



# MINUTES

## ORDINARY MEETING OF COUNCIL

21 JULY 2020

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FOR  
ORDINARY MEETING OF  
COUNCIL  
HELD ON 21 JULY 2020**

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## **SHIRE OF GINGIN**

### **MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF GINGIN HELD IN THE COUNCIL CHAMBER ON TUESDAY, 21 JULY 2020 AT 3.00 PM**

#### **DISCLAIMER**

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

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

#### **ORDER OF BUSINESS**

##### **1. DECLARATION OF OPENING**

In the absence of the Shire President and Deputy Shire President, the Chief Executive Officer declared the meeting open at 3:00 pm and welcomed those in attendance.

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##### **2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

###### **2.1 ATTENDANCE**

Councillors – L Balcombe, J Court, F J Johnson, J C Lobb, F J Peczka, J E Morton and A R Vis.

Staff – A Cook (Chief Executive Officer), L Crichton (Executive Manager Corporate and Community Services), A Butcher (Executive Manager Operations), R Kelly (Executive Manager Regulatory and Development Services), K Bacon (Manager, Statutory Planning), J Bayliss (Statutory Planning Officer), L Burt (Governance Officer) and G Koorasingh (Governance & HR Support/Minute Officer).

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



## **2.2 APOLOGIES**

Councillor C W Fewster (Shire President)

Given that the Shire President and Deputy Shire President will be absent for this meeting, in accordance with Section 3.3 of the Shire of Gingin Meeting Procedures Local Law 2014, Council is requested to appoint a Councillor to undertake the role of Presiding Member for this meeting.

### **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Balcombe**

**SECONDED: Councillor Lobb**

**That Council elect Councillor Johnson to the position of Presiding Member for this meeting.**

**CARRIED UNANIMOUSLY**

*Councillor Johnson assumed the Chair at 3:02 pm.*

## **2.3 LEAVE OF ABSENCE**

Nil

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## **3. DISCLOSURES OF INTEREST**

### **3.1 Aaron Cook – Chief Executive Officer**

**Item 11.3.4 Application for Amended Development Approval – Proposed Recreation Private (Gym) at Lot 402 (22) Brockman Street, Gingin**

The Chief Executive Officer disclosed an Impartiality Interest in relation to this matter as a fee-paying member of Gingym.

### **3.2 James Bayliss - Statutory Planning Officer**

**Item 11.3.4 Application for Amended Development Approval – Proposed Recreation Private (Gym) at Lot 402 (22) Brockman Street, Gingin**

The Statutory Planning Officer disclosed an Impartiality Interest in relation to this matter as a fee-paying member of Gingym.

### **3.3 James Bayliss –Statutory Planning Officer**

**Item 11.3.5 Application for Development Approval - Proposed Incidental Use Fellmongering Shed On Lot 71 (1538) Gingin Brook Road, Muckenburra**

The Statutory Planning Officer disclosed an Impartiality Interest in relation to this matter as the Beneficiary of a local butcher, which processes meat.

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#### **4. PUBLIC QUESTION TIME**

##### **4.1 RESPONSES TO PUBLIC QUESTIONS PREVIOUSLY TAKEN ON NOTICE**

Nil

##### **4.2 PUBLIC QUESTIONS**

###### **4.2.1 Michael Byrne – Topfun Aviation**

###### **Item 11.4.3 Topfun Aviation – Request To Enter Into An Agreement To Use Beermullah Airstrip, Lot 7 Brand Highway, Boonanarring**

The following questions were submitted in writing prior to the meeting. The questions and responses were read aloud to the meeting by the Chief Executive Officer.

*Q1: Did the Shire receive the Beermullah Airstrip as a result of ALOP from 1958?*

A1: The Shire of Gingin purchased the property in 1974 from a private individual.

*Q2: Under ALOP is there a requirement that the Shire continued to make available the airstrip for community use.*

A2: This does not apply as the strip was purchased.

*Q3: Has the Shire received funding to own or maintain the airstrip?*

A3: I am unable to comment if the shire has received funding; however, can state that if it has it was a significant time ago as the strip would have been resurfaced and had more infrastructure and safety equipment on site.

*Q4: The Premise of ALOP was for Councils to take on ownership for Community use.*

A4: This may be the case but Council purchased this land in 1974.

*Q5: The LGIS Risk Assessment report, which roads are of concern for drivers being distracted by low flying aircraft.*

A5: In regards to this matter it is all roads that surround the Beermullah Airstrip. However Brand Highway is the obvious major concern.

*Q6: In regards to driver distraction can the Shire confirm:*

- a. The number of cases where shires have been sued due to drivers being distracted by low flying aircraft since LGIS's inception?*

A6a: Within the report that were no cases cited as evidence. However, this does not remove the fact that this is potential driver distraction with the airstrip being so close to a major road.

- b. Number of claims that have been settled in the favour of the driver.*

A6b: Refer to response 6a.

*Q7: Confirm if Main Roads is responsible for traffic activity on Brand Hwy?*

A7: Brand Highway is a road that is under the care and control of Main Roads WA; however the position of liability is not clear as Council would be potentially approving the use of the airstrip for Top Fun's activities and as such the liability would fall to the Shire in the first instance. If this proposal is to be considered by Council it is expected that the Shire will need to seek input from Main Roads and other related stakeholders.

*Q8: Can the Shire confirm the vertical separation that is acceptable to LGIS for an aircraft to overfly roads that it insures?*

A8: LGIS does not provide insurance for Brand Highway as it is Main Roads infrastructure. However, it is expected that vertical separation is not the issue in this case but rather the horizontal separation which would reduce sight lines of the vehicles to the aircraft.

*Q9: As the Shire is responsible for all roads does the Shire hold third party insurance on local roads?*

A9: Yes

*Q10: And if so is the Shire protected from Litigation should it arise in relation to drivers being distracted?*

A10: Yes, however, even if the Shire is protected this does not mean that then subsequently the insurance premiums would not increase due to the increased risk potential and/or the result of a claim. Also, it is felt that any accident that can and should have been avoided is unacceptable.

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## **5. PETITIONS, DEPUTATIONS AND PRESENTATIONS**

### **5.1 PETITIONS**

Nil

### **5.2 DEPUTATIONS**

#### **5.2.1 Item 11.4.3 Topfun Aviation – Request to Enter into an Agreement to Use Beermullah Airstrip, Lot 7 Brand Highway, Boonanarring**

Speaker/s: Jack Donsen, Michael Byrne

#### **5.2.2 Item 11.3.1 Application for Development Approval - Proposed Use Not Listed (Container Deposit Recycling Centre) and A Community Purpose (Mechanical Repairs) On Lot 25 (23) Weld Street, Gingin**

Speaker/s: Tiffany Polette

### **5.3 PRESENTATIONS**

Nil

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### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

An application for Leave of Absence has been submitted by Councillor Rule for the Ordinary Council Meeting on 21 July 2020.

#### **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Court**

**SECONDED: Councillor Vis**

**That Council approve Councillor Rule's Application for Leave of Absence for the Ordinary Council meeting on 21 July 2020.**

**CARRIED UNANIMOUSLY**

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### **7. CONFIRMATION OF MINUTES**

#### **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Morton**

**SECONDED: Councillor Balcombe**

**That the Minutes of the Ordinary Council meeting held on 16 June 2020 be confirmed as a true and accurate record.**

**CARRIED UNANIMOUSLY**

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### **8. ANNOUNCEMENTS BY THE PRESIDING MEMBER**

Nil

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### **9. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS**

Nil

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

Nil

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**11. REPORTS****11.1. OFFICE OF THE CEO****11.1.1 BUSH FIRE ADVISORY COMMITTEE - AMENDMENT OF TERMS OF REFERENCE**

<b>File:</b>	GOV/33 & EMS/22	
<b>Reporting Officer:</b>	Aaron Cook – Chief Executive Officer	
<b>Report Date:</b>	21 July 2020	
<b>Refer:</b>	22 October 2013	Item 10.3
	17 December 2013	Item 11.1.1
	16 December 2014	Item 11.1.6
	18 August 2015	Item 11.1.6
	19 January 2016	Item 11.1.3
<b>Appendices:</b>	1. Amended Terms of Reference	

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider amending the adopted Terms of Reference for Council's Bush Fire Advisory Committee (BFAC).

**BACKGROUND**

In 2013, Council introduced formal Terms of Reference for each of its committees. All Terms of Reference are based on the same basic template, with additional information inserted relevant to the particular role and membership of the committee concerned.

The Terms of Reference for the Shire's BFAC currently identify the Chief Executive Officer (CEO) as a non-voting Committee member. However, given that the CEO very rarely attends BFAC meetings, it is suggested that Council give consideration to removing the CEO from the Committee membership.

It has also become apparent that, currently, the potential exists for a single voting member to attend meetings in more than one capacity (for example, as both a Deputy Chief Bush Fire Control Officer and a brigade representative), thus technically entitling the member to exercise more than one vote. This is obviously not acceptable, and therefore clarification is required within the Terms of Reference to address the situation.

**COMMENT**

With respect to removal of the CEO from the list of non-voting members, it is pointed out that the Terms of Reference give the Committee the authority to second individuals to provide advice. This means that the CEO can continue to attend future meetings, if required by the Committee, in an advisory capacity.

It is recommended that the Membership section of the Terms of Reference be amended by the addition of an additional Part 7 as follows:

7. *Voting members can only attend in one capacity (ie a voting member cannot attend meetings both as a Deputy Chief Bush Fire Control Officer and a brigade representative.*

In instances where brigades have currently appointed a BFAC representative who is also a Deputy Chief Bush Fire Control Officer, then the brigade will need to appoint a separate Committee representative.

A copy of the Terms of Reference showing the proposed amendments is provided as **Appendix 1**.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Part 5 – Administration

Division 2 – Council meetings, committees and their meetings and electors' meetings

Subdivision 2 – Committees and their meetings

*Bush Fires Act 1954*

Part V - Miscellaneous

Section 67 – Advisory committees

Shire of Gingin Bush Fire Brigades Local Law 2004

Division 4 – Bush Fire Advisory Committee

## **POLICY IMPLICATIONS**

Nil

## **BUDGET IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

<b>Focus Area</b>	<i>Community Wellbeing</i>
<b>Objective</b>	<i>1 – To support the Shire of Gingin community to be inclusive, vibrant, healthy and safe through the Shire's service delivery</i>
<b>Outcome</b>	<i>Healthy and Safe Our community has access to quality health and community safety programs, services and initiatives that promote resilience</i>
<b>Key Service Area</b>	<i>Local Emergency Services</i>

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Balcombe**

**SECONDED: Councillor Morton**

**That Council adopt the reviewed Terms of Reference for the Bush Fire Advisory Committee as shown at Appendix 1.**

**CARRIED UNANIMOUSLY**

# APPENDIX 1





## TERMS OF REFERENCE

### BUSH FIRE ADVISORY COMMITTEE

21 July 2020

Name:	Bush Fire Advisory Committee
Role/Purpose:	To advise Council with regard to matters relating to bush fire control within the Shire of Gingin.
Aims & Functions:	<ol style="list-style-type: none"> <li>1. To make recommendations to Council with respect to the appointment of Fire Control Officers;</li> <li>2. To determine training requirements and strategies; and</li> <li>3. To consider and make recommendation to Council with respect to all bush fire mitigation issues.</li> </ol>
Membership:	<ol style="list-style-type: none"> <li>1. The Committee shall consist of the following representation: <ul style="list-style-type: none"> <li><u>Voting</u> <ul style="list-style-type: none"> <li>• Shire President or delegate;</li> <li>• Chief Bush Fire Control Officer;</li> <li>• Deputy Chief Bush Fire Control Officers; and</li> <li>• One nominated representative from each volunteer bush fire brigade.</li> </ul> </li> <li><u>Non-Voting</u> <ul style="list-style-type: none"> <li>• <b>Chief Executive Officer or delegate; TO BE REMOVED</b></li> <li>• One representative - Department of Fire and Emergency Services;</li> <li>• One representative – Department of Parks and Wildlife;</li> <li>• One representative – Department of Agriculture and Food;</li> <li>• One representative – Gingin Volunteer Fire and Rescue Service; and</li> <li>• One representative – Lancelin Volunteer Fire and Rescue Service.</li> </ul> </li> </ul> </li> <li>2. A nominated deputy member may attend in place of the endorsed representative member.</li> <li>3. Membership shall be for a period of up to two years terminating on the day of the next ordinary Council elections, with retiring members eligible to re-nominate.</li> <li>4. Committee membership shall be appointed or removed by the Council.</li> </ol>

	<p>5. Members must comply with the Shire's Code of Conduct.</p> <p>6. The Committee has authority to second individuals from outside of the Committee, on a voluntary basis, for their expert advice.</p> <p><b>7. Voting members can only attend in one capacity i.e. the voting member cannot be a Deputy Chief Bush Fire Control Officer and a brigade representative.</b></p>
Operating procedures:	<p>1. Presiding Member:</p> <ul style="list-style-type: none"> <li>a) Council's nominated representative shall fill the position of Presiding Member at all meetings.</li> <li>b) In the absence of the Presiding Member, the Community Emergency Services Manager/Chief Bush Fire Control Officer will assume the Chair for the duration of that meeting.</li> <li>c) The Presiding Member is responsible for the proper conduct of the Committee.</li> </ul> <p>2. Meetings:</p> <ul style="list-style-type: none"> <li>a) The Committee shall meet as required, but must hold a minimum of four meetings in any one calendar year (March, June, September and December).</li> <li>b) Meetings can be scheduled by a written request of the Presiding Member to the Chief Executive Officer, or by a decision of the Council or the Committee.</li> <li>c) A Notice of Meeting, including an agenda, will be circulated to the Committee members (including deputy members) at least 72 hours prior to each meeting where possible.</li> <li>d) The Presiding Member shall ensure that detailed minutes of all meetings are kept and shall provide the Committee members (including deputy members) with a copy of such minutes.</li> <li>e) All Committee meetings will be conducted in accordance with the Shire of Gingin Meeting Procedures Local Law 2014.</li> </ul> <p>3. Quorum:</p> <p>The quorum for a meeting shall be at least 50% of the number of endorsed members.</p> <p>4. Reporting:</p> <ul style="list-style-type: none"> <li>a) The Minutes of every Committee meeting will be circulated for the information of all Councillors.</li> <li>b) Any Committee resolution requiring action on the part of the Council or requiring a Council commitment will be listed as a separate report on the Agenda for the next ordinary Council meeting.</li> </ul>
Appointing legislation:	The Committee is established under section 67 of the <i>Bush Fires Act 1954</i> .
Delegated Authority:	The Committee has no delegated power and has no authority to implement its recommendations without approval of Council.

Version	Decision Reference	Synopsis
1.	22/10/2013 - Item 10.3	Committee structure reviewed and Terms of Reference adopted.
2.	17/12/2013 – Item 11.1.1	Amended to include volunteer bush fire brigade representatives as voting members.
3.	18/08/2015 – Item 11.1.6	Terms of Reference reviewed. Reference to Standing Orders Local Law deleted from Operating Procedure 2b and replaced with Meeting Procedures Local Law 2014. Reference to provision of Committee Minutes via Information Bulletin deleted from Operating Procedure 4a.
4.	19/01/2016 – Item 11.1.3	Operating Procedures Clause 1b amended to specify that Community Emergency Services Manager/Chief Bush Fire Control Officer to assume the Chair in the absence of the Presiding Member.
5.	19/09/2017 – Item 11.1.3	Terms of Reference reviewed. Operating Procedures cl. 2c deleted.
6.	21/07/2020 – Item	Removal of Chief Executive Officer and addition of Item 7 under Membership section

**11.2. CORPORATE AND COMMUNITY SERVICES****11.2.1 MONTHLY FINANCIAL STATEMENT FOR THE PERIOD ENDING 30 JUNE 2020**

<b>File:</b>	FIN/25
<b>Author:</b>	Ziggy Edwards – Manager Corporate Services
<b>Reporting Officer:</b>	Les Crichton – Executive Manager Corporate and Community Services
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	Nil
<b>Appendices:</b>	1. Statement of Financial Activity for the period ending 30 June 2020 2. Term Investments

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To present for Council endorsement the Monthly Statement of Financial Activity for the period ending 30 June 2020.

**BACKGROUND**

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

**COMMENT**

The Financial Statements for the month ending 30 June 2020 present the financial performance of the Shire for the 2019-20 financial year, and compare year to date expenditure and revenue against the corresponding year-to-date budget. With the mid-year budget review yet to be completed, the year-to-date budget does not reflect any amendments other than those already approved by Council.

As detailed below the \$2,391,634 variance is made up of:

Under budget

Operating Expenditure \$379,009

Investing Activities – Revenue (\$6,080,620)

Investing Activities – Expenditure \$8,578,160

Financing Activities – Revenue (\$647,258)

Over budget

Opening Fund Surplus/Deficit \$0

Operating Revenue \$1,084,660

Financing Activities – Expenditure (\$922,317)

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

### Investments

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

## **STATUTORY/LOCAL LAW IMPLICATIONS**

*Local Government Act 1995*

Part 6 – Financial Management

Division 3 – Reporting on activities and finance

Section 6.4 – Financial Report

*Local Government (Financial Management) Regulations 1996*

Part 4 – Financial reports

Reg 34 – Financial activity statement required each month

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

## **POLICY IMPLICATIONS**

Shire of Gingin Policy 3.2 – Investments

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

## **BUDGET IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

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

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Court**

**SECONDED: Councillor Balcombe**

**That Council endorse the Statement of Financial Activity for the period ending 30 June 2020.**

**CARRIED UNANIMOUSLY**

# APPENDIX 1



## *MONTHLY FINANCIAL REPORT*

*(Containing the Statement of Financial Activity)*

**FOR THE PERIOD OF 1 JULY 2019 TO 30 JUNE 2020**

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATION 1996

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Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

### *Key Information*

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***Report Purpose:***

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

***Items of Significance:***

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

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

Prepared by: Karina Leonhardt  
Reviewed by: Ziggy Edwards  
Date Prepared: 10/07/2020



Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

Statement of Financial Activity by Program

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
<b>OPENING FUNDING SURPLUS (DEFICIT)</b>	<b>2,797,062</b>	<b>2,797,062</b>	<b>2,797,062</b>	<b>0</b>	<b>0</b>	As per Budget Review
<b>REVENUE FROM OPERATING ACTIVITIES</b>						
GENERAL PURPOSE FUNDING	1,315,717	1,315,717	2,115,276	799,559	60.77%	Higher than expected pre-paid rates; 20/21 Prepaid Financial Assistance Grants received;
GENERAL PURPOSE FUNDING - RATES	8,360,854	8,360,854	8,354,320	(6,534)	(0.08%)	
GOVERNANCE	2,050	2,050	0	(2,050)	(100.00%)	Timing of legal Expenses recovered;
LAW ORDER PUBLIC SAFETY	642,496	642,496	990,166	347,670	54.11%	Higher fines & penalty income; additional grants received.
EDUCATION & WELFARE	150,300	150,300	96,391	(53,909)	(35.87%)	Lower than expected community bus hire; timing of sale of community bus
HEALTH	364,944	364,944	450,101	85,157	23.33%	Patient fee income increased April – June and includes a PIP payment received in May.
HOUSING	21,940	21,940	23,553	1,613	7.35%	
COMMUNITY AMENITIES	1,793,524	1,793,524	1,724,981	(68,543)	(3.82%)	Waste Site Loan Contribution – Fernview not received in 19/20. Sand Renourishment grant funding not received in 19/20.
RECREATION & CULTURE	250,200	250,200	161,230	(88,970)	(35.56%)	Timing of operating grants;
TRANSPORT	420,565	420,565	235,338	(185,227)	(44.04%)	Timing of sale of plant;
ECONOMIC SERVICES	1,321,411	1,321,411	1,332,101	10,690	0.81%	Increase in building services;
OTHER PROPERTY & SERVICES	239,881	239,881	301,321	61,440	25.61%	LGIS member funding rebate; higher than expected reimbursements income.
<b>TOTAL REVENUE</b>	<b>14,883,882</b>	<b>14,883,882</b>	<b>15,784,779</b>	<b>900,897</b>	<b>6.05%</b>	



Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
<b>EXPENDITURE FROM OPERATING ACTIVITIES</b>						
GENERAL PURPOSE FUNDING	(694,694)	(694,694)	(464,019)	230,675	33.21%	Timing of GRV Revaluation; timing of legal costs for debt collection;
GOVERNANCE	(1,173,255)	(1,173,255)	(1,260,143)	(86,888)	(7.41%)	Timing of Councillor allowance payments; Reduced Governance activities /events; timing of Shire website development expenditure; Timing of NGA payment; Timing of audit fees.
LAW ORDER PUBLIC SAFETY	(1,847,564)	(1,847,564)	(2,076,311)	(228,747)	(12.38%)	MAF Mitigation works; overspend on protective clothing and equipment; Adjusted CESM vehicle operating costs; Recovery of some non-fire vehicles require journaling.
EDUCATION & WELFARE	(263,535)	(263,535)	(266,345)	(2,810)	(1.07%)	
HEALTH	(1,116,837)	(1,116,837)	(1,153,860)	(37,023)	(3.31%)	Timing of health allocation to waste and fly control.
HOUSING	(48,008)	(48,008)	(65,190)	(17,182)	(35.79%)	Wages associated with maintenance at 37a Lefroy Street, Gingin and timing of works.
COMMUNITY AMENITIES	(3,107,612)	(3,107,612)	(2,772,118)	335,494	10.80%	Timing of Health allocation to Waste, timing of Waste Site Loan Contribution – Fernview; timing of Coastal Inundation Study; timing of sand nourishment; timing of town planning scheme review; timing of payment to LA CRC – tourism outcomes grant; timing of environmental group contributions.; Lower than budgeted expenditure on public conveniences.
RECREATION & CULTURE	(3,961,069)	(3,961,069)	(3,742,581)	218,488	5.52%	Timing of loan repayments; timing of halls maintenance; timing of Shire event expenditure; timing of contribution to town led events; timing of expenditure on Guilderton Foreshore Boardwalk; timing of expenditure relating to LORVA.
TRANSPORT	(4,565,201)	(4,565,201)	(3,716,488)	848,713	18.59%	Timing of road and bridge maintenance; year-end depreciation process for roads and bridges; timing of sale of assets
ECONOMIC SERVICES	(1,426,368)	(1,426,368)	(1,115,129)	311,239	21.82%	Timing of noxious/pest weed spraying; timing of Guilderton Caravan Park Management payments; timing of community grant payments; timing of Modelling Cost Benefit Analysis for Guilderton Caravan Park; Event change to Lancelin Ocean Classic; timing of transfer of wages to waste; awaiting finalisation of swimming pool inspections; BEN signs project currently with Dept of Fisheries;
OTHER PROPERTY & SERVICES	(754,884)	(754,884)	(156,768)	598,116	79.23%	Long service leave paid; increase in sick leave taken; timing of IT expenses; timing of financial services/consulting expenditure; variance in administration costs allocated to other programs.
<b>TOTAL EXPENSES</b>	<b>(18,959,027)</b>	<b>(18,959,027)</b>	<b>(16,788,952)</b>	<b>2,170,075</b>	<b>11.45%</b>	
<b>OPENING ACTIVITIES EXCLUDED FROM BUDGET</b>						
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	(109,800)	(109,800)	73,963	183,763	(167.36%)	Timing of asset sales

Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
NON-CASH ADJUSTMENT	0	0	41	41		
ADD BACK DEPRECIATION	4,869,205	4,869,205	3,078,098	(1,791,107)	(36.78%)	Roads & bridges depreciation, an end of year process.
<b>AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES</b>	684,262	684,262	2,147,929	1,463,669	213.91%	
<b>INVESTING ACTIVITIES</b>						
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	9,760,048	9,760,048	3,709,931	(6,050,117)	(61.99%)	Timing of grants and contributions including ESL Capital Grants;
PURCHASE OF LAND & BUILDINGS	(3,166,639)	(3,166,639)	(422,283)	2,744,356	86.66%	Timing of capital purchases
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(6,983,509)	(6,983,509)	(3,997,011)	2,986,498	42.77%	Timing of capital purchases
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(969,636)	(969,636)	(98,806)	870,830	89.81%	Timing of capital purchases
PURCHASE OTHER INFRASTRUCTURE	(40,000)	(40,000)	(6,709)	33,291	83.23%	Timing of capital purchases
PURCHASE FOOTPATHS	(105,063)	(105,063)	(8,806)	96,257	91.62%	Timing of capital purchases
PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(400,000)	0	400,000	100.00%	Timing – loan not established yet
PURCHASE PLANT AND EQUIPMENT	(2,040,215)	(2,040,215)	(638,867)	1,401,348	68.69%	Timing of capital purchases
PURCHASE FURNITURE AND EQUIPMENT	(45,580)	(45,580)	0	45,580	100.00%	Timing of capital purchases
PROCEEDS FROM DISPOSAL OF ASSETS	332,001	332,001	301,500	(30,501)	(9.19%)	Variations/timing of trade ins
<b>AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES</b>	(3,658,593)	(3,658,593)	(1,161,051)	2,497,542	(68.27%)	
<b>FINANCING ACTIVITIES</b>						
PROCEEDS FROM NEW DEBENTURES	662,840	662,840	0	(662,840)	(100.00%)	Loans not yet established – Lancelin Seawall, Guilderton Waste Water, Cuncliffe Street Car Park and Gingin Horseman's Club Campdraft Facility
PROCEEDS FROM NEW SELF-SUPPORTING LOANS	(12,840)	(12,840)	0	12,840	(100.00%)	Gingin Horseman's Club Campdraft Facility S/S Funding of Loan – Loan not established.
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(405,924)	(405,924)	(1,298,984)	(893,060)	(220.01%)	End of year process. Carried forward plant replacement. Unbudgeted sale of Lot 402 Brockman Street - transferred as per Council Resolution.
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	388,271	388,271	228,918	(159,353)	(41.04%)	End of year process. Transfers as per Council Resolutions.



Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

	Current Annual Budget	Current YTD Budget	YTD Actual	Var. \$	Var. %	Comments
REPAYMENT OF DEBENTURES	(213,371)	(213,371)	(211,388)	1,983	0.93%	
SELF-SUPPORTING LOAN PRICIPAL INCOME	26,659	26,659	8,406	(18,253)	(68.47%)	Loan 015 Guilderton Bowling Club Advance – deferment of loan repayment as per Council Resolution. Gingin Horseman's Club Campdraft Facility S/S Loan – Loan not established with corresponding nil income received.
PAYMENT OF PRINCIPAL PORTION OF LEASE LIABILITIES	0	0	(31,239)	(31,239)		Adoption of AASB16 Leases
RESTRICTED CASH	(224,822)	(224,822)	(44,474)	180,348	80.22%	Timing of restricted cash movements.
<b>AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES</b>	220,813	220,813	(1,348,762)	(1,569,575)	(710.82%)	
<b>CLOSING FUNDING SURPLUS(DEFICIT)</b>	43,544	43,544	2,435,178	2,391,634	5492.45%	





**Shire of Gingin Statement of Financial Activity**  
**1 July 2019 to 30 June 2020**

*Statement of Financial Activity by Nature & Type*

	Current Budget	Current YTD Budget	YTD Actuals	Var \$	Var %
<b>OPENING FUNDING SURPLUS (DEFICIT)</b>	2,797,062	2,797,062	2,797,062	0	0.00
<b>REVENUE FROM OPERATING ACTIVITIES</b>					
RATES	8,360,854	8,360,854	8,356,820	(4,034)	(0.05%)
GRANTS & SUBSIDIES (OPERATING)	1,910,756	1,910,756	3,117,077	1,206,321	63.13%
FEES & CHARGES	3,871,670	3,871,670	3,813,027	(58,643)	(1.51%)
INTEREST EARNINGS	277,400	277,400	283,134	5,734	2.07%
OTHER REVENUE	297,858	297,858	204,926	(92,932)	(31.20%)
PROFIT ON SALE OF ASSETS	165,344	165,344	9,796	(155,548)	(94.08%)
<b>TOTAL REVENUE</b>	<b>14,883,882</b>	<b>14,883,882</b>	<b>15,784,779</b>	<b>900,897</b>	<b>6.05%</b>
<b>EXPENDITURE FROM OPERATING ACTIVITIES</b>					
EMPLOYEE COSTS	(6,306,815)	(6,306,815)	(5,935,236)	371,579	5.89%
MATERIALS & CONTRACTS	(5,883,103)	(5,883,103)	(5,042,544)	840,559	14.29%
UTILITIES (GAS WATER ETC)	(430,911)	(430,911)	(432,664)	(1,753)	(0.41%)
INSURANCES	(508,986)	(508,986)	(483,190)	25,796	5.07%
DEPRECIATION OF ASSETS	(4,869,205)	(4,869,205)	(3,078,098)	1,791,107	36.78%
INTEREST EXPENSES	(120,885)	(120,885)	(118,724)	2,161	1.79%
OTHER EXPENDITURE	(783,578)	(783,578)	(1,614,736)	(831,158)	(106.07%)
LOSS ON SALE OF ASSETS	(55,544)	(55,544)	(83,759)	(28,215)	(50.80%)
<b>TOTAL EXPENSES</b>	<b>(18,959,027)</b>	<b>(18,959,027)</b>	<b>(16,788,952)</b>	<b>2,170,075</b>	<b>11.45%</b>
<b>OPERATING ACTIVITIES EXCLUDED FROM BUDGET</b>					
ADJUST BACK DEPRECIATION	4,869,205	4,869,205	3,078,098	(1,791,107)	(36.78%)
NON CASH ADJUSTMENT	0	0	41	41	
ADJUST (PROFIT)/LOSS ON ASSET DISPOSALS	(109,800)	(109,800)	73,963	183,763	(167.36%)
<b>AMOUNT ATTRIBUTABLE TO OPERATING ACTIVITIES</b>	<b>684,262</b>	<b>684,260</b>	<b>2,147,930</b>	<b>1,463,670</b>	<b>213.91%</b>
<b>INVESTING ACTIVITIES</b>					
NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS	9,760,048	9,760,048	3,709,931	(6,050,117)	(61.99%)
PROCEEDS FROM DISPOSAL OF ASSETS	332,001	332,001	301,500	(30,501)	(9.19%)
PURCHASE LAND AND BUILDINGS	(3,166,639)	(3,166,639)	(422,283)	2,744,356	86.66%
PURCHASE INFRASTRUCTURE ASSETS - ROADS	(6,983,509)	(6,983,509)	(3,997,011)	2,986,498	42.77%
PURCHASE INFRASTRUCTURE ASSETS - PARKS	(969,636)	(969,636)	(98,806)	870,830	89.81%
PURCHASE PLANT AND EQUIPMENT	(2,040,215)	(2,040,215)	(638,868)	1,401,347	68.69%
PURCHASE FURNITURE AND EQUIPMENT	(45,580)	(45,580)	0	45,580	100.00%
PURCHASE FOOTPATHS	(105,063)	(105,063)	(8,806)	96,257	91.62%
PURCHASE OTHER INFRASTRUCTURE	(40,000)	(40,000)	(6,709)	33,291	83.23%



Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

Statement of Financial Activity by Nature & Type

PURCHASE INFRASTRUCTURE SEWERAGE	(400,000)	(400,000)	0	400,000	100.00%
<b>AMOUNT ATTRIBUTABLE TO INVESTING ACTIVITIES</b>	(3,658,593)	(3,658,593)	(1,161,052)	2,497,541	(68.27%)
<b>FINANCING ACTIVITIES</b>					
PROCEEDS FROM NEW DEBENTURES	662,840	662,840	0	(662,840)	(100.00%)
PROCEEDS FROM SELF-SUPPORTING LOANS	(12,840)	(12,840)	0	12,840	(100.00%)
TRANSFERS TO RESERVES (RESTRICTED ASSETS)	(405,924)	(405,924)	(1,298,984)	(893,060)	(220.01%)
TRANSFERS FROM RESERVES (RESTRICTED ASSETS)	388,271	388,271	228,918	(159,353)	(41.04%)
REPAYMENT OF DEBENTURES	(213,371)	(213,371)	(211,388)	1,983	0.93%
SELF-SUPPORTING LOANS RAISED	26,659	26,659	8,406	(18,253)	(68.47%)
PAYMENT OF PRINCIPAL PORTION OF LEASE LIABILITIES	0	0	(31,239)	(31,239)	
RESTRICTED CASH	(224,822)	(224,822)	(44,474)	180,348	80.22%
<b>AMOUNT ATTRIBUTABLE TO FINANCING ACTIVITIES</b>	220,813	220,813	(1,348,762)	(1,569,575)	(710.82%)
<b>CLOSING FUNDING SURPLUS(DEFICIT)</b>	43,544	43,544	2,435,178	2,391,634	5492.45%



Shire of Gingin Financial Statement of Activity  
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*Acquisition of Assets & Other Non-Capital Expenditure*

By Program

	Capital Expenditure Actual 19/20	Capital Expenditure Annual Budget 19/20
GENERAL PURPOSE FUNDING	132,666	404,912
GOVERNANCE	0	3,000
LAW ORDER PUBLIC SAFETY	406,170	3,440,000
EDUCATION & WELFARE	0	125,000
HEALTH	48,681	47,817
COMMUNITY AMENITIES	37,954	616,954
RECREATION & CULTURE	237,149	1,357,238
TRANSPORT	5,194,429	8,223,072
ECONOMIC SERVICES	105,131	543,733
OTHER PROPERTY & SERVICES	540,793	243,425
<b>TOTAL</b>	<b>6,702,973</b>	<b>15,005,151</b>

By Nature & Type

	Capital Expenditure Actual 19/20	Capital Expenditure Annual Budget 19/20
ACCRUED LONG SERVICE LEAVE	20,119	0
LOAN LIABILITY - SHIRE	211,388	226,210
FIXED ASSETS-LAND	0	19,030
FIXED ASSETS-BUILDINGS	422,283	3,163,779
FIXED ASSETS-FURNITURE\FITTING	0	48,000
FIXED ASSETS-PLANT & EQUIPMENT	638,867	2,083,500
INFRASTRUCTURE ASSETS - ROADS	3,997,011	6,983,509
INFRASTRUCTURE ASSETS - PARKS	98,806	980,136
INFRASTRUCTURE OTHER	4,700	590,000
INFRASTRUCTURE - FOOTPATHS	8,806	105,063
INFRASTRUCTURE OTHER 2	2,009	0
INFRASTRUCTURE - SEWERAGE	0	400,000
ACCUMULATED SURPLUS	1,298,984	405,924
<b>TOTAL</b>	<b>6,702,973</b>	<b>15,005,151</b>





Shire of Gingin Statement of Financial Activity  
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*Disposal of Assets*

Disposal of Assets	Annual Budget	Actuals
<b>05 LAW ORDER PUBLIC SAFETY</b>		
<b>140 SALE OF ASSETS</b>		
05318025 Sale Of Rangers Utility 4wd GG070	22,727	22,727
<b>Total 140 SALE OF ASSETS</b>	<b>22,727</b>	<b>22,727</b>
<b>141 PROFIT ON SALE OF ASSETS</b>		
05317500 Profit On Sale Of Assets-053	7,475	3,737
<b>Total 141 PROFIT ON SALE OF ASSETS</b>	<b>7,475</b>	<b>3,737</b>
<b>290 LOSS ON SALE OF ASSETS</b>		
05107400 Loss On Sale Of Assets-051	-4,990	0
<b>Total 290 LOSS ON SALE OF ASSETS</b>	<b>-4,990</b>	<b>0</b>
<b>Total 05 LAW ORDER PUBLIC SAFETY</b>	<b>25,212</b>	<b>26,465</b>
<b>06 EDUCATION &amp; WELFARE</b>		
<b>141 PROFIT ON SALE OF ASSETS</b>		
06217500 Profit On Sale Of Assets-062	41,300	0
<b>Total 141 PROFIT ON SALE OF ASSETS</b>	<b>41,300</b>	<b>0</b>
<b>Total 06 EDUCATION &amp; WELFARE</b>	<b>41,300</b>	<b>0</b>
<b>07 HEALTH</b>		
<b>140 SALE OF ASSETS</b>		
06215060 Sale of Assets - Gingin Bus GG007	15,000	0
<b>Total 140 SALE OF ASSETS</b>	<b>15,000</b>	<b>0</b>
<b>290 LOSS ON SALE OF ASSETS</b>		
07707400 Loss On Sale Of Assets-077	-4,334	-4,334
<b>Total 290 LOSS ON SALE OF ASSETS</b>	<b>-4,334</b>	<b>-4,334</b>
<b>Total 07 HEALTH</b>	<b>10,666</b>	<b>-4,334</b>
<b>11 RECREATION &amp; CULTURE</b>		
<b>290 LOSS ON SALE OF ASSETS</b>		
11307400 Loss On Sale Of Assets-113	0	-590
<b>Total 290 LOSS ON SALE OF ASSETS</b>	<b>0</b>	<b>-590</b>
<b>Total 11 RECREATION &amp; CULTURE</b>	<b>0</b>	<b>-590</b>
<b>12 TRANSPORT</b>		
<b>140 SALE OF ASSETS</b>		
12318902 Sale of Utility GG009	20,000	0
12318921 Sale Works Utility GG020	12,000	0
12318924 Sale of John Deere Grader GG004	115,000	0
12318927 Sale of Pacific Road Broom GG042	4,000	0
12318946 Sale GG11866 Hyundai i30 Tourer Wagon	7,364	7,364
12318959 Sale of Bomag Roller GG029	50,500	50,500
12318965 Sale of Isuzu D-Max Utility GG068	15,000	0
12318975 Sale of Utility 5GG	22,727	22,727
12318979 Sale of GG039 Tipping Trailer GG Town Maintenance	4,500	0
12318980 Sale of GG6905 Water Trailer	500	0
<b>Total 140 SALE OF ASSETS</b>	<b>251,591</b>	<b>80,591</b>
<b>141 PROFIT ON SALE OF ASSETS</b>		
12317500 Profit On Sale Of Assets-123	116,569	6,059
<b>Total 141 PROFIT ON SALE OF ASSETS</b>	<b>116,569</b>	<b>6,059</b>
<b>290 LOSS ON SALE OF ASSETS</b>		
12307400 Loss On Sale Of Assets-123	-33,402	-21,066
<b>Total 290 LOSS ON SALE OF ASSETS</b>	<b>-33,402</b>	<b>-21,066</b>



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Disposal of Assets	Annual Budget	Actuals
Total 12 TRANSPORT	334,758	65,584
13 ECONOMIC SERVICES		
13318010 Sale Of Vehicle - 3GG	19,091	19,091
Total 140 SALE OF ASSETS	19,091	19,091
290 LOSS ON SALE OF ASSETS		
13307400 Loss On Sale Of Assets-133	-1,909	-1,909
Total 290 LOSS ON SALE OF ASSETS	-1,909	-1,909
Total 13 ECONOMIC SERVICES	17,182	17,182
14 OTHER PROPERTY & SERVICES		
140 SALE OF ASSETS		
14218120 Sale Of Vehicle 2GG Manager Financial Services-142	19,092	19,091
14718133 Sale Of Lot 402 (22) Brockman Street; Gingin	0	160,000
Total 140 SALE OF ASSETS	19,092	179,091
290 LOSS ON SALE OF ASSETS		
14207400 Loss On Sale Of Assets-142	-10,909	-10,909
14707400 Loss On Sale Of Assets-147	-44,951	-44,951
Total 290 LOSS ON SALE OF ASSETS	-55,860	-55,860
Total 14 OTHER PROPERTY & SERVICES	-36,768	123,231
TOTAL	392,350	227,537
TOTAL SALE OF ASSETS	327,501	301,500
TOTAL PROFIT ON SALE OF ASSETS	165,344	9,796
TOTAL LOSS ON SALE OF ASSETS	-100,495	-83,759
TOTAL PROFIT/LOSS ON SALE OF ASSETS	64,849	-73,963



Shire of Gingin Statement of Financial Activity  
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Information on Borrowings

Loan	Loan Term (Yrs)	Start date	Remaining Term (Yrs)	Opening Balance	New Loan	Principal (Actuals)	Principal (Budget)	Principal Outstanding (Actual)	Principal Outstanding (Budget)	Interest (Actuals)	Interest (Budget)
100 GG Medical Centre	20	30/01/2004	4	159,074	0	27,817	27,817	131,257	131,257	9,910	9,910
111 Wannamal West Road	20	15/08/2006	6.5	452,768	0	17,657	17,657	435,111	435,111	29,103	29,103
114 Guilderton Country Club (Hall) Extensions	20	20/05/2008	8	403,489	0	33,313	33,313	370,176	370,176	28,225	28,225
120 Regional Hardcourt Facility	20	19/06/2009	9	285,176	0	20,844	20,844	264,332	264,332	18,707	18,707
123 Lot 44 Weld St	20	16/04/2008	8	185,023	0	15,395	15,395	169,628	169,628	12,614	12,614
124A Regional Hardcourt Facility	16	4/06/2014	10	274,651	0	20,184	20,184	254,467	254,467	11,137	11,136
126 Gingin Aquatic Centre Tiling	10	3/02/2016	6	109,738	0	14,267	14,267	95,471	95,471	3,292	3,292
127 Seabird Seawall Extension	10	27/07/2016	6.5	165,316	0	20,297	20,297	145,019	145,019	4,023	4,023
128 Lancelin Caravan Park Assets	5	16/08/2017	2.5	142,607	0	39,478	39,477	103,129	103,130	3,346	3,347
130 Ledge Point Country Club Cool Room	10	22/05/2019	9	23,571		2,136	2,136	21,435	21,435	498	498
129 Gingin Horseman's Club Campdraft Facility Power Supply	Proposed			0	30,740	0	0		30,740	0	0
131 Guilderton Caravan Park Waste Water	Proposed			0	400,000	0	0		400,000	0	0
<b>TOTAL</b>				<b>2,201,413</b>	<b>430,740</b>	<b>211,388</b>	<b>211,388</b>	<b>1,990,025</b>	<b>2,420,766</b>	<b>120,856</b>	<b>120,855</b>





Shire of Gingin Statement of Financial Activity  
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Cash-Backed Reserves

Reserve	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers-In (+)	Actual Transfers-In (+)	Amended Budget Transfers-Out (-)	Actual Transfers-Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
01 LSL; Annual; Sick Leave and Staff Contingency	423,650	10,015	4,800	8,262	0	0	0	479,245	<b>428,450</b>
02 Office Equipment Reserve	2,903	341	33	51	0	0	0	10,295	<b>2,936</b>
03 Plant and Equipment Reserve	1,285,433	2,989	14,146	11,252	747,500	23,591	214,539	628,001	<b>1,832,540</b>
04 Lancelin Lookout Reserve	0	0	0	0	0	0	0	0	<b>0</b>
05 Land and Buildings Reserve	711,861	17,851	7,988	233,090	384,075	4,492	0	958,310	<b>1,103,924</b>
06 Guilderton Caravan Park Reserve	35,187	1,198	400	621	0	20,000	0	17,006	<b>35,587</b>
07 Shire Recreation Development Reserve	74,092	3,989	830	1,308	0	80,000	0	-611	<b>74,922</b>
08 Redfield Park Reserve	31,031	581	348	548	0	0	0	32,161	<b>31,379</b>
09 Ocean Farm Recreation Reserve	30,728	714	344	542	0	0	0	31,984	<b>31,072</b>
10 Tip Rationalisation Reserve	1,090,292	13,608	12,195	43,886	0	0	0	1,147,786	<b>1,102,486</b>
11 Lancelin Community Sport and Recreation Reserve	60,768	0	680	1,014	18,065	0	0	58,477	<b>79,513</b>
12 Old Junction Hotel Reserve	0	0	0	0	0	0	0	0	<b>0</b>
13 Community Infrastructure	2,096	1,707	29	37	0	0	0	3,840	<b>2,125</b>
14 Staff Housing Reserve	33,093	620	371	584	0	0	0	34,297	<b>33,464</b>
15 Future Infrastructure Reserve	501,828	10,375	5923	104,624	95,765	215,000	14,379	401,827	<b>589,137</b>
16 Guilderton Country Club Reserve	9,000	0	97	105	5397	0	0	6,080	<b>14,494</b>
<b>TOTAL</b>	<b>4,291,962</b>	<b>63,988</b>	<b>48,184</b>	<b>405,924</b>	<b>1,250,802</b>	<b>343,083</b>	<b>228,918</b>	<b>3,808,698</b>	<b>5,362,029</b>



Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

*Net Current Assets*

	Actual YTD (19/20)	Balance Forwarded
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	2,343,429	1,245,867
Cash - Restricted Reserves	5,362,029	4,291,963
Cash - Restricted General	1,722,911	1,711,285
Rates - Current	1,508,862	1,486,049
Sundry Debtors	472,154	425,875
Inventories	28,120	37,516
<b>Total Current Assets:</b>	<b>11,437,505</b>	<b>9,198,554</b>
<b>LESS: CURRENT LIABILITIES</b>		
Payables	(260,700)	(709,552)
Employee Provisions	(869,600)	(889,719)
Contract Liability	(1,959,775)	0
Accrued Interest on Loans	(24,835)	(27,374)
Long Term Borrowings (Current)	(222,197)	(224,228)
Bonds and Deposits	(525,388)	(482,884)
<b>Total Current Liabilities:</b>	<b>(3,862,495)</b>	<b>(2,333,757)</b>
<b>Total</b>	<b>7,575,011</b>	<b>6,864,797</b>
Less: Cash - Restricted Reserves	(5,362,029)	(4,291,963)
Add: Current Portion of Debentures	222,197	224,228
<b>NET CURRENT ASSET POSITION</b>	<b>2,435,178</b>	<b>2,797,062</b>



Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

Rating Information

Rating Information	Rates - Property Count	Rateable Value	General Rate	Minimum Rate	Interim Rate	Ex Gratia Rates	Other	TOTAL
03010005 Grv - Townsites 8.7511			2,281,448					2,281,448
03010006 Grv - Other 8.7511			1,280,492					1,280,492
03010010 Uv - Rural 0.5073			1,341,352					1,341,352
03010015 Uv - Other 0.5073			9,334					9,334
03010018 Uv - Intensive 0.9396			633,507					633,507
03010025 Grv - Townsites @ \$1110				1,212,120				1,212,120
03010026 Grv - Other @ \$1110				869,130				869,130
03010030 Uv - Rural @ \$1400				522,200				522,200
03010035 Uv - Other @ \$1400				36,400				36,400
03010038 Uv - Intensive @ \$2548				262,444				262,444
03010045 Interim Rates					40,175			40,175
03010046 Interims - Back Rates					2,648			2,648
03010060 Uv - Ex Gratia Rates						4,927		4,927
03010078 Concession - Intensive							-139,357	-139,357
TOTAL			5,546,133	2,902,294	42,823	4,927	-139,357	8,356,820

**Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020**

*Trust Funds*

Trust Type	Opening Balance	Amount Received	Amount Paid	Closing Balance
BOND	6,867		(800)	6,067
COMMUNITY GROUPS TRUST	1,569			1,569
COUNCILLOR NOMINATION BONDS		640	(640)	
DOROTHY WEDGE TRUST	6,405			6,405
LANDSCAPING BOND	13,113			13,113
OTHER BONDS/TRUSTS	4,546	246	(246)	4,546
PUBLIC OPEN SPACE	46,218			46,218
<b>TOTAL</b>	<b>78,718</b>	<b>886</b>	<b>(1,686)</b>	<b>77,918</b>

# APPENDIX 2





Shire of Gingin Statement of Financial Activity  
1 July 2019 to 30 June 2020

*Investments*

FUND			
Reserve	\$ 0.00	\$ 0.00	\$ 0.00
Municipal	\$ 0.00	\$ 0.00	\$0.00

**11.2.2 LIST OF PAID ACCOUNTS FOR THE PERIOD ENDING 30 JUNE 2020**

<b>File:</b>	FIN/25
<b>Author:</b>	Connie Walker – Accounts Receivable Officer
<b>Reporting Officer:</b>	Les Crichton – Executive Manager Corporate and Community Services
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	Nil
<b>Appendices:</b>	Nil

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

For Council to note the payments made in June 2020.

**BACKGROUND**

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

**COMMENT**

Accounts totalling \$2,848,809.75 were paid during the month of June 2020.

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

• Municipal Fund electronic funds transfers (EFT)	\$2,293,767.55
• Municipal Fund cheques	\$22,703.36
• Municipal Fund direct debits	\$157,917.90
	<b>\$2,474,388.81</b>

**Bank Statement**

• Bank fees and charges	\$6,020.32
• Wages & salaries	\$299,496.79
• Police licensing	\$68,260.45
• Office rent	\$643.38
	<b>\$374,420.94</b>

**Trust Fund** **\$0**

**Total Expenditure** **\$2,848,809.75**

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

## STATUTORY/LOCAL LAW IMPLICATIONS

*Local Government Act 1995*  
s.6.4 – Financial Report

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

Shire of Gingin Delegation Register – Delegation 2.1 Payment of Creditors

## POLICY IMPLICATIONS

Nil

## BUDGET IMPLICATIONS

Resource requirements are in accordance with existing budgetary allocations.

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

## VOTING REQUIREMENTS – SIMPLE MAJORITY

## **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Morton**

**SECONDED: Councillor Court**

**That Council note all payments made by the Chief Executive Officer under Delegation 2.1 for June 2020 totalling \$2,848,809.75, as detailed in the schedule provided to Councillors comprising:**

- |   |                       |
|---|-----------------------|
| • Municipal Fund electronic funds transfers (EFT) | <b>\$2,293,767.55</b> |
| • Municipal Fund cheques                          | <b>\$22,703.36</b>    |
| • Municipal Fund direct debits                    | <b>\$157,917.90</b>   |

### **Bank Statement**

- |                         |                     |
|-------------------------|---------------------|
| • Bank fees and charges | <b>\$6,020.32</b>   |
| • Wages & salaries      | <b>\$299,496.79</b> |
| • Police licensing      | <b>\$68,260.45</b>  |
| • Office rent           | <b>\$643.38</b>     |

### **Trust Fund**

**\$0**

**CARRIED UNANIMOUSLY**

**11.2.3 DIFFERENTIAL RATING 2020-21**

<b>File:</b>	RAV/1, FIN/46-2021
<b>Author:</b>	Andre Lake-Gow – Senior Rates Officer
<b>Reporting Officer:</b>	Les Crichton – Executive Manager Corporate and Community Services
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	Nil
<b>Appendices:</b>	1. Statement of Objects and Reasons for Differential Rates

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider and adopt the Shire of Gingin's differential rating option for the 2020/21 financial year.

**BACKGROUND**

Local governments are empowered to impose differential general rates subject to compliance with Section 6.33 of the *Local Government Act 1995*.

Differential rating provides Council with flexibility in the level of rates being raised from specifically identified properties or groups of properties within the community. It is common for Councils to base differential rating for properties on Local Planning Scheme zonings; however other criteria such as land use may be used.

The Shire of Gingin first introduced differential rating based on land use in the 2011/12 financial year for Unimproved Value (UV) properties and has continued to use this method of rating in each subsequent year. There is only one uniform general rate and respective minimum used for Gross Rental Value (GRV) properties.

Typically, where a local government imposes a differential general rate or a minimum payment applying to a differential rate category, it is required to give local public notice for a minimum period of 21 days.

However, in the *Local Government (Covid-19 Response) Order 2020*, the Minister for Local Government; Heritage; Culture and the Arts initiated a number of measures to assist ratepayers adversely impacted by the pandemic. Included among these measures was exemption from advertising differential rates where the rate in the dollar is frozen or lower than last year.

With Council resolving to apply a 0% rate increase for the 2020-21 financial year, the proposed rate in the \$ for:

- GRV properties will remain unchanged as these were not subject to a general revaluation since the 2019-20 budget was adopted -and

- UV properties will be reduced in recognition of the minor increase in overall UV as a result of a general revaluation. (While overall rate revenue to Council will remain unchanged, this will result in some UV landowners' rates going up and some going down, depending on the extent of the change to their individual property valuation.)

With neither rate in the \$ increasing, local public notice of proposed differential rates is not required to be undertaken.

The following table depicts the differential rates set for the previous (2019/20) financial year:

<b>Differential Rates 2019-20</b>			
Differential Rate Category	UV Rate in \$	Minimum Rate	Income
Rural & Other – UV (including exploration and prospecting tenements)	\$0.005073	\$1,400	\$1,909,286
Rural Intensive/Mining – UV (excluding exploration and prospecting tenements)	\$0.009396	\$2,548	\$895,951
Less rural intensive concession			(\$100,000)
<b>Differential Total Revenue</b>			<b>\$2,705,237</b>

## COMMENT

Officers have prepared the following UV rating for Council's consideration:

<b>Differential Rates 2020-21</b>			
Differential Rate Category	UV Rate in \$	Minimum Rate	Income
Rural & Other – UV (including exploration and prospecting tenements)	\$0.004965	\$1,400	\$1,898,211
Rural Intensive/Mining – UV (excluding exploration and prospecting tenements)	\$0.009245	\$2,548	\$941,965
less rural intensive concession			(\$140,000)
<b>Differential Total Revenue</b>			<b>\$2,700,176</b>

A Statement of Objects and Reasons for Differential Rates is also provided (refer **Appendix 1**).

Notwithstanding actual rates raised, Council currently offers concessions for those Rural Intensive properties where only an identifiable portion is being used for intensive purposes. For 2020/21 these concessions are estimated at \$140,000.

For the purpose of Budget discussions, the 2020/21 draft Budget rates modelling has been calculated using 2020/21 Unimproved Value (UV) revaluations received from Landgate Valuation Services.

In accordance with long standing Council practice, annual valuation movements have been factored back to eliminate any increase/decrease in Shire rate revenue from such valuation changes.

This has resulted in the “Rate in the \$” reduced 2.1% to the Differential General Rate for UV - Rural and Other (including exploration and prospecting tenements) from \$0.005073 to \$0.004965, a 1.6.% decrease to the Differential Rural Intensive/Mining – UV (excluding exploration and prospecting tenements) from \$0.009396 to \$0.009245 with no changes to both minimums.

## STATUTORY/LOCAL LAW IMPLICATIONS

### *Local Government Act 1995*

Part 6 – Financial management

Division 6 – Rates and service charges

Section 6.33 – Differential general rates

Section 6.36 – Local government to give notice of certain rates

### *Local Government (COVID-19 Response) Order 2020*

Clause 12 – Section 6.36 modified (local government to give notice of certain rates)

## POLICY IMPLICATIONS

Policy 3.16 Rates Concession for Split use Differential – UV General Properties

## BUDGET IMPLICATIONS

The rate in the \$ proposed for the differential rates together with the unchanged GRV rate in the \$, achieves the zero increase in rate income sought by Council.

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

## VOTING REQUIREMENTS – ABSOLUTE MAJORITY

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION****MOVED: Councillor Vis****SECONDED: Councillor Court**

That Council endorse the following Differential Rate in the dollar and minimum payments for Unimproved Value rated properties, subject to finalisation of the 2020/21 draft Budget and the establishment of the funding shortfall required from imposition of rates on Unimproved Value rated properties:

<b>Proposed Differential Rates 2020/21</b>			
<b>Differential Rate Category</b>	<b>UV Rate in Dollar</b>	<b>Minimum Rate</b>	<b>Income</b>
<b>Rural and Other – UV</b>	<b>\$0.004965</b>	<b>\$1,400</b>	<b>\$1,898,211</b>
<b>Rural Intensive/Mining – UV</b>	<b>\$0.009245</b>	<b>\$2,548</b>	<b>\$941,965</b>
<b>Differential Total Revenue</b>			<b>\$2,840,176</b>

**CARRIED BY ABSOLUTE MAJORITY**  
**7-0**



# APPENDIX 1

**SHIRE OF GINGIN  
STATEMENT OF OBJECTS AND REASONS  
FOR DIFFERENTIAL RATES - 2020/21**

**OBJECTIVES AND REASONS FOR DIFFERENTIAL RATING**

To provide equity in the rating of properties across the Shire the following rate categories have been determined for the implementation of differential rating.

**Differential General Rate**

<b>Description</b>	<b>Characteristics</b>	<b>Objects</b>	<b>Reasons</b>
Rural and Rural Other (including exploration and prospecting tenements).	Where land is used predominantly for rural purposes, the rate levied shall be based upon its unimproved value (UV).	The objective of this differential rating category is to impose a differential general rate on land held or used for the purposes of rural broad acre farming, rural residential, rural industry, other non-intensive uses as determined by Council (including exploration and prospecting tenements).	It recognises that land within this category does not have the same impacts on Shire transport infrastructure as the rural intensive/mining differential rate category.
Rural Intensive/Mining (excluding exploration and prospecting tenements)	Any or a combination of the following characteristics: (a) The purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; (b) a purpose for which the land is held or used as determined by the local government; or (c) whether the land is vacant or not; or (d) any other characteristic or combination of characteristics prescribed.	The objective of this differential rating category is to impose a differential general rate on land held or used for the purposes of Agriculture Intensive, Animal Husbandry - Intensive (excluding exploration and prospecting tenements), Extractive Industry, Mining, Aquaculture, or Water.	It recognises that land within this category has higher impacts on Shire transport infrastructure and increased environmental monitoring costs.

**OBJECTIVES AND REASONS FOR DIFFERENTIAL RATING (CONTINUED)**

**Differential Minimum Payment**

<b>Description</b>	<b>Characteristics</b>	<b>Objects</b>	<b>Reasons</b>
Rural and Rural Other (including exploration and prospecting tenements).	Where land is used predominantly for rural purposes, the rate levied shall be based upon its unimproved value (UV).	The objective of the proposed minimum payment of \$1,407 (from \$1,285) is to ensure that the proportion of total rate revenue derived from Rural and Rural Other UV properties is essentially consistent with the overall rate increase for this category (including exploration and prospecting tenements).	It recognises that every property receives a minimum level of benefit from works and services provided.
Rural Intensive/Mining (excluding exploration and prospecting tenements).	Any or a combination of the following characteristics: (a) The purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the Planning and Development Act 2005; or (b) a purpose for which the land is held or used as determined by the local government; or (c) whether the land is vacant or not; or (d) any other characteristic or combination of characteristics prescribed.	The objective of this minimum payment is to reflect the additional costs from this sector associated with the higher impact on transport infrastructure and environmental monitoring. The minimum rate of \$2,548 (from \$2,285) also ensure that the proportion of total rate revenue from Rural Intensive/Mining UV properties (excluding exploration and prospecting tenements) is essentially consistent with the overall rate increase for this category.	It recognises that land within this category has higher impacts on Shire transport infrastructure and increased environmental monitoring costs, and the capacity of property owners to pass on the rates charge as a business cost.

**11.2.4 FINDINGS OF 2019/20 INTERIM AUDIT**

<b>File:</b>	FIN/23
<b>Author:</b>	Kailee Williams – Personal Assistant to Executive Manager Corporate and Community Services
<b>Reporting Officer:</b>	Les Crichton – Executive Manager Corporate and Community Services
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	Nil
<b>Appendices:</b>	1. Findings Identified During the Interim Audit

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To receive the findings of the 2019/20 Interim Audit.

**BACKGROUND**

The 2019/20 interim audit for the Shire of Gingin has now been completed.

Officers from the Shire's auditor, Moore Stephens, conducted the audit remotely over a three day period at the beginning of April and carried out a comprehensive investigation into the Shire's auditable activities.

**COMMENT**

At the conclusion of the interim audit, Moore Stephens reported seven findings. Two of these matters were considered to be significant, with the remaining matters considered to be moderate.

The findings, together with Management Comments detailing how the findings have been or will be addressed are provided as **Appendix 1**.

In accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*, the findings identified during the 2019/20 interim audit were presented to Council's Audit and Governance Committee on 7 July 2020.

Following further discussion on the findings, their implications and management response, the Committee resolved:

*That the Audit and Governance Committee recommend that Council receive and note the findings arising from the 2019/20 Interim Audit.*

## STATUTORY/LOCAL LAW IMPLICATIONS

*Local Government Act 1995*

Part 7 – Audit

Division 3 – Conduct of Audit

Section 7.9 – Audit to be conducted

*Local Government (Financial Management) Regulations 1996*

Regulation 16 – Functions of audit committee

## POLICY IMPLICATIONS

Nil

## BUDGET IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

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

## VOTING REQUIREMENTS – SIMPLE MAJORITY

## COUNCIL RESOLUTION/OFFICER RECOMMENDATION

**MOVED:** Councillor Morton

**SECONDED:** Councillor Balcombe

That Council receive and note the findings arising from the 2019/20 interim audit.

**CARRIED UNANIMOUSLY**

# APPENDIX 1

**SHIRE OF GINGIN****PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020****FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Journal entries not independently reviewed.	✓		
2. Revenue not recognised in accordance with AASB 15 or AASB 1058.	✓		
3. Operating lease not recognised in accordance with AASB 16.		✓	
4. Fees and charges have not been invoiced in the correct period.		✓	
5. Rates revenue recognised on Shire owned property.		✓	
6. Asset residual values and useful lives have not been reviewed on annual basis.		✓	
7. Borrowings reconciliation between the general ledger and the loan register was not performed.		✓	

**KEY TO RATINGS**

The Ratings in this management letter are based on the audit team's assessment of risks and concerns with respect to the probability and/or consequence of adverse outcomes if action is not taken. We give consideration to these potential adverse outcomes in the context of both quantitative impact (for example financial loss) and qualitative impact (for example inefficiency, non-compliance, poor service to the public or loss of public confidence).

- Significant** - Those findings where there is potentially a significant risk to the entity should the finding not be addressed by the entity promptly.
- Moderate** - Those findings which are of sufficient concern to warrant action being taken by the entity as soon as practicable.
- Minor** - Those findings that are not of primary concern but still warrant action being taken.

**SHIRE OF GINGIN**

**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

**1. Journal Entries not independently reviewed.**

**Finding**

We noted journal entries relating to rates were not independently reviewed.

**Rating: Significant**

**Implication**

If journals are not independently reviewed and approved, there is a risk that erroneous or fraudulent transactions may pass undetected. Accounting journals can represent significant adjustments to previously approved accounting transactions and should therefore be appropriately reviewed and approved.

**Recommendation**

To help ensure journal entries are bona fide and correct, all journals should be reviewed by a senior staff member independent of preparation. This review should be evidenced accordingly.

**Management Comment**

Noted. Although general journals that are processed for rates are signed off, we accept the levy and receipt type journals had not been. The process has now been amended to ensure all journals, including levy and receipt type journals, are signed off by a senior officer.

**Responsible Person: Coordinator Corporate Services or Manager Corporate Services**  
**Completion Date: Effective Immediately**



**SHIRE OF GINGIN**

**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

**2. Revenue not recognised in accordance with AASB 15 or AASB 1058.**

**Finding**

Two new accounting standards, AASB 15: Revenue from contracts with customers and AASB 1058: Income of not-for-profit entities became effective for the Shire from 1 July 2019 which supercede the previous revenue accounting standards. Our sample testing of revenue transactions (rates, grants and fees and charges) noted some revenue has not been recognised in accordance with the requirements of AASB 15 or AASB 1058.

Furthermore, the impact of the initial application of AASB 15 and AASB 1058 has not been recognised at 1 July 2019.

**Rating: Significant**

**Implication**

Non-compliance with AASB 15 and/or AASB 1058. As these standards generally result in delayed income recognition, the Shire's revenue may be overstated for the 2019-20 financial year. In addition, monthly financial information that is presented to Council may not be in compliance with the current accounting standards.

**Recommendation**

The Shire should complete a detailed revenue recognition assessment of all revenue streams in order to conclude if a particular revenue stream or transaction arises from an enforceable contract with a customer and has sufficiently specific performance obligations. The assessment will trigger the revenue recognition requirements under AASB 15, or if it falls outside this scope, under AASB 1058.

The Shire should also measure the impact of the application of AASB 15 and AASB 1058 at 1 July 2019 and process appropriate adjustments in the accounts, as well as considering the required disclosures and amended accounting policies that will need to be disclosed in the 30 June 2020 financial report in advance of year-end.

**Management Comment**

Income is being assessed currently and contracts reviewed to ensure compliance with these standards. Revenue will be recognised in accordance with the requirements of AASB 15 or AASB 1058 for the reporting year 2019/20.

**Responsible Person: Manager Corporate Services, Coordinator Corporate Services**

**Completion Date: 30 June 2020**

**SHIRE OF GINGIN**

**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

**3. Operating lease not recognised in accordance with AASB 16.**

**Finding**

The new accounting standard AASB 16: Leases came into effect for the Shire from 1 July 2019 and replaced the previous requirements of AASB 117:- Leases. We noted the Shire has not recognised the lease liabilities and right-of-use of assets for two office equipment rental agreement and one rental building agreement which is the new treatment required under AASB 16, and instead is continued to expense the payments made under this lease.

Furthermore, the impact of the initial application of AASB 16 has not been recognised at 1 July 2019.

**Rating: Moderate**

**Implication**

Non-compliance with AASB 16 can result in depreciation and interest expense being understated for the 2019-20 financial year and the overstatement of lease expenses. As a result of this financial information may not be in compliance with the current accounting standard.

**Recommendation**

The Shire should consider all its operating leases to determine if they are in the scope of AASB 16. For those that are, the Shire should ensure they are correctly accounted for in accordance with AASB 16. This will help ensure the financial position of the Shire is not misstated for the 2019-20 financial year.

**Management Comment**

Officers are aware that the lease for the street sweeper must be recognised in accordance with AASB 16 and this will be complied with in the 2019/20 financial year.

Although officers are of the view that the lease valuation for the franking machine is immaterial for the reporting year, the term of the lease is five years so we accept that the value of the lease over this term should be reported in the financial statement. This will be reflected in the Annual Financial Statement for the 2019/20 reporting year.

The lease for the Lancelin administration office building has previously been an annual lease and the value immaterial for reporting purposes. The lease is currently under negotiation with the intent to secure a lease term of 3 years. This being the case, the lease value would exceed what is an acceptable exclusion value so will be reported in the 2019/20 Annual Financial Statement.

**Responsible Person: Manager Corporate Services, Coordinator Corporate Services**

**Completion Date: 30 June 2020**

**SHIRE OF GINGIN**

**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

**4. Fees and Charges have not been invoiced in the correct period.**

**Finding**

We noted one instance where the landfill facility invoice for the months of May and June 2019 was only raised in September 2019.

**Rating: Moderate**

**Implication**

Non-compliance with AASB 15 as revenue is not being recognised when the service obligation has been completed.

**Recommendation**

To comply with AASB 15, the Shire should raise an invoice as soon as the service obligation has been completed.

**Management Comment**

Due to staff movements in the Health Department, instructions on the requirement to undertake this process were not passed on immediately causing this anomaly. The procedure was amended to ensure monthly reconciliations be undertaken on the first Monday of every month and as a result, invoices are now raised for outstanding revenue in a timely manner.

**Responsible Person: Administration Support Officer - Operations & Health**  
**Completion Date: December 2019**

**SHIRE OF GINGIN**

**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

**5. Rates revenue recognised on Shire owned property.**

**Finding**

We noted one instance where the Shire recognised rates revenue on its own land.

**Rating: Moderate**

**Implication**

This can result in rates revenue being overstated for the 2019-20 financial year.

**Recommendation**

To ensure rates revenue is not overstated, the Shire should not recognise rates revenue on its own land.

In addition, the rates module should be updated to exclude all Shire owned land when calculating rates revenue for future years.

**Management Comment**

It is noted that rates were raised on one Shire owned property which is leased by a third party. Historically this has been normal practice and the payment of rates would be negotiated under a lease agreement.

The Office of Auditor General are of the view that Shire owned properties should be non-rateable and the payment of such by the lessee should be reflected instead by a fee or charge which must be in accordance with the organisation's fees and charges schedule. This fee or charge would also be reflected in the lease agreement.

Officers note this recommendation and an amendment to the rate book will be undertaken in response to this finding.

**Responsible Person: Senior Rates Officer**

**Completion Date: May 2020**

**SHIRE OF GINGIN**

**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

**6. Asset residual values and useful lives have not been reviewed on an annual basis.**

**Finding**

We noted management has not reviewed the estimated residual values and useful lives of assets on an annual basis. The last time these were reviewed was during the fair value process for each class, being 2016 for plant and equipment, 2017 for buildings, 2018 for infrastructure assets and 2019 for land which resulted in a higher depreciation expense.

**Rating: Moderate**

**Implication**

The condition of assets or any other factors affecting residual values and the useful lives of assets may have changed. If expectations differ from previous estimates, the annual depreciation charge would be affected.

**Recommendation**

To help ensure compliance with AASB 116.51 and to ensure the Shire's assets are depreciating at rates that are consistent with the patterns of consumption, management should review the estimated useful lives of assets used for calculating depreciation on an annual basis. The review should consider management's assessment of the risk expectations may have changed and conclude whether management considers the residual values and useful lives to fairly reflect current conditions.

**Management Comment**

While depreciation rates and values are reviewed annually, estimated asset residual values and useful life has relied on the most recent fair value process for each class together with informal recognition of asset impairment as it is identified. Annual asset review processes have now been amended to include a formal review of estimated useful life of assets.

**Responsible Person: Executive Manager Corporate and Community Services**

**Completion Date: 30 June 2020**

**SHIRE OF GINGIN**

**PERIOD OF AUDIT: YEAR ENDED 30 JUNE 2020**

**FINDINGS IDENTIFIED DURING THE INTERIM AUDIT**

**7. Borrowings reconciliation between the general ledger and the loan register was not performed.**

**Finding**

We noted the reconciliation between the general ledger and the loan register was not performed every month.

**Rating:** Moderate

**Implication**

Loan transactions in the general ledger could be inaccurate and incomplete.

**Recommendation**

To help ensure loan transactions are complete and correctly posted to the general ledger, borrowings reconciliations should be performed every month.

In addition, this reconciliation should be reviewed by a senior staff member independent of preparation. This review should be evidenced accordingly.

**Management Comment**

It is noted that a formal reconciliation process of the loans information is not independently completed however, the loans register is reconciled back to the general ledger every month as part of the completion of the Monthly Financial Statement tabled at Council. The monthly financials are checked and signed off monthly by a senior officer.

For best practice, we have now incorporated an independent monthly reconciliation of borrowings to current end of month processes.

**Responsible Person:** Coordinator Corporate Service Officer

**Completion Date:** May 2020

**11.3. REGULATORY AND DEVELOPMENT SERVICES****11.3.1 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED USE NOT LISTED (CONTAINER DEPOSIT RECYCLING CENTRE) AND A COMMUNITY PURPOSE (MECHANICAL REPAIRS) ON LOT 25 (23) WELD STREET, GINGIN**

<b>File:</b>	BLD/4070
<b>Applicant:</b>	The Gingin Men's Shed (Greg Page)
<b>Location:</b>	Lot 25 (23) Weld Street, Gingin
<b>Owner:</b>	Mervyn Evans
<b>Zoning:</b>	Residential 10
<b>WAPC No:</b>	N/A
<b>Author:</b>	James Bayliss – Statutory Planning Officer
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services
<b>Report Date:</b>	23 July 2020
<b>Refer:</b>	N/A
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Location Plan and Applicant's Proposal</li><li>2. Schedule of Submissions and Recommended Response</li><li>3. Applicants Response to Schedule of Submissions</li></ol>

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider an Application for Development Approval for a proposed Use Not Listed (Container Deposit Recycling Centre) and a Community Purpose (Mechanical Repairs) on Lot 25 (23) Weld Street, Gingin.

**BACKGROUND**

The subject land is 1386m<sup>2</sup> in area and is located on the corner of Old Mooliabeenee Road and Weld Street, Gingin. The land contains an existing 'shed' which has previously been used for 'motor vehicle repairs'.

The Applicant's submission indicates that the majority of the existing shed on the property will be used as a 'container deposit refund point', with the remaining portion of the shed being used for mechanical repairs to members' 'classic'- vehicles'.

The refund point is proposed to operate on Tuesday and Saturday mornings 8.30am – 12.30pm. Containers will be stored inside the shed and removed approximately every 3 weeks by a contractor. This component of the proposal is classified by the officer as a 'use not listed (Container Deposit Recycling Centre)'.

The applicant's submission does not provide much, if any, real information in relation to the mechanical repairs, other than indicating the area in which this would be undertaken within the shed, which comprises a smaller portion of the shed compared to the portion utilised by the container deposit use.

It is assumed that the vehicle repairs undertaken by the Men's Shed would be for the same purposes as other activities undertaken on its principal site (3 Horan Street, Gingin), namely for educational, social and recreational purposes. To that extent, it may be open to the Shire to consider this component of the proposal as a "community purpose".

The assessment has various components that require clarification to provide Council with the full context of the proposed development.

### Container Deposit Scheme (CDS)

The Western Australian Government is implementing a Container Deposit Scheme (CDS) to complement existing kerbside recycling services. The CDS provides for a refund to be paid to any person who returns an eligible beverage container through the Scheme. The CDS operates by the return of containers via various container return points. In the context of the position statement, the return points are referred to as CDS infrastructure.

The role of Planning in the implementation of the CDS is to ensure that the infrastructure required to facilitate the Scheme is established in appropriate locations.

The Gingin Men's Shed has been approved by Western Australia Return Recycle Renew Limited 2020 (WARRRL) as a refund operator to receive eligible recyclable containers from the public to make a financial return on each item deposited.

### Existing Men's Shed Facility

The Gingin Men's Shed's primary place of operation is Lot 86 (3) Horan Street, Gingin. This site contains three sheds, one large shed and two smaller sheds. The land subject to this assessment adjoins the Men's Shed's principle place of operation. The relationship between the proposed development and the existing facility has been considered, given it is essentially an expansion of the operations undertaken by the group. Although the land titles are separate, the proposed development does rely somewhat on the principal place of operation by sharing services (toilet/kitchen etc.).

The applicant has advised that the convenience of the subject land in the context of the existing facility is favourable, as it will not segregate members.

### Previous Non-Conforming use

The subject land was previously used for motor vehicle repairs under non-conforming use rights, which was approved by Council on 25 May 1999. The non-conforming use rights applied given the land is zoned 'Residential 15' and the site was used for commercial purposes prior to the zoning being applied. The officer is aware that the motor vehicle repairs use ceased on or around 1 April 2019.



Clause 3.8 – 3.10 of LPS 9 outlines requirements relating to non-conforming uses. The officer commenced discussion with Gingin Men's Shed representatives on 28 August 2019 in relation to non-conforming use rights, noting that where a use has been discontinued for a period of 6 months, the land must not be used after that period other than in accordance with the provisions of the Scheme. After that period of time, the Shire does not have any discretion under the provisions of LPS 9 to approve an extension of a non-conforming use right in circumstances where the right has lapsed.

The officer advised the Men's Shed Group that an application for development approval was required for usage of the site by the Mens Shed group. After the 6 month period had lapsed, the proponents provided additional information in support of their assertion that they do not require development approval, that their current use of the property is in accordance with the previous non-conforming use, and that 6 months did not lapse between the previous operation leaving the property and their subsequent occupation. The information provided was not compelling, and irrespective of this, the advised usage did not amount to a continuation of motor vehicle repairs.

It is therefore emphasised that no non-conforming use rights currently apply to the subject land, as clause 3.10 of LPS 9 applies.

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

Council consideration is required due to adverse submissions being received during the consultation process.

## COMMENT

### Stakeholder Consultation

The application was advertised to surrounding residents and property owners by way of letter, with a notice being published on the Shire's website and a development sign placed on the verge of the property for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

During the advertising period 13 submissions were received, all opposing the development.

A copy of the Schedule of Submissions and Recommended Responses has been included as **Appendix 2**.

The applicants comments in response to the submissions received is provided as **Appendix 3**.

## PLANNING FRAMEWORK

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

The subject land is zoned Residential 15 under LPS 9, the objectives of which are to:

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

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

The officer advertised the proposed development as a 'Community Purpose' which is defined as follows:

*"The use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit."*

This was on the basis that the development would be an 'addition' to the previously approved Men's Shed facility on Lot 86 (3) Horan Street, Gingin which operates under the use of a Community Purpose, albeit on a separate parcel of land. The mechanical repairs component of the proposal may fall under this use class, however as outlined above, information relating to this aspect is limited.

Upon review of the proposed development in association with the Department of Planning, Lands and Heritage (DPLH) position statement on CDS infrastructure, the officer is of the view that it is appropriate to consider the CDS infrastructure of the development as a use not listed (Container Deposit Recycling Centre) under Cause 3.4.2 of LPS 9 which states:

*"3.4.2 If a person proposed to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:*

- a) *Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*
- c) *Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted."*

It is important to establish the appropriate use class of the CDS infrastructure upfront. As such, the DPLH position statement on CDS infrastructure is addressed below, with the officer's assessment of the proposed development against the objectives of the zone provided later in the report.

### Position Statement: Container Deposit Scheme Infrastructure (DPLH – 2019)

The intent of the position statement is to *‘outline how container deposit scheme infrastructure should be considered and assessed in the Western Australian planning system’*. As such, this document forms part of the basis of the officer’s assessment.

There are broadly five types of CDS infrastructure to facilitate the return of containers in WA. These are:

- Container collection cages;
- In shop/over-the-counter/bag drop return points;
- Reverse vending machines;
- Container deposit recycling centres; and
- Large-scale facilities.

The position statement defines a ‘Container Deposit Recycling Centre’ as follows:

*“Premises used to return, consolidate, temporarily store and sort material associated with a container deposit scheme established under Part 5A of the Waste Avoidance and Resource Recovery Act 2007 before transfer to a waste storage facility or resource recovery centre, and may also include the return of small consumer goods or products as an incidental use.”*

The officer is of the view that the development falls under this definition as this is precisely what is proposed by the applicant. The site is proposed to receive, sort and temporarily store eligible recyclable material associated with the CDS scheme prior to transporting to a larger recovery facility.

The fact that the applicant is a not for profit organisation does not change the character of the use being undertaken for the purposes of the planning assessment.

Accordingly the proposed CDS infrastructure is considered to be appropriately classified as a ‘use not listed (Container Deposit Recycling Centre) as opposed to a ‘Community Purpose’ under LPS 9.

The position statement goes on to outline key matters that should be considered when assessing Container Deposit Recycling Centres. These are outlined below:

- *Visual appearance – The development should integrate seamlessly with surrounding development, and not propose outdoor sorting or storage which is visible from the public realm.*
- *Onsite operations – Generally, only the return, sorting and storage of material associated with the CDS should occur.*
- *Car parking – Parking requirements should have regard for the generally quick turnover of users, and the colocation of such return points with uses where trips are likely to be shared.*

The Position Statement contains the following further statement as to the appropriate siting of Container Deposit Recycling Centres in planning terms:

*“Container deposit recycling centres are suitable for development in mixed business/service commercial and bulky goods areas, along with some commercial and light/service industrial areas, and should be included as a ‘P’ (permitted) use within these zones under local planning schemes. In centre/shopping/town centre type zones the use may be included as a ‘D’ (discretionary) use.”*

It is evident then from the Position Statement that a container deposit recycling centre is, by its nature, a use appropriate for location in commercial and light/service industrial areas and potentially within centre/shopping/town centre type zones.

The absence of the residential zone being identified as an appropriate zone is likely due to the fact that a commercial or service use of this nature would not ordinarily be considered appropriate in, or consistent with the objectives of, a Residential zone. This assertion is supported when the objectives of the Residential zone under LPS 9 are reviewed, as outlined below.

#### Local Planning Scheme No. 9 (LPS 9) Further Comments

The objectives of the Residential zone under LPS 9 are addressed below:

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

##### Comment

This objective is largely not applicable given the development does not provide for any housing type. However, it is noted that Residential zones are set aside to provide housing in a residential setting.

- b) *Maintain and enhance the residential character and amenity of the zone;*

##### Comment

'Amenity' is defined in clause 1 of the 'deemed provisions' to mean:

*“All those factors which combine to form the character of an area and include the present and likely future amenity”.*

The officer is of the view that a container deposit recycling centre would not 'enhance' or improve the amenity of the residential zone. The impacts by way of noise, vehicular and pedestrian traffic associated with the development are anticipated to be to an extent that would not ordinarily be related with a residential use, and would be noticeable by those residing on adjoining land. These impacts inform the question of amenity and on this basis it would not be considered to enhance or improve the amenity of the zone.

The consideration then is whether or not the development would maintain or preserve the current amenity enjoyed by those residing in the zone. It is noted that adjacent land to the north-east is used by the Gingin Men's Shed for 'community purposes' with activities occurring such as woodworking, metal working and fabrication as well as serving as a place for members to meet and socialise. Community purposes on a small scale are able to coexist within residential zonings and the existing premise was seemingly approved on this assumption.

It is therefore acknowledged that the existing amenity which immediately abuts the subject land is not purely residential, as it includes an activity that, during the operating hours of the Men's Shed, creates a degree of noise, vehicle and pedestrian traffic which would not ordinarily be created by a bona-fide residential use.

It is also considered relevant to consider the proposal in the context of the existing Men's Shed facility, as the basis of the applicant's proposal is the convenience of the subject land in terms of proximity to the existing site. It is essentially an 'expansion' to the Men's Shed current facility as the intent is to share services (i.e. toilet/kitchen), albeit on a separate land title. This will result in pedestrian movement between the two properties which would not ordinarily occur between two residential sites. This expansion will therefore amplify the existing impacts created by the Men's Shed on adjoining occupiers' amenity. Furthermore, the officer is of the view that the proposed activity is likely to cause a nuisance, in the sense that the applicant's activities will result in some kind of interference with the ordinary enjoyment of life by the existing residents on adjoining residential land by way of noise, vehicle and pedestrian traffic.

As indicated above, the site is immediately adjoined by residential land uses (dwellings to the east and north) which ought to enjoy inherent qualities that provide occupiers with a place to shelter, retreat and relax without the disruption caused by a commercial enterprise. The proposed development, although undertaken by a non-for-profit organisation, will result in a further commercial use encroaching within the residential context.

It is noted that the applicant indicates that health and safety management practices, formulated on the members' experience in relation to noise mitigation, will be adhered to. Whilst noise management plans can provide for a range of controls in relation to noise, the officer is not satisfied that the proposal is acceptable from a noise amenity perspective having regard to what is a residential context.

The officer is of the view that the proposed development will undoubtedly create additional noise, vehicle and pedestrian traffic which will exacerbate adverse impacts on the existing residential amenity of the zone. While these amenity impacts may occur infrequently, they will still occur.

Consequently, the proposed development does not in fact 'maintain' or preserve the existing amenity of the residential area or, more specifically, the amenity of adjoining properties, and as such does not satisfy this objective of the zone.

- c) *Limit non-residential activities to those of which the predominant function is to service the local residential neighbourhood and for self-employment or creative activities, provided such activities have no detrimental effect on the residential amenity; and*

### Comment

The proposed Use Not Listed (Container Deposit Recycling Centre) is clearly not a residential activity, nor does it create any opportunities for self-employment as it will be run by volunteers. It is anticipated that the facility will receive eligible recyclables from members of the public beyond the local residential neighbourhood, given that no other facility like this exists elsewhere in the Shire. It is also anticipated that the use will cause detrimental impacts on the amenity of adjoining residential properties as previously outlined.

As such, the proposed development is not considered to satisfy this objective of the residential zone.

- d) *Ensure that the density of development takes cognisance of the availability of reticulated sewerage, the effluent disposal characteristics of the land and other environmental factors.*

### Comment

This objective is not applicable in this instance.

The officer is of the view that the proposed Use Not Listed (Container Deposit Recycling Centre) is not consistent with the objectives of the zone, and in accordance with clause 3.4.2 (c) of LPS 9 is therefore not permitted. The terminology of 'not permitted' is consistent with the terminology used in LPS 9 for an 'X' use.

### *Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations)*

The Regulations are subsidiary legislation created under the *Planning and Development Act 2005* that include 'deemed provisions' which apply to every local planning scheme throughout the State.

In accordance with Schedule 2, Part 8, Clause 63, an Application for Development Approval must be accompanied by a range of information that the local government reasonably requires to make an informed assessment and decision. Furthermore, it is essential that the public is appropriately informed and consulted with in relation to the proposed development.

As outlined in the Background section of the report, the submission does not provide much, if any, real information in relation to the mechanical repairs proposed to be undertaken other than indicating the area in which this would be undertaken within the shed.

The officer assumes that mechanical repairs will be undertaken on members' vehicles by way of restoration works, however no specific details have been provided. The opening hours provided in the applicant's response to the schedule of submissions indicates that the shed will be open to members on Tuesday and Thursday mornings. This is not indicated within the information submitted, and indicates that the overall site will be utilised beyond the Tuesday/Saturday mornings for 4 hours at a time. The information relating to the mechanical repairs has not been consistent over the past 11 months and the officer is none the wiser from the information submitted.

Given the details in relation to the mechanical repairs is insufficient, this also results in stakeholders being uninformed as information provided during consultation is not clear. For that reason, this component of the proposal is not supported.

The officer also notes that should Council not support the predominant use of the site for CDS infrastructure, the intention in relation to the mechanical repairs is likely to alter, and for that reason the officer has not pressed the matter with the proponents.

#### Further Assessment

The above report outlines the officer's position in relation to the proposed development, which concludes that the use is not permitted.

This notwithstanding, the officer has undertaken an assessment of the CDS infrastructure against s.67 of the Deemed Provisions, to which the local government is to have due regard 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 would ordinarily be considered relevant should Council be of the view that the proposal does in fact meet the objectives of the zone.

- (n) *The amenity of the locality including the following –*
  - (ii) *The character of the locality;*

#### Comment

The comments above that have addressed the amenity impact on the zone are also applicable in this context. The character of the immediate area is considered to be adversely impacted by the introduction of a development of this nature, or an expansion to the existing Men's Shed facility.

- (s) *The adequacy of -*
  - (i) *The proposed means of access to and egress from the site; and*
  - (ii) *Arrangements for the loading, unloading, manoeuvring and parking of vehicles;*

#### Comment

Access to the site is derived off Old Mooliabeenee Road via an existing unsealed crossover. The crossover extends approximately 15 metres along the lot frontage, which is significantly larger than an ordinary residential crossover.

However, access to the property is able to be adequately addressed via a condition of approval should Council support the proposal. It would be expected that the crossover would be reduced in width and upgraded to a sealed standard to cater for the operation.

The proposal does outline the parking layout for staff and patrons. While the dimension of the car bays is not indicated, the officer is satisfied that sufficient area is available for parking purposes.

The arrangement for loading of the eligible recyclables onto the receivable truck will occur internally within the shed. The vehicle will reverse into the dedicated area and hydraulically lift the cage/skip onto the vehicle. It is assumed that sufficient internal clearance is available within the shed for this to occur and the officer is satisfied that sufficient room exists onsite for the truck to enter and exit the property in a forward gear.

- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

Comment

The officer notes that the amount of traffic generated by the development is difficult to gauge, given the popularity of the service is somewhat untested within Western Australia. This notwithstanding, it is anticipated that several vehicle and pedestrian trips will occur during designated opening times. The ability for Old Mooliabeenee Road to cater for additional vehicles is accepted, and traffic flow is unlikely to be significantly impacted. The site is capable of allowing vehicles to enter and exit the site in a forward gear. Therefore safety and traffic flow should not be a significant cause for concern.

The officer does however note that the ability of the site to cater for vehicles is one aspect that must be considered. The amenity nuisance potentially caused by an increase in vehicles to the site beyond what would ordinarily be expected within a residential zone during operating hours has previously been addressed.

- (u) *The availability and adequacy for the development of the following -*  
(iii) *storage, management and collection of waste;*  
(iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*  
(v) *access by older people and people with disability;*

Comment

- (iii) *storage, management and collection of waste;*

The proposed development receives/collects eligible recyclable containers, sorts the material (manages) and temporarily stores the product prior to collection and transport to a resource recovery centre. The proposal indicates that the existing shed is capable of undertaking all activities internally without any overflow into outdoor areas. On this basis, the visual aesthetics of the streetscape should not be adversely impacted.

It should be emphasised that any external storage or external collection points would not be conducive to the visual aesthetics of a residential zoning.



- (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*

It is noted that the transaction occurring with patrons is not expected to occur over a lengthy period time where members of the public would require access to toilets.

It is noted that the existing shed does not contain any toilet facilities and therefore staff/volunteers will be using the services provided at the existing Men's Shed facility on Lot 86 (3) Horan Street, Gingin.

- (v) *access by older people and people with disability;*

The subject site has the capacity to provide a car bay to cater for persons with a disability. From a pedestrian movement perspective between the subject site and the Men's Shed's principle place of operation, there may be linkage issues for the elderly or those who commute with a disability scooter. The officer views this as an issue for the proponents to address to ensure all of their membership base can easily access the site.

- (w) *the history of the site where the development is to be located;*

#### Comment

he site has historically enjoyed non-conforming use rights as previously outlined. On that basis, during the operation of the non-conforming use the amenity of adjoining residents would not have been to the same quality as that of residents who are surrounded by traditional residential uses (i.e. single houses) elsewhere in the townsite.

The fundamental principle of the planning system is to create zones, with each zone accommodating like-minded development, to segregate incompatible development.

In this case, the subject site has historically accommodated an incompatible land use within the Residential zone. This in itself is not sufficient justification to permit a further incompatible land use to encroach into the Residential zone.

The role of LPS 9 and the non-conforming use clauses is to transition what is an incompatible use (motor vehicle repairs) in the zone that has historically operated prior to gazettal, back to a use aligned with its intended purpose (residential) once that use ceases.

The officer does, however, accept that the proposed operating hours are limited and it is likely that the proposed use will have a lesser effect on the amenity of adjoining landowners than the previous motor vehicle repairs.

(y) *any submissions received on the application;*

### Comment

The Shire received 12 submissions during the advertising period, all objecting to the proposed development. The officer's response to the comments received is included as **Appendix 2**.

It is evident that the community does not support the development in the proposed location.

The comments submitted raise concern with respect to the further encroachment of a commercial/service type use located within the residential setting. It is apparent that nearby landowners and occupants are concerned that the residential amenity will be adversely impacted by the development.

Those who work nightshift rely on a level of peaceful amenity during daytime hours to provide an environment to sleep and recoup. The introduction of a commercial/service type enterprise, irrespective of infrequent operating hours, does create an adverse impact on those individuals who rightfully expect to enjoy the amenity of a residential environment which would enable the uninterrupted ability to shelter, sleep and recoup from their working lives.

In this regard, the officer does concur with several concerns raised and gives significant weight to the concerns of those immediately affected. Those adjoining the site ought to enjoy their residential properties for their intended purpose, and understandably have an expectation that adjoining development will be related to bona-fide residential purposes.

### Summary

The proposed Use Not Listed (Container Deposit Recycling Centre) is not deemed to satisfy the objectives of the Residential zone and as such is not permitted as outlined under clause 3.4.2 (c) of LPS 9.

The mechanical repairs component of the submission lacks detail. It does not enable the officer to undertake a thorough assessment, and therefore an informed decision is unable to be reached. It is noted that the information provided in relation to the mechanical repairs intentions of the Men's Shed has been a point of discussion for 11 months, with clear and concise details as to the intentions having not been provided. The officer has not pressed the lack of details with the proponents, given specific details in relation to this component may change as a result of the officer's recommendation.

Rather than refuse the community purpose (mechanical repairs) component of the proposal, the officer is of the view that a determination with respect to this component should be deferred until such time as the proponent provides additional information. The consequence of having the proposed Use Not Listed (Container Deposit Recycling Centre) component of the development refused, should Council concur with the officer assessment, is likely to impact the additional information requested from the Gingin Men's Shed in relation to activities relating to the mechanical repairs component of the proposed development.

## STATUTORY/LOCAL LAW IMPLICATIONS

Local Planning Scheme No.9

Part 3 - Zones and the Use of Land

3.2 - Objectives of the Zones

3.2.1 - Residential Zone

3.8 - 3.10 Non-conforming use provisions

Position Statement: Container Deposit Scheme Infrastructure (DPLH – 2019)

*Planning and Development (Local Planning Scheme) Regulations 2015*

Schedule 2 – Deemed provisions for local planning schemes

Clause 67 – Matters to be considered by local government

## POLICY IMPLICATIONS

Nil

## BUDGET IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 – 2029

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

## VOTING REQUIREMENTS – SIMPLE MAJORITY

## **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Balcombe**

**SECONDED: Councillor Court**

**That Council:**

1. **Refuse to grant development approval for a proposed Use Not Listed (Container Deposit Recycling Centre) on Lot 25 (23) Weld Street, Gingin under clause 68 (2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
  - a. **The proposed development is considered to be a ‘use not listed’ under Local Planning Scheme No. 9 (LPS 9), with the appropriate classification being identified as a Container Deposit Recycling Centre. The proposed development is not consistent with the objectives of the Residential zone outlined under clause 3.2.1 of LPS 9. Accordingly, the development is not permitted as per clause 3.4.2 (c) of LPS 9.**

### **Advice Notes:**

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

2. **Defer determining the proposed Community Purpose (Mechanical Repairs) component of the proposed development on Lot 25 (23) Weld Street, Gingin for the following reasons:**
  - a. **The information submitted is not sufficient for the officer to undertake a thorough assessment and therefore an informed decision is unable to be reached.**

### **Advice Notes:**

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

**CARRIED UNANIMOUSLY**

# APPENDIX 1









## The Container Deposit Scheme.

### **Proposed Community Refund Point Lot 25 Weld Street Gingin WA**

*We are seeking approval from the Gingin Shire to have the Container Deposit Scheme based in Gingin with The Gingin Men's Shed inc. operating as the local Refund Operator from the property located 23/Lot 25 Weld Street Gingin WA*

#### **BACKGROUND.**

The Containers for Change program was to be introduced by the WA State Government on 2 June 2020, but deferred due to the Covid19 pandemic. There are indications that November 2020 will be the revised start month for the WA launch.





The program is designed to reduce roadside litter by providing a 10 cent deposit refund on each of the eligible beverage containers returned to a refund point. It follows many other states successful implementation of similar programs..

#### COMMUNITY BENEFITS

The 10 cent refunds are expected to return around **\$50,000 per annum** back to Gingin community groups after the first year of operations. This *new* income will improve the sustainability of many of the N.F.P.s and allow them to expand the services on offer, and make them less dependent on other sources of revenue.

We expect the main beneficiaries of the Container Deposit Scheme will be the Gingin community e.g.

- The local P&C,
- local schools,
- Sporting clubs.
- Individuals,
- Fundraising activities eg disaster relief, personal and sporting endeavours,
- Scouts,
- Playgroup,
- Bowling club,
- Rec Centre,
- Gingin Shire (less material going to landfill).



#### REFUND OPERATOR

The Gingin Men's Shed was invited, and subsequently approved, to participate in the scheme as a Refund Operator, to receive containers from the public and make the 10 cent deposit refunds. List of eligible containers.

We believe that we were identified as a suitable refund operator as:

- the scheme is designed to favour Not For Profit (N.F.P.) social enterprises,

- the operation will be too small in Gingin to be commercially viable,
- the start-up costs are in the tens of thousands of dollars which may be beyond the financial capacity of many other N.F.P.s in the town and
- we have the skill sets and low overheads to make this scheme work in Gingin.

#### LOCATION

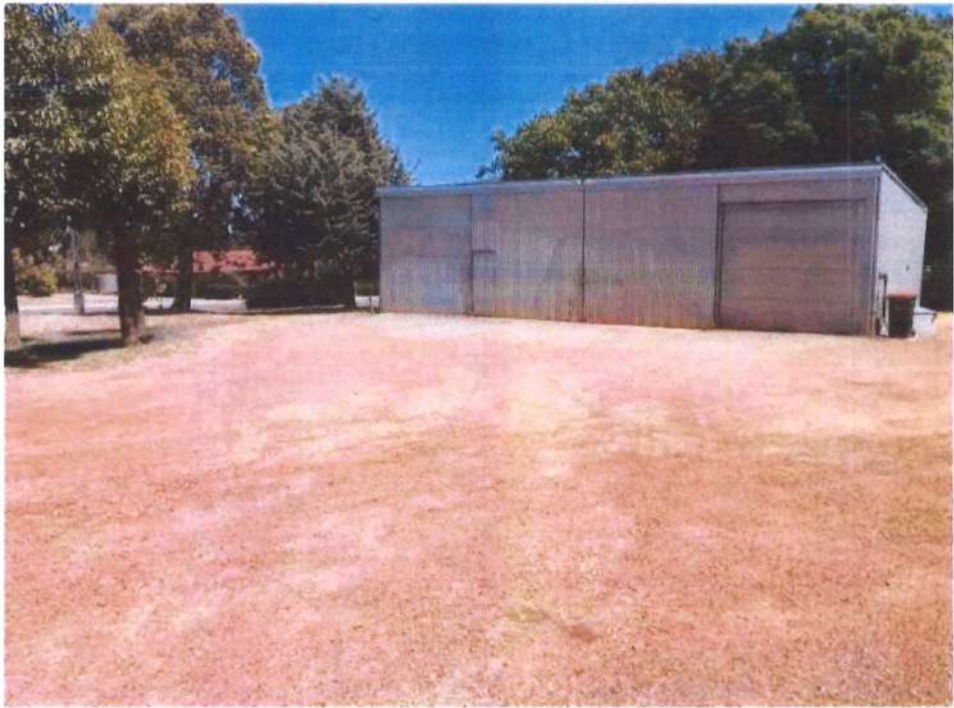
We have identified the Weld Street property as the only suitable site that meets our needs.

These requirements include being:

- in close proximity (30 metres) to existing Gingin Men's Shed crib room, toilets etc. eliminating the need to duplicate expensive facilities,
- an existing structure that only requires minimal capital improvements (landscaping and electrical),
- conveniently located for the town,
- an affordable low cost property. Business model will not support commercial rental rates,
- of adequate size (~ 120m<sup>2</sup>) to accommodate existing mechanical/vehicle repair and maintenance and set up of a community refund point.
- Space at our existing shed is fully utilised,
- no other locations identified as being suitable.

As a successful Men's Shed the camaraderie between members is paramount to our success. It is important to us that our members do not become fragmented geographically by having our group split over two sites separated by two distant sites.







#### PLANNING APPROVAL

The Gingin Men's Shed has been leasing the shed since mid 2019 as a space to carryout repairs and maintenance of members' vehicles (our membership has in excess of 12 classic cars) and temporary storage of furniture during our mezzanine floor extensions.

The Weld Street property is currently zoned residential but has been used for "industrial" type activities over the decades under a non conforming use approval. Since 1999, it has been used as a heavy vehicle mechanics business servicing prime movers, agricultural machinery, tractors and light vehicles – all things mechanical operating over a full working week. The site has a long history of commercial activities spanning many decades and is closely located to other fuel service stations, retail outlets, cattle yards, bus and ambulance depots.

Our acceptance to become a Refund Operator is dependent on the Shire approving the non conforming use for this property.

What we are proposing will be a community refund point operating two mornings a week (Tuesday and Saturday) for a total of 8 hours per week. As the turnover is population based, we do not expect the business to grow noticeably once we are fully established in 12 months time.

***The impact on the amenity of the area will be the lowest it has been for many decades and we believe the best use of this site.***



We are developing guidelines for the intended use and will pay particular emphasis to address noise, safety and traffic issues which will demonstrate this.

**Guidelines**

- Operations will be restricted to the eleven containers approved under the container deposit scheme, <https://dwer.wa.gov.au/sites/default/files/WA%20CDS%20beverage%20container%20list%20Final.pdf>
- Containers will be stored inside the shed. There will be no storage of containers or other items stored outside the shed,
- All areas will be maintained in a safe, sanitary and clear of any litter, debris or vermin,
- The area will be free of dust and odours,
- We will not accept containers that are not clean and dry,
- The refund point will be open Tuesday and Saturday mornings 8.30-12.30pm. Contractors will remove our bulk collection approximately once every three weeks between 8.30am-4.30pm on days other than when the Refund Point is open to the public,
- External signage to minimal and sympathetic to the surrounds. We anticipate having the logo on the southern and western sides of the shed,



standard logo

- whilst we do not expect noise levels to impact the amenity of the area, we will be taking steps to mitigate noise as part of our OHS risk management process. We have already identified several methods to mitigate noise levels and will implement additional measures with experience and sharing of ideas from other operators. The collection of bulk containers will be undertaken by contractors three weekly and the truck noise is said to be similar to the rubbish trucks that service Gingin weekly,
- We will be separating vehicular and pedestrian traffic with barriers to mitigate this risk. Whilst traffic management will be formally addressed once operational, we are expecting only a small number of vehicles each morning and we do not anticipate any safety issues.

We are currently developing a comprehensive Work Health Safety Management System and our Certified work Health and Safety Officer will oversee the site operations. As indicated, particular emphasis will be placed on noise and traffic management matters to ensure the impact on the areas amenity will be the lowest in decades.

#### **Landscaping and Cosmetics**

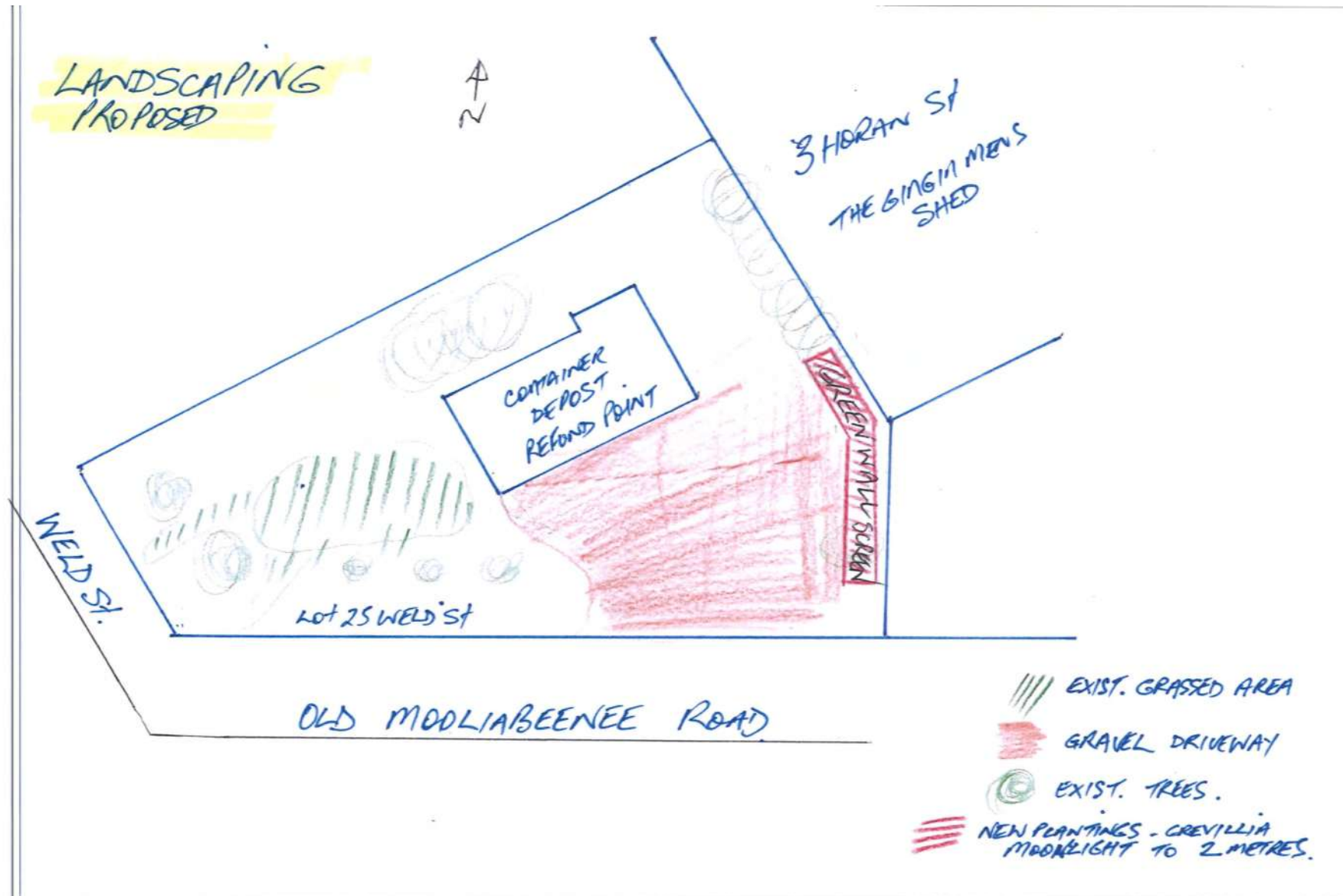
We are conscious of the fact that the property is on the corner of two major roads and landscaping cannot interfere with vehicle or people sight lines of the intesection. It is our intention to reinstate, reticulate and maintain the grassed areas and introduce a small low profile garden. Along the eastern boundary, we propose to plant under irrigation a "green wall" of Grevillea Moonlight to assist screen our site visually from the neighbour to the east.

The scheme is new to us and Western Australia. There still is much to know and it will be a learning process once we are up and running. We have always been conscious of our community responsibilities and will constantly review of methodology to be a good neighbour with a reduced impact on the amenity of the area.

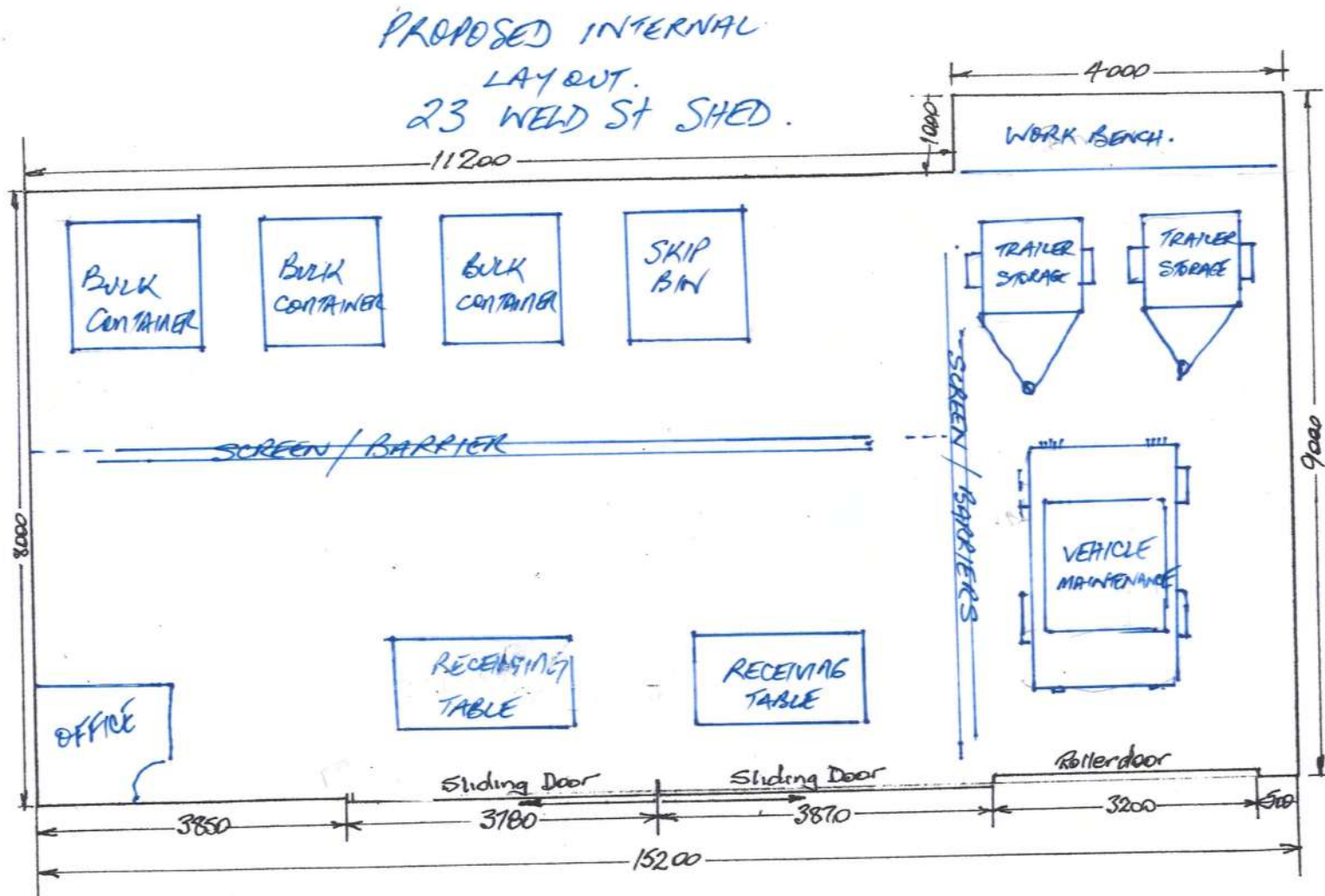
To meet our objectives in setting up the Container Deposit Refund Point, we will be drawing on the professional skills of shed members which include a:

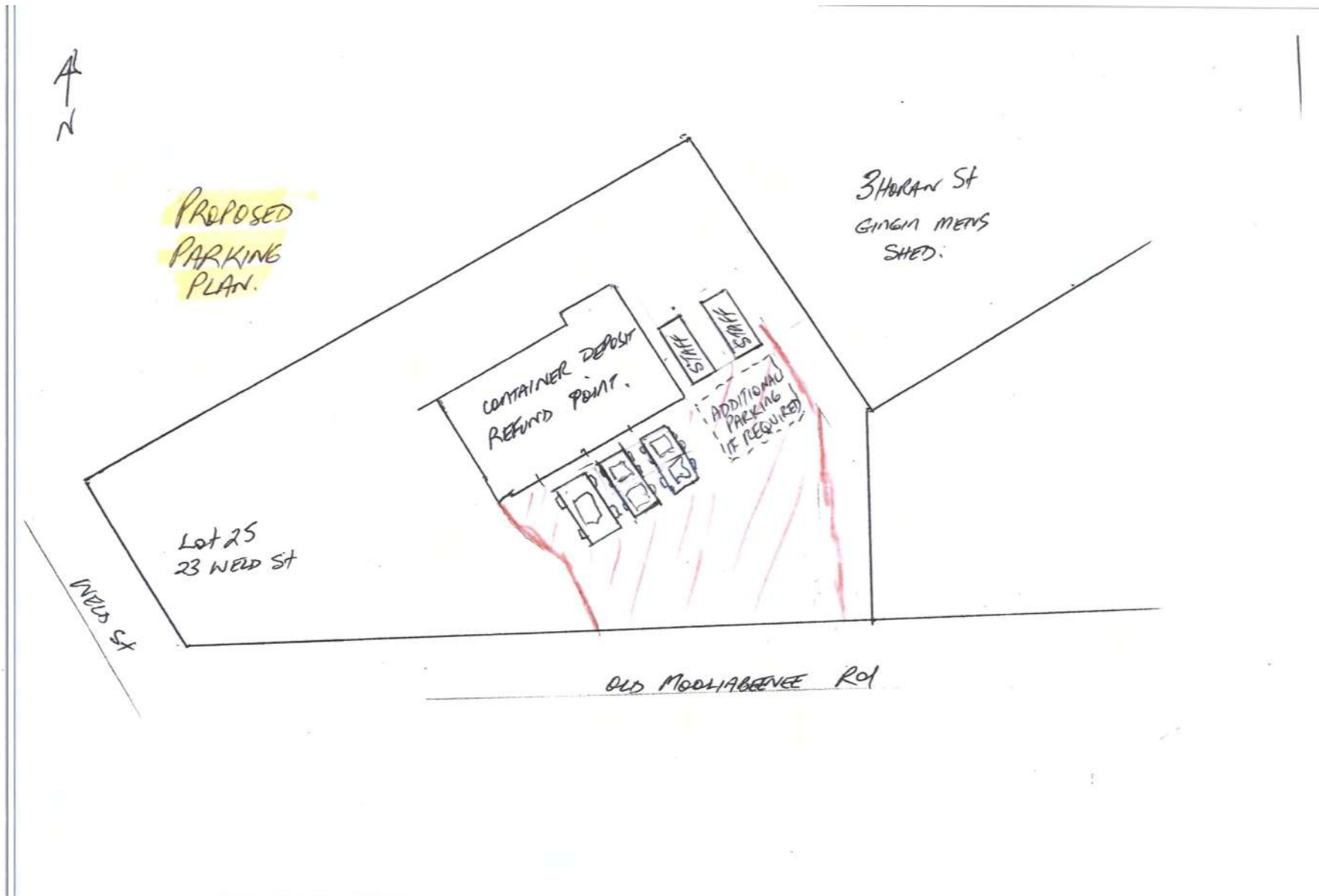
- H.S.E. Adviser who will manage the Health, Safety and Environmental issues,
- qualified horticulturist with a passion for West Australian native plants,
- an experienced landscaper
- financial controller and experience small business operators,
- builders, engineers and mechanics,
- members of the Gingin Men's Shed who will offer backup support.













Australian Men's Shed Association  
66 King Street  
Newcastle NSW 2300

25 February 2020

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Email: [info@rdawheatbelt.com.au](mailto:info@rdawheatbelt.com.au)  
Web: [www.rdawheatbelt.com.au](http://www.rdawheatbelt.com.au)

Dear Sir

**RE: The Gingin Men's Shed - Container Deposit Scheme**

Regional Development Australia Wheatbelt (RDAW) are pleased to support The Gingin Men's Shed in their application for funding of \$5,980 to enable their participation in the Container Deposit Scheme. This funding will assist in the purchase of a fork lift with a rotator attachment, paint supplies to improve the appearance of the facility and Work, Health Safety Management System software to ensure OH&S compliance.

The Gingin Men's Shed has a solid membership with 40 active members who have made, and continue to make significant contributions to the Gingin and surrounding communities. Their entry into the Container Deposit Scheme is seen as an opportunity to further extend their commitment and service through providing a designated collection facility and donating most of the revenue raised back to the community.

In turn RDAW not only acknowledges the contribution the Gingin Men's Shed make to the community but also recognises the important role the Men's Shed has in supporting the mental and physical wellbeing of its members and maintaining their connectivity with the broader community.

Given that the 65 and over male population in Gingin increased by 78% between 2011 and 2016, RDAW sees a proactive and robust Men's Shed as a critical component in the social framework of a maturing population in the area. As such we view the Gingin Men's Shed proposal as a future orientated initiative that will deliver a community service while underpinning the wellbeing of the region's ageing male population.

Yours sincerely

  
Mandy Walker  
Director Regional Development  
[mandy.Walker@rdawheatbelt.com.au](mailto:mandy.Walker@rdawheatbelt.com.au)  
T: 0428 372 179



An Australian Government Initiative

# APPENDIX 2

## SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

### APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED COMMUNITY PURPOSE ON LOT 25 (23) WELD STREET, GINGIN

No	Submitter	Submission Detail	Recommended Response
	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I write with reference to Public Notice of Planning Proposal Lot 25 (23) Weld Street Gingin.</i></p> <p><i>I am strongly opposed to Mechanical repairs being carried out at this address.</i></p> <p><i>Firstly for those that may think my motives for this letter are based on a personal business prospect I can advise you that I am now semi-retired from my Mechanical business, I would invite any opposition to the district and wish them well along with giving any assistance or advise that may be sort after, the problem with this proposal is wholly based on location.</i></p> <p><i>This address is surrounded by residential housing and having lived in close proximity for many years the previous mechanical repair business that operated from above address was an absolute night mare, the ongoing noise created by air tools, air compressors, welders and grinders not to mention the vehicles and other engines being continually started and tested along with the added traffic created by such a business has made living close to this location very frustrating and difficult at times.</i></p>	<p>Objection noted.</p> <p>1. Noted. The subject land was previously used for motor vehicle repairs under non-conforming use rights, which was accepted by Council on 25 May 1999. The non-conforming use rights applied given the land is zoned 'Residential 15' and the site was used for commercial purposes prior to the zoning being applied.</p>

	<p><i>I have previously been advised by shire representatives that once the previous mechanic moved on that this property would not continue to be used for commercial purposes as it is zoned Residential and is surrounded by Residential housing.</i></p> <p><i>There is ample of other locations and opportunity within the Shire that are more suited for commercial us.</i></p> <p><i>I ask any persons taking this proposal into consideration to put themselves in the shoes of the residence that will be adversely affected by said industry, I am sure none of you would like to have this on your door step. My partner works on a shift time table and in the past has struggled to get the rest she is entitled to, trucks and vehicles would arrive or depart from the premises all hours of the nights, mornings and days along with the general banter of people, horn tooting of passing motorist and the general workings of a mechanical repair business.</i></p> <p><i>There is no point in attempting to put limitations on such business because firstly nothing is ever done to make sure such rules are followed and small engines i.e. whipper snippers, lawn mowers, chain saws, pumps etc. etc. make as much if not more noise than most Automotive type vehicles. The previous proprietor was supposed to be restricted automotive vehicles i.e. light duty but unfortunately never complied and the amount of heavy haulage vehicles that frequented the premises and utilised it as a truck depot was an unacceptable joke, please don't allow the same situation to come about again and say no to this proposal.</i></p>	<p>The role of LPS 9 and the non-conforming use clauses is to transition what is an incompatible use (motor vehicle repairs) in the zone that has historically operated prior to gazettal, back to a use aligned with its intended purpose (residential) once that use ceases. Refer to report for further details.</p> <p>2. Noted. The amenity of nearby landowners/occupiers and use of their residential properties has been considered. This notwithstanding, historical issues associated with the previous use/operator has not been considered given this is a new, separate proposal. The inference that commercial related activities generates these types of impacts is noted.</p> <p>Noted. Non-compliance associated with the previous occupant is not relevant to this assessment.</p>
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	<p><i>It is my understanding that the Shire has for some time attempted to remove and or restrict all commercial uses within the town site.</i></p> <p><i>To approve the continued commercial use of this location would be a mistake.</i></p> <p><i>I would be happy to discuss my feelings and thoughts with any one that would like to do so."</i></p> <p><i>..... continued 2nd submission</i></p> <p><i>To all considering development application proposal submitted by Men's Shed for Mechanical Repairs and Container Deposit/Recycling located at Lot 25 (23) Weld Street, Gingin.</i></p> <p><i>Firstly I have already submitted a written Submission with regards to this matter however as I have only just now actually received a copy of the proponents submission I would like to add this letter to my original submission as I find a lot of what is noted in the application to be quite concerning to myself.</i></p> <p><b>COMMUNITY BENEFITS</b></p> <p><i>10 cents per item (bottles and cans) to raise \$50,000.00 relates to 500,000 bottles and cans or approximately "9615" items per week delivered, sorted, processed, crushed? And trucked out. To me that relates to an awful lot of NOISE and TRAFFIC.</i></p> <p><i>What guarantees will be given and what percentage of the \$50,000 raise per annum will other Community groups benefit from this proposal.</i></p>	<p>3. Noted. Noise and traffic formed part of the amenity impacts that the proposed use is anticipated to have on the adjoining landowners/occupiers</p>
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	<p><b>REFUND OPERATOR</b></p> <p><i>Sentence 2 - Avon Waste already rely on recycling which offsets the cost of our weekly rubbish collection, will this then have an impact on the community at large which increase rubbish collection rates due to their loss of revenue?</i></p> <p><i>Sentence 3 - TENS OF THOUSANDS OF DOLLARS to set up???, I don't see where this amount of money has gone in any of the proposal information and if it is the case how does a NFP organisation raise this amount of money and if they were to do so it means the money raised will need to be utilised to pay for this large investment before any community group could benefit from it? Either this is misleading information or a lot more is going on that had not been disclosed in the proposal submitted.</i></p> <p><b>LOCATION</b></p> <p><i>Sentence 1 - Only suitable location in the Shire of Gingin, is this a joke or more misleading information.</i></p> <p><i>Sentence 2 - Any such commercial development would require ablutions for staff and the public alike on the said location regardless if neighbouring properties already have such facilities.</i></p> <p><i>Sentence 3 - Minimal capital improvements, make me wonder where the TENS OF THOUSANDS OF DOLLARS are going then. Surely the drive way and parking areas would need to be sealed the same as any other commercial development requirement then surely this would be Considerable Capital Investment. More misleading and confusing information.</i></p>	<p>4. The operation of Avon waste is not relevant to this proposal.</p> <p>5. The financing of the Mens Shed is not a planning consideration. It is noted that the proposed use is not considered to fall under a 'community purpose' classification under Local Planning Scheme No. 9.</p> <p>No response required.</p> <p>6. The provision of ablutions will fall under obligation under the National Construction Code of Australia. This would be addressed during an occupancy permit.</p> <p>7. In the event approval was issued, it would be recommended that the crossover be to a sealed standard.</p>
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	<p><i>Sentence 4 - Conveniently located for the town? If you call being located in the centre of residential housing convenient and on residential zoned land I guess it may be convenient for some and just the opposite for others.</i></p> <p><i>Sentence 5 - Further on in the Proposal it is stated that the rent is already being paid for the said property, I find this to be contradicting information, if the proposal was making \$50,000.00per year with volunteer staff and Government Grants to subsidise running cost this is substantial amount of money which only a small portion could be utilized to pay rent if so was required at an alternative location.</i></p> <p><i>Sentence 6 - More misleading information. The premise is NOT accommodating an existing mechanical/repair and maintenance facility and if it is been used as such or for any other purpose what so ever, it is doing so without any planning approval.</i></p> <p><i>Sentence 7 - if this is the case it would seem that the proponents have out grown their existing infrastructure and require to relocate to a more suitable location to meet the demands of their desired plans into the future.</i></p> <p><i>Sentence 8 - I believe the proponents need to heed some assistance to assist them identify other more suitable locations for their existing premises and for this proposal as there is numerous other suitably zoned locations within the district.</i></p> <p><i>Final sentence - Refer to above comment.</i></p> <p><i>Drawing at the bottom of the page appears to not to be scale and is misleading.</i></p>	<p>Noted.</p> <p>Refer to point 5 above.</p> <p>8. Noted. The officer is aware that the motor vehicle repairs use ceased on or around 1 April 2019.</p> <p>Noted.</p> <p>Noted.</p> <p>9. The officer is satisfied that the submitted plans are legible.</p>
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	<p><b>PLANNING APPROVAL</b></p> <p><i>Sentence 1 - Contracting information as previously stated could not pay commercial rent yet now they say they are already paying rent? How can this premise be getting used to store flammable products and also be getting utilised for mechanical repairs within a residential precent without any planning approvals, I believe this shows the character of the persons involved to have no regard for the general public or Town Council. The word TEMPORARY is misleading as the property has been utilised extensively since the proponents took control.</i></p> <p><i>Sentence 2 - Yet more misleading information, over the decades only the most previous tenant sort non-conforming use approval which had strict conditions attached, it is my understanding that previous mechanic was restricted to carry out repairs on light vehicles only and due to his non-compliance with these conditions and the general workings of such industry in close proximity of residential housing this has set a very undesirable precedence that should prevent anything like it ever being granted planning approval again on this location. Misleading --- The location in question is not close to buses, ambulances, cattle yards, retail outlets, etc. etc. it is in the centre of developed residential housing.</i></p> <p><i>Sentence 3 - Still on a predicted average "9615" items per week being dropped off, and that only includes the usable items not, any reject items, over two halve days would mean a real lot of traffic and congestion. What this comment fails or any other comments fails to mention is how many hours or days a week will MECHANICAL REPAIRS be getting carried out as all comments only refer to the recycling component of the proposal?</i></p> <p><i>Sentence 4 - Is an opinion with no substantial basis.</i></p>	<p>Noted. Refer to point 5 above.</p> <p>10. The officer is of the view that the locality is made up of predominantly residential land uses.</p> <p>11. The officer accepts that information is lacking in relation to the mechanical repairs component of the proposal. Refer to report for further details.</p>
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	<p><i>Sentence 5 - Guidelines for noise, safety, and traffic issues must be and need to be presented in full prior to any consideration given to grant approval for this proposal.</i></p> <p><b>GUIDELINES</b></p> <p><i>Sentence 2 - What measures will be taken to prevent the public dropping items off outside the shed at any time of the day or night at the premises other than the two halve days previously stated?</i></p> <p><i>Sentence 4 - How can you control the dust unless the car park and drive way is sealed? What measures are going to be taken to control odours?</i></p> <p><i>Sentence 5 - How many of you reading this letter clean and dry out your bottles and other containers prior to dropping them in your recycle bin? How can you possibly physical check 9615 containers for cleanliness and dryness being dropped off in such a short time frame every week.</i></p> <p><i>Sentence 6 - Bulk collection means heavy haulage vehicles frequenting the site at times other than the two halve days already stipulated and the frequency of these vehicles has no limits as only approximate intervals are given.</i></p> <p><i>Sentence 8 - How can such a high level of activity not crease noise that will impact on the surrounding residence, once again all this "we will do" is not acceptable it must be done prior to considering planning approval, where are other operators located? Within residential areas? Truck noise is one thing but the transfer of THOUSANDS of bottles and other items into the back of a truck is another very noisy prospect, the noise is created whenever I drop a couple of bottles into my wheelie bin makes me feel concerned for disturbing my neighbours and I am sure all reading this letter</i></p>	<p>12. In the event Council support the development, it would be recommended that condition be imposed to mitigate impacts on the amenity of the locality which will encompass external usage, dust, noise and traffic etc.</p> <p>Noted.</p> <p>Noted. Refer to point 3 above.</p>
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	<p><i>can relate to this so please ask yourself what is Thousands of bottles going to sound like?</i></p> <p><i>Sentence 9 - Once traffic management plan must be addressed prior to planning approval consideration.</i></p> <p><i>Sentence 10 - Once again proponents need to provide a comprehensive Work Health Safety Management System prior to considering planning approval.</i></p> <p><i>Sentence 11 - As the proponents have said they do not know what they are doing or getting themselves in for but apparently will work it out I time, this industry doesn't belong in the centre of residential housing. Men's shed does not have a record for considering its neighbours in fact just the opposite could be said and I invite any one reading this letter to take the time to visit and ask yourselves what the neighbour's opinions are about this manner in which Men's shed has conducted itself in the past.</i></p> <p><i>I do believe the Men's Shed to be a fantastic concept and I would love to support it as I do know of some very good people that are involved and it does offer them a great respite, however I do feel this particular branch is acting above and beyond its constitution and is being driven by a few individuals whom have their own agendas and own self best interest at heart with a strong desire to succeed at all cost.</i></p> <p><i>This letter is based on my opinion and mine only.</i></p> <p><i>I urge all persons whom have the responsibility to decide on a suitable located for a Container REFUND POINT, please do not confuse the difference between a COLLECTION POINT and a REFUND POINT as they are two very different points, to research what is involved with a REFUND</i></p>	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
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		<p><i>POINT and understand the workings of it and the rest of the container refund point scheme.</i></p> <p><i>For your reference I have attached an insert from the Government of Western Australia Department of Water and Environment Regulation on Western Australia Container Deposit Scheme Consultation Summary. Page 16, Consultation Point 5.</i></p> <p><i>I have had a discussion with an Avon Waste representative whom indicated that they would be open to discussion about the possibility of utilising their premises in the GINGIN RURAL INDUSTRIAL ESTATE to allow a community based group to set up a container collection point.</i></p> <p><i>I have grave concerns that only the public access hours of operation have been advertised which leaves the general workings of this facility open ended to be operated at will."</i></p>	<p>Noted. Operating hours would form a condition of approval should Council support the proposal.</p>
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		<p><i>Bulk container refund points</i></p> <div> <div> Consultation point </div> <div>5</div> <div> What features are important for commercial container deposit points? </div> </div> <p>Submissions identified that commercial container refund points should be in convenient locations; accessible to <u>commercial entities</u> as well as charities, community organisations and the public; accept containers made of a variety of materials; and meet local government, planning, environmental and other regulatory requirements.</p> <p>Submissions suggested that co-locating commercial, or bulk, refund points with existing facilities <u>such as material recovery facilities or resource recovery parks could reduce handling and scheme costs.</u></p> <p>Most submissions supported bulk container refund points accepting multiple streams of container materials to increase customer convenience, support best practice operations and to reduce handling costs.</p> <div> <div>  Response </div> <div> <p>It is recognised that the infrastructure and operational requirements for refund points to efficiently manage bulk quantities of containers are likely to differ from those for household quantities.</p> <p>New South Wales uses automated depots for bulk container returns of 500 or more containers of all eligible material types. This service is open to the public and commercial operations.</p> </div> </div>	
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2.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"We disapprove"</i></p> <p><b>Proposed Community Point Lot 25 Weld Street, Gingin WA.</b></p> <p><i>We have read with interest the submission as put forward by the Gingin Men's Shed to operate this scheme and we are obliged to register our disapproval of the intent. Whilst there are perceived community benefits outlined in the proposal we are of the opinion that there are some irregularities and disadvantages that must be taken into account when considering the application.</i></p> <p><b>Zoning</b></p> <p><i>The proposed site was used for many years, under an approved non-conforming use agreement, as a 'Mechanical Vehicle Repair Business' Licensed by a qualified mechanic. It is our contention that despite the Men's Shed leasing the facility in 2019 they did not operate the premises as a legitimate Mechanical Workshop business within a six month period from the beginning of the lease as is required under the Town Planning Scheme. This was a weak attempt to compare their intention with the previous bona fide business. We understand that the non-conforming use has in fact expired with the site reverting to a residential status. As the submission is inclusive of a mechanical workshop area it is thought inappropriate for approval to be given when this use is contrary to the, now, residential site. Surely the opportunity now exists for the Shire to have a more creative approach to development of this portion of land.</i></p>	<p>Objection noted.</p> <p>Refer to point 1 above and report presented to Council in relation to non-conforming use rights.</p>
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	<p><b>Impact of the Amenity</b></p> <p><i>Under the heading of Planning Approval in the submission there is a misleading over emphasis on the hours of operation and size of vehicles services by the previous business, presumably in an attempt to give the impression that the Refund Point will have a lesser impact on the community. We are led to believe that the amenity will be operating two mornings per week i.e. Tuesday and Saturday, are we to assume that the mechanical element, if allowed to prevail, will be subjected to the same restricted opening times?</i></p> <p><i>Unfortunately a similar undertaking was made with regard to the Men's Shed, that it was to operate one day per week but is now open most days including weekends. Will something similar happen at the Refund Point? It is almost a certainty that the general public will not need the nominated opening times and despite the best intentions there will be recyclable material left in containers outside the premises for all to see. We disagree that the proposed facility will have a lesser impact on the area than the previous business as it has the potential to create an eyesore with discarded material being left at the site.</i></p> <p><b>Tourism</b></p> <p><i>Except for rare occasions the previous business did not trade on Saturdays. The intended site is in a very prominent location and the Refund Point will not present a very favourable impression to tourists when visiting the town at the weekend. We should all do our best to embrace tourism and at this juncture we have an opportunity with the zoning reverting to Residential for eventually something more attractive being constructed at the location.</i></p>	<p>Refer to point 11 above in relation to operating hours of the mechanical repair business.</p> <p>13. Noted. The officer has reviewed correspondence in relation to the principal Mens Shed development. The undertaking was to operate 1 day per week. This notwithstanding, the assessment for this proposal has not considered anomalies such as this as appropriate condition could mitigate this scenario from reoccurring.</p> <p>Noted.</p>
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13

		<p><i>We understand that the proposed facility will be the first of its kind in WA and many assumptions are being made as to the operation, it is therefore considered improper to trial the scheme in such a high profile area. It seems inconceivable that this scheme be allowed to operate on this site, perhaps the close proximity to the Men's shed is the catalyst whereas alternative locations would be too inconvenient.</i></p> <p><i>Should you wish to discuss our comments we would be happy to meet at any mutually convenient time."</i></p>	14. The officer notes alternate sites exist for development of this nature, however the proponent has lodged for the subject site and therefore must be consider on its merits.
3.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p>"No way."</p>	Objection noted.
4.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"Please find attached my response to the application for the "Community Purpose (and Mechanical Repairs and Container Deposit Facility)" as proposed by the Gingin Men's Shed Inc.</i></p> <p><i>I do not wish to appear be always "negative" in terms of development applications, within or adjacent to the Townsite of Gingin; but I feel with no preferential voting on Council matters - even if the three town residing Councillors- Wayne Fewster, Kim Rule and Linda Balcombe - voted as a block on town matters, when there has been a vociferous lobby group "batting" for a particular project/ development, they would to always be outvoted 6/3 against.</i></p>	<p>Objection noted.</p> <p>Not relevant to this proposal.</p>

	<p><i>So I have "my say" as well as trying to give a broader picture to those Councillors who may not know the history of situations or "up to speed" on certain Gingin "townsite" matters.</i></p> <p><i>I have inspected the documents and comment as follows:</i></p> <p><i>Having visited the area, and living within walking distance of the proposed development site, I would like to draw the attention of the Councillors to the following points prior to making their decision.</i></p> <p><b><i>I acknowledge the worthiness of the project that The Gingin Men's Shed Inc</i></b> have put forward as a well-rounded proposal. As a founding member of the B2B Group that collects litter along the Cockram/Weld Street, Dewar Road verges prior to the annual British Car Day I am well aware of the amount of litter that is strewn around the town – much of which relates to what will qualify for collection and recycle at this point.</p> <p><i>However with the granting of this application I am very concerned that it underscores the ongoing development of the Cockram/Weld/Dewar Route as a light industrial area – rather than "semi-rural lifestyle and residential" in a town that "sells" itself tourism wise as a "historic town". I would consider the proposal, particularly the mechanical repairs portion, as fitting into "industrial". The portion of the submission on mechanical repairs is very light on detail or recognition of potential outcomes.</i></p> <p><i>Gingin already has a designated Industrial Estate – commonly known as Frogmore – located off Brand Highway and where Avon Waste ( with its logo of "recycle right"), the town's designated rubbish collection company, sorts and ultimately processes for recycling.</i></p>	<p>Noted.</p> <p>Noted. Refer to point 11 above.</p> <p>General comment noted.</p>
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	<p><i>It was cleared regularly by a local resident and the monies raised from the sales were a fund raiser for the Scouts. Newspapers, cardboard, glass bottles and old batteries were also collected for recycle at this point.</i></p> <p><i>This activity was abandoned a few years ago. However a full to overflowing crate has been left on site ever since the Group's collection activities ceased.</i></p> <p><i>Periodically the crate is trashed and cans are scattered over the area – and but for the goodwill of local “passers-by” these cans continue to scatter far and wide, encroaching on what has been called a historic precinct (The Gingin Hotel, The Gingin Railway Station, Railway Cottage, Dewar House et al).</i></p> <p><b><i>The issue being raised</i></b> – although the Submission makes the point of providing a facility “safe, sanitary and clear of any litter, debris or vermin” can it be guaranteed at no stage will the public not use the area as a dumping point when the building is not open – as has happened at the Scout Group site and as does regularly occur at the main entrance to the “Dump”.</p> <p><i>There appears no plan for security fencing around the perimeter of the Lot in this proposal; however in erecting a security fence this too would add to the “industrial look” and further compromise what is essentially a residential area.</i></p> <p><i>Yes, the Shed for many years was used as a commercial mechanical repair business, but it was an adjunct to the business proprietor's adjoining residence. It did not have any signage on the building, there was only one mechanic working in the building and all vehicles were securely locked away at the end of the working day leaving a clear forecourt at all times.</i></p>	<p>Noted.</p> <p>Noted refer to point 1 and 2 above.</p>
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	<p><i>The provided plans, not to scale, would indicate potential need for extra parking, there will be multiple people on site and every three weeks there will be a large industrial recycle truck arriving to remove the “collectables”. This vehicle is acknowledged as being the size of an existing Waste Disposal Truck and onsite for up to 8 hours.</i></p> <p><i>The Gingin Men Shed Inc has an extensive work area in its very large purpose built building and has acquired/use of the large former Fire Station adjacent to this building. The Gingin Lion's Club also has a good sized building for Club meetings located on the same lot. All of which, at best, are occupied 16 hours per week, apart from special functions - mostly in the evenings. The lot has good access and a surfaced road to its entrance, and there is minimal residential impact at its entrance point on Horan Street. With some negotiation and rationalization <b>between all parties the suggestion is this site be modified to cater for a Community Refund point</b>, and the nominated Lot 25 Weld Street return to its original zoning of Residential – in keeping with the adjoining residential zoned lots.</i></p> <p><i>There is little mention in the proposal of the Mechanical Repairs component of this proposal. Mention is made of the fact that it has been used over the last 12 months as a work shop for the members who own Classic Cars, and with the approval of the owner of the Lot. However the Gingin Men's Shed Inc has a growing reputation in the town as being a “Fixit group” and they provide an invaluable service to many residents. For this service a small charge is raised – which naturally becomes a fund raiser.</i></p> <p><b><i>The issue being raised - Will the “mechanical repair” portion of this proposal grow into servicing and repairing older cars, and not necessarily the Classic Cars of the members, that do not require a computerised work shop. The outlet then has the potential for becoming a true commercial enterprise .What will be the Shire's response to this</i></b></p>	<p>Refer to point 9 above.</p> <p>Noted.</p> <p>Noted. Refer to point 11 above.</p>
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	<p>scenario? What are the other mechanical items that are likely to be serviced – gardening implements, standard and ride on lawnmowers, smalling camping trailers etc.? Such an expansion of activities will certainly have a negative impact on the local householders in terms of traffic and aesthetics.</p> <p><b>On the issue of traffic turning right from Old Mooliabeenee Road to Weld Street there is an existing blind spot</b> due to a high voltage power pole at the edge of the footpath on Weld Street. Drivers either use the corner space provided by Lot 25 for a clear “line of sight” into the main stream of traffic or they encroach out onto Weld Street prior to turning. Not to keep this section of the Lot clear at all times presents a potential traffic hazard. Can the Men's Shed guarantee this area will be kept clear on the establishment of these proposed activities, as they have also mentioned the need for possible extra outside parking?</p> <p>The Lot 25 site is also a very busy T junction. It is the quickest route linking Bindoon and the town of Gingin; and with the development of the Gingin Eco Village, with over one hundred dwellings, less than 1 kilometre further down the Old Mooliabeenee Road, there will be even more traffic using this intersection. (This project is meant to commence later this year.) <b>Thus the issue of safety</b> must be of great relevance both for the Men in Sheds members when on site, and for the community at large – particularly as there is no surfaced footpaths along the Old Mooliabeenee Road.</p> <p><b>Have the two privately run businesses “Avon Waste” and “The Gingin Waste Disposal Facility” been consulted about this project?</b></p> <p>If not, they should be – as it could have an effect on their own earning capacity. They would then be well within their rights to contest the project's approval. The proposal claims the return to the Gingin community groups is expected to be around \$50,000/annum. At a 10cent return this means</p>	<p>Noted. The officer is satisfied that line of sight is not an issue. No obstruction is proposed in this location.</p> <p>Noted.</p> <p>15. Dismissed – For the local government to make a decision based around competition with existing similar establishments would constitute a 'misuse of market power' and the local government cannot make a decision based on additional market competition.</p>
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	<p><i>there has to be 500,000 (half a million) items collected, stored and processed on this site.</i></p> <p><i>This is a fantastic quantity of recyclable material a) Is it a realistic guesstimate? b) If so it begs the question of the capacity of the site to handle this amount of material) If it is overstated the town community groups will not be beneficiary of the amount of money stated. (Divided by the number of community applicants for funding grants.)</i></p> <p><b><i>It is somewhat disingenuous to say there is no other suitable building for use as a "collection hub".</i></b> There is a large green shed with loading ramp and drive way into the shed off the Railway Reserve Road. It was formerly used as storage for the Scouts Group recycling project – and where the full recycle cage still sits. It is now only used for the storage of the children's "train" used by the Lions Club for fundraisers, notably the Bindoon Show and the British Car Day.</p> <p><i>The issue for the Mens Shed, with this proposal, is the convenience and close proximity of the site at Lot 25 Old Mooliabeenee Road to their existing premises and Headquarters on Horan Street.</i></p> <p><i>Gingin townsite has a surfeit of underutilized large buildings and Halls that have been built over the years by various community groups, and which are now all generating costs and could/should be re purposed or rationalized.</i></p> <p><i>In conclusion I am in favour of the project as proposed by the Gingin Mens Shed – with reference to the Container Deposit Scheme as a working model. However I am not in favour of its proposed location, particularly in terms of the issue of the Mechanical Repairs portion of the submission, safety and the ongoing incremental creep of "light industrialization" to the entrance/exit of the Gingin Townsite."</i></p>	<p>The recommended decision is based upon the applicable planning framework and the ability of the proposal to demonstrate compliance against that framework.</p> <p>Noted.</p> <p>Noted.</p>
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5.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"To the best of my knowledge the above address is and has always been a residential address and has once part 21 Weld Street, why has this property been allowed to be used as a commercial business?"</i></p> <p><i>The application is for a proposed "community purpose. But the property will be used for a business. Any work that results in making money or profit or income from work is known as a commercial business. Therefore would not be a community purpose development. The men's shed has out grown its general purpose at its present site and expanding into other residential properties is not an option. Other suitable location need to be found. For example, Gingin Rural Industrial Estate. I have lived at 21 Weld Street, Gingin for some 36-37 years. My husband David works 60 hours a week and the weekend is our down time. The hours of opening and the noise (our house is less than 40 feet from the back of the shed where the proposed containers will be placed. The coming and going of vehicles and noise will have a massive impact on our lives. I feel proper monitoring and supervision will be near impossible. It will become a drop off zone. The hours of proposed opening haven't taken into account their community responsibilities. Where is the duty of obligations to neighbours? Respect and consideration.</i></p> <p><i>Another important point is, what will happen to the valuation of my home. Who would want to live next to a recycling centre? Something that applicants never took into consideration.</i></p> <p><i>I chose to live where I live because of the lifestyle. This type of facility should not be allowed in a residential area. I am a rate payer and feel I have the right to a certain standard of life style. I think the purpose of "Men's</i></p>	<p>Refer to point 1 above.</p> <p>16. Noted. The officer concurs with the statement in relation to community purpose in this instance. Refer to report for further details.</p> <p>Noted. Refer to point 2 and 3 above.</p>
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		<i>Sheds" are a must in all country and rural areas. The work and support they give the community and each other is commendable. It's not what you do, but where you do it!"</i>	
6.	Submitter	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"Reasons against proposed site-</i></p> <p><b>Road Safety</b></p> <p><i>Dangerous being on an intersection of two busy roads, many time have I seen cars going very fast around both corners and a driveways so close to that is very dangerous.</i></p> <p><i>Also at sunrise and sunset you have difficulty seeing with the sun in your face when taking the corner and travelling this intersection.</i></p> <p><b>Dumping Rubbish</b></p> <p><i>While it is ok to suggest you will make sure it won't become a dumping ground - if you are only open 8 hours a week how can you possibly guarantee this? People may just come and dump things out of hours. I know how much rubbish floats around outside of the Gingin tip when closed or even on the side of the road in general. How can they only accept clean products if people have loaded them they won't want to take them home again?</i></p> <p><b>Security</b></p> <p><i>I feel it is unsafe to have random people any time of day and night pulling in - I have kids and I am concerned that it will attract some of the wrong</i></p>	<p>Objection noted.</p> <p>17. Road safety is not anticipated to be an issue. Vehicles are capable of entering and existing the site in a forward gear.</p> <p>The proponent is not proposing to operate during sunrise/sunset.</p> <p>Noted.</p> <p>Noted.</p>

	<p><i>kind of people if money is involved. My kids play outside a lot and it's bad enough with the speeding traffic let alone random cars coming in all hours.</i></p> <p><b>Zoning/Noise</b></p> <p><i>The area is zoned for a residential and noise is already an issue - it's bad enough we have the men in sheds behind us as they operate more than they are supposed to as it is, would you want something noisy behind you and next to you?</i></p> <p><i>I have shift work and need to sleep during the day or it can become a hazard - if I'm tired having people coming and going, the machines used for recycling as much as they think they will have surely got to be loud for a residential area.</i></p> <p><b>Not for profit group</b></p> <p><i>I would like to query whether a not for profit group can set this up?</i></p> <p><b>Proposal information</b></p> <p><i>On the plan outline there is no information listed on the mechanic side of this proposal.</i></p> <p><b>Insect/Vermin</b></p>	<p>Noted. Refer to point 1, 2 and 3 above.</p> <p>A not for profit is able to set up a development such as this. However, refer to point 5 above which outlines that the classification under LPS 9 relates to the use, not the operator.</p> <p>Noted. Refer to point 11 above.</p>
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		<i>While it is ok to suggest that only clean items will be collected residue from containers may attract cockroaches, ants and mice or rats imposing a health risk."</i>	Noted. Should Council support the development, conditions relating to vermin may be imposed.
7.	Submitter	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I as a rental, do not support this proposed community refund point Lot 25 (23) Weld Street, Gingin. As this facility will increase traffic also will create noise on. As already noisy and busy intersection with trucks, busses and so on. Not even mentioned about kids these could be dangerous to them. Previously we had mechanic was really difficult with the noise and when I consider supposed to be residential not commercial."</i></p>	Objection noted.
8.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I do not support this proposed community refund point Lot 25 Weld Street, Gingin. As this facility will increase traffic and create noise on an already noisy and busy intersection. It is already busy noisy and dangerous already."</i></p>	Objection noted.
9.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I think that the proposed development would be an eyesore as you enter the town and do NOT support the application."</i></p>	Objection noted.
10.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"Not suitable location for this as explained in letter attached."</i></p>	Objection noted.

	<p><i>Upon reading the proposal sign on the corner of Weld Street &amp; Old Mooliabeenee Road, we wish to oppose this proposal in review of our concerns regarding this.</i></p> <p><i>As we have been residents of Old Mooliabeenee Road for 17 years we believe and are concerned that the proposed facility is going to generate unwanted waste gathering on site &amp; in the street of main intersection in town. This intersection is very busy with a lot of traffic including large trucks and no one abides by the 50km speed limit on either street.</i></p> <p><i>We are bewildered with the idea regarding mechanical work being undertaken as this site as in the proposal it states that the Mens Shed are currently using this shed and have never seen any mechanical work being created out over the last 13 months, the shed doors are always been closed.</i></p> <p><i>We are also confused on the fact the facility will open 8 hours a week and cannot see how mechanical repairs could be operating at the same time the public are entering the facility.</i></p> <p><i>We have seen other examples of recycling points around the town that the public are unable to follow recycling rules leaving clothes, bags or rubbish etc. we are concerned this facility will be no different from the others.</i></p> <p><i>Who will be regularly policing this &amp; removing the rubbish?</i></p> <p><i>We are not against the idea of the container deposit facility but we feel this is definitely not the location for it as this is on a very busy main street and out of town which is a residential area. The men shed already have two large sheds on their current premises which would be more suitable for this facility as it is on a quiet back street out of view and with very little traffic."</i></p>	<p>Noted. Refer to point 8 above.</p> <p>Noted. Refer to point 11 above.</p> <p>If approved, the operator and the Shire of Gingin in enforcing conditions of approval.</p>
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11.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I have some observations and some questions:</i></p> <p><i>I believe Gingin already has excellent mechanical services - good mechanics who have served Gingin people way beyond the normal level of service, for many year. Does Gingin need another mechanic? Has the Shire done the research to know if supporting this move is good for the town? Another mechanic could jeopardise the viability of the current businesses, though I think it would more likely question the viability of the new business, as Gingin people are very loyal to their good mechanics as well as their good doctors.</i></p> <p><i>In the mechanic registered with ASIC and have current license and registration to be a mechanic? Does he/she come with references for work elsewhere?</i></p> <p><i>I also have great concerns that the other aspect of the proposed business could easily produce an eyesore at the entrance to our town with dumped containers not properly dealt with. We are already set up with an efficiently run tip and a light industrial area where this activity should happen - not in the middle of family housing on a block zoned "residential". How can activities of this nature be allowed to set up in a block zoned residential, in a residential area?</i></p> <p><i>The Shire has banned other businesses e.g. truck parking, carpentry workshop etc. from the Townsite and made them go to their designated light industrial area, and their houses deemed "residential only". The fact that a mechanic used to operate there when the truckies and carpenter used to operate in town is no reason for that to now continue when others can't. The Shire needs to be seen as consistent.</i></p>	<p>Dismissed. The development does not propose another mechanic in town. Furthermore, refer to point 15 above.</p> <p>Noted.</p> <p>Noted. Refer to point 1 above.</p>
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		<p><i>It's time that block is declared residential as others have been, and allow a lovely house to be built on it. That block has been an eyesore with no activity and closed door for over 12 months, and Jeff was made to do, and go to the light industrial area.</i></p> <p><i>Another critical reason it is the wrong place for the proposed enterprise is the safety factor. That intersection is dangerous at the best of times. Add a heavy traffic flow stopping and starting for that block and it will a disaster waiting to happen. What do the police say about this issue? Have they been consulted?</i></p> <p><i>In conclusion, I believe there is no reason to need this proposed business at all. Gingin doesn't need it, we certainly don't need it on that corner block, and I would ask it be prevented from going ahead, so we as a community not be faced with problems or a community grief from a corner crash in the future."</i></p>	<p>The Shire did not instruct the previous operator to relocate.</p> <p>Refer to point 17 above.</p> <p>Police are not seen as a stakeholder to this proposal.</p>
12.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I wish to object to the application by Gingin Men's Shed to change the use of the Shed on 25 Weld Street, Gingin.</i></p> <p><i>We are a family business supplying Fuel, Parts, Tyres and Mechanical Repairs. We employ 11 Staff Members. We have operated at this premise for many years.</i></p> <p><i>When we purchased this property, we paid a premium in land value as it was 1 of only 2 Commercial Sites in Gingin.</i></p>	<p>Noted.</p>

		<p><i>I believe that if permission is granted to change the land/building usage at Lot 24 Weld Street, it will set a precedent to allow changes in the town site, which would adversely affect our business, thereby devaluing our business and property.</i></p> <p><i>I also believe the recycling should be centralised at the Waste Management Centre on Cockram Road."</i></p>	
13.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I am writing this letter regarding to Proposal of (MECHANICAL REPAIRS AND CONTAINER DEPOSIT FACILITY) on LOT 25 (23) WELD STREET GINGIN, I am concern to this business as I am shift worker (AM, PM and Night) and I would prefer quiet sleep during the day and not having tress cause by lack of sleep after off from night shift.</i></p> <p><i>I am strongly rejecting to this proposal with my previous experiences as loud noises and no privacy because of MECHANICAL REPAIRS SERVICES on that property. Although all those were unacceptable for the residential environment and this street should keep as private residential area, I was not complained once previously as it has already been there since before but I do not think I would tolerant any more.</i></p> <p><i>I am also concern about container collection and deposit the cans and bottles at this property, when the container truck reversing in and out, quite a lot of children's living on Old Mooliabeenee Rd, I would like to question, do you concern for your community children safety?</i></p> <p><i>This business should be at industrial area for our community privacy and safety."</i></p>	Noted refer to point 2, 3 and 12 above.



# APPENDIX 3

1.	Ratepayer	<p><i>I have previously been advised by shire representatives that once the previous mechanic moved on that this property would not continue to be used for commercial purposes as it is zoned Residential and is surrounded by Residential housing.</i></p> <p><i>There is ample of other locations and opportunity within the Shire that are more suited for commercial us.</i></p> <p><i>I ask any persons taking this proposal into consideration to put themselves in the shoes of the residence that will be adversely affected by said industry, I am sure none of you would like to have this on your door step. My partner works on a shift time table and in the past has struggled to get the rest she is entitled to, trucks and vehicles would arrive or depart from the premises all hours of the nights, mornings and days along with the general banter of people, horn tooting of passing motorist and the general workings of a mechanical repair business.</i></p> <p><i>There is no point in attempting to put limitations on such business because firstly nothing is ever done to make sure such rules are followed and small engines i.e. whipper snippers, lawn mowers, chain saws, pumps etc. etc. make as much if not more noise than most Automotive type vehicles. The previous proprietor was supposed to be restricted automotive vehicles i.e. light duty but unfortunately never complied and the amount of heavy haulage vehicles that frequented the premises and utilised it as a truck depot was an unacceptable joke, please don't allow the same situation to come about again and say no to this proposal.</i></p> <p><i>It is my understanding that the Shire has for some time attempted to remove and or restrict all commercial uses within the town site.</i></p> <p><i>To approve the continued commercial use of this location would be a mistake.</i></p>	
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	<p><i>I would be happy to discuss my feelings and thoughts with any one that would like to do so."</i></p> <p><i>..... continued 2nd submission</i></p> <p><i>To all considering development application proposal submitted by Men's Shed for Mechanical Repairs and Container Deposit/Recycling located at Lot 25 (23) Weld Street, Gingin.</i></p> <p><i>Firstly I have already submitted a written Submission with regards to this matter however as I have only just now actually received a copy of the proponents submission I would like to add this letter to my original submission as I find a lot of what is noted in the application to be quite concerning to myself.</i></p> <p><b>COMMUNITY BENEFITS</b></p> <p><i>10cents per item (bottles and cans) to raise \$50,000.00 relates to 500,000 bottles and cans or approximately "9615" items per week delivered, sorted, processed, crushed? And trucked out. To me that relates to an awful lot of NOISE and TRAFFIC.</i></p>	<p><i>There will not be any crushing of items on site. All containers are stored in the received condition and are collected by a transport contractor every three to four weeks (depending upon the number of containers collected) with the aluminium and plastic being subjected to a "light crush" when picked up. Arrangements can be made for the "light crush" to take place off site should this pose a problem.</i></p> <p><i>The number of containers (9615 per week) is incorrect. The \$50,000 relates to the container refund AND refund operator income. We estimate 70% of the volume will be received from a small number of</i></p>
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		<p><i>What guarantees will be given and what percentage of the \$50,000 raise per annum will other Community groups benefit from this proposal.</i></p> <p><b>REFUND OPERATOR</b></p> <p><i>Sentence 2 - Avon Waste already rely on recycling which offsets the cost of our weekly rubbish collection, will this then have an impact on the community at large which increase rubbish collection rates due to their loss of revenue?</i></p>	<p><i>customers which results in lower traffic volumes. Containers received are counted into bins ready for collection. There is no other "processing" on site.</i></p> <p><i>The \$50,000 represents the 10 cents refunded for each container processed AND the refund operator handling fee. Data from other states in Australia shows that schools, playgroups, community groups (scouts, sporting clubs, CWA, Red Cross, etc) individuals, businesses etc raise money through collection and return of containers. The 10 cents per returned container is paid directly to them upon the container being returned. The Men's Shed will utilise the money received from the refund operator handling fee to benefit the community on an as needs basis.</i></p> <p><i>The containers collected by the recycling contractor currently have a very small monetary value. As some people will continue to dispose of containers in their bins rather than return or donate them to community groups, it may provide Avon Waste an opportunity to</i></p>
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		<p><i>increase their revenue from container deposit refunds that were not previously available to them.</i></p> <p><i>Sentence 3 - TENS OF THOUSANDS OF DOLLARS to set up???, I don't see where this amount of money has gone in any of the proposal information and if it is the case how does a NFP organisation raise this amount of money and if they were to do so it means the money raised will need to be utilised to pay for this large investment before any community group could benefit from it? Either this is misleading information or a lot more is going on that had not been disclosed in the proposal submitted.</i></p> <p><b>LOCATION</b></p> <p><i>Sentence 1 - Only suitable location in the Shire of Gingin, is this a joke or more misleading information.</i></p> <p><i>Sentence 2 - Any such commercial development would require ablutions for staff and the public alike on the said location regardless if neighbouring properties already have such facilities.</i></p>	<p><i>The financial cost to set up the proposed operation is not a matter for the complainant to concern themselves with. Community groups that return containers for the 10 cent refund receive 100% of the value of the containers,</i></p> <p><i>The site is the only one considered suitable for the Gingin Men's Shed members due to the close proximity to the existing Men's Shed. The members of the Men's Shed will not proceed with the proposed operation if it means segregating the members to a distant site.</i></p> <p><i>Excellent facilities are available at the existing Men's Shed 20 metres away. Due to the expected short</i></p>
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		<p><i>Sentence 3 - Minimal capital improvements, make me wonder where the TENS OF THOUSANDS OF DOLLARS are going then. Surely the drive way and parking areas would need to be sealed the same as any other commercial development requirement then surely this would be Considerable Capital Investment. More misleading and confusing information.</i></p> <p><i>Sentence 4 - Conveniently located for the town? If you call being located in the centre of residential housing convenient and on residential zoned land I guess it may be convenient for some and just the opposite for others.</i></p>	<p><i>time of each drop off there is no need seen to provide public facilities as per the local businesses in the town.</i></p> <p><i>The budget issues for the set up of the Container Deposit scheme are not relevant to the Development Application or the complainant.</i></p> <p><i>The existing driveway and parking area is as has existed when previous businesses operated on the site and it is believed that they are adequate as there will be significantly less and much lighter vehicles attending the refund centre.</i></p> <p><i>This site offers highly visibility for the refund centre as an incentive to bring your returnable containers along. Much better than out the window of the car and littering the road verge.</i></p> <p><i>The proposed facility will be located in a building that has decades of historical commercial use. We believe with just two sessions of 4 hours per week, this represents the best use of this facility. There are</i></p>
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		<p><i>Sentence 5 - Further on in the Proposal it is stated that the rent is already being paid for the said property, I find this to be contradicting information, if the proposal was making \$50,000.00per year with volunteer staff and Government Grants to subsidise running cost this is substantial amount of money which only a small portion could be utilised to pay rent if so was required at an alternative location.</i></p> <p><i>Sentence 6 - More misleading information. The premise is NOT accommodating an existing mechanical/repair and maintenance facility and if it is been used as such or for any other purpose whatsoever, it is doing so without any planning approval.</i></p>	<p><i>several other commercial operations within this precinct.</i></p> <p><i>The financial cost considerations are not part of our proposal and do not need to be addressed. The Men's Shed is not making \$50,000 per year as has been previously explained nor are there any government subsidies. The site is the only one considered suitable for the Gingin Men's Shed members due to the close proximity to the existing Men's Shed. The members of the Men's Shed will not proceed with the proposed operation if it means segregating the members operations.</i></p> <p><i>The premises has previously been occupied by a mechanical repair business that was operating under a permit allowing it do so. The Men's Shed did make use of the shed as a continuance of the existing non-conforming use. These activities ceased immediately The Shire disallowed us to continue vehicle maintenance under the non conforming use.</i></p>
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	<p><i>Sentence 7 - if this is the case it would seem that the proponents have out grown their existing infrastructure and require to relocate to a more suitable location to meet the demands of their desired plans into the future.</i></p> <p><i>Sentence 8 - I believe the proponents need to heed some assistance to assist them identify other more suitable locations for their existing premises and for this proposal as there is numerous other suitably zoned locations within the district.</i></p> <p><i>Final sentence - Refer to above comment.</i></p> <p><i>Drawing at the bottom of the page appears to not to be scale and is misleading.</i></p> <p><b>PLANNING APPROVAL</b></p> <p><i>Sentence 1 - Contracting information as previously stated could not pay commercial rent yet now they say they are already paying rent?</i></p>	<p><i>The Gingin Men's Shed members don't need the work, they view this activity as another Community Service.</i></p> <p><i>The existing Men's Shed which is well set up suits the current Shed activities well, however, there is not sufficient space to incorporate the proposed refund centre at the current Shed. The proximity to the town centre is important to members, particularly those that commute on disability scooters.</i></p> <p><i>There is no need to relocate the current Men's Shed as the existing facilities are excellent and serve our members very well. There</i></p> <p><i>The land and buildings are to scale.</i></p> <p><i>Existing financial arrangements relating to the rent are not relevant to the complainant for this proposal.</i></p>
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		<p><i>How can this premise be getting used to store flammable products and also be getting utilised for mechanical repairs within a residential precent without any planning approvals, . I believe this shows the character of the persons involved to have no regard for the general public or Town Council. The word TEMPORARY is misleading as the property has been utilised extensively since the proponents took control.</i></p> <p><i>Sentence 2 - Yet more misleading information, over the decades only the most previous tenant sort non-conforming use approval which had strict conditions attached, it is my understanding that previous mechanic was restricted to carry out repairs on light vehicles only and due to his non-compliance with these conditions and the general workings of such industry in close proximity of residential housing this has set a very undesirable precedence that should prevent anything like it ever being granted planning approval again on this location. Misleading --- The location in question is not close to buses, ambulances, cattle yards, retail outlets, etc. etc. it is in the centre of developed residential housing.</i></p>	<p><i>There are no mechanical repairs being undertaken nor have we ever had flammable materials in the Weld Street property. Planning approval is now being sought. We mention that any flammables stored by the Gingin Men's Shed are stored in their correct containers, correctly labelled and stored in the Dangerous Goods Cabinet. These cabinets meet industry standards and are "bomb proof". All our fire extinguishers are in date and serviced twice yearly in terms of the Australian Standards.</i></p> <p><i>The alleged poor compliance of the previous tenant has no bearing on our proposed activities. The section of Weld Street we refer to has the above activities in the same street from north of the Honeycomb Estate to the Shire Works Department. We don't see comparisons of the previous occupant relevant to the current applicant, however; (he was restricted to "Light Vehicles")?? A 450 hp Mack Prime-Mover doesn't figure? (Compared to our Shed Member with a 5hp Honda Motor).</i></p>
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		<p><i>Sentence 3 - Still on a predicted average "9615" items per week being dropped off, and that only includes the usable items not, any reject items, over two halve days would mean a real lot of traffic and congestion. What this comment fails or any other comments fails to mention is how many hours or days a week will MECHANICAL REPAIRS be getting carried out as all comments only refer to the recycling component of the proposal?</i></p> <p><i>Sentence 4 - Is an opinion with no substantial basis.</i></p> <p><i>Sentence 5 - Guidelines for noise, safety, and traffic issues must be and need to be presented in full prior to any consideration given to grant approval for this proposal.</i></p> <p><b>GUIDELINES</b></p> <p><i>Sentence 2 - What measures will be taken to prevent the public dropping items off outside the shed at any time of the day or night at the premises other than the two halve days previously stated?</i></p> <p><i>Sentence 4 - How can you control the dust unless the car park and drive way is sealed? What measures are going to be taken to control odours?</i></p>	<p><i>The "9615" is substantially incorrect</i></p> <p><i>We estimate 70% of the volume will be received from a small number of customers which results in low traffic volumes.</i></p> <p><i>The mechanical repairs will be less than 8 hours per week – on Tuesday and Thursday mornings.</i></p> <p><i>Will be provided as part of the requirement to set up the refund point.</i></p> <p><i>There will be no collection bins provided outside he shed. We will not accept or provide any refunds for containers left outside normal opening hours.</i></p> <p><i>There are many ways to suppress dust. If it is a problem, it will be addressed.</i></p>
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		<p><i>Sentence 5 - How many of you reading this letter clean and dry out your bottles and other containers prior to dropping them in your recycle bin? How can you possibly physical check 9615 containers for cleanliness and dryness being dropped off in such a short time frame every week.</i></p> <p><i>Sentence 6 - Bulk collection means heavy haulage vehicles frequenting the site at times other than the two halve days already stipulated and the frequency of these vehicles has no limits as only approximate intervals are given.</i></p>	<p><i>There should be no odours at all. Only clean dry containers will be accepted. Containers that do not meet the required standards will be not accepted and returned to the individual or group.</i></p> <p><i>As refund operators, we have been given the rules under which the refund centre will operate. If the containers are not clean and dry they will not be accepted for payment. People will soon learn. Each batch of containers will be inspected and returned to the customer if non - compliant.</i></p> <p><i>Again, the 9615 container number is substantially incorrect.</i></p> <p><i>A compactor truck and a skip bin truck will collect once every 3-4 weeks. We have specified weekdays between 9am and 4pm on days other than opening days. This is for safety reasons by not having the truck arrive when there are vehicles or pedestrians on site.</i></p>
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	<p><i>Sentence 8 - How can such a high level of activity not crease noise that will impact on the surrounding residence, once again all this "we will do" is not acceptable it must be done prior to considering planning approval, where are other operators located? Within residential areas? Truck noise is one thing but the transfer of THOUSANDS of bottles and other items into the back of a truck is another very noisy prospect, the noise is created whenever I drop a couple of bottles into my wheelie bin makes me feel concerned for disturbing my neighbours and I am sure all reading this letter can relate to this so please ask yourself what is Thousands of bottles going to sound like?</i></p> <p><i>Sentence 9 - Once traffic management plan must be addressed prior to planning approval consideration.</i></p> <p><i>Sentence 10 - Once again proponents need to provide a comprehensive Work Health Safety Management System prior to considering planning approval.</i></p>	<p><i>All glass will be stored in a Skip Bin, no noise whilst the skip is hydraulically swung onto the specially equipped truck. Bottles going into the skip will fall into a collection net with a central hole allowing the bottle to escape into the skip with minimal noise. We have also specified skips with a drop down side so bottles can be placed, not dropped into the skip. Non glass containers will be stored and loaded into the truck in bags. We have also specified that the truck backs into the shed so sound is largely contained within the shed. As mentioned, we will be lining and insulating all shed walls.</i></p> <p><i>Entry &amp; Exit of the Site will be clearly designated.</i></p> <p><i>A comprehensive Work Health Safety Management Plan is a requirement of our participation in the scheme with the state government agency (WARRL).</i></p>
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		<p><i>Sentence 11 - As the proponents have said they do not know what they are doing or getting themselves in for but apparently will work it out I time, this industry doesn't belong in the centre of residential housing. Men's shed does not have a record for considering its neighbours in fact just the opposite could be said and I invite any one reading this letter to take the time to visit and ask yourselves what the neighbour's opinions are about this manner in which Men's shed has conducted itself in the past.</i></p>	<p><i>The Occupational Safety and Health Act 1984 (WA) (OSH Act) is soon to be replaced by a new Work Health and Safety Act, with the Western Australian Model Work Health and Safety Bill (WHS Bill) on schedule for introduction to Parliament in mid-2020.</i></p> <p><i>Our qualified WHS Officer will prepare our WHS Management Sytem once the new laws come into place. As mentioned we require a safety management system to be approved by our governing body before we open .</i></p> <p><i>History will show that Gingin Men's Shed has demonstrated care and concern for the neighbours. At the very beginning of occupying 3 Horan St, we had some equipment situated on the Southern wall of the Shed which disturbed immediate neighbours, we followed the request from the Shire and moved the equipment to the northern exterior of the Shed, resulting in no further disturbance to our Neighbours.</i></p>
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		<p><i>I do believe the Men's Shed to be a fantastic concept and I would love to support it as I do know of some very good people that are involved and it does offer them a great respite, however I do feel this particular branch is acting above and beyond its constitution and is being driven by a few individuals whom have their own agendas and own self best interest at heart with a strong desire to succeed at all cost.</i></p> <p><i>This letter is based on my opinion and mine only.</i></p> <p><i>I urge all persons whom have the responsibility to decide on a suitable located for a Container REFUND POINT, please do not confuse the difference between a COLLECTION POINT and a REFUND POINT as they are two very different points, to research what is involved with a REFUND POINT and understand the workings of it and the rest of the container refund point scheme.</i></p> <p><i>For your reference I have attached an insert from the Government of Western Australia Department of Water and Environment Regulation on Western Australia Container Deposit Scheme Consultation Summary. Page 16, Consultation Point 5.</i></p> <p><i>I have had a discussion with an Avon Waste representative whom indicated that they would be open to discussion about the possibility of utilising their premises in the GINGIN RURAL INDUSTRIAL ESTATE to allow a community based group to set up a container collection point.</i></p>	<p><i>We are unaware of any other issues impacting on our neighbours.</i></p> <p><i>There is no self interest aspects to this proposal. On the contrary, members have committed themselves to volunteer their time to operate the refund point solely for the benefit of the community. Our involvement in this project is purely altruistic.</i></p>
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	<p><i>I have grave concerns that only the public access hours of operation have been advertised which leaves the general workings of this facility open ended to be operated at will."</i></p> <p><i>Bulk Container Refund Points</i></p> <div data-bbox="510 464 757 612">  </div> <p>What features are important for commercial container deposit points?</p> <p>Submissions identified that commercial container refund points should be in convenient locations; accessible to <u>commercial entities</u> as well as charities, community organisations and the public; accept containers made of a variety of materials; and meet local government, planning, environmental and other regulatory requirements.</p> <p>Submissions suggested that co-locating commercial, or bulk, refund points with existing facilities <u>such as material recovery facilities or resource recovery parks could reduce handling and scheme costs.</u></p> <p>Most submissions supported bulk container refund points accepting multiple streams of container materials to increase customer convenience, support best practice operations and to reduce handling costs.</p> <div data-bbox="510 925 1335 1193">  <p><b>Response</b></p> <p>It is recognised that the infrastructure and operational requirements for refund points to efficiently manage bulk quantities of containers are likely to differ from those for household quantities.</p> <p>New South Wales uses automated depots for bulk container returns of 500 or more containers of all eligible material types. This service is open to the public and commercial operations.</p> </div>	
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2.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p>"We disapprove"</p> <p><b>Proposed Community Point Lot 25 Weld Street, Gingin WA.</b></p> <p><i>We have read with interest the submission as put forward by the Gingin Men's Shed to operate this scheme and we are obliged to register our disapproval of the intent. Whilst there are perceived community benefits outlined in the proposal we are of the opinion that there are some irregularities and disadvantages that must be taken into account when considering the application.</i></p> <p><b>Zoning</b></p> <p><i>The proposed site was used for many years, under an approved non-conforming use agreement, as a 'Mechanical Vehicle Repair Business' Licensed by a qualified mechanic. It is our contention that despite the Men's Shed leasing the facility in 2019 they did not operate the premises as a legitimate Mechanical Workshop business within a six month period from the beginning of the lease as is required under the Town Planning Scheme. This was a weak attempt to compare their intention with the previous bona fide business. We understand that the non-conforming use has in fact expired with the site reverting to a residential status. As the submission is inclusive of a mechanical workshop area it is thought inappropriate for approval to be given when this use is contrary to the, now, residential site. Surely the opportunity now exists for the Shire to have a more creative approach to development of this portion of land.</i></p>	<p>The ongoing Non-Conforming use has been disallowed by the Shire despite the Mens Shed being a legitimate Social Enterprise with a qualified engineer, motor mechanic, Health and Safety Advisor making it more qualified than most local businesses. No further mechanical/vehicle activities have been undertaken since the Shire would not recognise our claim for continuing the non-conforming use..</p>
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	<p><b>Impact of the Amenity</b></p> <p><i>Under the heading of Planning Approval in the submission there is a misleading over emphasis on the hours of operation and size of vehicles services by the previous business, presumably in an attempt to give the impression that the Refund Point will have a lesser impact on the community. We are led to believe that the amenity will be operating two mornings per week i.e. Tuesday and Saturday, are we to assume that the mechanical element, if allowed to prevail, will be subjected to the same restricted opening times?</i></p> <p><i>Unfortunately a similar undertaking was made with regard to the Men's Shed, that it was to operate one day per week but is now open most days including weekends. Will something similar happen at the Refund Point? It is almost a certainty that the general public will not need the nominated opening times and despite the best intentions there will be recyclable material left in containers outside the premises for all to see. We disagree that the proposed facility will have a lesser impact on the area than the previous business as it has the potential to create an eyesore with discarded material being left at the site.</i></p> <p><b>Tourism</b></p>	<p><i>The mechanical side of shed activities will operate on two weekday mornings (Tuesday and Thursday) for four hours maximum per session. It is envisaged that the average of one motor start up per week will be maintained. This facet of the Shed's operation is undertaken by small motor hobbyists.</i></p> <p><i>There will be no collection bins provided outside the shed and we will not accept drop offs outside of opening hours. As the containers have a cash value, they are at high risk of theft if left outside the shed. We do not expect people to leave containers outside of the shed. In terms of the visual aspects of the shed, there will be a significant improvement to the current appearance by way of landscaping beautification.</i></p>
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	<p><i>Except for rare occasions the previous business did not trade on Saturdays. The intended site is in a very prominent location and the Refund Point will not present a very favourable impression to tourists when visiting the town at the weekend. We should all do our best to embrace tourism and at this juncture we have an opportunity with the zoning reverting to Residential for eventually something more attractive being constructed at the location.</i></p> <p><b>Traffic and Safety</b></p> <p><i>The location of the site has the disadvantage of being on the corner of a "T" junction and will present considerable traffic flow problems with access and egress when material is being deposited. Previously a limited number of vehicles would arrive to be serviced at staggered intervals and leave in a similar fashion, congestion or safety was not an issue. The opening of the recycling area will be concentrated on two mornings only with Saturday being a particularly busy traffic period. Further the visitors, including the children, to the Refund Point could be arriving in cars, on bikes or on foot to claim their respective refund amounts, a dangerous congestion could ensue creating a hazard for all concerned. If we assume that the mechanical area will be open in conjunction with the recycling area then this will present a future hazard to safety should the public be allowed to wander into this space? The submission indicates that a traffic management plan will be formally addressed once operational, this appears to be a "suck it and see" approach that is considered unacceptable.</i></p> <p><b>Neighbour</b></p> <p><i>We have a rental property adjacent to this site and to date have had some unfortunate issues with the Men's Shed making us somewhat suspicious</i></p>	<p><i>These facilities are commonplace around Australia and travellers/grey nomads make good use of refund points to earn some cash from containers collected/saved on their journey.</i></p> <p><i>We are proposing physical barriers to separate walk ins and vehicle traffic along with signage to designate traffic flow. We will encourage children visits and participation, and won't have any hazardous situation arise, we will inform parents and do a presentation at the school, advising all children to access the site via our planned walkway, linking 3 Horan St with the collection centre.</i></p> <p><i>Any known issues impacting on the amenity of neighbours have been addressed quickly and satisfactorily.</i></p>
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	<p><i>of this proposed scheme that it will create more angst for our tenant and have a depreciative effect on the value of our property</i></p> <p><i>It is suggested that consideration be paid on the recycling facility that already prevails at the local Shire tip and whilst there are no refunds to the community the managers of the tip have some dependency for income from the recycled material. It is further suggested that the Men's Shed could pursue the Refund Point by organising a space in front of their premises in Horan Street, a quieter and less hazardous area than that proposed.</i></p> <p><i>We understand that the proposed facility will be the first of its kind in WA and many assumptions are being made as to the operation, it is therefore considered improper to trial the scheme in such a high profile area. It seems inconceivable that this scheme be allowed to operate on this site, perhaps the close proximity to the Men's shed is the catalyst whereas alternative locations would be too inconvenient. Should you wish to discuss our comments we would be happy to meet at any mutually convenient time."</i></p>	<p><i>We welcome any feedback from neighbours and take their concerns seriously. We are unaware of any current issues any of the neighbours may have with the Men's Shed.</i></p> <p><i>We have been advised that the tip is likely to be relocated in the near future and we would not be allowed to operate there. There is insufficient room to operate the refund facility in the shed at the tip and this site does not fit with the Men's Shed requirement to keep our operation together. We seriously considered the area in front of the existing Men's Shed, but it is not suitable due to lack of space, the slope and surface (safety issues) of the forecourt.</i></p> <p><i>The scheme is being launched in W.A., not trialled. The proposed facility will be modelled on long established sites in other states of Australia.</i></p>
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3.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p>"No way."</p>	
4.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"Please find attached my response to the application for the "Community Purpose (and Mechanical Repairs and Container Deposit Facility)" as proposed by the Gingin Men's Shed Inc.</i></p> <p><i>I do not wish to appear be always "negative" in terms of development applications, within or adjacent to the Townsite of Gingin; but I feel with no preferential voting on Council matters - even if the three town residing Councillors- Wayne Fewster, Kim Rule and Linda Balcombe - voted as a block on town matters, when there has been a vociferous lobby group "batting" for a particular project/ development, they would to always be outvoted 6/3 against.</i></p> <p><i>So I have "my say" as well as trying to give a broader picture to those Councillors who may not know the history of situations or "up to speed" on certain Gingin "townsite" matters.</i></p> <p><i>I have inspected the documents and comment as follows:</i></p> <p><i>Having visited the area, and living within walking distance of the proposed development site, I would like to draw the attention of the Councillors to the following points prior to making their decision.</i></p>	

		<p><b><i>I acknowledge the worthiness of the project that The Gingin Men's Shed Inc</i></b> have put forward as a well-rounded proposal. As a founding member of the B2B Group that collects litter along the Cockram/Weld Street, Dewar Road verges prior to the annual British Car Day I am well aware of the amount of litter that is strewn around the town – much of which relates to what will qualify for collection and recycle at this point.</p> <p>However with the granting of this application <b><i>I am very concerned that it underscores the ongoing development of the Cockram/ Weld/Dewar Route as a light industrial area</i></b> – rather than “semi-rural lifestyle and residential” in a town that “sells” itself tourism wise as a “historic town”. I would consider the proposal, particularly the mechanical repairs portion, as fitting into “industrial”. The portion of the submission on mechanical repairs is very light on detail or recognition of potential outcomes.</p> <p>Gingin already has a designated Industrial Estate – commonly known as Frogmore – located off Brand Highway and where Avon Waste ( with its logo of “recycle right”), the town's designated rubbish collection company, sorts and ultimately processes for recycling.</p> <p>For those Councillors who are not familiar with Cockram /Weld/Dewar Roads the following industrial type activities now border the town's entrance/exit.</p> <ul style="list-style-type: none"> <li>- The Gingin Waste Management Facility (commonly known as the Dump)</li> <li>- The Gingin Meatworks with relatively recent approval for a purpose build shed for Fell mongering.</li> <li>- The School Bus Depot</li> <li>- Gull Gingin which has a “For Hire” service for trailers etc. It also hires out gas bottle refills. Its “works yard” is adjacent to the Gull building.</li> </ul>	
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	<ul style="list-style-type: none"> <li>- Gingen Fuel and Tyres, which also carries an array of rural products and a Gas Bottle exchange service. It has an adjoining large storage and works yard to the main building.</li> <li>- The expansive Shire of Gingen "Works Depot" – within walking The Shire of Gingen offices and "home" to large "works" vehicles</li> <li>- A Sullage disposal point for caravans and mobile homes – immediately opposite the Shire of Gingen offices.</li> <li>- Gingen Panel, Paint and Recovery.</li> <li>- The proposed new DFES building ( providing Emergency and Fire and Rescue Services) on Weld Street opposite Quinn Street.</li> </ul> <p>The proposed Community Refund Point and Mechanical Repairs at Lot 25 will add to this existing plethora of light industrial activities at the town's entrance/exit.</p> <p>Most Shires and towns have been working hard to relocate industrial type activities away from residential areas. This proposal seems to run counter to this notion</p> <p><b>Recycling is not a new concept to Gingen</b> – The Gingen Scout Group for many years ran a recycle service, with a large industrial crate located on the Railway Reserve Road opposite the Railway Station, and a smaller crate outside of the Gingen Fuel and Tyre business.</p> <p>It was cleared regularly by a local resident and the monies raised from the sales were a fund raiser for the Scouts. Newspapers, cardboard, glass bottles and old batteries were also collected for recycle at this point.</p> <p>This activity was abandoned a few years ago. However a full to overflowing crate has been left on site ever since the Group's collection activities ceased.</p>	<p>The proposed site is NOT for a recycling depot – it is for a container refund point. Nothing other than eligible containers will be collected.</p>
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	<p><i>Periodically the crate is trashed and cans are scattered over the area – and but for the goodwill of local “passers-by” these cans continue to scatter far and wide, encroaching on what has been called a historic precinct (The Gingin Hotel, The Gingin Railway Station, Railway Cottage, Dewar House et al).</i></p> <p><b><i>The issue being raised</i></b> – although the Submission makes the point of providing a facility “safe, sanitary and clear of any litter, debris or vermin” can it be guaranteed at no stage will the public not use the area as a dumping point when the building is not open – as has happened at the Scout Group site and as does regularly occur at the main entrance to the “Dump”.</p> <p><i>There appears no plan for security fencing around the perimeter of the Lot in this proposal; however in erecting a security fence this too would add to the “industrial look” and further compromise what is essentially a residential area.</i></p>	<p><i>The dumping of containers is not expected. The containers have a \$ value and they will be delivered to the refund centre for a refund of deposit or donated to the school, playgroup, scouts, etc direct for their fundraising. If a bag of cans was “dumped” I expect some opportunists would collect them for themselves to return for the deposit to be refunded.</i></p> <p><i>As part of our landscaping and beautification plan, we are proposing green walls where appropriate to screen off the neighbours, particularly on the eastern boundary and to a lesser extent to the west) we are mindful that we cannot obstruct any line of sight for the roads and traffic. There is no need for security fencing.</i></p>
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	<p>Yes, the Shed for many years was used as a commercial mechanical repair business, but it was an adjunct to the business proprietor's adjoining residence. It did not have any signage on the building, there was only one mechanic working in the building and all vehicles were securely locked away at the end of the working day leaving a clear forecourt at all times.</p> <p>The provided plans, not to scale, would indicate potential need for extra parking, there will be multiple people on site and every three weeks there will be a large industrial recycle truck arriving to remove the "collectables". This vehicle is acknowledged as being the size of an existing Waste Disposal Truck and onsite for up to 8 hours</p> <p>The Gingin Men Shed Inc has an extensive work area in its very large purpose built building and has acquired/use of the large former Fire Station adjacent to this building. The Gingin Lion's Club also has a good sized building for Club meetings located on the same lot. All of which, at best, are occupied 16 hours per week, apart from special functions - mostly in the evenings. The lot has good access and a surfaced road to its entrance, and there is minimal residential impact at its entrance point on Horan Street. With some negotiation and rationalization <b>between all parties the suggestion is this site be modified to cater for a Community Refund</b></p>	<p>Not sure of the point that the person is trying to make here.</p> <p>The plans show the sites and buildings to scale. The collection trucks are scheduled to collect between 9 am and 4pm at times when the refund point is not operating. <b>They should only be onsite for approximately 15 minutes once every 3-4 weeks.</b> 'Staff' will park at the 3 Horan St property if parking space is an issue. It will also be advertised that people with small, walk up loads can park at 3 Horan Street and walk through to the refund centre.</p> <p>The areas mentioned are unsuitable due to space considerations.</p>
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	<p><b>point</b>, and the nominated Lot 25 Weld Street return to its original zoning of Residential – in keeping with the adjoining residential zoned lots.</p> <p>There is little mention in the proposal of the Mechanical Repairs component of this proposal. Mention is made of the fact that it has been used over the last 12 months as a work shop for the members who own Classic Cars, and with the approval of the owner of the Lot. However the Gingin Men's Shed Inc has a growing reputation in the town as being a "Fixit group" and they provide an invaluable service to many residents. For this service a small charge is raised – which naturally becomes a fund raiser.</p> <p><b>The issue being raised - Will the "mechanical repair" portion of this proposal grow into servicing and repairing older cars, and not necessarily the Classic Cars of the members,</b> that do not require a computerised work shop. The outlet then has the potential for becoming a true commercial enterprise .What will be the Shire's response to this scenario? What are the other mechanical items that are likely to be serviced – gardening implements, standard and ride on lawnmowers, smalling camping trailers etc.? Such an expansion of activities will certainly have a negative impact on the local householders in terms of traffic and aesthetics.</p> <p><b>On the issue of traffic turning right from Old Mooliabeenee Road to Weld Street there is an existing blind spot</b> due to a high voltage power pole at the edge of the footpath on Weld Street. Drivers either use the corner space provided by Lot 25 for a clear "line of sight" into the main stream of traffic or they encroach out onto Weld Street prior to turning. Not to keep this section of the Lot clear at all times presents a potential traffic hazard. Can the Men's Shed guarantee this area will be kept clear on the</p>	<p>It is the policy of The Gingin Men's Shed to not carry out services that compete with established commercial businesses within the town.</p> <p>The vehicle maintenance aspects will only be conducted on member's cars – mainly classic cars . This activity will not impact other businesses as these activities have always been done by members.</p> <p>The mechanical repairs will normally be limited to small motors by hobbyists.</p> <p>Nothing would be done on the Site that would add to the problem with the existing power pole. We plan to establish gardens with low profile plants to create "no go zones" for cars. We can guarantee the existing line of sight will not be impacted.</p>
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	<p><i>establishment of these proposed activities, as they have also mentioned the need for possible extra outside parking?</i></p> <p><i>The Lot 25 site is also a very busy T junction. It is the quickest route linking Bindoon and the town of Gingin; and with the development of the Gingin Eco Village, with over one hundred dwellings, less than 1 kilometre further down the Old Mooliabeenee Road, there will be even more traffic using this intersection. (This project is meant to commence later this year.) <b>Thus the issue of safety</b> must be of great relevance both for the Men in Sheds members when on site, and for the community at large – particularly as there is no surfaced footpaths along the Old Mooliabeenee Road.</i></p> <p><b>Have the two privately run businesses “Avon Waste” and “The Gingin Waste Disposal Facility” been consulted about this project?</b></p> <p><i>If not, they should be – as it could have an effect on their own earning capacity. They would then be well within their rights to contest the project's approval. The proposal claims the return to the Gingin community groups is expected to be around \$50,000/annum. At a 10cent return this means there has to be 500,000 (half a million) items collected, stored and processed on this site.</i></p>	<p><i>The Containers for Deposit Scheme was initiated by the current State Government. They decided that it was a great opportunity for not for profit groups to get involved and bring greater benefit to the community. The Gingin Men's Shed was invited to become a refund centre operator in this process.</i></p> <p><i>All information at hand indicates that this is not a big enough operation within a town this size to make it viable for a commercial operator to take it on. The number of containers mentioned (500,000) is way off the mark as previously mentioned. Containers will not be stored and processed as such – they will be</i></p>
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		<p><i>This is a fantastic quantity of recyclable material a) Is it a realistic guesstimate? b) If so it begs the question of the capacity of the site to handle this amount of material) If it is overstated the town community groups will not be beneficiary of the amount of money stated. (Divided by the number of community applicants for funding grants.)</i></p> <p><b><i>It is somewhat disingenuous to say there is no other suitable building for use as a "collection hub".</i></b> There is a large green shed with loading ramp and drive way into the shed off the Railway Reserve Road. It was formerly used as storage for the Scouts Group recycling project – and where the full recycle cage still sits. It is now only used for the storage of the children's "train" used by the Lions Club for fundraisers, notably the Bindoon Show and the British Car Day.</p> <p><i>The issue for the Mens Shed, with this proposal, is the convenience and close proximity of the site at Lot 25 Old Mooliabeenee Road to their existing premises and Headquarters on Horan Street.</i></p>	<p><i>regularly relocated to processing plants away from Gingin.</i></p> <p><i>The use of the term "recyclable" is misleading, the container refund centre is NOT a recycling depot. The estimate of the number of containers to be returned was established by WARRL by statistics obtained from the states where the scheme is operating. It needs to be noted that most of the money generated by the refund of the deposit is given directly to the returner of the containers (or their beneficiary). The fee received by the refund centre operator covers the cost of operating the centre with excess proposed to be used for community projects, etc.</i></p> <p><i>This site was considered when we were brainstorming possible locations. The infrastructure costs, including power supply, etc and cost to the shed of security of our assets were considered too high. The Gingin Men's Shed has openly advised Council that to operate the collection point far removed from 3 Horan St is not an option.</i></p>
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		<p><i>Gingin townsite has a surfeit of underutilized large buildings and Halls that have been built over the years by various community groups, and which are now all generating costs and could/should be re purposed or rationalized.</i></p> <p><i>In conclusion I am in favour of the project as proposed by the Gingin Mens Shed – with reference to the Container Deposit Scheme as a working model. However I am not in favour of its proposed location, particularly in terms of the issue of the Mechanical Repairs portion of the submission, safety and the ongoing incremental creep of "light industrialization" to the entrance/exit of the Gingin Townsite."</i></p>	<p><i>The subject addressed in previous comment.</i></p>
5.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"To the best of my knowledge the above address is and has always been a residential address and has once part 21 Weld Street, why has this property been allowed to be used as a commercial business?"</i></p> <p><i>The application is for a proposed "community purpose. But the property will be used for a business. Any work that results in making money or profit or income from work is known as a commercial business. Therefore would not be a community purpose development. The men's shed has out grown its general purpose at its present site and expanding into other residential properties is not an option. Other suitable location need to be found. For example, Gingin Rural Industrial Estate. I have lived at 21 Weld Street, Gingin for some 36-37 years. My husband David works 60 hours a week and the weekend is our down time. The hours of opening and the noise (our house is less than 40 feet from the back of the shed where the proposed containers will be placed. The coming and going of vehicles and noise will have a massive impact on our lives. I feel proper monitoring and supervision will be near impossible. It will become a drop off zone. The</i></p>	<p><i>The proposed activity is not a business but a community service run by a not for profit social enterprise.</i></p> <p><i>It is not a drop off zone.</i></p>

		<p>hours of proposed opening haven't taken into account their community responsibilities. Where is the duty of obligations to neighbours? Respect and consideration.</p> <p>Another important point is, what will happen to the valuation of my home. Who would want to live next to a recycling centre? Something that applicants never took into consideration.</p> <p>I chose to live where I live because of the lifestyle. This type of facility should not be allowed in a residential area. I am a rate payer and feel I have the right to a certain standard of life style. I think the purpose of "Men's Sheds" are a must in all country and rural areas. The work and support they give the community and each other is commendable. It's not what you do, but where you do it!"</p>	<p>It is not a recycling centre. Did the complainant purchase their dwelling whilst the Weld St site in question was being used as a Commercial Mechanical Business?</p> <p>The proposed refund point will have a lot less impact than a full time mechanical repair business.</p>
6.	Submitter	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p>"Reasons against proposed site-</p> <p><b>Road Safety</b></p> <p>Dangerous being on an intersection of two busy roads, many time have I seen cars going very fast around both corners and a driveways so close to that is very dangerous.</p> <p>Also at sunrise and sunset you have difficulty seeing with the sun in your face when taking the corner and travelling this intersection.</p>	<p>Gazetted times for "collection" and "pick-up" will not be at sunrise or sunset. A compactor truck and a skip bin truck will collect once every 3-4 weeks. We have specified weekdays between 9am and 4pm on</p>

		<p><b>Dumping Rubbish</b></p> <p><i>While it is ok to suggest you will make sure it won't become a dumping ground - if you are only open 8 hours a week how can you possibly guarantee this? People may just come and dump things out of hours. I know how much rubbish floats around outside of the Gingin tip when closed or even on the side of the road in general. How can they only accept clean products if people have loaded them they won't want to take them home again?</i></p> <p><b>Security</b></p> <p><i>I feel it is unsafe to have random people any time of day and night pulling in - I have kids and I am concerned that it will attract some of the wrong kind of people if money is involved. My kids play outside a lot and it's bad enough with the speeding traffic let alone random cars coming in all hours.</i></p>	<p><i>days other than opening days. This is for safety reasons by not having the truck arrive when there are vehicles or pedestrians on site.</i></p> <p><i>There will be no collection bins stored outside of the shed and we will not accept drop offs outside of opening hours. We do not expect people to leave containers outside of the shed. Containers dropped off out of hours will not be eligible for the refund – this is seen as a deterrent.</i></p> <p><i>People who refuse to comply with the clean and non-contaminated containers rule will not receive any deposit refund.</i></p> <p><i>Collection times will not be "all hours".</i></p> <p><i>There will be no collection bins stored outside of the shed and we will not accept drop offs outside of opening hours. All activity will for limited to a small number of hours per week between 8.30am and 12.30pm</i></p>
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	<p><b>Zoning/Noise</b></p> <p><i>The area is zoned for a residential and noise is already an issue - it's bad enough we have the men in sheds behind us as they operate more than they are supposed to as it is, would you want something noisy behind you and next to you?</i></p> <p><i>I have shift work and need to sleep during the day or it can become a hazard - if I'm tired having people coming and going, the machines used for recycling as much as they think they will have surely got to be loud for a residential area.</i></p> <p><b>Not for profit group</b></p> <p><i>I would like to query whether a not for profit group can set this up?</i></p> <p><b>Proposal information</b></p> <p><i>On the plan outline there is no information listed on the mechanic side of this proposal.</i></p>	<p><i>We do not envisage using any machines. We have chosen not to use a forklift on site and have modified our tables and specified specific shallow bins to mitigate any noise problems. All walls will be insulated and lined. The site will generate less noise than the previous occupants.</i></p> <p><i>The Containers for Deposit Scheme was initiated by the current State Government. They decided that it was a great opportunity for community groups to get involved and bring greater benefit to the community. The Gingin Men's Shed was invited to become a refund centre operator.</i></p> <p><i>The mechanical repair section of the application is mostly limited to small motor repairs by hobbyists. There may be occasional work done on members classic cars. These activities will be very low volume</i></p>
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		<p><b><i>Insect/Vermin</i></b></p> <p><i>While it is ok to suggest that only clean items will be collected residue from containers may attract cockroaches, ants and mice or rats imposing a health risk."</i></p>	<p><i>based on historical activity by members. There is no intention to carry out any mechanical repair work that would take business away from the established businesses in the town.</i></p> <p><i>As refund operators, we make the rules. If the containers are not clean and dry they will not be accepted for payment. People will soon learn.</i></p>
7.	Submitter	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I as a rental, do not support this proposed community refund point Lot 25 (23) Weld Street, Gingin. As this facility will increase traffic also will create noise on. As already noisy and busy intersection with trucks, busses and so on. Not even mentioned about kids these could be dangerous to them. Previously we had mechanic was really difficult with the noise and when I consider supposed to be residential not commercial."</i></p>	<p><i>Previously addressed.</i></p>
8.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I do not support this proposed community refund point Lot 25 Weld Street, Gingin. As this facility will increase traffic and create noise on an already noisy and busy intersection. It is already busy noisy and dangerous already."</i></p>	<p><i>Previously addressed.</i></p>



9.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I think that the proposed development would be an eyesore as you enter the town and do NOT support the application."</i></p>	<p><i>On the contrary. We are proposing to plant out green walls to screen out neighbours where possible, re-establish a grassed section and install garden areas. As funds permit, repainting the fronts of the shed in contemporary colours will further improve the site.</i></p>
10.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"Not suitable location for this as explained in letter attached.</i></p> <p><i>Upon reading the proposal sign on the corner of Weld Street &amp; Old Mooliabeenee Road, we wish to oppose this proposal in review of our concerns regarding this.</i></p> <p><i>As we have been residents of Old Mooliabeenee Road for 17 years we believe and are concerned that the proposed facility is going to generate unwanted waste gathering on site &amp; in the street of main intersection in town. This intersection is very busy with a lot of traffic including large trucks and no one abides by the 50km speed limit on either street.</i></p> <p><i>We are bewildered with the idea regarding mechanical work being undertaken as this site as in the proposal it states that the Mens Shed are currently using this shed and have never seen any mechanical work being created out over the last 13 months, the shed doors are always been closed.</i></p>	<p><i>The majority of these points have already been responded to.</i></p>

		<p><i>We are also confused on the fact the facility will open 8 hours a week and cannot see how mechanical repairs could be operating at the same time the public are entering the facility.</i></p> <p><i>Safe working practices will be followed. The activities of the container refund operations will take priority over mechanical activities.</i></p> <p><i>We have seen other examples of recycling points around the town that the public are unable to follow recycling rules leaving clothes, bags or rubbish etc. we are concerned this facility will be no different from the others..</i></p> <p><i>Who will be regularly policing this &amp; removing the rubbish?</i></p> <p><i>We are not against the idea of the container deposit facility but we feel this is definitely not the location for it as this is on a very busy main street and out of town which is a residential area. The men shed already have two large sheds on their current premises which would be more suitable for this facility as it is on a quiet back street out of view and with very little traffic."</i></p>	<p><i>This is not a recycling point. It is a refund point for containers. There is no recycling done on site. These containers will have a \$value to the owner which is different to the examples quoted. There will be no storage or drop off points on site. Containers will only be accepted on the two mornings the shed is open for business. Any containers left out for us to process will not be refunded.</i></p> <p><i>The Gingin Men's Shed.</i></p> <p><i>These sheds are fully utilised and there is no available space to carry out the activity proposed.</i></p>
11.	Ratepayer	The submitter <b>does not support</b> the proposal and makes the following comment:	

	<p><i>"I have some observations and some questions:</i></p> <p><i>I believe Gingin already has excellent mechanical services - good mechanics who have served Gingin people way beyond the normal level of service, for many year. Does Gingin need another mechanic? Has the Shire done the research to know if supporting this move is good for the town? Another mechanic could jeopardise the viability of the current businesses, though I think it would more likely question the viability of the new business, as Gingin people are very loyal to their good mechanics as well as their good doctors.</i></p> <p><i>In the mechanic registered with ASIC and have current license and registration to be a mechanic? Does he/she come with references for work elsewhere?</i></p> <p><i>I also have great concerns that the other aspect of the proposed business could easily produce an eyesore at the entrance to our town with dumped containers not properly dealt with.</i></p> <p><i>We are already set up with an efficiently run tip and a light industrial area where this activity should happen - not in the middle of family housing on a block zoned "residential". How can activities of this nature be allowed to set up in a block zoned residential, in a residential area?</i></p> <p><i>The Shire has banned other businesses e.g. truck parking, carpentry workshop etc. from the Townsite and made them go to their designated</i></p>	<p><i>Activities will not take business away from existing mechanical services. Many of the small engine mechanical repairs are not sought by our commercial mechanics in Gingin.</i></p> <p><i>We will not be providing vehicle repairs to the public.</i></p> <p><i>We are proposing to plant out green walls to screen out neighbours where possible, re-establish a grassed section and install garden areas. As funds permit, repainting the fronts of the shed in contemporary colours will improve the site. There will be no containers or bins stored outside the shed.</i></p> <p><i>Previously answered.</i></p> <p><i>Previously answered.</i></p>
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		<p><i>light industrial area, and their houses deemed "residential only". The fact that a mechanic used to operate there when the truckies and carpenter used to operate in town is no reason for that to now continue when others can't. The Shire needs to be seen as consistent.</i></p> <p><i>It's time that block is declared residential as others have been, and allow a lovely house to be built on it. That block has been an eyesore with no activity and closed door for over 12 months, and Jeff was made to do, and go to the light industrial area.</i></p> <p><i>Another critical reason it is the wrong place for the proposed enterprise is the safety factor. That intersection is dangerous at the best of times. Add a heavy traffic flow stopping and starting for that block and it will a disaster waiting to happen. What do the police say about this issue? Have they been consulted?</i></p> <p><i>In conclusion, I believe there is no reason to need this proposed business at all. Gingin doesn't need it, we certainly don't need it on that corner block, and I would ask it be prevented from going ahead, so we as a community not be faced with problems or a community grief from a corner crash in the future."</i></p>	<p><i>Vehicular traffic to the site is expected to be low and lower than the previous tenant's business</i></p>
12.	Ratepayer	<p>The submitter <b>does not support</b> the proposal and makes the following comment:</p> <p><i>"I wish to object to the application by Gingin Men's Shed to change the use of the Shed on 25 Weld Street, Gingin.</i></p>	

	<p><i>We are a family business supplying Fuel, Parts, Tyres and Mechanical Repairs. We employ 11 Staff Members. We have operated at this premise for many years.</i></p> <p><i>When we purchased this property, we paid a premium in land value as it was 1 of only 2 Commercial Sites in Gingin.</i></p> <p><i>I believe that if permission is granted to change the land/building usage at Lot 24 Weld Street, it will set a precedent to allow changes in the town site, which would adversely affect our business, thereby devaluing our business and property.</i></p> <p><i>I also believe the recycling should be centralised at the Waste Management Centre on Cockram Road."</i></p>	<p><i>We are unable to comment on what was considered a premium land value for an existing business at some point in time. We are not applying for a commercial zoning.</i></p> <p><i>The Waste Management facility in Cockram Rd was not an option after putting this suggestion to the Shire together with the State Governments desire for Refund Points to be operated by Social Enterprises.</i></p>
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**11.3.2 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED PERGOLA WITHIN LOT BOUNDARY SETBACK ON LOT 1 (3) TANNER AVENUE, LANCELIN**

<b>File:</b>	BLD/6899
<b>Applicant:</b>	Tom Campbell
<b>Location:</b>	Lot 1 (3) Tanner Avenue, Lancelin
<b>Owner:</b>	Carolyn Jess
<b>Zoning:</b>	Residential R12.5 / 20
<b>WAPC No:</b>	N/A
<b>Author:</b>	Matthew Tallon – Statutory Planning Officer
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services
<b>Report Date:</b>	21 July 2020
<b>Refer</b>	Nil
<b>Appendices</b>	1. Location Plan & Applicant's Proposal 2. Schedule of Submissions

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider an Application for Development Approval for a proposed pergola within the lot boundary setback on Lot 1 (3) Tanner Avenue, Lancelin.

**BACKGROUND**

The subject lot is zoned Residential R12.5 / 20 with an allotment area of 494m<sup>2</sup> containing a single house.

The proposed pergola is proposed to be developed at the existing natural ground level (NGL) height with the posts to a setback of 50mm (in lieu of 1m) from the side lot boundary and 45mm from the rear lot boundary (in lieu of 6m), and the roofing set back 600mm and 600mm (in lieu of 1m and 6m) respectively.

The proposed pergola is 9.7m in length and 4.2m in width (41.74m<sup>2</sup>), with the height tapering from 2.3m up to a maximum of approximately 3.6m.

Determination from the Planning department is required as the proposal seeks a variation to the Residential Design Codes of Western Australia (R-Codes). The side lot boundary setback of the pergola frame is proposed at 0.05m in lieu of 1.5m, with the rear at 0.045m in lieu of 1m. The pergola does not contain an impervious roof

Council's consideration is required as an objection was received during the advertising process.

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

## COMMENT

### Community Consultation

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

The Shire received one submission objecting to the proposal, with the adjoining landowner requesting that the setbacks under the deemed-to-comply criteria of the R-Codes be met.

A copy of the Schedule of Submissions and Recommended Responses is attached as **Appendix 2**.

## PLANNING FRAMEWORK

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

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

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

The subject lot is zoned Residential R12.5/20. Therefore the development of the lot is to give consideration to the relevant design standards of the R-Codes prescribed to that density rating (R20) for acceptable residential development.

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

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. When a development proposal does not comply with the deemed-to-comply provisions, the application is assessed against the associated design principles to determine whether the variation is acceptable. Clause 5.1.3 – Lot boundary setbacks is applicable in this instance.

Table 2a of the R-Codes prescribes a 1m side and rear lot boundary setback for R12.5 lots.

Table 1 below outlines the relevant Design Principles with the relevant applicant's comments.

Design Principles	Officer Comments
<p>5.1.3 – Lot boundary setback</p> <p>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> <li>• reduce impacts of building bulk on adjoining properties;</li> <li>• provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> </ul>	<p>P3.1</p> <ul style="list-style-type: none"> <li>• The structure is proposed to be developed at natural ground level (NGL) and is open faced (no walls) and has no impervious roof material. It does not impose any building bulk on the adjoining lot.</li> <li>• The height and location of the pergola does not reduce any access to sunlight for the adjoining lot as required under clause 5.4.2.</li> <li>• The pergola is proposed at NGL so under the R-Codes no overlooking measures are required.</li> </ul> <p>P3.2</p> <ul style="list-style-type: none"> <li>• The pergola covers a portion of the backyard area notably where the landowner plants various flowers and vegetables. The setback variations are only considering the poles up to the lot boundary, with the roof frame setback 600mm in lieu of 1m. This makes more effective use of the outdoor area.</li> <li>• As noted above, the projection into the setback is minor and with the above design principles considered, there is no foreseen impact to the amenity of the adjoining property.</li> </ul>

Table 1 Design Principles - Applicants comments



**Comment:**

While this setback variation is significant, the structure is without walls or a roof and therefore no detrimental building bulk impacts should arise. It is also acknowledged that outbuildings can be set back 1m from the rear lot boundary, which would have much more of an impact than a pergola.

While the proposal does not satisfy the deemed-to-comply provisions (lot boundary setback) under the R-Codes, the officer is of the view that the development suitably addresses the design principles when considering the existing built form of the locality and the nature of the structure proposed within the setbacks.

**Summary**

Considering the above assessment, the officer is of the view that the proposed patio extension is consistent with the design principles of the R-Codes, and accordingly it is recommended that the application be supported with appropriate conditions.

**STATUTORY/LOCAL LAW IMPLICATIONS**

Local Planning Scheme No. 9.  
State Planning Policy 7.3 - Residential Design Codes

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

<b>Focus Area</b>	Infrastructure & Development
<b>Objective</b>	3. To effectively manage growth and provide for community through the delivery infrastructure in a financially responsible manner.
<b>Outcome</b>	3.1 New and existing developments meet the Shire's Strategic Objectives and Outcomes.
<b>Key service areas</b>	Building and Planning permits

## **VOTING REQUIREMENTS – SIMPLE MAJORITY**

### **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED:** Councillor Balcombe

**SECONDED:** Councillor Lobb

**That Council grant Development Approval for a Pergola on Lot 1 (3) Tanner Avenue, Lancelin subject to the following conditions:**

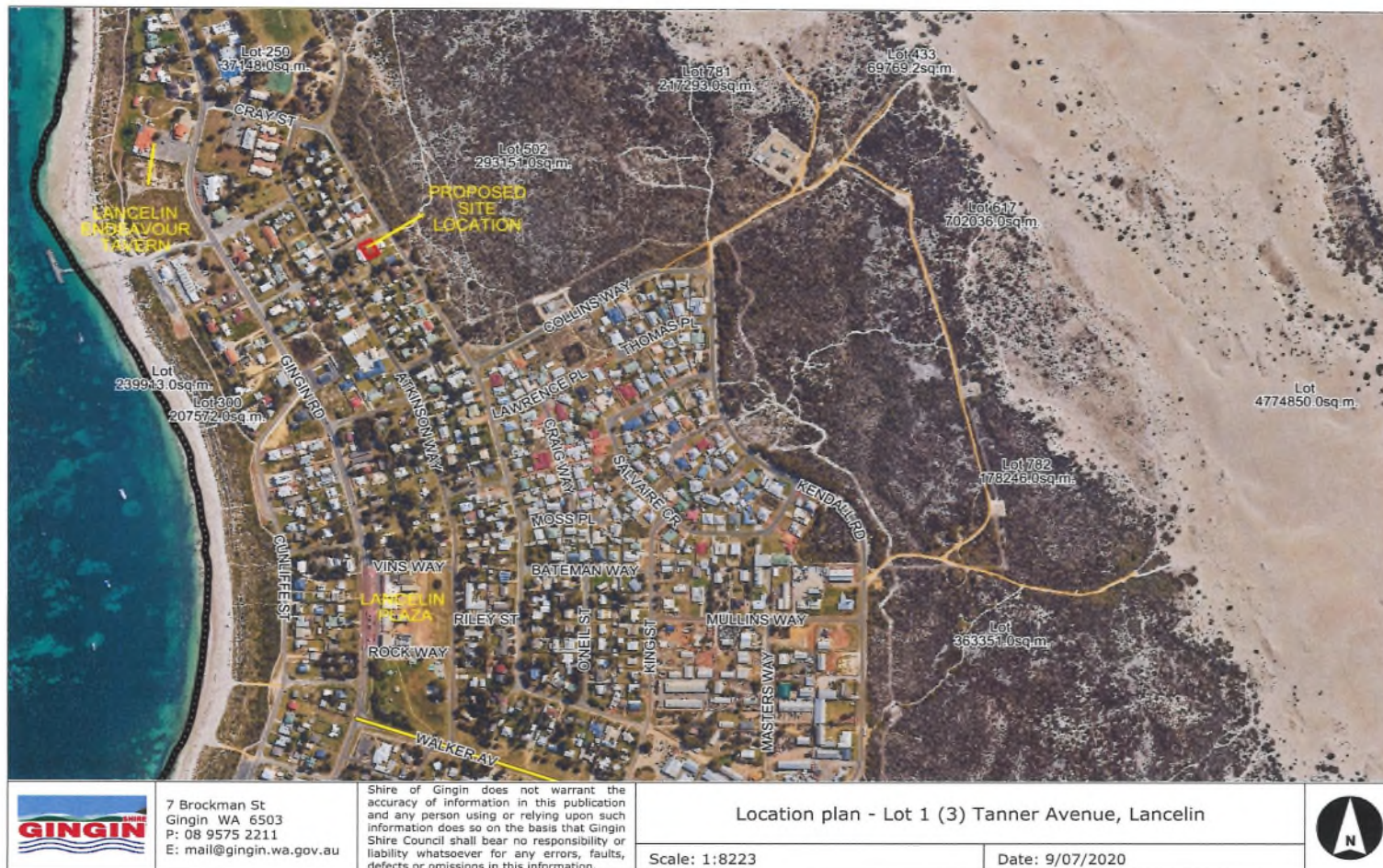
- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval; and**
- 2. This approval is for a Pergola only as indicated on the approved plans.**

#### **Advice Notes:**

- Note 1:** If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** If the development subject to this approval is not substantially commenced within a period of 2 years, the approval shall lapse and have no further effect.
- Note 3:** Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4:** Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the Building Act 2011 and Health Act 1911, which are to be approved by the Shire of Gingin.
- Note 5:** This planning approval shall not be construed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land.
- Note 6:** It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.

**CARRIED UNANIMOUSLY**

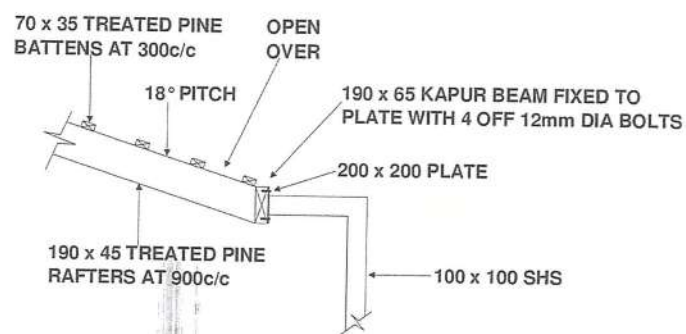
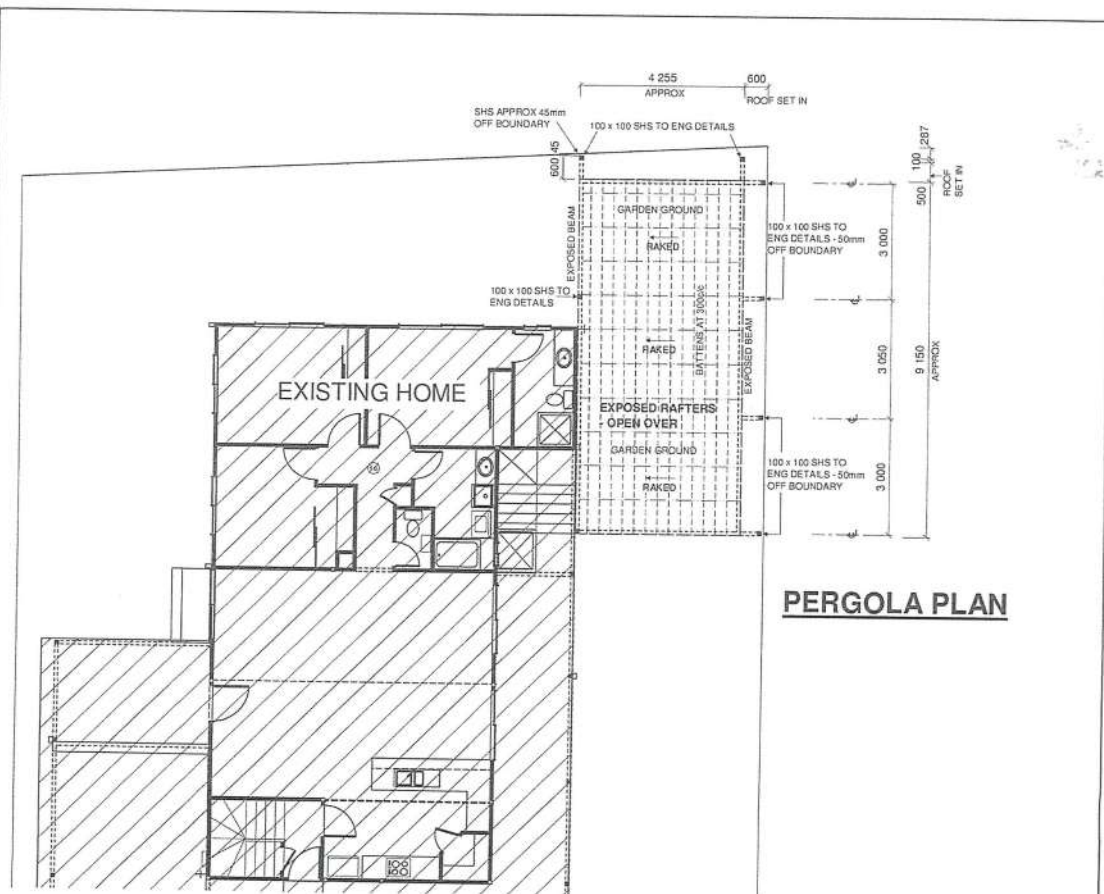
# APPENDIX 1







161



ALL PLANS ARE TO READ IN CONJUNCTION  
WITH THE ENGINEERS DRAWINGS AND DETAILS  
TO COMPLY WITH RELEVANT NCC  
REQUIREMENTS AND CODES

**EXTENSIONS** *by design*  
www.extensionsbydesign.com.au

CLIENT : Carolyn Jess  
SITE ADDRESS : ~~Proposed new home~~ at :  
3 Tanner Ave, Lancelin

REVISIONS :  
Amendments as per engineers drawings 23-04-18  
Notations added for energy efficiency report 8-5-18  
Amendments for CDC approval - 21-5-18  
Column dimension noted - 22-6-18  
New Patio 11-3-20  
New Patio 05-4-20  
New Patio 11-5-20

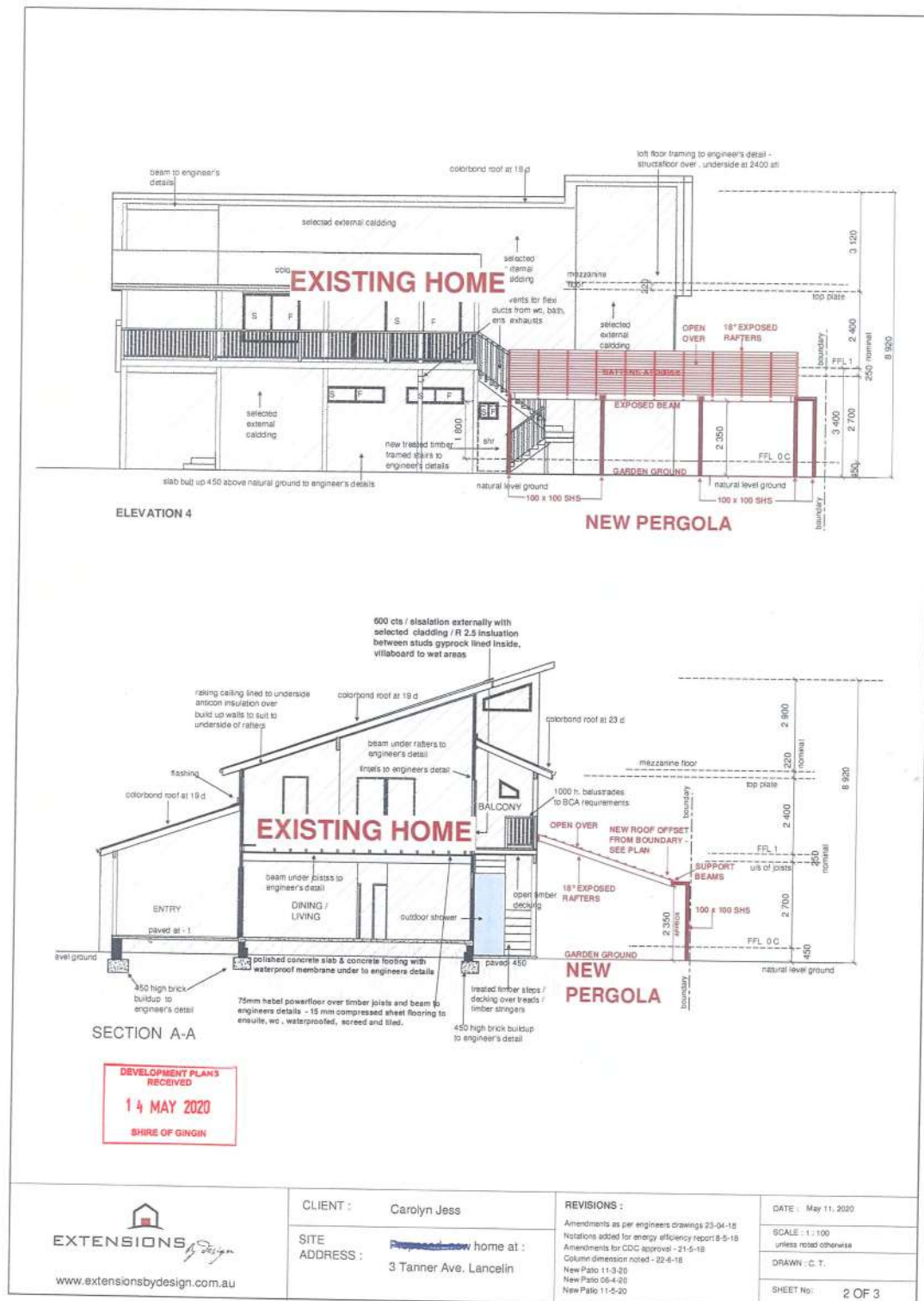
DATE : May 11, 2020

SCALE : 1 : 100  
unless noted otherwise

DRAWN : C. T.

SHEET No: 1 OF 3







# APPENDIX 2

## SCHEDULE OF SUBMISSIONS AND RECOMMENDED RESPONSES

### DEVELOPMENT APPLICATION: PERGOLA AT LOT 1 (3) TANNER AVENUE, LANCELIN

No.	Submitter	Submission Detail	Recommended Response
1.	Ratepayer	<p>The submitter <b>does not support</b> the application and makes the following comments:</p> <p><i>"The property at 3 Tanner Avenue already encroaches on our property given the size of the original development. We now do not feel comfortable looking out any of our rear facing windows (to the East) due to the overlooking aspect of the property. This pergola will take up even more space on the block (on which it is already a large tall house.) and severely encroach on our property."</i></p>	<p>The existing development was approved by the Shire of Gingin, this development albeit up to the lot boundary is an open framed roofless structure.</p> <p>It makes the most use of the outdoor area and would be unreasonable to refuse as it does not impose any building bulk or overshadowing.</p>

**11.3.3 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED WAREHOUSE ON LOT 140 (30) HOY ROAD, COONABIDGEE**

<b>File:</b>	BLD/2961
<b>Applicant:</b>	Cosimo D'Agostino
<b>Location:</b>	Lot 41 (30) Hoy Road, Coonabidgee
<b>Owners:</b>	Cosimo D'Agostino & Jacqueline Moore
<b>Zoning:</b>	Rural Industry
<b>WAPC No:</b>	N/A
<b>Author:</b>	Matthew Tallon – Statutory Planning Officer
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	Nil
<b>Appendices:</b>	1. Location Plan, Aerial Photograph and Applicant's Proposal

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider an Application for Development Approval for a Warehouse at Lot 41 (30) Hoy Road, Coonabidgee.

**BACKGROUND**

The Shire is in receipt of an Application for Development Approval for a proposed warehouse associated with a fitness equipment business on the subject lot, which is 2.5 hectares in area and currently developed with an existing outbuilding and office.

The proposed warehouse is 48.178 metres in length and 20.006 metres in width, covering a total floor area of 963.85m<sup>2</sup>, with a wall height of 7m to an overall height of 7.888m. The warehouse is proposed to store, assemble and dispatch fitness equipment.

The applicant has noted that the existing office will be used by one staff member, with the entirety of the warehouse only envisaged to contain one fulltime worker during working hours.

The officer is of the view that Council's consideration is required given the size of the warehouse.

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

## COMMENT

### Community Consultation

Under Local Planning Scheme No. 9 (LPS 9) the land use Warehouse/Storage is an 'A' use within the Rural Industry zone. An 'A' use *means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the deemed provisions;*

Accordingly, the application was advertised via a public notice on the Shire's website, a sign on site and a direct mail out to the adjoining landowners for a period of 14 days in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The Shire received no comments or queries during the consultation timeframe.

No comments were received during the consultation period.

## LOCAL PLANNING FRAMEWORK

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

The subject lot is zoned Rural Industry under LPS 9. The objectives of the Rural Industry zone are to:

- a) *Provide for a range of industrial land uses on rural-living sized lots where people can work and live on the same property.*

As noted above, Warehouse/Storage is an 'A' – Discretionary' use within the Rural Industry zoning.

The land use 'Warehouse/Storage' is defined as follows:

*"premises including indoor or outdoor facilities used for-*

- (a) the storage of goods, equipment, plant or materials;*
- (b) the display or sale by wholesale of goods.*

The proposal seeks approval to use the warehouse for the purpose of storing, assembling and dispatching equipment associated with the landowner's fitness equipment business as advised above. An extract of the applicable development standards outlined in 'Table 2 – Site Requirements' for Rural Industry zoned land is provided below, with the proposed dimensions indicated:

<b>Table 2 – Site Requirements</b>						
<b>Zone</b>	<b>Minimum Setback</b>			<b>Maximum Plot Ratio</b>	<b>Maximum Site Coverage</b>	<b>Minimum Landscaping</b>
	<b>Front</b>	<b>Side</b>	<b>Rear</b>			
Rural Industry	Permitted: 20m	Permitted: 20m	Permitted: 20m	Permitted: 0.5	Permitted: 50%	5% of site area – screening of non-residential uses from street is required.
	Provided: 66.75m	Provided: 25m	Provided: >20m	Provided: <0.5	Provided: <50%	
	Complies	Complies	Complies	Complies	Complies	Provided: Nil  Condition to require screening

The application complies with the above requirements with the exception of screening provisions to the street. Clause 4.8.4.4 of LPS 9 states:

*“A person shall not use land for open storage purposes unless it is screened from public view by a fence or wall to the satisfaction of the local government.”*

The proposal of a warehouse of this scale suggests that there is no proposed open storage, therefore screening is not considered to be necessary at this stage.

### Parking

‘Table 3 – Parking Requirements’ under LPS 9 designates the amount of parking required for the proposed land use based on the gross leasable area of the development. In this instance the land use ‘storage’ is not identified within Table 3 - Parking Requirements. As such clause 4.7.2.5 is applicable, which states:

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

The parking ratio that is generally applied is 1 bay per 100m<sup>2</sup> of gross leasable area, as per the ‘warehouse’ land use under Table 3, which Administration considers to be of a similar nature to that of storage. The total amount of leasable area is 963.85m<sup>2</sup>, therefore 9.6 (10) car bays are required in order to satisfy LPS 9. The proposed development indicates parking for ten vehicles with two of those as universal parking only. Regardless of the formal car parking, should this be exhausted at any time there is significant space on site to cater for additional parking.

Clause 4.7.2.1 provides provisions for parking and access for loading and unloading of vehicles, with an extract of the applicable points for Rural Industry zoned land outlined below:

- (a) *No land or buildings shall be developed unless provision is made for an area clear of the street for the purpose of loading or unloading goods or materials.*
- (b) *The local government will seek to ensure that the majority of servicing vehicles will be able to leave and enter the street in a forward direction.*
- (c) *Parking, loading and unloading and access, complete with necessary drainage, signs and marking as required by the local government, shall be provided prior to any occupation of the development or at such time as may be agreed.*
- (d) *External servicing areas shall be established and maintained to the satisfaction of the local government.*

The loading/unloading of goods or materials can occur from any portion of the hardstand area or within the confines of the warehouse, which avoids the need to provide a dedicated loading bay. In the event the land use changes in the future, appropriate line marking can be undertaken at the time if it is deemed that a dedicated loading/unloading bay is required. The remaining provisions in relation to servicing are deemed to be satisfied.

The general development standards outlined in LPS 9 for the Rural Industry zone require all developments to provide at least one refuse storage area readily accessible to service vehicles and screened from view of a public street by a closed fence, wall or screen landscaping no less than 1.8 metres in height. The proposed land use will not generate waste and therefore the requirement for a refuse storage area is not considered to be necessary. Any future change of use development applications can address the provision of a refuse storage area if required.

Planning and Development (Local Planning Schemes) Regulations 2015 (deemed provisions)

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

- s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site;*

Officer comment:

The subject site is serviced by an existing unsealed crossover. For industrial land uses, sealed 6m wide crossovers should be established to maintain the shoulder of the road accessing the site. Accordingly, the current access and egress to the site, while sufficient in area, is not constructed to a satisfactory standard. As such, a condition requiring the upgrade of the crossover to a sealed standard is recommended.

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

SPP 3.7 provides a foundation for land use planning to address bushfire risk management. The subject lot is designated as being bushfire prone. Given the land use proposed is considered to be a habitable building under the *deemed provisions* as it will house staff, a Bushfire Attack Level (BAL) assessment was undertaken. The BAL assessment indicated a BAL-FZ (Flame Zone) rating given the existing vegetation on site and on the adjoining rear lot.

Accordingly, a Bushfire Management Statement (BMS) was prepared to address the relevant SPP 3.7 guidelines and subsequently a sufficient Asset Protection Zone (APZ).

The BMS and APZ address the guidelines to achieve and maintain a BAL-19 rating, which is acceptable.

**Summary**

In view of the above assessment, the officer is satisfied that the development is consistent with the Shire's LPS 9 and the relevant State Planning framework. The scale of the warehouse itself is consistent with the development standards for the zone and is not out of character for the locality with building heights and floor area not reaching maximums previously supported by the Shire of Gingin.

**STATUTORY/LOCAL LAW IMPLICATIONS**

Local Planning Scheme No.9  
Part 3 – Zones and the Use of Land  
3.2.5 Objectives of the Zones  
Part 4 – General Development Requirements  
4.8.4 – Rural Industry Zone

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

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

## **VOTING REQUIREMENTS – SIMPLE MAJORITY**

### **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Lobb**

**SECONDED: Councillor Morton**

**That Council grant Development Approval for a proposed Warehouse on Lot 41 (30) Hoy Road, Coonabidgee subject to the following conditions:**

- 1. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;**
- 2. The Bushfire Management Statement (BMS) prepared by C & F Building Approvals date stamped 9 June 2020 is to be implemented and maintained thereafter to the satisfaction of the Shire of Gingin. The removal of vegetation is permitted in order to satisfy the required Asset Protection Zone (APZ) to enable the target BAL 19 rating to be achieved as outlined in the abovementioned report;**
- 3. Prior to occupation of the land use, the Applicant/Owner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the title to the land as notification to prospective purchasers as follows:**

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

- 4. Stormwater from all roofed and hardstand areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;**
- 5. The finished floor level of the Warehouse must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin;**
- 6. The Warehouse shall not be used for human habitation; and**
- 7. Prior to occupation of the development, the driveway shall be serviced by a new crossover from Hoy Road which is to be designed and constructed to the satisfaction of the Shire of Gingin at the landowner's cost.**

### **Advice Notes**

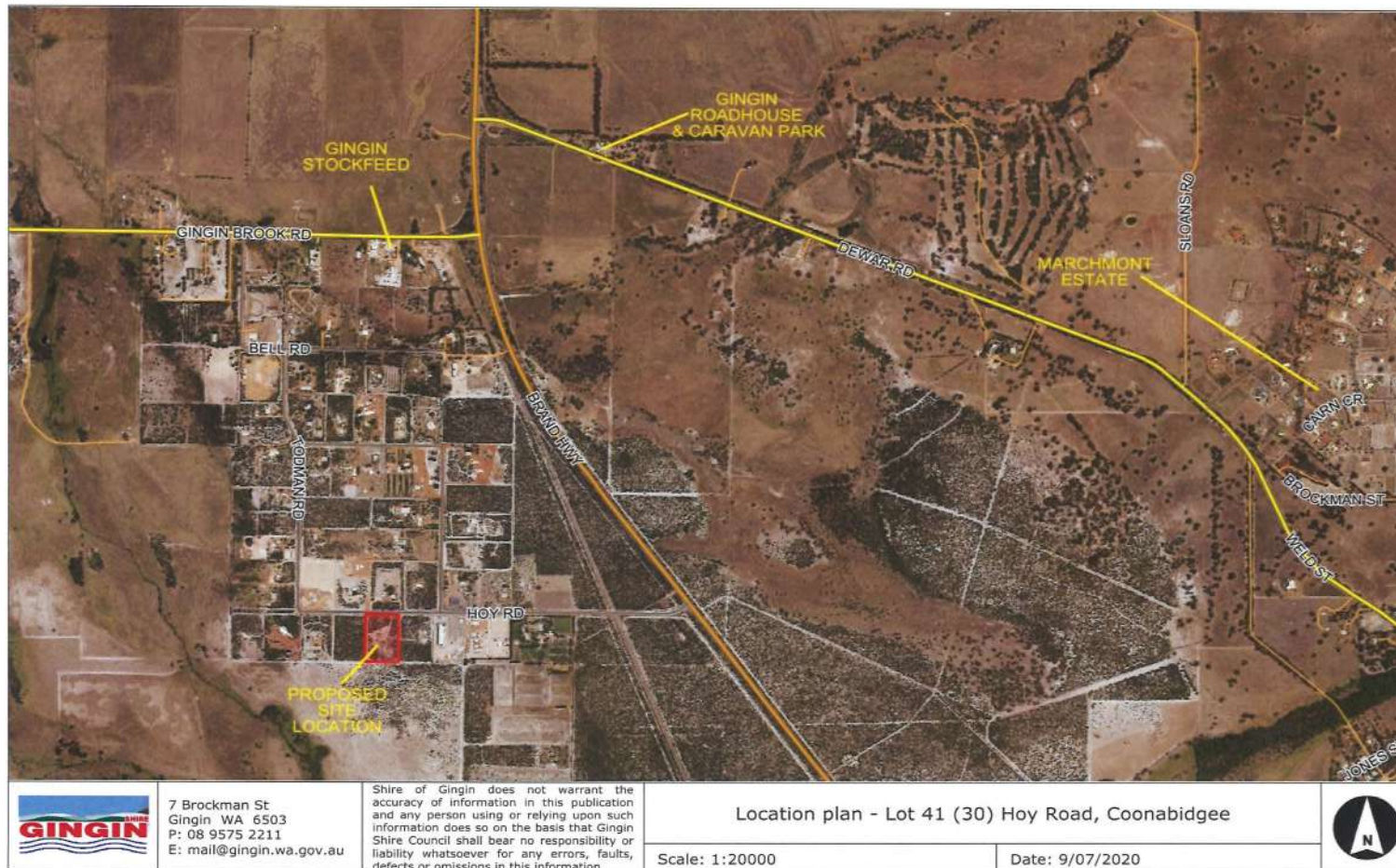
- Note 1: If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*;**



- Note 2:** If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect;
- Note 3:** Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained;
- Note 4:** Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin;
- Note 5:** The existing vegetation on the property may be associated with a Conservation Category Wetland. Please contact the Department of Water and Environmental Regulation (DWER) prior to the removal of any vegetation;
- Note 6:** This planning approval shall not be construed as an approval or support of any kind for any other planning related application (including subdivision) on the subject land;
- Note 7:** It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property;
- Note 8:** It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment; and
- Note 9:** Any required upgrades to the existing crossover are subject to the approval of the Shire of Gingin. A "Vehicle Crossover Application" is required to be submitted and approved prior to the commencement of any remedial works to the crossover.

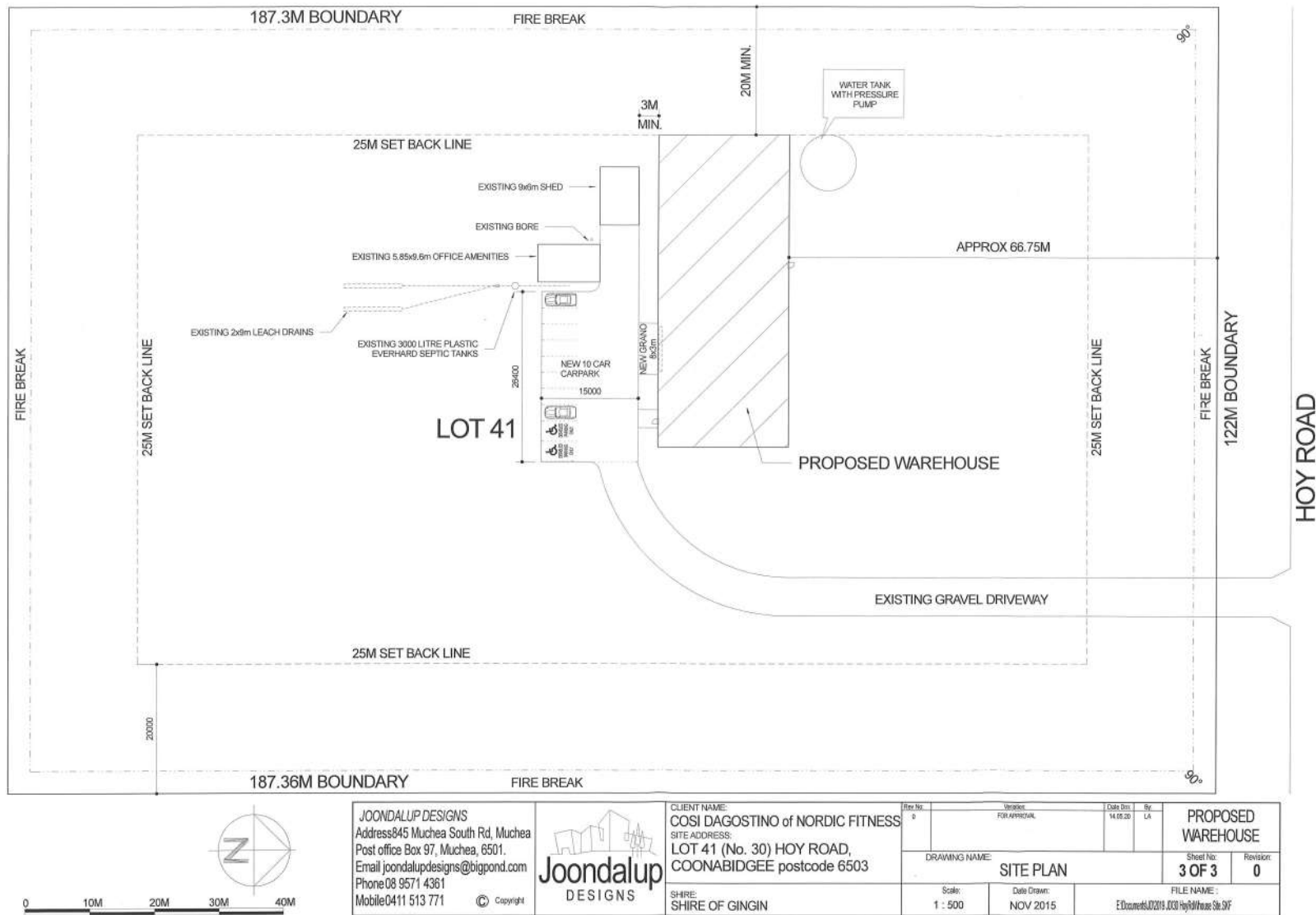
**CARRIED UNANIMOUSLY**

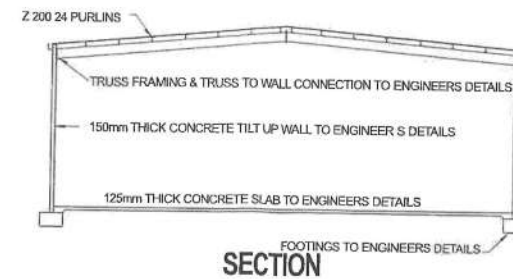
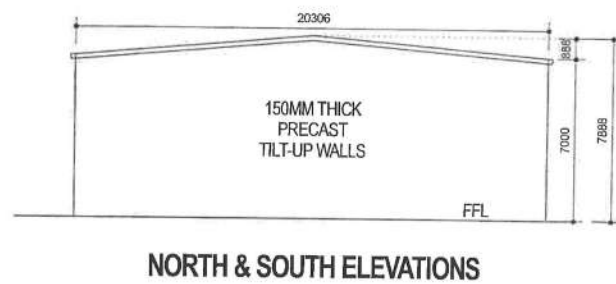
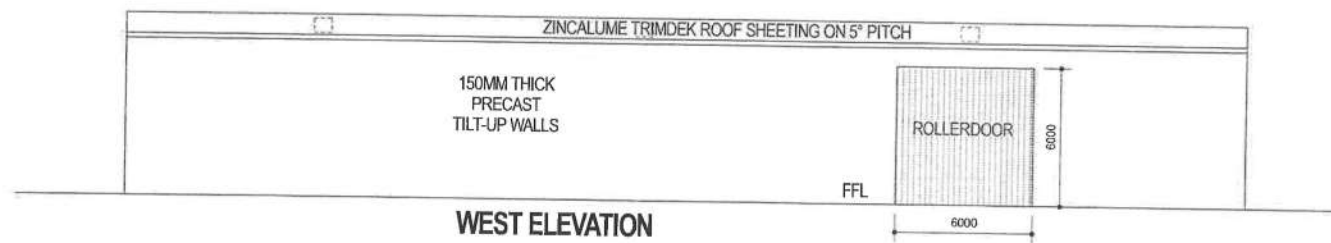
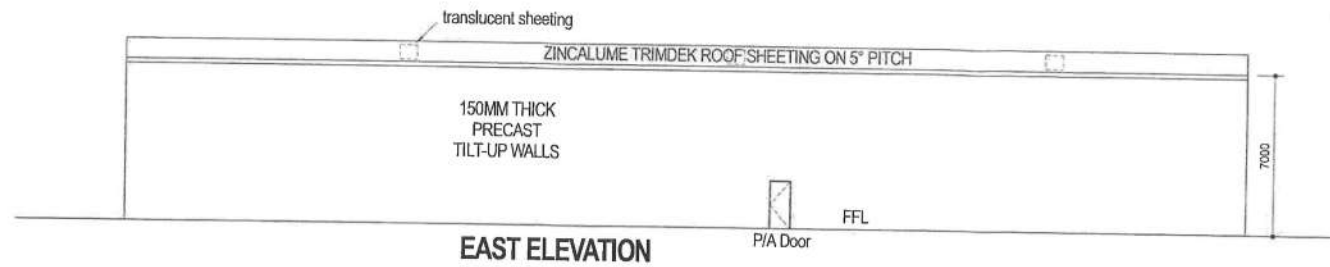
# APPENDIX 1











**11.3.4 APPLICATION FOR AMENDED DEVELOPMENT APPROVAL - PROPOSED RECREATION PRIVATE (GYM) AT LOT 402 (22) BROCKMAN STREET, GINGIN**

<b>File:</b>	BLD/23
<b>Applicant:</b>	GinGym – Karen Grant
<b>Location:</b>	Lot 402 (22) Brockman Street, Gingin
<b>Owner:</b>	Karen and Paul Grant
<b>Zoning:</b>	Town Centre
<b>WAPC No:</b>	NA
<b>Author:</b>	Matthew Tallon – Statutory Planning Officer
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services
<b>Report Date:</b>	21 July 2020
<b>Refer</b>	19 May 2020 Item 11.3.2
<b>Appendices</b>	1. Location Plan and Applicant's Original Approval 2. Amended plans

**DISCLOSURES OF INTEREST**

*The Chief Executive Officer disclosed an Impartiality Interest in Item 11.3.4 as a fee-paying member of Gingym.*

*The Statutory Planning Officer disclosed an Impartiality Interest in Item 11.3.4 as a fee-paying member of Gingym.*

**PURPOSE**

To consider an Application for Amended Development Approval for a proposed Recreation Private (Gym) at Lot 402 (22) Brockman Street, Gingin.

**BACKGROUND**

The GinGym received development approval for the land use Recreation Private (Gym) at Lot 402 (22) Brockman Street, Gingin with the following determination of Council dated 19 May 2020:

*That Council:*

1. *Grant Development Approval for a Recreation - Private (Gym) on Lot 402 (22) Brockman Street, Gingin subject to the following conditions:*
  - a) *The land use and development shall be in accordance with the approved plans and specifications date stamped received 12 May 2020 (including any amendments marked in RED) unless otherwise conditioned by this approval;*
  - b) *Prior to commencement of the approved use, remedial works to the building façade shall be undertaken in accordance with the approved plans and thereafter maintained in a good condition for the life of the development to the satisfaction of the Shire of Gingin;*

- c) *Prior to commencement of the approved use, landscaping as outlined on the approved plans shall be installed and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin;*
  - d) *Prior to commencement of the approved use, the car parking and manoeuvring areas shall be constructed, sealed and line marked in accordance with the approved plans and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin;*
  - e) *Prior to commencement of the approved use, a new sealed crossover from Brockman Street and internal access is to be installed to cater for dual access/egress to the satisfaction of the Shire of Gingin at the applicant/landowner's cost. A 'Vehicle Crossover Application' is required to be submitted to and approved by the Shire of Gingin prior to the installation of the crossover;*
  - f) *Prior to commencement of the approved use, a Noise Management Plan shall be submitted to and approved by the Shire of Gingin. The approved Noise Management Plan is to be implemented for the life of the development to the satisfaction of the Shire of Gingin;*
  - g) *Stormwater from all roofed, paved and hardstand areas shall be collected and contained onsite to the satisfaction of the Shire of Gingin;*
  - h) *The Gym is limited to a maximum capacity of 20 persons at any one time;*
  - i) *No group or private training sessions are to be undertaken outdoors on the subject site;*
  - j) *External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Gingin; and*
  - k) *Goods or materials must not be permanently stored within the areas dedicated to parking, landscaping or vehicle manoeuvring.*
2. *Authorise the Chief Executive Officer to approve an amendment to the building façade subject to the material being of brick or brick tiles as per the initial plans lodged.*

#### Advice Notes

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



- Note 3: This approval is not a building permit or an approval under any law other than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consent and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws;*
- Note 4: Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the Building Act 2011 and Public Health Act 2016, which are to be approved by the Shire of Gingin;*
- Note 5: Please be advised that the owner/manager is responsible for ensuring that noise levels are compliant with the Environmental Protection (Noise) Regulations 1997;*
- Note 6: The Noise Management Plan shall include (at a minimum) the following:*
- a. The hours of operation and anticipated peak hours;*
  - b. Control of excessive noise relative to early and late hours;*
  - c. Methods of attenuating noise external to the Gym, materials with noise attenuating qualities, keeping windows and doors closed during noise sensitive hours;*
  - d. After hours controls and monitoring of noise;*
  - e. Complaints management, register and response;*
  - f. Ongoing excessive noise issue response – future noise attenuation commitments;*
- Note 7: Should noise levels become excessive and fail to comply with the Noise Management Plan, Shire officers will request the preparation of an Acoustic Engineer's Report with all recommended noise attenuation being undertaken to the satisfaction of the Shire of Gingin;*
- Note 8: Further to this approval, the applicant is required to comply with the Health Act 2016 and the Shire's Health Local Law 2017;*
- Note 9: Disabled access should be provided in accordance with the Building Code of Australia;*
- Note 10: This approval does not authorise the display of advertising signage for the approved land use;*
- Note 11: Please note that non-compliance with the conditions of a development approval constitutes an offence under the Planning and Development Act 2005, to which penalties do apply; and*
- Note 12: Where the use is found to be causing a nuisance then Council may withdraw the approval granted. Following withdrawal, no person shall continue to operate the land use unless approval to do so is subsequently granted by the Council.*

The applicant has since amended the plans to include a door in the front façade and relabelled the kitchen to 'commercial kitchen' to prepare food for open days. In addition, the applicant is proposing to erect signage on the front lot boundary and on the roof of the building both facing Brockman Street. No other amendments are proposed.

A location plan and a copy of the applicant's original proposal are provided as **Appendix 1**. A copy of the amended application is provided as **Appendix 2**.

## COMMENT

### Community Consultation

The application was previously advertised to surrounding landowners and a sign was placed on site for a period of 14 days (22 April to 6 May 2020) in accordance with clause 64 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The original application was advertised directly to surrounding landowners to ascertain any concerns from the stakeholders in relation to the proposed hours of operation and ongoing use, particularly on the basis that the gym is proposed for use on a 24/7 basis. No comments were received as a result of this advertising period.

The amendments proposed did not trigger any further consultation requirements.

## PLANNING FRAMEWORK

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

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

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

The land use 'Recreation - Private' is a D (discretionary) use within the Town Centre zone, and is defined as follows:

*means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;*

Officer comment:

The only considerations required with respect to the changes is the building façade as per the relevant development standards for the Town Centre zone, and the proposed signage. The signage could be dealt with under delegated authority; however, for ease of assessment and records purposes it has been included for approval in the officer's recommendation with conditions.

Amendment 1 – Door in front façade

The proposed door represents a minor amendment to the approved plans, but is an amendment nonetheless. Administration does not have delegated authority to amend a decision of Council.

The proposed door to the northern end of the west-facing wall is included to meet National Construction Code (NCC) standards for fire safety dual access/egress. The door is of a scale that does not revoke the attempted built form outcome of the limestone along the street facing façade addressing Development Standard 4.8.2.4.

Amendment 2 – Kitchen to Commercial Kitchen

The applicant has advised that the amendment to make the staff kitchen a 'Commercial Kitchen' is to cater for the business's open days, during which they prepare and serve food for such events.

The applicant is not proposing to run a food outlet, but rather to develop the kitchen to an increased health standard. If and when the applicant wishes to operate the kitchen for daily business purposes, then submission of a separate Planning application will be required.

Amendment 3 – Signage

The applicant proposes to reuse the two 'GinGym' signs currently in use at its existing location. One sign will be located on the front lot boundary at the entrance to the lot and the other mounted on the roof.

The following provisions within the Shire of Gingin By-Laws Relating to Signs and Bill Posting apply to the abovementioned signs respectively:

*Pylon Signs.*

26. (1) *A person shall not erect more than one pylon sign on a lot.*  
(1A) *A person shall only erect a pylon sign on a lot zoned as Commercial or Industrial.*  
(2) *A pylon sign shall –*  
(a) *Deleted Govt Gazette No. 17 20 February 1987*  
(b) *not exceed 2.5 m measured in any direction across the face of the sign or have a greater superficial area than 4 m<sup>2</sup>;*  
(c) *not project over a street;*  
(d) *be supported on one or more piers or columns of brick, stone, cement, concrete, steel or timber of sufficient strength to support the sign under all conditions;*

The applicant has noted that the pylon sign is 2m in width and 0.8m in height on posts 1.2m high (1.6m<sup>2</sup>). This complies with the standards for pylon signs in the By-Laws. The only additional consideration to make is for the sign to be no closer than 1.5m from the driveway to retain safe access/egress sight lines for vehicles. This can be indicated by Administration on an approved plan with a condition referencing the amendments (in red ink) accordingly.

The sign on the roof is interpreted as a *roof sign* to which the following provisions apply:

*24A (1) No person shall erect or maintain a sign on the roof of a building unless with the approval of the Council. A sign shall:*

- (a) Not at any part be within 3.70 m of the ground;*
- (b) not extend laterally beyond the external walls of the building;*
- (c) comply, as regards height above ground and height of sign, with the following table:*

<i>Height of Main Building Above Ground Level at point where Sign is to be erected</i>	<i>Maximum height of Sign</i>
<i>3.70 m and under 4.50 m</i>	<i>1.20 m</i>
<i>4.50 m and under 6.00 m</i>	<i>1.80 m</i>
<i>6.00 m and under 12.00 m</i>	<i>3.00 m</i>
<i>12.00 m and under 18.00 m</i>	<i>4.50 m</i>
<i>18.00 m and upwards</i>	<i>6.00 m; and</i>

- (d) not be at any part more than 45.00 m above ground.*

- (2) The Council shall not approve the erection of a roof sign unless the Building Surveyor certifies that, in his opinion, the building is so designed and constructed that the sign may be erected thereon without fear of damage or danger to the building or its occupants.*
- (3) When ascertaining the height of the main building above ground level for the purpose of this By-law, any part of the roof, at the point where the sign is to be erected, that is provided solely for the purpose of architectural decoration, shall be disregarded.*

The proposed sign is 2m by 0.6m (1.2m<sup>2</sup>) and will be located somewhere along the roof line facing west (parallel to Brockman Street). The proposal complies with the above clause of the By-Laws and is accordingly recommended for support.

#### Further comments

During the land sale agreement between the Shire and the now current landowners, the Shire requested that the street facing link mesh fencing be removed for aesthetic reasons. During the ongoing works to the Gym under the current approval the landowner has painted the fence; indicating that it will be kept in situ for an undetermined period of time.

Given the deliberations during the sale of the land and the Council meeting held on 19 May 2020, the officer is of the view that it is appropriate for the fence to remain during the construction phase of the development, however prior to commencement of the use shall be removed entirely for aesthetic reasons given the industrial nature of the fence.

It is also noted that throughout the assessment process the applicant has provided various plans leading Administration to be of the view that further amendments could arise. In the case that the amendments are of a minor scale and are consistent with the Shire's Planning Framework, the officer has included a recommendation for Council to authorise the Chief Executive Officer to sign off on any such changes.

### Summary

The proposed amendments are of a minor scale and only materially change the building and not the land use as approved. The changes are required to meet NCC standards and provide for signage related to the development.

## **STATUTORY/LOCAL LAW IMPLICATIONS**

*Planning and Development (Local Planning Scheme) Regulations 2015*  
Schedule 2 – Deemed provisions for local planning schemes

*Local Planning Scheme No. 9*

Part 4 – Zones and the Use of Land  
4.2 Objectives of the Zones  
4.8.2 Town Centre

## **POLICY IMPLICATIONS**

Nil

## **BUDGET IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019 – 2029

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

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

**VOTING REQUIREMENTS – SIMPLE MAJORITY****SUBSTANTIVE MOTION WITH AMENDMENT**

*In Part 2, replace the words “Chief Executive Officer” with “Executive Manager Development and Regulatory Services”.*

**MOVED: Councillor Morton**

**SECONDED: Councillor Balcombe**

**That Council:**

1. Grant an Amendment to the Development Approval dated 25 May 2020 for a Recreation Private (Gym) on Lot 402 (22) Brockman Street, Gingin subject to the following additional conditions:
  - a. The land use and development shall be undertaken in accordance with the conditions imposed on the development approval issued on 25 May 2020 and in accordance with the amended plans approved as part of this determination;
  - b. Prior to commencement of the approved use, the existing link-mesh fencing along the Brockman street frontage shall be removed to the satisfaction of the Shire of Gingin;
  - c. The Pylon Sign shall be located no closer than 1.5 metres from the crossover to maintain sightlines and is to be mounted wholly within the subject allotment as annotated in red ink on the amended plans; and
  - d. The Roof Sign shall be located along the west facing roofline to the satisfaction of the Shire of Gingin.
2. Authorise the Executive Manager Development and Regulatory Services to approve any minor amendments to the approved plans.

**Advice Notes**

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

**Note 3:** This approval is not a building permit or an approval under any law other than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consent and/or licences required under any other law, and to commence and carry out development in accordance with all relevant laws; and

**Note 4:** Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Public Health Act 2016*, which are to be approved by the Shire of Gingin.

**CARRIED UNANIMOUSLY**

#### **REASON FOR AMENDMENT**

*Council was of the view that it would be inappropriate for the Chief Executive Officer to have authority to approve minor amendments in this instance, given that he had disclosed an Impartiality Interest.*

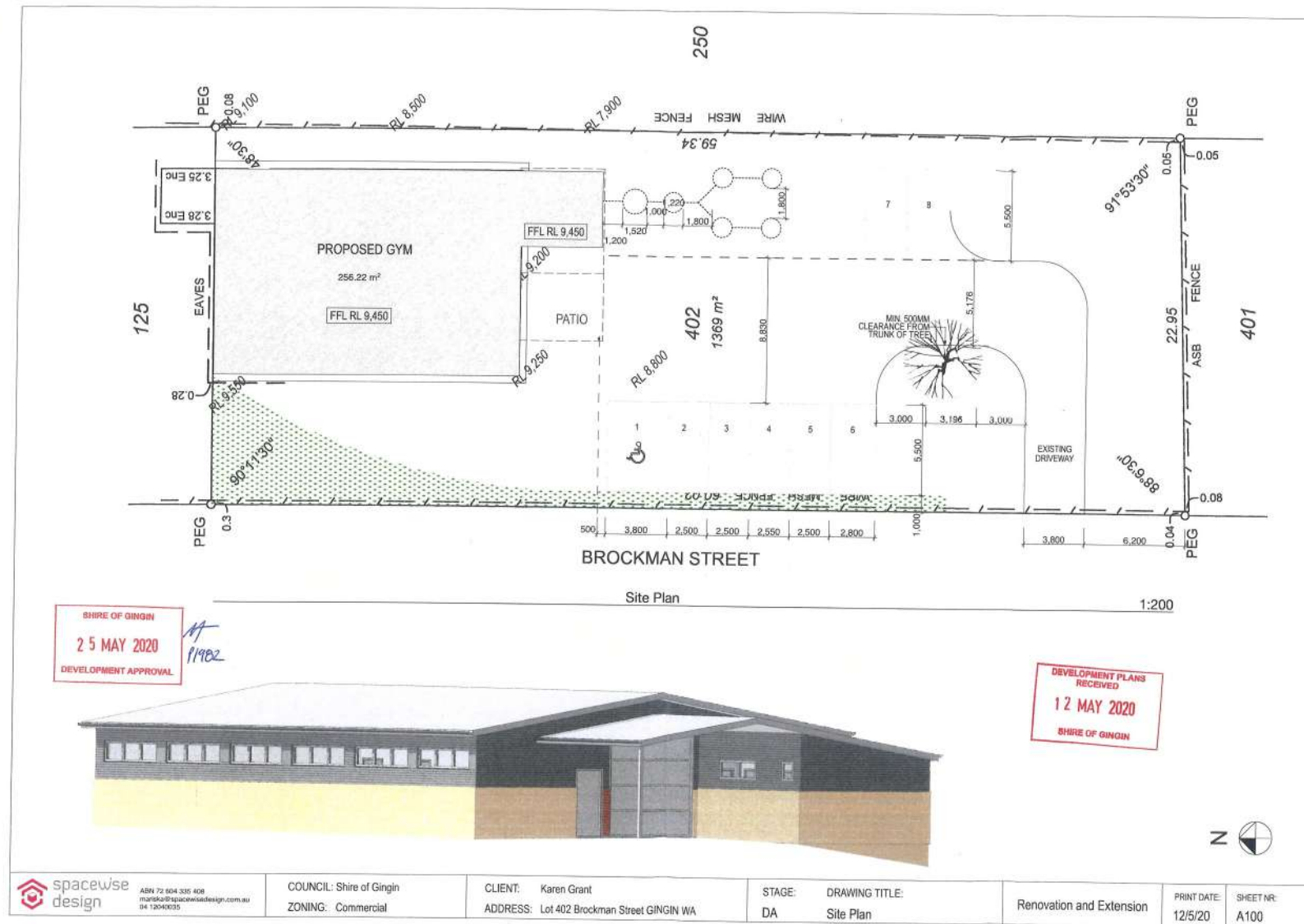
# APPENDIX 1

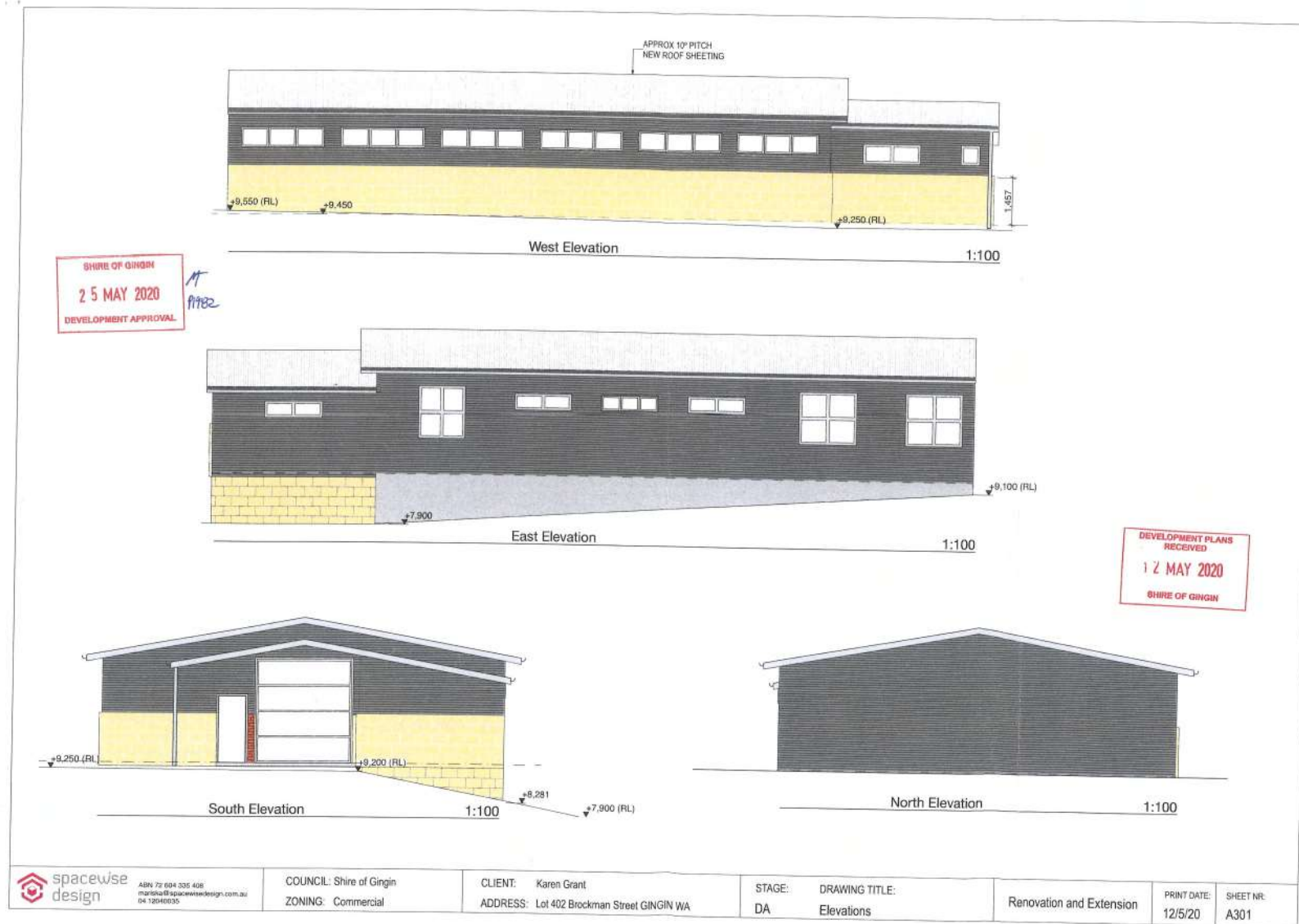






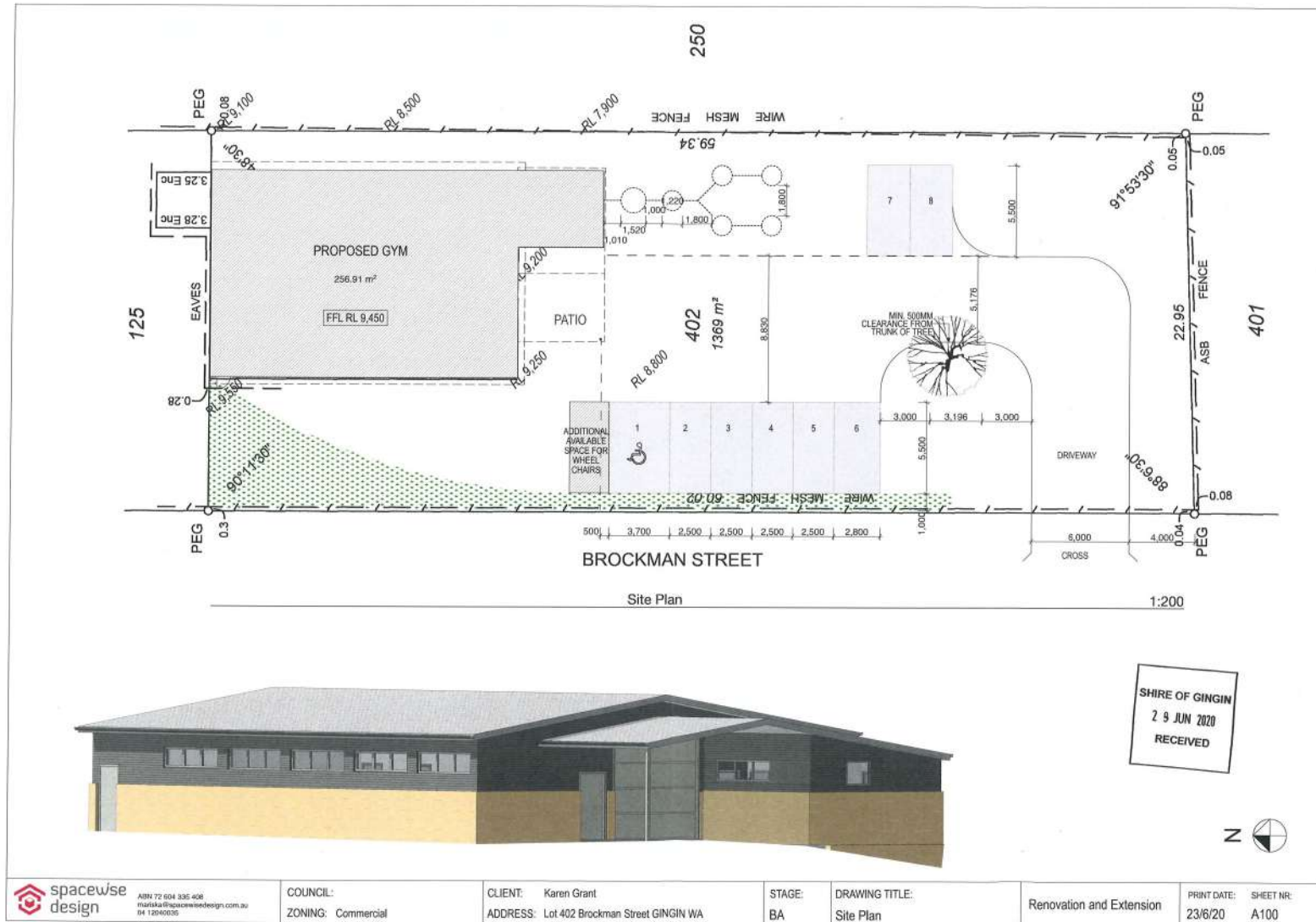




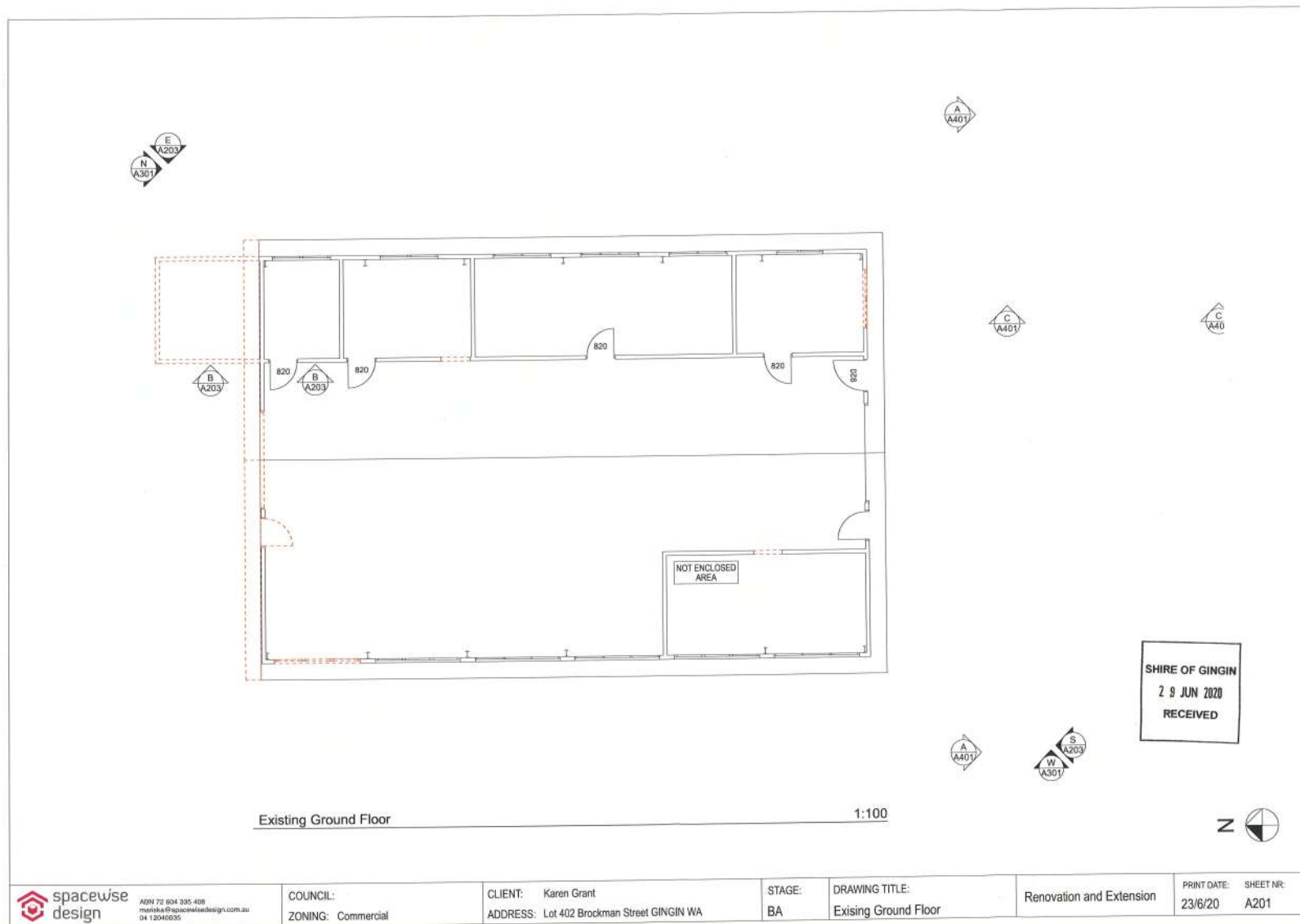




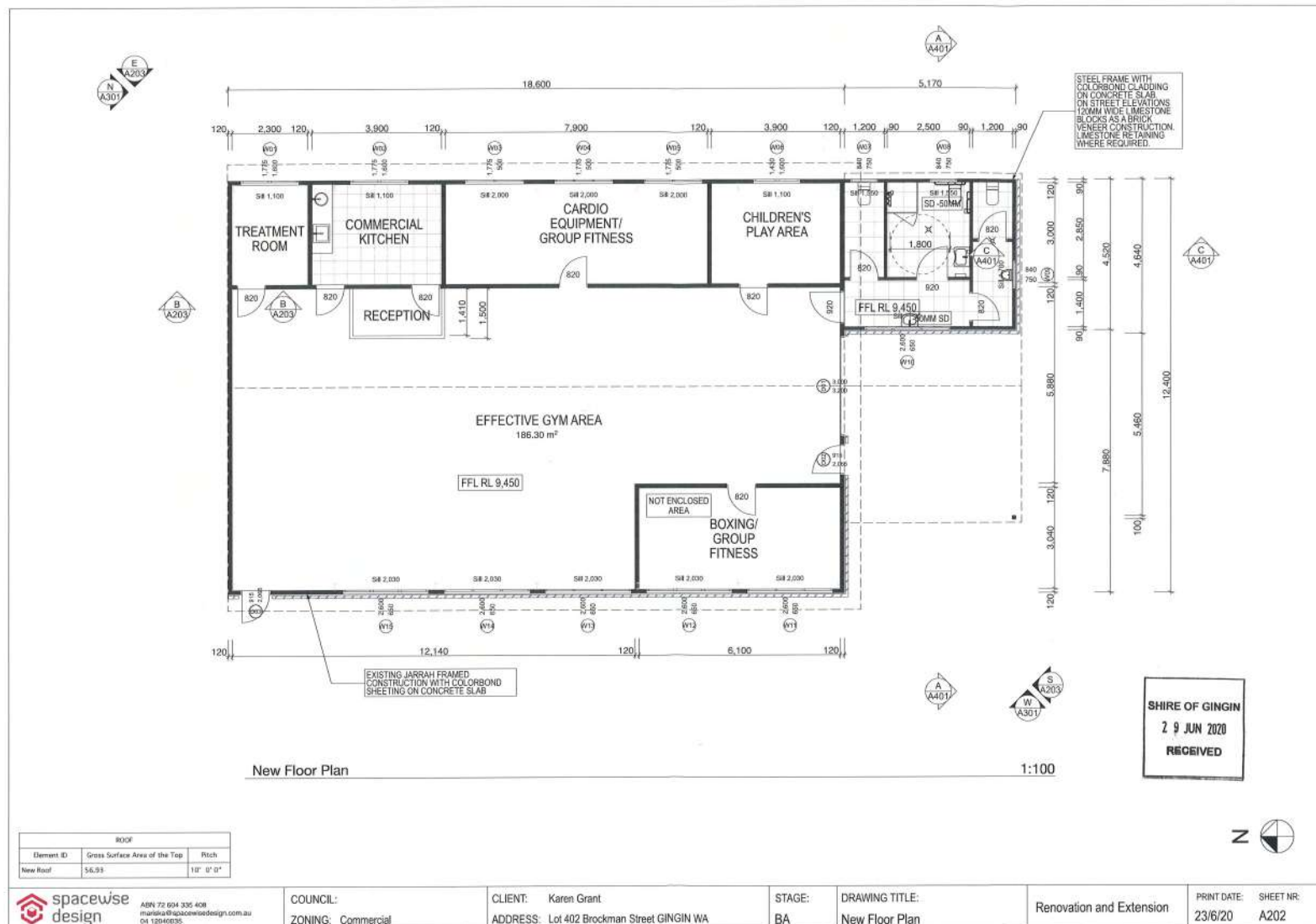
# APPENDIX 2

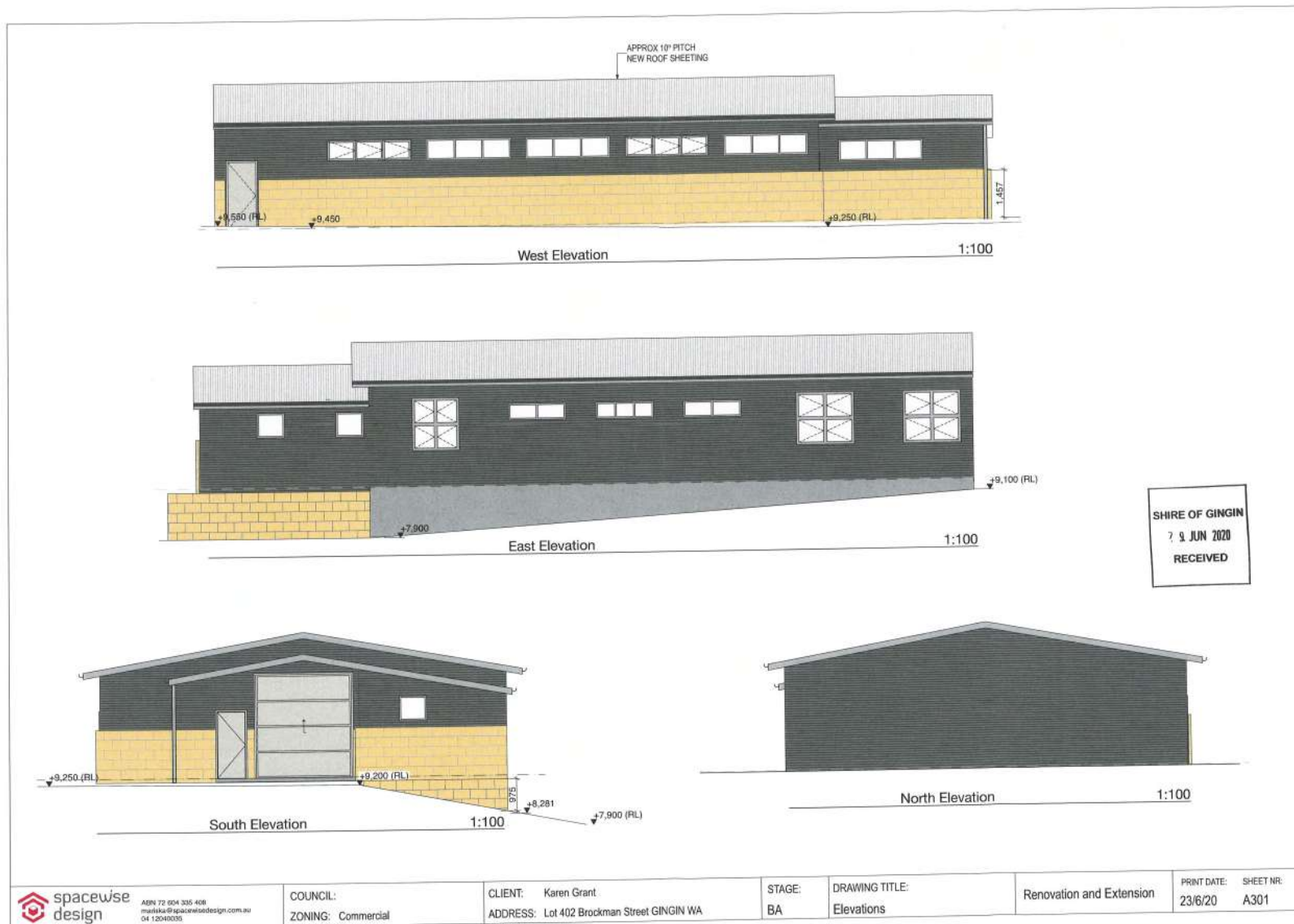


<b>spacewise design</b> <small>ABN 72 604 335 408  marika@spacewisedesign.com.au  08 12040035</small>	<b>COUNCIL:</b> ZONING: Commercial	<b>CLIENT:</b> Karen Grant <b>ADDRESS:</b> Lot 402 Brockman Street GINGIN WA	<b>STAGE:</b> BA	<b>DRAWING TITLE:</b> Site Plan	Renovation and Extension	<b>PRINT DATE:</b> 23/6/20 <b>SHEET NR:</b> A100
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**11.3.5 APPLICATION FOR DEVELOPMENT APPROVAL - PROPOSED INCIDENTAL USE FELLMONGERING SHED ON LOT 71 (1538) GINGIN BROOK ROAD, MUCKENBURRA**

<b>File:</b>	BLD/3289
<b>Applicant:</b>	Prime Meat Co Pty Ltd
<b>Location:</b>	Lot 71 (1538) Gingin Brook Road, Muckenburra
<b>Owner:</b>	Prime Meat Co Pty Ltd
<b>Zoning:</b>	General Rural
<b>WAPC No:</b>	NA
<b>Author:</b>	Matthew Tallon – Statutory Planning Officer
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	19 April 2007 Item 11.3.1
<b>Appendices</b>	1. Location Plan and Applicant's Proposal

**DISCLOSURES OF INTEREST**

*The Statutory Planning Officer disclosed an Impartiality Interest in Item 11.3.5 as the Beneficiary of a local butcher which processes meat.*

**PURPOSE**

To consider an Application for Development Approval for a proposed Incidental Use (Fellmongering Shed) on Lot 71 (1538) Gingin Brook Road, Muckenburra.

**BACKGROUND**

The Shire is in receipt of an Application for Development Approval for the redevelopment of a Fellmongering (Skin) Shed on the subject lot. It is noted that the application is to develop a shed for the same purpose and in the same location as a previous shed which was destroyed in a storm earlier this year. The now removed shed was approved as a Fellmongering Shed at the ordinary meeting of Council dated 19 April 2007 for the processing of goat, sheep and cattle skins/hides.

The new fellmongering shed is proposed to operate under the abattoir onsite. The abattoir, prior to new ownership, was initially used for the slaughtering and processing of ostriches and then changed to sheep and goats. The fellmongering shed is incidental to the main abattoir use as it processes a by-product of the slaughtered animals (being skins/hides).

As the abattoir and fellmongering process have previously been operational, the business does hold a current works approval for the following:

1. Category 15 – Abattoir: premises on which animals are slaughtered: 5,625 tonnes per annual period (live weight).

2. Category 55 – Livestock saleyard or holding pen: premises on which live animals are held pending their sale, shipment or slaughter: 187,000 animals per annual period.
3. Category 83 – Fellmongering: premises on which animal skins or hides are dried, cured or stored: 187, 000 skins per annual period.

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

## COMMENT

### Community Consultation

Clause 64 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states the following:

*The local government may waive a requirement for an application to be advertised in the circumstances set out in subclause (1)(c) if the local government is satisfied that the departure from the requirements of this Scheme is of a minor nature.*

As the proposed development is very much a 'like for like' replacement of the previously approved fellmongering shed with no operational changes, in the view of Administration advertising was not necessary given this is a generally identical redevelopment.

## PLANNING FRAMEWORK

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

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

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

The existing approved use on the site is that of an abattoir, which constitutes an "Industry – Noxious" use under LPS 9. The use of 'abattoir' is defined in Schedule 1 of LPS 9 to mean *land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.*

The proposed fellmongering shed is considered to be an incidental/subordinate use to the existing abattoir use. The fellmongering use is limited to treatment of one by-product (hides) arising from the predominant abattoir use.

Table 2 – Site Requirements in LPS 9 indicates that the prescribed setbacks for structures within the “General Rural” zone are 20m from the front, side and rear cadastral boundaries. The proposed structure is set back in excess of these prescribed distances.

#### Local Planning Policy Statement 4.2 – Noxious Industries (LPP 4.2)

It is acknowledged that “Fellmongeries” are listed as a separate ‘offensive trade’ to ‘abattoirs or slaughter houses’ in Schedule 2 of the *Health (Miscellaneous Provisions) Act 1911*. Registration will be required under that legislation.

#### Local Planning Policy Statement 4.3 – Industrial Development in Rural Areas (LPP 4.3)

Industrial Development in rural areas will be considered if it falls within one of two broad categories:

- (a) *Noxious Industries and other industries that require extensive areas of land for buffer areas or the disposal and management of effluent; and,*
- (b) *Light manufacturing industries that may be producing farm equipment and operates in conjunction with the rural activities of the property.*
  - *Generally light manufacturing type industries will be considered in accordance with the Light Industry provisions of the Scheme.*
  - *Any proposal involving an industry producing significant amounts of effluent or other waste must be accompanied by a management plan detailing how the waste is proposed to be contained and or treated.*
  - *Before making a decision regarding any application regarding a waste producing industry the Council will refer details of the application including the management plan to the Environmental Protection Authority and the Water Authority of Western Australia for comment and or defer consideration of the matter for at least two weeks to allow the Authorities opportunity to comment.*
  - *All industrial developments in rural areas should be located and incorporate landscape elements to ensure they do not visually intrude on the rural landscape.*

The existing Abattoir complies with this Policy, as it is classified as a ‘Noxious Industry’, hence various effluent disposal mechanisms have been established onsite. The proposed Shed is set back in excess of 615m from Gingin Brook Road, approximately 544m from the lot boundary of an adjoining market garden, and approximately 548m from an adjoining uncleared lot.

### State Planning Policy 2.5 – Rural Planning and the Rural Planning Guidelines (SPP 2.5)

State Planning Policy 2.5 – Rural Planning (SPP 2.5) applies to rural land and rural land uses in Western Australia. Specifically clause 5.12 of the Policy relates to preventing and managing impacts in land use planning particularly when applying separation distances between the nearest sensitive land use (i.e. dwelling). In applying the recommended separation distances, SPP 2.5 defers to *Environmental Protection Authority – Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses No. 3, June 2005 (EPA Guidance Statement)*.

The EPA preferred hierarchy for the management of industrial emission is:

- Avoid impacts;
- Minimise the creation of discharge of waste by implementing best practice; or
- Ensure environmental impacts from industrial emissions are acceptable and meet the relevant regulations and health criteria beyond the boundary of the site industrial estate or buffer area.

Section 4.2 of the Policy states that the generic separation distances data is helpful *to provide general guidance on separation distances in the absence of site specific technical studies, or, where only an estimation of the area that could be subject to land use conflict is required.*

The EPA's Guidance Statement for a fellmongering land use recommends a 500m buffer distance to the nearest sensitive land use and 500m-100m for an abattoir, depending on size. Given the size of the lot and the location of the proposed fellmongering shed, it is impossible for a sensitive land use to be within 500m of the building.

Accordingly, Administration is of the view that no odour reduction methods further to those normally required under the existing works approval are required. Furthermore, any noise emissions are required to comply with the *Environmental Protection (Noise) Regulations 1997*.

### Access and Egress

The property has access/egress from Gingin Brook Road, which is a sealed road that provides access to Brand Highway and Indian Ocean Drive. The proposal will not create any additional vehicle movements.

The existing crossover installed for access to the property is to a good standard providing an adequate surface (seal and asphalt) for existing and any proposed increase in traffic accessing/egressing the site

### Car Parking

All loading/unloading and parking currently occurs within the property. The property accommodated suitable loading bays for the previous fellmongering shed and this has not changed.

### Environmental Management and Works Approval

The existing abattoir has a current Operating Licence No. L6112/1996/11, issued by the Department of Water and Environmental Regulation (DWER).

The Licence is issued for an abattoir (premises on which animals are slaughtered) and livestock saleyard or holding pens (premises on which live animals are held pending their sale, shipment or slaughter).

The applicant is aware that it is their responsibility as the licence holder to notify DWER of any alterations to the existing licence or facilities on the subject site and to comply with the licence conditions.

Furthermore, DWER has advised that the proposal will require a Works Approval under the *Environmental Protection Act 1986* (EP Act) on the basis that it is a Category 83 Schedule 1 Premises, as further outlined in the table below:

Category		Production or design capacity
83	Fellmongering: premises on which animal skins or hides are dried, cured or stored.	1000 skins or hides per year

As noted in the report Background, the operator has an existing works approval for 187,000 skins per annum.

The Works Approval from DWER is a separate process to the development approval, and in the event the application is approved an Advice Note has been included outlining the applicant's requirement for, and responsibility for maintaining, a DWER Works Approval.

### Stable Fly

Stable Fly is a declared pest under the *Biosecurity and Agriculture Management Act 2007* and is managed by the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016*. It is generally inappropriate to impose a planning condition for a regulatory aspect that is already covered under another Act of Parliament. Instead, an Advice Note has been added to the Development Approval.

### Planning and Development (Local Planning Schemes) Regulations 2015 (deemed provisions)

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

- (a) *the amenity of the locality including the following —*
- (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*

Officer comment:

In relation to point (i), as discussed above the abattoir is an existing operation with all matters licenced under DWER and various monitoring programs and registrations with the Department of Health (DOH). The matters in relation to monitoring are already current and do not require any further consideration at this time.

In relation to point (ii), the character of the locality is very much rural and rural small holdings, with the subject lot of a size significant enough to meet its buffer distances for the fellmongering use. It is, however, in proximity to sensitive land uses given the abattoir requirements. Generally, the presence of a noxious industry like an abattoir brands the character of various localities; however upon reviewing the file there is no apparent significant or recurring land use conflict. The use remaining at this scale is therefore imbedded in and consistent with the character of the locality.

In relation to point (iii) it is recognised that an abattoir is a Noxious Industry and is known for producing emissions likely to impact surrounding landowners. However the application does not address any increase in the capacity of either the abattoir or the previous fellmongering shed.

Any increases to the works approval will trigger further assessment by the Shire and community consultation as required.

Further comments

Administration has previously experienced various alterations to large processing sheds following development approval which arise during the formulation of the Certificate of Design Compliance (CDC) throughout the building application phase; accordingly this requires an amendment to a Council approved matter in which Administration does not have delegation to consider. With this in mind the officer is of the view that should any minor amendments to the Fellmongering Shed be required to meet the National Construction Code (NCC) that Council authorise the Chief Executive Officer to approve any changes to that effect.

The officer has included this within the recommendation to Council.

Conclusion

In summary, the proposed fellmongering shed is considered to be acceptable development given the incidental nature of the proposal to the existing abattoir. It is considered that the fellmongering shed replaces a long existing use onsite, and accordingly, Administration is of the view that the development should be approved subject to appropriate conditions.

**STATUTORY ENVIRONMENT**

*Planning and Development (Local Planning Scheme) Regulations 2015*

Local Planning Scheme No. 9

Local Planning Policy Statement 4.2 – Noxious Industries (LPP 4.2)



Local Planning Policy Statement 4.3 – Industrial Development in Rural Areas (LPP 4.3)

State Planning Policy 2.5 – Rural Planning and the Rural Planning Guidelines (SPP 2.5)  
State Planning Policy 2.9 – Water Resources

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

Environmental Protection Authority's Guidance State No. 33 Environmental Guidance for Planning and Development.

*Environmental Protection (Noise) Regulations 1997*

Environmental Protection Authority Guidance for the Assessment of Environmental Factors, Separation Distances between Industrial and Sensitive Land uses, No. 3 June 2005

## **POLICY IMPLICATIONS**

Nil

## **BUDGET IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

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

## **VOTING REQUIREMENTS – SIMPLE MAJORITY**

## **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Balcombe**

**SECONDED: Councillor Vis**

1. That Council grant Development Approval for a proposed incidental use fellmongering shed on Lot 71 (1538) Gingin Brook Road, Muckenburra subject to the following conditions:
  - a. The land use and development shall be undertaken in accordance with the approved plans and specifications, including the directions written in red ink by the Shire, unless otherwise conditioned in this Approval;

- b. The finished floor level of the fellmongering shed must be set at the existing average natural ground level to the satisfaction of the Shire of Gingin; and
  - c. The fellmongering shed is approved as a use which is incidental to the predominant use of the property. The Applicant/Owner is required to ensure that the fellmongering shed remains as an incidental use at all times.
2. Authorise the Chief Executive Officer to approve any minor amendments to the approved plans.

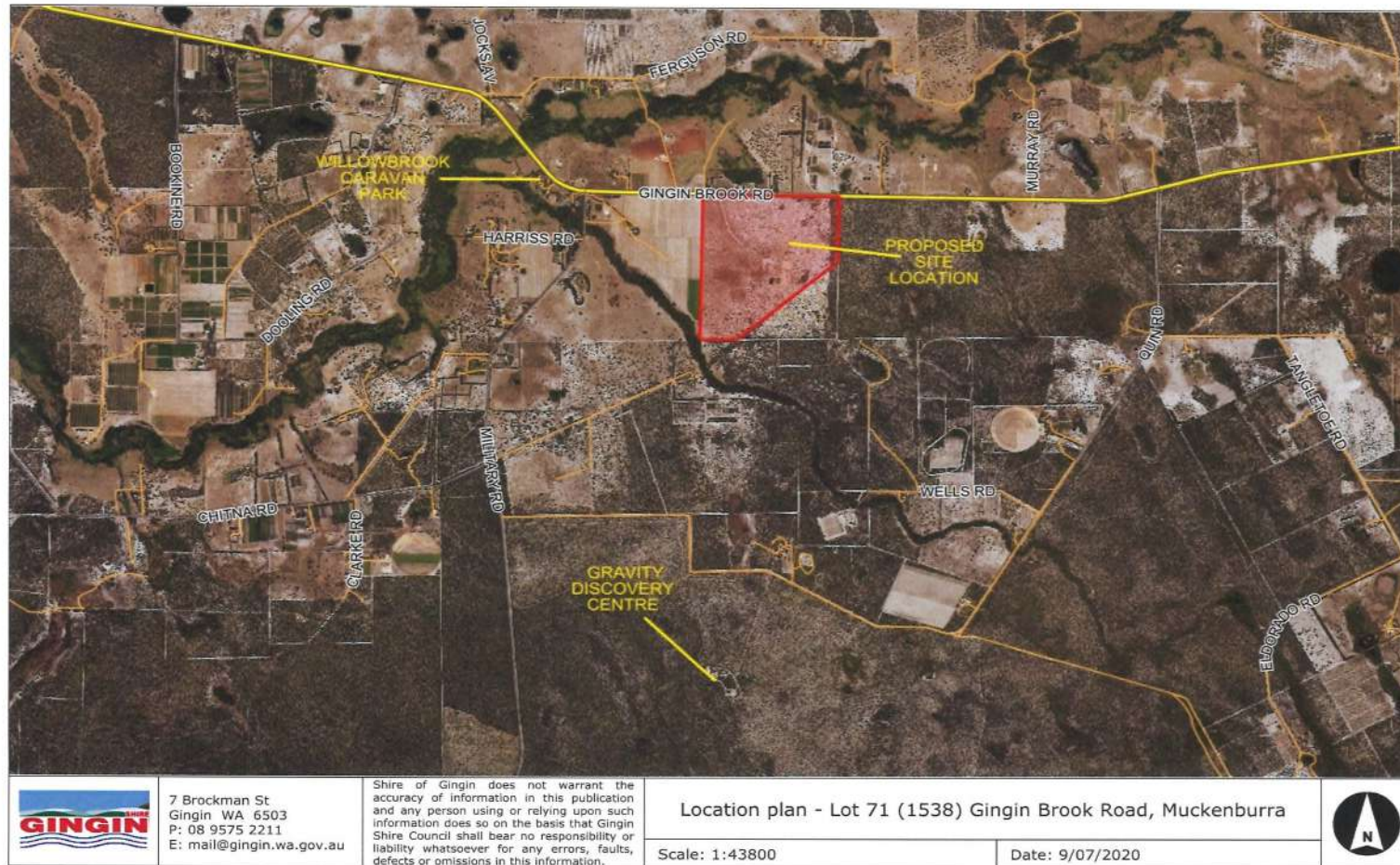
### **Advice Notes**

- Note 1:** If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision, under Part 14 of the *Planning and Development Act 2005*.
- Note 2:** If the development subject to this approval is not substantially commenced within a period of two years, the approval shall lapse and have no further effect.
- Note 3:** Where an approval has so lapsed, no development may be carried out without further approval of the local government having first been sought and obtained.
- Note 4:** Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011*, *Health (Miscellaneous Provisions) Act 1911* and *Health Act 2016*, which are to be approved by the Shire of Gingin.
- Note 5:** It is recommended that cadastral lot boundaries be established by a suitably qualified land surveyor to ensure that all development is carried out within the subject allotment.
- Note 6:** It is advised that the proposal should at all times comply with the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2013* in order to minimise the effects of stable flies on the community.
- Note 7:** All noise from the operation and associated equipment is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Note 8:** It is the responsibility of the licence holder to notify DWER of any alterations to the existing facilities on the subject site and to comply with the licence conditions. Furthermore, if the works and operations require a Works Approval, licencing from DWER is required prior to any activities commencing.

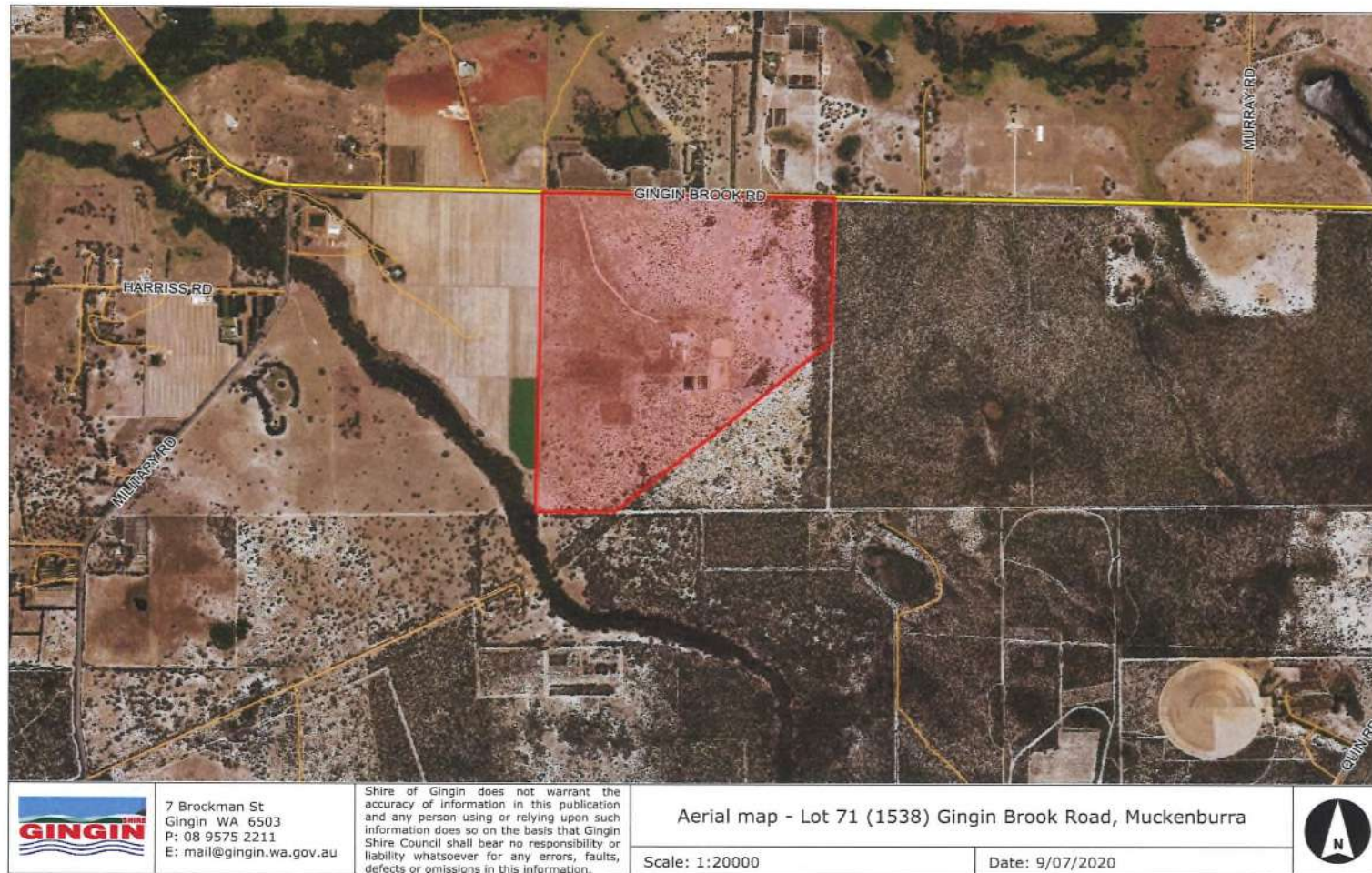
**Note 9: “Fellmongeries” are listed as a separate ‘offensive trade’ in Schedule 2 of the Health (Miscellaneous Provisions) Act 1911 to ‘abattoirs or slaughter houses’, and will require registration under that legislation.**

**CARRIED UNANIMOUSLY**

# APPENDIX 1











**ALL STYLE SHEDS AND STRUCTURES**  
**Affordable Sheds & Structures Built to your needs**  
 BRB No 8461  
 Unit 1 – 52 Brant Road,  
 Kelmscott, W. A. 6111.  
 Mob 0418923328  
 Email: jim@allstylesheds.com.au

## Structural Specifications

Site Address 1538 Gingin Brook Road, Muckenburra. W 6503.

### STRUCTURAL STEEL FRAME SHED

Length (m):	42
Width (m):	12
Eave Height (m):	5.91
Bay Distance (m):	6
Pitch Angle(Deg.):	7
Number of Bays	7

### SPECIFICATIONS

Main Columns	UB250x150
Intermediate End Wall Columns	UB250x150
Main Trusses	650 Deep - 40x80x2.5 Rt
Purlin & Girts	Z-15015
Roof Cladding	0.47 Colour Trimdex Pro;
Wall Cladding	0.45 Colour Trimdex Pro;
Struts	120x60x3 RHS
Wind Bracing	50x4 EA

**SHED TYPE:** Open Front Shed

### INCLUSION

Canopy:	n/a
Sliding Door:	n/a
Roller Door:	n/a
PA Door:	n/a
Window:	n/a
Skylight:	n/a
Delivery:	n/a
Lean-To:	n/a
Partition Wall:	n/a
Clearspan:	n/a

Delivery of Building Materials to Site:	Included
Equipment Hire for the Construction:	Included
Engineering Plans:	Include Certified Drawings for Building Permit

### DESIGN CRITERIA:

1. WIND REGION A, TERRAIN CATEGORY 3 (TOWN) OR TERRAIN CATEGORY 2 (FARM).
2.  $M_s = 1.0$  (NO SHIELDING),  $M_t = 1.0$ .
3. DESIGNED IN ACCORDANCE WITH AS1170 PART 1 - DEAD AND LIVE LOADS AND AS1170 PART 2 - WIND LOADS.

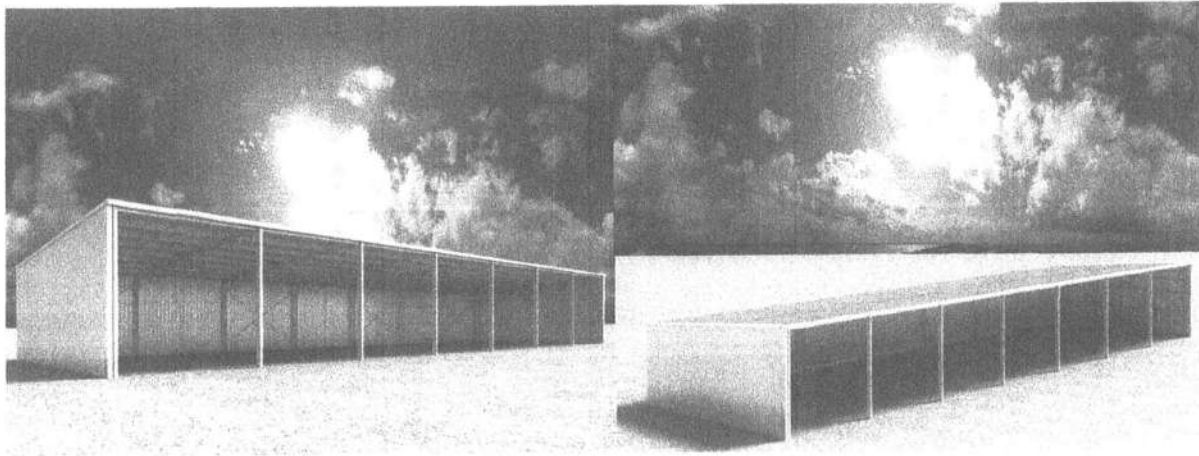
### STEEL NOTES

1. ALL SHS & RHS MEMBERS TO BE 250MPa - 300MPa MIN.
2. ALL UB & UC MEMBERS TO BE 300MPa MIN.
3. ALL FABRICATION OF STEEL WORK AND TOLERANCES SHALL BE IN ACCORDANCE WITH A.S. 4100 - STEEL STRUCTURES CODE.
4. ALL WELDING SHALL BE IN ACCORDANCE WITH THE S.A.A. CODE FOR WELDING IN BUILDING A.S. 1554 PART 1.
5. MINIMUM WELD TO BE 6mm FILLET.
6. ALL STRUCTURAL STEELWORK IS TO BE HOT DIP GALVANIZED. ALL SUB STRUCTURES TO BE ZINC COATED (MIN).
7. ALL BOLTS SHALL BE GALVANIZED UNLESS OTHERWISE NOTED.

### EARTHWORKS AND CONCRETE FOOTINGS NOTES:

1. SITE ASSUMED TO BE CLASS 'A' OR 'S' (STABLE SITE), AS DEFINED IN A.S.2870
2. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE S.A.A. CODE FOR CONCRETE IN BUILDINGS, A.S.3600.
3. ALL CONCRETE SHALL BE MINIMUM N20/20/80.
4. REINFORCEMENT SHALL BE IN ACCORDANCE WITH A.S. 1302 AND A.S. 1304.



**Structural Certification**

The structural design assessed using a combination of or reliance upon one or more of the following:

Australian standard codes:

- AS 1228 1170.9.2002 (general principles)
- AS 1228 1170.1.2002 (permanent imposed)
- AS 1228 1170.2.2002 (wind action)
- AS 1504-2010 (timber framing code)
- AS 1228 1170.4.2002 (orthogonal seismic)
- AS 2470-2011 (Steel & buildings) AS 4100 steel structures code.
- AS 3600 Concrete structures code

**Steelwork Rules**

1. All dimensions are in mm unless noted otherwise
2. All SWS and RWI members to be 250 grade or equivalent
3. All built-up columns to be 300 grade or equivalent
4. All structural steelwork is to be hot dip galvanized
5. All steel structures to be zinc coated (min)
6. All bolts shall be galvanized unless otherwise noted
7. All welding shall be in accordance with the S.A.A. code for welding to building AS 1554 part 1.
8. Minimum weld to be 6 mm fillet

**Concrete Rules**

1. Site assumed to be class "A" or "B" (stable site), as defined in AS 2870
2. All concrete shall be in accordance with S.A.A. code for concrete in building AS 3600.
3. All concrete shall be minimum 20 MPa
4. Reinforcement shall be in accordance with AS 1320 and AS 1304

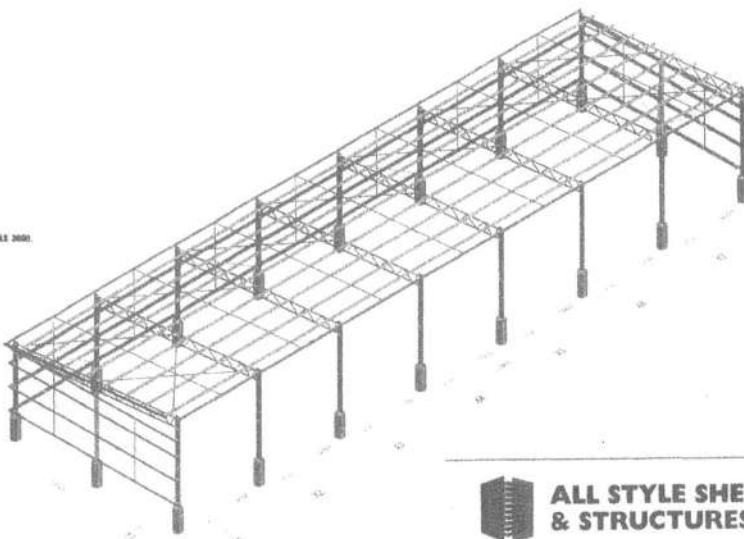
**DESIGN CRITERIA**

1. DEAD LOAD = 10000N
2. (A) LIVE LOAD = 0.200kPa
3. (B) LIVE LOAD = 400 KG MAX AT ANY PANEL POINT ON BOTTOM CHORD
4. WIND REGION A, TERRAIN CATEGORY 3 (TOWN) OR TERRAIN CATEGORY 2 (FARM)
5. Max = 1.0 (NO SHEDDING), RT = 1.0 (NOT LOCATED ON WINDWARD SIDE OR CREST OF A HILL).
6. DESIGNED IN ACCORDANCE WITH AS 1170 PART 2 - WIND LOADS

**DESIGN INFORMATION**

1. WIND REGION A (V = 37 m/s - REF- AS1170.2)
2. TERRAIN CATEGORY 3
3. (A) ALL STEELWORK TO AS 4100
4. (B) ALL WELDS TO BE 6mm FILLET - FULL PENETRATION
5. FLOOR SLAB TO BUILDER'S REQUIREMENTS
6. ALL GLAZING TO BE FIXED ACCORDING TO MANUFACTURER'S RECOMMENDATIONS
7. ALL GUTTER AND FLASHINGS TO BUILDER'S DETAIL
8. MINIMUM SHEDDING COMBINATION FOR SAND FOUNDATION TO BE 5 ROWS PER 300mm
9. CONCRETE FLOOR TO BE MINIMUM OF 100 mm WITH EDGE THICKENING OF 750mm

COLUMN	TRUSS (800 DEEP)	PURLIN	WWT	FLY BRACE	RAIDING	ROOF BRACING	WIND BRACING	STRUTS
AS 1228 1170.9.2002	AS 1228 1170.1.2002	AS 1228 1170.2.2002	AS 1228 1170.4.2002	AS 1228 1170.4.2002	AS 1228 1170.4.2002	AS 1228 1170.4.2002	AS 1228 1170.4.2002	AS 1228 1170.4.2002

**ALL STYLE SHEDS & STRUCTURES**

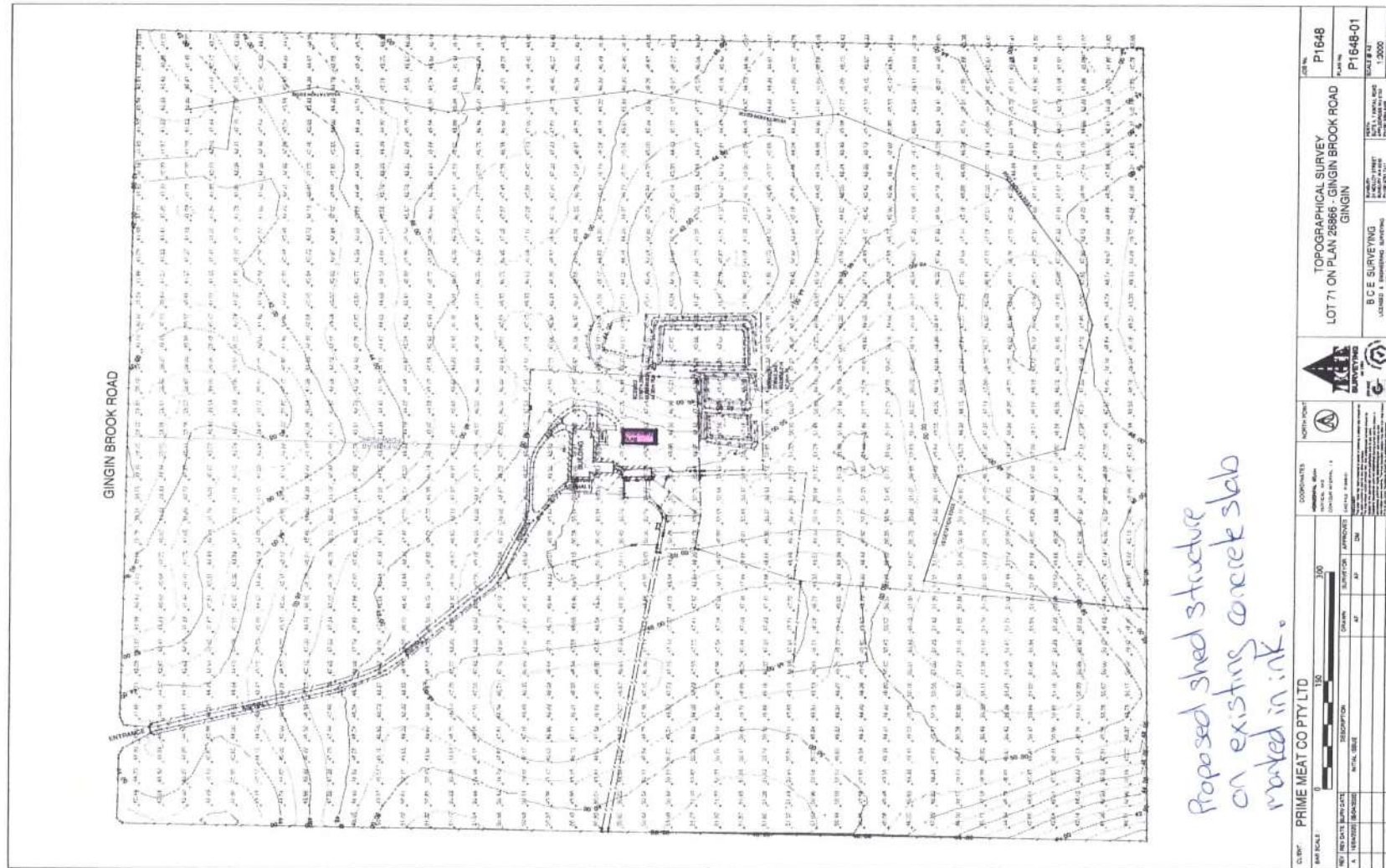
Affordable Sheds & Structures  
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**Jim Aikman**  
Unit 1 - 52 Brant Road  
Kelmescott WA 6111

Mobile 0418 923 328  
jim@allstylesheds.com.au  
www.allstylesheds.com.au

STRUCTURAL CERTIFICATION  
FOR THE SHEDS & STRUCTURES  
A COMBINATION OF OR RELIANCE UPON ONE  
OR MORE OF THE FOLLOWING:  
AUSTRALIAN STANDARD CODES:  
AS 1228 1170.9.2002 (general principles)  
AS 1228 1170.1.2002 (permanent imposed)  
AS 1228 1170.2.2002 (wind action)  
AS 1504-2010 (timber framing code)  
AS 1228 1170.4.2002 (orthogonal seismic)  
AS 2470-2011 (Steel & buildings) AS 4100 steel structures code.  
AS 3600 Concrete structures code



**11.3.6 SUBDIVISION CLEARANCE (WAPC 153068) - STAGE 1 WORKS ON LOT 81 CHERITON ROAD, GINGINUP**

<b>File:</b>	LND/106
<b>Applicant:</b>	Claymont Westcapital Pty Ltd
<b>Location:</b>	Lot 81 Cheriton Road, Ginginup
<b>Owner:</b>	Claymont Westcapital Pty Ltd
<b>Zoning:</b>	Rural Living 1
<b>WAPC No:</b>	N/A
<b>Author:</b>	James Bayliss – Statutory Planning Officer
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager of Regulatory and Development Services
<b>Report Date:</b>	23 July 2020
<b>Refer:</b>	N/A
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Location Plan and Applicant's Proposal.</li><li>2. Subdivision approval (153068) dated 18 September 2017.</li><li>3. Subdivision approval (153068) reconsideration dated 1 June 2018.</li></ol>

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider entering into a bond agreement with Claymont Westcapital Pty Ltd, in exchange for subdivision clearance (WAPC 153068) for Stage 1 works on Lot 81 Cheriton Road, Ginginup.

**BACKGROUND**

The applicant received subdivision approval (No. 153068) issued by the Western Australian Planning Commission (WAPC) on 18 September 2017 (plan date stamped 8 August 2017), to create 313 free hold lots for rural living purposes on Lot 81 Cheriton Road, Ginginup.

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

The applicant has lodged for subdivision clearance for stage 1 works. The officer is satisfied that all conditions have been fulfilled, with the exception of condition 9 which states:

9. *Satisfactory arrangements being made with the local government for the cost of upgrading and/or construction of Cheriton Road. (Local Government)*

Cheriton Road is currently under construction and this condition has therefore not been fulfilled. The applicant advises that progress on completion of these works has been delayed due to weather conditions and is now expected to complete at the end of August 2020 (weather permitting).

The applicant seeks clearance of this condition for the following reasons, and subject to the following terms:

*"In light of the COVID pandemic and in an effort to boost the economy, both the Federal and State Governments have recently offered a stimulus package for the home building sector under which buyers of land who are looking to construct a dwelling on the land will be able to utilize government grants of up to \$55,000.*

*However, the grants offered under this package will end on 31<sup>st</sup> December 2020 and are conditional upon the buyer's builder commencing construction by no later than 3 months after 31<sup>st</sup> December 2020. This leaves a very tight timeframe for buyers to meet the conditions of the grants.*

*So that the maximum number of buyers can take advantage of the government grants Claymont Development is asking the Shire to agree to the remaining works for the Stage 1 Cheriton Road upgrade to be bonded to enable the Shire to clear all conditions by 27 July 2020 and allow the Subdivision to progress to WAPC clearances and the issue of separate titles to the subdivided lots."*

*Claymont Development is proposing the following terms for bonding the upgrade works:*

- 1. The provisional cost of the remaining works is \$250,000 and will likely be less at the time that Council makes its decision.*
- 2. It is proposed that the bond be provided by Bank Guarantee to be issued in favour of the Shire.*
- 3. Claymont Development is to complete the remaining works by no later than 15 October 2020. Should the works not be completed by this date, the Shire will be entitled to draw on the Bank Guarantee to complete the upgrade works. (If the cost of completing the remaining works is less than \$250,000, then the balance of the Bank Guarantee must be released to Claymont Development upon completion).*
- 4. If the remaining works reach Practical Completion by 15 October 2020 or earlier, then the Bank Guarantee will be released to Claymont Development at that time.*
- 5. The 12 months' defects liability period for the Stage 1 Cheriton Road Upgrade will commence on and from the date of Practical Completion.*

A copy of subdivision approval (153068) dated 18 September 2017 is attached as **Appendix 1**.

A copy of subdivision approval (153068) reconsideration dated 1 June 2018 is attached as **Appendix 2**.

## COMMENTS

The Shire's Planning and Operations Departments have considered the applicant's request and concluded that the bonding of the remaining Cheriton Road works, in a legally binding agreement, is a satisfactory option given the circumstances.

The road will still be constructed to the agreed standard after clearance, however the landowner will secure land titles prior to the Federal Government's stimulus package expiring.

The officer is of the view that all costs associated with the bonding agreement should be borne by the applicant, which is reflected in the recommendation.

### Summary

The officer is of the view to accept the proposal put forward by the applicant, and enter into a bonding agreement for the remainder of the Cheriton road works.

## STATUTORY/LOCAL LAW IMPLICATIONS

Nil

## POLICY IMPLICATIONS

Nil

## BUDGET IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 – 2029

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

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Morton**

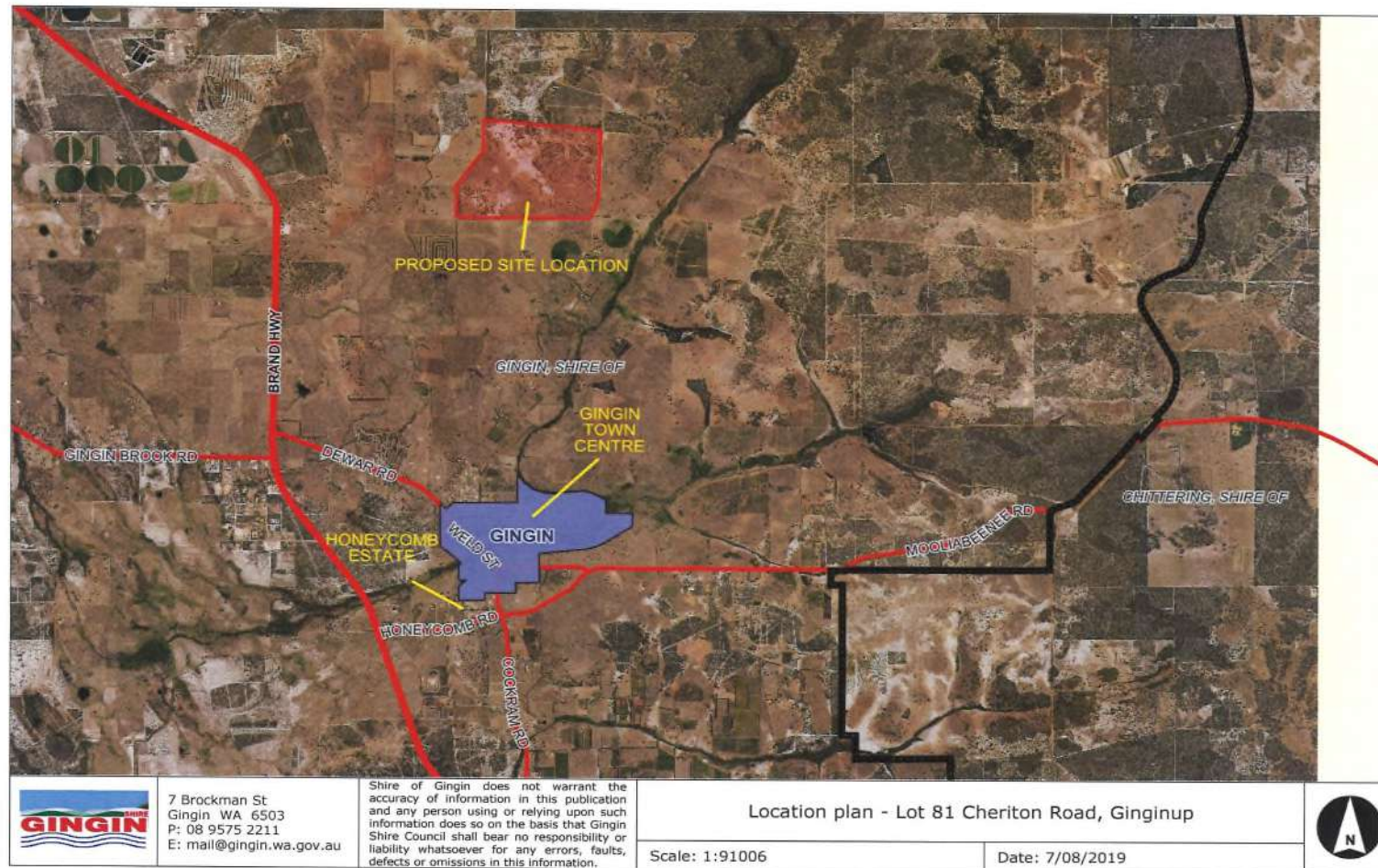
**SECONDED: Councillor Vis**

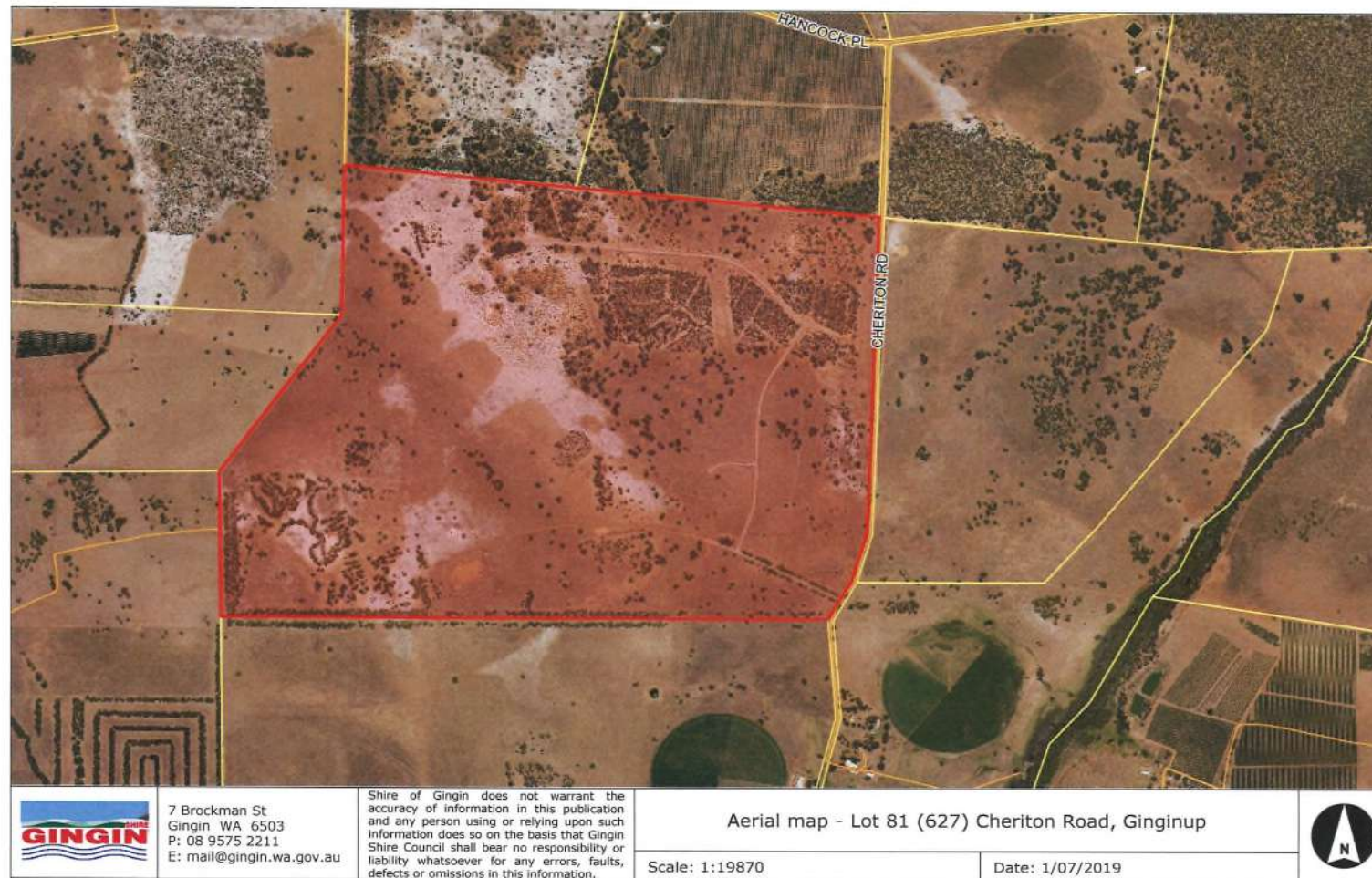
**That Council:**

- 1. Enter into a bonding agreement with Claymont Westcapital Pty Ltd for the remainder of Cheriton Road upgrade works to the satisfaction of the Shire of Gingin. All costs associated with the preparation of the agreement, including all drafts and Shire solicitor reviews are to be at the landowner's expense.**
- 2. Agree to clear condition 9 of subdivision approval (153068) once the seal has been applied to the bonding agreement.**

**CARRIED UNANIMOUSLY**









# APPENDIX 2



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

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

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

**Application No : 153068**

#### ***Planning and Development Act 2005***

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

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

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

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

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

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



### **Reconsideration - 28 days**

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

### **Right to apply for a review - 28 days**

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

### **Deposited plan**

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

### **Condition(s)**

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

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

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

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

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

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

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

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

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

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

**CONDITIONS:**

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

***Subdivisional works***

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

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

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

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

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

#### **Drainage**

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

#### **Road and Movement Network**

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

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

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

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

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

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

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

**Servicing**

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

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

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

14. The provision of easements for planned future water infrastructure the subject of Condition 12 as may be required by the Licensed Service Provider being granted free of cost to that body. (Licensed Service Provider/Local Government)
15. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power)
16. The provision of easements pursuant to Section 167 of the *Planning and Development Act 2005* for existing or planned power infrastructure being granted free of cost to that body. (Western Power)
17. The transfer of land for the purpose of electricity supply infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without payment of compensation. (Western Power)

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**Bushfire**

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

have been implemented during subdivisional works. (Local Government)

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

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

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

**Miscellaneous**

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

*"No development is to take place outside of the defined building envelopes, unless otherwise approved by the local government."* (Local Government)
22. The endorsed Local Development Plan dated 22 September 2016 is to be amended to the satisfaction of the Shire of Gingin. (Local Government)

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

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

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

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

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

ADVICE:

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





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

A handwritten signature in black ink, reading "Kerrine Blenkinsop".

Kerrine Blenkinsop  
Secretary  
Western Australian Planning Commission

18 September 2017



# APPENDIX 3



Department of Planning,  
Lands and Heritage

Your ref: DR 330/2017  
Our ref: 153068  
Enquiries: Rowena O'Brien

State Administrative Tribunal  
565 Hay Street  
PERTH WA 6000

By email: [SAT@Justice.wa.gov.au](mailto:SAT@Justice.wa.gov.au)

Dear Sir/Madam,

**STATE ADMINISTRATIVE TRIBUNAL REVIEW OUTCOME – DR 330 of 2017**

Property Location:	Lot 81 Cheriton Road, Ginginup
Application Details:	Reconsideration of a Decision in Light of a Revised Plan To Create 313 Freehold Lots For Rural Living Purposes

Please be advised that the Western Australian Planning Commission reconsidered the above-mentioned subdivision application, SAT ref DR 330/2017, pursuant to section 31 of the *State Administrative Tribunal Act 2004* on **1 June 2018**.

Please find enclosed a copy of the amended determination letter dated 1 June 2018 for your information.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'S Fagan'.

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

5 June 2018

Encl: 1. Amended Determination Notice

CC: 1. State Solicitors Office  
2. Dynamic Planning & Developments Pty Ltd



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

### Reconsideration Of Decision

**Application No :** 153068

#### ***Planning and Development Act 2005***

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

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

Pursuant to section 31 of the *State Administrative Tribunal Act 2004*, the Western Australian Planning Commission has reconsidered its decision dated **20 March 2018** to approve the subdivision of Lot 81 Cheriton Road, Ginginup (**WAPC 153068**), (**DR 330/2017**) to create 313 lots, and modify Conditions 19 and 25, and has resolved to:

1. Modify condition 1 of the Western Australian Planning Commission's original decision dated 18 September 2017 to the following:

#### **Condition 1**

The proposed subdivision plan dated 8 August 2017 being replaced with the attached plan dated 17 May 2018 (Attachment 2). (Western Australian Planning Commission)

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e-mail: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au); web address <http://www.dplh.wa.gov.au>  
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2. Modify conditions 19 and 25 to the following:

**Condition 19**

At the first stage of the subdivision, information is to be provided to demonstrate that the measures contained in the Bushfire Management Plan, version 1.7 dated 4 August 2017, and the Addendum, version 1.3 dated 19 May 2018, that address the following:

- (a) provision of hydrants, 2 x 92,000 litre water tanks, couplings and access for fire fighting purposes;
- (b) construction of a 6 metre wide fire service access route along the northern boundary of Lots 1-29 and between proposed Lots 28 and 29 to a compacted gravel or limestone standard and in accordance with the standards specified in Acceptable Solution A3.7 of the Guidelines for Planning in Bushfire Prone Areas;
- (c) vesting and ownership of the reserves containing the infrastructure for fire fighting; and
- (d) suitable arrangements with the local government for the maintenance of the fire fighting assets;

have been implemented during subdivisional works. (Local Government)

**Condition 25**

The fire service access route referred to in condition 19(b) and as identified on the approved plan of subdivision dated 17 May 2018 is to be:

- (a) provided, constructed and drained at the landowner/applicant's cost;
- (b) accurately illustrated and denoted on the Diagram or Plan of Survey (Deposited Plan); and
- (c) vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

All other terms and conditions remain as per the Western Australian Planning Commission's original decision dated 18 September 2017.

A handwritten signature in black ink, appearing to read "Sam Fagan".

Ms Sam Fagan  
Secretary  
Western Australian Planning Commission

1 June 2018

Attachment: Modified Subdivision Plan dated 17 May 2018

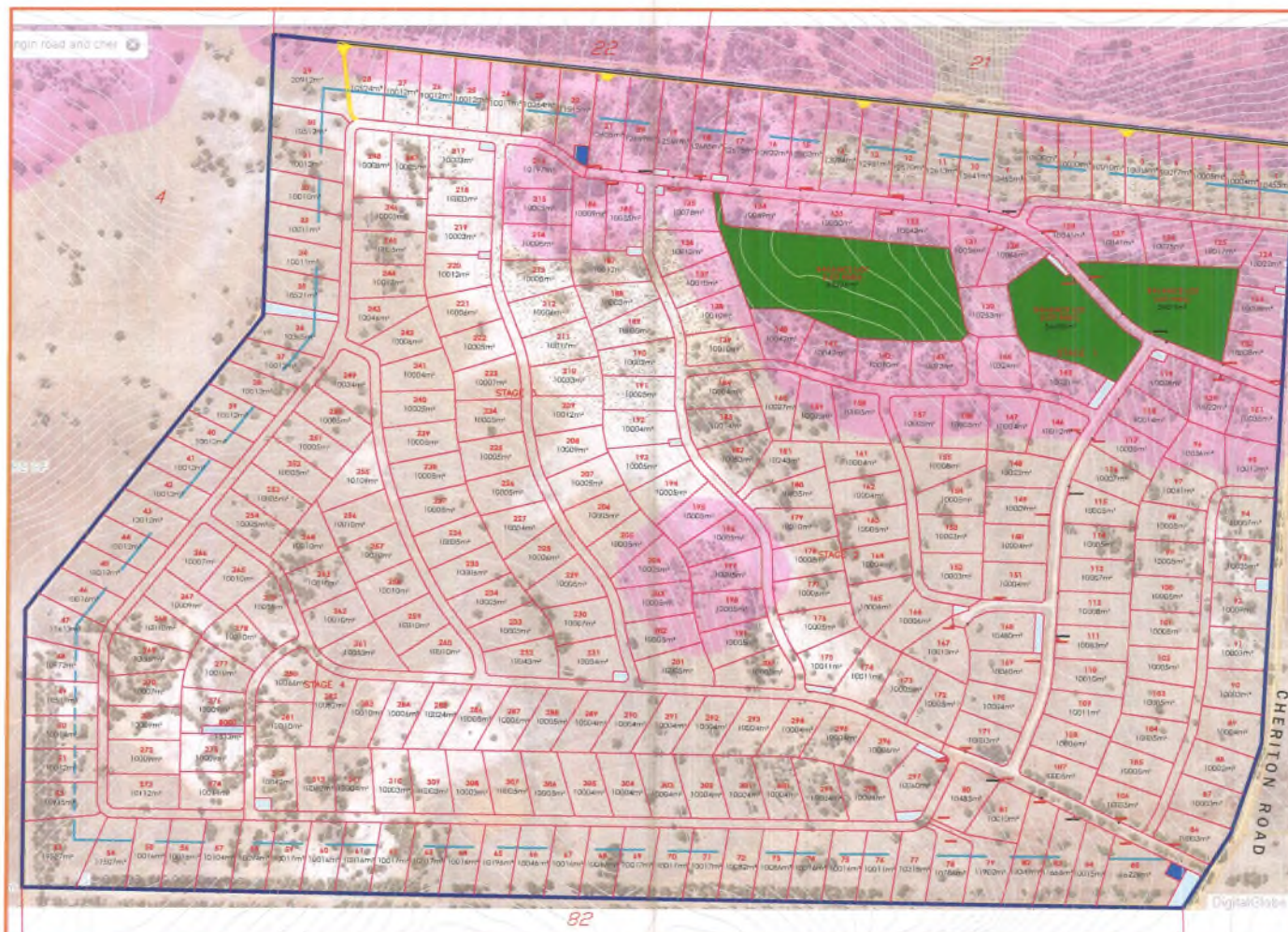


Attachment 1

# LEGEND

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

DEPARTMENT OF PLANNING, LANDS AND HERITAGE  
FILE 153068  
DATE 17-May-2018



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

COPYRIGHT RESERVED BASE PLAN COUNTRY OF CLAYMONT

**LOT SUMMARY:**  
Total No. of Lots: 313  
Minimum Lot Size: 10,003m<sup>2</sup>  
Maximum Lot Size: 20,912m<sup>2</sup>  
Average Lot Size: 10,322m<sup>2</sup>  
Existing Lot Size: 372,7314ha

**SCALE:** 1:7500 @ A3  
**DATE:** 16/05/2018  
**FILE:** Cheriton Subdivision Plan - V12 (Rev 1)  
**DRAWN:** William Goh  
**CHECKED:** Mirko Wabinski



**11.3.7 MISCELLANEOUS LICENSE 70/68 - NORTH-EAST OF LANCELIN TOWNSITE**

<b>File:</b>	BLD/4143
<b>Applicant:</b>	Department of Mines, Industry Regulation and Safety (DMIRS)
<b>Owner:</b>	Crown
<b>Zoning:</b>	Parks and Recreation and Public Use
<b>WAPC No:</b>	N/A
<b>Author:</b>	James Bayliss – Statutory Planning Officer
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	19 February 1998                      Item 3.2 20 August 1998                      Item 5.2.1.6 19 November 2002                      Item 10.1.8
<b>Appendices:</b>	1.        DMIRS Referral

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To provide comments to the Department of Mines, Industry Regulation and Safety (DMIRS) in relation to referral of Miscellaneous Licence 70/68.

**BACKGROUND**

The Shire received correspondence on 5 June 2020 in relation to Miscellaneous Licence Application 70/68, which was submitted to DMIRS in 2002. A copy of the correspondence is provided as **Appendix 1** for Council's reference.

Miscellaneous Licence 70/68 is for the purpose of providing access from Lancelin Road/Walker Avenue to Mining Lease M70/994, which is located to the east of the Lancelin townsite and also abuts the Lancelin Off-road Vehicle Area (LORVA). The location of the proposed Miscellaneous Licence is identified in blue on the attached plan accompanying Appendix 1.

At the Council meeting held on 19 February 1998, Council lodged an objection to the issuing of Mining License 70/994 on the following grounds:

- 1. The northern portion of the Lancelin sand dunes constitutes a recreational area of the highest significance to Western Australia. Recommencement of lime sand mining activities in this area would have serious implications for the safety of recreational users. The resulting diminution of Lancelin's attractiveness to tourists and holiday makers would severely affect the viability of most businesses in the town.*



2. *The movement of lime sand trucks through the townsite would impact detrimentally on the lifestyle of residents and visitors, pose risks to pedestrians, cyclists, etc, and frequent heavy vehicle movements would cause severe deterioration of road surfaces and a greatly increased noise factor.*
3. *Existing mining operations have relocated to areas south of the town, and incurred considerable outlay in providing new access facilities, in order to reduce the impacts of lime sand extraction activities on the Lancelin population, and to avoid serious conflict with residents and visitors.*
4. *The land encompassed by M70/994 is located over a Priority One groundwater area.*

Miscellaneous Licence 70/68 replaces former Miscellaneous Licence 70/54. At its meeting on 20 August 1998, Council considered an application for Miscellaneous Licence 70/54, and resolved as follows:

*.... that Council lodge an objection against the granting of Miscellaneous Licence 70/54 to Enmic Pty Ltd on the grounds that Council has previously objected to the granting of Mining Lease 70/994 in the northern portion of the Lancelin sand dunes, given that re-commencement of lime sand mining activities in this area would have serious implications for the safety of users of the Lancelin Off-Road Vehicle Area.*

*Support for the granting of Miscellaneous Licence 70/54, which provides access to M70/994, would be inconsistent with Council's position in this regard."*

In 2002, Council was requested to provide comments on Miscellaneous Licence 70/68, which is also the subject of this report. Council resolved at its 19 November 2002 meeting as follows:

*...that Council lodge an objection against the granting of Miscellaneous Licence 70/68 to Enmic Pty Ltd on the grounds that:*

1. *Council has previously objected to the granting of Mining Lease 70/994 in the northern portion of the Lancelin sand dunes;*
2. *The recommencement of lime sand mining activities in this area would have serious implications for the safety of users of the Lancelin Off-Road Vehicle Area;*
3. *The Mining Lease M70/994, to which Miscellaneous Licence 70/68 provides access, is located over a Priority One Groundwater Area.*
4. *There is an intersection engineering problem associated with this proposal."*

It appears that DMIRS have not actually determined Miscellaneous Licence 70/68 which was lodged some 18 years ago, and fresh comments from the Shire have been requested.

## **COMMENT**

Miscellaneous Licence 70/68 represents access to Mining License 70/994, which is located along the northern portion of the sand dunes and also abuts the LORVA.

Having reviewed previous reports to Council, it is evident that lime sand mining has strategically been 'pushed' south of the Lancelin townsite, away from recreational pursuits that take place in the LORVA.

The LORVA is a prime recreation and tourist attraction which is intrinsically linked to many business operations within the town and is an attraction for local, national and international tourists. There has historically been a community perception, which the officer concurs with, that mining in this area detrimentally impacts on the town's social, environmental and tourist image.

The establishment of mining operations associated with M70/994 clearly creates the potential for conflict between tourists, LORVA users and industry proponents and is a safety risk.

The land is located within Special Control Area No. 3 (SCA 3) under Local Planning Scheme No. 9 which is a Public Drinking Water Source Area. The Shire has no details as to the proposed industry use, and therefore is unable to provide specific comments on the appropriateness of such activities over the SCA.

### Summary

The officer is of the view that Council should provide a fresh objection to Miscellaneous Licence 70/68 in accordance with previous resolutions.

## **STATUTORY/LOCAL LAW IMPLICATIONS**

### *Mining Act 1978*

Part IV – Mining tenements

Division 5 – Miscellaneous licences

Section 91 – Grant of miscellaneous licence

## **POLICY IMPLICATIONS**

Nil

## **BUDGET IMPLICATIONS**

Nil

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019 – 2029

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

## VOTING REQUIREMENTS – SIMPLE MAJORITY

## COUNCIL RESOLUTION/OFFICER RECOMMENDATION

**MOVED:** Councillor Peczka

**SECONDED:** Councillor Vis

That Council oppose the granting of Miscellaneous Licence 70/68 for the following reasons:

1. The Lancelin sand dunes constitute an off-road vehicle area of the highest significance to Western Australia. Mining activities in this area would have serious implications for the safety of recreational users. The resulting diminution of Lancelin's attractiveness to tourists and holidaymakers would have an adverse effect on the local economy;
2. The movement of heavy haulage trucks through or near the Lancelin townsite would impact detrimentally on the amenity of residents and visitors and pose risks to pedestrians and cyclists;
3. The movement of heavy haulage trucks on Lancelin Road/Walker Avenue will cause premature wear and tear on road surfaces which result in an increased road maintenance burden on the Shire of Gingin;
4. The Shire has not been provided sufficient information in relation to the mining tenement that Miscellaneous Licence 70/68 services; and
5. The land impacted by Mining Licence M70/994 and Miscellaneous Licence 70/68 is identified as a Public Drinking Water Source Area. The Shire has concerns that a mining/industry related activity may prejudice the public drinking water source.

**CARRIED UNANIMOUSLY**

# APPENDIX 1



Government of Western Australia  
Department of Mines, Industry Regulation and Safety



Doc No: ICP212245  
File: ECO/2  
Date: 05 JUN 2020 800/2713  
Officer: ALANAM; JAMESB; MATTHEWT  
Disposal: A

Our ref: L70/88  
Enquiries: Jacqueline Styants  
9222-3111  
Jacqueline.styants@dmirs.wa.gov.au

Chief Executive Officer  
Shire of Gingin  
7 Brock Man Street  
GINGIN WA 6503

Dear Sir/Madam,

**APPLICATION FOR Miscellaneous Licence 70/68  
BY Enmic Pty Ltd  
SITUATED within the Townsite Boundary**

I am currently reviewing a long outstanding application for Miscellaneous Licence 70/68 (received 2002).

Under Sections 23 to 26 of the *Mining Act 1978* (the Act) mining may be carried out on certain classes of land with the written consent of the Hon Minister for Mines and Petroleum.

In respect to townsites, the Minister for Mines and Petroleum is to first consult and obtain the recommendation of the local municipality and the Minister for Lands before he can grant consent to mine.

I note that previous referral resulted in an unfavourable response from the Shire of Gingin and would like to know if the correspondence dated 14 June 2004 still remains your position.

I have enclosed another copy and plan of the application for your review.

Your reply in due course would be appreciated please.

Yours faithfully

Jacqueline Styants  
ACTING REGIONAL MINING REGISTRAR  
RESOURCE TENURE DIVISION

SHIRE OF GINGIN  
RECEIVED

5 JUN 2020

SCAN#  
FILE#  
OFFICER

29 May 2020

TNT-0173

Mineral House 100 Plain Street East Perth Western Australia 6004  
Telephone +61 8 9222 3333 Facsimile +61 8 9222 3862  
[www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au)  
ABN 69 410 335 356



Government of Western Australia  
Department of Mines, Industry Regulation and Safety

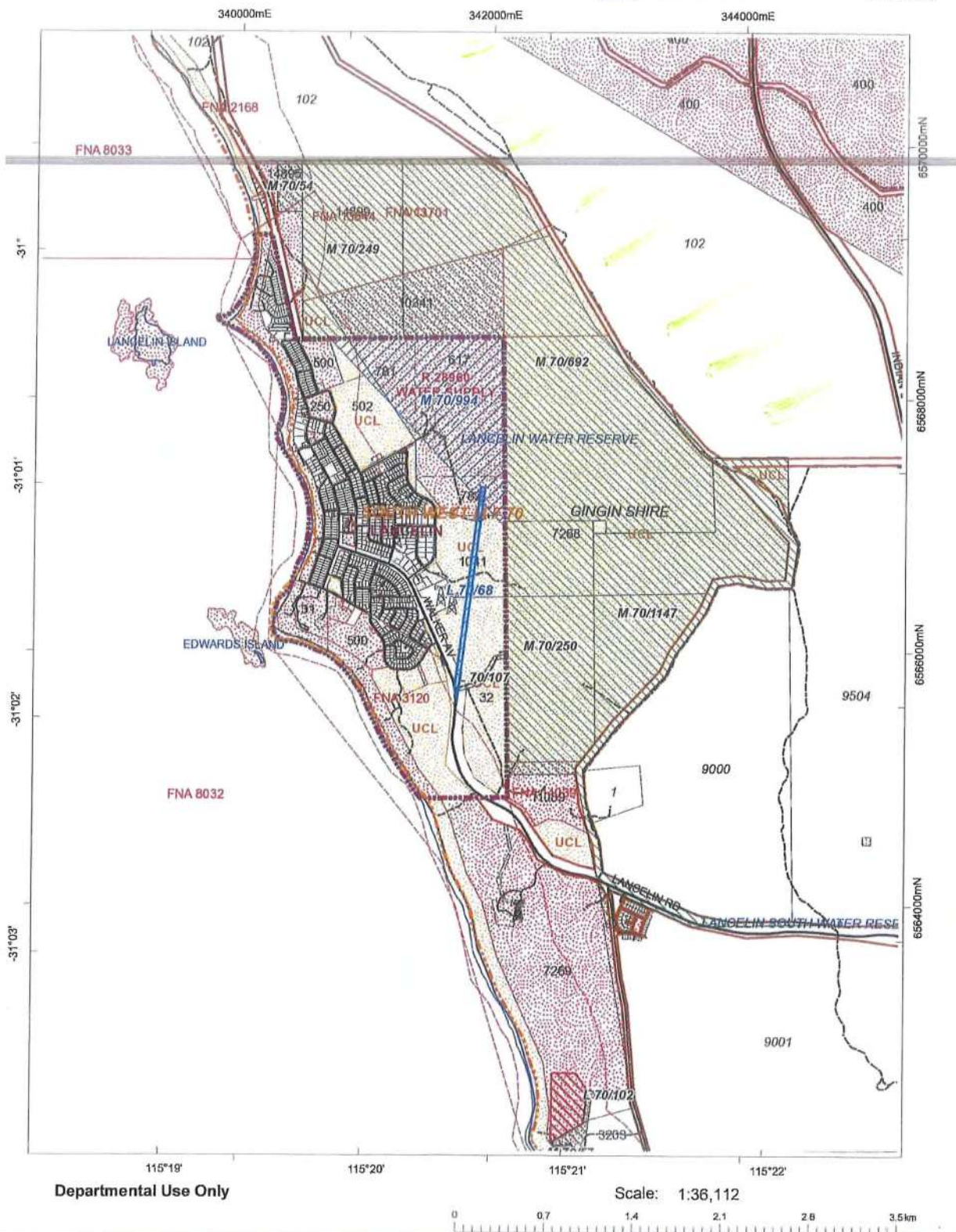
GDA 1994 MGA Zone 50

QuickAppraisalPlan

- Pending Application
- Live Tenement
- Application over Live Tenement

TENGRAPH (c) 2014  
03:29 PM, 29/05/2020

MJSTYA  
[Tenement Status]



Form 21 WESTERN AUSTRALIA Mining Act 1978  
(Secs. 41, 58, 74, 88, 91 Reg. 64)

**APPLICATION FOR MINING TENEMENT**

(a) Type of tenement (a) **MISCELLANEOUS LICENCE FOR ACCESS ROAD** L70/68

(b) Time & Date marked out (where applicable) (b) **9.33 a.m./p.m. 18 / 10 / 2002** (c) **SOUTH WEST**

(c) Mineral Field

APPLICANT

(d) Full name (for (d) & (e) **ENMIC PTY LTD** (f) Shares **100**

(e) Address (each **c/o WA Mining Titles**

(f) No. of (app **P.O. Box 91**

Shares (licant **Bassendean 6934**

(g) Total No. of Shares

(g) **TOTAL 100**

DESCRIPTION OF GROUND APPLIED FOR:

(For Exploration Licences see Note 1)

(h) Locality (h) **Lancelin**

(i) Datum Peg (i) **Datum situated approximately at GDA Zone 50 co-ordinate 341,718E 6,565,714N.**

(j) Boundaries (j) **From the datum approximately 1,600 metres bearing 8° 30 metres bearing 98° 1,892 metres bearing 188° 97 metres bearing 350° back to datum.**

(k) **5 Hectares**

(l) Signature of applicant or agent (l) *S. McMahon* DATE **18th October 2002**

OBJECTIONS to this application may be lodged at the Mining Registrar's office on or before the **22nd** day of **November** **2002** (see Note 3)

Where an objection to this application is lodged the hearing will take place on a date to be set.

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22.

FEES PAID		\$	c	Receipt No.:
Application		200	00	53855
Rent		49	50	
TOTAL		249	50	
Received at		10.000 m.		Map ref.
on		18/10/02		Plan
				Scale

(Mining Registrar)

**NOTES**

- Note 1: EXPLORATION LICENCE**
- (i) Attachments 1 and 2 must be completed and accompany the lodgement of every application for an Exploration Licence in lieu of (h), (i), (j) and (k) above and a map.
- (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).

**Note 2: PROSPECTING LICENCES, MINING/GENERAL PURPOSE LEASES AND MISCELLANEOUS LICENCES**

- (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.

**Note 3: ALL APPLICATIONS OVER PRIVATE LAND**

The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period



## 11.4. OPERATIONS

### 11.4.1 RESTRICTED ACCESS VEHICLE APPLICATION - (NETWORK 4, ACCREDITED MASS MANAGEMENT SCHEME LEVEL 1) USE ON WANNAMAL ROAD WEST TO MINDARRA FARMS (7KM EAST OF BRAND HIGHWAY) FOR SOUTHERN REGIONAL TRANSPORT

<b>Location:</b>	Wannamal Road West
<b>Applicant:</b>	Southern Regional Transport
<b>File:</b>	RDS/10
<b>Reporting Officer:</b>	Allister Butcher – Executive Manager Operations
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	Nil
<b>Appendix</b>	1. Location Plan

## DISCLOSURES OF INTEREST

Nil

## PURPOSE

To consider an application from Southern Regional Transport (SRT) for the use of Restricted Access Vehicles (RAV) - Network 4 with an Accredited Mass Management Scheme (AMMS) of Level 1 on Wannamal Road West to Mindarra Farms (7km East of Brand Highway)

## BACKGROUND

AMMS) applications and states:

### 2. *Concessional Loading (Accredited Mass Management Scheme)*

*All Concessional Loading applications through the HVS Accredited Mass Management Scheme (AMMS) shall be assessed and taken to Council for consideration.*

It is a requirement of RAV operators that, first and foremost, approval must be gained from the local government before applying to Main Roads WA Heavy Vehicle Services (HVS) for a permit.

A location plan showing the proposed route is attached as **Appendix 1**.

The Applicant is utilising this road to access the piggery at Mindarra Farms (7km east of Brand Highway) and has stipulated on the application that they will be doing a maximum of 7-8 trips per day Monday to Friday for three months, equating to 40 trips per week.

All roads applied for are currently to a sealed standard.



**COMMENT**

Should the application be approved, the AMMS application will allow the applicant to deliver more product per trip and therefore lead to greater efficiencies for the Applicant. There are no issues with any of the roads regarding stacking distances (distance from railway crossings to intersections not being sufficient to stop a RAV combination), horizontal curves, vertical curves or sight distances.

The main issue for the Shire to consider is the extra wear and deterioration, the road pavement due to the additional six tonnes per combination (over a normal RAV Network 4 combination). The additional weight per axle will affect the pavement life per vehicle.

The Shire may impose conditions on the AMMS application should it be approved, and HVS recommends that a 'CA07' condition (a letter from the local government must be carried on the vehicle at all times and be presented on request) be imposed on all AMMS approvals. As the Shire of Gingin has an annual renewal process for RAV (and AMMS) applications, this gives the Shire a control mechanism whereby if the pavements deteriorate at a rate that is deemed to be too rapid by Shire Officers, the AMMS can be removed by not approving the AMMS applications the following year. All RAV and AMMS approvals expire on 30 June annually, with pavements being assessed at the time of renewal.

The Shire of Gingin does not receive any additional grant funding to deal with AMMS approvals or any resulting increased pavement wear on local government assets.

**STATUTORY/LOCAL LAW IMPLICATIONS**

*Road Traffic (Vehicles) Act 2012*

Part 4 – Mass, dimension and loading requirements

**POLICY IMPLICATIONS**

Council Policy 7.6 - Road Transport Heavy Vehicle Combinations

**BUDGET IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2023

<b>Focus Area</b>	<i>Infrastructure and Development</i>
<b>Objective</b>	<i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner</i>
<b>Outcome</b>	<i>3.3 Connectivity and Accessibility The Shire's community infrastructure supports connectivity and accessibility.</i>
<b>Key Service Areas</b>	<i>Community Infrastructure</i>
<b>Priorities</b>	<i>N/A</i>

## **VOTING REQUIREMENTS – SIMPLE MAJORITY**

### **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Balcombe**

**SECONDED: Councillor Morton**

**That Council:**

- 1. Approve the Restricted Access Vehicle Accredited Mass Management Scheme (Level 1) application from Southern Regional Transport for Wannamal Road West to Mindarra Farms (7Km east of Brand Highway) with the following conditions:**
  - a. A current written approval from the Shire of Gingin permitting use of the road/s must be carried and produced on demand;**
  - b. All permit vehicles operating within the Shire of Gingin shall not exceed 80kph on sealed roads;**
  - c. All permit vehicles shall not exceed 60km/h on unsealed sections of road; and**
  - d. RAV Approvals by the Shire shall expire annually at 30 June.**
- 2. Advise the applicant accordingly.**

**CARRIED UNANIMOUSLY**

# APPENDIX 1



**11.4.2 RESTRICTED ACCESS VEHICLE APPLICATION (NETWORK 5) ON MOGUMBER ROAD WEST (FROM BRAND HIGHWAY), MINDARRA FOR TOSCANA (WA) PTY LTD**

<b>Location:</b>	Mogumber Road West
<b>Applicant:</b>	Toscana (WA) Pty Ltd
<b>File:</b>	RDS/10
<b>Reporting Officer:</b>	Allister Butcher – Executive Manager Operations
<b>Report Date:</b>	21 July 2020
<b>Refer:</b>	16 April 2019 Item 11.4.1
<b>Appendices:</b>	1. Location Plan

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider an application from Toscana (WA) Pty Ltd for the use of Restricted Access Vehicles (RAV) - Network 5 on Mogumber Road West (from Brand Highway to Lot 5437, Gingin Land Company) Mindarra within the Shire of Gingin.

**BACKGROUND**

On 16 April 2019, Council approved an application from Toscana (WA) Pty Ltd to use Mogumber Road West for RAV – Network 5. Council was of the view that, given that the proposed route was not a “through route”, approval of the application would not result in an undue increase in traffic on Mogumber Road West and could be managed through the letter of approval process.

This approval expired on 30 June 2020. The Shire is now in receipt of a new application received on 30 June 2020 for Toscana (WA) Pty Ltd seeking approval to access Mogumber Road West for the 2020/21 financial year.

The vehicles that are the subject of the application will be combinations less than or equal to 36.5m in length, as follows:

- A prime mover and semi-trailer towing a dog trailer (with a combined mass not exceeding 84 tonnes and a height not exceeding 4.6 metres);
- A prime mover towing a b-double configuration and converter dolly (with a combined mass not exceeding 67.5 tonnes plus the weight of the dolly and a height not exceeding 4.6 metres);
- A prime mover and semi-trailer towing a dog trailer and converter dolly (with a combined mass not exceeding 84 tonnes and a height not exceeding 4.6 metres); and
- A prime mover with a b-triple (2 b-double trailers and dog trailer) combination (with a combined mass not exceeding 84 tonnes and a height not exceeding 4.6 metres).

The final combination above (b-triple) is the combination that will be predominantly used by the applicant.

Currently the Shire of Gingin has RAV approvals on Mogumber Road West for Network 4 unconditional only.

Council's Policy 7.6 Road Transport Heavy Vehicle Combinations, specifically part (d), relates to the approval of pocket road trains (Restricted Access Vehicles Network 3 and 4 vehicles) and states:

*(d) Pocket Road Trains*

*Where Pocket road train configurations are utilised on an infrequent basis to deliver to or collect from bona fide primary producers within the Shire of Gingin, the Chief Executive Officer can provide approval or otherwise upon receipt of a formal application for same.*

Section 7.6a (i) states the following:

*These combinations can be used on all local roads to deliver to and collect from bona fide primary producers within the Shire of Gingin.*

It is a requirement of RAV operators that, first and foremost, approval must be gained from the local government before applying to Main Roads WA Heavy Vehicle Operations (HVO) for a permit if the road/s are not already on the approved RAV Network lists and are without conditions.

Due to these current restrictions all RAV applications outside these areas and over these RAV Network types must be presented to Council for consideration. As this application is to use RAV Network 5 combinations, Mogumber Road West will need to be considered by Council for approval prior to Main Roads WA Heavy Vehicle Services (HVS) undertaking an assessment of the roads in question.

The only road currently approved for RAV Network 5 combinations in the Shire is Wannamal Road West (from Brand Highway to Westpork Piggery) with conditions as follows:

- A current written approval from the Local Government, permitting use of the road, must be carried and produced on demand; and
- A speed restriction of 60km/h.

A location plan is attached as **Appendix 1**.

**COMMENT**

Mogumber Road West is currently a sealed road at the following standards:

- Shire of Gingin's length of road is 24.95km long;
- 7.4m wide sealed surface in very good condition;
- Last reseal in 1998 (sealed surface 19 years old);

- Pavement width (shoulder to shoulder) between 12m from Brand Highway for 530m and the remaining length (24.42km) at 10m;
- Road was upgraded to its current standard (sealed to 7.4m wide) in 1998 (pavement is 19 years old; technically, remaining useful life of 21 years); and
- The pavement is predominately in good condition with some minor pavement failures approximately 900m east of Brand Highway.

The current traffic volume on Mogumber Road West (61 day count between February 2020 and April 2020) is 256 vehicles per day (of which 25% were specifically pocket road trains; RAV Network 3 and 4).

As has been previously advised, in the event that Council resolves to approve this RAV application for Network 5 then other RAV operators will have the right to also apply for Network 5 combinations on this road. All RAV Network 5 applications would be subject to final HVS approval before use.

Administration supports approval in this instance subject to the following conditions:

1. No operation during school bus hours. Operators must contact the relevant schools directly for school bus timetables.
2. This Authority will expire on 30 June annually and is subject to review at that date.
3. Current written approval from the Shire of Gingin permitting the use of the road must be carried and produced on demand.
4. Not to be used as a through route. For local delivery and pick up only. Driver must carry documentation as proof of a local delivery/pickup.
5. Permit holders must maintain a close liaison with the Shire of Gingin, specifically in relation to prevailing weather conditions and adverse road conditions which may occur. If operators fail to comply and damage a road, the Shire will seek restitution to repair the road.
6. All approvals will be suspended where the road surface has deteriorated and where the Executive Manager Operations has determined either that the surface is unsafe for heavy haulage or any form of transport, or that continuing use will cause a safety risk and/or significant damage. Main Roads WA is to administer a Council request of this nature and issue Suspension Notices to permit holders.
7. Any permit holder who fails to comply with these conditions may have their permit withdrawn. Such withdrawal will affect all Local Government Authority permits and no reinstatement will be contemplated unless the complaining Local Government Authority is satisfied that the permit holder will adhere to the conditions.

It should also be noted that the Shire only issues RAV permits for a period of 12 months (1 July to 30 June annually). Should Council deem it appropriate to approve the RAV application with a review at 30 June 2021, then the Shire could apply to HVS to revoke the RAV Network 5 approval prior to the review date in the event that Officers determine prior to 30 June 2021 that there are safety concerns or too much damage is occurring to the Shire's infrastructure.

## STATUTORY/LOCAL LAW IMPLICATIONS

Nil

## POLICY IMPLICATIONS

*Road Traffic (Vehicles) Act 2012*  
Part 4 – Mass, dimension and loading requirements

## BUDGET IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

<b>Focus Area</b>	<i>Infrastructure and Development</i>
<b>Objective</b>	<i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner</i>
<b>Outcome</b>	<i>3.3 Connectivity and Accessibility The Shire's community infrastructure supports connectivity and accessibility.</i>
<b>Key Service Areas</b>	<i>Community Infrastructure</i>
<b>Priorities</b>	<i>N/A</i>

## VOTING REQUIREMENTS – SIMPLE MAJORITY

## COUNCIL RESOLUTION/OFFICER RECOMMENDATION

**MOVED:** Councillor Morton

**SECONDED:** Councillor Court

**That Council:**

1. **Approve the Restricted Access Vehicles (Network 5) application from Toscana (WA) Pty Ltd for the use of Mogumber Road West (to Lot 5437, Gingin Land Company), Mindarra subject to the following conditions:**
  - a. **No operation during school bus hours. Operators must contact the relevant schools directly for school bus timetables;**
  - b. **This Authority will expire on 30 June 2021 and is subject to review at that date;**

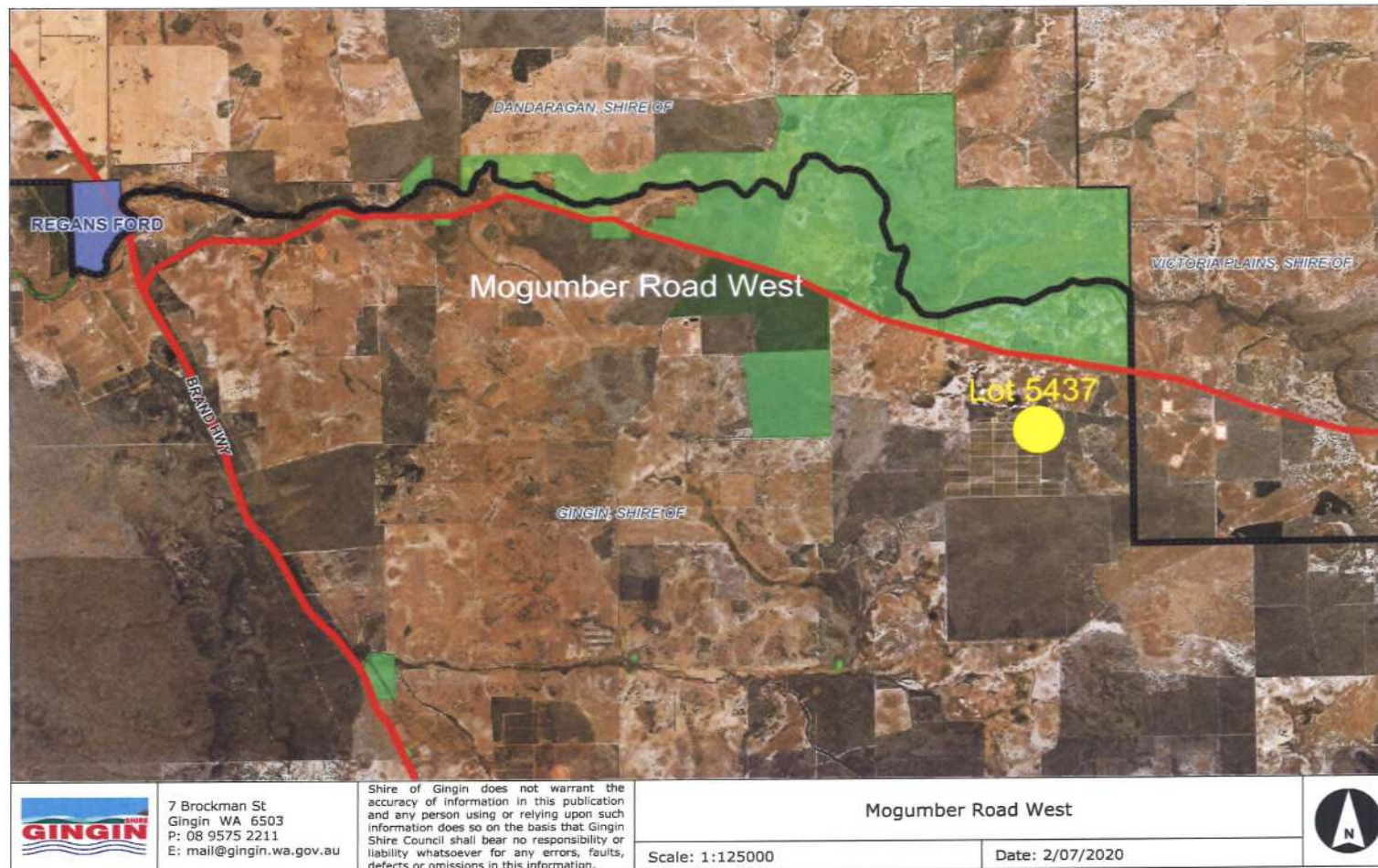


- c. Current written approval from the Shire of Gingin, permitting the use of the road must be carried and produced on demand;**
- d. Not to be used as a through route. For local delivery and pick up only. Driver must carry documentation as proof of a local delivery/pickup;**
- e. Permit holders must maintain a close liaison with the Shire of Gingin, specifically in relation to prevailing weather conditions and adverse road conditions which may occur. If operators fail to comply and damage a road, the Shire will seek restitution to repair the road;**
- f. All approvals will be suspended where the road surface has deteriorated and where the Executive Manager Operations has determined either that the surface is unsafe for heavy haulage or any form of transport, or that continuing use will cause a safety risk and/or significant damage. Main Roads WA is to administer a Council request of this nature and issue Suspension Notices to permit holders; and**
- g. Any permit holder who fails to comply with these conditions may have their permit withdrawn. Such withdrawal will affect all Local Government Authority permits and no reinstatement will be contemplated unless the complaining Local Government Authority is satisfied that the permit holder will adhere to the conditions.**

- 2. Advise the proponent accordingly.**

**CARRIED UNANIMOUSLY**

# APPENDIX 1



**11.4.3 TOPFUN AVIATION – REQUEST TO ENTER INTO AN AGREEMENT TO USE BEERMULLAH AIRSTRIP, LOT 7 BRAND HIGHWAY, BOONANARRING**

<b>Location:</b>	Lot 7 Brand Highway, Boonanarring	
<b>Applicant:</b>	Topfun Aviation	
<b>File:</b>	A5631	
<b>Reporting Officer:</b>	Allister Butcher – Executive Manager Operations	
<b>Report Date:</b>	21 July 2020	
<b>Refer:</b>	17 March 2020	Item 11.4.1
	16 June 2020	Item 11.4.1
<b>Appendices:</b>	1. Location Plan & Applicant's Proposal	

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To consider entering into an agreement with Topfun Aviation to use the Beermullah Airstrip located on Lot 7 Brand Highway, Boonanarring for pilot training purposes.

**BACKGROUND**

Lot 7 Brand Highway, Beermullah is owned in freehold title by the Shire of Gingin. The Beermullah airstrip was built in January 1944 as an additional air strip as part of the World War 2 effort and has been previously used by the Rotocraft Club. This usage ended in 2009.

The airstrip runs parallel to the Brand Highway and is offset approximately 100m from the highway surface. The length of the airstrip is approximately 1500m, with a width of approximately 40m.

The Shire received a request from Topfun Aviation dated 7 October 2019 to use the Beermullah Airstrip, Lot 7 Brand Highway, Boonanarring for pilot training purposes.

Administration contacted insurers LGIS to conduct a risk assessment on the site and these concerns have been addressed throughout the report.

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

Topfun Aviation has used airstrips in other local Shires and RAAF Pearce locations for a number of years and is requesting to enter into a similar agreement with the Shire of Gingin. Topfun Aviation has informed the Shire that it has recently entered into an agreement with the Shire of Moora, and a copy of this agreement was circulated at the 17 March 2020 meeting.

Topfun Aviation is seeking to use the airstrip on weekends and public holidays for flying training to recreational pilots who operate Light Sport Aircraft and need very little runway length to take off and land.

The Dampier to Bunbury Natural Gas Pipeline (DBNGP) crosses the mid-section of the airstrip where it is covered with gravel and bitumen. The pipeline is marked with signage that is located past the edge of the runway. Correspondence received from the Department of Planning, Lands and Heritage has indicated that planes should not commence take-off, touch-down or “park” within the DBNGP corridor due to the presence of a high pressure gas pipeline in the ground.

The Royal Australian Air Force (RAAF) Pearce has been contacted for comment and has requested that the following be included as conditions of approval in the event that Council elects to approve the application:

- Topfun Aviation is not permitted to operate in Military Restricted Airspace when active. (Airspace must be checked by reading NOTAM's via NAIPS); and
- Topfun Aviation is to liaise with Civil Aviation Safety Authority (CASA) to investigate ultralight symbology being placed on charts including VNC's.

This matter has been considered by Council at its Ordinary Meetings on 17 March 2020 and 16 June 2020. On both of these occasions Council resolved to defer the matter in order for Administration to obtain further information.

## **COMMENT**

The current standard of the airstrip surface (sealed surface, approximately 35m wide) is in fair condition with vegetation encroaching right up to the edge of the airstrip. The airstrip is unable to be utilised as a commercial airstrip (i.e. receive income from the operation) as the encroaching vegetation (on the sides and ends of the airstrip) do not meet CASA requirements for clear zones. It may be advisable that if Council is supportive of Topfun to use the strip for training that a usage fee is not charged so as to negate the requirement to adhere to the CASA requirements.

As the owner of the strip, if Council is supportive of the request, then it should be mindful that there is an expectation for the airstrip to be maintained to a certain standard by the Shire and that there is some risk associated with allowing outside use of the strip. At this point in time the Shire does not maintain the airstrip apart from undertaken inspections to ensure that vandals have not accessed the site and caused damage to the airstrip.

Council may consider allowing Topfun to use the airstrip entirely at its own risk knowing that the Shire will not be maintaining or undertaking regular inspections of the Beermullah Airstrip to ensure its usability. Topfun has advised that the risk and liability is proposed to lie with their pilots and aircraft. The Officer is of the view that the easiest way to negate the associated risk of allowing external users to use the airstrip is to not allow it in the first instance.

As requested by Council at its 17 March 2020 meeting, the Shire's insurer LGIS was contacted to provide advice pertaining to potential liability risk associated with private use of the Beermullah airstrip. LGIS conducted a site visit on 4 May 2020 and provided the Shire with their findings.

Theoretically, as it is there are minimal liability issues for the Shire with regard to the airstrip. The airstrip is a legacy from World War 2, so the Shire is not obligated to maintain or operate the airstrip for the benefit of any agency, including the RAAF.

However, in the event that there is an accident and/or a person is injured or killed whilst driving on the Brand Highway as a result of being distracted by aircraft landing, there may be in some instances a corresponding liability risk to the Shire.

As a result of its investigation, LGIS concluded that there was no notable upside to the Shire formally allowing the use of the airstrip, but that there would be some liability exposure to the Shire should an incident occur at the site, even with an agreement in place. It is therefore recommended that Council refuse the request by Topfun Aviation to enter into an agreement for the use of the Beermullah airstrip.

As a result of Council's request for further information made at its meeting on 16 June 2020, the following comments are provided.

The lot in question is 44.5070ha in size, with the airstrip surface taking up approximately 6ha (1500m long by 40m wide).

Officers have been unable to ascertain if there have been any incidents or near misses on Brand Highway due to low flying aircraft. However, even though there is no evidence of an accident occurring in this area (due to aircraft) it doesn't mean that the risk of an incident occurring is any less. Any accident or injury (minor or serious) that occurs on any road, whether as a result of distraction or other causes, is one too many.

Access to the airstrip by vehicles is currently problematic. The southern access point has very poor sight distances and is not ideal for safety reasons. The northern access (from Boonanarring Road) is four wheel drive access only, and as such access to the strip has only been for inspections by Shire staff only.

As previously advised by the Shire's insurance provider, LGIS, entering in to an agreement with an Applicant and assigning the risk and liability for the use of the item to the Applicant still does not assuage the Shire of all risk and liability.

Apart from the airstrip, the remaining area of Lot 7 (38.5070ha) is pristine Banksia Woodland (Threatened Ecological Community), and allowing the lease of the airstrip by a third party may hinder the ability for the Shire to utilise this area as an environmental (clearing) offset in to the future. The Shire may wish to 'land bank' this lot so that it may be rezoned as a Conservation Reserve for a future environmental offset.

Taking in to consideration the additional information, the Officer is of the view that Council should not allow Topfun Aviation to utilise the Beermullah Airstrip located at Lot 7 Brand Highway, Boonanarring for training purposes for aircraft.

In the event that Council elects to approve the use of the airstrip by Topfun Aviation, then it is strongly recommended that the following conditions of approval be applied:

1. Usage is restricted to training for take-off and landing only, using light planes;

2. Approval does not extend to use of the site as a pick up or drop off point;
3. No plane, vehicle or any other mobile, fixed or permanent infrastructure is to be installed within the site;
4. Topfun Aviation is not permitted to operate in Military Restricted Airspace when active. (Airspace must be checked by reading NOTAM's via NAIPS).
5. Topfun Aviation is to liaise with Civil Aviation Safety Authority (CASA) to investigate ultralight symbology being placed on charts including VNC's.
6. A formal agreement is to be entered into, with preparation and all other associated costs to be borne by the Applicant, addressing the above conditions and, (amongst other things), responsibility for maintenance, liability and any other costs associated with use of the airstrip and other associated infrastructure, to the satisfaction of the Shire of Gingin.

## STATUTORY/LOCAL LAW IMPLICATIONS

*Civil Aviation Act 1988*

*Civil Aviation Regulations*

Regulation 92(1) – use of aerodromes

## POLICY IMPLICATIONS

CASA Advisory Publication No: 92-1(1) Guidelines for Aeroplane Landing Areas

## BUDGET IMPLICATIONS

Nil

## STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2019-2029

<b>Focus Area</b>	<i>3. Infrastructure and Development</i>
<b>Objective</b>	<i>To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner</i>
<b>Outcome</b>	<i>3.2 Community Infrastructure</i>
<b>Key Service Areas</b>	<i>Community Infrastructure</i>
<b>Priorities</b>	<i>Develop and plan community infrastructure to improve use and financial sustainability</i>

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Court**

**SECONDED: Councillor Balcombe**

**That Council not grant approval to Topfun Aviation to use the Beermullah Airstrip located on Lot 7 Brand Highway, Boonanarring for pilot training purposes, and advise the applicant accordingly.**

**CARRIED UNANIMOUSLY**



# APPENDIX 1





Mr Aaron Cook  
CEO - Gingin Shire  
7 Brockman St  
Gingin WA 6503

7 October 2019

Beermullah Airstrip – Risk and Liability

Dear Sir,

I am the owner and Chief Flying Instructor of Topfun Aviation, a Recreational Aviation Australia accredited Flying Training School, providing flying training to recreational pilots. See [www.topfun.net.au](http://www.topfun.net.au) for info.

I am writing to seek permission to use Beermullah Airstrip which is located within the Gingin Shire, and I understand is under the management of the Shire.

We understand that this airstrip is not registered as an active airfield, and if we were given permission to use it, the risk and liability of its use would be with our pilots and aircraft.

The aircraft we operate are Light Sport Aircraft (max 600Kg) and need very little runway length to take off and land. I have been to the strip and am able to confirm the airstrip meets CAAP92-1 (copy attached, refer to Fig 2A, section 5.5) guidance rules for airstrip dimensions etc, it being approximately 38m wide, when the CAAP's require only 30m width for our aircraft type.

We already have an agreement in place with Moora Shire to use the Moora airstrip on the understanding that we maintain \$10,000,000 third party liability insurance and fly in accordance with CASA and RAAus rules. I am happy to offer the same commitment to the Gingin Shire.

As Recreational Aviation Australia pilots, we have \$10,000,000 third party liability insurance cover as standard and will accept all responsibility if we are permitted to use the airstrip. I have attached a copy of the insurance certificate of currency which will be renewed on 31 October 2019.

Our operations are weekends and public holidays only as RAAF Pearce use the airspace mid-week and this fact prevents our use of the airspace when the RAAF are active. Our use of Beermullah airstrip could easily be described as occasional or sporadic.

Hoping you find our request to be acceptable to the Shire, and should you have any further questions, please do not hesitate to contact me for clarification.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jack Donsen". The signature is fluid and cursive, with a large initial "J" and "D".

Jack Donsen  
CFI  
Topfun Aviation

Topfun Aviation. PO Box 63, Bindoon WA 6502  
ABN: 92 592 574 557

**11.4.4 APPLICATION FOR CONSTRUCTION OF NEW ROAD ACCESS - LOT 2750  
MELBOURNE ROAD, WANERIE**

<b>Location:</b>	Lot 2750 Melbourne Road, Wanerie
<b>Applicant:</b>	M and E Byrne
<b>File:</b>	RDS/25
<b>Reporting Officer:</b>	Allister Butcher – Executive Manager Operations
<b>Report Date:</b>	21 June 2020
<b>Refer:</b>	Nil
<b>Appendices:</b>	1. Location Plan

**DISCLOSURES OF INTEREST**

Nil

**PURPOSE**

To determine Council's level of support for an agreement to construct a new road access to Lot 2750 Melbourne Road, Wanerie on a currently unmade road reserve.

**BACKGROUND**

The Shire of Gingin has received a request from the owner of Lot 2750 to enter into an agreement with the Shire to allow the land owner to pay for and construct a section of Melbourne Road, approximately 1.5km long, for the purpose of providing access to their property.

Current access to the property is from a variety of tracks/unmade roads that connect Lot 2750 Melbourne Road to Indian Ocean Drive (IOD).

A title search has been undertaken and there is a right of carriage way on the western boundary of Lot 2530 Waterville Road, Neergabby to facilitate access to Lot 2750 and adjoining lots.

Council has two policies relating to the construction of roads on unmade road reserves as follows:

**7.9 CONSTRUCTION OF GAZETTED, UNMADE RURAL ROADS TO A MAXIMUM  
VALUE OF \$20,000.00**

*Following receipt of a request from the owners of rural land serviced by a gazetted but unmade road, Council's Principal Works Supervisor and Consulting Engineer shall be requested to formulate an estimate of construction costs.*

*In the event that the total cost of construction is less than \$20,000 and subject to the landowner/s agreeing to finance 50% of the total construction cost, Council finance the other 50% of the construction cost utilising Municipal funds from the discretionary expenditure account established for this purpose.*

### **7.10 CONSTRUCTION OF GAZETTED, UNMADE RURAL ROADS WITH A VALUE EXCEEDING \$20,000.00**

*If the total cost of construction exceeds \$20,000.00, then the landowner/s are to be advised that Council may give consideration to the proposal during future Budget deliberations.*

The proposal as presented by the Applicant is as follows:

*This proposal seeks agreement from the Shire of Gingin to allow the owners of 184 Melbourne Road Wanerie (M and E Byrne) to pay for and construct a track/road to a section of Melbourne Road approximately 1.5km long with no contribution from the Shire of Gingin.*

**Reason:**

*Currently there is a number of varying track/roads types that connect 184 Melbourne Road to Indian Ocean Drive being the only way to access the property.*

**Intention:**

*Our intention over the short to medium term is to develop this property for rural purposes as per the current Zoning General Rural, as such we will need access for vehicles to build initially a machinery/farm shed then further clearing of land over time, both subject to appropriate approvals.*

**Current conditions:**

*The current track/road is drivable by all vehicle types except for approximately the last 1.5kms to the front gate of our property which is a sand track that is in extremely poor condition which is accessible only by four wheel drive.*

**Material:**

- 75mm limestone sourced from a local quarry.

**Dimensions:**

- Approximately 1500m long x 4m wide x .2m deep

**Construction method:**

1. Repair the current boggy sand track level to a consistent smooth and even surface.
2. Compact repaired sand surface.
3. Carry out earthworks to excavate out a shallow area of sand 4m wide to a depth of .2m to form a boxed section for backfilling with limestone.
4. Backfill boxed section with 75mm limestone.
5. Compact Limestone.

**Preliminary costings:**

*According to preliminary costings we are expecting the cost to build this track/road to be in the vicinity of approximately \$60,000.*

Maintenance:

*We appreciate that the Shire of Gingin would not wish to be responsible for the ongoing maintenance and repair of the proposed track/road and as such we agree that the Shire of Gingin will not be responsible the ongoing maintenance and repair of the proposed track/road.*

A location plan is attached as **Appendix 1**.

**COMMENT**

Melbourne Road is accessed from IOD at Glenrowan Road (near the Moore River Rest Area) then onto Midlander Road which is constructed to a limestone track and then left on to Melbourne Road. Melbourne Road is constructed to a limestone track for 350m, at which point it deviates into Lot 2530 Waterville Road, Neergabby to make use of a right of carriageway on this lot and at the northern extent of Lot 2530. Access is then by the Melbourne Road reserve. From this point (northern extent of Lot 2530) the access conditions are very sandy (to a fire break condition) and is four wheel drive access only.

The Applicant proposes to upgrade Melbourne Road from the northern extent of Lot 2530 to Lot 2750, an approximate length of 1.7km, at their own cost inclusive of ongoing maintenance. No cost will be borne by the Shire. The proposed construction standard of the road is detailed in the Background above. The estimated amount of limestone required to construct the road is 2,750 tonnes.

The Applicant is proposing to construct the road to a width of 4m and a depth of 200mm. The proposed width is supported by Administration. The depth of material of 200mm may be insufficient to support semi-trailer heavy traffic, however the construction of the road by reversing trucks over the depth of limestone will show if that depth of material is sufficient.

As the Applicant is proposing that maintenance will be undertaken by themselves at no cost to the Shire (including installing a gate to limit access), and as the works will only benefit the landowners of Lot 2750, if they are prepared to drive on and maintain the proposed constructed road to a less than preferred depth of material then that may be amenable to Council. If the access was to be utilised by others, then the Officer would be recommending a greater depth of limestone material.

The right of carriageway traverses the western boundary of Lot 2530, but it is unclear as to whether the applicant has approached the landowner/s of Lot 2530 to determine whether the use of the right of carriageway is acceptable to them.

Council considered a similar application (upgrade of an unmade road reserve) for the southern extent of Sandringham Road (off of Gingin Brook Road) at its Ordinary Meeting of Council on 20 November 2018 and resolved as follows:

*That Council authorise the landowner to engage a contractor to undertake the road construction works (to the satisfaction of the Shire of Gingin), contribute a monetary amount to the landowner (up to \$10,000 excluding GST) for the road works (to be funded from Council's 2019/20 Budget) and supply the gravel from the Shire's gravel pit (ex pit only, no loading by the Shire) at no charge.*

Council may wish to consider a similar arrangement with respect to a monetary contribution to the applicant in this instance; however the Shire would be unable to provide limestone material as it doesn't have the necessary resources available. In this case making the necessary resources available would be costly (approximately \$35,000 excluding GST), whereas in the previous case the gravel was exhumed using the Shire's own resources/plant at minimal cost.

As the applicant is proposing to maintain the newly constructed road at their own cost it would be advisable, if Council is amenable to the request, for an agreement to be entered into regarding the construction and maintenance of the road. The agreement should cover (but not be limited to) the following:

- That all costs for the construction of the unmade section of Melbourne Road to Lot 2750 Melbourne Road, Wanerie will be the responsibility of the applicant;
- Maintenance of Melbourne Road from Lot 2530 Waterville Road, Neergabby will be the responsibility of the applicant;
- Ownership of the road should the applicant construct the road and then sell the property (i.e. the road is to be retained in its location, not removed);
- Considering the condition of Midlander Road and the constructed portion of Melbourne Road (noting the volume of material to be carted in), that the repair of these roads during the construction phase is to be undertaken to the satisfaction of the Shire;
- Installation of gates across the road reserve (responsibility and access to be retained for emergency services);
- Retention of use of the right of carriageway on Lot 2530 Waterville Road, Neergabby to access Lot 2750 Melbourne Road, Wanerie; and
- Any clearing required to be undertaken to complete the works will only be carried out with an approved clearing application (at the applicant's expense).

The proposal by the applicant seems to be a good outcome for both parties, in that the applicant is proposing to no own cost to the Shire of Gingin, and the applicant gains access to their property at a standard that is acceptable to them.

#### **STATUTORY/ LOCAL LAW IMPLICATIONS**

Nil

#### **POLICY IMPLICATIONS**

Shire of Gingin Policy 7.9 - Construction of Gazetted, Unmade Rural Roads to a Maximum Value of \$20,000

Shire of Gingin Policy 7.10 - Construction of Gazetted, Unmade Rural Roads to a Value Exceeding \$20,000

#### **BUDGET IMPLICATIONS**

If Council supports the proposal as submitted by the applicant, then there are no budget implications for the Shire of Gingin.

**STRATEGIC IMPLICATIONS**

Shire of Gingin Strategic Community Plan 2019-2029

<b>Focus Area</b>	<i>Infrastructure and Development</i>
<b>Objective</b>	<i>To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.</i>
<b>Outcome</b>	<i>3.3 Connectivity and Accessibility</i>
<b>Key Service Areas</b>	<i>Community Infrastructure</i>
<b>Priorities</b>	

**VOTING REQUIREMENTS – SIMPLE MAJORITY****COUNCIL RESOLUTION/OFFICER RECOMMENDATION****MOVED: Councillor Morton****SECONDED: Councillor Court****That Council:**

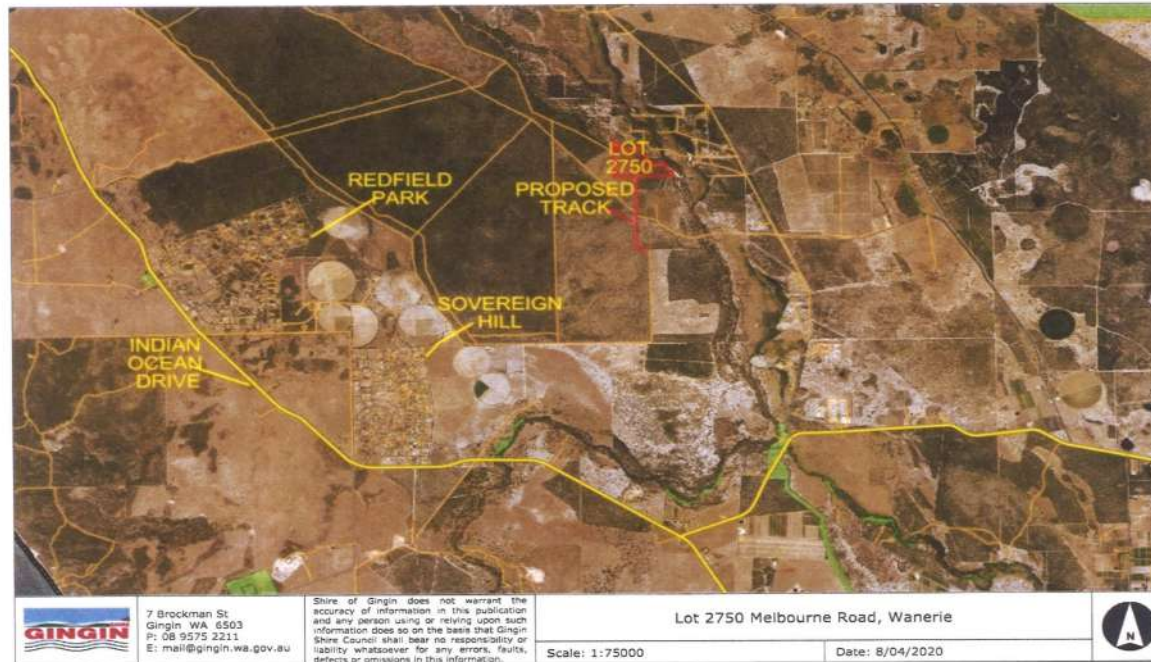
- 1. Approve the application from M and E Byrne to construct and maintain a section of the Melbourne Road reserve from Lot 2530 Waterville Road, Neergabby to Lot 2750 Melbourne Road, Wanerie.**
- 2. Require, prior to the commencement of construction, the preparation at the applicant's expense of a Deed of Agreement, to the satisfaction of the Chief Executive Officer, addressing amongst other things, the following issues:**
  - a. All costs for the construction of the unmade section of Melbourne Road from Lot 2530 Waterville Road, Neergabby to Lot 2750 Melbourne Road, Wanerie will be the responsibility of the applicant;**
  - b. Maintenance of Melbourne Road from Lot 2530 Waterville Road, Neergabby will be the responsibility of the applicant;**
  - c. In the event that the the property is sold following construction of the road, then ownership will remain with the Shire of Gingin and the road will be retained in its current condition and location;**
  - d. Any deterioration in the condition of Midlander Road and the constructed portion of Melbourne Road which occurs during the construction phase will be repaired by the applicant to the satisfaction of the Shire of Gingin;**
  - e. Any gates installed across the road reserve will remain the responsibility of the applicant and must not limit access by emergency services;**
  - f. The right of carriageway on Lot 2530 Waterville Road, Neergabby will continue to provide access to Lot 2750 Melbourne Road, Wanerie; and**

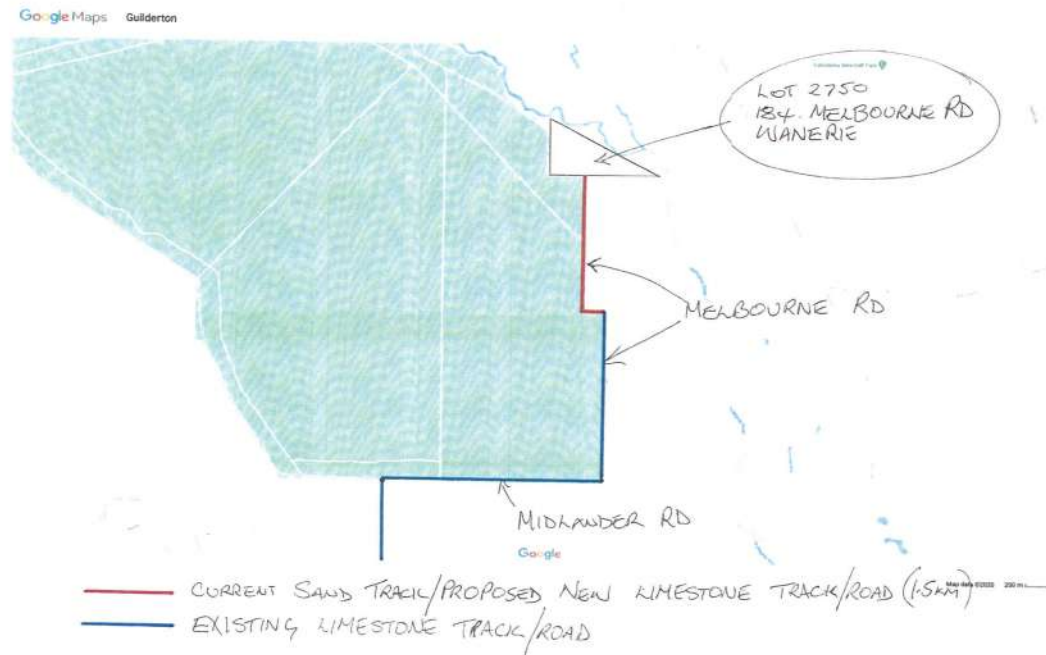


- g. Any clearing required to be undertaken to complete the works will only be carried out with an approved clearing application at the applicant's expense.**

**CARRIED UNANIMOUSLY**

# APPENDIX 1





**12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**13. COUNCILLORS' OFFICIAL REPORTS****13.1 LOWER COASTAL NEIGHBOURHOOD WATCH - 8 JULY 2020**

<b>File:</b>	GOV/20-1
<b>Councillor:</b>	Johnson
<b>Report Date:</b>	21 July 2020

Councillor Johnson advised that he and Councillor Peczka attended a meeting of the Lower Coastal Neighbourhood Watch Committee in Sovereign Hill on 8 July 2020 and during the meeting the committee farewelled Sgt Steve McCrea, Officer in Charge of the Lancelin Police Station.

**13.2 LOWER COASTAL NEIGHBOURHOOD WATCH - 8 JULY 2020**

<b>File:</b>	GOV/20-1
<b>Councillor:</b>	Peczka
<b>Report Date:</b>	21 July 2020

Councillor Peczka advised that Sgt McCrea did a wonderful job in engaging the community during his tenure at Lancelin. He made every effort to ensure that either he or a staff member attended as many neighbourhood watch meetings as possible.

Councillor Peczka also advised that he understood that the Lancelin Police Station would have a full complement of staff next week.

*The Executive Manager Operations left Council Chambers at 4:20 pm.*

**13.3 CLIMATE CHANGE WEBINARS - MINTER ELLISON**

<b>File:</b>	GOV/20-1
<b>Councillor:</b>	Johnson
<b>Report Date:</b>	21 July 2020

Councillor Johnson advised that he had participated in two Climate Changes webinars conducted by Minter Ellison on 9 June 2020 and 23 June 2020. He found the webinars to be extremely informative and he confirmed that he forwarded the information to all Councillors.

**14. NEW BUSINESS OF AN URGENT NATURE**

Nil

**15. MATTERS FOR WHICH MEETING IS TO BE CLOSED TO THE PUBLIC****COUNCIL RESOLUTION/OFFICER RECOMMENDATION****MOVED: Councillor Balcombe****SECONDED: Councillor Morton****That Council move into a Confidential Session to discuss Items 15.1.****CARRIED UNANIMOUSLY**

*The meeting was closed to the Public and all members of the Public present in the Gallery left Council Chambers at 4:21pm*

**15.1 EXTENSION OF MANAGEMENT CONTRACT - GUILDERTON CARAVAN PARK**

<b>File:</b>	BLD/795; CPT/5	
<b>Location:</b>		
<b>Report Author:</b>	Alana Martinovich – PA Regulatory and Development Services	
<b>Reporting Officer:</b>	Bob Kelly – Executive Manager Regulatory and Development Services	
<b>Report Date:</b>	21 July 2020	
<b>Refer:</b>	19 September 2017	Item 11.3.1
	18 September 2018	Item 15.1
<b>Appendices:</b>	Nil	

**Reason for Confidentiality**

This report is Confidential in accordance with Section 5.23 (2) of the *Local Government Act 1995* and Regulation 4A of the *Local Government (Administration) Regulations 1996*, 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; and*
- (e) *a matter that if disclosed, would reveal —*
  - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*

**DISCLOSURES OF INTEREST**

Nil

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

*The Executive Manager Operations returned to the meeting at 4:23pm.*

## **COUNCIL RESOLUTION/OFFICER RECOMMENDATION**

**MOVED: Councillor Lobb**

**SECONDED: Councillor Morton**

**That Council agree to enter into an extension of contract, subject to the terms and conditions applicable to the previous contract, with the current Guilderton Caravan Park Manager, Mr Geoffry Allan Liddelow, for the period 1 July 2020 until 1 September 2020 or until such time as the tender process (RFT 2020/01) for the caravan park management is concluded and a Manager appointed.**

**CARRIED UNANIMOUSLY**

## **COUNCIL RESOLUTION**

**MOVED: Councillor Court**

**SECONDED: Councillor Peckza**

**That the meeting be re-opened to the public.**

**CARRIED UNANIMOUSLY**

*The meeting was reopened to the public at 4:24 pm. No members of the public returned to the gallery.*



**16. CLOSURE**

There being no further business, the Presiding Member declared the Meeting closed at 4:24 pm.

The next Ordinary Meeting of Council will be held in Council Chambers at the Shire of Gingin Administration Centre, 7 Brockman Street, Gingin on Tuesday, 18 August 2020 commencing at 3.00 pm.

These Minutes are confirmed as the official record of the Ordinary Meeting of the Gingin Shire Council held on 21 July 2020.

A handwritten signature in blue ink, appearing to read 'C. W. Fewster', is written above a horizontal line.

Councillor C W Fewster  
Shire President  
18 August 2020