdivision is the only solution currently to meet public demand.

People who choose to live in rural locations and who have the finances to afford a larger plot of land greater than what is deemed to be a residential lot, choose to not be sitting right on top of their neighbouring property. The building envelope for each of your lots will also be important to maintain this level of privacy from the neighbour's backing onto these lots from Mchavloe Drive and Howes Lane.

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

APPENDIX 14.2.2

Rural buyer's preference is to secure more space, privacy, functionality, and plot that is manageable and if the property is connected to all services, that too satisfies more than what the buyers would normally expect when purchasing rural living block.

Vernon, if I can be of any further assistance, please do not hesitate to contact me.

Kind regards,



Shelley Scorer

Prestige Estates Australia

M: 0488 332 212

Int Cell: +61 488 332 212

Western Australia

shelley@prestigeestatesaustralia.com.au

14.3 TEMPORARY WITHDRAWAL OF CAVEAT - MOORE RIVER SOUTH

File	LND/142
Applicant	Parkmar Pty Ltd ATF the Moore River South Trust
Location	Moore River South Lot 2914 on Deposited Plan 202250 Lot 2424 on Deposited Plan 231402 Lot 2802 on Deposited Plan 90108
Owner	Parkmar Pty Ltd ATF the Moore River South Trust
Zoning	General Rural and Future Development
WAPC No	156906
Author	James Bayliss – Manager Planning and Building
Reporting Officer	Bob Kelly - Executive Manager Regulatory and Development Services
Refer	Nil.
Appendices	Nil

DISCLOSURES OF INTEREST

Nil

PURPOSE

To consider authorising the temporary withdrawal of a caveat (M468287) lodged against the following Certificates of Title:

- Lot 2914 on Deposited Plan 202250
- Lot 2424 on Deposited Plan 231402
- Lot 2802 on Deposited Plan 90108

In addition to the above, to enter into a ‘Replacement Agreement: Community Facilities Deed Moore River South’ to ensure the new landowner is a party to the Deed.

BACKGROUND

The Shire previously entered into a Deed of Agreement (DoA) for community facilities to be provided by the developer of an approved ~1936 lot subdivision, known as Moore River South.

The landholdings are in the process of being transferred to a new landowner, which requires the temporary withdrawal of caveat (M468287) which secures the provisions of the community facilities deed. Once the land transfer has taken place, the caveat will be relogged over the landholdings.

A copy of the caveat documents and replacement agreement are provided (**see confidential appendices**).

COMMENT

Stakeholder Consultation

The Shire has liaised with its legal advisers regarding the process. No additional external consultation is required.

PLANNING FRAMEWORK

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 may be 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.

The revised deed is simply renaming of the parties to reflect the new purchasers' details.

Summary

The officer suggests that Council authorise the temporary withdrawal of the caveat lodged against the various Certificate of Titles and enter into a Replacement Agreement: Community Facilities Deed.

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

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 Stewart

That Council agree to the temporary withdrawal of Caveat (M468287) relating to Lot 2914 on Deposited Plan 202250, Lot 2424 on Deposited Plan 231402 and Lot 2802 on Deposited Plan 90108 and enter a Replacement Agreement: Community Facilities Deed.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

15 REPORTS - OPERATIONS AND ASSETS

Nil

16 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17 COUNCILLORS' OFFICIAL REPORTS

17.1 DAP MEETING, ARTS IN THE PARK AND WASTE REFORM COMMUNITY PRESENTATION

File:	GOV/21
Councillor:	L Balcombe
Report Date:	19 March 2024

- I attended the DAP meeting on Thursday 14 March 2024.
- I attended the Arts in the Park on Saturday 16 March 2024.
- I attended the Waste Reform Community Presentation on Monday 18 March 2024.

17.2 WASTE REFORM COMMUNITY PRESENTATION

File:	GOV/21
Councillor:	F Peczka
Report Date:	19 March 2024

I attended the Waste Reform Community Presentation on Monday 18 March 2024.

17.3 SEABIRD PROGRESS ASSOCIATION AGM AND DAP MEETING

File:	GOV/21
Councillor:	F Johnson
Report Date:	19 March 2024

- I attended the Seabird Progress Association AGM on Saturday 9 March 2024.
- I attended the DAP meeting on Thursday 14 March 2024.

17.4 GINGIN DISTRICT HIGH SCHOOL BOARD MEETING

File:	GOV/21
Councillor:	N Woods
Report Date:	19 March 2024

I attended the Gingin District High School Board Meeting on the 29 February 2024.

17.5 WASTE REFORM COMMUNITY PRESENTATION

File:	GOV/21
Councillor:	E Sorensen
Report Date:	19 March 2024

I attended the Waste Reform Community Presentation on Monday 18 March 2024.

17.6 LANCELIN DUAL USE WALKWAY AND LANCELIN PRIMARY SCHOOL BOARD MEETING

File:	GOV/21
Councillor:	J Weeks
Report Date:	19 March 2024

- I have met with interested parties in Lancelin in relation to the dual use walkway.
- I will be attending the Lancelin Primary School Board Meeting on Monday 25 March 2024 as a community member.

18 NEW BUSINESS OF AN URGENT NATURE

Nil

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

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Johnson **SECONDED:** Councillor Woods

That Council move into a Confidential Session to discuss Item 19.1.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

The meeting was closed to the public, the public recording ceased and all members of the public present in the gallery left Council Chambers at 4.36 pm.

19.1 RFT 01/2024 PROVISION OF CLEANING AND SANITARY SERVICES

File	COR/40-012024
Author	Danica Todd – Coordinator Operations & Assets Administration
Reporting Officer	Vanessa Crispe - Executive Manager Operations and Assets
Refer	Nil
Appendices	1. Request for Tender - Cleaning Contract Scope of Works [19.1.1 - 25 pages]

Reasons for Confidentiality

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

- c. a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

COUNCIL RESOLUTION/ OFFICER RECOMMENDATION/

MOVED: Councillor Johnson SECONDED: Councillor Stewart

That Council agree to:

1. Accept the tender for \$278,074.50 (GST inc.) submitted by BrightMark Group with respect to RFT 01/2024 Provision of Cleaning and Sanitary Services for a term of 2 years with the option for a further term of 2 years; and
2. Amend the adopted 2023/24 budget in accordance with the following table:

Act Number	Description	Current Budget	Revised Budget	(Surplus)/ Deficit
120401880	MEMBERS - Chambers Operating Expenses MUN	\$500	\$3,500	\$3,000
121007880	COM AMEN - Public Conveniences Operations MUN	\$13,550	\$25,550	\$12,000

**MINUTES
ORDINARY COUNCIL MEETING
19 MARCH 2024**

121101880	HALLS - Town Halls and Public Building Operations MUN	\$14,550	\$16,550	\$2,000
121102880	SWIM AREAS - Building Operations MUN	\$31,100	\$36,100	\$5,000
121103880	REC - Building Operations MUN	\$65,450	\$73,450	\$8,000
121202880	ROADM - Depot Building Operations MUN	\$6,500	\$10,500	\$4,000
121402880	ADMIN - Building Operations MUN	\$34,995	\$45,995	\$11,000
W10116	Green Waste Kerbside Mulching	\$100,000	\$55,000	(45,000)
	Closing Surplus			(\$0)

**CARRIED BY ABSOLUTE MAJORITY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Kestel, Councillor Sorensen, Councillor Stewart, Councillor Weeks, Councillor Woods, Councillor Johnson and Councillor Peczka*

AGAINST: *Nil*

COUNCIL RESOLUTION/OFFICER RECOMMENDATION

MOVED: Councillor Weeks **SECONDED:** Councillor Balcombe

That the meeting be re-opened to the public.

**CARRIED UNANIMOUSLY
9 / 0**

FOR: *Councillor Balcombe, Councillor Fewster, Councillor Johnson, Councillor Kestel, Councillor Peczka, Councillor Sorensen, Councillor Stewart, Councillor Woods and Councillor Weeks*

AGAINST: *Nil*

The meeting re-opened to the public and the public recording of the meeting recommenced at 4.55 pm. No members of the public returned to the Gallery.

20 CLOSURE

There being no further business, the President declared the meeting closed at 4.57 pm.

The next Ordinary Council Meeting will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on 16 April 2024, commencing at 3.00 pm.